



## STAFF REPORT

Planning Commission Meeting: April 8, 2024

<b>Application:</b>	<b>FP24-0006: Final Plat of Boulder Creek, Fourth Plat</b>
<b>Location:</b>	Southeast of W. 169 <sup>th</sup> Terrace and S. Lindenwood Drive
<b>Owner:</b>	Travis Shram, Boulder Creek Development Company, LLC
<b>Engineer/Applicant:</b>	Mark Breuer; Schlagel & Associates
<b>Staff Contact:</b>	Andrea Fair, AICP; Planner II

**Site Area:** 14.53 ± acres      **Proposed Use:** Detached Single-Family Residence

**Lots:** 25      **Existing Zoning:** R-1 (Single-Family Residential)

**Tracts:** 2      **Plat:** Boulder Creek, Third Plat

### 1. Introduction

The following application is a request for a final plat of Boulder Creek, Fourth Plat which will establish lot lines and dedicate public easements for 25 detached single-family lots and two (2) tracts in the Boulder Creek Subdivision. This application will replat part of Boulder Creek, Third Plat (FP17-0050). The replat is necessary to enlarge Tract P and reconfigure lots 123 through 126 to allow for a drainage feature.

The subject property was annexed (ANX05-0012) and rezoned from County Rural Residential (CTY-RUR) to the R-1 (Single-Family Residential) District in 2005 (RZ05-0027). A preliminary plat was approved on February 22, 2016 (PP16-0002), which included 249 lots. Since then, three (3) final plats for the Boulder Creek Subdivision have been approved.

### 2. Plat Review

- a. **Lots/Tracts** – The final plat will reestablish lot lines for 25 single-family residential lots and two (2) tracts. The lots range in size from 8,741 square feet to 14,145 square feet. Each lot exceeds the 7,200 square foot minimum lot area and the 60-foot minimum lot width requirements of the R-1 District. Tract N will be used for trails, landscaping and open space and will be owned and maintained by the City. Tract P landscaping, open space, and drainage and will be owned and maintained by the Homeowners Association.
- b. **Streets/Right-of-Way** – Primary access to this phase of the development will be provided from W. 169<sup>th</sup> Terrace and Lindenwood Drive. All roadways within the development have already been dedicated for public use. No new right-of-way is being dedicated with this plat.

- c. **Public Utilities** – The subject property is located in the WaterOne service area and Johnson County Wastewater service area. Utility and sanitary sewer easements (U/E & S/E) are being dedicated with this plat.
- d. **Landscaping** – Tract P is being dedicated as Access and Landscape easements (A/E & L/E). This landscaping fulfills the 15-foot master landscaping requirement of UDO 18.30.130.H. Street trees will be provided along all local streets per UDO requirements.
- e. **Stormwater** – Tract P is being dedicated as a Drainage Easement (D/E). Tract P is being enlarged with this plat to capture a portion of the rear yards of Lots 123 to 126. All Title 17 requirements are being met and no changes to the existing stormwater detention and treatment are being proposed.



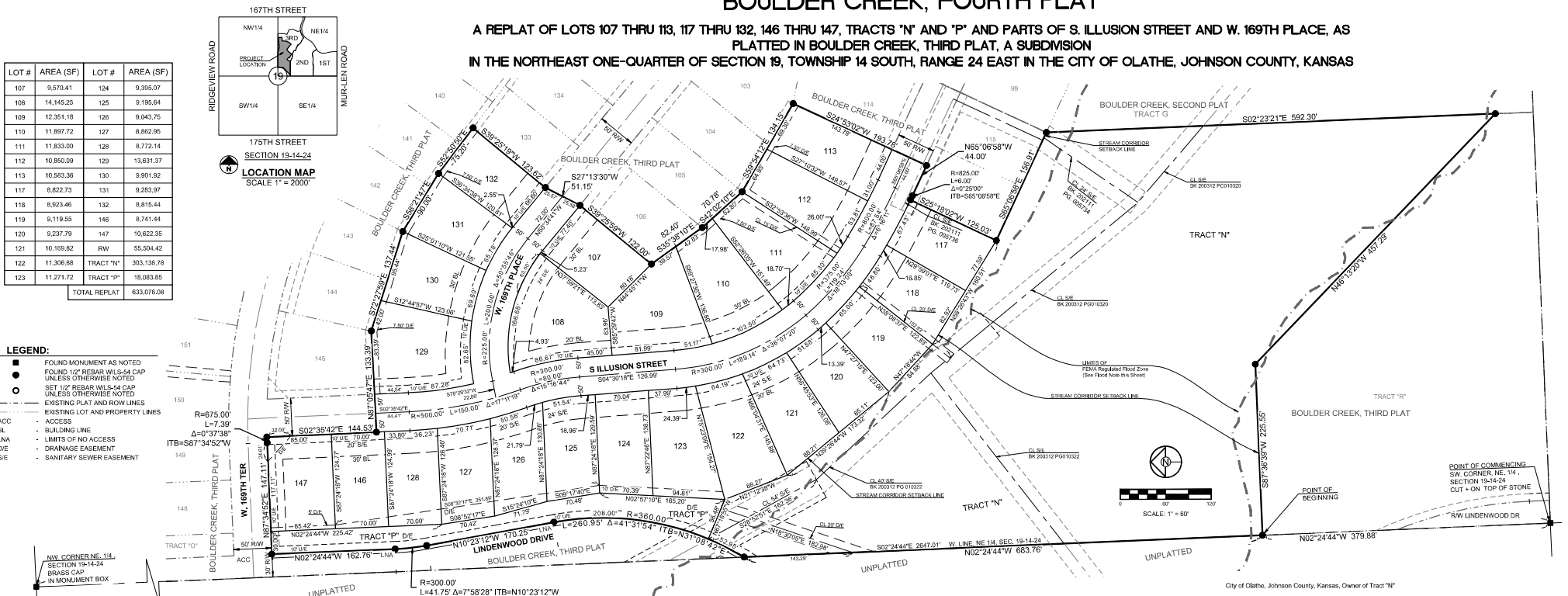
*Aerial view of subject property outlined in yellow.*

### 3. Staff Recommendation

Staff recommends approval of the final plat (FP24-0006) with no stipulations.

FINAL PLAT OF  
BOULDER CREEK, FOURTH PLAT

A REPLAT OF LOTS 107 THRU 113, 117 THRU 132, 146 THRU 147, TRACTS "N" AND "P" AND PARTS OF S. ILLUSION STREET AND W. 169TH PLACE, AS  
PLATTED IN BOULDER CREEK, THIRD PLAT, A SUBDIVISION  
IN THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 24 EAST IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



- LEGEND:**
- FOUND MONUMENT AS NOTED
  - FOUND 1/2" REBAR W/LS4 CAP UNLESS OTHERWISE NOTED
  - SET 1/2" REBAR W/LS4 CAP UNLESS OTHERWISE NOTED
  - EXISTING PLAT AND ROW LINES
  - EXISTING LOT AND PROPERTY LINES
  - ACCESS
  - BUILDING LINE
  - LIMITS OF NO ACCESS
  - DRAINAGE EASEMENT
  - SANITARY SEWER EASEMENT

**DESCRIPTION:**

A Replat of Lots 107 thru 113, 117 thru 132, 146 thru 147, Tracts "N" and "P" and parts of South Illusion Street and West 169th Place, as platted in BOULDER CREEK, THIRD PLAT, a subdivision in the Northeast One-Quarter of Section 19, Township 14 South, Range 24 East in the City of Olathe, Johnson County, Kansas, altogether being more particularly described as follows:

Commencing at the Southwest corner of said Northeast One-Quarter; thence along the West line of said Northeast One-Quarter, North 02 degrees 24 minutes 44 seconds West, a distance of 379.89 feet to the Point of Beginning, said point being the Southwest corner of said Tract "N"; thence along the Westerly line of said Tracts "N" and "P" for the following five courses, North 02 degrees 24 minutes 44 seconds West, a distance of 683.76 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of North 31 degrees 08 minutes 42 seconds East, a radius of 360.00 feet, a central angle of 41 degrees 31 minutes 54 seconds and an arc length of 203.00 feet; thence North 10 degrees 23 minutes 12 seconds West, a distance of 170.29 feet to a point of curvature; thence along a curve to the right, being tangent to the previous course and having a radius of 300.00 feet, a central angle of 07 degrees 58 minutes 28 seconds and an arc length of 41.73 feet; thence North 02 degrees 24 minutes 44 seconds West, a distance of 162.78 feet to the Northwest corner of said Tract "P"; thence along the North line of said Tract "P" and said Lot 147 for the following two courses, North 87 degrees 34 minutes 52 seconds East, a distance of 147.11 feet to the Point of Beginning; thence North 02 degrees 24 minutes 44 seconds West, a distance of 162.78 feet to the Northwest corner of said Lot 147; thence along the East line of said Lot 146 and 147, South 02 degrees 24 minutes 44 seconds West, a distance of 144.53 feet; thence along the North line of said Lot 129 and its Westerly extension, North 87 degrees 34 minutes 52 seconds East, a distance of 133.39 feet; thence continuing along the North line of said Lot 129 and the North lines of said Lots 130, 131 and 132 for the following three courses, South 72 degrees 27 minutes 59 seconds East, a distance of 137.44 feet; thence South 58 degrees 21 minutes 47 seconds East, a distance of 90.00 feet; thence South 02 degrees 24 minutes 44 seconds West, a distance of 75.20 feet to the Eastmost corner of said Lot 132; thence along the East line of said Lot 132, South 39 degrees 25 minutes 19 seconds West, a distance of 123.62 feet to the Southeast corner thereof; thence South 27 degrees 13 minutes 30 seconds West, a distance of 51.15 feet to the Eastmost corner of said Lot 107; thence along the Easterly line of said Lots 107, 109, 110, 111, 112 and 113 for the following four courses, South 39 degrees 25 minutes 19 seconds West, a distance of 122.60 feet; thence South 15 degrees 35 minutes 10 seconds East, a distance of 82.40 feet; thence South 42 degrees 02 minutes 10 seconds East, a distance of 73.78 feet; thence South 59 degrees 54 minutes 12 seconds East, a distance of 134.15 feet to the Eastmost corner of said Lot 113; thence along the Southeasterly line of said Lot 113 and its Southeasterly extension, South 24 degrees 53 minutes 02 seconds West, a distance of 193.78 feet to a point on the Southeasterly right of line of said South Illusion Street; thence along said Southeasterly right of way for the following two courses, North 05 degrees 00 minutes 58 seconds West, a distance of 44.00 feet to a point of curvature; thence along a curve to the right, being tangent to the previous course and having a radius of 825.00 feet, a central angle of 00 degrees 00 minutes 00 seconds and an arc length of 0.00 feet to the Northeast corner of said Lot 117; thence along the East line of said Lot 117, South 25 degrees 18 minutes 02 seconds West, a distance of 125.03 feet to the Southeast corner of said Lot 117; said point also being a corner point on the North line of said Tract "N"; thence along said North line of said Tract "N", South 65 degrees 06 minutes 58 seconds East, a distance of 156.91 feet to the Northeast corner of said Tract "N"; thence along the East line of said Tract "N", South 02 degrees 24 minutes 21 seconds East, a distance of 692.30 feet to the Northeast corner of said Tract "N"; thence along the Southeasterly line of said Tract "N" for the remaining two courses, North 46 degrees 13 minutes 20 seconds West, a distance of 457.29 feet; thence South 87 degrees 34 minutes 39 seconds West, a distance of 225.55 feet to the Point of Beginning, and containing 14,534 acres, more or less.

**DEDICATIONS:**

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "BOULDER CREEK, FOURTH PLAT".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown hereon, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, lanes, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares, subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under and over and along said roadways.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "ULE", is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

A 10 foot wide "Utility Easement" or "ULE" is hereby dedicated to the City of Olathe, Johnson County, Kansas, adjacent to and parallel with the Right-of-Way of Streets.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "SSE" on this plat, together with the right of ingress and egress over and through adjoining lands as may be reasonably necessary to access said easement and is hereby dedicated to the Johnson County Wastewater of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCW. Any placing of structures, landscaping and related materials or planting of trees on islands within the street right-of-way will be done at the risk of subsequent damage thereto without compensation therefor.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to enter upon, construct and maintain pipes, inlets, manholes, surface drainage facilities relative to storm water drainage and sidewalks upon, over, or under the areas outlined and designated on this plat as "Drainage Easement" or "DE". Tract "P" is hereby dedicated as an DE.

A perpetual easement over, under, across and upon those portions of the property herein delineated and designated as "Landscape and Access Easement" or "LAE and LUE" is hereby dedicated but not limited to, ingress, egress, installation, replacing, repairing and maintaining walkways, bicycle pathways, lakes, ponds, wetlands, drainage systems. Tract "P" is dedicated as "Landscape and Access Easement" or "LAE and LUE".

The undersigned proprietor of said property shown on this plat hereby certifies that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to any person, utility or corporation have been abated except that same person, utility or corporation shall retain whatever easement rights they would have as if located in a public street.

**RESTRICTIONS:**

All landscaping and related materials that are planted or constructed within the adjacent Street right-of-way shall be maintained by the Property Owners, or their authorized representatives thereof.

Tract "N" shall be owned and maintained by City of Olathe, Kansas. Tract "P" shall be used for trails, landscaping and open space.

Tract "P" shall be owned and maintained by the Homeowners Association or their authorized representatives thereof and will be used for landscaping and open space.

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Declarations, which instruments are to be recorded in the Office of the Registrar of Deeds of Johnson County, Kansas, as provided above, and which shall hereby become a part of the dedication of this plat as though set forth herein.

Notice: This site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code. Restrictions on the use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City.

Notice: This site lies within a protected Stream Corridor, as defined and regulated in City of Olathe, Kansas, Municipal Code. Restrictions on the use or alteration of the Stream Corridor may apply. This property is also subject to the obligations and requirements of the Stream Corridor Maintenance Agreement approved by the City.

**BUILDING SETBACKS:**

FRONT YARD: 30'  
REAR YARD: 25'  
SIDE YARD: 7'  
CORNER SIDE YARD: 20'

**FLOOD NOTE:**

A portion of this property lies within flood zone (ZONE AE - Base Flood Elevations Determined) as on the Flood Insurance Rate Map 2009(CO109) Dated August 3, 2009.

**CONSENT TO LEVY:**

The undersigned proprietor of the above described tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

**EXECUTION:**

IN TESTIMONY WHEREOF, TRAVIS SCHRAM, Manager of GRATA, L.L.C., which is the Manager of BOULDER CREEK DEVELOPMENT COMPANY LLC, a Missouri Limited Liability Company, has caused this instrument to be executed, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

BOULDER CREEK DEVELOPMENT COMPANY LLC

By: TRAVIS SCHRAM, Manager

**ACKNOWLEDGMENT:**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

DOE I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned, a Notary Public in and for said County of State, came TRAVIS SCHRAM, Manager of GRATA, L.L.C., which is the Manager of BOULDER CREEK DEVELOPMENT COMPANY LLC, a Missouri Limited Liability Company, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and such fully acknowledged the execution of the same to be the act and deed of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Print Name \_\_\_\_\_

City of Olathe, Johnson County, Kansas, Owner of Tract "N"

**APPROVALS:**

APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Chairman, WAYNE JANIER

APPROVED by the Governing Body of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Mayor, JOHN W. BACON

City Clerk, BRENDA D. SWEARINGIN

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED IN SEPTEMBER 2017 AND REVISED DECEMBER 2021. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Aaron T. Reuter, Land Surveyor  
KSP LS-1429

LS-1429

ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS

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Kansas State Certificate of Authority  
SC-200-0027-00-004

DATE: 3/6/2024

DRAWN BY: JMT

CHECKED BY: SCH

PROJ. NO. 23-037

SHEET NO. 1

REV. 1 - 03.21.2024

FINAL PLAT OF  
BOULDER CREEK  
FOURTH PLAT