

# KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION REZONING REPORT

►	FILE #: 3-C-15-RZ	AGENDA ITEM #: 29					
		AGENDA DATE: 3/12/2015					
►	APPLICANT:	EJM PROPERTIES					
	OWNER(S):	Eric Moseley					
	TAX ID NUMBER:	89 146 View map on KGIS					
	JURISDICTION:	County Commission District 6					
	STREET ADDRESS:						
►	LOCATION:	West side Dogwood Rd., south of Solway Rd.					
►	APPX. SIZE OF TRACT:	9.77 acres					
	SECTOR PLAN:	Northwest County					
	GROWTH POLICY PLAN:	Planned Growth Area					
	ACCESSIBILITY:	Access is via Dogwood Rd., a local street with 22' of pavement width within the large right-of-way of Pellissippi Parkway.					
	UTILITIES:	Water Source: West Knox Utility District					
		Sewer Source: West Knox Utility District					
	WATERSHED:	Clinch River					
►	PRESENT ZONING:	PR (Planned Residential) @ 1-3 du/ac					
►	ZONING REQUESTED:	PR (Planned Residential) @ up to 3.9 du/ac					
►	EXISTING LAND USE:	Vacant land					
►	PROPOSED USE:	Residential subdivision					
	DENSITY PROPOSED:	3.9 du/ac					
	EXTENSION OF ZONE:	No					
	HISTORY OF ZONING:	Property was rezoned from A to PR at current density in 2005 (10-R-05-RZ). A concept plan/use on review was approved for 29 lots in 2006 (7-SC-06- C/7-D-06-UR).					
	SURROUNDING LAND	North: Church and business / CA (General Business)					
	USE AND ZONING:	South: Dwellings and vacant land / A (Agricultural)					
		East: Dogwood Rd. and Pellissippi Parkway right-of-way - A (Agricultural) / TO (Technology Overlay)					
		West: Dwelling and vacant land / A (Agricultural)					
	NEIGHBORHOOD CONTEXT:	The area to the north at the intersection of Solway Rd. and Pellissippi Parkway is developed with commercial uses under CA zoning. Beyond the commercial node south on Solway Rd. and Dogwood Rd. is developed with rural to low density residential uses under A and RA zoning. The subject					

## STAFF RECOMMENDATION:

# RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3.2 du/ac. (Applicant requested 3.9 du/ac.)

PR is an appropriate zone for residential development of this site and is consistent with the sector plan recommendation for the property, which is within the Planned Growth Area on the Growth Policy Plan. The

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recommended density of up to 3.2 du/ac is consistent with the slope protection recommendations of the Hillside and Ridgetop Protection Plan (HRPP) for residential densities and development. At the requested density of 3.9 du/ac, the proposal exceeds (by 7 units) the maximum 32 units recommended in the HRPP. Staff is of the opinion that the applicant has reasonable use of the property at the current density. Except for the CA zoning to the north, all adjacent zoning is Agricultural, which requires a minimum lot size of 1 acre.

## COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. PR is the most appropriate residential zone for the development of this site, because of its flexibility in lot sizes, and the ability to cluster development in the more suitable areas of the site. The site has already been cleared, presumably in preparation for development of the 29 lots approved by MPC in 2006 (7-SD-06-C/7-D-06-UR). This concept plan has now expired and is no longer valid. Whenever a new plan is submitted, the developer should make every attempt to keep development off of the steepest slopes.

2. The property is already zoned PR at a density of 1-3 du/ac. The applicant is proposing to increase the PR density to allow up to 3.9 du/ac, which would allow consideration of 38 or 39 units, depending on the actual acreage of the site, once it is surveyed. However, because of the slope constraints of the site, staff is recommending a lesser density, which would allow consideration of about 32 units. For the purposes of this report, staff used a site area of 10.04 acres, which was calculated by MPC's mapping department for the slope analysis. The KGIS system shows a recorded acreage of 9.77 acres, based on deeds. There is no recorded survey plat on record for the property.

3. The applicant submitted a conceptual plan (attached) showing an area of the site to be placed into a conservation/greenway easement to be available for public use. This was submitted in order to seek a density bonus as provided by the recommendations of the HRPP (attached). However, staff is of the opinion that the area shown does not benefit the public at-large because it is only accessible through the proposed subdivision. Regarding the conservation easement, the density bonus provision states that it must be placed on an "undisturbed, steep hillside or ridgetop portion of a parcel." This site has been cleared of the trees that once existed on the site. The attached aerial photo from 2003 shows that the site was covered with trees at that time. An aerial photo from 2014 is also attached, which shows that the site has been cleared since then, including the area proposed by the applicant for a conservation easement. The density bonus provision allows a 10% bonus for creation of the conservation easement and another 10% bonus for providing public access within that easement. Staff is of the opinion that the subject property does not have appropriate characteristics for application of the density bonus provision, so is therefore recommending a density consistent with the residential density and land disturbance guidelines included on the attached slope calculations.

4. The PR zone requires use on review approval of a development plan by MPC prior to construction. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, lot layout, recreational amenities, drainage, types of units and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural elements and open space treatment.

2. Additionally, the zoning states that each development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the Planning Commission by review of development plans. Staff maintains that PR is the most appropriate zone for proposed development of this site.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT: 1. PR zoning at the recommended density will allow the property to be developed, but will require use on review development plan approval by MPC prior to construction.

2. Based on the 10.04-acre calculated area of the property, the proposed PR zoning at a density of up to 3.9 du/ac would allow for a maximum of 39 dwelling units to be proposed for the site. That number of detached units would add approximately 436 vehicle trips per day to the street system and would add approximately 21 children under the age of 18 to the school system. The recommended density of up to 3.2 du/ac would allow for a maximum of 32 dwelling units to be proposed for the site. That number of detached approximately 363 vehicle trips per day to the street system and would add approximately 17 children under the age of 18 to the school system.

3. PR zoning at the recommended density is compatible with the scale and intensity of the surrounding

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development and zoning pattern, and also considers the slope constraints of the property. The proposed density of 3.9 du/ac would not conform with the slope protection policies of the HRPP.

4. The Knox to Oak Ridge Greenway Plan draft shows the preferred route for the proposed greenway along the stretch of Dogwood Rd. adjacent to this property. Because of steep slopes in the Pellissippi Parkway right-of-way east of Dogwood Rd. in this area, and because of that area being proposed for the location of a new ramp for TDOT's upcoming SR-62 (Oak Ridge Hwy.) and SR-162 (Pellissippi Parkway) interchange improvements (see attached), it's likely that the best greenway route will be along the west side of Dogwood Rd., a portion of which is within the subject parcel. Therefore, the development plan should include a greenway easement of at least 30 feet along Dogwood Rd. Optimal easement width will be based on slopes and other site factors. This comment is provided now to put the developer on notice that the provision of this easement may be included as a recommended condition of approval at the time of MPC's development plan review.

5. Public water and sanitary sewer utilities are available in the area, but will need to be extended to serve the site.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest County Sector Plan designates this site for low density residential uses and slope protection area, consistent with both the recommended and proposed PR zoning and densities. Staff ran a slope analysis and calculations (attached) on the site which revealed that about 1.35 acres of the site consists of slopes greater than 25%. The recommended lesser density is consistent with the residential density recommendations of the HRPP.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

3. This request may lead to future requests for PR zoning in the future on other A-zoned properties in the area, consistent with the sector plan proposal for the area.

Upon final approval of the rezoning, the developer will be required to submit a concept plan/use on review development plan prior to the property's development. The plan will show the property's proposed lot pattern and street network and will also identify the types of residential units that may be constructed. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

ESTIMATED TRAFFIC IMPACT: 436 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 21 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Hardin Valley Elementary, Karns Middle, and Hardin Valley Academy.

• School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.

• While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.

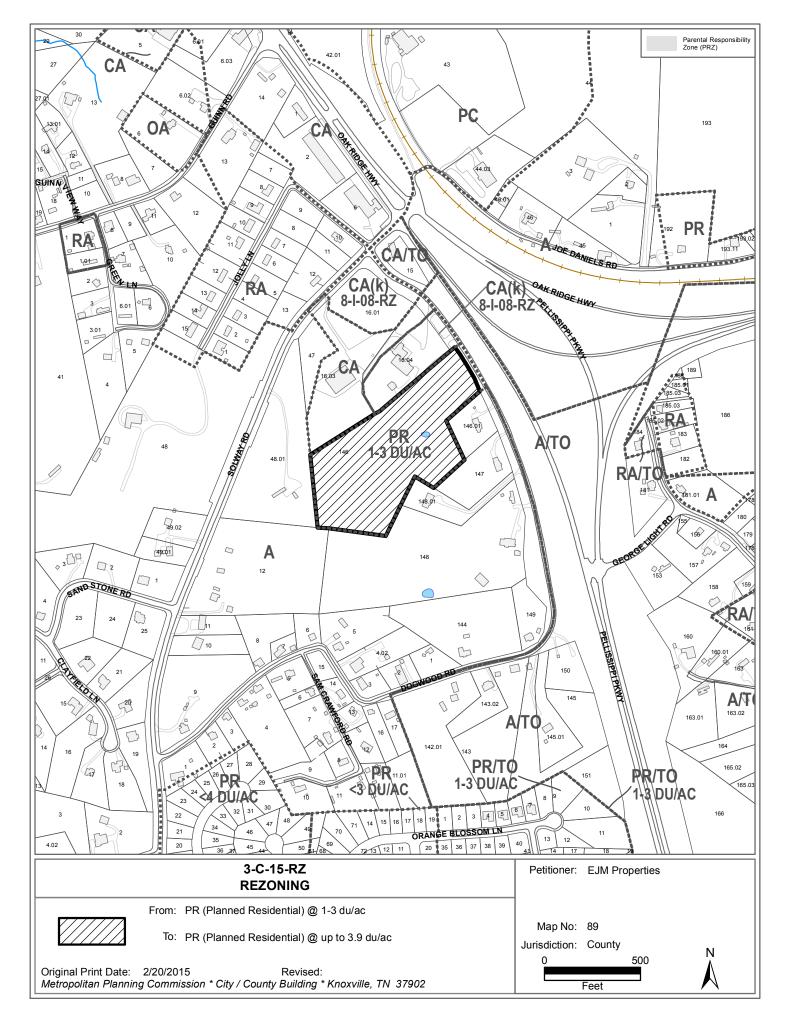
• Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.

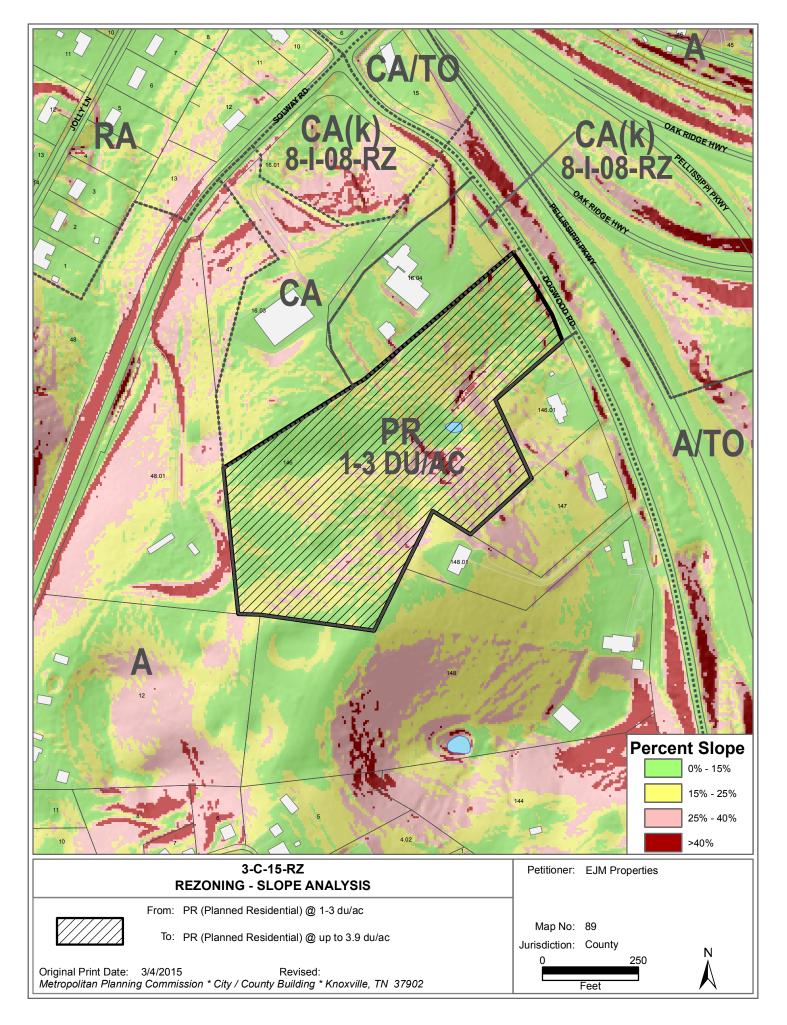
• Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.

• Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

• School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

If approved, this item will be forwarded to Knox County Commission for action on 4/27/2015. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.





3-C-15-RZ Slope Analysis

N <b>o</b> n-Hillsio	de P <b>ort</b> i <b>o</b> ns		<b>A</b> creage 1.08
Hillside an	d Ridgetop Protecti	<b>o</b> n <b>A</b> rea	
Value	Percen <b>t Slop</b> e	<b>Co</b> un <b>t</b>	Acres
1	0%-15%	6415	3.68
2	15%-25%	6848	3.93
3	25%-40%	2155	1.24
4	>40%	201	0.12
			8.96
Ridge <b>top</b> /	<b>A</b> rea		0
		Site Total	10.04

# MPC STAFF - SLOPE / DENSITY ANALYSIS 3-C-15-RZ - EJM Properties

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	1.08	5.00	5.4
0-15% Slope	3.68	5.00	18.4
15-25% Slope	3.93	2.00	7.9
25-40% Slope	1.24	0.50	0.6
Greater than 40% Slope	0.11	0.20	0.0
Ridgetops	0	0.00	0.0
Subtotal: Sloped Land	8.96		26.9
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	10.04	3.22	32.3
Proposed Density (Applicant)	10.04	3.90	39.2

## From Hillside & Ridgetop Protection Plan, page 33

### LOW DENSITY AND RURAL RESIDENTIAL USES

#### **Density and Land Disturbance Guidelines**

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

 Table 3: Residential Density and Land Disturbance Guidelines

 for Recommendations on Changes to the Zoning Map and Development Plan/

 Concept Plan Review within the Hillside and Ridgetop Protection Area

 that is within the Urban Growth and the Planned Growth Area

Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

#### dua: dwelling units per acre

- \* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.
- \*\* Until such time as regulations are codified by the appropriate legislate body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.
- \*\*\* Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 – 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.

## **Density Bonus Provision**

The density on the site may be raised in relation to the conservation of the steeper slopes and ridgetops that are part of a parcel. In cases relative to the Hillside and Ridgetop Protection Area, the planning commission may approve a density bonus of up to10 percent of the total units allowed in the base density when a conservation easement is placed on an undisturbed steep hillside or ridgetop portion of a parcel. An additional bonus density of 10 percent of that allowed by the base density may be approved when public access, such as a trail easement, is provided within the conservation easement. This bonus provision should be made available within a planned residential development and in a conservation subdivision.



An example of clustered housing on a modest slope in Black Mountain, North Carolina. This approach enabled the conservation of steep hillsides nearby. Note the small front yards and use of earth tone colors, chosen to help the houses blend with the natural terrain.

## **Density/Intensity Outside the Hillside Protection Area**

The land below the Hillside and Ridgetop Protection Area, which contains more than 200,000 acres or about 60 percent of the county, would be suitable for those uses proposed by the General Plan and individual sector plans, and that are consistent with the Growth Policy Plan. As such, density and intensity would be regulated by those particular plans.



Some hillsides are very steep like the north face of Copper Ridge, which has slopes in excess of 50 percent. Very low density residential uses and minimal forest clearing are recommended on such slopes.

## **Clearing and Grading Provision**

Hillside and ridgetop development necessitates careful consideration of the forest cover on various types of slopes. Loss of that cover may lead to erosion, water quality and geotechnical problems. The natural beauty of a ridge is also lost with wholesale destruction of hillsides. The clearing limits for rezoning cases, and subdivision and site plan review processes are shown in Table 3. In reviewing rezoning requests, concept and site plans, it may be necessary to note the steepest slopes of a parcel for conservation purposes. Clearing and grading should not be permitted until a development or clearing and grading plan has been approved.



This represents a good local example where clearing was limited around a ridgetop house, providing views for the owner and maintenance of the surrounding forest.

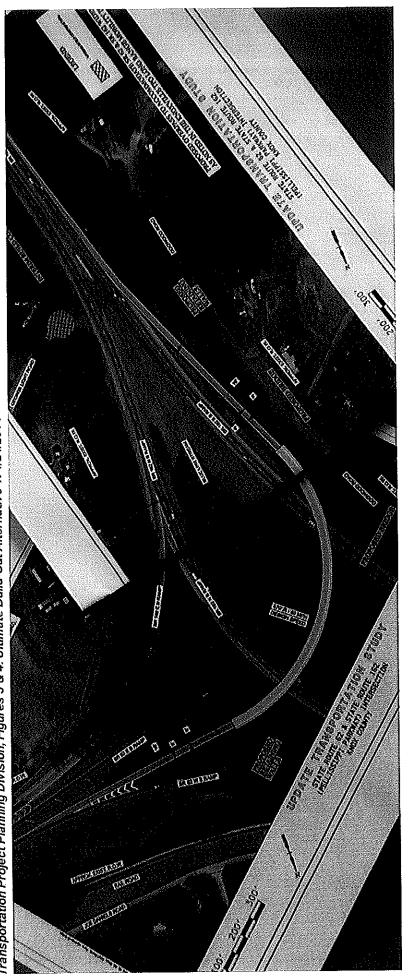
34 — The Knoxville Knox County Hillside and Ridgetop Protection Plan

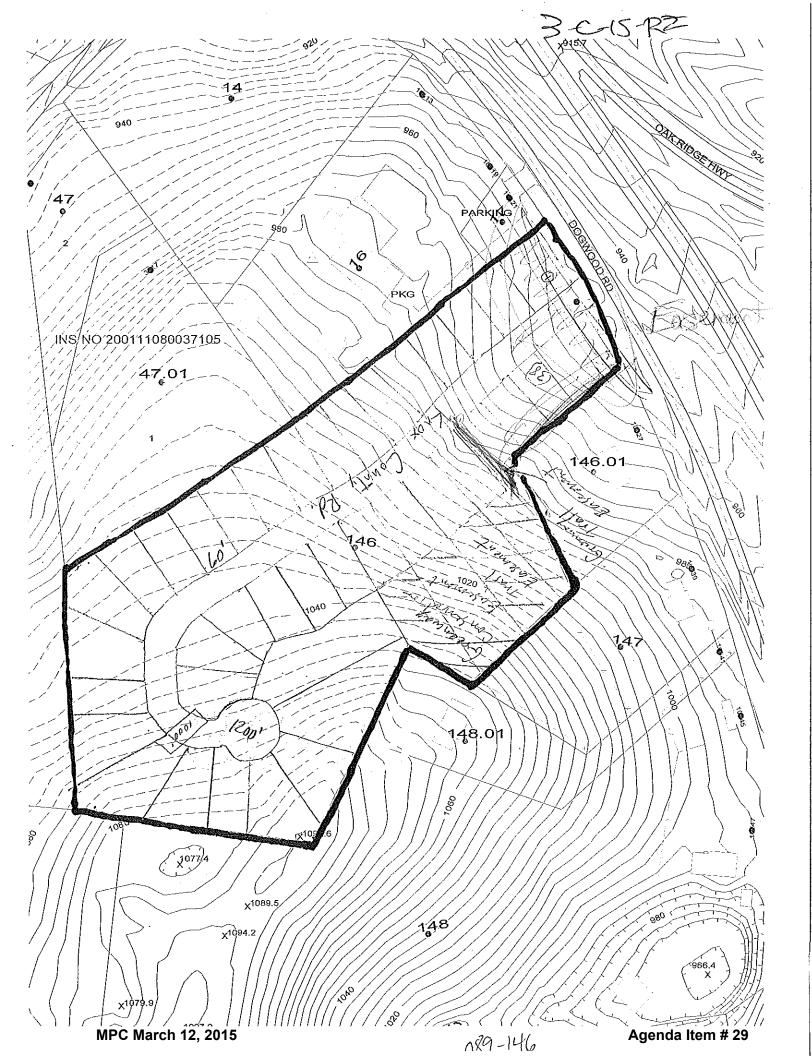
MPC March 12, 2015





Figure 5. Update Transportation Study, State Route 62 & State Route 162 (Pellissippi Parkway) Intersection Knox County, State of Tennessee Department of Transportation Project Planning Division, Figures 3 & 4. Ultimate Build-Out Alternative 1. 4/24/2014







# KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION SUBDIVISION REPORT - CONCEPT/USE ON REVIEW

• · · ·····	
▶ FILE #: 7-SC-06-C	AGENDA ITEM #: 17
7-D-06-UR	AGENDA DATE: 8/10/2006
POSTPONEMENT(S):	7/13/2006
SUBDIVISION:	WOODED RIDGE FORMERLY PBM PROPERTIES
APPLICANT/DEVELOPER:	JOE TOUCHTON
OWNER(S):	ERIC MOSELEY S & E PROPERTIES
TAX IDENTIFICATION:	89 146
JURISDICTION:	County Commission District 6
► LOCATION:	Southwest side of Dogwood Rd., southeast of Solway Rd.
SECTOR PLAN:	Northwest County
GROWTH POLICY PLAN:	Planned Growth Area
APPROXIMATE ACREAGE:	9.77 acres
ZONING:	PR (Planned Residential)
EXISTING LAND USE:	Vacant land
PROPOSED USE:	Detached single family subdivision
SURROUNDING LAND USE AND ZONING:	Property in the area is zoned A agricultural. Development in the area consists of single family dwellings on large lots
NUMBER OF LOTS:	29
SURVEYOR/ENGINEER:	Joe Touchton
ACCESSIBILITY:	Access is via Dogwood Rd., a local street with a pavement width of 20' within
SUBDIVISION VARIANCES REQUIRED:	<ol> <li>Vertical curve variance from 172.5' to 170' at sta 1+00 of Pond Woods Dr.</li> <li>Maximum street grade from 12% to 14.5 % from sta 1+00 to sta 5+50 on Pond Woods Dr.</li> <li>Broken back curve tangent variance from 150' to 60.03' at sta 9+18 of Pond Woods Dr.</li> <li>Cul de sac transition radius from 75' to 25' on Pond Woods Dr.</li> <li>Horizontal curve variance from 250' to 165' at sta 8+25 of Pond Woods Dr.</li> </ol>

## STAFF RECOMMENDATION:

APPROVE variances 1 - 5 because the site's topography and location restricts compliance with the Subdivision Regulations, and the proposed variances will not create a traffic hazard.

APPROVE the concept plan subject to 9 conditions

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health

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Department.

2. Provision of a street name which is consistent with the Uniform Street Naming and Addressing System within Knox County (91-1-102)

3. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works

4. Placing the following note on the final plat in bold print: This property is located within the proposed right-ofway of the Tennessee Department of Transportation's current plans fore the Knoxville Parkway (SR475) and if this project is built, the road will impact all lots within the subdivision

5. Prior to certification of the final plat for the subdivision, establishing a homeowners association for the purpose of maintaining the storm water drainage system.

6. Establishing a sight distance easement across lot 18 or as directed by the Knox County Dept. of Engineering and Public Works

7. Placing a note on the final plat that all lots will have access to the internal road system only

8. A final plat based on this concept plan will not be accepted for review by MPC until certification of design plan has been submitted to MPC staff

9. Meeting all requirements of the approved use on review development plan

#### APPROVE the development plan for up 29 detached single family dwellings on individual lots subject to 3 Conditions

1. Meeting all requirements of the approved concept subdivision plan

2. Showing the 35' peripheral setback around the entire site

3. Meeting all other applicable requirements of the Knox County Zoning Ordinance

#### COMMENTS:

The applicant is proposing to develop a subdivision containing 29 lots on this 9.77 acre site. Staff has notified the applicants that the site is within the proposed right-of-way of the Knoxville Parkway (SR475 /Orange Route). At this time the Tennessee Department of Transportation does not have a definitive time-table for the construction of the proposed beltway. MPC has had two other subdivisions presented for review that are within the identified right-of-way. It has been the practice of the MPC staff to recommend approval of the subdivision plan with the requirement that a disclaimer be placed on the final plat for the project. The disclaimer basically states the subdivision is within the proposed right-of-way and that each lot in the development will be impacted when the road is constructed.

The preliminary drainage plan submitted with this plan provides sufficient detail for the consideration of the Concept Plan. At the Concept Plan level, the applicant provides the locations of the proposed detention basins and a general plan as to how the storm water will be directed to the detention facilities. The detailed drainage plan comes under the purview of the Knox County Dept. of Engineering and Public Works. The detailed grading and drainage plan will be submitted to the County Engineer as part of the Design Plan process which is the next step in the subdivision review process if this concept plan is approved.

# EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed subdivision will have minimal impact on local services since water and sewer will be provided to this site.

2. The proposed detached single-family subdivision at a density of 2.97 du/ac, is consistent in use and density with the approved zoning of the property.

3. Any school age children living in this development are presently zoned to attend Hardin Valley Elementary, Karns Middle and Karns High Schools.

# CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed detached single-family subdivision meets the standards for development within a PR Zone and all other requirements of the Zoning Ordinance with the recommended conditions.

2. The proposed residential development is consistent with the general standards for uses permitted on review:

 A. The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The Northwest County Sector Plan proposes this site for low density residential use and slope protection. The overall development density of the proposed development is 2.97 dwellings per acre.
 B. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The proposed

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development complies with all the height, bulk and area requirements of the Knox County Zoning Ordinance. The proposed development meets all the requirements of the PR (Planned Residential) District.

C. The use is compatible with the character of the neighborhood where it is proposed. As previously noted, the proposed development is compatible in use and intensity of development with the surrounding area.

D. The use will not significantly injure the value of adjacent property.

E. The use will not draw additional non-residential traffic through residential areas. This is a low density residential development within an area designated for low density residential use. The traffic generated from this project will be similar to the traffic that is generated by other residential developments.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan designates this property for low density residential use and slope protection. The PR zoning approved for the property allows consideration of up to 3.0 du/ac. The proposed subdivision with its distribution of density on the site and overall density of 2.97du/ac is consistent with the Sector Plan and the proposed zoning designation.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

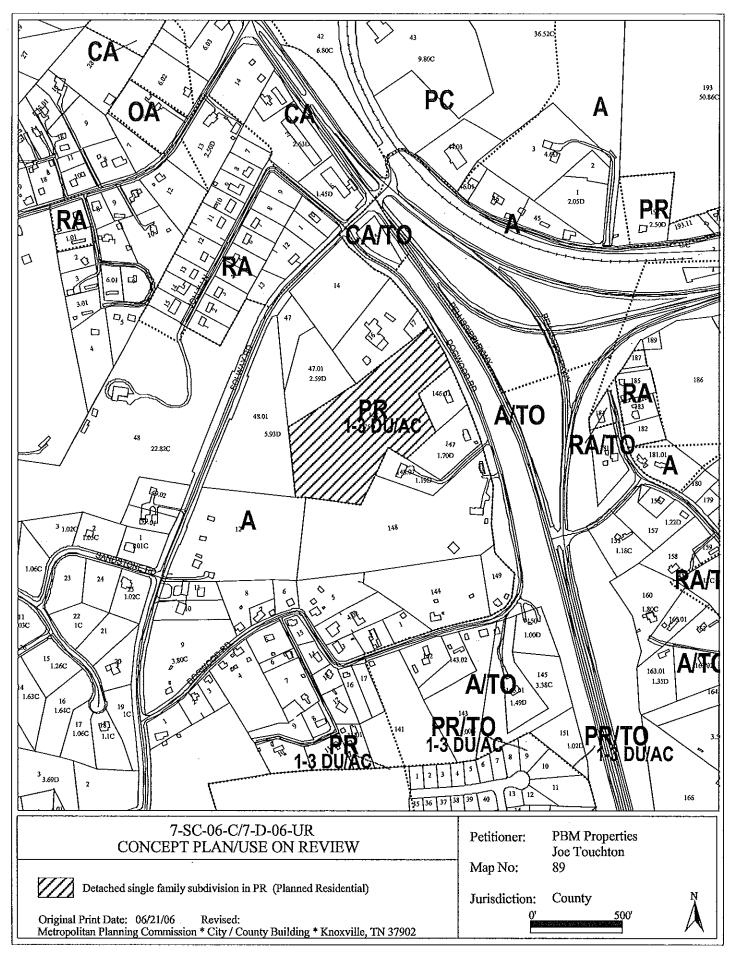
MPC's approval or denial of this concept plan request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court hearing will depend on when the appeal application is filed.

MPC's approval or denial of this use on review request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed.

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### MPC March 12, 2015

#### Agenda Item # 29

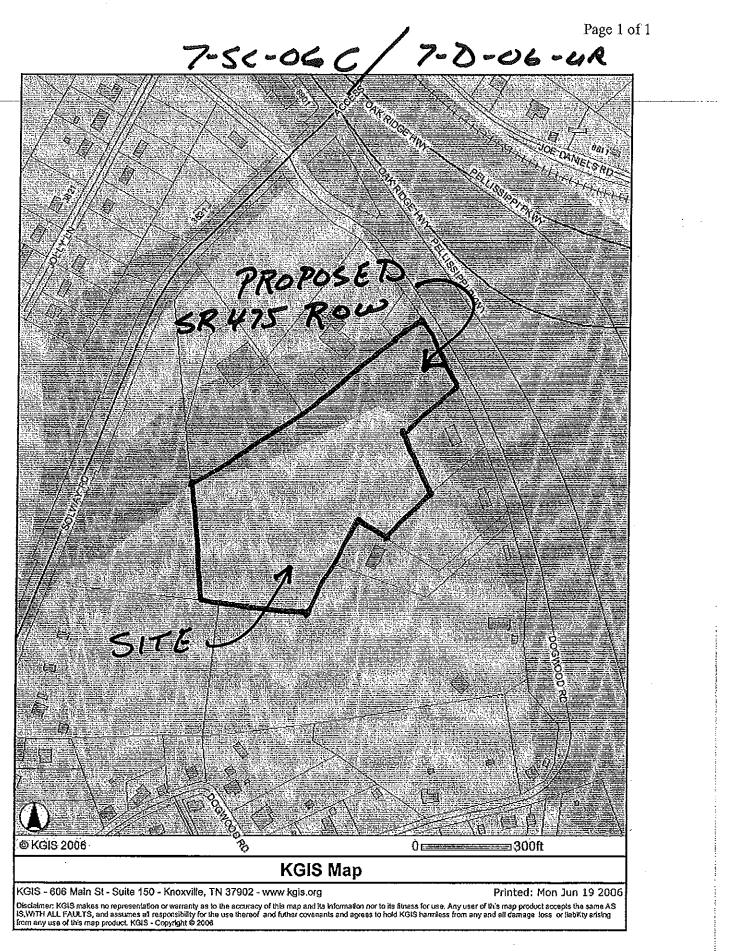


MPC August 10, 2006

# Agenda Item # 17

## MPC March 12, 2015

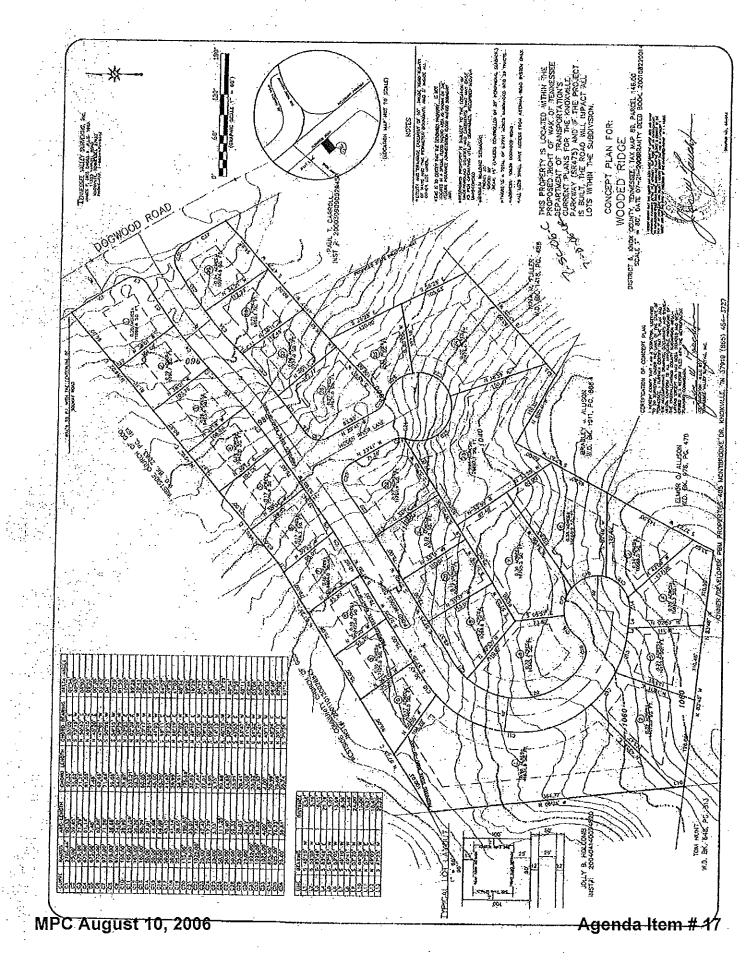
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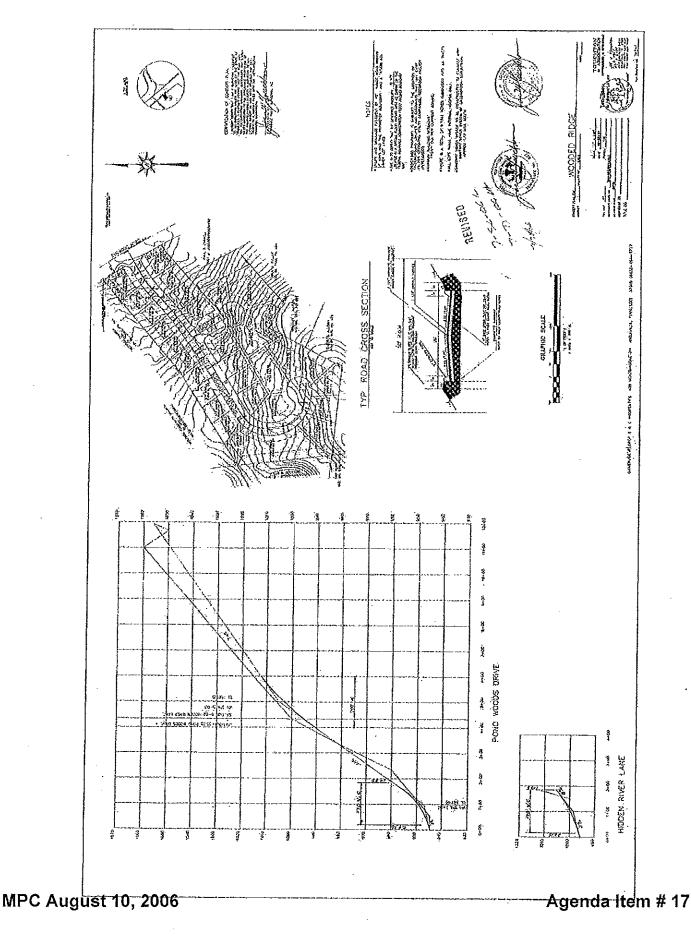


# MPC August 10, 2006

# Agenda Item # 17

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MPC March 12, 2015

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