

Hollie Berry
Mayor

City of Red Bank
Municipal Planning Commission

Martin Granum
City Manager

REGULAR MEETING AGENDA

September 21, 2023

6:00 pm

Red Bank Court Room

3117 Dayton Boulevard

**NOTE: The Planning Commission Work Session
for September 2023 has been cancelled**

I. CALL TO ORDER

II. ROLL CALL – Secretary

- | | |
|---|--|
| ☐ Commissioner Browder | ☐ Commissioner Kelly |
| ☐ Commissioner Cannon | ☐ Commissioner Skonberg |
| ☐ Commissioner Millard | |

III. INVOCATION – Commissioner Millard

IV. PLEDGE OF ALLEGIANCE – Commissioner Browder

V. CONSIDERATION OF THE MINUTES

1. July 20, 2023
2. August 17, 2023

VI. UNFINISHED BUSINESS

1. Discussion of Planning Commission Meeting Schedule
 - a. Staff Presentation
 - b. Public Comment
 - c. Discussion/Vote
2. Steep Slope Ordinance Update
 - a. Staff Presentation
 - b. Public Comment

3. Native Plant Species Ordinance Update
 - a. Staff Presentation
 - b. Public Comment
4. Any properly presented unfinished business

VII. NEW BUSINESS

1. Sign Ordinance Update
 - a. Staff Presentation
 - b. Public Comment
2. Planning Commissioner Training - Planning 101 Presentation - Ashley Gates
 - a. Staff Presentation
 - b. Public Comment
3. Any properly presented new business

VIII. OTHER BUSINESS

IX. ADJOURNMENT



Hollie Berry
Mayor

Martin Granum
City Manager

MUNICIPAL PLANNING COMMISSION

MINUTES

July 20, 2023

6:00 pm

Red Bank Court Room

3117 Dayton Boulevard

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:08 PM

II. ROLL CALL – Secretary

☒ Commissioner Browder

☒ Commissioner Millard

☐ Commissioner Kelly

☒ Commissioner Skonberg

☐ Commissioner Luther

III. INVOCATION

Commissioner Millard gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Browder led the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

Commissioner Browder asked for any corrections to the minutes from June 15, 2023.

Commissioner Skonberg asked for the date on the minutes to be corrected

Commissioner Skonberg motioned to approve the minutes from June 15, 2023.

Commissioner Millard seconded the motion. The motion carried with a unanimous vote.

VI. NEW BUSINESS

1. Design of Mixed Use Development – 2101 and 2119 Dayton Boulevard

The applicant (Jeff Smith and Ben Berry from Rise Partners and Berry engineering) presented the design review application:

This was a multi-year process of design ideas from townhomes to commercial outlets to this current idea which is a 205-unit apartment complex with a mixed-use component and a retail building. The design ideas received input from city leadership. The construction schedule is planned to be 18 months from groundbreaking to move-in. We've begun

discussions with the parks and rec manager to have a pre-leasing event on site as an introduction to the project for the community. The environmental checks came back clean. We are under contract to purchase the parcel to the West; assuming that goes through, we will adjust the entrance to the parking garage. We are about three weeks off of land disturbance and grading permits.

Staff (Red Bank Planner Michael Pham) presented the design review checklist:

The applicant is requesting three exceptions: increase the setback of the retail building to 90', allow new parking lots to be built in between the new buildings and Dayton Boulevard, allow for the storefront area to be increased from the maximum depth of 8' to 15'. The applicant has agreed to resolve the other design elements regarding landscaping and details of trash enclosures, a landscape buffer between West Ridgewood and the sidewalk, and a lighting plan showing bulb type, illumination, and maximum height. The applicant will also need a variance regarding a rear setback and landscaping buffer where the property abuts a residential parcel to the west. The applicant will also need City Commission amendment to the conditions for a special exception permit regarding the orientation of the live/work units of the mixed-use building. Staff recommends a recommendation to BZA to grant the rear setback and landscape buffer variance, a recommendation to the City Commission to amend the conditions of the special exceptions permit, and granting the three exceptions to the design review contingent on the applicants provision of the following updates to site plan, landscape plan, and lighting plan:

- A landscape buffer between West Ridgewood Drive and the sidewalk
- Stronger connection between the mixed-use building and the retail building—stamped pavement, pedestrian sidewalk, etc.
- Trash enclosure landscaping
- Trash enclosure dimensions and materials
- Storm water retention
- Runoff mitigation measures using best management practices
- Bulb type
- Minimum illumination
- Height of lighting structures

Browder – We appreciate the effort to bring the site down to the level of Dayton Blvd.

Skonberg – Are there other considerations for architectural style, something that would be timeless or classic; we'd like to see styles that match the retail building with the brick and wood feeling

Applicant – we are happy to continue the conversation of style and show some renderings; the facades are subjective in terms of preference and one way the architect described this current elevation look is “timeless”. It will always be difficult to choose a style that everyone considers “timeless”.

Staff(L. Johnson) – Are the townhomes occupied and do you have a plan to allow them reasonable time to vacate?

Applicant – We plan to treat them with the same respect we gave Mr. Patel at the liquor store on the site.

Browder opened the item for public comment

Skonberg motion to approve the design review with staff recommendations for exceptions and contingent on applicants provision of updates to plans for design review compliance; motion to

Millard seconded

Motion carried unanimously

Millard motioned to recommend approval to the BZA for the variance of the rear setback requirement and landscape buffer.

Skonberg seconded

Motion carried unanimously

Browder motion to recommend the amendment to the conditions of the special exceptions permit regarding the orientation of the live/work units—from facing Dayton Boulevard to face the south retail units

Skonberg seconded

Motion carried unanimously

2. Preliminary Plat for Lima at Lullwater Subdivision

Staff – the applicant has sent a written request to defer until next month

Browder – the original zoning submittal from 2017 has been provided by the staff and at the work session there was discussion regarding the original zoning conditions

Skonberg – motion to defer to next month's meeting

Millard – seconded

Motion carried unanimously

3. TN-DIDD Inclusive Facility Grant Update

Staff(L. Johnson) – This grant application is being applied for to buy more playground equipment that is more inclusive. There is a notification of grant in August, if it is successful it will be brought before you again.

VII. UNFINISHED BUSINESS

1. Request to rezone 4006 and 4010 Oakland Avenue from R-1 Residential to R-T/Z Residential Townhome/Zero Lot Line

Applicant (Hyde and business partner) presented the project as the merging of two R-1 parcels in order to build a 3-unit townhome of 3-bedroom 2.5 bath 1500 square feet. We think the townhomes look better, we can fit more people there, we can bring more people to the city; there is no room for a turnaround driveway or rear access. There are existing trees on the south side of

the parcel and possibly an oak that we would like to save if possible. We have a property on Brass Lantern that is slightly smaller and the rent is 2000/month so we would charge slightly more for these units. We expect a 6-8 month construction timeline. If we are denied the rezoning we will have to build two SFD

Staff (A. Gates) – The R-TZ zone was created to allow for more diversity in housing products and to compete with surrounding localities provision of housing that are allowing more density in their neighborhoods. Historically, Red Bank has used R-TZ for this purpose even though it may look like spot zoning in some ways.

Browder opened the item for public comment

Erin Edens 4009 Norwood Avenue - On the site plan, each unit is planned for 3 bedrooms, the garage orientation allows for two cars only, if a household of three drivers existed there would be a car parked on the street; the density isn't appropriate as the rest of the neighborhood is single family, the neighborhood is a small loop; the 2025 goal is to protect single family homes, promoting more density is not in line with that goal; Browder recommended talking to local residents which they did not; I have encountered issues with the applicant following through with promises for maintenance of my property and since 2019 it hasn't been mowed or touched by the applicants; there is no existing access from Oakland to the lots due to the steepness of the lot, it would require significant grading; traffic is re-routed through Norwood and presents significant issues for local residents on that Oakland loop; rezoning for abutting a residential area can garner residential letters of support— but there hasn't been engagement with the neighbors. I am in opposition to the rezoning

Vivianne Fernandez 4018 Oakland Terrance - the traffic on Trenton during the traffic issue at Morrison springs, when the traffic is diverted, drivers ignore the stop sign; a tree fell on Oakland terrace and traffic again was problematic, lately it's been worse, children dogs and cats; single family is better for our neighborhood; the demand for that townhouse product will bring larger families and that's more than 3 cars. I oppose the rezoning

Browder closed the item for public comment

Browder – I am concerned about the disruption to the neighborhood; ideal for single family, but the three driveways is not conducive; though its not considered spot zoning it feels like spot zoning because of the use;

Skonberg – the land disturbance for me is an issue, and the parking on the street is concerning

Browder – any type of development will be disruptive during construction; the traffic issues are significant, and those things happen; I have a problem with the type of development in that neighborhood; we want more diversity, but we also want to protect the SFD development and we need to be conscious of that.

Millard – we have a lot of rental properties already; buying a home makes you more a part of the community, a rental you don't have any idea how long you'll be there; a driveway turnaround would be better as well or a circular driveway; I'd like to see more home ownership; tenants are transient; it's hard to enforce "good" rental units;

Millard – motion to deny the rezoning

Browder – seconded

Staff – this will go to the City Commission with the recommendation for denial

Motion passed with 2 in favor and 1 against

2. 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

Browder – the applicant has requested for a deferral to next month

Skonberg - motion to defer to next month's meeting

Browder – seconded the motion

Motion carried unanimously

3. Update on Urban Mobility Plan

****Public meeting scheduled, Tuesday July 25th, 5-7 PM at the Red Bank Community Center****

Staff (L. Johnson) - Urban Transportation Advisory Committee is working on the Urban Mobility Plan; meeting next week at the community center; after the public forum, it will be added to the agenda as recommendations and findings; all these documents will become part of the larger guiding documents for Red Bank;

4. Any properly presented unfinished business

Staff (L. Johnson) – A review of by laws for PC is forthcoming; a new board member is being appointed at the August commission meeting, Bill Cannon, a good opportunity to get the full board, possibly changing date for meeting—its taxing on staff to have City Commission and Planning Commission meetings on the same week.

VIII. OTHER BUSINESS

IX. ADJOURNMENT

Commissioner Millard motioned to adjourn. Commissioner Browder seconded the motion. All voted in favor. The meeting adjourned at 7:30 PM.

Chairman



Hollie Berry
Mayor

Martin Granum
City Manager

MUNICIPAL PLANNING COMMISSION

MINUTES

August 17, 2023

6:00 pm

Red Bank Court Room

3117 Dayton Boulevard

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:02 PM

II. ROLL CALL – Commissioner Browder

☒ Commissioner Browder

☒ Commissioner Millard

☒ Commissioner Cannon

☐ Commissioner Skonberg

☒ Commissioner Kelly

III. INVOCATION

Commissioner Millard gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Browder led the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

Commissioners did not have time prior to the meeting to review the minutes from July 20, 2023. The consideration of the minutes will be deferred until the next meeting.

VI. NEW BUSINESS

1. Final Plant for Lot 111-A and Lot 111-B, Chattanooga Estates Company's Subdivision of C.W. Coker Tract

The applicant presented the design review application Gary Gaber:

I am looking to divide the property into two properties. It has two houses and two addresses on one lot.

Staff presented the subdivision request and recommended approval.

Staff(Eddie Clinton) stated that it would be bringing a non-conforming lot into conformance.

Commissioner Cannon motioned to approve the final plat.

Commissioner Millard seconded
The motion carried unanimously

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

Applicant Erica Gerard Ony:

We are the homeowners, requesting rezone to R-1 to R-2. Would like to turn it into a duplex. It was originally a duplex, there were two meters, the bottom unit had a partial kitchen and a bathroom. It has its own entrance and parking area. We'd like to move our mother-in-law into the unit and restore it to a duplex. We are new residents to Red Bank and don't see a lot of housing options. One of the goals of Red Bank is to attract more young people. There are other duplexes in the neighborhood. It wouldn't overcrowd the neighborhood because it already exists as a duplex.

Staff presented the review and could not recommend approval as it would be considered spot zoning.

Commissioner Browder opened the item for public hearing.

Staff presented a written submittal from Rachel Hoffman of 20 Orlando Drive: she stands in opposition to the rezoning.

Daren Wright resident of Daytona Heights:

I support young people and after looking up the listing when it was purchased it was never duplex; I've lived on East Dayton Drive and raised a family, the home we own is one we have poured into and the equity has been built over years; this would stress the sewer system, there isn't space for a duplex, there is a moratorium for sewer, and we already have a high parking demand, the property doesn't accommodate two families, two homes, or more parking; ownership is more beneficial to the neighborhood than renting; this would result in higher crime, devaluation, and a decrease in quality of life; R-1 will preserve the community goals of family growth and protects nuisances, uses, and homeowners looking to raise their family; preserves environmental issues, prevents street parking in an area that is not suited for street parking; our homes provide community; the neighborhood does have duplexes but they have been rezoned; the existing 2 duplexes create challenges; increasing single family homes should be the priority; I oppose the rezoning as single family homes is the goal; Increase ownership and prevent outside interests.

Commissioner Browder closed the public hearing.

Commissioner Browder opened the item for discussion

Commissioner Browder asked if this has this ever been zoned R-2; in 2016 it was part of the rezoning across the city; there were a series of non-conforming uses; my concern is for spot zoning,

Commissioner Cannon reiterated remembering the down zoning to prevent spot zoning and that it was finished in 2016; the whole point of the rezoning was to resolve irregular and inconsistent zoning patterns; it may have been sold as a potential duplex but it shouldn't have been considered as such.

Commissioner Millard asked if the intention was to use it as a mother in law suite

Applicant stated it was intended to be used as a mother-in-law suite originally and intended to be looking to more usefulness in the future; they have no intention of selling and would like to stay for a very long time.

Commissioner Browder asked if the meter was ever active

Applicant stated that the wiring is there for a meter so it was at some point a separate 1-bedroom unit.

Staff(Clinton) said the rule for R-1 is one livable structure per lot, but a basement unit would be allowed. But if it was a fully separate unit that would not be allowed.

Commissioner Kelly asked if a mother-in-law suite has a separate meter?

Staff(Clinton) said a separate meter means it is a separate unit

Applicant stated that EPB said they would activate the meter

Commissioner Millard asked if the applicant was given a credit to renovate

Applicant stated they have paid for all the renovations themselves with love and their own resources

Commissioner Cannon asked if there is any recourse for a false advertisement by the seller

Commissioner Millard said it's up to the buyer to do their due diligence.

Commissioner Browder asked if the intention was to have the mother-in-law live in the basement; You can do that without the rezoning; the biggest concern is the spot zoning—adding a duplex to a street that is not zoned for that kind of zoning.

Commissioner Browder closed item for discussion

Commissioner Cannon motioned to deny the rezoning

Commissioner Kelly seconded

The motion unanimously carried

*Item will go before city commission September 19th

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

Applicant Jeff Smith presented the item:

This is a separate issue from the BZA and the special exceptions amendment. We are moving towards submittal for a land disturbance permit. I wasn't present for the meeting on Tuesday with the city commission; Sam was here and there was misunderstanding

about the voting taking place that night or a later date; As it relates to the four live/work units, we will continue discussions because we believe it is a better design; We are here tonight to rezone the duplex parcel; We are in process of acquiring the parcel to simplify the parking structure ramp as a straight entrance; The apartments are not moving any further up the road; We have communicated thoroughly with the residence that the transaction is coming, because we don't know how much the owner communicates with the residents, so we've taken it upon ourselves to let them know about the transaction.

Staff(Gates) recommended approval, and stated it's unfortunate to see tenants displaced, but the applicant is making an effort to respect and communicate with them.

Commissioner Browder opened the item for discussion

Commissioner Millard motioned to approve the rezoning

Commissioner Kelly seconded

Motion carried unanimously

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

Staff presented the changes too the zoning ordinance and recommended changing the public hearing item to conformance with state law which requires public comment on any item in front of the planning commission—it will reduce the cost of current requirements.

Commissioner Browder opened the item for public hearing.

Commissioner Kelly motioned to amend section 14-209

Commissioner Millard seconded

Motion carried unanimously

*Item will go before city commission on September 19th

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

Staff presented that the water quality requirements of Hamilton County were not met regarding land disturbance standards in subdivision development. This change would add statements and signature requirements to the city's subdivision regulations.

Commissioner Browder opened the item for public hearing

Commissioner Cannon motioned for approval

Commissioner Kelly seconded

Motion carried unanimously

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

Staff presented the changes to the by-laws regarding the order of items, the title of “chairman” to “chair”, and the allowance of public comments on all items.

Commissioner Kelly motioned to approve the amendments to the planning commission by-laws with the understanding that they may address a new meeting schedule at a later date

Commissioner Millard seconded

Motion carried unanimously

7. Any properly presented new business

VII. UNFINISHED BUSINESS

1. Final plat for Lima at Lullwater Subdivision

The applicant requested the item be deferred for one month

Commissioner Millard motioned to defer

Commissioner Kelly seconded

Motion carried unanimously

*the item will come before the planning commission in September

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

Applicant(Steve Pickett) – applicant worked with engineer to design four single family detached homes on four lots. The site will now be designed to have four lots loaded off Lullwater. The commission’s approval of a similar and nearby project(strawberry lane) was contingent on an engineers stamped plans of stabilization of the slope. There are ways to engineer the slope for acceptable storm water control, and the process of design and development is to engineer those solutions. The rezoning allows me to move forward with that process. And these engineered solutions are guided by the city’s requirements now.

Staff (Gates) stated that the submitted site plan meets the requirements for RT-Z. It should be rezoned from L-1 but the concern is about steep slope disturbance and therefore recommend R-1.

Commissioner Cannon – the job of the commission is to design ordinances that prevent risky development. The stormwater ordinance does not adequately guide the engineers in what they are designing for, specifically what level flood event—3-year, 100 year?

Commissioner Browder – it’s not fair to hold builders and developers hostage to some future ordinances that may increase the requirements on stormwater and steep slope. What has authority right now is the current regulations. This was a spot zoning and it needs to be corrected. There is no use for a light manufacturing zone there.

Commissioner Millard motioned to approve the rezoning with the conditions recommended by staff—namely the same conditions applied to the Strawberry Lane application.

Commissioner Cannon seconded

Motion carries 3 to 1(Commissioner Kelly dissents)

*the item will come before the planning commission in September

3. Update on Urban Mobility Plan

Staff presented an update on HNTB's final report and the public presentation on July 25.

4. Any properly presented unfinished business

None

VIII. OTHER BUSINESS

IX. ADJOURNMENT

Chairman



MEMORANDUM

To: Members of the Red Bank Planning Commission
Cc: Michael Pham, Community Development Planner
From: Ashley Gates, Regional Planner
Date: September 14, 2023
Subject: Planning Commission meeting times

Background

Red Bank Planning Commission meetings tend to fall on the same week as the City Commission meetings, and a change has been requested due to staff capacity limitations.

Proposal

Work Session: Staff proposes that the work session become a more staff-centered meeting with applicants. The purpose of the meeting will be to ensure completeness of the application and provide the applicant with an initial markup of their submission so that they may make adjustments before the Planning Commission meeting. Items ready to be heard by the Planning Commission will officially be added to the agenda at this meeting. Planning Commissioners will be invited to this meeting and will be welcome to ask questions, but staff envisions this meeting being run by a member of staff.

Proposed Work Session Days: The 2nd Monday, Tuesday, or Wednesday

Proposed Work Session Time: To be discussed

Planning Commission Meeting: Staff proposes retaining the same location and format of Planning Commission meetings.

Proposed Regular Meeting Days: 4th Monday or Wednesday

Application Deadline: First Monday or Wednesday, corresponding to the day selected for regular meetings