

City of Red Bank
Municipal Planning Commission

WORK SESSION AGENDA
August 17, 2021
12:00 pm
Red Bank City Hall

I. CALL TO ORDER

II. ROLL CALL – Chair – Commissioner Browder

- | | |
|---|--|
| ☐ Commissioner Browder | ☐ Commissioner Smith |
| ☐ Commissioner Luther | ☐ Commissioner Skonberg |
| ☐ Commissioner Millard | |

III. Agenda items for the August 19, 2021 regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

1. June 17, 2021

B. NEW BUSINESS

1. Election of Planning Commission Secretary – Ashley Gates
2. Revised Plat - Delashmitt Road Subdivision
3. Request to Rezone 209 Morrison Springs Road from C-2 to C-1
4. Multimodal Access Grant Project - Sidewalks along State Route 8 (Dayton / Cherokee Blvd) from near the tunnel to Signal Mountain Road
5. City-owned property discussion
6. Pickleball Court Proposal - 3112 Elmore Avenue
7. Public Art Ordinance discussion
8. Any properly presented new business

C. UNFINISHED BUSINESS

1. Steep slope ordinance discussion
2. Design Review Standards - Street Tree Requirements
3. Any properly presented unfinished business

D. OTHER BUSINESS

IV. ADJOURNMENT

City of Red Bank
Municipal Planning Commission

REGULAR MEETING AGENDA
August 19, 2021
6:00 pm
Red Bank City Hall

I. CALL TO ORDER

II. ROLL CALL – Secretary

- | | |
|---|--|
| ☐ Commissioner Browder | ☐ Commissioner Smith |
| ☐ Commissioner Luther | ☐ Commissioner Skonberg |
| ☐ Commissioner Millard | |

III. INVOCATION – Commissioner Millard

IV. PLEDGE OF ALLEGIANCE – Commissioner Browder

V. CONSIDERATION OF THE MINUTES

1. June 17, 2021

VI. NEW BUSINESS

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VII. UNFINISHED BUSINESS

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2. Design Review Standards - Street Tree Requirements
3. Any properly presented unfinished business

VIII. OTHER BUSINESS

IX. ADJOURNMENT



**MUNICIPAL PLANNING
COMMISSION**

**Hollie Berry
Mayor**

**John Alexander
Interim City
Manager**

MINUTES
June 17, 2021
6:00 p.m.
Red Bank City Hall

I. CALL TO ORDER

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

II. ROLL CALL

Commissioner Browder called the roll. Commissioners Browder, Millard and Skonberg were in attendance. The Commission's planning advisor from the Southeast Tennessee Development District and Gregory Tate, Interim Public Works Director, 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 led the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

A. May 20, 2021 Meeting Minutes

Commissioner Browder asked for any corrections to the minutes. Having none, Commissioner Millard motioned to approve the minutes as written. Commissioner Skonberg seconded the motion. The motion passed unanimously.

VI. NEW BUSINESS

A. Plat for B.C. Subdivision (930 Lullwater Road)

This item was delayed until after the discussion of all other New Business.

B. Red Bank Bike/Walk Boulevard

Staff presented the bike/walk boulevard plan from the North Shore Greenway Study. She stated that it would be focused on bicycle transportation because the plan would not meet ADA or TDOT requirements for a pedestrian facility.

Commissioner Skonberg stated that she thought it was a good recommendation to ensure there was outreach to the property owners along the route.

Resident Don McKenzie asked about the requirement for the bicycle boulevard to not be recreational. Commissioner Browder stated that while the path may be used for recreation, the grant requires that the infrastructure not be primarily recreational in nature.

Commissioner Millard motioned to recommend that the Board of Commissioners fund the Red Bank Bike/Walk Boulevard and White Oak/Stringers Ridge Connector, prioritizing the Lyndon Avenue segment. Commissioner Skonberg seconded the motion. The motion passed unanimously.

C. Ordinance authorizing the City of Red Bank to require certain building materials to be restricted

Staff stated that a new state law required that all building material restrictions be re-authorized by local governments before September 1, 2021 or they would no longer be enforceable.

Commissioner Skonberg motioned to recommend that the Board of Commissioners authorize all existing codes and ordinances that restrict building materials, including the Design Review Standards, Zoning Ordinance, and Building Codes, in accordance with the new state law. Commissioner Millard seconded the motion. The motion passed unanimously.

D. Any Properly Presented New Business

Elliott Brewer, the applicant for the B.C. Subdivision, appeared and presented a plat for six lots at 930 Lullwater Road. He stated that his intent was to build six single-family homes and sell them.

Staff recommended approval subject to all signatures.

Commissioner Skonberg motioned to approve the plat subject to signatures. Commissioner Millard seconded the motion. The motion passed unanimously.

VII. UNFINISHED BUSINESS

A. Steep Slope Ordinance

Each commissioner presented their priorities for a steep slope ordinance. They stated a preference for a two-tiered approach based on both slope and slippage soils, with very limited disturbance on a high-risk area.

Staff stated that she would prepare a draft ordinance for the July meeting.

B. Native Tree Ordinance

Staff presented the updated native species list and updated height requirements and recommended approval.

Commissioner Millard motioned to approve the revision of the native tree ordinance. Commissioner Skonberg seconded the motion. The motion was approved unanimously.

VIII. OTHER BUSINESS

No other business was presented. Commissioner Skonberg motioned to adjourn. Commissioner Millard seconded the motion. The meeting was adjourned at 7:33 PM.

Chairman



MEMORANDUM

To: Members of the Red Bank Planning Commission
From: Ashley Gates, Regional Planner
Date: August 11, 2021
Subject: Revised Plat, Delashmitt Road Subdivision

SUMMARY

The final plat for this subdivision was approved in June 2020 and included a sidewalk along Delashmitt Road. This was required by the Planning Commission due to the ADA Transition Plan, which requires the installation of sidewalks for new construction wherever “feasible and reasonable.” An inspection by a Codes Enforcement Officer revealed that if installed, the sidewalk would not be safe for pedestrians, and would not be feasible. This change will not impact the internal sidewalks.

RECOMMENDATION

Approval.

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Gregory Tate, Interim Director of Public Works

From: Ashley Gates, Regional Planner

Date: August 12, 2021

Subject: Request to Rezone 209 Morrison Springs Road, 4004, 4006, and 4010 McCahill Road from C-2 to C-1

SUMMARY

Property Address:	209 Morrison Springs Road, 4004, 4006, and 4010 McCahill Road	Property Owner:	Howard Huddleston
Tax ID:	109I B 023-026	Applicant:	Modwash RE, LLC
Deed Reference:	10575-0176	Current Zoning:	C-2
Flood Zone:	No	Requested Zoning:	C-1
Current Land Use:	Vacant; Residential structure at 4004 McCahill Road	Surrounding Zoning:	C-2 and R-1A
Surrounding Land Use:	Residential; Cemetary; Fast food restaurant		
Moratorium Status:	Site is under sewer moratorium. WWTa has indicated they are on a wait list through their capacity reservation process.		
Proposed Use:	Car wash business		
Staff Recommendation:	Deny		

ANALYSIS

Current Use and Site Conditions

The property at 209 Morrison Springs Road, 4004, 4006, and 4010 McCahill Road is mostly vacant, with one residential structure at 4004 McCahill Road, built in 1920. The site has steep slopes (greater than 35%) to the right-of-way. Most of remainder of the site has slopes under 20%. Slope will be a factor in the location of the structure, access points, and internal driveways, but the site is developable.

Hamilton County Wastewater Treatment Authority indicated that this lot is affected by the sewer moratorium. The applicant has submitted a capacity reservation request and have been placed on a waiting list.

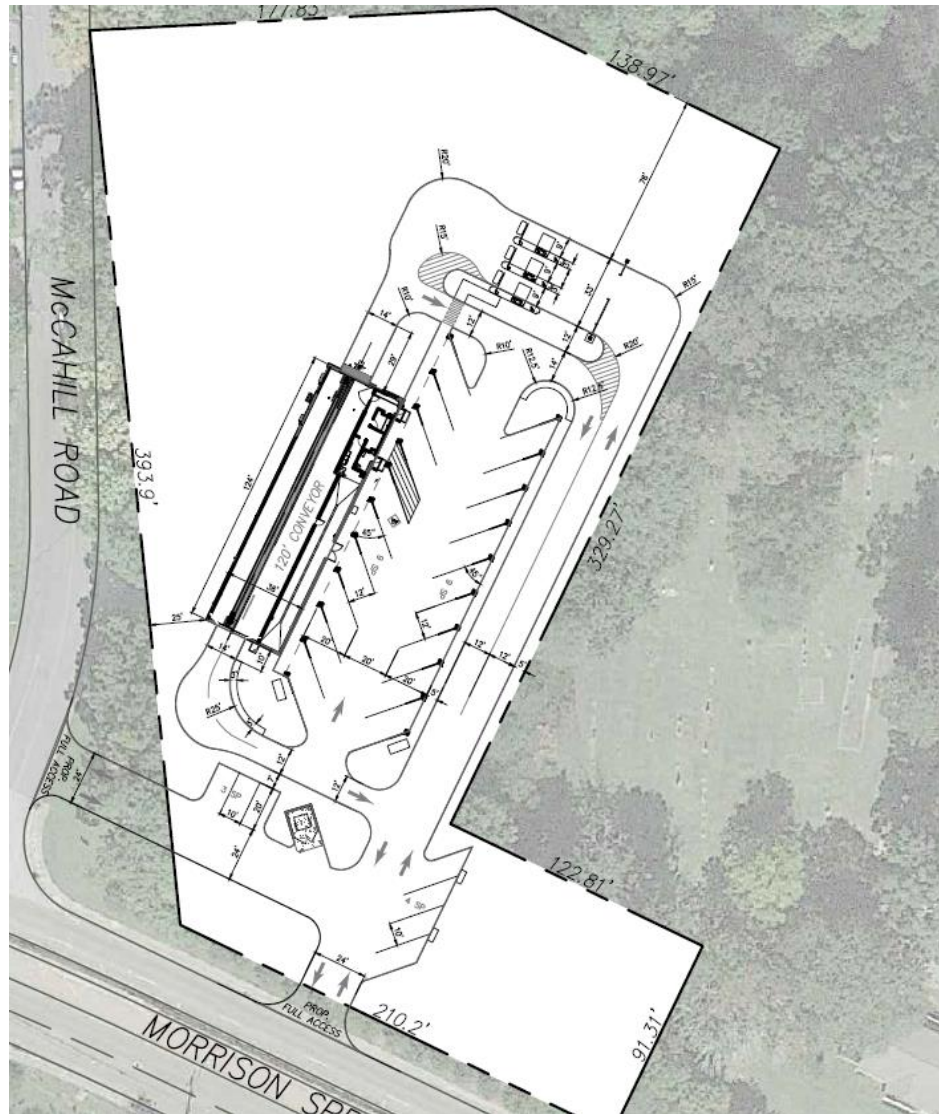
An existing 12-foot-wide right-of-way between 4010 and 4004 McCahill Road provides access to 4006 McCahill Road. This will need to be abandoned by the city by ordinance prior to combining these lots.



Proposed Use

Mudwash RE, LLC has requested that the property be rezoned to C-1 in order to build a car wash business. A preliminary site plan is shown below. The site plan shows a 124' by 36' building to house the car wash, plus 18 parking spaces, presumably with vacuum stations. Seven additional parking spaces are provided.

Internal circulation consists of a one-way, 24-foot-wide loop. It expands to 33-feet wide for three pay stations at the rear of the site. The ingress and egress are 24 feet wide, with one access along Morrison Springs Road and one along McCahill Road.



Zoning Ordinance

Car washes are permitted in the C-1 zone with a Special Exceptions Permit. They are prohibited in the C-2 Zone. The C-1 zone is generally more permissive, with fewer prohibited uses. See the attached Table of Uses for a full list of permitted uses.

Compatibility with Surrounding Land Use

The site is at the corner of McCahill Road and Morrison Springs Road. McCahill Road is a low-density residential street with large lots, zone R1-A. Morrison Springs Road is a high traffic road, with the nearest average daily traffic count being 17,938. To the rear of the property is Red Bank Cemetery, also known as Shaw Cemetery, with graves dating back to the 1890's. The cemetery is accessed via a driveway off Oakland Terrace.

Land Use Plan

The C-2 Zone was established with the adopted land use plan. The intent was to create a central business district along Dayton Boulevard and Morrison Springs Drive, up to Highway 27, which

creates a physical barrier to the more dense and walkable central business district. This property was rezoned during the creation and adoption of the land use plan, also known as “The Red Bank Plan: 2035.”

Excerpts from The Red Bank Plan: 2035

Section 3.2 Zoning Ordinance –

E. New C-2 Central Business District Zone

One way to achieve the needed “downtown” or “town center” (as suggested in comments through public input) is to establish a new C-2 Zone or ‘Central Business District’. This zone provides for new types of development such as mixed-use. It also allows only those uses that are in keeping with the developed character of the area and specifically prohibits those uses that are not. Prohibited uses will be allowed in other zones, primarily in the C-1 Zone.

This new commercial zone extends on the South end by Newberry Street and includes frontage properties on both the East and West sides of Dayton Boulevard. The zone extends North on the East side of Dayton Boulevard to Woodrow Avenue and on the West side of Dayton Boulevard to a point that is the North property line of 4039 Dayton Boulevard/Tax Map # 1091 E 002 (situated somewhat across from Woodrow Avenue). The zone shall also include all frontage properties on the South side of Morrison Springs Road extending West to U.S. 27 Highway. The C-2 Zone will be subject to the new Design Review and Landscape and Screening requirements. These particular requirements will start with any change of use, new development or re-development of the property. These requirements not only begin an overall beautification process, but also provides for much needed buffers and protection between commercial and residential uses.

Section 3.3 – Zoning Study

B. Commercial

The new commercial rezoning, particularly the C-2 area, not only helps protect the quality and integrity of existing development, it also provides new opportunities to attract new businesses and reinvigorate Red Bank’s commercial center. This area can become a true Central Business District while the C-1 Convenience commercial Zone continues to serve the needs for a wider variety of goods and services along Dayton Boulevard north and south of the Central Business District.

The new O-1 Office Zone functions as a much needed lower intensity transition zone between commercial and residential uses where appropriate. And, the C-3 Neighborhood Commercial Zone fills the gap that the C-1 and C-2 Zones cannot by providing a low intensity commercial zone for those businesses that would be appropriate and compatible on the fringe of residential areas.

Industrial zoning reflects existing industry locations, but other sites may be considered if there is interest.

Design Review Standards

This property would be subject to design review. Full designs have not been submitted.

Spot Zoning

Typically, when multiple parcels are included in a rezoning, spot zoning is not as much of a concern. With this property being under one ownership, it is possible that spot zoning could be a concern should the neighboring property owners find that the development has been detrimental to their property value or livability of their home.

RECOMMENDATION

Staff recommends denying the rezoning request for the following reasons:

1. The C-2 zone is intentionally designed with the intent to extend from Dayton Boulevard to Highway 27. Rezoning this to C-1 would allow a wide range of uses, including pawn shops, car dealerships, outdoor storage, and gas stations.
2. The proposed zone is not compatible with the adopted land use plan.
3. The use is potentially incompatible with abutting residential uses due to the noise of vacuuming stations and the potential traffic volume.

If the Planning Commission wishes to rezone this property, staff recommends that the applicant be given 12 months from the lifting of the sewer moratorium to secure a special exceptions permit. Should the permit not be obtained, the zoning should revert to C-2.

Additional conditions may be placed on the specific use when the special exceptions permit is reviewed and issued. Possible conditions may include:

- Requiring a traffic impact study
- Requiring an additional planted buffer between the internal driveway and the cemetery
- Preservation of heritage trees
- Retaining wall design standards
- Buffer requirements between the business and the neighboring residence

Attachment 1. Table of Uses – Comparison of C-2 to C-1

Permitted	P
Special Exception	SE
Prohibited	X
Use not included	

Land Use Type		Use	CBD C-2	C-1
Commercial	Retail	Retail sales	P	
	Retail	Retail sales and service establishments		P
	Retail	Retail sales unless otherwise permitted		
	Retail	Commercial establishments up to 5,000 sq. ft.		
	Retail	Bakeries, provided all goods are sold on premise	P	P
	Retail	Drug stores		
	Retail	Florists	P	P
	Retail	Grocery stores		
	Retail	Hardware stores		
	Retail	Liquor stores		P
	Retail	Meat and fish markets		
	Retail	Music stores		
	Retail	Shoe stores		
	Retail	Small printer shops, except that the gross floor area shall not exceed 2,000 square feet	P	P
	Retail	Specialty shops and stores		
	Retail	Stationary stores		
	Dining	Restaurants and Delicatessens	P	
	Dining	Restaurants and other establishments serving food and beverages		P
	Dining	Taverns, wine and cocktail bars, brew pubs, micro-breweries and similar uses	P	
	Dining	Microbreweries and brew pubs where beer is manufactured and distributed wholesale or retail	P	P
	Entertainment	Bowling alleys, or other indoor amusement		SE
	Entertainment	Entertainment or recreational facilities		
	Entertainment	Miniature golf courses and similar outdoor amusement facilities		SE
	Entertainment	Outdoor amusement facilities	X	
	Entertainment	Studios / Galleries	P	P

Land Use Type		Use	CBD C-2	C-1
Commercial	Entertainment	Theaters	P	P
	Entertainment	Playing music or making announcements in a manner audible at any residential lot line.		
	Lodging	Bed and Breakfast establishments / Short Term Rental Units	P	P
	Lodging	Hotels and motels		P
	Service	Barber\Beauty shops	P	P
	Service	Cleaning and laundry establishments		SE
	Service	Day care centers		
	Service	Funeral homes and undertaking establishments	X	SE
	Service	Plumbing, electrical, radio, TV workshops provided no more than five (5) persons are employed and that all related trucks and equipment are stored at the rear of the building, not visible from Dayton Blvd.	P	
	Service	Plumbing, workshops, electrical, radio and TV shops and other similar uses provided that not more than five (5) persons are employed therein.		P
	Service	Repair shops for shoes, household articles or appliances	P	P
	Service	Tattoo parlors		
	Service	Alternative Financial Services		SE
	Service	Title Pawn, check cashing and similar uses	X	P
	Auto-Oriented	Car Washes	X	SE
	Auto-Oriented	New & used car, motorcycle, boat, farm equipment dealers	X	P
	Auto-Oriented	New or used sales or repair facilities for autos, boats, motorcycles, farm equipment and similar uses		
	Auto-Oriented	Gasoline service stations and auto repair;		P
	Auto-Oriented	Limited Fuel Service Facility	P	
	Auto-Oriented	Drive-thru or Drive-in uses		
	Storage	Outdoor storage of goods for sale, provided that area is screened		P
	Storage	Outdoor sales, service, display or storage, except during lawful business hours and except for outdoor seating for restaurants	X	
	Storage	Warehouses, storage facilities, mini-warehouses, indoor or outdoor storage facilities, climate controlled storage facilities, or any other sort of commercial storage or warehousing facility or usage	X	
	Adult	Adult oriented establishments	X	
Office	Bank	Banks	P	P
	Medical	Medical and dental offices and clinics	P	
	Medical	Medical and dental offices up to 5,000 sq. ft.		
	Office	Office buildings	P	P

Land Use Type		Use	CBD C-2	C-1
Office	Office	Offices up to 5,000 sq. ft.		
	Office	Offices over 5,000 sq. ft.		
	Veterinarian	Veterinarians offices	P	SE
	Veterinarian	Veterinarians offices with no outdoor run areas	P	
Public / Institutional	Group Home	Assisted living facilities		SE
		Drug, alcohol or correctional halfway houses, drug or alcohol rehabilitation centers or any similar use	X	
		Halfway house, alcohol and drug rehabilitation centers		SE
		Nursing homes		SE
		Day care homes		
		Group homes operated on a non-commercial basis for persons with intellectual and developmental disabilities		
	Hospital	Hospitals and clinics and social agencies		SE
	School / Church	Schools, churches and other public and semi-public buildings	P	P
	Parks	Parks, playgrounds and community buildings		
Residential	Multi-Fam.	Apartments		SE
	Mobile Home	Mobile home parks	X	SE
	Mixed	Residential uses when part of a mixed-use commercial development with only offices and/or commercial uses on the ground floor.		P
	Mixed	Mixed Use Developments		
	Townhome	Townhomes and condominiums		
	Single-Fam.	Single-family detached dwellings except manufactured homes	P	P
	Home Occ.	Home Occupations		
Other	Accessory Permitted	Accessory buildings and uses customarily incident to the above uses	P	P
	Signs	On Premise Signs Pursuant to Sign Ordinance		
	Signs	Signs advertising goods and services provided on premises subject to height, setback and size limitations	P	P
	Similar to Prohibited	In general, all uses which are not in keeping with the intent of this zone	X	
	Similar to Permitted	In general, any use that is similar in character and impact as the above uses	P	
	Similar to Permitted	Uses similar to the above in character and impact.		P

NOTICE OF INTENT TO APPLY: 2021 MULTIMODAL ACCESS GRANT

DUE FRIDAY, JULY 30, 2021

Please read the 2021 MMAG Instructions & Guidance prior to completing this NOI

Project Description	Applicant Information				
	City/County				
	Distressed & At-Risk Counties	Is the proposed project located in a distressed or at-risk county ?	Y / N		
	Contact Information	Name:			
		Title:			
		E-mail:			
		Phone:			
	Carbon Copy Please identify anyone to be copied on NOI-related correspondence	Name:		E-mail:	
	Project Scope				
Scope of Improvement Mark all that apply	☐ Construct new multimodal facilities ☐ Reconstruct/upgrade existing multimodal facilities ☐ Rehabilitate/maintain existing multimodal facilities				
Improvement Type Mark all that apply	☐ Sidewalks ☐ Pedestrian crossing improvements, including high-visibility crosswalks, curb ramps, signs & pavement markings, signalization, and median refuge islands ☐ Bicycle facilities (including on-road bike lanes/cycle tracks) ☐ Multi-use paths (pedestrian plus bicycle traffic) ☐ Transit stop amenities (shelters, benches, sidewalks, curb ramps, lighting) ☐ Complete streets, road diet, or traffic calming measures ☐ Bicycle, pedestrian, or transit-related improvements that address requirements of the Americans with Disabilities Act (ADA) ☐ Pedestrian-scale lighting ☐ Other: 				
	Project Location				
State Route					
Termini					
Project Coordination	Does the project overlap with any current TDOT projects?		Y / N		
	What percentage of the proposed project improvements will be along the State Route?				
	Project Map				
Applicants are required to submit an annotated aerial map(s) of the project location, including notation showing any potential phasing, with the Notice of Intent to Apply. Please either merge a map to this PDF document before submission, or submit this map as a secondary attachment in your submission to TDOT.MultimodalPlanning@tn.gov					

NOTICE OF INTENT TO APPLY: 2021 MULTIMODAL ACCESS GRANT DUE FRIDAY, JULY 30, 2021

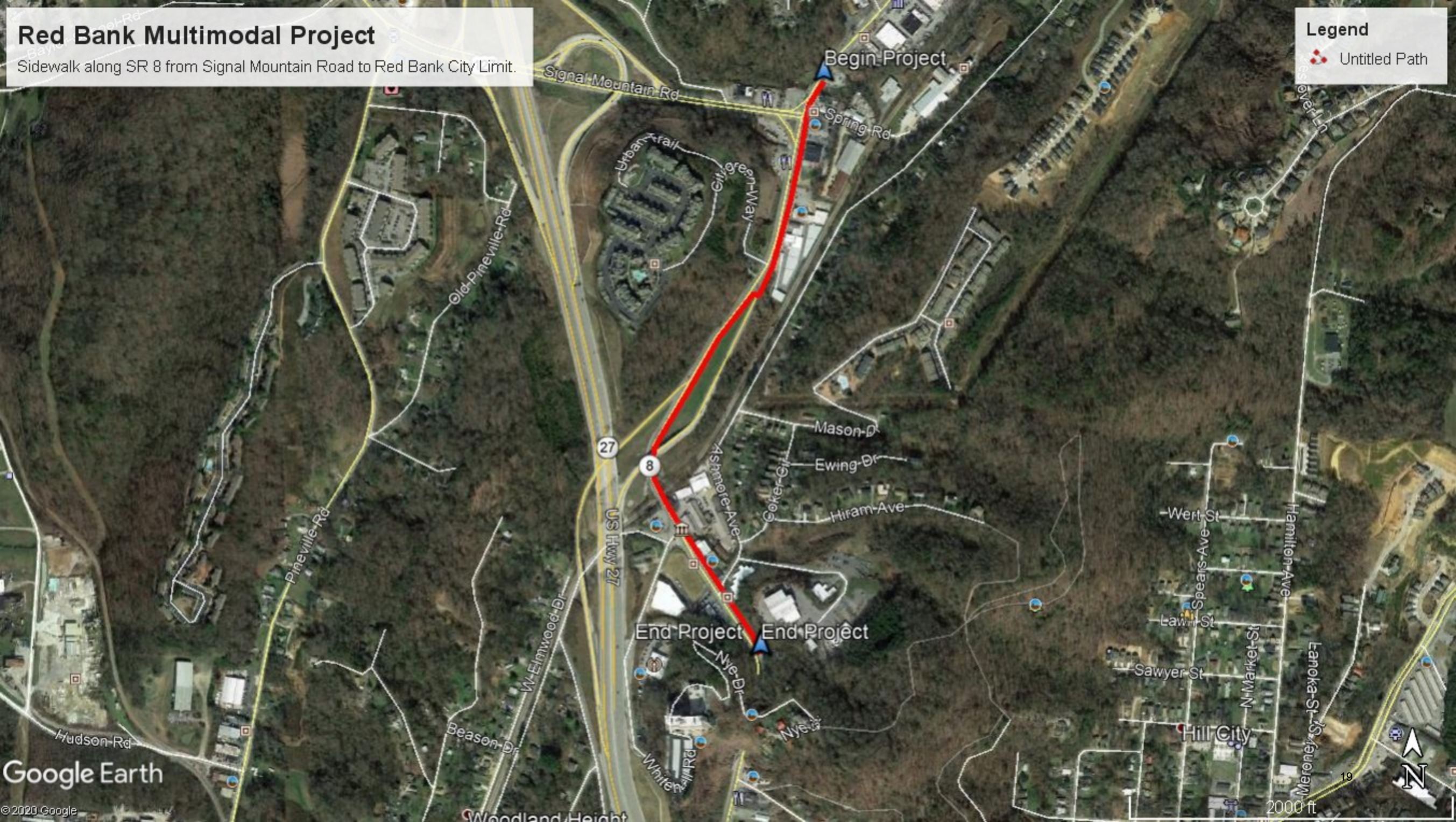
Purpose and Need		
Preliminary Data Collection	Project Purpose <i>Please describe the intent of the proposed project</i>	
	Connectivity Need <i>Please identify trip generators or multimodal infrastructure connected by the project</i>	
	Safety Need <i>Please list any known safety needs within the proposed project area</i>	
	Prior Planning <i>Please list any planning documents that describe a need for the project</i>	
	Scope Considerations	
	Phase Identification <i>If possible, please identify potential phasing within the proposed termini</i>	
	Engineering / ROW Considerations <i>Please mark all elements that may be included in the final project scope</i>	☐ Impact to existing bridge/structure ☐ Modification of existing roadway/lane configuration ☐ Construction of bicycle or pedestrian bridge ☐ Impact to a rail line ☐ Modification of adjacent slopes, drainage, or buildings ☐ Right of Way Acquisition ☐ Utility Relocation ☐ Utilities to be moved, such as power poles or stormwater drainage, are in the public ROW ☐ If so, does the community have an urban revitalization plan that describes a need to move the utility?
Multimodal Access Grant History		
	Award History	Does the applicant have an open MMAG project? Y / N
	Project Status <i>If yes, what is the status of the previously awarded project?</i>	

Red Bank Multimodal Project

Sidewalk along SR 8 from Signal Mountain Road to Red Bank City Limit.

Legend

 Untitled Path



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Gregory Tate, Interim Director of Public Works

From: Ashley Gates, Regional Planner

Date: August 12, 2021

Subject: City-Owned Property Discussion and Pickleball Court Proposal

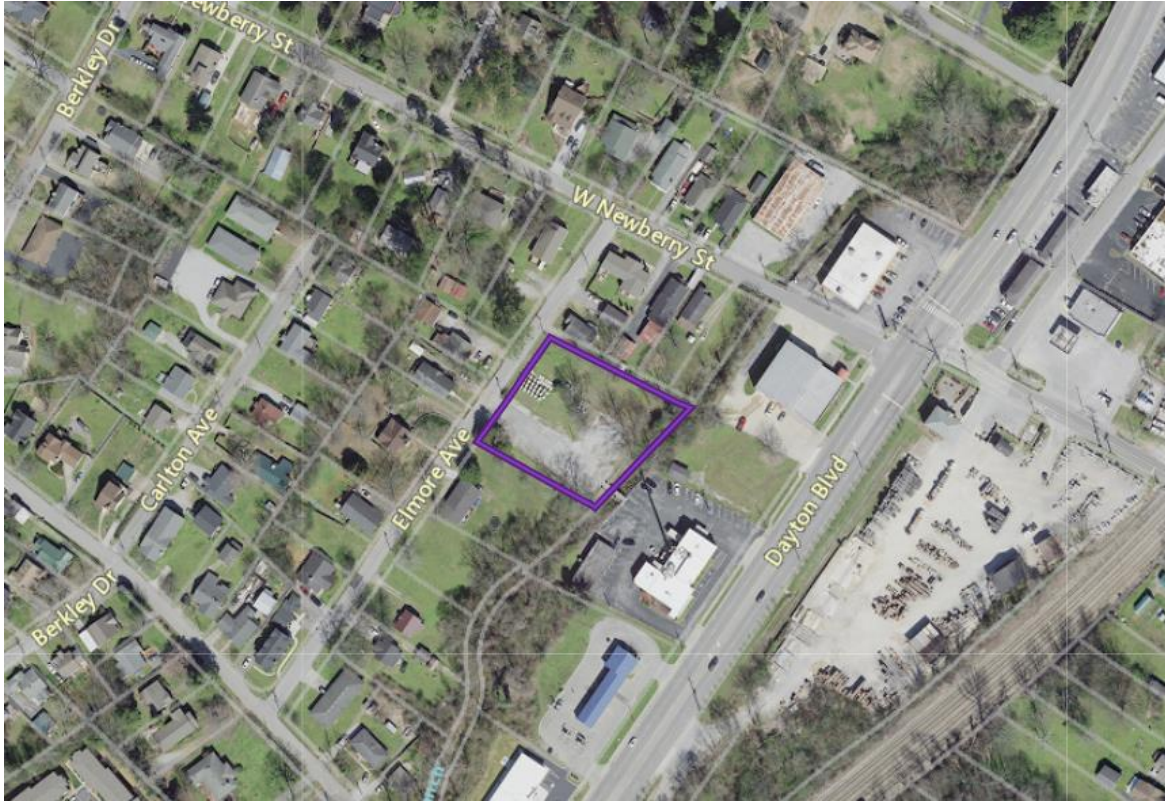
BACKGROUND

The Board of Commissioners has requested that the Planning Commission examine property that is owned by the city for potential recreational uses. Per Vice Mayor Dalton, they have requested that the Planning Commission study the following:

- The lots behind the Police Department for feasibility and potential for development of Pickleball Facilities;
- Any lots that could be viable park/green space (like neighborhood or community parks);
- Any lots that could potentially be developed into other active recreation spaces;
- Residential lots that might be able to sold for revenue and to allow for new residential development;
- Any other potential best uses for city-owned property.

The Board of Commissioners is considering submitting an application to the BlueCross Healthy Places grant program to establish a pickleball court at 3112 Elmore Avenue.

3112 Elmore Avenue Site



Address	Current Use	Acres	Zoning	Notes
4851 DAYTON BLVD	Fire Station #2/Recycle Center	1.0	C-1	
3620 TOM WEATHERS DR	Community Swimming Pool	19.0	R-4	
MORRISON SPRINGS RD	Red Bank Dixie Youth Ball Fields/Morrison Springs Facilities	11.6	R-4	
3653 TOM WEATHERS DR	Community Center	1.8	R-4	New playground is planned
3715 DAYTON BLVD	Former Red Bank High School/Middle School site	12.0	C-2	
3817 REDDING RD	Kids Corner/Red Bank Redding Road Park	2.7	C-2	
3121 DAYTON BLVD	Red Bank Fire Station#1	2.1	C-1	
3105 DAYTON BLVD	New City Hall	1.0	C-1	
3112 ELMORE AVE	Parking lot behind Police Station	1.0	C-1	Proposed site of pickleball court
3113 DAYTON BLVD	Vacant Property between City Hall/Fire Department	1.1	C-1	
GOODSON AVE	Vacant Lot	0.2	R-1	Slope greater than 25%
GOODSON AVE	Vacant Lot	0.6	R-1	Most of site has slope greater than 25%
LYNDA DR	Vacant Lot - Hedgewood at Lynda	0.2	R-1	Most of site has slope greater than 25%
1801 PINE BREEZE RD	Public Works Garage	2.6	R-1	
HAMILTON AVE	Hillside property in front of Public Works Garage	1.0	R-1A	
2226 JAMES AVE	Norma Cagle Fields/James Avenue Ball Fields	4.7	R-1	
798 BEN MILLER PKWY	White Oak Park	44.2	R-1	
110 E MIDVALE AVE	City of Red Bank Impound Lot	1.3	R-1	
SAWYER ST	Vacant Property - Southwest of Hill Pointe Subdivision	6.6	R-1A	Reserved as open space in original PUD plan - moderate slopes
MASON DR	Vacant Property - South of Hill Pointe Subdivision	5.7	R-3	Reserved as open space in original PUD plan - moderate slopes
HAMILTON ST	Vacant Property - Southwest of Hill Pointe Subdivision	5.0	R-1A	Reserved as open space in original PUD plan - moderate slopes

Address	Current Use	Acres	Zoning	Notes
PINE BREEZE RD	Vacant Property - Southwest of Hill Pointe Subdivision	11.0	R-1A	Reserved as open space in original PUD plan - moderate slopes
PINE BREEZE RD	Vacant Property - Southwest of Hill Pointe Subdivision	5.0	R-1	
ASHMORE AVE	Right of way next to 27 off-ramp	0.2	C-1	Too small to develop
OAKLAND TERRACE	Red Bank Cemetery	1.5	C-2	
614 HUDSON ROAD	Former wastewater treatment facility, now leased to Aqua Treat, non-hazardous industrial waste treatment	3.0		

STAFF RECOMMENDATION

3112 Elmore Avenue

This site is centrally located, flat, and well-suited for a recreation facility. Recreational uses are generally compatible with residential use and given the prior use as a parking lot, the change may be welcomed by neighboring residents. The property is located within a flood zone, but a pickleball court is an acceptable use within flood hazard areas. Any restroom facilities would need to be elevated in order to meet the requirements of flood ordinance.

Staff does not have recommendations for specific sports or recreation activities. Pickleball has been identified by the Board of Commissioners as a potential use for this site based on resident feedback.

Other Sites

As with many cities, the majority of city-owned properties are limited in their development potential. Most sites that are not already in use by the city have moderate to steep slopes. Steep sloped properties may be suitable for passive recreation. There is the potential for some creative active recreation uses, such as rock climbing, mountain bike skills centers, and possibly skate parks. Staff is not familiar enough with these uses and their design requirements to make specific recommendations.

The largest vacant properties are near the Hill Pointe Subdivision. This land was dedicated open space on the original PUD plan. Additional research into the restrictions on this land is needed in order to make a recommendation.

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Gregory Tate, Interim Director of Public Works

From: Ashley Gates, Regional Planner

Date: August 12, 2021

Subject: Public Art Ordinance

BACKGROUND

Public art such as murals and sculptures are regulated by the city's sign ordinance and building codes. In an effort to promote more public art, the Mayor has requested that the Planning Commission review a public art ordinance. Attached are sample ordinances.

RECOMMENDATION

Murals

Murals on privately-owned businesses currently fall under the sign ordinance and are limited in size. Staff recommends the following:

- Allow murals of any size, up to the size of the wall
- Require a permit for all murals
- Require design review for murals on commercial buildings
- Consider establishing a public art commission with actual artists to review mural proposals

Sculptures and Other Art

Staff has found no sample ordinances treating the safety requirements of sculptures and other artwork differently than what is required in the building code, but further research is needed. Many cities have public art commissions that review the design of sculptures on publicly owned property and in commercial districts.

Sample Ordinance: Lebanon, TN

(ss) “Murals:” Original works of visual art produced by hand that are tiled, painted directly on, or affixed directly to a wall or building. Murals cannot contain text, or symbols that advertise or promote a business, product, or service; or promote a political candidate or party, these items shall be regulated as signs, elsewhere in this Title. Murals shall not include the use of digitally printed vinyl. Such murals shall not contain electrical or mechanical components or feature a changing image.

20-131. Murals.

(a) Standards for Murals. Murals shall comply with the following standards:

(1) Murals shall not contain a commercial or non-commercial message. (i.e. contain text, symbols that advertise or promote a business, product, or service; or promote a political candidate or party

(2) No part of any mural shall extend beyond the building wall on which it is tiled, painted, or affixed. City of Lebanon Sign Regulations Title 20 Page 56 of 57

(3) No part of the mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted, or affixed.

(4) Murals shall not include the use of digitally printed vinyl.

(5) Murals shall be affixed directly to the building façade. (6) Mural may not be placed on the façade of the structure with the primary entry.

(7) A Mural may contain a sign that is clearly distinguishable from the mural by being bound by a six (6) inch wide border. Signs are subject to other regulations in Title 20, Lebanon Sign Regulations.

(8) All applications for murals shall include written consent from the property owner giving permission to place the mural on the building.

(b) Prohibited Murals. The following forms of Murals shall be prohibited:

(1) Any mural that contains an element that moves, rotates, or otherwise creates a changing image or message.

(2) Any mural that uses flashing or scrolling lights, an internal light source, or other light feature.

(3) Any mural containing electrical or mechanical components.

(4) Any mural that is applied to a surface as a vinyl or other non-permanent material.

Sample Ordinance – Gallatin, TN

ARTICLE XV. - MURALS AND IMAGES

Sec. 5-300. - Purpose and intent.

The purpose and intent of a mural image is to provide opportunities to add variety and interest in the community by applying non-text based commercial or noncommercial images of unique redeeming artistic and/or historic images on qualified surfaces to enhance the character of the community and to promote community pride and reinforce a sense of place. Mural images may be painted or tiled when applied to a qualified surface and shall be maintained to preserve the visual quality of the image.

([Ord. No. O1807-34](#), § 1(Exh. A), 8-7-18)

Sec. 5-301. - Definitions.

Graffiti means non-approved artistic work or random markings applied to buildings, walls, accessory structures or uses as an act of vandalism on public or private property. (This excludes temporary soluble chalk markings or paint marking used for marking utility locations made by a utility company or surveyor.)

Mural image means a professionally prepared artwork design or representation, comprised of two (2) or more colors or hues, applied to a building wall, free-standing wall or fixed accessory structure or use, expressed in a form and manner as to garner viewer interest and which contains no registered trademark logos or advertising. (A mural is not considered a sign.)

([Ord. No. O1807-34](#), § 1(Exh. A), 8-7-18)

Sec. 5-302. - Administration of murals.

(a) *Standards for murals.*

- (1) Murals shall comply with the following standards:
- (2) Any mural proposed in a designated historic district must be reviewed and approved by the Historic District Commission and obtain a certificate of appropriateness.
- (3) No graffiti shall be permitted within or on a mural.
- (4) Murals shall be placed only on walls of buildings in commercial, industrial or on walls of buildings of institutional uses in residential districts.
- (5) Murals may be placed/painted on any façade of a building but shall not cover windows or doorways unless included on the door.
- (6) Murals may contain text within the image.
- (7) No owner or lessor of a building containing a mural may declare damages from the use or viewing of a mural should an adjacent or area property owner erect a building, fence, wall or landscaping that obstructs the vision of a mural from a public street or area private properties.
- (8) The mural shall be painted with limited paint types (oil, acrylic, or other typical wall paint and may include airbrushing or spray paint applications) treated with a sealed-coating and remain at least one (1) year on the painted surface. The mural may be repainted with the same image without obtaining approval or re-approval by the authority.
- (9) Murals may contain images of items/products sold within the building(s) without being considered a commercial message.

(b) *Prohibited murals images.*

- (1) No murals shall contain any devices that includes flashing colors, glitter panels, internal light sources, movement of parts from hand, electric, wind or other similar power sources.
 - (2) Murals shall not be composed of vinyl wrappings but shall be limited to tiled or painted surfaces.
 - (3) Graffiti is not a permitted form of a mural.
- (c) *Mural image permitting process.*
- (1) *Application.* All applications for a mural shall be made with the mayor's office and contain the following information.
 - a. Written consent from the property owner.
 - b. Draft or scaled rendering of the art work (mural) on the proposed surface and a photograph or rendering of the existing surface.
 - c. Dimensions of the artwork (mural).
 - d. Maintenance plan for the mural.
 - e. Any letters of support from surrounding property owners.
 - (2) *Review and Approvals.*
 - a. All mural applications shall be reviewed by the Gallatin Arts Council and referred to the city council for approval. If approved by the city council the building department shall issue a permit for the mural.
 - b. Any murals proposed within the Historic Overlay areas of the city shall be reviewed by the Historic District Commission.

([Ord. No. O1807-34](#), § 1(Exh. A), 8-7-18)

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Gregory Tate, Interim Director of Public Works

From: Ashley Gates, Regional Planner

Date: August 12, 2021

Subject: Steel Slope Ordinance

Steep Slope Ordinance Draft

01 Applicability

- A. This section shall apply to all proposed land disturbing activity on all land areas considered moderate risk and high risk based on:
 - 1) Properties that contain slopes of 15 percent or more
 - 2) Hilltops and ridgetops; and
 - 3) Slippage soils
- B. Land disturbance means any activity on property that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling and excavation.
- C. Properties shall be categorized as either “moderate risk” or “high risk” based on the slope and slippage soil profile.

02 Slope Measurement, Hilltop Identification and Soil Classification

- A. Measurement of Slopes
 - 1) Restrictions on development shall refer to pre-development site conditions.
 - 2) Slopes shall be determined by dividing the vertical rise in elevation by the horizontal run of the same slope and converting the result to a percentage value.
- B. Identification of Slippage Soils

The applicant shall hire a qualified soil scientist or geotechnical engineer to identify all areas of slippage soils present on the subject property, whenever the K factor exceeds 0.4 as determined by the U.S. Department of Agriculture. The K factor is a calculation of soil erodibility with soils greater than 0.4 being considered highly erodible.
- C. Identification of Hilltop Areas
 - a) Hilltops and ridgetops are areas of land with a slope of less than 15%, located directly above moderately steep and/or very steep slope areas and that are completely surrounded by such steep slope areas.

b) Hilltops and ridgetops may be exempted from the requirements of this Section where the applicant can demonstrate to Planning Commission that the hilltop or ridgetop is less predominate than surrounding features and/or that proposed development activities will achieve better aesthetic and structural results than the protection standards established in this Section.

D. Identification of Low, Moderate, and High-Risk Properties

Soil data and slope measurements shall be used to determine the soil erodibility risk level of a property as follows:

	K-factor Less than 0.4 or slippage soils not present as indicated by soil test	K-factor greater than 0.4 or slippage soils indicated by soil tests
Slope Less 15%, not a hilltop	Low Risk	Low Risk
Slope Less 15%, hilltop	Moderate Risk	High Risk
Slope 15% to 25%	Moderate Risk	High Risk
Slope greater than 25%	High Risk	High Risk

E. Minimum size of steep slope areas

The steep slopes standards of this Section do not apply to isolated steep slope areas that are less than 5,000 square feet in area. For purposes of this provision, the entire contiguous area of the steep slopes shall be included in the minimum size calculation, regardless of the number of individual lots or property lines involved.

03 High Risk Land Area Protection Standards

- A. Where open space is required as part of a development, all high-risk areas shall be preserved as open space
- B. Where open space is not required as part of a development, very steep slope areas may be located on a lot, provided that the area(s) are not located within a building envelope or areas subject to land disturbing activities.
- C. Land disturbance of high risk areas are generally prohibited except for the following:
 - 1) Passive recreation uses, including trails for non-motorized use only;
 - 2) Minor utilities and driveways, subject to standards in the Red Bank Subdivision Regulations and this Subsection;
 - 3) No driveways or minor utilities shall cross very steep slopes greater than 50%;
 - 4) Where driveways and/or minor utilities cross very steep slopes between 25 and 50 percent, the applicant must submit a geotechnical study with findings that:
 - (a) Such driveway and/or minor utility will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
 - (b) No alternative location for access or minor utilities is feasible or available.

04 Moderate Risk Land Area Protection Standards

A. Site Plan requirements

Where moderate risk land is located within a building envelope, an engineered site plan shall be required. The site plan shall contain:

- 1) The exact size, shape, and location of the lot, and the existing drainage pattern
- 2) Contours at vertical intervals of now more than two feet 25') taken from aerial photography or field survey
- 3) The extent of natural tree cover and vegetation
- 4) A tree survey identifying the size, species and location of all trees having a diameter at breast height (DBH) of six inches or greater.
- 5) The exact area where any natural vegetation is proposed to be removed,
- 6) The location and extent of colluvial soil areas as determined by soil test borings
- 7) The size, type and height of all buildings and structures proposed to be constructed
- 8) The location, slope, cut, fill, and finish elevation of the surfaces to be graded
- 9) Vertical profiles of all proposed roads, driveways, and utilities
- 10) Engineered plans for all retaining walls over 48 inches
- 11) Location of any on-sight sewage disposal
- 12) Certification as to the stability of the structures and slope and compliance with sound construction methods for areas with steep slopes and landslide problems by a registered geotechnical engineer. Said engineer shall also certify such features after construction prior to issuance of the certificate of occupancy.
- 13) When the Planning Commission determines that additional information is required, an additional soils or geotechnical engineer may be employed to be funded by the developer. The Planning Commission may then require additional standards for development of the lot or tract if substantiated by the facts.

B. Development Standards

- 1) Natural vegetation shall be preserved to the maximum extent possible. Existing vegetation of slopes 15% or greater shall not be removed except as approved by the Planning Commission. No more than 10% of all trees identified by the tree survey as being greater than 6 inches in diameter at 4.5 feet high (DBH) may be removed.
- 2) Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques,
- 3) Where sanitary sewer is not available, on-site sewage disposal must be located to avoid slide-prone areas. Review by the Hamilton County Department of Groundwater Protection is required prior to Planning Commission Review.
- 4) Soil from excavation on the site shall not be deposited as fill on a potential slide area.
- 5) All aspects of the Hamilton County Stormwater Program shall apply.
- 6) No construction, including roads which would cut the toe of the slope, shall be permitted, except as approved a s part of a soil stabilization plan submitted by a licensed geotechnical engineer.
- 7) Stepped retaining walls shall be at least 10 feet apart
- 8) The alignment of roads and driveways shall follow the natural topography, minimize regrading, and comply with design standards set forth in the Red Bank Subdivision regulations
- 9)

C. Grading and Fill Standards

- 1) All grading and fill must be properly compacted to at least at least 85 percent of the maximum unit weight (based on the modified AASHTO compaction test)
- 2) Terraces or diversions should be provided whenever the height of the cut or fill exceeds 20 feet. The "benches" should divide the slope face as equally as possible and should convey the water into stable outlets. Benches should be kept free of sediment during all phases of development.
- 3) Excavations should not be made so close to property lines as to endanger adjoining property without supporting and protecting such property from erosion, sliding, settling, or cracking.
- 4) No fill should be placed where it will slide or wash onto off site properties or be placed adjacent to the bank of a channel so as to create bank failure or reduce the natural capacity of the stream. Fills should consist of material from cut areas, borrow pits, or other approved sources.
- 5) Protective slopes around buildings should be planned to slope away from foundations and water supply wells to lower areas, drainage channels, or waterways. The minimum horizontal length should be 10 feet, except where restricted by property lines. The minimum vertical fall of protective slopes should be 6 inches, except that the vertical fall at the high point at the upper end of a swale may be reduced to 3 inches, if a long slope toward a building or from a nearby high bank will not exist.
- 6) Minimum gradients should be 1/16 inch per foot (1/2 percent) for concrete or other impervious surfaces and 1/4 inch per foot (2 percent) for pervious surfaces.
- 7) Maximum gradient of protective slopes should be 2 1/2 inches per foot (21 percent) for a minimum of 4 feet away from all building walls, except where restricted by property lines.
- 8) Maximum thickness of fill layers prior to compaction should not exceed 9 inches or as specified by the design engineer.
- 9) All graded areas should be permanently stabilized immediately following final grading.
- 10) All disturbed areas should be free draining, left with a neat and finished appearance, and should be protected from erosion.

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Gregory Tate, Interim Director of Public Works

From: Ashley Gates, Regional Planner

Date: August 12, 2021

Subject: Design Review Standards – Street Trees

Background

Previously, the Planning Commission approved changes to the Zoning Ordinance to require native species be planted for screening purposes. This ordinance is currently under review by the City Attorney. This ordinance is for screening trees, typically between commercial uses and residential uses, or between high and low density residential uses. The ordinance does the following:

- Changes the pre-approved tree list to only native species
- Allows for non-native fruit trees
- Requires Planning Commission approval for non-native species
- Expands the prohibited plants list to include additional invasive species
- Allows native plant to be installed at a smaller size when approved by the City Manager or his/her designee
- Adjusts the heights of the shade tree classifications to avoid an inadvertent gap
- Refers to the TVA tree list for trees located within a TVA easement

The Design Review Standards requires Yoshino Cherry trees, which are not part of the native tree list. Review has been requested by Mayor Berry to look at other potential species to use street trees. Planning Commissioners expressed concern about the consistency look trees along Dayton Boulevard.

B. Street Trees

1. The applicant or contractor will be responsible for installation of Street Trees. Street Trees will be installed in front of all new development, if applicable, on Dayton Boulevard, Ashland Terrace and Morrison Springs Drive to the maximum extent practicable.
2. Street trees **shall** be planted along the right-of-way and Pedestrian Zone between the property lines at least every thirty- five (35) linear feet to the maximum extent practicable.
3. Street trees within the Pedestrian Zone **may** be located in tree pits with grates or in a continuous planting strip with other plant material.
4. Tree pits, where permitted, **shall** be five (5) feet in width and five (5) feet in length, if applicable.
5. Street tree locations **shall** be coordinated with the street lighting and utility plans to minimize interference.
6. Street trees planted along Dayton Boulevard, Ashland Terrace, and Morrison Springs should be ~~Yoshino Cherry~~. **of the same species as the street trees planted within 150 feet of the property, or a compatible species as determined by the City Manager or Planning Commission. If no trees are planted within 150 feet, the street trees** ~~All others~~ shall be of a type and size prescribed in Chapter IX of the Red Bank Zoning Ordinance or approved by the Planning Commission or City Manager based on compatibility with the urban street system.

Additional Recommendations

If the Board of Commissioners and/or Planning Commission wishes to have stricter review of street trees and general landscaping, a separate tree board is recommended.