



STAFF REPORT

Planning Commission Meeting: December 9, 2024

Application:	FP24-0030: Final Plat of Olathe Commerce Park, Fourth Plat
Location:	North of Dennis Avenue and east of Pine Street
Owner:	JDC North Olathe Properties, LLC
Developer:	Norm Timmermans, Trans-System, Inc.
Engineer:	Judd Claussen, Phelps Engineering, Inc.
Staff Contact:	Taylor Vande Velde; Planner II

Site Area:	<u>21.20 ± acres</u>	Proposed Use:	<u>Truck Terminal,</u> Bus/Truck Maintenance, Including Repair and Storage
Lots:	<u>1</u>	Existing Zoning:	<u>M-2 (General Industrial)</u>
Tracts:	<u>3</u>	Plat:	<u>Unplatted</u>

1. Introduction

The following application is a request for a final plat of Olathe Commerce Park, Fourth Plat which will establish lot lines and dedicate public easements for one (1) lot and three (3) tracts for proposed Freight Terminals and Truck Terminals and Bus/Truck Maintenance, Including Repair and Storage uses on 21.20± acres, located north of Dennis Avenue and east of Pine Street.

The subject property is located within the larger Olathe Commerce Park industrial development which was rezoned to the M-2 (General Industrial) District in 1970 under Ordinance 346-C. The approved preliminary plat included 5 lots on approximately 60 acres to serve as a mixed-use business industrial park intended to provide office, retail, and warehouse/assembly facilities. This plat and the associated preliminary site development plan (PR24-0019) are consistent with the approved preliminary plat and will be the fourth lot developed within the industrial park.

2. Plat Review

- a. **Lots/Tracts** – This development includes one (1) lot and three (3) tracts for industrial development. Tracts ‘A’ & ‘B’ include tree preservation, supplemental landscaping, and a trail. Tract ‘C’ will provide a wet detention basin to serve the site.
- b. **Streets/Right-of-Way** – The site will have one (1) access point off the existing cul-de-sac on S. Pine Street which leads to W. Dennis Ave. The developer is dedicating space for an

Access Easement (A/E) to construct a hammerhead turnaround at the terminus of S. Pine Street, extending from the northern property line, for emergency services. No additional right-of-way will be dedicated with this plat.

- c. **Public Utilities** – The property is located in the City of Olathe water and sanitary sewer service areas. An existing public sewer line is located west of the site along the stream corridor and an existing public water main runs north to south in the middle of the property and will serve the proposed development. A water line easement (W/L) and a utility easement (U/E) will be dedicated with this plat.
- d. **Tree Preservation/Trails** – Tracts A and B will preserve approximately 3.42 acres (87%) of existing vegetation and will be owned and maintained by the property owner. Trail connections are also being provided along the western portion of the property within a public trail easement (PT/E) that the developer will construct.
- e. **Stormwater** – A new wet detention basin will be installed at the northwest corner of the site within Tract 'C' to treat stormwater runoff from the development. This tract will be owned and maintained by the property owner. This property also contains a stream corridor along the western property line and BMPs and is subject to the Stream Corridor and Stormwater Treatment Facility Maintenance Agreements.



Aerial view of the subject property is outlined in yellow.

3. Staff Recommendation

- A. Staff recommends approval of FP24-0030, the final plat of Olathe Commerce Park, Fourth Plat, with the following stipulation(s):
 - 1. Prior to plat recording, ownership and maintenance responsibilities for Tract 'C' must be included in the dedications.
 - 2. The five (5) foot wide concrete trail must be installed prior to issuance of a temporary certificate of occupancy.
 - 3. Prior to plat recording, Tree Preservation (TP/E) language must be added to the dedication section for Tracts A and B.
 - 4. The trail easement must match the future trail alignment approved with the final site development plan prior to recording the final plat.

FINAL PLAT OF OLATHE COMMERCE PARK, FOURTH PLAT

A SUBDIVISION OF LAND IN THE SOUTHEAST QUARTER SECTION 35,
TOWNSHIP 13 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE,
JOHNSON COUNTY, KANSAS

DESCRIPTION
All that part of the Southeast Quarter of Section 35, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described by Phelps Engineering, Inc., KS CLS-82, on September 24, 2024, for project 240745 as follows:

Beginning at the Northwest corner of the Southeast Quarter of said Section 35, thence N 88°32'34" E, along the North line of the Southeast Quarter of said Section 35, a distance of 567.09 feet; thence S 1°43'58" E, a distance of 20.00 feet; thence N 88°32'34" E, a distance of 350.00 feet, to a point on the Westery right-of-way line of Olathe, Topeka, & Santa Fe Railway Company, as now established, thence along said Westery line for the following four (4) courses; thence S 1°43'58" E, a distance of 5.52 feet; thence S 88°18'02" W, a distance of 20.00 feet; thence S 1°43'58" E, a distance of 438.00 feet; thence S 2°04'39" E, to the Northwest corner of Olathe Commerce Park, THIRD PLAT, a plat of subdivision of land in the City of Olathe, Johnson County, Kansas; thence along the Northern plat line of said Olathe Commerce Park, THIRD PLAT, and the Northern plat line of Olathe Commerce Park, SECOND PLAT, a plat of subdivision of land in the City of Olathe, Johnson County, Kansas, for the following three (3) courses; thence N 7°15'01" W, a distance of 456.38 feet; thence S 87°08'59" W, a distance of 282.85 feet, to the Northwest corner of said Olathe Commerce Park, SECOND PLAT; thence along the Westery plat line of said Olathe Commerce Park, SECOND PLAT, for the following three (3) courses; thence S 2°33'01" E, a distance of 14.00 feet; thence Southerly on a curve to the left, said curve having an initial tangent bearing of S 7°37'08" E, a radius of 330.00 feet, and an arc distance of 166.52 feet; thence Southerly on a curve to the right, said curve being tangent to the last described course and having a radius of 270.00 feet, an arc distance of 71.51 feet, to an angle point on the Northern plat line of Olathe Commerce Park, a plat of subdivision of land in the City of Olathe, Johnson County, Kansas; thence S 87°08'59" W, along the Northern plat line of said Olathe Commerce Park, a distance of 222.62 feet, to an angle point on the Northern plat line of said Olathe Commerce Park, said angle point also being on the West line of the Southeast Quarter of said Section 35; thence N 7°37'01" W, along said West line of said Southeast Quarter, of said Section 35, a distance of 1412.52 feet, to the Point of Beginning, containing 21.1956 acres, more or less, of unplatted land.

DEDICATION
The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "OLATHE COMMERCE PARK, FOURTH PLAT."

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on this plat as streets, terraces, roads, floors, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any signs, lines, poles and wires, conduits, ducts or cables heretofore installed thereon and thereon are required to be relocated, it is agreed that improvements as now set forth, the undersigned proprietors hereby desolve and agree to indemnify the City of Olathe, Johnson County, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easements.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, phone poles, wires, surface drainage facilities, ducts, cables, etc., upon, over and under those areas outlined hereon and designated on this plat as "U/E" or "Utility Easement."

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, pipes, etc., upon, over and under those areas outlined hereon and designated on this plat as "M/E" or "Water Line Easement."

A perpetual public trail easement upon, over, across under and through the areas outlined and designated on this plat as "Public Trail Easement" or "P/T/E" is hereby granted to the City of Olathe, Kansas, for the purpose of a public sidewalk and appurtenant work for pedestrian, bicyclist and other non-vehicular purposes, including the right to construct, use, maintain, reconstruct or expand such facility within the easement area. Sidewalk easements shall be kept clear of obstructions that would interfere with the use or maintenance of sidewalks within the easement.

The access easements or "A/E" as shown on this plat are reserved by the undersigned proprietor, his heirs and assigns, for the ingress and egress of the owners and occupants and their guests of the adjacent lots as shared entry drives.

Tract "A" shall be owned and maintained by the property owner or the authorized representative thereof. Said Tract is intended to be used for stormwater detention, stormwater quality BMPs, landscaping, and private or public open space.

Tract "B" shall be owned and maintained by the ASSOCIATION or the authorized representative thereof. Said Tract is intended to be used for stormwater detention, stormwater quality BMPs, landscaping, and private or public open space.

Stormwater Treatment Facilities Notice:
"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."

Stream Corridor Notice
"Notice: This site contains 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."

CONSENT TO LEVY
The undersigned proprietors of the above described land hereby agree and consent 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 assessment, 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 such dedicated public way or thoroughfare.

EXECUTION
IN TESTIMONY WHEREOF, the undersigned proprietor, has caused this instrument to be executed on this _____ day of _____, 20____.

OWNER:
By: _____ SIGNATORY

STATE OF KANSAS)
COUNTY OF JOHNSON) SS

ACKNOWLEDGMENT
BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, came SIGNATORY, TITLE OWNER, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said person, and such person duly acknowledged the execution of the same to be the act and deed of the same.

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

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

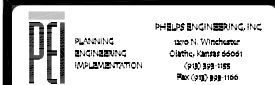
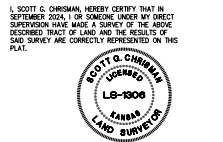
Approved by the Planning Commission of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20____.

Chairman: Wayne Jenner

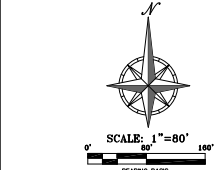
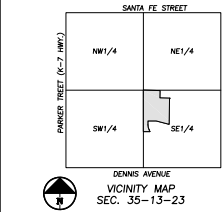
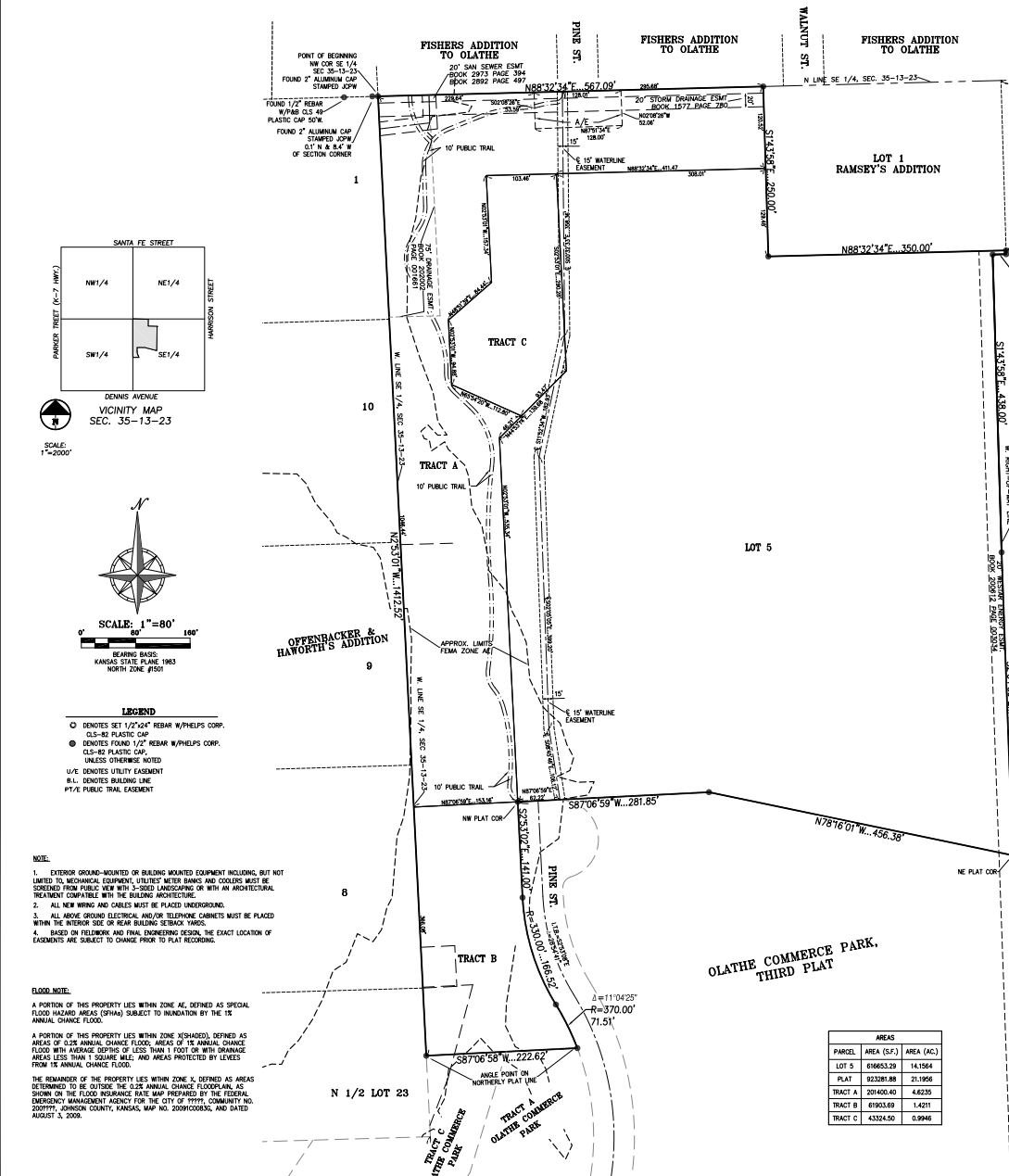
Approved by the Governing Body of the City of Olathe, Kansas, this _____ day of _____, 20____.

Mayor: John W. Bozon

Attest: _____ City Clerk: Brenda D. Swearingin



PARCEL	AREA (SQ. FT.)	AREA (AC)
LOT 5	616653.59	14.1564
PLAT	922081.88	21.1956
TRACT A	220402.40	4.2218
TRACT B	69033.69	1.4211
TRACT C	43324.50	0.9946



- LEGEND**
- DENOTES SET 1/2" x 24" REBAR W/HELPS CORP.
 - DENOTES 4" x 4" PLASTIC CAP
 - DENOTES FOUND 1/2" REBAR W/HELPS CORP.
 - DENOTES 4" x 4" PLASTIC CAP
 - UNLESS OTHERWISE NOTED
 - U/E DENOTES UTILITY EASEMENT
 - M/E DENOTES BUILDING LINE
 - P/T/E PUBLIC TRAIL EASEMENT

- NOTE:**
- EXTERIOR GROUND-MOUNTED OR BUILDING MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITIES METER BANKS AND COULDERS MUST BE SITED FROM PUBLIC VIEW WITH 3'-0" LANDSCAPING OR WITH AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE BUILDING ARCHITECTURE.
 - ALL NEW WIRING AND CABLES MUST BE PLACED UNDERGROUND.
 - ALL ABOVE GROUND ELECTRICAL AND/OR TELEPHONE CHANNELS MUST BE PLACED WITHIN THE INTERIOR SIDE OR REAR BUILDING SETBACK YARDS.
 - BASED ON FELLOWSHIP AND PINK ENGINEERING DESIGN, THE EXACT LOCATION OF EASEMENTS ARE SUBJECT TO CHANGE PRIOR TO PLAT RECORDING.

FLOOD HAZARD:
A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE, DESIGNATED AS SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.

A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE (SHADED), DESIGNATED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH A RETURN PERIOD OF 100 YEARS, AND AREAS PROTECTED BY LEVEES FROM ITS ANNUAL CHANCE FLOOD.

THE REMAINDER OF THIS PROPERTY LIES WITHIN ZONE AE, DESIGNATED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF 197991, COMMUNITY NO. 2007991, JOHNSON COUNTY, KANSAS, MAP NO. 2009010083C, AND DATED AUGUST 3, 2009.