

Hollie Berry
Mayor



Martin Granum
City Manager

**MUNICIPAL PLANNING
COMMISSION**

MINUTES
July 21, 2022
6:00 p.m.
Red Bank Courtroom

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:00 PM.

II. ROLL CALL

Commissioner Luther called the roll. Commissioners Browder, Millard, and Smith were in attendance. The Commission's planning advisor from the Southeast Tennessee Development District (Ashley Gates) was also present. Additional attendees are listed on the sign-in sheet.

III. INVOCATION

Commissioner Millard gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Smith lead the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

A. June 16, 2022 Meeting Minutes

Commissioner Browder asked for any corrections to the minutes. Commissioner Millard motioned to approve the minutes. Commissioner Smith seconded the motion. The motion passed.

VII. NEW BUSINESS

1. Revised Final Plat for Downer Estates Lots 3, 4, 9-12

Mr. Jason Craven presented the plat for these lots. He stated that the previous owner, Mr. Downer, had added on to the existing home and that it encroached on the adjacent lots. The new plat provides access to Lot 11 via Lot 17.

Staff recommended approval subject to all required signatures.

Commissioner Millard made a motion to approve subject to all required signatures. Commissioner Smith seconded the motion. All voted in favor. The motion carried.

2. Request to Rezone 2626 Berkley Drive from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line

Staff stated that the two adjacent lots had been rezoned to R-T/Z previously, but did not take the 25-foot wide buffer requirement into account. She stated that having additional property zoned R-T/Z would help to address this error. Staff recommended approval of the rezoning, and stated that the Planning Commission could place restrictions on the type or density of homes if they wished. Staff stated that she had received comments to read into the record.

The applicant, Mr. Jim Higdon presented his request. He stated that there is a 25 by 200 foot section of his property that is below the grade of his home. He stated that the rezoning will allow this property to be used, which would otherwise sit vacant.

The developer of the adjacent property, Mr. Steve Pickett, stated that he would not pursue the townhomes as an option due to the neighbor's concerns. His only request is that the Planning Commission not limit the number of homes. He would like to know whether or not three homes would be possible.

Mr. Wade Cook of 2619 Berkley Drive stated that the rezoning letter was unclear. He stated he was not opposed to development and had previously spoke in favor of the original proposal for two homes. He stated that denying the request and allowing two detached single-family homes would be the best outcome and that detached single family homes should be the only type of home allowed.

Staff clarified that the letter included the intent that she had understood from a conversation with the owner. She stated that she had not received the proposed site plan at the time that the letter was required to be mailed, so she could not provide much detail in the letter.

Ms. Lauren Meredith Chester of 2602 Berkley Drive stated that she would welcome more neighbors but was worried that townhomes would be built. She stated that she supported limits being placed on the rezoning.

Ms. Phillis Neal of 2700 Berkley Drive stated that she was opposed to townhomes and felt that developers wanted to bulldoze Red Bank and build only apartments.

Ms. Lucretia Cook of 2619 Berkley stated that she was opposed to rezoning to allow three homes. She stated that when she first moved there into a new home that was built as a cottage-style home that fit in with the rest of the neighborhood. She stated that three homes would be too many and that it should not have even been proposed.

Mr. James Higdon, the applicant, stated that when he applied for this rezoning it was only to rezone his property from R-1 to R-T/Z. He stated that he's not asking for any waivers, and that the staff planner had misunderstood his intent from the phone call. He states that he intends to continue living at his home and is not a developer. He is only asking for an option to sell land to the developer and allow development within the same guidelines.

Commissioner Browder said that Red Bank is welcoming to infill development, and feels that protection of the existing neighborhood is important. Commissioner Luther stated that he also wanted to encourage infill development, but only if it is done responsibly. He stated that Berkley Drive is one of the nicest streets in Red Bank and the new home should fit in with the existing development.

Commissioner Browder suggested having the same restriction of only two units, as the adjacent properties. Staff stated that proposed restriction would allow Mr. Higdon's existing home and an additional.

Commissioner Browder stated that was not her intent and suggested limiting it to single family detached homes with no restrictions on the number and density. An audience member asked if that would effectively limit the developer to two homes. Staff stated that she would need to see the proposal. If a home were to be built fully on Mr. Higdon's property and not encroach on the adjacent lots, it may be possible to build three, but it was unlikely. Staff stated that more than likely the property owner would need to apply to have the zoning restrictions lifted from the previous rezoning in order to fit three homes.

Another audience member asked if the 25-foot buffer was the only thing preventing three homes from being built. Staff stated that she could not be certain not knowing the home dimensions and site topography.

Commissioner Smith said that they have to go by what rules are in place now, and that the Planning Commission has no control over the 25-foot buffer requirement.

Commissioner Luther Motioned to recommend approval the rezoning of 2626 Berkley Drive from R-1 to R-T/Z subject to the following condition:

- 1. Limit the use to only single family detached residences.**

The motion was seconded by Commissioner Millard. All voted in favor. The motion carried.

3. Request to Rezone 1014 & 1018 Lullwater Road, & 2510 Leaning Tree Lane from R-1 Residential to R-2 Residential - Planned Unit Development

Staff recommended approval of the proposed rezoning to R-2 Residential with restrictions. She stated that restrictions could be placed on the rezoning to protect the steep slopes, and that the PUD proposal would allow for more of the hillside to be preserved.

Mr. Joe Ingram, the applicant, stated that he agreed with the PUD rezoning option over the initial R-T/Z proposal. He stated that he most likely not be building in areas with a slope that exceeds 25%, but agreed to the conditions should the land disturbance overlap with areas with slopes exceeding 25%. He stated that he would provide a geotechnical report to determine the nature of the possible sink hole at the front of the property.

McKenzie Walker of 1005 Lullwater Road stated that Lullwater is a peaceful street and all the neighbors value Lullwater as it currently is and feel safe on the road. She stated her concern that traffic would increase significantly and would prefer that the neighborhood have two entrances and exits for safety purposes. She expressed concern regarding the ponding at 1006 Lullwater Road for the continual destruction of wildlife habitats. She stated that the community is opposed to the rezoning and that the property should remain R-1.

Adam Francescon of 1028 Lullwater asked when construction might begin if the rezoning is granted. Mr. Ingram replied that it would be at least a year until construction could start due to the permitting and design process.

Commissioner Millard asked whether these homes would be for sale or for rent. Mr. Ingram stated that they would be for sale and that he had specifically confirmed that with the owner since it came up at the previous meeting.

Mr. Ingram went on to state that, like a lot of new construction in Chattanooga, the development was being funded by a real estate investment fund. He stated that the developer wants to get 30 lots, but Mr. Ingram has let him know that that would be the ceiling for the number of units on this property. He stated that developer is understanding of the topographic challenges of the sites and would not push the engineers to design something unsafe.

Commissioner Luther stated his concern for the potential sink hole or spring. Mr. Ingram stated that he would do a drilling study to determine exactly what is going on at that portion of the site before proceeding.

The Commission asked about what type of homes would be built. Mr. Ingram stated that the homes would not be slab homes, but rather have either a crawlspace or garage situated to make up the slope to the main floor of the home.

Ms. McKenzie Waler of 1005 Lullwater Road reiterated her desire to keep the integrity of the neighborhood and opposition to the rezoning.

Commissioner Smith made a motion to recommend rezoning 1014 & 1018 Lullwater Road, & 2510 Leaning Tree Lane from R-1 Residential to R-2 Residential subject to the following conditions:

1. The use shall be limited to a Planned Unit Development with single-family detached dwellings
2. The developer shall provide a geotechnical report from a qualified engineer regarding the geology and hydrology of the site
3. The Planned Unit Development (PUD) Plan shall include the following for any portion of land disturbance that will occur in areas with slopes exceeding 25%, defined as the determined by dividing the vertical rise in elevation by the horizontal run of the same slope and converting the result to a percentage value:
 - a. The exact size, shape, and location of the lot, and the existing drainage pattern
 - b. Contours at vertical intervals of no more than two feet taken from aerial photography or field survey
 - c. The extent of natural tree cover and vegetation

- d. A tree survey identifying the size, species and location of all trees having a diameter at breast height (DBH) of six inches or greater, within the area of land disturbance.
 - e. The exact area where any natural vegetation is proposed to be removed
 - f. The location and extent of colluvial and slippage soil areas as determined by a qualified soil engineer
 - g. The location, slope, cut, fill, and finish elevation of the surfaces to be graded
 - h. Vertical profiles of all proposed roads, driveways, and utilities
 - i. Engineered plans for all retaining walls over 48 inches
 - j. A jurisdictional waters report from a licensed Qualified Hydrological Professional and Hydrologic Determination from the Tennessee Department of Environment and Conservation
4. For any structures to be built on portions of the land with a slope exceeding 25%, a certification as to the stability of the proposed structures and slope and compliance with sound construction methods for areas with steep slopes and landslide problems by a registered geotechnical engineer, shall be submitted with the building permit application.

4. Community Center Park and Trail Discussion – 3620 Tom Weathers Drive

This item was tabled until the next meeting.

VI. UNFINISHED BUSINESS

No unfinished business was presented.

VIII. OTHER BUSINESS

No other business was presented. Commissioner Smith motioned to adjourn. Commissioner Millard seconded the motion. The meeting was adjourned at 7:51 PM.


Chairman