



Planning Division

STAFF REPORT

Planning Commission Meeting: February 24, 2020

Application:	FP20-0001, Final Plat for BSM Business Center		
Location:	Along the west side of S. Kansas City Road, north of 119 th Street		
Owner/Applicant:	Brandon Becker; Builders Stone and Masonry		
Engineer:	Daniel G. Foster, PLA; Schlagel & Associates, P.A.		
Staff Contact:	Zachary Moore, Planner II		
Site Area:	<u>17.35± acres</u>	Use:	<u>Commercial</u>
Lots:	<u>4</u>		
Tracts:	<u>1</u>	Current Zoning:	<u>C-3 (Regional Center)</u>

1. Comments:

The following application is a final plat for BSM Business Center. This plat will establish new lot lines and dedicate land for public easements and public right-of-way. The subject property was rezoned to the C-3 District in 2019 (RZ19-0006) but was never platted. A preliminary site development plan was approved by City Council with the rezoning, and a final site development plan for Lot 2 is currently under staff review.

2. Plat Review:

- a. **Lots/Tracts** – The plat includes four (4) commercial lots and one (1) common tract totaling approximately 16.35± acres.
- b. **Access and Right-of-Way** – This final plat dedicates public right-of-way for both S–. Kansas City Road and 117th Place, totaling approximately 1 acre. An Access Easement (A/E) will be dedicated from the northern portion of the cul-de-sac at 117th Place to the eastern and northern portions of Lot 2, to accommodate a private drive to the north of the proposed building.
- c. **Public Utilities** – The subject property is located within the City of Olathe Water and Johnson County Wastewater service areas. New Public Utility Easements (PUB/E), Water Line Easements (W/E), Utility Easements (U/E), Drainage Easements (D/E), and Stormwater Quality / Quantity Easements (BMP/E) will be dedicated to the City with this final plat.

3. Excise Taxes:

Final plats are subject to a street excise tax of \$0.215 per square foot of land to be platted, with exemptions for arterial street right-of-way, and a traffic signal excise tax of \$0.0576 per square foot of land for commercial zoning. The required excise taxes must be submitted to the Planning Division prior to recording the final plat.



View of the subject property, looking west from E. Kansas City Road

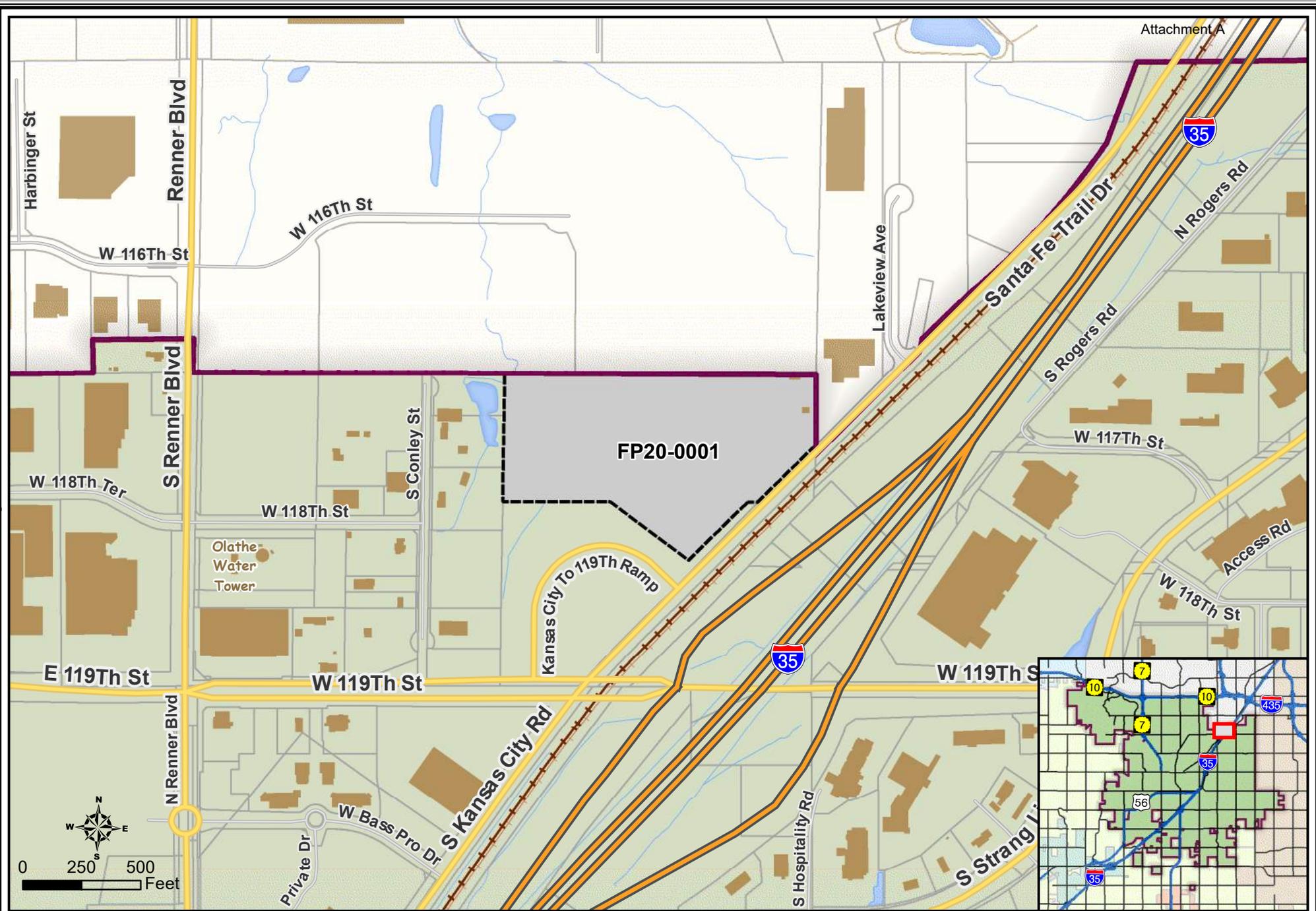


Aerial view of site outlined in navy

4. Staff Recommendation:

Staff recommends approval of FP20-0001, final plat for BSM Business Center with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (.pdf format) must be submitted to the Planning Division.
- b. Dedication language for the Access Easement (A/E), Gas Easement (G/E), and Temporary Access Easement must be provided on the final plat prior to recording.

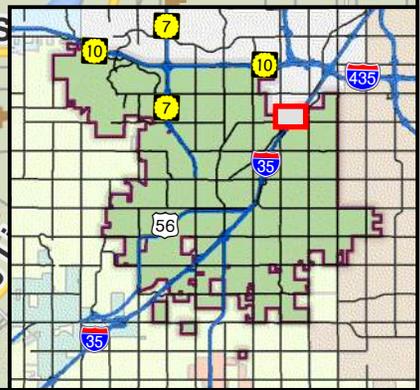


Attachment A

FP20-0001



0 250 500 Feet



BUILDER'S STONE FINAL PLAT
FP20-0001



User: jaredmd
 Date: 02/19/2020



**FINAL PLAT OF
BSM BUSINESS CENTER**
PART OF THE SW 1/4 OF SEC. 17-13-24
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

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 "BSM BUSINESS CENTER".

Attachment A

The undersigned proprietor of said property shown on this plat hereby certifies that the portions of the streets and roadways shown as "..." 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, places, 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 lines, storm sewer pipes, sanitary sewer pipes and related facilities and structures, upon, over and under the areas outlined and designated on this plat as "PUBLIC" or "Public Utility Easement", is hereby granted to the City of Olathe, Johnson County, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of water pipes and associated facilities, upon, over and under these areas outlined and designated on this plat as "Water Line Easement" or "WLE", is hereby granted to the City of Olathe, Johnson County, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

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 land as may be reasonably necessary to access said easement and is hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas or their assigns. Alteration and contours will be permitted only with the express written approval of JCM. 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 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 "UE", 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.

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".

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, drainage ditches, drainage channels or water courses, other drainage facility tributary connections and appurtenant work relative to storm water drainage upon, over, or under the areas outlined and designated on this plat as "Stormwater Quality / Quantity Easement" or "BMPQE". Tract "X" is hereby designated as "Stormwater Quality / Quantity Easement" or "BMPQE".

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 absorbed 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 and the Developer, or their authorized representatives thereof.

Tract A shall be maintained by the BSM Business Center Association or their authorized representatives thereof. It is the BSM Business Center Association or their authorized representatives thereof' permanent responsibility and authority to enter upon the said tract to maintain, plant, replant, repair, mow, clip, trim, spray, chemically treat, repair, and otherwise maintain any and all grass, trees, shrubs, flowers, plants, fences, and walls. Deed restrictions shall be recorded with the Register of Deeds of Johnson County concurrently with the recording of the final plat.

The maintenance of the stormwater detention facilities located within Tract "A" and all water quality BMP's within Tract "A" are to be maintained by the property owners and their successors and assigns.

The undersigned proprietor of the described tract of land hereby consents and agrees 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 the unpaid special assessment on such land dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public ways or thoroughfares.

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 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 here.

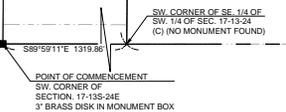
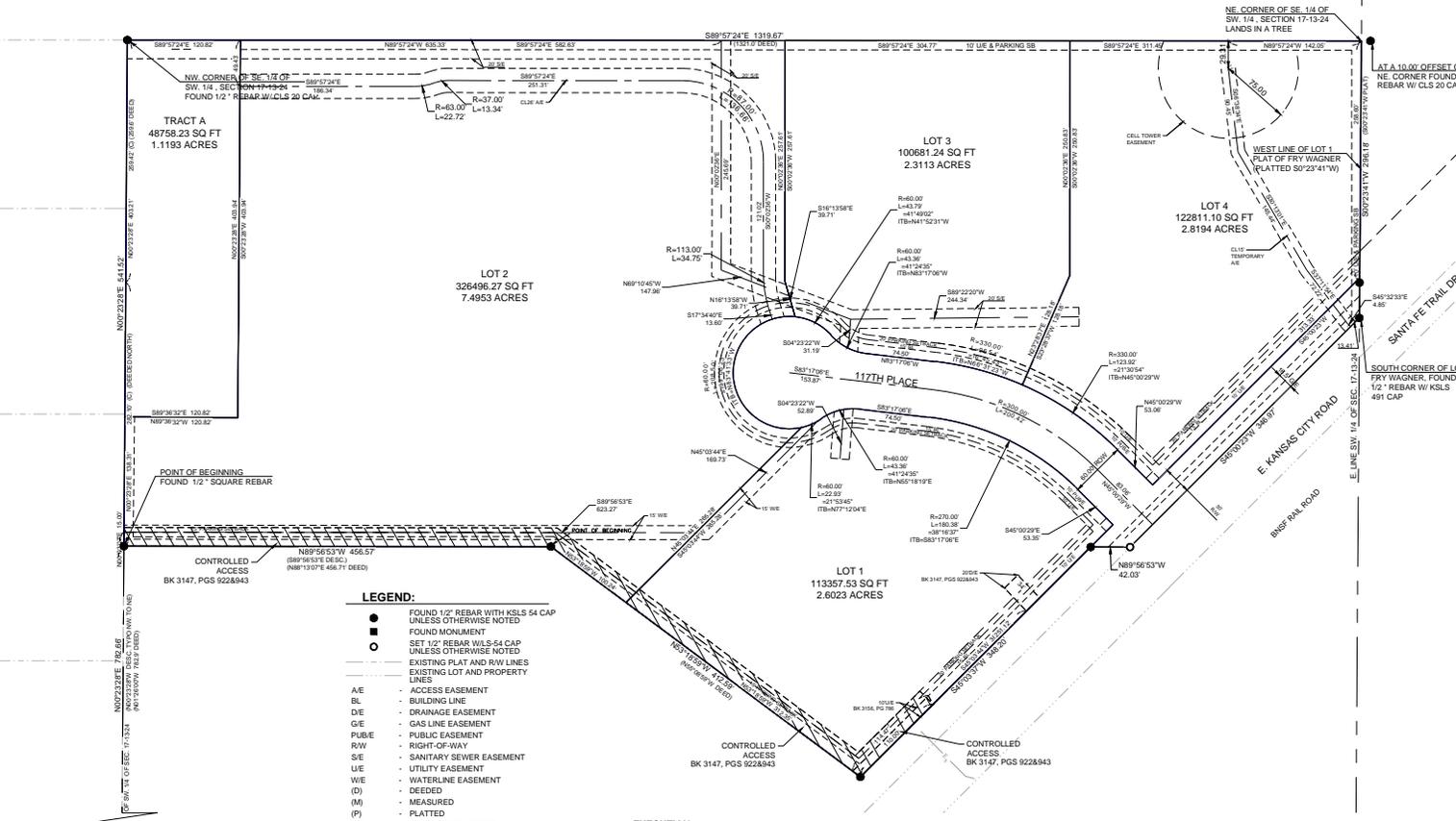
NOTE: This site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code. Restrictions on use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement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

CONSENT TO LEASE:

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 assessment on such land dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

SURVEYOR'S CERTIFICATE:

To: First American Title Insurance Company, Principal Auto Group LLC, and Clay C. Blair. This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1-4, 6(a), 8, 11(a), 13, 16, 18 and 18 of Table A hereof. The field work was completed 10/20/15.

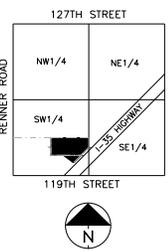


LOT #	AREA (SF)
LOT 1	113,357.53
LOT 2	326,496.27
LOT 3	100,681.24
LOT 4	122,811.10
TRACT A	48,758.23
R/W	43,705.19
TOTAL	755,809.56

DESCRIPTION: AS PROVIDED IN COMMITMENT NCS-703112-KCTY

A TRACT OF LAND WITHIN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 17, TOWNSHIP 13 SOUTH, RANGE 24 EAST IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SAID SOUTHWEST ONE-QUARTER, THENCE NORTH 00° 23' 28" WEST, (DEEDED NORTH 01° 28' 00" WEST) ALONG THE WEST LINE OF THE SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 782.68 FEET; THENCE SOUTH 89° 59' 53" EAST, (DEEDED NORTH 89° 13' 07" EAST) A DISTANCE OF 456.71 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 89° 59' 53" EAST A DISTANCE OF 377.35 FEET TO A POINT; THENCE SOUTH 40° 03' 37" WEST, (DEEDED NORTH 43° 13' 37" EAST) A DISTANCE OF 348.20 FEET TO A POINT; THENCE NORTH 53° 18' 59" WEST, (DEEDED NORTH 55° 08' 59" WEST) A DISTANCE OF 412.59 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.



SCALE 1" = 2000'

LOCATION MAP SECTION 17-13-24

- LEGEND:**
- FOUND 1/2" REBAR WITH KSL5 5/4 CAP UNLESS OTHERWISE NOTED
 - FOUND MONUMENT
 - SET 1/2" REBAR W/LS-5/4 CAP UNLESS OTHERWISE NOTED
 - EXISTING PLAT AND ROW LINES
 - - - EXISTING LOT AND PROPERTY LINES
- A/E - ACCESS EASEMENT
 B - BUILDING LINE
 D/E - DRAINAGE EASEMENT
 G/E - GAS LINE EASEMENT
 P/E - PUBLIC EASEMENT
 R/W - RIGHT-OF-WAY
 S/E - SANITARY SEWER EASEMENT
 U/E - UTILITY EASEMENT
 W/E - WATERLINE EASEMENT
 (D) - DEEDED
 (M) - MEASURED
 (P) - PLATED
 LMS - LIMITS OF NO ACCESS
 - - - CONTROLLED ACCESS

EXECUTION:

IN TESTIMONY WHEREOF, Brandon Becker, Member of ACE PROPERTIES, LLC, a Kansas limited liability company, by the authority of its Managing Member, has caused this instrument to be executed, this _____ day of _____, 2019.

ACE PROPERTIES, LLC
 By: BRANDON BECKER, Member
 ACKNOWLEDGMENT:
 STATE OF KANSAS)
 COUNTY OF JOHNSON) ss. _____)

BE IT REMEMBERED that on this _____ day of _____, 2019, before me, the undersigned, a Notary Public in and for said County and State, came BRANDON BECKER, Member of ACE PROPERTIES, LLC, a Kansas 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 duly 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

APPROVALS:

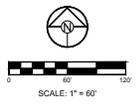
APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20____.

Chairman, C.S. WAKAS _____

APPROVED by the Governing Body of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20____.

Mayor, MICHAEL COPELAND _____ Deputy City Clerk, DAVID F. BRYANT III,LMC _____

PRELIMINARY



SCHLAGEL & ASSOCIATES, P. A.
 Engineers • Planners • Surveyors • Landscape Architects
 14920 West 107th Street • Lenexa, Kansas 66215
 (913) 492-5158 • Fax: (913) 492-8400

DATE 1-3-20
 DRAWN BY SCH
 CHECKED BY SCH
 PROJ. NO. 18-134 SHEET NO. 1

**FINAL PLAT OF
BSM BUSINESS CENTER
OLATHE, KANSAS**