CITY OF WICHITA

FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

January 7, 2002

Steve Hatfield
Ritchie Corporation
P.O. Box 7717
Wichita, KS 67277

**Re:** **CON2001-00070: An administrative adjustment to Condition of Approval "Q" for CU-441 to adjust the schedule/plan for the removal of overburden on the site.**

**Legal Description: The S 1/2 of the NE 1/4 and the N 1/2 of the SE 1/4 of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas except that part taken in Condemnation Cases A-31849 and A-30467. Generally located south of 29th St. N. and west of West St.**

Dear Mr. Hatfield:

We have reviewed your request for an administrative adjustment to Condition of Approval "Q" for CU-441 to adjust the schedule/plan for the removal of overburden on the site. You state in your application that due to the high demand for overburden material from the closing of the Brooks Landfill, overburden from the site needs to be removed at a faster rate than permitted by Condition of Approval "Q" for CU-441. We understand that you request to adjust Condition of Approval "Q" for CU-441 to permit overburden to be removed from the site one year further in advance of sand extraction. Your further state in your application that the configuration of Phase 2 and Phase 3 of overburden removal needs to be modified to preserve an existing alfalfa crop. We understand that you request approval of a modified plan for the removal of overburden on the site to adjust the configuration of Phase 2 and Phase 3 of overburden removal to match the enclosed Overburden Removal Plan.

The Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to conditions of approval for Conditional Uses as long as the adjustment does not have any of the negative impacts stated in Sec. V-I.6. We find that adjusting the schedule/plan for the removal of overburden on the site meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: Permitting overburden to be removed from the site one year further in advance of sand extraction and adjusting the configuration of land upon which overburden will be removed will have no impact on the safety and convenience of vehicular and pedestrian circulation.

2) Impact on existing uses in surrounding areas: Condition of approval "Q" is in place to minimize the impact of blowing soil on surrounding areas. Permitting the overburden to be removed one year further in advance of sand extraction and adjusting the configuration of land upon which overburden will be removed will create a greater potential for blowing soil onto adjacent properties; however, existing uses in surrounding areas are agricultural, extractive, and industrial in nature and should not be detrimentally impacted from an additional year of blowing soil. Reconfiguring the areas for overburden removal to include the property furthest from the property lines in prevailing wind conditions for advance overburden removal should limit any impacts on surrounding areas.

3) Compatibility with existing or permitted uses on abutting sites: Removal of overburden material and extraction of sand from the site have been found to be compatible with existing or permitted uses on abutting sites through the approval of CU-441. The compatibility with existing or permitted uses on abutting sites should not be impacted by permitting the overburden to be removed one year further in advance of sand extraction and adjusting the configuration of land upon which overburden will be removed.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an administrative adjustment to Condition of Approval "Q" for CU-441 to adjust the schedule/plan for the removal of overburden on the site on the aforementioned property is hereby granted subject to the following conditions:

1) For Phase 1 and 2, overburden material shall be removed not more than two years in advance of the lake being expanded into an area. For Phase 3, overburden material shall be removed not more than one year in advance of the lake being expanded into an area.
2) The boundaries of Phase 2 and Phase 3 for removal of overburden material and extraction of sand shall conform to the revised plan approved as part of this administrative adjustment.
3) Sand extraction in the Phase 1 area shall begin by March 2002 and shall be completed by December 2002. Sand extraction in the Phase 2 area shall begin by March 2003 and shall be completed by June 2004.
4) All other conditions of approval for CU-441 shall be met.
5) Any violation of these conditions shall render the Administrative Adjustment null and void.

The zoning adjustment sign may now be removed from the property.

Marvin S. Krout
Planning Director

Glen Wiltse
Code Enforcement Director

Enclosure

cc: Glen Wiltse, Sedgwick County Code Enforcement

N.W. Corner, S. 1/2, N.E. 1/4
Sec. 2, T27S, R1W

CITY OF WICHITA
LIME SLUDGE STORAGE

N.E. Corner, S. 1/2, N.E. 1/4
Sec. 2, T27S, R1W

Property Line

60' Proposed R/W

30' Existing R/W

250'

70'

℄ 40' Phillips Pipeline Easement

250'

PHASE 1
24 Acres±

℄ WEST STREET

370'

72± Acre Lake
Minimum Depth 6 Feet
Below Water Table

PHASE 2
24 Acres±

PHASE 3
24 Acres±

250'

60' Proposed R/W

30' Existing R/W

Property Line

370'

250'

250'

(WEST STREET LOCATED IN FLOODWAY R/W)
BIG SLOUGH-COWSKIN CREEK FLOODWAY
CONDEMNATION CASE A-31849

Property Line

S.W. Corner, N. 1/2, S.E. 1/4
Sec. 2, T27S, R1W

CU-441 Revised Plan

# SITE PLAN

OVERBURDEN REMOVAL PLAN

APPROVED 1-7-02 BY SK

5-23-97

0 200 400

# RITCHIE CORPORATION

CONDITIONAL USE CU-441