



John Roberts
Mayor

MUNICIPAL PLANNING COMMISSION

Randall G. Smith
City Manager

MINUTES
April 20, 2017
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 Smith called the roll. Commissioner Hafley, Baker, Browder, and Smith were in attendance. The Red Bank City Manager and the Commission's planning advisor from the Southeast Tennessee Development District were also present. Additional attendees are included on the sign-in sheet and in the below minutes.

III. INVOCATION

Commissioner Baker gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Hafley led the pledge of allegiance.

V. CONSIDERATION OF THE MINUTES

a) **March 16, 2017 Meeting Minutes**

Motion by Commissioner Browder to approve the March minutes. Second by Commissioner Smith. Motion passed unanimously.

VI. UNFINISHED BUSINESS

a) **None**

VII. NEW BUSINESS

a) **Rezoning Request for 1700 Ashmore Ave and 0 Mason Drive from R-1 to RT-1 (Austin)**

Chairman Hafley asked for a summary of the rezoning request from Staff. Staff informed the Planning Commission that Mr. Austin, the applicant, intends to rezone the property in order to construct townhomes on the site. The owner already successfully applied for the RT-1 zoning of this property around 2003, and contends that the property was downzoned in 2015 without any prior notification by the City.

Commissioner Hafley asked that the applicant, Mr. Austin, come forward. Mr. Austin described his project to construct townhomes with the aid of a preliminary plat drawn up when the property was originally rezoned to RT-1.

Commissioner Browder asked if there was a way to move the entrance road to Mason Drive, instead of adding another access road on Ashmore next to Mason Drive. Mr. Austin replied that he would like to move the access road if he could acquire additional land.

Commissioner Hafley noted that the meeting was a public hearing and asked if any other attendees would like to comment on the rezoning request.

John Penninger of 10 Mason Drive came forward to voice his concern about the RT-1 rezoning. Mr. Penninger informed the Commission that he bought the property with the knowledge that it was surrounded by R-1 properties, and was concerned about the impact that traffic from the development may have on road safety and the value of his property on Mason Drive.

Mr. Penninger asked if the entrance would be placed on Mason Drive. Chairman Hafley replied that an entrance to the townhome development from Mason Drive would be safer than an entrance on Ashmore Avenue directly beside Mason Drive. Mr. Penninger said that an entrance on Mason would negatively impact the quiet and green surroundings of the neighborhood.

Motion by Commissioner Baker to approve the rezoning of 1700 Ashmore Ave and 0 Mason Drive fro R-1 to RT-1. Second by Commissioner Browder. Motion passed unanimously.

b) Rezoning Request for 105 W Newberry St from R-1 to C-1 (Pardue)

Chairman Hafley asked for a summary of the rezoning request from Staff. The property had been downzoned in 2015 from C-1 to R-1, and the owner is applying to zone the property back to C-1 with the intention of selling it as a commercial property. The Staff report to the Planning Commission concluded that the location of the property in the floodplain and floodway would discourage any future owner from removing the existing commercial structure. While the property lacked frontage on Dayton and abutted R-1 properties, it has historically been operated as a commercial property, and the building would be poorly suited for any use other than commercial. Staff recommended rezoning to C-1 with conditions on use and screening to ensure compatibility with nearby residential properties. Alternatively the property could be rezoned to the more restrictive C-3 neighborhood commercial district, which is better suited for properties off of Dayton Blvd and surrounded by residential neighborhoods.

Commissioner Hafley asked that the applicant, Mr. Pardue, come forward. Mr. Pardue explained that he was not notified that his property had been downzoned to R-1 and only found out when he tried to sell the property to and print shop owner. Mr. Pardue noted that he purchased the property in 2013 for use with an online retail business selling military and government surplus products, and that the building had previously housed an embroidery shop. Pardue said that the property would lose it's value if not rezoned to C-1, and noted that C-3 would not allow for a print or embroidery shop.

Commissioner Hafley said that the C-1 permitted uses were broad, and that some were not compatible with surrounding residential properties. Pardue noted that he was amenable to taking out many of those uses as long as print shops and similar uses suitable for the existing building were preserved.

Commissioner Baker questioned why the property would be unusable as C-3, and noted how other buildings in Red Bank had been renovated to accommodate a wide range of different commercial uses.

Commissioner Hafley noted that the meeting was a public hearing and asked if any other attendees would like to comment on the rezoning request.

Bonnie Kilgore of 102 Fair Street came forward and explain that she lived caddy corner to the Pardue property and would like to see it better maintained and screened. Mrs. Kilgore said she could see the Pardue property from her back yard and noted that it was often used to store junk. Mrs. Kilgore was not necessarily opposed to the C-1 rezoning, but stated that she would like it to be used for something residents could be proud of.

Commissioner Hafley identified micro-breweries, outdoor storage, auto dealerships, and service stations under section 402.02 (W) and 402.02 (L) as permitted C-1 uses that would not be compatible with neighboring residences. Hafley also felt that screening should be installed as a condition of the rezoning. Other planning commissioners noted that a variance may be needed due to the narrow space between the commercial building and the edge of the property. Mr. Pardue said that screening would be difficult to install on the side lot line due to narrow space between his building and the neighbors' fence. Staff confirmed that a variance from the 20' deep evergreen screening requirement would be need from the BZA unless the condition was modified by the City Commission.

Commissioner Baker expressed concern that the C-1 permitted uses were still very broad, and felt that there were other incompatible uses that were still permitted, however unlikely they may currently seem. Baker felt that C-3 offered more protection to the neighborhood and permitted a viable list of commercial uses that could occupy the space and be compatible with neighboring residential uses.

Motion by Commissioner Hafley to approve the rezoning of 105 W Newberry Street from R-1 to C-1 under the following conditions:

- a) microbreweries and/or brew pubs, outdoor storage, new and used car dealers, gasoline services stations, and all uses similar in character and impact be prohibited, and
- b) screening be installed within 30 days to meet screening requirements in the Zoning Ordinance for commercial uses adjacent to low density residential properties.

Second by Commissioner Browder. Motion passed unanimously.

VIII. OTHER BUSINESS

- a) **Zoning Ordinance review priorities**

IX. ADJOURNMENT

Commissioner Hafley moved to adjourn; second by Commissioner Baker. Adjourned at 6:59 PM.

Chairman