



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

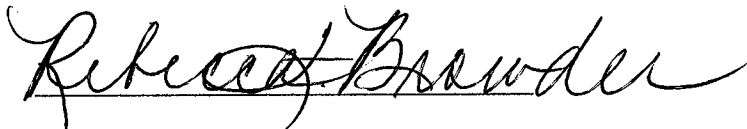
Staff presented an update on HNTB's final report and the public presentation on July 25.

4. Any properly presented unfinished business

None

VIII. OTHER BUSINESS

IX. ADJOURNMENT

A handwritten signature in black ink, reading "Rebecca Browder". The signature is written in a cursive, flowing style. The first name "Rebecca" is written with a large, prominent "R" and "B". The last name "Browder" is written in a similar cursive style. The signature is written over a horizontal line.

Chairman