

BZA. 42-87 Approved 5-0 10/21/87
DATE

DENIED & CLOSED.
Failed to complete
conditions of approval
within required time.
2-3-88

See BZA 6-88

Case No. BZA 42-87 - Eddy's Toyota of
Wichita, Inc. requests an exception to
permit the establishment of new & used
car sales on property zoned "LC" Light
Commercial & generally located on the
South side of Kellogg between Alameda

Pasted

ACTION

BZA. 42-87 Approved 5-0 10/27/87
DATE

DENIED & CLOSED.
Failed to complete
conditions of approval
within required time.

2-3-88

See BZA 6-88

Case No. BZA 42-87 - Eddy's Toyota of
Michigan, Inc. requests an exception to
permit the establishment of new & used
car sales on property zoned "LC" Light
Commercial & generally located on the
south side of Kalamazoo between Grand

DATA SHEET

MAP NO.: 5846D

CASE NO. BZA 42-87

(CPO 2B, 10/19/87)

REQUEST: Exception to permit the establishment of new and used car sales

EXISTING ZONING: "LC" Light Commercial

GENERAL LOCATION: South side of Kellogg between Glendale and Elpyco
(4901 & 4925 E. Kellogg)

APPLICANT: Eddy's Toyota of Wichita, Inc.
ADDRESS: 4925 E. Kellogg, Wichita, 67207
7333

PHONE:

AGENT: Everett C. Fettis
ADDRESS: 120 S. Market, Suite 504, Wichita 67202

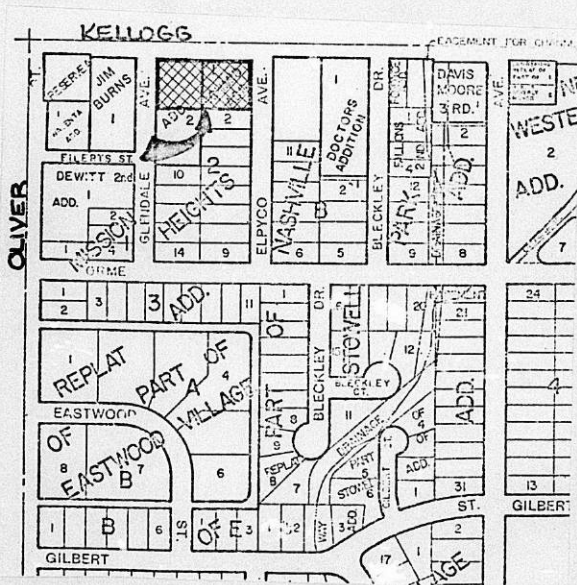
PHONE: 267-7251

AREA DATA

Acres: (ft. by ft.)

Adjacent Zoning and Land Use:

North	LC	_____
South	LC & RB	_____
East	LC	_____
West	LC	_____



Standard
 No. 2153C
 MATTHEWS, IN
 LOS ANGELES-CINCINNATI-COLUMBUS, OH
 MOOREHEAD, TN; WEST BRUNSWICK, NJ
 U.S.A.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 3, 1988

TO: Monty Robson, Superintendent, Central Inspection

FROM: Louise Olivarez, Assistant Secretary, Board of Zoning Appeals *LO.*

SUBJECT: BZA 42-87 Exception to permit car sales in "LC" (4901 E. Kellogg, SE corner Glendale and Kellogg).

On October 27, 1987, the Board of Zoning Appeals approved the above-referenced application subject to a number of conditions as outlined in our letter dated October 29, 1987. Several of these conditions were to be complied with within 90 days (by January 27, 1988) including removal of the car wash facilities and sign, closure of the driveways not to be utilized for the car sales lot, and submission of revised site plans. The deadline has passed and none of these requirements has been fulfilled.

Therefore, this BZA case 42-87 is considered denied and closed and the associated resolution is null and void. Please make your files accordingly. We expect the owner to file an amended application for a car lot at this location in the near future, but until that application is filed and approved, use of this property (N. 138' Lot 2, Jim Burns Ado.) for a car sales lot is in violation of the "LC" zoning district regulations and should not be permitted.

LO/dp

cc: Everett Fettis, 120 S. Market, Suite 504, Wichita, KS 67202
Eddy's Toyota of Wichita, Inc., 7333 E. Kellogg, Wichita, KS 67207
Dale Rea, Deputy City Clerk
Joe Donnelly, Zoning Administrator

PL/0100/6

WICHITA-SEDGWICK COUNTY DATE: February 3, 1988
METROPOLITAN AREA PLANNING DEPARTMENT

TO: Monty Robson, Superintendent, Central Inspection

FROM: Louise Olivarez, Assistant Secretary, Board of Zoning Appeals

SUBJECT: BZA 42-87 Exception to permit car sales in "LC" (4901 E. Kellogg, SE corner Glendale and Kellogg).

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LO/dp

cc: Everett Fettis, 120 S. Market, Suite 504, Wichita, KS 67202
Eddy's Toyota of Wichita, Inc., 7333 E. Kellogg, Wichita, KS 67207
Dale Rea, Deputy City Clerk
Joe Donnelly, Zoning Administrator

FILE COPY

PL/0100/6

RESOLUTION NO. BZA 42-87

WHEREAS, Eddy's Toyota of Wichita, Inc., 7333 E. Kellogg, Wichita, Kansas 67207, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

The North 133 feet of Lot 2, Jim Burns Addition AND Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 & 4925 E. Kellogg).

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 October 27, 1987, 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 new and used car sales 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 new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

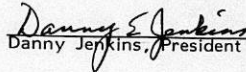
The North 138 feet of Lot 2, Jim Burns Addition AND Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 & 4925 E. Kellogg).

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. The car wash facilities and sign shall be removed prior to release of this resolution authorizing car sales at this location and within 90 days or the resolution shall be considered null and void.
2. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.
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. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
6. Only those signs as permitted in the "LC" zoning district shall be permitted on this site.
7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
8. A 6 to 8 foot solid fence or wall shall be maintained in good condition adjacent to the south property line. The fence or wall may be reduced to 3 feet in height within the east and the west 20 feet of the site.

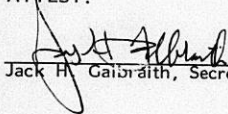
9. Driveways not to be utilized for the proposed car lot shall be closed by the return of the curb prior to release of this resolution authorizing car sales at this location and within 90 days or this resolution shall be considered null and void.
10. Prior to release of this resolution, the applicant shall submit two copies of a revised site plan which shows the correct legal description and dimensions of the property; existing curb cuts with a notation as to which ones are to be closed; the required fence along the south property line; required parking barriers to prevent cars from projecting onto public right-of-way; and the labeling of the west half of the site as parking for display and storage only.
11. All requirements as set forth in this resolution shall be complied with within 90 days from the approval by the Board or the resolution shall become null and void.
12. Release of this resolution shall make null and void BZA 25-80 and BZA 11-85.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1987.



Danny Jenkins, President

ATTEST:



Jack H. Cairns, Secretary

October 29, 1987

Everett C. Fettis
120 South Market, Suite 504
Wichita, Kansas 67202

Re: BZA 42-87 - Exception to permit the establishment of new and used car sales. (On the south side of Kellogg between Glendale and Elpyco - 4901 & 4925 E. Kellogg)

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on October 27, 1987, your request for an exception was considered. It was the action of the Board to grant your request 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. The car wash facilities and sign shall be removed prior to release of this resolution authorizing car sales at this location and within 90 days or the resolution shall be considered null and void.
2. All motor repair work shall be conducted entirely within an enclosed building and no body or tender work shall be conducted on site unless "C" zoning is obtained.
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. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
6. Only those signs as permitted in the "LC" zoning district shall be permitted on this site.

FILE COPY

1-27-88

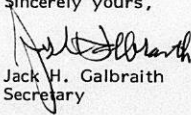
October 29, 1987

7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
8. A 6 to 8 foot solid fence or wall shall be maintained in good condition adjacent to the south property line. The fence or wall may be reduced to 3 feet in height within the east and the west 20 feet of the site.
9. Driveways not to be utilized for the proposed car lot shall be closed by the return of the curb prior to release of this resolution authorizing car sales at this location and within 90 days or this resolution shall be considered null and void. 1-27-88
10. Prior to release of this resolution, the applicant shall submit two copies of a revised site plan which shows the correct legal description and dimensions of the property; existing curb cuts with a notation as to which ones are to be closed; the required fence along the south property line; required parking barriers to prevent cars from projecting onto public right-of-way; and the labeling of the west half of the site as parking for display and storage only.
11. All requirements as set forth in this resolution shall be complied with within 90 days from the approval by the Board or the resolution shall become null and void. 1-27-88
12. Release of this resolution shall make null and void BZA 25-80 and BZA 11-85.

The Resolution setting forth the official action of the Board will be released upon compliance with condition(s) 1, 9, and 10.

If you have any questions, please call our office.

Sincerely yours,


Jack H. Galbraith
Secretary

JHG/lw

cc: Eddy's Toyota of Wichita, Inc., 7333 E. Kellogg, Wichita, KS 67207
Monty Robson, Superintendent of Central Inspection
Dale Rea, Deputy City Clerk

SECRETARY'S REPORT

CASE NUMBER: BZA 42-87

OWNER/APPLICANT/AGENT: Eddy's Toyota of Wichita, Inc. (applicant)
Everett C. Fettis (agent)

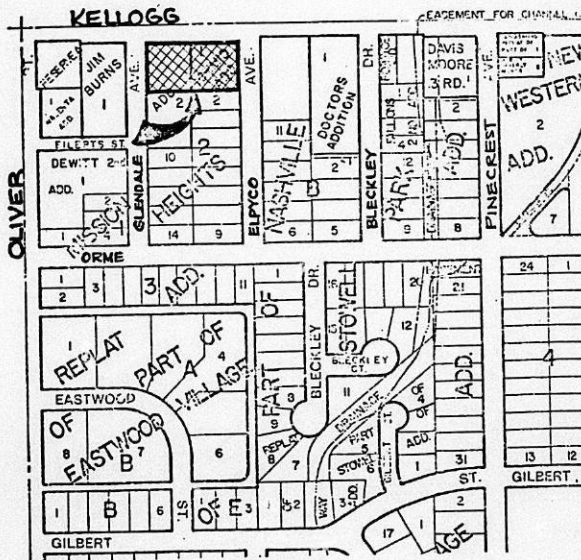
REQUEST: Exception pursuant to Section 28.04.183.2 Code of the City of Wichita to permit the establishment of new and used car sales.

CURRENT ZONING: "LC" Light Commercial District

SITE SIZE: 271 ft x 140 ft (0.9 acres)

LOCATION: On the south side of Kellogg between Glendale and Elpyco (4901 & 4925 E. Kellogg)

PROPOSED USE: Auto sales



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.

BZA 42-87 SR

BACKGROUND: The applicant is requesting an exception to permit the establishment of new and used car sales on a 0.9-acre plated site located on the south side of Kellogg between Glendale and Elpyco. The east half of the site was previously approved for a car lot under BZA 11-85. The west half was approved for a self-service car wash under BZA 25-80. The car wash facility is to be removed and the car agency now at 4925 E. Kellogg (east one-half of the site) will expand west. This car agency has recently been parking vehicles on the car wash site in violation of the "LC" zoning district regulations.

ADJACENT ZONING AND LAND USE:

NORTH	LC	Former apartments, proposed strip commercial
SOUTH	LC & RB	One-and two-family dwellings
EAST	LC	Restaurant
WEST	LC	Four-family dwellings

RECOMMENDATION: Should the Board determine that car sales is an appropriate use for this property, then it is recommended that the exception be approved 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. The car wash facilities shall be removed prior to release of this resolution authorizing car sales at this location and within 90 days or the resolution shall be considered null and void.
2. All motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site unless "C" zoning is obtained.
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. All lights shall be shielded to direct light away from adjoining property. No string-type lighting or banners shall be permitted.
6. Only those signs as permitted in the "LC" zoning district shall be permitted on this site.
7. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
8. A 6 to 8 foot solid fence or wall shall be maintained in good condition adjacent to the south property line. The fence or wall may be reduced to 3 feet in height within the east and the west 20 feet of the site.
9. Driveways not to be utilized for the proposed car lot shall be closed prior to release of this resolution authorizing car sales at this location and within 90 days or this resolution shall be considered null and void.

BZA 42-87
Page 3

10. Prior to release of this resolution, the applicant shall submit two copies of a revised site plan which shows the correct legal description and dimensions of the property; existing curb cuts with a notation as to which ones are to be closed; the required fence along the south property line; required parking barriers to prevent cars from projecting onto public right-of-way; and the labeling of the west half of the site as parking for display and storage only.
11. All requirements as set forth in this resolution shall be complied with within 90 days from the approval by the Board or the resolution shall become null and void.
12. Release of this resolution shall make null and void BZA 25-80 and BZA 11-85.

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE October 20, 1987

TO Louise Olivarez, Principal Planner

FROM Shirley Mast, Administrative Aide III *sm*

SUBJECT BZA 42-87 South Side of
Kellogg between Glendale and
Elypcy - 4901 & 4923 East
Kellogg

On Monday, October 19, East Side CPO Council 2B considered the captioned case, a request for an exception to permit the establishment of new and used car sales on property zoned the Light Commercial District. Council members were provided the Notice of Public Hearing and the MAPD Secretary's report. After discussion, the Council voted 7-0 to recommend approval of the requested exception, subject to there being no parking on the access roads of Kellogg Dr., Elypcy, and Glendale Streets, and the conditions recommended in the MAPD Secretary's report.

The agent, Everett Fettis, was present to describe the request and respond to questions. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 42-87 is considered at the October 27 meeting.

4901 - 4925 E. Kellogg
(between Glendale & Elgin)

1. is there still a pole sign
No. About 40 ft. south of
sidewalk near boundary,
between car wash + car lot?
2. is there a fence along the
Yes. entire south line?
Condition of fence? East side
not in best of shape. West $\frac{1}{2}$ good
3. are cars parked in front
of the Kellogg curb cut?
In front of some (west ones)
4. are there bumper blocks or
other barrier at north end of car lot?
None on the new lot.

BZA CASE NO. 42-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>10</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>13</u>	TOTAL NOTICES SENT <u>10/2/87</u>

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

October 2, 1987

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 42-87

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 Eddy's Toyota of Wichita, Inc. requesting an exception.

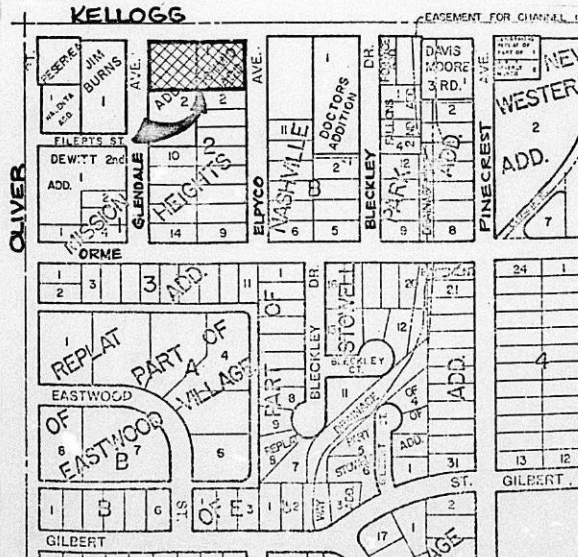
Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

The North 138 feet of Lot 2, Jim Burns Addition AND Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 & 4925 E. Kellogg).

This application has been assigned Case No. BZA 42-87. It will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1987, 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 in or objections to 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Eastside Neighborhood Council "2B" will consider this case at their meeting to be held on Monday, October 19, 1987, at 7 p.m., at the Capitol Federal Savings and Loan Building, 8040 East Douglas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



(_____) Published in The Daily Record, October 2, 1987

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 27th day of October, 1987, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 40-87 - Independence Commons Co., 8100 East 22nd Street North, Building 506, Wichita, Kansas 67226, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a car wash as an accessory use to a service station on property zoned the "LC" Light Commercial and legally described as follows:

A tract of land in Lot 6, Block 1, Tallgrass Commercial Third Addition to Wichita, Sedgwick County, Kansas, described as: Beginning at the SW corner of said Lot 6; thence bearing N 1°01'02" W along the west line of said Lot 6 a distance of 175.00 feet; thence continuing along said west line bearing N 15°03'12" W a distance of 5.16 feet; thence bearing N 89°06'26" E parallel to the south line of said Lot 6 a distance of 141.25 feet; thence bearing S 1°01'02" E a distance of 180.00 feet to a point in the south line of said Lot 6; thence bearing S 89°06'26" W along said south line a distance of 140.00 feet to the point of beginning. Generally located at the northeast corner of 21st Street North and Rock Road.

2. Case No. BZA 41-87 - T. G. Davis, Jr., P. O. Box 780047, Wichita, Kansas 67278, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Block A, and the west 10 feet of Lot 2, Block A, Hudson Addition to Wichita, Sedgwick County, Kansas; AND Lot 1, Low's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive and Lightner (5817 E. Kellogg).

3. Case No. BZA 42-87 - Eddy's Toyota of Wichita, Inc., 7333 E. Kellogg, Wichita, Kansas 67207, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

The North 138 feet of Lot 2, Jim Burns Addition AND Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 & 4925 E. Kellogg).

4. Case No. BZA 43-87 - Robert Ivie, 1015 South Vine, Wichita, Kansas 67213, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the required side yard setback from 6 feet to 4 feet on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lots 6 and 7, Block 7, Replat of Part of John McCormick's Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Vine in an area south of McCormick (1015 S. Vine).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 2nd day of October, 1987.

Jack H. Galbraith, Secretary

BOARD OF ZONING APPEALS

CASE NO. 42-87

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant EDDY'S TOYOTA OF WICHITA, INC.
 Mailing Address 4925 E. Kellogg Phone _____
 Name of Authorized Agent Everett C. Fettis
 Mailing Address 120 S. Market, Suite 504 Phone 267-7251
 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
 new and used car ~~storage and sales~~ _____

on property zoned LC
 located 4901^{1/2} East Kellogg

and legally described as: North 138 Feet of Lot 2, Jim Burns
Addition to Wichita, Sedgwick County, Kansas AND Lot 1,
Schmid Addition, Wichita, Sedgwick County, Kansas
 _____, in the City of Wichita.

- 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 EDDY'S TOYOTA OF WICHITA, INC.

Authorized Agent Everett C. Fettis

*Amended 4-79
add 2-5-80*

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
 _____ (a.m./p.m.), _____, 1987, together with
 appropriate fee of 400⁰⁰.

19-24-87

*Revised plan incorporating
BEA 11-85 to be submitted by
10-2-87.*

Signed Louise Oliver

*CPO 2B
10-19-87*

T9-403
 Security Abstract to Mag 5846D (N) LC (S) LC & RB (E) LC (W) LC
(let was entered late PM 9-25-87)

EDDY'S TOYOTA OF WICHITA, INC.
4901 East Kellogg
Wichita, Kansas

BZA - Request for Exception

This property is located next door to Steven Imports and is owned by the same people. This request is for additional storage for that operation. There will be no need for customer parking because there will be sufficient parking on the main lot next door. Ultimately, the building on this property will be removed and additional open storage will be utilized.

LAW OFFICES
FETTIS & MCCLURE
120 SOUTH MARKET
SUITE 504
WICHITA, KANSAS 67202
316-267-7251

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 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

57A 14
441 51

NAME

ADDRESS

FUND

DUE DATE

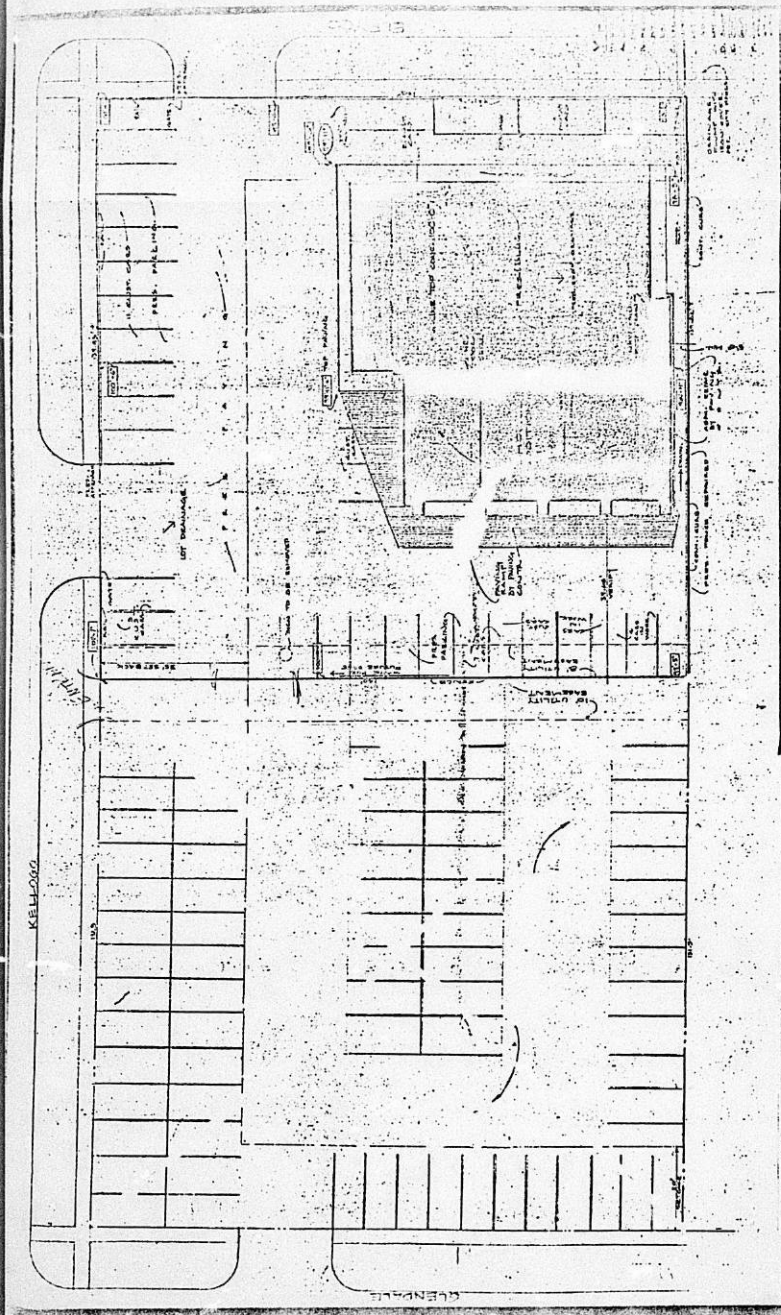
COMMENTS

DATE

BY

7-28-77

SL



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FROM THE BEST
AVAILABLE COPY**