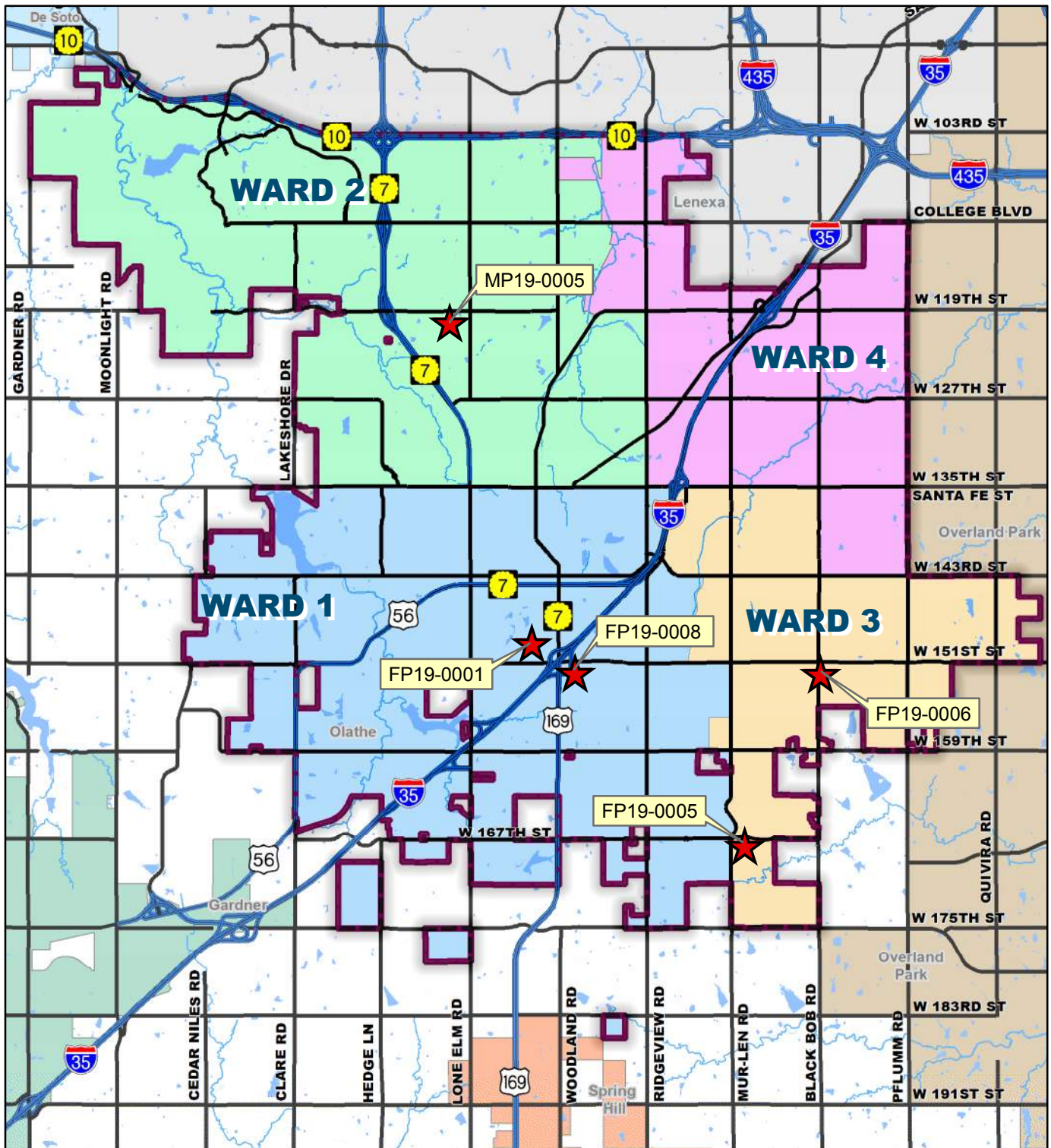


# APRIL 22, 2019

## OLATHE PLANNING COMMISSION

### CASE LOCATIONS



User: jaredmd  
Date: 04/17/2019





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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**QUORUM ACKNOWLEDGEMENT**

**CONSENT AGENDA**

- A. **MN19-0408**: Standing approval of the minutes as written from the April 8, 2019 Planning Commission meeting.
- B. **MP19-0005**: Request approval for a minor plat for **Ranch Villas at Prairie Haven, Lot 23** containing 4 lots on 0.28± acres; located in the vicinity of 119th Street and Lone Elm Road.  
Owner / Applicant: Greg Prieb; Prieb Homes  
Engineer: Timothy Tucker; Phelps Engineering, Inc.
- C. **FP19-0005**: Request approval for a final plat for **Townhomes of Fairfield Village, Forty-Sixth Plat** containing 6 lots and 1 common tract on 0.75± acres; located in the vicinity of 168th Place and Kimble Street.  
Owner: Gary Jones; Fairfield Courts, LLC  
Applicant/ Engineer: Tim Tucker; Phelps Engineering, Inc.
- D. **FP19-0006**: Request approval for a final plat for **Black Bob 151 Shops Lot 8 Replat** containing 2 lots and 1 common tract on 0.89± acres; located at 15205 S Black Bob Road.  
Owner: Toby Scott & Dave Meats; Adio Ventures LLC & Meat & McDonald, LLC  
Applicant/ Engineer: Judd Claussen, P.E.; Phelps Engineering, Inc.
- E. **FP19-0008**: Request approval for a final plat for **Shield Storage W. 151st Terrace** containing 1 lot and no common tracts on 3.06± acres; located southeast of the intersection of W. 151st Street and US 169 Highway.  
Owner: CP GDP Olathe, LLC  
Applicant / Engineer: Andrea Weisnabt; Jim Story, LLC

**REGULAR AGENDA-NEW BUSINESS**

**A. PUBLIC HEARING**

**FP19-0001**: Request approval for a final plat and vacation of existing public utility easements for **Mentum** containing 16 commercial lots, 2 lots for apartments, and 1 common tract on 105.5± acres; located west of Harrison Street, between 151st Street and Southpark Boulevard.

Owner: David Harrison; Great Olathe Center, LLC  
Applicant: Joshua Woodbury; Woodbury Corporation  
Engineer: Judd Claussen; Phelps Engineering, Inc.

**ANNOUNCEMENTS****ADJOURNMENT**



City of Olathe

City Planning Division

## **MINUTES – Opening Remarks**

**Planning Commission Meeting: April 8, 2019**

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The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Chip Corcoran, Barry Sutherland, Ryan Freeman, Mike Rinke, Jeremy Fry and Ryan Nelson were present. Commissioner Jose Munoz was absent.

*Recited Pledge of Allegiance.*

The Chair made introductory comments. Regarding *ex parte* communication, the Chair requested that if a commissioner had something to report, they specify the nature of the *ex parte* communication when item is reached in the agenda.

A motion to approve MN19-0325, the meeting minutes from March 25, 2019, was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 7-0.



City of Olathe  
City Planning Division

## MINUTES

### Planning Commission Meeting: April 8, 2019

<b>Application:</b>	<b><u>MP19-0004</u></b> Request approval for a minor plat for <b>The Landings at Stone Creek Fifth Plat</b> containing 3 lots on 0.28± acres; located north of the intersection of W. 123 <sup>rd</sup> Terrace and S. Prairie Creek Road.
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*A motion to approve MP19-0004 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 7-0, with the following staff stipulations:*

- A. Prior to recording the plat, a digital file of the final plat (.pdf format) shall be submitted to the Planning Division.
- B. The sidewalk serving the lots included within this minor plat shall be constructed prior to issuance of a certificate of occupancy.
- C. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and coolers shall be screened from public view with three-sided landscaping or with an architectural treatment compatible with the building architecture per UDO, Section 18.30.130.I.6.



City of Olathe  
City Planning Division

## MINUTES

### Planning Commission Meeting: April 8, 2019

<b>Application:</b>	<b><u>FP19-0003</u></b> Request approval for a final plat for <b>Hickman Farms Estate</b> containing 1 lot on 3.59± acres; located at the southwest corner of the intersection of Parker Street and W. 124 <sup>th</sup> Street.
---------------------	--

*A motion to approve FP19-0003 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 7-0, with the following staff stipulations:*

- A. City acceptance of the sewers on the subject property shall occur prior to issuance of a certificate of occupancy for the single-family home on the subject property.
- B. The driveway located at the corner of Parker Street and W. 124<sup>th</sup> Terrace shall be removed prior to issuance of a certificate of occupancy.
- C. The final plat shall be recorded prior to issuance of a certificate of occupancy.



City of Olathe  
City Planning Division

## MINUTES

### Planning Commission Meeting: April 8, 2019

<b>Application:</b>	<b><u>FP19-0004</u></b> Request approval for a final plat for <b>Olathe Station Four</b> (a replat of all of Lot1A, Olathe Station Three) containing 3 lots and 1 common tract on 14.59 acres; located at the southeast corner of Strang Line Road and Strang Line Court.
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*A motion to approve FP19-0004 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 7-0, with the following staff stipulations:*

- A. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- B. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials.
- C. Prior to issuance of a building permit, a performance and maintenance bond or letter of credit in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO 18.30.120C and UDO 18.30.210 E. to ensure that all erosion control measures and water quality features are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.



City of Olathe  
City Planning Division

## MINUTES

### Planning Commission Meeting: April 8, 2019

<b>Application:</b>	<b><u>RZ19-0001</u></b> Request approval for a rezoning from R-3 District to R-4 District and preliminary plan for Saddlewood Apartments on 18.99 acres; located in the vicinity of W. 154 <sup>th</sup> Street and S. Brentwood Street.
---------------------	--

Dan Fernandez, Planner II, appeared before the Planning Commission, summarizing this request for rezoning from RP-3 to R-4, and approval of a preliminary site development plan for Saddlewood Apartments, consistent of four apartment buildings with 444 total units and a density of 23.4 units per acre.

**Mr. Fernandez** noted that a preliminary site development plan for 360 units was approved in 1998; 92 have been built to the north of the subject property, resulting in 536 units at total build-out.

**Mr. Fernandez** stated the applicant has mailed the required public notifications and held a neighborhood meeting that was attended by 21 residents. Issues discussed included building height, parking, construction timeline, history of the developer.

**Mr. Fernandez** presented a zoning map and noted the subject site in relationship to surrounding properties, including R-3 for senior housing and industrial and commercial to the west. Mr. Fernandez then presented a plan for the site and noted that the applicant meets all setback requirements. He said Buildings A and D reduce to three stories as they approach Brentwood. Open space requirements have also been met, and a 3 to 6-foot berm is included along Brentwood. A second pool area, a walking path and dog park are part of the plan, and staff stipulates that gardens and seating areas be included along the green space. There are walking paths within the site that will connect to interior sidewalks and existing sidewalks along the streets.

**Mr. Fernandez** said that there are 824 parking spaces provided, which is about 1.86 spaces per unit, which exceeds the UDO requirement of 1.5 spaces per unit.

**Mr. Fernandez** said that nearby residents are concerned about traffic. He noted that surrounding streets are built to collector street standards, which are designed to take in the added trips that will come with this development. The applicant plans to develop the site from the northwest to the southeast. The first phase will consist of removing a basketball court and construct parking for residents. Phase 2 will be construction of Building A, Phase 3, Building B, Phase 4, Building C, and Phase 5, Building D.

**Mr. Fernandez** noted that the landscape plan shows landscaping on the berm along Brentwood. He added that the building meets all design requirements for amount of glass on primary elevations, as well as height requirement when located next to single-family residential has been met. Buildings are located between 144 and 300 feet from single-family property. All sides of the building facades meet the Category 1 material requirement of 70 percent on each elevation although not all elevations are primary. **Mr. Fernandez** presented line-of-sight drawings for all buildings.



**Mr. Fernandez** stated that three waivers are being requested. One is for a 20- to 25-foot landscape buffer on property lines adjacent to industrial zoning. The requirement is for a 75-foot buffer with no landscaping. The second waiver is for parking/paving setback for multifamily districts, which requires 30 feet; the applicant is proposing 20 feet for a small section. The third waiver is for a required six-foot berm along property lines adjacent to single-family homes. The applicant is providing a 3- to 6-foot berm. Staff is supportive of all waivers as submitted.

**Mr. Fernandez** noted that neighbors also had concerns about height of the buildings, setbacks and parking. Taking note of the concerns of the neighbors and hearing staff's comments, the applicant revised the plan to show 4-story buildings stepping down to 3-story buildings as they approach Brentwood. Setbacks were also increased to 116 feet, and a landscape berm was added along Brentwood for additional screening. Also, after hearing comments from neighbors, the applicant has removed an interior street, which increased green space and parking. The parking ratio for this development is greater than many other developments that have previously been approved. **Mr. Fernandez** said staff recommends approval of this application.

**Comm. Sutherland** asked where the 3-foot berms versus 6-foot berms will be. **Mr. Fernandez** indicated the berms on the site plan and deferred further verification of placement to the applicant. **Comm. Fry** questioned, if zoning was not changed for this property, what type of development would be allowed. **Mr. Fernandez** replied that 17 units per acre would be allowed as it is now zoned. **Comm. Rinke** asked if 17 units per acre would be allowed in a planned district. Mr. Fernandez responded that a request would have to be made and the plan would have to be revised.

**Chair Vakas** opened the public hearing and asked the applicant to come forward. **Aaron March, Rouse Frets White Goss**, 4510 Bellview, Kansas City, approached the podium, appearing behalf of the applicant and the owners of the property. Mr. March started by introducing members of the team involved in this project. After working with staff and listening to comments from neighbors, he believes they have come up with the best project possible for this site.

**Mr. March** presented photos of the site, pointing out buildings and adjacent properties. They plan to build taller, higher-quality buildings in order to get above the sight lines on the west. Repainting of existing buildings will start soon, and landscaping has already been installed. Rents at this property would be approximately \$1,500 per month for a one-bedroom apartment. They strive to set a new standard of quality for this area. Building taller buildings allows them to provide better housing for people in terms of the views from their apartments. Area to the south will mostly remain open in response to comments received from neighbors. Mr. March said that these four buildings will create a sense of community in this area.

**Mr. March** presented several additional photo perspectives of the four buildings and described each in detail. Line of sight studies have been done and submitted. Mr. March agrees with staff's recommendation for approval because they comply with the Comprehensive Plan, and because they exceed design standards. He said this project will have the highest per-unit parking of any recently-approved projects because of concerns expressed by neighbors.

Finally, **Mr. March** said that staff asked if the applicant would consider moving trash receptacles away from Brentwood. He said they will examine that possibility and have an answer before meeting with City Council. Also, there was a request to relocate a drive further to the north. He said they will study that possibility and move it if possible.

**Comm. Freeman** asked about timing on the phasing. **Mr. March** responded that they hope to start Phase 2 as soon as possible after approval, including additional parking.

**Bill Seiler, 1554 South Hillside, Unit 3903**, approached the podium and spoke in opposition to the project. He lives in the Villas of Asbury and is president of their home association. He is

concerned about Phase 5, specifically the four-story buildings. He requests that the rezoning on Phase 5 be deferred, and/or site development on Phase 5 not be approved as it relates to four stories.

**Tyler Nunemaker, 18302 West 155th Street**, approached the podium. He is the treasurer for Saddlewood Downs home association. They are concerned about parking, noting that apartment residents have parked within their neighborhood on multiple occasions. He said they are working with the developer to establish "No Parking" zones on 153rd, 154th, and 155th Streets, and 153rd Court. Also, he is working with the developer to replace trees that are either not mature or some that have died.

*Motion by Comm. Fry, seconded by Comm. Rinke, to close the public hearing.*

*Motion passed 7-0.*

**Comm. Fry** appreciates the developer and their willingness to work with the neighbors to better this project. **Comm. Sutherland** agreed with Comm. Fry's comments. He is a resident of Saddlewood Downs and believes this will be a good addition to the community. **Chair Vakas** asked if there were any concerns about having four stories. **Comm. Freeman** responded that the elevations look good and appreciates feedback from neighbors. He is fine with the recommendations and stipulations as written in the staff report. **Comm. Nelson** said this request is reasonable and sees this as a solid plan. He said moving the drive is not simple because there could be other implications, but the layout looks good and well thought through.

*Motion by Comm. Freeman, seconded by Comm. Sutherland, to recommend approval of RZ19-0001, for the following reasons:*

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Housing and Neighborhoods (Principle HN-1.8 HN-2.1 and LUCC-7.1).
- (2) The requested rezoning to R-4 district meets the Unified Development Ordinance (UDO) criteria for considering zoning applications, with exceptions to certain requirements as noted.
- (3) The proposed development as stipulated meets composite design standards for **Site Design Category 3** (UDO 18.15.115) and **Building Design Category B** (UDO 18.15.030).

*Comm. Freeman's motion included recommending that the following stipulations be included in the ordinance:*

- (1) A final plat shall be approved and recorded, and all excise fees paid prior to issuance of a building permit.
- (2) A final site development plan shall be approved prior to submitting for building permits.

*Comm. Freeman's motion included recommending that the following stipulations be included in the final site development plan:*

- (1) A waiver shall be granted to permit a 20-foot parking/paving setback for a portion of the section along Brentwood Street as shown on the preliminary site development plan.

- (2) A waiver shall be granted to permit the berm within the Type 3 Landscape Buffer to range from 3 to 6 feet as shown on the preliminary site development plan.
- (3) A waiver shall be granted to permit the berm within the Type 5B Landscape Buffer to be 20 to 34 feet in width as shown on the preliminary site development plans.
- (4) The dog park shall be relocated, or the stormwater basin redesigned with the final site development plan application.
- (5) Aerial apparatus access for Building A, Building B, Building C, and Building D that shows the revisions, with dimensions, as required by the Fire Department shall be approved with the final site development plan.
- (6) The final site development plans shall provide a road at least 26 feet wide on one side of the building, located at least 15 feet and no more than 30 feet from the building. Where no landscaping is provided (asphalt/concrete only), this requires a 41-foot minimum wide road that fronts each building to allow for aerial apparatus operations.
- (7) All portions of the building will be required to be within 600 feet of a hydrant (travel distance) for sprinklered buildings (IFC Section 507.5.1, Ex 2).
- (8) A fire department connection (FDC) is required within 100 feet of a hydrant for sprinklered buildings. The FDC is required to be accessible from a fire apparatus access road. The City of Olathe Fire Code Amendment 16.05.340 requires a 4-inch Storz quick coupling connection (IFC Section 507.5.1.1).
- (9) Details of the parking lot lighting poles and fixtures per Section 18.30.135 of the UDO shall be submitted with the final site development plan.
- (10) Sitting/picnic areas shall be added and shown in the middle greenspace with the final site development plan submittal.

*Aye: Sutherland, Freeman, Nelson, Rinke, Fry, Corcoran, Vakas (7)*

*No: (0)*

*Motion was approved 7-0.*



City of Olathe  
City Planning Division

**MINUTES – Other Matters**

**Planning Commission Meeting: April 8, 2019**

**Chairman Vakas** noted that the next Planning Commission meeting is scheduled for Monday, April 22, 2019, at 7:00 p.m.

*Meeting adjourned.*



City of Olathe  
City Planning Division

## STAFF REPORT

**Planning Commission Meeting: April 22, 2019**

<b>Application:</b>	<b><u>MP19-0005</u>: Ranch Villas at Prairie Haven, Lot 23</b>		
<b>Location:</b>	In the vicinity of 119 <sup>th</sup> Street and Lone Elm Road		
<b>Owner/Applicant:</b>	Gregory Prieb II, Prieb Homes		
<b>Engineer:</b>	Tim Tucker, P.E., Phelps Engineering, Inc.		
<b>Staff Contact:</b>	Joshua Gentzler, Planning Intern		

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<b>Total Area:</b>	<u>.28 Acres</u>	<b>Proposed Use:</b>	<u>Residential</u>
<b>Current Zoning:</b>	<u>RP-3</u>	<b>Units/Lots:</b>	<u>4</u>
		<b>Tracts:</b>	<u>0</u>

### 1. Comments:

This is a request for approval of a minor plat for Ranch Villas at Prairie Haven, Lot 23 (a resurvey and replat of Lot 23, Ranch Villas at Prairie Haven) on .28 acres, located in the vicinity of 119<sup>th</sup> Street and Lone Elm Road.

The rezoning and preliminary site development plan (RZ-18-01) and final plat (P-62-01) for Ranch Villas at Prairie Haven were approved by the Planning Commission in 2001.

As the townhomes are complete, the existing lots are replatted for the sale of the individual units.

No public easement or right-of-way will be dedicated with this replat and therefore the plat will not require City Council acceptance.



*Aerial of Site (site outlined in blue)*



*Photo of Site from Provence Street*

## 2. Final Plat Review

- a. **Lots/Tracts** – The replat includes four (4) lots for a total of four (4) individual but attached villa units.

The layout of the units is consistent with the approved final plat.

The proposed lots exceed the minimum lot area of 3,000 square feet as required for RP-3 Districts and vary in size from approximately 3,070 square feet to approximately 3,120 square feet.

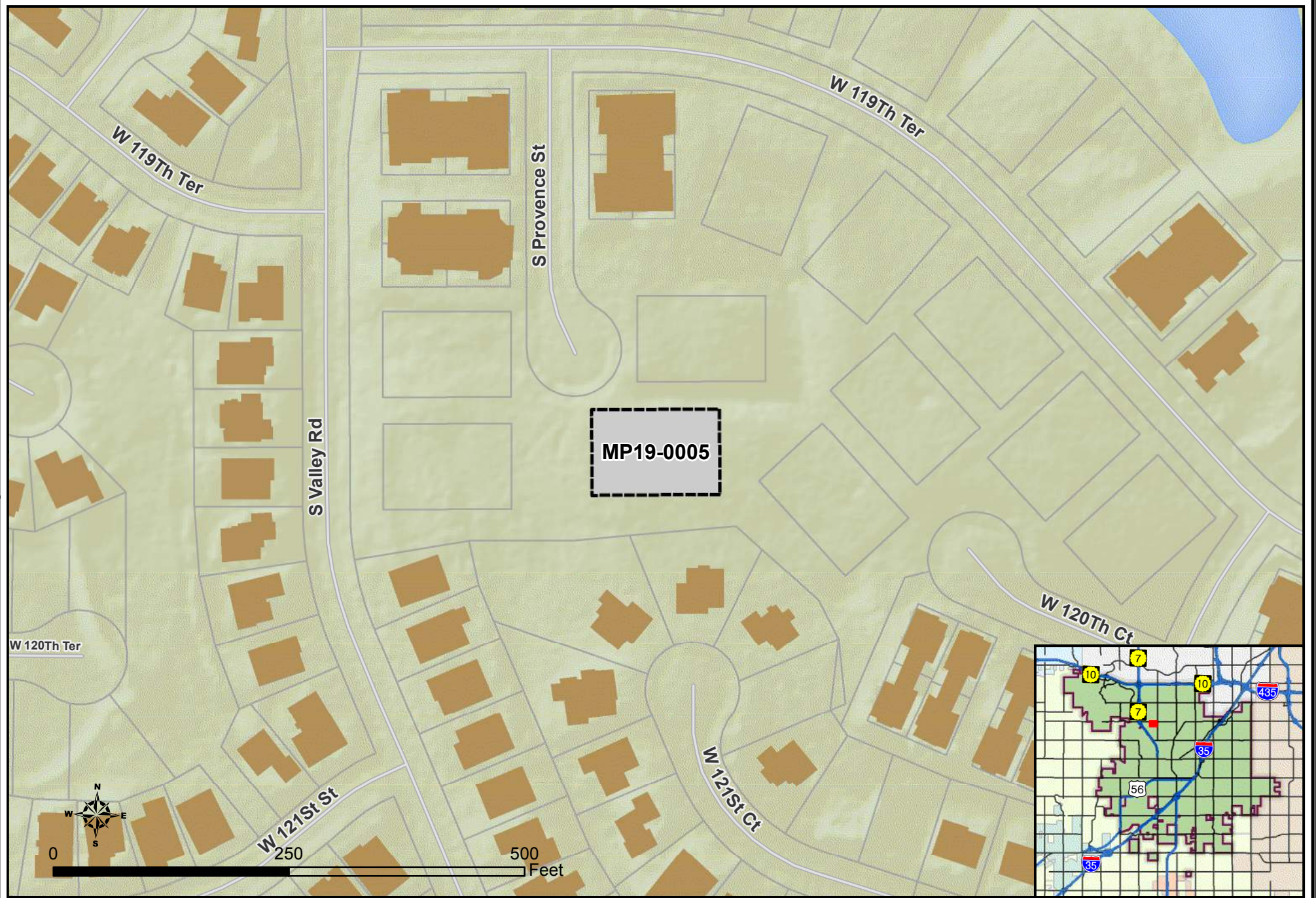
- b. **Utilities/Municipal Services** – The property is located in the City of Olathe Sewer and the WaterOne service areas.
- c. **Streets** – All units will have access to S. Provence Street, which is a part of the public street network, via the common drives in Tract A.
- d. **Street and Signal Excise Taxes** – No excise fees are due with this application since the property has already been platted.
- e. **Landscaping/Tree Preservation** – Per stipulation d. of P-62-01, “The developer is responsible for planting street trees. Such trees shall be planted at the completion of each phase of development.”
- f. **Amenities** - Per stipulation f. of P-62-01, “Sidewalks shall be constructed in conformance with the Unified Development Ordinance (UDO) and the approved final site development plan.”

### 3. Staff Recommendation:

Staff recommends approval of MP19-0005 with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the Planning Division.
- b. Sidewalks shall be constructed on both sides of all public and private streets and drives as required by the RP-3 zoning ordinance.
- c. The developer is responsible for planting street trees, subject to UDO 18.30.130. Such trees shall be planted at the completion of each phase of development.
- d. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130.
- e. A note shall be included on the building permit stating that all above ground mechanical equipment shall be screened according to UDO 18.30.130.





**RANCH VILLAS AT PRAIRIE HAVEN, LOT 23**  
**MP19-0005**



User: jaredmd  
Date: 04/17/2019





FINAL PLAT OF  
**RANCH VILLAS AT PRAIRIE HAVEN,  
LOT 23**

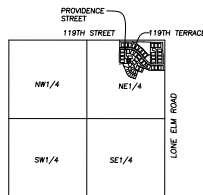
A RESURVEY AND REPLAT OF LOT 23, RANCH VILLAS AT PRAIRIE HAVEN,  
A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



LOT AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)
23A	3070.23	0.0706
23B	3103.79	0.0713
23C	3116.85	0.0715
23D	3065.06	0.0706
PLAT BOUNDARY	12376.00	0.2841

**LEGEND**

- DENOTES SET 1/2" X 24" REBAR W/PHELPS CORP. CUS-82 PLASTIC CAP IN CONCRETE
- DENOTES FOUND MAG. NAIL FROM ORIGINAL CENTERLINE CONTROL POINTS SET BY GREEN ENGINEERING SERVICES ON MARCH 14, 2002
- B.L. DENOTES BUILDING LINE
- E/W DENOTES EXPRESS WELL
- P/D DENOTES PROPOSED DRIVE PER APPROVED SITE PLAN



ANGLE POINT  
RANCH VILLAS AT  
PRAIRIE HAVEN  
& NW COR. LOT 45,  
RANCH VILLAS AT  
PRAIRIE HAVEN

WESTERLY LINE  
RANCH VILLAS AT  
PRAIRIE HAVEN  
& N. LINE LOT 45,  
RANCH VILLAS AT  
PRAIRIE HAVEN

N. LINE LOT 45,  
RANCH VILLAS AT  
PRAIRIE HAVEN

LOT 45  
RANCH VILLAS  
AT PRAIRIE HAVEN

LOT 44  
RANCH VILLAS  
AT PRAIRIE HAVEN

LOT 30  
RANCH VILLAS  
AT PRAIRIE HAVEN

**LEGAL DESCRIPTION**

A resurvey and replat of Lot 23, RANCH VILLAS AT PRAIRIE HAVEN, a subdivision of land in the Northeast Quarter of Section 22, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, containing 0.2841 acres, more or less of replatted land.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "RANCH VILLAS AT PRAIRIE HAVEN, LOT 23".

**DEDICATION**

The undersigned proprietors of the property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues, and alleys, not heretofore dedicated.

The undersigned proprietors of said property shown on this plat do hereby certify 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 some person, utility or corporation shall retain whatever rights they would have as if located in a public street.

**CONSENT TO LEVY**

The undersigned proprietors of the above described tract of 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 rescind 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 assessments on such land dedicated, shall remain a lien on the remainder of this land bearing and abutting on said dedicated public way or thoroughfare.

**RESTRICTIONS**

All lots, parcels, tracts and properties in this subdivision shall hereafter be subject to the Declaration of Restrictions for "Ranch Villas at Prairie Haven", which instrument is recorded in the Office of the Register of Deeds of Johnson County, Kansas, and which shall hereby become a part of the dedication of this plat as though fully set forth herein.

**EXECUTION**

IN TESTIMONY WHEREOF, PRIEB HOMES, INC., has caused this instrument to be executed by its Member this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Gregory D Prieb II, President

**ACKNOWLEDGEMENT**

STATE OF KANSAS }  
COUNTY OF JOHNSON }

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, came Gregory D. Prieb II, President of Prieb Homes, Inc., who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Company, and said 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 official seal the day and year last above written.

NOTARY PUBLIC: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

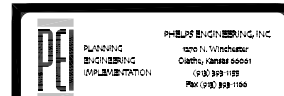
Print Name: \_\_\_\_\_

**APPROVALS**

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

Chairman: C.S. Vukob

I, Thomas Dwayne Phelps, hereby certify that on March 2019, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat.





City of Olathe  
City Planning Division

## STAFF REPORT

**Planning Commission Meeting: April 22, 2019**

<b>Application:</b>	<b><u>FP19-0005</u>: Townhomes at Fairfield Village, Forty-Sixth Plat</b>		
<b>Location:</b>	In the vicinity of 168 <sup>th</sup> Place and Kimble Street		
<b>Owner/Applicant:</b>	Gary Jones, Fairfield Courts, LLC		
<b>Engineer:</b>	Tim Tucker, P.E., Phelps Engineering, Inc.		
<b>Staff Contact:</b>	Joshua Gentzler, Planning Intern		

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<b>Total Area:</b>	<u>.75 Acres</u>	<b>Proposed Use:</b>	<u>Multifamily Residential</u>
<b>Current Zoning:</b>	<u>RP-3</u>	<b>Units/Lots:</b>	<u>6</u>
		<b>Tracts:</b>	<u>1</u>

### 1. Comments:

This is a request for approval of a minor plat for Townhomes at Fairfield Village, Forty-Sixth Plat (a resurvey and replat of Tract H, The Courts at Fairfield Village, Sixth Plat), on 0.75± acres, located in the vicinity of 168<sup>th</sup> Place and Kimble Street.

The rezoning and preliminary site development plan (RZ-07-008) for The Courts at Fairfield Village and final plat (P-17-048) were approved in 2007.

As the townhomes are complete, the existing lots are replatted for the sale of the individual units.

No public easement or right-of-way will be dedicated with this replat and therefore the plat will not require City Council acceptance.



*Aerial of Site (site outlined in blue)*



*Photo of Site from Kimble Street*

## 2. Final Plat Review

- a. **Lots/Tracts** – The replat includes six (6) lots for two buildings each with three (3) individual but attached villa units.

The layout of the units is consistent with the approved final plat.

The proposed lots exceed the minimum lot area of 3,000 square feet as required for RP-3 Districts and vary in size from approximately 3,500 square feet to approximately 4,800 square feet.

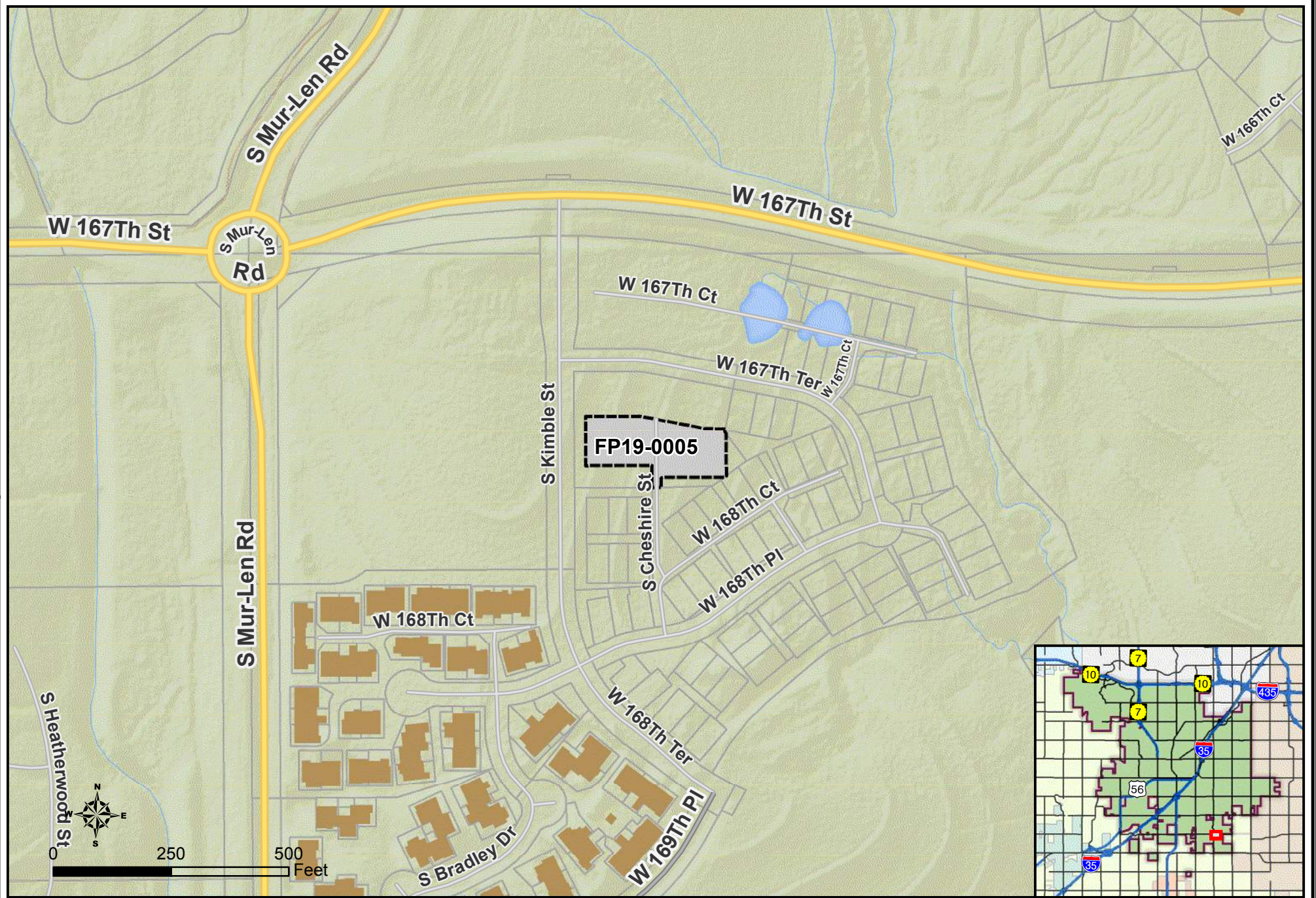
- b. **Utilities/Municipal Services** – The property is located in the Johnson County Wastewater Sewer and the WaterOne service areas.
- c. **Streets** – All units will have access to internal private drives, within Tract A, which will connect to 167<sup>th</sup> Terrace, which is a part of the public street network.
- d. **Street and Signal Excise Taxes** – No excise fees are due with this application since the property has already been platted.
- e. **Landscaping/Tree Preservation** – Per stipulation e of P-17-048, “Prior to recording the final plat, a street tree and master landscape plan shall be submitted in accordance with Unified Development Ordinance (UDO) 18.30.130 G. Such trees shall be planted at the completion of each phase of development.”
- f. **Amenities** – The plat shows a trail which will be built to the south of the property.

### 3. Staff Recommendation:

Staff recommends approval of FP19-0005 with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the Planning Division.
- b. Sidewalks shall be constructed on both sides of all public and private streets and drives as required by the RP-3 zoning ordinance.
- c. The developer is responsible for planting street trees, subject to UDO 18.30.130 G. Such trees shall be planted at the completion of each phase of development.
- d. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130.
- e. A note shall be included on the building permit stating that all above ground mechanical equipment shall be screened according to UDO 18.30.130.





**TOWNHOMES OF FAIRFIELD VILLAGE, 46TH PLAT**  
**FP19-0005**



User: jaredmd  
Date: 04/17/2019

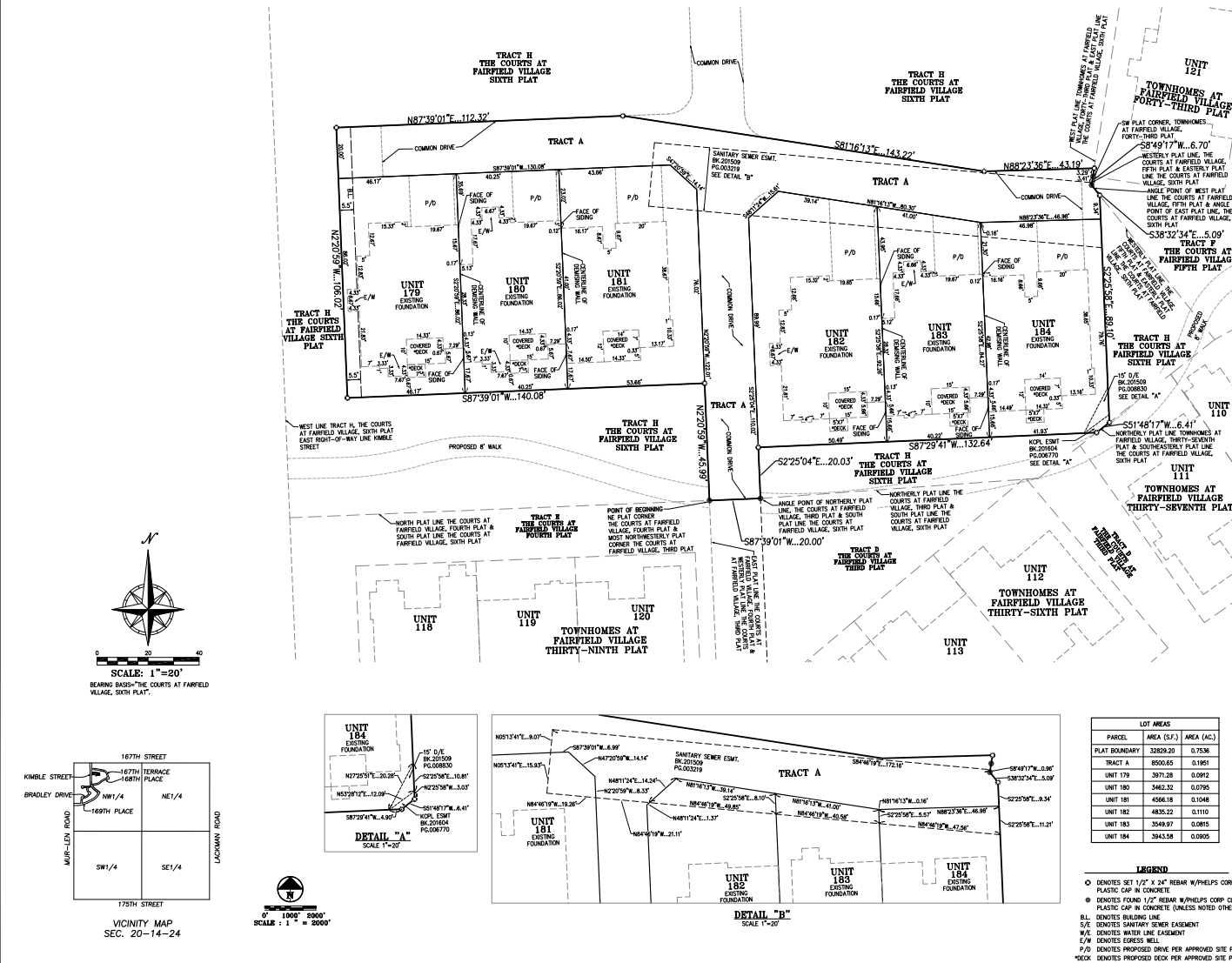




# TOWNHOMES AT FAIRFIELD VILLAGE, FORTY-SIXTH PLAT

(UNITS 179, 180, 181, 182, 183, & 184)

A RESURVEY AND REPLAT OF PART OF TRACT H, THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT,  
A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



**LEGAL DESCRIPTION**

A resurvey and replat of part of Tract H, THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT, a subdivision of land in the Northwest Quarter of Section 20, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northeast Plat corner of the COURTS AT FAIRFIELD VILLAGE, FOURTH PLAT, a subdivision of land in the City of Olathe, Johnson County, Kansas; said point also being the most Northwestern Plat corner of the COURTS AT FAIRFIELD VILLAGE, THIRD PLAT, a subdivision of land in the City of Olathe, Johnson County, Kansas; thence N 2°29'00" W, a distance of 45.09 feet; thence S 87°30'01" W, a distance of 140.08 feet; thence N 2°29'00" W, a distance of 106.02 feet; thence N 87°39'01" E, a distance of 112.32 feet; thence S 81°16'13" E, a distance of 143.22 feet; thence N 88°23'58" E, a distance of 43.19 feet to a point on the West Plat line of said TOWNHOMES AT FAIRFIELD VILLAGE, FORTY-THIRD PLAT, a subdivision of land in the City of Olathe, Johnson County, Kansas; said point also being on the East Plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT; thence S 8°49'17" W, along the West Plat line of said TOWNHOMES AT FAIRFIELD VILLAGE, FORTY-THIRD PLAT, a distance of 3.29 feet to the Southwest Plat corner of said TOWNHOMES AT FAIRFIELD VILLAGE, FORTY-THIRD PLAT; thence continuing S 8°49'17" W, along the West Plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT, a distance of 3.41 feet to an angle point on the east plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT; said point also being on an angle point on the west plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT; thence S 38°32'34" E, along the Western Plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT, and the Eastern Plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT, a distance of 5.09 feet; thence S 2°25'04" E, a distance of 98.25 feet to a point on the Northern Plat line of said TOWNHOMES AT FAIRFIELD VILLAGE, THIRTY-SEVENTH PLAT, a subdivision of land in the City of Olathe, Johnson County, Kansas; said point also being on the Southeast Plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT; thence S 81°46'17" W, along the Southeast Plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT, a distance of 6.41 feet; thence S 87°30'01" W, a distance of 132.64 feet; thence S 2°25'04" E, a distance of 20.03 feet to a point on the South Plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT; said point also being on the Northern Plat line of said THE COURTS AT FAIRFIELD VILLAGE, THIRTY-SEVENTH PLAT; thence S 87°30'01" W, along the South Plat line of said THE COURTS AT FAIRFIELD VILLAGE, SIXTH PLAT and the Northern Plat line of said THE COURTS AT FAIRFIELD VILLAGE, THIRTY-SEVENTH PLAT, a distance of 20.00 feet to the point of beginning, containing 0.7536 acres, more or less as replatted land.

The undersigned proprietors of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "TOWNHOMES AT FAIRFIELD VILLAGE, FORTY-SIXTH PLAT".

**DEDICATION**

The undersigned proprietors of the property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues, and alleys, not heretofore dedicated.

The undersigned proprietors of said property shown on this plat do hereby certify that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to, from, over, or under the property have been obtained except that some person, utility or corporation shall retain whatever rights they would have as if located in a public street.

Tract "A" shall be owned and maintained by the Fairfield Courts Homes Association. Said tract is intended to be used for homeowner amenities, landscaping, monuments, common drive and private open space.

**CONSENT TO LEVY**

The undersigned proprietors of the above described tract of 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 assessments, and that the amount of unpaid special assessments on such land dedicated, shall remain a lien on the remainder of the land fronting and abutting on said dedicated public way or thoroughfare.

**RESTRICTIONS**

All lots, parcels, tracts and properties in this subdivision shall hereafter be subject to the Declaration of Restrictions for "The Courts at Fairfield Village", which instrument is recorded in the Office of the Register of Deeds of Johnson County, Kansas, and which shall hereby become a part of the dedication of this plat as though fully set forth herein.

**EXECUTION**

IN TESTIMONY WHEREOF, FAIRFIELD COURTS, L.L.C., a Kansas Limited Liability Company, has caused this instrument to be executed by its Member this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Gary Jones, Managing Member

**ACKNOWLEDGMENT**

STATE OF KANSAS )  
COUNTY OF JOHNSON ) SS

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, came Gary Jones, Managing Member of Fairfield Courts, L.L.C., 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 said 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 official seal the day and year last above written.

NOTARY PUBLIC: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

**APPROVALS**

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

Chairman: C.S. Vukob

LOT AREAS		
PARCEL	AREA (SF.)	AREA (AC.)
PLAT BOUNDARY	32829.20	0.7536
TRACT A	8500.65	0.1951
UNIT 179	3871.28	0.0892
UNIT 180	3462.32	0.0795
UNIT 181	4266.18	0.1048
UNIT 182	4855.32	0.1110
UNIT 183	3549.97	0.0815
UNIT 184	3943.08	0.0905

**LEGEND**

○ DENOTES SET 1/2" X 3/4" REBAR W/HELPS CORP. CLS-82  
PLASTIC CAP IN CONCRETE  
○ DENOTES FOUND 1/2" REBAR W/HELPS CORP. CLS-82  
PLASTIC CAP IN CONCRETE (UNLESS NOTED OTHERWISE)  
BL DENOTES BUILDING LINE  
S/E DENOTES SANITARY SEWER EASEMENT  
W/E DENOTES WATER LINE EASEMENT  
L/W DENOTES EXPRESS WALK  
P/D DENOTES PROPOSED DRIVE PER APPROVED SITE PLAN  
\*DENOTES PROPOSED DECK PER APPROVED SITE PLAN

**NOTE:**

RESIDENTS WITHIN THE COURTS AT FAIRFIELD VILLAGE ARE REQUIRED TO PLACE THEIR "SMART-CART" TRASH CONTAINERS AT THE CURB OF PUBLIC STREETS FOR COLLECTION. WITHIN THIS DEVELOPMENT, THE RESIDENTIAL UNITS ARE ACCESSIBLE BY PRIVATE DEAD-END DRIVES OFF OF PUBLIC STREETS AND CUL-DE-SACS. "SMART-CART" TRASH CONTAINERS WILL BE COLLECTED ALONG THE PUBLIC STREETS AND CUL-DE-SACS AND WILL NOT BE COLLECTED ALONG THE PRIVATE OR DEAD-END DRIVES.

I, Thomas Wayne Phelps, hereby certify that in January 2019, I, or someone under my direct supervision, made a field visit to the property and the described tract of land and the results of said survey are correctly represented on this plat.

THOMAS WAYNE PHELPS  
LAND SURVEYOR  
L.S.-1078  
Thomas Wayne Phelps, Kansas R.L.S. # 1075

PHILIPS ENGINEERING INC.  
1202 N. Vineland  
Olathe, Kansas 66061  
(913) 919-1195  
Fax: (913) 919-1180



City of Olathe  
Planning Division

## STAFF REPORT

Planning Commission Meeting: April 22, 2019

<b>Application:</b>	<b>FP19-0006, Final Plat for Black Bob 151 Shops Lot 8 Replat</b>		
<b>Location:</b>	15205 S. Black Bob Road		
<b>Owners:</b>	Toby Scott & Dave Meats; Adio Ventures LLC & Meats & McDonald, LLC		
<b>Engineer:</b>	Judd Claussen, P.E.; Phelps Engineering, Inc.		
<b>Staff Contact:</b>	Zachary Moore, Planner II		

<b>Site Area:</b>	<u>0.89± acres</u>	<b>Use:</b>	<u>Office building</u>
<b>Lots:</b>	<u>2</u>		
<b>Tracts:</b>	<u>1</u>	<b>Current Zoning:</b>	<u>C-2</u>

### 1. Comments:

The following application is a final plat for Black Bob 151 Shops Lot 8 Replat, containing two commercial lots and one common tract. This is a replat of the existing Lot 8 of Black Bob 151 Shops which was recorded in March 2011. The subject property and surrounding shopping center were annexed in March 1985 and subsequently rezoned to C-2 in April 1989. A preliminary site development plan was approved for the Black Bob 151 Shops in December 2007 and a final site development plan (PR18-0012) was approved for the subject property in March 2018. A building permit for the existing office building was issued in November 2018. This replat will divide the building into two separate units and will establish a common tract to be used for amenities, landscaping, monuments, access and parking, and private open space.

### 2. Plat Review:

- Lots/Tracts** – The plat includes a total of two commercial lots and one common tract. Lot 1 is approximately 0.17± acres, Lot 2 is approximately 0.09± acres, and Tract A is approximately 0.63 acres in size.
- Public Utilities** – The subject property is located within the City of Olathe water service area and the Johnson County Wastewater service area. Utility Easements (U/E), Waterline Easements (WL/E), and Sanitary Sewer Easements (S/E) will be dedicated with this final plat.
- Streets/Right-of-Way** – No public street right-of-way is required to be dedicated with this final plat. The subject properties will take access from an internal drive within the shopping center. There is no direct vehicular access from Tract A, where the parking lot is to be located, to Black Bob Road.

### 3. Excise Taxes

Chapter 3.35.050(B) of the Olathe Municipal Code states that any replat of previously platted land that was approved by the City is exempt from paying street and traffic signal excise taxes. Since this application is for a replat of previously platted property, no street or traffic signal excise taxes are required.



*Aerial view of site outlined in navy*





*View of existing building from internal access drive*

**Staff Recommendation:**

Staff recommends approval of FP19-0006, final plat for Black Bob 151 Shops Lot 8 Replat with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (.pdf format) shall be submitted to the Planning Division.
- b. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and coolers shall be screened from public view with three-sided landscaping or with an architectural treatment compatible with the building architecture per UDO, Section 18.30.130.I.6.





**BLACK BOB 151 SHOPS, LOT 8**  
**FP19-0006**



User: jaredmd  
Date: 04/17/2019



# FINAL PLAT OF BLACK BOB 151 SHOPS LOT 8 REPLAT

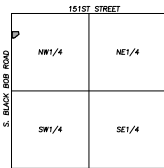
RESURVEY AND REPLAT OF LOT 8, BLACK BOB 151 SHOPS, A  
PLATTED SUBDIVISION OF LAND IN THE NORTHWEST QUARTER OF  
SECTION 9, TOWNSHIP 14 SOUTH, RANGE 24 EAST,  
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



SCALE: 1"=20'  
BEARING BASE: RECORDED PLAT OF  
"BLACK BOB 151 SHOPS"

## LEGEND

- DENOTES FOUND 1/4" BRASS MONUMENT  
STAMPED: PHELPS K&S S.D. RES. 1/2"x24"  
REBAR W/PHILIPS CORP. CLS-82 PLASTIC CAP  
IN CONCRETE
- DENOTES FOUND 1/2" REBAR W/PHILIPS CORP.  
CLS-82 PLASTIC CAP IN CONCRETE
- U/E DENOTES UTILITY EASEMENT
- B/L DENOTES BUILDING LINE
- W/E DENOTES WATER LINE EASEMENT
- S/E DENOTES SANITARY SEWER EASEMENT



LOCATION MAP  
SECTION 9-14-24



SCALE: 1" = 2000'

## TITLE NOTE:

TITLE INFORMATION SHOWN HEREON WAS TAKEN FROM CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. 20172766 AND WITH AN EFFECTIVE DATE OF JANUARY 22, 2016 AT 8:00 A.M. REVISED 1/24/18

## FLOOD NOTE:

THE PROPERTY LIES WITHIN ZONE X, DEFINED 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 OLATHE, COMMUNITY NO. 200105, JOHNSON COUNTY, KANSAS, MAP NO. 2001050005, AND DATED AUGUST 3, 2009.

## NOTE:

LOTS IN THIS PLAT ARE SERVED BY A REGIONAL DETENTION BASIN.

PARCEL	AREA (S.F.)	AREA (AC.)
1	7334.93	0.1684
2	4015.82	0.0922
PLAT	36847.27	0.8398
TRACT A	27496.51	0.6312

RESURVEY AND REPLAT OF LOT 8, BLACK BOB 151 SHOPS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, CONTAINING 0.8918 ACRES, MORE OR LESS, OF REPLATED LAND.

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 "BLACK BOB 151 SHOPS LOT 8 REPLAT".

## DEDICATION

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, SEWER PIPES, 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 TO LAY, CONSTRUCT, ALTER, REPAIR, REPLACE AND OPERATE ONE OR MORE SEWER LINES AND ALL APPURTENANCES CONVENIENT FOR THE COLLECTION OF SANITARY SEWAGE, OVER AND THROUGH THOSE AREAS DESIGNATED AS "Sanitary Sewer Easement" OR "S/E" 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.

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 "W/L/E" OR "WATER LINE EASEMENT".

TRACT "A" SHALL BE OWNED AND MAINTAINED BY OWNERS OF LOTS 1 AND 2. SAID TRACTS TO BE DEDICATED FOR AMENITIES, LANDSCAPING, MONUMENTS, ACCESS AND PARKING AND PRIVATE OPEN SPACE.

## RESTRICTIONS

ALL LOTS, PARCELS, TRACTS AND PROPERTIES IN THIS SUBDIVISION SHALL HEREAFTER BE SUBJECT TO THE DECLARATION OF RESTRICTIONS FOR "Black Bob 151 Shops Lot 8 Replat", WHICH INSTRUMENT IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF JOHNSON COUNTY, KANSAS, AND WHICH SHALL HEREBY BECOME A PART OF THE DEDICATION OF THIS PLAT AS THOUGH FULLY SET FORTH HEREIN.

## 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, 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 ADJUTING ON SUCH DEDICATED PUBLIC WAY OR THOROUGHFARE.

## EXECUTION

IN TESTIMONY WHEREOF, UNDERSIGNED PROPRIETORS HAS CAUSED THIS INSTRUMENT TO BE EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ADIO Ventures, LLC, a Kansas Limited Liability Company and Meats & McDonald LLC, a Kansas Limited Liability Company, as tenants in common

By: Taty A. Scott, Member of ADIO Ventures, LLC

By: Warren D. Meats, Jr., Chief Executive Manager of Meats & McDonald LLC

## ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME Taty A. Scott, Member of ADIO Ventures, LLC, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

## ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME Warren D. Meats, Jr., Chief Executive Manager of Meats & McDonald LLC, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

## APPROVALS

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

Chairman: C.S. Vokes

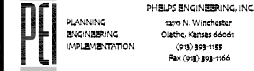
Approved by the Governing Body of the City of Olathe, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor: Michael E. Copeland

Attest: \_\_\_\_\_ City Clerk



CERTIFICATE OF AUTHORIZATION  
KANSAS ENGINEERING - LS-80  
ENGINEERING - 1-37  
KANSAS ENGINEERING  
LAND SURVEYING - 20070108  
ENGINEERING - 20070308







City of Olathe  
Planning Division

## STAFF REPORT

Planning Commission Meeting: April 22, 2019

<b>Application:</b>	<b>FP19-0008, Final Plat for Shield Storage W 151<sup>st</sup> Terrace</b>		
<b>Location:</b>	Southeast of the intersection of W. 151 <sup>st</sup> Street and US 169 Highway		
<b>Owner:</b>	CP GDP Olathe, LLC		
<b>Applicant/ Engineer:</b>	Andrea Weishaubt; Jim Story, LLC		
<b>Staff Contact:</b>	Zachary Moore, Planner II		

<b>Site Area:</b>	<u>3.06± acres</u>	<b>Use:</b>	<u>Self-storage building</u>
<b>Lots:</b>	<u>1</u>		
<b>Tracts:</b>	<u>0</u>	<b>Current Zoning:</b>	<u>M-2</u>

### 1. Comments:

The following application is a final plat for Shield Storage W 151<sup>st</sup> Terrace, containing one industrial lot and no common tracts. This is a replat of the existing Lot 1A of McCray Lumber First Plat and Lot 2 of McCray Lumber Second Plat, which were both recorded in October 2006. A preliminary site development plan (PR18-0060) on the subject property for Shield Storage was approved in February 2019. This replat will combine the aforementioned lots into one industrial lot, removing a property line that bisected the building proposed with PR18-0060. The subject property was annexed into the City in May 1980 (Ord. 80-51) and was rezoned to M-2 in 1981 (Ord. 81-69).

### 2. Plat Review:

- Lots/Tracts** – The plat includes a total of one industrial lot and no common tracts. Lot 1 contains a total of 3.06± acres.
- Public Utilities** – The subject property is located within the City of Olathe sewer service area and the Johnson County WaterOne service area. Utility Easements (U/E) and Public Utility Easements (PUB/E), have been dedicated on the subject property previously, and a new Stormwater Quality/Quantity Easement (BMP/E) is being dedicated with this plat.
- Streets/Right-of-Way** – No public street right-of-way is required to be dedicated with this final plat. The subject property will take access from W. 151<sup>st</sup> Terrace towards the southern portion of the site.

### 3. Excise Taxes

Chapter 3.35.050(B) of the Olathe Municipal Code states that any replat of previously platted land that was approved by the City is exempt from paying street and traffic signal excise taxes. Since this application is for a replat of previously platted property, no street or traffic signal excise taxes are required.



*View of subject property looking southeast from the 151<sup>st</sup> Street on-ramp*



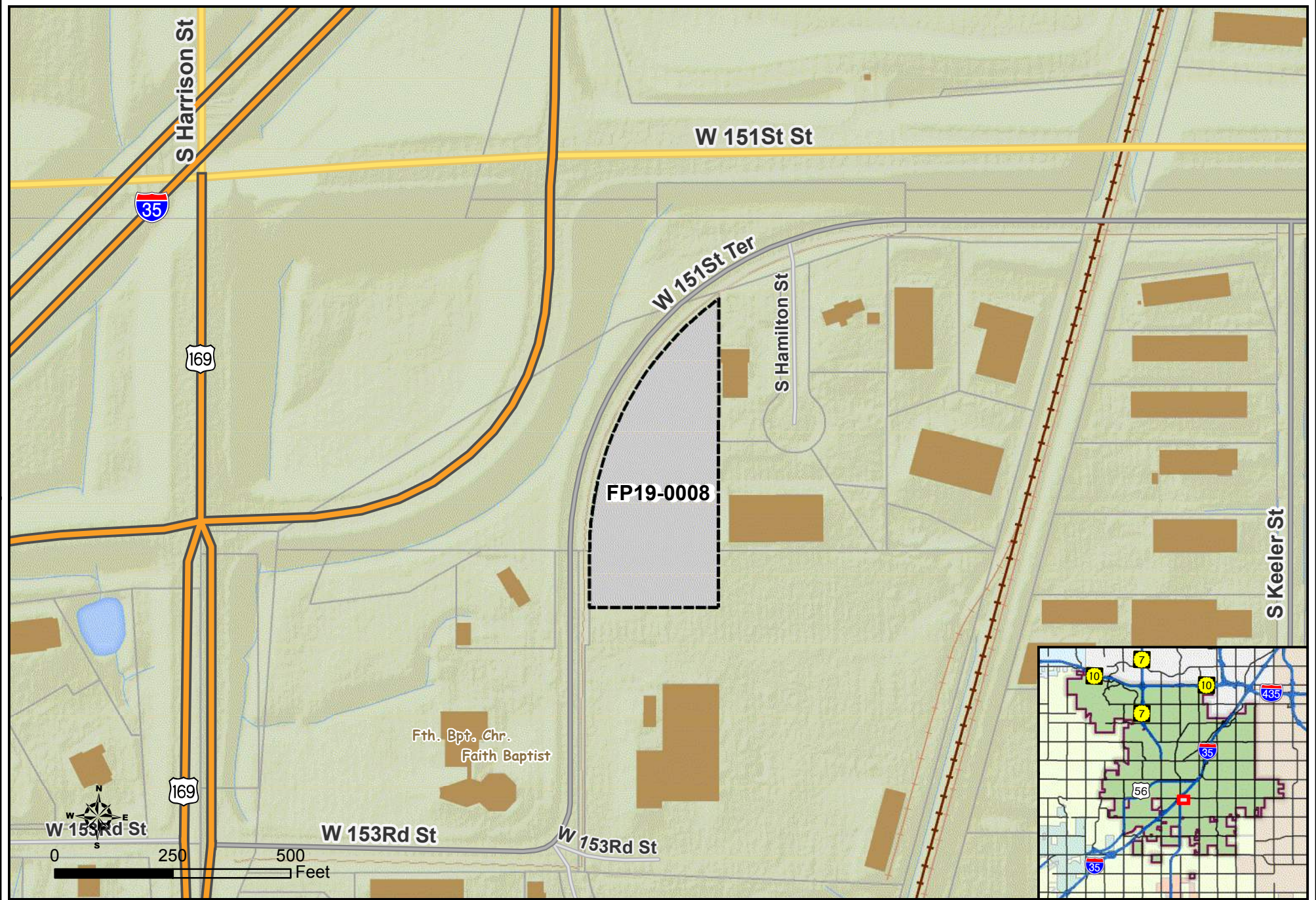
*Aerial view of site outlined in navy*

**Staff Recommendation:**

Staff recommends approval of FP19-0008, final plat for Shield Storage W 151<sup>st</sup> Terrace with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (PDF format) shall be submitted to the Planning Division.
- b. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and coolers shall be screened from public view with three-sided landscaping or with an architectural treatment compatible with the building architecture per UDO, Section 18.30.130.I.6.





**SHIELD STORAGE W. 151ST TERRACE**  
**MP19-0003**



User: jaredmd  
Date: 04/17/2019





# FINAL PLAT SHIELD STORAGE W 151st TERRACE

A MINOR SUBDIVISION REPLAT OF PART OF LOT 1 MCCRAY LUMBER, 1st PLAT & LOT 2 MCCRAY LUMBER, 2nd PLAT

LEGEND:

- CORNER FOUND 1/2" IRON BAR AS NOTED
- CORNER SET WITH 1/2" IRON BAR - LS 1408
- 10' UTILITY EASEMENT TO BE VACATED



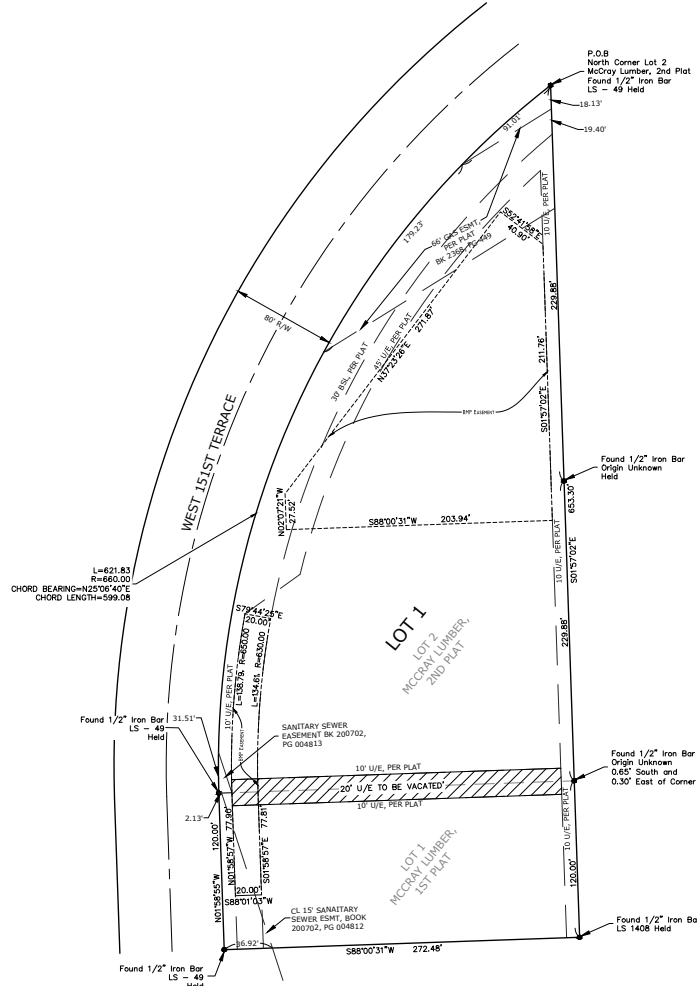
## NOTES:

- 1) BASIS BEARINGS IS KANSAS STATE PLANE NORTH ZONE
- 2) THIS COMPANY OBSERVED NO EVIDENCE OF ANY SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- 3) ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCE IN FEET.
- 4) FLOOD PLAIN NOTE: ACCORDING TO FIRM MAP NO. 20091C0302F JOHNSON COUNTY, KANSAS, DATED JUNE 17, 2002 THIS ENTIRE SITE IS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOODPLAIN.
- 5) THIS PROPERTY IS ZONED M-2 (GENERAL INDUSTRIAL DISTRICT)
- 6) 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 "BMP/E"

## 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.

THIS IS TO CERTIFY THAT ON THIS 28TH DAY OF FEBRUARY 2019, THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEY PURSUANT K.A.R. 66-12-1



## DESCRIPTION:

PART OF LOT 1 MCCRAY LUMBER, 1ST PLAT, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS AND ALL OF LOT 2 MCCRAY LUMBER, 2ND PLAT, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 2; THENCE S01°57'02"E, ALONG THE EAST LINE OF SAID LOT 2 AND SAID LOT 1, A DISTANCE OF 653.30 FEET; THENCE S88°00'31"W, A DISTANCE OF 272.48 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF W 151ST TERRACE AS IT NOW EXISTS; THENCE N01°58'55"W, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 120.00 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 660.00 FEET, A CHORD BEARING OF N25°06'40"E, A CHORD LENGTH OF 599.08 FEET AND AN ARC LENGTH OF 621.83 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT.

CONTAINS 133,415.90 SQ FT MORE OR LESS OR 3.06 ACRES

## EXECUTION

IN TESTIMONY WHEREOF, CP GDP Olathe LLC, has caused this instrument to be executed by its Member this \_\_\_\_ day of \_\_\_\_, 2019.

NAME \_\_\_\_\_ TITLE \_\_\_\_\_  
ACKNOWLEDGEMENT  
STATE OF KANSAS )  
JSS  
COUNTY OF JOHNSON )

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_, 2019, before me, the undersigned, a Notary Public in and for said County and State, came \_\_\_\_\_ of CP GDP Olathe LLC, who is personally known to me to be the same executed the foregoing instrument of writing on behalf of said Incorporated Company, and said person duly acknowledged the execution of same to be the act and deed of same Limited Liability Company.

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: \_\_\_\_\_

## APPROVALS

APPROVED BY the Planning Commission

Of the City of Olathe, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_, 2019.

Chairman: C.S. Vakas

APPROVED BY the Governing Body

Of the City of Olathe, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_, 2019.

Mayor: Michael Copeland

City Clerk: David Bryant



1"=60'  
0' 30' 60'

Prepared For:

GREENSCAPE DEVELOPMENT PARTNERS

JUSTIN LEE

Date of Preparation:

FEBRUARY 25TH, 2019

## SITE SUMMARY

LOT SIZE 133,415.90 SQ FT

FINAL PLAT - SHIELD STORAGE W 151st TERRACE

A MINOR SUBDIVISION REPLAT OF PART OF LOT 1 MCCRAY LUMBER, 1st PLAT & LOT 2 MCCRAY LUMBER, 2nd PLAT

# JIM STORY, PLS

Taking care of your needs

2300 Hutton Road Suite 108 | Kansas City, Kansas 66109 | 913.702.5073





City of Olathe

City Planning Division

## STAFF REPORT

Planning Commission Meeting: April 22, 2019

<b>Application</b>	<b><u>FP19-0001:</u> Final Plat for Mentum, including vacation of public utility easements</b>		
<b>Location</b>	West of Harrison Street, between 151 <sup>st</sup> Street and Southpark Boulevard		
<b>Owner</b>	David Harrison, Great Olathe Center, LLC		
<b>Applicant</b>	Joshua Woodbury, Woodbury Corporation		
<b>Engineer</b>	Judd Claussen, Phelps Engineering		
<b>Staff Contact</b>	Sean Pendley, Senior Planner		
<b>Site Area:</b>	<u>105.5± acres</u>	<b>Proposed Use:</b>	<u>Commercial/ Multi-family Residential</u>
<b>Lots:</b>	<u>Apartments – 2 lots</u> <u>Commercial – 16 lots</u>	<b>Current Zoning:</b>	<u>PD (Planned District)</u>
<b>Tracts:</b>	<u>1</u>		
<b>Streets/Right-of-way:</b>	<b><u>Southpark Boulevard</u></b>	<b><u>Harrison Street</u></b>	<b><u>Local Streets</u></b>
<b>Existing</b>	<u>60' (½ street)</u>	<u>60' (total)</u>	N/A
<b>Proposed</b>	<u>N/A</u>	N/A	<u>45'-90' (private)</u>
<b>Required</b>	<u>60' (½ street)</u>	<u>60' (total)</u>	<u>N/A</u>

### 1. Comments:

The following application is a final plat and vacation of public utility easements for Mentum, including 16 commercial lots and two lots for apartments on 105.5± acres. The subject property is located west of Harrison Street, between 151<sup>st</sup> Street and Southpark Boulevard.

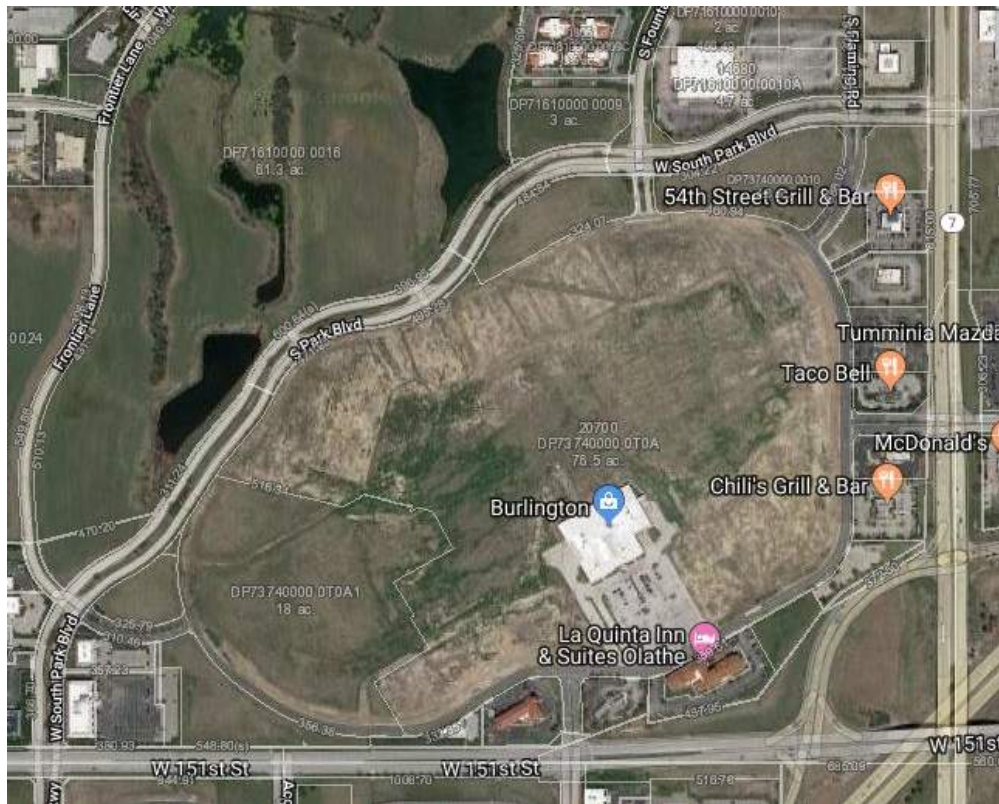
There are existing public easements that will be vacated with the proposed final plat and this requires a public hearing according to Unified Development Ordinance (UDO) requirements. The final plat is a replat of part of The Great Mall property. A rezoning to Planned District and preliminary development plan for Mentum was approved on February 5, 2019. The proposed final plat will establish new lots, internal streets and easements for utilities and access.

## 2. Public Notice:

The applicant mailed public notice letters to surrounding property owners and submitted signed affidavits for the easements to be vacated per *Unified Development Ordinance (UDO)* requirements. Staff has not received any concerns regarding the proposed vacation for the drainage easement.

## 3. Plat Review:

- a. **Lots/Tracts** – The plat includes 16 commercial lots, two lots for apartments, and one common tract for the existing private ring road. The layout of the streets and lots are consistent with the approved preliminary development plan for Mentum.
- b. **Public Utilities** – The property is located in the City of Olathe water and sewer service areas. There are several existing utility easements that will be vacated with the proposed replat. The easements for water lines, sanitary sewer, and utilities to be vacated are identified on Sheet 2 of the final plat. There are other easements that will need to be vacated by separate instrument following relocation of existing utilities.



*Aerial map of subject area*

- c. **Streets/ Right-of-Way** – There is no new public street right-of-way to be dedicated with the plat. Tract A is the existing private ring road around the site and Access Easements (A/E) are identified for the proposed internal private street serving the residential and commercial lots. The existing Access Easement in Lot 7 will need to be vacated and a new A/E will need to be dedicated between Lots 7 and 8 to maintain access to Lot 2.

The plat includes street names for the existing ring road and new internal private streets. The developer will be responsible for construction and maintenance of the private streets and an agreement for ownership and maintenance of the streets will be recorded with the final plat.

- d. **Stormwater/Detention** – There are existing drainage easements through the site and existing regional detention basins are located on the north side of Southpark Boulevard that serve the proposed development area. The plat includes language for Drainage Easements (D/E) and stormwater treatment facilities per *UDO* requirements.



*View of Southpark Boulevard – looking northeast to site*

**4. Excise Taxes:**

The property is currently platted, therefore the final plat is exempt from street and traffic signal excise taxes.

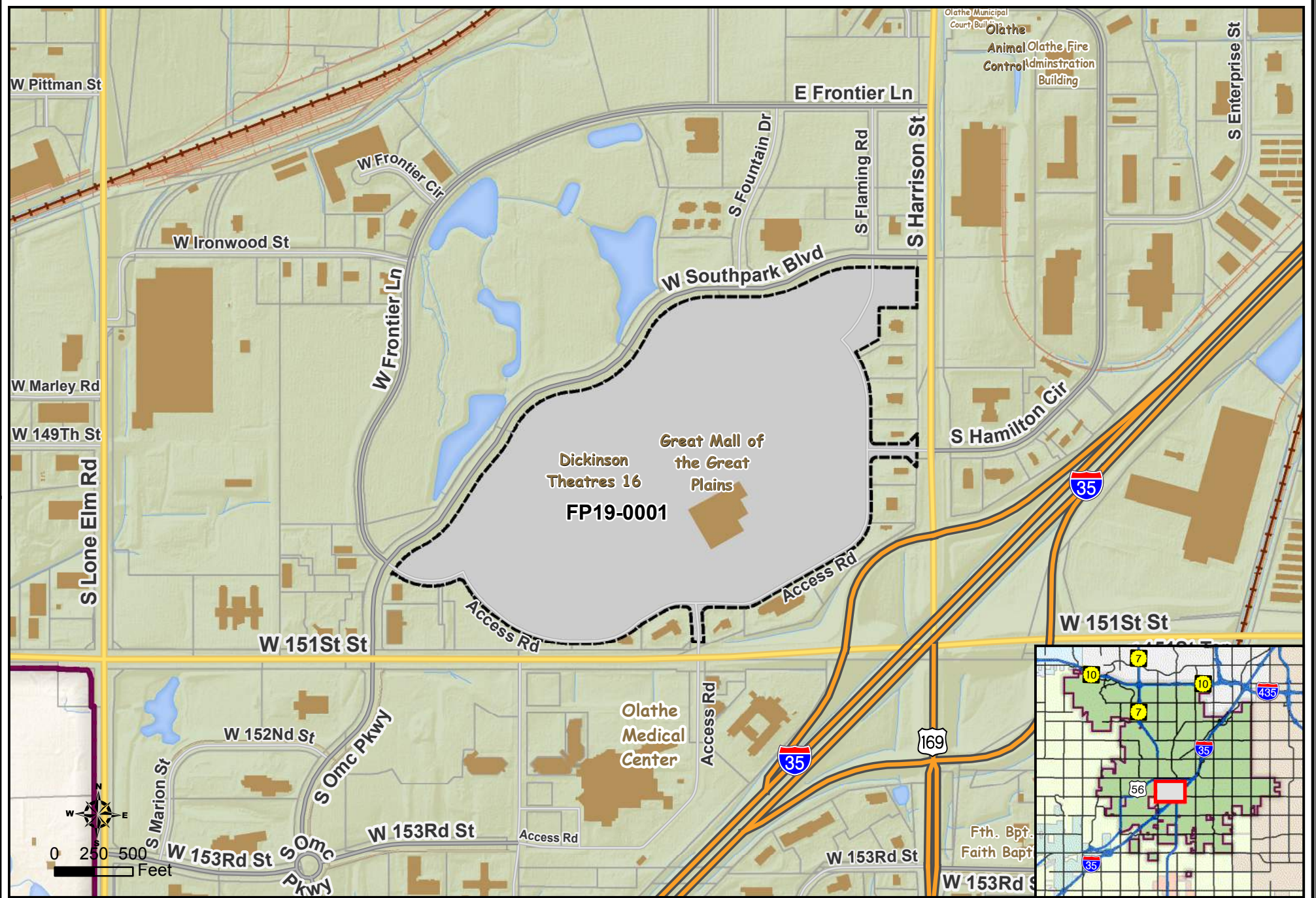
**5. Staff Recommendation:**

Staff recommends approval of the final plat (FP19-0001) with the following stipulations:

- a. Final site development plans for the respective lots shall be approved prior to review of building permit applications.
- b. The final plat shall include all required utility easements and Book and Page numbers for Access Easements (A/E) at the time of recording.
- c. The existing Access Easement (A/E) in Lot 7 shall be vacated and a new A/E shall be dedicated between Lots 7 and 8 to maintain access to Lot 2.

- d. An agreement for ownership and maintenance of the private streets and Access Easements shall be recorded with the final plat.
- e. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.





User: JaredMD  
Date: 03/19/2019

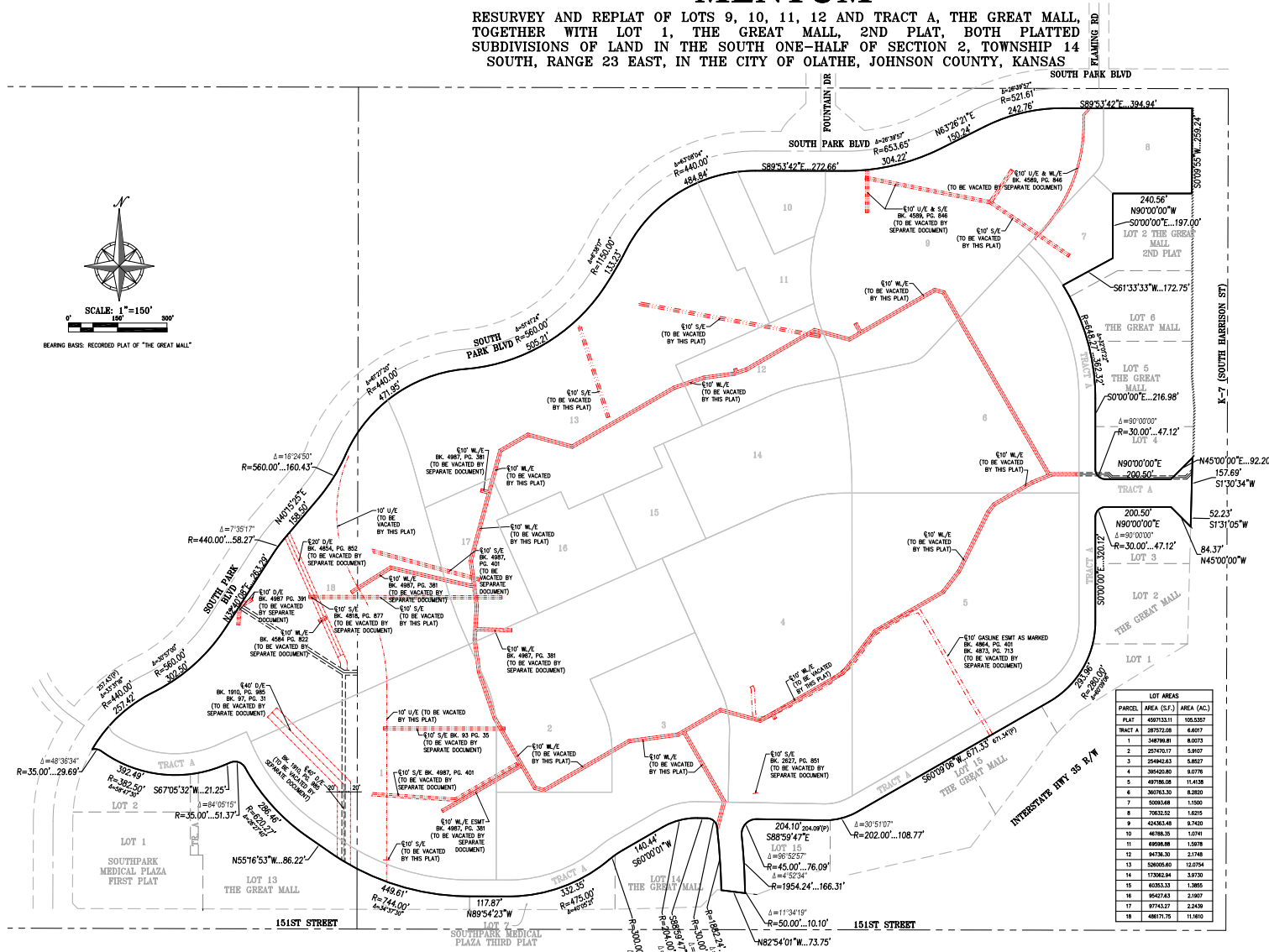
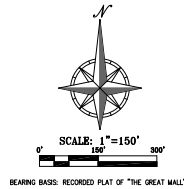
**MENTUM**  
**FP19-0001**





# FINAL PLAT OF MENTUM

RESURVEY AND REPLAT OF LOTS 9, 10, 11, 12 AND TRACT A, THE GREAT MALL, TOGETHER WITH LOT 1, THE GREAT MALL, 2ND PLAT, BOTH PLATTED SUBDIVISIONS OF LAND IN THE SOUTH ONE-HALF OF SECTION 2, TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



LOT AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)
PLAT	40870.3311	105.5307
TRACT A	28702.08	6.6017
1	34878.81	8.0073
2	25749.17	5.9007
3	254842.83	5.8627
4	35420.80	8.0776
5	49778.00	11.4138
6	36036.50	8.2680
7	33055.68	7.5590
8	70632.52	1.6215
9	42435.48	9.7430
10	46788.25	1.0741
11	69258.58	1.5978
12	94736.30	2.1748
13	52600.60	12.0754
14	173942.84	3.9730
15	40333.33	1.3865
16	85407.83	2.1807
17	87743.27	2.2438
18	48817.75	11.1610

## EASEMENT EXHIBIT

NOTE: EASEMENTS SHOWN TO BE VACATED BY THE RECORDING OF THIS PLAT OR BY SEPARATE DOCUMENT AS NOTED.

L. THOMAS D. PHELPS, HEREBY CERTIFY THAT IN JANUARY 2018, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.



CERTIFICATE OF AUTHORIZATION  
L. THOMAS D. PHELPS - L.S. 18-1075  
ENGINEERING - E-308  
CITY OF OLATHE, KANSAS  
ENGINEERING - 200/000000

