



City of Olathe

City Planning Division

STAFF REPORT**Planning Commission Meeting: January 14, 2019**

Application:	FP18-0046, Final Plat for Lone Elm Senior Apartments		
Location:	Along the west side of Lone Elm Road, ¼ mile north of its intersection with W. 119 th Street		
Owner/Applicant:	William F. McCroy, Jr.; JC Mulligan Development Group, LLC		
Engineer:	Dan Foster, PLA; Schlagel & Associates, P.A.		
Staff Contact:	Zachary Moore, Planner II		

Site Area:	<u>9.58± acres</u>	Proposed Use:	<u>Multi-Family Residential (173 units)</u>
Lots:	<u>1</u>	Density:	<u>18.05 units/acre</u>
Tracts:	<u>0</u>	Current Zoning:	<u>R-4</u>

1. Comments:

The following application is a final plat for Lone Elm Senior Apartments containing 1 multi-family lot and no common tracts. An 8.83± acre portion of the subject property was rezoned to R-4 (RZ-16-010) in 2017 and the remaining 0.75± acre portion of the site was rezoned to R-4 (RZ18-0010) in August 2018. A revised preliminary site development plan (PR18-0035) for the overall site was also approved in August 2018 for a 173-unit senior living complex. The final plat for Lone Elm Senior Apartments is consistent with the approved preliminary plan.

2. Plat Review:

- a. **Lots/Tracts** – The plat includes a total of 1 multi-family lot and no common tracts. The multifamily lot is approximately 9.16± acres and there is 0.42± acres of right-of-way that will be dedicated with the final plat. The final plat for Lone Elm Senior Apartments is consistent with the City's *Unified Development Ordinance (UDO)*.
- b. **Public Utilities** – The subject property is located within the City of Olathe Sewer and Johnson County WaterOne Service Areas. Utility Easements (U/E), Sanitary Easements (S/E), Drainage Easements (D/E), Waterline Easements (W/E), and Access Easements (A/E) will be dedicated with this final plat.
- c. **Streets/Right-of-Way** – This final plat for the Lone Elm Senior Apartments includes dedication of approximately 0.42± acres of right-of-way for Lone Elm Road along the plat's eastern boundary. The proposed senior living facility will take access from the east, where a private drive will intersect with Lone Elm Road, directly across from the existing W. 116th Street to the east.

- [illegible]

A wide-angle photograph of a grassy field under a blue sky with scattered white clouds. In the background, a line of trees and a row of houses are visible. A concrete curb runs across the foreground.

View of site – looking west from Lone Elm Road

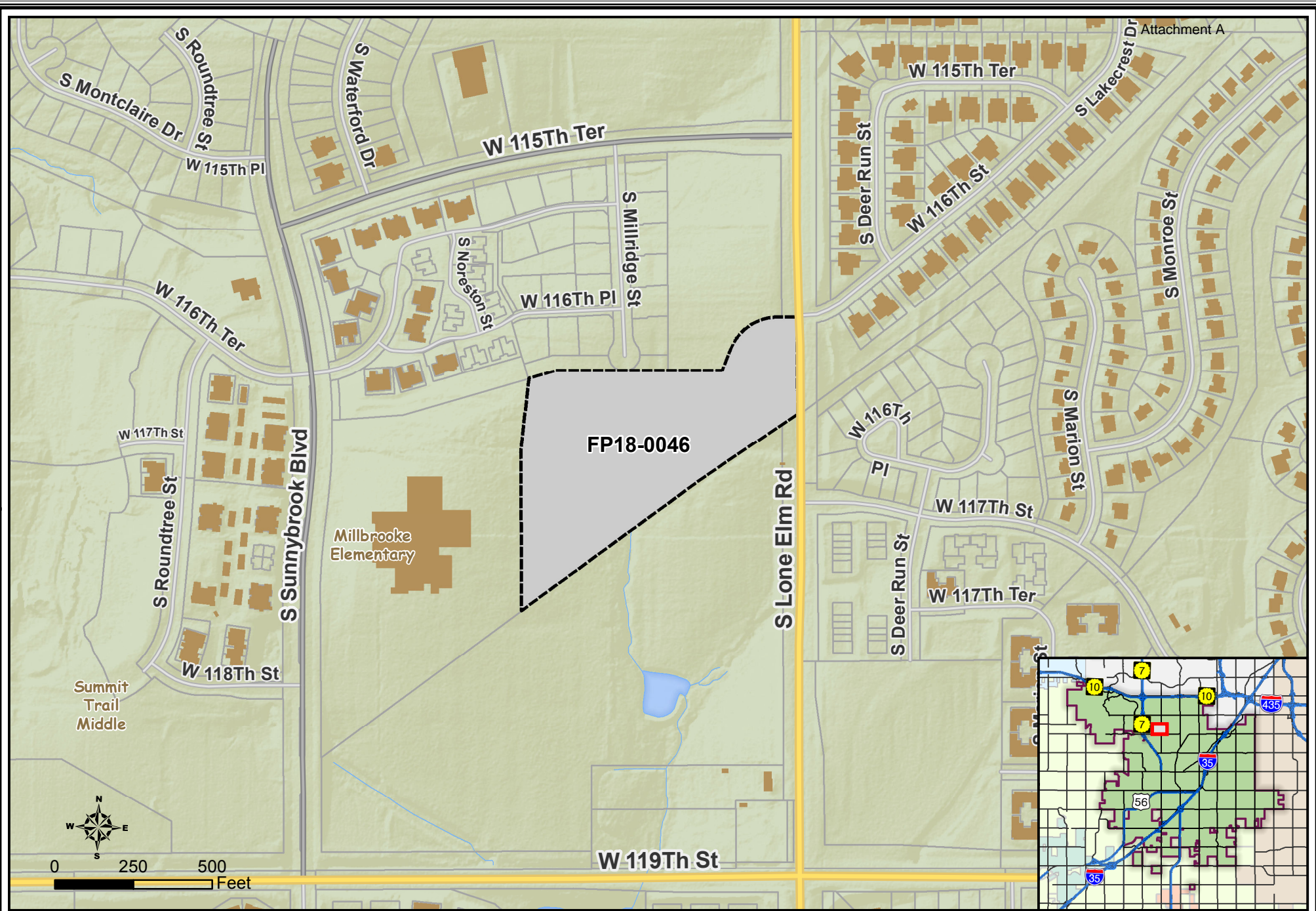
3. Excise Taxes:

Properties that have been previously platted are exempt from paying excise taxes. The area that is included with this replat application was previously platted in 2001 as part of the Sunnybrook, 2nd Plat, therefore, the subject plat application is exempt from excise taxes.

4. Staff Recommendation:

Staff recommends approval of FP18-0046, Lone Elm Senior Apartments, with the following stipulations:

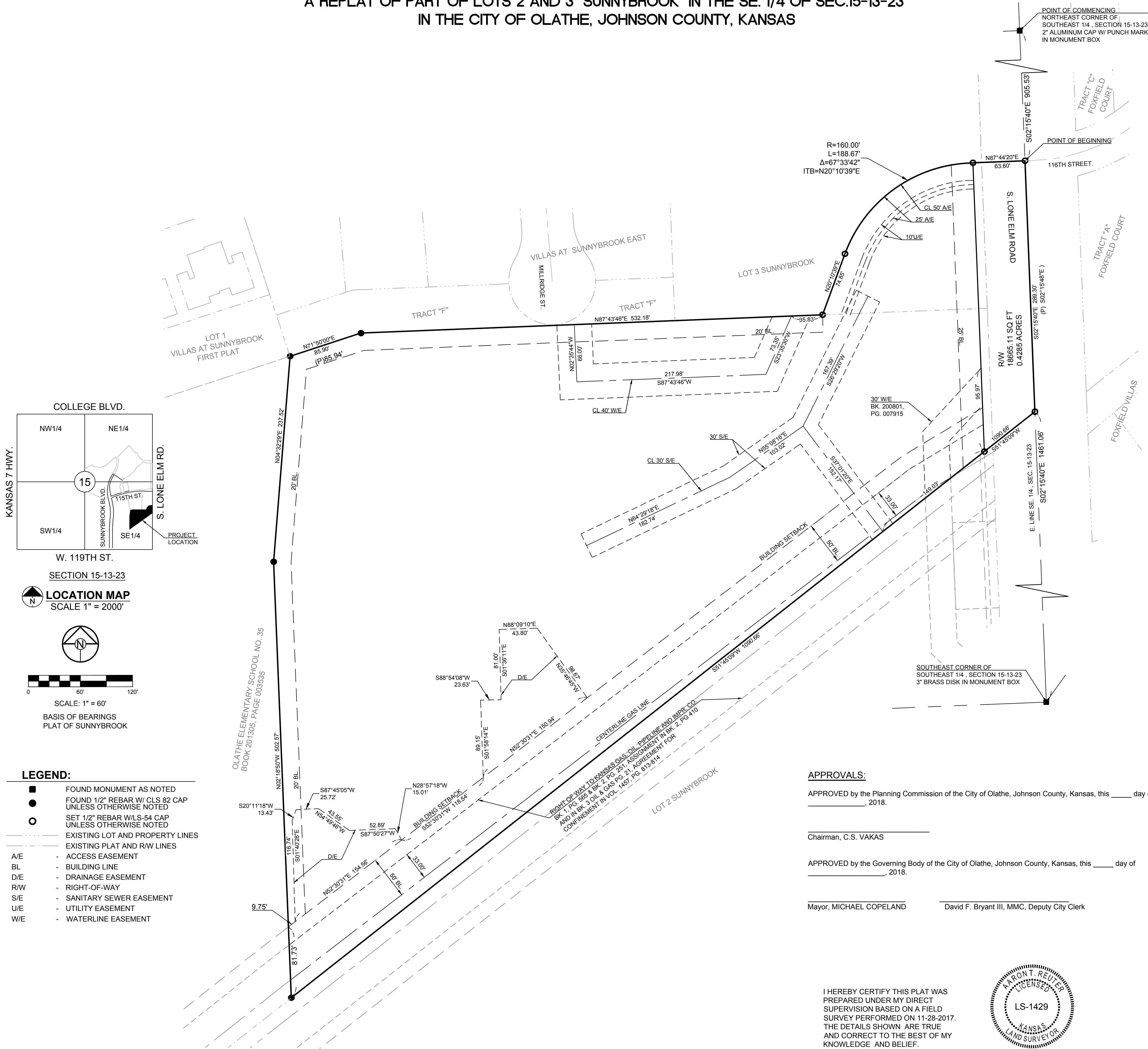
- a) A sidewalk and address plat shall be submitted prior to issuance of building permits.
- b) Prior to recording the final plat, dedication language for the Waterline Easement (W/E) and Access Easement (A/E) shall be included on the plat.
- c) Prior to recording the final plat, language for the stormwater detention/stormwater quality easements shall be revised. These easements shall be permanent stormwater quality/quantity drainage easements.
- d) The following language shall be added to the Plat prior to recording: A 30-foot Public Recreation Easement (PR/E) shall be provided within the gas pipeline easement for a future bike/hike trail. The trail may cross south of the property line, or may stay north of the southern property line entirely, the location of the trail within this easement shall be determined by the City Parks and Recreation Department at the time of installation.



LONE ELM SENIOR APARTMENTS
FP18-0046

FINAL PLAT OF
LONE ELM SENIOR APARTMENTS

A REPLAT OF PART OF LOTS 2 AND 3 "SUNNYBROOK" IN THE SE. 1/4 OF SEC.15-13-23
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



DESCRIPTION:

A replat of part of Lot 2 and part of Lot 3 as platted in SUNNYBROOK, a subdivision in the City of Olathe as recorded in book 114, page 31, located in the Southeast One-Quarter of Section 15, Township 13 South, Range 23 East, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the said Southeast One-Quarter of Section 15; thence South 02 degrees 15 minutes 40 seconds East (platted South 02 degrees 15 minutes 48 seconds East) along the East line of said Southeast One-Quarter, a distance of 905.53 feet to the Point of Beginning; thence continuing South 02 degrees 15 minutes 40 seconds East (platted South 02 degrees 15 minutes 48 seconds East) along said East line, a distance of 289.30 feet; thence South 51 degrees 45 minutes 09 seconds West a distance of 1090.66 feet to the Southeast corner of OLATHE ELEMENTARY SCHOOL NO. 35, a subdivision in the City of Olathe as recorded in book 201305 at page 003535; thence North 02 degrees 18 minutes 50 seconds West along the East line of said OLATHE ELEMENTARY SCHOOL NO. 35, a distance of 502.57 feet; thence North 04 degrees 32 minutes 29 seconds East along the East line of said OLATHE ELEMENTARY SCHOOL NO. 35, a distance of 237.52 feet to the Northeast corner of said OLATHE ELEMENTARY SCHOOL NO. 35, said corner also being the Southwest corner of VILLAS AT SUNNYBROOK EAST, a subdivision in the City of Olathe as recorded in book 201706 at page 006360; thence North 71 degrees 50 minutes 00 seconds East along the South line of said VILLAS AT SUNNYBROOK EAST, a distance of 85.90 feet (platted 85.94'); thence North 87 degrees 43 minutes 46 seconds East along the said South line and the Easterly extension thereof a distance of 532.18 feet; thence North 20 degrees 10 minutes 39 seconds East a distance of 74.85 feet to a point of curvature; thence Northeasterly on a curve to the right tangent to the previous course having a radius of 160.00 feet, a central angle of 67 degrees 33 minutes 42 seconds and an arc length of 188.67 feet; thence North 87 degrees 44 minutes 20 seconds East a distance of 63.60 feet to the Point of Beginning and containing 9.5839 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 hereafter be known as "LONE ELM SENIOR APARTMENTS".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown as "LONE ELM ROAD", together with all other parcels and parts of land indicated on this plat, not heretofore dedicated, as streets, terraces, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares; subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

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, 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 locate, construct and maintain or authorize the location, construction or maintenance and use of sanitary sewer pipes and structures upon, over and under the areas outlined and designated on this plat as "Sanitary Easement" or "S/E".

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".

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.

RESTRICTIONS:

All landscaping and related materials that are planted or constructed within the adjacent Street right-of-way shall be maintained by the Property Owner, or their authorized representatives thereof.

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.

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.

The maintenance of the stormwater detention facilities located within the Drainage Easements and all water quality BMP's within Drainage Easements are to be maintained by the owner of Lot 1 or their authorized representatives thereof.

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 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 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, _____, has caused this instrument to be executed, this ____ day of _____, 2018.

By:

ACKNOWLEDGMENT:

STATE OF _____)
)ss.
COUNTY OF _____)

BE IT REMEMBERED that on this ____ day of _____, 2018, before me, the undersigned, a Notary Public in and for said County and State, came

_____, 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 duly acknowledged the execution of the same to be the act and deed of same.

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 Expires: _____

Print Name

APPROVALS:

APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this ____ day of _____, 2018.

Chairman, C.S. VAKAS

APPROVED by the Governing Body of the City of Olathe, Johnson County, Kansas, this ____ day of _____, 2018.

Mayor, MICHAEL COPELAND

David F. Bryant III, MMC, Deputy City Clerk

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED ON 11-28-2017. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Aaron T. Reuter - Land Surveyor
KS# LS-1429



SCHLAGEL & ASSOCIATES, P.A.

Engineers • Planners • Surveyors • Landscape Architects
14920 West 107th Street • Lenexa, Kansas 66215
(913) 492-5158 • Fax: (913) 492-8400

DATE 11-01-2018
DRAWN BY SCH
CHECKED BY AR
PROJ. NO. 15-233

FINAL PLAT OF
LONE ELM SENIOR APARTMENTS
SHEET NO. 1 OF 1