

Hollie Berry
Mayor

City of Red Bank
Municipal Planning Commission

Martin Granum
City Manager

REGULAR MEETING AGENDA

October 19, 2023

6:00 pm

Red Bank Court Room

3117 Dayton Boulevard

**Note: The October Work Session 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. September 21, 2023

VI. NEW BUSINESS

1. Zoning Ordinance Amendment Restricting the Location of New Vape Shops
 - a. Staff Presentation
 - b. Public Comment
 - c. Discussion/Vote
2. Any properly presented new business

VII. UNFINISHED BUSINESS

1. Planning Commissioner Training - Planning 101 Presentation - Ashley Gates
 - a. Staff Presentation
 - b. Public Comment
 - c. Discussion
2. Any properly presented unfinished business

VIII. OTHER BUSINESS

IX. ADJOURNMENT

Municipal Planning Commission

MEETING MINUTES

September 21, 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 – Commissioner Millard

IV. PLEDGE OF ALLEGIANCE – Commissioner Browder

V. CONSIDERATION OF THE MINUTES

1. July 20, 2023 – Approved unanimously
2. August 17, 2023 – Approved unanimously

VI. UNFINISHED BUSINESS

1. Discussion of Planning Commission Meeting Schedule
 - a. Staff Presentation – Staff Ashley Gates and Michael Pham presented the options for new meeting times
 - b. Public Comment -- none
 - c. Discussion/Vote – Commissioner Browder motioned for the work session to be the second Wednesday of the month at noon and the regular meeting to be the fourth Wednesday of the month at 6:00 PM. Commissioner Kelly seconded the motion. The motion carried unanimously.

2. Steep Slope Ordinance Update
 - a. Staff Presentation – Pham and Gates gave the update that the ordinance passed at the second and final reading by the city commission
 - b. Public Comment -- none
3. Native Plant Species Ordinance Update
 - a. Staff Presentation – Pham and Gates gave the update that the ordinance passed at the second and final reading by the city commission. The hackberry species was removed from the list of “Native Class I Shade Trees”.
 - b. Public Comment -- none
4. Any properly presented unfinished business

VII. NEW BUSINESS

1. Sign Ordinance Update
 - a. Staff Presentation – Pham and Gates gave the update that the ordinance passed at the second and final reading by the city commission. The notable change was the allowance for a new property owner to use an existing sign pole.
 - b. Public Comment -- none
2. Planning Commissioner Training - Planning 101 Presentation - Ashley Gates
 - a. Staff Presentation – Gates presented a training session for required planning commission training for 20 minutes.
 - b. Public Comment -- none
3. Any properly presented new business – Pham gave the update that the Lima @ Lullwater project would be coming back as a plat submittal to the planning commission. It is recommended by legal counsel that the plat not be denied on the grounds that the plat proposes a change of use from single-family to multi-family. The rezoning ordinance passed in 2017 did not require a single-family use in the conditions for rezoning. Gates recommended that the planning commission make a motion to notify residents within 200 feet that the submitted plat proposes a change of use from single-family to multi-family. Commissioner Browder made the motion. Commissioner Kelly seconded. The motion passed unanimously.

VIII. OTHER BUSINESS

IX. ADJOURNMENT

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Michael Pham, Red Bank Community Development Planner

From: Ashley Gates, Regional Planner

Date: October 5, 2023

Subject: Zoning Ordinance Amendment Restricting the Location of New Vape Shops

Background

Red Bank Staff, with consensus from the Red Bank Planning Commission, has requested review of zoning regulations related to increasingly common vapor, pipe and CBD shops.

Current Regulations

Zoning Ordinance

Vapor, pipe, CBD and similar shops are not defined in the Red Bank Zoning Ordinance. They would fall under “retail sales” and “specialty shops.” These uses are permitted as follows:

- R-4: Specialty shops are permitted by Special Exceptions Permit
- C-1 Commercial Zone: Permitted
- C-2 Commercial Zone (Central Business District): Permitted
- C-3 Neighborhood Commercial Zone: Specialty shops are permitted by Special Exceptions Permit

State Regulations

Retailers of hemp and tobacco products currently are not required to have a license, though wholesalers and producers are. Beginning in January 2024, retailers selling hemp products will be required to have a license from Tennessee. This law also limits sales to individuals over 21 years of age and has a number of other licensure requirements.

Staff Recommendation

In order to promote diverse and high-quality retail along Dayton Boulevard and in Red Bank’s commercial zones,, an important goal from the Red Bank 2035 Plan, staff recommends a Zoning Ordinance Amendment that accomplishes the following:

- Defines vape/pipe/smoke/CBD shops
- Prohibits this use in all zones except C-1, Red Bank’s most permissive commercial zone
- Requires a Special Exceptions Permit in the C-1 Commercial Zone, requiring that they be 1,320 feet away from any other vape shop

ORDINANCE 23-

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE AMENDING
ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE, CODIFIED AT
TITLE 14 CHAPTER 2, OF THE RED BANK MUNICIPAL CODE, REGULATING THE
LOCATIONS IN WHICH NEW TOBACCO AND HEMP RELATED RETAIL SHOPS
MAY BE ESTABLISHED**

WHEREAS, the general plan for The City of Red Bank, also known as the Red Bank 2035 Plan, states that a land use goal of the city is to “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;” and

WHEREAS, due to recent changes in state and federal law and new product availability, The City of Red Bank has seen increased numbers of tobacco- and hemp-related retailers within city limits and in the surrounding area; and

WHEREAS, The City of Red Bank wishes to preserve the diversity of businesses along Dayton Boulevard to be consistent with the goals of the Red Bank 2035 Plan; and

WHEREAS, the Red Bank Municipal Planning Commission has reviewed the recommended changes to the Red Bank Zoning Ordinance at their regular meeting on _____, and recommended approval of the amendments contained herein; and

WHEREAS, the City Commission, after due and proper publication and posting of Public Notice, held a Public Hearing at its regularly scheduled meeting on _____, 2023 after presentation of the Ordinance, heard and considered all public comments and questions;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, that the Red Bank Zoning Ordinance, codified as Title 14 Chapter 2 of the Red Bank Municipal Code be amended as follows:

SECTION 1. Section 14-602 Definitions be amended by adding the following definition at the proper location alphabetically:

Vapor/Smoke Shop shall mean any premise where 10% or more of the items sold or public floor space is dedicated to tobacco e-cigarettes, vaporizers, smoking pipes and supplies, cartridges or juice for use in an e-cigarette or vaporizer, or hemp-derived products as defined and regulated by the Tennessee Department of Agriculture.

SECTION 2. Section 13-306.01(A) Prohibited Uses in the R-4 Special Zone shall be amended by adding:

(5) Vapor/Smoke Shops

SECTION 3. Section 13-402.02 Permitted Uses in the C-1 Commercial Zone shall be amended by adding:

(X) Vapor/Smoke Shops shall be permitted only upon issuance of a Special Exceptions Permit by the City Commission upon recommendation by the Planning Commission provided that no vapor/smoke shop establishment shall be located within 1,320 feet of any other vapor/smoke shop, with the interval distances to be measured from property line to property line and the burden of establishing such to be on the applicant.

SECTION 4: Section 14-404.03 Prohibited Uses in the C-2 Commercial Zone (Central Business District) shall be amended by adding:

(L) Vapor/Smoke Shops

SECTION 5: Section 14-405.06 Prohibited Uses in the C-3 Neighborhood Commercial Zone shall be amended by adding:

(X) Vapor/Smoke Shops

BE IT FURTHER ORDAINED, that 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.

BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date of its final passage, the health and welfare of the citizens of the City of Red Bank requiring it.

Mayor Hollie Berry

(date)

City Recorder Tracey Perry

(date)

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

City Attorney Arnold Stulce, Jr.