

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

82A

4-68 TEXACO, INC. requests exception  
to permit installation of used cars  
& rental trailers at W. Central &  
Gilda.

POSTED

3-5-64

11

# ACTION

B3a COMMITTEE Amid <sup>DME</sup> 3-26-68

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

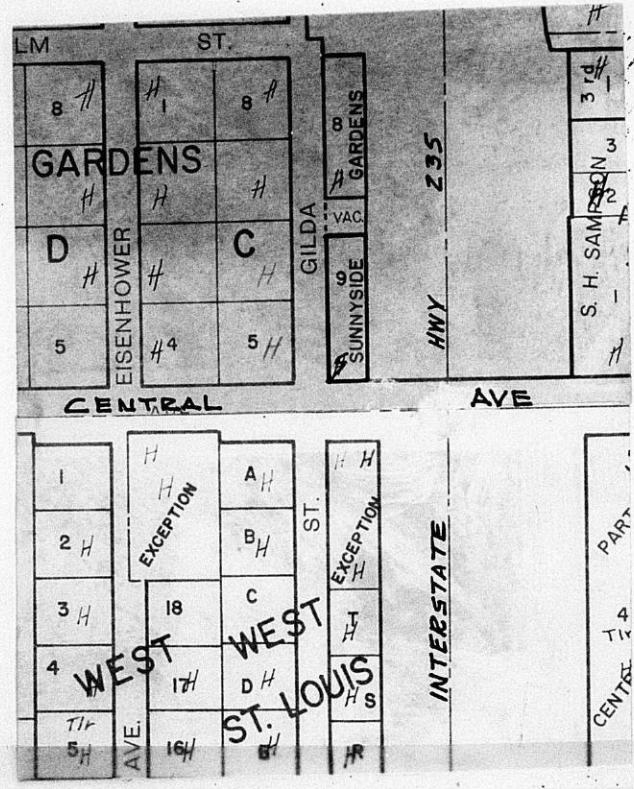
4-68 TEXACO, INC. requests exception  
to permit installation of used cars  
& rental trailers at W. Central &  
Gilda.

Map No. 5048  
 Sec. 15  
 Twp. 27  
 Range 1W

BZA A-68  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.43 ( 73 ft. by 260 ft.)  
 2. Adjoining Zoning: E LC S AA W A N LC  
 3. Land Use: East I-235 South SINGLE FARM  
 West SINGLE FARM North SINGLE FARM  
 4. Sketch Plan Land Use is for: RESIDENTIAL  
 5. Present Land Use is for: Service Station  
 6. Area (is) (~~is not~~) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



April 19, 1968

J. K. Sullivan  
P. O. Box 18048  
Southeast Station  
Wichita, Kansas 67218

Dear Mr. Sullivan;

Subject: Case No. BZA 4-68  
Request for Exception.

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 26, 1968, in connection with your request for an exception to permit the operation of a new and used car sales lot, on property zoned "LC" Light Commercial, and generally located at the northeast corner of Central and Gilda.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Yours very truly,

Jack H. Galbraith  
Secretary

JHG:skb  
Enclosure

cc: Texaco Inc., P. O. Box 18048, SE Station 67218  
Robert B. Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk

R E S O L U T I O N   N O .   B Z A   4 - 6 8

WHEREAS, Texaco Inc., P. O. Box 18048, S. E. Station, Wichita, Kansas, by J. K. Sullivan, P. O. Box 18048, S. E. Station, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit installation of New and Used Car Sales, on property zoned "LC" Light Commercial, and legally described as follows:

Lot 9 Sunnyside Gardens, Third Addition, Wichita, Sedgwick County, Kansas. Generally located at the NE corner of Central and Gilda Avenues.

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 26, 1968, consider said application; and

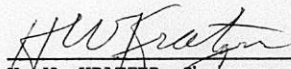
WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit installation of New and Used Car Sales, on property zoned "LC" Light Commercial, subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

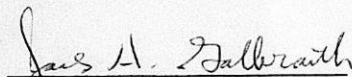
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be denied to permit installation of New and Used Car Sales, on property zoned "LC" Light Commercial and legally described as follows:

Lot 9 Sunnyside Gardens, Third Addition, Wichita, Sedgwick County, Kansas. Generally located at the NE corner of Central and Gilda Avenues.

ADOPTED AT WICHITA, KANSAS, this 26th day of March , 1968.

  
\_\_\_\_\_  
H. W. KRATZER, Chairman

ATTEST:

  
\_\_\_\_\_  
JACK H. GALBRAITH, Secretary

March 29, 1968

J. K. Sullivan  
P.O. Box 18048  
Southeast Station  
Wichita, Kansas 67218

Dear Mr. Sullivan:

Subject: Case No. BZA 4-63  
Request for Exception.

At the regular meeting of the Board of Zoning Appeals on March 26, 1968, your request for an exception to permit the operation of a new and used car sales lot, on property zoned "LC" Light Commercial, and generally located at the northeast corner of Central and Gilca, was considered.

It was the action of the Board to **deny** this request.

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:skb

cc: Texaco Inc., P. O. Box 18048, SE Station 67218  
Robert B. Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk

March 29, 1968

Robert Feldner, Superintendent of Central Inspection  
Jack H. Galbraith, Secretary, Board of Zoning Appeals

Case No. BZA 4-68.

The Board of Zoning Appeals, at its regular meeting of March 26, 1968, considered the above captioned exception request for a used car lot operated in conjunction with a Texaco Service Station at the north-east corner of Central and Gilda. The action of the Board was to deny the request.

Since your office has been concerned with enforcing this violation for several months, and has been waiting the outcome of this case, this is to advise you of the Board's action to deny the application so that your office may now take the appropriate action concerning this violation.

If you have any questions concerning this case please contact our office.

JHG:skb

SECRETARY'S REPORT

CASE NO. BZA 4-68

APPLICANT: Texaco, Inc.

AGENT: J. K. Sullivan

REQUEST: Exception pursuant to Section 2.12.590.C., Code of the City of Wichita to permit the operation of a new and used car sales lot on property zoned "LC"

GENERAL LOCATION: Northeast corner of Central and Gilda

LAND USE: Subject property is occupied by a service station; to the north is vacant; to the south and west are single-family homes with I-235 by-pass on the east.

ZONING: The area to the north and east is "LC"; to the south is "AA" and to the west is "A"

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 providing the conditions as set out under Section 28.04.183.2 can be met.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the Zoning Ordinance to permit the establishment of a new and used car sales lot on property zoned "LC" Light Commercial. The site is presently occupied, in part, by a service station; the remaining area is vacant. Subject property has had several used cars on display for at least five months in violation of the Zoning Ordinance and a cease and desist order has been issued.

The Ordinance states that the Board may grant exceptions in the "LC" Light Commercial district to permit the establishment of new and used car lots, subject to conditions and requirements outlined in the Zoning Ordinance. The primary purpose for this is that new and used car lots are not appropriate in every light commercial area and it is to be the decision of the Board as to where the proper locations should be. If it were felt that these car lots were appropriate in all "LC" areas, then the use would be permitted out right without Board of Zoning Appeals approval.

New and used car lots, by their nature of being primarily outdoor display areas, are not the type of uses which should be encouraged in neighborhood or service commercial areas. In addition to the outdoor display, there are such things as night light-

ing, signs and advertising banners and streamers which make this an undesirable use which should not be permitted in all areas of the City. Used car lots, when conducted with other uses, such as service stations, often create an objectionable appearance to the neighborhood and often required employee and customer parking is infringed on by the display of used cars.

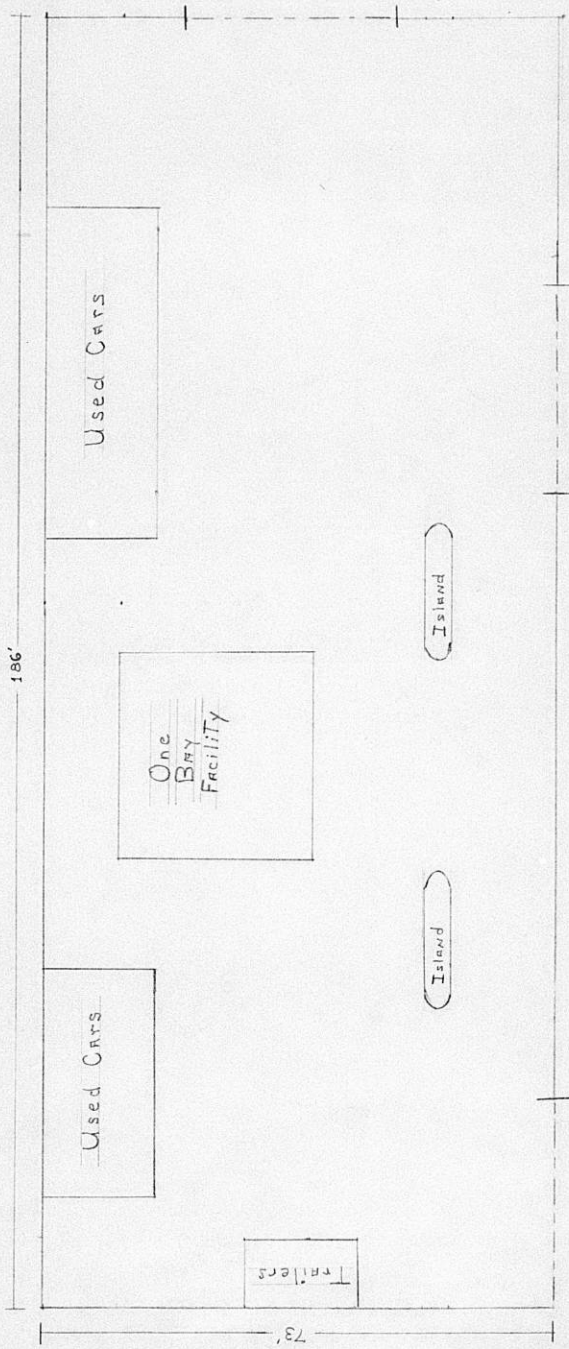
New and used car lots are highway oriented uses and usually other similar uses, such as mobile home sales, boat and marine sales and other uses of a heavier commercial nature congregate in the same area. Basically, the majority of these uses are located on North and South Broadway and East and West Kellogg, which are two of the major highways in the City.

A considerable amount of thought was given to the proper and logical locations of new and used car lots when the preliminary draft of the prototype zoning ordinance was prepared. It was the conclusion of the consultants that extreme care should be given in assigning locations because over use could easily produce commercial blight which adversely affects the entire neighborhood.

It should also be pointed out that if this request were approved for this service station, it would certainly encourage additional requests in other "IC" areas, most of which are neighborhood or service areas and not appropriate for this heavier type use.

#### RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the establishment of the new and used car lot not be approved inasmuch as car lots associated with service stations and other permitted "IC" uses are not the type of uses that should be encouraged in neighborhood and service commercial areas and, therefore, should be either in the "C" Commercial zone or along streets where new and used car agencies are an accepted use.



1/16" = 1'

BOARD OF ZONING APPEALS

Room 402 City Building Annex  
104 S. Main Street  
Wichita, Kansas 67202

March 18, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 4-68

An application has been filed by Texaco Inc., P. O. Box 18048, S. E. Station, Wichita, Kansas, by J. K. Sullivan, P. O. Box 18048, S. E. Station, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit installation of New and Used Car Sales, on property zoned "LC" Light Commercial, and legally described as follows:

Lot 9 Sunnyside Gardens, Third Addition, Wichita,  
Sedgwick County, Kansas. Generally located at the  
NE corner of Central and Gilda Avenues.

This application has been assigned Case No. BZA 4-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 26, 1968, at 1:30;p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. BZA 4-68

CITY OF WICHITA, KANSAS

FILED 2-26-68

APPLICATION FOR EXCEPTION

I. Name of Applicant Texaco Inc.  
 Mailing Address P. O. Box 18048, SE Station <sup>67218</sup> Phone MU4-7258  
 Name of Authorized Agent J. K. Sullivan  
 Mailing Address P. O. Box 18048, SE Station <sup>18</sup> Phone MU4-7258  
 Relationship of applicant to property is that of lessee  
 (owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section  
28.04.183.2, Code of the City of Wichita, Kansas  
 (Zoning Ordinance); to permit the installation or construction  
 of New & Used Car Sales  
~~used automobiles and service business~~  
 on property zoned  
L C, located 5730 West Central and Gilda

*Use for legal*

and legally described as: Lot 9  
Sunnyside Gardens, Third Addition, City of Wichita, County of  
Sedgewick, in the City of Wichita.  
~~NE Corner Central & Gilda Ave.~~  
 (Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Texaco, Inc.

Authorized Agent J. Kent Sullivan

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1:32 (a.m. P.M.) February 26, 1968, together with appropriate fee of \$50.00.

Signed Jack T. Galbraith

O W N E R S H I P   L I S T

Lot	Block	Addition	Property Owner
8 & 9		Sunnyside Gardens Third Addition	Leased Stations, Inc. ✓ Address unknown- P.O. BOX 52322 Houston, Texas 77052
5	C	West Central Gardens	Pentecostal Fellowship Mission 5800 W. Central 12
6	"	"	Fred Farnsworth ✓ 713 N. Gilda 12
7	"	"	Trustees of Michael J. Boyd, Martha Ann Boyd and Thomas W. Boyd Trust Not Sufficient Names
8	"	"	Edward J. Clupny and ✓ Ida Mae Clupny 729 N. Gilda 12

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lot 9, in Sunnyside Gardens Third Addition, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 11th day of January, 1968 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Lucille Schroeder*  
Vice-President

Order No 150120

SECRETARY'S REPORT

CASE NO. BZA 4-68

APPLICANT: Texaco, Inc.

AGENT: J. K. Sullivan

REQUEST: Exception pursuant to Section 2.12.590.C., Code of the City of Wichita to permit the operation of a new and used car sales lot on property zoned "LC"

GENERAL LOCATION: Northeast corner of Central and Gilda

LAND USE: Subject property is occupied by a service station; to the north is vacant; to the south and west are single-family homes with I-235 by-pass on the east.

ZONING: The area to the north and east is "LC"; to the south is "AA" and to the west is "A"

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 providing the conditions as set out under Section 28.04.183.2 can be met.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to the Zoning Ordinance to permit the establishment of a new and used car sales lot on property zoned "LC" Light Commercial. The site is presently occupied, in part, by a service station; the remaining area is vacant. Subject property has had several used cars on display for at least five months in violation of the Zoning Ordinance and a cease and desist order has been issued.

The Ordinance states that the Board may grant exceptions in the "LC" Light Commercial district to permit the establishment of new and used car lots, subject to conditions and requirements outlined in the Zoning Ordinance. The primary purpose for this is that new and used car lots are not appropriate in every light commercial area and it is to be the decision of the Board as to where the proper locations should be. If it were felt that these car lots were appropriate in all "LC" areas, then the use would be permitted out right without Board of Zoning Appeals approval.

New and used car lots, by their nature of being primarily outdoor display areas, are not the type of uses which should be encouraged in neighborhood or service commercial areas. In addition to the outdoor display, there are such things as night light-

ing, signs and advertising banners and streamers which make this an undesirable use which should not be permitted in all areas of the City. Used car lots, when conducted with other uses, such as service stations, often create an objectionable appearance to the neighborhood and often required employee and customer parking is infringed on by the display of used cars.

New and used car lots are highway oriented uses and usually other similar uses, such as mobile home sales, boat and marine sales and other uses of a heavier commercial nature congregate in the same area. Basically, the majority of these uses are located on North and South Broadway and East and West Kellogg, which are two of the major highways in the City.

A considerable amount of thought was given to the proper and logical locations of new and used car lots when the preliminary draft of the prototype zoning ordinance was prepared. It was the conclusion of the consultants that extreme care should be given in assigning locations because over use could easily produce commercial blight which adversely affects the entire neighborhood.

It should also be pointed out that if this request were approved for this service station, it would certainly encourage additional requests in other "IC" areas, most of which are neighborhood or service areas and not appropriate for this heavier type use.

#### RECOMMENDATION

It is the recommendation of the Secretary that the exception to permit the establishment of the new and used car lot not be approved inasmuch as car lots associated with service stations and other permitted "IC" uses are not the type of uses that should be encouraged in neighborhood and service commercial areas and, therefore, should be either in the "C" Commercial zone or along streets where new and used car agencies are an accepted use.

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March 26, 1968

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Form 223-021

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
<i>B2A Exception</i>	<i>\$50.00</i>

Name *Jepsco Inc.*  
Address *8301 E. Pawnee*  
Type \_\_\_\_\_ Due Date \_\_\_\_\_  
Comments: *R-71-C*

Date *2-26-68* By *Sharon Brewer*