

**MUNICIPAL PLANNING COMMISSION
REGULAR SESSION AGENDA
April 22, 2026, 6:00 pm
Red Bank Court Room
3117 Dayton Boulevard**

I. CALL TO ORDER

II. ROLL CALL

1. Sonja Millard
2. Blake Pierce
3. Robin Pipkin-Parker
4. Ben Richards
5. Kate Skonberg

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. CONSIDERATION OF THE MINUTES

VI. NEW BUSINESS

1. Request to rezone 1106 Ashmore Avenue from R-1 to RZ-1
 - a. Applicant presentation
 - b. Staff presentation
 - c. Public comment
 - d. Discussion
2. Request for variance to the subdivision regulations for Strawberry Lane subdivision
 - a. Applicant presentation
 - b. Staff presentation
 - c. Public comment
 - d. Discussion
3. Request for amendment to the zoning ordinance 23-1235 to remove the condition that only single-family detached residential shall be permitted
 - a. Applicant presentation
 - b. Staff presentation
 - c. Public comment
 - d. Discussion

VII. OTHER BUSINESS

1. Review of ordinance 17-1081 rezoning 4708 Dayton Boulevard from C-1 to L-1
 - a. Staff presentation

VIII. ADJOURNMENT

**MUNICIPAL PLANNING COMMISSION
REGULAR SESSION MINUTES
March 25, 2026, 6:00 pm
Red Bank Court Room
3117 Dayton Boulevard**

I. CALL TO ORDER

II. ROLL CALL

1. Sonja Millard – present
2. Blake Pierce – present
3. Robin Pipkin-Parker – present
4. Ben Richards – present
5. Kate Skonberg - present

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. CONSIDERATION OF THE MINUTES – Commissioner Pierce motioned to approve, Commissioner Richards seconded, the motion carried.

VI. NEW BUSINESS

1. Design Review Request for 2309 Dayton Boulevard
 - a. Tim Minor, project manager, presented the proposal to demolish the existing Taco Bell and build a new structure in nearly the same footprint. He is requesting variances to the building location, setback more than 25' from the right-of-way, and allowing a drive lane between the building and right-of-way (ROW), due to the conflicts with the timings of the signal at Dayton and Memorial which can cause back-ups into the drive-thru lane. He is also requesting a variance to the requirement that pedestrian lighting. He is also requesting a variance that prohibits the use of metal on the façade of a building.
 - b. Michael Pham, city staff, presented the staff recommendation to approve the design review with approval of the variances. The existing drive-thru lane and distance from the ROW could be considered elements to be grandfathered in. There are also traffic flow issues that may be exacerbated by moving the building up to the ROW and prohibiting the drive-thru lane. The reasoning for prohibiting metal materials in the design review may have been based on a trend of *fully* metal buildings that had been constructed before and around the time that the design review standards were adopted. However, there are many buildings in Red Bank that utilize metal materials for portions of the façade and may provide examples of when metal materials are not detrimental to the streetscape. The pedestrian lighting variance is being recommended because the streetscape standard that the city is trying to adhere to is one that places the lighting between the ROW and the sidewalk, and at this time there isn't room for lighting there. However, there are larger Dayton Boulevard capital improvement projects being studied that would include this type of lighting in the preferred layout.
 - c. Commissioner Skonberg asked if there were any other options for Taco Bell designs that could replace the proposed design for this site; Minor stated that due to the business of the location, the other designs were not feasible here.
 - d. Commissioner Pipkin-Parker asked the reason for the Taco Bell franchisee demolishing and rebuilding the site in this way; Minor stated that the method of demolition and rebuilding is based primarily on the condition of the structure and the parking lot, and whether their remaining

lifetimes required new construction. Minor also stated that the dumpster, grease bin, and screening would be new construction.

- e. Commissioner Pierce asked if there were any pedestrian safety plans for this intersection that the city was planning on initiating due to the complicated existing walkability; Pham stated that Transportation Improvement Plan has listed this intersection as a ADA sidewalk upgrade project. That designs of that project have not been finalized and the city intends to include pedestrian push buttons, expanded sidewalks on the south side of Memorial Drive, and ADA ramps.
 - f. Commissioner Skonberg stated that the driveway to California could benefit from the drawing that shows a right-turn only striping design; there are also potential traffic hazards from drivers who use the California driveway to avoid the protected left-turn signal at Memorial, but often don't have good lines of sight for traffic turning left from Memorial onto Dayton. One possible solution would be to make the California driveway into an entrance only, which would continue to allow California traffic, school buses included, to use the traffic signal to make safer movements onto Dayton than the unprotected California to Dayton movement. Minor stated that the site would still work with that configuration.
 - g. Commissioner Pipkin Parker stated that the challenges of the intersection could be addressed with a reconfiguration of the building location and drive-thru lane with a new entrance on Peace Street while utilizing the existing curb cuts on Dayton and California; Commissioner Skonberg stated that this may be the opportunity to address what appear to be past quick fixes that impact traffic and circulation; Minor stated that Peace Street entering/exiting would be challenging due to the steepness of the site and sight distance issues.
 - h. Commissioner Skonberg stated that even though there isn't a theme requirement, there is some concern that facades quickly go out of date and don't match the community. That area does have its own feel with some historic buildings across the street. It's important to find a compromise between modern and traditional and there is a responsibility to consider that.
 - i. Commissioner Pipkin-Parker stated that because this is an emerging walkable district, anything we can do to encourage that would be good.
 - j. Commissioner Pierce recommended approve the design review and variances, Commissioner Richards seconded, the motion carried.
2. Amendment to ordinance 16-1048
 - a. Pham presented the recommendation to amend ordinance 16-1048 rezoning 3714 Redding Road from R-1A Residential to RZ-1 Zero Lot Line Residential to remove the condition that an approved and legally conforming subdivision plat shall be recorded within one (1) year of the date of final passage of the ordinance. The rezoning was recorded sometime after the passing of the ordinance and until this day the property is zoned as RZ-1. An approved and legally conforming subdivision plat was not recorded. In March 2026 a plat was submitted to the city for the purpose of subdividing the property. Because the condition to record a plat within one year of the final passage of the ordinance, the most recent plat submission is considered out of conformity with the rezoning ordinance. Staff are initiating a zoning amendment to remove the condition from the ordinance so that the most recent plat can be approved.
 - b. Commissioner Pierce stated that a rezoning ordinance is law once it is adopted and if the applicant did not adhere to the law, they should go about the process of rezoning the property again, particularly because the public needs to have a say in the development or redevelopment of this property since it has been 10 years since that ordinance was passed. If you go back to 2016, that was a turning point of development in the area and the condition was likely included to spur development rather than let it delay.
 - c. Commissioner Pipkin Parker motioned to deny the amendment, Commissioner Skonberg seconded, the motion carried unanimously.

VII. UNFINISHED BUSINESS

VIII. OTHER BUSINESS

1. Officer Elections

- a. Commissioner Parker nominated herself to chair person, Commissioner Millard seconded, the motion carried.
- b. Commissioner Richards nominated himself to vice chair, Commissioner Millard seconded, the motion carried.
- c. Commissioner Pipkin Parker nominated Commissioner Skonberg to secretary, Commissioner Richards seconded, the motion carried.

IX. ADJOURNMENT – The meeting was adjourned at 7:30 PM.

CHAIRPERSON _____

Planning Commission Regular Session 4-22-2026

Request: 1106 Ashmore Avenue and adjacent unaddressed parcel from R-1 to RZ-1 Zero Lot Line Residential

Applicant: Josh Barr

Purpose

“We want to create 4-5 additional single family houses and create 4-5 lots. Using an alley as a rear.”

Staff Review

It is the intent of the RZ-1 Zero Lot Line Residential Zone to “*provide regulations for the development of single-family zero lot line dwellings (also called patio homes) in a manner that is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can be individually sold and owned on a fee simple basis.*”

The applicant has a proposed concept that could meet the development standards of the zone with one exception. The existing structure is less than 25’ feet from the side yard property line which conflicts with the requirement that no building shall be located less than 25’ from any boundary of the RZ-1 Residential District. The structure is approximately 10’ from the property line. The applicant intends to request a variance from the Board of Zoning Appeals for this condition.

Many properties to the west of the properties are RZ-1, and as such the rezoning would not be considered spot zoning. The proposed building footprints would resemble the existing adjacent houses on this stretch of Ashmore Avenue. The comprehensive plan designated these places as ridge residential which is characterized by low-intensity, single-family detached, residential development patterns, with private spaces such as backyards, potential for greenway connectivity, and typically further from key destinations that may require a personal vehicle. The recommended policies and considerations for these areas are to maintain the existing patterns of hillside suburban development, protect the health of the tree canopy, subdivide larger parcels for single family homes, encourage extra erosion controls, and allow ADUs where sewer is available.

The property is proximal to the Dayton Boulevard commercial corridor, and within a 15-minute walk of Stringer’s Ridge Park.

In theory, the proposed concept is single family detached structures, and the appropriate zoning is the R-1 zone, however because the R-1 zone is excessively restrictive, such a concept is not permitted. Instead, the zoning ordinance has three possible zones for this type of development: RT-1, RZ-1, and R-T/Z. Each of these zones varies in requirements for gentle density development but all three can accommodate the applicant’s plan. The fire chief has requested that building plans reflect a sidewalk and stairs from the structures to Ashmore Avenue for fire access.

Staff Recommendation

Staff recommend approval of the rezoning, subject to the granting of a variance by the BZA to reduce the side yard setback of the existing structure at 1106 Ashmore Avenue.



Rezoning Request

1106 Ashmore Avenue

126K C 007 / 006

R-1 to RZ-1

Legend

ZONE

C-1

C-2

C-3

L-1

M-1

R-1

R-2

R-3

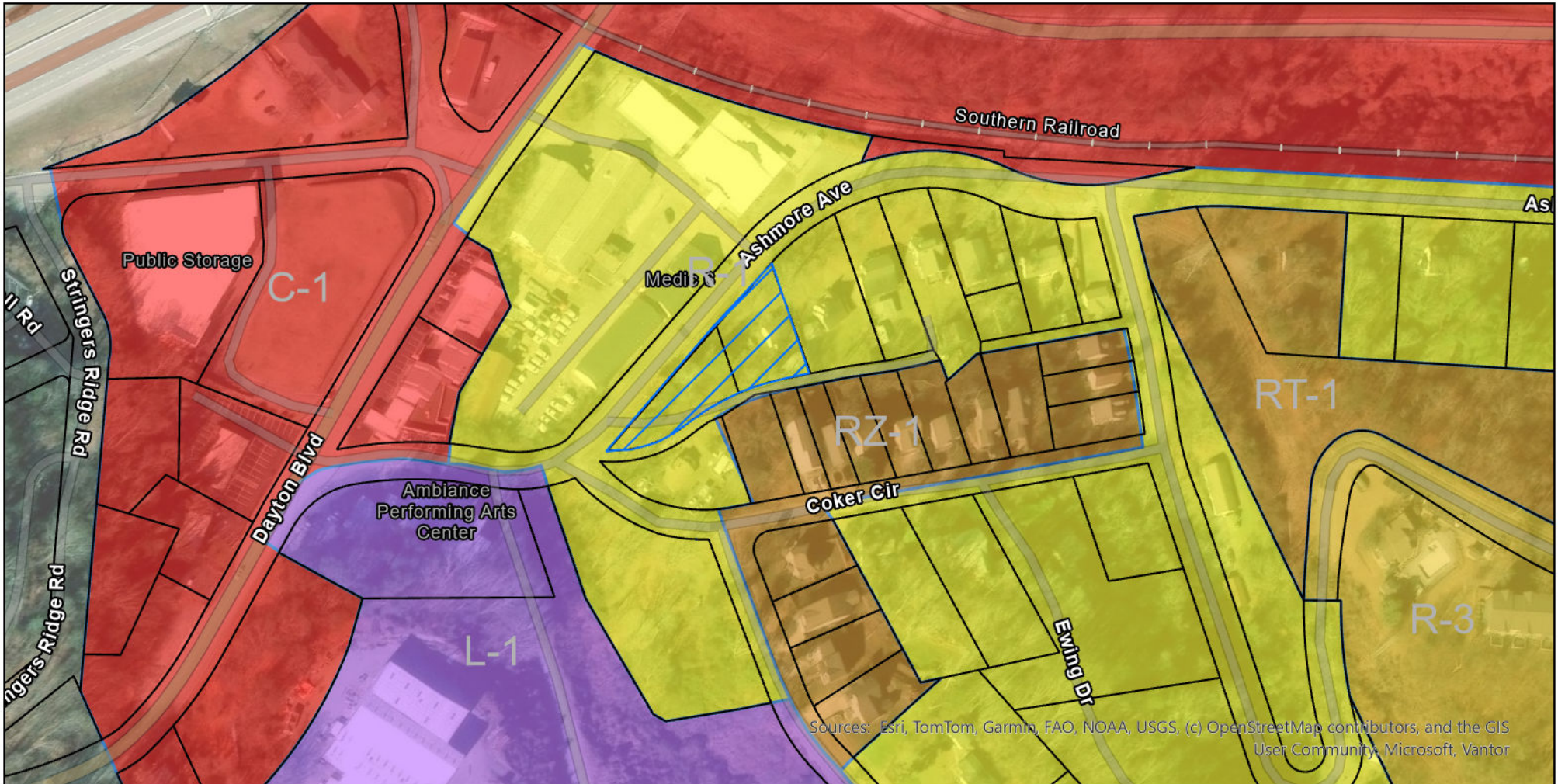
R-4

R-TZ

R1-A

RT-1

RZ-1



rezoning request

Map prepared by City of Red Bank Community Development Department

Date: 04/01/2025

This map is for planning purposes only

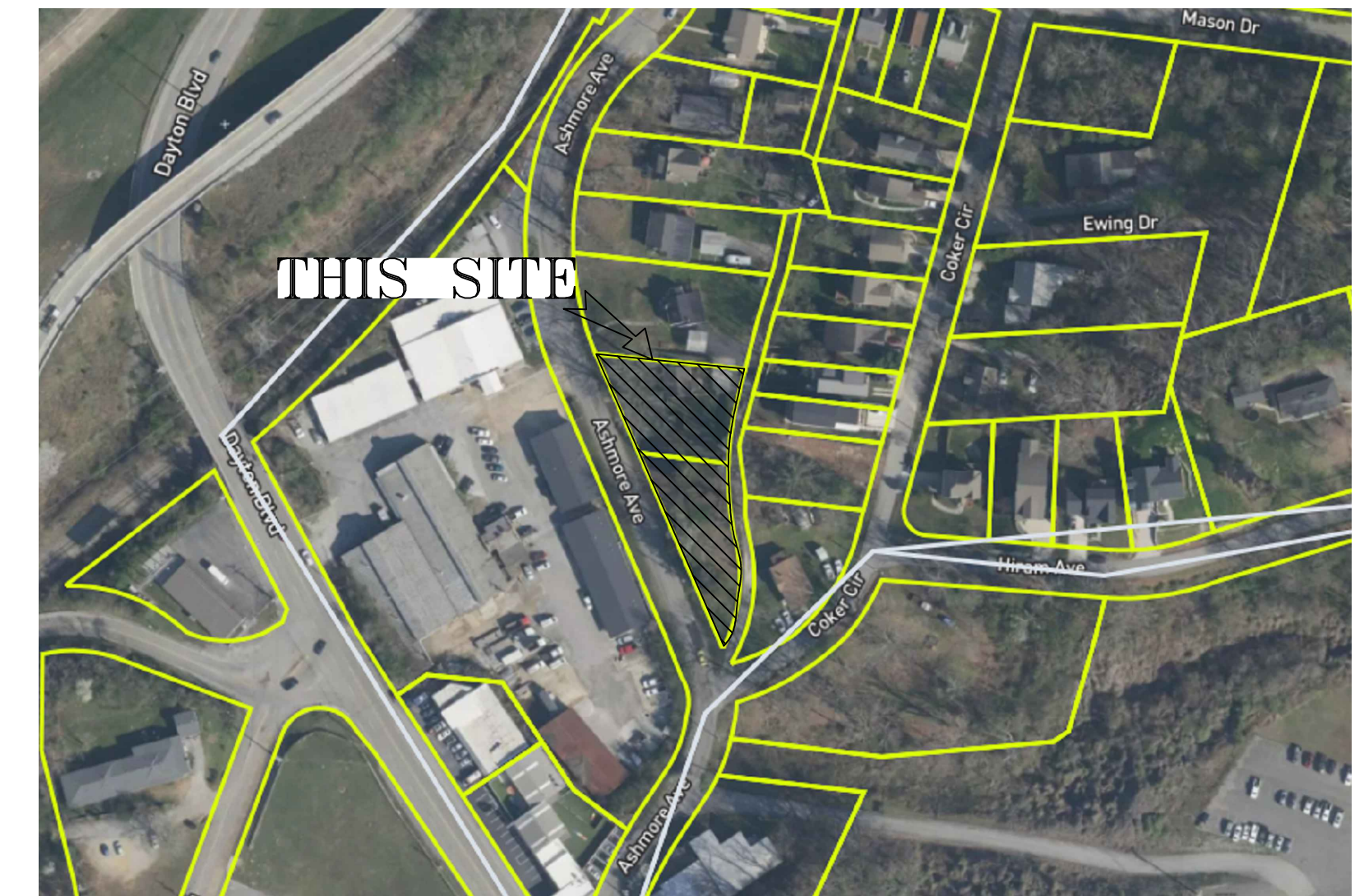
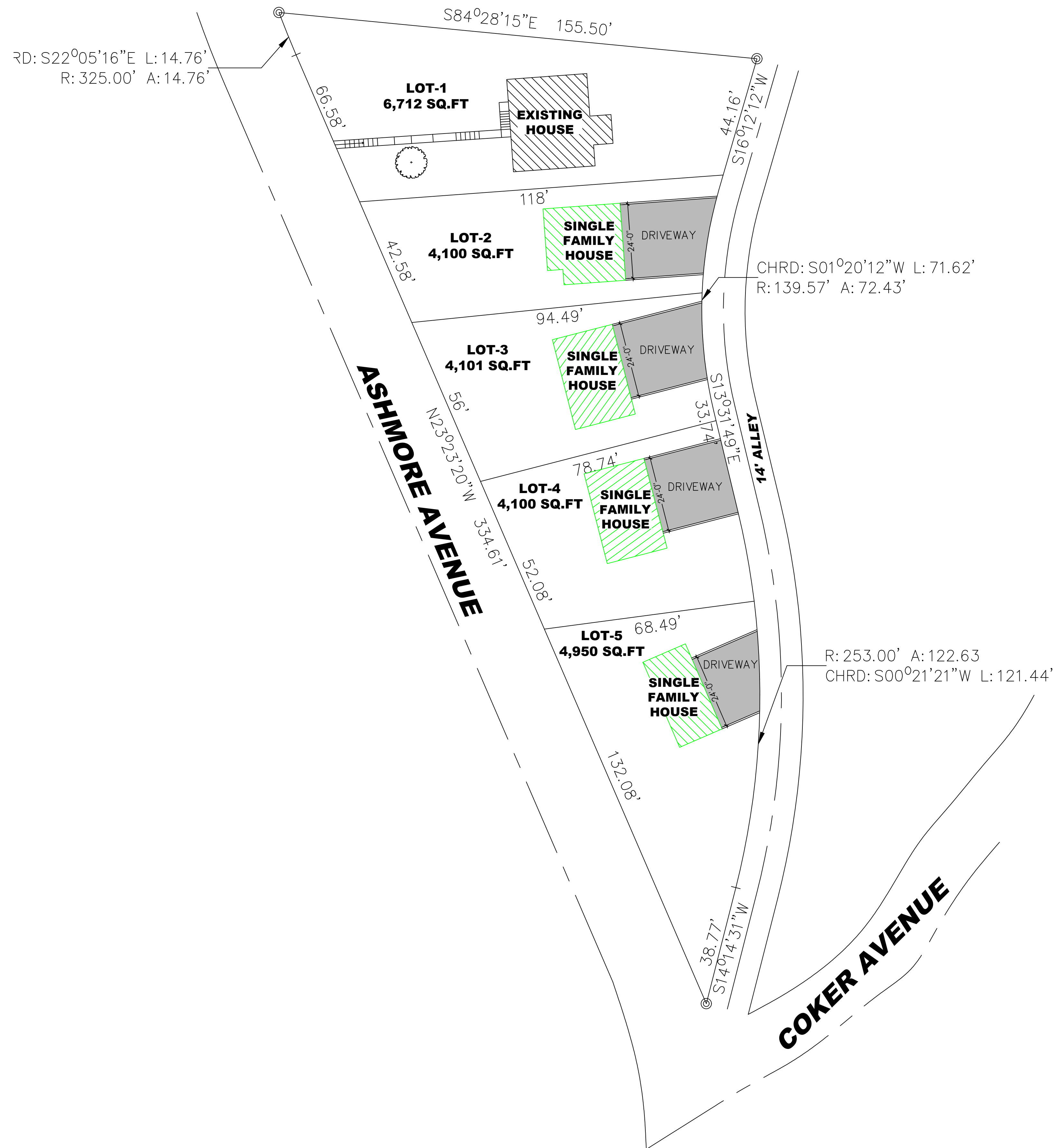
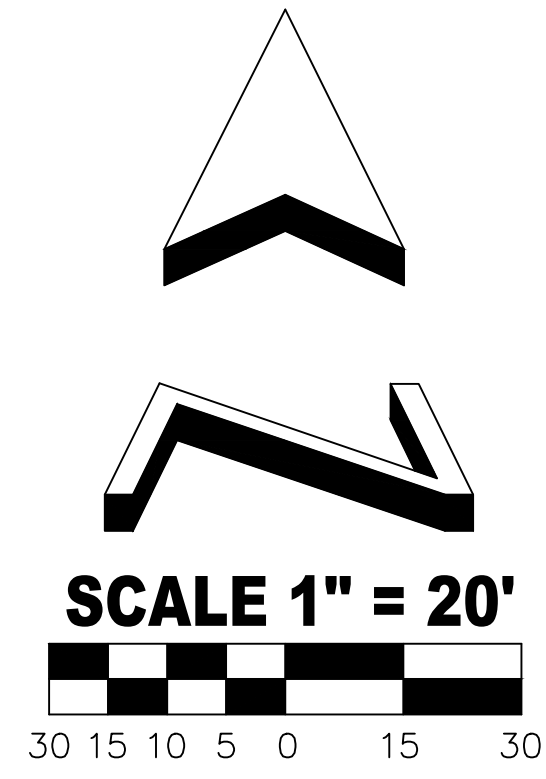
This is not an engineering map

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Microsoft, Vantor

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US Feet





**VICINITY MAP
N.T.S.**

SITE DATA

TAX PARCEL NUMBER:

126K C 007, 006

GROSS AREA

LOT-1 = 6,712 S.F.
 LOT-2 = 4,100 S.F.
 LOT-3 = 4,101 S.F.
 LOT-4 = 4,100 S.F.
 LOT-5 = 4,950 S.F.

TOTAL = 23,963 SF

BUILDING AREAS

LOT-1 :
 EXISTING HOUSE = 847 S.F.

LOT-2 : PROPOSED HOUSE
 FIRST FLOOR = 600 S.F.
 SECOND FLOOR = 600 S.F.

LOT-3 : PROPOSED HOUSE
 FIRST FLOOR = 600 S.F.
 SECOND FLOOR = 600 S.F.

LOT-4 : PROPOSED HOUSE
 FIRST FLOOR = 600 S.F.
 SECOND FLOOR = 600 S.F.

LOT-5 : PROPOSED HOUSE
 FIRST FLOOR = 450 S.F.
 SECOND FLOOR = 450 S.F.

LOT COVERAGE:

LOT-1 = 12.61 %
 LOT-2 = 14.63 %
 LOT-3 = 14.63 %
 LOT-4 = 14.63 %
 LOT-5 = 9.09 %

ZONING: RZ1

LEGENDS

- △ SECTION CORNER
- ⊙ 1/2" IRON ROD SET
- PROPERTY LINE
- - - EASEMENT LINE
- ▨ EXISTING HOUSE
- ▨ PROPOSED HOUSE
- ▨ DRIVEWAY

Planning Commission Regular Session 4-22-2026

Request: Variance to the subdivision regulations for Strawberry Lane subdivision

Applicant: Chattanooga Engineering Group

Purpose

The project consists of the subdivision of approximately 2.17 acres, currently comprising seven existing lots: 201 Lullwater rd., 194 & 196 Strawberry Ln , 167-169-171-173 Linda Cir. into a residential development of single-family detached homes. The property is currently zoned RT-Z.

The primary hardship associated with this property is its steep and variable topography, which significantly limits the ability to develop the site in a conventional manner consistent with the RT-Z zoning requirements and subdivision regulations.

The slope across the site creates several challenges, including:

- Limited buildable areas without excessive grading
- Difficulty meeting standard lot dimensions and setback requirements
- Constraints in designing a conventional public street layout with required geometry

Strict adherence to the ordinance would require substantial cut and fill, resulting in increased environmental disturbance, potential stability concerns, and inefficient site design.

This hardship is inherent to the property and not self-created.

An additional constraint is related to the availability and regulatory requirements for public water service.

Due to utility requirements, the development must be served by a public street in order to connect to the public water system. A conventional layout that fully complies with standard right-of-way and roadway requirements is not feasible given the site's topography and configuration.

Without the requested variances, the development would likely be limited to an HPR requiring private water service, which is less desirable from a public health, fire protection, and long-term infrastructure standpoint.

The proposed plan allows:

- Connection to the existing public water system from Lynda Circle within a dedicated easement
- Improved reliability and fire protection for future residents
- Reduced need for private water infrastructure

Although certain roadway dimensions are reduced, the design still supports a public water main extension constructed to applicable standards, providing a significantly more beneficial outcome for the City and its residents.

To respond to these constraints, the proposed development utilizes a compact residential layout with an internal access drive, designed to:

- Minimize grading and preserve natural topography

- Reduce overall site disturbance
- Provide safe and efficient internal circulation
- Utilize existing infrastructure in a responsible manner

The requested variances represent the minimum necessary relief to allow reasonable use of the property while working with its natural conditions rather than against them.

Variance Requests:

- Local street right-of-way width: reduction from 50' to 25'
- Pavement width: reduction from 26' to 22'
- Cul-de-sac requirement: waiver requested due to internal circulation design
- Horizontal curve radius: reduction from 100' to 25'
- Minimum lot depth: reduction from 75' to 50'

The requested variances are necessary due to the unique physical characteristics of the property, particularly its topography. The proposed design minimizes grading, reduces environmental impact, and enables the construction of public infrastructure. Granting these variances will allow reasonable use of the property that would otherwise be significantly constrained. We respectfully request approval of these variances to allow development of the property in a manner that is sensitive to its physical constraints while providing a safe, efficient, and infrastructure-supported residential community.

Staff Review

The Red Bank subdivision regulations are for the “*orderly, planned, efficient, and economical development*” of the city. The regulations state that “*land to be subdivided shall be of such character that it can be used safely for building or other purposes without danger to health or peril from fire, flood, or other menace. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the General Plan, and the capital budget and program of Red Bank; and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, General Plan, and the capital budget and program of Red Bank, Tennessee.*”

Regarding variances:

“The developer or surveyor or surveyor/engineer who wishes to request a variance from the requirements of these subdivision regulations shall submit a letter to the Red Bank Municipal Planning Commission with the plat. The letter shall:

- (a) state precisely the item(s) for which a variance is being requested; and*
- (b) state the practical difficulty or unnecessary hardship that would be caused by adhering to these regulations; and*
- (c) state the design alternative(s) that was considered to eliminate the need for the variance(s), and the reason(s) that the design alternative(s) is not practical; and*
- (d) state the detrimental effect to the subdivision or the community if the variance is not granted*

In the Planning Commission's actions on subdivision plats, the planning commission shall approve, approved with modifications, defer, or disapprove the requests for variances before acting on the individual plat. The Planning Commission may grant variances from these regulations in cases where the Planning Commission determines:

- (a) that unusual physical or other conditions exist which would cause practical difficulty or unnecessary hardship if these regulations are adhered to; and*
- (b) that the granting of a variance will not be detrimental to the public interest; and*
- (c) that the variance will not be in conflict with the intent and purpose of these regulations.”*

Local street right-of-way width and pavement width: 50’ to 25’ and 26’ to 22’

The local street classification is the narrowest street section defined for a development of greater than 10 units. This classification requires 50’ of right-of-way and 26’ of pavement width (403). In residential subdivisions with new public roads, sidewalks made of Portland cement concrete 4” thick and 4’ wide are required (403.15); the applicant is requesting a variance to build a 5’ sidewalk on one the side of the road where houses will be constructed. The opposite side of the road could facilitate a sidewalk if future development were to occur. The variance to reduce the right-of-way width, and by implication the pavement width, would allow the building footprints to decrease their impact on the steep slopes of the properties. Therefore, the variance meets the condition that there are unusual physical conditions that cause practical and unnecessary hardship. The request for variance does not appear to be detrimental to the public interest; nor would the variance be in conflict with the intent of the regulations as they state that orderly, planned, efficient, and economical development should be considered in the application of the regulations(102).

The subdivision regulations make specific reference to the danger that flood and fire pose to the public. The preliminary plat that the applicant has proposed, assuming approved variances, reduces the amount of steep slope disturbance and the total impervious surface area that standard 50’ public right of way would require. Reducing steep slope disturbance can reduce land slide risk, and reducing impervious surface area reduces stormwater runoff. The fire department and public works department have recommended approval of the reduction in right-of-way and pavement width, stating that they are still able to provide service to the subdivision.

Cul-de-sac: waiver from requirement

There is no requirement for a cul-de-sac. Emergency access via 26’right-of-way with 22’ of pavement width has been preliminarily approved by the fire chief.

Horizontal curve radius: reduction from 100’ to 25’

According to the subdivision regulations, where a local street deflects from a road, the minimum radius of the centerline curvature shall be 100’. The applicant stated that the 100’ centerline radius is typical on roads where vehicles approach a curve at high speeds and require a gradual turn to avoid accidents. Because the road is being designed with a 22’ pavement and is proximal to multi-story houses that front the public right-of-way with shallow front yards, an argument could be made that the 100’ radius is excessive and the proposed road width, road length, sight distance, and front yard setbacks are all speed-mitigating factors that could justify a reduced centerline curve radius. The fire department and public works department have recommended approval of the reduction in centerline curve radius to 25’ stating that it is still sufficient for their respective access.

Lot depth: reduction from 75’ to 50’

Variances for lot dimensions are determined by the board of zoning appeals, when necessary. The R-T/Z zone does not have minimum lot depth or minimum area standards.

Planning Commission Regular Session 4-08-2026

Request: Request for amendment to the zoning ordinance 23-1235 to remove the single-family detached residential only condition

Applicant: Chattanooga Engineering Group

Purpose

The applicant is requesting the condition that “no use other than single-family detached residential shall be permitted” be removed from the ordinance 23-1235, to build three 5-unit single family attached structures.

Staff Review

Staff recommendations typically hold that in the case of rezoning a property, the use is either permitted or not permitted. When conditions are applied to ordinances on an ad hoc basis, they act much like exceptions and this can open the door for disputes. Exceptions can be made to flex the zoning code—these decisions are made by the board of zoning appeals and they abide by a specific set of legally adopted rules to grant or deny variances. Staff consider this condition an inappropriate use of creating an exception in a rezoning ordinance.

The subject properties are designated as Ridge Residential which are *broadly* characterized by predominantly low intensity, single-family detached, residential. Open spaces are typically private, but greenways may provide connectivity and small parks may be integrated that serve the adjacent residential properties. Residences are generally further from key destinations, and typically require a personal vehicle. While the placetypes are generally used to describe the nature of existing land uses and the public’s opinion on how they should be utilized, they are, as written, broadly defined and should not be considered 100% accurate or the end-all be-all when balancing the other elements of the comprehensive plan that illustrate public opinion such as the parks and recreation, housing, economic development, and mobility elements.

In 2023 the planning commission applied a condition that prohibits a use that is permitted by-right in the R-T/Z zone. It is not clear from the meeting minutes whether this condition was applied for the good of the public welfare or for some other reason. Staff recommend removing this condition for the following reasons:

- There are other uses permitted by-right, namely **townhouses, zero lot line single-family detached dwellings, parks, playgrounds, schools, churches and community owned not-for-profit buildings, golf courses, accessory uses and buildings, home occupations, and kindergartens**. Under this current ordinance, all of these uses are prohibited. Staff see no apparent reason why these other uses would be harmful to public welfare.
- While the Strawberry Lane subdivision is proximal to typical ridge residential, it is closer to the commercial corridor than most, and uniquely positioned as an opportunity to address some of the gaps that other similar placetypes can address:
 - a. housing supply; communities nationwide have suffered from a lack of supply, and overregulation
 - b. population density, which can support infrastructure maintenance and improvements, public transit projects, local business resilience, and parks and recreation planning
 - c. infill development, which has long been hampered by sewer, water, and road gaps across the city but can be incrementally improved by small/medium building projects
- The comprehensive plan **mobility element** identifies this area as a key walkability target—encouraging development greater than single-family detached would capitalize on the proximity to the commercial

corridor, and a growing Lullwater Road corridor of gentle density residential development, with the potential for greenway and/or trail development.

- The comprehensive plan **housing element** identifies the need for a wider range of housing options and neighborhoods that can connect homes to amenities.
- The comprehensive plan **housing element** recommends increasing housing variety types, encouraging gentle density residential projects that complement the Dayton Boulevard corridor, and encouraging infill residential development in Red Bank's existing neighborhoods. While this subdivision is not front Dayton Boulevard, it is within ¼ mile of the corridor (equivalent to ~5 minute walk).

Legislative Process

Due to the complexity of the Strawberry Lane subdivision, staff have provided a layout of the legislative process associated with the applicant's requests:

4-22-2026 Planning Commission vote to approve variances to the subdivision regulations

- Variance of right-of-way width from 50' to 26'
- Variance to build 5' sidewalk on only the side of the road with houses.
- Variance of pavement width from 26' to 22'
- Variance of horizontal curve radius from 100' to 25'

4-22-2026 Planning Commission recommendation to amend zoning ordinance 23-1235

- Remove condition from ordinance that only single-family detached residential shall be permitted

5-19-2026 City Commission public hearing and first reading to amend zoning ordinance 23-1235 (public notice

6-02-2026 City Commission second reading to amend zoning ordinance 23-1235

6-xx-2026 BZA vote to approve variances to the R-T/Z zone (date to be determined, public notice required, mailed notifications required)

- Variance to reduce front yard setback from 25' to XX (exact dimension to be determined)
- Variance to increase maximum density from 8 du/ac to XX du/ac(exact density to be determined)



Amendment Request

Strawberry Lane Subdivision

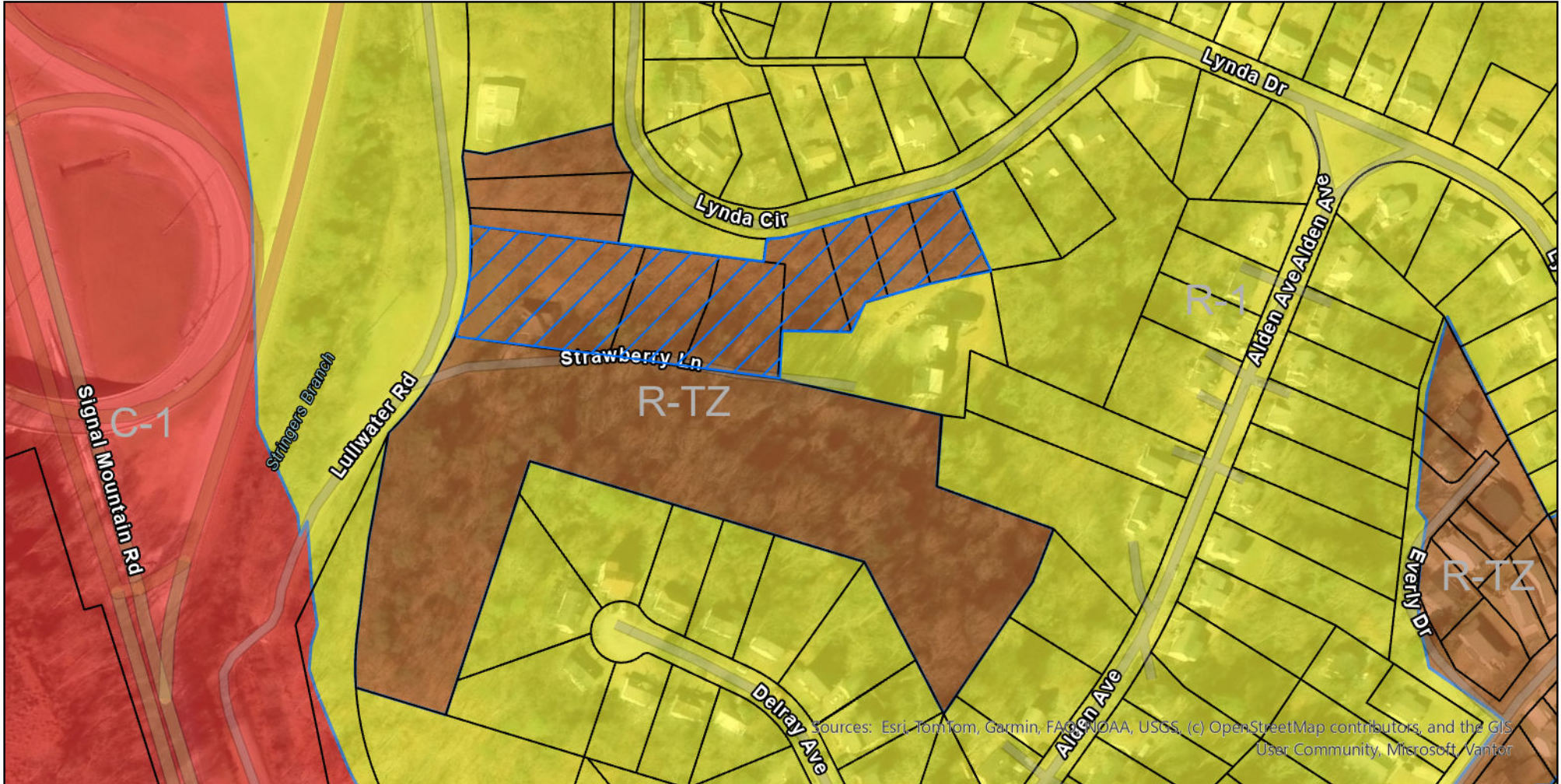
ZONE
C-1
C-2
C-3

L-1
M-1
R-1
R-2

Legend

R-3
R-4
R-TZ
R1-A

RT-1
RZ-1



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Microsoft, Vantor



amendment request

Map prepared by City of Red Bank Community Development Department

Date: 04/01/2025

This map is for planning purposes only

This is not an engineering map

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US Feet



Planning Commission Regular Session 4-08-2026

Request: Request for amendment to the zoning ordinance 23-1235 to remove the single-family detached residential only condition

Applicant: Chattanooga Engineering Group

Purpose

The applicant is requesting the condition that “no use other than single-family detached residential shall be permitted” be removed from the ordinance 23-1235, to build three 5-unit single family attached structures.

Staff Review

Staff recommendations typically hold that in the case of rezoning a property, the use is either permitted or not permitted. When conditions are applied to ordinances on an ad hoc basis, they act much like exceptions and this can open the door for disputes. Exceptions can be made to flex the zoning code—these decisions are made by the board of zoning appeals and they abide by a specific set of legally adopted rules to grant or deny variances. Staff consider this condition an inappropriate use of creating an exception in a rezoning ordinance.

The properties in question are designated as Ridge Residential which are *broadly* characterized by predominantly low intensity, single-family detached, residential. Open spaces are typically private, but greenways may provide connectivity and small parks may be integrated that serve the adjacent residential properties. Residences are generally further from key destinations, and typically require a personal vehicle. While the placetypes are generally used to describe the nature of existing land uses and the public’s opinion on how they should be utilized, they are, as written, broadly defined and should not be considered 100% accurate or the end-all be-all when balancing the other elements of the comprehensive plan that illustrate public opinion such as the parks and recreation, housing, economic development, and mobility elements.

In 2023 the planning commission applied a condition that prohibits a use that is permitted by-right in the R-T/Z zone. Staff recommend removing this condition for the following reasons:

- There are other uses permitted by-right in the R-T/Z zone, namely **townhouses, zero lot line single-family detached dwellings, parks, playgrounds, schools, churches and community owned not-for-profit buildings, golf courses, accessory uses and buildings, home occupations, and kindergartens**. Under this current ordinance, all of these uses are prohibited.
- While the Strawberry Lane subdivision is in proximity to typical ridge residential neighborhoods, it is closer to the commercial corridor than most, and uniquely positioned as an opportunity to address some of the gaps that other similar place types can address:
 - a. increasing housing supply which has been identified nationwide as suffering from lack of supply and overregulation
 - b. increasing population density which can support infrastructure maintenance and improvements, public transit projects, local business resilience, and parks and recreation planning
 - c. infill development, which has long been hampered by sewer, water, and road gaps across the city but can be incrementally improved by small/medium building projects
- The comprehensive plan **mobility element** identifies this area as a key walkability target—encouraging development greater than single-family detached would capitalize on the proximity to the commercial

corridor, and a growing Lullwater Road corridor of gentle density residential development, with the potential for greenway and/or trail development.

- The comprehensive plan **housing element** identifies the need for a wider range of housing options and neighborhoods that can connect homes to amenities.
- The comprehensive plan **housing element** recommends increasing housing variety types, encouraging gentle density residential projects that complement the Dayton Boulevard corridor, and encouraging infill residential development in Red Bank's existing neighborhoods. While this subdivision is not front Dayton Boulevard, it is within ¼ mile of the corridor (equivalent to ~5 minute walk).

Legislative Process

Due to the complexity of the Strawberry Lane subdivision, staff have provided a layout of the legislative process associated with the applicant's requests:

4-22-2026 Planning Commission vote to approve variances to the subdivision regulations

- Variance of right-of-way width from 50' to 26'
- Variance to build 4' sidewalk on only one side of the road
- Variance of pavement width from 26' to 22'
- Variance of horizontal curve radius from 100' to 25'

4-22-2026 Planning Commission recommendation to amend zoning ordinance 23-1235

- Remove condition from ordinance that only single-family detached residential shall be permitted

5-19-2026 City Commission public hearing and first reading to amend zoning ordinance 23-1235 (public notice)

6-02-2026 City Commission second reading to amend zoning ordinance 23-1235

6-xx-2026 BZA vote to approve variances to the R-T/Z zone (date to be determined, public notice required, mailed notifications required)

- Variance to reduce front yard setback from 25' to XX (exact dimension to be determined)
- Variance to increase maximum density from 8 du/ac to XX du/ac (exact density to be determined)

Planning Commission Regular Session 4-08-2026

Purpose: reviewing Ordinance 17-1081 with time lapsed on a condition required for approval

Staff Review

On February 21, 2017 the city commission adopted Ordinance 17-1081 which rezoned the property at 4708 Dayton Boulevard from C-1 Commercial to L-1 Light Manufacturing, subject to conditions and restrictions—namely that if “cutlery manufacturing” operations were not commenced within one year from and after the date of passage the ordinance or if “cutlery manufacturing” operations should thereafter cease, the property would revert back to C-1 commercial. According to the city’s businesses license directory, the only business license associated with the property since that time is a U-Haul operation. Since 2017, the property has been zoned L-1 despite the failure to meet the condition stated in the ordinance. It was by coincidence that the fire chief saw a proposed rezoning for a nearby property and recalled the ordinance for the 4708 Dayton property and made staff aware of the history of the property and the error on the zoning map.

Staff are bringing this scenario to the attention of the planning commission to illustrate the challenge of maintaining a zoning ordinance and map that is subject to continued application of “conditions”. Had the fire chief not happened to see the zoning map on the meeting table, staff would likely never have known about the erroneous zone and associated conditions from 2017 and could have inadvertently made land use and zoning recommendations that would be potentially harmful and/or a nuisance to the public. It is for these reasons that the staff position continues to be that rezonings are based on whether the permitted uses of a proposed zone are appropriate or not; the prescription of conditions and restrictions not defined by the zoning ordinance and rather by a given commission’s opinion blur the line of arbitrary and capricious, public welfare necessity, and can create potential legal and practical issues.

At this time, staff have corrected the zoning of the 4708 Dayton property back to C-1 Commercial.

ORDINANCE NO. 23-1235

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PARCELS LOCATED AT 169 LYNDA CIRCLE (TAX MAP 126C GROUP C PARCEL 040.05); 201 LULLWATER (TAX MAP 126F GROUP B PARCEL 003); UNADDRESSED PARCEL ON LYNDA DRIVE (TAX MAP 126C GROUP C PARCEL 040.01); 167 LYNDA CIRCLE (TAX MAP 126C GROUP C PARCEL 040.06); 194 STRAWBERRY LANE (TAX MAP 126F GROUP B PARCEL 004); UNADDRESSED PARCEL ON SIGNAL MOUNTAIN ROAD (TAX MAP 126F GROUP B PARCEL 002); 171 LYNDA CIRCLE (TAX MAP 126C GROUP C PARCEL 040.04); AND 173 LYNDA CIRCLE (TAX MAP 126C GROUP C PARCEL 040.02) FROM R-1 RESIDENTIAL TO R-TZ RESIDENTIAL TOWNHOME/ZERO LOT LINE PURSUANT TO CERTAIN RESTRICTIONS

WHEREAS, Watchtower Investements LLC, owners of parcels 194 Strawberry Lane (126F B 004), 167 Lynda Circle (126C C 040.04), 169 Lynda Circle (126C C 040.05), 171 Lynda Circle (126C C 040.04), 173 Lynda Circle (126C C 040.02), and the unaddressed parcel on Lynda Drive (126C C 040.01; and Jason Craven, applicant and owner of parcel 201 Lullwater Road (126F B 003; Kammer Holdings LLC, owner of unaddressed parcel on Signal Mountain Road (126F B 002); and the unaddressed parcel on Alden Avenue (126F B 020) have petitioned or have authorized Jason Craven to petition the Red Bank Planning Commission and the Red Bank City Commission to rezone the aforementioned properties from R-1 Residential to R-T/Z Townhome/Zero Lot Line; and

WHEREAS, the Red Bank Planning Commission held an advertised public hearing on this matter on March 16, 2023; and

WHEREAS, the Red Bank Planning Commission heard and considered all statements favoring or opposing the requested rezoning including that of the Southeast Tennessee Development District planning staff; and

WHEREAS, the Red Bank Planning Commission on March 16, 2023, has studied the petition in relation to existing zoning, land use, and potential patterns of development: and

WHEREAS, after consideration of the existing and potential patterns of development on Alden Avenue, the Red Bank Planning Commission recommended that parcel 126F B 020 on Alden Avenue for which rezoning to R-T/Z Residential Townhome/Zero Lot Line had also been requested to remain zoned R-1 Residential and be excluded from this rezoning ordinance; and

WHEREAS, the Red Bank Planning Commission on March 16, 2023, made a favorable recommendation for the rezoning of all requested parcels except Parcel 26F B 020 on Alden Avenue, which they recommended against rezoning, subject to certain conditions with three voting in favor, one voting against and one absent; and

WHEREAS, City Administration, currently in the process of preparing an Ordinance for the purpose of governing the development of "Steep Slope(s)", has made additional recommendations; and

WHEREAS, the City Commission, upon notice, held a public hearing in conjunction with the regularly scheduled Commission Meeting on May 2, 2023; and

WHEREAS, comments in favor of and comments opposing the proposed rezoning were

heard and considered; and

WHEREAS, the City Commission, having studied the recommendations of the Southeast Tennessee Development District planning staff and of the Red Bank Planning Commission, finds that the requested use, subject to the conditions below, would not have a negative impact on adjacent land uses, is in accord with the Red Bank Land Use Plan, and is a reasonable extension of existing zones in the area.

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

SECTION 1. The Zoning Ordinances and Zoning Maps of this City are hereby amended by conditionally rezoning from R-1 Residential to R-T/Z Residential Townhome/Zero Lot Line, 169 Lynda Circle (TAX MAP 126C GROUP C PARCEL 040.05); 201 Lullwater Road (TAX MAP 126F GROUP B PARCEL 003); Unaddressed parcel on Lynda Drive (TAX MAP 126C GROUP C PARCEL 040.01); 167 Lynda Circle (TAX MAP 126C GROUP C PARCEL 040.06); 194 Strawberry Lane (TAX MAP 126F GROUP B PARCEL 004); Unaddressed parcel on Signal Mountain Road (TAX MAP 126F GROUP B PARCEL 002); 171 Lynda Circle (TAX MAP 126C GROUP C PARCEL 040.04); AND 173 Lynda Circle (TAX MAP 126C GROUP C PARCEL 040.02) as graphically illustrated per the attached Exhibit A, subject to the following conditions:

- (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 a certified and stamped site-specific development site plan(s) of a State of Tennessee Licensed Professional Engineer, to include a Geotechnical Slope Stabilization Plan and is approved by the Red Bank Building Official.

- (c) For the purposes of this Ordinance:
 - (1) "Steep Slope" shall be defined as any portion of any lot which the current two (2) foot contour maps compiled and maintained by the Hamilton County Geographical Information Systems Department (HCGIS) topographical maps indicate a slope of twenty (20%) percent or more. Provided, if and to the extent that a site-specific land contour and elevation survey is provided by either a State of Tennessee Licensed Land Surveyor or a State of Tennessee licensed Professional Engineer indicates that any "Steep Slope" area within any lot shall have boundaries that encompass any area(s) which are at variance with the HCGIS generated contour maps, then such survey shall control and take precedence over the HCGIS data.

(2) "Land Disturbance Area" shall be defined in terms of a maximum percentage allowed for the disturbance of land surface area within the identified "Steep Slope" portion/area of any such lot(s) and not as a percentage of the entire lot; provided further that the area(s) of any such land disturbance on any such lot need not be contiguous but may be separated and apart from one another.

(d) 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.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. The zoning maps of this city shall be amended to conditionally reflect R-T/Z Residential Townhome/Zero Lot Line but subject to the conditions listed in SECTION 1 for the property described herein above and that said maps make specific reference to this Ordinance, with the restriction noted on the zoning map.

SECTION 4. No partial acceptance of these combined parcels application for some of the parcels is allowed, if all of the owners and developers do not accept the limiting conditions and restrictions by signing below within sixty (60) days next following approval on second and final reading, the Ordinance shall automatically become null and void.

SECTION 5. 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 affect or impair any other section, sentence, clause, or phrase.

Hollie Berry 5/18/23
Mayor Hollie Berry (date)

Tracey Perry 5/17/23
City Recorder Tracey Perry (date)

May 2, 2023
PASSED ON FIRST READING

May 16, 2023
PASSED ON SECOND READING AND FINAL READING

APPROVED AS TO FORM:

Arnold Stulce
City Attorney Arnold Stulce, Jr

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Marc Holcomb, Regional Planner

Date: March 9, 2023

Subject: Request to Rezone 167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line

SUMMARY

Property Address:	167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road (20 Lots)	Property Owner:	Watch Tower Investments, LLC; Kammer Holdings, LLC
Tax ID:	Tax Map 126C C 040.01 – 126C C 040.07, 126F B 002 – 007, 126F B 020	Applicant:	Watch Tower Investments, LLC
Deed Reference:	12829 0914, 12608 0993, 12688 0502, 12528 0754	Current Zoning:	R-1
Flood Zone:	201 Lullwater Rd. and 126F B 002 Signal Mountain Rd. touch edge of 500-year flood zone	Requested Zoning:	R-T/Z
Proposed Use:	38 detached single-family homes		
Staff Recommendation:	Approve with conditions		

ANALYSIS

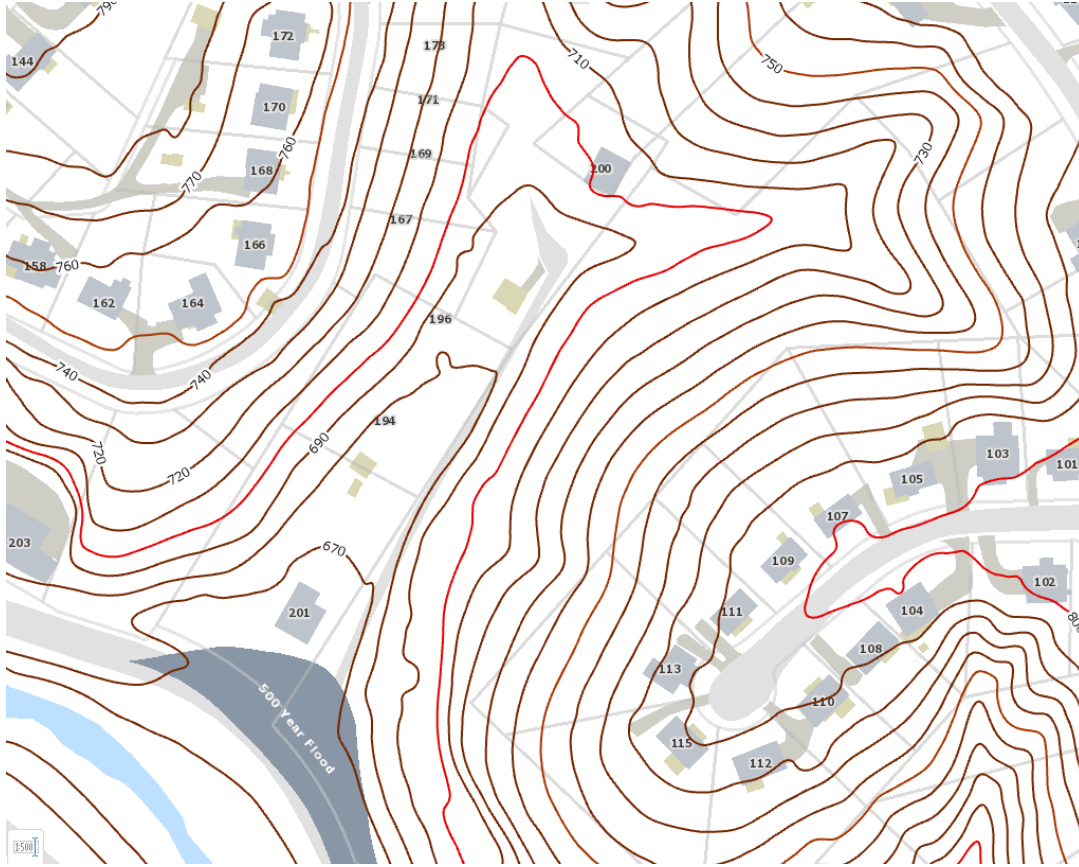
Background

All or a portion of this property has been the subject of the following Planning Commission and BZA decisions in recent years:

- February 2021 Planning Commission: Final Plat for Downer Estates – 200 Strawberry Lane and Lynda Circle
Plat was approved to establish 4 lots along Lynda Circle meeting R-1 dimensional requirements.
- March 2022 Board of Zoning Appeals: Variance request to reduce the front setback from 25 to 15 feet to disturb less of the hillside.
Request was denied by the Board of Zoning Appeals
- July 2022: Revised Final Plat for Downer Estates Lots 3, 4, 9-12
Lot lines were adjusted, but no additional lots created.
Plat was approved by the Planning Commission.
- December 2022: Planning Commission: Request to Rezone 167, 169, 171, and 173 Lynda Circle from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line. Plat proposed an increase from 4 lots to 6 lots on Lynda Circle.
Request was denied by Planning Commission.
- January 2023: Revised Final Plat for Lots 1-3 on Strawberry Lane. Property would be divided into three lots plus a utility easement that would bring sewer and water down the hill from Lynda Circle and provide adequate water supply for fire suppression.
Plat was approved by the Planning Commission.
- February 2023: Revised Final Plat for lots on Lynda Circle and Strawberry Lane. Property would be subdivided into 20 lots.
Plat was not submitted in time to receive a decision by the Planning Commission.
Discussion between Planning Commission and developer led to inclusion of neighboring property in an expanded request to be considered in March 2023.

Watchtower Investments LLC has submitted a request to rezone 167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line, which is to be considered at the March 16th, 2023, Planning Commission meeting. This request was submitted in order to reduce the lot width of the lots along Lynda Circle and Strawberry Lane, making a 20 lot subdivision along Strawberry Lane. Homes developed in these lots would be accessed via Strawberry Lane, which will be upgraded to become a public road maintained by the City of Red Bank.

Property Map with 10-foot Contours



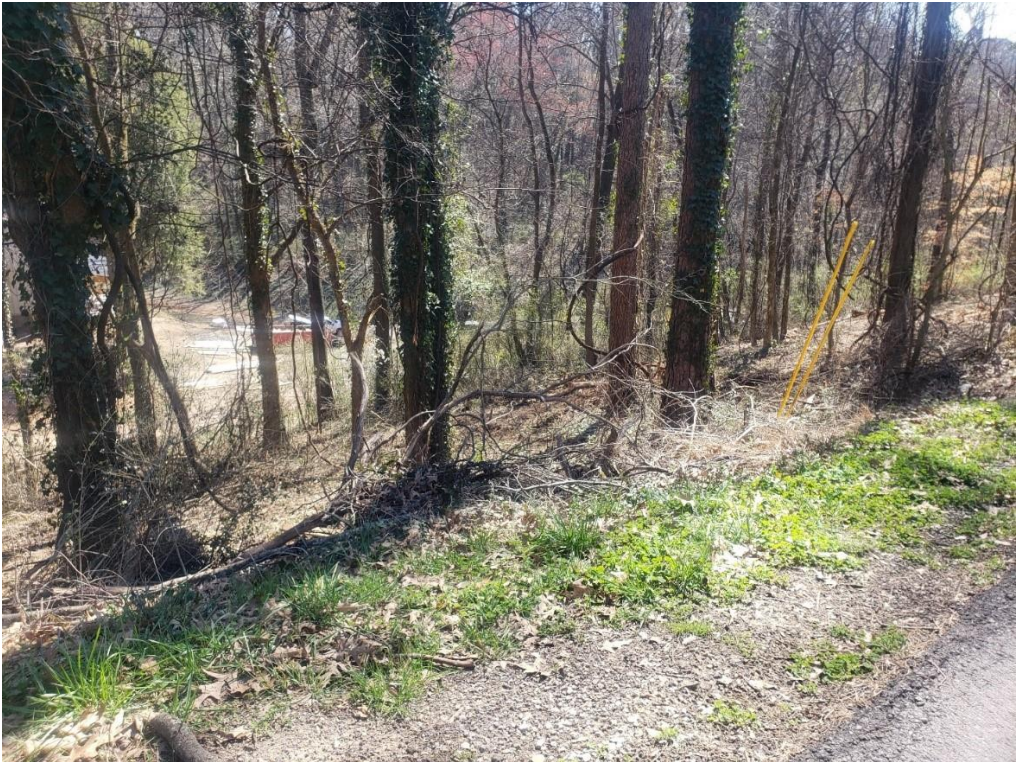
Hamilton County GIS Aerial Photo, 2022 Imagery



Lullwater Rd. at Strawberry Ln. Streetview Imagery – May 2019



Lynda Cir. Site Visit Photos – March 4th, 2022



Zoning Ordinance

In its current condition, Strawberry Ln. is approximately 558 feet long. The subject property has approximately 730 feet of road frontage along Lullwater Rd., 260 feet of road frontage along Lynda Cir., and 80 feet along Alden Ave. The developer states intent to access two lots from Alden Ave. and 36 lots from an improved Strawberry Ln. The proposed zoning of R-T/Z Residential Townhome/Zero Lot Line has a minimum width of 35 feet for single-family detached units and 24 feet for attached units. R-T/Z zoning also has a maximum density of 8 units per acre. With a total of 8 acres and accounting for slopes, utility easements, walking trails, public greenspace, and required frontage, the developer proposes 38 single family detached houses for this site.

	R-1	R-TZ
Permitted Uses	Single-family dwellings; schools; parks, playgrounds, and community buildings; golf courses; fire halls; churches; accessory uses; kindergartens; day care homes	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
Frontage / Width	60 feet (Frontage)	Width for detached units: 35 feet Width for attached units (townhomes): 24 feet
Front Yard	25 feet	25 feet
Rear Yard	25 feet	25 feet
Side Yard	10 feet	Single family: 10 feet / 12-foot building separation Townhouse: 25 feet
Lot Size	7,500 square feet	N/A
Setback from R-1 Zone	N/A	10 feet (Landscaped)
Building size (Single Family)	1,400 square feet	N/A
Density	N/A	8 units per acre.

Land Use Plan

The development of new homes at this location would increase the housing stock in Red Bank and address Goal C of the Red Bank Land Use Plan:

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.

Compatibility with surrounding uses

This property is surrounded by single-family detached homes. While the use would be the same as surrounding property, the zoning would result in a higher density of units. Having higher density is not necessarily incompatible within established single-family neighborhoods. This proposed development would essentially be a self-contained subdivision with a new public road to access homes on the site. In theory, this design would limit traffic volume on most established, more narrow roads in the immediate area. The parcels in question are made up of a valley surrounded by steep slopes. As development of steep slopes is a concern in for the City of Red Bank, close attention should be paid to site plans to ensure compatibility with the surrounding topography.

The developer proposes the inclusion of walking trails and public greenspace to accommodate community mobility and engagement. This would be in keeping with efforts made by officials in the City of Red Bank to improve community access and connectivity.

Spot Zoning

Spot zoning is not a legal practice in Tennessee, but it is not always easy to determine if a particular rezoning can be considered spot zoning. Tennessee courts have viewed spot zoning as, “the process of singling out a small parcel of land for use classification totally different from that of the surrounding area, for the benefit of the owner of such property, and to the detriment of other owners.”

In Red Bank, the R-T/Z zone has been used in many instances to create compatible infill at a higher density than surrounding neighborhoods. The Zoning Ordinance requires a site plan to rezone a property to R-T/Z in order to ensure that rezoning within lower density areas does not result in harm to adjacent property owners.

In this instance, the developer proposes to develop land at a higher density than the surrounding neighborhood on a portion of land adjacent to Lynda Circle with steep slopes. While Red Bank can expect to have more steep slopes developed in the future as most flat land has been developed, it must be done in a responsible manner that will not cause harm to adjacent property owners. Without detailed information regarding the slope development, planning staff cannot determine whether this proposed density will be detrimental to other property owners in the area.

RECOMMENDATION

Note: Planning Staff's recommendation is based upon the information available at the time of this review and is subject to change if information contrary to this analysis is presented at any time.

Note: Planning staff cannot recommend approval until a complete site plan meeting all R-T/Z requirements has been submitted. This site plan must account for all parcels included in the request for rezoning.

- R-T/Z Site plan requirement: A site sketch plan shall be submitted with the rezoning application and shall show the following: 1) Site access and preliminary street layout 2) Type of off street parking 3) Preliminary lot design 4) Range of lot sizes 5) Number of lots 6) Acreage 7) Open space/recreation areas if provided 8) All buffer, landscape and screen areas including site specific landscape design

Staff has recommended the following corrections to the submitted site plan:

1. The road is labeled "Private Drive." The Zoning Ordinance requires that the "preliminary street layout" be shown for R-T/Z rezonings.
2. Show intended location for the fire hydrant. .
3. Show and label any public amenities as indicated in earlier communications.
4. List in the notes the following (required per the Zoning Ordinance):
 - a. Type of off-street parking proposed
 - b. Range of lot sizes
 - c. Number of Lots
 - d. Acreage
5. Show landscaped buffer areas. Type C screening is required for the boundaries adjacent to any R-1 properties.

(C) Screening Type C: Provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- 1) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven (7) feet apart) of shrubs spaced a maximum of eight (8) feet on-center.
- 2) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

If the Planning Commission determines that the placement of small lot single family homes on the applicant's property is compatible with the surrounding land uses, then the rezoning from R-1 to R-TZ is in alignment with the land use plan, and staff recommends approval of the rezoning request. Rezoning conditions may be required to address compatibility and topography challenges. As the developer intends to dedicate Strawberry Lane as a public road, improvements to said road should meet standards set by the Public Works department.

The Planning Commission may consider the condition of limiting density on the portion of the site on steep slopes.

Hollie Berry
Mayor



Martin Granum
City Manager

MUNICIPAL PLANNING COMMISSION

MINUTES
March 16, 2023
6:00 p.m.
Red Bank Courtroom

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:03 PM.

II. ROLL CALL

Commissioner Skonberg called the roll. Commissioners Browder, Skonberg, Millard, and Smith were in attendance. The Commission's planning advisor from the Southeast Tennessee Development District, Ashley Gates, was present. Eddie Clinton, Building Official, and Leslie Johnson, Capital Projects Manager, were also present. Additional attendees are listed on the sign-in sheet.

III. INVOCATION

Commissioner Millard gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Browder lead the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

A. February 16, 2023 Meeting Minutes

The meeting minutes were not presented or approved.

VI. NEW BUSINESS

- 1. Request to Rezone 167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road from R-1 Residential to R-T/Z Residential Townhome/Zero Lot Line**

Staff presented the rezoning proposal, which would include up to 38 detached homes and the paving of Strawberry Lane to city standards. She stated that none of the lots would be accessed from Lynda Circle. Staff recommended approval with the condition that only detached single-family homes could be built.

Jason Craven, representing Watchtower Investments and Kammer Holdings, presented his plans to redevelop this area with up to 38 single-family detached homes, requiring an R-T/Z designation. He stated that 38 would be the absolute maximum, and that he is proposing a small park and trail system. He stated that a primary reason for the proposed rezoning would be to reduce the front yard setback requirement, bringing the homes closer to the road, which would preserve more of the slope.

Commissioner Kelly clarified that current zoning would allow four homes on Lynda Circle, two on Strawberry Lane and two on Lullwater.

Commissioner Kelly asked about how many feet of trail would be constructed. Mr. Craven stated that about 1,200 feet could be constructed on the property owned by Watchtower Investments.

Commissioner Kelly asked what type of engineering studies had been done and if there were any red flags. Mr. Craven stated that a geotechnical engineering study of soil samples and boring had been completed, and that they did not for see any significant risk beyond the average risk of constructing on sloped land.

Commissioner Browder asked if there would be any disturbance along Lynda Circle. Mr. Craven stated that everything would be accessed via Lullwater and Strawberry Lane.

Mr. Craven stated that the R-T/Z zoning gives more flexibility due to not having minimum square footage. He stated Type C screening would be installed.

Commissioner Browder opened up the Public Hearing. She stated that speakers would be limited to three minutes and should address the Planning Commission and not the developer or others in the audience.

Phillip Curlin of 127 Lynda Drive stated his opposition to rezoning the lot that has frontage on Alden Ave.

Dana Eichler of 108 Alden Avenue stated her opposition to rezoning the lot that has frontage on Alden Ave. She asked how the developer would be held accountable to his word.

Alex Moyers of 128 and 129 Alden Avenue stated that he was concerned about cutting down the wooded areas and then building a nature park and trail. He stated he was concerned that the park and trail would bring more people into their neighborhood.

Robert Black Eagle Costa of 102 Alden Avenue stated his opposition to the proposed development and concern about the impact on the natural environment and neighborhood.

Bill Eldridge of 164 Lynda Circle asked whether the walkway would be accessed by Lynda Circle and his concerns regarding traffic.

Karina Butterfield of 130 Alden Avenue asked if the trailhead would be sold to the City of Red Bank, and if that would be guaranteed. She asked if the neighborhood association would be required to maintain it. Commissioner Browder replied that the park is just a proposal and selling it to the City would be a request to be addressed at that time.

Mr. McGraw of 109 Alden Avenue stated his opposition to the nature trail and green space.

Robert Eichler of 108 Alden Avenue stated that there used to be a former greenway that was not maintained. He stated his concerns about drainage issues, similar to what had happened with the ditch on Hedgewood and his desire to have enforceable stormwater standards.

Kira Robinson of 166 Lynda Circle stated her concerns regarding the maintenance of the proposed trail, and concerns about parking on Lynda Circle to access the trail, as she lives adjacent to the proposed trailhead.

Charles Gardner of 108 Lynda Drive stated his concerns regarding stabilizing the bank to prevent the road washing out. He stated that on Hedgewood the bank was not stabilized and has starting falling out since construction began. He stated that the developer of Hedgewood promised a detention pond and a small park that never came to fruition, and that two additional homes were built.

Ms. Moyer of 128 Alden Avenue stated that the neighborhood doesn't need a trail or a park. She stated that she prefers the homes to be further from Lynda Circle. She stated that she provides green space to the neighborhood. She also stated that the environment is being destroyed, and they don't want trails and parks that will take down more trees.

Drake Poteat of Sweetland Drive stated that he prefers density. He pointed out that the applicant had been in front of the Planning Commission before, and that the park would improve the value of the homes he is building. He asked why Red Bank should assume the liability and cost of the park.

Mindy Moore of 118 Alden Avenue stated that the park and trails would be for the residents that will live in the new homes, not for the residents of Duncan Hills. She stated that she does not want a trail across from her home. She asked how long the project would take. She stated her opposition to the rezoning of the property along Alden Avenue.

Justin Heisman of 106 Miller and 126 Alden Avenue stated that 30+ homes was greedy, and stated that the proposed density is beyond the carrying capacity of the area. He stated he did not want it to turn into North Chattanooga.

Commissioner Browder closed the public hearing.

Commissioner Browder asked where the idea for the nature trail came from. Jason Craven stated that they it came from the City of Red Bank's strategic goals to improve park access and connectivity.

Commissioner Browder asked if they could exclude the property along Alden Avenue from their recommendation.

Staff stated that they could. She stated that she did not find it to be a spot zoning issue, but having frontage on a different road, they may opt to exclude it from the rezoning.

Commissioner Millard suggested tabling the matter until they have more information regarding the park and trail system.

Leslie Johnson, Capital Project Manager, stated that the applicant was only seeking density at this time, and that the park and trail approvals could come at a later time.

Commissioner Skonberg asked if they could impose land disturbance limitations based on the slope. Staff stated that they could recommend that condition.

Commissioner Skonberg motioned to recommend approval to rezone 167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, and Parcel 126F B

002 on Signal Mountain Road from R-1 Residential to R-T/Z Residential Townhome/Zero Lot Line subject to the following conditions:

1. Limited to single-family detached residential
2. Land disturbance limited to the following based on slope:

Slope	Maximum Percent Land Disturbance
15% to 25%	50%
25% to 40%	20%
40% +	10%

3. Preservation of all heritage trees that are 19-inches at breast height or larger

Commissioner Millard seconded the motion. All voted in favor. The motion carried.

VII. UNFINISHED BUSINESS

1. Amend R-4 Special Zone to include select commercial uses as uses by Special Exceptions Permit

This item was tabled.

2. Steep Slope Ordinance to provide guidelines for development of parcels with steep slopes

Staff presented the revised steep slope ordinance which included the land disturbance limitations as discussed at the work session.

Commissioner Skonberg stated that they would not be able to create a perfect steep slope ordinance, and suggested that they recommend approval of the staff provided Steep Slope Ordinance.

Staff stated that they could adjust the percentages based on the analysis she had done. She said that increasing the percentage to 20% would take quite a few properties out of the ordinance.

Commissioner Skonberg motioned to recommend approval of the steep slope ordinance as presented with the land disturbance limitations, and with the minimum slope percentage for moderate risk properties amended from 15% to 20%.

Commissioner Kelly seconded the motion. All voted in favor. The motion carried.

VIII. OTHER BUSINESS

No other business was presented. Commissioner Smith motioned to adjourn. Commissioner Luther seconded the motion. The meeting was adjourned at 8:21 PM.

Chairman

Planning Commission Regular Session 4-08-2026

Purpose: reviewing Ordinance 17-1081 with time lapsed on a condition required for approval

Staff Review

On February 21, 2017 the city commission adopted Ordinance 17-1081 which rezoned the property at 4708 Dayton Boulevard from C-1 Commercial to L-1 Light Manufacturing, subject to conditions and restrictions—namely that if “cutlery manufacturing” operations were not commenced within one year from and after the date of passage the ordinance or if “cutlery manufacturing” operations should thereafter cease, the property would revert back to C-1 commercial. According to the city’s businesses license directory, the only business license associated with the property since that time is a U-Haul operation. Since 2017, the property has been zoned L-1 despite the failure to meet the condition stated in the ordinance. It was by coincidence that the fire chief saw a proposed rezoning for a nearby property and recalled the ordinance for the 4708 Dayton property and made staff aware of the history of the property and the error on the zoning map.

Staff are bringing this scenario to the attention of the planning commission to illustrate the challenge of maintaining a zoning ordinance and map that is subject to continued application of “conditions”. Had the fire chief not happened to see the zoning map on the meeting table, staff would likely never have known about the erroneous zone and associated conditions from 2017 and could have inadvertently made land use and zoning recommendations that would be potentially harmful and/or a nuisance to the public. It is for these reasons that the staff position continues to be that rezonings are based on whether the permitted uses of a proposed zone are appropriate or not; the prescription of conditions and restrictions not defined by the zoning ordinance and rather by a given commission’s opinion blur the line of arbitrary and capricious, public welfare necessity, and can create potential legal and practical issues.

At this time, staff have corrected the zoning of the 4708 Dayton property back to C-1 Commercial.

Time Lapsed

ORDINANCE NUMBER 16-1074

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY AT 4708 DAYTON BOULEVARD FROM C-1 COMMERCIAL TO L-1 LIGHT MANUFACTURING, SUBJECT TO CONDITIONS AND RESTRICTIONS

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 owner, GT Technical Enterprises, LLC, acting by and through its agent, Kyle Green, has petitioned the Red Bank Planning Commission and the Red Bank City Commission to rezone the property located at 4708 Dayton Boulevard, Hamilton County Tax Map Parcel No. 109B K 001, from C-1 Commercial to L-1 Light Manufacturing; and

WHEREAS, the legal description of said property is attached as Exhibit A; and

WHEREAS, the Red Bank Planning Commission held a public hearing on this matter on September 15th 2016; and

WHEREAS, the Red Bank Planning Commission heard and considered all statements favoring or opposing the requested rezoning including that of the Regional Planning Agency staff; and

WHEREAS, the Red Bank Planning Commission has studied the petition in relation to the existing zoning and land use and potential patterns of development and recommended approving L-1 Light Manufacturing with conditions; and

WHEREAS, the City Commission, upon notice, held a public hearing in conjunction with its regularly scheduled meeting on Tuesday, October 18, 2016; and

WHEREAS, comments in favor of and comments with respect to limiting the proposed rezoning were heard and considered by the City Commission; and

WHEREAS, the City Commission, having studied the recommendations of the Red Bank Planning Commission, believes that the rezoning from C-1 Commercial to L-1 Light Manufacturing, subject to restrictions and conditions, hereinafter stated, would be a reasonable usage of the property and would not adversely affect adjoining owners.

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

SECTION 1. The Zoning Ordinances and Zoning Maps of this City are hereby amended by rezoning from C-1 Commercial to L-1 Light Manufacturing, subject to conditions, the property located at 4708 Dayton Boulevard, Tax Map # 109B K 001, more particularly described per the attached Exhibit A, subject to the express condition that the only light manufacturing usage permitted is that of "cutlery manufacturing", and no other L-1 uses shall be hereafter constructed, utilized or allowed, but that C-1 Commercial uses shall continue to be permitted.

SECTION 2. Provided that the zoning of the property will revert back to C-1 Commercial if "cutlery manufacturing" operations are not commenced within one (1) year from and after the date of passage of this Ordinance or if "cutlery manufacturing" operations shall thereafter cease, for any reason, for a period of one (1) year or greater.

SECTION 3. The Zoning Ordinance and Zoning Maps of this City shall automatically revert to C-1 if the signature of the applicant accepting and acknowledging the recited conditions is not affixed within thirty (30) days from and after the passage of this Ordinance on second and final reading.

SECTION 4. Upon the adoption of this Ordinance, the Zoning maps of the City shall be amended and changed so as to reflect this rezoning with the limited condition noted.

SECTION 5. 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 6. The Zoning Map shall hereafter, subject to the provisions of Section 1, be marked to reflect "L-1, Conditional, Restricted".

SECTION 7. 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.



MAYOR OF RED BANK

CITY RECORDER

October 18, 2016
PASSED ON FIRST READING

November 1, 2016
PASSED ON SECOND READING

APPROVED AS TO FORM:

CITY ATTORNEY

ACCEPTED AS TO CONDITIONS:

GT TECHNICAL ENTERPRISES, LLC, OWNER

BY: _____
Kyle Green, _____
Title

EXHIBIT A

ORDINANCE 16-1074

Legal description of 109B-K-001 from Warranty Deed (GI 8512 286)

Instrument: 2007110200128
 Book and Page: GI 8512 286
 DEED RECORDING FEE \$10.00
 DATA PROCESSING FEE \$2.00
 CONVEYANCE TAX \$1,110.00
 PROBATE FEE \$1.00
 Total Fees: \$1,123.00
 User: HCBCASTaylor
 Date: 11/2/2007
 Time: 10:37:54 AM
 Contact: Pam Hurst, Register
 Hamilton County, Tennessee

File No.070407C

Grantee's Address	Mail Tax Bills To	Tax Map/Parcel No.
GT Technical Enterprises, LLC	Same	109B-K-001

~~of Jack J. Farpley~~
 5812 Brownstown Rd
 Chattanooga, TN
 37415

WARRANTY DEED

IN CONSIDERATION of One (\$1.00) Dollar and other valuable considerations paid the receipt of all of which is hereby acknowledged; I, **JAMES E. HARRIS, TRUSTEE** under **The James E. Harris Revocable Living Trust** dated February 25, 2002, do hereby sell transfer and convey unto **GT TECHNICAL ENTERPRISES, LLC, a Tennessee Limited Liability Company**, the following described real estate located in the Third Civil District of Hamilton County, Tennessee:

Lots Three (3) and Six (6), Mayville, as shown by plat of record in Plat Book 2, Page 43; as amended in Plat Book 4, Page 32, in the Register's Office of Hamilton County, Tennessee.

Reference for prior title is made to deeds of record in Book 6190, Page 529 and Book 7539, Page 251, in the Register's Office of Hamilton County, Tennessee.

The legal description in this deed is taken from the last deeds of record.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

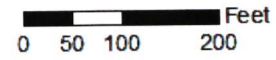
- Any governmental zoning and subdivision ordinances or regulations in effect thereon.
- Taxes for the year of 2007 are to be prorated between the Grantor and the Grantee of even date herewith.

EXHIBIT B

ORDINANCE 16-1074






Rezoning Request for 4708 Dayton Blvd, C-1 to L-1



Existing Zoning: C-1 Commercial
 Requested Zoning: L-1 Light Manufacturing
 Intended Use: Lease to tenant for small scale knife manufacturing (~ 10 employees)

Tax Map #: 109B K 001
 Address: 4708 Dayton Blvd
 Owner: GT Technical Enterprises LLC
 Property Area: 1.80 Acres
 Existing Use / Structure: Vacant

Proposed Rezoning
 L-1
Existing Zoning
 C-1 Commercial
 R-1 Residential