

**SUBDIVISION COMMITTEE  
METROPOLITAN AREA PLANNING COMMISSION**

**AGENDA ITEM NO. 6  
JUNE 27, 2002**

**STAFF REPORT  
(PRELIMINARY PLAT)**

**CASE NUMBER:** SUB 2002-51 -- COPPER GATE ESTATES

**OWNER/APPLICANT:** John E. Dugan Family Partnership, LP, RR #1, Box 37, Clearwater, KS 67026; (contract purchaser) Kelsey Development, Inc., Attn: Paul Kelsey, 716 N. 119th Street W., Suite 112, Wichita, KS 67235

**SURVEYOR/ENGINEER:** Baughman Company, P.A., Attn: Phil Meyer, 315 Ellis, Wichita, KS 67211

**LOCATION:** Southwest corner of 13th Street No. and 135th Street West

**SITE SIZE:** 70.84 Acres

**NUMBER OF LOTS**

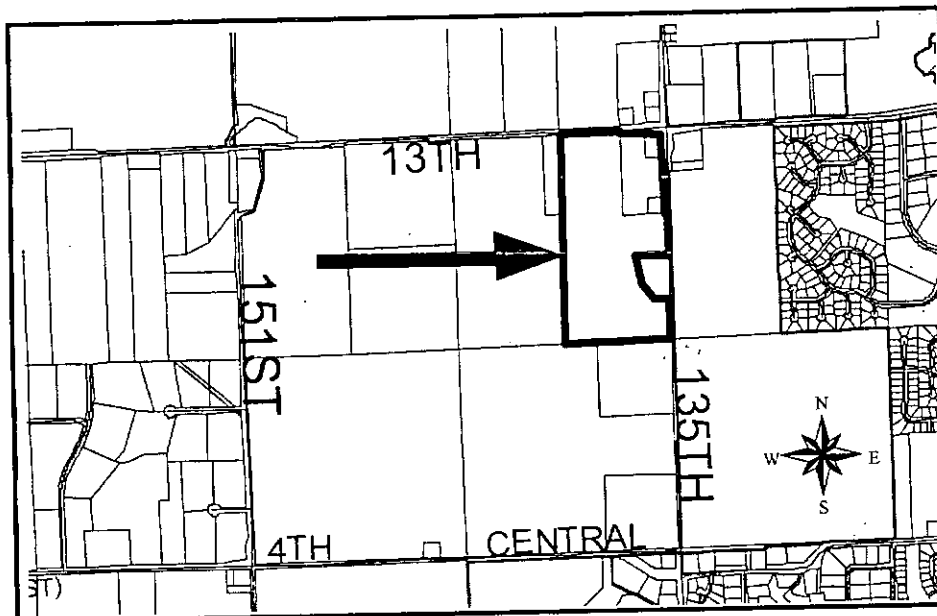
Residential:	182
Office:	
Commercial:	3
Industrial:	
Total:	<u>185</u>

**MINIMUM LOT AREA:** 7,800 Sq. Ft.

**CURRENT ZONING:** SF-20, Single-Family Residential; LC, Limited Commercial

**PROPOSED ZONING:** SF-5, Single-Family Residential

**VICINITY MAP**



**NOTE:** This site is located in the County adjoining Wichita's city limits and annexation is required. This is a replat of a portion of the Copper Gate Addition. The Applicant will request a zone change from LC, Limited Commercial to SF-5, Single-Family Residential for the portion of the property previously platted as Copper Gate Addition. The site is also subject to the Copper Gate Community Unit Plan (DP-231) and the applicant will be requesting a CUP Amendment to reflect the revised layout.

**Planning Staff recommends approval of the plat.**

**STAFF COMMENTS:**

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. This plat will be subject to approval of the associated CUP amendment and any related conditions of such an amendment. Prior to this plat being considered by MAPC, the CUP Amendment will need to be approved.
- C. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. City Engineering needs to comment on the need for other guarantees or easements.
- D. Traffic/County Engineering needs to comment on the need for street improvements, particularly the permanent paving of 13th Street North to the first entrance of the plat (Secretariat), ~~and the permanent paving of 135th Street West from 13th Street North extending south to the south end of plat.~~
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. City Engineering needs to comment on the status of the applicant's drainage concept. County Engineering requests submittal of a drainage plan for review. Applicant's drainage plans should reflect sufficient easements for drainage exiting points with particular attention to drainage exiting at the southeast corner of the plat.
- G. Traffic/County Engineering needs to comment on the access controls. Complete access control has been platted along the plat's frontage to perimeter streets. Access control for the abutting commercial lots will be reviewed upon future plat submittal. Distances should be shown for all segments of access control. The final plat shall reference the dedication of access controls in the plat's text. Traffic Engineering has requested that the Addition street entrances be relocated to address future access controls for the commercial property at the intersection. Along 13<sup>th</sup> Street North, Secretariat shall be relocated 400 feet west of the commercial property. Along 135<sup>th</sup> Street West, Ponderosa shall be relocated 150 feet south.
- H. A street stub should be shown to the south for increased mobility when development occurs in this location.

- X The joint access openings shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveways within the easements should also be addressed by the text of the instrument.
- J. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall also provide for sidewalks along one side of the non-cul-de-sac streets.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's east property line and driving surface for 135th Street East.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of Copper Gate Community Unit Plan Amendment (DP-231).
- N. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- O. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- P. The County Fire Department/GIS needs to comment on the plat's street names. **Revised street names are required.**
- Q. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- R. For any lots with existing tree rows that may be impacted by the installation of utilities, it is recommended that 30-foot utility easements be platted in order to allow for the installation of the utilities without damage to such tree rows.
- S. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

**SUB 2002-51 -- Preliminary Plat of COPPER GATE ESTATES**

**June 27, 2002 - Page 4**

- T. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- X. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- AA. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- BB. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

STAFF REPORT  
(Final Plat, Preliminary Plat Approved 6/27/02)

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SITE SIZE: 70.84 Acres

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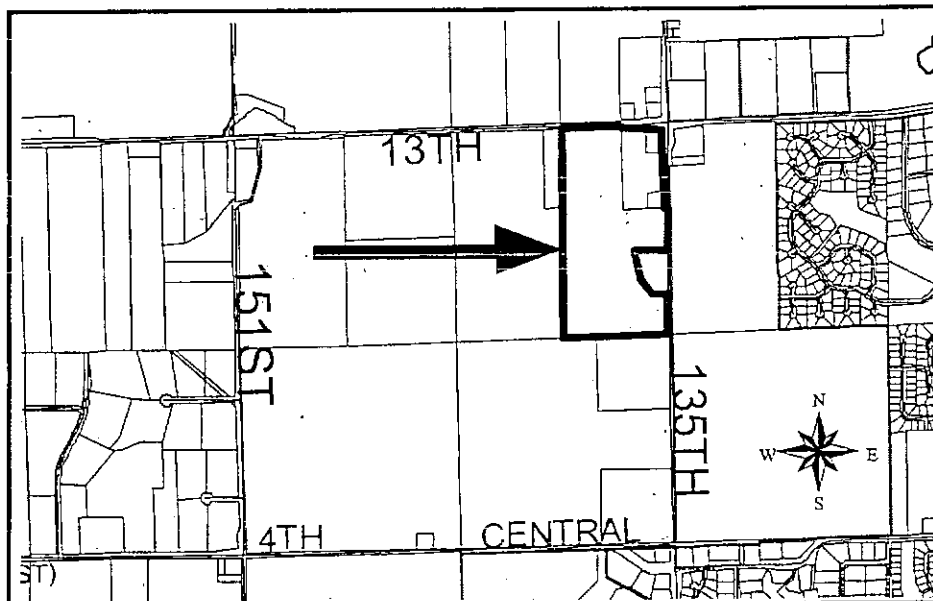
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Total:	185

MINIMUM LOT AREA: 7,800 Sq. Ft.

CURRENT ZONING: SF-20, Single-Family Residential; LC, Limited Commercial

PROPOSED ZONING: SF-5, Single-Family Residential

VICINITY MAP



**SUB 2002-51 -- Final Plat of COPPER GATE ESTATES**

**August 1, 2002 - Page 2**

**NOTE:** This site is located in the County and will adjoin Wichita's city limits upon the annexation of the adjacent property to the east. This is a replat of a portion of the Copper Gate Addition. The Applicant has requested a zone change (ZON 2002-51) from LC, Limited Commercial to SF-5, Single-Family Residential for the portion of the property previously platted as Copper Gate Addition. The site is also subject to the Copper Gate Community Unit Plan (DP-231) and the applicant will be requesting a CUP Amendment to reflect the revised layout.

Planning Staff recommends approval of the plat.

**STAFF COMMENTS:**

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the portion of the property zoned SF-20 will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- C. Traffic/County Engineering needs to comment on the need for street improvements. Paving of 13th St. North is required to the first entrance of the plat (Aksarben).
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. City Engineering needs to comment on the status of the applicant's drainage plan. Applicant's drainage plans should reflect sufficient easements for drainage exiting points with particular attention to drainage exiting at the southeast corner of the plat.
- F. Complete access control has been platted along the plat's frontage to perimeter streets. Access control for the abutting commercial lots will be reviewed upon future plat submittal. Along 13<sup>th</sup> St. North, Aksarben shall be relocated 400 feet west of the commercial property. Along 135<sup>th</sup> St. West, Ponderosa shall be relocated 150 feet south.

Traffic Engineering has approved the relocated internal streets.

- G. A street stub should be shown to the south for increased mobility when development occurs in this location.

The stub has been platted as requested.

- H. Additional arrowheads designating complete access control need to be added along 13<sup>th</sup> St. North.
- I. Revised distances should be shown for the segments of access control along 13<sup>th</sup> St. North.
- J. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall also provide for sidewalks along one side of the non-cul-de-sac streets.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the

SUB 2002-51 -- Final Plat of COPPER GATE ESTATES  
August 1, 2002 - Page 3

association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's east property line and driving surface for 135th St. East.

- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- N. The County Fire Department/GIS needs to comment on the plat's street names. *Harvest Lane Court shall be renamed Harvest Court. Lost Creek Circle shall be labeled as Lost Creek Cir.*
- O. County Surveying has advised that the 20x20 utility easement in Reserve B at 135th St does not appear to be properly depicted.
- P. For any lots with existing tree rows that may be impacted by the installation of utilities, it is recommended that 30-ft utility easements be platted in order to allow for the installation of the utilities without damage to such tree rows.
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

**SUB 2002-51 -- Final Plat of COPPER GATE ESTATES**

**August 1, 2002 - Page 4**

- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

Dry Creek Overflow

Copper Gate Estates

- October 31, 1998 Halloween Flood Event, Dry Creek Overflowed into the Northfork Calfskin Creek
- April 9, 2002 City Code was amended by Ordinance 45-291 to specify specific standards for the North Fork Calfskin Creek
- July 22, 2002 Drainage Plan prepared by Baughman Company identifies 200 off-site acres draining from the West; Q100 = 450 cfs
- June 27, 2002 Copper Gate Estates was submitted to MAPC as a preliminary plat
- August 28, 2002 Copper Gate Estates was submitted as a Final plat
- September 21, 2002 Copper Gate Estates was annexed into the City of Wichita; Ordinance 45-389 and Case A02-14
- December 10, 2002 Copper Gate Estates was approved by City Council
- January 8, 2003 Copper Gate Estates was recorded with the County
- March 3, 2003 Stormwater Master Drainage Plan, Cowskin Creek Basin identified the Dry Creek Overflow based on a 1996 update to the Sedgwick County Flood Insurance Study for Dry Creek and Cowskin Creek. Report identified Copper Gates Estates as a potential site for a Dry Creek Overflow Detention Site, Figure V-4; page V-14. Report shows a proposed levee to protect the overflow area.
- April 2004 COE submitted a work map to the City depicted the cross sections, elevations and floodplain limits for Copper Gate Estates.
- June 20, 2005 Revised Preliminary Countywide Maps were issued to include Copper Gate in a Special flood Hazard Area
- July 20, 2005 Requested FEMA to re-delineate the floodplain within Copper Gate Estates using Baughman's 1-foot contours
- July 28, 2005 FEMA responded that a LOMA or LOMR should be submitted for Copper Gate

November 23, 2005 Emailed Baughman Company (Brent Wooten & Trevor Kurth) a pdf of the preliminary flood maps

November 28, 2005 Meeting at a Baughman Company's office with Paul Kelsey, Brent Wooten, and Brian Glenn to discuss submitting a LOMR to revise the preliminary flood maps that incorporates the Dry Creek Overflow.

December 2, 2005 Baughman Company writes letter to the City of Wichita stating adverse impacts to Copper Gate and Liberty Park will occur with the new Countywide maps. Letter states the grading plan developed by their office has all structures elevated above the 100-year water surface elevations as depicted on the preliminary maps. City request Baughman to submit technical data to support claim.

December 7, 2005 PBS&J mailed the Hydraulic models used by the US COE to develop the new North Fork Calfskin Creek Flood Study. Baughman Company contacted that day and the PBS&J CD was copied and returned to the City.

February 15, 2006 Sent letter to FEMA to ask for the delay of the maps being published until Baughman submits a new LOMR to incorporated Copper Gate Estates.

April or May, 2006 FEMA sent a letter to warn that a LOMR will be required if technical data is not sent prior to the maps being published.

END OF DESC

TXRP0602

View Property Information

TMASON

Function 06

Legal Description

Level 00

Key No.: D -57864-0001

Pin: 146140110301101

Page: 2

Name: HAYS, CHARLES D & SHEILA K POWELL-

Legal Description

BEG SW COR LOT 11 N 119.5 FT NELY 8.03 FT S 121.36 FT TO S LI W 7.33  
FT TO BEG BLOCK A COPPER GATE ESTATES ADD

PF7-Backward PF8-Forward PF19-Prev Parcel PF20-Next Parcel

CLOSURE - COPPER GATE ESTATES

PT 01	North: 22862.9077	East : 11848.5689
Line	Course: N 89-35-25 E	Length: 736.6800
PT 02	North: 22868.1756	East : 12585.2301
Line	Course: S 00-00-00 W	Length: 372.0100
PT 03	North: 22496.1656	East : 12585.2301
Line	Course: N 89-35-25 E	Length: 205.0100
PT 04	North: 22497.6316	East : 12790.2348
Line	Course: S 00-00-00 W	Length: 250.0100
PT 05	North: 22247.6216	East : 12790.2348
Line	Course: N 89-35-25 E	Length: 380.0100
PT 06	North: 22250.3391	East : 13170.2351
Line	Course: S 00-00-00 W	Length: 897.9800
PT 07	North: 21352.3591	East : 13170.2351
Line	Course: S 89-35-25 W	Length: 380.0100
PT 08	North: 21349.6416	East : 12790.2348
Line	Course: S 18-23-06 W	Length: 113.3800
PT 09	North: 21242.0487	East : 12754.4747
Line	Course: S 10-23-23 E	Length: 290.6000
PT 10	North: 20956.2134	East : 12806.8823
Line	Course: S 37-54-47 E	Length: 257.7200
PT 11	North: 20752.8868	East : 12965.2422
Line	Course: N 89-35-25 E	Length: 205.0000
PT 12	North: 20754.3527	East : 13170.2370
Line	Course: S 00-00-00 W	Length: 514.8400
PT 13	North: 20239.5127	East : 13170.2370
Line	Course: S 89-25-26 W	Length: 1321.1200
PT 14	North: 20226.2290	East : 11849.1838
Line	Course: N 00-00-48 W	Length: 2636.6700
PT 01	North: 22862.8989	East : 11848.5702

TXRP0604  
TMASON  
Level 00

Function 06 View Property Information  
Key No.: D -57864-0001 Specials Inquiry Pin: 146140110301101  
Page: 4 Name: HAYS, CHARLES D & SHEILA K POWELL-

Tax Code	Cert No.	Description	2004 Payment	2004 Thru Payout	Prepay Amount	Beg Year	End Year
67-27	W	LATERAL SEWER				2004	2018
67-28	W	STORM SEWER				2004	2018
67-29	W	WATER				2004	2018
		(AS OF 02/17/04)		TOTAL			

Total Payment		Principal	Interest
	Total Specials Due For 2004		
	Total Specials Due For 2003		
	Total Pending Specials	388.97	
	SysAvl		
	Appl		