

GRAGERT questioned why property to the south should be protected any more than that to the east. HENNESSY said he saw no homes to the east, and GRAGERT reminded the Commission that Mr. Pollack has indicated the area is being developed from the east so the plans are known and he felt future planning should be considered.

HENNESSY envisioned the drainage ditch eventually being sodded and landscaped. KAMEN said such could be handled by the Subdivision Committee at the time of replatting.

KAMEN ruled the amended motion died for a lack of a second.

POLLACK spoke again, pointing out that there is single-family on three sides of the application area, and that he was not aware of any drainage ditch in the City which had been improved, and he felt that to depend on a drainage ditch to act as a buffer would only result in a potentially blighted area with standing water in the ditch. He felt there should be more consideration given to the single-family zoning and potential development on three sides of subject area.

VOTE ON MOTION: Carried by a vote of 7 in favor (Hennessy, Hill, Hopper, Taylor, Arnholz, Kamen and Gardenhire) and 1 opposed (Gragert), (Blakey and Rising absent.)

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CHAIRMAN KAMEN declared a 5-minute recess at 3:15 p.m., after which the Commission reconvened with the following members present: Kamen, Arnholz, Hill, Hopper, Hennessy and Taylor. Members absent were Blakey, Rising and Gragert.

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14. Case No. CU-163 - Sherwood Construction Company, Inc. requests approval of a Conditional Use to permit an earth borrow operation on property legally described as the SW/4 of Section 13, Township 28, Range 1 East, except road and except 93.94 acre irregular tract off east side and except the north 20 acres. Generally located at the northeast corner of Oliver and 47th Street South.

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 9.A.4.a. of the Sedgwick County Zoning Resolution in order to establish a borrow area (not a borrow pit) for obtaining fill dirt to be used on the Canal Route construction.
2. Subject application differs from most extraction requests in that no pit or water retention area will be created and sub-

stantial site redevelopment would not be necessary once the conditional use ceases operation.

3. The Soil Conservation Service, Wichita-Valley Center Flood Control Office, and the County Engineer, have received copies of the proposed site grading plan and have voiced no major objections to the requested use. The Soil Conservation Service has suggested methods of preventing wind and water erosion and has urged that consideration be given to attempting, if possible, to save several large deciduous trees on the property.
4. Should the Planning Commission recommend the approval of this request, the following conditions are recommended for consideration:
  - a. The final grade, once the extraction operation is completed, shall be in conformance with the site grading plan submitted with the application and dated September 6, 1974.
  - b. No area shall remain without cover for more than 90 days after excavation and all exposed areas shall be seeded to either temporary or permanent vegetative cover in order to help prevent erosion. The applicant shall consult with the Soil Conservation Service relative to the type of vegetation that is necessary to prevent erosion.
  - c. Subject property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the soil extraction operation.
  - d. 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.
  - e. Consideration should be given to a maximum number of years for subject operation; and any violation of conditions of approval shall declare the conditional use permit null and void.

ARNHOLZ (member of the Zoning Committee and who had viewed the area), said it appeared that there would be only enough dirt on the mounds on the site to fill the hollows and he was not too prone to say "yes" or "no" on this application.

GRAGERT returned to the meeting.

HENNESSY asked if the Sand and Gravel Committee appointed several months ago by the County Commission had been advised of this request. GALBRAITH answered in the negative, that only the County Engineer, M. S. Mitchell and the Soil Conservation Service had been contacted since this was not a proposed sand pit. When questioned as to availability of sites for extraction of dirt, GALBRAITH indicated there had not been many other applications that had been approved.

No one appeared in opposition.

ROGER SHERWOOD, attorney for the applicant, spoke in support of the request and said they expected to have need for this conditional use permit only until December 31, 1977.

HENNESSY asked had the County Engineer and M. S. Mitchell recommended the approval of the request and GALBRAITH answered that they had.

MOTION: That the Planning Commission recommend to the City Commission that this application be approved, subject to the following:

1. The final grade, once the extraction operation is completed, shall be in conformance with the site grading plan submitted with the application and dated September 6, 1974.
2. No area shall remain without cover for more than 90 days after excavation and all exposed areas shall be seeded to either temporary or permanent vegetative cover in order to help prevent erosion. The applicant shall consult with the Soil Conservation Service relative to the type of vegetation that is necessary to prevent erosion.
3. Subject property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the soil extraction operation.
4. 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.
5. That the Conditional Use permit is authorized only until December 31, 1977, and that subject project must be completed by that date; and any violation of the conditions of approval shall declare the conditional use permit null and void.

Hill moved, Arnholz seconded and it carried unanimously as to those voting. (Gragert abstained from voting because he had been out of the room during part of the discussion. (Blakey and Rising absent.)

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15. Case No. Z-1660 - Patricia H. Crawford and Jo S. Zakas request change from "BB" to "LC" for the south 149.75 feet of Lots 48 and 49, Douglas Heights. Generally located on the northwest corner of Douglas and Yale.

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