

Report from Wichita-Sedgwick County Metropolitan Area Planning Commission to  
BOARD OF COUNTY COMMISSIONERS

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Case No. CU-29

Considered by M.A.P.C. 12-3-59

Request for: Conditional Use Permit

Reason for request (as provided by petitioner): "To establish a borrow pit for fill dirt to be used by Clarkson Construction Co., in Interstate Highway #235. Clarkson is the prime contractor and was awarded contract for this sector."

Location of property: In an area 1/4 mile west of West Street and immediately south of 31st St. on west side of Interstate Highway #235

Legal description of property: (R/W.  
W $\frac{1}{2}$  NE $\frac{1}{4}$  Section 11, Township 28 South, Range 1 West.

Petitioner: Clacina Leendertse, et al.  
Address: 4001 West 39th Street South

Counsel for petitioner: Lyndon Gamelson, attorney

Protesters (if counsel, if any): None

Surrounding zoning: Subject property is zoned "E" as is the surrounding area.

Land use: Subject property is agricultural in nature as is area surrounding, except for a sand pit to the north.

Planning Commission recommendation

It was moved and seconded that the Planning Commission recommend to the Board of County Commissioners that this request be approved, subject to conditions as shown on the attached sheet.

Vote of Planning Commission

Unanimous. Harris abstained from voting.

Respectfully submitted,

  
Secretary

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Conditions to approval of this application:

1. The earth shall be excavated to a minimum depth of two (2) feet below the normal water table as determined by the City-County Health Department.
2. A fifty-eight (58) inch V-Mesh fence on no less than seven (7) foot steel posts with the posts at no more than sixteen (16) foot spacing shall be constructed along the west property line and may provide for reasonable access gates installed at the height of the fence which shall be kept locked except when in use.
3. Excavation shall not approach nearer than 100 feet to the center line of 31st Street South nor nearer than 80 feet to the south property line (half section line) nor nearer than 6 feet to the east and west property lines.
4. Along the north and south boundary lines there shall be installed a shelter belt consisting of two (2) rows of plantings and the installation and composition of said shelter belt shall be in accordance with specifications of the Soil Conservation Service. No fencing shall be required on the other two (2) boundaries but excavation shall not approach nearer than six (6) feet to the property line on the east and west boundaries.
5. The side slope of the excavation shall be no more steep than three (3) to one (1) slope.
6. Conditions one through five above shall be made subject of the performance bond presented by the contractor to the State Highway Commission, and a copy of said performance bond shall be filed with the County Clerk to ensure proper conformance to the conditions established in one through four above.
7. A further separate bond shall be presented to cover separately and apart the maintenance of the shelter belt for such period of time and amount to be determined by the Board of County Commissioners. Such bond to be filed in the office of the County Clerk and to run in favor of the County.
8. That all fill taken from the subject borrow pit shall be used exclusively for the construction of Interstate Highway 235.