

SPECIAL USE REPORT

► FILE #: 8-C-24-SU AGENDA ITEM #: 18

AGENDA DATE: 8/8/2024

► APPLICANT: COREY BOSS

OWNER(S): Robert Shagan

TAX ID NUMBER: 58 N D 036 <u>View map on KGIS</u>

JURISDICTION: City Council District 5
STREET ADDRESS: 4861 N BROADWAY

► LOCATION: Southwest guadrant of the intersection at Woodrow Rd and N

Broadway

► APPX. SIZE OF TRACT: 1.93 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is via N Broadway, a major arterial with 65 ft of pavement width

within 110 ft of right-of-way; and via Woodrow Dr, a local street with 20 ft of

pavement width within 36 ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: First Creek

ZONING: C-G-2 (General Commercial), F (Floodplain Overlay)

EXISTING LAND USE: Commercial

PROPOSED USE: Drive-through facility

HISTORY OF ZONING: None noted.

SURROUNDING LAND North: Commercial, public-quasi public (utility structure) - C-G-2 (General

Commercial), F (Floodplain Overlay), OS (Parks and Open Space)

South: Commercial - C-G-2 (General Commercial), F (Floodplain Overlay)

East: Commercial, office - C-G-2 (General Commercial)

West: Commercial - C-G-2 (General Commercial), F (Floodplain Overlay)

NEIGHBORHOOD CONTEXT: The property is in the N. Broadway commercial corridor at the intersection

with Woodrow Dr. The Highland residential neighborhood is the west and the

Broadway Square Shopping Center is to the south.

STAFF RECOMMENDATION:

USE AND ZONING:

► Approve the request for a drive-through facility for a restaurant with approximately 1,500 sqft of floor area, subject to 4 conditions.

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to

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the principal use standards for drive-through facilities (Article 9.3.F) and signs (Article 13).

- 2. Modifying the curb line around the south side of the building to maintain a 20-ft driveway width to accommodate the drive-through lane and the bail out lane per Article 9.3.F.
- 3. No encroachments within the FEMA floodway are permissible unless a no-rise certification demonstrates that there is no increase in flood levels during the occurrence of the 0.2 percent chance of flood. The no-rise certification must be provided to the Knoxville Department of Engineering during permitting. Encroachments include but are not limited to ground-mounted signage.
- 4. Meeting all applicable requirements of the Knoxville Department of Engineering.

With the conditions noted, this plan meets the requirements for approval in the C-G-2 zoning district and the criteria for approval of a special use.

COMMENTS:

This request is to convert 1,500 sqft of an existing 20,000 sqft shopping center to a restaurant with a drive-through facility. The restaurant is proposed in the southern (left) end of the building with the drive-through window located on the south building elevation. The drive-through lane is only accessible from Woodrow Drive and wraps around the rear of the building. The existing angled parking spaces to the rear of the building will be converted to parallel spaces, and a curbed island will be provided at the end of the parallel spaces for the menu board.

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 One Year Plan and North City Sector Plan designation for this site is GC (General Commercial), which recommends a wide range of retail and service-oriented uses.
- B. The entire property is also located in the SP (Stream Protection) area, which aligns with the FEMA 500-year floodplain for First Creek. Most of the property is located within the 100-year floodplain, and the rear of the property is located within the floodway. Any new encroachments into the floodway or no-fill area, such as ground-mounted signage, will require a "no-rise" certification that flood levels will not increase.
- C. The North City Sector Plan includes a small area plan for Fountain City. The focus of the study is the four elements of walkability: 1) a mix of land uses, 2) network of bike and pedestrian facilities, 3) site design and details, and 4) safety.
- D. There are no pedestrian facilities along the subject property's street frontages. The existing access points will not change, and the overall site plan only proposes minor modifications to the rear and south side of the building.
- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.
- A. C-G zoning is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors, and to promote mixed-use development in a pedestrian-oriented environment. The district is divided into three levels of intensity related to the overall form and design of the development, but permitted uses are the same across all levels.
- B. The proposed drive-through facility makes only minor changes to the shopping center site plan. The entrance point for the drive-through is the existing driveway to the rear of the building, which can only be accessed from Woodrow Drive. Vehicles exiting the drive-through can access N. Broadway and Woodrow Drive.
- C. The proposal meets the principal use standards for drive-through facilities (Article 9.3.F) with the recommended conditions.
- 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. This proposal will only make minor modifications to the exterior of the building to install a drive-through window on the south side of the building.
- B. The N. Broadway commercial corridor consists primarily of auto-oriented uses.
- 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 subject site is surrounded by nonresidential uses of similar nature.
- B. New encroachments within the FEMA floodway are not permissible unless a no-rise certification demonstrates that there is no increase in flood levels during the occurrence of the 0.2 percent chance of flood.

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

A. It is not anticipated that additional traffic will be drawn through residential streets because the property has direct access to a major arterial street.

- 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 in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.
- B. New encroachments within the FEMA floodway are not permissible unless a no-rise certification demonstrates that there is no increase in flood levels during the occurrence of the 0.2 percent chance of flood.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

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.

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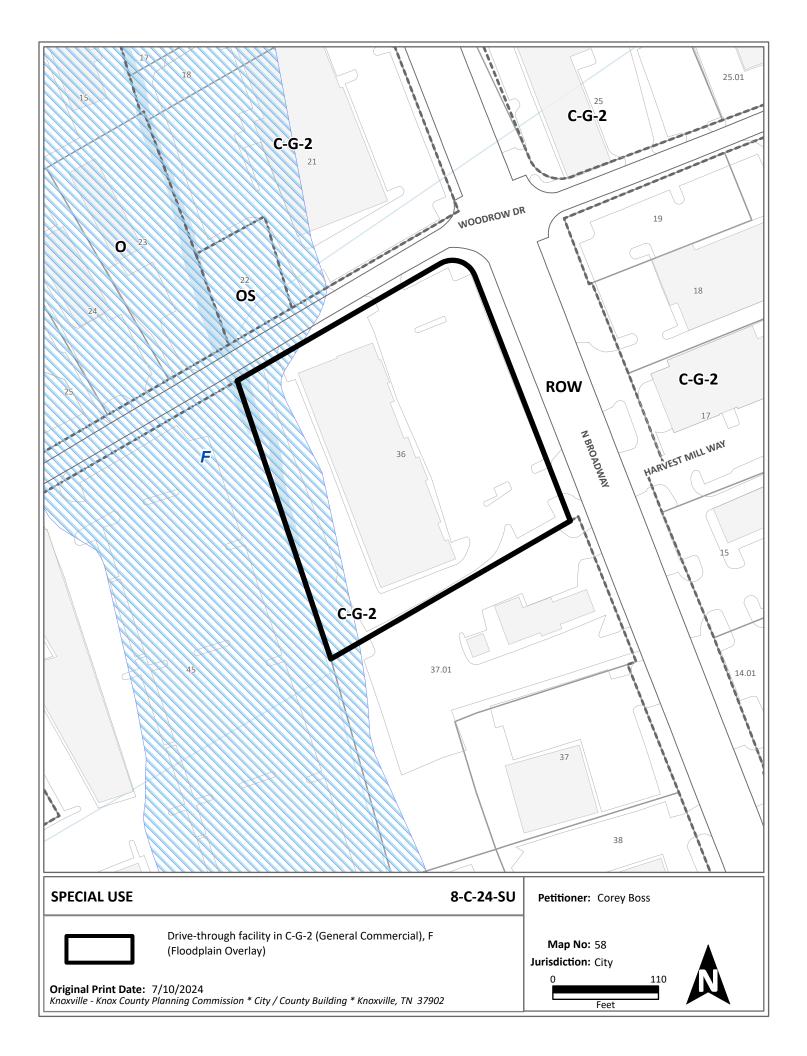
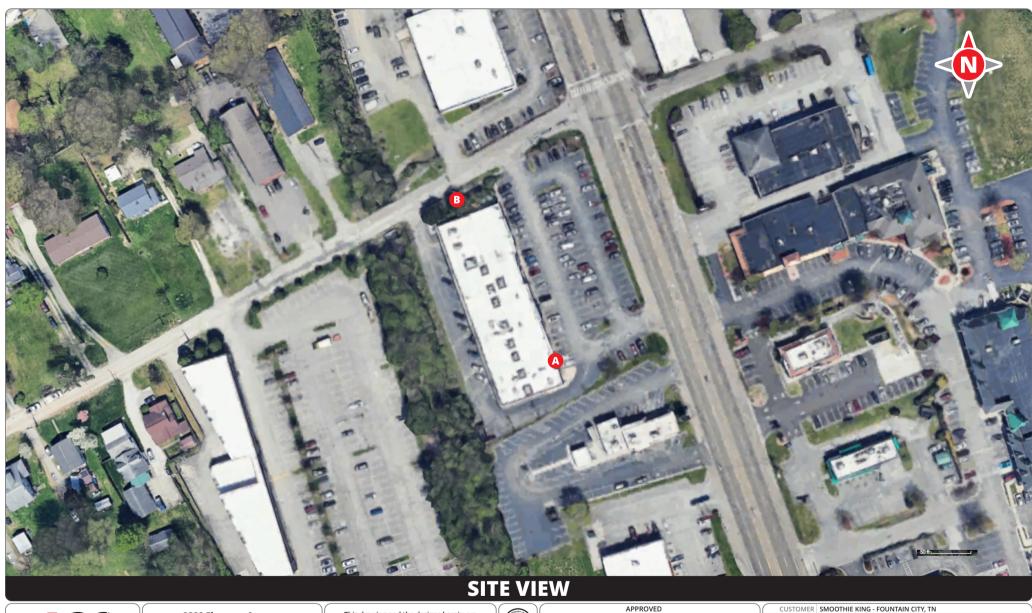


Exhibit A. Contextual Images Location Map HARVEST MILL WAL SANDERS DR **Aerial Map CONTEXTUAL MAPS 1** 8-C-24-SU 275 Case boundary Feet





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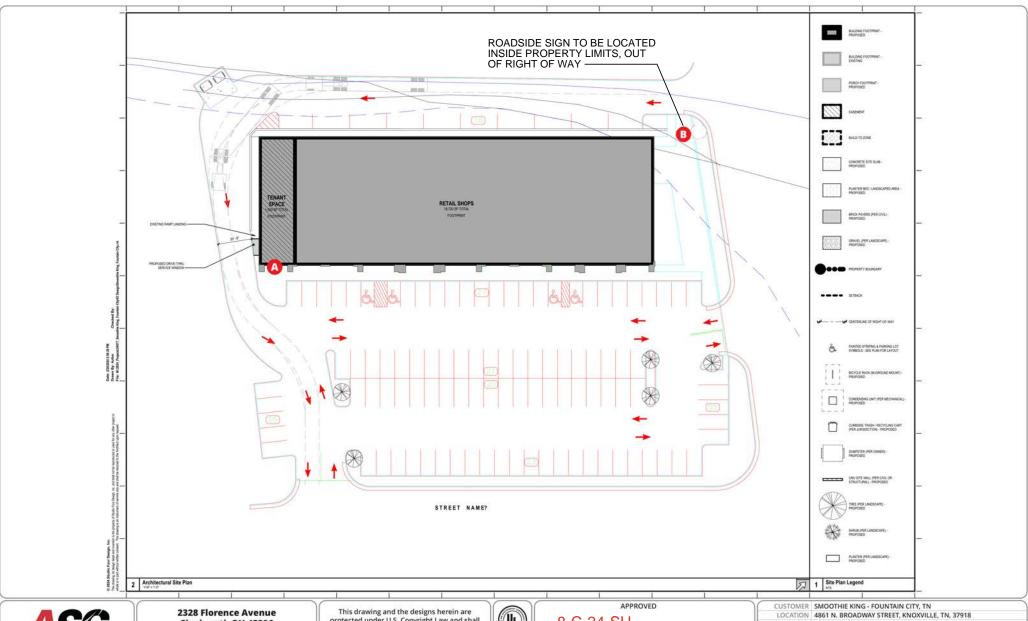
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8-C-24-SU Revised: 7/22/2024

CUSTOMER	SMOOTHIE KING - FOUNTAIN CITY, TN
LOCATION	4861 N. BROADWAY STREET, KNOXVILLE, TN, 37918
SALES REP	WILLIAM YUSKO

SALES REP WILLIAM YUSKO
PROJECT MGR. DAVID SNELLING
DRAWN BY RYAN PARKER
DATE 3-25-2024
FILE NAME: 108002 SMOOTHIE KING_FOUNTAIN CITY_TN





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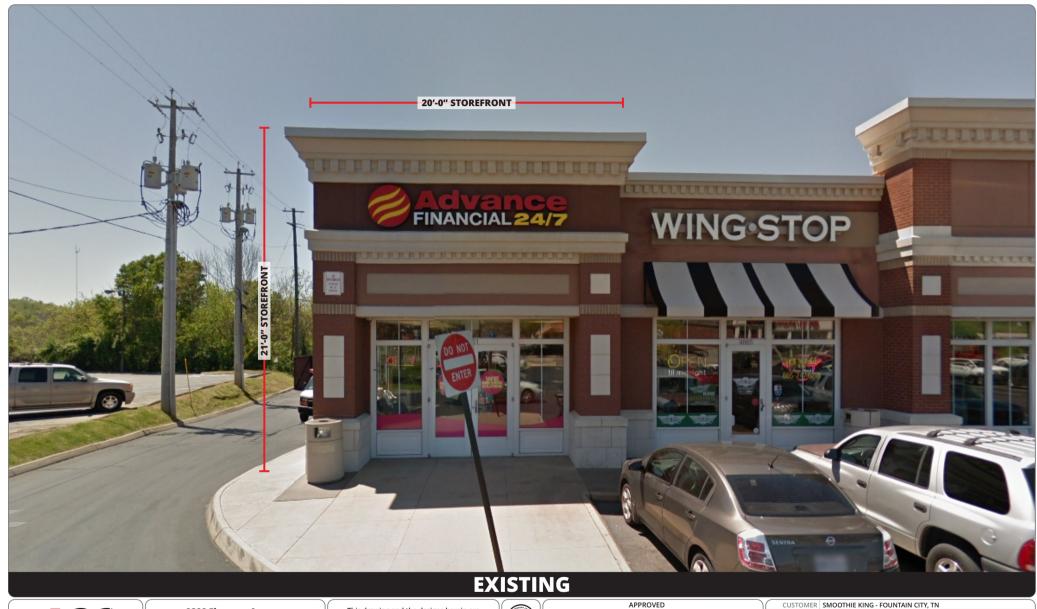
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SALES REP WILLIAM YUSKO PROJECT MGR. DAVID SNELLING DRAWN BY RYAN PARKER DATE 3-25-2024 FILE NAME: 108002 SMOOTHIE KING_FOUNTAIN CITY_TN





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CUSTOMER SMOOTHIE KING - FOUNTAIN CITY, TN LOCATION 4861 N. BROADWAY STREET, KNOXVILLE, TN, 37918

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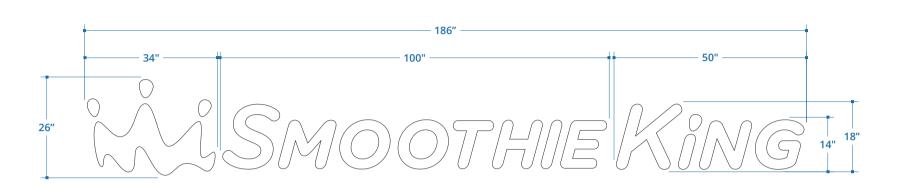
8-C-24-SU Revised: 7/22/2024

SIGNATURE

CUSTOMER SMOOTHIE KING - FOUNTAIN CITY, TN
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SALES REP WILLIAM YUSKO

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SIDE VIEW



BACKS: 3MM ACM

RETURNS: .040" x 3" DEEP ALUM. RETURN - PMS COOL GRAY 7C

TRIM CAP: 1" METALLIC SILVER

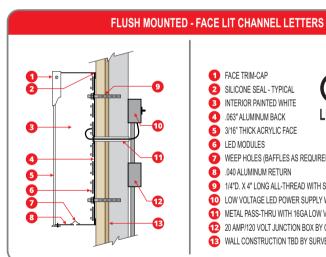
FACES: .177" #7328 WHITE PLEX WITH 1ST SURFACE VINYL (SEE COLOR PALETTE) **ILLUMINATION**: USE WHITE LEDS & POWER SUPPLIES AS REQUIRED FOR PROPER

ILLUMINATION - EXTERNAL DISCONNECT SWITCH ON "G" IN "KING"

MOUNTING: #8 X 3 1/2" WOOD SCREWS INTO WOOD BLOCKING/FRAMING FOR EIFS FACADE OR #12 X 2 1/2" TAPCONS W/ MINIMUM 2" EMBEDMENT IF GOING INTO BLOCK/BRICK W/ MIN OF 4 FASTENERS PER LETTER - SEAL ALL WALL PENETRATIONS

W/ SILICONE

COLORS USED



1 FACE TRIM-CAP SILICONE SEAL - TYPICAL

3 INTERIOR PAINTED WHITE

4 .063" ALUMINUM BACK

5 3/16" THICK ACRYLIC FACE

6 LED MODULES

WEEP HOLES (BAFFLES AS REQUIRED)

8 .040 ALUMINUM RETURN

1/4"D. X 4" LONG ALL-THREAD WITH SILICONE ADHESIVE

LISTED

10 LOW VOLTAGE LED POWER SUPPLY WITH DISCONNECT

METAL PASS-THRU WITH 16GA LOW VOLTAGE WIRE

20 AMP/120 VOLT JUNCTION BOX BY OTHERS

13 WALL CONSTRUCTION TBD BY SURVEY



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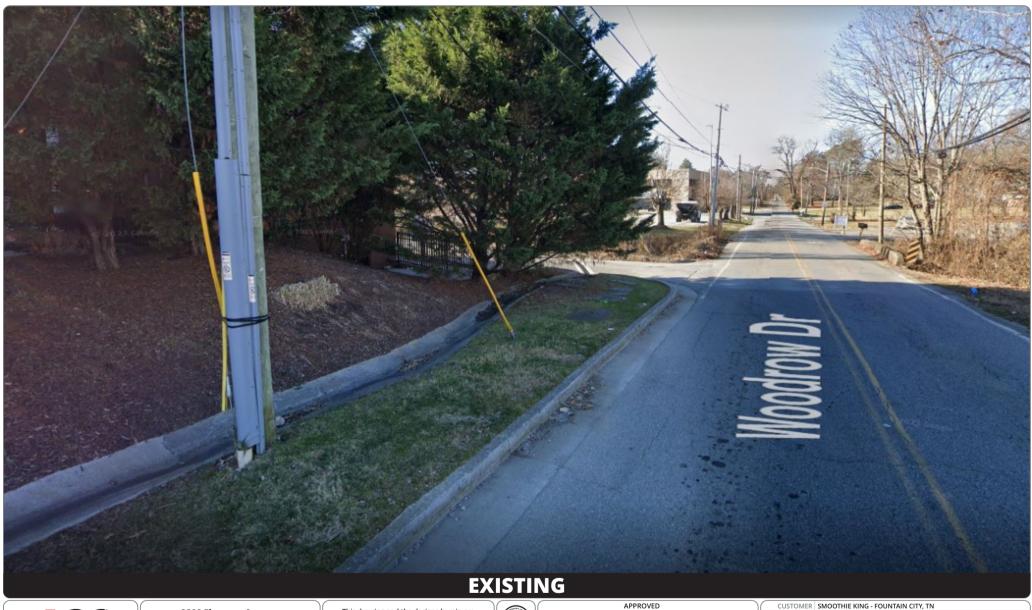
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ı	DRAWN BY	RYAN PARKER
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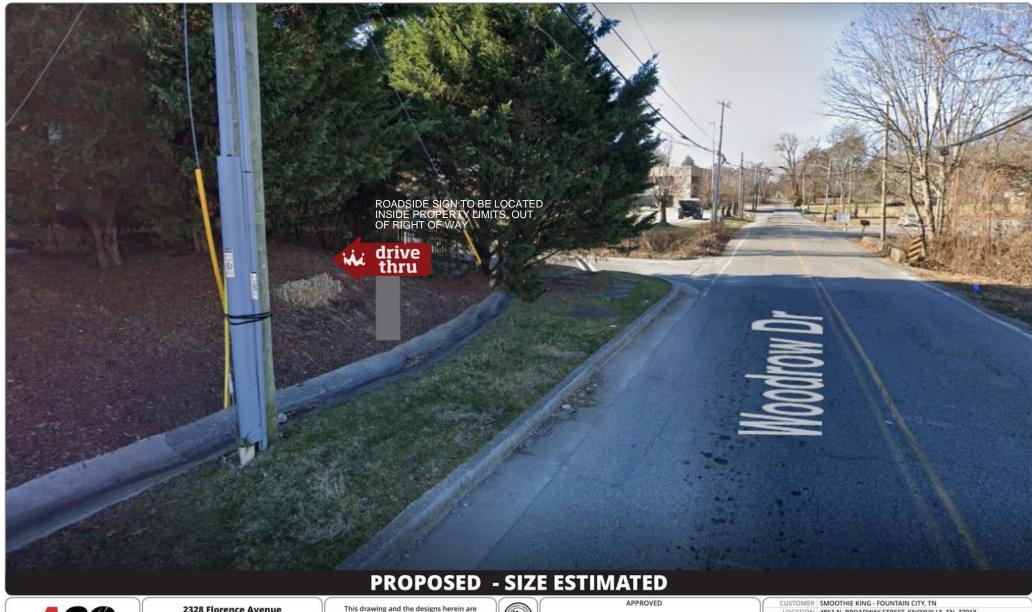
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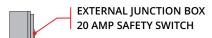
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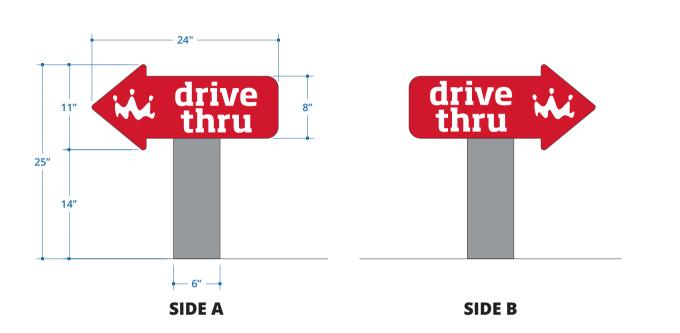


HxW 21'-00" x 32'-10" MAX ALLOWED 138 USED 43









6" -

SIDE:

1 1/2" SCALE

SPECIFICATIONS

D/F NON-ILLUMINATED DIRECTIONAL SIGN: 2 SQUARE FEET • QUANTITY 1

3/16" WHITE PLEX FACES WITH APPLIED VINYL GRAPHICS 1" RED JEWLITE TRIM 12" ALUMINUM RETURNS

NON ILLUMINATED

ALUMINUM CLADDING POLE COVER PAINTED GRAY DIRECT BURY INSTALLATION WITH 36" LONG PIPE

** POSSIBLE UTILITIES IN PROPOSED AREA **

COLORS USED

AVERY UC900-343-T Vivid Red

PANTONE 1797 **PANTONE** Cool Gray 7



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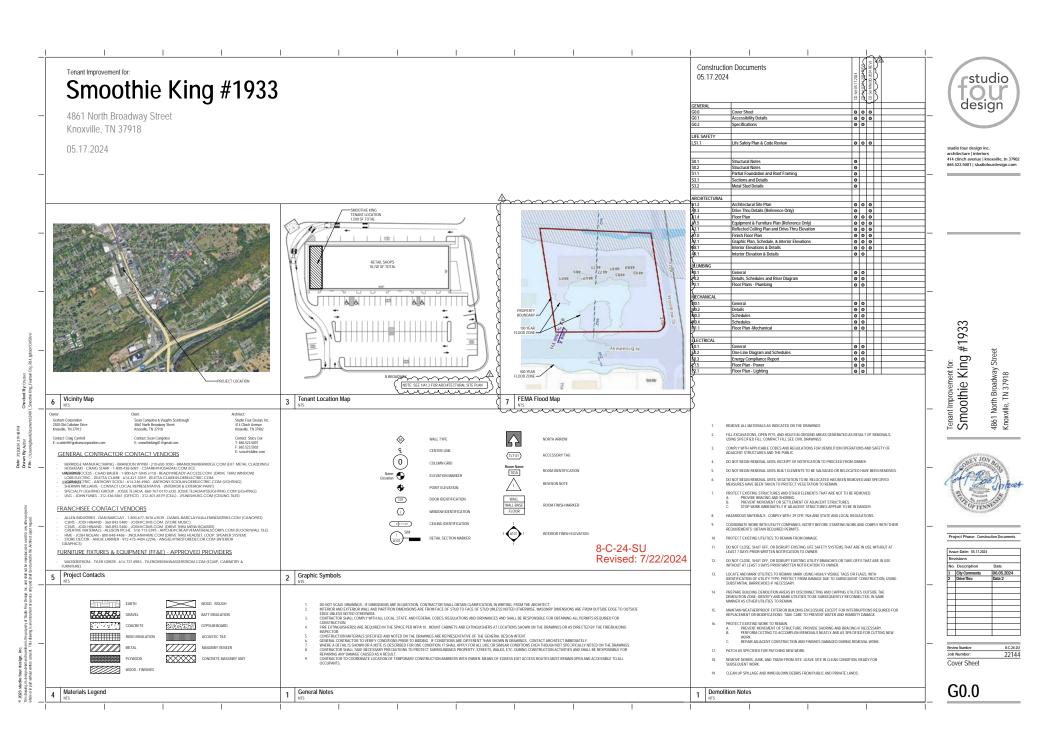
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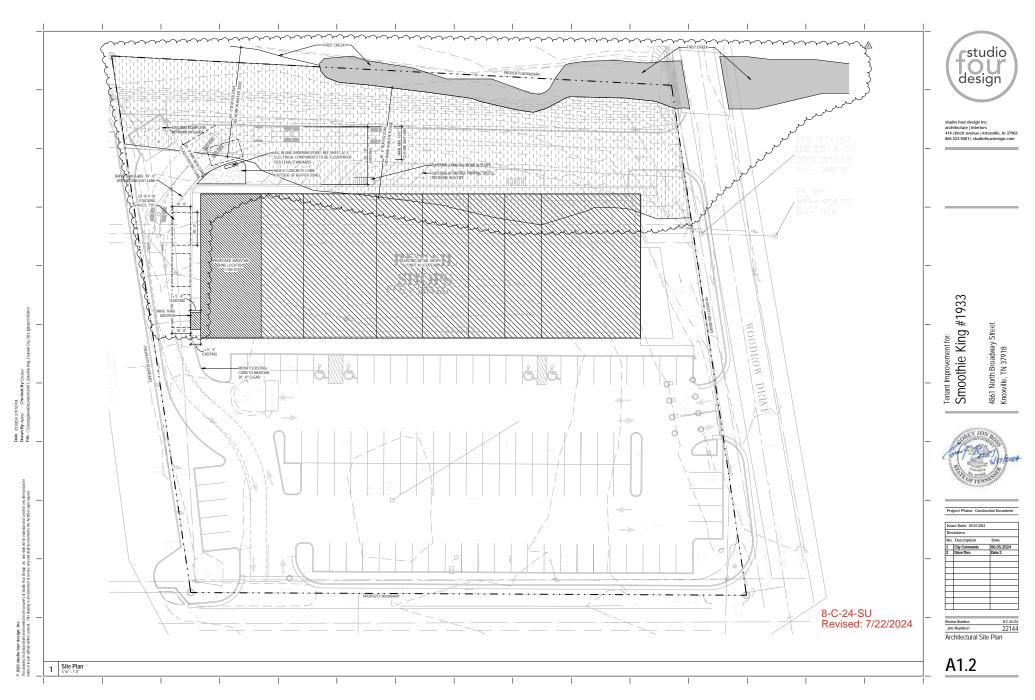
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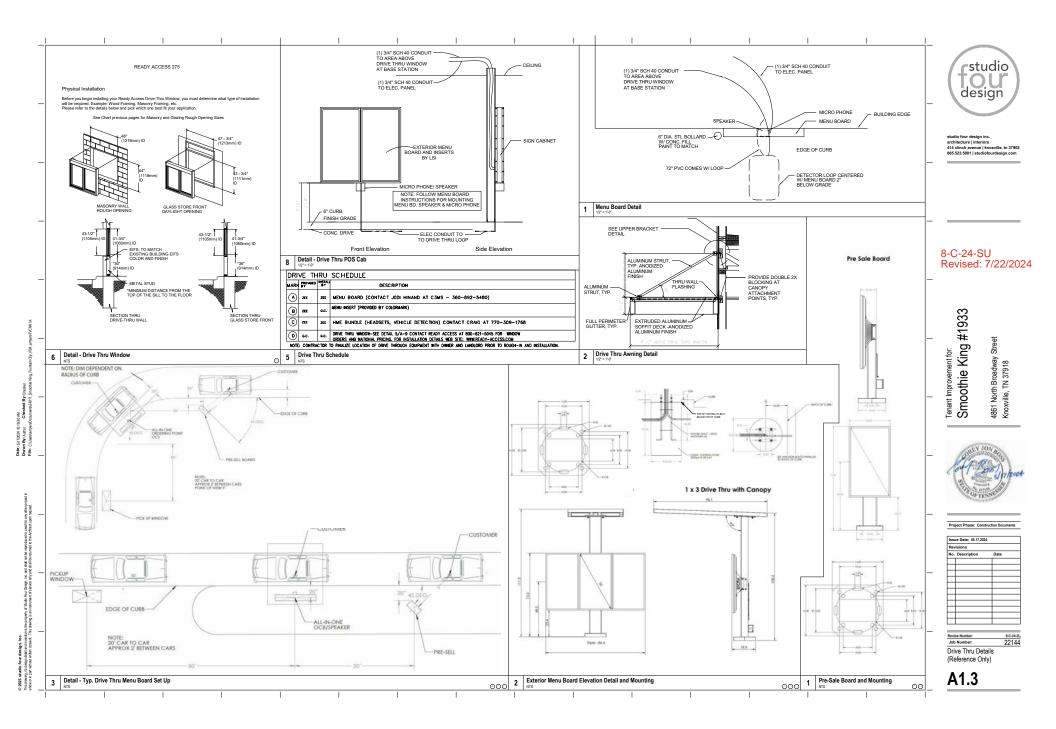
CUSTOMER SMOOTHIE KING - FOUNTAIN CITY, TN LOCATION 4861 N. BROADWAY STREET, KNOXVILLE, TN, 37918 SALES REP WILLIAM YUSKO
PROJECT MGR. DAVID SNELLING DRAWN BY RYAN PARKER DATE 3-25-2024

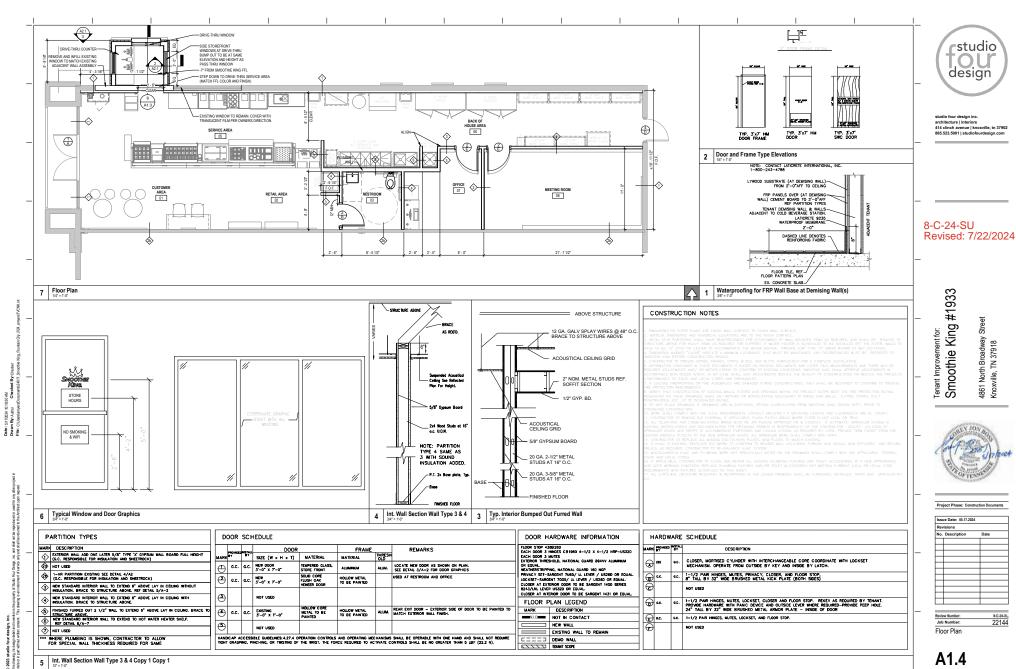


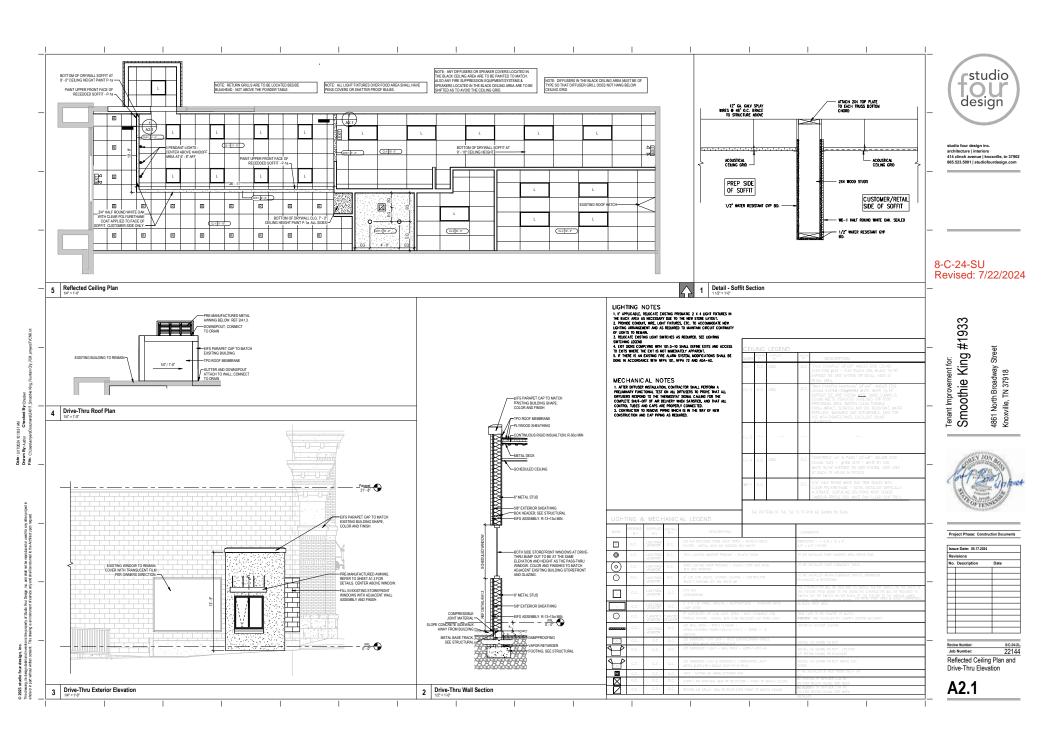
1 1/2" SCALE













Land Use (City)/Place Type (County)

Development Request

	DEVELOPMENT	SUBDIVISION	ZONING	
Planning	☐ Development Plan☐ Planned Development	☐ Concept Plar ☐ Final Plat	□ Rezoning □ Plan Amendment	
KNOXVILLE I KNOX COUNTY	✓ Use on Review / Special Use☐ Hillside Protection COA		☐ Sector Plan ☐ City OYP / County Comp Plan	
Corey Boss				
Applicant Name		Affilia	tion	
6/24/2024	8/8/2024	8-C-24-SU		
Date Filed	Meeting Date (if applicable)	File Number(s		
CORRESPONDENCE	All correspondence related to this application sh	nould be directed to the	e approved contact listed below.	
Corey Boss Studio Four Design+	Michael Graves			
Name / Company				
414 Clinch Ave Knoxville TN 379	02			
Address				
865-342-8716 / cboss@michaelg	graves.com			
Phone / Email				
CURRENT PROPERTY INFO				
Robert Shagan	8200 Kingston Pike Knoxville TN	37919	865-693-3300	
Owner Name (if different)	Owner Address		Owner Phone / Email	
4861 N BROADWAY				
Property Address				
58 N D 036			1.93 acres	
Parcel ID	Part of P	Parcel (Y/N)?	Tract Size	
Knoxville Utilities Board	Knoxville Utilities B	Board		
Sewer Provider	Water Provider		Septic (Y/N)	
STAFF USE ONLY				
Southwest quadrant of the inte	rsection at Woodrow Rd and N Broadway			
General Location				
✓ City Council District 5	C-G-2 (General Commercial), F (Floodplain Ove	erlay) Comn	nercial	
County District	Zoning District	Existi	ng Land Use	
GC (General Commercial), SP (Strea	m Protection)	N/A (Within	n City Limits)	

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Growth Policy Plan Designation

DEVELOPMENT REQUES	ST				
☐ Development Plan ☐ Pl	anned Development	✓ Use on Reviev	v / Special Use	Related City	Permit Number(s)
☐ Hillside Protection COA		Residential	✓ Non-residential		
Home Occupation (specify)					
Other (specify) Drive-through	າ facility				
SUBDIVSION REQUEST					
				Related Rezo	oning File Number
Proposed Subdivision Name					
Unit / Phase Number		Tota	Number of Lots Created		
Additional Information					
Attachments / Additional Re	equirements				
ZONING REQUEST					
Zoning				Pending P	lat File Number
Change Proposed Zor	ning				
Plan					
Amendment Proposed Pla	n Designation(s)				
Proposed Density (units/acre)	Provious Pozoning I	Paguasts			
Additional Information	Previous Rezoning F	requests			
STAFF USE ONLY					
PLAT TYPE ☐ Staff Review ☐ Plan	ning Commission		Fee 1		Total
	ming commission		\$1,600.00)	
ATTACHMENTS Property Owners / Option F	Holders 🗌 Varian	ce Request	Fee 2		
☐ Amendment Request (Com	prehensive Plan)				
ADDITIONAL REQUIREM	ENTS				
Use on Review / Special Use	e (Concept Plan)		Fee 3		
☐ Traffic Impact Study☐ COA Checklist (Hillside Prot.	ection)				
COA CHECKIST (TIIISING TTO	cetiony				
AUTHORIZATION					
I declare under penalty of per all associated materials are be			she/it is the owner of the pro	operty, AND 2) th	e application and
all associated materials are b	eing submitted with his/ Corey Boss				6/24/2024
Applicant Signature	Please Print				Date
Phone / Email					
	Robert Sha				6/24/2024
Property Owner Signature	Please Print	t			Date

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Development Request
DEVELOPMENT SUBDIVISION ZONING

Planning KNOXVILLE I KNOX COUNTY	5		□ Conce		☐ Plan Amendment☐ SP☐ PA☐ Rezoning
Corey Boss				Arch	tect
Applicant Name				Affiliat	ion
6/24/2024	August 8,2	.024			File Number(s)
Date Filed	Meeting Date (if applicable)			8-C-24-SU	
CORRESPONDENCE All	correspondence relate	d to this application sh	ould be direc	ted to the a	proved contact listed below.
☐ Applicant ☐ Property Owner	☐ Option Holder	☐ Project Surveyor	☐ Engine	er 🔳 Arch	tect/Landscape Architect
Corey Boss		Studio	Four Desi	gn+Michae	el Graves
Name		Compan	У		
414 Clinch Ave		Knoxvi	lle	TN	37902
Address		City		State	ZIP
865-523-5001	cboss@mi	chaelgraves.com			
Phone	Email				
CURRENT PROPERTY INFO					
Robert Shagan	820	00 Kingston Pike, K	noxville, T	N 37919	865-693-3300
Property Owner Name (if different)	Property Owner Address Property		Property Owner Phone		
4861 North Broadway Street			036.00		
Property Address			Parcel ID		2
KUB	KUB			N	
Sewer Provider	Water Provider			Septic (Y/N)	
STAFF USE ONLY					
General Location				Tract Si	ze
☐ City ☐ County ☐ District	Zoning District Existing Land Use				
Planning Sector	Land Use	/ Place Type		Growth	Policy Plan Designation

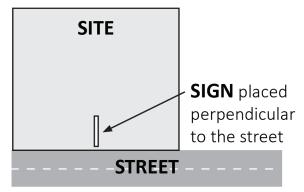
DEVELOPMENT REQUEST				
☐ Development Plan ☐ Use on Review / Sp☐ Residential ☐ Non-Residential Home Occupation (specify)	pecial Use 🔲 Hillside Prot			Permit Number(s) T-24-0385
Drive Through Addition Other (specify)				
SUBDIVISION REQUEST				
			Related Rezo	oning File Number
Proposed Subdivision Name				
Unit / Phase Number	Divide Parcel Total	Number of Lots Created		
Other (specify)				
☐ Attachments / Additional Requirements				
ZONING REQUEST				- 6
☐ Zoning Change			Pending P	lat File Number
Proposed Zoning				
☐ Plan Amendment Change Proposed Plan D	Designation(s)			
Proposed Density (units/acre)	Previous Rezoning Requests			
	and the second service and the second			
STAFF USE ONLY				
PLAT TYPE		Fee 1		Total
☐ Staff Review ☑ Planning Commission				
ATTACHMENTS ☐ Property Owners / Option Holders ☐ Vari	ance Request	Fee 2		
Amendment Request (Comprehensive Plan)	ance Request			
ADDITIONAL REQUIREMENTS				
Use on Review / Special Use (Concept Plan)		Fee 3		
☐ Traffic Impact Study ☐ COA Checklist (Hillside Protection)				
AUTHORIZATION				
☐ I declare under penalty of perjury the foregoing 1) He/she/it is the owner of the property AND 2)		ted materials are being sub	mitted with his/her	/its consent
nenter	Corey Boss		6/21/2	024
Applicant Signature	Please Print		Date	
865-523-5001	cboss@michaelgr	raves.com		
Phone Number	Email			
Robert Shagan 06/24/24	Robert Shagan		06/24/20)24, SG
Property Owner Signature	Please Print		Date Pai	d



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:

07/26/2024	and	08/09/2024		
(applicant or staff to post sign)		(applicant to remove sign)		
Applicant Name: Corey Boss				
Date: 06/26/2024		Sign posted by Staff		
File Number: 8-C-24-SU		Sign posted by Applicant		