



STAFF REPORT

Planning Commission Meeting: March 25, 2024

Application:	FP24-0003: Final Plat for Enclave at Boulder Creek
Location:	Southwest of W. 167 th Street and S. Mur-Len Road
Owner:	Travis Shram, Day3 Development
Engineer/Applicant:	Mark Breuer; Schlagel & Associates
Staff Contact:	Andrea Fair, AICP; Planner II

Site Area:	<u>8.42 ± acres</u>	Proposed Use:	<u>Detached Single-Family Residence</u>
Lots:	<u>40</u>	Existing Zoning:	<u>R-2 (Two-Family Residential) and</u> <u>RP-3 (Planned Low-Density</u> <u>Multifamily)</u>
Tracts:	<u>0</u>	Plat:	<u>Boulder Creek Villas, First and</u> <u>Second Plat</u>

1. Introduction

The following application is a request for a final plat for Enclave at Boulder Creek which will establish lot lines and dedicate public easements for 40 detached single-family lots within the Boulder Creek Subdivision. This application will replat part of Boulder Creek Villas, First Plat (FP17-0071) and all of Boulder Creek Villas, Second Plat (FP18-0042), and will convert 20 duplex lots into 40 detached single-family lots.

The subject property was rezoned from County Rural Residential (CTY-RUR) to the RP-3 (Planned Low-Density Multifamily) District on May 30, 2005 (RZ05-0019). Subsequently, the southeast portion of the subject property was rezoned to the R-2 (Two-Family Residential) District with an associated preliminary development plan for Boulder Creek Villas on November 13, 2017 (RZ17-0013). The preliminary development plan and Boulder Creek Villas, Second Plat originally included 90 duplexes on 45 lots, and currently 44 duplex units have been constructed.

Both the R-2 and RP-3 Districts permit single-family residential by right. The RP-3 District regulates single-family residences under Chapter 18.20, from a previous version of the UDO (Ord. No. 11-53), which requires that single-family residences meet R-1 District dimensional standards. The applicant is proposing 40 single-family residential lots and is requesting one

waiver and one modification request to the dimensional standards to align with the approved preliminary plan and existing two-family residential lots.

2. Coffee Creek Master Plan

Adopted in 2005, The Coffee Creek Master Plan provides a guide for future development generally located between 159th Street in the north and 175th Street in the south, and between Ridgeview Road in the west and Pflumm Road in the east. The Coffee Creek Master Plan designates this property for Neighborhood Residential land uses. New development within this study area should be high-quality and offer a range of housing options with amenities, which this proposal provides. The proposed addresses several goals from the plan including promoting quality of life through walkable and pedestrian-friendly development with sidewalks and dedicated open space. As such, the proposed plan aligns with the Coffee Creek Master Plan.

3. Plat Review

- a. **Lots/Tracts** – The final plat will reestablish lot lines for 40 single-family residential lots and no tracts. Lots 1-34 are subject to the R-2 District standards of UDO 18.20.080 and Lots 35-40 are subject to the RP-3 District standards of UDO 18.20 (see zoning map below). Table 1 below provides the dimensional standards for all lots. The lots range in size from 6,300 square feet to 13,000 square feet with an average size of 7,514 square feet. All lots have an existing 20-foot platted front yard build line, which is being maintained with this plat. Waivers are requested to side yard setbacks and lot frontage on certain lots, as noted below and detailed in Section 3.

<i>Table 1: Minimum Dimensional Standards</i>	<i>R-2 District Standards</i>	<i>RP-3 District Standards</i>
<i>Lot Size</i>	4,750 square feet	7,200 square feet
<i>Lot Width</i>	60 feet*	60 feet
<i>Front Yard</i>	20 feet	30 feet
<i>Side Yard</i>	7 feet*	7 feet
<i>Rear Yard</i>	25 feet	75 feet**
<i>Corner Lot Side Yard</i>	20 feet	20 feet

**Waiver requested, see Section 5 below.*

***Modification requested, see Section 6 below.*

- b. **Streets/Right-of-Way** – The development has two existing access points along W. 169th Place/S. Britton Street extending north into the development. The internal road network is a loop. 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** – No changes are being made to the existing Access and Landscape easements (A/E & L/E) located on the southwest property line, along S. Britton Street. 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. This development is exempt from landscape buffer requirements per UDO 18.30.130.
- e. **Stormwater** – All Title 17 requirements are being met and no changes to the existing stormwater detention and treatment are being proposed. A 15-foot drainage easement is being dedicated between lot 26 and lot 27.



Aerial view of subject property outlined in yellow.

4. Building Design Standards

All lots that are less than 7,200 square feet in these areas will also be subject to the architectural building design standards outlined in the UDO, which require higher-quality building materials and architectural features. Building design will be reviewed at the time of building permit. In addition to UDO requirements, the building elevations must meet all building material and architecture requirements of the Coffee Creek Master Plan.

5. R-2 District Waiver Request

Section 18.40.240 of the UDO provides a mechanism for waivers to be considered when unnecessary hardships can be demonstrated or where the exception would result in superior design. The applicant submitted a justification statement for two (2) waivers/modifications which are attached to this report (see Attachment A).

1. A waiver is requested from R-2 District standards (UDO 18.20.080.b) allowing the side yard setback to be reduced from 7 feet to 5 feet and the minimum lot width to be reduced from 60 feet to 50 feet for lots 1 to 34.

Staff is supportive of the waivers which allow for consistency between two existing zoning districts, and due to the previously approved setbacks for the R-2 District and the high-quality design of this development. The approved Boulder Creek Villas development plan provided minimum setbacks as follows: Front Yard: 20 feet, Side Yard: 7 feet, Rear Yard: 20 feet (15 feet next to Open Space Tracts), and Corner Side Yard: 20 feet. The UDO provides flexibility for setbacks to ensure that a variety of housing styles are available throughout the City. The requested dimensional standard waivers will allow for a variety of housing types to be constructed within an existing development while maintaining uniformity with the existing dimensional standards.

6. RP-3 District Modification Request

Section 18.20.050 of a previous version of the UDO (Ord. No. 11-53), provides that a modification can be requested if certain criteria are met. The applicant submitted a justification statement for one (1) modification which is attached to this report (see Attachment A).

2. A modification is requested from RP-3 District standards of previous UDO 18.20.030 allowing, the rear yard setback be reduced from 75 feet to 20 feet for lots 35 to 40.

Minimum rear yards adjacent to property lines zoned to the C-2 (Community Center) District, may be modified if the property owner can demonstrate that the adjacent nonresidential property is restricted to land uses that are low impact and scale, and the site is designed in manner so adjacent residential properties will not impacted by any reductions. Lots 35-40 are adjacent to an undeveloped property zoned to the C-2 District. The current property owner owns both properties and has an approved plan (RZ18-0011) in place which shows a 25-foot landscape buffer on the commercial property. There are stipulations on the approved plan that state a fence or berm will be required along all residential property lines and additional evergreen plantings are required along 168th Street. Staff is supportive of reducing the rear yard setback requirement to match the other lots in this development. The applicant will be able to construct single-family residences that match the rest of the development.

7. Staff Recommendation

Staff recommends approval of the final plat (FP24-0003) with the following stipulations:

1. A waiver is granted from UDO 18.20.080.b to reduce the side yard setback from 7 feet to 5 feet and reduce the minimum lot width from 60 feet to 50 feet for lots 1 to 34, as shown on the final plat dated February 2, 2024.
2. A modification is granted to reduce, the rear yard setback 75 feet to 20 feet, for lots 35 to 40, as shown on the final plat dated February 2, 2024.
3. Homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes per UDO 18.15.020.G.2.

FINAL PLAT OF
ENCLAVE AT BOULDER CREEK
A REPLAT OF PART OF BOULDER CREEK VILLAS, FIRST PLAT
AND ALL OF BOULDER CREEK VILLAS, SECOND PLAT
IN THE NORTHEAST ONE-QUARTER OF SEC. 19-14-24 IN THE CITY OF
OLATHE, JOHNSON COUNTY, KANSAS



LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)
1	12,936.21	19	10,122.70	37	8,264.75
2	7,005.97	20	12,237.52	38	8,236.58
3	6,777.17	21	7,170.72	39	8,461.91
4	6,628.04	22	6,395.06	40	11,077.16
5	6,617.40	23	6,755.33	R/W	63,764.19
6	7,739.69	24	7,990.49	TOTAL	306,577.38
7	6,596.25	25	6,486.87		
8	6,532.32	26	6,875.62		
9	6,507.84	27	6,843.12		
10	6,506.63	28	6,555.03		
11	7,847.83	29	7,678.28		
12	10,070.89	30	6,404.25		
13	8,084.30	31	8,399.63		
14	7,187.99	32	6,376.31		
15	6,796.07	33	6,794.72		
16	6,648.33	34	6,541.97		
17	6,550.20	35	6,723.28		
18	6,798.90	36	8,013.71		

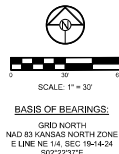
LEGEND:

- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR WITH BRASS CAP
- UNLESS OTHERWISE NOTED
- EXISTING LOT AND PROPERTY LINES
- EXISTING PLAT AND NOW LINES
- ACCESS EASEMENT
- BUILDING LINE
- LANDSCAPE EASEMENT
- RIGHT-OF-WAY
- SANITARY SEWER EASEMENT
- DRAINAGE EASEMENT
- UTILITY EASEMENT

FLOOD NOTE:

This property lies within Flood Zone X, defined as an area determined to be outside the 1% annual chance floodplain as shown on the Flood Insurance Rate Map 2009IC10950 Dated August 3, 2009.

BUILDING SETBACKS:
FRONT: 20 FEET
REAR: 20 FEET
INTERNAL SIDE YARD: 5 FEET



EXECUTION:

IN TESTIMONY WHEREOF, TRAVIS SCHRAM, Manager of GRATA, L.L.C., which is the Manager of DAYS LLC, a Missouri limited liability company, has caused this instrument to be executed, this 20th day of 2020.

DAYS LLC,

By: TRAVIS SCHRAM, Manager

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

BE IT REMEMBERED that on this 20th day of 2020, before me, the undersigned, a Notary Public in and for said County and State, came TRAVIS SCHRAM, Manager of GRATA, L.L.C., which is the Manager of DAYS LLC, a Missouri limited liability company, who 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 that of said company.

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

DESCRIPTION:

A replat of part of BOULDER CREEK VILLAS, FIRST PLAT, recorded in Book 201904 at Page 003321 and all of BOULDER CREEK VILLAS, SECOND PLAT, recorded in Book 202001 at Page 00541, both subdivisions of land in the Northeast One-Quarter of Section 19, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas and both together being more particularly described as follows:

Commencing at the Northeast corner of said Northeast One-Quarter, thence along the East line of said Northeast One-Quarter, South 02 degrees 22 minutes 37 seconds East, a distance of 750.01 feet to the Northeast corner of said BOULDER CREEK VILLAS, FIRST PLAT, thence along the North line of said BOULDER CREEK VILLAS, FIRST PLAT for the following two courses: South 17 degrees 24 minutes 20 seconds West a distance of 595.21 feet; thence South 04 degrees 20 minutes 00 seconds West a distance of 107.55 feet to the POINT OF BEGINNING, said point being the most Westerly corner of Lot 19 of said BOULDER CREEK VILLAS, FIRST PLAT, thence along the Southerly line of said Lot 19, South 09 degrees 09 minutes 35 seconds East, a distance of 185.61 feet to the most Southern corner of said Lot 19, thence along the Westerly line of Lot 20 of said BOULDER CREEK VILLAS, FIRST PLAT and its Southwesterly extension, South 43 degrees 02 minutes 03 seconds West, a distance of 176.58 feet to a point on the Southerly right of way line of West 168th Terrace, thence along said right of way line, South 40 degrees 40 minutes 34 seconds East, a distance of 145 feet to the Northwest corner of Lot 39 of said BOULDER CREEK VILLAS, FIRST PLAT, thence along the Westerly line of said Lot 20, South 43 degrees 13 minutes 05 seconds West, a distance of 131.25 feet to a point on the Northeastly line of Lot 37 of said BOULDER CREEK VILLAS, FIRST PLAT, thence along the Northeastly line of Lots 37 and 38 of said BOULDER CREEK VILLAS, FIRST PLAT, North 45 degrees 52 minutes 41 seconds West, a distance of 150.00 feet to the Northeastly corner of said Lot 38, thence along the Northeastly line of said Lot 38, South 47 degrees 11 minutes 06 seconds West, a distance of 126.98 feet to a point of curvature on the Northerly right of way line of West 168th Terrace, thence along said Northerly right of way line for the following three courses: North 12 degrees 12 minutes to the right, having an initial tangent bearing of South 42 degrees 48 minutes 54 seconds East, a radius of 725.00 feet, a central angle of 09 degrees 14 minutes 01 seconds and an arc length of 116.84 feet; thence South 33 degrees 34 minutes 53 seconds East, a distance of 92.16 feet to a point of curvature, thence along a curve to the left, being tangent to the previous course and having a radius of 325.00 feet, a central angle of 18 degrees 07 minutes 20 seconds and an arc length of 102.79 feet to a point on the extended Northerly line of Lot 38 of said BOULDER CREEK VILLAS, FIRST PLAT, thence South 47 degrees 49 minutes 18 seconds West, a distance of 198.35 feet to the Westmost corner of said Lot 8, said point being on the Northeastly line of Tract 72 of said BOULDER CREEK VILLAS, FIRST PLAT, thence along the Northeastly line of said Tract 72 for the following four courses: North 33 degrees 34 minutes 53 seconds West, a distance of 216.04 feet to a point of curvature, thence along a curve to the left, being tangent to the previous course and having a radius of 550.00 feet, a central angle of 25 degrees 38 minutes 52 seconds and an arc length of 275.50 feet; thence North 02 degrees 13 minutes 45 seconds West, a distance of 160.00 feet to a point of curvature, thence along a curve to the right, being tangent to the previous course and having a radius of 510.00 feet, a central angle of 09 degrees 20 minutes 14 seconds and an arc length of 83.11 feet to a point on the Southerly right of way line of said West 168th Terrace, thence along said Southerly right of way line for the following five courses: North 39 degrees 49 minutes 20 seconds East, a distance of 145.00 feet; thence North 38 degrees 50 minutes 51 seconds East, a distance of 80.00 feet; thence North 38 degrees 49 minutes 30 seconds East, a distance of 96.83 feet to a point of curvature, thence along a curve to the right, being tangent to the previous course and having a radius of 189.00 feet, a central angle of 14 degrees 25 minutes 05 seconds and an arc length of 45.77 feet to a point of curvature, thence along a curve to the right, having an initial tangent bearing of North 07 degrees 23 minutes 22 seconds East, a radius of 175.00 feet, a central angle of 17 degrees 01 minutes 09 seconds and an arc length of 51.98 feet to a point on the extended Westerly line of said BOULDER CREEK VILLAS, SECOND PLAT, thence along said Westerly line, North 20 degrees 50 minutes 15 seconds West, a distance of 205.79 feet to the Northwest corner of said BOULDER CREEK VILLAS, SECOND PLAT, thence along the North line of said BOULDER CREEK VILLAS, SECOND PLAT and said BOULDER CREEK VILLAS, FIRST PLAT for the remaining four courses: North 85 degrees 30 minutes 05 seconds East, a distance of 162.35 feet; thence South 78 degrees 21 minutes 16 seconds East, a distance of 129.78 feet; thence South 14 degrees 25 minutes 33 seconds East, a distance of 124.88 feet; thence South 47 degrees 06 minutes 35 seconds East, a distance of 180.29 feet to the Point of Beginning, and containing 8,415.55 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 "ENCLAVE AT BOULDER CREEK".

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, terraces, roads, drives, lanes, avenues, courts, alleys, etc., for public use as public ways or thoroughfares, subject to the right hereby reserved to the present owner and his successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, 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, ditches and canals, and similar utility facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "UE", is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to give such easement for said purposes.

A 15 foot wide minimum "Utility Easement" or "UE" is hereby dedicated to the City of Olathe, Johnson County, Kansas, adjacent to and parallel with the Right-of-Way of Interior 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 these areas designated as "Sanitary Sewer Easement" or "SSE" on this plat, together with the right of ingress and egress over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to Johnson County Wastewater of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JOW. Any placing of improvements or planting of trees on said permanent 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".

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 absolved 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.

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Dedications, which instruments are to be recorded in the Office of the Register 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 subdivision "BOULDER CREEK VILLAS" and "ENCLAVE AT BOULDER CREEK" 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 subdivision is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City.

APPROVALS:

APPROVED BY the Planning Commission of the City of Olathe, Johnson County, Kansas, this 20th day of 2020.

Charmen, WAYNE JANNER

APPROVED BY the Governing Body of the City of Olathe, Johnson County, Kansas, this 20th day of 2020.

Mayer, JOHN W. BACON

City Clerk, BRENDA D. SWEARNGRAN

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED ON 11-15-2020. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Aaron T. Reuter - Land Surveyor
KSP LS-1429

REV. 03.04.2024



DATE 02/02/2024
DRAWN BY JMT
CHECKED BY SCH
PROJ. NO. 24-013
FINAL PLAT OF
ENCLAVE AT BOULDER CREEK
SHEET NO. 1



February 28, 2024

City of Olathe
Attn: Andrea Fair, AICP
100 E. Santa Fe
Olathe, KS 66061

**RE: WAIVER REQUEST
FINAL PLAT FOR ENCLAVE AT BOULDER CREEK
FP24-0003 FINAL PLAT**

Dear Andrea:

As you are aware have submitted a Final Plat application for Enclave at Boulder Creek. This plat is a re-plat of several lots within the Boulder Creek Villas project, which consisted of 42 two-family homes of which approximately half have been constructed. The plat is currently zoned RP-3 and R2.

In response to market conditions, the developer of the project wishes to re-plat the remaining lots into single family homes. These will be modeled after their nearby Enclave at Boulder Hills community which has been well received by home buyers.

To facilitate this change, the developer request the following waivers from the UDO requirements:

Condition	Requirement	Proposed
Front Setback	30 feet (RP-3)	20 feet
Sideyard Setback	7 feet (RP-3)	5 feet
Rear Setback	75 feet* (RP-3)	20 feet
Min. Lot Area	7200 square feet (RP-3)	6376.31 square feet
Min. Lot Width	60 feet (RP-3 and R2)	50 feet

These waivers are respectfully requested pursuant to U.D.O. Section 18.40.240.D.2.a. This section allows the approving authority the ability to grant waivers if the applicant is able to demonstrate that the proposed modifications would result in a higher quality development design with no negative impacts to either the residential or non-residential properties.

It is the opinion of our development team that revising these lots from two-family homes to single family homes significantly improves the quality of the development. The single family homes would bring additional architectural interest and more desirable homes for purchase. Additionally, a 25-foot landscape is currently shown on the preliminary development plan for the C-2 district. This further reduce the rear yard setback requirement.

Thank you for your time and consideration of these waivers. Please do not hesitate to contact me should you have any questions.

Sincerely,

SCHLAGEL & ASSOCIATES, P.A.

Mark A. Breuer, P.E.

Principal

Direct 913-322-7154

mab@schlagelassociates.com

/mr

Attachments