

Hollie Berry
Mayor

City of Red Bank
Municipal Planning Commission

Martin Granum
City Manager

WORK SESSION AGENDA

August 15, 2023

12:00 pm

Red Bank City Hall
3105 Dayton Boulevard

I. CALL TO ORDER

II. ROLL CALL – Secretary

- ☐ Commissioner Browder
- ☐ Commissioner Cannon
- ☐ Commissioner Millard

- ☐ Commissioner Kelly
- ☐ Commissioner Skonberg

III. Agenda items for the August 17, 2023 regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

- 1. July 20, 2023

B. NEW BUSINESS

- 1. Final Plat for Lot 111-A and Lot 111-B, Chattanooga Estates Company's Subdivision of C.W. Coker Tract
 - a. Applicant Presentation
 - b. Staff Presentation
 - c. **Public Comment**
 - d. Discussion
- 2. Request to rezone 103 Orlando Drive (Parcel Number 109G C 010) from R-1 Residential to R-2 Residential
 - a. Applicant Presentation
 - b. Staff Presentation
 - c. **Public Comment**
 - d. Discussion
- 3. Request to rezone 119 and 121 W. Ridgewood Avenue (Parcel Number 126C G 003) from R-1 Residential to C-1 General Commercial.
 - a. Applicant Presentation
 - b. Staff Presentation
 - c. **Public Comment**
 - d. Discussion

4. Amendment to Section 14-209 of the Zoning Ordinance regarding the public hearing requirements for amendments to the Zoning Ordinance

- a. Staff Presentation
- b. Public Comment**
- c. Discussion

5. Amendment to the Subdivision Regulations to meet the requirements of and require a signature from Hamilton County Water Quality Program

- a. Staff Presentation
- b. Public Comment**
- c. Discussion

6. Amendments to the Red Bank Municipal Planning Commission By-Laws

- a. Staff Presentation
- b. Public Comment**
- c. Discussion

7. Any properly presented new business

C. UNFINISHED BUSINESS

1. Final plat for Lima at Lullwater Subdivision

- a. Applicant Presentation
- b. Staff Presentation
- c. Public Comment**
- d. Discussion

2. Request to rezone 210 Lullwater Road from L-1 Light Manufacturing to R-TVZ Residential Townhome/Zero Lot Line

- a. Applicant Presentation
- b. Staff Presentation
- c. Public Comment**
- d. Discussion

3. Any properly presented unfinished business

D. OTHER BUSINESS

IV. ADJOURNMENT

Hollie Berry
Mayor

City of Red Bank
Municipal Planning Commission

Martin Granum
City Manager

REGULAR MEETING AGENDA

August 17, 2023

6:00 pm

Red Bank Court Room

3117 Dayton Boulevard

I. CALL TO ORDER

II. ROLL CALL – Secretary

☐ Commissioner Browder

☐ Commissioner Kelly

☐ Commissioner Cannon

☐ Commissioner Skonberg

☐ Commissioner Millard

III. INVOCATION – Vice Chair

IV. PLEDGE OF ALLEGIANCE – Chair

V. CONSIDERATION OF THE MINUTES

1. July 20, 2023

VI. NEW BUSINESS

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 - a. Staff Presentation
 - b. **Public Comment**
 - c. Discussion
7. Any properly presented new business

VII. UNFINISHED BUSINESS

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 - a. Applicant Presentation
 - b. Staff Presentation
 - c. **Public Comment**
 - d. Discussion
3. Any properly presented unfinished business

VIII. OTHER BUSINESS

IX. ADJOURNMENT

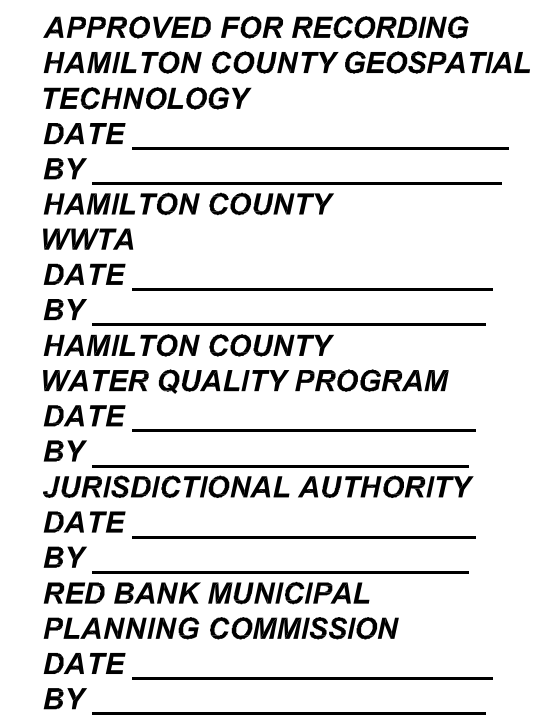
IR(N)	IRON ROD NEW
IR(O)	IRON ROD OLD
IP(O)	IRON PIPE OLD
MN(N)	MAGNAIL NEW
	STORM MANHOLE
	SANITARY MANHOLE
	WATER METER
	POWER POLE
	LIGHT POLE
	CATCH BASIN
	GUY WIRE
—OH—	OVERHEAD WIRE
STORM—	STORM DRAIN
—SS—	SANITARY SEWER
— — —	ADJACENT LOT LINE



GARY HABER

EVELYN HABER
807 HIGHVIEW DR.
CHATTANOOGA, TN 37415
305-795-0436

By Ashley Gates at 12:46 pm, Aug 08, 2023



LOCATION MAP
N.T.S.

GENERAL NOTES:

1. PRESENT ZONING: R-1.
2. AREA SUBDIVIDED BY THIS PLAT IS 0.48 AC.±.
3. LOCAL GOVERNMENT DOES NOT CERTIFY THAT UTILITIES OR UTILITY CONNECTIONS ARE AVAILABLE.
4. PUBLIC SANITARY SEWERS ARE AVAILABLE BY GRAVITY FLOW.
5. THIS PLAT SUBDIVIDES LOT 111 CHATTANOOGA ESTATES COMPANY'S SUBDIVISION OF THE C.W. COKER TRACT OF RECORD IN PLAT BOOK 11, PAGE 8 R.O.H.C. AND BEING DESCRIBED IN DEED BOOK 13296 PAGE 504, R.O.H.C.
6. THIS SUBDIVISION HAS BEEN DEVELOPED ACCORDING TO THE DESIGN STANDARDS OF THE SUBDIVISION REGULATIONS OF THE CITY OF RED BANK.
7. 5/8" IRON ROD WITH CAP SET ON ALL CORNERS UNLESS OTHERWISE NOTED.
8. TAX MAP NUMBER: 126F C 029.
9. THE GOVERNMENT OF RED BANK IS NOT RESPONSIBLE TO CONSTRUCT OR MAINTAIN ACCESS EASEMENTS, DRAINAGE EASEMENTS, DRIVEWAYS, OR SERVICE ROADS.
10. PURPOSE OF PLAT:
TO ESTABLISH THE NEW LOT LINES AS SHOWN HEREON.
11. NO FILL MATERIAL CAN BE PLACED IN A CONSTRUCTED DRAINAGE FACILITY IN SUCH A MANNER AS TO IMPEDE STORM WATER RUNOFF FLOW UNLESS APPROVED BY THE CITY ENGINEER.
12. A 5' DRAINAGE EASEMENT SHALL BE RESERVED ALONG THE INSIDE OF ALL SIDE AND REAR LOT LINES. THESE DRAINAGE EASEMENT SHALL BE AUTOMATICALLY ABANDONED IF TWO OR MORE LOTS ARE COMBINED OR USED AS ONE LOT OR IF NO SETBACK IS REQUIRED.
13. BY GRAPHIC PLOTTING ONLY (SUBJECT TO MAP SCALE UNCERTAINTY), THIS PROPERTY IS LOCATED IN ZONE "X UNSHADED", OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 4706SC03296 WHICH BEARS DATE EFFECTIVE DATE OF FEBRUARY 03, 2016 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ZONE "X UNSHADED" DENOTES AREAS OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOODING.
14. LINES SHOWN HEREON FOR ADJOINING TRACTS REFERENCED AS "ADJACENT LOT LINES" IN THE LEGEND ARE BASED UPON THE CURRENT DEEDS AND PLATS OF RECORD AND WERE NOT FIELD SURVEYED.
15. WATER QUALITY EASEMENTS AND OTHER DRAINAGE RELATED FACILITIES INSTALLED BY THE DEVELOPER CANNOT BE FILLED, ALTERED, OR CHANGED IN ANY WAY WITHOUT PERMISSION FROM THE HAMILTON COUNTY WATER QUALITY PROGRAM.
16. THE OWNERS OF ALL LOTS ARE RESPONSIBLE TO MAINTAIN WATER QUALITY EASEMENTS TO THE STANDARDS OF THE HAMILTON COUNTY WATER QUALITY PROGRAM RULES AND REGULATIONS.
17. THE GOVERNMENT OF HAMILTON COUNTY IS NOT RESPONSIBLE TO CONSTRUCT OR MAINTAIN WATER QUALITY EASEMENTS OR ANY DRAINAGE RELATED FACILITIES.
18. THE HAMILTON COUNTY WATER QUALITY PROGRAM RESERVES THE RIGHT AT ANYTIME TO ACCESS WATER QUALITY EASEMENTS TO INSPECT AREAS AND FACILITIES.
19. THE HAMILTON COUNTY WATER QUALITY PROGRAM RULES AND REGULATIONS SHALL APPLY TO ANY DISCHARGE OF STORM WATER FROM THIS SUBDIVISION.

CERTIFICATION OF SURVEYOR (TENNESSEE)

THIS IS A CATEGORY I (URBAN & SUBDIVISION) SURVEY. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A POSITIONAL TOLERANCE OF 0.07 FEET.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 241,078 FEET.

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY AND REGISTERED WITH THE STATE OF TENNESSEE, THAT THE SURVEY WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION, THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF TENNESSEE, AND THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

CHARLES E. SCHAEER
REGISTERED LAND SURVEYOR
TENNESSEE #700

IF THE SURVEYORS SEAL APPEARING ON THIS DOCUMENT DOES NOT APPEAR
IN RED, THIS DOCUMENT MAY BE AN UNAUTHORIZED OR ALTERED REPRODUCTION.

[illegible]

northpointe
SURVEYING

FINAL PLAT

**BEING A SUBDIVISION OF LOT 111,
CHATTANOOGA ESTATES COMPANY'S
SUBDIVISION OF THE CW. COKER TRACT, OF
RECORD IN PLAT BOOK 11, PAGE 8 AND BEING
DESCRIBED IN DEED BOOK 13296, PAGE 504
CITY OF RED BANK
HAMILTON COUNTY TENNESSEE**

DRAWN BY: C.D.B.	APPROVED: CES
DATE: JULY 27, 2023	CHECKED: CES
SCALE: 1"=20'	FIELD: JUNE 22, 2023
SHEET NO.: 1 OF 1	DWG. NO.: 23-050

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Michael Pham, Red Bank Community Development Planner

From: Ashley Gates, Regional Planner

Date: August 8, 2023

Subject: Request to rezone 103 Orlando Drive (Parcel Number 109G C 010) from R-1 Residential to R-2 Residential

SUMMARY

Property Address:	103 Orlando Drive	Property Owner:	Erica Gerard
Tax ID:	109G C 010	Applicant:	Erica Gerard
Deed Reference:	13084-0147	Current Zoning:	R-1
Flood Zone:	No	Requested Zoning:	R-2
Current Land Use:	Detached Single Family Residential	Surrounding Zoning:	R-1
Surrounding Land Use:	Detached Single Family Residential		
Proposed Use:	Duplex		
Staff Recommendation:	Deny		

ANALYSIS

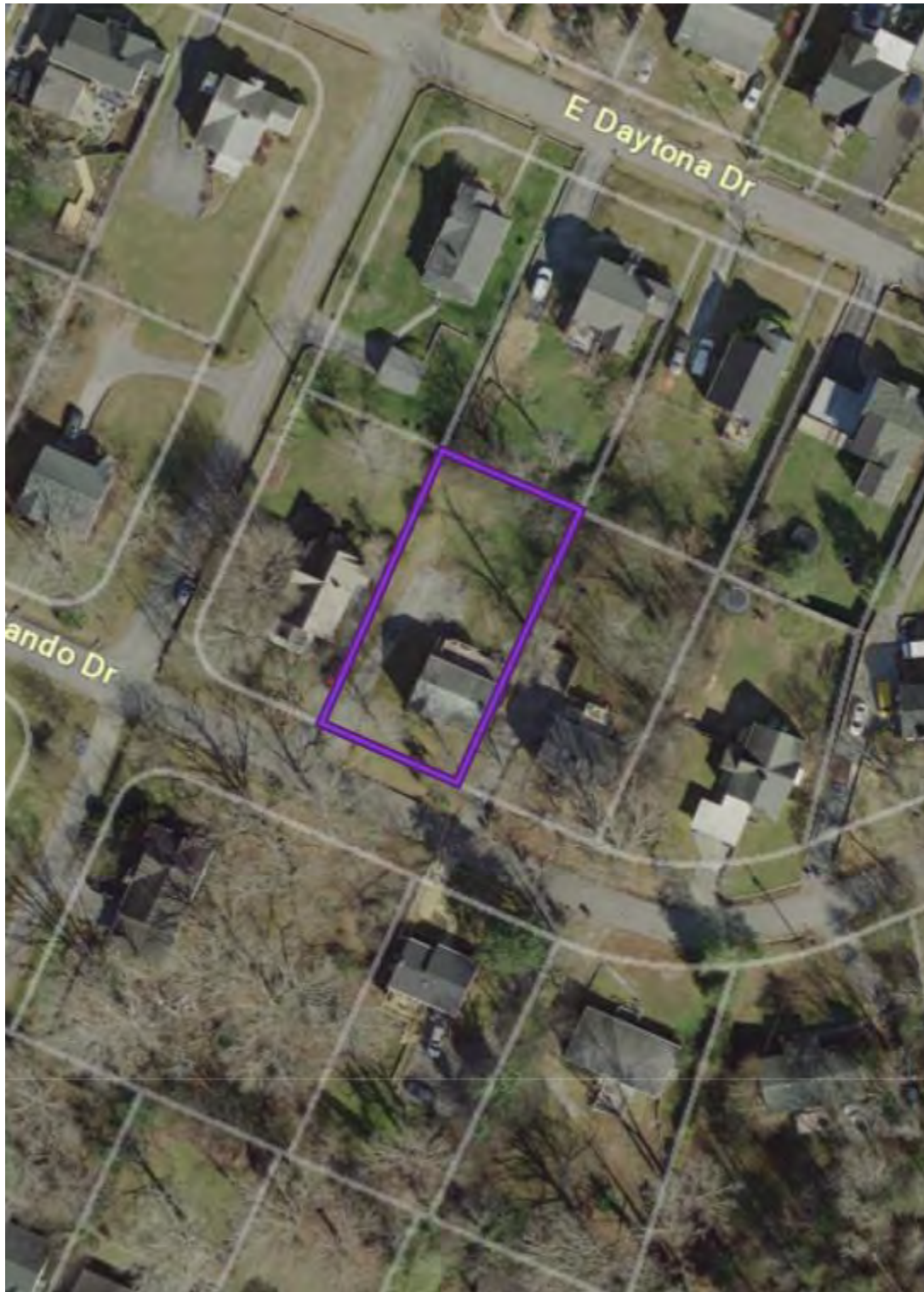
Current and Proposed Use

The property at 103 Orlando Drive is currently used as a detached single family residence, built in 1942. Erica Gerard has requested that the property be rezoned to R-2 residential in order to convert the existing home into a duplex. The existing home is said to have been a duplex in the past.

Zoning Map



Aerial View, 2022



Zoning Ordinance

The current zoning, R-1 Residential, does not permit duplexes except with a Special Exceptions Permit. This parcel does not qualify for a Special Exceptions Permit, which only applies when the property was downzoned by the City. This parcel was zoned R-1A previously, and was rezoned in 2016 to R-1. The setback and other dimensional requirements are the same in R-1 and R-2. Duplexes in the R-2 zone are required to be a minimum of 1,800 square feet. Tax records indicate this structure will meet the minimum square footage requirement.

Compatibility with Surrounding Land Use

The adjacent uses all appear to be single-family detached residences built between the late 1930's and mid 1940's. There is one duplex around the corner on Joyce Avenue. Duplexes are not inherently incompatible with single-family homes and coexist in many neighborhoods. The applicant does not propose significant alterations to the exterior, so the home will retain its appearance as a single-family home.

Spot Zoning

With no other R-2 zoning in this neighborhood, the proposed zoning would appear to be spot zoning.

Land Use Plan

The proposal may be considered to be in conflict with A-Goal and D-Goal as listed in the Red Bank 2035 plan.

A-GOAL: Stabilize residential community and increase property values by stopping the continued proliferation and reverse the negative impact of spot zones for inappropriately located duplexes and multi-family dwellings.

ACTION: Adopt new zoning regulations that enhance control over such uses and assure a public hearing process for all such development proposals.

ACTION: Adopt new zoning for entire City of Red Bank that downzones all inappropriate spot R-2 and R-3 zones to R-1 or R-1A.

D-GOAL: Increase value of and protect single-family residential development.

ACTION: New R-1A Zone that has a 2,000 square foot minimum house size requirement and rezone certain appropriate areas to R-1A as part of Zoning Study. Minimum 1,200 sqft house size for R-1.

ACTION: New screening and landscaping regulations that is required of all multi-family, commercial, office and industrial development under certain conditions.

ACTION: More stringent zoning regulations for apartment development.

The proposed zoning may be seen as being in support of C-Goal, which intends to promote diversity of housing options. While the R-T\Z zone has been used in support of this goal on many small developments throughout Red Bank, this would be the first time the R-2 zone has been used in such a manner. Since this would not follow the overall zoning pattern of Red Bank, spot zoning concerns remain.

C-GOAL: Attract residential developers back to Red Bank for new development and redevelopment.

ACTION: New residential zones that provide more options and diversity of development while still protecting single-family neighborhoods.

ACTION: Reduced minimum lot size standards and setback requirements to make Red Bank competitive with surrounding communities.

RECOMMENDATION

Due to spot zoning concerns, staff recommends denying approval of the proposed rezoning.



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Michael Pham, Red Bank Community Development Planner

From: Ashley Gates, Regional Planner

Date: August 8, 2023

Subject: Request to rezone 119 and 121 W. Ridgewood Avenue (Parcel Number 126C G 003) from R-1 Residential to C-1 General Commercial.

SUMMARY			
Property Address:	119 and 121 Ridgewood Drive	Property Owner:	Dylan Williams
Tax ID:	126C G 003	Applicant:	Rise Partners LLC / RP White Oak LLC
Deed Reference:	13303-0696	Current Zoning:	R-1
Flood Zone:	No	Requested Zoning:	C-1
Current Land Use:	Duplex	Surrounding Zoning:	R-1 and C-1
Surrounding Land Use:	Single-family residential; Multi-family residential; vacant commercial		
Proposed Use:	To become part of the proposed mixed-use development along Dayton Boulevard and allow for a larger landscaped buffer between the development and adjacent residential district		
Staff Recommendation:	Approve with conditions		

ANALYSIS

Current and Proposed Use

The property at 119 and 121 Ridgewood Drive currently has a duplex. Staff does not know if the property currently has tenants. Rise Partners LLC / RP White Oak LLC has requested that the property be rezoned to C-1 in order to build To become part of the proposed mixed-use development along Dayton Boulevard and allow for a larger landscaped buffer between the development and adjacent residential district.

Zoning Ordinance

The C-1 zone allows for a variety of commercial uses, which are not permitted in the R-1 Residential zone. The proposed driveway and vegetative buffer would be permitted in the C-1 Commercial zone. A 25-foot landscaped buffer is required along any residentially zoned property line abutting a C-1 commercial zone.

Compatibility with Surrounding Land Use

In July 2023, a design proposal for a mixed use development at 2101 and 2119 Dayton Boulevard was approved. The applicant is proposing to adjust the driveway to be on this parcel, providing access to the parking garage. This property will also provide a landscaped buffer between the driveway and adjacent property.

The adjacent property is single-family residential. The required landscaped buffer will mitigate some of the impact on the residence. If this property is rezoned to d C-1 Commercial, it will allow for a larger buffer between the residence and the driveway entrance. This ingress/egress is not the main entrance to the proposed development. The main ingress/egress will be along Dayton Boulevard. There will be two additional driveways along Sweetland Drive.

Aerial View



Zoning Map



Google Street View, April 2022



Land Use Plan

The proposed zoning appears to be in alignment with the D-Goal, F-Goal, G-Goal and H-Goal of the Land Use Plan.

- The proposed rezoning allows the developer to meet the screening and landscape regulations for the C-1 zone, a key element of the D-Goal

D-GOAL: Increase value of and protect single-family residential development.

ACTION: New R-1A Zone that has a 2,000 square foot minimum house size requirement and rezone certain appropriate areas to R-1A as part of Zoning Study. Minimum 1,200 sqft house size for R-1.

ACTION: New screening and landscaping regulations that is required of all multi-family, commercial, office and industrial development under certain conditions.

ACTION: More stringent zoning regulations for apartment development.

- The proposed rezoning will contribute to a major mixed-use development, in support of F-Goal.

F-GOAL: Assure that certain areas of Dayton Boulevard are protected from incompatible and less desirable commercial uses and encourage new and diverse commercial development for all commercial areas.

ACTION: A new Central Business District (C-2 Zone) that prohibits any commercial use not in keeping with the existing character of the District.

ACTION: Regulations providing for mixed-use development in commercial areas.

- The development has been through the design review process, and adding the additional area to the development will improve the quality of the development, allowing for more direct access and a larger landscaped buffer.

G-GOAL: Improve the overall quality and appearance of multi-family, office, commercial and industrial uses.

ACTION: New Design Review standards and process.

ACTION: New landscape and screening requirements.

ACTION: Mixed-use development opportunities for residential and commercial development.

- While this proposal does not utilize the O-1 Office zone, it does create a more compatible transition between the commercial development and adjacent residence.

H-GOAL: More compatible transitional uses between commercial and Residential development.

ACTION: New low traffic\low intensity Office Zone (O-1) to serve as buffer.

Spot Zoning

This property is adjacent to an existing C-1 zoned parcel, and spot zoning is not a concern.

RECOMMENDATION

Due to the compatibility with the Red Bank 2035 plan and larger transition buffer between the commercial development and residential parcel, staff recommends approval.



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Michael Pham, Community Development Planner

From: Ashley Gates, Regional Planner

Date: August 8, 2023

Subject: Amendment to Section 14-209 of the Zoning Ordinance regarding the public hearing requirements for amendments to the Zoning Ordinance

Background

The Zoning Ordinance has ambiguous language regarding public hearing requirements. The Zoning Ordinance requires public hearings by “the Commission,” but does not specify whether the Planning Commission or Board of Commissioners should hold the public hearing.

State law requires a public hearing by the Board of Commissioners, and that is standard practice in Tennessee. The proposed amendment follows this standard, and clarifies that public hearings are required by the Board of Commissioners.

Staff Recommended Amendment

SECTION 14-209. Changes and Amendments

- 209.01 The Board of Commissioners of the City of Red Bank, Tennessee, may, from time to time, amend, supplement or change the regulations and zones herein or subsequently established; but no amendment shall become effective unless it be first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the Board of Commissioners.

209.02 Method of Procedure. A proposed change or amendment may originate with the Board of City Commissioners, with the Planning Commission, or on filing a request by a landowner or by a group of landowners filing a petition. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. The City of Red Bank shall give at least fifteen (15) days' notice of the time and place for a public hearing, which shall be held by the ~~Commission~~Board of Commissioners in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City.

209.03 That a Request to Rezone referred to the Board of Commissioners by the Planning Commission, shall not be heard unless said Request is set for public hearing before the Board of Commissioners within three (3) months of the date when the Planning Commission referred said Request to the Board of Commissioners, and such Request shall not be advertised for a public hearing unless the Petitioner pays to the City Recorder a filing fee, together with the costs of the advertisement.
(Ordinance No. 473, April 3, 1984)



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Michael Pham, Community Development Planner

From: Ashley Gates, Regional Planner

Date: August 8, 2023

Subject: Amendment to the Red Bank Municipal Planning Commission By-Laws

Background

Red Bank staff has requested a review of the By-Laws in order to conform with new state laws and improve and clarify meeting procedures.

Staff Recommendation

Staff recommends the attached changes, summarized as follows:

- Chairman and Vice Chairman now referred to as “Chair” and “Vice Chair”
- Location identified as the Red Bank Courtroom
- Agenda order provided for each individual case including applicant presentation, staff presentation, public hearing/comment, and discussion/vote
- Added procedural language for public comments
- Added guidelines for applicant presentation

BY-LAWS
OF THE
RED BANK MUNICIPAL PLANNING COMMISSION

ARTICLE I

Objective

The objectives and purposes of the Red Bank Municipal Planning Commission are those set forth in Sections 13-4-101 through 13-4-309 of the Tennessee Code Annotated, and amendments and supplements thereto and also those powers and duties delegated to the Planning Commission by the Red Bank City Commission in accordance with the above-mentioned enabling legislation.

ARTICLE II

Membership and Terms

Section 1. The membership of the Red Bank Municipal Planning Commission shall be five (5) members as appointed and with terms as prescribed in the Red Bank Municipal Code Section 14-101.

ARTICLE III

Officers and Their Duties

Section 1. The officers of the Planning Commission shall consist of Chair~~man~~, Vice-Chair~~man~~ and a Secretary.

Section 2. The Chair~~man~~ shall preside at all meetings and hearings of the Planning Commission and have the duties normally conferred by parliamentary usage of such officers.

Section 3. The Chair~~man~~ shall be one of the appointive members of the Planning Commission. The Chair~~man~~ shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Section 4. The Vice-Chair~~man~~ shall be one of the appointive members and shall act for the Chair~~man~~ in his/her absence.

Section 5. The Secretary shall see that the following is done: The minutes and records of the Planning Commission are kept, the agenda of regular and special meetings are prepared with the Chair~~man~~ and staff, notice of

meetings is provided to the Planning Commission members, proper and legal notice of hearings is arranged, and correspondence of the Commission and such other duties as are normally carried out by the Secretary are attended.

ARTICLE IV

Election of Officers

- Section 1. Nomination of officers shall be made from the floor and officers shall be elected at the annual organizational meeting, which shall be held at the regularly scheduled January meeting of the Planning Commission. Said organizational meeting shall be presided over by the Planning Commission's professional staff advisor or other city staff.
- Section 2. The candidate for each office receiving a majority vote of the entire membership of the Planning Commission shall be declared elected.
- Section 3. All officers shall be elected for a term of one (1) year and officers shall be eligible to succeed themselves.
- Section 4. Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

ARTICLE V

Meetings

- Section 1. Meetings shall be held as business requires on the Third Thursday of each month at 6:00 p.m. ~~at the City Hall in the Red Bank Courtroom~~ or a place designated by the Chair~~man~~ of the Planning Commission. The time and/or date of the regular monthly meeting may be changed by a majority consensus of the entire Planning Commission with proper public notice.
- Section 2. A majority of the membership of the Planning Commission, three (3) members, shall constitute a quorum. A quorum shall be present before any formal business is transacted.
- Section 3. All plans (comprehensive, strategic, road, etc.), reports, and recommendations of the Planning Commission must be approved by at least three members.
- Section 4. Special meetings may be called by the Chair~~man~~. It shall also be the duty of the Chair~~man~~ to call such a meeting when requested to do so in writing by a majority of the members of the Planning Commission. The notice of such meeting shall specify the purpose of such a meeting and no other

business may be considered except by unanimous consent of the Commission. The Secretary shall notify or cause to have notified all members of the Commission in writing of such special meeting.

Section 5. All meetings shall be open to the general public.

ARTICLE VI

Order of Business

Section 1. The order of business at regular meetings shall be:

- I. Call to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance
- V. Consideration of the Minutes
- VI. Unfinished Business
- VII. New Business
- VIII. Other Business
- IX. Adjournment

Section 2. Each agenda item under Unfinished Business and New Business shall have the following items as applicable:

1. Applicant's Presentation
2. Staff Presentation
3. Public Hearing or Public Comment, as applicable
4. Discussion and Vote

ARTICLE VII

Committees

Special committees may be appointed by the Chair~~man~~ for purposes and terms which the Planning Commission approves.

ARTICLE VIII

Staff

Section 1. When authorized to do so by the Red Bank City Commission, the Planning Commission may appoint such employees and staff as it may

deem necessary for its work and may contract with city planners and other consultants for such services as it may require

- Section 2. The expenditure of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the city.

ARTICLE IX

Hearings Public Comments, Public Hearings and Applicant Presentation

- Section 1. In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

- Section 2. Notice of hearings shall be published in a newspaper, either digital or print, of general circulation within the City of Red Bank and Hamilton County at least ~~fifteen (15)~~ seven (7) days prior to the date of such public hearing, or as required by state law or Red Bank Municipal Code.

- ~~Section 3. The Chairman of the Commission or its professional staff shall present the case before the Commission in summary and parties in interest shall have a privilege of the floor.~~

Section 3. Guidelines for Public Comments or Public Hearings for Individuals

1. The Planning Commission shall allow Public Comments on all items on the agenda requiring action from the Planning Commission. Public Comments on these items may be opened and closed by the Chair, without a vote of the Planning Commission.
2. Prior to speaking during Public Comments or Public Hearings, individuals should add their name to the Sign-In Sheet.
3. Comments should be limited to three (3) minutes per individual. At the discretion of the Chair, and under limited circumstances, the time may be extended for due cause.
4. Individuals wishing to speak shall come to the podium at the front of the room, face the Planning Commission, identify themselves by name and home address, and make comments related to the agenda item.
5. The Chair may limit those Public Comments that are irrelevant or repetitive in nature.
6. If the speaker poses any questions during his/her comments, it will be within the Chair's discretion to seek answers to those questions following the close of the Public Comments or Public Hearing.
7. State law for certain items, for example, amendments to the subdivision regulations, requires Public Hearings. During statutorily required Public Hearings, after presentation of the item by the planning staff and the proponent, the Chair shall open the public

hearing in order to allow individuals to speak. After those individuals wishing to speak at the Public Hearing have done so, on a motion and vote, the Public Hearing shall be closed.

8. The Planning Commission may also allow Public Comments on items not on the agenda. Public Comments on these items may be opened and closed by the Chair, without a vote of the Planning Commission.

Section 4. Guidelines for Applicant Presentation.

Applicants shall be allotted twenty (20) minutes to present their request to the Planning Commission after the staff presentation and the Public Comment. At the discretion of the Chair, and under limited circumstances, the time may be extended for due cause. All applicant representatives speak or are represented during the allotted time. Applicants shall be allowed to present illustrative plans or other exhibits during the allotted time; however, electronic media (powerpoints, commercials, videos, etc.) must be provided to and reviewed by the Planning Commission Staff 24 hours prior to the Planning Commission meeting

Section 5. Following the applicant presentation, but prior to public comment, the Chair of the Commission or its professional staff shall present the case before the Commission in summary and parties in interest shall have a privilege of the floor, following the guidelines set forth in these By-Laws.

Section ~~6~~4. A record shall be kept of those speaking before the Commission.

ARTICLE X

Amendments

Section 1. Three (3) favorable votes are necessary in order to adopt and amend these by-laws.

Adopted: _____
Date

Secretary of Red Bank Planning
Commission



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Michael Pham, Community Development Planner

From: Ashley Gates, Regional Planner

Date: August 8, 2023

Subject: Amendment to the Red Bank Subdivision Regulations to meet the requirements of and require a signature from Hamilton County Water Quality Program

Background

Red Bank participates in the Hamilton County Water Quality Program. It has come to the attention of planning staff that HCWQP reviews plats within their program area, but Red Bank Subdivision Regulations do not require a review of signature from them.

Staff Recommendation

Staff recommends the attached amendment to the Subdivision Regulations. These amendments require review of major subdivisions with Red Bank. A major subdivision is one that involves the construction of public infrastructure, including roads and/or utilities. These new requirements mirror the requirements of Hamilton County.

RESOLUTION 2023-1

A RESOLUTION OF THE RED BANK MUNICIPAL PLANNING COMMISSION AMENDING ARTICLES 2, 5 AND 9 OF THE RED BANK SUBDIVISION REGULATIONS

WHEREAS the Red Bank Municipal Planning Commission has platting authority over its defined planning region pursuant to TCA 13-4-302, and on November 19, 2020 adopted new subdivision regulations in accordance with the procedure set forth in TCA 13-4-303; and

WHEREAS the Red Bank Municipal Planning Commission subsequently amended the subdivision regulations on January 21, 2021 in accordance with the procedure set forth in TCA 13-4-303; and

WHEREAS the planning commission wishes to amend certain sections of its subdivision regulations with essential updates, revised certificates, and improved wording as to provide for clarity and accuracy in the application of the city's subdivision standards; and

WHEREAS a public hearing was conducted before the commission on August 17, 2023 with 15 days' notice published in the Chattanooga Times Free Press on July 30, 2023 as required by the Red Bank Subdivision Regulations;

BE IT RESOLVED by the Red Bank Municipal Planning Commission that the Subdivision Regulations of Red Bank, Tennessee, are hereby amended as follows:

Section 1. To Article 4, Section 416 shall be added as follows:

416

WATER QUALITY PROGRAM REQUIREMENTS

- (a) Applicability: All subdivisions must comply with the adopted stormwater rules and regulations.
- (b) Control Measures
The following control measures should be used as a minimum on all Subdivisions:
 - 1) The smallest practical area of land should be exposed at any one time during development. Mulching or other protective measures should be used to protect exposed areas.
 - 2) Areas that will be exposed for more than three (3) months shall be seeded and mulched or landscaped.
 - 3) Temporary furrows, terraces, sediment or debris basins should be installed to prevent washing and erosion during construction.
 - 4) In areas where soil may wash onto the roadway or into a drainage ditch or basin, the developer will be required to install a silt fence or hay bales or both.
 - 5) Final vegetation should be installed as soon as practical in the development after the land is exposed.
 - 6) Sediment washed onto roadways or into drainage ditches or basins, and soil tracked onto roadways by construction equipment shall be removed at the end of each working day.

- (c) Review by the Hamilton County Water Quality Program
All subdivision meeting the definition of a major subdivision must be reviewed by the Hamilton County Water Quality Program as a part of the subdivision review process. The Hamilton County Water Quality Program may require Water Quality Easements, detention area, detention facilities, detailed drawings and specifications of drainage detention improvements, drainage calculations or anything else they determine is necessary to comply with the Hamilton County Water Quality Program Rules and Regulations.
- (d) Covenants for Major Subdivisions in the Program Area
For major subdivisions in the Program Area, the Hamilton County Water Quality Program will require that covenants which specify that all lot owners in the subdivision are responsible to maintain Water Quality Easements, detention areas, detention facilities and other drainage related areas and facilities be recorded before the subdivision plat is recorded.

Section 2. Section 602 STATEMENTS TO BE INCLUDED ON THE PLAT be amended to add the following as item (s):

- (s) Statements required by Hamilton County Water Quality Program for major subdivisions, as follows:
 - (1) Water Quality Easements and other drainage related facilities installed by the developer cannot be filled, altered, or changed in any way without permission from the Hamilton County Water Quality Program.
 - (2) The owners of all lots are responsible to maintain Water Quality Easements to the standards of the Hamilton County Water Quality Program Rules and Regulations.
 - (3) The Government of Hamilton County is not responsible to construct or maintain Water Quality Easements or any drainage related facilities.
 - (4) The Hamilton County Water Quality Program reserves the right at any time to access Water Quality Easements to inspect areas and facilities.
 - (5) The Hamilton County Water Quality Program Rules and Regulations shall apply to any discharge of storm water from this subdivision.

Section 3. Section 604 Signature Block be amended to add the following as item (f):

- (f) Hamilton County Water Quality Program, if applicable

Applicant requested a one month deferral. As of 8/8/23, staff has not received any additional information.



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Ashley Gates, Senior Planner, Southeast Tennessee Development District

Date: July 6, 2023

Subject: Final Plat for Lima at Lullwater

SUMMARY

Owner / Applicant: Lima Sierra LLC

Property Address: Lullwater Road

Tax Map #: 126C B 044

Current Use: 3.8-acre undeveloped tract

Proposed Use: 6 townhouse structures with 4 units each, and 1 townhouse structure with six units

Zoning: R-T\Z with conditions

Floodplain? No

Zoning History: Rezoned in 2017 from R-1 to R-T\Z with conditions while under different ownership

SETD Staff Recommendation: Deny

ANALYSIS

Background

This property was rezoned in 2017 to R-T\Z with conditions. The conditions listed on the ordinance were as follows:

SECTION 1. The Zoning Ordinances and Zoning Maps of this City are hereby amended by rezoning the property located on Lullwater Road, as more particularly describe as per the attached Exhibit B and as shown in Exhibit A, as Hamilton County tax parcel number 126C-B-044, from R-1 Residential Zone to R-T/Z Residential Townhouse/ Zero Lot Line Zone, subject to the following conditions shown on the site plan in Exhibit C.

- a) a community lot is created along the rear lot line of the property that is 25 feet in depth, and the maximum depth practicable behind proposed lot 16; and

- b) a 5-foot-wide sidewalk built to ADA standards along Lullwater Road for the entire length of the property; and
- c) On-street guest parking on Lullwater Road.

Additionally, a site plan showing 16 lots, rear access via an alley, and a detention pond was attached to the ordinance.

In June 2023, a site plan and plat were submitted for this property. The proposed plat under review in July 2023 includes the following:

- Five structures with four attached townhomes each
- One structure containing six attached townhomes
- Total of 26 townhomes
- 25-foot wide community lot along the rear of the townhomes
- 7-foot wide parallel parking spaces along Lullwater Road – number of spaces not indicated
- 12-foot wide access road parallel to Lullwater Road, in front of the proposed townhouses
- Underground stormwater detention underneath the access road

This proposal changes the use from detached single-family homes to attached single-family homes and increases the number of units from 16 to 26. Additionally, the placement of the alley has moved to the front of the structures. The detention pond has also been removed, with underwater stormwater detention proposed. Attorney review has indicated that the changes are significant enough to require amendments to the original rezoning ordinance.

Aerial Imagery, 2022



Subdivision Regulations

This plat must be submitted as a PRELIMINARY Plat. The following is still needed for a complete preliminary plat submittal:

- Size and location of proposed water lines
- Location of proposed fire hydrants
- Certificate of Preliminary Plat Approval
- Vertical road profile of proposed access road
- Vertical sanitary sewer profiles

Zoning Ordinance

The following additional information to assess compliance with the Zoning Ordinance is needed:

- Measurements of building separation
- Side setback measurements for exterior side lot lines. Minimum is 25 feet.
- Show all setback lines on the plat

This plat does not meet the following requirements of the Zoning Ordinance:

- Several proposed structures do not appear to meet the rear setback requirement of 25 feet
- The front setback requirement is 40 feet along exterior roads, unless Type C landscaping is provided, in which case the minimum is 25 feet. The front lot lines on the site plan do not appear to match those on the plat. Additional clarification is needed to assess the front setbacks.
- Regarding proposed access via alley:
 - o Proposed access road does not meet the standards of a frontage road as defined in the Zoning Ordinance, which requires frontage roads to meet Subdivision Regulation standards and to be dedicated as public roads. The minimum paved width of local streets is 26 feet.
 - o Alleys are defined as secondary vehicular access and are generally provided at the rear of the homes. Placing an alley between the road and the home makes the alley the primary vehicular access, which is a frontage road not an alley.
 - o Access via private access easement is limited to only 4 lots per the Subdivision Regulations, so those standards do not apply.
 - o The Fire Department has indicated that as designed, this road would serve as fire access. The Fire Department requires a minimum width of 22 feet, though the Subdivision Regulations require 26 feet.
 - o Alley should either be designed to meet the “Frontage Road” requirements of the Zoning Ordinance or moved to the rear of the townhomes. If moved to the rear, the Fire Department will need to review the new design.
 - o Vertical profiles of alleyway needed to ensure sight distance at intersection with Lullwater Road.
 - o Minimum horizontal curve radius is 100 feet, this measurement is needed

Additional Requirements

- Parallel parking spaces are too narrow at 7 feet. Recommend that they be 9 feet wide.
- Guard rails will need to be replaced. Please show proposed location of guard rails.

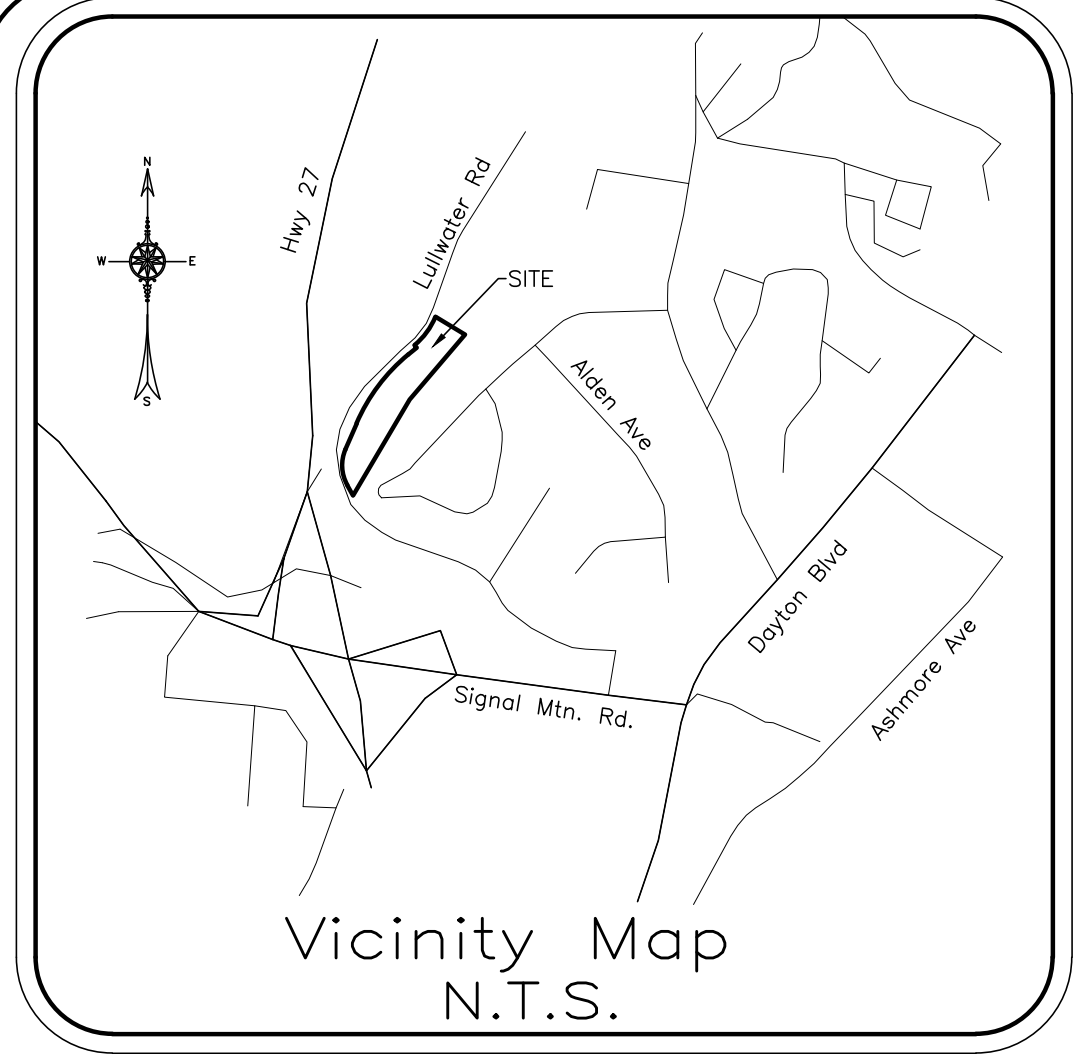
- The Red Bank Fire Department requires that all structures be within 500' of a fire hydrant. This is due to the complexity and density of the development. There is 6" main ending at the address 307 Lullwater, but the closest fire hydrant is in front of 433 Lullwater, which is more than 500' from the furthest lot on the plat. Show all proposed fire hydrants.

RECOMMENDATION

Due to the needed corrections and significant change from the conditionally approved rezoning, staff cannot recommend approval at this time.

Staff recommends the following options:

- A. Resubmit a plat that meets the intent of the rezoning from 2017, with the same density and general layout, and that addresses the concerns listed above.
- B. Submit an application to amend the conditions of the 2017 rezoning, then resubmit the plat and site plat addressing the corrections indicated above.



NOTES

1. Present zoning classification R-17.
2. Area subdivided by this plat is 3.70 acres.
3. This plat subdivides the property described in Deed Book 11153, Page 49.
4. This subdivision has been developed according to the design standards of the Subdivision Regulations of the City of Red Bank.
5. Local Government does not certify that utilities or utility connections are available.
6. Public sanitary sewers are available by gravity flow.
7. Public sanitary sewers are available by HCWWTA.
8. Tax Parcel 126C-B-044.
9. The City of Red Bank is not responsible to construct or maintain drainage easements or the private drives/ingress and egress easements.
10. The owner/developer is to install all drainage structures and improved easements as shown. The maintenance of drainage easements is the responsibility of the property owner and not the local government.
11. This survey was conducted without the benefit of a complete and current title commitment.
12. I, hereby certify after examination of the current F.E.M.A.—Flood Insurance Rate Map No. 47065C0329G that the subject property lies in zone(s) "X" thereon and a portion DOES NOT lie within the 100 year flood hazard area. The reference map bears a revised date of February 03, 2016.
13. I, certify that I have surveyed the property hereon, that this survey is correct to the best of my knowledge and belief and that the ratio of precision of the unadjusted survey is >1:10,000 (Category I) as shown hereon.

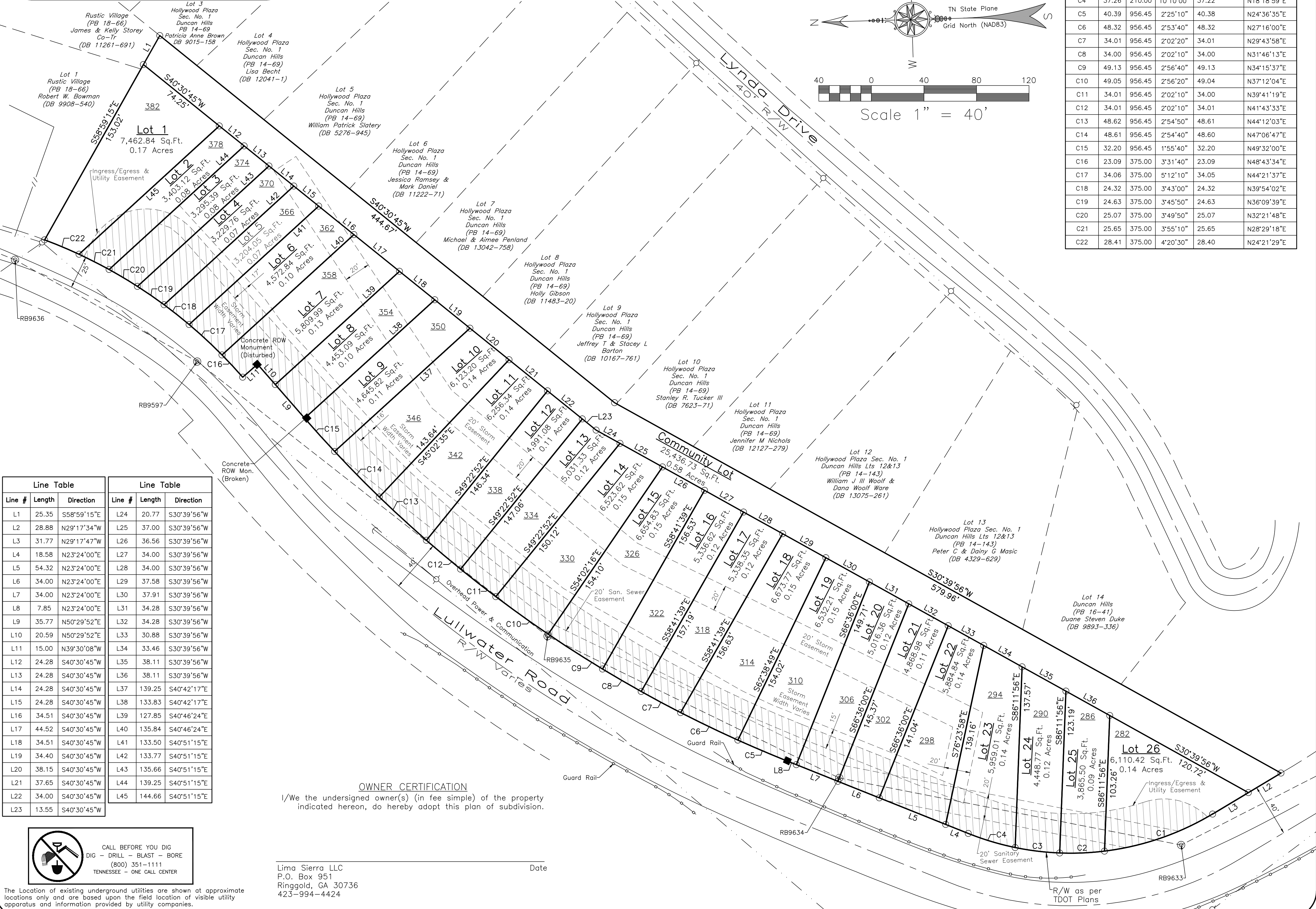
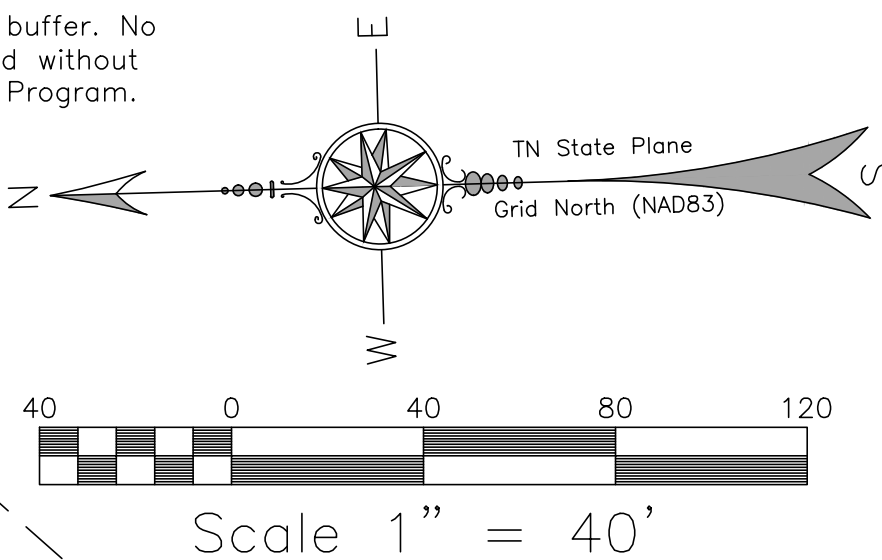
14. All corners are 1/2" rebar w/cap unless noted otherwise.
15. A 5' private drainage easement shall be reserved along the inside of all side and rear lot lines. These drainage easements shall be automatically abandoned if two or more lots are combined, or used as one lot, or if no setback is required.
16. Done without the benefit of a title commitment.
17. No building permit is to be issued for a residential, commercial, or industrial building on the community lot. Lot is to be used for recreational purposes only. Maintenance to be assumed by the developer until the Lot(s) are deeded to the home owners in the subdivision, or to a home owners association.
18. Water quality easements and other drainage related facilities installed by the developer cannot be filled, altered, or changed in any way without permission from the Hamilton County Water Quality Program.
19. The owners of all lots are responsible to maintain water quality easements to the standards of the Hamilton County Water Quality Program Rules & Regulations.
20. The Government of Hamilton County is not responsible to construct or maintain water quality easements or any drainage related facilities.
21. The Hamilton County Water Quality Program reserves the right at anytime to access water quality easements to inspect areas and facilities.
22. The Hamilton County Water Quality Program Rules and Regulations shall apply to any discharge of storm water from this subdivision.
23. Land disturbance is prohibited in stream/riparian buffer. No clearing, grading, grubbing or tree removal allowed without approval from the Hamilton County Water Quality Program.

LEGEND

- Centerline
- Iron Rod (Found)
- Iron Pipe (Found)
- Concrete Monument (Found)
- P.K. Nail (Found)
- P.K. Nail (Set)
- Iron Rod (Set)
- Manhole

APPROVED FOR RECORDING
HAMILTON COUNTY
GEOSPATIAL TECHNOLOGY
DATE: _____
BY: _____
HAMILTON COUNTY WWTA
DATE: _____
BY: _____
JURISDICTIONAL AUTHORITY
DATE: _____
BY: _____
RED BANK MUNICIPAL
PLANNING COMMISSION
DATE: _____
BY: _____

Curve Table					
Curve #	Length	Radius	Delta	Chrod Length	Chord Bearing
C1	87.56	210.00	2°53'30"	86.93	N17°20'51"W
C2	34.14	210.00	9°19'00"	34.11	N0°44'39"W
C3	34.16	210.00	9°19'10"	34.12	N8°34'24"E
C4	37.26	210.00	10°10'00"	37.22	N18°18'59"E
C5	40.39	956.45	2°25'10"	40.38	N24°36'35"E
C6	48.32	956.45	2°53'40"	48.32	N27°16'00"E
C7	34.01	956.45	2°02'20"	34.01	N29°43'58"E
C8	34.00	956.45	2°02'10"	34.00	N31°46'13"E
C9	49.13	956.45	2°56'40"	49.13	N34°15'37"E
C10	49.05	956.45	2°56'20"	49.04	N37°12'04"E
C11	34.01	956.45	2°02'10"	34.00	N39°41'19"E
C12	34.01	956.45	2°02'10"	34.01	N41°43'33"E
C13	48.62	956.45	2°54'50"	48.61	N44°12'03"E
C14	48.61	956.45	2°54'40"	48.60	N47°06'47"E
C15	32.20	956.45	1°55'40"	32.20	N49°32'00"E
C16	23.09	375.00	3°31'40"	23.09	N48°43'34"E
C17	34.06	375.00	5°12'10"	34.05	N44°21'37"E
C18	24.32	375.00	3°43'00"	24.32	N39°54'02"E
C19	24.63	375.00	3°45'50"	24.63	N36°09'39"E
C20	25.07	375.00	3°49'50"	25.07	N32°21'48"E
C21	25.65	375.00	3°55'10"	25.65	N28°29'18"E
C22	28.41	375.00	4°20'30"	28.40	N24°21'29"E



Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction
L1	25.35	S58°59'15"E	L24	20.77	S30°39'56"W
L2	28.88	N29°17'34"W	L25	37.00	S30°39'56"W
L3	31.77	N29°17'47"W	L26	36.56	S30°39'56"W
L4	18.58	N23°24'00"E	L27	34.00	S30°39'56"W
L5	54.32	N23°24'00"E	L28	34.00	S30°39'56"W
L6	34.00	N23°24'00"E	L29	37.58	S30°39'56"W
L7	34.00	N23°24'00"E	L30	37.91	S30°39'56"W
L8	7.85	N23°24'00"E	L31	34.28	S30°39'56"W
L9	35.77	N50°29'52"E	L32	34.28	S30°39'56"W
L10	20.59	N50°29'52"E	L33	30.88	S30°39'56"W
L11	15.00	N39°30'08"W	L34	33.46	S30°39'56"W
L12	24.28	S40°30'45"W	L35	38.11	S30°39'56"W
L13	24.28	S40°30'45"W	L36	38.11	S30°39'56"W
L14	24.28	S40°30'45"W	L37	139.25	S40°42'17"E
L15	24.28	S40°30'45"W	L38	133.83	S40°42'17"E
L16	34.51	S40°30'45"W	L39	127.85	S40°46'24"E
L17	44.52	S40°30'45"W	L40	135.84	S40°46'24"E
L18	34.51	S40°30'45"W	L41	133.50	S40°51'15"E
L19	34.40	S40°30'45"W	L42	133.77	S40°51'15"E
L20	38.15	S40°30'45"W	L43	135.66	S40°51'15"E
L21	37.65	S40°30'45"W	L44	139.25	S40°51'15"E
L22	34.00	S40°30'45"W	L45	144.66	S40°51'15"E
L23	13.55	S40°30'45"W			

OWNER CERTIFICATION

I/We the undersigned owner(s) (in fee simple) of the property indicated hereon, do hereby adopt this plan of subdivision.

Lima Sierra LLC
P.O. Box 951
Ringgold, GA 30736
423-994-4424

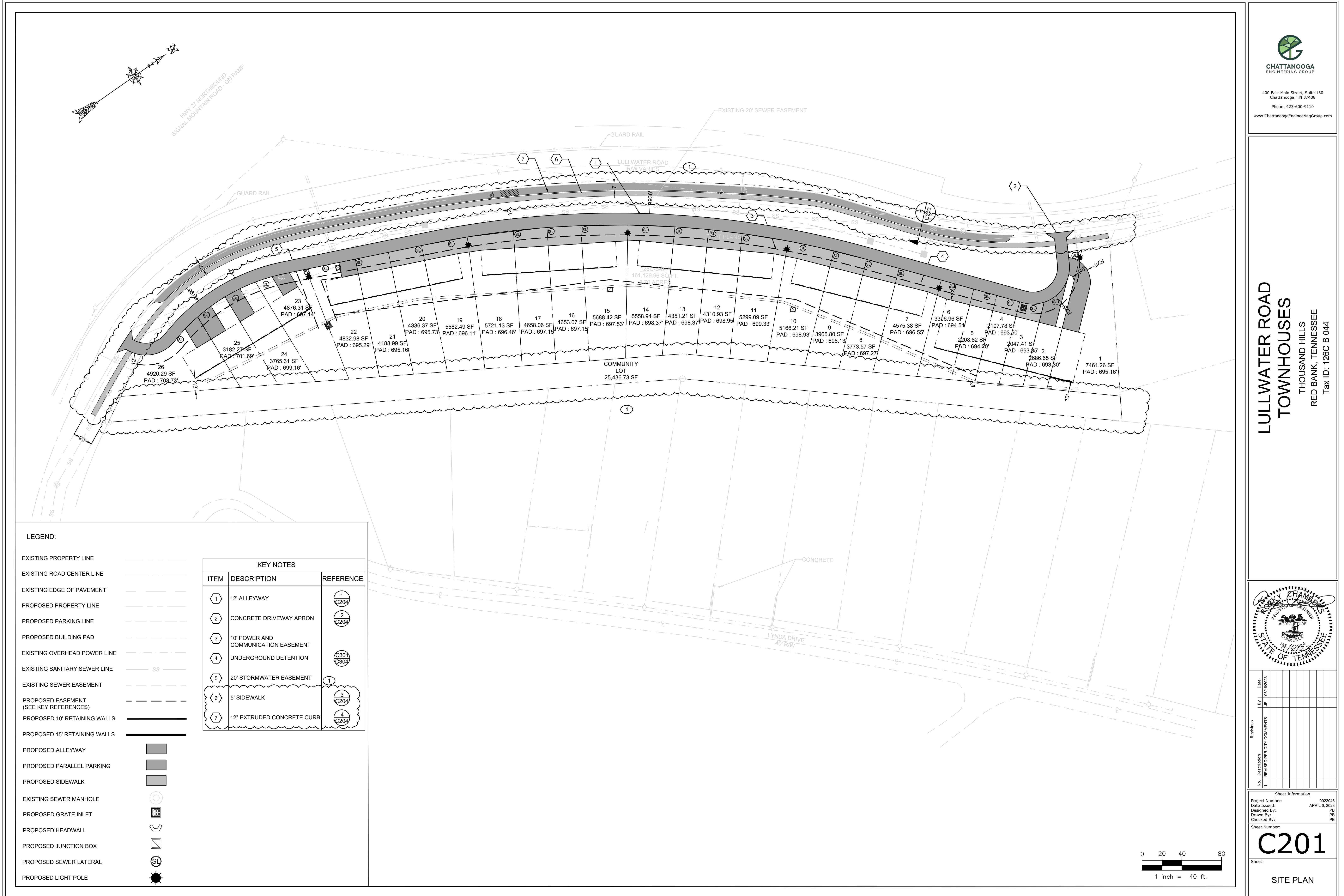
Date



CALL BEFORE YOU DIG
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(800) 351-1111
TENNESSEE - ONE CALL CENTER

The Location of existing underground utilities are shown at approximate locations only and are based upon the field location of visible utility apparatus and information provided by utility companies.

THE R-L-S GROUP
LAND SURVEYING
4728 Adams Road, Suite 101
Pittsboro, Tennessee 37363
Phone (423) 847-0155 Fax (423) 847-0156
www.RLSUS.com



LULLWATER ROAD
TOWNHOUSES
THOUSAND HILLS
RED BANK, TENNESSEE
Tax ID: 126C B 044



No.	Description	Revised	By	Date
1	REVISED PER CITY COMMENTS		JE	05/10/2023

Sheet Information	
Project Number:	0022043
Date Issued:	APRIL 6, 2023
Designed By:	PB
Drawn By:	PB
Checked By:	PB
Sheet Number:	C201
Sheet:	

ORDINANCE NUMBER 17-1094

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY LOCATED ON LULLWATER ROAD, HAMILTON COUNTY TAX PARCEL NUMBER 126C-B-044, MORE PARTICULARLY DESCRIBED PER THE ATTACHED EXHIBIT B, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE / ZERO LOT LINE ZONE SUBJECT TO CONDITIONS

WHEREAS, *Tennessee Code Annotated* (TCA) § 13-7-201 allows municipal governments the authority to regulate land use through zoning of its jurisdictional territory; and

WHEREAS, the Red Bank municipal planning commission has certified zoning districts as provided for in TCA § 13-7-202; and

WHEREAS, TCA §13-7-204 authorizes amendments to the municipal zoning map and provides for that process; and

WHEREAS, the owner, Starr P. Thomas ETAL, acting by and through its authorized agent and applicant, Sandpiper Development Corporation, has requested that the here and after referenced real property, on Lullwater Rd be rezoned from R-1 residential to R-T/Z residential townhomes; and

WHEREAS, the legal description for said property is included in Deed Book 8943 Page 528 in the Register's Office of Hamilton County, Tennessee and as is more particularly set out on Exhibit B, attached hereto and made a part hereof by reference; and

WHEREAS, conditions have been attached to the R-T/Z rezoning to ensure compatibility of the proposed development with nearby homes in the R-1 zoning district; and

WHEREAS, the Planning Commission provided an opportunity to submit comments in favor of or against the proposed rezoning at an advertised public hearing held in conjunction with its meeting on June 12, 2017; and

WHEREAS, the City Commission provided an opportunity to submit comments in favor of or against the proposed rezoning at an advertised public hearing held in conjunction with its regular meeting on July 18, 2017; and

WHEREAS, the City Commission finds that the proposed development afforded by the rezoning request would not have a negative impact on adjacent properties.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF RED BANK, TENNESSEE, AS FOLLOWS:

SECTION 1. The Zoning Ordinances and Zoning Maps of this City are hereby amended by rezoning the property located on Lullwater Road, as more particularly describe as per the attached Exhibit B and as shown in Exhibit A, as Hamilton County tax parcel number 126C-B-044, from R-1 Residential Zone to R-T/Z Residential Townhouse / Zero Lot Line Zone, subject to the following conditions shown on the site plan in Exhibit C.

- (a) a community lot is created along the rear lot line of the property that is 25 feet in depth, and the maximum depth practicable behind proposed lot 16; and
- (b) a 5-foot-wide sidewalk built to ADA standards along Lullwater Road for the entire length of the property; and
- (c) On-street guest parking on Lullwater Road.

SECTION 2. Upon the adoption of this Ordinance, the Zoning maps of the City shall be amended and changed to reflect this rezoning with the limited condition noted.

SECTION 3. Every section, sentence, clause, and phrase of this ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 4. This ordinance shall take effect from and after the date of its final passage, the public welfare of the City of Red Bank, Tennessee requiring it.


CITY RECORDER


MAYOR JOHN ROBERTS

July 18, 2017
PASSED ON FIRST READING

August 1, 2017
PASSED ON SECOND READING

Accepted As To Conditions:



APPROVED AS TO FORM:

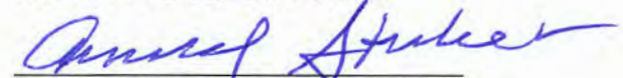

CITY ATTORNEY

Exhibit A. Map

ORDINANCE 17 - 1094

Rezoning Request, R-1 to R-T/Z

126C-B-044

Lullwater Rd



Exhibit B. Legal Description from Deed Book 8943 Page 528, REGISTER'S OFFICE
HAMILTON COUNTY TENNESSEE

Beginning at a point in the eastern line of Lullwater Road at the most northern corner of the tract conveyed by the Chattanooga Estates Company to the State of Tennessee by deed recorded in Book 1530, page 467, in the Register's Office of Hamilton County, Tennessee; thence, northeastwardly along the eastern line of Lullwater Road to the south-western corner of Lot One (1), Revised plat of Rustic Village as recorded in Plat Book 18, page 6 in said Register's Office; thence South sixty (60) degrees thirty (30) minutes East along the southwestern line of lot and said line extended one hundred eighty (180) feet, more or less, to the northwestern line of Duncan Hills Subdivision; thence South thirty-nine (39) degrees West along Duncan Hills Subdivision four hundred seventy (470) feet, more or less, thence continuing along the line of Duncan Hills Subdivision South twenty-nine (29) degrees West six hundred sixty-seven (667) feet, more or less, to the most eastern corner of the tract conveyed to the State of Tennessee; thence northwardly, along the eastern line of said State of Tennessee tract three hundred twenty-five (325) feet, more or less, to the point of beginning.

SUBJECT to any governmental zoning and subdivision ordinances or regulations in effect thereon.

SUBJECT to the rights of ingress and egress as set out in the deed to the State of Tennessee recorded in Book 1530, page 467, said Register's Office.

For prior title see Deed recorded in Book 1549, page 604, in the Office of the Register of Deeds of Hamilton County, Tennessee.

Book and Page: 81 8943 528

SITE ANALYSIS

ADDRESS: LULLWATER ROAD

TAX MAP ID: 126C-B-044

SITE CURRENTLY ZONED: R-1

PROPOSED ZONING: R-TZ

UNIT PER ACRE DENSITY 4.21 UNITS/ACRE

TOTAL NUMBER OF UNITS 16 UNITS

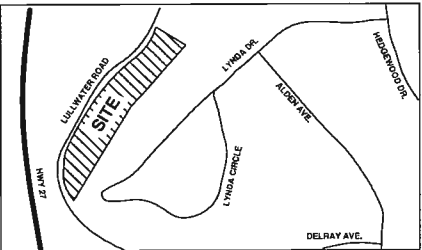
TOTAL ACREAGE: 3.8± ACRES

OF PARALLEL PARKING SPACES 18 SPACES

NOTE: ALL PARALLEL PARKING SPACES TO BE IN LULLWATER RD R/W.

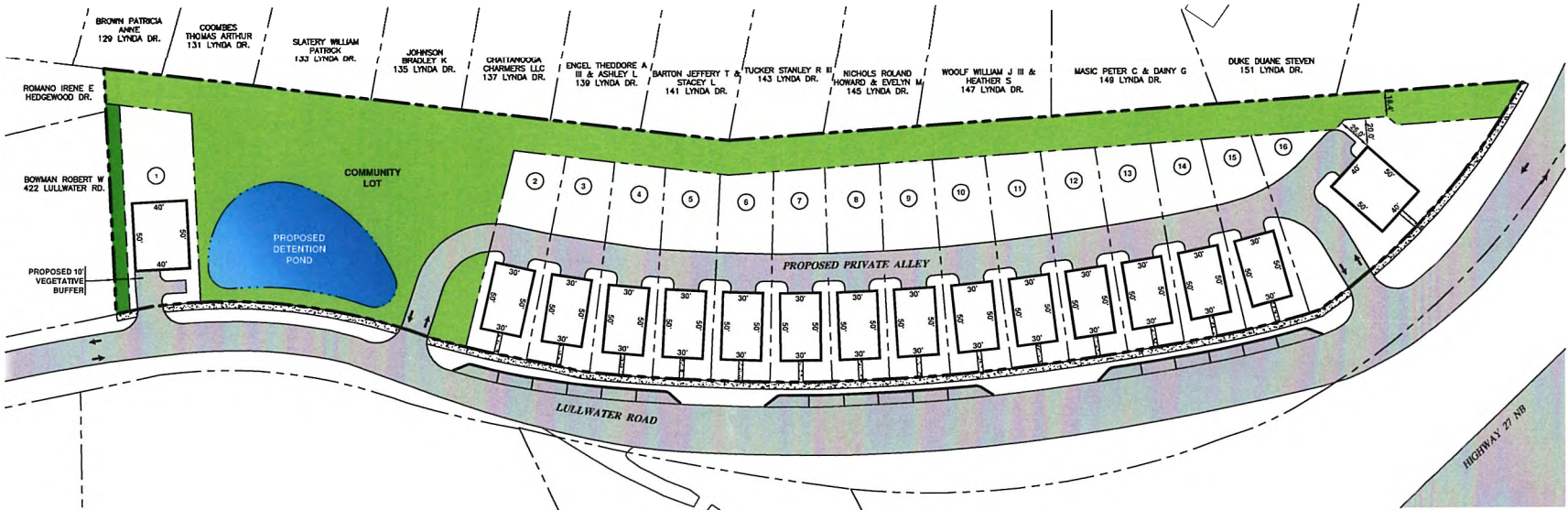
NOTE: EACH HOUSE TO HAVE MINIMUM 2 CAR GARAGE.

EXHIBIT C

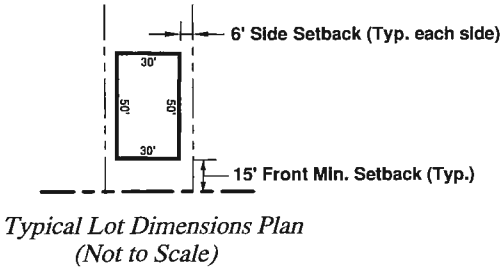
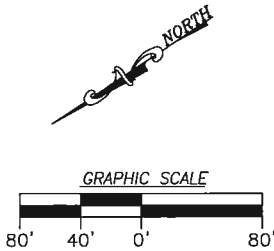


VICINITY MAP
N.T.S.

LOT ACREAGE	
LOT #	AREA
1	0.20±
Community	1.24±
2	0.14±
3	0.14±
4	0.14±
5	0.14±
6	0.14±
7	0.15±
8	0.15±
9	0.15±
10	0.15±
11	0.15±
12	0.14±
13	0.14±
14	0.14±
15	0.13±
16	0.32±
Total	3.8±



NOTE: MINIMUM LOT WIDTH AT EACH HOUSE = 42 FT



PRELIMINARY SITE PLAN

MAPENGINEERS
L.L.C.

Tel.(423) 855-5554

Fax.(423) 485-8110

7380 Applegate Lane

Chattanooga, TN 37421

ALL RIGHTS RESERVED

This drawing is the property of MAP ENGINEERS, L.L.C. and shall not be reproduced in whole or in part. This drawing shall not be used for the construction of any other project without the written permission of the Engineer.

OWNER: W&B

DESIGNED: MAP

DATE: 04/13/17

SCALE: 1" = 80'

SHEET NUMBER: 17-116

PROJECT: 05/11/17



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Michael Pham, Red Bank Community Development Planner

From: Ashley Gates, Regional Planner

Date: June 8, 2023

Subject: Request to rezone 210 Lullwater Rd. from L-1 Light Manufacturing to R-T/Z Residential Townhome/Zero Lot Line for Single Family Detached Residential

SUMMARY

Property Address:	210 Lullwater Road	Property Owner:	Be Big Inc.
Tax ID:	126C C 039	Applicant:	Be Big Inc.
Deed Reference:	13021-0277	Current Zoning:	L-1
Flood Zone:	No	Requested Zoning:	R-T/Z
Current Land Use:	Vacant	Surrounding Zoning:	R-1
Surrounding Land Use:	Single Family Residential		
Proposed Use:	Four (4) single family detached homes		
Staff Recommendation:	Deny, instead rezone to R-1		

ANALYSIS

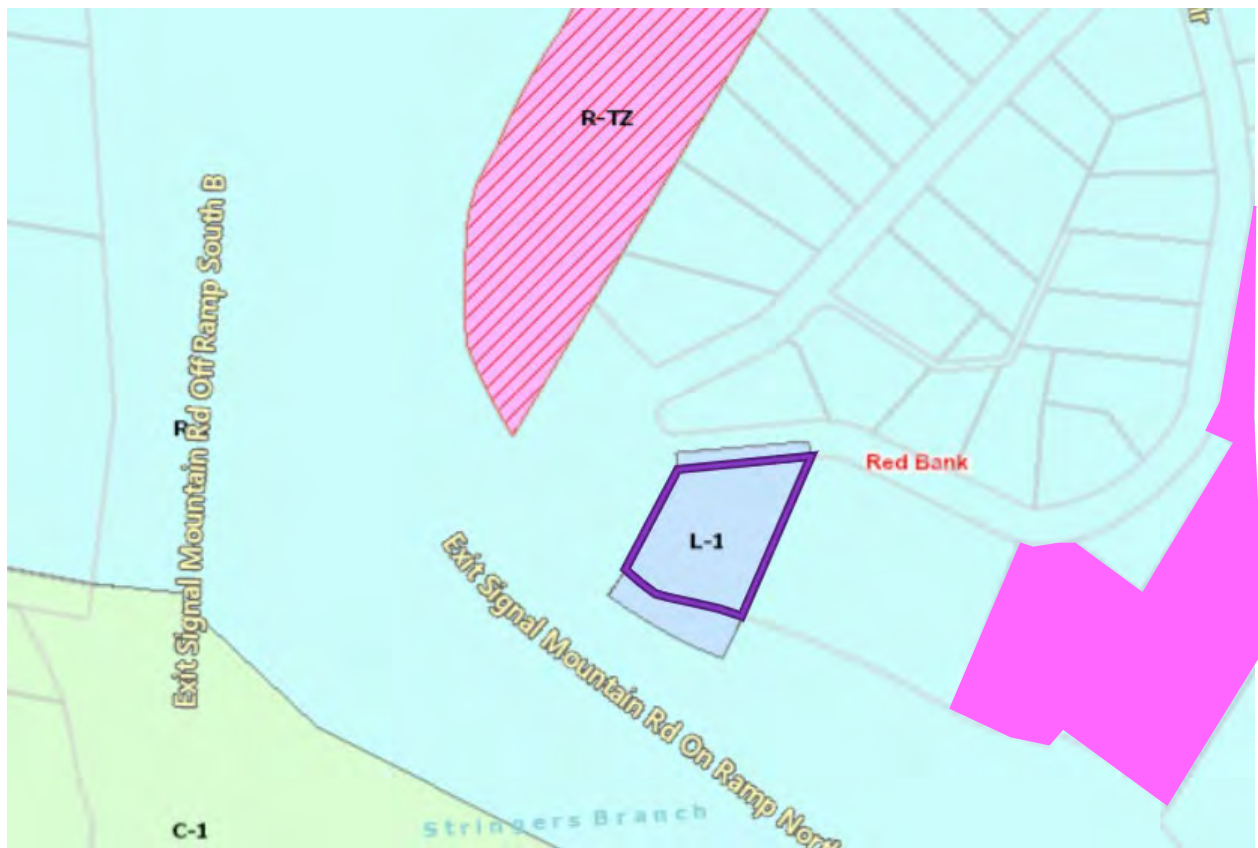
Current and Proposed Use

The property at 210 Lullwater Road is approximately 0.5 acres, and is currently vacant. Be Big Inc. has requested that the property be rezoned to R-T/Z in order to build four (4) single family detached homes.

Aerial Imagery, 2022 (Hamilton County GIS)



Zoning Map



Zoning Ordinance

	Current Zoning L-1 Light Manufacturing	Proposed Zoning R-T/Z Townhome/Zero Lot Line Residential	Surrounding Zoning R-1 Residential
Permitted Uses	Variety of manufacturing uses, storage and distribution facilities	Single-family dwellings; townhouses; single-family zero lot-line dwellings; parks, playgrounds, schools, churches, and community-owned non-profits; golf courses; accessory uses; home occupations; kindergartens	Single-family dwellings; schools; parks, playgrounds, and community buildings; golf courses; fire halls; churches; accessory uses; kindergartens; day care homes
Maximum Density	N/A	N/A	8 units per acre
Frontage / Width	No minimum	35 feet (Width)	60 feet (Frontage)
Front Yard	50 feet	25 feet	25 feet
Rear Yard	No minimum	25 feet	25 feet
Side Yard	15 feet from residential zone	Single family: 10 feet / 12-foot building separation Townhouse: 25 feet	10 feet
Lot Size	No minimum	N/A	7,500 square feet
Setback from R-1 Zone	15 feet	10 feet (Landscaped)	N/A
Building size (Single Family)	N/A	N/A	1,400 square feet

Surrounding Land Use

This property has frontage on both Lynda Circle and Lullwater Road. Along Lullwater, there is a vacant commercial property abutting the subject property to the east that appears to have formerly been a vehicle service station. This property is zoned R-1 Residential, so any new construction will need to follow the requirements of the R-1 zoning designation. To the east, there is vacant property that appears to be part of the Lullwater Road right-of-way.

Just opposite the undeveloped right-of-way a large undeveloped property is zoned R-T/Z. This is within 180 feet of the subject property. Similarly, the property on the other side of the vacant commercial building was recently zoned R-T/Z, within 250 feet of the subject property.

The portion of the property along Lynda Circle is uphill from Lullwater Road. There is an elevation change of about 62 feet. A rough calculation based on GIS contours places the slope between 30 and 40 percent. Lynda Circle itself is a narrow, paved road that is around 15-18 feet wide. Lynda Circle has no curb or shoulder.

Along Lynda Circle are single-family detached homes, most having been built in the 1950's. The lots appear to conform to the lot size requirements of the R-1 Residential zone. The density within Lynda Circle is approximately 4 units per acre. The density of the portion of the neighborhood along Lynda Drive is approximately 2 units per acre.

Compatibility with Surrounding Land Use

The proposed development will have four single-family detached dwellings at a density of 8 units per acre, which is the maximum density for the R-T/Z zone. This density is nearly double that of the surrounding neighborhood along Lynda Circle. The density of the future development along Lullwater Road is unknown, but the maximum allowed is also 8 units per acre.

While R-T/Z zoning is regularly used to allow a moderate increase in density for infill development, the Planning Commission has not approved such increases in density along Lynda Circle in particular. A recent request to rezone 167, 168, 171, and 178 Lynda Circle to R-T/Z was not approved by the Planning Commission and was withdrawn from consideration by the City Commission. A later proposal was approved with strict conditions on the development of the steep portion of the property and requiring access to be from Strawberry Lane.

This property may also be accessed from Lullwater Road. Utilizing Lullwater Road as the access point may alleviate some of the concerns about incompatibility. However, locating the homes along Lullwater Road will result in having the home sites cut into the hillside. This particular property is much steeper than the previously rezoned area along Strawberry Lane. The stability of the slope leading up to Lynda Circle has been a top concern for the neighborhood and Planning Commission.

The existing zoning, which allows for many intensive manufacturing uses, is clearly not compatible with the residential neighborhood. However, the Planning Commission may consider all potential zones for the future of this property, not just the requested R-T/Z zone.

Land Use Plan

The "C-Goal" of the Red Bank 2035 Plan is to attract developers and create more diversity of housing. The "D-Goal" of the Red Bank 2035 Plan is to "protect single-family residential development."

C-GOAL: Attract residential developers back to Red Bank for new development and redevelopment.

ACTION: New residential zones that provide more options and diversity of development while still protecting single-family neighborhoods.

ACTION: Reduced minimum lot size standards and setback requirements to make Red Bank competitive with surrounding communities.

D-GOAL: Increase value of and protect single-family residential development.

ACTION: New R-1A Zone that has a 2,000 square foot minimum house size requirement and rezone certain appropriate areas to R-1A as part of Zoning Study. Minimum 1,200 sqft house size for R-1.

ACTION: New screening and landscaping regulations that is required of all multi-family, commercial, office and industrial development under certain conditions.

ACTION: More stringent zoning regulations for apartment development.

The R-T/Z zone was specifically created to address the C-Goal when the land use plan was developed. However, the land use plan offers no indication as to where this zone should be utilized or where the increase in density should be concentrated. When the new zoning map was adopted as part of the implementation of the land use plan, there were no R-T/Z zoned properties.

While utilizing the R-T/Z zone may be interpreted as meeting the C-Goal, the planning commission should consider whether the proposed location of this increased density would be in conflict with the “D-Goal” portion of the Land Use Plan, which calls for the protection of single-family residential development. The recent decisions from the Planning Commission regarding development surrounding Lynda Circle indicate that there are significant concerns regarding increased density on the steep slopes and increasing the number of housing units to be accessed via Lynda Circle.

Spot Zoning

Throughout the City of Red Bank the R-T/Z zone has been used to create compatible infill development within single-family residential neighborhoods. There are two R-T/Z zones within 300 feet of the subject property. The proposed rezoning may be considered consistent with existing development patterns without spot zoning concerns.

RECOMMENDATION

Rezoning Recommendation:

Staff recommends that the Planning Commission deny the proposed rezoning for the following reasons:

1. The proposed density is nearly twice that of the Duncan Hills neighborhood, which has narrow roads and steep slopes
2. The Planning Commission recently recommended denying an R-T/Z zoning request accessed on Lynda Circle. The rezoning request was later approved, but only with the condition that the lots be accessed via Strawberry Lane as part of a larger development that included repaving Strawberry Lane.
3. The slopes of between 30% to 40% are steeper than the nearby R-T/Z property along Strawberry Lane, as well as the homes in Duncan Hills. In considering the suitability of the land for increased density, steeper slopes are generally more suited to lower density development.
4. A plat has been submitted, but a site plan meeting the requirements of the R-T\Z zone has not been submitted.

Staff recommends that this property be rezoned from the L-1 Light Manufacturing to R-1 Residential.

If the Planning Commission wishes to rezone this property to R-T/Z, staff recommends the following conditions, which are consistent with the R-T/Z rezoning of the nearly by property along Strawberry Lane:

- (a) No use other than single-family detached residential shall be permitted.
- (b) Land disturbance of steep slope areas of any individual parcel, or if assembled and recombined for tax or development purposes, of any resulting parcel or parcels shall be limited to the following based on slope:

Slope	Maximum Percent Slope Land Disturbance
20% to 25%	50%
25% to 40%	20%
40% +	10%

Maximum developmental percentages of land disturbance area permitted, based on the slope of only such portion of any such parcel properly identified as a "Steep Slope," may be increased if supported by certified and stamped site-specific development site plan(s)

(b) Provided however that in the event any Ordinance hereinafter enacted by the City with respect to the topic of the development of “Steep Slope(s)” shall contain less restrictive requirements or conditions than as provided in sections above then such less restrictive requirements or conditions shall ipso facto be controlling as to development of these lots hereby conditionally rezoned.

(c) No lots shall be accessed via Lynda Circle.

Recommendation: Final Plat Be Big Subdivision

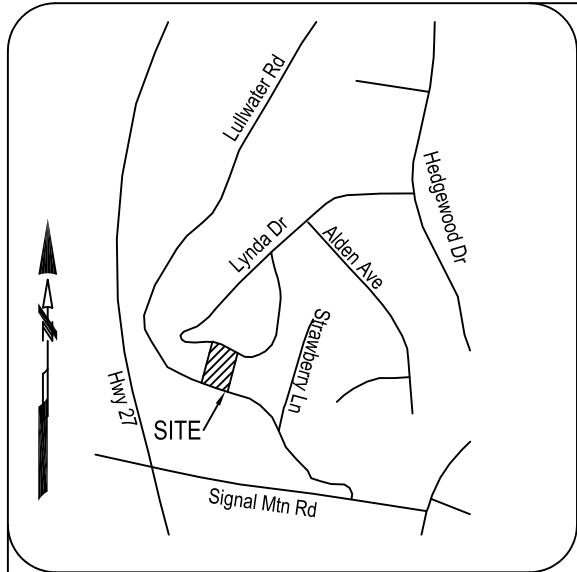
In conjunction with the rezoning request, a final plat for the four proposed lots was submitted. Staff recommends denying the plat. If the rezoning request is approved, the plat may be re-submitted and reviewed after the Zoning Ordinance Amendment has been approved by the City Commission.

Staff does not recommend tabling the plat or taking no action, as the State of Tennessee places a 60-day time limit on either approving or denying a properly submitted plat.

Update, August 2023:

The attached site plan was submitted to staff and appears to meet the minimum requirements of an R-T\Z rezoning application.

Staff still recommends rezoning the property to R-1 residential.



LOCATION MAP
(NOT TO SCALE)

OWNER'S CERTIFICATION

I/WE ADOPT THIS AS OUR PLAN OF SUBDIVISION AND CERTIFY THAT
I/WE ARE THE OWNER/OWNERS OF THE PROPERTY IN FEE SIMPLE.

BE BIG INC.
P.O. BOX 951
RINGGOLD, GEORGIA 30736
(423) 994-4424

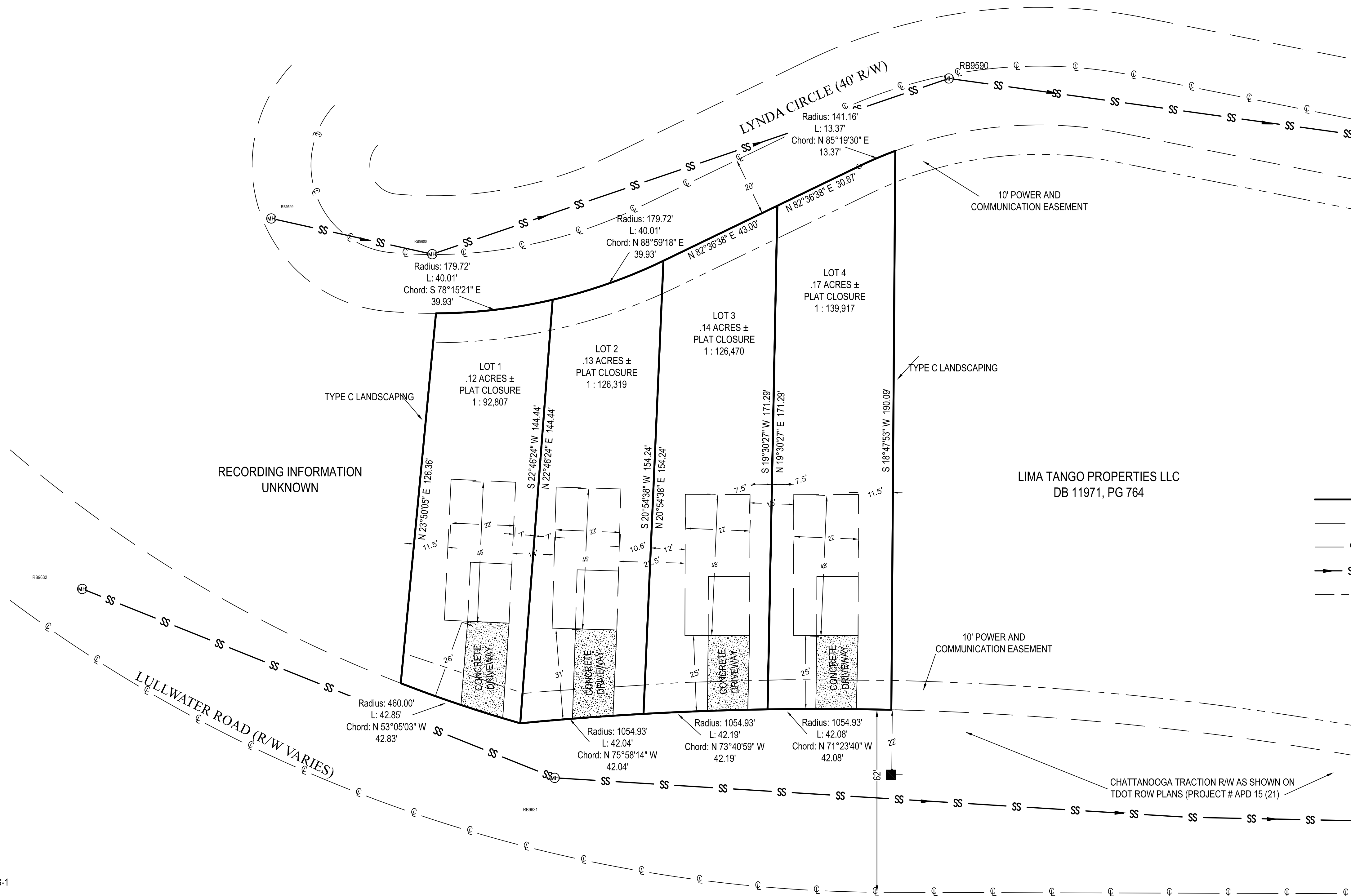
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT OR MAP REPRESENTS A CATEGORY 1 SURVEY WITH A RATIO OF
PRECISION OF THE UNADJUSTED SURVEY BEING ONE FOOT IN 15,800 FEET AND THAT SAID SURVEY
WAS CONDUCTED IN ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE AS
PROMULGATED BY THE STATE OF TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYING AS OF
MARCH 17, 2011.

JEFF C. DAWSON, LS 2339, CFM

DATE

APPROVED FOR RECORDING
HAMILTON COUNTY GEOSPATIAL TECHNOLOGY
DATE _____
BY _____
HAMILTON COUNTY WMTA
DATE _____
BY _____
JURISDICTIONAL AUTHORITY
DATE _____
BY _____
RED BANK MUNICIPAL
PLANNING COMMISSION
DATE _____
BY _____



LEGEND

- CORNER FOUND (AS NOTED)
- 1/2" IRON ROD SET W/ "NILES" CAP
- CONCRETE MONUMENT FOUND
- IRF IRON ROD FOUND
- MANHOLE
- PROPERTY LINE
- APPROXIMATE ADJOINER
- ROAD CENTERLINE
- SANITARY SEWER (FLOW DIRECTION)
- EASEMENT

VF: 63- BE- BIG-1
FB: 252-3
FF:
JOB: 23-087
DRAFTED BY: TABITHA PFEIFFER
CHECKED BY: JEFF DAWSON

-ALL PARKING ON SITE, NO ON STREET PARKING PERMITTED.
-RANGE OF LOT SIZES- LOTS RANGE .12 TO .17 ACRES.
-TOTALLING 4 LOTS.
-ACREAGE- .57 ACRES ±
-TYPE C SCREENING ON ALL R-1 ADJOINING SIDES.

NILES SURVEYING CO., INC.
LAND SURVEYING--MAPPING--FLOOD CONSULTATION
CERTIFICATE OF AUTHORIZATION NUMBER LSF 0000090
3962 CHURCHILL ROAD
CHATTANOOGA, TENNESSEE 37406-1616
PHONE: (423) 624-5041 FAX: (423) 629-7813
EMAIL: admin@nilessurvey.com

0 20 40 60
SCALE 1" = 20'



PROPOSED RT-Z ZONING
SITE PLAN
BE BIG SUBDIVISION
ON LULLWATER RD AND LYNDIA CIR
LOTS 1 - 4
LOCATED IN THE CITY OF RED BANK
OF HAMILTON COUNTY, TENNESSEE
1" = 20' ---- JULY 18, 2023