



SPECIAL USE REPORT

▶ **FILE #:** 9-A-23-SU

AGENDA ITEM #: 11

AGENDA DATE: 9/14/2023

▶ **APPLICANT:** DAVID HUTCHINS

OWNER(S): Fred. M Lowery 2700 Properties LLC

TAX ID NUMBER: 82 K D 016

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 2735 MARTIN LUTHER KING JR AVE

▶ **LOCATION:** Northwest side of Martin Luther King Jr. Ave, southeast side of N Hembree St

▶ **APPX. SIZE OF TRACT:** 17143 square feet

SECTOR PLAN: East City

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

ACCESSIBILITY: Vehicular access will be from the alley behind the property, which has a pavement width of approximately 9 ft within a right-of-way that varies from 11 ft to 14 ft. The one-way alley connects local roads North Hembree Street and North Harrison Street, with a travel direction from northeast (Hembree St) to southwest (Harrison St). North Hembree Street has a pavement width of approximately 23 ft within a 47-ft right-of-way, while North Harrison Street has a pavement width of approximately 26 ft within a 50-ft right-of-way. The property will have pedestrian access from Martin Luther King Jr. Avenue, which is a major collector with a pavement width of approximately 30 ft within a 65-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Williams Creek

▶ **ZONING:** RN-4 (General Residential Neighborhood)

▶ **EXISTING LAND USE:** Public/Quasi Public Land (vacant)

▶ **PROPOSED USE:** Multifamily development with five or more units

HISTORY OF ZONING: The property was rezoned from RN-2 (R-2 before 1/1/2020) to RN-4 in 2020 [1-B-20-RZ].

SURROUNDING LAND USE AND ZONING: North: Multifamily residential - O (Office), RN-2 (General Residential District) (Office District)

South: Single family residential - RN-2 (Single-Family Residential Neighborhood)

East: Agricultural/forestry/vacant, single family residential - RN-2 (Single-Family Residential Neighborhood)

West: Agricultural/forestry/vacant, single family residential - RN-2 (Single-Family Residential Neighborhood)

NEIGHBORHOOD CONTEXT: The property is located in the Cold Spring Neighborhood in east Knoxville, southwest of Austin East High School across Martin Luther King Jr. Avenue. The area is a predominantly single family residential area with several multifamily units and commercial uses.

STAFF RECOMMENDATION:

► **Approve the request for a multifamily development with six units in the RN-4 (General Residential Neighborhood) zoning district, subject to 3 conditions.**

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to Section I.1 of Article 9.3 (Principal Use Standards) that requires all façades to be designed with consistent materials and treatments and calls for a unifying architectural theme for the entire development.
2. Installing all landscaping, as shown on the landscape plan, within six months of issuance of occupancy permits for the project, or posting a bond with the Knox County Department of Engineering and Public Works, to guarantee such installation.
3. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including Article 12.8 pertaining to landscape buffers.
4. Meeting all applicable requirements of the City of Knoxville Department of Plans Review and Inspections.
5. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

COMMENTS:

This special use request is for a multifamily development with six units on a 17,143-sf vacant parcel at the southwest corner of Hembree Street and Martin Luther King Jr. Avenue. With the exception of one 3-bedroom unit on the ground floor, all units on the three-storied flat-roofed structure have 2 bedrooms.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

- A. The proposed multifamily dwelling use is consistent with the General Plan's development policy 8.1 that encourages growth in the existing urban area through infill housing opportunities.
- B. The proposed use is consistent with the One Year Plan and East City Sector Plan's TDR (Traditional Neighborhood Residential) land use classification.
3. The proposed use does not have any conflicts with the Martin Luther King, Jr. Avenue Corridor Plan.

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

- A. The RN-4 district is intended to accommodate mixed medium density residential development within the City of Knoxville. Single-family, two-family, and townhouse dwelling residential development is permitted with low-rise multi-family dwellings and new development forms such as pocket neighborhoods allowed by review and in some cases with special use approval. The proposed multifamily dwelling is consistent with the RN-2 district's intent.
- B. The site plan and elevations as provided comply with the dimensional standards of the RN-4 district. They also meet the majority of the Principal Use Standards for a multifamily dwelling (Article 9.3.I). However, Planning staff's interpretation is that the elevations should be revised to better align with section 9.3.I.1, which requires all façades to be designed with consistent materials and treatments. It calls for a unifying architectural theme for the entire development. Therefore, this is added as one of the conditions for this Special Use approval. Planning staff recommends revising the side and rear elevations to incorporate additional sections clad in brick veneer and/or have cement board paneling similar to the front elevation.

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 area is primarily characterized by single family residences with several duplexes and multifamily dwellings nearby. Austin East High School is located to the northeast across Martin Luther King Jr. Avenue. The proposed use will be consistent with the area.
- B. There are several two-story dwellings in the vicinity, including a fourplex on the opposite side of North Hembree Street that is zoned O (Office). Approximately 500 ft west of the subject property, there are two four-story multifamily buildings and one three-story multifamily building along Magnolia Avenue (on properties zoned C-G-2). The proposed three-story structure will be compatible in size and scale with other buildings in the area.
- C. The height of this multifamily dwelling will be restricted to 35 ft, as it abuts a single family residence to the south on property zoned RN-2 (Single-Family Residential Neighborhood), per Article 4.3, Table 4-1.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The proposed use is not expected to have a significant adverse impact on adjacent properties. Per the landscaping requirements in Article 12.8, a 10-ft Class A Buffer would be provided for the parking lot, along the south boundary abutting the single family residence.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. The subject property is located at the corner of a local street and a major collector street with transit access and sidewalks. The addition of six dwelling units at this location is not anticipated substantially increase traffic to the area.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses or environmental factors immediately surrounding the subject property that would pose a potential hazard or have an undesirable impact on the proposed use.

ESTIMATED TRAFFIC IMPACT: 76 (average daily vehicle trips)

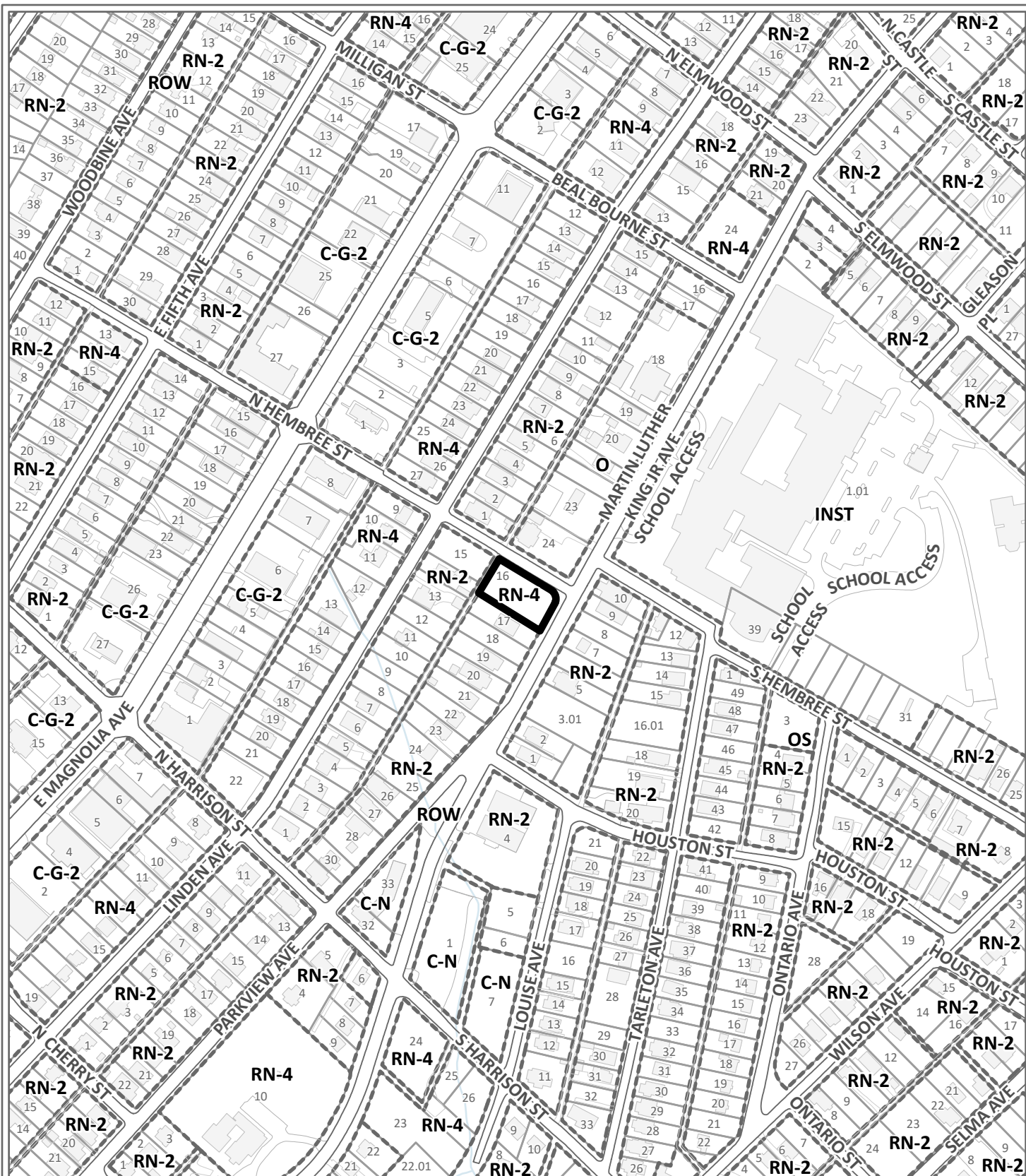
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: Sarah Moore Greene Magnet, Vine Middle Magnet, and Austin East 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 request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed.



SPECIAL USE

9-A-23-SU

Petitioner: David Hutchins



Multifamily building on one lot with five or more units in the RN-4 zoning district in RN-4 (General Residential Neighborhood)

Map No: 82
Jurisdiction: City

Original Print Date: 8/18/2023
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

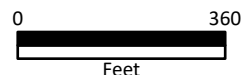
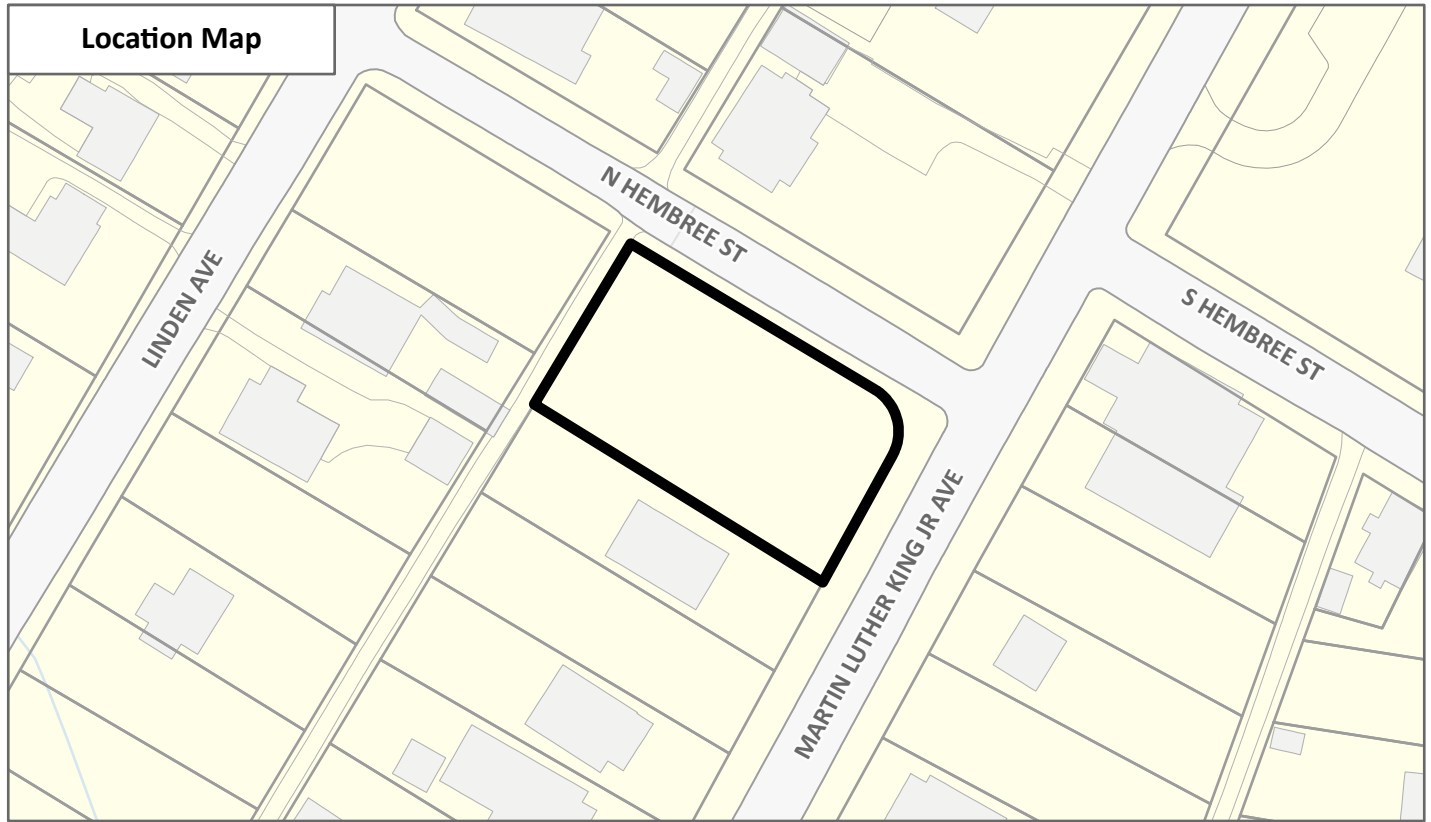


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

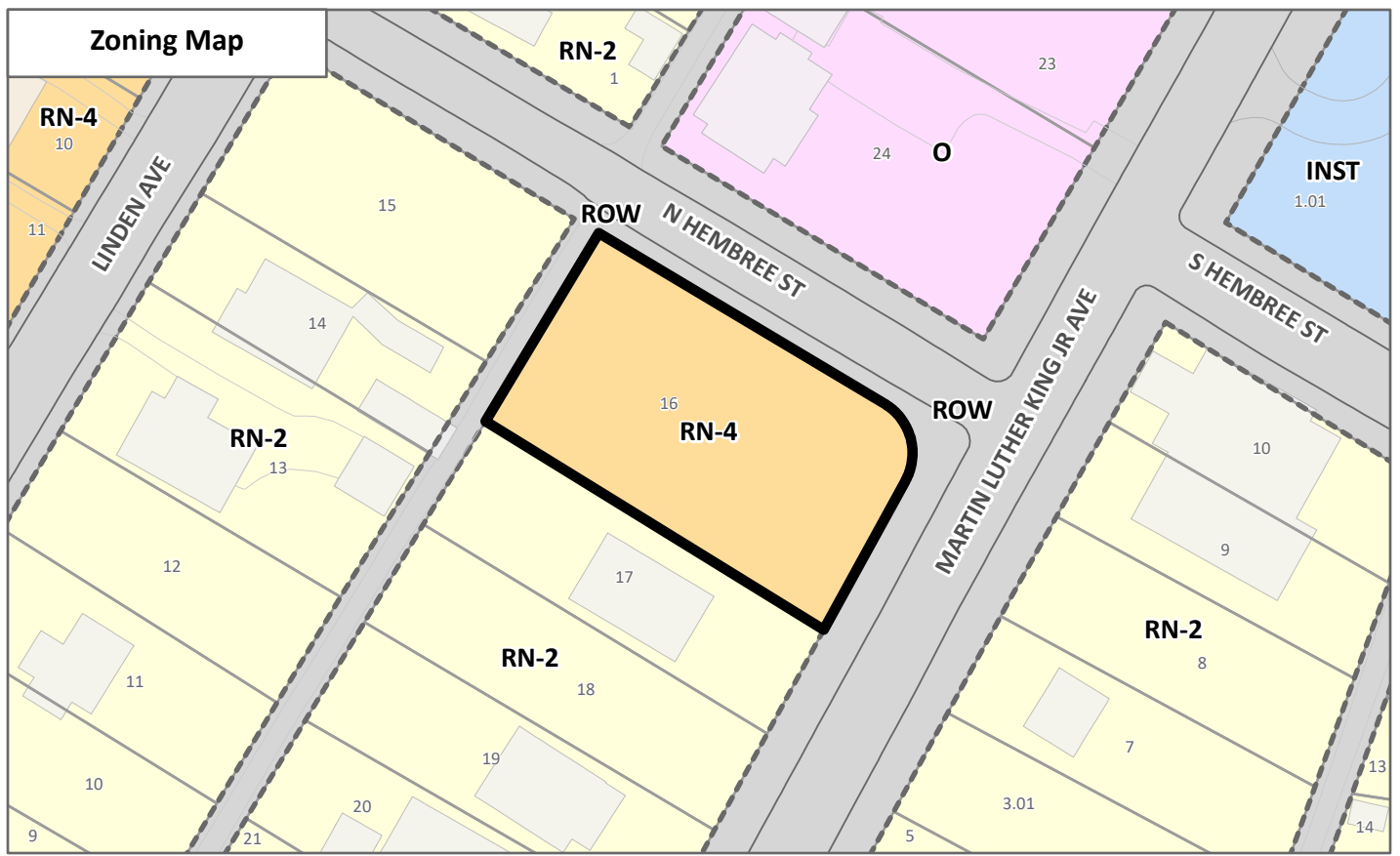
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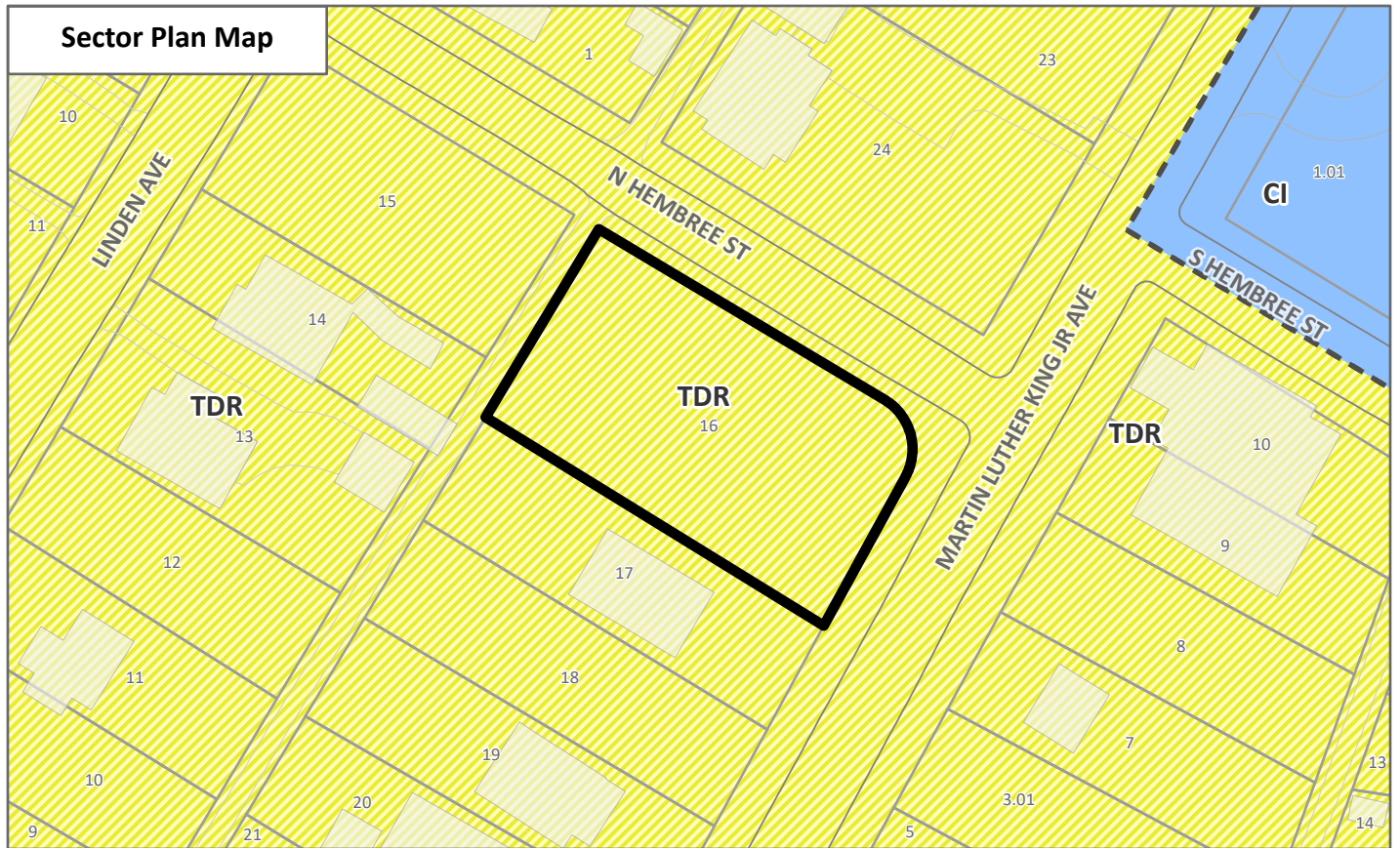
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

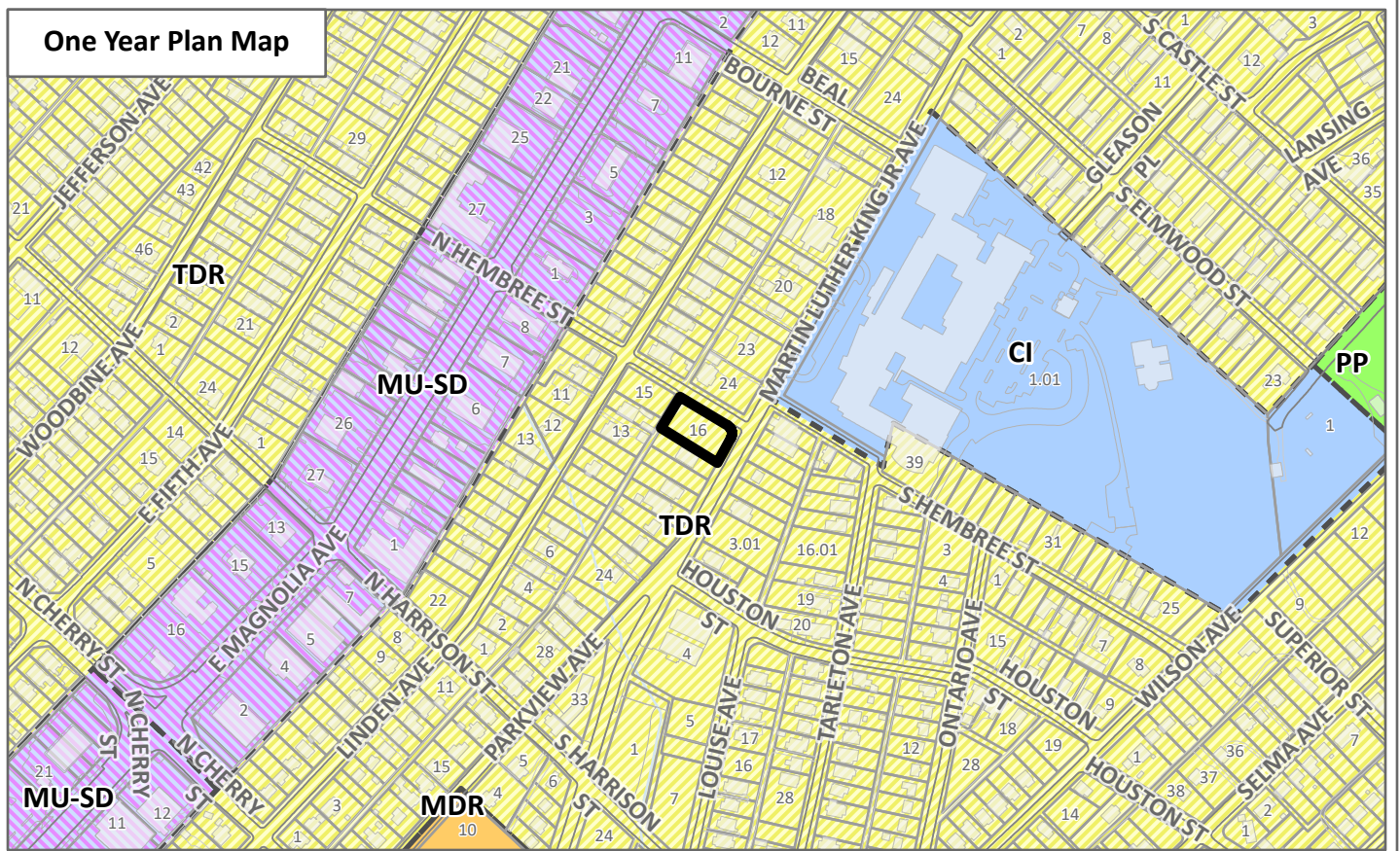
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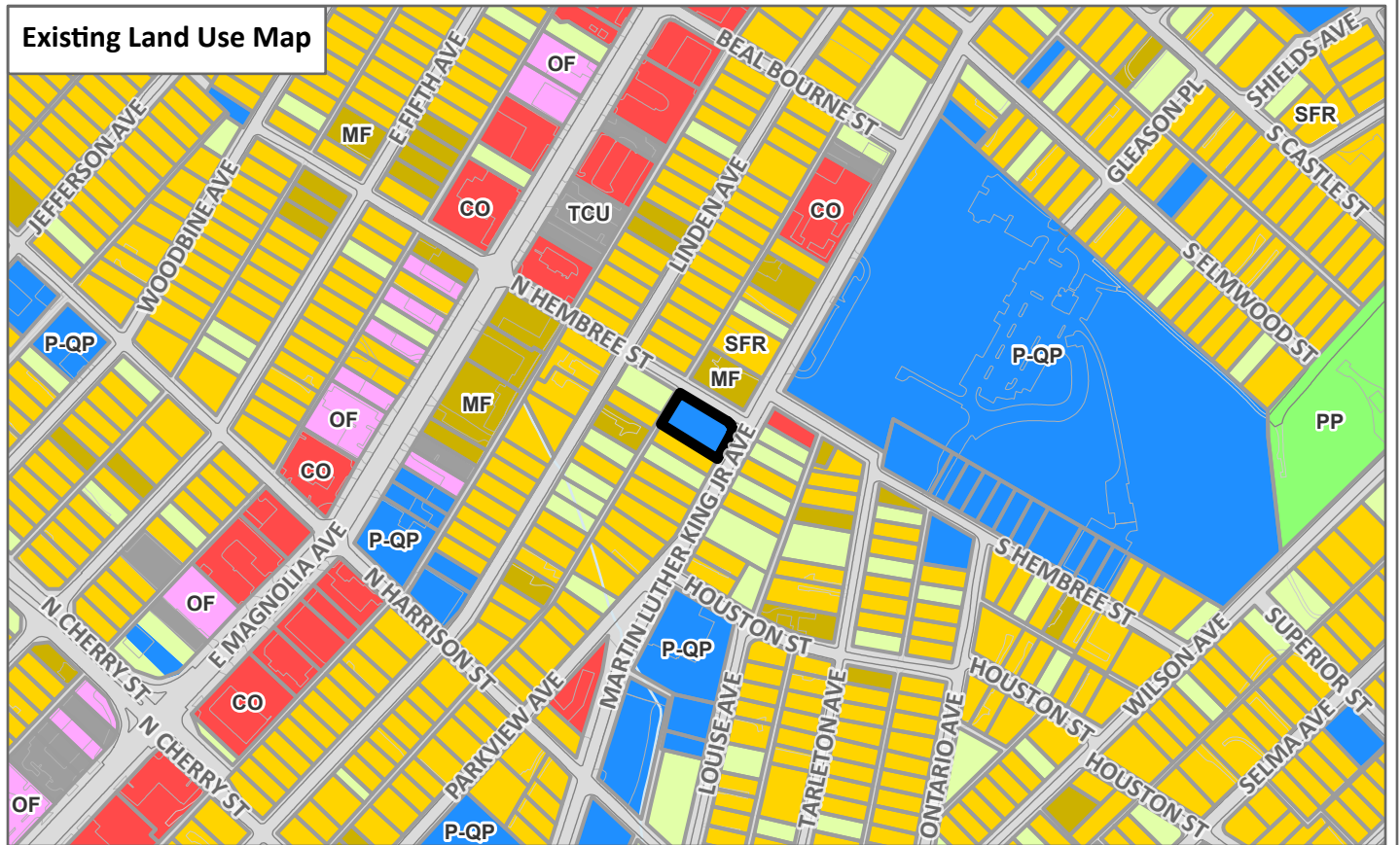
Case boundary



One Year Plan Map



Existing Land Use Map



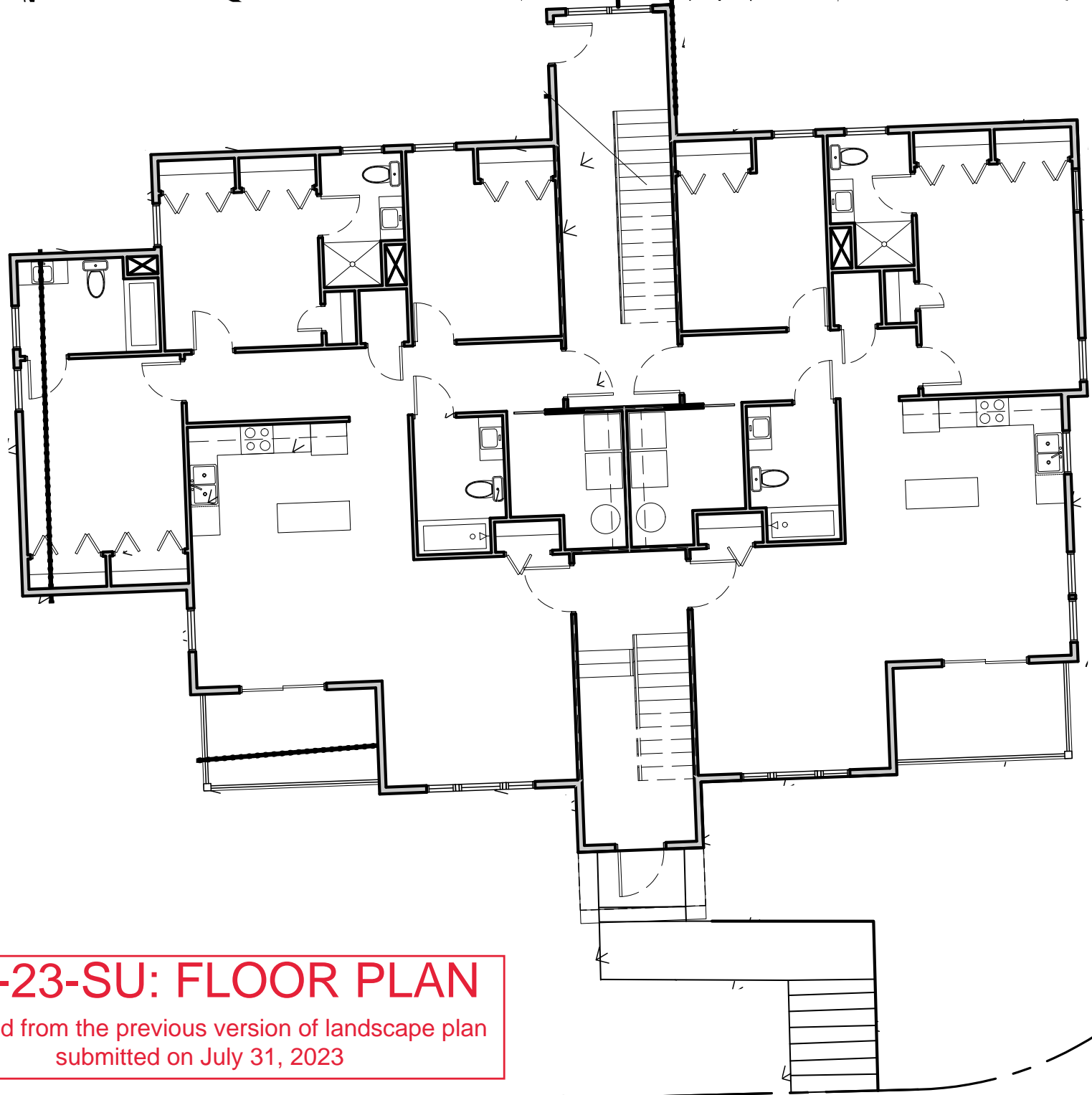
CONTEXTUAL MAPS 3

9-A-23-SU



Case boundary





9-A-23-SU: FLOOR PLAN

Extracted from the previous version of landscape plan
submitted on July 31, 2023



HUTCHINS ASSOCIATES P.C.

4625 NEWCOM AVE.
KNOXVILLE, TN, 37919
865-584-1809

PLAN
#9-A-23-SU

REVISIONS 8/28/23

APARTMENTS AT
2735 MARTIN LUTHER KING
AVENUE
KNOXVILLE, TENNESSEE 37914

ALL RIGHTS RESERVED
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Job No. 2303

Drawn By: KAE

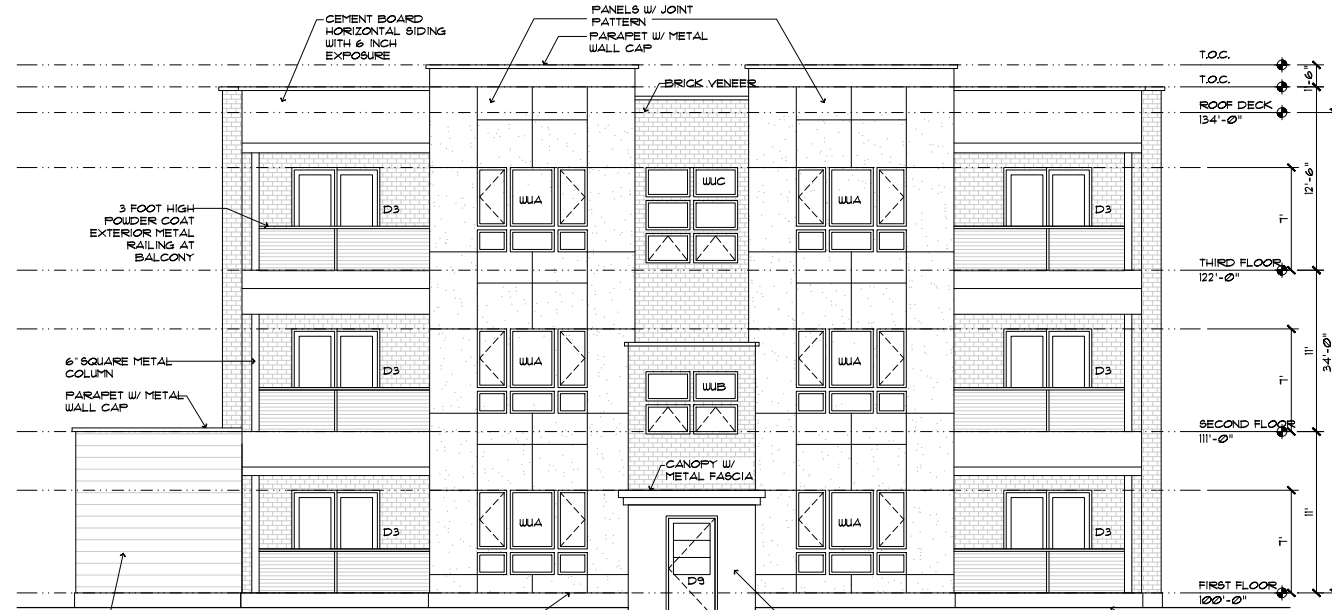
Original Issue Date:
08/21/2023

Revisions:
No. Date Description

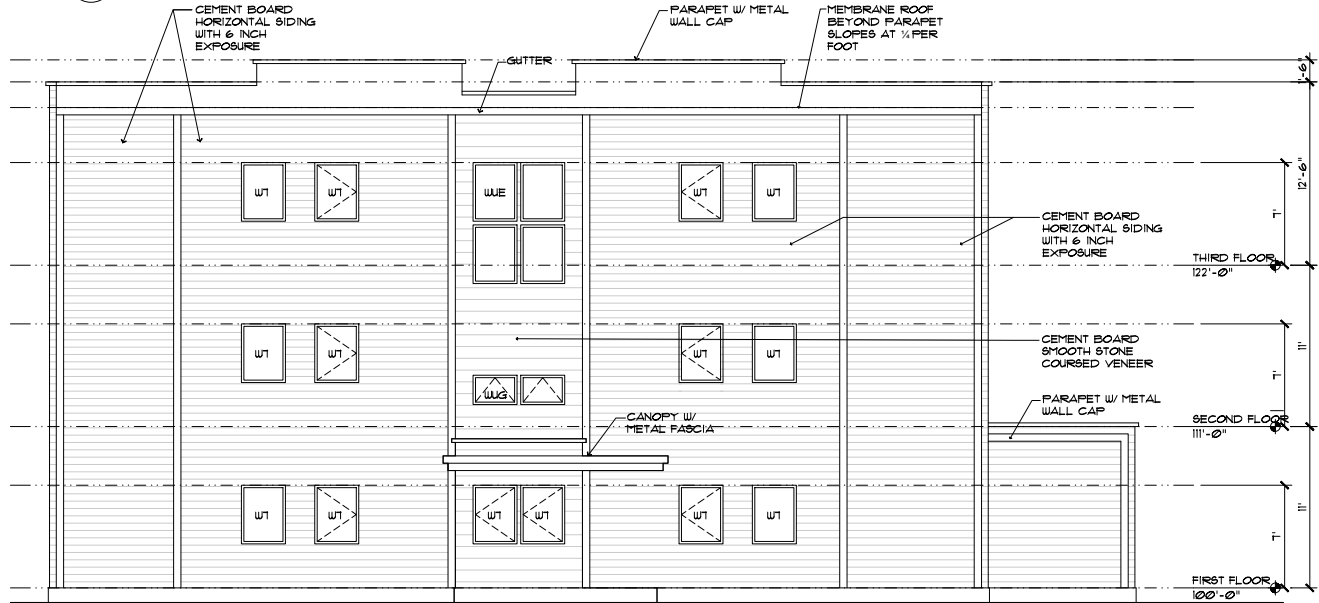
ELEVATIONS

A4.1

© E.A. 2023



1 FRONT ELEVATION
SCALE: 1/4"=1'



2 REAR ELEVATION
SCALE: 1/4"=1'

GENERAL ELEVATION NOTES:

- FOR WINDOW/ DOOR TYPES AND SIZES SEE SCHEDULES ON SHEET A6.1
- SEE ROOF PLAN FOR LOCATIONS OF VENTS/ PENETRATIONS.
- GUTTERS TO BE 5" K STYLE ALUMINUM WITH BAKED ENAMEL FINISH IN 21 ALUMINUM. PROVIDE 2"x3" SQUARE CORRUGATED ALUMINUM CONDUCTORS. ATTACH GUTTERS W/ CONCEALED HANGARS W/ SCREWS.
- FIBER CEMENT SIDING TO BE MOUNTED ON OSB BOARD W/ VAPOR RETARDER/HOUSEWRAP.
- ALL EXTERIOR SIDING AND TRIM AND SOFFIT MATERIALS SHALL BE FIBER CEMENT. ACCEPTABLE MANUFACTURERS ARE JAMES HARDY AND NICHINA. EXPOSURE ON SIDING AND TRIM BOARD SIZES SHALL BE AS NOTED ON DRAWINGS AND DETAILS. ALL EXTERIOR FIBER CEMENT PRODUCTS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND SHALL BE FLASHED AND CAULKED ACCORDINGLY.
- FARGING ON ALL FOUNDATION BLOCK SHALL BE POLYMER BASED CEMENT STUCCO. FARGING SHALL EXTEND BELOW GRADE TO TOP OF FOOTING.
- MASONRY WALLS SHALL HAVE NOT LESS THAN 3/8 INCH PORTLAND CEMENT FARGING APPLIED TO THE EXTERIOR OF THE WALL. FARGING SHALL BE DAMPROOFED WITH 3 POUNDS PER SQUARE YARD OF ACRYLIC MODIFIED CEMENT.
- THE TRANSPARENCY PERCENTAGE FOR THE FRONT ELEVATION FACING MARTIN LUTHER KING JR. AVE IS 20.0%.

9-A-23-SU
8-28-23



HUTCHINS ASSOCIATES P.C.

4625 NEWCOM AVE.
KNOXVILLE, TN. 37919
865-584-1809

PLAN
#3-A-23-SU

REVISIONS 8/28/23

APARTMENTS AT
2735 MARTIN LUTHER KING AVENUE
KNOXVILLE, TENNESSEE 37914

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Job No: 2305

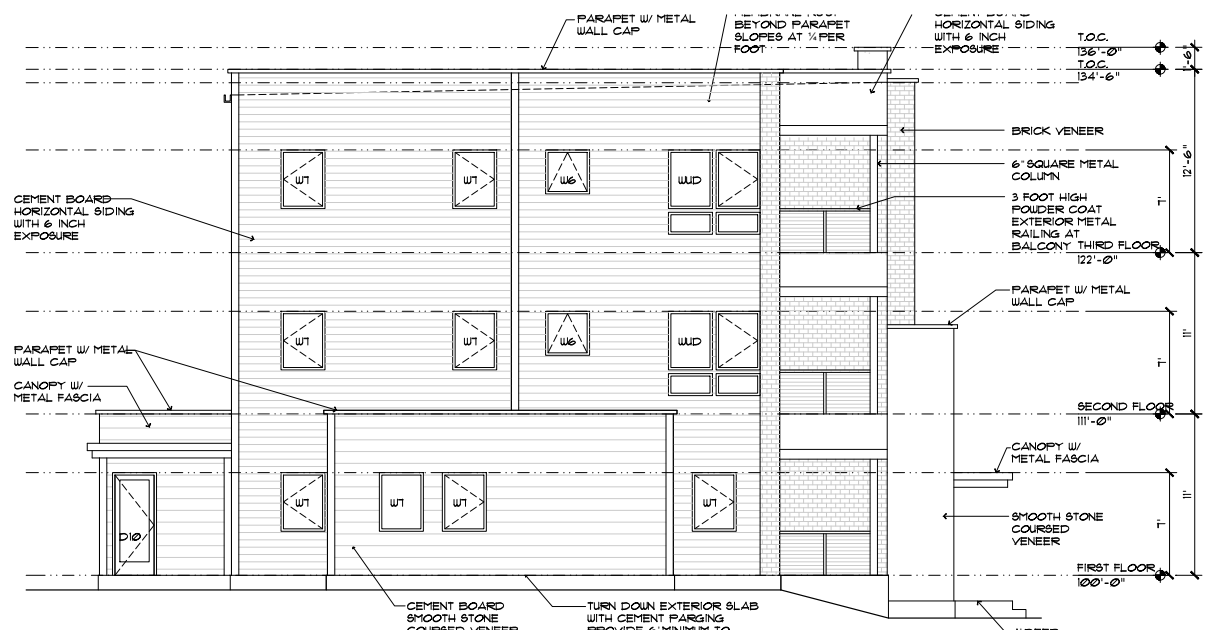
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Original Issue Date: 08/27/2023

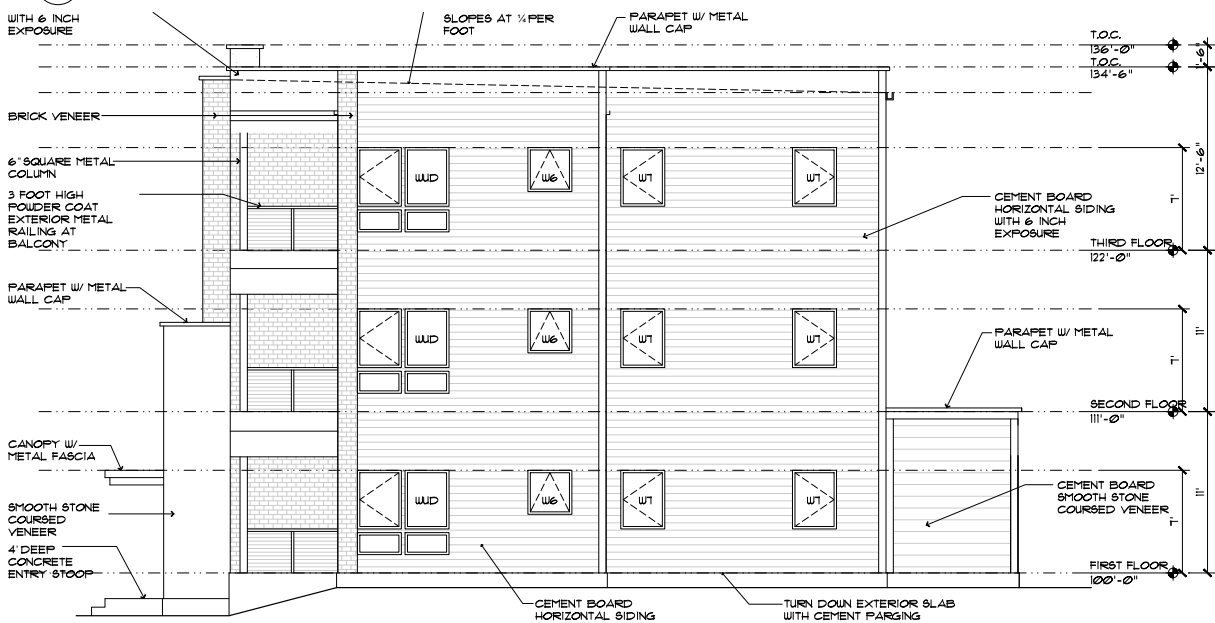
Revisions:		
No.	Date	Description

ELEVATIONS

A4.2
© 2023



1 LEFT SIDE ELEVATION
SCALE: 1/4"=1'



2 RIGHT SIDE ELEVATION
SCALE: 1/4"=1'

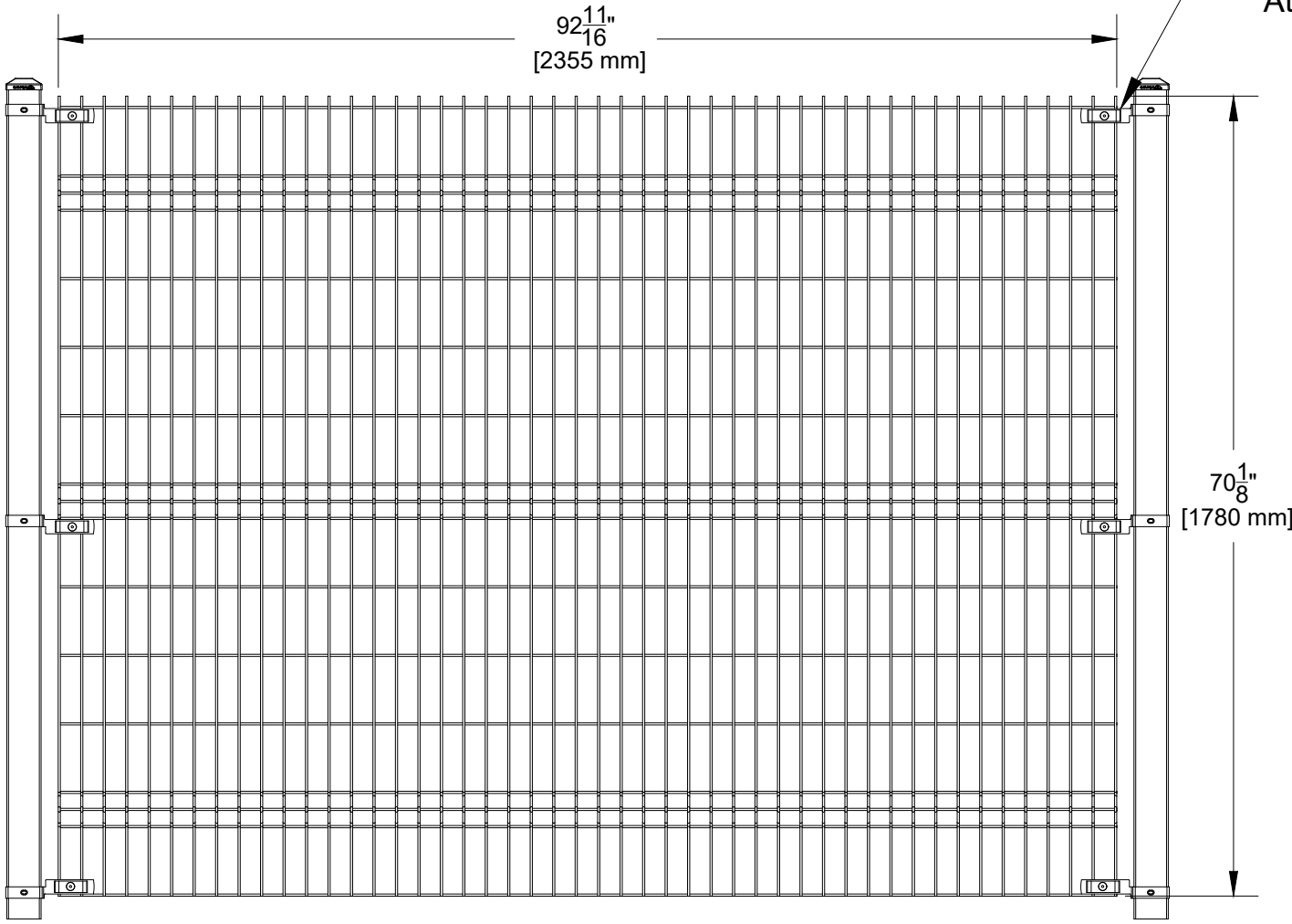
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- FARGING ON ALL FOUNDATION BLOCK SHALL BE POLYMER BASED CEMENT STUCCO. FARGING SHALL EXTEND BELOW GRADE TO TOP OF FOOTING.
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- THE TRANSPARENCY PERCENTAGE FOR THE SIDE ELEVATION FACING HEMBREE STREET IS 210%.

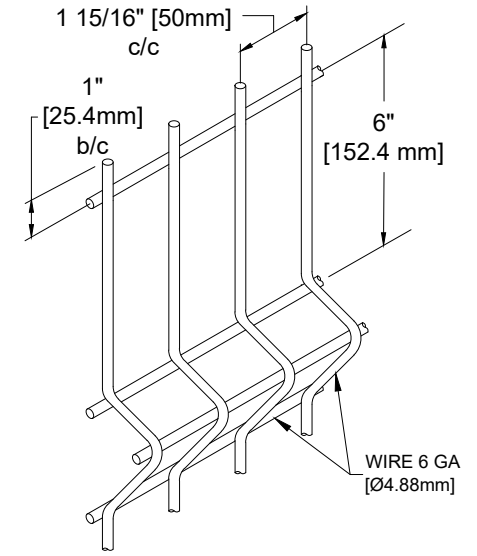
9-A-23-SU
8-28-23

OMEGA ARCHITECTURAL PANELS MOUNTED ON SQUARE POSTS (HEIGHT 6')
 PANNEAUX OMEGA ARCHITECTURALE SUR POTEAUX CARRÉS (GRANDEUR 6')

Panel / Panneau 6' (39 lb/17.7 kg)



Universal Collar /
 Attache Universelle



9-A-23-SU
 8-28-23



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

David Hutchins

Applicant Name

Affiliation

8/1/2023

Date Filed

9/14/2023

Meeting Date (if applicable)

9-A-23-SU

File Number(s)

CORRESPONDENCE

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

David Hutchins Hutchins Associates PC

Name / Company

4625 Newcom Ave Knoxville TN 37919

Address

865-591-0442 / david@hutchinspc.com

Phone / Email

CURRENT PROPERTY INFO

Fred. M Lowery 2700 Properties LLC

Owner Name (if different)

4144 Oakstone Ln Knoxville TN 37918

Owner Address

865-363-2004 / david@hutchins

Owner Phone / Email

2735 MARTIN LUTHER KING JR AVE

Property Address

82 K D 016

Parcel ID

17143 square feet

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northwest side of Martin Luther King Jr. Ave, southeast side of N Hembree St

General Location

City

Council District 6

RN-4 (General Residential Neighborhood)

Public/Quasi Public Land

County District

Zoning District

Existing Land Use

East City

Planning Sector

TDR (Traditional Neighborhood Residential)

Sector Plan Land Use Classification

N/A (Within City Limits)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input checked="" 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) Multifamily building on one lot with five or more units	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information	Total Number of Lots Created
<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 Plan Designation(s)		
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
\$450.00	
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	David Hutchins	8/1/2023
	Please Print	Date

Phone / Email		
Property Owner Signature	Fred. M Lowery 2700 Properties LLC	8/1/2023
	Please Print	Date



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

David Hutchins
Applicant Name

Architect
Affiliation

7/31/2023
Date Filed

9/14/2023
Meeting Date (if applicable)

File Number(s)

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

David Hutchins
Name

Hutchins Associates P.C.
Company

4625 Newcom Ave
Address

Knoxville
City

TN.
State

37919
ZIP

865-591-0442
Phone

david@hutchinspc.com
Email

CURRENT PROPERTY INFO

2700 Properties LLC
Property Owner Name (if different)

4144 Oakstone Lane
Knoxville, TN. 37918
Property Owner Address

865-363-2004
Property Owner Phone

2735 Martin Luther King Jr. Avenue
Property Address

082K-D016
Parcel ID

KUB
Sewer Provider

KUB
Water Provider

Y
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

May 1, 2023

DEVELOPMENT REQUEST

2735

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

Related City Permit Number(s)

Home Occupation (specify)

Special use for multi family building on one lot with

Other (specify)

five or more units in one building

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name

Unit / Phase Number Combine Parcels Divide Parcel Total Number of Lots Created

Other (specify)

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change Proposed Zoning

Plan Amendment Change Proposed Plan Designation(s)

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
Fee 2	
Fee 3	

AUTHORIZATION

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David Hutchins
Applicant Signature

David Hutchins
Please Print

7/31/2023
Date

865-591-0442
Phone Number

david@hutchinspc.com
Email

see attached
Property Owner Signature

Please Print

Date Paid

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

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

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Fee 1	Total
Fee 2	
Fee 3	

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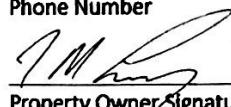
Applicant Signature

Please Print

Date

Phone Number

Email



Fred M. Lowery

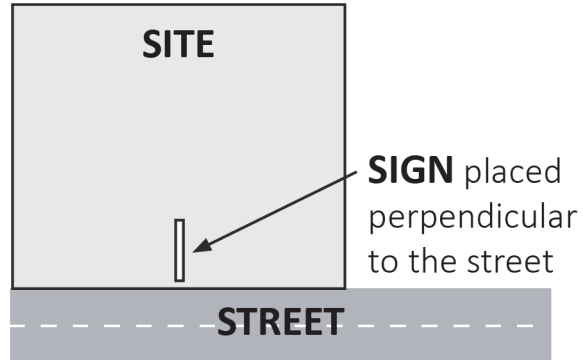
07/31/2023

Property Owner Signature

Please Print

Date Paid

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:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: David Hutchins

Date: 8/1/2023

File Number: 9-A-23-SU

- Sign posted by Staff
- Sign posted by Applicant