



## STAFF REPORT

Planning Commission Meeting: February 12, 2024

<b>Application</b>	<b>FP23-0033: Final Plat for Heather Ridge South, Fifth Plat</b>
<b>Location</b>	Southwest of W. 169 <sup>th</sup> Terrace and S. Ridgeview Road
<b>Owner</b>	Phil Martens, Martens Family Enterprises
<b>Applicant/Engineer</b>	Todd Allenbrand, Payne & Brockway
<b>Staff Contact</b>	Emily Carrillo, Senior Planner

<b>Site Area:</b>	<u>14.84± acres</u>	<b>Proposed Use:</b>	<u>Single-Family Residences</u>
<b>Lots:</b>	<u>41</u>	<b>Existing Zoning:</b>	<u>R-1 (Single Family) District</u>
<b>Tracts:</b>	<u>6</u>	<b>Existing Plat:</b>	<u>Unplatted</u>

### 1. Introduction

The following application is a final plat for Heather Ridge South, Fifth Plat, which will establish lot lines, dedicate public easements and right-of-way for 41 lots and six (6) tracts within the Heather Ridge South residential development.

The subject property was rezoned from County CTY-RUR to R-1 with a preliminary plat for 78.99 acres in June 2006 (RZ-06-012). Due expiration of the approved preliminary plat, a new preliminary plat application was submitted and approved in December 2015 (P-15-050). This final plat is the fifth phase of six total phases approved on the preliminary plat for Heather Ridge South and is consistent with the approved preliminary plat.

### 2. Plat Review

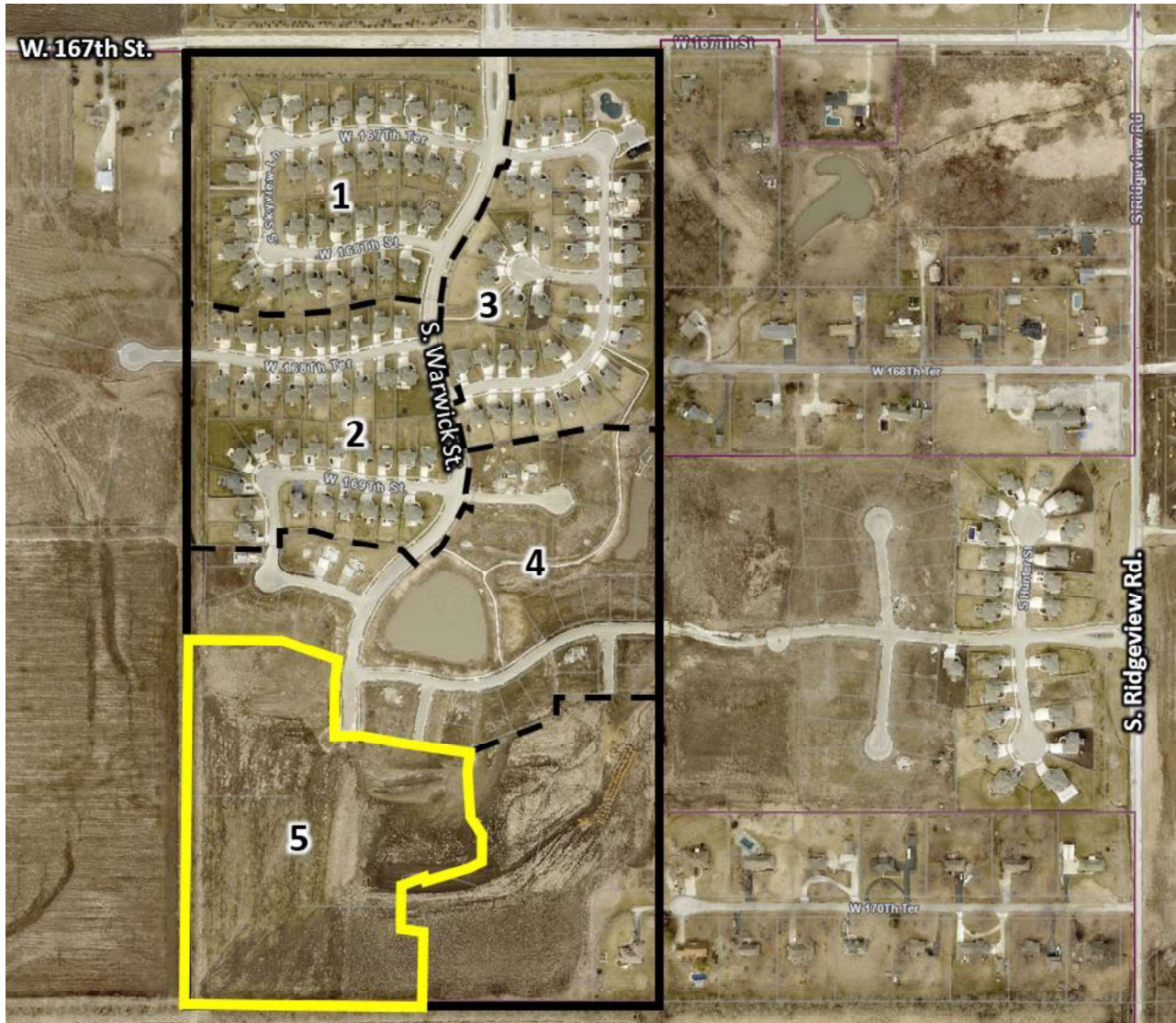
- a. **Lots/Tracts** – The final plat includes thirty-eight (38) single-family residential lots and three (3) common tracts. Common tracts are intended to be used for landscaping, monuments, private open space, stormwater drainage and detention amenities such as trail connections. All three tracts are intended to be owned and maintained by the Heather Ridge South/Estates Homes Association.

All lots in the proposed subdivision meet or exceed the R-1 standards for minimum lot size (7,200 square feet) and minimum lot widths (60 feet). Lot sizes in this plat range on from 7,880 square feet to 14,933 square feet with an average lot size of 10,831 square feet.

- b. **Public Utilities** – The property is in the City of Olathe sewer and WaterOne service areas. Public Utility Easements (U/E), Sanitary Sewer Easements (SS/E), Drainage Easements

(D/E), Waterline Easements (WL/E) and a Public Recreation Easement (PR/E) are being dedicated with this final plat.

- c. **Streets/Right-of-Way** – Roadways within the subdivision are being dedicated with this plat. The lots will have street access from S Warwick Street, south from W. 167<sup>th</sup> Street.



*Aerial view of overall Heather Ridge South development, and subject property in yellow.*

### 3. Staff Recommendation

Staff recommends approval of final plat (FP23-0033) with no stipulations.

FINAL PLAT OF  
HEATHER RIDGE SOUTH, 5TH PLAT  
Part of the NE 1/4, SEC. 24, T14S, R23E



This is a survey and plat of part of the NE 1/4 of Section 24, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, September 22, 2023, more particularly described as follows:

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "HEATHER RIDGE SOUTH, 5TH PLAT".

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

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, and sidewalks upon, over, and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", 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 dedicated to the City of Clove to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, sewer pipes, surface drainage facilities, etc., upon, over, and across these areas outlined and designated on this plat as "Drainage Easement" or "D/E".

collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "SS/E," on this plot, together with the right of ingress and egress over and through adjoining land as may be reasonably necessary to access said easement and hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCSD. Any planting of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent

An easement or license is hereby dedicated to the Water District No. 1 of Johnson County to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of water lines, fire hydrants, valves, etc., upon, over, and across those areas outlined and designated on this plot as "Water Line Easement" or "W/L/E".

An easement or license is hereby granted to the City of Olathe, Kansas, to enter upon, locate, construct and maintain or authorize the entry upon, location, construction or maintenance and use of a future public bicycle and pedestrian path for public recreation and transportation purposes upon, over and under the areas outlined as Tracts P and Q and designated as "Public Recreation Easement" or "PRE". The bicycle and pedestrian path is to be owned and maintained by the City of Olathe, Kansas, or its designee.

NOTICE: The site includes Stormwater Treatment Facilities, as defined and regulated in the City's Municipal Code, Section 17.16.080 G. 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.

Homeowner Association to maintain, and any all grass, trees, shrubs, plants and other landscaping and all fences and monuments installed by the undersigned proprietor and by the Heather Ridge South Estates Homes Association upon, over, or under those areas outlined and designated on this plot as "Landscape Easement" or L/E."

The lots in this subdivision shall not be subdivided except pursuant to Chapter 18.40.180, Lot Splits, of Unified Development Ordinance or by replat.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Johnson County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners of Johnson County,

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

MARTENS FAMILY ENTERPRISES, INC.

STATE OF KANSAS

COUNTY OF Greene ) ss

BE IT REMEMBERED, that on this 15 day of April, 2024, before me a Notary Public in and for said County and State, came Philip W. Martens, President of Martens Family Enterprises, Inc., who is personally known to me to be the same person who executed the foregoing

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

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

My Appointment Expires: \_\_\_\_\_

APPROVED by the Planning Commission of the City of Olathe, Kansas,  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By WAYNE JANNER, Chairman

APPROVED by the Governing Body of the City of Olathe, Kansas,  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By JOHN M. BACON, Mayor ATTEST BRENDA D. SWEARINGIN, City Clerk

I hereby certify that on August 30, 2022 and August 24, 2023, I or someone under my direct supervision completed a field survey of the

Prepared By: Payne & Rockway Engineers, P.A.

above described tract of land and this is an accurate and true plat of  
 said survey, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

P. O. Box 128  
 Olathe, Kansas 66051  
 913-782-4800

Developed By: Mortenson Family Enterprises, Inc.

Gerald L. Conn  
Kansas P.S. No. 1128

Date Prepared: October 11, 2023

TITLE INFORMATION FURNISHED BY  
FIRST AMERICAN TITLE INSURANCE COMPANY

HEATHER RIDGE SOUTH  
5TH PLAT

SEC. 24, T14S, R23E  
JOHNSON COUNTY, KANSAS


**Payne & Brockway**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 10000 Highway 100, Suite 100, Houston, TX 77036  
 281.465.1100  
[www.payneandbrockway.com](http://www.payneandbrockway.com)

425 NORTH 1ST AVENUE, SUITE 200  
DENVER, CO 80202  
TEL: (303) 733-4300 FAX: (303) 733-4399  
WWW.PAYM-HOCKEY.COM