

19. FINAL PLAT NO. 2008-33 - INDIAN CREEK HIGHLANDS VILLAGE - Vicinity of the northwest corner of 107th Street and Roe Avenue

1. APPLICANT: Grubb & Ellis/The Winbury Group is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of a final plat for street right-of-way through an approved mixed use development.
3. LOCATION: The 4.05-acre property is located in the vicinity of the northwest corner of 107th Street and Roe Avenue.
4. EXISTING ZONING: This property is currently zoned MXD, Planned Mixed Use District.
5. ANALYSIS: The applicant is requesting final plat approval for one tract and the public street in the Highlands Village development. This property was rezoned in August 2006, to allow 402 residential units, 145,700 square feet of retail, and 127,000 square feet of office space. This final plat is a portion of the overall project and includes Indian Creek Parkway right-of-way. Staff has reviewed the plat and, except for some minor technical issues, all ordinance requirements have been met.

Tract A at the southeast corner of the curve of Indian Creek Parkway is included at staff's request because of the plat indexing system with the Johnson County Department of Records and Tax Administration (RTA). If a plat consists of right-of-way only, the right-of-way has to be indexed as a tract. It is staff's preference that right-of-way be indexed as dedicated right-of-way and not a tract. Including Tract A on the plat allows RTA to index the right-of-way as dedicated right-of-way along with the included tract. Tract A is designated as a landscape feature tract to be owned and maintained by the developer.

As approved with the rezoning of this property, 107th Street right-of-way is being shifted north in the east half of the development. Currently, only a portion of 107th Street is constructed east of Nall Avenue. With the realignment of the street in the eastern portion of the development, the street now lines up with Indian Creek Parkway across Roe Avenue. What is currently 107th Street will now be named Indian Creek Parkway through this development to match the existing street name across Roe Avenue that runs through the Fox Hill development and Mission Farms West. There are no addresses on the east side of Nall Avenue that utilize 107th Street. The small portion of 107th Street north of QuikTrip on Roe Avenue is proposed to remain.

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ENVIRONMENTAL IMPACTS: The majority of the engineering issues associated with this project were addressed when the rezoning was approved in 2006. The existing stream that runs north/south across the property is to be relocated prior to the construction of the road improvements associated with this plat. Staff has asked the applicant to provide a Stream Corridor Maintenance Agreement at this time to address how the new stream and stream corridor will be maintained until vegetation has been established. The owner is required to make application to the Kansas Department of Health and Environment for a National Pollutant Discharge Elimination System (NPDES) Permit for construction activity disturbing more than one acre.

6. STAFF RECOMMENDATION: Staff recommends approval of Final Plat No. 2008-33, Indian Creek Highlands Village, subject to the following stipulations:
- a. Prior to recording of the final plat, the additions and corrections outlined in the plat technical review memorandum shall be completed and approved by city staff.
 - b. Prior to recording of the plat, the city's required Excise Tax shall be paid.
 - c. Prior to the issuance of a Public Improvement Permit for this phase of construction, staff must approve the Stream Corridor Maintenance Agreement. The Stream Corridor Maintenance Agreement shall be submitted by the city for recording at the Johnson County Register of Deeds with the recording fee paid by the developer.
 - d. Prior to any grading or other construction on any lot adjacent to a stream corridor, the stream corridor boundary shall be delineated and be readily visible in the field.