

POSTED 4-29-86 GBL

Case No. BZA 19-86 - Gorges Leasing & Sales requests an exception to permit the establishment of an automobile leasing & sales business on property zoned the "LC" Light Commercial & generally located on the east side of Rock Rd. &

**ACTION**  
B.Z.A. 19-86 APPROVED 3-2-86  
DATE

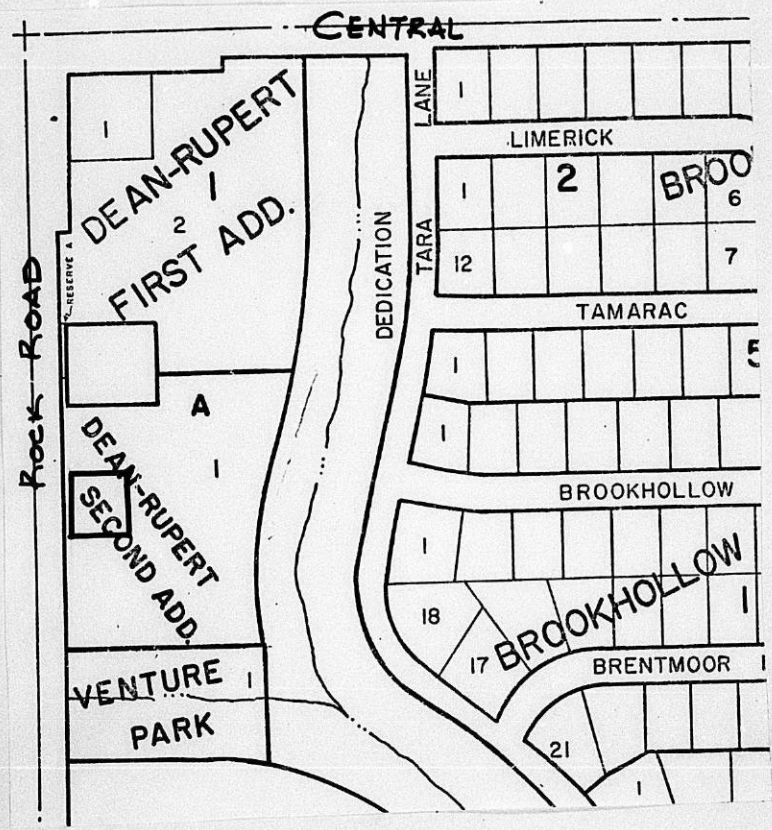
200'4 Sec. 12.23.86  
Shot 1-30  
Record ✓

Map No. 6047 D

BZA 19-86  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E LC S LC W LC N LC
3. Land Use: East Theaters South Rest. & Comm.  
West OFFICES North Comm
4. Area (is) (~~is~~) platted.



**Shirley**  
No. 2153C  
REGISTERED PLANNING  
LOS ANGELES - CHICAGO - LOS AN - OH  
HOUSTON - TX - LOCUST GROVE, GA  
U.S.A.

November 21, 1986

Gary M. Austerman, Attorney  
One Main Place  
Wichita, Kansas 67202

Re: BZA 19-86 - Request for Exception

Dear Mr. Austerman:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 26, 1986.

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.

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL/lw

Enclosure

cc: David Gorges, Gorges Leasing and Sales, Inc. 340 N. Rock Rd.,  
Wichita, KS 67206  
Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION CASE NO. 19-86

WHEREAS, Gorges Leasing and Sales, 340 N. Rock Road, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an automobile leasing and sales business on property zoned the "LC" Light Commercial District and legally described as follows:

The West 117 feet of the South 113 feet of the North 233 feet of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT the West 10 feet for street. Generally located on the east side of Rock Road and south of Central (340 N. Rock Road.)

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 June 26, 1986, 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 of an automobile leasing and 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 establishment of an automobile leasing and sales business on property zoned the "LC" Light Commercial District and legally described as follows:

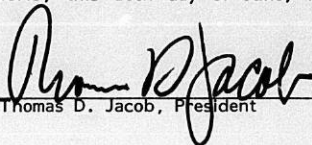
The West 117 feet of the South 113 feet of the North 233 feet of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT the West 10 feet for street. Generally located on the east side of Rock Road and south of Central (340 N. Rock Road.)

subject to the following conditions:

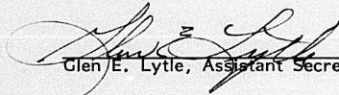
1. There shall be no outdoor storage or display of any motor vehicles on the property at any time.
2. No additional on site ground or pole signs shall be erected on the property, nor shall portable signs be permitted.
3. No string type lighting or banners shall be permitted.
4. No sound projecting devices or loudspeakers shall be permitted on the property.
5. No repair work shall be conducted on the premises.
6. There shall not be more than three licensed company vehicles parked on the premises outside of the building at any time.
7. This exception shall only be applicable to the present lessee (Gorges Leasing and Sales) and any change in the use of the property shall cause this resolution to become null and void.

8. The release of this resolution will be subject to the approval of an amendment to DP-49 authorizing the requested use of the property on the area described in the application, and including completion of any conditions established by the governing body in such approval.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1986.

  
Thomas D. Jacob, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

June 27, 1986

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

Re: BZA 19-86 - Request for Exception

Dear Mr. Austerman:

At the regular meeting of the Board of Zoning Appeals on June 26, 1986, your request for an exception was considered. It was the action of the Board to grant the exception subject to the following conditions:

1. There shall be no outdoor storage or display of any motor vehicles on the property at any time.
2. No additional on site ground or pole signs shall be erected on the property, nor shall portable signs be permitted.
3. No string type lighting or banners shall be permitted.
4. No sound projecting devices or loudspeakers shall be permitted on the property.
5. No repair work shall be conducted on the premises.
6. There shall not be more than three licensed company vehicles parked on the premises outside of the building at any time.
7. This exception shall only be applicable to the present lessee (Gorges Leasing and Sales) and any change in the use of the property shall cause this resolution to become null and void.
8. The release of this resolution will be subject to the approval of an amendment to DP-49 authorizing the requested use of the property on the area described in this application, and including completion of any conditions established by the governing body in such approval.

Once the amendment to the C.U.P. (DP-49) is approved and all conditions complied with, then a resolution setting forth the official action of the Board will be mailed to you.

June 27, 1986

If you have any questions on this matter, please give me a call at 268-4421.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:lw

cc: David Gorges, Gorges Leasing and Sales, 340 N. Rock Road,  
Wichita, KS 67206  
Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

SECRETARY'S REPORT  
CASE NO. BZA 19-86

APPLICANT: Gorges Leasing & Sales, 340 N. Rock Road, Wichita, Kansas 67206.

AGENT: Gary M. Austerman, 2660 South Oliver, Wichita, Kansas 67210

REQUEST: Exception pursuant to Section 28.04.183.2 Code of the City of Wichita to permit the establishment of an automobile leasing and sales business.

GENERAL LOCATION: On the east side of Rock Road and south of Central (340 N. Rock Road).

ZONING: Subject property is zoned the "LC" Light Commercial District as are all adjacent properties.

LAND USE: Subject property is occupied by a small office building formerly used as a savings and loan branch office. To the west are offices. To the north and south are retail businesses and to the east are theaters and commercial.

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 for the establishment of an automobile leasing and sales business to be located in the "LC" Light Commercial District. The building to be occupied by the applicant is one that was previously occupied as a branch office for a Savings and Loan.

The applicant, a lessee has stated that at this location, no outside storage or display of vehicles will occur. The building is approximately 2,400 square feet including the former drive thru area that is under cover.

It should be noted that the owners of the property have filed an amendment to the CUP that is necessary for this use to be established at this location. This amendment will not be considered until the July 10, 1986 meeting of the Planning Commission.

The CPO council considered this request on June 9, 1986 and recommended 8-0 that the application be disapproved. It should also be noted that several of the adjacent property owners have voiced their objections to this proposed use. Their concerns have been primarily that once this use is permitted, additional automobile sales businesses will also want to locate in the area, and they do not wish the area to become a highway oriented commercial area.

RECOMMENDATION:

Should the Board determine that the proposed use of the property is appropriate, then it would be recommended that the following conditions be a part of the approval by the Board:

1. There shall be no outdoor storage or display of any motor vehicles on the property at any time.
2. No additional on site ground or pole signs shall be erected on the property, nor shall portable signs be permitted.
3. No string type lighting or banners shall be permitted.

4. No sound projecting devices or loudspeakers shall be permitted on the property.
5. No repair work shall be conducted on the premises.

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE June 10, 1986

TO      Glen Lytle, Special Assistant for Zoning

FROM      Barry L. Carroll, Administrative Aide III

SUBJECT      BZA 19-86: East side of  
Rock Road and South of Central  
(340 North Rock Road)

On Monday, June 9, CPO Council Area "H" considered the above captioned case, a request for an exception to permit the establishment of an automobile leasing and sales business on property zoned the "LC" Light Commercial District. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. After extensive discussion, the Council voted 8-0 to recommend disapproval of the request.

The agent, Gary Austermann was invited but was not present. According to President Sharon Ryan, Mr. Austermann had informed her that a change in an existing C.U.P. must be approved in conjunction with this BZA request. Consequently, Mr. Austermann requested that this item be deferred and reconsidered at the next regularly scheduled CPO meeting on June 20. There were no citizens present to either support or oppose the request.

The Council elected to recommend disapproval of this request for the following reasons: 1) the property in question is not compatible for the proposed business, 2) that the property would not accommodate business parking and 3) that the C.U.P. must be approved prior to consideration of this request.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 19-86 is considered.

*Barry L. Carroll*  
Barry L. Carroll  
Administrative Aide III

BLC:dm

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

**RECEIVED**  
JUN 10 1986  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

BZA CASE NO. 19-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>13</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>70</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>10</u>	TOTAL NOTICES SENT <u>6/2/86</u>

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

May 30, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 19-86

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 Leasing and Sales, 340 N. Rock Road, 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 establishment of an automobile leasing and sales business on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

The West 117 feet of the South 113 feet of the North 233 feet of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT the West 10 feet for street. Generally located on the east side of Rock Road and south of Central (340 N. Rock Road.)

This application has been assigned Case No. BZA 19-86. It will be considered by the Board of Zoning Appeals on June 26, 1986, 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.

Glen E. Lytle  
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 19-86

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Gorges Leasing & Sales  
Mailing Address 340 N. Rock Road Phone 687-9900  
Name of Authorized Agent Gary M. Austerman  
Mailing Address 2660 S. Oliver 67210 Phone 685-2201  
Relationship of applicant to property is that of Lessee  
(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 a leasing company to lease new vehicles to the public with sale of vehicles on limited basis.  
NO CARS TO BE STORED OUT OF DOORS.  
\_\_\_\_\_ on property zoned LC,  
located 340 N. Rock Road and legally described as: W117 Ft S113 Ft N233 Ft Lot 1, Block A,  
Exc W10 Ft for St. Dean-Rupert 2nd Add. \_\_\_\_\_, in  
the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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. 39-285); and that the appropriate fee is herewith tendered;
  - That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
  - 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 Leasing & Sales

Authorized Agent Gary M. Austerman  
GARY M. AUSTERMAN, Attorney

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:15 (4:15 p.m.), April 28, 1986, together with appropriate fee of \$400.00.

Signed [Signature]



TUES.  
P.M.

DELIVER TO: Metro Area Planning  
10th Floor  
City Bldg.

ATTN: Glen Lytle

RE: Gorges Leasing (David Gorges)

SECURITY ABSTRACT AND TITLE CO., INC.  
434 North Main • Wichita, Kansas 67202 • Telephone (316) 257-8371  
SECURITY IS KNOWING

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
<p>That part of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, described as beginning at the NE/c thereof; th. West along the North line of said Lot 1, 242.85 feet; th. South parallel with the West line of said Lot 1, 171 feet; th. West parallel with the North line of said Lot 1, 175 feet to a point 10 feet East and 120 feet South of the NW/c of said Lot 1; th. South parallel with and 10 feet East of the West line of said Lot 1, 115 feet; th. East parallel with the North line of said Lot 1, 107 feet; th. North parallel with the West line of said Lot 1, 95 feet; th. East parallel with the North line of said Lot 1, 177.68 feet; th. North parallel with the West line of said Lot 1, 20 feet; th. East parallel with the North line of said Lot 1, 90 feet, to the East line of said Lot 1; th. North along the East line of said Lot 1, 176.28 feet to the p.o.b.</p>	<p>✓ Lindy Andeel 350 N. Rock Road Wichita, KS 67206</p>
<p>That part of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, described as beginning at a point 10 feet East of the SW/c of said Lot 1; th. East along the South line of said Lot 1, 107 feet; th. North parallel with the West line of said Lot 1, 80 feet; th. West parallel with the South line of said Lot 1, 107 feet to a point 10 feet East of the West line of said Lot 1; th. South parallel with the West line of said Lot 1, 80 feet to the p.o.b.</p>	<p>✓ Lindy Andeel 350 N. Rock Road Wichita, KS 67206 AND ✓ Stanley G. Andeel 401 N. Mission Wichita, KS 67206</p>
<p>Beginning at a point 235 feet South and 10 feet East of the NW/c of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas; th. East parallel with the North line of said Lot 1, 107 feet; th. North parallel with the West line of said Lot 1, 95 feet; th. East parallel with the North line of said Lot 1, 177.68 feet; th. North parallel with the West line of said Lot 1, 20 feet; th. East parallel with the North line of said Lot 1, 90 feet to the East line of said Lot 1; th. South along the East line of said Lot 1, 312.59 feet to the SE/c of said Lot 1; th. West along the South line of said Lot 1, 241.15 feet to a point 117 feet East of the SW/c of said Lot 1; th. North parallel with the West line of said Lot 1, 80 feet; th. West parallel with the South line of said Lot 1, 107 feet to a point 10 feet East of the West line of said Lot 1; th. North parallel with the West line of said Lot 1, 113.32 feet to the p.o.b.</p>	<p>✓ Frank Carney <del>7701 E. Kellogg</del> <del>Suite 405</del> Wichita, KS 67207 302 N. Rock Rd. Suite 210 67206</p>

<u>Property Description</u>	<u>Property Owner</u>
The North 120 feet of the East 175 feet of the West 185 feet of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, except the West 10 feet.	✓ Karl Solomon 1102 Whitfield Lane Wichita, KS 67206 AND Luann H. Weigand, Trustee of the Nestor ✓ R. Weigand III Trust 150 N. Market Wichita, KS 67202
Lot 1, Block 1, Dean-Rupert First Addition to Wichita, Sedgwick County, Kansas.	✓ Karl Solomon 1102 Whitefield Lane Wichita, KS 67206
All of Rockwood Eleventh Addition, Wichita, Sedgwick County, Kansas, except that part of Lot 1, Rockwood Eleventh Addition, Wichita, Sedgwick County, Kansas, described as follows: Beginning at a point on the East line of said Lot 1, said point being 280.13 feet North of the SE/c thereof; th. W'ly, at right angles to said East line, 188 feet; th. N'ly parallel to the East line of said Lot 1, 339.17 feet; th. E'ly, with a deflection angle to the right of 90°, 188 feet to the East line of said Lot 1; th. S'ly along said East line, 339.17 feet to the point of beginning.	✓ W. W. Taylor Genevieve Taylor 14715 Lakeview Wichita, KS 67230
All that part of Lot 1, Rockwood Eleventh Addition, Wichita, Sedgwick County, Kansas, described as follows: Beginning at a point on the East line of said Lot 1, said point being 280.13 feet North of the SE/c thereof; th. W'ly, at right angles to said East line, 188 feet; th. N'ly parallel to the East line of said Lot 1, 339.17 feet; th. E'ly, with a deflection angle to the right of 90°, 188 feet to the East line of said Lot 1; th. S'ly, along said East line, 339.17 feet to the p.o.b., also known as Units 101, 102, 103, 104, 105, 106, 107, 108 & 109, Rockwood Place, a Condominium.	✓ Genwood Development Company, Inc. 333 N. Rock Road Wichita, KS 67206

Page 3

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

The West 117 feet of the South 113 feet of the North 233 feet of Lot 1, Block A, Dean-Rupert Second Addition to Wichita, Sedgwick County, Kansas, EXCEPT the West 10 feet for street.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 29th day of April, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

*Mary Hable*

By  
Sr. Vice-President

Order No: 360019  
nj

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 27-021

PAYMENT NOTICE  
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT
<i>City of Wichita</i>	<i>8400-</i>
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

\*

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

Roll # 3