

STAFF REPORT

Planning Commission Meeting: May 13, 2019

Application:	<u>FP19-0007:</u> Final Plat for Church of the Resurrection West, 2nd
Location:	24000 W. Valley Parkway
Owner/Applicant:	Travis Morgan, Church of the Resurrection
Engineer:	Doug Ubben, Phelps Engineering, Inc.
Staff Contact:	Shelby Ferguson, Planning Consultant

Acres:	<u>19.76 ± acres</u>	Proposed Use:	<u>Church</u>
Zoning:	<u>BP</u>	Lots:	<u>1</u>
		Tracts:	<u>0</u>

1. Comments:

This is a request for approval of a final plat for the Church of the Resurrection West Second, a replat of 19.76± acres, located at 24000 W. Valley Parkway. The subject property was rezoned (RZ10-0009) from County R-2 and County R-3 to Business Park (BP) in July 2010. A portion of the subject site was originally platted in July 2010 (FP10-0012). The proposed replat includes additional area to accommodate a proposed expansion and remaining church property.



Aerial view of the subject property (outlined in blue)



View of subject property and existing church building, looking north

2. Final Plat Review:

- a. **Lots/Tracts** – The plat includes one lot for phase 3 of the church expansion. An existing Tree Preservation Easement (TPE) exists along the east property line. An additional TPE has been located in the middle of the site south of the existing utility easements along the north property line.
- b. **Utilities/Municipal Services** – The subject property is located in the City of Olathe sewer service area and the Johnson County WaterOne service area. The required utility and sanitary sewer easements are being dedicated with this replat.
- c. **Streets** – The subject property is part of the existing Church of the Resurrection development which has access from a private drive at the southeast corner of the property to W. Valley Parkway. The proposed expansion will add a second private access drive located at the southwest corner of the property connecting to W. Valley Parkway. The required street right-of-way for Valley Parkway has been previously dedicated.

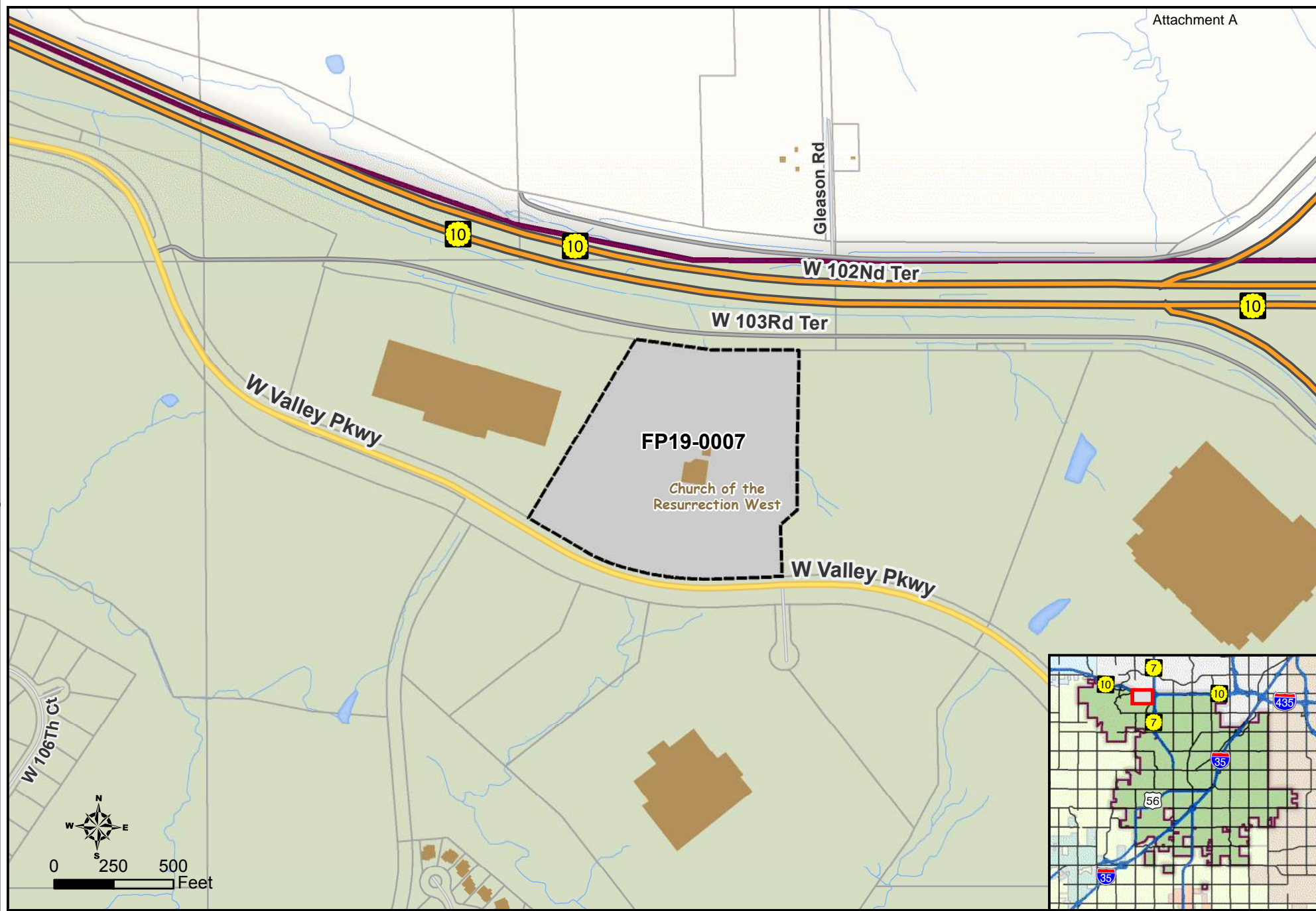
3. Street and Signal Excise Taxes:

The subject property is located within a Benefit District (32398) for streets; therefore, the final plat is exempt from any street excise taxes. Final plats are subject to a traffic signal excise tax of \$0.0098 per square foot of land for business park zoning, less land dedicated for arterial street right-of-way. The required excise fee shall be submitted to the City Planning Division prior to recording the final plat. Based on the net plat area (10.05 ± acres), the total excise tax for traffic signals is **\$4,290.39**.

4. Staff Recommendation:

Staff recommends approval of FP19-0007 with the following stipulations:

- a. The final plat is subject to traffic signal excise tax of **\$4,290.39**. The required excise tax shall be submitted to the Planning Division prior to recording the final plat.
- b. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- c. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear 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.



CHURCH OF THE RESURRECTION WEST, 2ND PLAT
FP19-0007



User: jaredmd
Date: 05/07/2019



FINAL PLAT OF CHURCH OF THE RESURRECTION WEST, SECOND PLAT

Attachment A

PART OF THE NW1/4 OF SECTION 9, TOWNSHIP 13 S, RANGE 23 E AND
A REPLAT OF ALL OF LOT 1, CHURCH OF THE RESURRECTION WEST, FIRST PLAT
CITY OF OLAH, JOHNSON COUNTY, KANSAS

LEGAL DESCRIPTION

This is a survey and subdivision of part of the NW1/4 of Section 9, Township 13 S, Range 23 E, and a resurvey and redivision of all of Lot 1, Church of the Resurrection West, First Plat, a subdivision of land, all in the City of Olathe, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 9, thence S 1° 20' 15" E, along the East line of the NW1/4 of said Section 9, a distance of 377.82 feet, to a point on the South line of the Permanent Easement for Controlled Access Highway Right-of-Way described in Volume 816 of Page 28 and in Volume 841 of Page 282, in the Office of the Register of Deeds, Johnson County, Kansas; thence S 88° 07' 21" W, along said South line, a distance of 155.00 feet, to the true point of beginning; thence S 1° 35' 15" E, along a line 155.00 feet West of and parallel with the East line of the NW1/4 of said Section 9, and along the East line of said Lot 1, a distance of 670.18 feet; thence S 44° 02' 48" E, along the East line of said Lot 1, a distance of 84.12 feet; thence S 4° 29' 50" E, along the East line of said Lot 1, a distance of 215.00 feet, to the Southeast corner thereof; said point also being on the North line of said W. Valley Parkway, as now established; thence S 88° 07' 21" W, along the South line of said Lot 1, and along the North right-of-way line of said W. Valley Parkway, a distance of 201.10 feet, to a point of curvature; thence West and Northwesterly, along the South line of said Lot 1, and along the North right-of-way line of said W. Valley Parkway, said line being a curve to the right having a radius of 1240.00 feet and a central angle of 13° 40' 52", an arc distance of 432.84 feet, to a point of tangency; thence N 74° 48' 39" W, along the South line of said Lot 1, and along the North right-of-way line of said W. Valley Parkway, a distance of 14.58 feet, to a point of curvature; thence Northwesterly, along the South line of said Lot 1, and along the North right-of-way line of said W. Valley Parkway, said line being a curve to the right having a radius of 600.00 feet and a central angle of 12° 46' 06", an arc distance of 114.52 feet, to a point of tangency; thence N 91° 00' 33" W, along the South line of said Lot 1, and along the North right-of-way line of said W. Valley Parkway, a distance of 278.12 feet, to the Southeast corner of Lot 1, 5700-CHAD CREEK 1st PLAT, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 30° 07' 00" E, along the East line of said Lot 1, 5700-CHAD CREEK 1st PLAT, a distance of 872.09 feet, to the Northeast corner thereof; said point also being on the South line of said Permanent Easement for Controlled Access Highway Right of Way; thence S 83° 15' 30" E, along said South line, a distance of 310.44 feet, to the Southeast corner of said Lot 1, and along said South line, a distance of 362.55 feet, to the point of beginning, containing 151,788 sq. ft., more or less.

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 "CHURCH OF THE RESURRECTION WEST, SECOND PLAT".

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 "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/S" 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 City of Olathe, Johnson County, Kansas or its 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 storm sewer lines and surface drainage facilities, including manholes, inlets, pipes, drains, etc., upon, over and under those areas outlined hereon and designated on this plat as "D/S" or "Drainage Easement".

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.

An easement or license is hereby dedicated to the City of Olathe, to enter upon, over and across those areas outlined and designated on this plat as "Tree Preservation Easement" or "T/P/E". Trees shall not be removed from a tree preservation easement without the City of Olathe's permission, unless such trees are dead, diseased or pose a threat to the public or adjacent property. The property owner, or their assigns, shall be responsible for the maintenance of the tree preservation easement, including but not limited to the removal of dead, diseased trees and trees posing a threat to the public or adjacent property.

In accordance with KSA 12-012b, all rights, obligations, reservations, easements, or interests not shown on this plat shall be vacated as to use and as to title, upon filing or recording of this plat.

CONSENT TO LEVY

The undersigned proprietor of the above described 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 assessment, and such person duly acknowledged the execution of the same to be the act and deed of the same.

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietor has caused this instrument to be executed on this _____ day of _____, 20____.

CHURCH OF THE RESURRECTION—UNITED METHODIST

By:

STATE OF KANSAS)
COUNTY OF JOHNSON)

ACKNOWLEDGMENT

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said

County and State, came _____ of Church of the Resurrection—United Methodist, who is 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

OFFICIAL OF AUTHORIZATION
LINE ENGINEER: J.E. JOHNSON
OFFICIAL OF AUTHORIZATION
MECHANICAL ENGINEER: J.E. JOHNSON

PHILIPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 993-1195
Fax: (913) 393-1168

PHI
PLANNING
ENGINEERING
IMPLEMENTATION

STATE HIGHWAY NO. 10

LOT 2
AREA=866,001.14 SQ. FT.
15.70 ACRES

LOT 1
U.S. BANK CENTER

I, THOMAS D. PHILLIPS, HEREBY CERTIFY THAT IN JANUARY 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.



SCALE: 1"=100'
0' 100' 200'

REARING BARS: STATE PLANE COORDINATE SYSTEM, KANSAS
NORTH ZONE, NAD83, CHS=0.000000000
EAST LINE OF NW1/4, SEC. 9-13-23 BEARING S15°15'E

LEGEND

- DENOTES SET 1/2"x24" REBAR W/PHILIPS CORP. 0.5-0.6 PLASTIC CAP IN CONCRETE
- DENOTES FOUND MONUMENT AS DESCRIBED
- (M) DENOTES MEASURED DISTANCE AND BEARING
- (W) DENOTES WARRANTY DEED CALL
- (HW) DENOTES HIGHWAY DEED CALL
- (P) DENOTES PLATTED CALL

OWNER/DEVELOPER:

CHURCH OF THE RESURRECTION—UNITED METHODIST
12700 DOE AVENUE
LEAWOOD, KANSAS 66224

TITLE NOTE:

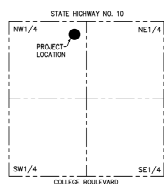
TITLE INFORMATION WAS TAKEN FROM FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. 1203680 AND DATED MARCH 3, 2019.

FLOOD NOTE:

THIS PROPERTY LIES WITHIN FLOOD ZONE X, UNDEVELOPED AS AREAS UNDEVELOPED TO BE OUTSIDE THE LIMITS OF 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 OLAH, JOHNSON COUNTY, KANSAS, COMMUNITY NO. 20012, PHASE 1, 04/01/19, DATED AUGUST 1, 2008.

AREA TABULATION:

TOTAL AREA OF LOT 2 = 866,001.14 SQ. FT. / 19.7664 ACRES
REPLATED AREA OF LOT 2 = 432,286.6 SQ. FT. / 9.7864 ACRES
UNPLATED AREA OF LOT 2 = 433,714.54 SQ. FT. / 9.9800 ACRES



SCALE: 1"=2000'
VICINITY MAP
SEC. 9-13-23