

BZA Case No. 43-73 - Request for Exception to permit the extraction of dirt for use as borrow material - Between Clifton and Bluff in an area between 31st St. S. and the Kansas Turnpike

*POSTED
1-7-74*

ACTION

BZA COMMITTEE DATE *Referred to 1-22-74*

Feb 26, 1974

M.A.P.C. _____

B.C.C./B. CO. C. _____

Jan 28, 1974

Case Withdrawn on (see file for letter from applicant) P.H.B.

POSTED
1-7-74

BZA Case No. 43-73 - Request for Exception to permit the extraction of dirt for use as borrow material - Between Clinton and Bluff in an area between 31st St. S. and the Kansas Turnpike

ACTION

	DATE
BZA COMMITTEE	<u>Deferred to 1.22.74</u> <u>Feb 26, 1974</u>
M.A.P.C.	_____
B.C.C./B. CO. C.	_____

Case Withdrawn on Jan 28, 1974.
(See file for letter from applicant) JAS

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

February 5, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 43-73 - Request for exception to permit the extraction of dirt for use as borrow material on property generally located between Bluff and Clifton in an area between 31st Street South and the Kansas Turnpike.

On January 22, 1974, the Board of Zoning Appeals deferred consideration of Case No. BZA 43-73 to the meeting of February 26, 1974, in order that the applicants might have an opportunity to address themselves to the questions raised in the Secretary's report. However, this is to advise you that the applicants have notified the Board that they wish to withdraw the exception request and therefore, Case No. BZA 43-73 is now considered withdrawn and closed.

If you have any questions concerning this matter, please call.

Jack H. Galbraith
Jack H. Galbraith
Secretary

*21 Notices mailed to adjoining property owners
& protestors at previous meeting. 2-5-74*

PETITION OF PROTEST

We, the undersigned, residents in the immediate area of the property legally described as:

All that part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying north and west of the Kansas Turnpike right-of-way in section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 30.308 acres more or less, and all that part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying north and west of the Kansas Turnpike right-of-way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 3.9 acres, more or less. Generally located East of Clifton in an area North of the Kansas Turnpike.

protest the proposed use permit allowing the excavation of said property, as described by the case number BZA 43-73 of the Board of Zoning Appeals, for the following reasons.

During excavation, the residents in nearby areas will be subjected to the noise of heavy earth-moving equipment, dust raised by the operations, heavy truck traffic as earth is removed from the site, and the vibrations of the trucks and equipment may cause damage to surrounding property.

Also, the large hole left after completion of the excavation presents many potential problems. The subsoil would not support vegetation and dust would become a chronic problem. The magnitude of the hole would severely inhibit potential development of the property. This would be compounded by the fact that the floor of the proposed excavation is below existing sewer grade and should development of the property be undertaken, a sewer lift would have to be employed. There is also a possibility that the revised land contour would have an adverse effect on the noise levels of Boeing test operations as experienced in the surrounding residential areas. Aesthetically, a hole averaging 20 feet in depth and covering some 30 acres, is not pleasing. If the floor of the hole were level, and depending on soil conditions at the bottom, drainage could be inadequate and present hazards to children and pets as well as promote breeding of mosquitoes. Values of adjacent property is sure to decline as a result of the proposed excavation unless extensive reclamation is undertaken.

Thus, the undersigned, for environmental, aesthetic and financial reasons, protest the granting of a permit which would allow excavation of the property described above.

NAME

ADDRESS

Carol E. Lyoss 3401 Butler Dr., Wichita
Mrs. Joyce Bellman 3335 Butler Dr. "
Mrs. Lucille Hamm 3335 Butler Dr.
Mrs. Virginia E. Gill 3241 Butler Dr.
Mrs. Jackie P. Dille -3241 Butler Dr.
- Paul Bauer 3420 Butler

NAME

ADDRESS

Robert S. Rubenell	3501 Craig
Walter S. Rubenell	3501 Craig
Chas F. Sabba	3517 Craig
Bonita M. Sabba	3517 Craig
Victor J. Gordon	3451 Craig
Betty M. Gordon	3451 Craig
Edw. A. White	3443 Craig
Eugene M. White	3443 Craig
Wm. Bayles Jr.	3516 Craig
Barbara Bayles	3516 Craig
John C. Reinhart	3431 Craig
Mrs. James C. Reinhart	3431 Craig
Wm. O. E. Foster	3422 Craig
Mrs. O. E. Foster	3422 Craig
Mrs. Carl D. Clyne	3419 Craig
Mr. Carl C. Clyne	3419 Craig

NAME	ADDRESS
✓ Richard D. Wilson	3453 So. Clifton
✓ Allie L. Wiley	3403 So. Clifton
✓ Bertha F. Smith	3533 So. Clifton
✓ Pauline B. Smith	3355 So. Clifton
✓ Penny J. Sand	3506 Crystal Dr.
✓ Sharon M. Stout	3506 Crystal Dr.
✓ Olive L. Moore	3447 So. Clifton
✓ Betty L. Moore	3447 So. Clifton
✓ Joseph E. Bradman	3457 So. Clifton
✓ Hector B. Michel	3437 So. Clifton
✓ John M. Meyer	3524 E. Craig
✓ Eileen Meyer	3524 E. Craig
✓ Wilma Peiser	3577 So. Clifton
✓ Eleanor J. Rohr	3527 So. Clifton
✓ Anette G. Rohr	3527 So. Clifton
✓ Alvin O. Howell	3547 So. Clifton
✓ Walter J. Miller Jr.	3525 Craig
✓ Linda Miller	3525 Craig
✓ Donald Paul Reuber	3517 So. Clifton
✓ O. A. Brumgard	3345 S. Clifton



RITCHIE CONSTRUCTION CO., Inc.

TELEPHONE (316) 838-9301 • 1900 AMIDON • P. O. BOX 4048 • WICHITA, KANSAS 67204

January 28, 1974

Mr. Jack H. Galbraith
Secretary
Board of Zoning Appeals
City Building Annex
104 So. Main
Wichita, Kansas 67202

RE: Case #BZA 43-73
Request for Exception

Dear Mr. Galbraith:

Ritchie Construction Co., Inc. is hereby withdrawing its Request for Exception Case #BZA 43-73. The added expense for engineering work would appear to be only wasted effort and our firm feels that due to the highly spirited protests to our proposal, the BZA would be hard pressed to approve the application. Naturally, we will never know and are somewhat disappointed that the Board could not be induced to make a decision based on satisfactory suppositions.

At any rate, I wish to take this opportunity to thank you personally for your co-operation and help. It was a pleasure for me and certainly educational. With the experience gained from the application attempt, we hopefully will be able to recognize and avoid some of the possible pitfalls of future applications.

Once again I thank you and the entire Board of Zoning Appeals for the opportunity to present our case.

Very truly yours,

RITCHIE CONSTRUCTION CO., INC.

Tom Ritchie
Tom Ritchie



TR/td

January 23, 1974

Mr. Tom Ritchie
Ritchie Construction Company, Inc.
P. O. Box 4048
Wichita, Kansas 67204

Subject: Case No. BEA 43-73
Request for Exception

Dear Mr. Ritchie:

It was the action of the Board to defer consideration of Case No. BEA 43-73 to the meeting of February 26, 1974, in order that the applicants have an opportunity to address themselves to the questions raised in the Secretary's report. Concern was expressed about the accuracy of the contour map (operational plan) in relation to property lines, proposed setbacks and excavation, especially in relation to the narrow point toward the south of the property; the failure to provide access ramps so that street subgrade would not be excavated in relation to the redevelopment plans submitted to the Board; and the feasibility of the proposed redevelopment of the area for single family or mobile homes.

The Board members also expressed interest in the applicants contacting Guy Moorefield of the Soil Conservation Service about the feasibility of stock-piling top soil in order for the property to be reused for agricultural purposes. The applicants should also consult with M. S. Mitchell of the Flood Control Division to resolve the questions raised with regard to drainage problems in the area. If you have any questions concerning this matter, please call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:RME

cc: Proctor Ritchie, P. O. Box 4048, 67204
Dave Ritchie, P. O. Box 4048, 67204
✓ Bill Lyons, 3401 Butler Drive, 67216
✓ Cecil Davis, 3501 Crystal Drive, 67216
✓ Olen Moore, 3447 South Clifton, 67216
Blind copy to Guy Moorefield, Soil Conservation Service

SECRETARY'S REPORT
CASE NO. BZA 43-73

APPLICANT: Ritchie Construction Co., Inc. Box 4048, Wichita, Kansas, 67204.

AGENT: Proctor and Tom Ritchie, Box 4048, Wichita, Kansas, 67204.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation or construction of a borrow excavation site.

GENERAL LOCATION: On the East of Clifton in an area North of the Kansas Turnpike.

LAND USE: Subject property is undeveloped. To the east is undeveloped property and Turnpike right-of-way. To the south is Turnpike right-of-way, and to the north is a mobile home park. To the west are single family homes.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District, as is the property to the west. To the east is "E" Light Industrial zoning and Turnpike right-of-way. To the south is Turnpike right-of-way and "R" Rural Residential zoning. The property to the north is zoned the "G" Mobile Home District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.181(2), Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

A recent amendment to the zoning ordinance authorizes the Board of Zoning Appeals by special permit, to grant exceptions and authorize the extraction of raw materials (fill dirt, soil, sand or gravel) as a temporary use in any zoning district where such use is not a permitted use, subject to certain conditions and requirements.

The applicant is requesting an exception to permit the removal of approximately 550,000 cubic yards of dirt from

Secretary's Report
BZA Case No. 43-73
Page 2

subject property for use as borrow material on the upcoming phase of the I-35W Canal Route extension, pending a successful low bid. In the statement of justification submitted with the application, the applicant states that dirt would be removed from the site by trucks using Bluff Street as the sole means of ingress and egress. He adds that the time for the temporary use would be 140 to 280 working days, starting at the earliest possible time after award of a contract on the project.

The applicant further states that runoff from the land presently drains east and south into the Kansas Turnpike drainage ditches which border the property, and the only drainage alteration would be that most of the rainfall runoff which formerly drained east would now be directed toward the Turnpike drainage ditch at the south end of the property. The Board has received a letter from the Kansas Turnpike Authority stating that inasmuch as most of the present drainage from subject property already enters the Turnpike ditches, it is not felt that this alteration would be harmful to the Turnpike in any way. The applicant points out that there will be no impoundment of water and the work will be conducted in such a manner that the site will drain at all times. (This would eliminate any fencing requirement).

The text of the site plan submitted by the applicant indicates that appropriate 50 foot setbacks will be observed from the north and south property lines, with a 100 foot setback from the proposed right-of-way for Clifton. However, no property lines are delineated on the contour plan, and an additional 10 foot right-of-way dedication will be required for Clifton. In addition, since a portion of the east property line of subject property is adjacent to Bluff Street, and in accordance with paragraph 2.7 of Section 28.04.181, Code of the City of Wichita, excavation should not be within 100 feet of the proposed right-of-way line of any public street. Therefore, the site plan should be revised to reflect all property lines and setbacks, including a 100 foot setback from the proposed right-of-way line of Bluff. (Proposed half-street right-of-way for Bluff is 40 feet, and dedication of a 100 foot minimum cul-de-sac will be necessary.)

In reviewing the site plan, as required by paragraph 2.6, Section 28.04.181 of the Code of the City of Wichita, the Wichita-Sedgwick County Flood Control Office pointed out that the southern 600 feet of Clifton frontage presents problems in meeting the criteria established in "Notes" on the face of the plan. The distance from the present right-of-way line from Clifton to the Turnpike right-of-way line at the narrow point is only 150 feet

Secretary's Report
BZA Case No. 43-73
Page 3

as scaled from the 1968 aerial photographs. The depth of the cut at that point is 12 feet on the west bank and 16 feet on the east bank. Therefore, the two slopes at 3:1 will occupy 84 feet. A setback from the Turnpike right-of-way line of 50 feet and the setback from Clifton of 100 feet and the minimum bottom width of 10 feet brings the total to 244 feet.

The Flood Control Office also points out that the redevelopment plans do not take into account the fact that streets leading to the bottom of the excavation should not be steeper than 5%, making the ramps about 500 feet long. When 3:1 slopes are applied to these ramps, plan #1 (for single family homes) loses approximately 24 lots. Plan #2 also fails to provide for access ramps. It is further emphasized that if good engineering practice is observed, the street subgrade should not be excavated, thereby necessitating revision of the operation (site) plan.

The City Engineer advises the Board that there are problems involving a sewer proposed to cross the south portion of subject property to serve an industrial area east of the Turnpike. There is no practical alternative route for the sewer, and the present excavation plans call for excavation several feet lower than the grade necessary to provide gravity flow for the sewer. Although the applicant could provide a lift station, the City Engineer suggests that the applicant submit a site grading plan showing a minimum 20 foot east-west sewer easement with profiles for 3:1 slopes. Underground drainage through the easement would have to be provided in a manner satisfactory to the City Engineer, the Turnpike Authority and the Flood Control Office. Engineering also informs the Board that sewer service could not be provided for the proposed redevelopment projects without a lift station if the site is excavated to the depths proposed on the plan.

The Board should be advised that the Planning Commission considered a request for a zone change on subject property from "AA" Single Family to the "G" Mobile Home District. The action of the Planning Commission was to recommend that the request not be approved and the Board of City Commissioners concurred on June 12, 1973.

RECOMMENDATION:

In view of the problems raised with regard to redevelopment of the site for residential use and in view of the problems raised associated with inadequate information being provided on the con-

tour map, it is the recommendation of the Secretary that this request be deferred for one month so that revised plans can be submitted which indicate property lines, appropriate setbacks, adequate street and cul-de-sac right-of-way, sewer easement and grading plans and an indication how drainage is to be handled in a manner acceptable to the Flood Control and Engineering Divisions.

In addition to the above comments, the following are conditions that should also be considered:

1. The applicant shall dedicate, by separate instrument an additional 10 feet of right-of-way for Clifton, 40 feet of right-of-way for Bluff, and a 100 foot minimum cul-de-sac adjacent to Bluff.
2. The applicant shall dedicate by separate instrument a minimum 20 foot sewer easement for an area to be designated by the City Engineer, accompanied by a site grading plan, also approved by the City Engineer, showing the easement in relation to profiles for 3:1 slopes.
3. The applicant shall make satisfactory arrangements with M.S. Mitchell of the Wichita-Sedgwick County Flood Control Office to resolve all drainage problems.
4. The applicant shall proceed in accordance with the operational and drainage plans approved by the Board, the City Engineer and the Wichita-Sedgwick County Flood Control Office.
5. No part of the excavation operation shall occur in the 50 feet adjacent to the north and south property lines, or within the 50 feet adjoining that portion of the east property line not adjacent to Bluff. No part of the excavation operation shall occur within 100 feet of the right-of-way lines for Bluff or Clifton. (Note: The Secretary recommends that at least a 120 foot setback be required from the new right-of-way line from Clifton which would permit the development of a row of single family homes.)
6. To provide for bank stabilization and the safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.

7. The applicant and operator of the excavation site shall be responsible for:
 - a. Constructing and maintaining the drainageway.
 - b. Construction of any structure such as culverts, ditch checks, riprap, etc. necessary to carry out this plan.
 - c. Preserving the sewer easement in accordance with the approved grading plan.
8. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to the Board's legal counsel, providing that no foreign matter, such as rubbish, car bodies, etc., shall be deposited within the excavation.
9. All slopes shall have vegetative covering consisting of a perennial drouth-resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
- X 10. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the soil excavation operation.
11. The applicant shall comply with conditions 1 and 8 prior to forwarding the approved resolution to the Superintendent of Central Inspection and within 6 months from the date of approval by the Board of Zoning Appeals or the resolution shall be considered null and void.
12. Three copies of the revised contour, operational and redevelopment plan shall be submitted to the Secretary of the Board.
13. Failure to comply with the requirements of approval by the Board of Zoning Appeals shall be sufficient cause for the Superintendent of Central Inspection to request the Board to revoke the special permit after a public hearing.

HON. ROBERT B. DOCKING
Governor



NICK BADWEY, Chairman
El Dorado

JOHN MONTGOMERY, Vice-Chairman
Junction City

ARDEN DIERDORFF, Secretary-Treasurer
Smith Center

BOB W. STOREY
Topeka

A. J. GRAY
Topeka

JERRY L. BRINDLE
General Manager

R. D. FOGO
Chief Engineer

KEITH RUSSELL, JR.
Comptroller
Asst. Secretary-Treasurer

ROBERT N. BUZZI
Director of Public Relations

RALPH GRAHAM
Superintendent of Tolls

HOWARD, NEEDLES,
TAMMEN & BERGENDOFF
General Consultants

RICHARD R. ROCK
General Counsel

KANSAS TURNPIKE AUTHORITY

BOX 18007 SOUTHEAST STATION — TELEPHONE 682-4537 — AREA CODE 316
WICHITA 67218

December 10, 1973

Planning Department
Board of Zoning Appeals
104 South Main
Wichita, Kansas 67202

Gentlemen:

The Ritchie Construction Company has expressed a desire to obtain borrow materials from a piece of ground lying to the East of Clifton and approximately $\frac{1}{4}$ mile South of 31st Street South. The Kansas Turnpike borders this piece of ground on the East and on the South.

The plan, as proposed by Ritchie, is to excavate material from this land in such a manner that the final profile of this excavated area would slope downward from North to South, causing all the drainage to enter the Turnpike ditch at the South end of the property.

Inasmuch as most of the present drainage from this property already enters the Turnpike ditches, we do not feel that this would be harmful to the Turnpike in any way.

Very truly yours,


R. D. FOGO, P. E.
Chief Engineer

RDF:jdm

cc: Mr. J. L. Brindle



RITCHIE CONSTRUCTION CO., Inc.

TELEPHONE (316) 838-9301 • 1900 AMIDON • P. O. BOX 4048 • WICHITA, KANSAS 67204

December 13, 1973

Board of Zoning Appeals
City of Wichita
104 S. Main
Wichita, KS 67202

Dear Board Member:

Ritchie Construction Co., Inc. is hereby requesting a temporary use permit on land presently zoned AA legally described as,

All that part of the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) lying north and west of the Kansas Turnpike Right-of-Way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 30.8 acres, more or less, and all that part of the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) lying north and west of the Kansas Turnpike Right-of-Way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 3.9 acres, more or less,

or commonly described as lying south of The Colonial Mobil Home Park, East of Clifton, and North and West of the Kansas Turnpike.

The purpose of this request is to obtain a temporary use permit for the removal of approximately 550,000 CY of dirt from the site for use as borrow material on the upcoming phase of the I35W Canal Route extension near Kellogg Street (pending our successful low bid.) Dirt would be removed from the site by trucks using Bluff Street as the sole means of ingress and egress. Time for the temporary use would be 140 to 280 working days starting at the earliest possible time after award of a contract on the project. Run off from the land presently drains East and South into the Kansas Turnpike drainage ditches which border the property. The only alteration to the area drainage would be that most of rainfall runoff which formerly drained East would now be directed to the South property line and into the Kansas Turnpike ditch.

Permission to alter the drainage in this way is given in the accompanying letter from the Kansas Turnpike Authority. The site plan enclosed with this application indicates the existing elevations of the land and the proposed final contours (based on City of Wichita bench marks.) Please note that there will be no impoundment of water and that the work will be prosecuted in such a manner so that the site would drain at all times.

The site, while zoned AA, is presently being used to grow crops. It is highly unlikely that any single family housing would be undertaken on this site because it simply can not compare favorably at this time with other available homesites around the city. With the Kansas Turnpike on two (2) boundaries and The Colonial Mobil Home Park on the North, it appears that land will have become very scarce indeed before the site would compare favorably with other available homesites. Ritchie Construction Company proposes in the near term to reuse the land for crop production as is presently being done. Hopefully revenue from sale of crops would help defray such ownership costs as taxes and interest on a mortgage. At sometime in the future when land prices are sufficiently high, the site could feasibly be used for single family homesites as presented in the attached Plan #1. Or as an alternate, the land could be re-zoned for a mobil home park (after sufficient landscaping had been done to make a mobil home park palatable to the neighbors directly to the West.) A proposed layout (Plan #2) for this alternative is enclosed with this application.

In summary, the proposed temporary use request is as follows:

1. No re-zoning of the land is requested at this time.
2. The land will be excavated to the proposed elevations and approximately 550,000 CY of dirt will be removed for use on the 35 W Canal Route project.
3. Bluff Street will be used as the sole means of ingress and egress for the Construction vehicles.
4. Time for the temporary use will be 140-280 working days beginning as soon as possible after award of a contract on the project.
5. The land will be returned to such a state as will support vegetation.
6. Minor drainage alterations will be necessitated. Permission for such changes has been obtained from the Kansas Turnpike Authority.
7. Short term re-use will be farmland.
8. Long term re-use could be either a mobil home park or single family homesites as per enclosed redevelopment plans #1 & #2.

We thank you for your consideration of our request and hope that some favorable action can be taken on it prior to the 35 W Canal Route project bid opening.

Very truly yours,

RITCHIE CONSTRUCTION CO., INC.

Tom Ritchie
Tom Ritchie

THE CITY OF WICHITA

OFFICE OF Ass't. Supt. of Public
Works Maint.

DATE Dec. 27, 1973



TO Jack Galbraith, Chief Planner, MAPD

FROM M. S. Mitchell

SUBJECT -- BZA 43-73 Excavation
in Sec. 11, T-28-S, R-1-E

We have reviewed supporting information for subject case furnished with your memo of Dec. 19, 1973. Generally, we see no drainage problems caused by the proposed use; however the southern 600 feet of Clifton frontage does present problems in meeting criteria established under "Notes" on the Site Plan. Distance from present EL Clifton to the Turnpike r/w line at the narrow point is only 150± (scaled from 1968 photo). Depth of cut at that point is 12 feet on west bank and 16 feet on the east bank; therefore the two slopes at 3:1 will occupy 84 feet. A setback from the turnpike r/w line of 50 feet and minimum bottom width of 10 feet brings the total to 144. If Clifton r/w is widened to 40 feet then 4 feet of the 3:1 west bank would be on public right-of-way.

The redevelopment plans do not take into account the fact that streets leading to the bottom of the excavation should not be steeper than 5%, making the ramps about 500 feet long. When 3:1 slopes are applied to these ramps, plan #1 loses approximately 24 lots. Plan #2 similarly does not provide for access ramps. If good engineering practice is observed, the street subgrade should not be excavated thereby necessitating revision of the operation (site) plan.

If further information is desired, please advise.

M. S. Mitchell,
Ass't. Superintendent of
Public Works Maintenance

MSM/glm

cc: G. H. Wilton
BZA 43-73 File



HAYSVILLE ANIMAL HOSPITAL
7550 S. BROADWAY
WICHITA, KANSAS 67233

Board of Zoning Appeals
Room 402 City Building Annex
104 S. Main St.
Wichita, Ks. 67202

Dear Sir:

I have no objection to extraction of dirt adjacent to the property I own. I sincerely hope the land use will lead to further development of the area in question.

Sincerely,

D. Battershell

D. Battershell D.V.M.



December 19, 1973

Dick Linn, City Engineer
M. S. Mitchell, Superintendent of Public Works Maintenance
Jack H. Galbraith, Chief Planner

BZA Case No. 43-73 - Request for exception to permit the extraction of dirt for use as borrow material

An application has been filed with the Board of Zoning Appeals requesting an exception to permit the extraction of dirt for use as borrow material. The subject property is located to the east of Clifton in an area north of the Kansas Turnpike. The attached statement of justification contains the legal description of the property and information concerning the proposed extraction and redevelopment.

A recent amendment to the zoning ordinance (Section 28.04.181.2, Code of the City of Wichita) authorizes the Board of Zoning Appeals to grant an exception for these purposes. The ordinance also requires that any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office of the Department of Public Works and the City Engineer. Since the plans indicate that drainage alterations will be necessitated, we would appreciate it if you would review the attached plans and forward any comments you might have to the Board by January 10, 1974.

If you have any questions concerning this matter, please call.

JHG:rw

attachment

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

January 2, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

An application has been filed by Ritchie Construction Company, Inc., Box 4048, Wichita, Kansas, 67201, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the extraction of dirt for use as borrow material on property zoned the "AA" Single Family Dwelling District and legally described as follows:

All that part of the SE 1/4 of the NW 1/4 lying north and west of the Kansas Turnpike right-of-way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 30.8 acres more or less, and all that part of the NE 1/4 of the SW 1/4 lying north and west of the Kansas Turnpike right-of-way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 3.9 acres, more or less. Generally located East of Clifton in an area North of the Kansas Turnpike.

This application has been assigned Case No. BZA 43-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

18 notices sent to Property Owners 1.2.74
10 " " " Plng Comm "



RITCHIE CONSTRUCTION CO., Inc.

TELEPHONE (316) 838-9301 • 1900 AMIDON • P. O. BOX 4048 • WICHITA, KANSAS 67204

December 13, 1973

Board of Zoning Appeals
City of Wichita
104 S. Main
Wichita, KS 67202

Dear Board Member:

Ritchie Construction Co., Inc. is hereby requesting a temporary use permit on land presently zoned AA legally described as,

All that part of the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) lying north and west of the Kansas Turnpike Right-of-Way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 30.8 acres, more or less, and all that part of the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) lying north and west of the Kansas Turnpike Right-of-Way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 3.9 acres, more or less,

or commonly described as lying south of The Colonial Mobil Home Park, East of Clifton, and North and West of the Kansas Turnpike.

The purpose of this request is to obtain a temporary use permit for the removal of approximately 550,000 CY of dirt from the site for use as borrow material on the upcoming phase of the I35W Canal Route extension near Kellogg Street (pending our successful low bid.) Dirt would be removed from the site by trucks using Bluff Street as the sole means of ingress and egress. Time for the temporary use would be 140 to 280 working days starting at the earliest possible time after award of a contract on the project. Run off from the land presently drains East and South into the Kansas Turnpike drainage ditches which border the property. The only alteration to the area drainage would be that most of rainfall runoff which formerly drained East would now be directed to the South property line and into the Kansas Turnpike ditch.

Permission to alter the drainage in this way is given in the accompanying letter from the Kansas Turnpike Authority. The site plan enclosed with this application indicates the existing elevations of the land and the proposed final contours (based on City of Wichita bench marks.) Please note that there will be no impoundment of water and that the work will be prosecuted in such a manner so that the site would drain at all times.

The site, while zoned AA, is presently being used to grow crops. It is highly unlikely that any single family housing would be undertaken on this site because it simply can not compare favorably at this time with other available homesites around the city. With the Kansas Turnpike on two (2) boundaries and The Colonial Mobil Home Park on the North, it appears that land will have become very scarce indeed before the site would compare favorably with other available homesites. Ritchie Construction Company proposes in the near term to reuse the land for crop production as is presently being done. Hopefully revenue from sale of crops would help defray such ownership costs as taxes and interest on a mortgage. At sometime in the future when land prices are sufficiently high, the site could feasibly be used for single family homesites as presented in the attached Plan #1. Or as an alternate, the land could be re-zoned for a mobil home park (after sufficient landscaping had been done to make a mobil home park palatable to the neighbors directly to the West.) A proposed layout (Plan #2) for this alternative is enclosed with this application.

In summary, the proposed temporary use request is as follows:

1. No re-zoning of the land is requested at this time.
2. The land will be excavated to the proposed elevations and approximately 550,000 CY of dirt will be removed for use on the 35 W Canal Route project.
3. Bluff Street will be used as the sole means of ingress and egress for the Construction vehicles.
4. Time for the temporary use will be 140-280 working days beginning as soon as possible after award of a contract on the project.
5. The land will be returned to such a state as will support vegetation.
6. Minor drainage alterations will be necessitated. Permission for such changes has been obtained from the Kansas Turnpike Authority.
7. Short term re-use will be farmland.
8. Long term re-use could be either a mobil home park or single family homesites as per enclosed redevelopment plans #1 & #2.

We thank you for your consideration of our request and hope that some favorable action can be taken on it prior to the 35 W Canal Route project bid opening.

Very truly yours,

RITCHIE CONSTRUCTION CO., INC.

Tom Ritchie

Tom Ritchie

HON. ROBERT B. DOCKING
Governor



KANSAS TURNPIKE AUTHORITY

BOX 18007 SOUTHEAST STATION — TELEPHONE 682-4537 — AREA CODE 316
WICHITA 67218

NICK BADWEY, Chairman
El Dorado

JOHN MONTGOMERY, Vice-Chairman
Junction City

ARDEN DIERDORFF, Secretary-Treasurer
Smith Center

BOB W. STOREY
Topeka

A. J. GRAY
Topeka

JERRY L. BRINDLE
General Manager

R. D. FOGO
Chief Engineer

KEITH RUSSELL, JR.
Comptroller
Asst. Secretary-Treasurer

ROBERT N. BUZZI
Director of Public Relations

RALPH GRAHAM
Superintendent of Tolls

HOWARD, NEEDLES,
TAMMEN & BERGENDOFF
General Consultants

RICHARD R. ROCK
General Counsel

December 10, 1973

Planning Department
Board of Zoning Appeals
104 South Main
Wichita, Kansas 67202


Gentlemen:

The Ritchie Construction Company has expressed a desire to obtain borrow materials from a piece of ground lying to the East of Clifton and approximately $\frac{1}{4}$ mile South of 31st Street South. The Kansas Turnpike borders this piece of ground on the East and on the South.

The plan, as proposed by Ritchie, is to excavate material from this land in such a manner that the final profile of this excavated area would slope downward from North to South, causing all the drainage to enter the Turnpike ditch at the South end of the property.

Inasmuch as most of the present drainage from this property already enters the Turnpike ditches, we do not feel that this would be harmful to the Turnpike in any way.

Very truly yours,


R. D. FOGO, P. E.
Chief Engineer

RDF:jdm

cc: Mr. J. L. Brindle

BOARD OF ZONING APPEALS

CASE NO. 43-73

CITY OF WICHITA, KANSAS

FILED 12.14.73

APPLICATION FOR EXCEPTION

I. Name of Applicant Ritchie Construction Co., Inc.

Mailing Address Box 4048, Wichita, KS 67204 Phone 838-9301

Name of Authorized Agent Proctor Ritchie, or Tom Ritchie

Mailing Address Box 4048, Wichita, KS 67204 Phone 838-9301

Relationship of applicant to property is that of Contract Purchaser
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section

28.04.181.2, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction

of Borrow Excavation Site

_____ on property zoned

AA, located Between Clifton & Bluff, south of Colonial Mobil

Home Park & North of KTA and legally described as: All that part of the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) lying North & West of the Kansas Turnpike Right-of-Way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, containing 30.8 acres, more or less, & all that part of the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) lying North & West

of the Kansas Turnpike Right-of-Way in Section 11, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, KS, containing, in the City of Wichita, 3.9 Acres, more or less.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Ritchie Construction Co., Inc.

Authorized Agent H. T. Ritchie

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 9:50 (a.m. - p.m.), 12.14, 19 73, together with appropriate fee of \$50.00.

T9-403

Signed Joch H. Salvrath by
rlt

BOARD OF ZONING APPEALS

APPLICATION FOR EXCEPTION

CITY OF WICHITA, KANSAS

INSTRUCTIONS TO APPLICANT

1. Applicant must complete the attached application form. All blanks should be filled in and any not applicable should be completed with N/A.
2. Applicant must submit a certified listing from an abstract company of the names and current mailing addresses of owners of all property within a distance of two-hundred (200) feet of property involved in the application. Mailing addresses submitted without ZIP CODES will be returned to the applicant.
3. Applicant must submit a statement in writing justifying the exception applied for, and indicating under which provisions of the zoning ordinance the Board of Zoning Appeals is believed to have jurisdiction.

Certain types of exceptions such as for "off-street parking permits" and "new and used car lots," and "self-service and automatic car washes," etc., require the submission of a detailed plot plan, in duplicate, approved by the office of the Traffic Engineer, drawn to scale, and showing all existing and proposed structures, off-street parking spaces, all points of ingress and egress, width of driveways, markings for traffic channelization and any other appropriate dimensions or information which would be helpful to the Board of Zoning Appeals in consideration of the application.

4. The above listed documents shall be submitted, together with the fee of \$50.00 prescribed by Section 2.12.580.2, Code of the City of Wichita. In the event there is a request for more than one exception to the ordinance, an additional \$50.00 filing fee shall be requested for each additional request. The fee should be made by check, payable to the City of Wichita.
5. All documents and the fee shall be submitted to the office of the Secretary, Board of Zoning Appeals, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, by 5:00 p.m. on the designated closing date as established by the Board. Incomplete applications will be returned to the applicant.

The Board of Zoning Appeals meets on the fourth Tuesday of each month at 1:30 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:


That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft. of:
All that part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) lying North & West of the Kansas Turnpike ROW in Section 11, Township 28, Range 1 East, Sedgwick County, Kansas. Containing 30.8 Acres More or Less.

All that part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) lying North & West of the Kansas Turnpike ROW in Section 11, Township 28, Range 1 East, Sedgwick County, Kansas. Containing 3.9 Acres More or Less.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

see Attached.


Title
File
Company,
Inc.



C-119-UP: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ lying N & W of Kansas Turnpike TOW,
 Section 11, Township 28, R 1 E
 Frederick Glenn Volz
 ✓ 340 Mission S.E.,
 Salem, Oregon 97301

C-155-UP: Prt of NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE. 11, Twp. 28, R 1 E lying
 N of Kansas Turnpike ROW & part NW $\frac{1}{4}$ SW $\frac{1}{4}$
 Sec. 11, lying N of Ks. Turnpike & W of Rry
 ROW, exc. N 3 Acres of Lot 2, Sec. 11-28-1E
 Frederick Glenn Volz
 ✓ 340 Mission S. E.
 Salem, Oregon 97301

C-156-UP: N 344.3 ft. of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ os Sec. 11, Twp. 28,
 R 1 E; lying E of K-15 ROW & N of KTA ROW.
 Hawkeye Enterprises, Inc.,
 ✓ Robert G. Martin, Res. Agt.
 435 N. Broadway 67202



C-156-1-UP: Prt of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11, Twp. 28, R 1 E
 lying E of K-15 ROW & N of KTA ROW, exc.
 N 344.3 ft.
 ✓ Douglas Battershell, sgle
 7550 S. Broadway 67233

LOT	BLOCK	ADDITION	OWNER
5	1	BUTLER'S	✓ Orville A. & Kathryn D. Bunyard 3345 South Clifton Wichita, Kansas 67216
6	1	BUTLER'S	✓ Richard C. & Bertha B. Smith & Pauline B. Smith 3355 South Clifton Wichita, Kansas 67216
11	1	CRAIG'S	✓ Richard Dean & Allie L. Wiley 3403 South Clifton Wichita, Kansas 67216
East 144' of Lot 12	1	CRAIG'S	✓ Ben H. & Etta M. Stout 3201 EastMacArthur Wichita, Kansas 67216
Rest of Lot 12	1	CRAIG'S	✓ R. D. & Mary L. Mundell 3500 Crystal Wichita, Kansas 67216

-3-

LOT	BLOCK	ADDITION	OWNER
1	2	CRAIG'S	Lester Budd Urschel, Jr. & Sharon Glenitte Gott 3437 South Clifton Wichita, Kansas 67216
2	2	CRAIG'S	Olen L. & Betty L. Moore 3447 South Clifton Wichita, Kansas 67216
3	2	CRAIG'S	Lawrence M. & Jewell E. Andrews 3457 South Clifton Wichita, Kansas 67216
4	2	CRAIG'S	John M. & Eileen Meyer 3524 East Craig Wichita, Kansas 67216
8	3	CRAIG'S	Walter John & Della Margarette Miller 3525 Craig Wichita, Kansas 67216
9	3	CRAIG'S	Ivan Paul & Wilma A. Peebler 3517 South Clifton Wichita, Kansas 67216
8 & 9	2	McCARTY 2ND	N.R. & Dorothy L. Cline 752 South Belmont Ave. Wichita, Kansas 67218
4, 5 & 6	A	WOMACK-SCHLEGEL	Alvin O. A. & Louise L. Newell 3547 South Clifton Wichita, Kansas 67216
1	A	COLONIAL PARK 2ND	Elmer G. & Doris E. Womack 3559 South Clifton Wichita, Kansas 67216



Dated at Wichita, Kansas, this 6th day of December,
1973, at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Orita Shay*
Asst. Sec. ag

Tracer # 22164

Fidelity  Title
COMPANY, INC.

FORM 271-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name _____

Address _____

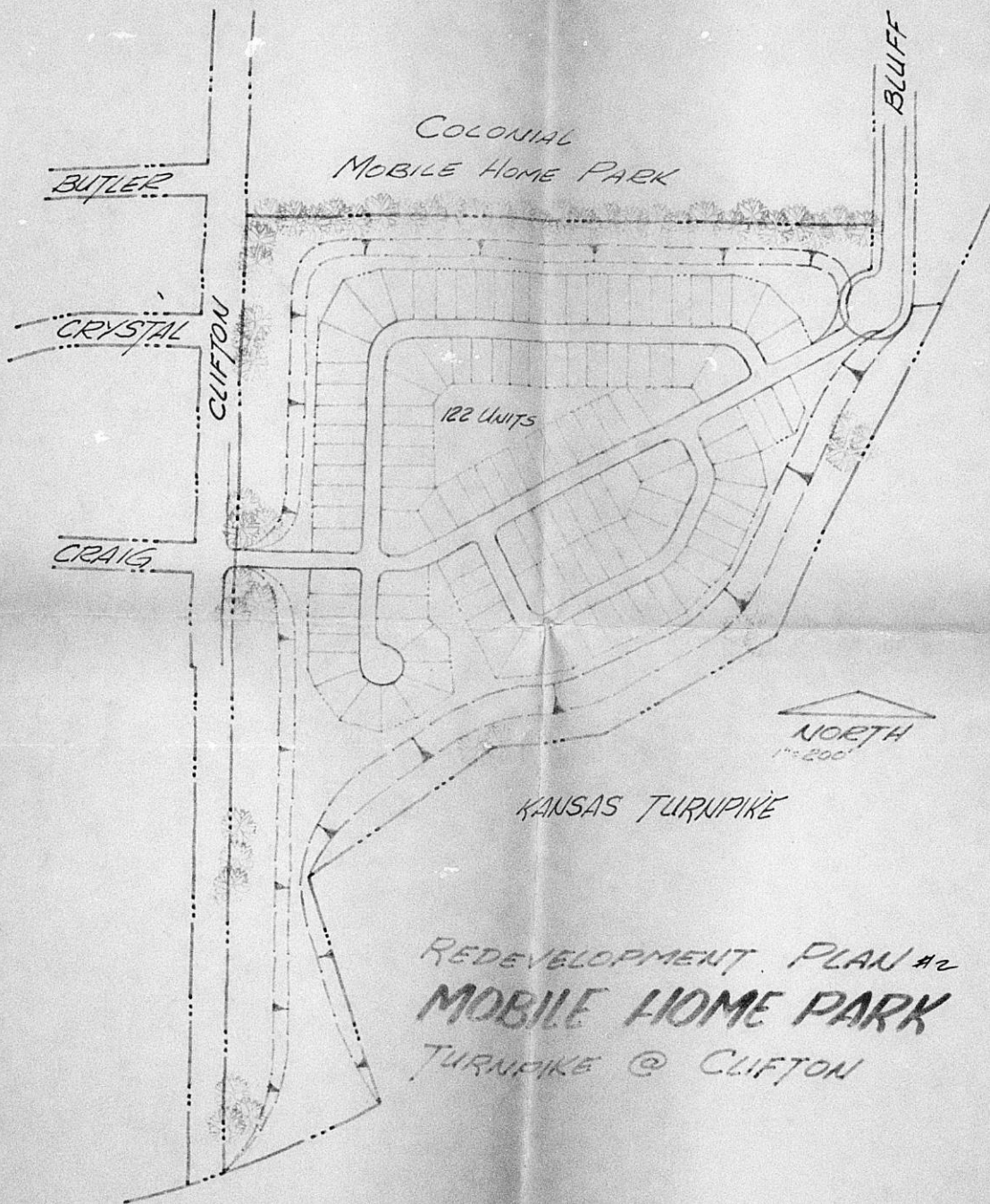
Type _____ Due Date _____

Comments: _____

Date _____ By _____



REDEVELOPMENT PLAN #2
MOBILE HOME PARK
TURNPIKE @ CLIFTON



COLONIAL
MOBILE HOME PARK

122 UNITS

NORTH
1" = 200'

KANSAS TURNPIKE

REDEVELOPMENT PLAN #2
MOBILE HOME PARK
TURNPIKE @ CLIFTON

BUTLER

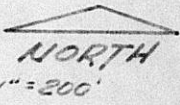
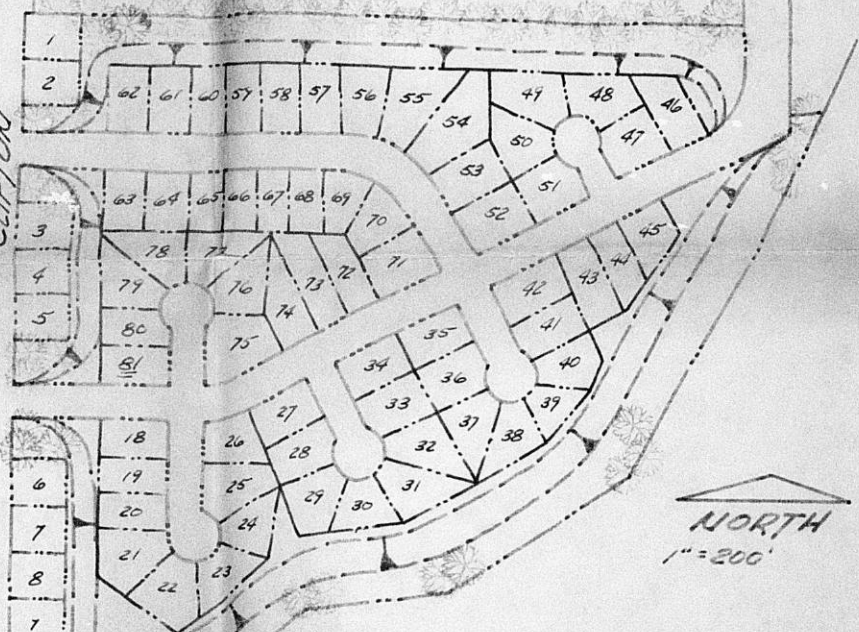
COLONIAL
MOBILE HOME PARK

BLUFF

CRYSTAL

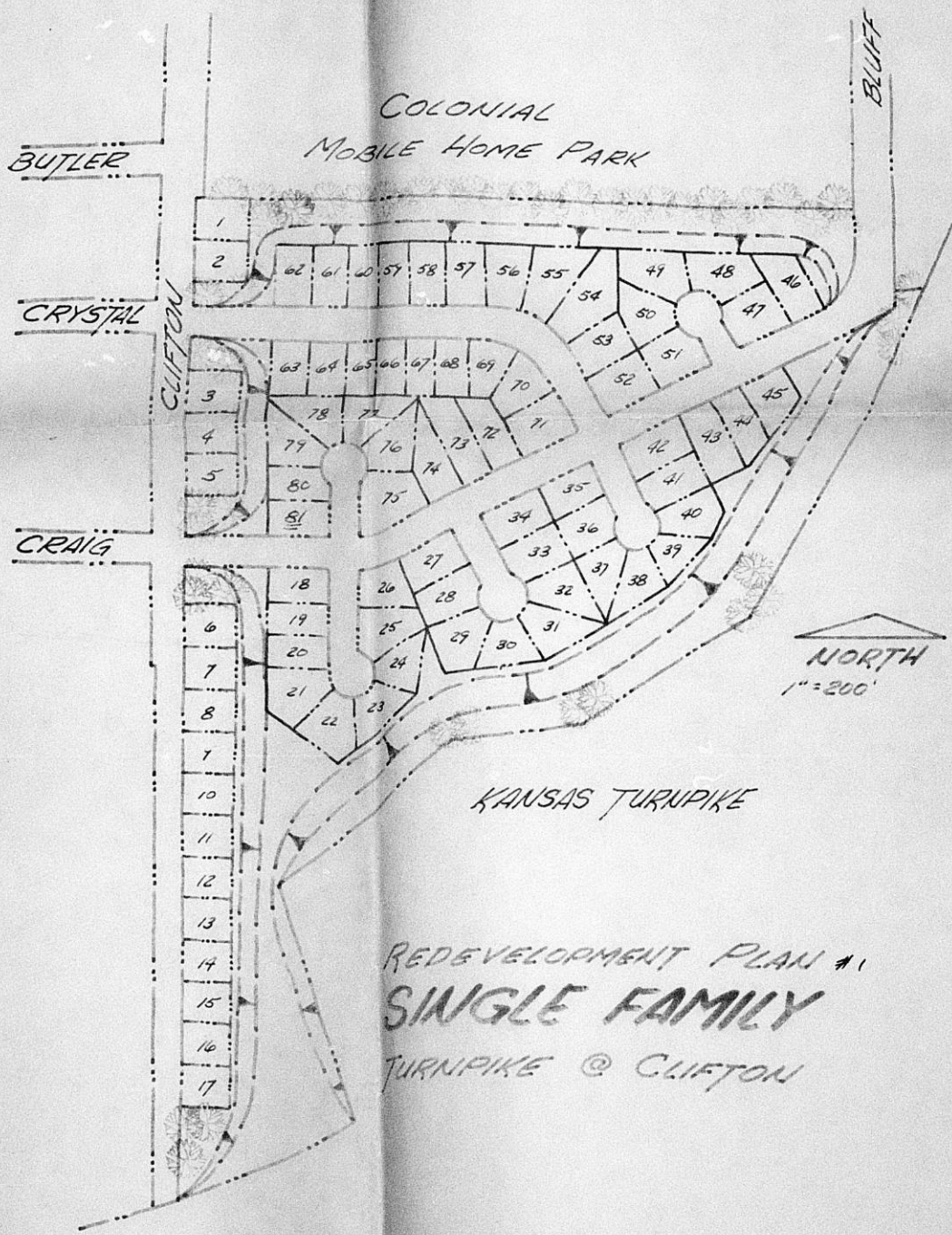
CLIFTON

CRAIG



KANSAS TURNPIKE

REDEVELOPMENT PLAN #1
SINGLE FAMILY
TURNPIKE @ CLIFTON



COLONIAL
MOBILE HOME PARK

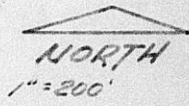
BUTLER

CRYSTAL

CRAIG

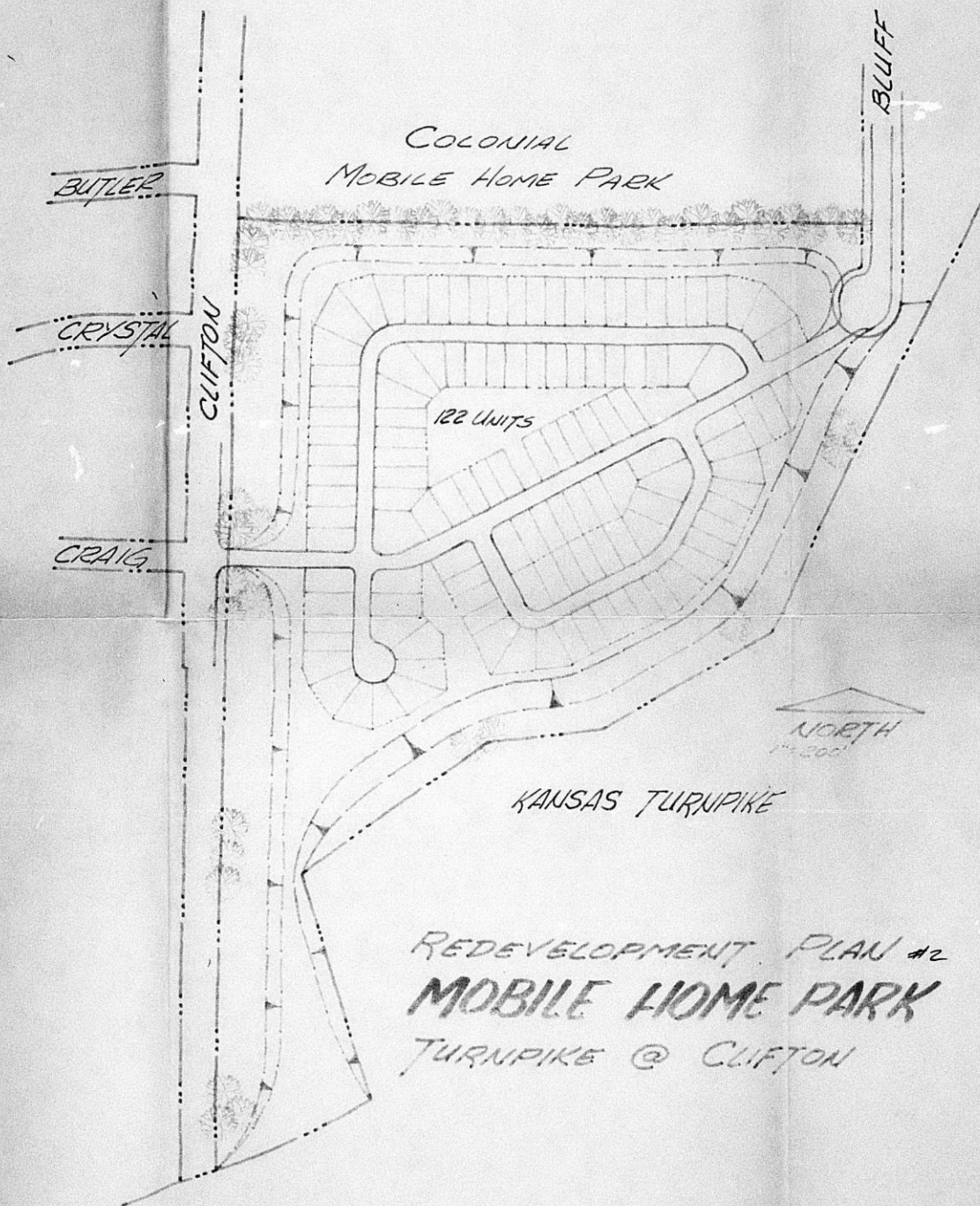
CLIFTON

BLUFF



KANSAS TURNPIKE

REDEVELOPMENT PLAN #1
SINGLE FAMILY
TURNPIKE @ CLIFTON



COLONIAL
MOBILE HOME PARK

122 UNITS

NORTH
1" = 300'

KANSAS TURNPIKE

REDEVELOPMENT PLAN #2
MOBILE HOME PARK
TURNPIKE @ CLIFTON

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1