

STAFF REPORT

Planning Commission Meeting: March 22, 2021

Application:	FP21-0003: Heather Ridge South, Fourth Plat		
Location:	In the vicinity of 167 th St and Ridgeview Road		
Applicant/Owner:	Phil Martens, Martens Family Enterprises		
Engineer:	Todd Allenbrand, Payne & Brockway		
Staff Contact:	Emily Carrillo, Senior Planner		
Site Area:	<u>16.76 acres</u>	Proposed Use:	<u>Residential Single Family</u>
Lots:	<u>38</u>	Current Zoning:	<u>R-1 (Residential Single-Family)</u>
Tracts:	<u>3</u>		

1. Introduction:

The following application is a final plat for Heather Ridge South Fourth Plat, which will establish lot lines, dedicate public easements and right-of-way within this portion of the Heather Ridge South residential development.

The subject property was rezoned from County CTY-RUR to R-1 with a preliminary plat for 78.99 acres in June 2006 (RZ-06-012). Due expiration of the approved preliminary plat, a new preliminary plat application was submitted and approved in December 2015 (P-15-050). This final plat is the fourth phase of six total phases approved on the preliminary plat for Heather Ridge South and is consistent with the approved preliminary plat.

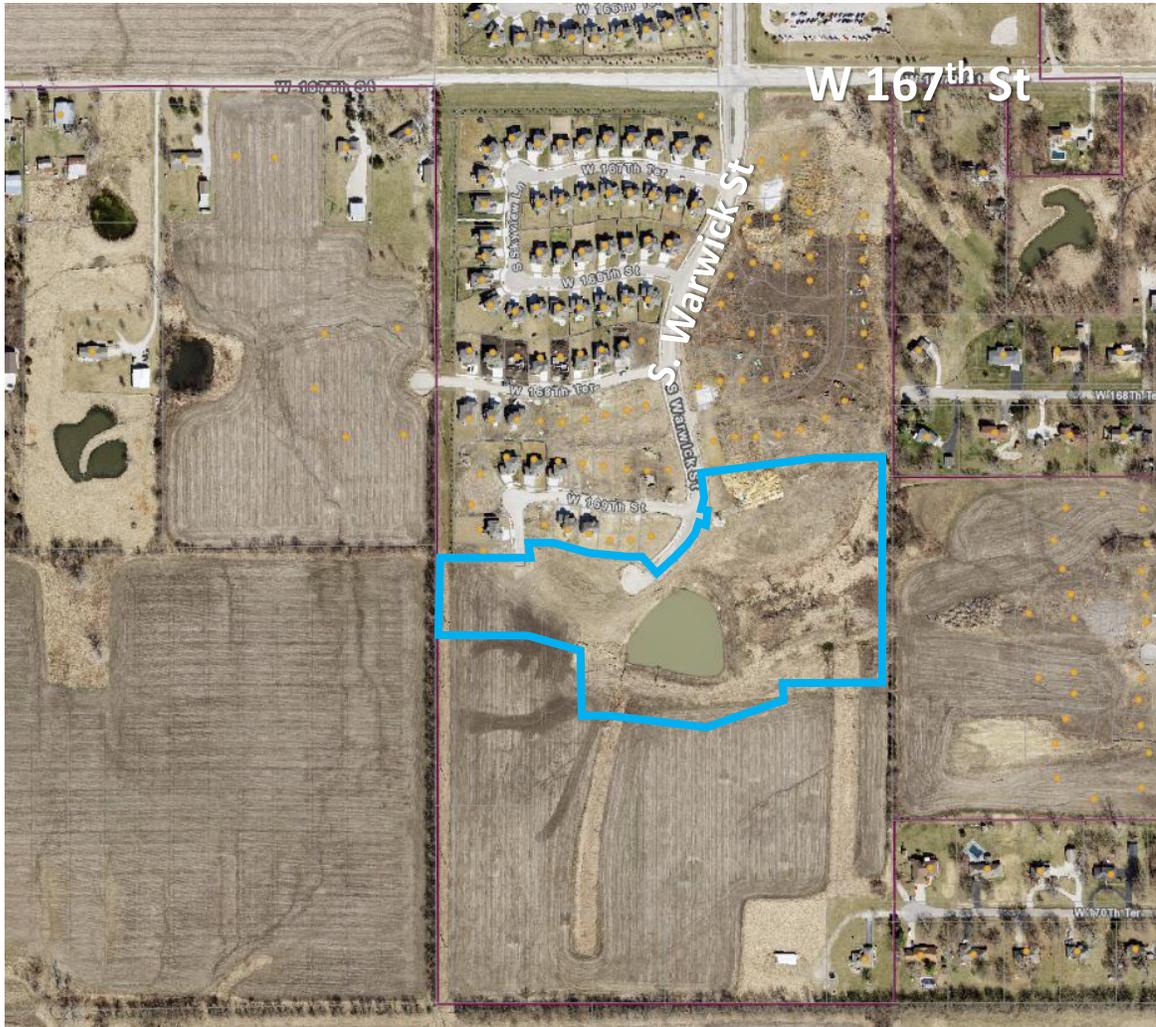
2. Plat Review:

- a. **Lots/Tracts** -- The final plat includes thirty-eight (38) single-family residential lots and three (3) common tracts. Common tracts are intended to be used for landscaping, monuments, private open space, stormwater drainage and detention and Homes Association amenities. All three tracts are intended to be owned and maintained by the Heather Ridge South/Estates Homes Association.

All lots in the proposed subdivision meet or exceed the R-1 standards for minimum lot size (7,200 square feet) and minimum lot widths (60 feet). Lot sizes in this plat range on from 8,152 square feet to 15,701 square feet with an average lot size of 9,888 square feet.

- b. **Public Utilities** -- The property is in the City of Olathe sewer and WaterOne service areas. Public Utility Easements (U/E), Sanitary Sewer Easements (SS/E), Drainage Easements (D/E), Water Quality & Quantity Drainage (WQQD/E), Waterline Easements (WL/E) and a Public Recreation Easement (PR/E) are being dedicated with this final plat.

- c. **Streets/Right-of-Way** -- Roadways within the subdivision are being dedicated with this plat. The lots will have street access from S Warwick Street, south from W. 167th Street.



Aerial view of subject property in blue.

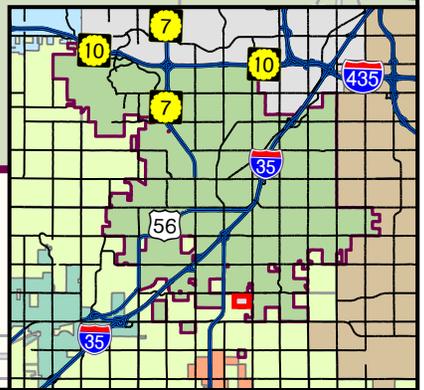
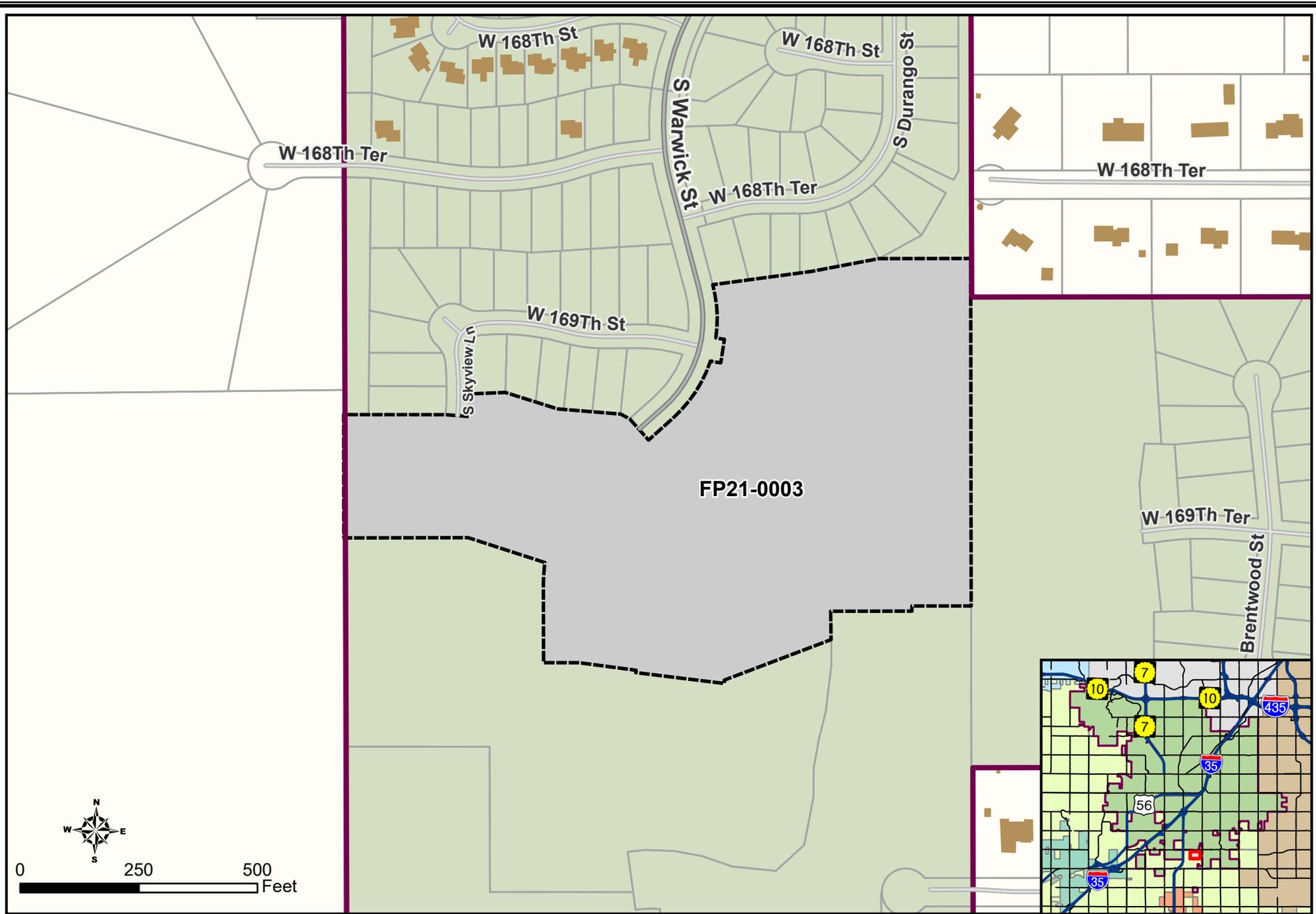


View of subject property looking south from S. Warwick St.

3. Staff Recommendation:

Staff recommends approval of FP21-0003 with the following stipulations:

1. All new on-site wiring and cables must be placed underground.
2. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.
3. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.
4. A revised landscape/screening plan and street tree plan is required with this plat prior to recording in accordance with UDO requirements in Section 18.30.130.



User: jaredmd
Date: 3/16/2021

HEATHER RIDGE SOUTH, 4TH PLAT

FP21-0003



REVISIONS		
NO.	DATE	DESCRIPTION
1	11/25/20	completed
2	12/02/20	post # legal checker
3	12/03/20	revised as per checks
4	1/22/21	updated prior to submit
5	1/28/21	revised as per city
6	2/25/21	revised 6/1/21
7	3/20/21	city comments

FINAL PLAT OF HEATHER RIDGE SOUTH, 4TH PLAT

Part of the NE 1/4, SEC. 24, T14S, R23E

This is a survey and plat of part of the NE 1/4 of Section 24, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of the NE 1/4 of Section 24, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas; thence S 02°07'30" E, along the West line of said NE 1/4, a distance of 1,372.80 feet to the Southwest corner of Lot 69, HEATHER RIDGE SOUTH, 2ND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, said point also being the TRUE POINT OF BEGINNING, thence N 88°20'00" E, along the South line of said Lot 69, HEATHER RIDGE SOUTH, 2ND PLAT, a distance of 215.05 feet to the Southeast corner of said Lot 69; said corner also being on the West right-of-way line of Skyline Lane, as platted; thence S 87°35'23" E, a distance of 50.00 feet to a point on the East right-of-way line of said Skyline Lane, thence Northwesterly, along the East right-of-way line of said Skyline Lane, on a curve to the left having an initial tangent bearing of N 02°11'07" E and a radius of 725.00 feet, for a distance of 474.80 feet to the Southwest corner of Lot 69, HEATHER RIDGE SOUTH, 2ND PLAT; thence N 85°39'00" E, along the South line of said Lot 69, a distance of 73.81 feet to the Southeast corner of said Lot 69; thence S 74°27'00" E, along the Southerly line of Lots 70 and 71, HEATHER RIDGE SOUTH, 2ND PLAT, a distance of 114.41 feet to a corner on the Southerly line of said Lot 71; thence S 87°02'37" E, along the Southerly line of Lots 71, 72 and 73, HEATHER RIDGE SOUTH, 2ND PLAT, a distance of 133.18 feet to the Southeast corner of said Lot 73; thence S 64°23'51" E, along the Southerly line of Lot 74, HEATHER RIDGE SOUTH, 2ND PLAT, a distance of 213.36 feet to the South corner of said Lot 74; thence N 06°40'00" E, along the Westerly right-of-way line of Warwick Street, as platted; thence S 43°49'00" E, a distance of 60.00 feet to a point on the Eastern right-of-way line of said Warwick Street; thence Northwesterly, along the Eastern right-of-way line of said Warwick Street, a distance of 184.20 feet to the Southwest corner of said Lot 74; thence S 87°02'37" E, along the Southerly line of Lot 74, HEATHER RIDGE SOUTH, 2ND PLAT, a distance of 145.46 feet to a point on the Southerly right-of-way line of said Warwick Street, as platted; thence S 43°49'00" E, a distance of 60.00 feet to a point on the Eastern right-of-way line of said Warwick Street; thence Northwesterly, along the Eastern right-of-way line of said Warwick Street, on a curve to the left having an initial tangent bearing of S 80°11'07" E and a radius of 425.00 feet, for a distance of 22.72 feet to the Southwest corner of said Lot 74; thence S 87°02'37" E, along the Southerly line of Lot 74, HEATHER RIDGE SOUTH, 2ND PLAT, a distance of 112.88 feet to the Southwest corner of Lot 91, HEATHER RIDGE SOUTH, 3RD PLAT, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 80°23'40" E, along the Southerly line of said Lot 91, HEATHER RIDGE SOUTH, 3RD PLAT, a distance of 209.79 feet to a corner of the Southerly line of said Lot 88; thence N 77°12'00" E, along the Southerly line of Lots 88 and 87, HEATHER RIDGE SOUTH, 3RD PLAT, a distance of 144.46 feet to the Southwest corner of said Lot 87; thence N 87°50'00" E, along the Southerly line of said Lot 87, HEATHER RIDGE SOUTH, 3RD PLAT, a distance of 193.50 feet to the Southeast corner of said Tract K; said corner also being on the East line of the W 1/2 of said NE 1/4; thence S 02°05'22" E, along the East line of the W 1/2 of said NE 1/4, a distance of 731.27 feet; thence S 87°50'00" W, a distance of 124.89 feet; thence S 02°05'00" E, a distance of 10.64 feet; thence S 87°50'00" W, a distance of 171.14 feet; thence S 02°05'00" E, a distance of 60.01 feet; thence S 87°02'00" W, a distance of 240.38 feet; thence S 04°27'00" E, a distance of 7.23 feet; thence N 84°08'11" W, a distance of 188.03 feet; thence Northwesterly, on a curve to the right having an initial tangent bearing of N 02°01'49" E and a radius of 525.00 feet, for a distance of 4.84 feet; thence N 84°25'51" W, a distance of 121.12 feet; thence S 87°50'00" W, a distance of 75.00 feet; thence N 02°07'00" W, a distance of 157.75 feet; thence Northwesterly, on a curve to the right having a radius of 430.00 feet, for a distance of 53.25 feet; thence N 74°00'16" W, a distance of 163.80 feet; thence S 87°50'00" W, a distance of 201.82 feet to a point on the West line of said NE 1/4; thence N 02°07'30" W, along the West line of said NE 1/4, a distance of 259.29 feet to the TRUE POINT OF BEGINNING, containing 16.79909 acres, more or less.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "HEATHER RIDGE SOUTH, 4TH PLAT".

The streets and roads shown on this plat and not heretofore dedicated to public use, are hereby so dedicated.

The undersigned proprietor of said property shown on this plat does hereby certify that all prior existing easement rights on land to be dedicated for public use running to any person, utility, or corporation have been observed except that some person, utility or corporation shall retain whatever rights they would have as if located in a public street.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, water, gas, electric, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, and sidewalks 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 dedicated to the City of Olathe to lay, construct, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, sewer pipes, surface drainage facilities, etc., upon, over, and across these areas outlined and designated on this plat as "Drainage Easement" or "D/E".

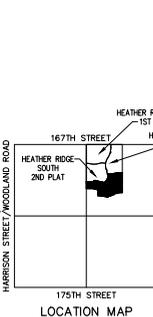
An easement or license is hereby dedicated to the City of Olathe to lay, construct, operate, inspect, alter, repair, replace, substitute, relocate, add, to, remove and maintain a curer storm sewer drainage ditch, drainage channel/curb course or other drainage facility (including connections and appurtenant work) in said easement including the right to clean, repair, replace and care for said drainage facilities in, on, over, under and through those areas designated on "Water Quality & Drainage Easement" or "WQD/E" and Tract K, together with the right of ingress and egress over and through said easement.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "SSE/E" 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 Consolidated Main Sewer District of Johnson County, Kansas or their successors. Alteration of land contours will be permitted only with the express written approval of J.C.W. Any piling of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage therefrom without compensation therefor.

LOT AREAS	
LOT 111	8,622 Sq.Ft.
LOT 112	8,163 Sq.Ft.
LOT 113	8,772 Sq.Ft.
LOT 114	8,772 Sq.Ft.
LOT 115	14,720 Sq.Ft.
LOT 116	10,721 Sq.Ft.
LOT 117	10,138 Sq.Ft.
LOT 118	10,508 Sq.Ft.
LOT 119	8,240 Sq.Ft.
LOT 120	8,191 Sq.Ft.
LOT 121	8,292 Sq.Ft.
LOT 122	11,888 Sq.Ft.
LOT 123	8,594 Sq.Ft.
LOT 124	9,384 Sq.Ft.
LOT 125	14,467 Sq.Ft.
LOT 126	8,750 Sq.Ft.
LOT 127	8,762 Sq.Ft.
LOT 128	9,373 Sq.Ft.
LOT 129	8,740 Sq.Ft.
LOT 130	2,295 Sq.Ft.
LOT 131	8,974 Sq.Ft.
LOT 132	10,729 Sq.Ft.
LOT 133	10,099 Sq.Ft.
LOT 134	11,463 Sq.Ft.
LOT 135	8,898 Sq.Ft.
LOT 136	8,152 Sq.Ft.
LOT 137	7,994 Sq.Ft.
LOT 138	10,736 Sq.Ft.
LOT 139	11,919 Sq.Ft.
LOT 140	8,756 Sq.Ft.
LOT 141	10,730 Sq.Ft.
LOT 142	8,332 Sq.Ft.
LOT 143	10,730 Sq.Ft.
LOT 144	8,761 Sq.Ft.
LOT 145	10,730 Sq.Ft.
LOT 146	10,804 Sq.Ft.
TRACT L	206,865 Sq.Ft.
TRACT M	1,191 Sq.Ft.
TRACT N	11,260 Sq.Ft.
TOTAL	596,877 Sq.Ft.

RESIDENTIAL STREET RIGHTS-OF-WAY: 57,366.40 Sq.Ft.
COLLECTOR STREET RIGHT-OF-WAY: 32,762.15 Sq.Ft.

** Including an Existing SSE/E to Consolidated Main Sewer District of Johnson County, Kansas
Book 201707, Page 004423



An easement or license is hereby dedicated to the Water District No. 1 of Johnson County to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of water lines, fire hydrants, valves, etc., upon, over, and across those areas outlined and designated on this plat as "Water Line Easement" or "W/L-E".

An easement or license is hereby granted to the City of Olathe, Kansas, to enter upon, locate, construct and maintain or authorize the entry upon, location, construction or maintenance and use of a future public bicycle and pedestrian path for public recreation and transportation purposes upon, over and under the areas outlined on Tract M and designated as "Public Recreation Easement" or "PRE/E". The bicycle and pedestrian path to be owned and maintained by the City of Olathe, Kansas, or its designees.

NOTICE: The site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code, Section 17.16.080 C. Restrictions on the use or alteration of the water 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 is hereby granted and reserved by the undersigned proprietor of the above described land unto itself and the Heather Ridge South/Estates Home Association, Inc. to enter upon, locate, construct and 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 by the Heather Ridge South/Estates Home Association, upon, over, and under those areas outlined and designated on this plat as "Landscaping Easement" or "L/E".

Tract K shall be owned and maintained by the Heather Ridge South/Estates Home Association. The tract is intended to be used for landscaping, monuments, private open space, stormwater drainage, stormwater detention, stormwater treatment and Home Association Amenities.

The lots in this subdivision shall not be subdivided except pursuant to Chapter 18.40.180, Lot Splits, or Unified Development Ordinance or by replat.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Johnson County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

The undersigned proprietor of the above 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 amend and propose 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 said dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____ day of _____, 2021.

MARTENS FAMILY ENTERPRISES, INC.

PHILIP W. MARTENS, President

STATE OF KANSAS
COUNTY OF JOHNSON SS

BE IT REMEMBERED, that on this _____ day of _____, 2021, before me a Notary Public in and for said County and State, came PHILIP W. MARTENS, President of MARTENS FAMILY ENTERPRISES, INC., who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation, and she duly acknowledged the execution of the same to be the act and deed of said Corporation.

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

Notary Public

My Appointment Expires:

APPROVED BY the Planning Commission of the City of Olathe, Kansas, on this _____ day of _____, 2021.

By: C.S. WAKAS, Chairman

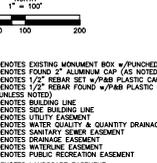
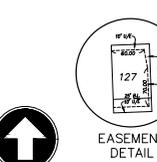
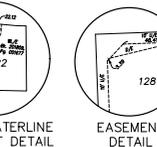
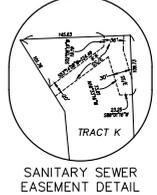
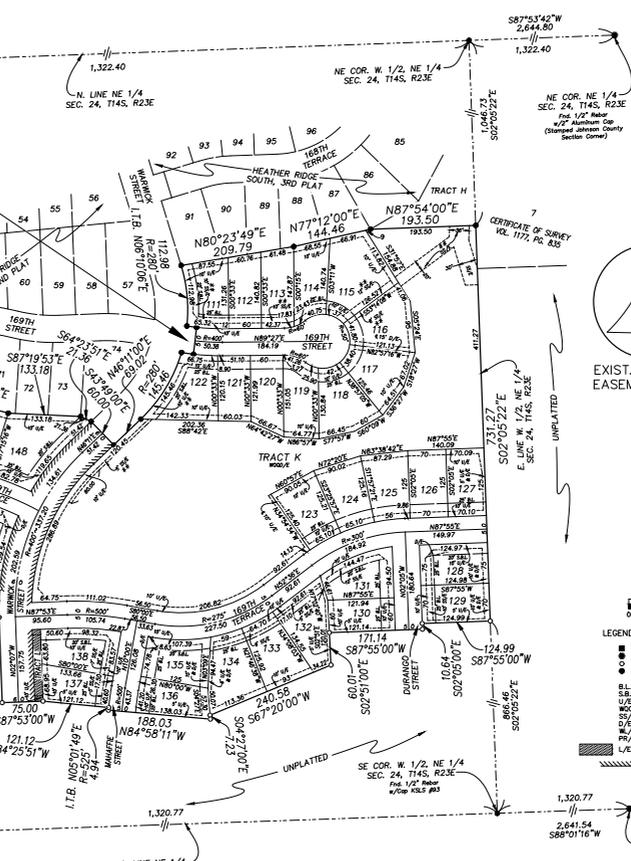
APPROVED BY the Governing Body of the City of Olathe, Kansas, on this _____ day of _____, 2021.

By: JOHN W. BACON, Mayor

ATTEST: BRENDA D. LONG, City Clerk

I hereby certify that on 11/17/21, 2021, I or someone under my direct supervision completed a field survey of the above described tract of land and this is an accurate and true plat of said survey, on this _____ day of _____, 2021.

Gerard L. Conn
Kansas P.S. No. 1128



- LEGEND:
- DENOTES EXISTING MONUMENT BOX / BRANCHED BRASS CAP
 - DENOTES FOUND 2" ALUMINUM (45 HOLES)
 - DENOTES 1/2" REBAR SET / PAB PLASTIC CAP (LS-49)
 - DENOTES 1/2" REBAR FOUND / PAB PLASTIC CAP (LS-49) (UNLESS NOTED)
 - DENOTES UTILITY LINE
 - DENOTES SIDE BUILDING LINE
 - DENOTES SANITARY SEWER EASEMENT
 - DENOTES WATER QUALITY & QUANTITY DRAINAGE EASEMENT
 - DENOTES DRAINAGE EASEMENT
 - DENOTES WATERLINE EASEMENT
 - DENOTES PUBLIC RECREATION EASEMENT
 - DENOTES LANDSCAPE EASEMENT
 - DENOTES LIMITS OF NO ACCESS

Prepared By: Payne & Brockway Engineers, P.A.
P. O. Box 128
Olathe, Kansas 66061
913-782-4800

Developed By: Martens Family Enterprises, Inc.
c/o Philip W. Martens
10800 W. 158th Street
Olathe, Kansas 66062
913-782-2276

Date Prepared: November 15, 2019

TITLE INFORMATION FURNISHED BY
FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NO. 735914.0
DATED NOVEMBER 16, 2015

HEATHER RIDGE SOUTH
4TH PLAT
SEC. 24, T14S, R23E
JOHNSON COUNTY, KANSAS

