

John Roberts
Mayor

City of Red Bank
Municipal Planning Commission

Randall G. Smith
City Manager

AGENDA
April 21, 2016
6:30 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 – from March 17, 2016 (pg. 2 - 5)

VI. UNFINISHED BUSINESS

(a) **Design review standards** (resume after new business)

VII. NEW BUSINESS

(a) **Consideration of proposed regulations governing motels and extended stay hotels** (pg. 6 - 11)

VIII. OTHER BUSINESS

(a) **Site Plan for Dayton Blvd Climate Controlled Storage Facility** (for discussion only; item will be placed on May meeting agenda)

IX. ADJOURNMENT



John Roberts
Mayor

MUNICIPAL PLANNING COMMISSION

Randall G. Smith
City Manager

MINUTES March 17, 2016 6:30 p.m. Red Bank City Hall

- I. CALL TO ORDER – Chairman Hafley called the meeting to order at 6:33 pm
- II. ROLL CALL – Commissioner Cannon called the roll. All members were present. Also present was the commission's planning advisor, Michael Frixen with SETDD. Others in attendance are noted on the attached sign-in sheet.
- III. INVOCATION – Commissioner Baker gave the invocation.
- IV. PLEDGE OF ALLEGIANCE – Chairman Hafley
- V. CONSIDERATION OF MINUTES –
 - a. February 18, 2016 minutes – Motion to approve by Commissioner Baker. Second by Commissioner Smith. Motion passed unanimously.
- VI. UNFINISHED BUSINESS –
 - (a) Design Review Standards – this item was postponed until after new business.
- VII. NEW BUSINESS –
 - (a) Consideration of Midvale Highlands Preliminary PUD Plan

The commission discussed staff's analysis of the preliminary PUD plan for the Midvale Highlands development located at 1924 Ashmore Avenue. The development is for 69 subdivision lots consisting of single-family homes.

Staff informed the planning commission that the development received the zoning variances that had been requested from the board of zoning appeals. Staff explained that the planning commission's decision should not rely on the reasoning of the BZA, and that the standards for variances in the zoning ordinance for BZA variances are different than planning commission variances in the subdivision regulations.

Chairman Hafley asked about access to Lot 69, which is not shown as having access on the preliminary PUD plan. In its recommendation, staff advised that the PUD should not be approved until access to Lot 69 has been shown either on the preliminary PUD plan or on a separate subdivision plat. Developer Jay Bell presented a survey showing Mason Drive, a 50-

foot ROW that he owns fee simple, through the adjacent apartment complex that ends at Lot 69. Mr. Bell explained that the historic home currently located at 1922 Ashmore Avenue will be relocated to this lot. He showed where the parking lot from the apartment development actually encroaches onto his property by 30 feet.

The commission reviewed the site topography and engineering plans. Mr. Bell showed where extensive earthwork would be required to construct the road up the hill and to build the road along the top. He said they are trying to minimize the amount of land disturbance on the top of the ridge to avoid having to bring in lots of fill material and disturb the existing natural vegetation. He stated that the current plans allow for parking of two vehicles in the driveways or garages without blocking the sidewalks. A wider road would require the houses to sit back closer to the ridgeline, and would require additional fill material and grading. They are trying to keep the hillsides in a natural state.

The commission also reviewed the drainage, landscaping, and stormwater retention facilities. Mr. Bell explained that a wider road would generate more stormwater runoff and they would need to construct larger stormwater retention facilities. The current facilities have been approved by Hamilton County Water Quality.

Commissioner Cannon asked about the traffic study, which was submitted by the developer upon request by the city administration. The developer's engineer, Rocky Chambers of Chattanooga Engineering Group, explained the methodology used to develop the traffic study. The commissioners and Mr. Chambers discussed the traffic impacts at various intersections along Dayton Boulevard. The traffic study reports no change in the levels of service (LOS) at any intersection as a result in the development. Commissioner Cannon said it was his opinion that the LOS would change at at least one intersection. Mr. Chambers said that using the NTB's traffic criteria, there was no change.

A public hearing was required for the preliminary PUD plan. Chairman Hafley opened the floor for public comment. Becky Browder of 1950 Ashmore Avenue said that she represents the Midvale Park Neighborhood Association. She said that Mr. Bell has worked with the local community and surrounding residents to address their concerns. Ms. Browder explained that they want to see the hillsides preserved to the extent possible, which means minimizing grading and road width up to the development. Continuing, she stated that the current proposal is better than the previous proposal to build several hundred apartment units at the top of the hill. Ms. Browder mentioned that Red Bank is having UT students work on a traffic study for the city. She said that it is her opinion that the variances meet the criteria.

Commissioner Banas asked where the 400-foot limit on grades over 12% comes from. Staff explained that the commission adopted that as a part of its subdivision regulations at some point. The fire chief did not bring up grade in the letter he had prepared regarding his concerns about the access road.

Mr. Bell said that they had met with the fire chief regarding and fire hydrant placement. The fire chief required a third hydrant be added at the intersection at the top of the hill. The developer is also widening the roads to 26 feet for a distance of 40 feet in front of each hydrant to enable fire trucks to pass each other.

Chairman Hafley asked if there was anything else that needed to be added to the plan. Mr. Bell said there were some minor tweaks, but it was almost done.

Commissioner Cannon asked about the Aqua-Swirl drains. Mr. Chambers explained that these drains spin to create a vortex that separates pollutants and debris from the stormwater. Mr. Bell said that the homeowner's association would be responsible for the maintenance of these drains. The members and developers discussed some additional technical details regarding stormwater and the drainage systems.

The commission reviewed staff's recommendation. Staff advised that the road width variance from Section 303 for road width should only be granted if the planning commission makes an explicit finding that the topography justifies the variance and that the other criteria have been met. Staff recommended approval of the road grade length extension from Section 303.11. Both variances must be based on the criteria in Section 111.1. The commission reviewed these variance criteria, which staff included in its written recommendation.

Chairman Hafley presented the road width variance request. This variance is from Section 303 of the subdivision regulations regarding road width. The developer is requesting a narrower road of 20 feet for all roads in the development, with the exception of the 26-foot-wide pull-outs in front of the two fire hydrants, and for an emergency pull-off at the bottom of the hill. Staff advised the planning commission to determine if the criteria in Section 111.1 of the subdivision regulations justify granting of the variance. **Commissioner Baker moved to grant a variance from Section 303 of the subdivision regulations to allow for a 20-foot road as presented on the preliminary PUD plan. Second by Chairman Hafley.**

The floor was opened for discussion. Chairman Hafley explained that the primary question is whether the unusual topography and unnecessary grading justify the variance for road width. He said he thinks it does. Commissioner Smith agreed and said they are trying to reduce the amount of soil-moving required.

There was a question about parking along the top of the road. Mr. Bell explained that there is a trail which leads from the north cul-de-sac and eventually connects with White Oak Park. The original connection point to this trail was halfway down the ridge top road. They moved it to provide for a gentler grade and to have parking. He showed where three off-street parking spaces have been added so that people do not have to park in the street in order to access the trail.

The commission voted 4-0 to approve the motion granting the variance for road width, with Commissioner Cannon abstaining.

The commission proceeded to the second variance request. This variance would allow the road grade to exceed 12% for a distance of 650 feet, which is above the 400-foot limit set forth in Section 303.11 in the subdivision regulations. **Commissioner Baker moved to approve a variance from Section 303.11 so as to allow the access road to exceed 12% grade for a distance greater than 400 feet. Second by Commissioner Smith.**

Commissioner Baker stated that his motion is based upon the variance meeting the required criteria.

The commission voted 4-0 to approve the motion granting the variance for road grade, with Commissioner Cannon abstaining.

The next order of business was for the commission to vote on the preliminary PUD plan. Chairman Hafley pointed out that the third hydrant location near the access road intersection is not shown and should be added to the plat. Chairman Hafley also stated that he felt the property survey showing the 50-foot ROW owned by Mr. Bell satisfies the access requirements for Lot 69.

Commissioner Smith moved to approve the preliminary PUD plan for Midvale Highlands, with the condition that the third hydrant location be added to the plat. Second by Commissioner Baker. Motion carried 4-0, with Commissioner Cannon abstaining.

There was a question on Commissioner Cannon's abstention. Commissioner Cannon explained that he was abstaining based on concerns over the city's infrastructure. He said that the city does not have a system in place to fully monitor the impacts of development on the city's infrastructure, and there is no plan to add additional capacity. Chairman Hafley asked for clarification as to whether he thought this was the fault of the developer. Commissioner Cannon said no; he thinks this is a good development.

Staff said he would prepare the required PUD recommendation letter and present it to the chairman for review before sending it to the city commission.

VIII. OTHER BUSINESS

Chairman Hafley said they would wait to review the design review standards until a work session. The commission requested a work session be scheduled for April 18th.

IX. ADJOURNMENT – Commissioner Banas moved to adjourn; second by Commissioner Smith. Adjourned at 7:30 PM.

Chairman

ORDINANCE NO.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF RED BANK, TENNESSEE, CHAPTER II, SECTION 14-202, DEFINITIONS, AND CHAPTER IV, ZONING REGULATIONS, FOR C-1 COMMERCIAL ZONE

WHEREAS, the City of Red Bank and other surrounding and nearby jurisdictions have voiced concerns with regard to the health, welfare, and safety of residents permanently occupying short-term and long-term temporary lodging facilities, such as Hotels converted into permanent and/or semi-permanent residential occupancy; and

WHEREAS, short-term and long-term temporary lodging facilities were not designed or constructed for permanent residential occupancy; and

WHEREAS, the Red Bank Planning Commission has recently conducted research on Extended Stay Hotels; and

WHEREAS, RPA has provided a report clarifying various types of temporary lodging such as short-term and long-term lodging, issues and concerns with temporary lodging converted into permanent residential occupation, an overview of how other communities regulate temporary lodging, and possible options for discussion; and

WHEREAS, officials from the City of Red Bank have discussed the various portions in the report and in public meetings opined that an amendment to the Zoning Ordinance prohibiting Extended Stay Hotels be prepared and enacted; and

WHEREAS, the proposed amendments among other matters deletes “permanent guests or tenants” from the definition of a Hotel or Motel; and

WHEREAS, in order to provide consistency between the definition of a Hotel and/or Motel in the Red Bank Zoning Ordinance and the Hotel/Motel Occupancy Privilege Tax, a maximum occupancy period of 30 days for Hotels/Motels is incorporated; and

WHEREAS, this amendment also establishes minimum development requirements and standards for the Hotels and Motels; and

WHEREAS, on February 21, 2013, the Red Bank Municipal Planning Commission recommended that the Zoning Ordinance be amended as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee that the Zoning Ordinance be amended as follows:

Section 1. That Chapter II, Section 14-202, Definitions, be amended by deleting 202.18 Dwelling in its entirety and substituting in lieu thereof the following:

202.18 Dwelling: Any building or structure or part of thereof used and occupied for human habitation that includes permanent provisions for living, sleeping, cooking, and sanitation. The term Dwelling is not defined to

include and shall exclude guest rooms or accommodations of a Hotel, Extended Stay Hotel, Motel or Lodging (Rooming or Boarding) House.

Section 2. That Chapter II, Section 11-202, Definitions, be amended by deleting 202.38 Hotel in its entirety and substituting in lieu thereof the following:

- 202.38(a) Hotel: Any building or group of buildings which are occupied, intended, designed, or advertised to the public to be a place where temporary sleeping accommodations are furnished to pay to transient guests or travelers for a period of less than thirty (30) days. The term Hotel shall not be defined to include Extended-Stay Hotels, Multi-Family Dwelling, or Dwelling as defined in this section.

A Hotel is distinguished from an Extended Stay Hotel in that the Hotel provides temporary sleeping accommodations for periods of less than thirty (30) days and may provide in each guest room a microwave, coffee maker, and micro refrigerators that are 4 cu. ft or smaller in size.

Extended Stay Hotels provide temporary sleeping accommodations for periods of more than thirty (30) days and may include kitchenettes or complete kitchen facilities such as a dishwasher, stove top or range, oven, full size refrigerator/freezer combination, a sink, garbage disposal, and storage cabinets.

Section 3. That Chapter II, Section 14-202, Definitions, be amended by incorporating the following:

- 202.38(b) Hotel, Apartment: Shall mean any building which satisfies both the definition of a Hotel, Extended Stay Hotel, and that of a Multi-Family Dwelling.
- 202.38(c) Hotel, Extended Stay: A building or group of buildings providing a place where temporary sleeping accommodations for periods of more than thirty (30) days but not to be occupied for more than ninety (90) days where guest rooms have separate sleeping and living areas and may include a kitchenette or complete kitchen facilities such as a dishwasher, stove top or range, oven, full size refrigerator/freezer combination, a sink, garbage disposal, and storage cabinets.

The term Extended Stay Hotel shall not be defined to include Hotels, Multi-Family Dwellings, or Dwelling as defined in this section. Extended Stay Hotels are not intended for permanent residential occupation.

- 202.38(d) Hotel, Transient Guest: Means any individual, person, or family who occupies or is entitled to occupancy for any guest room, lodging, or accommodations in a Hotel or Motel for a period of less than thirty (30)

days.

Section 4. That Chapter II, Section 14-202, Definitions, be amended by deleting 202.42, Lodging (Rooming) or Boarding House in its entirety and substituting in lieu thereof the following:

202.42 Lodging (Rooming) or Boarding House: Any house or other structure, or any place or location, kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are supplied for pay to transient guests, or travelers whether in one or more adjacent buildings for a period of less than thirty (30) days.

Section 5. That Chapter II, Section 14-202, Definitions, be amended by deleting 202.56, Motel, in its entirety and substituting in lieu thereof the following:

202.56 Motel: Any building or group of buildings which are occupied, intended, designed, or advertised to the public to be a place where temporary sleeping accommodations are furnished for pay to transient guests or travelers for a period of less than thirty (30) days. The primary distinction between Motel, Extended Stay Hotel, and a Hotel is that the Motel has parking spaces adjacent or reasonably close to each individual room and the rooms are accessible from exterior corridors or directly from an outdoor parking area.

The term Motel shall not be defined to include Dwelling, or Multi-Family Dwellings as defined in this section.

Section 6. That Chapter IV, Section 14-402.02, Schedule of Permitted Uses, be amended by adding the in its entirety and substituting in lieu thereof the following:

(k) Motels, Hotels, Extended Stay Hotels, and convention centers as regulated in Section 402.3 hereof. SUPPLEMENT REGULATIONS AND EXCEPTIONS.

Section 7. That Chapter IV, Commercial Zones, be amended by adding a new Section 402.08 entitled Supplemental Regulations and Exceptions, as follows:

(1) Hotels, Extended Stay Hotels, and Motels

The following are minimum development requirements and standards for Hotels, Extended Stay Hotels, and Motels.

(2) Rules and Regulations of the State Apply

Hotels, Extended Stay Hotels, and Motels shall comply with the rules, regulations, and requirements of the Tennessee Department of Health Bureau of Health Services Administration, Division of General Environmental Health as stated in Tennessee Code Annotated, Title 68, Chapter 1200, Sections 1200-23-4-01 through 1200-23-4-06.

(3) Rules and Regulations of Municipal Code and Zoning Ordinance Apply

Hotels, Extended Stay Hotels, and Motels shall comply with all applicable

rules and regulations of the Red Bank Municipal Code and all other applicable provisions of the Red Bank Municipal Code.

(4) Minimum Hotel and Extended Stay Hotel Requirements and Standards

- a. A registration lobby or office area which is staffed twenty-four (24) hours per day during all periods of operation.
- b. Public access to the building after dark shall be restricted to the registration lobby entrance only.
- c. Guest rooms shall be limited to nightly, weekly or monthly rental or occupation.
- d. No guest room or room within a Hotel shall be rented or occupied by the same person, individual, or family exceeding 30 consecutive days.
- e. Guest rooms or rooms within an Extended Stay Hotel may be occupied by the same person, individual, or family for periods of more than 30 consecutive days but in no case shall guest rooms be occupied for more than 90 consecutive days.
- f. No Hotel, Extended Stay Hotel, or guest room shall be converted to or used as a dwelling for permanent residential occupation.
- g. No Hotel or Extended Stay Hotel shall be converted into Multi-Family Dwellings or Hotel Apartment. Any Hotel or Extended Stay Hotel converted into a Multi-Family Dwelling or Hotel Apartment shall be in violation of the Red Bank Zoning Ordinance.
- h. Daily housekeeping services shall be provided which shall include but not limited to linen changing, towel and soap change, cleaning of bathroom, dusting, vacuuming, and removal of trash.
- i. Access to guest rooms shall be provided through an indoor corridor/hallway, lobby and not via an outdoor parking area.
- j. No guest room shall contain cooking or kitchen facilities. Cooking and kitchen facilities include but are not limited to: stove, microwave oven, dishwasher, kitchen-type sink, disposal, refrigerator (intended for use by the occupant for storing food and drinks), and storage cabinets.
- k. Accessory uses such as indoor fitness/recreation areas, swimming pools, restaurants, lounges banquet halls, ballrooms, or meeting rooms are encouraged and permitted.
- l. No outdoor storage or permanent parking of equipment or vehicles shall be permitted on the premises.
- m. Notwithstanding anything to the contrary herein, nothing in this Ordinance regulating hotels, motels or extended stay variants thereof shall be construed to prevent corporate, business traveler, FEMA and other similar temporary stays longer than thirty (30) days provided such temporary stays are not for the purpose of establishing permanent residency.

(5) Minimum Motel Requirements

- a. The facility shall contain a registration lobby or office area which is staffed on a twelve (12) hour daily basis and twenty-four (24) hours daily registration and emergency phone number are provided by the management.
- b. Guest rooms shall be limited to nightly or weekly rental occupation.

- c. No guest room shall be rented or occupied by the same person, individual, or family exceeding 30 consecutive days. Any person, including the owner, operator, manager, or employee of such Motel who permits or authorizes any person, individual, or family to rent or occupy any guest room in excess of thirty (30) consecutive days shall have permitted the occupancy of the Motel as a permanent resident in violation of this Zoning Ordinance.
- d. No Motel or guest room shall be converted to or used as a dwelling for permanent residential occupation.
- e. Daily housekeeping services shall be provided which shall include but not limited to linen changing, towel and soap change, cleaning of bathroom, dusting, vacuuming, and removal of trash.
- f. Access to guest rooms shall have an individual entrance from outside the building, or from a shared public area.
- g. Parking close to the entrance of each guest room should be made available.
- h. No guest room shall contain cooking or kitchen facilities. Cooking and kitchen facilities include but are not limited to: stove, microwave oven, dishwasher, kitchen-type sink, disposal, refrigerator (intended for use by the occupant for storing food and drinks), and storage cabinets.
- i. No outdoor storage or permanent parking of equipment or vehicles shall be permitted on the premises.
- j. No Motel shall be converted into Multi-family Dwellings (apartments). Any motel converted into a Multi-family Dwelling or Dwelling shall be in violation of the Red Bank Zoning Ordinance.
- k. Notwithstanding anything to the contrary herein, nothing in this Ordinance regulating hotels, motels or extended stay variants thereof shall be construed to prevent corporate, business traveler, FEMA and other similar temporary stays longer than thirty (30) days provided such temporary stays are not for the purpose of establishing permanent residency.

Section 8. 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 9. This Ordinance shall take effect from and after the date of its final passage, the health, safety and 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