

## STAFF REPORT

Planning Commission Meeting: February 22, 2021

<b>Application:</b>	<b><u>RZ20-0016</u> Request for a Rezoning from R-3 (Residential Low-Density Multifamily) District to R-1 (Residential Single-Family) District and Preliminary Plat for Battle Creek Estates</b>
<b>Location:</b>	In the vicinity of E. 119 <sup>th</sup> Street and S. Nelson Road
<b>Owner/Applicant:</b>	Jib Felter, Lansera Battle Creek, LLC
<b>Engineer:</b>	Doug Ubben Jr., Phelps Engineering, Inc.
<b>Staff Contact:</b>	Jessica Schuller, AICP, Senior Planner

<b>Site Area:</b>	<u>23.13 ± acres</u>	<b>Proposed Use:</b>	<u>Single-family residential</u>
<b>Current Zoning:</b>	<u>R-3 (Residential Low-Density Multifamily)</u>	<b>Proposed Zoning:</b>	<u>R-1 (Residential Single Family)</u>
<b>Lots:</b>	<u>31</u>	<b>Plat:</b>	<u>Battle Creek</u>
<b>Tracts:</b>	<u>3</u>	<b>Density:</b>	<u>2.9 units/acre</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Conventional Neighborhood/Primary Greenway</b>	<b>Vacant</b>	<b>R-3</b>	<b>1</b>	<b>N/A</b>
<b>North</b>	Conventional Neighborhood	Single-family homes/Johnson County Offices	R-1	-	-
<b>South</b>	Conventional Neighborhood	Single-family homes	R-1	-	-
<b>East</b>	Conventional Neighborhood/Community Commercial Center	Legacy Senior Residences	R-3	-	-
<b>West</b>	Primary Greenway	Vacant	County RUR/R-1	-	-

## 1. Introduction

The applicant is requesting a rezoning from the R-3 (Residential Low-Density Multifamily) District to the R-1 (Residential Single-Family) District and a preliminary plat for Battle Creek Estates. The subject property is located south of E. 119<sup>th</sup> Street and east of Nelson Road. The preliminary plat includes 31 single-family lots ranging in size from 10,080 square feet to 123,089 square feet in area, with an average lot size of approximately 27,000 square feet. Homes located to the north will be maintenance provided with snow removal, mowing, mulching, and irrigation, while the southern lots will not be maintenance provided.

## 2. History

The subject site was rezoned from the R-1 District to the R-3 District in January of 1992 with Ordinance 92-01 (RZ-19-91) and a final plat (P-96-98) for Battle Creek was approved in 1999. The associated preliminary site development plan included 360 multifamily units in the overall development area. A conceptual preliminary plat (P-11-029) associated with Legacy Senior Apartments showing 19 buildings and 190 units were approved in October 2011.

## 3. Site Conditions

The subject site is currently vacant and has not been developed since its rezoning to the R-3 District in 1992. The site is heavily treed and Mill Creek and areas of floodplain are located on the southern portion of the site, running through lots 1 through 9 of the subdivision.



*Site Aerial – subject property outlined in blue*



*View looking west from S. Sunset Drive*

#### **4. Public Notice/ Neighborhood Information:**

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per Unified Development Ordinance (UDO) requirements.

A neighborhood meeting was also held in accordance with the UDO on February 1, 2021 with eight attendees. Discussions concerned fencing along the southern property line and whether or not development can occur south of the stream corridor. It was explained that areas south of the stream are the rear yards of the lots and can be used by the owner for gardens, accessory structures or walking the lot, but not for permanent structures. The applicant noted that the steep terrain will also limit the use of this area.

Staff received additional inquiries and concerns from a single resident regarding the proposed metal, picket style fence on the south property line, as the homeowner does not wish to see the fence constructed. Staff has responded to the questions and explained that the UDO does permit perimeter fencing within residential districts on a private property. The location of the proposed fence is entirely on the applicant's property.

#### **Zoning Standards**

- a. **Land Use** – The applicant is seeking a change of zoning to allow for single family residential homes under the R-1 District. While the existing R-3 District does allow for the construction of single family homes, the purpose and intent of the R-1 District, and the dimensional standards set forth in the UDO, are more conducive to single family homes on individual lots, thus a rezoning is requested.

Uses currently permitted within the R-3 District include multifamily senior housing, assisted living, duplexes, townhomes, schools, and religious facilities. Uses allowed within the R-1 District include single family homes, assisted living facilities, schools, and religious facilities.

- b. **Building Height** – The maximum building height for single-family residences is 35 feet. The proposed homes will comply with this maximum height requirement.
- c. **Setbacks** – The R-1 District requires 30 foot front yard building setbacks. This setback is a dedicated building line on the plat. The side yard setback is a minimum of 7 feet, and the rear yard requirement is 25 feet. The preliminary plat meets all the dimensional requirements of the R-1 District.
- d. **Transitional Lot Standards** – Subdivisions in the R-1 District that adjoin existing residential lots are subject to the Transitional Lot Standards of the UDO. The new lots must maintain the minimum lot size in the immediately adjacent development. The proposed lots exceed the minimum lot size of the adjacent development for the extent of the shared boundary, meeting the requirements of the UDO.

## 5. Development Requirements

- a. **Access/Streets** – The development will have an interior public street network that will connect to E. 119<sup>th</sup> Street and Nelson Road. A connection to the existing Legacy Senior Residences will be maintained with this development. Street right-of-way in compliance with City requirements for the interior and surrounding street network is being shown on the preliminary plat and will be dedicated with the final plat.
- b. **Landscaping/Buffers** – A 25-foot landscape tract is required for single-family subdivisions along arterial streets. The preliminary plat shows the required tract along 119<sup>th</sup> Street in addition to a 15-foot landscape tract along Nelson Road, a collector street. A waterfall feature is proposed at the corner of 119<sup>th</sup> Street/Northgate, and a subdivision monument sign will be located at the entrance to the subdivision on 119<sup>th</sup> Street. Street trees are provided along internal roadways, as required by the UDO.

The existing site is wooded and contains a stream corridor through the rear portion of the southern lots. Tree preservation requirements of the UDO require 20% of the contiguous wooded area to be preserved. The applicant is maintaining 46% of tree area on site, exceeding the requirements of the UDO.

A 5-6 foot metal picket style fence will be placed along the southern-most perimeter property line, on the boundary of lots 1 through 9.

- c. **Public Utilities** – The subject property is located within the City of Olathe water service area and the Johnson County Wastewater service area.
- d. **Stormwater** – Stormwater on site will discharge directly into the Mill Creek Tributary stream and associated floodplain. Area surrounding the stream corridor is placed in a Stormwater Quality Easement which will prohibit structures from being placed in this area. A stream corridor maintenance agreement and homeowners association agreement describing maintenance responsibilities will be required to be recorded with Johnson County after review by the City.



## 6. Site Design Standards:

The site is designated as Conventional Neighborhood on the PlanOlathe Comprehensive Plan Future Land Use Map. The proposed development is subject to **Site Design Category 1** (UDO 18.15.105).

The following is staff's analysis of the site design requirements.

- a. **Pedestrian Connections** – Five-foot wide sidewalks are proposed along one side of all local streets throughout the subdivision, as required by the UDO. Pedestrian connections will be provided from the public sidewalk to the front doors of the houses by either a driveway or a sidewalk.
- b. **Street Connections** – The UDO requires a minimum street connectivity ratio of 1.2, which this subdivision complies with. This is based on a formula to divide the number of street connections, links, with the number of intersections, or nodes.
- c. **Landscape Buffers** – Landscape buffers are required adjacent to any arterial street. The preliminary landscape plan shows the required landscape tracts which consists of new plantings and the preservation of existing trees.

## 7. Comprehensive Plan Analysis:

The future land use map of the PlanOlathe Comprehensive Plan identifies the property as Conventional Neighborhood and Primary Greenway. The proposed R-1 District is consistent with the future land use map, and meets the following policy elements of the Comprehensive Plan:

**ESR-1:** Protect and preserve significant natural ecological systems.

**LUCC-8.1:** Mixture of Complementary Land Uses.

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

### ***A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

The future land use map of the Comprehensive Plan identifies the subject property as Conventional Neighborhood and Primary Greenway. The proposed R-1 District and the preservation of the wooded area surrounding the stream corridor on this site, are in conformance with the Comprehensive Plan.

Conventional Neighborhoods typically consist of single-family housing on individual building lots. Neighborhoods throughout the city should provide a variety of housing types, prices and styles to enable a range of economic levels, age groups and lifestyles. Primary Greenways are comprised of the most significant streamways in Olathe and provide conservation and recreation opportunities.

The Comprehensive Plan also includes goals encouraging the preservation of streamway corridors and greenways and the incorporation of these features into the development (ESR-1), and also encourages a mixture of complimentary land uses (LUCC-8.1). The proposed neighborhood is intended for high quality, executive

housing that fits within the existing landscape and preserves wooded areas to the extent possible. Rezoning this site to the R-1 District also maintains compatibility with the existing single-family residential uses located directly south, and to the north across E. 119<sup>th</sup> Street.

***B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).***

The surrounding area consists of properties zoned single-family residential to the north and south, multifamily residential to the east and undeveloped land to the west. Legacy Senior Residences are located directly east of the site and will share access with the proposed development from 119<sup>th</sup> Street. These residences are two-story and have a traditional residential character. The single-family homes located directly south of the proposed subdivision within Millcreek Woods are also traditional one and two story homes. The proposed single-family homes are appropriate at this location as they are adjacent to other residences and are buffered from adjacent sites through existing and proposed landscaping.

***C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.***

Adjacent properties are zoned for single family residential, with multifamily residential zoning located to the east. The development has been designed so that an abundance of existing trees on site are maintained, and with landscape buffers along roadways. With the high-quality site design and the landscape buffers provided, the proposed use would be in harmony with the surrounding properties.

***D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.***

The current zoning of the property is R-3 (Low-Density Multifamily) which would permit multifamily and single family housing and is part of an approved preliminary development plan for apartments. However, the property has not been developed since the rezoning to the R-3 District in 1992. The proposed large lot single-family subdivision would be appropriate for this area as it is adjacent to a single-family development to the south and residential uses to the east.

***E. The length of time the property has been vacant as zoned.***

The site has not had any development since its rezoning to the R-3 District in 1992. Prior to being zoned to the R-3 District, the property was zoned R-1 for single family residential.

***F. The extent to which approval of the application would detrimentally affect nearby properties.***

The proposed development will not have any detrimental impacts for nearby properties. The proposed lots are larger than the minimum required within the R-1 District, and the site is in compliance with the site design and landscaping standards of this ordinance. The homes on the southern half of the property will be buffered from

the existing residential neighborhood to the south by the existing stream corridor and vegetation on the property.

***G. The extent to which development under the proposed district would substantially harm the values of nearby properties.***

Staff does not anticipate that the proposed single-family subdivision will have a negative effect on surrounding property values. By meeting the City's requirements for site design and landscaping, the development will be high-quality.

***H. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.***

The proposed development should not adversely affect the road network as the use is low intensity as compared to multifamily development previously approved at this location. The site is also located along an arterial street with adequate capacity to support the proposed development.

***I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

The proposed residential development will not create any air pollution, water pollution or other environmental factor not typically found in similar single-family developments. Area surrounding the stream corridor is placed in a Stormwater Quality Easement which will protect the stream corridor from immediately surrounding development and preserve native vegetation.

***J. The economic impact of the proposed use on the community.***

The proposed development would provide additional housing options for the City and generate new real estate taxes on land that is currently vacant.

**8. Staff Recommendation:**

A. Staff recommends approval of RZ20-0016 for the following reasons:

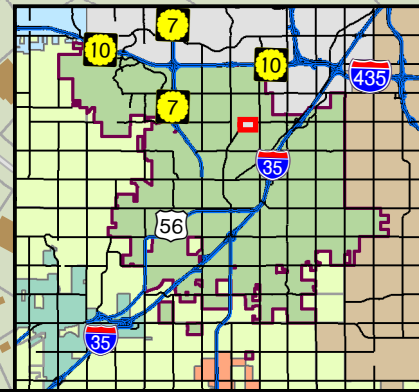
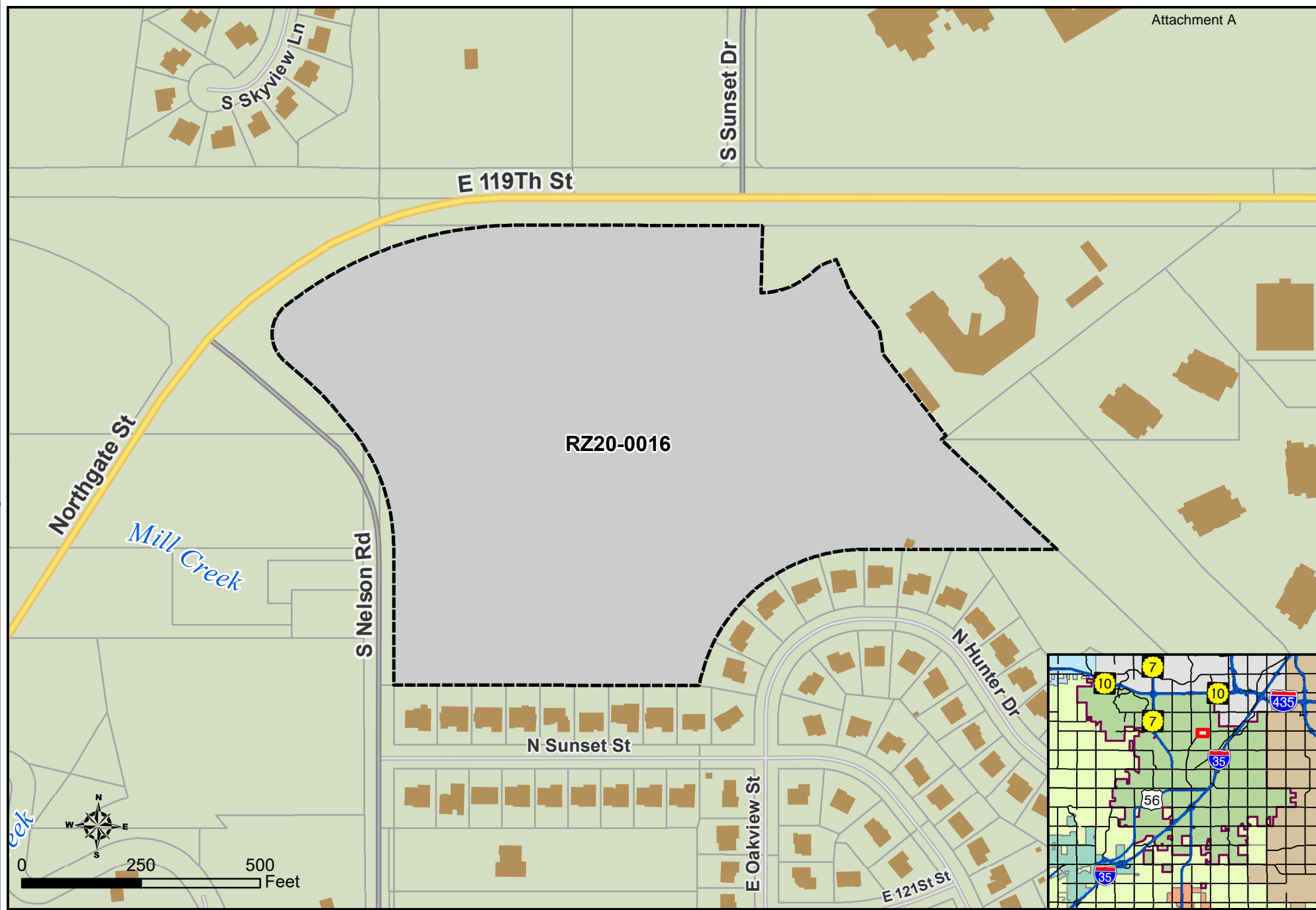
- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Housing and Neighborhoods (Principle ESR-1, and LUCC-8.1).
- (2) The requested rezoning to the R-1 district meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- (3) The proposed development meets the design standards for **Site Design Category 1** (UDO 18.15.105).

B. Staff recommends approval of the rezoning to the R-1 District as presented with no stipulations.

C. Staff recommends approval of the preliminary plat with the following stipulations:

- (1) A final plat must be approved and recorded prior to issuance of building permits.
- (2) A note will be included on the final plat stating that all mechanical equipment shall be screened per UDO requirements.
- (3) A master landscape and street tree plan in accordance with Section 18.30.130 of the UDO must be submitted with the final plat.
- (4) Prior to issuance of any City permit, a Stream Corridor Maintenance Agreement and an HOA Agreement describing maintenance responsibilities of the stormwater facility maintenance as per Title 17, Section 17.16.080 will be submitted to the City prior to recording with the County.





**BATTLE CREEK ESTATES**  
**RZ20-0016**



User: jaredmd  
Date: 2/9/2021



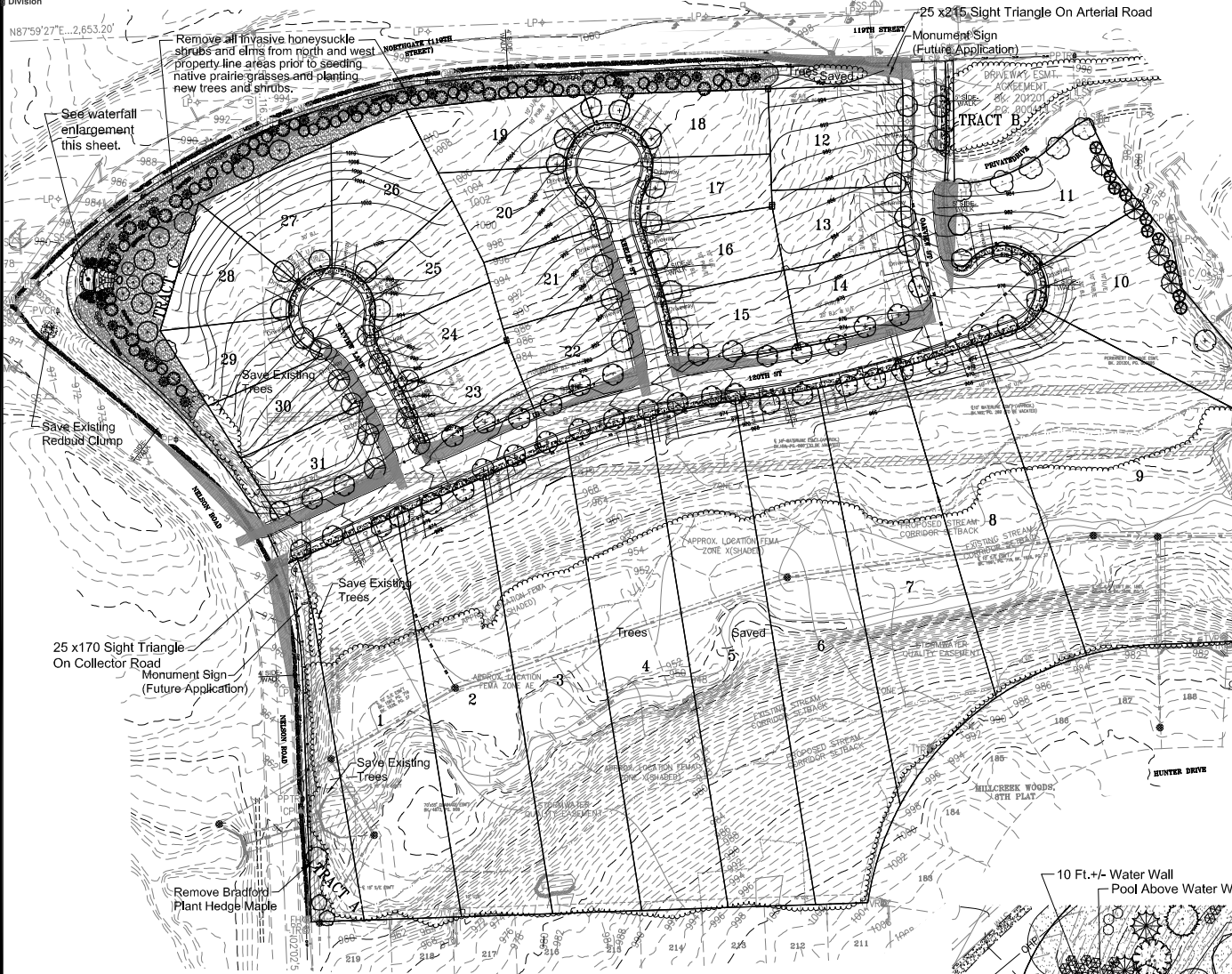
RECEIVED  
February 02, 2021  
City of Olathe  
Planning Division

PRELIMINARY PLAT OF  
**BATTLE CREEK**  
RESURVEY AND REPLAT OF PART OF LOT 1, BATTLE CREEK, A SUBDIVISION OF LAND IN THE  
NORTH ONE-HALF OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 23 EAST,  
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

LEGAL DESCRIPTION:  
2.1/16TH/80TH/14TH/15TH/16TH/17TH/18TH/19TH/20TH/21ST/22ND/23RD/24TH/25TH/26TH/27TH/28TH/29TH/30TH/31ST/32ND/33RD/34TH/35TH/36TH/37TH/38TH/39TH/40TH/41ST/42ND/43RD/44TH/45TH/46TH/47TH/48TH/49TH/50TH/51ST/52ND/53RD/54TH/55TH/56TH/57TH/58TH/59TH/60TH/61ST/62ND/63RD/64TH/65TH/66TH/67TH/68TH/69TH/70TH/71ST/72ND/73RD/74TH/75TH/76TH/77TH/78TH/79TH/80TH/81ST/82ND/83RD/84TH/85TH/86TH/87TH/88TH/89TH/90TH/91ST/92ND/93RD/94TH/95TH/96TH/97TH/98TH/99TH/100TH/101ST/102ND/103RD/104TH/105TH/106TH/107TH/108TH/109TH/110TH/111ST/112ND/113RD/114TH/115TH/116TH/117TH/118TH/119TH/120TH/121ST/122ND/123RD/124TH/125TH/126TH/127TH/128TH/129TH/130TH/131ST/132ND/133RD/134TH/135TH/136TH/137TH/138TH/139TH/140TH/141ST/142ND/143RD/144TH/145TH/146TH/147TH/148TH/149TH/150TH/151ST/152ND/153RD/154TH/155TH/156TH/157TH/158TH/159TH/160TH/161ST/162ND/163RD/164TH/165TH/166TH/167TH/168TH/169TH/170TH/171ST/172ND/173RD/174TH/175TH/176TH/177TH/178TH/179TH/180TH/181ST/182ND/183RD/184TH/185TH/186TH/187TH/188TH/189TH/190TH/191ST/192ND/193RD/194TH/195TH/196TH/197TH/198TH/199TH/200TH/201ST/202ND/203RD/204TH/205TH/206TH/207TH/208TH/209TH/210TH/211ST/212ND/213RD/214TH/215TH/216TH/217TH/218TH/219TH/220TH/221ST/222ND/223RD/224TH/225TH/226TH/227TH/228TH/229TH/230TH/231ST/232ND/233RD/234TH/235TH/236TH/237TH/238TH/239TH/240TH/241ST/242ND/243RD/244TH/245TH/246TH/247TH/248TH/249TH/250TH/251ST/252ND/253RD/254TH/255TH/256TH/257TH/258TH/259TH/260TH/261ST/262ND/263RD/264TH/265TH/266TH/267TH/268TH/269TH/270TH/271ST/272ND/273RD/274TH/275TH/276TH/277TH/278TH/279TH/280TH/281ST/282ND/283RD/284TH/285TH/286TH/287TH/288TH/289TH/290TH/291ST/292ND/293RD/294TH/295TH/296TH/297TH/298TH/299TH/300TH/301ST/302ND/303RD/304TH/305TH/306TH/307TH/308TH/309TH/310TH/311ST/312ND/313RD/314TH/315TH/316TH/317TH/318TH/319TH/320TH/321ST/322ND/323RD/324TH/325TH/326TH/327TH/328TH/329TH/330TH/331ST/332ND/333RD/334TH/335TH/336TH/337TH/338TH/339TH/340TH/341ST/342ND/343RD/344TH/345TH/346TH/347TH/348TH/349TH/350TH/351ST/352ND/353RD/354TH/355TH/356TH/357TH/358TH/359TH/360TH/361ST/362ND/363RD/364TH/365TH/366TH/367TH/368TH/369TH/370TH/371ST/372ND/373RD/374TH/375TH/376TH/377TH/378TH/379TH/380TH/381ST/382ND/383RD/384TH/385TH/386TH/387TH/388TH/389TH/390TH/391ST/392ND/393RD/394TH/395TH/396TH/397TH/398TH/399TH/400TH/401ST/402ND/403RD/404TH/405TH/406TH/407TH/408TH/409TH/410TH/411ST/412ND/413RD/414TH/415TH/416TH/417TH/418TH/419TH/420TH/421ST/422ND/423RD/424TH/425TH/426TH/427TH/428TH/429TH/430TH/431ST/432ND/433RD/434TH/435TH/436TH/437TH/438TH/439TH/440TH/441ST/442ND/443RD/444TH/445TH/446TH/447TH/448TH/449TH/450TH/451ST/452ND/453RD/454TH/455TH/456TH/457TH/458TH/459TH/460TH/461ST/462ND/463RD/464TH/465TH/466TH/467TH/468TH/469TH/470TH/471ST/472ND/473RD/474TH/475TH/476TH/477TH/478TH/479TH/480TH/481ST/482ND/483RD/484TH/485TH/486TH/487TH/488TH/489TH/490TH/491ST/492ND/493RD/494TH/495TH/496TH/497TH/498TH/499TH/500TH/501ST/502ND/503RD/504TH/505TH/506TH/507TH/508TH/509TH/510TH/511ST/512ND/513RD/514TH/515TH/516TH/517TH/518TH/519TH/520TH/521ST/522ND/523RD/524TH/525TH/526TH/527TH/528TH/529TH/530TH/531ST/532ND/533RD/534TH/535TH/536TH/537TH/538TH/539TH/540TH/541ST/542ND/543RD/544TH/545TH/546TH/547TH/548TH/549TH/550TH/551ST/552ND/553RD/554TH/555TH/556TH/557TH/558TH/559TH/560TH/561ST/562ND/563RD/564TH/565TH/566TH/567TH/568TH/569TH/570TH/571ST/572ND/573RD/574TH/575TH/576TH/577TH/578TH/579TH/580TH/581ST/582ND/583RD/584TH/585TH/586TH/587TH/588TH/589TH/590TH/591ST/592ND/593RD/594TH/595TH/596TH/597TH/598TH/599TH/600TH/601ST/602ND/603RD/604TH/605TH/606TH/607TH/608TH/609TH/610TH/611ST/612ND/613RD/614TH/615TH/616TH/617TH/618TH/619TH/620TH/621ST/622ND/623RD/624TH/625TH/626TH/627TH/628TH/629TH/630TH/631ST/632ND/633RD/634TH/635TH/636TH/637TH/638TH/639TH/640TH/641ST/642ND/643RD/644TH/645TH/646TH/647TH/648TH/649TH/650TH/651ST/652ND/653RD/654TH/655TH/656TH/657TH/658TH/659TH/660TH/661ST/662ND/663RD/664TH/665TH/666TH/667TH/668TH/669TH/670TH/671ST/672ND/673RD/674TH/675TH/676TH/677TH/678TH/679TH/680TH/681ST/682ND/683RD/684TH/685TH/686TH/687TH/688TH/689TH/690TH/691ST/692ND/693RD/694TH/695TH/696TH/697TH/698TH/699TH/700TH/701ST/702ND/703RD/704TH/705TH/706TH/707TH/708TH/709TH/710TH/711ST/712ND/713RD/714TH/715TH/716TH/717TH/718TH/719TH/720TH/721ST/722ND/723RD/724TH/725TH/726TH/727TH/728TH/729TH/730TH/731ST/732ND/733RD/734TH/735TH/736TH/737TH/738TH/739TH/740TH/741ST/742ND/743RD/744TH/745TH/746TH/747TH/748TH/749TH/750TH/751ST/752ND/753RD/754TH/755TH/756TH/757TH/758TH/759TH/760TH/761ST/762ND/763RD/764TH/765TH/766TH/767TH/768TH/769TH/770TH/771ST/772ND/773RD/774TH/775TH/776TH/777TH/778TH/779TH/780TH/781ST/782ND/783RD/784TH/785TH/786TH/787TH/788TH/789TH/790TH/791ST/792ND/793RD/794TH/795TH/796TH/797TH/798TH/799TH/800TH/801ST/802ND/803RD/804TH/805TH/806TH/807TH/808TH/809TH/810TH/811ST/812ND/813RD/814TH/815TH/816TH/817TH/818TH/819TH/820TH/821ST/822ND/823RD/824TH/825TH/826TH/827TH/828TH/829TH/830TH/831ST/832ND/833RD/834TH/835TH/836TH/837TH/838TH/839TH/840TH/841ST/842ND/843RD/844TH/845TH/846TH/847TH/848TH/849TH/850TH/851ST/852ND/853RD/854TH/855TH/856TH/857TH/858TH/85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February 02, 2021  
City of Olathe  
Planning Division



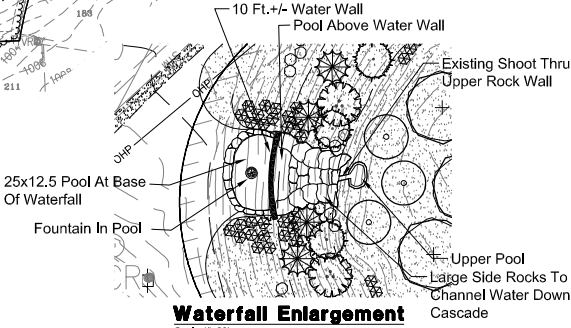
PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
	1	Acer campestre / Hedge Maple	B & B	2.5"	Cal
	25	Acer miyabei 'Morton' TM / State Street Miyabei Maple	BB	2"	cal.
	14	Acer rubrum 'Red Pointe' / Red Pointe Red Maple	B & B	2"	Cal
	5	Acer saccharum 'Green Mountain' TM / Green Mountain Sugar Maple	B & B	2.5"	Cal
	4	Betula nigra 'Heritage' / Heritage River Birch Single Stem	B & B	2.5"	Cal
	19	Celtis occidentalis 'Prairie Pride' / Prairie Pride Hackberry	B & B	2"	Cal
	3	Cercis canadensis / Eastern Redbud	B & B	1.5"	Cal
	2	Chionanthus virginicus / White Fringetree	B & B	1.5"	Cal
	1	Gymnocladus dioica / Kentucky Coffee Tree	B & B	2.5"	Cal
	37	Juniperus virginiana 'Canaertii' / Canaertii Juniper	B & B		6' hgt.
	10	Juniperus virginiana 'Hillspire' / Hillspire Juniper	B & B		6' hgt.
	25	Picea glauca Deer Run / Deer Run White Spruce	B & B		6' hgt.
	27	Populus tremuloides 'Prairie Gold' / Clump Form Prairie Gold Aspen 3 stem clump, 1 at 1 1/2"	Cont.		10'-12'
	10	Quercus bicolor / Swamp White Oak	B & B	2"	Cal
	14	Quercus muhlenbergii / Chinkapin Oak	B & B	2.5"	Cal
	10	Quercus shumardii / Shumard Red Oak	B & B	2.5"	Cal
SHRUBS					
	77	Rhus copallina 'Littleleaf' 'Prairie Flame' TM / Dwarf Sumac 18"-24" hgt.	3 gal		
	66	Rhus glabra / Smooth Sumac 30"-36" hgt.	3 gal		
GROUND COVERS					
	46,482 sf	Native Grass Mix	seed		

Note:  
See sheet L-2 for table of landscape buffer requirements.

- City Required Notes:
1. No tree, shrub, or woody vegetation will be planted within a distance of 10 ft. from any fire hydrant or fire department connection (FDC).
  2. No trees will be planted within 15 ft. of a street light.
  3. Any plant materials to be used for screening must be at least the height of the material that it is intended to screen.
  4. All disturbed lawn areas of house lots will be sodded.
  5. Exterior ground-mounted or building-mounted utilities must be screened on three sides with plantings at least as tall as the utility box at the time of planting, or an architectural treatment compatible with the building.

Utility Note:  
Utilities shown on plan are diagrammatic and some may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-DIG-SAFE (344-7233) to have utilities located.



Sight Triangle  
25'  
130'  
Stop Sign Sight Distance  
185'

SCALE 1" = 60'

**Landscape Plan**  
**Battle Creek**  
**Single Family**  
Olathe, Kansas

**Oppeermann LandDesign, LLC**  
Land Planning • Landscape Architecture  
18990 West 117th Street  
Olathe, Kansas 66061  
oppeermannlanddesign.com  
913.894.9407

02/01/2021

Master Fence/Screening Requirements (UDO Section 18.30.130.H:

Northgate Frontage: (1063ft.)	Required	Provided
8 Evergreens per 100 lineal feet	85	*49
2 Shade trees per 100 lineal feet	21	27
1 ornamental tree per 100 lineal feet	11	**3

Nelson Road Frontage (789ft.)

Number of evergreens not called out per 100ft. along collectors	?	***40
Number of shade trees not called out per 100ft. along collectors	?	***40
Number of ornamental trees not called out per 100ft. along collectors	?	***2

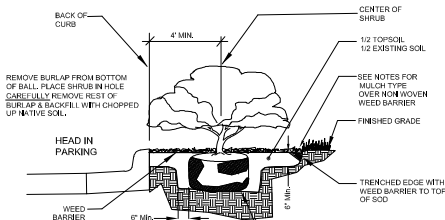
\*The difference in required versus provided will more than compensated for by the number of evergreens that will be saved along this frontage.

\*\*The difference in required versus provided will more than compensated for by the number of redbuds and dogwoods that will be saved along this frontage.

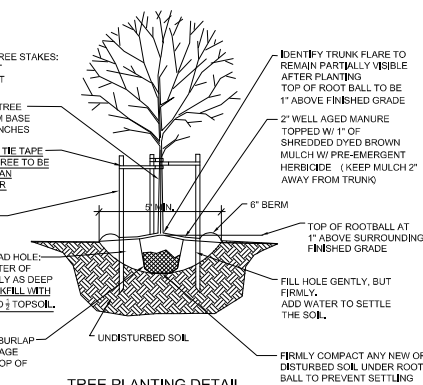
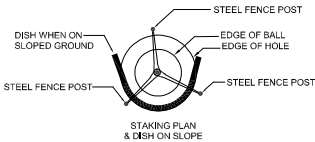
\*\*\*The difference in required versus provided will more than compensated for by the number of evergreens, shade trees, redbuds and dogwoods that will be saved along this frontage.

Transplant Additives:

1. Apply a commercial transplant additive (approved by the Landscape Architect) to all trees, shrubs and groundcover at rates recommended by the manufacturer during the planting. This item shall be subsidary to other planting items.
2. Transplant additive shall be Horticultural Alliance "DEHARD Transplant" (or approved equal) mycorrhizal fungal transplant inoculant or equivalent equal containing the appropriate species of mycorrhizal fungi and bacteria, fungi stimulant, water retaining agents, mineral & organic nutrients and inert ingredients.
3. Demonstrate installation of all transplant additives for this project to the Landscape Architect. Provide actual additive product as evidence of sufficient quantity of product. (Empty product bags to be stockpiled for inspection by the Landscape Architect prior to disposal).
4. Number of transplant additive packets per tree, shrub or groundcover shall be applied according to the manufacturer's recommended rates and instructions. For all plants the packet mix shall be evenly distributed into the upper approximately 8" of backfill soil next to the rootball. Do not place mix in the bottom of the planting pit.
5. Furnishing and application of transplant additive shall be subsidary to the planting operations.



SHRUB BED & PARKING  
SETBACK DETAIL  
NO SCALE



TREE PLANTING DETAIL  
NO SCALE

GENERAL LANDSCAPE NOTES:

1. CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE STARTING ANY WORK.
2. CONTRACTOR SHALL VERIFY ALL LANDSCAPE MATERIAL QUANTITIES AND SHALL REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
3. CONTRACTOR SHALL MAKE NO SUBSTITUTIONS WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT.
4. CONTRACTOR SHALL STAKE LAYOUT PLAN IN THE FIELD AND SHALL HAVE THE LAYOUT APPROVED BY THE LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH THE INSTALLATION.
5. ALL LANDSCAPE BEDS SHALL BE TREATED WITH THE PRE-EMERGENT HERBICIDE PRE-M 60 DG (GRANULAR) OR AN APPROVED EQUAL IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
6. ALL LANDSCAPE BEDS SHALL RECEIVE A TRENCHED EDGE, SEE SHRUB PLANTING DETAIL.
7. FERTILIZER FOR FESCUE SEEDED LAWN, TREES AND CONTAINER STOCK AREAS SHALL BE A BALANCED FERTILIZER BASED ON RECOMMENDATIONS FROM A SOIL TEST SUPPLIED BY THE LANDSCAPE CONTRACTOR FROM AN APPROVED TESTING LAB.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE PLANTS UNTIL COMPLETION OF THE JOB AND ACCEPTANCE BY THE OWNER.
9. CONTRACTOR SHALL WARRANTY ALL LANDSCAPE WORK AND PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM DATE OF ACCEPTANCE OF THE WORK BY THE OWNER.
10. CONTRACTOR SHALL PROVIDE MAINTENANCE OF ALL TREES AND SHRUBS FOR A PERIOD OF ONE YEAR AFTER THE DATE OF SUBSTANTIAL COMPLETION IF CONTRACTED BY THE OWNER.
11. ANY PLANT MATERIAL WHICH DIES DURING THE ONE YEAR WARRANTY PERIOD SHALL BE REPLACED BY THE CONTRACTOR DURING NORMAL PLANTING SEASONS.
12. ALL PLANT NAMES ON THE PLANT LIST CONFORM TO THE STANDARDIZED PLANT NAMES PREPARED BY THE AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE OR TO NAMES GENERALLY ACCEPTED IN THE NURSERY TRADE.
13. ALL PLANT MATERIAL SHALL BE SPECIMEN QUALITY STOCK AS DETERMINED IN THE "AMERICAN STANDARDS FOR NURSERY STOCK" PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSESRYMEN. FREE OF PLANT DISEASES AND PESTS. OF TYPICAL GROWTH OF THE SPECIES AND HAVING A HEALTHY, NORMAL ROOT SYSTEM.
14. SIZES INDICATED ON THE PLANT LIST ARE THE MINIMUM ACCEPTABLE SIZE. IN NO CASE WILL SIZES LESS THAN THE SPECIFIED SIZES BE ACCEPTED.
15. PLANTS SHALL NOT BE PRUNED PRIOR TO DELIVERY TO THE SITE OR AFTER INSTALLATION EXCEPT FOR THOSE BRANCHES THAT HAVE BEEN DAMAGED IN SOME WAY.
16. PLANTS SHALL NOT HAVE NAME TAGS REMOVED PRIOR TO FINAL INSPECTION.
17. ALL PLANTINGS SHALL RECEIVE A COMMERCIAL TRANSPLANT ADDITIVE PER MANUFACTURER'S RECOMMENDED RATES AND INSTRUCTIONS FOR APPLICATION.
18. MULCH SHALL BE 3" DEPTH OF DYED BROWN SHREDDED HARDWOOD OR APPROVED EQUAL, OVER A FELT TYPE SOIL SEPARATOR CUT INTO THE GROUND WITH A TRENCHED EDGE, SEE TREE DETAIL FOR DIFFERENT MULCH AROUND TREES.
19. SEE PLANTING DETAILS FOR SOIL MIX IN PLANTING HOLES.
20. SEED SHALL BE A TURF-TYPE-TALL FESCUE BLEND WITH 10% PERENNIAL RYE GRASS SEED AT A RATE OF 96#/1000S<sup>2</sup>, AND HYDRO MULCHED AS A SEPARATE OPERATION AT A RATE OF 2000#/ACRE OF VIRGIN WOOD FIBER WITH A DYED BLUE TACKIFIER. CONTRACTOR SHALL BE RESPONSIBLE FOR AN ACCEPTABLE STAND OF TURF GRASS OF AT LEAST 90% COVERAGE OF SOIL SURFACE PER SQUARE FOOT.
21. SUCCESSFUL LANDSCAPE BIDDER SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF AN IRRIGATION SYSTEM TO BE APPROVED BY THE OWNER PRIOR TO CONSTRUCTION IF THE OWNER DESIRES AN IRRIGATION SYSTEM.
22. NATIVE SEED SPECIFICATIONS SHALL BE PROVIDED DURING CONSTRUCTION DOCUMENT PHASE.

Landscape Details  
**Battle Creek  
Single Family**  
Olathe, Kansas



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OVERALL TREE PRESERVATION SUMMARY		
TOTAL AREA OF TREE CANOPY		19.90 AC.
20% OF TREE CANOPY AREA		3.98 AC.
AREA OF TREES PRESERVED		9.31 AC.
% OF TREES PRESERVED		46.8%
	REQUIRED	ACTUAL
TOTAL	3.98 AC. (20%)	9.35 AC. (46.8%)



## Neighborhood Meeting Minutes

February 1, 2021 Info meeting for Battle Creek Estates

Meeting was held at the Olathe Community Center from 6:00 P.M to 7:00 P.M.

- To start the meeting Doug Ubben, Jr. with Phelps Engineering introduced himself along with Jib Felter of Lansera Battle Creek, LLC who is the owner/developer.
- Copies of the preliminary plat and landscape plan for Battle Creek Estates were on display for the neighbors to see the layout of the proposed subdivision.
- A summary of the project was presented to the neighbors, which included:
  - There are 31 proposed single family lots.
  - The southern lots (11 lots) that back to the stream are larger lots that will demand home prices generally from \$1.0 to \$1.5 million.
  - The northern lots (20 lots) will be on 70 foot plus wide lots that will demand home prices generally from \$750,000 to \$1.0 million
  - There is an entrance to 119<sup>th</sup> Street and an entrance to Nelson Road from the development.
- An explanation of why this rezoning is needed was provided. Since the property is currently zoned R-3, the property needs rezoned to R-1 to allow for the single family homes, which are not allowed in the R-3 zoning district.
- Neighbors were reminded that a few years back the property was zoned to R-3 to allow for an apartment complex.
- The public hearing before the planning commission will be held on Monday, February 22, 2021.
- Neighbors within 200 feet of the property would be receiving a certified letter with information on the public hearing.
- The area of the stream corridor was highlighted on the plan to show the neighbors the area where structures couldn't be built and it was explained that the homes would all be north of the stream corridor.
  - Some residents were concerned that the lots backed all the way to the south property line and that the new owners would build south of the stream corridor. It was explained that this area is a rear yard and that outside the stream corridor the new lot owners would have the same rights by ordinance as any other lot in a single family neighborhood, which would allow for gardens, accessory structures, or simply walking around the lot. However, due to the stream to cross and the steep terrain it was suggested that it was unlikely for these portions of the lots to be used much south of the stream. Residents asked why plat to the south line if these areas will not be utilized and the response was that the residents paying the high costs for these homes want the piece of mind that they own this area and there will not be anything that ever goes on behind their house that they don't control.
- A question was asked about fencing along the property.
  - Jib Felter responded that he plans to construct a metal picket fence along the perimeter of the site adjacent to other developments. He feels that the fence will make for good neighbors, so that encroachments don't occur, which can lead to property ownership disputes. The fence will also help with some of the pedestrian traffic across the site he has noticed while he has owned the property.
  - There was some concern with the fence prohibiting the movement of wildlife through the streamway area. The response was that a metal picket fence with approximately 4 inch openings will allow the smaller animals to go through the fence and larger animals

will still be able to maneuver around the site either by jumping over the fence, going around the fenced area, or going through the culvert under Nelson Road.

- After taking all questions from the neighbors the meeting concluded.