

PLAN AMENDMENT REPORT

► FILE #: 7-A-23-SP AGENDA ITEM #: 9

> **AGENDA DATE:** 7/13/2023

► APPLICANT: **VIRGINIA G BURTON**

OWNER(S): Virginia G Burton

TAX ID NUMBER: 124 I E 029 View map on KGIS

JURISDICTION: Council District 1

STREET ADDRESS: 6609 CHAPMAN HWY

► LOCATION: South side of Chapman Hwy, east of Ellis Rd, west of Anderson Dr

► APPX. SIZE OF TRACT: 1.11 acres

SECTOR PLAN: South County

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Chapman Highway, a major arterial street with a 50-ft

pavement width within a 113-ft to 127-ft right-of-way.

UTILITIES: Water Source: **Knox-Chapman Utility District**

> Knoxville Utilities Board Sewer Source:

WATERSHED: Holston-French Broad

PRESENT PLAN AND LDR (Low Density Residential), HP (Hillside Protection) / RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay) **ZONING DESIGNATION:**

PROPOSED PLAN GC (General Commercial), HP (Hillside Protection Overlay) **DESIGNATION:**

EXISTING LAND USE: Single Family Residential

EXTENSION OF PLAN DESIGNATION:

No, neither the plan designation nor the zoning district would be an extension.

In 1991, the property was rezoned from the CA (General Business) district in the County to the R-1 (Low Density Residential) district in the City as part of a

City annexation. (9-F-91-RZ)

SURROUNDING LAND USE

HISTORY OF REQUESTS:

AND PLAN DESIGNATION:

Agriculture/forestry/vacant - GC (General Commercial) North:

South: Rural residential - LDR (Low Density Residential), HP (Hillside

Protection)

Public-quasi public land, agriculture/forestry/vacant - LDR (Low East:

Density Residential), GC (General Commercial)

West: Single family residential - LDR (Low Density Residential)

NEIGHBORHOOD CONTEXT This property is located at a bend of Chapman Highway where there are

single family residences as well as commercial and office establishments among vacant land. The southern side of the property is bordered by a

right-of-way remnant from the former Smoky Mountain Railroad.

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STAFF RECOMMENDATION:

▶ Deny the sector plan amendment to the GC (General Commercial) land use classification because it is incompatible with surrounding land use and infrastructure.

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There have been no substantial changes in this area over the past 30 years. There are established single family residential properties adjacent to the south and west. While there is a commercial-zoned corridor along a section of Chapman Highway to the northwest, much of it is vacant or underutilized. This includes a 30-acre commercial strip center at 6522 Chapman Highway that has been in a state of decline for many years. These conditions do not warrant an expansion of GC (General Commercial) land use at this location.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

- 1. The Chapman Highway Corridor Study describes how this section of the major arterial street is generally lacking a median, has infrequent turn lanes and narrow 2 to 4-ft shoulders. Although the accident rate here is lower due to the infrequency of turns, it describes how the crashes are more severe. The plan recommends adding turn lanes, medians and increasing shoulder width as needed. None of these improvements have occurred yet, and there are no known plans to implement them.
- 2. The property is located at a substantial bend in the highway, which makes adequate sight distance a challenge. Approving commercial land uses at this location could result in an increase in traffic and turns at a potentially dangerous location in the corridor.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The subject property's LDR (Low Density Residential) land use classification is consistent with all surrounding properties on the south side of the highway, and is not the result of an error or omission.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. There are no trends in the surrounding area that support a more intensive land use at this location.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/8/2023 and 8/22/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.

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PLAN AMENDMENT/ **REZONING REPORT**

► FILE #: AGENDA ITEM #: 7-D-23-RZ 9

> 7-A-23-PA **AGENDA DATE:** 7/13/2023

► APPLICANT: **VIRGINIA G BURTON**

OWNER(S): Virginia G Burton

TAX ID NUMBER: 124 I E 029 View map on KGIS

JURISDICTION: Council District 1

STREET ADDRESS: 6609 CHAPMAN HWY

South side of Chapman Hwy, east of Ellis Rd, west of Anderson Dr ► LOCATION:

TRACT INFORMATION: **1.11 acres**

SECTOR PLAN: South County

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Chapman Highway, a major arterial street with a 50-ft

pavement width within a 113-ft to 127-ft right-of-way.

UTILITIES: Water Source: **Knox-Chapman Utility District**

> Sewer Source: Knoxville Utilities Board

WATERSHED: Holston-French Broad

PRESENT PLAN LDR (Low Density Residential), HP (Hillside Protection) / RN-1 (Single-DESIGNATION/ZONING: Family Residential Neighborhood), HP (Hillside Protection Overlay)

GC (General Commercial), HP (Hillside Protection) / C-H-2 (Highway PROPOSED PLAN **DESIGNATION/ZONING:**

Commercial), HP (Hillside Protection Overlay)

EXISTING LAND USE: Single Family Residential

EXTENSION OF PLAN DESIGNATION/ZONING:

HISTORY OF ZONING

REQUESTS:

No, neither the plan designation not the zoning district would be an extension.

In 1991, a rezoning from the CA (General Business) district in the County to the R-1 (Low Density Residential) district in the City was approved as part of

a City annexation (9-F-91-RZ).

SURROUNDING LAND USE,

PLAN DESIGNATION.

ZONING

Agriculture/forestry/vacant - GC (General Commercial) - C-H-2 North:

(Highway Commercial) in the City

Rural residential - LDR (Low Density Residential), HP (Hillside South:

Protection) - A (Agricultural), RB (General Residential), HP

(Hillside Protection Overlay) in the County

Public-quasi public land, agriculture/forestry/vacant - LDR (Low East:

Density Residential), GC (General Commercial) - C-H-2 (Highway

Commercial) & O (Office) in the City, CB (Business and

Manufacturing) in the County

AGENDA ITEM #: 9 PAGE #: FILE #: 7-A-23-PA 6/28/2023 03:28 PM JESSIE HILLMAN 9-1 West: Single family residential - LDR (Low Density Residential) - RN-1

(Single-Family Residential Neighborhood) in the City

NEIGHBORHOOD CONTEXT: This property is located at a bend of Chapman Highway where there are

single family residences as well as commercial and office establishments among vacant land. The southern side of the property is bordered by a right-

of-way remnant from the former Smoky Mountain Railroad.

STAFF RECOMMENDATION:

- ▶ Deny the One Year Plan amendment to the GC (General Commercial) land use classification because it is incompatible with surrounding land use and infrastructure.
- ▶ Deny the C-H-2 (Highway Commercial) district because it is incompatible with surrounding land use and infrastructure.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There have not been significant changes in this area for several decades. There are several parcels that have remained vacant, despite the commercial zoning in place. This does not point to a need for expansion of commercial land use to the subject property.

AN ERROR IN THE PLAN:

1. The One Year Plan's LDR (Low Density Residential) classification is consistent among surrounding properties south of Chapman Highway. An amendment to the GC (General Commercial) designation would be out of alignment with the existing land use of adjacent parcels.

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

1. There were several improvements to Chapman Highway that were recommended in a corridor study to address safety issues for turning traffic. To date, these recommendations have not been implemented. The subject property is located at a significant bend in the highway, and commercial land use would likely increase the frequency of turning traffic. This potential impact on traffic is not supported by the current state of the roadway at this location.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There have been no public policy changes pertaining to this request for commercial land uses.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. There are no new plans or studies that support a more intensive land use amendment at this location.

OTHER COMMMENTS:

1. The One Year Plan describes six standards for the GC classification. They include an emphasis on how such uses should not hinder the proper functioning of the transportation system, as well as recommendations that a transitional land use class, such as MDR/O (Medium Density Residential/ Office) or O (Office), be used as a buffer between GC and less intensive residential uses. The plan also describes how commercial sites should be relatively flat, regular in shape and of sufficient size. These standards are not met by the subject property's location, size, shape and slopes.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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. The City of Knoxville annexed the subject property in 1991. At that time, C-3 (General Commercial) zoning

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was recommended because it was equivalent to the previous County CA (General Business) zoning on the property. However, this recommendation was denied by City Council in favor of the R-1 (Low Density Residential) district because the immediate area had been used residentially for a number of years.

2. There have been no significant changes to this area since that rezoning occurred. Existing commercial establishments to the northwest have remained unchanged or have declined over the years. The adjacent properties west and south of the subject parcel are still single-family residences. These conditions do not support additional C-H-2 (Highway Commercial) zoning at this location.

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

- 1. C-H-2 zoning is intended for high-intensity commercial uses of a predominantly auto-oriented character. Uses include retail, rental and service establishments.
- 2. The subject property abutts single family residential properties, which are among the least intensive land uses. The property is also located along a significant curve of Chapman Highway where there are no turn lanes. These environmental factors are not consistent with the auto-centric intent of the C-H-2 district, which could increase traffic flow to a residential area where there is limited sight distance and lacking infrastructure to support turning traffic.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

- 1. The proposed rezoning could have an adverse impact on adjacent residential properties in the form of noise, light, fumes and other aspects of intensive commercial operations.
- 2. An increase in turning vehicles at this location from potential retail uses could negatively impact traffic flow and safety along Chapman Highway.

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 proposed C-H-2 zoning among residential properties is inconsistent with the General Plan's development policy 8.4 to protect residential areas from enroaching commercial development and other incompatible uses.
- 2. C-H-2 zoning is in conflict with the One Year Plan and the South County Sector Plan's LDR (Low Density Residential) land use classification for this area south of Chapman Highway.

ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. This section of Chapman Highway would benefit from a turn lane and shoulders before considering additional commercial zoning.

OTHER COMMENTS:

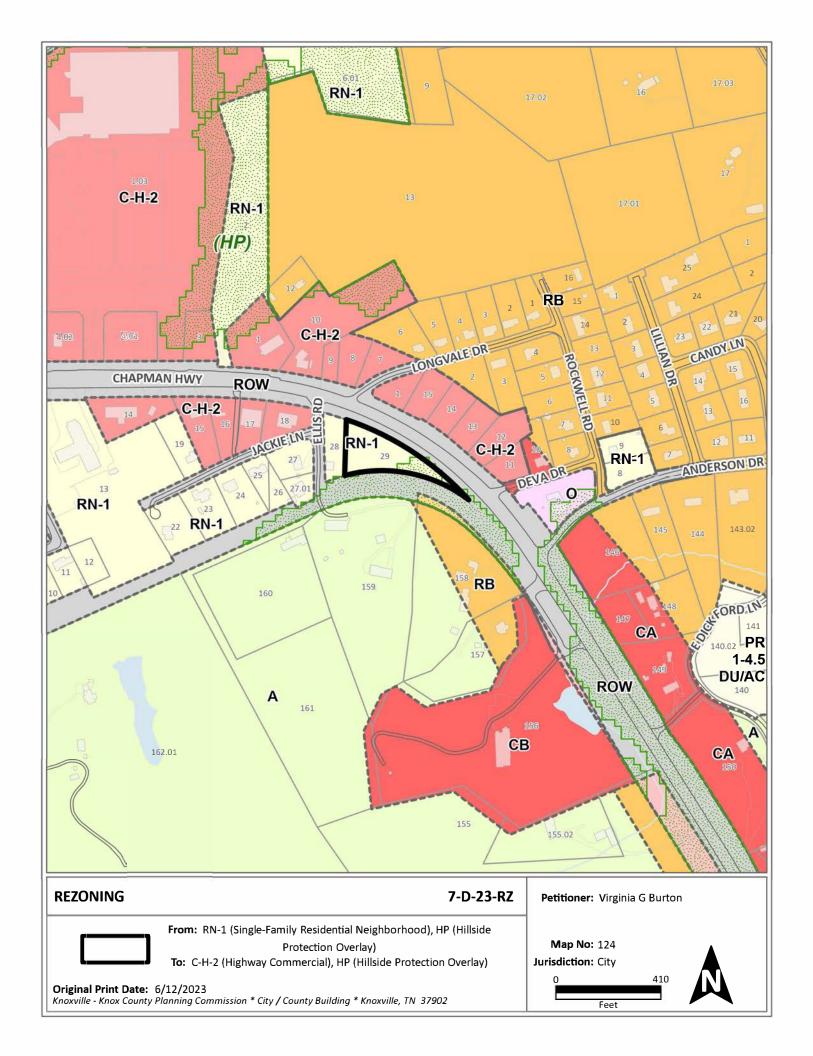
1. The possibility of O (Office) zoning at this location was discussed with the applicant as an alternative district of less intensity. However, O zoning would not permit the use being considered on the property.

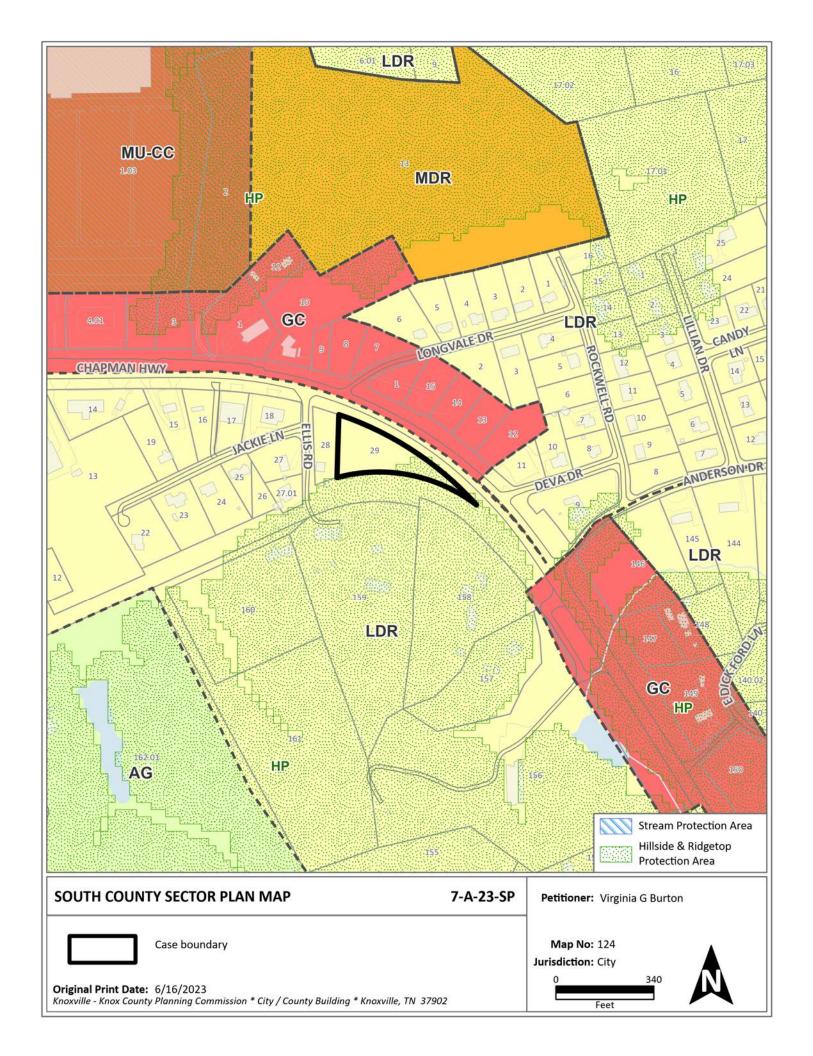
ESTIMATED TRAFFIC IMPACT: Not required.

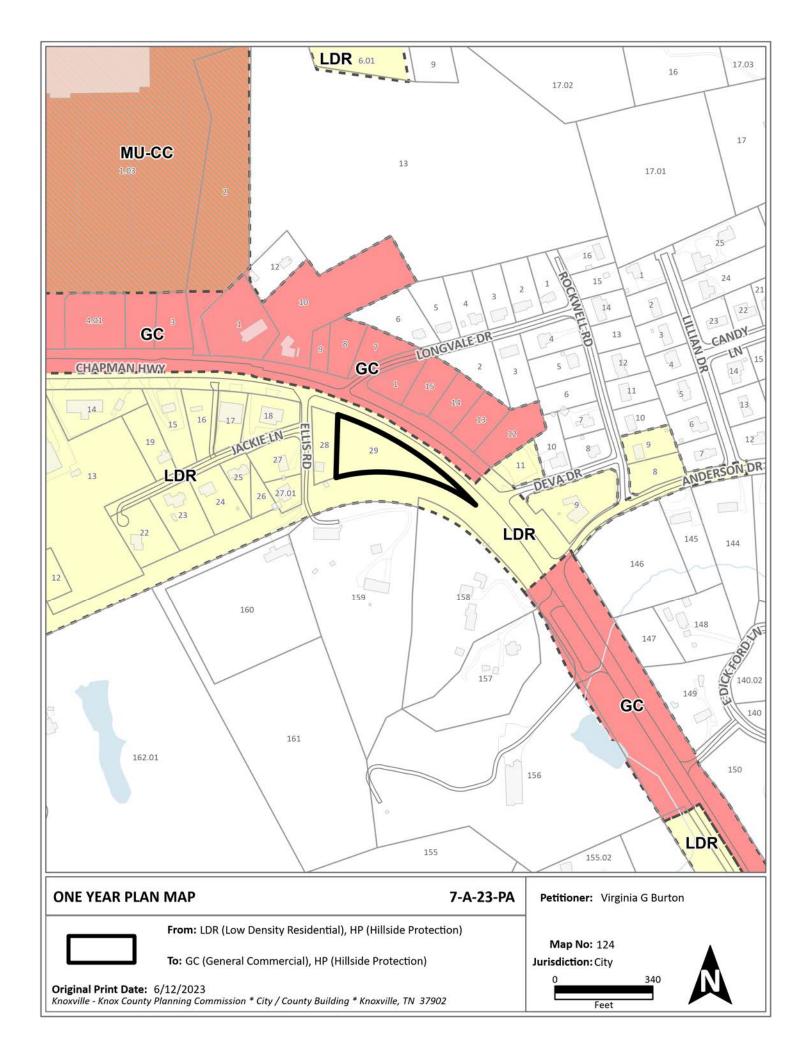
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 8/8/2023 and 8/22/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.

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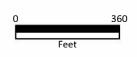






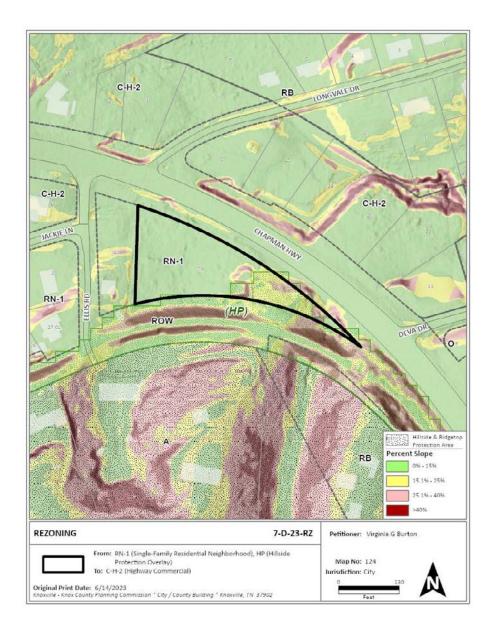








CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	47,434	1.09			
Non-Hillside	37,860	0.87	N/A		
0-15% Slope	1,845	0.04	100%	1,845	0.04
15-25% Slope	5,673	0.13	50%	2,836	0.07
25-40% Slope	1,395	0.03	20%	279	0.01
Greater than 40% Slope	661	0.02	10%	66	0.002
Ridgetops					
Hillside Protection (HP) Area	9,574	0.22	Recommended disturbance budget within HP Area	5,026	0.12
			Percent of HP Area	0.5	2





Development Request

		DEVELOPMENT	SORDIVISION	ZONING
Di	amin	☐ Development Plan	☐ Concept Plan	☑ Plan Amendment
PL	annın	☐ Planned Development	☐ Final Plat	☐ Sector Plan
KN	OXVILLE I KNOX COUNT	☐ Use on Review / Special Use		✓ One Year Plan
		☐ Hillside Protection COA		✓ Rezoning
		☐ Hillside Protection COA		▼ Rezoning
Virginia G	Burton			
Applicant	Name		Affilia	tion
5/10/202	3	7/13/2023	7-A-23-PA / 7-	·D-23-RZ
Date Filed	d	Meeting Date (if applicable)	File Number(s	
CORRE	SPONDENCE	All correspondence related to this application	should be directed to the	e approved contact listed below.
Virginia G	Burton			
Name / Co	ompany			
405 Rainb	oow Rd Sevierville	TN 37862		
Address				
865-300-0	0105 / vickburt865	@yahoo.com		
Phone / E	mail			
CURRE	NT PROPERTY I	NFO		
Virginia G	Burton	405 Rainbow Rd Sevierville TN	37862	865-300-0105 / vickburt865@ya
Owner Na	ame (if different)	Owner Address		Owner Phone / Email
	APMAN HWY			
Property A	Address			
124 I E 02	.9			1.11 acres
Parcel ID		Part of	f Parcel (Y/N)?	Tract Size
	Utilities Board	Knox-Chapman U	Itility District	
Sewer Pro	ovider	Water Provider		Septic (Y/N)
STAFF	USE ONLY			
	·	y, east of Ellis Rd, west of Anderson Dr		
General Lo	ocation			
✓ City	Council District 1	RN-1 (Single-Family Residential Neighborhood) (Hillside Protection Overlay)	od), HP Single	Family Residential
County	District	Zoning District	Existi	ng Land Use
South Cou	unty	LDR (Low Density Residential), HP (Hillside P	rotection) N/A (Within City Limits)
Planning Sector		Sector Plan Land Use Classification	Growt	h Policy Plan Designation

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DEVELOPMEN	T REQUEST		
☐ Development Pl	an 🗌 Planned Development	Use on Review / Special Use	Related City Permit Number(s)
☐ Hillside Protecti	on COA	☐ Residential ☐ Non-residential	
Home Occupation	(specify)		
Other (specify)			
SUBDIVSION F	REQUEST		
			Related Rezoning File Number
Proposed Subdivisi	on Name		
Unit / Phase Numb	er	Total Number of Lots Create	ed
Additional Informa	tion		
☐ Attachments / A	Additional Requirements		
ZONING REQU	IEST		
✓ Zoning Change	C-H-2 (Highway Commercial),	HP (Hillside Protection Overlay)	Pending Plat File Number
	Proposed Zoning		
✓ Plan	GC (General Commercial), H	P (Hillside Protection)	
Amendment	Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Zoning R	equests	
Additional Informa	tion		
STAFF USE ON	LY		
PLAT TYPE		Fee 1	Total
☐ Staff Review	☐ Planning Commission	\$2,050	0.00
ATTACHMENTS		+- ,	
Property Owner		nce Request Fee 2	
ADDITIONAL RI COA Checklist (H	•		
,	tification (Final Plat)	Fee 3	
☐ Site Plan (Devel	opment Request)	1663	
☐ Traffic Impact S			
	Special Use (Concept Plan)		,
AUTHORIZATI	ON		
	enalty of perjury the foregoing is t terials are being submitted with h	rue and correct: 1) He/she/it is the owner of the is/her/its consent.	property, AND 2) the application and
	Virginia 0	Burton	5/10/2023
Applicant Signature	e Please Pri	int	Date
Phone / Email			
	Virginia 0	6 Burton	5/10/2023
Property Owner Sig	gnature Please Pri	int	Date

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Planning KNOXYILLE I KNOX COUNTY
VIRGINIA
Applicant Name
4-1-20

Planning KNOXVILLE I KNOX COUNTY	DEVELOPMENT ☐ Development Plan ☐ Planned Development ☐ Use on Review / Special Use ☐ Hillside Protection COA	SUBDIVISION ☐ Concept Plan ☐ Final Plat	ZONING □ Plan Amendment □ SP □ OYP □ Rezoning
VIRGINIA	G. BURTON		
Applicant Name		Affilia	tion
4-1-202	3	,	File Number(s)
Date Filed	Meeting Date (if applicable)		
ara ta mayana ku kacaman aya a dahari 1185 ka ka ka abay sa sa sa ka ka ka ka a	·		
CORRESPONDENCE	All correspondence related to this application	n should be directed to the a	pproved contact listed below.
☑Applicant Property Own	er 🔲 Option Holder 🔲 Project Survey	∕or ☐ Engineer ☐ Arch	nitect/Landscape Architect
VIRGINIAG G		•	
Name	Com	pany	
UUS RAINIBU	(0)	ain TA	5 37EC).
Address	City	RUILT TA	ZIP
865-3000105 Phone	VICKBUH 8656 Email	Jahoo, c	on
CURRENT PROPERTY INFO			
UIR GINIA G. 1 Property Owner Name (if differen	SURTUN YUT RO t) Property Owner Address	ss Sevierville 77862	865-300105 Property Owner Phone
<i>A</i>	AN HWY Knoxville		
Property Address	CAN (40) KNOXVIII	Parcel ID	
Sewer Provider		 r	Septic (Y/N)
			1
STAFF USE ONLY			
General Location		Tract :	Size
☐ City ☐ County ☐ District	Zoning District	Tulada - La Litta	
DISTILL	ZORRING DISTRICT	Existing Land Use	

Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation

DEVELOPMENT REQUEST		
☐ Development Plan ☐ Use on Review / Special Use ☐ Hills ☐ Residential ☐ Non-Residential Home Occupation (specify)		Related City Permit Number(s)
Other (specify)	AND MICH.	
SUBDIVISION REQUEST		
•	And the second s	Related Rezoning File Number
Proposed Subdivision Name	.:	
Unit / Phase Number		
Other (specify)	- AFRANCO	- Annual Control of the Control of t
☐ Attachments / Additional Requirements		
ZONING REQUEST		
Plan Amendment Change GC (General	- (Hwy Comm.)	Pending Plat File Number
Plan Amendment Change GC (Greneral Proposed Plan Designation(s)	Commercial)	
Proposed Density (units/acre) Previous Rezoning Re	equests	
Other (specify)		
STAFF USE ONLY		
PLAT TYPE	Fee 1	Total
☐ Staff Review ☐ Planning Commission		
ATTACHMENTS	F. 2	
☐ Property Owners / Option Holders ☐ Variance Request	Fee 2	
ADDITIONAL REQUIREMENTS		
Design Plan Certification (Final Plat)	Fac 2	
Use on Review / Special Use (Concept Plan)	Fee 3	
Traffic Impact Study		
COA Checklist (Hillside Protection)		
AUTHORIZATION		
NOSS Vigini	a G Burlon	5-10-27
Applicant Signature Please Print	a G. Burton	Date
865-3000105 VICILBU	1865@ Yahovyom	
Phone Number Email		
Vor & Ble Vinin	a G Burton	5-10-23'
Property Owner Signature Please Print		Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

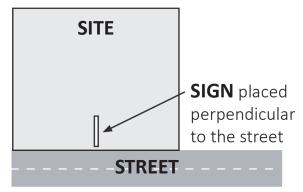
Date



Sign Posting & Removal Requirement

Revised April 2021

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-ofway closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

June 30, 2023	_ and	July 14, 2023
(applicant or staff to post sign)		(applicant to remove sign)
Applicant Name: Virginia G Burton		
Date: 5/10/2023		Sign posted by Staff
File Number: 7-D-23-RZ/7-A-23-PA/7-A-23-S	P	Sign posted by Applicant