

**MINUTES
CITY OF OLATHE
DEVELOPMENT SERVICES
STAFF REPORT**

The meeting was called to order by Chairman Jon Campbell, with the following members present: Mike Kohler, Nedra Locke, Paul Ling, Mike Rinke, Greg Harrelson, Jeremy Fry and John Almeida.

Chairman Campbell read the standard *ex parte* statement; no commissioners reported any *ex parte* communications.

Item 5, P-11-013, was removed from the Consent Agenda and continued to the April 25, 2011, Planning Commission meeting.

Motion by Commissioner Kohler, seconded by Commissioner Locked, to approve items 1, 2, 3, 4, 6, 7, 8 and 9 of the Consent Agenda. Motion passed 8-0.

Case No: P-11-010 **Meeting Date:** March 28, 2011

Request: Approval of a final plat of fifteen (15) lots and one (1) tract, for Woods of Cedar Glen First Plat, on 6.0± acres (**Renewal**).

Location: In the vicinity of Clare Road and College Boulevard.

Owner/Applicant: Ronald Mather; Cedar Creek Development Company, Inc.

Engineer: David Rinne; Schlagel & Associates

Acres:	<u>6.0±</u>	Proposed Use:	<u>Single Family</u>
Number of Lots/Tracts:	<u>15/1</u>	Current Zoning:	<u>RP-1</u>
Streets and Right of way:	<u>114th Court</u>		<u>115th Street</u>
	<u>N/A</u>		<u>N/A</u>
Existing Required	<u>50' (Total)</u>		<u>50' (Total)</u>
Proposed	<u>50' (Total)</u>		<u>50' (Total)</u>

III. STAFF ANALYSIS

1. Comments:

This is a request for approval of a final plat of fifteen (15) lots and one (1) tract, for Woods of Cedar Glen First Plat, on 6.0± acres located in the vicinity of Clare Road and College Boulevard. The rezoning and preliminary plat (RZ-07-044) was approved by the Planning Commission on January 14, 2008. The final plat (P-08-020) was approved by the Governing Body on July 15, 2008

Section 18.12.280 of the Unified Development Ordinance requires all final plats to be recorded within eighteen (18) months of approval by the Governing Body or

they are deemed null and void. Based on this requirement, this final plat had to be recorded no later than January 15, 2010. A subsequent one-year extension was granted with PAR-09-021, to allow final recording by January 2011.

The final plat was not recorded, and the applicant has chosen to refile the subdivision request to reinstate the final plat, and allow an additional period for recording.

2. **Conformance with Official Plans and Policies:**

The proposed plat, as stipulated, complies with the City's *Unified Development Ordinance (UDO)*.

3. **Utilities:**

This property is located within the City of Olathe water and sanitary sewer service areas. Water and sanitary sewer main extensions will be required to serve this development. The applicant plans to submit for a Benefit District for approximately 1,000 feet of 36-inch sanitary sewer gravity main and additional trunk mains north into the development. This property is within the proposed Highlands of Southglen Sanitary Sewer Benefit District and this district shall be approved by the Governing Body prior to recording the final plat.

Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.

4. **Streets and Access:**

Access to the Highlands of Southglen subdivisions, which includes this final plat, will have access points located off of Clare Road and College Boulevard. The properties on this final plat shall be accessed via 115th Street. This property is located within the proposed Cedar Creek Parkway Benefit District and this district shall be approved by the Governing Body prior to recording the final plat.

5. **Excise Fees:**

In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. The signal excise fee shall be submitted to Development Services prior to recording the final plat. The approximate amount due is \$967.03. No street excise fees are associated with this plat as the applicant has requested that a benefit district be formed for these improvements.

6. **Staff Recommendations:**

Staff recommends approval of P-11-010 subject to the stipulations of the original approval, as follows:

- a. Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering

system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

- b. Prior to recording the final plat, the proposed Highlands of Southglen Sanitary Sewer Benefit District shall be approved by the Governing Body.
- c. Prior to recording the final plat, the proposed Cedar Creek Parkway Benefit District shall be approved by the Governing Body.
- d. In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. The signal excise fee shall be submitted to Development Services prior to recording the final plat. The approximate amount due is \$967.03.
- e. Prior to recording the plat, a street tree plan indicating the layout, species and size of street trees, shall be submitted to the Development Services Department.
- f. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.B and 18.12.040.B to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
- g. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.D to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.
- h. Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.
- i. The developer is responsible for planting street trees, subject to UDO §18.62.045. Such trees shall be planted at the completion of each phase of development.
- j. Prior to the issuance of a certificate of occupancy, temporary or permanent street signs shall be installed on the streets listed on the building permits.
- k. All aboveground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if screened with landscape materials.

- l. Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Register of Deeds office concurrently with the recording of the final plat.
- m. Prior to recording the plat, the street currently labeled *115th Street* shall be changed to *Violet Street*.

Motion by Commissioner Kohler, seconded by Commissioner Locke, to approve P-11-010, subject to the following stipulations:

- a. Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- b. Prior to recording the final plat, the proposed Highlands of Southglen Sanitary Sewer Benefit District shall be approved by the Governing Body.
- c. Prior to recording the final plat, the proposed Cedar Creek Parkway Benefit District shall be approved by the Governing Body.
- d. In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. The signal excise fee shall be submitted to Development Services prior to recording the final plat. The approximate amount due is \$967.03.
- e. Prior to recording the plat, a street tree plan indicating the layout, species and size of street trees, shall be submitted to the Development Services Department.
- f. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.B and 18.12.040.B to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
- g. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.D to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.

- h. Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.
- i. The developer is responsible for planting street trees, subject to UDO §18.62.045. Such trees shall be planted at the completion of each phase of development.
- j. Prior to the issuance of a certificate of occupancy, temporary or permanent street signs shall be installed on the streets listed on the building permits.
- k. All aboveground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if screened with landscape materials.
- l. Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Register of Deeds office concurrently with the recording of the final plat.
- m. Prior to recording the plat, the street currently labeled *115th Street* shall be changed to *Violet Street*.

Motion passes 8-0.

**MINUTES
CITY OF OLATHE
PLANNING SERVICES
STAFF REPORT**

Case No: P-11-011 **Meeting Date:** March 28, 2011

Request: Approval of a final plat of forty-three (43) lots and one (1) tract, for Southglen of Cedar Creek Ninth Plat, on 20.45± acres **(Renewal)**.

Location: In the vicinity of Clare Road and College Boulevard.

Owner/Applicant: Ronald Mather; Cedar Creek Development Company, Inc.

Engineer: David Rinne; Schlagel & Associates

Acres:	<u>20.45±</u>	Proposed Use:	<u>Single Family</u>
Number of Lots/Tracts:	<u>43/1</u>	Current Zoning:	<u>RP-1</u>
Streets and Right of way:	<u>113th Terrace</u>	<u>Local Streets</u>	
	<u>N/A</u>	<u>N/A</u>	
Existing Required	<u>60' (Total)</u>	<u>50' (Total)</u>	
Proposed	<u>60' (Total)</u>	<u>50' (Total)</u>	

1. Comments:

This is a request for approval of a final plat of forty-three (43) lots and one (1) tract, for Southglen of Cedar Creek Ninth Plat, on 20.45± acres located in the vicinity of Clare Road and College Boulevard. The rezoning and preliminary plat (RZ-07-044) was approved by the Planning Commission on January 14, 2008. The final plat was approved by the City Council on July 15, 2008.

Section 18.12.280 of the Unified Development Ordinance requires all final plats to be recorded within eighteen (18) months of approval by the Governing Body or they are deemed null and void. Based on this requirement, this final plat had to be recorded no later than January 15, 2010. A subsequent one-year extension was granted with PAR-09-20, to allow final recording by January 2011.

The final plat was not recorded, and the applicant has chosen to refile the subdivision request to reinstate the final plat, and allow an additional period for recording.

2. Conformance with Official Plans and Policies:

The proposed plat, as stipulated, complies with the City's *Unified Development Ordinance (UDO)*.

3. Utilities:

This property is located within the City of Olathe water and sanitary sewer service areas. Water and sanitary sewer main extensions will be required to serve this development. The applicant plans to submit for a Benefit District for approximately 1,000 feet of 36-inch sanitary sewer gravity main and additional trunk mains north into the development. This property is within the proposed Highlands of Southglen Sanitary Sewer Benefit District and this district shall be approved by the Governing Body prior to recording the final plat.

Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.

4. Streets and Access:

Access to the Highlands of Southglen subdivisions, which includes this final plat, will have access points located off of Clare Road and College Boulevard. The properties on this final plat shall be accessed via 113th Terrace and Clare Road. Local streets such as 114th Street shall connect to Cedar Creek Parkway in the future. This property is located within the proposed Cedar Creek Parkway Benefit District and this district shall be approved by the Governing Body prior to recording the final plat.

5. Excise Fees:

In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. The signal excise fee shall be submitted to Development Services prior to recording the final plat. The approximate amount due is \$3,295.97. No street excise fees are associated with this plat as the applicant has requested that a benefit district be formed for these improvements.

6. Staff Recommendations:

Staff recommends approval of P-11-011 subject to the stipulations as originally approved with the request, as follows:

- a. Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- b. Prior to recording the final plat, the proposed Highlands of Southglen Sanitary Sewer Benefit District shall be approved by the Governing Body.
- c. Prior to recording the final plat, the proposed Cedar Creek Parkway Benefit District shall be approved by the Governing Body.

- d. In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. The signal excise fee shall be submitted to Development Services prior to recording the final plat. The approximate amount due is \$3,295.97.
- e. Prior to recording the plat, a street tree plan, indicating the layout, species and size of street trees, shall be submitted to the Development Services Department.
- f. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.B and 18.12.040.B to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
- g. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.D to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.
- h. Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.
- i. The developer is responsible for planting street trees, subject to UDO §18.62.045. Such trees shall be planted at the completion of each phase of development.
- j. Prior to the issuance of a certificate of occupancy, temporary or permanent street signs shall be installed on the streets listed on the building permits.
- k. All aboveground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if screened with landscape materials.
- l. Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Register of Deeds office concurrently with the recording of the final plat.

- m. Prior to recording the plat, the street currently labeled *115th Street* shall be changed to *Violet Street*.
- n. Prior to recording the plat, the street currently labeled *113th Street Terrace* shall be changed to *113th Terrace*.
- o. Parks and Recreation Department shall review and approve in conjunction with the Public Works and Municipal Services Departments street, sidewalk, grading and storm drain improvement plans for 113th Street adjacent to Southglen Park. The plans shall include additional width for on-street parallel parking for 7-8 parking stalls along the north side of 113th Street and installed with the construction of 113th Street. The placement of the parking stalls shall begin at or near the northwest corner of Southglen Park and extend southeasterly ending before the intersection of 113th Terrace.

Motion by Commissioner Kohler, seconded by Commissioner Locke, to approve P-11-011, subject to the following stipulations:

- a. Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- b. Prior to recording the final plat, the proposed Highlands of Southglen Sanitary Sewer Benefit District shall be approved by the Governing Body.
- c. Prior to recording the final plat, the proposed Cedar Creek Parkway Benefit District shall be approved by the Governing Body.
- d. In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. The signal excise fee shall be submitted to Development Services prior to recording the final plat. The approximate amount due is \$3,295.97.
- e. Prior to recording the plat, a street tree plan, indicating the layout, species and size of street trees, shall be submitted to the Development Services Department.
- f. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.B and 18.12.040.B to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
- g. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be

submitted in accordance with UDO § 18.68.390.D to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.

- h. Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.
- i. The developer is responsible for planting street trees, subject to UDO §18.62.045. Such trees shall be planted at the completion of each phase of development.
- j. Prior to the issuance of a certificate of occupancy, temporary or permanent street signs shall be installed on the streets listed on the building permits.
- k. All aboveground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if screened with landscape materials.
- l. Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Register of Deeds office concurrently with the recording of the final plat.
- m. Prior to recording the plat, the street currently labeled *115th Street* shall be changed to *Violet Street*.
- n. Prior to recording the plat, the street currently labeled *113th Street Terrace* shall be changed to *113th Terrace*.
- o. Parks and Recreation Department shall review and approve in conjunction with the Public Works and Municipal Services Departments street, sidewalk, grading and storm drain improvement plans for 113th Street adjacent to Southglen Park. The plans shall include additional width for on-street parallel parking for 7-8 parking stalls along the north side of 113th Street and installed with the construction of 113th Street. The placement of the parking stalls shall begin at or near the northwest corner of Southglen Park and extend southeasterly ending before the intersection of 113th Terrace.

Motion passes 8-0.

**MOTION
CITY OF OLATHE
PLANNING SERVICES
STAFF REPORT**

Case No.: P-11-012 **Date:** March 28, 2011

Request: Approval of a final plat of 15 lots and 3 tracts for Cedar Creek Village I, 28th Plat, on 6.09± acres (**Renewal**).

Location: Southwest corner of 103rd Street and Bluestem Parkway.

Owner: Ronald Mather, Cedar Creek Development

Engineer: David Rinne, Schlagel & Associates

Acres:	<u>6.09±</u>	Proposed Use:	<u>Single Family Residential</u>	
Number of Lots/Tracts:	<u>15/3</u>	Current Zoning:	<u>R-1</u>	
Streets and Right of way:	<u>103rd Street</u>	<u>Bluestem Parkway</u>	<u>103rd Terrace</u>	
	<u>Existing</u>	<u>100' (Total)</u>	<u>60'-80' (Total)</u>	<u>50' (Total)</u>
	<u>Required</u>	<u>100' (Total)</u>	<u>60'-80' (Total)</u>	<u>50' (Total)</u>
	<u>Proposed</u>	<u>100' (Total)</u>	<u>60'-80" (Total)</u>	<u>50' (Total)</u>

1. Comments:

This is a request for approval of a final plat of fifteen (15) lots and three (3) tracts for Cedar Creek Village I, 28th Plat, on 6.09± acres, located in the southwest corner of 103rd Street and Bluestem Parkway. The applicant wishes to construct fifteen (15) single family residential lots on the property. The rezoning to RP-1 (RZ-07-92) was approved by the Planning Commission on April 13, 1992. The preliminary plat for Cedar Creek Village, 28th Plat (P-07-057) was approved by the Planning Commission on August 13, 2007. The final plat was approved by the Governing Body on October 16, 2007.

Section 18.12.280 of the Unified Development Ordinance requires all final plats to be recorded within eighteen (18) months of approval by the Governing Body or they are deemed null and void. Based on this requirement, this final plat had to be recorded no later than April 16, 2009. A subsequent one-year extension was granted with PAR-09-023, to allow final recording by January 2011.

The final plat was not recorded, and the applicant has chosen to refile the subdivision request to reinstate the final plat, and allow an additional period for recording.

2. Conformance with Official Plans and Policies:

The proposed plat, as stipulated, complies with the City's *Unified Development Ordinance (UDO)*.

3. Tree Preservation and Landscaping:

The site is heavily wooded and the applicant has identified a tree preservation easements (TP/E) varying from twenty-five (25) feet to one hundred and thirty (130) feet along the rear property lines of lots 1-12, depending upon lot depth and location of existing trees. The applicant has also identified twenty (20) foot TP/E on Tract A, and an additional ten (10) foot TP/E along the rear of lots 13-15, which are adjacent to Tract A. Prior to the recording the final plats, standard orange barricade fencing shall be installed around all tree preservation areas. Any destruction of trees within preservation areas is subject to the penalties outlined by *UDO* Section 18.62.120.G.

4. **Utilities and Easements:**

This development is located within the City of Olathe water and sewer service areas. Water and sewer main extensions will be required for this development. Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.

All aboveground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if screened with landscape materials.

5. **Lots/Setbacks:**

The applicant has identified fifteen (15) single family lots and three (3) tracts on the final plat. Tracts A and B are designated as open space landscape buffers and will be owned and maintained by the home owners association (HOA). Tract C is a landscape island located in the cul-de-sac at the end of 103rd Terrace and will also be owned and maintained by the HOA.

The average lot size for the single family lots is approximately 11,278 square feet and no lot will be less than 7,682.88, which is above the city's minimum lot size requirement for R-1 zoning. A 30' front setback and a 20' side building setback has been identified for all single family lots.

6. **Street Signs:**

Prior to the issuance of a certificate of occupancy, temporary or permanent street signs shall be installed on the streets listed on the building permits.

7. **Streets/Access:**

The subdivision will have one (1) access point located at 103rd Terrace and Bluestem Parkway.

8. **Street and Signal Excise Taxes:**

This development is exempt from the street excise fee as it is located within the benefit district.

In accordance with Ordinance No. 02-52, the final plat is to a traffic signal excise fee of \$981.54. The signal excise fee shall be submitted to Development Services prior to recording the final plat.

8. Staff Recommendation:

Staff recommends approval of P-11-012 subject to the stipulations as originally approved with the request, as follows:

- a. In accordance with Ordinance No. 02-52, the final plat is to a traffic signal excise fee of \$981.54. The signal excise fee shall be submitted to Development Services prior to recording the final plat.
- b. Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- c. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.B and 18.12.040.B to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
- d. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.D to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.
- e. Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.
- f. The developer is responsible for planting street trees, subject to UDO §18.62.045. Such trees shall be planted at the completion of each phase of development.
- g. Prior to the recording the final plats, standard orange barricade fencing shall be installed around all tree preservation areas. Any destruction of trees within preservation areas is subject to the penalties outlined by UDO Section 18.62.120.G.
- h. Prior to the issuance of a certificate of occupancy, temporary or permanent street signs shall be installed on the streets listed on the building permits.

- i. Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Register of Deeds office concurrently with the recording of the final plat.
- j. All aboveground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if screened with landscape materials.

Motion by Commissioner Kohler, seconded by Commissioner Locke, to approve P-11-012, subject to the following stipulations:

- a. In accordance with Ordinance No. 02-52, the final plat is to a traffic signal excise fee of \$981.54. The signal excise fee shall be submitted to Development Services prior to recording the final plat.
- b. Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- c. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.B and 18.12.040.B to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
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- e. Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.
- f. The developer is responsible for planting street trees, subject to UDO §18.62.045. Such trees shall be planted at the completion of each phase of development.

- g. Prior to the recording the final plats, standard orange barricade fencing shall be installed around all tree preservation areas. Any destruction of trees within preservation areas is subject to the penalties outlined by *UDO* Section 18.62.120.G.
- h. Prior to the issuance of a certificate of occupancy, temporary or permanent street signs shall be installed on the streets listed on the building permits.
- i. Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Register of Deeds office concurrently with the recording of the final plat.
- j. All aboveground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if screened with landscape materials.

Motion passes 8-0.

**MINUTES
CITY OF OLATHE
DEVELOPMENT SERVICES
STAFF REPORT**

I.

Case No: P-11-013 **Meeting Date:** March 28, 2011

Request: Approval of a final plat for 42 lots and 3 tracts, for Cedar Creek Village I, Twenty-Ninth Plat, on 23.25± acres **(Renewal)**.

Location: In the vicinity of Cedar Creek Parkway and Valley Parkway

Owner/Applicant: Ronald Mather; Cedar Creek Development Company

Engineer: David Rinne; Schlagel & Associates

Acres:	<u>23.25±</u>	Proposed Use:	<u>Single-Family Residential</u>
Number of Lots/Tracts:	<u>42/3</u>	Existing Zoning	<u>R-1</u>
Streets and Right of way:	<u>Valley Parkway</u>	<u>101st Street</u>	
	<u>Existing</u>	<u>120' (Total)</u>	<u>50' (Total)</u>
	<u>Required</u>	<u>120' (Total)</u>	<u>50' (Total)</u>
	<u>Proposed</u>	<u>120' (Total)</u>	<u>50' (Total)</u>

1. Comments:

This is a request for approval of a final plat for 42 lots and 3 tracts, for Cedar Creek Village I, Twenty-Ninth Plat, on 23.25± acres, located in the vicinity of Cedar Creek Parkway and Valley Parkway.

The rezoning for this area (RZ-07-027) was approved by the Planning Commission on October 8, 2007 and the preliminary plat (P-08-003) was approved on February 25, 2008. The final plat was approved by the Governing Body on July 15, 2008.

Section 18.12.280 of the Unified Development Ordinance requires all final plats to be recorded within eighteen (18) months of approval by the Governing Body or they are deemed null and void. Based on this requirement, this final plat had to be recorded no later than January 15, 2010. A subsequent one-year extension was granted with PAR-09-022, to allow final recording by January 2011.

The final plat was not recorded, and the applicant has chosen to refile the subdivision request to reinstate the final plat, and allow an additional period for recording.

2. Conformance with Official Plans and Policies:

The proposed plat, as stipulated, complies with the City's *Unified Development Ordinance (UDO)*.

3. Utilities:

The property is located within the City of Olathe water and sewer service area. Water and sewer main extensions are required to provide service to this site.

All main extensions, relocations, service connections and/or upgrades are subject to review and approval by Municipal Services and Public Works.

4. Streets/Access:

Access to the subdivision will be located off of Valley Parkway via 101st Street, which extends through the plat area; all lots will have direct access to 101st Street. This is within the future Valley Parkway Benefit District; the plat will need to be held for recording until this petition has been approved by the Governing Body.

5. Excise Taxes:

A benefit district is to be created for the construction of arterial streets in this area. Staff has stipulated that such a benefit district shall be approved by the City Council prior to recording of a final plat for this property. Property that is part of a benefit district for street improvements is not required to pay street or signal excise fees. If a benefit district is not created that will fund the construction of Valley Parkway, then excise taxes will be calculated and required with the final plat.

6. Open Space and Tree Preservation Areas:

Tracts A, B, and C shall be dedicated as open space or common area and will be owned and maintained by the Cedar Creek Homes Association. The preliminary plat indicated tree preservation areas on the west, north, and south sides of the property located outside of the plat area. The applicant has also indicated a preservation area along the back side of lots 1 through 10. A perpetual tree preservation easement extends along the rear property lines of Lots 1-23, and Lots 25 and 26.

7. Staff Recommendations:

Staff recommends approval of P-11-013 subject to the stipulations as originally approved with the request, as follows:

- a. All Cedar Creek property is to be included within an arterial benefit district, therefore the final plat shall not be recorded until the petition is approved by the Governing Body.
- b. Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering

system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

- c. Prior to recording the plat, a master fence/screening plan and street tree plan, indicating the layout, species and size of street trees, shall be submitted to the Development Services Department.
- d. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.B and 18.12.040.B to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
- e. Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO § 18.68.390.D to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.
- f. Line extension, service connections and/or upgrades are subject to review and approval by the Public Works Department and Utilities Technical Support Division.
- g. The developer is responsible for planting street trees, subject to UDO §18.62.045. Such trees shall be planted at the completion of each phase of development.
- h. Prior to the recording the final plats, standard orange barricade fencing shall be installed around all tree preservation areas. Any destruction of trees within preservation areas is subject to the penalties outlined by UDO Section 18.62.120.G.
- i. All aboveground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if screened with landscape materials.
- j. Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Register of Deeds office concurrently with the recording of the final plat.

P-11-013 Continued
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Item P-11-013 was pulled from the Consent Agenda and moved to the April 25, 2011, Planning Commission meeting.

**MOTION
STAFF REPORT
CITY OF OLATHE
PLANNING SERVICES**

Case No: P-11-014 **Meeting Date:** March 28, 2011

Request: Approval of a minor plat of four lots and a common tract on 0.376± acres of The Landings At Stone Creek, First Plat (a replat of Lot 1, Stone Creek Village Second Plat).

Location: 124th Street & Prairie Creek Road

Owner: Mickey Vena, P&L Development, L.L.C.

Engineer: Jerald Pruitt, Pruitt & Dooley Surveying, L.L.C.

Acres:	0.376±	Existing Use:	<u>Vacant</u>
Number of Lots/Units:	<u>4</u>	Current Zoning:	<u>RP-3</u>
Streets and Right of way:		<u>Prairie Creek Road</u>	
	Existing	<u>50'</u>	
	Required	<u>50'</u>	
	Proposed	<u>50'</u>	

CASE FILE INFORMATION

I. COMMENTS

This is a request for approval of a minor plat for The Landings At Stone Creek, First Plat, on 0.376± acres, located at 124th Street and Prairie Creek Road.

The final plat (P-10-015) for Stone Creek Village, Second Plat was approved in 2010. Townhome lots are being subdivided (replatted) for separate ownership.

NOTE: No street right-of-way or public utility easements are being dedicated with this plat. Therefore, City Council action is not required.

II. ANALYSIS

A. Utilities: The properties are located in the City of Olathe water and sewer areas. Utilities are existing to the site.

B. Access/Streets: The townhomes will have access from driveways on Prairie Creek Road.

C. Lots/Units: The proposed replat creates a separate lot for each townhome and a small yard area, along with a common tract. The Homes Association will be responsible for ownership and maintenance of the common tract.

D. Excise taxes: The required street and traffic signal excise fees were paid with the original final plat, therefore the replats are exempt from excise taxes.

IV. STAFF RECOMMENDATION

A. Staff recommends approval of P-11-014 subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Records and Tax Administration office concurrently with the recording of the final plat.
- (3) Prior to and upon recording of the plat a copy of any covenants or deed restrictions applicable to the subdivision must be submitted to City of Olathe Planning Division.
- (4) Upon submittal of the plat for recording the Drainage Easement "D/E" shall be dedicated on the plat.
- (5) Upon submittal of the plat for recording the Limits of No Access shall be drawn as hash marks.
- (6) Prior to certificates of occupancy, all required neighborhood amenities, including landscaping and walking trails, shall be installed by respective phase per the approved final site development plan.

Motion by Commissioner Kohler, seconded by Commissioner Locke, to approve P-11-014, subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks

or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Records and Tax Administration office concurrently with the recording of the final plat.

- (3) Prior to and upon recording of the plat a copy of any covenants or deed restrictions applicable to the subdivision must be submitted to City of Olathe Planning Division.
- (4) Upon submittal of the plat for recording the Drainage Easement "D/E" shall be dedicated on the plat.
- (5) Upon submittal of the plat for recording the Limits of No Access shall be drawn as hash marks.
- (6) Prior to certificates of occupancy, all required neighborhood amenities, including landscaping and walking trails, shall be installed by respective phase per the approved final site development plan.

Motion passes 8-0.

**MOTION
STAFF REPORT
CITY OF OLATHE
PLANNING SERVICES**

Case No: P-11-015 **Meeting Date:** March 28, 2011

Request: Approval of a minor plat of four lots and a common tract on 0.288± acres of The Landings At Stone Creek, Second Plat (a replat of Lot 9, Stone Creek Village Second Plat).

Location: 123rd Terrace & Sagebrush Drive

Owner: Mickey Vena, P&L Development, L.L.C.

Engineer: Jerald Pruitt, Pruitt & Dooley Surveying, L.L.C.

Acres:	0.288±	Existing Use:	<u>Vacant</u>
Number of Lots/Units:	<u>4</u>	Current Zoning:	<u>RP-3</u>
Streets and Right of way:		<u>123rd Terrace</u>	
	Existing	<u>50'</u>	
	Required	<u>50'</u>	
	Proposed	<u>50'</u>	

CASE FILE INFORMATION

I. COMMENTS

This is a request for approval of a minor plat for The Landings At Stone Creek, Second Plat, on 0.288± acres, located at 123rd Terrace and Sagebrush Drive.

The final plat (P-10-015) for Stone Creek Village, Second Plat was approved in 2010. Townhome lots are being subdivided (replatted) for separate ownership.

NOTE: No street right-of-way or public utility easements are being dedicated with this plat. Therefore, City Council action is not required.

II. ANALYSIS

A. Utilities: The properties are located in the City of Olathe water and sewer areas. Utilities are existing to the site.

B. Access/Streets: The townhomes will have access from driveways on 123rd Terrace.

C. Lots/Units: The proposed replat creates a separate lot for each townhome and a small yard area, along with a common tract. The Homes Association will be responsible for ownership and maintenance of the common tract.

D. Excise taxes: The required street and traffic signal excise fees were paid with the original final plat, therefore the replats are exempt from excise taxes.

IV. STAFF RECOMMENDATION

A. Staff recommends approval of P-11-015 subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments. The document shall be recorded with the Johnson County Records and Tax Administration office concurrently with the recording of the final plat.
- (3) Prior to and upon recording of the plat a copy of any covenants or deed restrictions applicable to the subdivision must be submitted to City of Olathe Planning Division.
- (4) Upon submittal of the plat for recording the Drainage Easement "D/E" shall be dedicated on the plat.
- (5) Prior to certificates of occupancy, all required neighborhood amenities, including landscaping and walking trails, shall be installed by respective phase per the approved final site development plan.

Motion by Commissioner Kohler, seconded by Commissioner Locke, to approve P-11-015, subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) Prior to recording the plat, an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screening tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of all expenses, including taxes and special

assessments. The document shall be recorded with the Johnson County Records and Tax Administration office concurrently with the recording of the final plat.

- (3) Prior to and upon recording of the plat a copy of any covenants or deed restrictions applicable to the subdivision must be submitted to City of Olathe Planning Division.
- (4) Upon submittal of the plat for recording the Drainage Easement "D/E" shall be dedicated on the plat.
- (5) Prior to certificates of occupancy, all required neighborhood amenities, including landscaping and walking trails, shall be installed by respective phase per the approved final site development plan.

Motion passes 8-0.

**MOTION
CITY OF OLATHE
STAFF REPORT**

CASE # P-11-016

Case Planner: Sean Pendley **Planning Commission:** March 28, 2011
Request: Approval of a minor plat for Cedar Lake Village, 3rd Plat.
Location: Vicinity of Lone Elm Road and OMC Parkway
Owner: Cedar Lake Village, Inc., Greg Amble
**Applicant/
Engineer:** Payne & Brockway, Mark Huggins

Acres:	<u>0.36±</u>	Proposed Use:	<u>Multi-family</u>
Lots:	<u>1</u>	Current Zoning:	<u>RP-4</u>
Streets and Right of way:	<u>OMC Parkway</u>	<u>Private street</u>	
	Existing	<u>100' (total)</u>	<u>25' (total)</u>
	Required	<u>100' (total)</u>	<u>25' (total)</u>
	Proposed	<u>n/a</u>	<u>n/a</u>

I. COMMENTS

The following is a request for a minor plat for Cedar Lake Village. The owner is requesting a reduced building setback to allow the development of a new twinhome in the independent living area. A revised site development plan for Cedar Lake Village (PR-11-009) is also on this agenda.

A final plat for Cedar Lake Village, 2nd Plat (P-04-079) was approved in 2004. The replat will allow an adjustment of the recorded building setback from 30 feet to 20 feet for Lot 4.

II. PLAT REVIEW

A. Utilities:

The property is located in the City of Olathe water and sewer service areas. Utilities are currently available to the site.

B. Setbacks:

In R-4 districts, the minimum building setback is thirty (30) feet from public street right-of-way. In RP-4 districts, building setbacks may be reduced to twenty (20) feet from street right-of-way per development and performance standards.

The owner is requesting a reduction of the building setback for one lot along OMC Parkway due to the layout between the curvilinear public street and straight private drive. The proposed twinhome will be the same size as the existing homes but it encroaches the platted setback line. The proposed building setback of 20 feet from street right-of-way meets the reduced setback requirements and development standards for RP-4 districts. The proposed setback does not cause any adverse impacts for public street right-of-way, utilities or surrounding properties.

C. Access/Streets:

The development is served by private drives connected to OMC Parkway. There are no changes proposed for the existing access drives and there will be no direct access to OMC Parkway.

D. Street and Signal Excise Taxes:

The required street and traffic signal excise fees were paid with the original final plat, therefore the replat is exempt from excise taxes.

III. STAFF RECOMMENDATION

Staff recommends approval of the minor plat with the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building 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.

Motion by Commissioner Kohler, seconded by Commissioner Locke, to approve P-11-016, subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

- (2) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building 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.

Motion passes 8-0.

**MOTION
CITY OF OLATHE
STAFF REPORT**

CASE # PR-11-009

Case Planner: Sean Pendley **Planning Commission:** March 28, 2011
Request: Approval of a revised site development plan for Cedar Lake Village.
Location: Vicinity of Lone Elm Road and OMC Parkway
Owner: Cedar Lake Village, Inc., Greg Amble
**Applicant/
Engineer:** Payne & Brockway, Mark Huggins

Acres:	<u>4.46±</u>	Proposed Use:	<u>Multi-family</u>
Current Zoning:	<u>RP-4</u>	Dwelling Units:	<u>16</u>
Streets and Right of way:	<u>OMC Parkway</u>	<u>Private street</u>	
	Existing	<u>100' (total)</u>	<u>25' (total)</u>
	Required	<u>100' (total)</u>	<u>25' (total)</u>
	Proposed	<u>n/a</u>	<u>n/a</u>

Platted: Lot 3, Cedar Lake Village.

I. COMMENTS

The following is a request for a revised site development plan for Cedar Lake Village. The owner is requesting a reduced building setback to allow the development of a new twinhome in the independent living area. An associated replat for Cedar Lake Village (P-11-016) is also on this agenda.

A rezoning to RP-4 (RZ-04-037) and final site development plan (PR-04-047) were approved for Cedar Lake Village in 2004. The revised site development plan will only affect the independent living units to the west of the assisted living center.

II. PLAN REVIEW

A. Utilities:

The property is located in the City of Olathe water and sewer service areas. Utilities are currently available to the site. Line extensions, service connections and/or upgrades are subject to review and approval

by the Department of Public Works, Planning and Environmental Services.

B. Setbacks:

In R-4 districts, the minimum building setback is thirty (30) feet from public street right-of-way. In RP-4 districts, building setbacks may be reduced to twenty (20) feet from street right-of-way per development and performance standards.

The owner is requesting a reduction of the building setback for one lot along OMC Parkway due to the layout between the curvilinear public street and straight private drive. The proposed twinhome will be the same size as the existing homes but it encroaches the platted setback line. The proposed building setback of 20 feet from street right-of-way meets the reduced setback requirements and development standards for RP-4 districts. The proposed setback does not cause any adverse impacts for public street right-of-way, utilities or surrounding properties.

C. Access/Streets:

The development is served by private drives connected to OMC Parkway. There are no changes proposed for the existing access drives.

D. Landscaping:

The proposed landscape plan complies with the requirements for multi-family residential development. The shade trees along OMC Parkway are located just outside the public right-of-way to avoid conflicts with public utilities and there are no conflicts with the existing 20-foot private utility easement.

E. Architecture/Design:

The proposed building materials consist of brick, stucco and lap siding to match the existing twinhomes. The building elevations comply with the Guidelines for Multi-family Development Design.

III. STAFF RECOMMENDATION

Staff recommends approval of the revised site development plan with the following stipulations:

- (1) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- (2) All on-site wiring and cables shall be placed underground.

Motion by Commissioner Kohler, seconded by Commissioner Locke, to approve PR-11-009, subject to the following stipulations:

- (1) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- (2) All on-site wiring and cables shall be placed underground.

Motion passes 8-0.

March 28, 2011

Other matters:

Mr. Clements: Our next meeting will be on Monday, April 25th. We have one public hearing scheduled for that evening, and several consent items.

Chairman Campbell: With that, we are adjourned. Thank you for coming.