



STAFF REPORT

Planning Commission Meeting: December 9, 2024

Application:	FP24-0036: Final Plat of Enclave at Regency Place
Location:	Northwest of W. 131 st Street and S. Greenwood Street
Owner:	Jeremy Applebaum; Regency Place Partners, LLC
Engineer/Applicant:	Doug Ubben; Phelps Engineering Inc.
Staff Contact:	Andrea Morgan, AICP; Planner II

Site Area: 4.24 ± acres **Proposed Use:** Single-Family Residence, Detached

Lots: 13 **Existing Zoning:** R-1 (Single-Family Residential) and AG (Agricultural)

Tracts: 2 **Plat:** Unplatted

1. Introduction

The following application is for the final plat of Enclave at Regency Place, which will establish lot lines and dedicate public easements and right-of-way for 13 single-family lots and two (2) tracts for the Enclave at Regency Place subdivision.

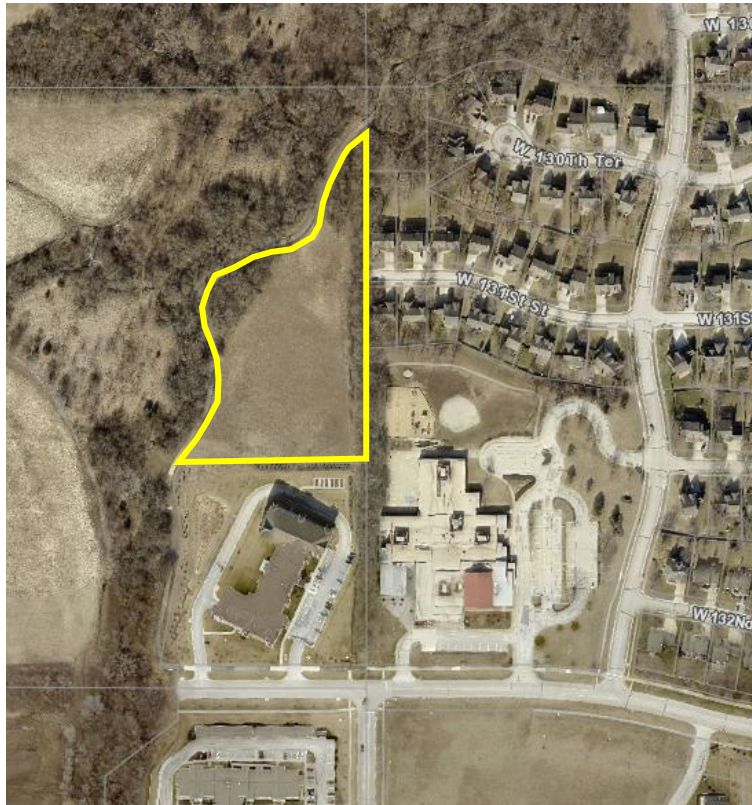
The subject property was annexed into the City of Olathe in April 1968 (Ord. 118-C) and is currently undeveloped. In June of 2018, a majority of the subject property was rezoned from the AG (Agricultural) District to the R-1 (Single-Family Residential) District with an approved preliminary plat (RZ18-0006). A small portion of the property to the north retains AG zoning. This development will be constructed in one (1) phase.

2. Plat Review

- a. **Lots/Tracts** – The final plat will establish lot lines for 13 single-family residential lots and two (2) tracts. Tracts A and B are intended to be used for open space, homeowner amenities, and landscaping. Tract A will contain a trail connection to the Indian Creek Trail to the northwest. All tracts will be owned and maintained by the Villas at Regency Place Homeowners Association.

Lots range in size between 7,210 square feet and 14,444 square feet. Each lot exceeds the 7,200 square foot minimum lot area and the 60-foot minimum lot width requirements of the R-1 District.

- b. **Streets/Right-of-Way** – Roadways within the development are being dedicated with this plat. Access to the site will be provided by one (1) new street connection to 131st Street to the east, which connects to S. Greenwood Street through the Regency Place subdivision.
- c. **Public Utilities** – The property is located within the City of Olathe water and Johnson County Wastewater service areas. New Utility (U/E) and Public Utility (PUB/E) easements are being dedicated in front of each lot with this plat. New Sanitary Sewer (S/E) and Drainage (D/E) Easements are being dedicated with this plat.
- d. **Tree Preservation** – A 15-foot wide Tree Preservation Easement (TP/E) is dedicated along the east side of the subdivision, affecting Lots 1-5 and 13.
- e. **Stormwater** – The plat is subject to all Title 17 requirements. Stormwater Treatment Facilities will be provided in Tract A and Tract B.



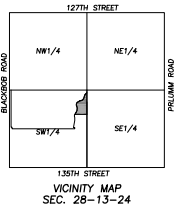
The subject property is outlined and shaded in yellow.

3. Staff Recommendation

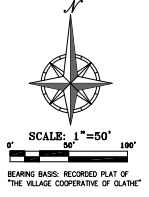
Staff recommends approval of the final plat (FP24-0036) with no stipulations.

FINAL PLAT OF ENCLAVE AT REGENCY PLACE

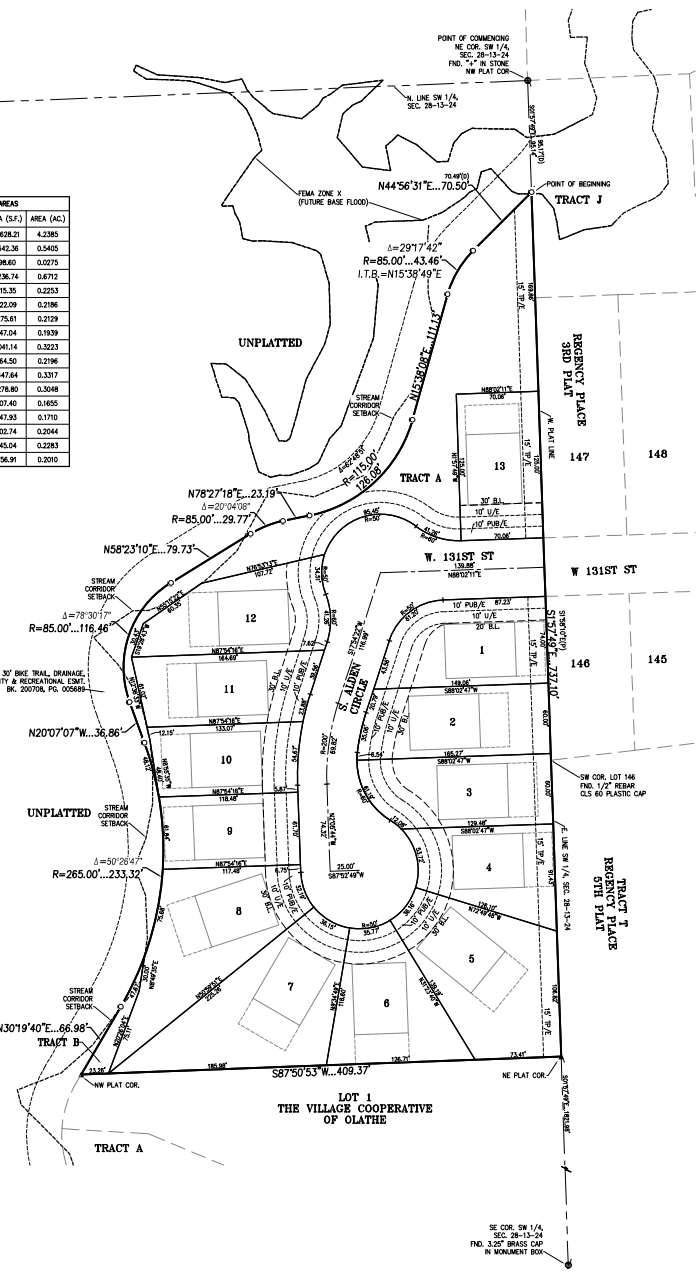
A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF
SECTION 28, TOWNSHIP 13 SOUTH, RANGE 24 EAST, IN THE
CITY OF OLATHE, JOHNSON COUNTY, KANSAS



VICINITY MAP
SEC. 28-13-24



PARCEL	AREA (S.F.)	AREA (AC.)
PLAT	184628.21	4.2385
TRACT A	23542.36	0.5405
TRACT B	1198.80	0.0275
ROW	29236.74	0.6712
1	9815.35	0.2253
2	9522.09	0.2196
3	9275.61	0.2129
4	8447.04	0.1939
5	14041.14	0.3223
6	9564.50	0.2196
7	14447.84	0.3317
8	13278.80	0.3048
9	7207.40	0.1655
10	7447.93	0.1710
11	8902.74	0.2044
12	9445.04	0.2183
13	8756.91	0.2010



DESCRIPTION

This description was prepared by Phelps Engineering, Inc., KS CLS-82 on October 14, 2024, for Project No. 240933. All that part of the Southwest Quarter of Section 28, Township 13 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of Section 18, said point also being the Northwest corner of Regency Place, 3RD PLAT, a platted subdivision of land in the City of Olathe, Johnson County, Kansas; thence S 1°57'49" E, along the East line of the Southwest Quarter of said Section 18 and along the West plat line of said Regency Place, 3RD PLAT, a distance of 85.14 feet, to the Point of Beginning; thence continuing S 1°57'49" E, along the East line of the Southwest Quarter of said Section 18 and along the West plat line of said Regency Place, 3RD PLAT and its Southern extension, a distance of 727.02 feet to the Northeast plat corner of the VILLAGE COOPERATIVE OF OLATHE, a distance of 409.37 feet to the Northwest corner of said THE VILLAGE COOPERATIVE OF OLATHE; thence N 30°15'40" E, a distance of 66.98 feet; thence Northerly on a curve to the left, said curve being tangent to the last described course and having a radius of 265.00 feet, an arc distance of 233.32 feet; thence N 20°57'07" W, a distance of 38.86 feet; thence Northerly on a curve to the right, said curve being tangent to the last described course and having a radius of 85.00 feet, an arc distance of 116.46 feet; thence N 58°23'10" E, a distance of 79.73 feet; thence Easterly on a curve to the right, said curve being tangent to the last described course and having a radius of 85.00 feet, an arc distance of 29.77 feet; thence N 78°27'19" E, a distance of 23.19 feet; thence Northerly on a curve to the left, said curve being tangent to the last described course and having a radius of 115.00 feet, an arc distance of 126.09 feet; thence N 15°56'09" E, a distance of 111.13 feet; thence Northerly on a curve to the right, said curve having an initial tangent bearing of N 15°56'49" E and a radius of 85.00 feet, an arc distance of 43.46 feet; thence N 44°56'31" E, a distance of 70.50 feet, to the Point of Beginning, containing 4.2385 acres, more or less, unplatted land.

DEDICATION

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereinafter be known as "ENCLAVE AT REGENCY PLACE". The undersigned proprietors of said property shown on this plat do hereby dedicate to public use and public ways and thoroughfares, all parcels and parts of land indicated on this plat as streets, lanes, alleys, paths, drives, lanes, parkways, avenues and ways not heretofore dedicated. Where prior easements have been granted to any person, utility or corporation on said parts of the land, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereon and thereon are required to be relocated, in accordance with proposed improvements on the plat, the undersigned proprietors hereby approve and agree to indemnify the City of Olathe, Johnson County, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easements.

EASEMENT

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, poles, lines, pipes, poles, wires, surface drainage facilities, ducts, cables, etc., upon, over and under those areas outlined hereon and designated on this plat as "U/E" or "Utility Easement" with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

EASEMENT

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over, and under these areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City of Olathe, Kansas.

EASEMENT

An easement to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all 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 "S/E" on this plat, together with the right of ingress and egress over and through adjoining land so may be reasonably necessary to access said easement and is hereby dedicated to Johnson County, Kansas and its assigns. Alteration of land contours will be permitted with the express written approval of JCW. Any planting of improvements or plants of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefor.

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 Admittance Agreement approved by the City.

TRACTS

Tracts "A" and "B" shall be owned and maintained by Village of Regency Place Homeowners Association. Said tracts are reserved for the stormwater management facilities associated with the proposed development, open space, homeowner amenities, landscaping, monuments, trails and private open space.

TRACT "A"

TRACT "A" shall also be dedicated as a pedestrian access easement to provide a pedestrian link from the public street right-of-way to the existing walking trail adjacent to the west side of the subdivision.

CONSENT TO LEVY

The undersigned proprietors of the above described land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of the land fronting or abutting on such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, Regency Place Partners, LLC, has caused this instrument to be executed on this _____ day of _____, 20____.

By:

Jeremy Applebaum, Member

STATE OF MISSOURI:

_____) SS
COUNTY OF JACKSON

BE IT REMEMBERED

that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, came Jeremy Applebaum, Member of Regency Place Partners, LLC, who is personally known to me to be the said person who executed, as such officer, the within instrument on behalf of said partnership, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF

I, hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public:

My Appointment Expires: _____

Print Name:

APPROVED

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

Chairman:

Wayne Janzer

Approved by the Governing Body of the City of Olathe, Kansas

this _____ day of _____, 20____.

Mayer:

John W. Bacon

City Clerk:

Brenda Swearingin



SCOTT G. CHERMAN, HEREBY CERTIFY THAT IN JANUARY 2023, I OR SOMEONE UNDER MY RESPONSIBLE CHARGE HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.