



DEVELOPMENT PLAN REPORT

▶ **FILE #:** 11-F-23-DP

AGENDA ITEM #: 35

AGENDA DATE: 11/9/2023

▶ **APPLICANT:** **GARRY BURKE**
OWNER(S): Garry Burke Burke Properties, LLC

TAX ID NUMBER: 28 O C 005, 013, 014 [View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 7717 FREEWAY HEIGHTS DR (0 FREEWAY HEIGHTS DR)

▶ **LOCATION:** **West side of Freeway Heights Dr, north of Charmwood Way**

▶ **APPX. SIZE OF TRACT:** **1.86 acres**

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Freeway Heights Drive, an unstriped local road with a pavement width of 12 ft within a 18-ft right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** **PR (Planned Residential) up to 2 du/ac**

▶ **EXISTING LAND USE:** **Agriculture/forestry/vacant land, single family residential**

▶ **PROPOSED USE:** **Single family residential dwellings**

DENSITY PROPOSED: 1.61 du/ac

HISTORY OF ZONING: In 2023, this property was rezoned from A to PR up to 2 du/ac (4-T-23-RZ)

SURROUNDING LAND USE AND ZONING: North: Single family residential, multifamily residential - RA (Low Density Residential)

South: Single family residential - A (Agricultural)

East: Norris Freeway Right-of-Way

West: Rural residential - A (Agricultural)

NEIGHBORHOOD CONTEXT: Freeway Heights Drive consists predominantly of small-lot, single-family detached dwellings. A commercial node is located a little less than a mile away to the east at the intersection of Norris Freeway and E. Emory Road.

STAFF RECOMMENDATION:

▶ **Approve the development plan for 3 single family residential homes, subject to 4 conditions.**

- 1) Provide legal access to parcels 028OC014 and 028OC013 consistent with the Subdivision Regulations section 3.03, which would require a final plat prior to applying for building permits.
- 2) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 3) Meeting all applicable requirements of the Knox County Zoning Ordinance.
- 4) The peripheral setback along Freeway Heights Drive shall remain 35-ft.

With the noted conditions, and the approval of the peripheral setback as noted in the staff report, this plan meets the requirements for approval of the PR (Planned Residential) up to 2 du/ac zone district and the criteria for approval of a development plan review.

COMMENTS:

The applicant is proposing 3 single family residential homes on approximately 27,442 square foot lots. The lots will be accessed off of Freeway Heights Drive, which would need a shared permanent access easement to provide legal access, per section 3.03.D of the Subdivision Regulations a plat would be required to create the easement.

There are two encroachments on parcel number 028OC013. However, these are pre-existing and not created by this proposal. This may be a mapping error in KGIS that would need clarification when applying for a final plat to record the shared permanent access easement (SPA).

The area regulations for the PR zone state that all buildings shall be set back from the peripheral boundary by no less than 35 ft, unless the lot is adjacent to certain zones such as the A (Agricultural), and RA (Low Density Residential) zones, in which case the Planning Commission may reduce the peripheral setback to no less than 15 ft. The development plan mainly adheres to the 35-ft periphery boundary except for the following three places: northwest property line on parcels 028OC005, and 028OC014, and along the southeast property line of parcel 028OC013 where it is reduced it to no less than 15 ft. The adjacent zones are RA and A, so the Planning Commission may grant this reduction. Staff recommends maintaining the 35-ft peripheral boundary along Freeway Heights Drive.

DEVELOPMENT PLAN ANALYSIS PER ARTICLE 6, SECTION 6.50.06

In the exercise of its administrative judgment, the Planning Commission shall determine if the proposed plan is in harmony with the general purpose and intent of the zoning ordinance and adopted plans.

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

- A. The North County Sector Plan recommends LDR (Low Density Residential) uses for the site. This proposal is consistent with the LDR land use.
- B. The proposed development plan within the PR zone is consistent with the North County Sector Plan's LDR (Low Density Residential) land use designation, which recommends residential uses with densities up to 5 du/ac in the County's Planned Growth Areas.
- C. The proposed development aligns with Section 9.3 of the General Plan, which ensures that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

- A. The PR (Planned Residential) zone is intended to provide optional methods of residential land development. The density proposed by this proposal is below the PR zone density of up to 2 du/ac for this property.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

- A. The proposed single family housing development is consistent with the densities of the surrounding neighborhood.

ESTIMATED TRAFFIC IMPACT: 40 (average daily vehicle trips)

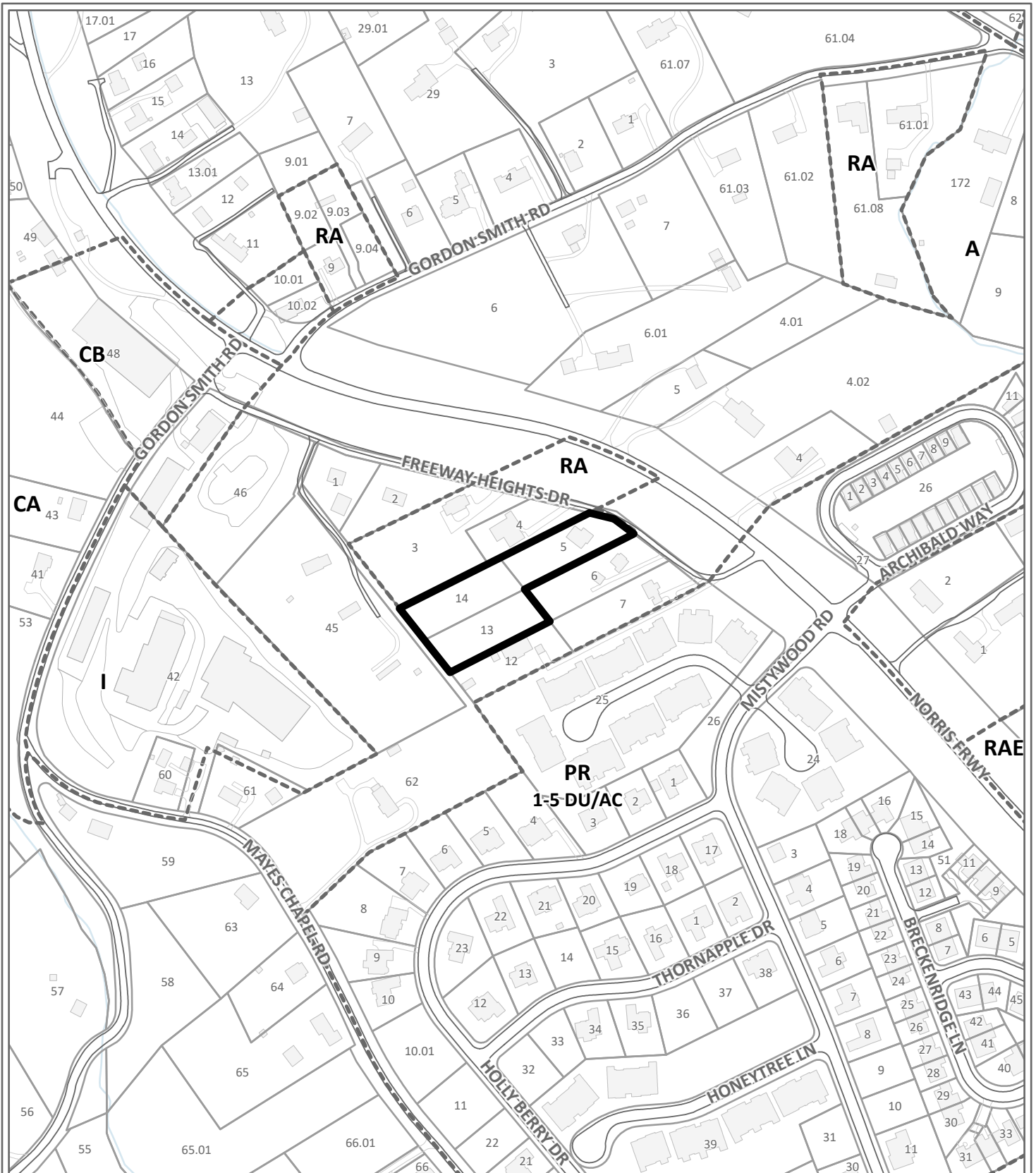
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 1 (public school children, grades K-12)

Schools affected by this proposal: Halls Elementary, Halls Middle, and Halls High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and 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.

The Planning Commission's approval or denial of this development plan request is final, unless the action is appealed either to the Board of Zoning Appeals or to a court of competent jurisdiction within thirty (30) days of the decision being appealed (Knox County, Tennessee Code of Ordinances, Appendix A, Zoning, 6.50.08).



DEVELOPMENT PLAN

11-F-23-DP

Petitioner: Garry Burke



in PR (Planned Residential)

Map No: 28

Jurisdiction: County

Original Print Date: 10/4/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

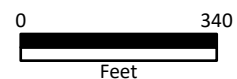


Exhibit A. Contextual Images

Location Map



Aerial Map

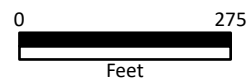


CONTEXTUAL MAPS 1

11-F-23-DP



Case boundary





COLE-LAYER-TRUMBULL COMPANY
 T&E MAPPING DIVISION
 3634 SALEM AVENUE, DAYTON, OHIO 45424

1. PARCEL NUMBER
 2. PARCEL ROOM
 3. INTERIOR TRACT LINE
 4. SUBDIVISION LINE
 5. SUBLOT LINE
 6. PARCEL OUTLINE
 7. TOTAL ADDRESS
 8. SECTION CORNERS

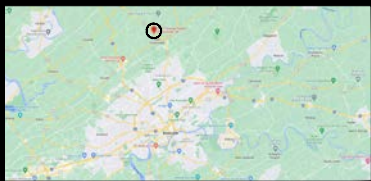
9. PARCEL & CONTROLLING MAP ID
 10. FENCE
 11. CEMENT
 12. CONCRETE
 13. SCHOOL
 14. BORDER AREA
 15. POND

16. DITCH
 17. STATE LINE
 18. CO. LINE
 19. COMPT. LIMITS
 20. TRANSMISSION LINE
 21. ROAD
 22. RAILROAD
 23. BOUNDARY LINE

28-1	28-2	28-3
28-P	28-H	28-C
28-B	28-D	28-E

- REVISIONS -	
1	1
2	2
3	3
4	4
5	5

KNOX CO., TENNESSEE		MAP NO
SCALE 1" = 100'	DISTRICT 88	28-0
DATE OF FLYING HIGH 1981	DATE COMPLETED	



VICINITY MAP

EXISTING SITE PLAN

7717 FREeway HEIGHTS DR KNOXVILLE, TN 37938
 PARCEL #:028OC005
 AREA:27,025.00 sqft (0.62 acres)

FREeway HEIGHTS DR
 PARCEL #:028OC014
 AREA:27,500.00 sqft (0.63 acres)

FREeway HEIGHTS DR
 PARCEL #:028OC013
 AREA:27,500.00 sqft (0.63 acres)

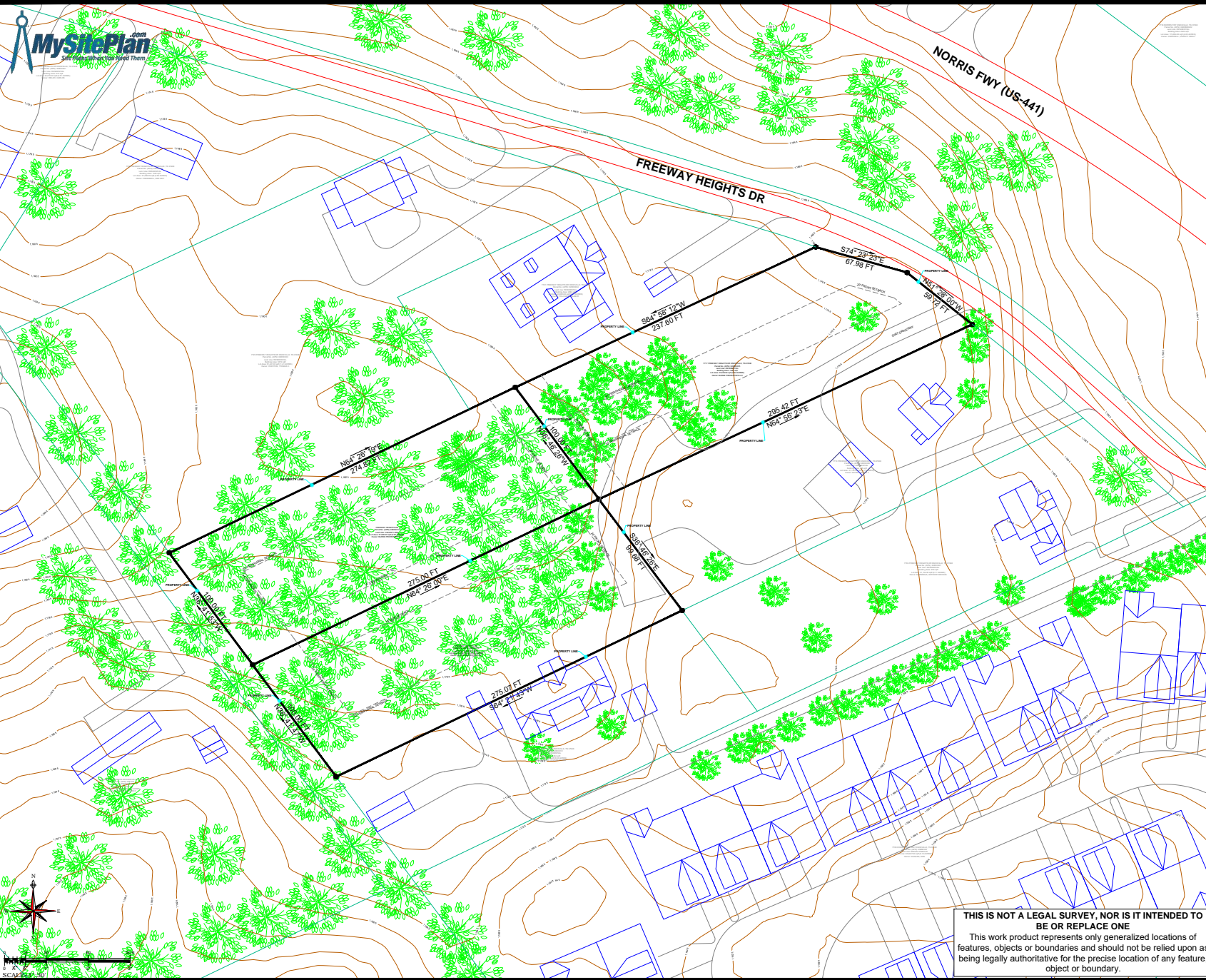
7717 FREeway HEIGHTS DR KNOXVILLE, TN 37938
 PARCEL #:028OC005
 AREA:27,025.00 sqft (0.62 acres)
 LEGAL INFORMATION:SUBDIVISIONNAME FREeway HGTS
 ADD MAPPLATB 12 MAPPLATP 3 1 DIMENSIONS 128.02 X 296
 X IRR
 SUBDIVISION: FREeway HGTS ADD
 LEGAL LOT: 9 LEGAL BLOCK: -
 ZONING: -
 LAND USE CATEGORY: RESIDENTIAL
 LAND USE DESCRIPTION: SINGLE FAMILY RESIDENCE
 OWNER NAME: BURKE PROPERTIES LLC
 OWNER ADDRESS:
 205 POWELL PL # 223 BRENTWOOD, TN 37027

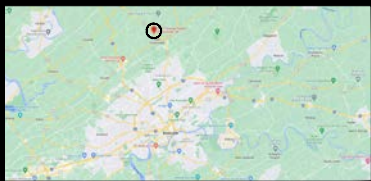
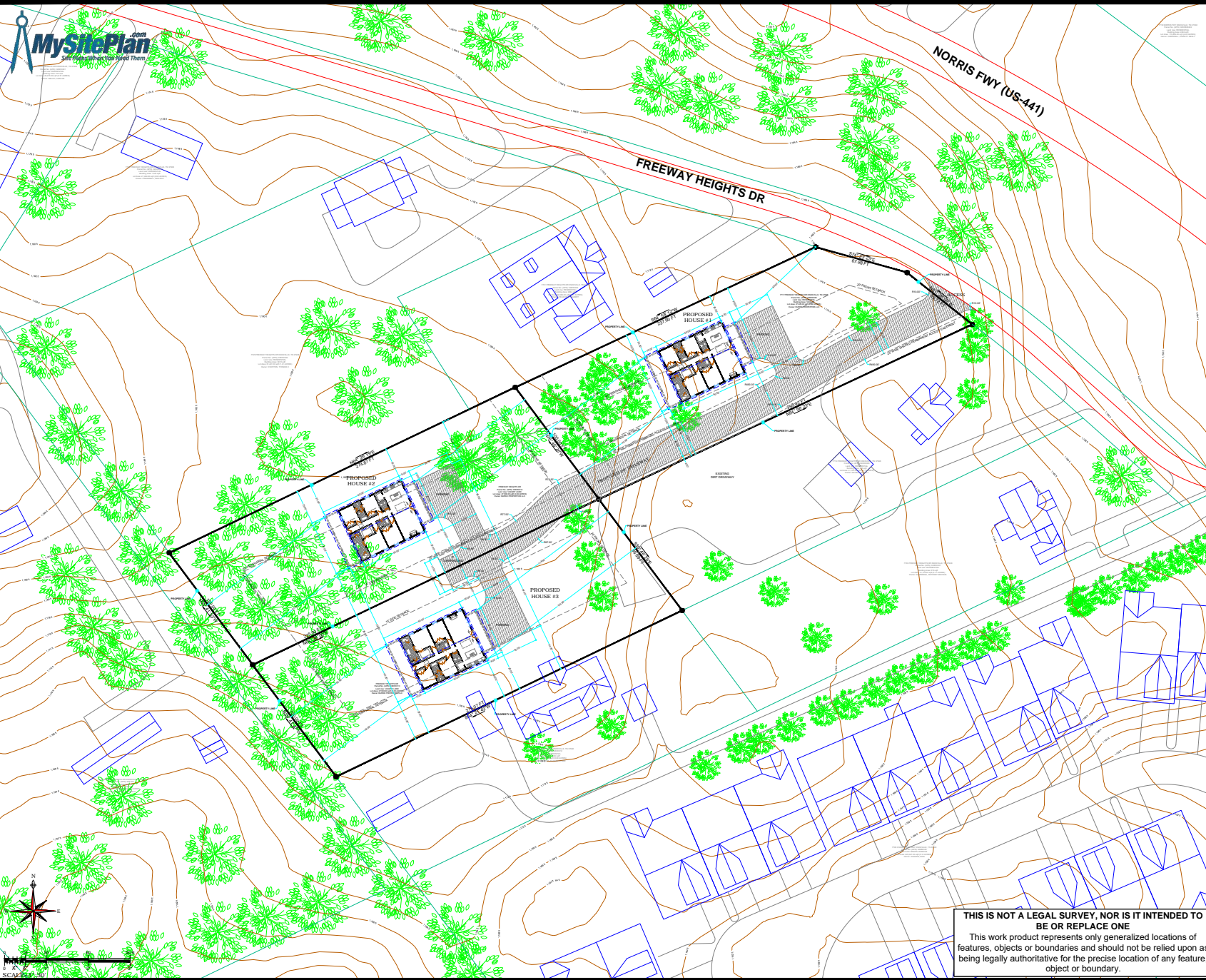
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 PARCEL #:028OC014
 AREA:27,500.00 sqft (0.63 acres)
 LEGAL INFORMATION:SUBDIVISIONNAME FREeway HTS ADD
 MAPPLATB 12 MAPPLATP 3 1 DIMENSIONS 100 X 275
 SUBDIVISION: FREeway HGTS ADD
 LEGAL LOT: 10 LEGAL BLOCK: -
 ZONING: -
 LAND USE CATEGORY: VACANT LAND
 LAND USE DESCRIPTION: MISCELLANEOUS VACANT LAND
 OWNER NAME: BURKE PROPERTIES LLC
 OWNER ADDRESS:
 205 POWELL PL # 223 BRENTWOOD, TN 37027

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 ADD MAPPLATB 12 MAPPLATP 3 1 DIMENSIONS 100 X 275
 SUBDIVISION: FREeway HGTS ADD
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 ZONING: -
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 OWNER NAME: BURKE PROPERTIES LLC
 OWNER ADDRESS:
 205 POWELL PL # 223 BRENTWOOD, TN 37027

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE
 This work product represents only generalized locations of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.

DESIGNED BY:	REVISION #:	SHEET #:
SCALE:1"=30'	4	1
DATE: NOVEMBER 2, 2023		





VICINITY MAP

PROPOSED SITE PLAN

7717 FREEWAY HEIGHTS DR KNOXVILLE, TN 37938
 PARCEL #:028OC005
 AREA:27,025.00 sqft (0.62 acres)

FREEWAY HEIGHTS DR
 PARCEL #:028OC014
 AREA:27,500.00 sqft (0.63 acres)

FREEWAY HEIGHTS DR
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 AREA:27,500.00 sqft (0.63 acres)

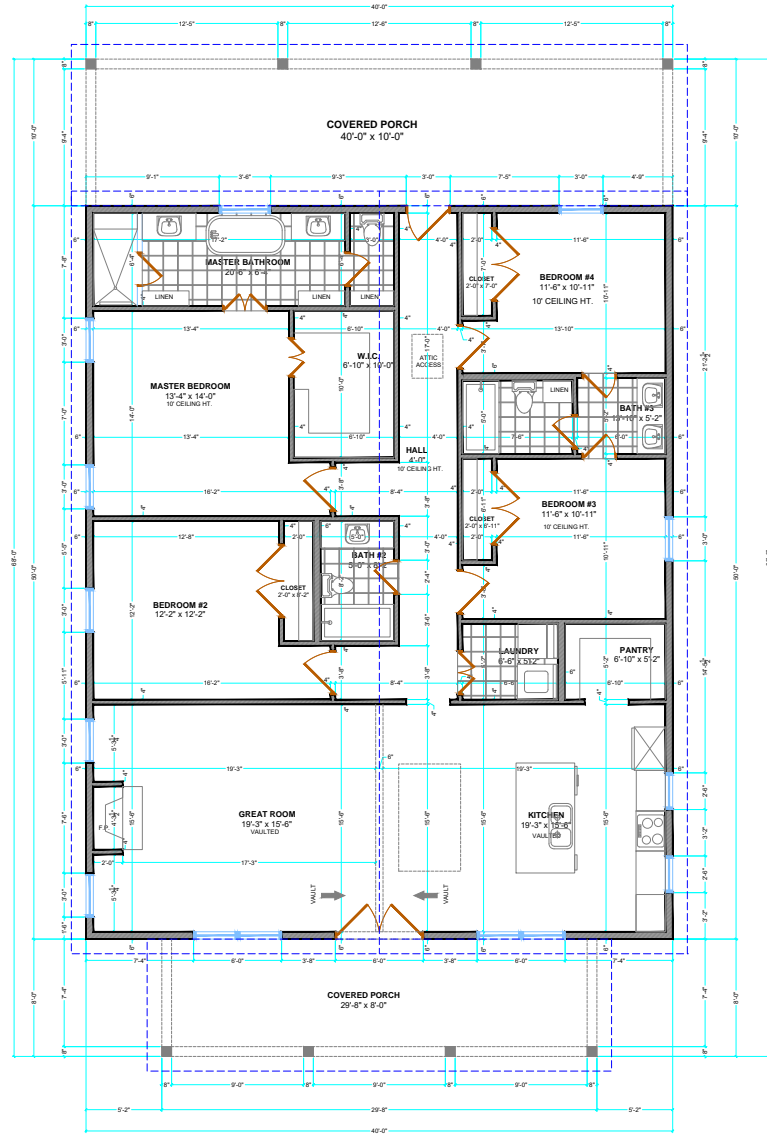
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 ADD MAPPLATB 12 MAPPLATP 3 1 DIMENSIONS 128.02 X 296
 X IRR
 SUBDIVISION: FREEWAY HGTS ADD
 LEGAL LOT: 9 LEGAL BLOCK: -
 ZONING: -
 LAND USE CATEGORY: RESIDENTIAL
 LAND USE DESCRIPTION: SINGLE FAMILY RESIDENCE
 OWNER NAME: BURKE PROPERTIES LLC
 OWNER ADDRESS:
 205 POWELL PL # 223 BRENTWOOD, TN 37027

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DESIGNED BY:	REVISION #:	SHEET #:
SCALE: 1"=30'	4	2
DATE: NOVEMBER 2, 2023		



VICINITY MAP

PROPOSED HOUSE FLOOR PLAN

7717 FREEWAY HEIGHTS DR KNOXVILLE, TN 37938
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 PARCEL #:028OC013
 AREA:27,500.00 sqft (0.63 acres)

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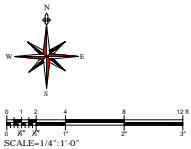
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DESIGNED BY: MySitePlan.com

REVISION #:	SHEET #:
4	3

SCALE:1/4"=1'-0"
 DATE: NOVEMBER 2, 2023





Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

Garry Burke

Applicant Name

Affiliation

9/25/2023

11/9/2023

Date Filed

Meeting Date (if applicable)

File Number(s)
4-T-23-RZ /
11-F-23-DP

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Garry Burke

Burke Properties, LLC

Name

Company

205 Powell PL #233

Brentwood

TN

37027

Address

City

State

ZIP

615-521-2827

bonusburke@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Garry Burke Burke Properties, LLC

205 Powell PL #233 Brentwood Tn 37027

615-521-2827

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Freeway Heights Dr.

28 O C 005, 014, 013

Property Address

Parcel ID

Hallsdale-Powell Utility District

Hallsdale-Powell Utility District

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- Development Plan Use on Review / Special Use Hillside Protection COA
 Residential Non-Residential

Home Occupation (specify) _____

Looking for "SPAE" for back two lots. 28 O C 014, 013

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number Combine Parcels Divide Parcel

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

Zoning Change

Proposed Zoning _____

Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

Other (specify) _____

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)
 Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

Fee 1		Total
0402	\$500.00	\$500.00
Fee 2		
Fee 3		

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Garry Burke

Garry Burke

9/25/2023

Applicant Signature

Please Print

Date

Phone Number

Email

9/27/2023, SG

Property Owner Signature

Please Print

Date Paid



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Garry Burke

Applicant Name

Affiliation

9/27/2023

Date Filed

11/9/2023

Meeting Date (if applicable)

11-F-23-DP

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Garry Burke Burke Properties, LLC

Name / Company

205 Powell Pl # 233 Brentwood TN 37027

Address

615-521-2827 / bonusburke@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Garry Burke Burke Properties, LLC

Owner Name (if different)

205 Powell Pl # 233 Brentwood TN 37027

Owner Address

615-521-2827 / bonusburke@g

Owner Phone / Email

0 FREEWAY HEIGHTS DR / 0, 7717 FREEWAY HEIGHTS DR

Property Address

28 O C 014, 005, 013

Parcel ID

Part of Parcel (Y/N)?

1.86 acres

Tract Size

Hallsdale-Powell Utility District

Sewer Provider

Hallsdale-Powell Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

West of Freeway Heights Dr

General Location

City **Commission District 7 PR (Planned Residential)**

Agriculture/Forestry/Vacant Land, Single Family Residential

County District Zoning District

Existing Land Use

North County LDR (Low Density Residential), HP (Hillside Protection)

Planned Growth Area

Planning Sector Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input checked="" type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment		
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
 Design Plan Certification (Final Plat)
 Site Plan (Development Request)
 Traffic Impact Study
 Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$500.00	
Fee 2	
Fee 3	

AUTHORIZATION

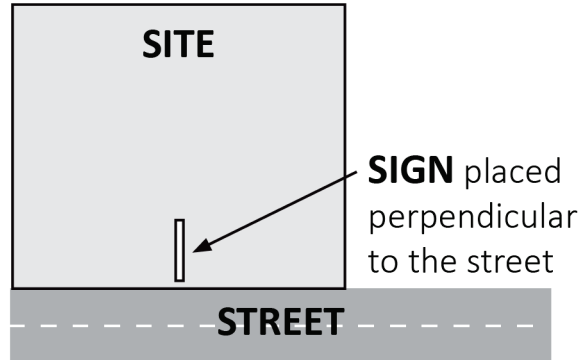
- I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Garry Burke Please Print	9/27/2023 Date
---------------------	------------------------------------	--------------------------

Phone / Email

Property Owner Signature	Garry Burke Burke Properties, LLC Please Print	9/27/2023 Date
--------------------------	--	--------------------------

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-of-way 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:

_____ 10/27/2023 _____ and _____ 11/10/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Garry Burke

Date: 09/27/2023

File Number: 11-F-23-DP



Sign posted by Staff



Sign posted by Applicant