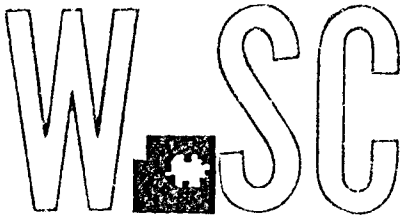


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

October 21, 1997

Edward L. and Shirley E. Pennington
8345 N. Broadway
Valley Center, KS 67147

RE: CU-451 - Conditional use to allow a school on 7 acres zoned "LI" Limited Industrial & generally located 300 feet east of Broadway, on the north side of 69th St. N. (400 E. 69th St. N)

Dear Mr. and Mrs. Pennington:

At its regular meeting on September 25, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

- A. The on-site business identification sign advertising the restaurant/club and the former use of the facility as "Pennington's Sunflower Depot" be removed and a ground sign be located adjacent to the west drive entrance identifying this as the "Project Bridge School." The sign shall be no greater than 16 square feet in size, shall be unlit, shall not exceed 8 feet in height, and shall not be placed to obstruct vision from the drive entrance onto 69th Street.
- B. The Conditional Use Permit shall limit the use of this facility as a school only.
- C. Any violation of conditions attached shall declare the Conditional Use permit null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

David Yearout, AICP
Principal Planner

DY/sh

cc: Glen Wiltse, Sedgwick County Code Enforcement
Rick Corley, Sedgwick County Code Enforcement

STAFF REPORT

Park City PC September 15, 1997
MAPC September 25, 1997

CASE NUMBER: CU-451

APPLICANT: Edward L. & Shirley E. Pennington

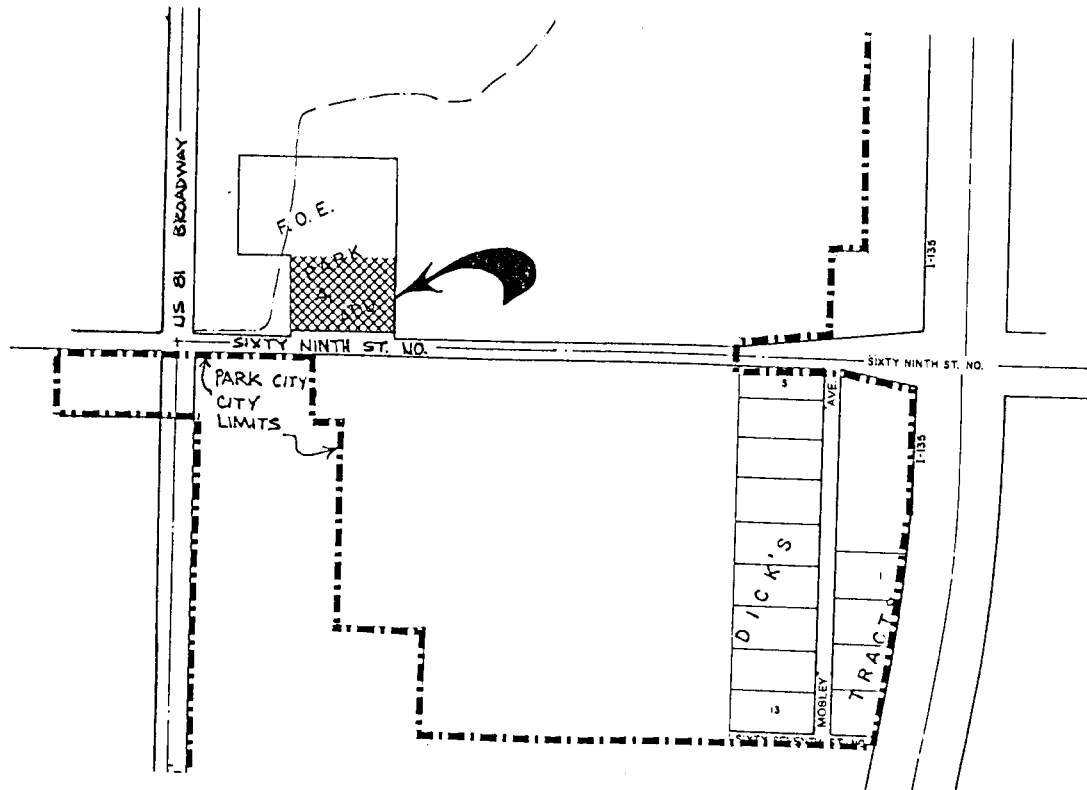
REQUEST: Conditional Use to allow a school

CURRENT ZONING: Front 285 feet zoned "LI" Light Industrial, balance of property zoned "RR" Rural Residential

SITE SIZE: 7 acres

LOCATION: North side of 69th Street North and 300 feet east of Broadway

PROPOSED USE: School



BACKGROUND: In 1975, the subject property was sold to the Fraternal Order of Eagles who successfully obtained a Conditional Use permit (CU-179) for "...the establishment of a non-profit institutional lodge in the "R" Rural Residential Dwelling District", which allowed the construction of the Eagles Lodge, subject to platting and other site improvement conditions. The Conditional Use request received the support of the MAPC and the Valley Center Planning Commission at that time, subject to the approved conditions. The property was located in the Valley Center Area of Influence in 1975.

The plat for the property (F.O.E. Park) was approved and recorded in 1976 following an extended review by County Public Works and the Wichita-Valley Center Flood Control Division because of the drainage problems on the property. A drainage easement and attendant agreement with the owner of the remaining portion of the 80 acres was recorded with the plat in 1976, assuring that future development on any of the remaining property would include construction of appropriate drainage controls for the overall property, including the land in the F.O.E. Park Addition.

Following the completion of the required improvements attached to the approval of the plat and Conditional Use permit, the Eagles Lodge was constructed. It subsequently closed as an operating Lodge in 1984 or 1985.

In January, 1986, the Lodge was purchased by Mr. Edward Pennington, (the applicant for this Conditional Use permit) who submitted a rezoning request for "E" Light Industrial for the entire property. The rezoning was approved for the front 258 feet in April of 1986. The reason given for seeking the rezoning in 1986 was the intent of the owner to convert the Eagles Lodge into a facility housing mentally retarded adults who would assemble products. The operation would be a competitive, private enterprise and not a "sheltered workshop". Mr. Pennington did operate the facility as a training facility for mentally retarded adults for a period of time, but ceased that operation within the past few years.

Mr. Pennington leased the upper floor of the building to his son and daughter-in-law who opened a restaurant/club called "Northern Nights" in March of 1997. After being contacted by County Code officials in April that the property was not properly zoned for a restaurant/club, Mr. Pennington sought a Conditional Use Permit. That request was recommended for denial by staff, the Park City Planning Commission and the MAPC. The Board of County Commissioners denied the Conditional Use Permit for the restaurant/club on September 10, 1997.

It was also during the research on the restaurant/club Conditional Use application that staff learned the lower floor of the building was being used by the South Central Kansas Education Service Center for a school known as "Project Bridge School." Staff noted in the staff report on the restaurant/club that the school was not a permitted use in the Industrial zoning, but would require a Conditional Use Permit.

The "Project Bridge School" was established in the lower level of the facility in September, 1996, but now has a lease for the entire building. It is recognized by the state as a Unified School District and is assigned USD # 628. According to the on-site director, it is a contracting facility for emotionally-disturbed school children (grades K-12) with several school districts in an 8-county area of south central Kansas, including USD 259. The school offers a specialized curriculum for these children during normal school hours of 8:00 a.m. to 2:30 p.m. and is funded through contracts with the participating school districts. The attached correspondence from the Project Bridge Director provides information regarding the operation of the school.

There are no exterior alterations planned for the school. The existing rooms and work areas of the lower level provide classroom space and other support rooms as needed. The upper level is being used as a training room and will also be utilized as an indoor play area during inclement weather. The kitchen area may be upgraded to allow a greater variety of food service for the school. Presently, the food service is provided through USD 259 food service delivery in the same manner that is provided for other schools in the district.

The facilities lower level can accommodate up to 35 children in school with the attendant supporting staff. Unless additional remodeling would occur on the upper level, this would be the maximum number of children capable of being placed at this location. The children are transported to and from the facility by the home school districts. Virtually all on-site parking is for staff and the occasional visitor. None of the children are permitted to drive themselves at any time.

CASE HISTORY: CU-179 was approved on September 3, 1975, by the Board of County Commissioners, subject to platting within one year. The plat of F.O.E. Park Addition was approved on July 21, 1976, by the Board of County Commissioners. SCZ-0558, rezoning to property to "E" Light Industrial, was approved on April 2, 1986, by the Board of County Commissioners.

The recent case for the restaurant/club, CU-447, was denied by the Board of County Commissioners on September 10, 1997.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Agricultural uses
SOUTH:	"SF-20"	Single-family residences; agricultural uses
EAST:	"SF-20"	Agricultural uses
WEST:	"RR"	Agricultural uses

PUBLIC SERVICES: Municipal water and sewer services are not available to the property. It has been served by on-site water and sewage services from its inception as the Fraternal Order of Eagles Lodge in 1976.

The property has access to 69th Street North, a 2-lane paved section-line road. There are no traffic volume counts on this section of 69th Street North, and there are no scheduled road improvements to 69th Street at this time.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide of the Comprehensive Plan identifies this area as appropriate for agricultural uses. This category seeks to protect agricultural lands and discourage urban level development. It is also intended to accommodate agricultural uses on large tracts and other uses common in rural areas.

This request is in general conformance with the land use objective of the plan because it is proposes to establish a school facility that is acceptable within a rural area.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED. Staff further recommends the following conditions be placed on the approval:

- A. The on-site business identification sign advertising the restaurant/club and the former use of the facility as "Pennington's Sunflower Depot" be removed and a ground sign be located adjacent to the west drive entrance identifying this as the "Project Bridge School." The sign shall be no greater than 16 square feet in size, shall be unlit, shall not exceed 8 feet in height, and shall not be placed to obstruct vision from the drive entrance onto 69th Street.
- B. The Conditional Use Permit shall limit the use of this facility as a school only.
- C. Any violation of conditions attached shall declare the Conditional Use permit null and void.

This staff's recommendation of approval is based on the following findings:

1. The zoning, uses and character of the neighborhood: The general vicinity is characterized by a mixture of agricultural uses and suburban single family homes on property zoned "SF-20" and "RR". There is an existing tavern near the property (The Quarter Horse Club) that fronts on Broadway. The proposed school, which by design is operated on a very low-key, non-intrusive basis, will provide a use of the large building built for the Eagles Lodge that is as compatible with the neighborhood as possible.

2. Extent to which removal of the restrictions will detrimentally affect nearby property: The approval of this use will not detrimentally affect nearby properties.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan: This request is in general conformance with the Comprehensive Plan.
4. Impact of the proposed development on community facilities: Municipal water and sewer services are not available to the property. On-site facilities have been used since the establishment of the Eagles Lodge. The use is so low-key in nature that there will be little impact on any community facilities.