

STAFF REPORT

Planning Commission Meeting: March 22, 2021

Application:	FP21-0004: Enclave at Boulder Hills Villas Second Plat		
Location:	In the vicinity of Lackman Road, north of 175 th Street		
Applicant/Owner:	Travis Schram, Grata Development		
Engineer:	Mark Breuer, P.E.; Schlagel & Associates		
Staff Contact:	Emily Carrillo, Senior Planner		
Site Area:	<u>7.73 acres</u>	Proposed Use:	<u>Residential Single Family</u>
Lots:	<u>31</u>	Current Zoning:	<u>R-1 (Residential Single-Family)</u>
Tracts:	<u>3</u>		

1. Introduction:

The following application is a final plat for Enclave at Boulder Hills Villas, Second Plat. This plat will establish lot lines, dedicate public easements, and common tracts in the subdivision. This plat is the second phase of Enclave at Boulder Hills Villas, a small-lot, single-family home subdivision located at the intersection of W. 172nd Terrace and W. 173rd Terrace.

The subject property was rezoned to the R-1 District in September 2019 (RZ19-0013) with an associated preliminary plat. This final plat is consistent with the preliminary plat that accompanied the rezoning.

2. Plat Review:

- a. **Lots/Tracts** -- This plat includes thirty-one (31) single-family lots and three (3) common tracts. All 3 common tracts are intended to be owned and maintained by the Homes Association or their authorized representatives and are intended to be used for landscaping and open space.

The Unified Development Ordinance (UDO) allows single-family lots in the R-1 District to have reduced lot sizes and setbacks if certain architectural design features are provided to comply with Building Design Category A standards. A note has been added on this final plat stating that all homes constructed within this plat are subject to Category A building design standards. The average lot size in this first phase is 7,835 square feet. All lots exceed the minimum lot size of 5,000 square feet, with the smallest lot being 6,216 square feet.

- b. **Public Utilities** -- The subject property is located within the Johnson County Wastewater and WaterOne service areas. Drainage Easements (D/E), Sanitary Sewer Easements (S/E), Utility Easements (U/E), Stormwater Quality/Quantity Easements (BMP/E), Street Easements (STR/E), Landscape and Access Easements (L/E and A/E),

Pedestrian Access Easements (P/A), and Sidewalk Easements (SW/E) will be dedicated with this final plat.

- c. **Streets/Right-of-Way** – Roadways within the subdivision are being dedicated with this plat. The lots withing this development will have roadway access from W. 172nd Terrace.

Applicant has requested deferral of a minor section of public improvements, specifically the southern portion of 172nd Terrace south of 173rd Terrace, required per UDO 18.30.220.A.1. There is a Road Construction Agreement pending execution to allow for this deferral. If for any reason this Agreement should not be executed and recorded, public improvements will be required per standard City requirements.



Aerial view of subject property (FP21-0004) in blue.

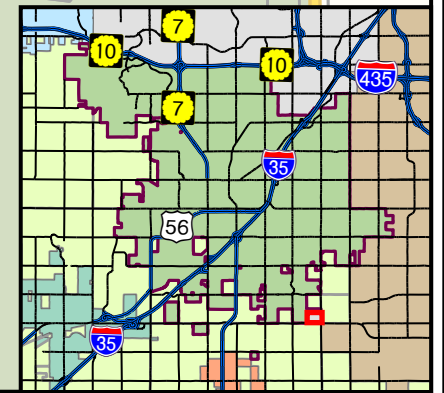
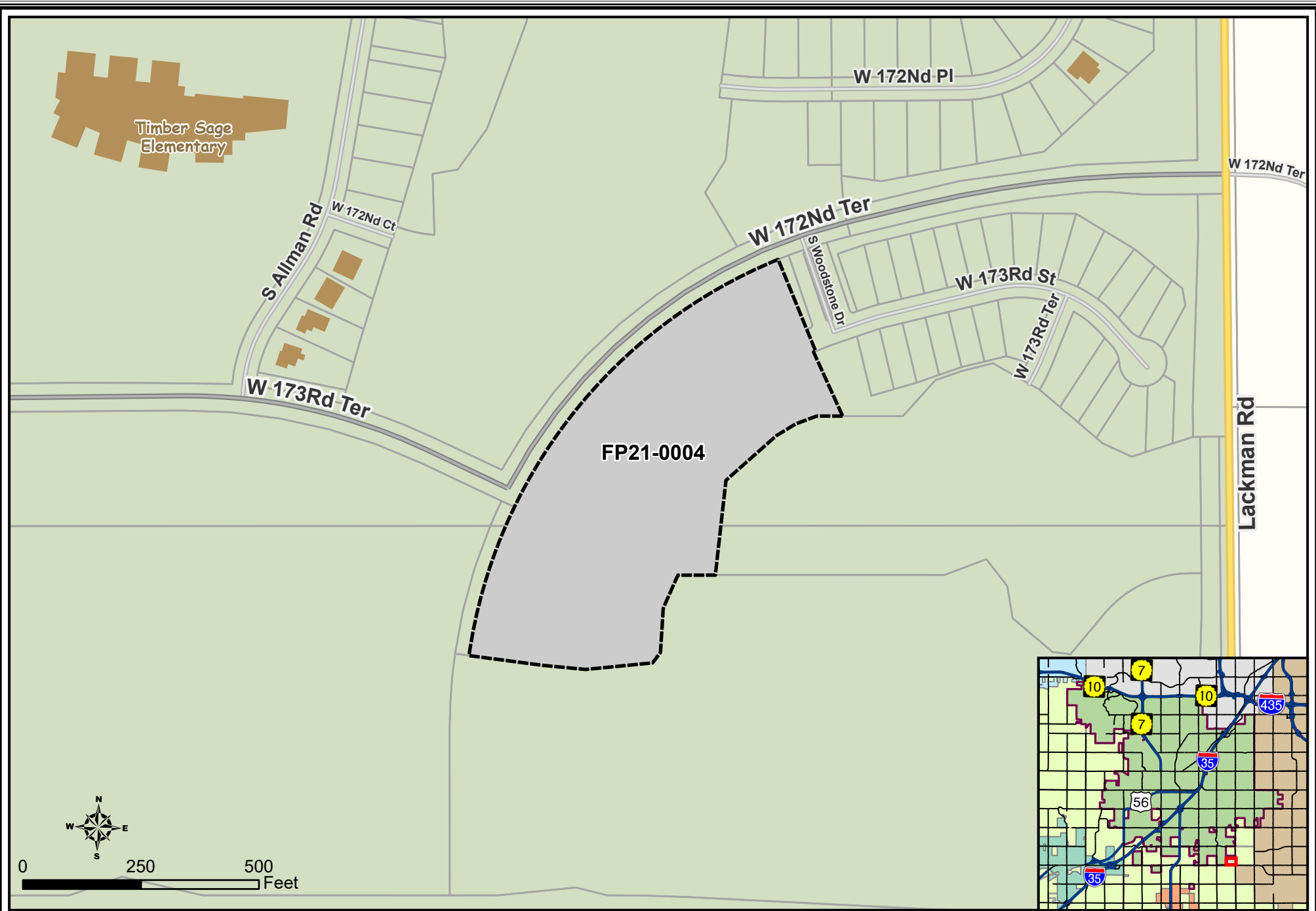


View of subject property looking east from intersection of 172nd Terrace and W. 172nd Terrace.

3. Staff Recommendation:

Staff recommends approval of FP21-0004 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. Prior to recording the final plat, the Homeowners' Association agreement must be submitted to the Planning Division for review and approval.



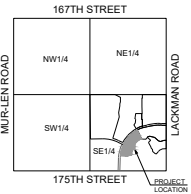
ENCLAVE AT BOULDER HILLS VILLAS, 2ND PLAT

FP21-0004

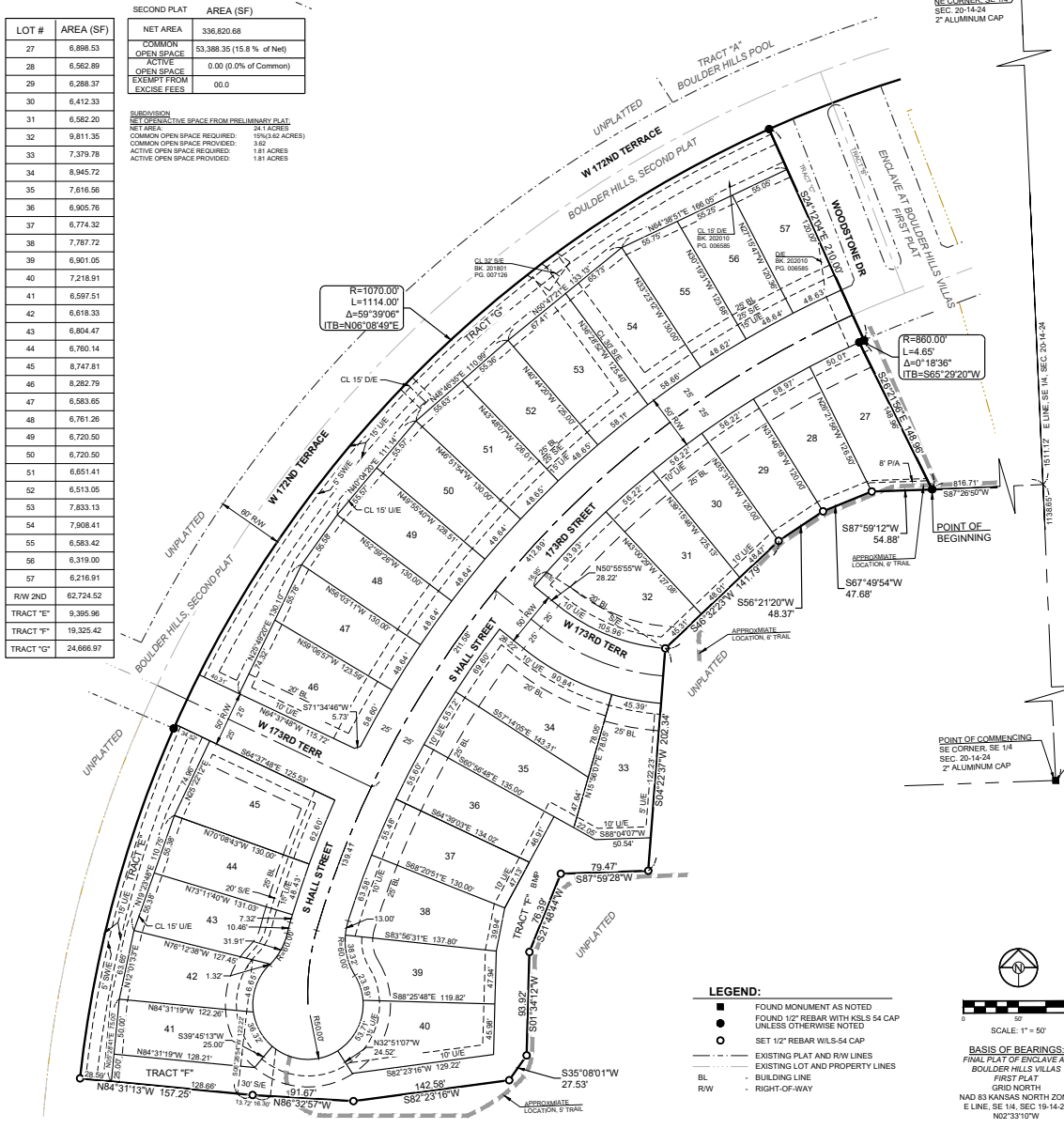
FINAL PLAT OF ENCLAVE AT BOULDER HILLS VILLAS, SECOND PLAT

PART OF THE SE 1/4 OF SEC. 20-14-24
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

SECTION 20-14-24
LOCATION MAP
SCALE 1" = 200'



LOT #	AREA (SF)	NET AREA	AREA (SF)
27	6,898.53	336,820.68	
28	6,562.89	53,388.35 (15.8 % of Net)	
29	6,288.37	0.00 (0.0 % of Net)	
30	6,412.33	0.00	
31	6,582.20		
32	9,911.35		
33	7,379.78		
34	8,945.72		
35	7,816.56		
36	6,905.76		
37	6,774.32		
38	7,787.72		
39	6,901.05		
40	7,218.91		
41	6,597.51		
42	6,818.33		
43	6,804.47		
44	6,780.14		
45	8,747.81		
46	8,282.79		
47	6,585.65		
48	6,761.26		
49	6,720.50		
50	6,720.50		
51	6,651.41		
52	6,513.05		
53	7,833.13		
54	7,908.41		
55	6,583.42		
56	6,319.00		
57	6,216.91		
R/W 2ND	62,724.52		
TRACT "E"	9,365.96		
TRACT "F"	19,325.42		
TRACT "G"	24,668.97		



DESCRIPTION:

Part of the Southeast One-Quarter of Section 20, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of the said Southeast One-Quarter; thence along the East line of the said Southeast One-Quarter, North 02 degrees 33 minutes 10 seconds West, a distance of 118.65 feet; thence South 87 degrees 26 minutes 50 seconds West a distance of 818.71 feet to the Southwest corner of "Tract D", ENCLAVE AT BOULDER HILLS, FIRST PLAT, a subdivision of land in the said City of Olathe, said corner being the Point of Beginning of the said Southeast One-Quarter; thence South a distance of 54.88 feet; thence South 67 degrees 49 minutes 54 seconds West a distance of 47.68 feet; thence South 56 degrees 21 minutes 20 seconds West a distance of 48.37 feet; thence South 46 degrees 12 minutes 23 seconds West a distance of 141.79 feet; thence South 04 degrees 22 minutes 37 seconds West a distance of 202.34 feet; thence South 87 degrees 59 minutes 28 seconds West a distance of 79.47 feet; thence South 21 degrees 48 minutes 48 seconds West a distance of 76.39 feet; thence South 01 degrees 34 minutes 12 seconds West a distance of 93.92 feet; thence South 35 degrees 08 minutes 01 seconds West a distance of 27.53 feet; thence South 82 degrees 23 minutes 16 seconds West a distance of 142.68 feet; thence North 88 degrees 52 minutes 57 seconds West a distance of 51.57 feet; thence North 84 degrees 31 minutes 13 seconds West a distance of 157.25 feet to a point of curvature; thence Northeastly on a curve to the right having an initial tangent bearing of North 06 degrees 08 minutes 49 seconds East, a radius of 1070.00 feet, a central angle of 59 degrees 39 minutes 06 seconds and an arc length of 1114.00 feet to a point on the West line of said ENCLAVE AT BOULDER HILLS, FIRST PLAT; thence along the said West line the remaining three courses, South 24 degrees 12 minutes 04 seconds East a distance of 210.00 feet to a point of curvature; thence Southwesterly on a curve to the left having an initial tangent bearing of South 65 degrees 20 minutes 20 seconds West, a radius of 860.00 feet, a central angle of 00 degrees 18 minutes 36 seconds and an arc length of 4.65 feet; thence South 26 degrees 21 minutes 50 seconds East a distance of 148.96 feet to the Point of Beginning and containing 7.752 acres more or less.

RESTRICTIONS:

Tracts "E" and "G" shall be owned and maintained by the Homes Association or their authorized representatives thereof and used for landscaping purposes and open space.

All landscaping and related materials that are planted or constructed within the adjacent Street right-of-way shall be maintained by the Property Owners, or their authorized representatives thereof.

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Dedications, which instruments are to be recorded in the Office of the Register of Deeds of Johnson County, Kansas, as provided above, and which shall hereby become a part of the dedication of this plat as though set forth herein.

All homes built within this plat are subject to Category A building requirements.

All new on-site wiring and cables must be placed underground.

Above ground electrical equipment and telephone cabinets must be placed in the rear yard.

All mechanical equipment shall be screened per LDO requirements.

Sidewalks will be included on both sides of streets.

Sidewalks in cul-de-sacs will terminate at a driveway.

Side yard setbacks may be reduced to minimum of 5 feet.

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.

CONSENT TO LEVY:

The undersigned proprietor of the above described tract of 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 assessments, 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 said dedicated public way or thoroughfare.

EXECUTION:

IN TESTIMONY WHEREOF, TRAVIS SCHRAM, Manager of K3, L.L.C., a Kansas limited liability company, by the authority of its Member, has caused this instrument to be executed, this _____ day of _____, 20____.

K3, L.L.C.,

By: TRAVIS SCHRAM, Manager

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, came TRAVIS SCHRAM, Manager K3, L.L.C., a Kansas Limited Liability Company, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and such duly acknowledged the execution of the same to be act and deed of same.

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

Notary Public _____ My Commission Expires: _____

Print Name _____

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED ON 8-28-2020. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Aaron T. Reuter - Land Surveyor KSR 15-1429

LEGEND:

● FOUND MONUMENT AS NOTED

○ FOUND 1/2" REBAR WITH KSL5 54 CAP UNLESS OTHERWISE NOTED

○ SET 1/2" REBAR W/LS-64 CAP UNLESS OTHERWISE NOTED

--- EXISTING PLAT AND ROW LINES

--- EXISTING LOT AND ROW LINES

--- BUILDING LINE

--- RIGHT-OF-WAY

BL BUILDING LINE

R/W RIGHT-OF-WAY

APPROXIMATE LOCATION OF TRAIL

APPROXIMATE LOCATION OF TRAIL

APPROXIMATE LOCATION OF TRAIL

DEDICATIONS:

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall hereafter be known as "ENCLAVE AT BOULDER HILLS VILLAS, SECOND PLAT".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown herein, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, terraces, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares, subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

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 and cables, sidewalks, etc., upon, over and under the areas outlined and designated on this plat as "Utility Easement" or "UE". A 10' foot wide "Utility Easement" or "UE" is hereby dedicated to the City of Olathe, Johnson County, Kansas, adjacent to and parallel with the Right-of-Way of all Streets unless otherwise shown.

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 "SSE" 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 assigns. Any placing of structures, landscaping and related materials or planting of trees on islands within the street right-of-way will be done at the risk of subsequent damage thereto without compensation therefor.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to enter upon, construct and maintain pipes, inlets, manholes, surface drainage facilities relative to storm water drainage and sidewalks upon, over, or under the areas outlined and designated on this plat as "Drainage Easement" or "DE".

A perpetual easement over, under, across and upon those portions of the property herein delineated and designated as "Landscape and Access Easement" or "LAE" and "A/E" is hereby reserved in favor of the Boulder Hills Homes Association, their respective successors and assigns, for, but not limited to, ingress, egress, installation, replacing, repairing and maintaining cable television systems, master television antenna systems, security and similar systems, roads, walkways, bicycle pathways, lakes, ponds, wetlands, drainage systems, street lights, signage and all utilities, including, but not limited to, water, sewers, meter boxes, mail boxes, telephones, gas and electricity and such other purposes as the Association, their successors and assigns, may deem appropriate. Tracts "E", "F" and "G" are dedicated as "Landscape and Access Easement" or "LAE & A/E".

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of sidewalks, upon and over those areas outlined and designated on this plat as "Sidewalk Easement" or "SWE" is hereby granted to the City of Olathe, Kansas. No above ground facilities associated with the uses herein permitted shall be constructed, located, or maintained in any area of the "UE" that crosses or intersects with a "SWE".

A perpetual easement for pedestrian access over, under, across and upon the areas designated as "Pedestrian Access Easement" or "PAE" is hereby reserved by the undersigned proprietor, its heirs, assigns, or successors for ingress and egress of all owners and occupants of lots and parcels depicted on this plat, their guests and invitees. No obstructions that would prohibit the free flow of pedestrian traffic shall be allowed to be constructed or maintained within said easement. The Homes Association or their authorized representatives thereof are to be responsible for the maintenance, repair, and/or replacement of the sidewalk and other amenities contained within said easement. "Tract F" is dedicated as "Pedestrian Access Easement" or "PAE".

Tract "F" is hereby dedicated for Stormwater Quality "BMP's". Stormwater Quality "BMP's" are to be maintained by the owner.

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

APPROVALS:

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

Chairman, C.S. VAKAS

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

Mayor, JOHN BACON City Clerk, BRENDA D. LONG

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
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Kansas State Certificate of Authority
KS-200-86-29 6-6-04

DATE 1-20-2021
DRAWN BY JMT
CHECKED BY AR
PROJ. NO. 20-298

FINAL PLAT OF
ENCLAVE AT BOULDER HILLS
VILLAS, SECOND PLAT
SHEET NO. 1