

John Roberts
Mayor

City of Red Bank
Municipal Planning Commission

Randall G. Smith
City Manager

AGENDA
June 18, 2015
6:00 pm
Red Bank City Hall

I. CALL TO ORDER

II. ROLL CALL – Secretary – Billy Cannon

☐ Commissioner Cannon
☐ Commissioner Hafley
☐ Commissioner Banas

☐ Commissioner Baker
☐ Commissioner Smith

III. INVOCATION – Commissioner Baker

IV. PLEDGE OF ALLEGIANCE – Commissioner Hafley

V. CONSIDERATION OF THE MINUTES

VI. UNFINISHED BUSINESS

(a) Adoption of By-Laws

VII. NEW BUSINESS

- (a) Zoning Ordinance Amendment Request – C1 uses in the L1 district
- (b) Rezoning Request – 4825 Dayton Blvd. – C1 to L1
- (c) Amendment to Ordinance 14-1010 – Rezoning of 1724 & 1730 Dayton Blvd.
- (d) Alternative Financial Services Zoning Amendment

VIII. OTHER BUSINESS

IX. ADJOURNMENT



John Roberts
Mayor

MUNICIPAL PLANNING COMMISSION

Randall G. Smith
City Manager

MINUTES April 16, 2015 6:00 p.m. Red Bank City Hall

- I. CALL TO ORDER – Chairman Hafley called the meeting to order at 6:00 pm
- II. ROLL CALL – Commissioner Cannon called the roll. Board members Hafley, Cannon, Smith, Banas and Baker were present. Also present was the commission's planning advisor Jordan Clark with the Southeast Tennessee Development District. Others in attendance are included on the attached sign-in sheet.
- III. INVOCATION – Commissioner Baker gave the invocation.
- IV. PLEDGE OF ALLEGIANCE – David Hafley
- V. CONSIDERATION OF MINUTES –
 - a. March 19, 2015 minutes – Motion to approve by Mr. Cannon and seconded by Mr. Smith. All voting in favor of the motion. Motion passes.
- VI. UNFINISHED BUSINESS –

(a) Subdivision Regulations Amendment – Vested Development Rights

A resolution was presented to update the Red Bank Subdivision Regulations to comply with a change in state law from the Vested Property Rights Act of 2014. The resolution had been updated from the March meeting to include a definition for Vested Property Rights. A motion to approve the amendment was made by Mr. Cannon and seconded by Mr. Banas. All voted in favor of the motion. Motion passes.

VII. NEW BUSINESS –

(a) Right-of-Way Abandonment Request – Off Berkley Drive

Terry Swope was present to represent the request for abandonment of unbuilt, platted right-of-way (ROW) between 3301 and 3305 Berkley Drive. The ROW currently contains a driveway for the house at 3305 Berkley. A rear tract the ROW leads to has alternative street access by a ROW off of Gaylord Avenue. The rear tract is owned by the applicant for the ROW abandonment. The adjacent property owner to the ROW, resident of 3301 Berkley, Charles Wigley was also present and expressed support for the proposed abandonment. A motion to recommend the request to the City Commission was made by Mr. Baker and seconded by Mr. Banas. All voted in favor of the motion.

VIII. OTHER BUSINESS

IX. ADJOURNMENT – Upon motion duly made by Mr. Smith, the meeting was adjourned at 6:15 pm.

Chairman

Sign-in Sheet
Red Bank Planning Commission
Red Bank City Hall
Thursday, April 16, 2015

	Name	Address
1	TERP SHORE	9907 MINGUS RD
2	Edward LeCompte	2528 Lyndon Ave. 37415
3	Charles R. Wigley	3301 Berkley DR "
4	Gaynelle Wigley	3301 Berkley Dr. "
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BY-LAWS
OF THE
RED BANK MUNICIPAL PLANNING COMMISSION

ARTICLE I

Objective

The objectives and purposes of the Red Bank Municipal Planning Commission are those set forth in Sections 13-4-101 through 13-4-309 of the Tennessee Code Annotated, and amendments and supplements thereto and also those powers and duties delegated to the Planning Commission by the Red Bank City Commission in accordance with the above-mentioned enabling legislation.

ARTICLE II

Membership and Terms

Section 1. The membership of the Red Bank Municipal Planning Commission shall be five (5) members as appointed and with terms as prescribed in the Red Bank Municipal Code Section 14-101.

ARTICLE III

Officers and Their Duties

Section 1. The officers of the Planning Commission shall consist of Chairman, Vice-Chairman and a Secretary.

Section 2. The Chairman shall preside at all meetings and hearings of the Planning Commission and have the duties normally conferred by parliamentary usage of such officers.

Section 3. The Chairman shall be one of the appointive members of the Planning Commission. The Chairman shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Section 4. The Vice-Chairman shall be one of the appointive members and shall act for the Chairman in his/her absence.

Section 5. The Secretary shall see that the following is done: The minutes and records of the Planning Commission are kept, the agenda of regular and special meetings are prepared with the Chairman and staff, notice of

meetings is provided to the Planning Commission members, proper and legal notice of hearings is arranged, and correspondence of the Commission and such other duties as are normally carried out by the Secretary are attended.

ARTICLE IV

Election of Officers

- Section 1. Nomination of officers shall be made from the floor and officers shall be elected at the annual organizational meeting, which shall be held at the regularly scheduled June meeting of the Planning Commission. Said organizational meeting shall be presided over by the Planning Commission's professional staff advisor or other city staff.
- Section 2. The candidate for each office receiving a majority vote of the entire membership of the Planning Commission shall be declared elected.
- Section 3. All officers shall be elected for a term of one (1) year and officers shall be eligible to succeed themselves.
- Section 4. Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

ARTICLE V

Meetings

- Section 1. Meetings shall be held on the Third Thursday of each month at 6:00 p.m at the City Hall or a place designated by the Chairman of the Planning Commission. The time and/or date of the regular monthly meeting may be changed by a majority consensus of the entire Planning Commission with proper public notice.
- Section 2. A majority of the membership of the Planning Commission, three (3) members, shall constitute a quorum. A quorum shall be present before any formal business is transacted.
- Section 3. All plans (comprehensive, strategic, road, etc.), reports, and recommendations of the Planning Commission must be approved by at least three members.
- Section 4. Special meetings may be called by the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so in writing by a majority of the members of the Planning Commission. The notice of such meeting shall specify the purpose of such a meeting and no other

business may be considered except by unanimous consent of the Commission. The Secretary shall notify or cause to have notified all members of the Commission in writing of such special meeting.

Section 5. All meetings at which official action is taken or deliberated on shall be open to the general public.

ARTICLE VI

Order of Business

The order of business at regular meetings shall be:

- I. Call to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance
- V. Consideration of the Minutes
- VI. Unfinished Business
- VII. New Business
- VIII. Other Business
- IX. Adjournment

ARTICLE VII

Committees

Special committees may be appointed by the Chairman for purposes and terms which the Planning Commission approves.

ARTICLE VIII

Section 1. When authorized to do so by the Red Bank City Commission, the Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require

Section 2. The expenditure of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the city.

ARTICLE IX

Hearings

- Section 1. In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.
- Section 2. Notice of hearings shall be published in a newspaper of general circulation within the City of Red Bank and Hamilton County at least fifteen (15) days prior to the date of such public hearing.
- Section 3. The Chairman of the Commission or its professional staff shall present the case before the Commission in summary and parties in interest shall have a privilege of the floor.
- Section 4. A record shall be kept of those speaking before the Commission.

ARTICLE X

Amendments

- Section 1. Three (3) favorable votes are necessary in order to adopt and amend these by-laws.

Adopted: _____
Date

Secretary of Red Bank Planning
Commission

Agenda Items VII (a) & (b) Zoning Amendment Request C1 Uses in L1 District; Rezoning of 4825 Dayton Blvd. C-1 to L1

Artwil and Company
4053 Maple Road, Suite 201
Amherst, NY 14226
(716) 833-4986

DATE: May 21, 2015

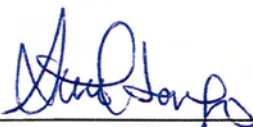
TO: Red Bank Planning Agency
and City of Red Bank

RE: Proposed Rezoning to L-1
4825 Dayton Blvd.
Red Bank, Tennessee

This rezoning application is submitted with the additional request and understanding that the City of Red Bank will simultaneously adopt an ordinance to provide that any use authorized in the current City Code for commercial uses will be incorporated into the L-1 as Additional Permitted Uses.

Thank you for your consideration of this matter.

ARTWIL AND COMPANY

BY: 
Steve Longo VP

Zoning Board
Application For Zoning Amendments or Changes of Zone Use
City of Red Bank, Tennessee

General

The proposed change or amendment must first be referred to the Red Bank Planning Commission for a recommendation. The Board shall give at least fifteen (15) days notice of the time and place for a public hearing, which shall be held in regard to the proposed changes or amendments. The notice shall be published in a newspaper of general circulation in the City. Certified notices shall be mailed to all property owners within 175 feet of the property under consideration for a change or amendment. The cost of the application and advertising is \$100.

1. Name of applicant Artivul and Company
2. Street Address 4053 Maple Road, Suite 201
3. City Amherst State NY Zip 14226
4. Telephone Number 716-833-4986
5. Are you the owner of the property ☒ yes ☐ no
6. Please attach a drawing of the property boundaries and all property within 175 feet of the property under consideration. Show all easements, utility locations, and buildings. Use a 1/8 minimum scale. Describe any unusual physical characteristics of the property such as wetlands, steep grades, ravine, etc.
7. Please provide the names and addresses of all property owners within 175 feet of the property requesting a change or amendment.
8. What is the present zoning classification for the subject property? C-1
9. What is the requested zone desired or proposed use of the property? I-1
10. Are you requesting a special conditional use of the property? _____
11. Is the proposed use compatible with that of surrounding properties? _____

I certify that the above information is true and accurate to the best of my knowledge and belief _____

Date May 6, 2015

Amount Paid _____ Date Paid _____ By signing this application I understand that the application fee is non refundable.

Recommendation of the Planning Commission _____

Date Reviewed by the Planning Commission _____

Action of the Zoning Board _____

Date Reviewed by the Zoning Board _____

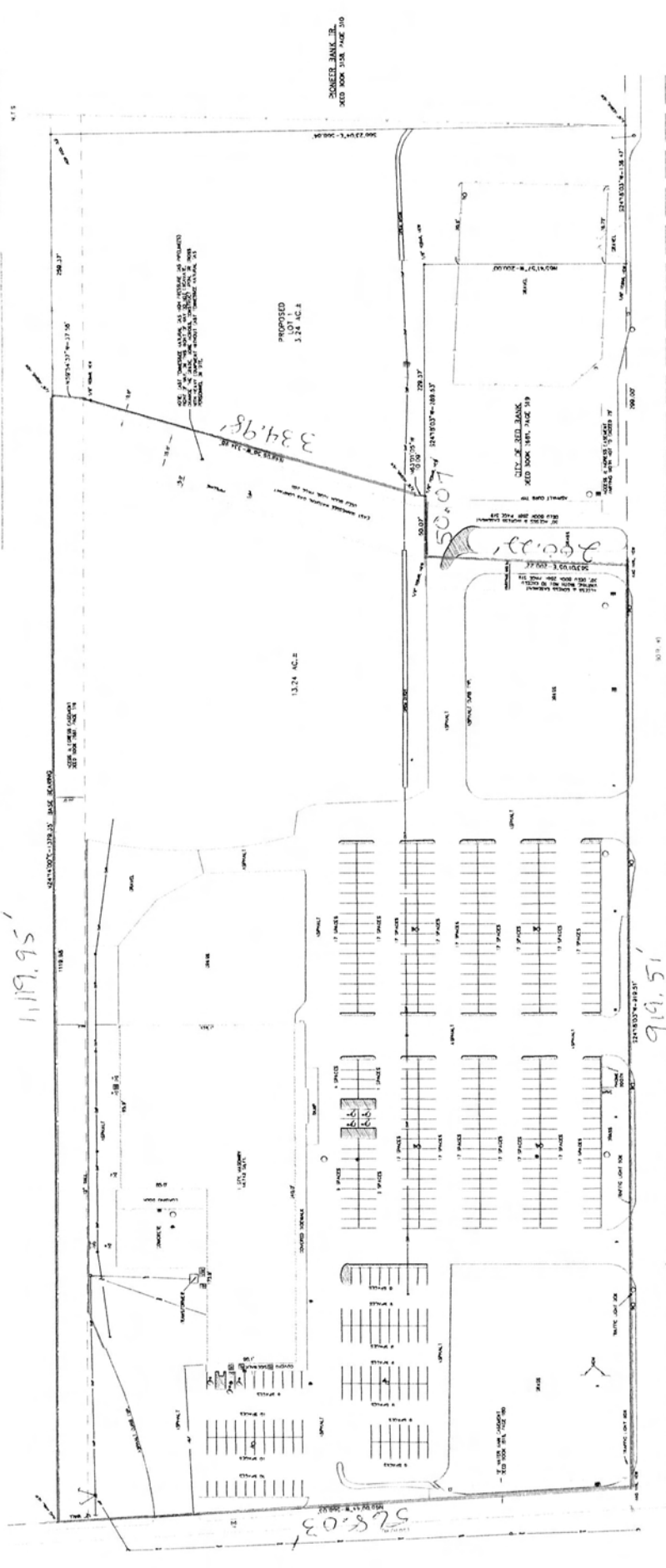
List of any special conditions that may apply to the zoning _____

Approved by Ordinance Number _____ Date _____

Property Address	Owner	Mailing Address (if different from property)
4719 Dayton Blvd.	Schoolfield, Carter H. Jo Anne	
4720 Dayton Blvd.	Eubanks, Bettye R.	4813 Viola Drive, Chatta., TN 37415
4800 Dayton Blvd.	McManus, William H III, Candice E.	P. O. Box 801, Rockwood, TN 37854-0801
4804 Dayton Blvd.	Adams, Ronald L, Janice T.	105 Lynda Drive, Chatta., TN 37405-1329
4808 Dayton Blvd.	Barnette, Lester Lee, Willie Mae	106 W. Dayton Drive, Chatta., TN 37415
4852 Dayton Blvd.	Church of God at Omega Harvest Church	4904 Dayton Blvd., Chatta., TN 37415
4854 Dayton Blvd.	Padgett, Rickey L.	
4922 Dayton Blvd.	Wynn, Jackie B.	
5005 Dayton Blvd.	Capital Mark Bank & Trust, John F. Paalzow, Tr.	P. O. Box 671, Chatta., TN 37401-0671
4873 Dayton Blvd.	Pedigo-Red Bank Properties,LP	1711 Old Fort Parkway, Suite A, Murfreesboro, TN 37129-3338
4851 Dayton Blvd.	City of Red Bank	3117 Dayton Blvd., Chatta., TN 37415-5011
112 Browntown Road	Reeve, W. L. Et al.	1108 Carter Drive., Chatta., TN 37415=5604
122 Browntown Road	Calhoun, Matthew C., Alissa D.	
124 Browntown Road	Cameron, Clinton S., Michelle	
209 Browntown Road	Farr, John P., Delores J.	P. O. Box 17028, Chatta., TN 37415-8028
223 Browntown Road	Paalzow, Mary L. Trust c/o Capitalmark Bank	P. O. Box 671, Chatta., TN 37401-0671

LEGEND OF SYMBOLS

- 1. 1/4" = 100'
- 2. 1/8" = 50'
- 3. 1/16" = 25'
- 4. 1/32" = 12.5'
- 5. 1/64" = 6.25'
- 6. 1/128" = 3.125'
- 7. 1/256" = 1.5625'
- 8. 1/512" = 0.78125'
- 9. 1/1024" = 0.390625'
- 10. 1/2048" = 0.1953125'
- 11. 1/4096" = 0.09765625'
- 12. 1/8192" = 0.048828125'
- 13. 1/16384" = 0.0244140625'
- 14. 1/32768" = 0.01220703125'
- 15. 1/65536" = 0.006103515625'
- 16. 1/131072" = 0.0030517578125'
- 17. 1/262144" = 0.00152587890625'
- 18. 1/524288" = 0.000762939453125'
- 19. 1/1048576" = 0.0003814697265625'
- 20. 1/2097152" = 0.00019073486328125'
- 21. 1/4194304" = 9.53674319328125E-05'
- 22. 1/8388608" = 4.768371596640625E-05'
- 23. 1/16777216" = 2.3841857983203125E-05'
- 24. 1/33554432" = 1.1920928991601562E-05'
- 25. 1/67108864" = 5.960464495800781E-06'
- 26. 1/134217728" = 2.9802322479003906E-06'
- 27. 1/268435456" = 1.4901161239501953E-06'
- 28. 1/536870912" = 7.450580619750977E-07'
- 29. 1/1073741824" = 3.725290309875488E-07'
- 30. 1/2147483648" = 1.862645154937744E-07'
- 31. 1/4294967296" = 9.31322577468872E-08'
- 32. 1/8589934592" = 4.65661288734436E-08'
- 33. 1/17179869184" = 2.32830644367218E-08'
- 34. 1/34359738368" = 1.16415322183609E-08'
- 35. 1/68719476736" = 5.82076610918045E-09'
- 36. 1/137438953472" = 2.910383054590225E-09'
- 37. 1/274877906944" = 1.4551915272951125E-09'
- 38. 1/549755813888" = 7.275957636475562E-10'
- 39. 1/1099511627776" = 3.637978818237781E-10'
- 40. 1/2199023255552" = 1.8189894091188905E-10'
- 41. 1/4398046511104" = 9.094947045594452E-11'
- 42. 1/8796093022208" = 4.547473522797226E-11'
- 43. 1/17592186044416" = 2.273736761398613E-11'
- 44. 1/35184372088832" = 1.1368683806993065E-11'
- 45. 1/70368744177664" = 5.684341903496532E-12'
- 46. 1/140737488355328" = 2.842170951748266E-12'
- 47. 1/281474976710656" = 1.421085475874133E-12'
- 48. 1/562949953421312" = 7.105427379370665E-13'
- 49. 1/1125899906842624" = 3.5527136896853325E-13'
- 50. 1/2251799813685248" = 1.7763568448426662E-13'
- 51. 1/4503599627370496" = 8.881784224213331E-14'
- 52. 1/9007199254740992" = 4.4408921121066655E-14'
- 53. 1/18014398509481984" = 2.2204460560533327E-14'
- 54. 1/36028797018963968" = 1.1102230280266664E-14'
- 55. 1/72057594037927936" = 5.551115140133332E-15'
- 56. 1/144115188075855872" = 2.775557570066666E-15'
- 57. 1/288230376151711744" = 1.387778785033333E-15'
- 58. 1/576460752303423488" = 6.938893925166665E-16'
- 59. 1/1152921504606846976" = 3.4694469625833325E-16'
- 60. 1/2305843009213693952" = 1.7347234812916662E-16'
- 61. 1/4611686018427387904" = 8.673617406458331E-17'
- 62. 1/9223372036854775808" = 4.3368087032291655E-17'
- 63. 1/18446744073709551616" = 2.1684043516145827E-17'
- 64. 1/36893488147419103232" = 1.0842021758072914E-17'
- 65. 1/73786976294838206464" = 5.421010879036457E-18'
- 66. 1/147573952589676412928" = 2.7105054395182285E-18'
- 67. 1/295147905179352825856" = 1.3552527197591142E-18'
- 68. 1/590295810358705651712" = 6.776263598795571E-19'
- 69. 1/1180591620717411303424" = 3.3881317993977855E-19'
- 70. 1/2361183241434822606848" = 1.6940658996988927E-19'
- 71. 1/4722366482869645213696" = 8.470329498494464E-20'
- 72. 1/9444732965739290427392" = 4.235164749247232E-20'
- 73. 1/18889465931478580854784" = 2.117582374623616E-20'
- 74. 1/37778931862957161709568" = 1.058791187311808E-20'
- 75. 1/75557863725914323419136" = 5.29395593655904E-21'
- 76. 1/151115727451828646838272" = 2.64697796827952E-21'
- 77. 1/302231454903657293676544" = 1.32348898413976E-21'
- 78. 1/604462909807314587353088" = 6.6174449206988E-22'
- 79. 1/1208925819614629174706176" = 3.3087224603494E-22'
- 80. 1/2417851639229258349412352" = 1.6543612301747E-22'
- 81. 1/4835703278458516698824704" = 8.2718061508735E-23'
- 82. 1/9671406556917033397649408" = 4.13590307543675E-23'
- 83. 1/19342813113834066795298816" = 2.067951537718375E-23'
- 84. 1/38685626227668133590597632" = 1.0339757688591875E-23'
- 85. 1/773712524



CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN, THAT THE SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS ± 10.000 (CATEGORY 3).

GRAPHIC SCALE



DEED BOOK 5509, PAGE 356 R.O.M.C., CITY OF RED BANK,
ALBANY COUNTY, TENNESSEE

175 Hamm Road - P.O. Box 4366
Chattanooga, Tennessee 37405

(23) 267-3751 Office/ (423) 257-0611 Facsimile
2500 W. - 3rd - Chattanooga, TN 37403

DRAWN TO SA	SHEET NO. 1 OF 1	NO. Q. 007-102-3
SCALE: 1" = 5'	DATE: JANUARY 16, 2000	DET. NO. Q. 007-102-3
PROPERTY ADDRESS: 4023 NATION BLVD		TAX MAP NO. 990-1-3150



Southeast Tennessee Development District
Community Development
P.O. Box 4757 - 1000 Riverfront Parkway
Chattanooga, TN 37405
Phone: (423) 266-5781 Fax: (423) 267-7705
www.sedev.org

MEMORANDUM

To: Members of the Red Bank Municipal Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Jordan Clark, Planning Program Director

Date: 6/9/2015

Subject: C1 Allowed Uses in the L1 Zoning District

Recommendation: Approval

Background: In conjunction with a rezoning request for property at 4825 Dayton Blvd. from C-1 to L-1, the applicant subsequently requested an amendment to the Zoning Ordinance which would allow all of the C-1 uses to also be allowed in the L-1 zoning district.

Analysis:

Presently, properties zoned C-1 and L-1 front or are located in close proximity to Dayton Blvd. or Signal Mountain Road. There are several L-1 properties located behind commercially zoned property off of Dayton Boulevard near the intersection of Signal Mountain Road and the majority of these properties are already developed. The proposed amendment would impact those properties which are currently zoned L-1 by allowing them to have the allowed uses in the C-1 district in addition to the permitted uses of the L-1 zone. Effectively, the properties could be both commercial and light manufacturing.

Those with property zoned L-1 would have the benefit of more flexibility in the uses allowed for their property. A property presently zoned L-1 could potentially redevelop the property to commercial uses without a rezoning. Likewise, a vacant tract or building zoned L-1 could market the property as both commercial and industrial.

Generally, the uses allowed in the L-1 district are more intensive than those in the C-1 zoning district. However, this may not always be the case depending on the use, hours of operation and traffic. L-1

uses typically have defined hours and traffic patterns. Depending on the nature of the commercial use, it may have longer hours and varied traffic patterns than a typical L-1 use.

The proposed amendment should be considered in the context as a broader statement of land development patterns in the city. Some communities specifically exclude commercial uses from manufacturing zones while others openly allow any commercial use and often residential uses in manufacturing zones. Exclusion of commercial activities from the L-1 can be seen as an effort to preserve adequate land for manufacturing/industrial uses but this is typically utilized for larger vacant tracks or those within an established industrial park.

Likewise, if the amendment were adopted, any request for rezoning to L-1 would have to consider the commercial uses as well. Another way to look at the amendment, would the city be comfortable with all of the L-1 properties being zoned C-1?

Recommendation:

Due to the current zoning of L-1 properties in the city and that future rezoning to L-1 would likely gravitate towards Dayton Blvd where commercial zoning dominates, staff supports allowing commercial uses in the L-1 district. Doing so would provide greater flexibility in the use of land. Given the finite amount of land available in Red Bank, flexibility in the development of commercial and industrial properties would be beneficial. Current L-1 properties already adjoin commercially zoned property and the amendment could be viewed as a means to extend the commercial zoning.

C-1		L-1
Banks		Bakeries
Barber/beauty shops		Bottling works
Studios		Building material yards and contractor's yards
Restaurants and other establishments serving food and beverages		Cabinet making, millwork and carpenter's shops
Theaters		Clothing manufactuers
Shoe Repair		Dyeing and dry cleaning works
Retail sales and service establishments		Electric welding, machine and tinsmith shops
Florists		Feed storage establishments
Schools, churches and other public and semi-public buildings		Fruit canning or packing establishments
Plumbing, workshops, electrical, radio and TV shops and other similar uses provided that not more than five (5) persons are employed therein.		Ice plants
Hotels/motels		Laundries
Outdoor storage which may include: new and used car, motorcycle, boat farm equiprment dealers, Gas stations and auto repair		Milk distributing stations
Signs advertising goods and services provided on premise		Optical goods establishments
Bakeries		Paper box and pencil manufacturing establishments
Office Buildings		Printing, publications and engraving establishments
Small printer shops		Warehouses and trucking terminals
Residential uses when part of a mixed use commercial development		Special Exceptions
Accessory buildings		Fuel yards
Title Pawn, check cashing and similar uses		Residence for a watchman and family
Single Family detached dwellings		Adult Oriented Establishements
Micro breweries subject to special permit when adjacent to residential		

C-1		L-1
Special Exceptions		
Laundry and/or dry cleaning establishments		
Miniature golf courses and outdoor amusement facilities		
Off street parking lots		
Bowling alleys or other indoor amusement		
Halfway house, alcohol and drug rehab centers		
Veterinarians offices		
Funeral homes		
Car washes		
Hospitals and clinics and social agencies		
Assisted living facilities		
Nursing homes		
Mobile Home parks		
Self storage or mini-warehouses		
Apartments		



Southeast Tennessee Development District
Community Development
P.O. Box 4757 - 1000 Riverfront Parkway
Chattanooga, TN 37405
Phone: (423) 266-5781 Fax: (423) 267-7705
www.sedev.org

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Jordan Clark, Planning Program Director

Date: 6/8/2015

Subject: Rezoning Request – 4825 Dayton Blvd. C-1 to L-1

Summary:

Property Owner: Artwil & Company

Tax Map Number and Address: 0990 B 001.02 – 4825 Dayton Boulevard

Current Zoning: C-1 Commercial District

Proposed Zoning: L-1 Light Manufacturing Zone

Current Uses: Retail shopping center with vacant anchor site (old Bi-Lo)

Staff Recommendation: Approval

Background:

A request has been submitted for the rezoning of a 13.24 acre tract on Dayton Boulevard. The request is to rezone the property from C-1 Commercial to L-1 Light Manufacturing. The applicant has also submitted a request to amend the Zoning Ordinance to allow for the retention of the C-1 Commercial uses in the L-1 Light Manufacturing District.

Analysis:

The lot is a corner lot with primary frontage on Dayton Boulevard. Browntown Road serves as a side street. Currently the lot has two access points on Browntown Road and three on Dayton Boulevard. An existing shopping center occupies the site with several storefronts. Access onto Dayton Boulevard from Browntown Road contains a stop light.

Existing Land Use and Zoning

The site is presently zoned C-1 commercial and contains uses allowed under that zoning. In addition to the 44,742 square foot building, there is a large parking lot and a rear loading area. Fronting Dayton Boulevard are two undeveloped grass areas. A larger undisturbed area is present to the northwest of the tract. The site also has a driveway accessing the Red Bank Fire Hall.

Adjacent to the site to the south opposite Browntown Road is Nichols Marine as well as an existing single family residence. The Red Bank Recycling Center and Fire Station as well as the Driver Services Building are adjacent to the north. To the east opposite of Dayton Boulevard is a multi-family residence as well as commercial establishments.

The present zoning for the tract is C-1 Commercial. Adjacent properties to the north, south opposite Dayton Boulevard share this zoning designation. This is consistent with the majority of the C-1 zoning in the city to be on or near Dayton Boulevard. To the west of the property (along its rear lot line) is a large tract zoned R1-A.

Traffic Patterns:

Dayton Boulevard serves as the primary transportation corridor for the city. Consequently, commercial and industrial zoning designations are located along the road.

The proposed rezoning property is also located approximately three miles from the intersection of Dayton Blvd. and Highway 153 which provides access to Interstate 75.

Potential land use impacts

Due to the property's location on Dayton Boulevard and the variety of existing commercial land uses already near the property, the rezoning is unlikely to create conflicts with the majority of adjacent properties. However, there are two residential properties nearby. One is an existing single family residence across Browntown Road from the site. This property is currently zoned C-1. The second is an existing single family residence located behind the existing site and is zoned R1-A. There is currently an existing vegetated area consisting of trees between the site and the rear residential property as well as a retaining wall. It is unclear how much of the vegetation is on the subject property and how much is on the adjacent R1-A property. Likewise,

the actual residence is located approximately 440 ft. from the property line of the proposed rezoning.

As with any rezoning, all of the allowed uses in the new zoning district should be considered as potential occupants of the property. Likewise, it should also be considered that the existing structure may eventually be demolished and replaced with new construction. Any new development, re-development or change of use shall be subject to the requirements of Chapter IX, Screening Requirements and Chapter X, Design Review Requirements.

Conformance with the Land Use Plan:

The Land Use Plan requires screening requirements for new commercial, industrial and multi-family uses.

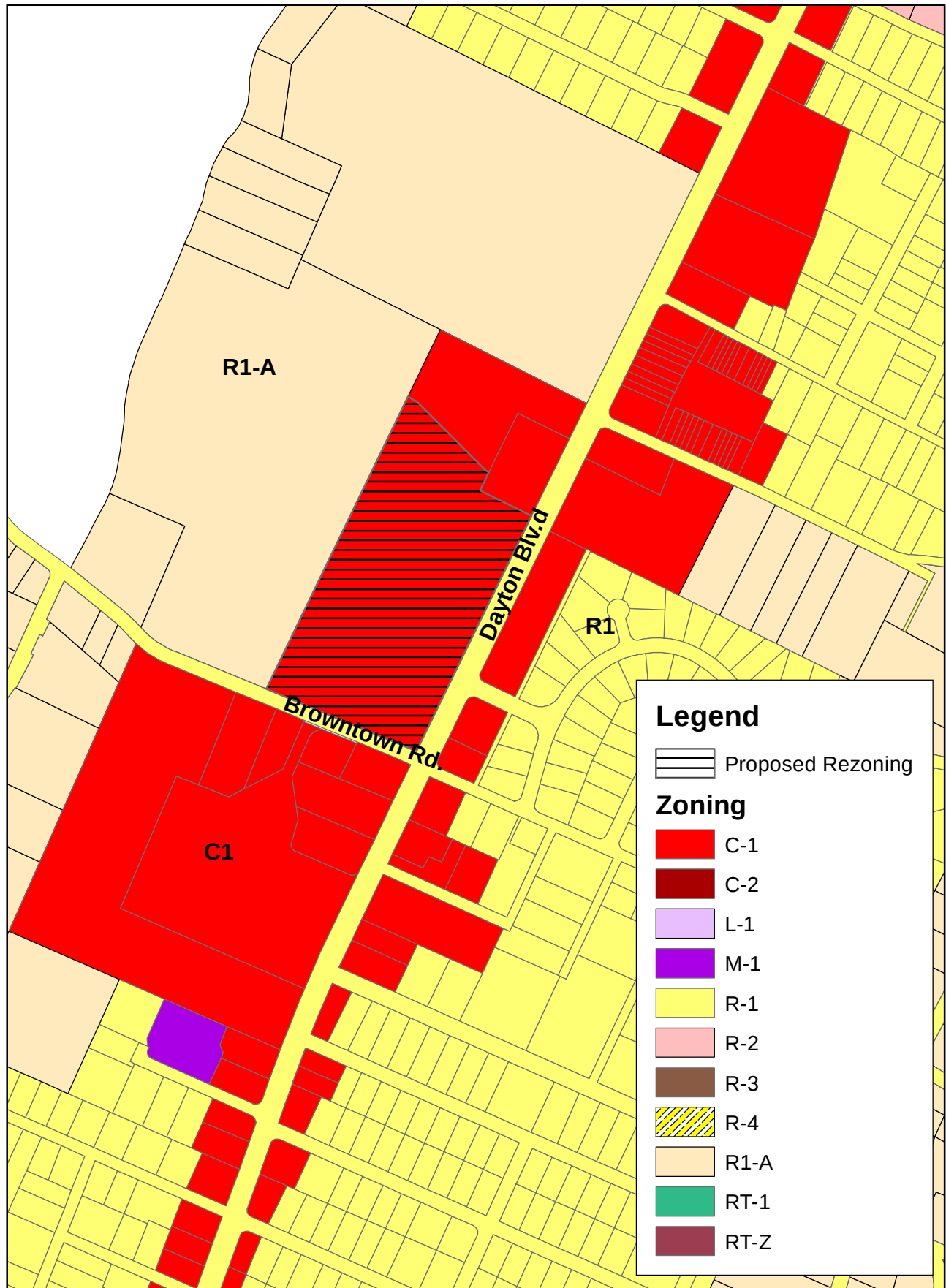
Suggested Conditions:

- Retention of existing vegetation on the rear property line.
- Any new development, re-development or change of use shall be subject to the requirements of Chapter IX and X of the Red Bank Zoning Ordinance.

Recommendation: Staff recommends approval of the rezoning. The rezoning is consistent with the zoning of L-1 property on Dayton Boulevard. The current zoning of the property is already a somewhat intensive C-1 designation.

Rezoning Request - 4825 Dayton Blvd. - C1 to L1

Current Zoning



Rezoning Request - 4825 Dayton Blvd. - C1 to L1





Southeast Tennessee Development District
Community Development
P.O. Box 4757 - 1000 Riverfront Parkway
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MEMORANDUM

To: Members of the Red Bank Municipal Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Jordan Clark, Planning Program Director

Date: 6/9/2015

Subject: Revision to Rezoning of 1724 & 1730 Dayton Blvd.

Background and Analysis:

In September of 2014, rezoning was granted for property located at 1724 and 1730 Dayton Blvd. from C-1 Commercial to L-1 Light Manufacturing. As a condition of the rezoning, only mini-warehouse buildings from the L-1 district could be allowed on the property subject to the design review requirements of the Zoning Ordinance and site barrier landscaping. Likewise, construction was required to be completed within one year or the zoning would revert back to the C-1 zone.

The applicant is requesting an extension of the one year time limit. The time limit is set to expire in four months.

Recommendation:

Staff sees no obvious deficiencies in extending the timeline for the construction of the mini-warehouses.

ORDINANCE NO. 14-1010

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO CONDITIONALLY REZONE PROPERTY LOCATED AT 1724 AND 1730 DAYTON BLVD TO L-1 LIGHT MANUFACTURING ZONE PURSUANT TO CERTAIN RESTRICTIONS

WHEREAS, James Pratt, the owner, has petitioned the Red Bank Planning Commission and the Red Bank City Commission to rezone the property located at 1724 Dayton Blvd, Hamilton County Tax Map Parcel No. 126K-A-002 and 126K-A-003, all as is more particularly described per the attached Exhibit A, from C-1 Commercial zone to L-1 Light Manufacturing zone; and

WHEREAS, the Regional Planning Agency staff recommended conditionally approving the request because the additional permitted land uses of the L-1 zone would not have a negative impact on adjacent land uses; and

WHEREAS, the Red Bank Planning Commission held a public hearing on this matter on July 31, 2014; 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 on July 31, 2014 has studied the petition in relation to existing zoning and land use and potential patterns of development and finds that if the utilization of the property is limited to the construction of mini-warehouse storage buildings as shown on the application that it would not have a negative impact on adjacent land uses, and the Red Bank Planning Commission has recommended approving the request to rezone the property to L-1 Light Manufacturing, subject to the restrictions and conditions that the L-1 usage shall be limited to mini-warehouse storage buildings and no other L-1 uses. The Red Bank Planning Commission further recommends that construction be completed within one (1) year after approval or the zoning revert back to the C-1 zone, that Ordinance #13-983 in regard to Building Facades shall apply to the construction of the mini-warehouses, that site barrier landscaping shall be planted along Dayton Boulevard to obstruct the view of the mini-warehouses from Dayton Boulevard and that billboards located on the property shall be removed when the current lease has expired; and

WHEREAS, the City Commission, upon notice, held a public hearing in conjunction with the regularly scheduled Commission Meeting on Tuesday, August 19, 2014; 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 Regional Planning Agency staff and of the Red Bank Planning Commission, finds that requested use, subject to the conditions recommended by the Red Bank Planning Commission, would not have a negative impact on adjacent land uses, which is C-1 Commercial zone to the west, south and north of the site and R-1 Residential to the east of the site, and that the requested rezoning, subject to the conditions recommended by the Red Bank Planning Commission, is a reasonable extension of existing zones in the area, subject to the conditions recommended by the Red Bank Planning Commission; and

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 C-1 Commercial zone to L-1 Light Manufacturing zone, limited to mini-warehouse storage buildings only and to otherwise permitted C-1 usage, the land located at 1724 and 1730 Dayton Blvd, Tax Map Parcel No. 126K-A-002 and 126K-A-003, subject to the following conditions: mini-warehouse storage buildings only and no other L-1 type use with construction to be completed within one (1) year of final passage of ordinance or the zoning shall

automatically revert back to the C-1 zone, that Ordinance #13-983 in regard to Building Facades shall apply to the construction of the mini-warehouses, that site barrier landscaping to be approved by the City Manager, shall be planted and continuously maintained along Dayton Boulevard to provide sight obstruction of the site from Dayton Boulevard and that billboards located on the property shall be removed when the current lease(s) expire and that no new billboards or off premises signs shall be hereafter erected on the premises.

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 so as to conditionally reflect L-1 Light Manufacturing zone, but subject to usage for mini-warehouse storage buildings only, and with no other L-1 uses permitted, for the property described herein above and that said maps make specific reference to this Ordinance, with the restrictions and conditions noted on the zoning map.

SECTION 4. If the Owner does not accept the limiting conditions and restrictions 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 effect or impair any other section, sentence, clause, or phrase.

MAYOR

CITY RECORDER

PASSED ON FIRST READING

PASSED ON SECOND READING AND FINAL READING

APPROVED AS TO FORM:

CITY ATTORNEY

ACCEPTED, ACKNOWLEDGED AND
AGREED AS TO THE LIMITING FACTORS,
CONDITIONS AND REQUIREMENTS HEREOF

PRATT FAMILY PARTNERS/JAMES PRATT

BY:_____
Owner(s)

EXHIBIT A

LOCATED IN THE THIRD CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

TRACT ONE (1): Beginning at a point in the Northeast corner of tract bounded on the North by JD Edward Lawson and the East by Chattanooga Traction Company, thence South 28 degrees 16 minutes 01 second West 371.31 feet, more or less, along the West property line of Chattanooga Traction Company, to a point in the Southeast corner of tract; thence North 56 degrees 09 minutes 02 seconds West 79.81 feet, more or less, along the South line of tract, to a point in the Southwest corner of tract, bounded on West by Dayton Pike; thence North 17 degrees 16 minutes East 151 feet, more or less, along the West property line of a tract, also being the East right-of-way, controlled access and fence line of Highway Project No. U-027-1(3), to a point; thence North 6 degrees 51 minutes 56 seconds East, more or less 176.56 feet, more or less, along said property line to appoint in the Northwest corner of tract, bounded on the North by Edward Lawson; thence South 78 degrees 10 minutes 07 seconds East 180.02 feet, more or less, along the South property line of Edward Lawson, to the point of Beginning.

TRACT TWO (2): Lots Thirty (30), Thirty-one (31), and Thirty-two (32), Plan of Valdeau, as shown by plat of record in Plat Book 12 page 3, in the Register's Office Hamilton County, Tennessee. According to said plat, said lot fronts 25 feet each on the East line of the Chattanooga-Dayton Pike, as now widened, and in use, and extend back Eastwardly, along the South line of Frances Street, to the Northwest line of Chattanooga Traction Company's right-of-way, on which line said lots front 26.05 feet each.

TRACT THREE (3): Lots Twenty-eight (28), Twenty-nine (29), and the South fifty (50) feet of Lot Forty-six (46) and that portion of Commerce Street lying between the Eastern line of Lots 28 and 29 and the West line of the South 50 feet of Lot 46, Plat of Valdeau, as shown by plat of record in Plat Book 12, page 2, in the Register's Office of Hamilton County, Tennessee.

According to said plat, said lots, part of lot and part of street together form on tract of ground fronting 50 feet on the Eastern line of Dayton Pike and extending Eastwardly, between parallel lines, to the Eastern line of said Lot 46, upon which is has a width of 52.13 feet, more or less. Its Northern line being 231.65 feet and its Southern line, lying along the Northern line of Frances Street, being 216.90 feet in length.



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MEMORANDUM

To: Members of the Red Bank Municipal Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Jordan Clark, Planning Program Director

Date: 6/9/2015

Subject: Alternative Financial Services

Background and Analysis: The City of Chattanooga recently amended its Zoning Ordinance to regulate “Alternative Financial Services.” The definition encompasses what is commonly referred to as payday lenders, pawnbrokers, title pledge lenders, deferred presentment services, check cashers or any combination. The Chattanooga amendment specified the use as special exceptions for approval by the City Council. It also places distance requirements between Alternative Financial Services and a minimum distance from residential zoned property.

The City Commission passed an ordinance on first reading amending the Zoning Ordinance regarding Alternative Financial Institutions. Much of the proposed amendment is similar to the discussion held by the Planning Commission at its March 19, 2015 meeting. The ordinance proposes to:

- Include a definition of Alternative Financial Institutions
- Specifically prohibit Alternative Financial Institutions in the O-1, C-2 and C-3 zones.
- Alternative Financial Institutions would be allowed in the C-1 (Commercial) Zone as a Special Exception and would be subjected to the following requirements:
 - o No such use could be within 1,320 (1/4 mile) of another such use
 - o No such use could be within 50 ft. of a R-1 or R-2 zone as measured from property line to property line.

Recommendation:

Staff has reviewed the ordinance under consideration by the City Commission and has the following general comments. Detailed comments are included on the attached ordinance.

- The 50 ft. spacing from a R-1 or R-2 may be too restrictive. C-1 zoned property in the city is concentrated on Dayton Boulevard. In most cases, C-1 properties have R-1 property located behind them. Staff was able to count approximately 23 properties that would be eligible under the 50 ft. requirement with most of them (12) located at the intersection of Dayton Boulevard and Signal Mountain Road. Three properties on Signal Mountain Blvd. would be eligible, 1 at Santeelah St. and 7 at Browntown Road. This does not take into account existing Alternative Financial Services.
- If the spacing between residential zones is to remain, the R1-A zone and the R-1 Open Space Residential Zone should be included in addition to the R-1 and R-2 zones.
- The ordinance proposes adding new sections when permitting and prohibiting Alternative Financial Institutions, however the Zoning Ordinance already lists “Title Pawn, Check Cashing and similar uses” as prohibited in the C-2 and C-3 zones. The current subsections should simply be deleted and replaced with “Alternative Financial Institutions.” In the C-1 zone, “Title Pawn, Check Cashing and similar uses” are currently listed as a permitted use. This section would need to be deleted.

ORDINANCE NO. 15-1029

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND ORDINANCE NO. 15-1020, THE ZONING ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, CODIFIED AT RED BANK CITY CODE TITLE 14, CHAPTERS 2 AND 4 THEREOF IN ORDER TO PROMULGATE AND CLARIFY CERTAIN RULES AND REGULATIONS GOVERNING NON-BANKING FINANCIAL INSTITUTIONS AND REGULATING PAWN BROKERS, TITLE PLEDGE LENDERS, DEFERRED PRESENTMENT SERVICES, CHECK CASHERS, AND OTHER SIMILAR USES WHICH ARE CONSIDERED NON-BANKING INSTITUTIONS

Comment [Jordan1]: Verify these chapters. The MTAS code for Red Bank shows Title 14, Chapter 4 as the Floodplain Provisions and Chapter 2 as the Zoning Ordinance.

WHEREAS, pursuant to the provisions of Title 45 of the Tennessee Code Annotated, certain rules and regulations governing financial institutions have been established which authorize further municipal regulation and placement of pawn brokers, title pledge lenders, deferred presentment services, check cashers, and other similar uses which are considered non-banking institutions; and

WHEREAS, the Red Bank Planning Commission and the Red Bank City Commission and its professional planning agency, i.e. the Southeast Tennessee Development District, have reviewed and studied alternative financial services and their current and potential impact(s) on the City of Red Bank and, in particular, as the same relates to recently promulgated rules, regulations and ordinances in adjoining jurisdictions; and

WHEREAS, the City Commission, the Planning Commission, and as aided by the Southeast Tennessee Development District, wishes to promote economic revitalization through diversification of land uses in certain areas and by the reasonable and orderly regulation of Alternative Financial Services; and

WHEREAS, it is the determination of the Red Bank City Commission that “Alternative Financial Services” should be subject to distance separation requirements in allowed zones and to minimum set back and distance separation requirements from R-1 and R-2 zoned properties, and that the same should be prohibited in certain other zones.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, as follows:

SECTION 1. That Title 14 of the Red Bank City Code, Section 14, Chapter 2, Section 14-202, Definitions, shall be amended by adding an additional subsection defining “alternative financial services” as follows:

“Alternative Financial Service” means financial service and lending businesses and establishments that are:

Comment [Jordan2]: Definition is the same as Chattanooga’s. Staff concurs with the definition.

- (a) not licensed by an appropriate state or federal agency as a bank, savings and loan association, or credit union, industrial loan and thrift offices, insurance premium finance companies, or mortgage companies;
- (b) regulated by the Tennessee Department of Financial Institutions; and
- (c) categorized for purposes of this Ordinance as:
 - 1) “Pawnbrokers” as defined at T.C.A. Section 45-6-203; or
 - 2) “Title Pledge Lenders” as defined at T.C.A. Section 45-15-103; or
 - 3) “Deferred Presentment Services” as defined at T.C.A. Section 45-17-102; or
 - 4) “Check Cashers” as defined at T.C.A. Section 45-18-102 except that Check Cashers do not include Check Cashers exempt from state regulation pursuant to T.C.A. Section 45-18-103, or

- 5) Any combination of Alternative Financial Services which include, but are not limited to, “Pawnbrokers”, “Title Pledge Lenders”, “Deferred Presentment Services” and/or “Check Cashers” as defined herein.

SECTION 2. That Title 14 of the Red Bank City Code, Section 14, Chapter 4, Section 14-401 thereof, shall be amended to provide, under the category of Prohibited Uses, a new subsection 14-401.06, Prohibited Uses:

- (1) Uses permitted in other zones except as expressly permitted in this zone.
- (2) Alternative Financial Services.
- (3) In general, uses which are not in keeping with the intent of this zone.

SECTION 3. That Title 14 of the Red Bank City Code, Section 14, Chapter 4, Section 14-402.03 thereof shall be amended to provide under the category of Permitted Uses, a new subsection 14-402.03 (o), as follows: Alternative Financial Services; provided further that no Alternative Financial Services establishment shall be located within 1,320 feet of any other Alternative Financial Services establishment nor within fifty (50) feet of any R-1 or R-2 zone, with the interval distances to be measured from property line to property line and the burden of establishing such to be on the applicant.

SECTION 4. That Title 14 of the Red Bank City Code, Section 14, Chapter 4. Section 14-404.03 thereof, shall be amended to provide, under the category of Prohibited Uses, a new subsection as follows: (J) Alternative Financial Services.

SECTION 5. That Title 14 of the Red Bank City Code, Section 14, Chapter 4. Section 14-405.06 thereof, shall be amended to provide, under the category of Prohibited Uses, a new subsection as follows: (L) Alternative Financial Services.

SECTION 6. 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 7. This Ordinance shall take effect upon the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

MAYOR

CITY RECORDER

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

CITY ATTORNEY

Comment [Jordan3]: Verify this chapter with the city code.

Comment [Jordan4]: O-1 Office Zone

Comment [Jordan5]: The language is fine. The section would preferably be placed between 401.02 and 401.03 with the subsequent sections renumbered.

Comment [Jordan6]: C-1 Commercial Zone

Comment [Jordan7]: Should be “Uses Permitted Subject to Issuance of a Special Exceptions Permit”

Comment [Jordan8]: Subsection (S) under Permitted Uses for the zone already lists “Title Pawn, Check Cashing and similar uses” This would need to be deleted in order to move these uses defined as “Alternative Financial Services” to the Special Exceptions category.

Comment [Jordan9]: ¼ of a mile

Comment [Jordan10]: Based on the present properties zoned C-1 and the location of R-1 and R-2 properties, this may be too restrictive. If a spacing between residential zones is desired, inclusion of R1-A would be appropriate.

Comment [Jordan11]: C-2 CBD Zone

Comment [Jordan12]: “Title Pawn, Check Cashing and similar uses” is already listed under the prohibited uses section (J). This section could delete the current phrase and replace it with “Alternative Financial Services” rather than creating a new subsection.

Comment [Jordan13]: C-3 Neighborhood Commercial Zone

Comment [Jordan14]: “Title Pawn, Check Cashing and similar uses” is already listed under the prohibited uses section (I). This section could delete the current phrase and replace it with “Alternative Financial Services” rather than creating a new subsection.