



STAFF REPORT

Planning Commission Meeting: May 13, 2024

Application:	FP24-0009: Final Plat of Mur-Len Commercial Park, 5th Plat
Location:	Northeast of W. 135 th Street and N. Mur-Len Road
Owner:	Rosebud Partners, LLC
Applicant:	David Christie, Rosebud Partners, LLC
Engineer/Architect:	Jeffrey T. Skidmore, Schlagel & Associates
Staff Contact:	Jessica Schuller, AICP, Senior Planner

Site Area:	<u>11.67 ± acres</u>	Proposed Use:	<u>Hardware Store/Indoor Athletic Facility</u>
Lots:	<u>3</u>	Existing Zoning:	<u>CP-2 (Planned General Business)</u>
Tracts:	<u>1</u>	Plat:	<u>Mur-Len Commercial Park, Second Plat</u>

1. Introduction

The following application is for the final plat of Mur-Len Commercial Park, 5th Plat, which will establish lot lines and dedicate public easements for two (2) lots and one (1) tract for future redevelopment of the existing commercial center located at the northeast corner of W. 135th Street and N. Mur-Len Road. A final plan application (PAR24-0010) is currently under review for façade updates, parking lot and site improvements on this property. The plat will subdivide the existing building and parking field into three separate lots.

The site is currently developed and was originally zoned to the CP-2 District (RZ-05-80) in April of 1980. The existing building was constructed in 1984, and was the previous location of Hobby Lobby and Goodwill Industries. Future tenants may include fitness center and hardware store users.

2. Plat Review

- Lots/Tracts** – The final plat includes three (3) lots for the purpose of separating the existing building and parking lot into separate future ownership. Lot 3 at the northwest corner is intended to be deeded to the City for the future expansion of Fire Station No. 4.
- Streets/Right-of-Way** – Existing site access is provided from N. Mur-Len Road and from W. 135th Street. No changes to access are proposed with this application.

- c. **Public Utilities** – The property is in the City of Olathe Water and Sewer service areas. A new utility easement (U/E) and drainage easement (D/E) is being dedicated with this plat.
- d. **Tree Preservation** – A tree preservation easement (TP/E) is being dedicated along the northern property line, within and west of Tract A, to preserve natural vegetation within the stream corridor.



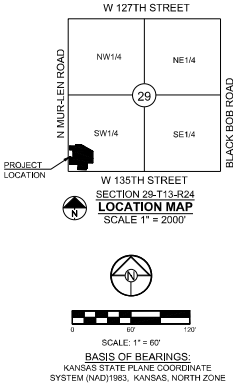
Aerial view of subject property outline in yellow.

3. Staff Recommendation

- A. Staff recommends approval of FP24-0009, the final plat of Mur-Len Commercial Park, 5th Plat with the following stipulation:
 - 1. Lot 3 must be deeded to the City of Olathe with the recording of the final plat.

FINAL PLAT OF
MUR-LEN COMMERCIAL PARK, FIFTH PLAT
A replat of all of Lot 15, Lot 16, Lot 17, Tract C and Tract E, MUR-LEN COMMERCIAL PARK, SECOND PLAT
IN THE SW 1/4 OF SEC. 29-13-24
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

- LEGEND:**
- FOUND 1/2" REBAR WITH KSLD 54 CAP UNLESS OTHERWISE NOTED
 - FOUND MONUMENT AS NOTED
 - SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
 - EXISTING LOT AND PROPERTY LINES
 - - - EXISTING PLAT AND R/W LINES
 - R/W - RIGHT-OF-WAY
 - SE - SANITARY SEWER EASEMENT
 - SW/E - SIDEWALK EASEMENT
 - U/E - UTILITY EASEMENT
 - D/E - DRAINAGE EASEMENT
 - W/E - WATERLINE EASEMENT
 - (MCP) - AS PLATTED IN MUR-LEN COMMERCIAL PARK



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 said 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, _____ of Rosebud Realty, LLC, a Kansas limited liability company, by the authority of its Member, has caused this instrument to be executed, this _____ day of _____, 202__.

Rosebud Realty, LLC, a Kansas limited liability company.

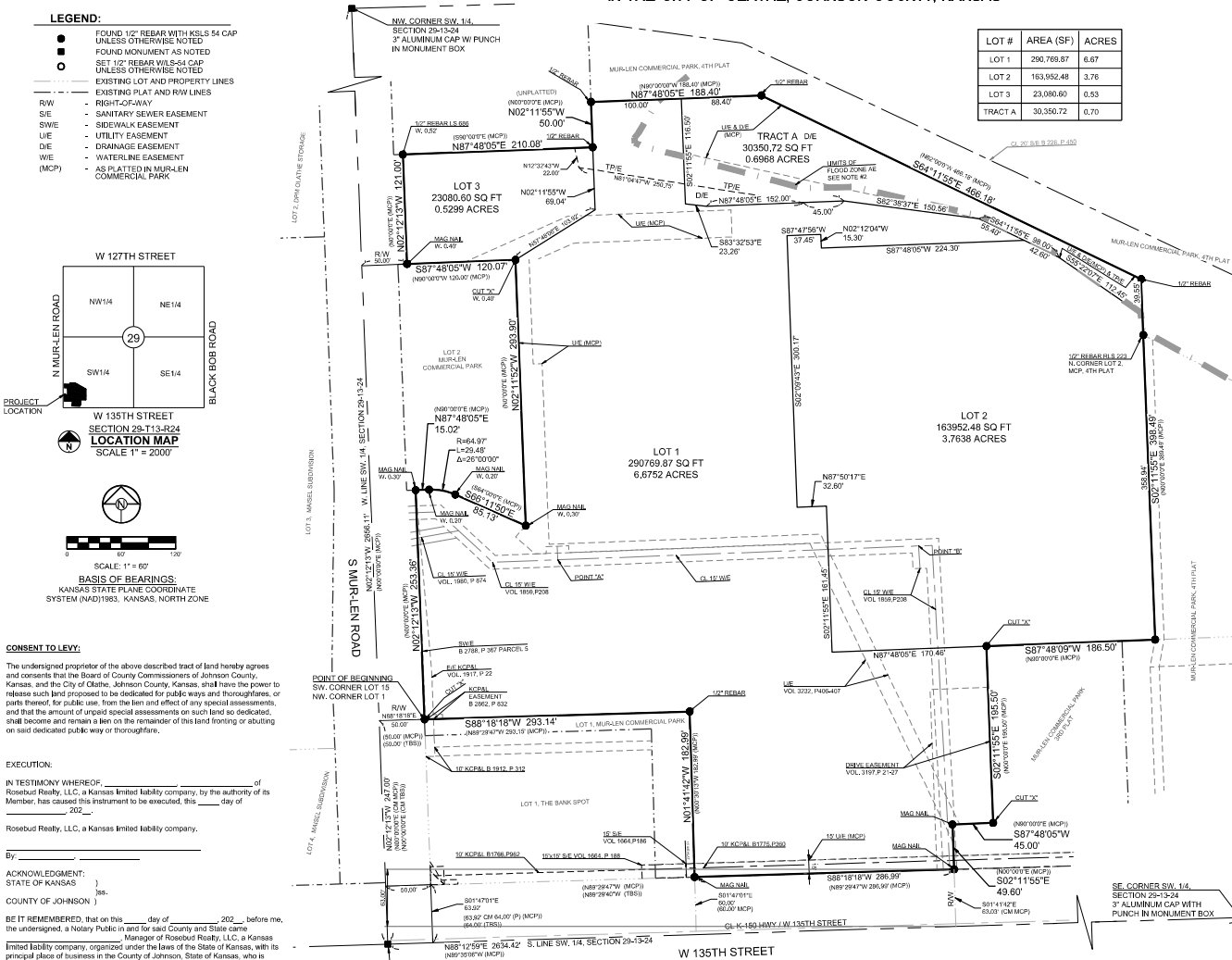
ACKNOWLEDGMENT:

STATE OF KANSAS)
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this _____ day of _____, 202__, before me, the undersigned, a Notary Public in and for said County and State aforesaid, _____, Manager of Rosebud Realty, LLC, a Kansas limited liability company, organized under the laws of the State of Kansas, with its principal place of business in the County of Johnson, State of Kansas, 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 person duly acknowledged the execution of same to be the act and deed 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 _____
Expire: _____
Print Name _____



LOT #	AREA (SF)	ACRES
LOT 1	290,769.87	6.67
LOT 2	163,952.48	3.76
LOT 3	23,080.60	0.53
TRACT A	30,350.72	0.70

DESCRIPTION

A replat of all of Lot 15, Lot 16, Lot 17, Tract "C", Tract "D" and Tract "E", MUR-LEN COMMERCIAL PARK, SECOND PLAT, a subdivision in the City of Olathe as recorded in book 79 at page 1, Johnson County, Kansas being described as follows:

Commencing at the Southwest corner of the Southwest One-Quarter of Section 19, Township 13 South, Range 24 East; thence along the West line of the said Southwest One-Quarter, North 02 degrees 12 minutes 13 seconds West (North 02 degrees 00 minutes 00 seconds East platted), a distance of 247.00 feet; thence North 68 degrees 18 minutes 18 seconds East a distance of 50.00 feet to a point on the East right of way line of North Mur-Len Road as now established said point being the Northwest corner of Lot 1, of said MUR-LEN COMMERCIAL PARK SECOND PLAT; thence along the said East right of way line: North 02 degrees 12 minutes 13 seconds West (North 02 degrees 00 minutes 00 seconds East platted), a distance of 253.36 feet to a point on the South line of Lot 2, of MUR-LEN COMMERCIAL PARK, FIRST PLAT a subdivision in the City of Olathe as recorded in book 52 at page 47; thence along the Southerly, Easterly and Northerly lines of said Lot 2 the following five courses, North 87 degrees 48 minutes 05 seconds East, (North 90 degrees 00 minutes 00 seconds East platted), a distance of 15.02 feet to a point of curvature; thence Southeasterly on a curve to the right being tangent to the previous course, having a radius of 64.97 feet, a central angle of 26 degrees 00 minutes 00 seconds and an arc length of 29.45 feet; thence South 66 degrees 11 minutes 50 seconds East, (South 66 degrees 00 minutes 00 seconds East platted), a distance of 65.13 feet; thence North 02 degrees 11 minutes 52 seconds West, (North 02 degrees 00 minutes 00 seconds East platted), a distance of 253.30 feet; thence South 67 degrees 48 minutes 05 seconds West, (North 02 degrees 00 minutes 00 seconds East platted), a distance of 120.97 feet; (North 90 degrees 00 minutes 00 seconds West 120.00 feet platted), to a point on the said Easterly right of way line of North Mur-Len Road; thence along said right of way line, North 02 degrees 12 minutes 13 seconds West, (North 02 degrees 00 minutes 00 seconds East platted), a distance of 121.00 feet; thence North 87 degrees 48 minutes 05 seconds East, (South 90 degrees 00 minutes 00 seconds West platted), a distance of 50.00 feet to a corner point on the South line of Tract "A", MUR-LEN COMMERCIAL PARK, FOURTH PLAT a subdivision in the City of Olathe as recorded in book 80 at page 44; thence along the South line of said tract "A" the following two courses, North 87 degrees 48 minutes 05 seconds East, (North 00 degrees 00 minutes 00 seconds West platted), a distance of 198.40 feet; thence South 64 degrees 11 minutes 55 seconds East, (North 62 degrees 00 minutes 00 seconds West platted), a distance of 468.18 feet to a corner point of said tract "A"; thence along the Westerly line of said tract "A" and the Northerly extension of West line of Lot 2, of said MUR-LEN COMMERCIAL PARK, FOURTH PLAT, South 02 degrees 11 minutes 52 seconds East, (North 00 degrees 00 minutes 00 seconds East platted), a distance of 398.49 feet to a point on the North line of Lot 1, of said MUR-LEN COMMERCIAL PARK, FOURTH PLAT; thence along the North line of said Lot 1 and the Easterly extension of the North line of Lot 1, of MUR-LEN COMMERCIAL PARK, THIRD PLAT a subdivision in the City of Olathe as recorded in book 77 at page 35, South 87 degrees 48 minutes 05 seconds West, (North 90 degrees 00 minutes 00 seconds East platted), a distance of 186.50 feet to the Northwest corner of said Lot 3; thence along the West line of said Lot 3 the following three courses, South 02 degrees 11 minutes 55 seconds East, (North 00 degrees 00 minutes 00 seconds East platted), a distance of 195.00 feet; thence South 87 degrees 48 minutes 05 seconds West, (North 00 degrees 00 minutes 00 seconds East platted), a distance of 45.00 feet; thence South 02 degrees 11 minutes 55 seconds East, (North 00 degrees 00 minutes 00 seconds East platted), a distance of 49.60 feet to a point on the North right of way line of West 135th Street as now established; thence along said North right of way line, South 88 degrees 18 minutes 18 seconds West, (North 89 degrees 29 minutes 47 seconds West platted), a distance of 286.00 feet to the Southeast corner of said Lot 1, MUR-LEN COMMERCIAL PARK SECOND PLAT; thence along the East line of said Lot 1, North 01 degrees 41 minutes 42 seconds West, (North 00 degrees 30 minutes 13 seconds West platted), a distance of 152.69 feet to the Northeast corner thereof; thence along the North line of said Lot 1, South 88 degrees 18 minutes 18 seconds West a distance of 293.14 feet, (North 89 degrees 29 minutes 47 seconds East, 293.15 feet platted), to the Point of Beginning and containing 11,665 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 hereinafter be known as "MUR-LEN COMMERCIAL PARK, FIFTH PLAT".

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance or use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ditches and cables, and similar utility facilities, 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 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 "D/E".

A tract A is hereby dedicated as a Drainage Easement.

An easement or license is hereby dedicated to the developer/owner, to enter upon, over and across those areas outlined and designated on this plat as "Tree Preservation Easement" or "TPE". All areas within said easement are intended to be kept in a near natural state. No man made structure, including fences, may be constructed or placed within this area without approval of the developer/owner. No living trees, regardless of size, may be removed without written approval of the City of Olathe and the developer/owner. Trees that are dead, diseased or pose a threat to the public or adjacent property are allowed to be removed. Utility installation and appurtenant construction is allowed within these areas, subject to developer/owner approval.

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.

EASEMENT NOTE:
The exact location of easements are subject to change prior to recording based on fieldwork and final design.

RESTRICTIONS:

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 hereinafter 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 said hereby become a part of the dedication of this plat as though set forth herein.

Tract "A" shall be maintained by the Commercial Association or their authorized representatives thereof. It is the Commercial Association or their authorized representatives thereof permanent responsibility and authority to enter upon the said tracts to maintain. Deed restrictions shall be recorded with the Register of Deeds of Johnson County concurrently with the recording of the final plat.

APPROVALS:

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

Chairman, WAYNE JANNER

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

Mayor, JOHN W. BACON Deputy City Clerk, BRENDA D. SWEARINGMAN

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED IN MARCH 2024. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



- Notes:
- Property information shown hereon (recorded descriptions, easements, etc.) was provided by Chicago Title Insurance Company, Commitment No. KC232320, Dated November 3, 2023 at 8:00 A.M..
 - FLOOD NOTE: A portion of this Property lies within Flood Zone AE (Base Flood Elevation determined). Shown hereon, scaled in from FIRM Map # 2009100800D, Revised August 3, 2009. The remainder of this Property lies within Flood Zone X, (areas determined to be outside the 0.2% annual chance floodplain).

REV: 4-10-2024 - CITY COMMENTS DATED 6-9-2023



DATE	3-18-2024	FINAL PLAT OF MUR-LEN COMMERCIAL PARK FIFTH PLAT
DRAWN BY	SCH	
CHECKED BY	AR	
PROJ. NO.	24-022	
SHEET NO. 1		

REV 1: 2024.05.01