



City of Olathe
Planning Division

STAFF REPORT

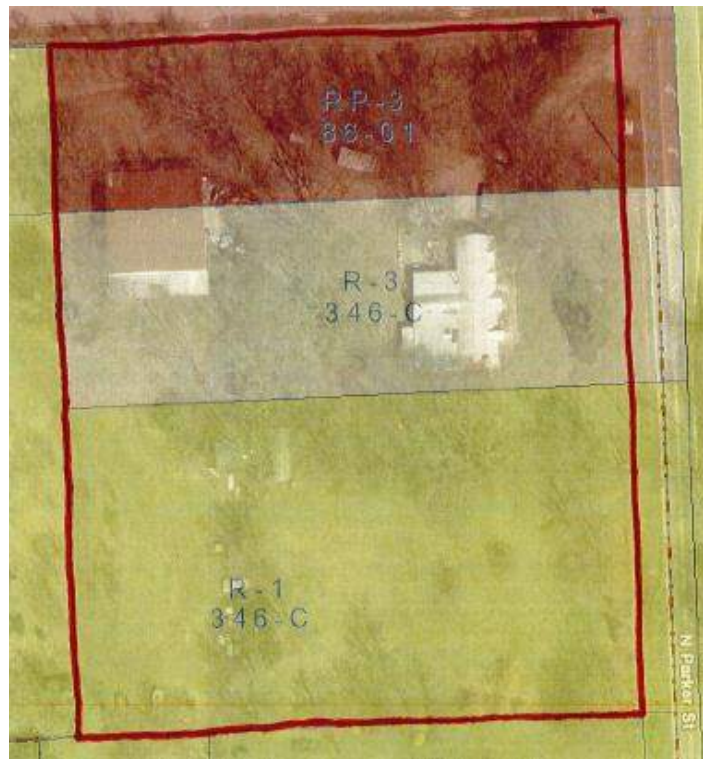
Planning Commission Meeting: April 8, 2019

Application:	FP19-0003, Final Plat for Hickman Farms Estate		
Location:	Southwest corner of the intersection of Parker Street and W. 124 th Street		
Owner/Applicant:	Tom Symons; Mert Properties		
Engineer:	Harold Phelps, P.E.; Phelps Engineering, Inc.		
Staff Contact:	Zachary Moore, Planner II		

Site Area:	<u>3.59± acres</u>	Use:	<u>Single-family home</u>
Lots:	<u>1</u>		
Tracts:	<u>0</u>	Current Zoning:	<u>R-1, RP-3, R-3</u>

1. Comments:

The following application is a final plat for Hickman Farms Estate, containing one single family residential lot, which has a house currently under construction. A building permit for the house was approved in February 2019. While this final plat will establish one residential lot, the lot has three different zoning districts on it. The northernmost portion of the lot was zoned RP-3 in 1986 (Ordinance 86-01) as part of a then proposed multi-family development. The southern two-thirds of the lot are zoned R-3 and R-1, and have been zoned that way since 1970, when conventional zoning was first established in the City. While it is not common, a single property may have multiple zoning districts located on it, as zoning is not required to follow property lines. The image on the next page shows the three zoning districts that are located on the subject property, which is outlined in red. This final plat application will establish the subject property as a lot, dedicate right-of-way for Parker Street, and dedicate easements for public use, as further detailed in Section 2.b, on the next page of this report. There are no changes to any zoning district boundaries with this final plat application. The structure will be fully located within the portion of the site that is zoned R-3, and single-family homes are an allowed use in the R-3 District.



Zoning map of the subject property

2. Plat Review:

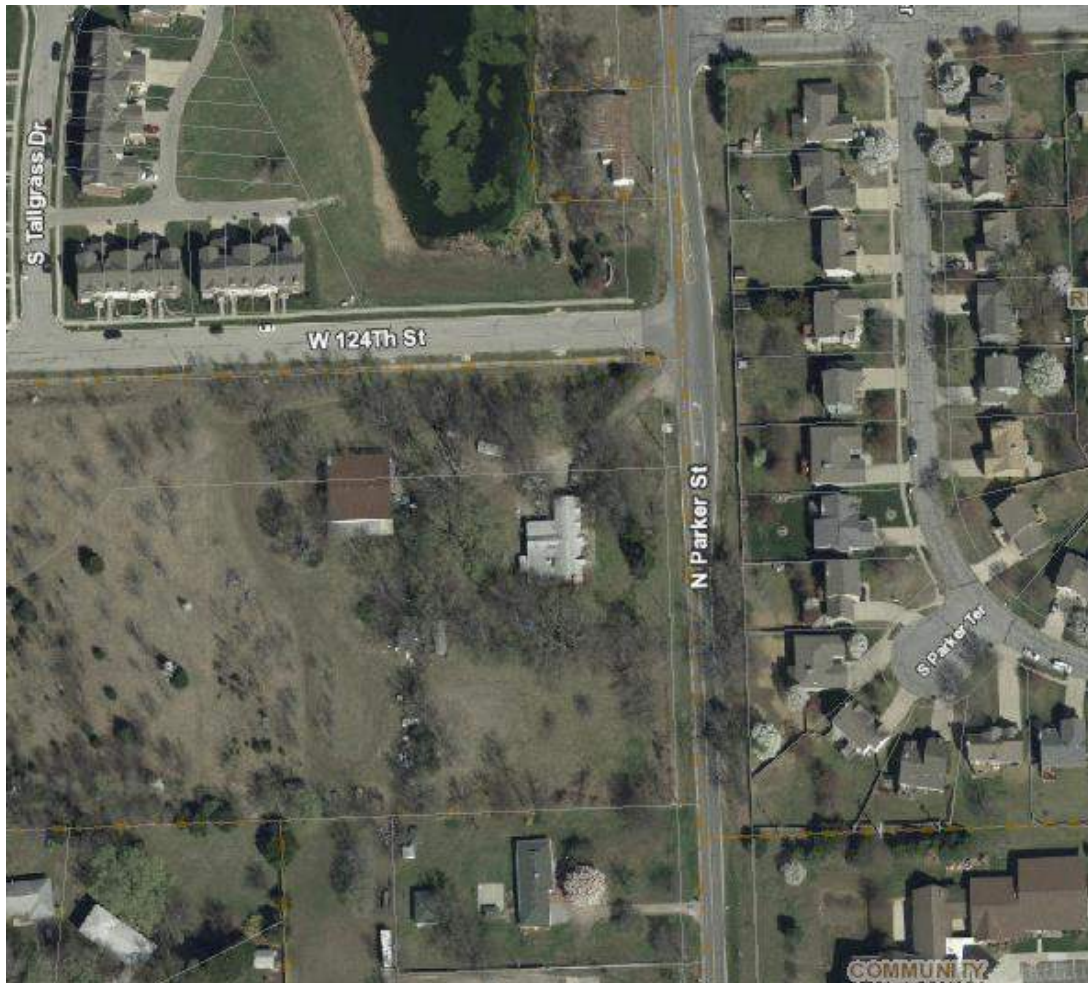
- a. **Lots/Tracts** – The plat includes a total of one residential lot and no common tracts. Lot 1 has a total area of approximately 2.97± acres, and approximately 0.63± acres of arterial street right-of-way for Parker Street will be dedicated with this final plat.
- b. **Public Utilities** – The subject property is located within the City of Olathe water and sewer service areas. Utility Easements (U/E), Sanitary Sewer Easements (SS/E), Public Utility Easements (PUB/E), and Drainage Easements (D/E) will be dedicated with this final plat. Acceptance of the sewers by the City is required prior to the issuance of a certificate of occupancy for the house on the subject property. A stipulation to this effect has been added to the final plat application.
- c. **Streets/Right-of-Way** – The subject property has a newly constructed driveway that provides access to W. 124th Street to the north. The image on the next page shows an existing driveway that connects to Parker Street and W. 124th Street at the northeast corner of the property. This driveway will be removed prior to issuance of a certificate of occupancy, and no vehicular access will be provided to Parker Street. The changes to the driveways and the location of access provided to the lot improve the access in the area by eliminating a driveway on an arterial roadway (Parker Street), and by locating the driveway further away from the intersection. The required right-of-way for Parker Street is also being dedicated with this final plat.

3. Excise Taxes:

Typically, final plats are subject to paying street and traffic signal excise taxes based on the square footage of land and the zoning district(s) of the property. However, UDO, Section 18.40.200.A allows a property owner to obtain a building permit for a single-family structure on unplatted land one-time without paying street or traffic signal

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excise taxes. Therefore, this final plat application does not require street or traffic signal excise taxes.



Aerial view of site



View of home from Parker Street prior to remodeling

4. Staff Recommendation:

Staff recommends approval of FP19-0003, final plat for Hickman Farms Estate with the following 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. 124th 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.



HICKMAN FARMS ESTATE
FP19-0003

FINAL PLAT OF HICKMAN FARMS ESTATE

A SUBDIVISION OF LAND IN THE SOUTHEAST QUARTER
SECTION 22, TOWNSHIP 13 SOUTH, RANGE 23 EAST,
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

Attachment A

LEGAL DESCRIPTION

All that part of the Southeast Quarter 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 Southeast Quarter of said Section 22, thence S 0°21'03" W, along the East line of the Southeast Quarter of said Section 22 and the East plot line of STONE CREEK VILLAGE FIRST PLAT, a plotted subdivision of land in the City of Olathe, Johnson County, Kansas, a distance of 581.50 feet to the point of beginning; thence S 0°21'03" W, along the East line of the Southeast Quarter of said Section 22, a distance of 421.36 feet to the Northeast corner of the South 100 acres of the Southeast Quarter of said Section 22, thence N 89°40'08" W, along the North line of the South 100 acres, more or less of the Southeast Quarter of said Section 22, a distance of 371.28 feet thence N 0°13'54" E, a distance of 421.36 feet to a point on the Southerly plot line of said STONE CREEK VILLAGE FIRST PLAT and South right-of-way line of 124th Street, as now established; thence S 89°40'08" E, along the Southerly plot line of said STONE CREEK VILLAGE FIRST PLAT and South right-of-way line of said 124th Street, a distance of 372.16 feet to the point of beginning, containing 3.5957 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 hereinafter be known as "HICKMAN FARMS ESTATE".

DEDICATION

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

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, 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 "SS/E" on this plat.

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 to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water lines, storm pipes, sewer pipes and related facilities and structures, street trees and sidewalks upon, over and under these areas outlined and designated on this plat as "PUB/E" or "Public Utility Easement", 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 purpose.

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.

RESTRICTIONS

All lots, parcels, tracts and properties in this subdivision shall hereafter be subject to the Declaration of Restrictions for "Hickman Farms", 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 said land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special 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, undersigned proprietors has caused this instrument to be executed on this _____ day of _____, 20____.

Mert Properties, LLC

By: Tom Symons, Member

ACKNOWLEDGEMENT

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 Tom Symons, Member of Mert Properties, LLC, a Kansas limited liability company, who personally known to me to be such person who executed, as such officer, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act 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____.

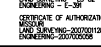
Chairman: C.S. Vokes

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

Mayor: Michael E. Copeland

Attest: Deputy City Clerk: David F. Bryant III, MMC

I, THOMAS D. PHELPS, HEREBY CERTIFY THAT IN FEBRUARY 2015 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.



PHILIPS ENGINEERING, INC.
1400 N. Winchell
Olathe, Kansas 66061
(913) 898-1188
Fax: (913) 898-1188

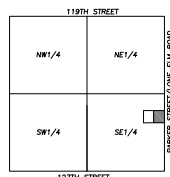


SCALE: 1"=50'
BEARING BASIS: RECORDED PLAT OF
"STONE CREEK VILLAGE FIRST PLAT"

LEGEND

- DENOTES SET 1/2"X3/4" REBAR W/PHILIPS CORP. CLS-B2 PLASTIC CAP IN CONCRETE
- DENOTES FOUND 1/2" REBAR W/PHILIPS CORP. CLS-B2 PLASTIC CAP IN CONCRETE UNLESS OTHERWISE NOTED (ORIGIN UNKNOWN UNLESS DESCRIBED)
- B.L. DENOTES BUILDING LINE
- U/E DENOTES UTILITY EASEMENT
- SS/E DENOTES SANITARY SEWER EASEMENT
- PUB/E DENOTES PUBLIC UTILITY EASEMENT
- D/E DENOTES DRAINAGE EASEMENT

LOT AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)
LOT 1	129245.23	2.9671
PLAT	156627.04	3.5957
ROW	27381.81	0.6286



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

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 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF OLATHE, COMMUNITY NO. 200715, JOHNSON COUNTY, KANSAS, PANEL NO. 2007150076, AND DATED AUGUST 3, 2009.