

November 2, 1994

Mr. David L. Pope, Chief Engineer-Director
Kansas State Board of Agriculture
Division of Water Resources
901 S. Kansas Avenue, Second Floor
Topeka, Kansas 66612-1283

ATTN.: Edward E. Byrd, P.E.

Re: Notice #94445, WS No.LSG-0093, Floodway fringe fill

Dear Mr. Pope:

This letter is in response to a public notice of application, dated 10/24/94, for a site in the floodway fringe of Cowskin Creek in West Wichita, bordered by US-54 highway on the south, Seville Ave. on the east, and Cowskin Creek on the West.

The applicant has placed a large amount of fill (including dirt, concrete, asphalt, tree limbs, etc.) in the floodway fringe at the location listed above without permission from the City of Wichita. In order for any activity such as this to take place, the Office of Central Inspection (O.C.I.) must issue a permit to the interested party. Therefore, O.C.I. is this community's regulating authority for these actions according to City Ordinance.

On August 17, 1994, O.C.I. issued a stop-work permit at the site ordering all filling activities to cease. The owner was notified in writing that the filling operation must cease until all appropriate State and local permits were obtained, including submittal of an engineer's soil report for local officials to review.

Upon request, on August 29, 1994, local officials met with the applicant's representative, Mr. M. S. Mitchell, to discuss the case. Local officials directed the applicant to proceed immediately with State permits, begin performing a soil analysis at the site, and block off the site to prevent further dumping of material.

On more than one occasion in September, there was evidence additional material was present at the site. The applicant's representative was contacted after each incident and stated it was unauthorized by the owner and the area would be barricaded once again. However, no effort

was made to remove any of the unauthorized material.

Therefore, prior to approval of this application, the following three pieces of information should be taken into consideration. First, several areas along the Cowskin upstream from this location have experienced flooding problems in the past, therefore, to allow placement of fill material in the flood plain at this location might add another restriction to the flow in this area and enhance the chances of flooding. However, some improvements have been made upstream and downstream within the basin which may help the situation. Due to less than perfect original May of 1986 flood plain maps (FIRM and FHBM) and continued development, approved and illegal (such as this case upto this point), the City is currently funding a flood insurance study to update the maps in this area. This study will determine the actual boundaries of the flood plain taking into consideration existing conditions.

Second, according to the applicant's representative, the soils analysis for the site is complete; but has not been submitted to the City yet. This information maybe beneficial for your review as well considering the types of material used for fill at the location, i.e. concrete, asphalt, tree branches, etc. I do not believe this material is acceptable fill for this area, nor would I expect it to meet compaction requirements.

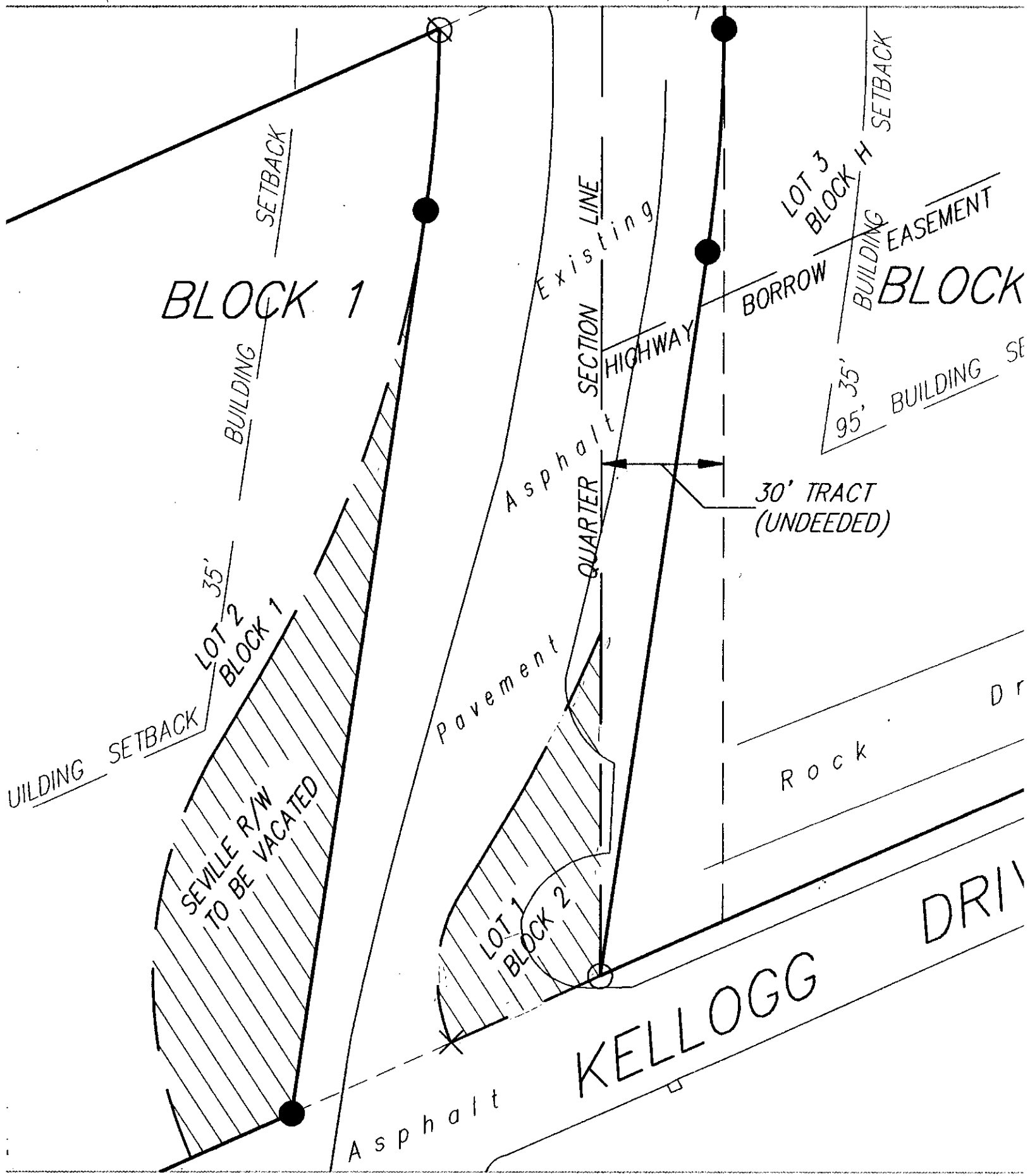
And third, the applicant apparently made no effort to gain permission to perform the filling operation at the site. This means no inspection of material, methods, plans, etc. was ever reviewed prior to the existing fill. And after the City issued a stop-work permit at the site, it appears the applicant did not notify those who had permission to dump at the site concerning its closure. This was evident due to additional material which appeared at the site during September of this year. Approving a fill operation is one issue, but approving existing fill whose contents and placing methods is unknown is yet another.

We appreciate the opportunity to comment on this issue. Please consider these comments when reviewing this application. If you have any questions, please feel free to call our office at 316-268-4497.

Sincerely,

Steve Lackey, P.E.
Director of Public Works

cc: Kurt Schroeder, Acting Superintendent O.C.I.
Suzanne C. S. Loomis, Acting Storm Water Engineer



BLOCK 1

LOT 3
BLOCK H

BLOCK H

LOT 2
BLOCK 1

LOT 1
BLOCK 2

KELLOGG DRIVE

BUILDING SETBACK

BUILDING SETBACK

SEVILLE R/W
TO BE VACATED

Pavement

Existing LINE

Asphalt SECTION QUARTER HIGHWAY

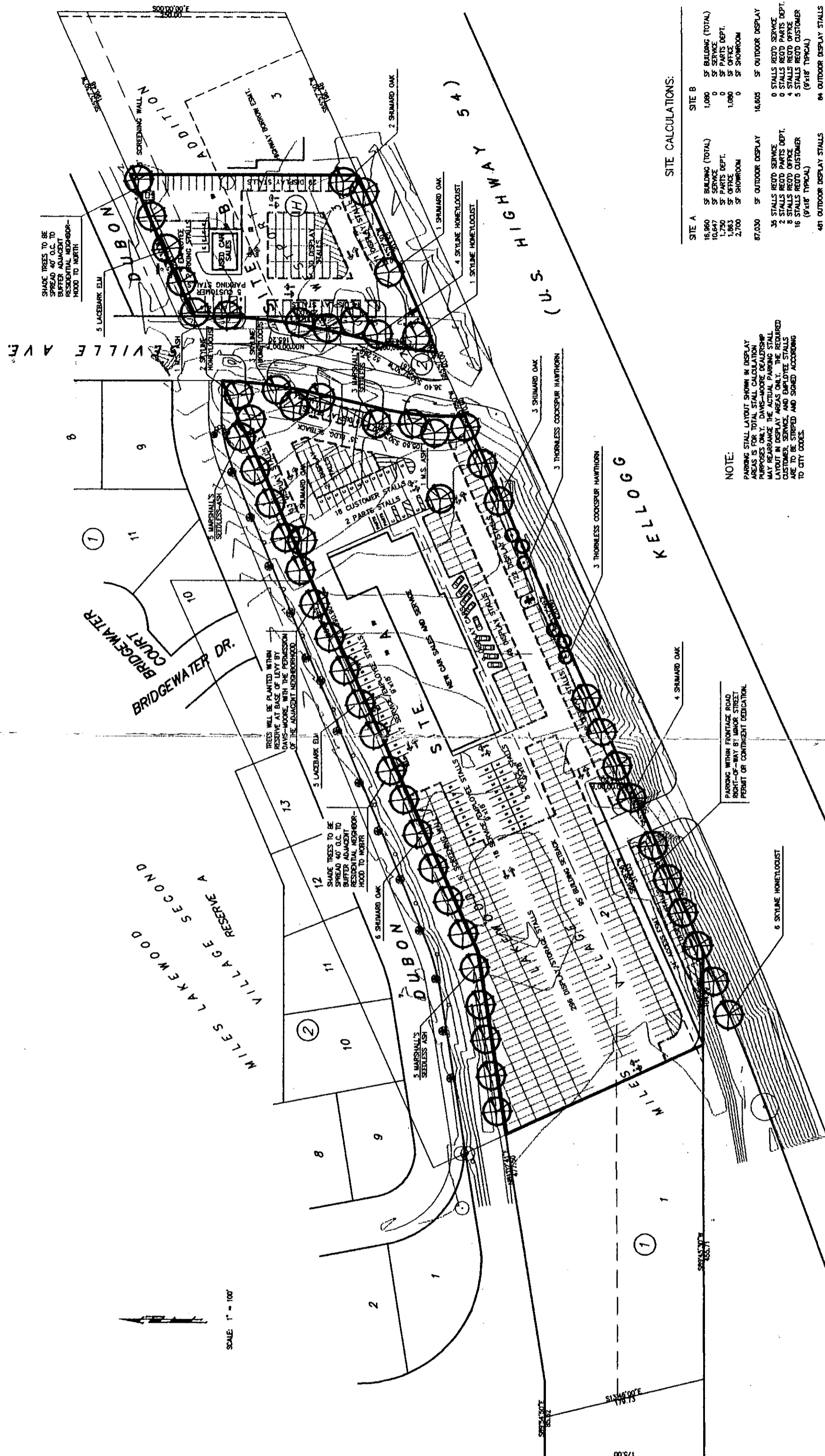
BORROW

BUILDING EASEMENT

30' TRACT (UNDEEDED)

35' BUILDING SETBACK
95' BUILDING SETBACK

Rock Dr



SITE CALCULATIONS:

SITE A	SITE B
16,960 SF BUILDING (TOTAL)	1,080 SF BUILDING (TOTAL)
10,647 SF SERVICE	0 SF SERVICE
1,730 SF PARTS DEPT.	0 SF PARTS DEPT.
1,863 SF OFFICE	1,080 SF OFFICE
2,700 SF SHOWROOM	0 SF SHOWROOM
67,030 SF OUTDOOR DISPLAY	16,005 SF OUTDOOR DISPLAY
38 STALLS RETO. SERVICE	0 STALLS RETO. SERVICE
0 STALLS RETO. PARTS DEPT.	0 STALLS RETO. PARTS DEPT.
2 STALLS RETO. PARTS DEPT.	4 STALLS RETO. PARTS DEPT.
8 STALLS RETO. OFFICE	5 STALLS RETO. OFFICE
16 STALLS RETO. CUSTOMER (9'x18' TYPICAL)	0 STALLS RETO. CUSTOMER (9'x18' TYPICAL)
481 OUTDOOR DISPLAY STALLS (8.5'x16' TYPICAL)	84 OUTDOOR DISPLAY STALLS (8.5'x16' TYPICAL)

NOTE:

PARKING STALL LAYOUT SHOWN IN DISPLAY AREAS IS FOR TOTAL STALL CALCULATION PURPOSES ONLY. DAVIS-MOORE DEALERSHIP MAY REARRANGE THE ACTUAL PARKING STALL LAYOUT IN DISPLAY AREAS ONLY. THE REQUIRED CUSTOMER, SERVICE AND EMPLOYEE STALLS ARE TO BE STRIPPED AND SIGNED ACCORDING TO CITY CODES.

PLANTING WITHIN FRONTAGE ROAD RIGHT-OF-WAY BY MAJOR STREET PERMIT OR CONTINGENT DEDICATION.

PLANT SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
5	<i>Fraxinus pennsylvanica</i> 'Marshall's Seedless'	Marshall's Seedless Ash	2"-2 1/2" Cal.	B & B	Single Stem Only
3	<i>Quercus imbricaria</i> 'Inermis Skyline'	Skyline Honeylocust	2"-2 1/2" Cal.	B & B	Single Stem Only
7	<i>Quercus prinus</i>	Shumard Oak	2"-2 1/2" Cal.	B & B	Single Stem Only
6	<i>Crataegus crugalis</i> 'Inermis'	Thornless Cockspur Hawthorn	1"-1 1/2" Cal.	B & B	Single Stem Only

DAVIS-MOORE NISSAN
SITE PLAN
 WEST KELLOGG

BAUGHMAN COMPANY P.A.
 ENGINEERING, SURVEYING, & PLANNING
 PROJECT NUMBER: 111-100-0000-0000-0000

DATE: 10-94
 SCALE: 1"=100'

May 4, 1995

STAFF REPORT

(Final Plat, Preliminary Plat approved 1/5/95)

CASE NUMBER: S/D 94-87 DAVIS MOORE 12th ADDITION

OWNER/APPLICANT: Miles Development, 10711 W. Kellogg, Wichita, KS 67209

SURVEYOR/ENGINEER: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

OWNER/APPLICANT: Davis Moore, Inc., P. O. Box 780047, Wichita, KS 67278

SURVEYOR/ENGINEER: Everett Fettis, 120 S. Market, Wichita, KS 67202

LOCATION: North of Kellogg and east of Maize Road

SITE SIZE: 7.01 Acres

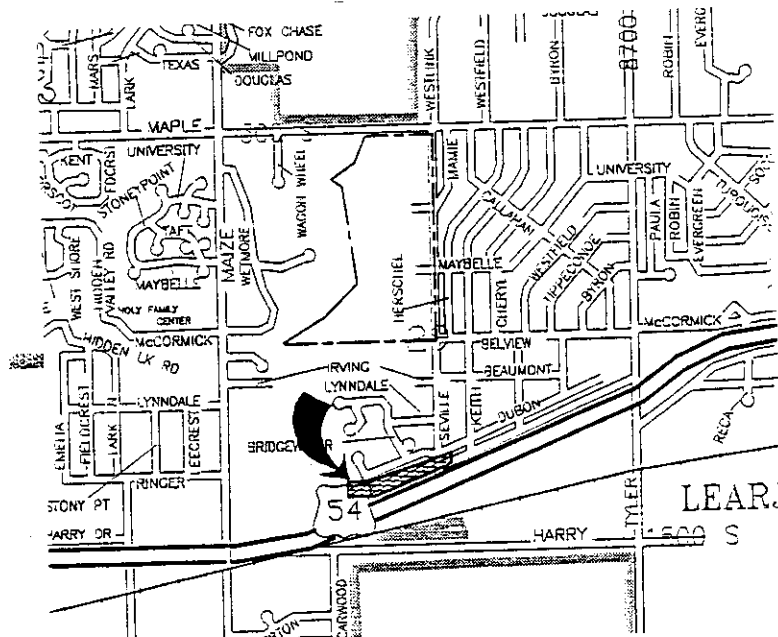
NUMBER OF LOTS

Residential:	
Office:	
Commercial:	2
Industrial:	—
Total:	2

MINIMUM LOT AREA: 41,890 sq. ft.

CURRENT ZONING: "LC" and "AA"

VICINITY MAP:



NOTE: The area included in this plat involves portions of lots previously platted as the Lakewood Village (1st) Addition. The larger Lot 1, Block 1 west of Seville presently involves split zoning, the approximately eastern 2/3rds being zoned "LC" light-commercial and the remaining portion zoned "AA" one-family. This large lot is also encumbered by floodway and floodplain associated with Cowskin Creek immediately west of the site. A major effort to fill this site has apparently been ongoing over the past year. Approximately the western 2/3rds of this lot is within the 100 year floodplain, with the western most portion also within the floodway.

A Board of Zoning Appeals application has also been submitted for the site and while all of Lot 1, Block 2 is covered by the BZA, only a portion of the larger lot, the area already zoned "LC", is included in the BZA application (BZA 35-94). The BZA approved the request for new and used car sales and related service activities.

STAFF COMMENTS:

- A. If required, this plat will be subject to any conditions established by the BZA.
- B. City Engineering needs to indicate any requirements for the guaranteeing of paving for a frontage road (Kellogg Drive).
- C. The applicant shall guarantee any drainage improvements required by the platting of this property. Any private drainage improvements will be completed at the time of site development.
- 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 verify the minimum building pad elevations indicated for this site.
Also, Engineering needs to indicate if this plat has adequately platted a floodway (Reserve A) and if any other drainage ways or easements need to be provided.
- F. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- G. 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.
- H. 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.
- I. The final plat tracing shall indicate the utility easements requested by Southwestern Bell which

were indicated on the "marked" copy of the plat unless no longer required by Southwestern Bell. Specifically, a 10-foot easement should have been shown along the east line of Lot 1, Block 2 and along the north line of Reserve A.

- J. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, David Hibbs, Kanopolis Project Office, Rt. 1, Box 30, Marquette, KS 67464 (913-546-2294) or Ron Little, Kansas Department of Wildlife and Parks, P. O. 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.
- K. On the final plat tracing, the Mayor's signature block shall be amended to indicate Bob Knight.
- L. Perimeter closure computations shall be submitted with the final plat tracing. Section 5-101(c).
- M. Recording of the plat within 30 days after approval by the City Council.
- N. The representatives from City Engineering should be prepared to comment on the status of the applicant's drainage plan.
- O. Based on discussions the applicant has had with the Office of Central Inspection, a covenant shall be provided concerning development on this site and the fill material that has been placed on this site. This covenant needs to be reviewed and approved by Central Inspection and subsequently submitted to Planning for recording with this plat.

NOTE: The area included in this plat involves portions of lots previously platted as the Lakewood Village (1st) Addition. The larger Lot 1, Block 1 west of Seville presently involves split zoning, the approximately eastern 2/3rds being zoned "LC" light-commercial and the remaining portion zoned "AA" one-family. This large lot is also encumbered by floodway and floodplain associated with Cowskin Creek immediately west of the site. A major effort to fill this site has apparently been ongoing over the past year. Approximately the western 2/3rds of this lot is within the 100 year floodplain, with the western most portion also within the floodway.

A Board of Zoning Appeals application has also been submitted for the site and while all of Lot 1, Block 2 is covered by the BZA, only a portion of the larger lot, the area already zoned "LC", is included in the BZA application (BZA 35-94). The BZA request is for new and used car sales and related service activities.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, it is recommended that the Subdivision Committee require that the entirety of the site (all of Lot 1, Block 1) be zoned the same ("LC"). Unless under the same zoning, issues of allowed uses, screening, etc. become uncertain if not indeterminable. For example, under "LC" zoning, multiple structures are allowed; however, what happens in the case of a building being allowed in the "AA" portion? That is, can a building be allowed in the "AA" area, if something is already built in the "LC" section or if a residence is in the "AA" area, can anything further be shown or allowed in the "LC" area? Further, for example, certain requirements exist in regard to screening "LC" uses from residential uses. But, does that apply or how would it apply to the same property (lot), under the same ownership?

If required, this plat will be subject to any conditions of such zone change.

- B. This site appears to be served by existing municipal water and sanitary sewer. City Engineering needs to indicate if any additional guarantees are needed for these improvements, including any relocations or reconstructions of existing facilities.
- C. Traffic Engineering needs to indicate any traffic improvements needing to be guaranteed to serve this site. Specifically, are any improvements needed at the intersection of Seville and Kellogg or along Seville to serve this site's access at that location. Also, are any improvements needed for the apparent one (1) point of access to Lot 1, Block 1 from/to Kellogg.
- D. The applicant shall guarantee any drainage improvements required by the platting of this property.
- 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 indicate the acceptability of right-of-way needs at this site, both for Kellogg (including Kellogg Drive indicated as being vacated adjacent to a portion of Lot 1, Block

1) and for Seville which has apparently been realigned as part of this street's recent paving.

- G. In regard to access controls, the applicant shall provide proof that the opening to Kellogg from Lot 1, Block 1 is acceptable to the State (is allowed under present access agreements or will be allowed).

For Lot 1, Block 2, complete access control shall be dedicated to Dubon. This is an unpaved street with residential uses along the street's north side and should therefore not be used for access to "LC" uses. For the other lot, an adjacent Reserve in the abutting Addition would appear to prevent access to Dubon.

Traffic Engineering needs to comment upon any other access control requirements such as to Seville, for both lots; e.g., should complete access control be provided immediately north of Kellogg for some distance?

- H. As appropriate, the final plat shall note on the face of the plat and in the plat's text any right-of-way dedications for Seville, Kellogg or Dubon.
- I. City Engineering needs to verify any minimum building pad elevations for this site. If required, this plat will be subject to the standard requirements involving minimum building pads.

Also, Engineering needs to comment upon floodway, drainage easement, etc. requirements for this site. A floodway was shown on the previous plat of this site, at the western end of this site's Lot 1, Block 1. If a floodway is to be platted, the plat's text shall reference the standard floodway language. Further a major drainage type ditch runs across most of Lot 1, Block 1's frontage to Kellogg.

- J. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- K. Requirements for a final plat (see pages 5-5 through 5-10, Part 4, Article 5 of the MAPC Subdivision Regulations).
- L. Prior to or at the time of submitting the final plat, the applicant shall submit a drainage plan to City Engineering for review and approval.
- M. 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.
- N. 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.
- O. The representatives from the utility companies should be prepared to comment on the need for utility easements to be platted on this property.

- P. The representative from City Engineering should be prepared to comment on the status of the applicant's drainage concept.

- Q. The applicant is advised that various State and Federal requirements 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.