

ACTION

BZA COMMITTEE *Approved* DATE 2.27.73

M.A.P.C. _____

B.C.C./B. CO. C. _____

BZA 2-73 Marc F. Gorges requests exception for new and used car sales lot on the ES of Oliver N of Kansas Turnpike

POSTED
1-31-73
MAPV
EIV
6-18-73

ACTION

BZA COMMITTEE Approved DATE 2.27.73

M.A.P.C. _____

B.C.C./B. CO. C. _____

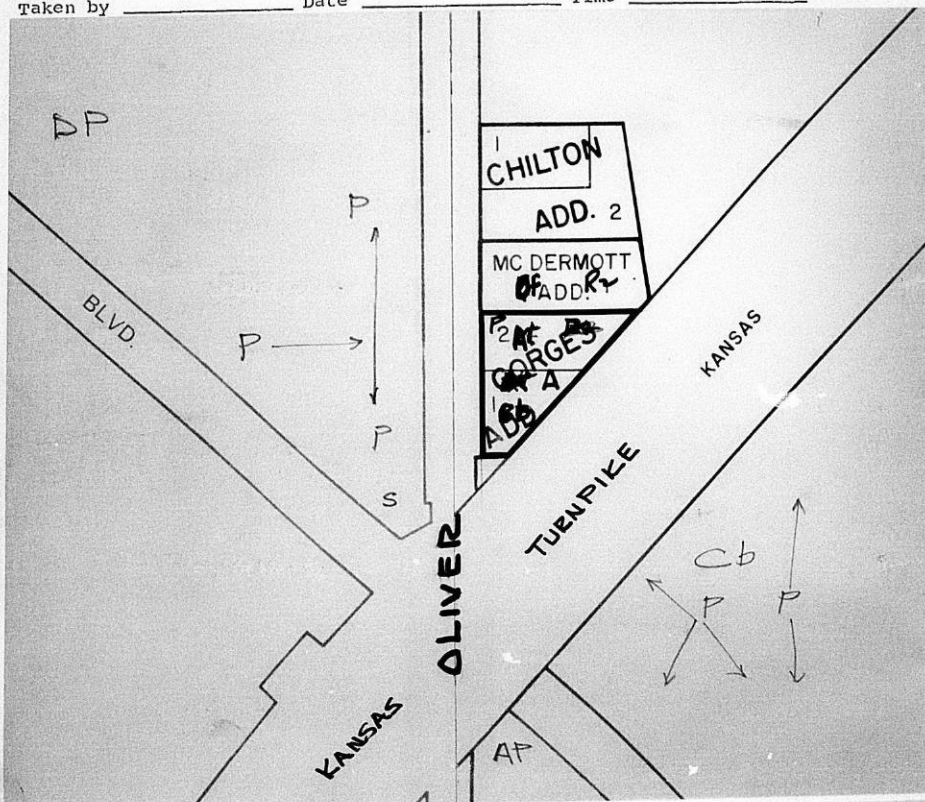
BZA 2-73 Marc F. Gorge requests
exception for new and used car
sales lot on the ES of Oliver N
of Kansas Turnpike

Map No. 5844
 Sec. 1
 Twp. 28
 Range 1E

BZA- 2-73
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 1.0 (254 (IRREGULAR) ft. by 296 ft.)
 2. Adjoining Zoning: E "AA" S "AA" W _____ N "LC"
 3. Land Use: East KANSAS TURNPIKE South KANSAS TURNPIKE
 West PARKING LOT North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: AUTO SALES CAFE
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



March 22, 1973

Mr. Marc F. Gorges
2650 S. Oliver
Wichita, Kansas 67210

Subject: Case No. BZA 2-73 - Request for Exception

Dear Mr. Gorges:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 27, 1973, in connection with your request to permit the construction or installation of a new and used car sales lot on property zoned the "LC" Light Commercial District, and generally located on the East side of Oliver, North of the Kansas Turnpike.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw
enclosure

cc: Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 2-73

WHEREAS, Marc F. Gorges, 2650 South Oliver, Wichita, Kansas, 67210, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the construction or installation of a new and used car sales lot on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, Block A, Gorges Addition, Wichita, Sedgwick County, Kansas. Generally located on the East side of Oliver North of Kansas Turnpike.

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 February 27, 1973, 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 construction or installation of a new and used car sales lot, 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 construction or installation of a new and used car sales lot, on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, Block A, Gorges Addition, Wichita, Sedgwick County, Kansas. Generally located on the East side of Oliver North of Kansas Turnpike.

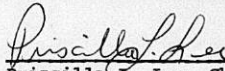
subject to the following conditions:

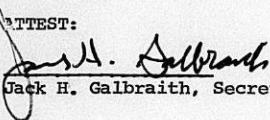
1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of

cars on the same lot with a service station, garage, restaurant, etc.). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.

7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles or equipment beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

ADOPTED AT WICHITA, KANSAS, this 27th day of February, 1973.


Priscilla L. Lee, Chairman

TEST:

Jack H. Galbraith, Secretary

February 28, 1973

Mr. Marc F. Gorges
2650 S. Oliver
Wichita, Kansas 67210

Subject: Case No. BZA 2-73 - Request for Exception

Dear Mr. Gorges:

At the regular meeting of the Board of Zoning Appeals on February 27, 1973, your request for an exception to permit the construction or installation of a new and used car sales lot on property zoned the "LC" Light Commercial District, and generally located on the East side of Oliver, North of the Kansas Turnpike, was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

Mr. Marc F. Gorges
Page 2

6. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of cars on the same lot with a service station, garage, restaurant, etc.) However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.
7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles or equipment beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw

cc: Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 2-73

APPLICANT: Marc F. Gorges, 2650 S. Oliver, Wichita, Kansas
67210

AGENT: None

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the construction or installation of a new and used car sales lot on property zoned the "IC" Light Commercial District.

GENERAL LOCATION: Generally located on the East side of Oliver, North of the Kansas Turnpike.

LAND USE: Subject property is occupied by an automobile sales lot (Lot 2) and a bicycle and motorcycle sales lot (Lot 1). West is a shopping center parking lot, service station and car wash, north are commercial and business uses and to the south and east is the Kansas Turnpike.

ZONING: Subject property is zoned the "IC" Light Commercial District, as are those properties to the north and west. The properties to the south and east are zoned the "AA" Single Family Dwelling District.

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:

On August 22, 1972, the Board of Zoning Appeals granted an exception to permit the installation of a motorcycle and bicycle sales lot on property zoned "IC" and generally known as Lot 1, Block A, Gorges Addition.

The applicant is currently requesting an exception to permit the sale of new and used cars on Lots 1 and 2, Block A, Gorges Addition. A new and used car sales lot exists on Lot 2 as a legal non-conforming use, and the applicant states in his statement of justification that due to increased business and a

general lack of room for traffic circulation, they would like to expand to include Lot 2. He further states that they would like to transfer their offices to the larger and more modern building on Lot 1, but that all minor maintenance would continue to be performed inside the garage facility on Lot 2. The applicant adds that no string type banners, string lights or outside loudspeakers are used. The Division of Traffic Engineering has approved the plot plan submitted by the applicant subject to appropriate bumper guards and the closing of one of the existing curb openings.

In viewing the area in the field, it may be seen that there is no residential development in the immediate area. The Giant Department Store is to the northwest, a service station and car wash to the southwest, and a commercial building and business are adjacent to the north of the application area. It should be pointed out that the property is located on a major street and is bounded on the south and east by the Kansas Turnpike,

RECOMMENDATION:

It is the recommendation of the Secretary that the exception to permit the operation of a new and used car sales business on property zoned the "LC" Light Commercial District be approved, subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. The operation of the new and used car lot shall not be conducted in addition to any other use (example: the sale of

cars on the same lot with a service station, garage, restaurant, etc). However, minor repair work on those vehicles for sale may be conducted within an enclosed building provided that no body or fender work is done.

7. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles or equipment beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. The applicant shall make satisfactory arrangements with the Department of Public Works for the closing of the one curb opening as recommended by the Traffic Engineer, prior to the use of Lot 1 for a new and used car sales lot.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

February 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 2-73

An application has been filed by Marc F. Gorges, 2650 S. Oliver, 67210, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a new and used car lot on property zoned the "LC" Light Commercial District, and legally described as follows:

Lots 1 and 2, Block A, Gorges Addition, Wichita, Sedgwick County, Kansas. generally located on the East side of Oliver North of Kansas Turnpike.

This application has been assigned Case No. BZA 2-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 27, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

2.7.73 5 Notices sent to Property Owners
8 " " " " Planning Commissioners

BOARD OF ZONING APPEALS

CASE NO. 2-73

CITY OF WICHITA, KANSAS

FILED 1-26-73

APPLICATION FOR EXCEPTION

I. Name of Applicant ✓ MARC F. GORGES
 Mailing Address 2650 S OLIVER 67210 Phone 685-1474
 Name of Authorized Agent N/A
 Mailing Address N/A Phone N/A
 Relationship of applicant to property is that of OWNER
 (Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
21.04.183.2, Code of the City of Wichita, Kansas
 (Zoning Ordinance); to permit the installation or construction
 of ^{new} Used car lot on Lots 1 + 2 of the
Gorges Addition on property zoned
L/C, located 2650 + 2660 S. OLIVER
Wichita and legally described as: GORGES
Addition Lots 1 + 2 A Block
Lots 1 and 2, Block A, Gorges Addition to Wichita,
Sedgwick County, Kansas, 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. 24-606); 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 Marc F. Gorges
 Authorized Agent N/A

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:00 (a.m. - p.m.), January 30, 1973, together with appropriate fee of \$50.00.

Signed Martha McMurtry

GORGES



Chrysler-Plymouth-VOLVO

7127 EAST KELLOGG

WICHITA, KANSAS 67207

TELEPHONE (316) 685-2201

The following is a B.Z.A. Zoning Exception statement justifying the exception applied for, and indicating under which provisions of the zoning ordinance the Board of Zoning Appeals is believed to have jurisdiction.

Lot 1 and 2 Block A in Gorges Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Oliver, North of the Kansas Turnpike. August 22, 1972 the Board of Zoning Appeals granted an exception under the provisions of Section 2.12.590. C Code of the City of Wichita to permit the installation of a motorcycle and bicycle sales lot on property zoned L.C. and generally known as Lot 1 Block A of the Gorges Addition.

We propose that this lot (Lot 1) and the adjacent lot (Lot 2) in Gorges Addition be granted a B.Z.A. Exception allowing us to install a new and used automobile sales lot on the two adjacent properties.

We believe this would do no harm to the surrounding area and in effect would improve the present property's considerably.

Lot 2 is and has been zoned L.C.N.C. since being annexed into the city, but Lot 2 has been a new and used auto sales lot since before city annexation. Due to increased business and a general lack of room for traffic circulation we are appealing to the B.Z.A. to allow us to expand on to Lot 1. We would also like to transfer our offices to the larger and more modern building on Lot 1. All clean up and minor maintenance would continue to be done inside the garage facility on Lot 2.

We do not use string type banners, string lights or outside loudspeakers in advertising. All signs are well kept and of sturdy construction. All parking spaces are kept striped.

The surrounding area consists of, The Kansas Turnpike directly Southeast of Lots 1 and 2. A Vickers Service Station, Giant Department Store and a car wash are directly West across Oliver. North of Lot 2 there is a vacant L.C. building, insurance office and a multiple residence structure. Since Lot 1 is the last piece of usable property on South Oliver before the intersection of Oliver and George Washington Blvd., there are no adjacent properties to the South of Lot 1.

As I stated before the new and used auto sales lot has been in operation for at least 15 years and we have never had a complaint by our resident neighbors.

Gorges Addition Lots 1 and 2 are not in the immediate area of any single family residential type of housing or schools or hospitals.

YOU NEVER PAY TOO MUCH AT GORGES — *Never!*

GORGES

 *Chrysler-Plymouth-VOLVO*

7127 EAST KELLOGG

• WICHITA, KANSAS 67207

• TELEPHONE (316) 685-2201

Page 2

The above statement I believe explains our present situation and our reasons for filing a B.Z.A. zoning exception appeal.

I would like to thank B.Z.A. for considering my application.

Marc F. Gorges

Marc F. Gorges

YOU NEVER PAY TOO MUCH AT GORGES—*Never!*

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1	A	Gorges Addition	<i>no address available</i> Pizza Parlor, Inc. Address Unknown
2	A	Gorges Addition	✓ Fred W. Gorges 201 Burr Oak Road Wichita, Kansas 67218 ✓ Marcus W. Gorges 1130 Governour Court Wichita, Kansas 67218
2		Chilton Addition	<i>no address available</i> Alphonse J. Gorges Address Unknown
1		McDermott Addition	<i>no address available</i> ✓ Sinbad Inc. Address Unknown ✓ Jack McDermott and Louise McDermott 4510 East Mt. Vernon Wichita, Kansas 67218

Beginning at a point in the West line of the Northwest Quarter of Section 1-28-1E and 1575 feet North of the Southwest corner of the Northwest Quarter Section 1, thence East 520 feet, South 506.6 feet to a point in the Northwesterly row line KTA, thence SWly along NWly row line KTA 227.5 feet, thence NWly 310.2 feet to a point 361 feet South and 307.8 feet East of point of beginning, thence West 307.8 feet to point in West line of Northwest Quarter Section 1, thence North 361 feet to beginning

That part of the Northeast Quarter of Section 2-28-1E lying North and East of George Washington Boulevard except Case A55094 and except the North 300 feet

That part of South 635 feet of the Northwest Quarter of Section 1-28-1E lying North and West of KTA

no address available James P. Love
Address Unknown
no address available Harry H. Johnson
Address Unknown

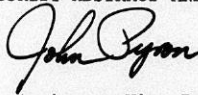
The Security Abstract and Title Company, Inc.,
hereby certifies the foregoing to be a true and correct list of
property owners of:

A 200 foot radius of: Lots 1 and 2, Block A,
Gorges Addition to Wichita, Sedgwick County,
Kansas

as shown by the records on file in the Office of the Register
of Deeds of Sedgwick County, Kansas, on this 12th day of January,
1973 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By



Assistant Vice President

Order No. 198100
wh

Form 223

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
B7A 6/1-ption	\$50.00

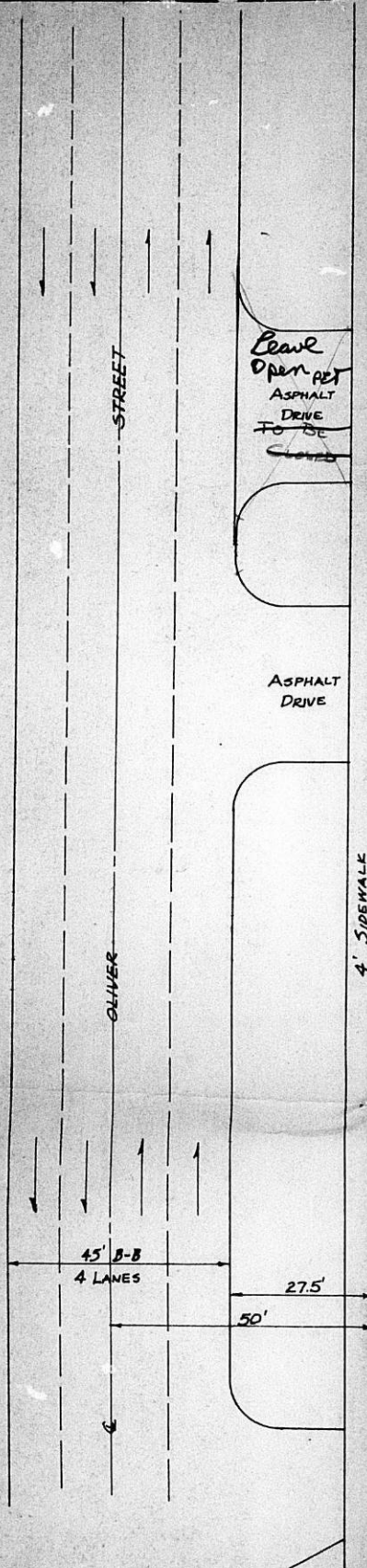
Name *Wichita Electric Illumination Co.*

Address *7127 East Kellogg*

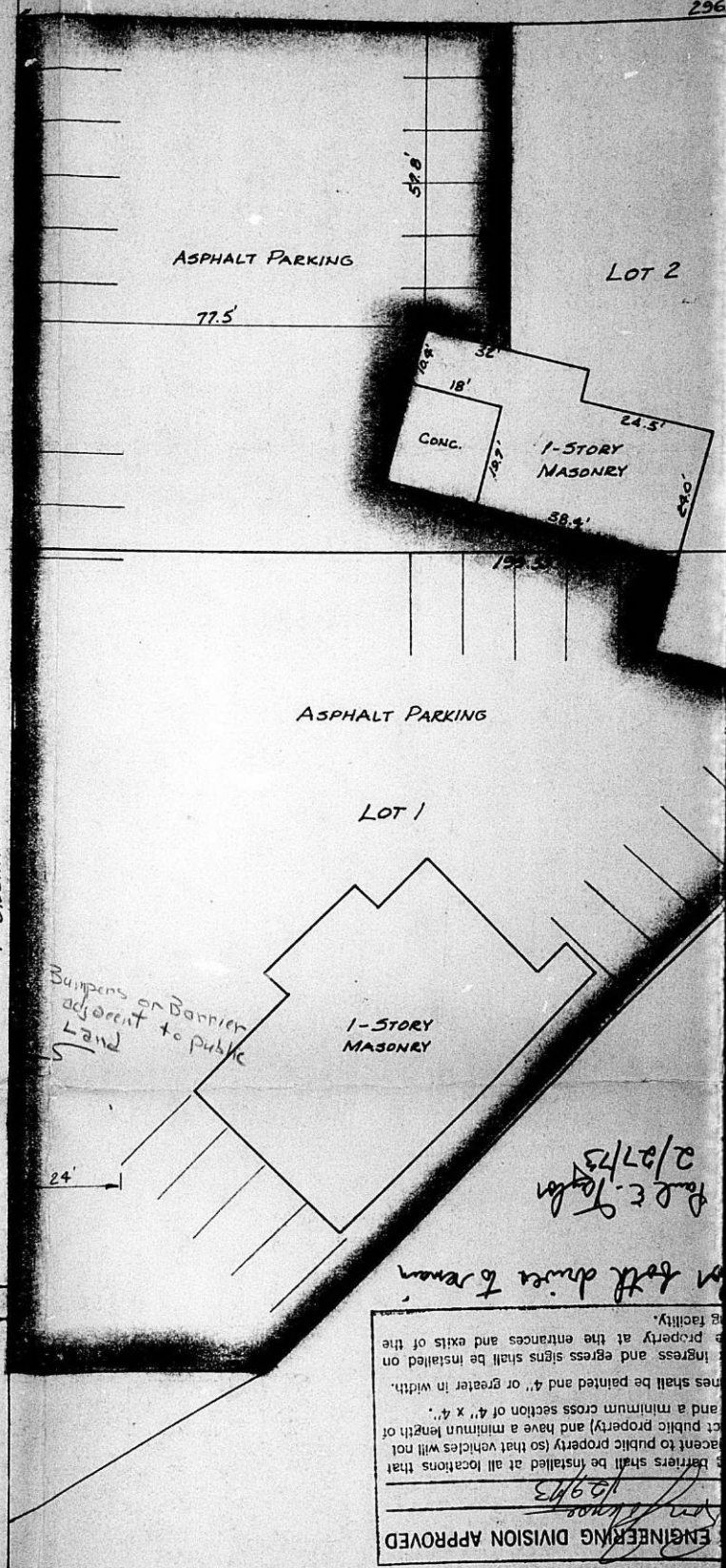
Type *AA40703* Due Date *1-30*

Comments:

Date *1-30* By *RL-*



Place
Open
ASPHALT
DRIVE
TO BE
COVERED



ENGINEERING DIVISION APPROVED

12/9/73

Paul E. Johnson

on both drives to remain

Barriers shall be installed at all locations that
adjacent to public property (so that vehicles will not
and a minimum cross section of 4' x 4'.
ness shall be painted and 4" or greater in width.
gress and egress signs shall be installed on
facility.

296.34'

LOT 2

141.15'

1-STORY MASONRY



1"=20'

SITE SKETCH OF

LOTS 1 AND 2, BLOCK A, GORGES ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

Don C. Moehring

DON C. MOEHRING II
314 BROWN BLDG.

CONSULTING ENGINEER
WICHITA, KANSAS
JANUARY 26, 1973

Paul E. Johnson
2/27/73

open.

OK for both drives to re

TRAFFIC ENGINEERING DIVISION APPROVED

Don C. Moehring

Date: 1/29/73

(A) Parking barriers shall be installed at all local access points to public property (so that vehicles are adjacent to public property) and have a minimum cross section of 4' x 6 feet and a minimum cross section of 4' x 6 feet.

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed at the entrances and exits of private property.