

STAFF REPORT

Planning Commission Meeting: September 23, 2019

Application:	<u>FP19-0013:</u> Final plat for Mahaffie Business Park VI
Location:	15571 S Mahaffie Street
Owner/Applicant:	Scott O'Neill
Architect:	Jim Sullivan, Sullivan Palmer Architects
Engineer:	Bob Layton, Allenbrand-Drews & Associates
Staff Contact:	Shelby Ferguson, Planning Consultant

Acres:	<u>3.32 ± acres</u>	Proposed Use:	<u>Office/ Flex-Space</u>
Zoning:	<u>M-2</u>	Lots:	<u>1</u>
		Tracts:	<u>0</u>

1. Comments:

This is a request for approval of a final plat for Mahaffie Business Park VI, a replat of 3.32± acres, located at 15571 S Mahaffie Street. This is a replat of Lots 3, 4, and 6 of Mahaffie Business Park II and a replat of Lots 1, 2, and 3 of Mahaffie Business Park IV. The plat is required for the development of three new office flex-space buildings totaling 55,600 square feet. The associated revised preliminary site development plan (PR19-0017) is currently under review and will be before you for discussion at a later date. Extra time is needed for the applicant to revise the proposed architecture and materials.



Aerial view of the subject property (outlined in red)



View of subject property facing east from S Mahaffie

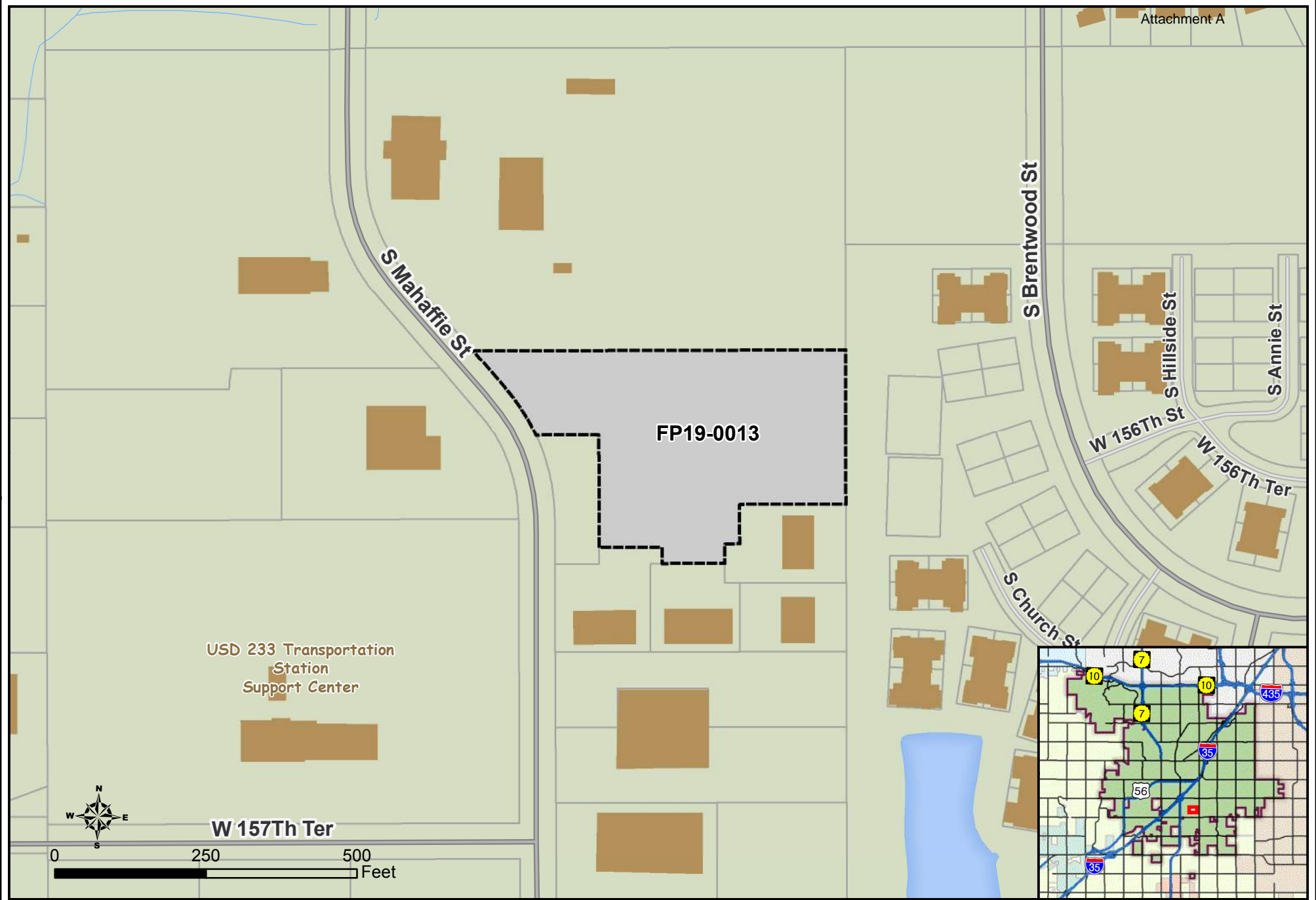
2. Final Plat Review:

- a. **Lots/Tracts** – The plat includes one (1) lot and no tracts for the development of three office flex-space buildings. An existing 40' Tree Preservation Easement (TP/E) exists along the east plat boundary. The plat as submitted is in compliance with the Unified Development Ordinance (UDO).
- b. **Utilities/Municipal Services** – The subject property is located in the WaterOne service area and the City of Olathe sewer area. The required utility and sanitary sewer easements are being dedicated with this replat.
- c. **Streets** – The subject property will have access from S. Mahaffie along the west property line. The proposed flex-space development will adjoin the existing parking lot to the south (Mahaffie Business Park II), which also has access on the west property line to S. Mahaffie Street. There is an existing cross access easement between the subject property and existing lots to the south.
- d. **Street and Signal Excise Taxes** – The final plat is not subject to street and traffic signal excise fees since the property has already been platted.

3. Staff Recommendation:

Staff recommends approval of FP19-0013 with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) will be submitted to the City Planning Division.
- b. All above ground electrical and/or telephone cabinets must 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 per Unified Development Ordinance (UDO) requirements.
- c. Prior to recording the final plat, all required utility easements shall be identified and appropriate language included in the dedication section.



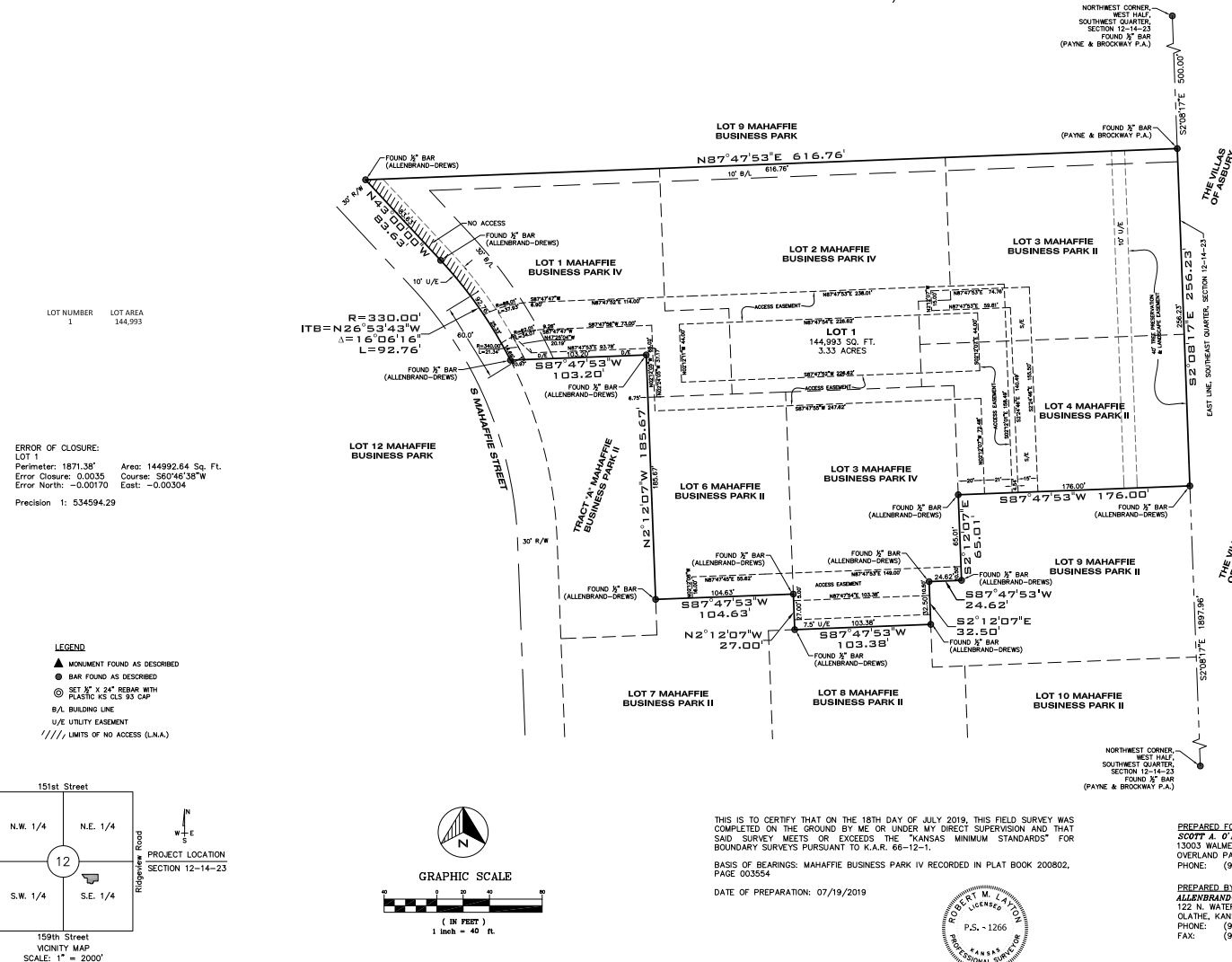
MAHAFFIE BUSINESS PARK VI
FP19-0013



User: gradym
Date: 09/18/2019



FINAL PLAT
OF
MAHAFFIE BUSINESS PARK VI
A REPLAT OF
LOTS 3, 4 & 6 MAHAFFIE BUSINESS PARK II AND
LOTS 1, 2 & 3 MAHAFFIE BUSINESS PARK IV
CITY OF OLATHE
JOHNSON COUNTY, KANSAS



This is a resurvey and replat of Lots 3, 4 & 6 Mahaffie Business Park II and Lots 1, 2 & 3 Mahaffie Business Park IV, subdivisions in the Southeast Quarter of Section 12, Township 14, Range 23, Johnson County, Kansas.

Attachment A

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "MAHAFFIE BUSINESS PARK VI".

The undersigned proprietors of said property shown on this plat do hereby dedicate to public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, avenues, lanes, and alleys.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas to enter upon, locate, construct, and maintain or authorize the location, construction, maintenance and use of conduits, water, gas, sewer, pipes, poles, wires, surface drainage facilities, ducts, cables, etc., upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", and "Drainage Easement" or "D/E".

An easement or license to enter upon, locate, construct, and maintain or authorize the location, construction, maintenance and use of conduits, water lines, storm pipes, sewer pipes, and related facilities and structures, and street trees upon, over and under these areas outlined and designated Kansas and other governmental entities as may be authorized by state law to use such easement for on this plat as "Public Utility Easement", or "U/E" or "Drainage Easement" is hereby granted to the City of Olathe, said purpose.

An easement is hereby granted and reserved by the undersigned proprietor of the above described land unto itself and the developer and/or homes association to enter upon, plant, replace, replant, mow, clip, trim, spray, chemically treat, repair, and otherwise maintain, and to authorize any such maintenance of any and all grass, trees, shrubs, plants, and other landscaping and all fences and monuments installed by the undersigned proprietor and the developer and/or homes association upon, over, or under those areas outlined and designated on this plat as "Landscape Easement" or "L/E".

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 permission from the City of Olathe, unless such trees are dead, diseased or pose a threat to the public or adjacent property. The property owners, or their designees, shall be responsible for the maintenance of the tree preservation easement, including, but not limited to the removal of dead, diseased trees or trees posing a threat to the public or adjacent property.

A perpetual easement of access over, across and upon every portion of all lots and parcels within the development that is improved from time to time for driveway or accessway, is hereby reserved to the undersigned proprietors, their respective successors, heirs and assigns, for ingress and egress of all owners and occupants of lots and parcels as depicted on this plat, their guests and invitees.

Right of Entrance: The right of entrance and egress in travel along any street or drive within the boundaries of the property is hereby granted to the City of Olathe, Kansas, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm sewer lines, collection of garbage and refuse and to the United States Postal Service for the delivery of mail; provided however, such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither the City of Olathe, Kansas nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.

The undersigned proprietors of the above described land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas and City of Olathe, 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 assessments 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.

All common drives and onsite storm sewer will be maintained by Business Garage Authority, Inc. and its assigns or successors.

IN TESTIMONY WHEREOF, Business Garage Authority, Inc., has caused this instrument to be executed this _____ day of _____, 20____.

Business Garage Authority, Inc.

By: _____

STATE OF _____)
COUNTY OF _____) SS:

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Scott A. O'Neill, President of Business Garage Authority, Inc., who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same for himself and for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: _____ Notary Public

APPROVED BY, the Planning Commission of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20____.

C.S. VAKAS, CHAIRMAN

APPROVED BY, the Governing Body of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20____.

MICHAEL COPELAND, MAYOR Attest: DAVID BRYANT, DEPUTY CITY CLERK

APPROVED BY, the Governing Body of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20____.

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