



City of Olathe

City Planning Division

STAFF REPORT**Planning Commission Meeting: February 25, 2019**

Application:	FP18-0047, Final Plat for Parkview Apartments		
Location:	In the vicinity of 124 th St. and Aurora St.		
Owner/Applicant:	Greg Prieb, Prieb Homes		
Applicant:	Judd Claussen, Phelps Engineering		
Staff Contact:	Dan Fernandez, Planner II		

Site Area:	<u>29.87± acres</u>	Proposed Use:	<u>Multi-family</u>
Lots:	<u>1</u>	Current Zoning:	<u>RP-3</u>
Tracts:	<u>1</u>		

1. Comments:

The following application is a final plat for Parkview Apartments containing 1 multi-family lot and 1 common tract. An associated preliminary plat (PP19-0001) is also on this agenda. The preliminary and final plats are being submitted for an apartment development.

2. Site History:

The subject site was rezoned (RZ-17-002) to RP-3 in July 2002 and the associated preliminary site development plan included 98 rowhouses and 352 apartments. A final site development plan (PR08-0017) was approved in June 2008 for 368 apartments.



Site Aerial



View looking north from Aurora Street

3. Plat Review:

- a. **Lots/Tracts** – The plat includes 1 multi-family lot and 1 common tract. The lot meets all dimensional requirements for R-3 Districts.

Tract A is located along the north property line and will be used for stormwater detention, stormwater quality BMP's, landscaping, trails and private open space.

A public trail is proposed within Tract A. A public recreation easement shall be dedicated with the final plat prior to recording in order to permit the City to locate the trail within the tract.

- b. **Streets/ Right-of-Way** – The development will have an access drive onto Aurora Street and Aurora Street has sufficient right-of-way so no additional right-of-way is being dedicated with the plat.
- c. **Stormwater/Detention** – The streamway and vegetation in Tract A is being preserved and utilized for stormwater detention and quality.
- d. **Public Utilities** –The subject property is located within the City of Olathe water and sanitary sewer service areas.
- e. **Easements** – A public recreation easement shall be dedicated within Tract A prior to recording the final plat. The easement will allow the City to construct a trail within the tract. Also, a 25-foot tree preservation easement shall be dedicated along the north property line within Tract A.

4. **Excise Taxes:**

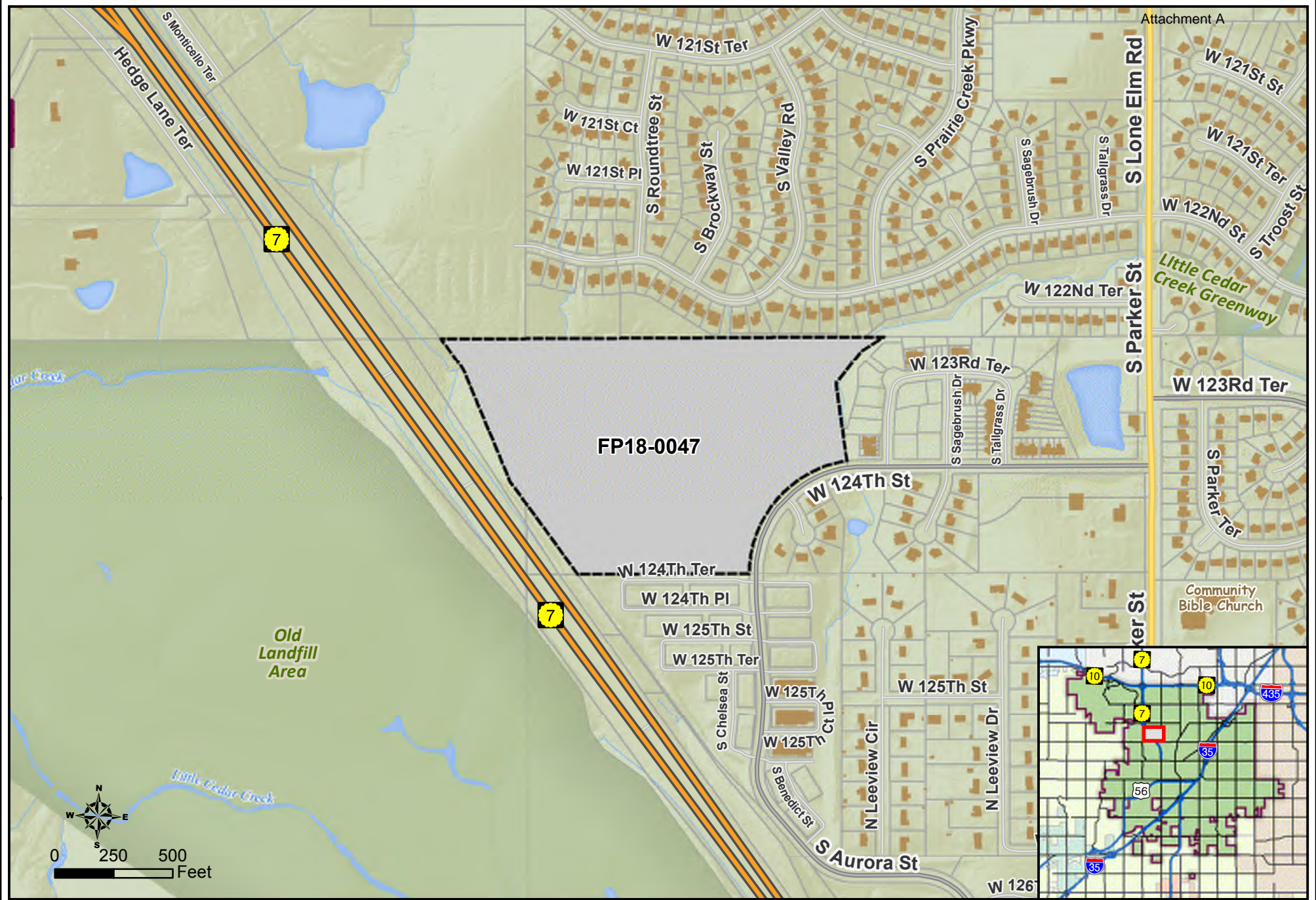
Final plats are subject to the required street excise tax of \$0.215 per square foot of land. Based on the plat area, the street excise fee is \$279,744.50.

The final plat is also subject to a traffic signal excise tax of \$0.0037 per square foot of land area. Based on the plat area, the required traffic signal excise tax is \$15,613.65. The required excise fees shall be submitted to the City Planning Division prior to recording the final plat.

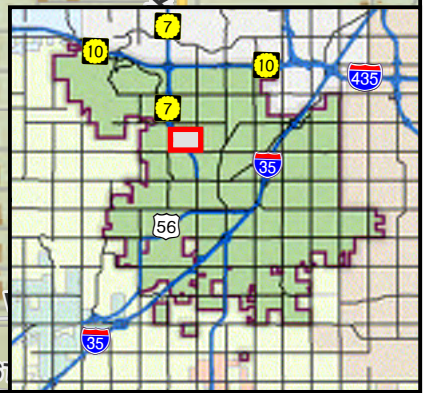
5. **Staff Recommendation:**

Staff recommends approval of PP19-0001 with the following stipulations:

- 1. Prior to recording the final plat, the required excise fee of \$279,744.50 shall be submitted to the City Planning Division.
- 2. Prior to recording the final plat, the required traffic signal excise tax of \$15,613.65 shall be submitted to the City Planning Division.
- 3. A final site development plan shall be submitted and approved prior to submitting for building permits. The final site development plan shall be consistent with the approved preliminary site development plan.
- 4. A public recreation easement within Tract A shall be dedicated prior to recording the plat in order to locate a public trail within the tract.
- 5. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- 6. A 25-foot tree preservation easement shall be dedicated along the north property line within Tract A prior to recording the plat.

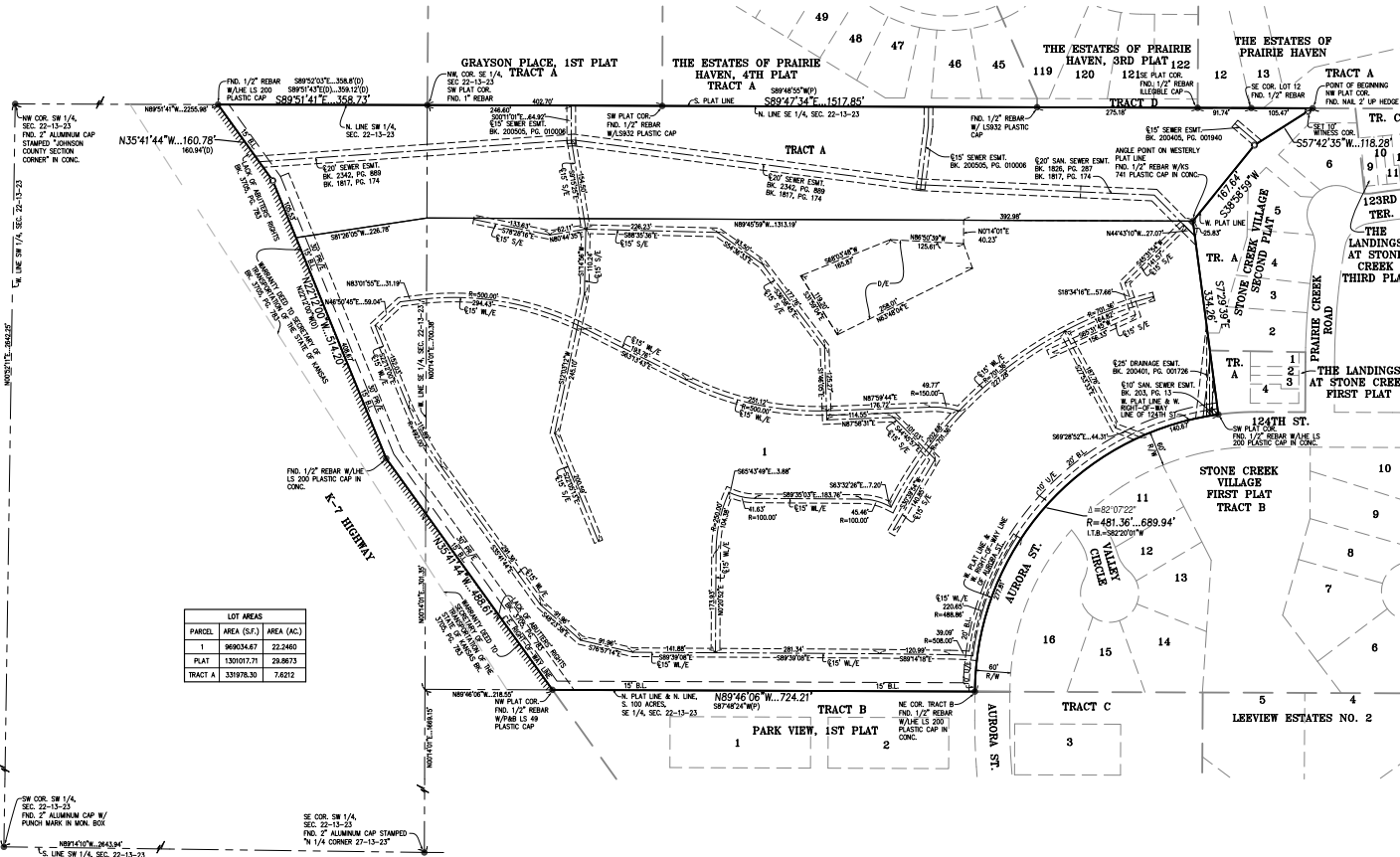


Attachment A

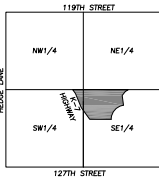


PARKVIEW APARTMENTS **FP18-0047**

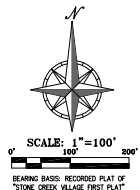
FINAL PLAT OF
PARKVIEW APARTMENTS
A SUBDIVISION OF LAND IN THE SOUTH ONE-HALF OF
SECTION 22, TOWNSHIP 13 SOUTH, RANGE 23 EAST,
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



PARCEL	AREA (S.F.)	AREA (AC)
1	969034.67	22.2460
PLAT	1301017.71	29.8673
TRACT A	331978.30	7.6212



SCALE: 1"=2000'
VICINITY MAP
SEC. 22-13-23



- 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 OTHERWISE NOTED
 - U/E DENOTES UTILITY EASEMENT
 - B/L DENOTES BUILDING LINE
 - (P) DENOTES PLAT
 - W/E DENOTES WATER LINE EASEMENT
 - S/E DENOTES SANITARY SEWER EASEMENT
 - D/E DENOTES DRAINAGE EASEMENT
 - P/R/E DENOTES PERMANENT RECREATION EASEMENT

FLOOD NOTE:

THIS 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 PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF OLATHE, COMMUNITY NO. 200713, JOHNSON COUNTY, KANSAS, MAP NO. 2009IC0020C, DATED AUGUST 1, 2009.

TITLE NOTE:

TITLE INFORMATION SHOWN HEREON WAS TAKEN FROM SECURED TITLE OF KANSAS CITY-OLATHE COMMITMENT FOR TITLE INSURANCE NO. S000300986 AND WITH AN EFFECTIVE DATE OF FEBRUARY 6, 2017, AT 8:50 A.M.

I, THOMAS O. PHELPS, HEREBY CERTIFY THAT IN NOVEMBER 2016, 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.



LEGAL DESCRIPTION
All that part of the South One-half of Section 22, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:
Commencing at the Northeast corner of the ESTATES OF PRAIRIE HAVEN, 4TH PLAT, 122, said point also being the Northeast plat corner of STONE CREEK VILLAGE FIRST PLAT, both being plotted subdivisions of land in the City of Olathe, Johnson County, Kansas, thence N 89°47'34" W, along the North line of the Southeast Quarter of said Section 22 and along the South line of said ESTATES OF PRAIRIE HAVEN, 4TH PLAT, to the North plat line of said STONE CREEK VILLAGE FIRST PLAT and the North plat line of STONE CREEK VILLAGE SECOND PLAT and the LANDINGS AT STONE CREEK FIRST PLAT, the LANDINGS AT STONE CREEK THIRD PLAT, and the LANDINGS AT STONE CREEK FOURTH PLAT, all being plotted subdivisions of land in the City of Olathe, Johnson County, Kansas, at a distance of 1122.93 feet to the Northwest plat corner of said STONE CREEK VILLAGE SECOND PLAT, said point also being the point of beginning, thence along the Western plat line of said STONE CREEK VILLAGE SECOND PLAT, for the following three (3) courses: thence S 57°42'30" W, a distance of 1128.28 feet; thence S 38°58'50" W, a distance of 187.64 feet; thence S 72°29'00" E, along the Western plat line of the LANDINGS AT STONE CREEK FIRST PLAT, a plotted subdivision of land in the City of Olathe, Johnson County, Kansas, and its Northern extension, a distance of 334.26 feet to the Southeast plat corner of said the LANDINGS AT STONE CREEK FIRST PLAT, said point also being on the Northwestern right-of-way line of 124th Street, as now established, thence Southwestly along the Western plat line of said STONE CREEK VILLAGE FIRST PLAT and the Northwestern right-of-way line of said 124th Street and Western right-of-way line of Aurora Street, as now established, a curve having its left, said curve having an initial tangent bearing of S 82°20'01" W and a radius of 481.36 feet, on an arc distance of 689.94 feet to the Southeast plat corner of said STONE CREEK VILLAGE FIRST PLAT, said point also being on the North plat line of PARK VIEW, 1ST PLAT, a plotted subdivision of land in the City of Olathe, Johnson County, Kansas, thence N 89°46'00" W, along the North plat line of said PARK VIEW, 1ST PLAT, a distance of 724.21 feet to the Northwest plat corner of said PARK VIEW, 1ST PLAT, said point also being a point on the Eastern right-of-way line of K-7 Highway, as now established, thence along the Eastern right-of-way line of said K-7 Highway, for the following three (3) courses: thence N 35°41'44" W, a distance of 488.61 feet; thence N 22°12'00" W, a distance of 514.20 feet; thence N 35°41'44" W, a distance of 160.78 feet to a point on the North line of the Southeast Quarter of said Section 22; thence S 89°51'54" E, along the North line of the Southeast Quarter of said Section 22, a distance of 358.73 feet to the Northeast corner of the Southeast Quarter of said Section 22, said point also being the Southwest plat corner of GRAYSON PLACES, 1ST PLAT, a plotted subdivision of land in the City of Olathe, Johnson County, Kansas, thence S 89°47'34" E, along the South plat line of said GRAYSON PLACES, 1ST PLAT and the South plat line of the ESTATES OF PRAIRIE HAVEN, 4TH PLAT and the ESTATES OF PRAIRIE HAVEN, 3RD PLAT, both being plotted subdivisions of land in the City of Olathe, Johnson County, Kansas, and the South plat line of said ESTATES OF PRAIRIE HAVEN, a distance of 1517.85 feet to the point of beginning, containing 29.8673 acres, more or less, of unplatted 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 "PARKVIEW APARTMENTS".

DEDICATION
The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and purposes and thoroughfares, all parcels and parts of land indicated on this plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and ways not heretofore dedicated. Where private easement rights have been granted to any person, company or partnership on any part of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth on this plat, the undersigned proprietors hereby assent and agree to indemnify the City of Olathe, Johnson County, Kansas, from any expense incurred in the relocation of any such existing utility installations within said prior easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over, and under these areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City of Olathe, Kansas.

An easement or license to lay, construct, alter, repair, replace and operate one or more water lines and all appurtenances convenient for the distribution of water, together with the right of ingress or egress, over and through those areas designated as "Waterline Easement" or "W/E" is hereby granted to the City of Olathe, Kansas.

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, 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 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/E" or "Water Line Easement".

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas to enter upon, locate, construct, maintain or authorize the location, construction, maintenance and use of a pedestrian pathway for recreation purposes, upon, over and under these areas outlined and designated on the plat as a "Permanent Recreation Easement" or "P/R/E".

Tract "A" shall be owned and maintained by the Parkview Apartments Homes Association. Said tract is intended to be used for stormwater detention, stormwater quality BMP's, landscaping, monuments, trails and private open space.

"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 plat is served by a regional detention basin and Stormwater Quality BMP's."

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 therefor, for public use, from the lien 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 abutting on such dedicated public way or thoroughfare.

EXECUTION
IN TESTIMONY WHEREOF, Prairie Star Development, LLC, has caused this instrument to be executed on this _____ day of _____, 20____.

GO Properties and Investments, LLC
By: Greg Priebe, Managing Member

STATE OF KANSAS } ss
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 Greg Priebe, Managing Member of GO Properties and Investments, LLC, who is personally known to me to be such person who executed, in such officer, the within instrument on behalf of said partnership, and such person duly acknowledged the execution of the same to be at and deed of the same.

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. Vokes

Approved by the Governing Body of the City of Olathe, Kansas, this _____ day of _____, 20____.

Mayor: Michael E. Copeland

Attest: _____ City Clerk:

PHILIPS ENGINEERING INC.
1200 N. Winthamer
Olathe, Kansas 66061
(913) 319-1195
Fax (913) 319-1195

