

Post 5-11-84
Shot 5:22
Record ✓

Case No. BZA 9-84 - Gorges Enterprises,
Requests an exception to permit the expansion of a new & used automobile sales business on property zoned the "LC" Light Commercial District & generally located on the east side of Oliver & North of the Ks. Turnpike (2650-2660 S. Oliver)

Posted
2-23-84
A.P.L.

ACTION

B.Z.A. 9-84

APPROVED

3-27-84

DATE

POSTED 5-11-84

SB 44 D

Post 5-11-84
SHOT 5-22
RECORD ✓

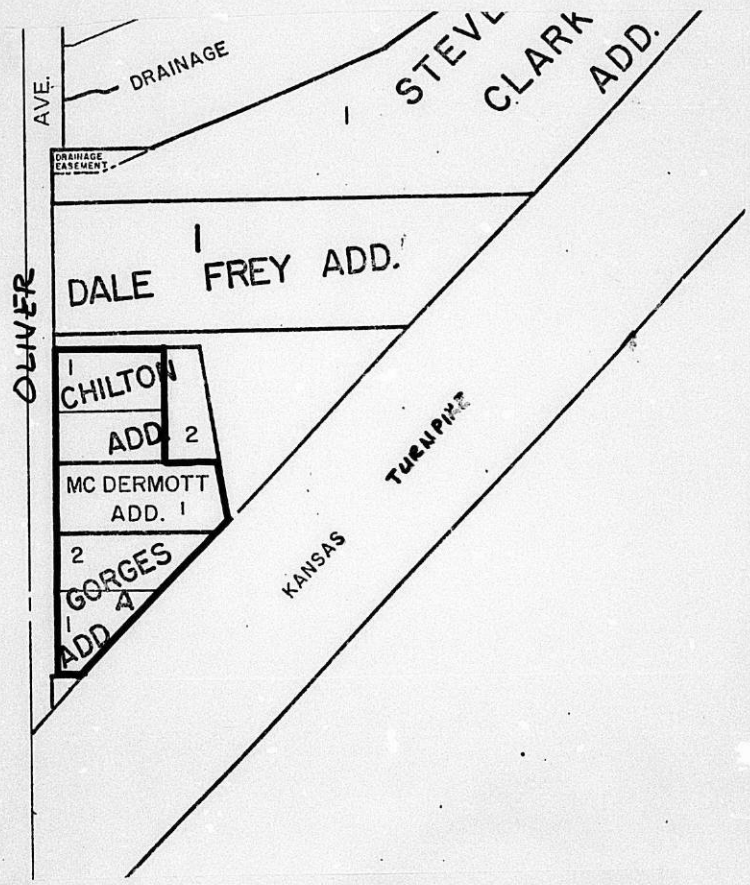
Case No. BZA 9-84 - Gorges Enterprises,
Requests an exception to permit the ex-
pansion of a new & used automobile sales
business on property zoned the "LC"
Light Commercial District & generally
located on the east side of Oliver &
North of the Ks. Turnpike (2650-2660 S.
Oliver).

Map No. 5844D

BZA 9-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "LC" & "E" S "LC" & "E" W "LC" N "LC"
3. Land Use: East Turnpike & Comm. South Turnpike
West Comm. Dev. North Comm. Dev.
4. Area (is) (~~is not~~) platted.



LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT
U.S.A.

Standard
No. 2-153C

HASTING'S, INC.
1000 WEST 10TH STREET
LOS ANGELES, CALIF. 90015

April 2, 1984

Corges Enterprises
2660 South Oliver
Wichita, Ks. 67210

Re: BZA 9-84 - Request for Exception

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 27, 1984.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files. In addition to the conditions of approval by the Board, the existing driveways not necessary for ingress and egress must be closed and the curb replaced. Should you not have a copy of the site plan that has been reviewed by the Traffic Engineer, please advise and I will xerox a copy for you.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Gary M. Austerman, 1000 One Main Place, Wichita 67202
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 9-84

WHEREAS, Gorges Enterprises, 2660 South Oliver, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the expansion of a new and used automobile sales business on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 1 and 2, Block A, Gorges Addition to Wichita, Sedgwick County, Kansas; and Lot 1 and the west 200 feet of Lot 2, Chilton Addition to Wichita, Sedgwick County, Kansas; and all of Lot 1, McDermott Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver and north of The Kansas Turnpike (2650-2660 South Oliver).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 27, 1984, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment and expansion of a new and used automobile sales business on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the expansion of a new and used automobile sales business on property zoned the "LC" Light Commercial District and legally described as follows:

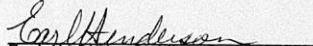
Lots 1 and 2, Block A, Gorges Addition to Wichita, Sedgwick County, Kansas; and Lot 1 and the west 200 feet of Lot 2, Chilton Addition to Wichita, Sedgwick County, Kansas; and all of Lot 1, McDermott Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver and north of the Kansas Turnpike (2650-2660 South Oliver).

subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work.
2. All motor repair work shall be conducted entirely within an enclosed building.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.
4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
5. No new buildings shall be located closer than 45 feet to Oliver Street right-of-way.
6. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
7. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.

8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
9. All requirements as set forth in this resolution shall be complied with within 180 days from the approval by the Board or the resolution shall become null and void.
10. Resolutions numbered BZA 23-72, BZA 2-73, BZA 34-78 shall become null and void upon the release of this resolution.

ADOPTED AT WICHITA, KANSAS, this 27th day of March, 1984.


Earl Henderson, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

March 22, 1984

TO Glen Lytle, Special Assistant for Zoning
FROM Cindy Entriken, Administrative Aide III

SUBJECT BZA 9-84 Generally located on
the east side of Oliver and
north of the Kansas Turnpike
(2650 - 2660 S. Oliver)

On Monday, March 19, CPO Council "F" considered the above captioned case, and voted 9-0 to recommend approval of the request for exception subject to the following condition: that there be a study and solution of any drainage problems.

Marc Gorges, applicant in this case, appeared before the Council to explain his request for an exception, his plans for the site, and to answer any questions. No area residents were present.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on March 27.

Cindy Entriken
Cindy Entriken
Administrative Aide III

CE:sm

SECRETARY'S REPORT
CASE NO. BZA 9-84

APPLICANT: Gorges Enterprises, 2660 South Oliver, Wichita, Kansas.

AGENT: Gary M. Austerman, 1000 One Main Place, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.183.2, Code of the City of Wichita to permit the expansion of a new and used automobile sales business in the "LC" Light Commercial District.

GENERAL LOCATION: On the east side of Oliver and north of the Kansas Turnpike.

ZONING: Subject property is zoned the "LC" Light Commercial District. Properties to the north and west are "LC". To the south and east across the turnpike is "E" Light Industrial.

LAND USE: Subject property has an existing automobile sales business and portions are vacant. To the west and north are commercial uses. Turnpike to the south and east.

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 28.04.183.2 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the expansion of an existing new and used automobile sales business in the "LC" Light Commercial District. The Gorges business has been at this location for a number of years and exceptions have been heard by the Board on the original establishment of an automobile sales business and one application for expansion. The applicant has now secured additional land and is expanding the business to the north to accommodate additional buildings and automobile storage and sales areas.

The site development plan has been reviewed by the Plans Examination Section of Central Inspection and has been approved subject to the action of this Board. It would appear that the proposed expansion is appropriate at this location and should be compatible with other use in the neighborhood. It is on a major street and not located adjacent to residential zoning.

RECOMMENDATION:

Should the Board determine that the proposed expansion of the existing use at this location is appropriate, then it is the recommendation of the Secretary that the exception be granted subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business, nor shall the business include any body or fender work.
2. All motor repair work shall be conducted entirely within an enclosed building.
3. All storage and display areas shall be paved with concrete, asphalt or asphaltic concrete.

4. Off-street parking spaces shall be provided on the property as required by the zoning ordinance and in conformance to the standards established by the Traffic Engineers office. Parking spaces shall be marked and designated for customers and not used for display and storage of company vehicles.
 5. No new buildings shall be located closer than 45 feet to Oliver Street right-of-way.
 6. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
 7. Ground or pole signs shall not exceed the height, area or number permitted by the zoning regulations for the "LC" Light Commercial District.
 8. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
 9. All requirements as set forth in this resolution shall be complied with within 180 days from the approval by the Board or the resolution shall become null and void.
 10. Resolutions numbered BZA 23-72, BZA 2-73, BZA 34-78 shall become null and void upon the release of this resolution.
-

BZA CASE NO. 9-84

2 NOTICES SENT TO APPLICANT/AGENT

10 LEGAL ADVERTISEMENT
~~NOTICES~~ SENT TO MAPC

1 NOTICES SENT TO CPO

7 NOTICES SENT TO ADJOINING PROPERTY OWNERS

10 TOTAL NOTICES SENT 3-7-84

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

March 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 9-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Gorges Enterprises, 2660 South Oliver, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the expansion of a new and used automobile sales business on property zoned "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lots 1 and 2, Block A, Gorges Addition to Wichita, Sedgwick County, Kansas; and Lot 1 and the west 200 feet of Lot 2, Chilton Addition to Wichita, Sedgwick County, Kansas; and all of Lot 1, McDermott Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver and north of the Kansas Turnpike (2650-2660 South Oliver).

This application has been assigned Case BZA 9-84. It will be considered by the Board of Zoning Appeals on March 27, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1588
(316) 268-4561

February 17, 1984

Mr. Gary M. Austerman
1000 One Main Place
Wichita, Kansas 67202

Dear Mr. Austerman:

I am returning herewith the application and check for a new and used car sales lot and leasing business that was delivered to this office on February 16, 1984. As per the instruction sheet attached to the application, incomplete applications will be returned to the applicant.

In light of the recent experience with other applications related to new and used car sales lots, inadequate information to comply with the regulations has been provided, so I am requesting that a site plan be reviewed with us prior to the filing of the application. Such site plan shall include the following:

1. Drawn to scale of not less than 1 inch equal 20 feet.
2. Show all existing and proposed buildings and uses, properly labeled so the parking requirements can be determined.
3. Show the required off-street parking spaces as determined by Central Inspection for the total zoning lot.
4. Show all points of ingress and egress including width and location of all existing and proposed driveways, on-site vehicle circulation and marked accordingly and dimensioned.

WICHITA - SEDGWICK COUNTY

Mr. Gary M. Austerman
Page Two
February 17, 1984

The drawing that was delivered with the application is not the type of site plan that is needed for our review of the zoning requirements.

If you have any questions on this, please give me a call and I will set up a meeting with Jim Jorgensen of Central Inspection and myself to review it with you.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL:jps
cc: Jim Jorgensen, Central Inspection Plan Review

BOARD OF ZONING APPEALS

CASE NO. 9-84

CITY OF WICHITA, KANSAS

FILED 2-22-84

APPLICATION FOR EXCEPTION

I. Name of Applicant Gorges Enterprises
 Mailing Address 2660 So. Oliver, Wichita, KS 67210 Phone 685-2201
 Name of Authorized Agent Gary M. Austerman
 Mailing Address 1000 One Main Place, Wichita, KS Phone 267-0331
 Relationship of applicant to property is that of owner
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C,

Code of the City of Wichita, Kansas, to permit the establishment of
the expansion of an existing
~~a new and used car sales lot and vehicle leasing~~
business

on property zoned "LC" light commercial

located on the property generally at 2650-2660 S. Oliver
~~and legally described as: Lot 1 and that part of Lot 2, beginning~~
~~at the Southwest corner of Lot 2; thence North 95 feet; thence East~~
~~200 feet; thence South 95 feet parallel with the West line of Lot~~
~~2; thence West 200 feet to beginning, all in CHILTON ADDITION, AND~~
~~all of Lot 1, McDERMOTT ADDITION, EXCEPT the South 107 feet of the~~
~~West 102 feet thereof, all in Sedgwick~~
~~County, Kansas~~
lots 1 and 2, Block A, Gorges Addition to Wichita, Sedgwick Co.,

*Appel
 changed
 as per
 construction
 w/ Austerman
 on 2-22-84,
 1984*

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. 36-596); 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 GORGES ENTERPRISES

Authorized Agent Gary M. Austerman
 Gary M. Austerman

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
12:00 (a.m./p.m.), FEB 22, 1984 together with
 appropriate fee of 20.00

Signed J. Lytle

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:

Record Owners within 200 feet of: Lot 1 and that part of Lot 2, beginning at the Southwest corner of Lot 2; thence North 95 feet; thence East 200 feet; thence South 95 feet parallel with the West line of Lot 2; thence West 200 feet to beginning, all in CHILTON ADDITION. AND all of Lot 1, McDERMOTT ADDITION, EXCEPT the South 107 feet of the West 102 feet thereof, all in Sedgwick County, Kansas.



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.)

<u>DESCRIPTIONS</u>	<u>RECORD OWNERS</u>
Lot 1, CHILTON ADDITION,	✓ Thomas G. & Gwen R. Hunt 906 Cooper Wichita, Kansas 67207
Part of Lot 2, beginning at the Southwest corner of Lot 2; thence North 95 feet; thence East 200 feet; thence South 95 feet; thence West 200 feet to beginning, CHILTON ADDITION,	C & R Diversified Investment Inc. ✓ %Christopher Redmond 619 West Douglas Wichita, Kansas 67213
	AND Ronald Cazel ✓ 5 Peach Tree Wichita, Kansas 67207
Lot 1, EXCEPT the South 107 feet of the West 102 feet, McDERMOTT ADDITION,	Gorges Enterprises D 2660 S. Oliver Wichita, Kansas 67210
South 107 feet of the West 102 feet of Lot 1, McDERMOTT ADDITION,	D Gorges Enterprises 2660 S. Oliver Wichita, Kansas 67210



DESCRIPTIONS

RECORD OWNERS

Lot 2, EXCEPT beginning at the South-west corner of Lot 2; thence Northerly 95 feet; thence Easterly 200 feet; thence Southerly 95 feet; thence Westerly 200 feet to point of beginning, CHILTON ADDITION,

C & R Diversified Investments Inc.

✓ %Christopher Redmond
619 W. Douglas
Wichita, Kansas 67213

AND

✓ Ronald Cazell
5 Peach Tree
Wichita, Kansas 67207

South 102.5 feet of the West 240 feet and the North 102.5 feet of the West 240 feet of Lot 1, DALE FREY ADDITION,

✓ Jo Ven, a partnership
111 W. Douglas, Suite 600
Wichita, Kansas 67202

Warrant 3-31-84

Lot 1, EXCEPT the South 102.5 feet of the West 240 feet and EXCEPT the North 102.5 feet of the West 240 feet, DALE FREY ADDITION,

✓ Charles E. & Norma J. Evans
136 Circle Drive
Derby, Kansas 67031

Lots 1 and 2, Block A, GORGES ADDITION,

✓ Marcus Frederick Gorges,
Executor under the Will &
of the Estate of Fred M.
Gorges

✓ %Gorges Enterprises, Inc.
Marcus Frederick Gorges,
President
2660 S. Oliver
Wichita, Kansas 67210



An Area South and East of the Flood Control and West of Oliver and North of George Washington Boulevard, EXCEPT Tract 3 of Condemnation Case A-55094, Northeast Quarter of Section 2, Township 28 South, Range 1 East,

✓ City of Wichita
455 N. Main
Wichita, Kansas 67202

Beginning 1244 feet North of the South-west corner of the Northwest Quarter; thence East to Kansas Turnpike Right of Way; thence Southwest to Intersection of McDermott Addition and Right of Way; thence Northwest 309.65 feet; thence West 307.8 feet; thence North 30 feet to beginning, EXCEPT the West 50 feet for street, Section 1, Township 28 South, Range 1 East,

✓ Thomas G. & Gwen R. Hunt
906 Cooper
Wichita, Kansas 67207

Dated in Wichita, Kansas, this 7th day of February, 1984
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Melissa A. Suttle*

Tracer No. 65329

Assistant Secretary



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-11 PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
City B7A EXCEPT	200 ⁰⁰

NAME _____
 ADDRESS _____
 FUND _____ DUE DATE _____
 COMMENTS _____
 DATE _____ BY _____

WICHITA - SEDGWICK COUNTY
W.S.C.
 BOARD OF ZONING APPEALS
 CITY HALL - TENTH FLOOR
 455 NORTH MAIN STREET
 WICHITA, KANSAS 67202

RECEIVED
 MAR 21 1984
 METROPOLITAN PL
 ROOM

37x 984

to Ven, a partnership
 Douglas, Suite 600
 Wichita, Ks. 67202

← ~~Deliver to~~
~~send, not~~
~~at this address~~

BF1836

Not at 343 N. Market
 or PO Box 1836
 please return

*

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

Roll # 2