Beginning at a point on the south line of the SW Quarter of Sec. 4, Twp. 26S, R1E of the 6th P.M., 571.55 ft. west of the SE corner of the SW¼ of said SW¼, thence west on said south line of SW¼, a distance of 250 ft., which point is 516.12 ft. more or less east of the SW corner of said SW¼, thence north parallel to the east line of said SW¼ a distance of 339.05 ft.; thence east parallel to the south line of said SW¼ a distance of 263.74 ft. to a point on a projection of an existing property line, thence south 339.08 ft. along said existing property line to the point of beginning. Generally located on the north side of 69th Street North in an area east of Broadway.

CHAIRMAN KAMEN announced that this application has been deferred.

CHAIRMAN KAMEN read the following procedural statement which is applicable to city zone cases only:

As a result of the City Commission adopting a policy for considering zoning cases on the written record of the Planning Commission, this is to advise those of you who have an interest, either as proponents or opponents, that after we make our recommendation, if you do not feel that you have had a complete hearing, or if you later have additional information to present, you are to submit your statement, in writing, to the City Clerk by 5:00 p.m., on the Wednesday preceding the scheduled Tuesday hearing of the case before the City Commission. The Board of City Commissioners will then determine from these written statements whether they are of such substance to justify returning the case to us for rehearing. Copies of the adopted policy and procedure outline are available from the Secretaries in the front of the office.

Taylor arrived.

11. Case No. CU-180 - Harvey L. Mills requests approval of a Conditional Use to permit an earth borrow operation in the "R-1" Suburban Residential Dwelling District on property legally described as follows:

West half of north 10 acres of the northeast quarter of the Northeast Quarter of Section 34, Twp. 26, R1W of the 6th P.M., Sedgwick County, Kansas. Generally located on the south side of 37th St. North in an area west of Hoover.

GALBRAITH pointed out the area on the map and reviewed the following staff report:

Comments

1. The applicant is requesting a Conditional Use permit under (Section 4.A.10.f) of the Sedgwick County Zoning Resolution, in order to establish a borrow area to excavate dirt and sand for use in the construction of Kansas Highway K-96.

2. The applicant indicates that the request is only for temporary use (until February 1, 1976) and the depth of the excavation will not exceed four feet and will not be to the water level.

3. Although a site plan indicating the excavation and stockpiling areas has been submitted with the application, the plan does not indicate how the land will be graded after the operation ceases. However, the applicant's attorney advises that, after the excavation is completed, the applicant is going to remove the topsoil from the adjacent portion of his property, fill in the excavated area with the underlying fill from the adjacent property, and then spread the topsoil over the entire area, including the excavated area.

4. In conjunction with this application, the applicant is requesting approval of a special permit to allow the operation of an asphalt and concrete batch plant in conjunction with the extraction operation which is proposed to be located on subject property (DR 75-20).

5. Should the Planning Commission recommend the approval of this request, the following conditions are recommended for consideration:

   a. Two copies of a site grading plan showing the final grade on subject property, once the extraction operation is completed, shall be submitted to the Wichita-Sedgwick County Flood Control Office for their review and approval.

   b. Once the extraction operation has ceased, final grading shall be completed and no foreign matter such as rubbish, construction debris, construction equipment, etc., shall remain on the property.

   c. No excavation shall occur nearer than 50 feet from the the south right-of-way line of 37th Street North or within 50 feet of the west and south property lines.

   d. That the Conditional Use permit is authorized only until February 1, 1976, and that subject property must be completed by that date; and any violation of the conditions of approval shall declare the conditional use permit null and void.