



STAFF REPORT

Planning Commission Meeting: February 24, 2025

Application:	FP24-0041: Final Plat for Olathe Commons Third Plat
Location:	Southeast of W. 119 th Street and S. Black Bob Road
Owner/Applicant:	Stephen Furr, CF Olathe LLC
Engineer:	Judd Claussen, Phelps Engineering
Staff Contact:	Nathan Jurey, Senior Planner

Site Area:	<u>29.1 ± acres</u>	Proposed Use:	<u>Multifamily Residences (Lot 1)</u> <u>General Commercial (Lot 2)</u>
Lots:	<u>2</u>	Existing Zoning:	<u>R-3 District (Lot 1)</u> <u>C-2 District (Lot 2)</u>
Tracts:	<u>2</u>	Plat:	<u>Olathe Commons 1st & 2nd Plats</u>

1. Introduction

The following application is a request to approve the final plat for Olathe Commons Third Plat. This item was continued from the February 10, 2025 Planning Commission meeting at the request of the applicant. The plat establishes lot lines and dedicates public easements and street right-of-way for two (2) lots and two (2) tracts on 29.1 ± acres, located southeast of W. 119th Street and S. Black Bob Road. This plat will also vacate existing easements and other public dedications to accommodate the proposed development. This is a replat of Olathe Commons First and Second Plats and is consistent with the approved preliminary plan.

The property was annexed into the City in 1968 (Ord. 120-C). In 2007, the Olathe Commons First Plat (FP07-0029) and Second Plat (FP07-0076) were recorded at the County for a previously approved development that was never constructed. In 2017, the northern 6 acres (Lot 2) was zoned to the C-2 District (RZ17-0019) with a preliminary plan for commercial development. In October 2024, the southern 23 acres (Lot 1) was rezoned to the R-3 District (RZ24-0011) with a preliminary plan for a 214-unit multifamily development.

The applicant has submitted a final development plan (PAR24-0053) that is currently under review for the 214-unit multifamily development on Lot 1 but is not pursuing the commercial development on Lot 2 at this time. When a developer is identified for Lot 2, a revised preliminary development plan will be required by the Unified Development Ordinance (UDO) if a major change from the approved plan is proposed.



Aerial map with subject property outlined in red.

2. Plat Review

- a. **Lots/Tracts** – This plat includes two (2) lots and two (2) tracts. Lot 1 is for the Olathe Commons multifamily development and Lot 2 is intended for a future commercial development. Tracts A and B are stormwater tracts intended to be owned and maintained by the owner of Lot 1. This plat vacates the previously platted build lines and paving setback lines.
- b. **Streets/Right-of-Way** – The rights-of-way for 120th and Alcan Streets are shown on this plat as previously dedicated with Olathe Commons 1st Plat and Lots 1 and 2 will take access from those two streets. The previously platted Limits of No Access remain at 120th Street to the east and along 119th Street as required by the City's Access Management Plan.
- c. **Public Utilities** – The City of Olathe will be responsible for administering sanitary sewer requirements for the entire property though only the northwestern half of this site discharges into the City of Olathe sanitary sewer system. The southeastern half discharges into the Johnson County Wastewater (JCW) sewer system, so an interlocal agreement between Olathe and JCW must be executed prior to plat recording. Additionally, the property owner must record a Sanitary Sewer Maintenance Agreement to memorialize private sewer maintenance responsibilities. This plat vacates existing sanitary sewer easements and dedicates new sanitary sewer (SS/E) easements to Olathe.

The entire site is in the City of Olathe water service area. The plat vacates existing waterline easements and dedicates new utility (U/E) and public utility (PUB/E) easements to Olathe to service this development.

- d. **Stormwater** – This plat vacates existing storm sewer easements and dedicates new public drainage (D/E) easements to the City where public storm sewer infrastructure is required. Tracts A and B are dedicated as private water quality and quantity drainage (WQQD/E) easements for the owner of Lot 1 to maintain and the required Stormwater Treatment Facility Maintenance Agreement will be recorded with this plat.
- e. **Tree Preservation** – This plat vacates three small tree preservation (TP/E) easements along the south property line and re-dedicates two large TP/E's along both the south and east property lines as approved with the preliminary development plan. All tree preservation measures will be installed as required by UDO 18.30.240.

3. Public Notification

The Unified Development Ordinance (UDO) 18.40.190 requires the vacation of public dedications be approved by the Planning Commission following mailed notification and a public hearing. The applicant mailed the required public notification by certified mail to property owners within 200 feet of the project site. Staff received one inquiry from a neighbor requesting to view the proposal; staff provided the proposal and no further inquiries were made.

City of Olathe Engineering and Planning staff has no objections to the request to vacate public easements and other public dedications as new easements are dedicated as necessary to serve the development. No other utility company has the right to use the easements being vacated and thus are not impacted by this request.

4. Staff Recommendation

- A. Staff recommends approval of FP24-0041, the final plat of Olathe Commons Third Plat, with the following stipulation.
 - 1. Prior to plat recording, a sanitary sewer maintenance agreement must be approved by the City and executed and recorded by the property owner.

RESURVEY AND REPLAT OF OLATHE COMMONS FIRST PLAT AND OLATHE COMMONS SECOND PLAT, BOTH
BEING PLATTED SUBDIVISIONS OF LAND IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 13
SOUTH, RANGE 24 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

