

TOWN OF WALDEN
PLANNING COMMISSION AGENDA

Walden Town Hall
1836 Taft Highway

November 30, 2023

5:30 PM

- I. Call to Order
- II. Roll Call
 - Tom Bartoo
 - Angela Cassidy
 - Tim Hancock
 - Joe Robbins
 - Werner Slabber
 - Bill Trohanis
 - Lou Ziebold
- III. Adoption of Agenda
- IV. Consideration of the Minutes
- V. Town Administrator Report
- VI. Communication from Chair and Commissioners
- VII. Hearing of persons having business with the Commission
- VIII. Unfinished Business
 - a. Request to rezone 2902 Taft Highway from R-1 Residential to C-1 Commercial
 - i. Request to update Town of Walden Plan to change Place Type of 2902 Taft Highway from Taft Highway Residential to Taft Highway Non-Residential as Taft Highway Commercial
 - ii. Request to 2902 Taft Highway from R-1 Residential to C-1 Commercial
 - b. Recommendation for the Walden Planning Commission to serve as the Design Review Board for a period of one (1) year
 - c. Zoning Ordinance Text Amendment
 - i. Discussion of Section 8.01(n) Special Permit for Buildings or Structures with a footprint greater than 5,000 square feet in the C-1 General Commercial and TC-MU zone

- d. Design Review Standards - Overview and Discussion of Articles 1 and 2
- IX. New Business
- a. Public Notice Requirements for Rezoning Requests
 - b. Zoning Ordinance Text Amendments
 - i. Section 4.05 – Clarification of Square Footage Definition
 - ii. Section 1.01 – General Purpose – Update to reflect correct planning document
 - iii. Update references to Regional Planning Agency and Regional Planning Commission throughout document
 - iv. Section 10.05 – Fees and Administrative Costs
- X. Adjournment

Town of Walden
 Walden Planning Commission
 Regular Monthly Meeting
 October 26, 2023

I. **Call to Order** Tim Hancock called the meeting to order at 5:37 PM.

II. **Roll Call**

Commissioners:

- | | |
|------------------|--------------------------|
| ✓Tom Bartoo | Werner Slabber |
| ✓Angela Cassidy | Bill Trohanis |
| ✓Tim Hancock | Lou Ziebold |
| ✓Joe Robbins Jr. | |

Staff:

- ✓Ashley Gates, SETD
- ✓Mariah Prescott, Town of Walden
- ✓Ellen Young, Town of Walden
- ✓Sam Elliott, Town of Walden
- ✓Sally Cole, Town of Walden

III. **Adoption of the Agenda**

Changes to the Agenda:			
No changes to the agenda			
Motion:			
Motion made to adopt the agenda as written.			
M	Tom Bartoo	✓	Werner Slabber
2nd	Angela Cassidy		Bill Trohanis
✓	Tim Hancock		Lou Ziebold
✓	Joe Robbins		

IV. **Consideration of the minutes**

a. Minutes of September 28, 2023

Changes to the minutes of
No changes to the minutes.
Motion:

Motion was made to approve September 28, 2023 minutes.			
2nd	Tom Bartoo	✓	Werner Slabber
M	Angela Cassidy		Bill Trohanis
✓	Tim Hancock		Lou Ziebold
✓	Joe Robbins		

V. Town Administrator Report

Mariah Prescott reported that at the October 17, 2023 Town Hall meeting the vote for Ordinance 2023-359 was as follows: Vice-Mayor Lizzy Schmidt moved to approve Ordinance 2023-359, but with the return of the 15,000 square footage cap for commercial buildings, seconded by Alderwoman Angela Cassidy. From public comments there were 40 for a 15,000 sq ft cap and 4 against.

Ordinance 2023-359 has now been sent back to the WPC for further review of the proposed amendment made by Vice-Mayor Lizzy Schmidt.

VI. Communication from Chair and Commissioners

No communication from Chair and Commissioners.

VII. Hearing of persons having business with the Commission

Jack Davidson spoke about rezoning application for 2902 Taft Highway. He was not aware of the application deadline and requested to be on the November WPC Agenda.

VIII. Unfinished Business

a. Short-Term Vacation Rental Ordinance

<p>Discussion: WPC discussion on expanding owner-occupied short-term vacation rentals in R-1, C-1, A-1, E-1 in accordance with list of conditions, and both owner occupied and non-owner occupied in C-1, TC-R and TC-MU. Staff proposed all STVR's require a special use permit.</p>			
<p>Motion (if any): Motion was made to adopt proposed STVR ordinance with list of conditions, amendment, and a recommendation for a 1-year review. Amendments to allow owner-occupied STVR's in R-1:</p> <ul style="list-style-type: none"> • Permitted on lots 5 acres or more • Insurance requirement with proof of a suitable endorsement • Limit of one per structure and one per lot 			
2nd	Tom Bartoo	M	Werner Slabber
✓	Angela Cassidy		Bill Trohanis
✓	Tim Hancock		Lou Ziebold
✓	Joe Robbins		

IX. New Business

- a. Ordinance 2023-359 as amended by the Board of Mayor and Alderman to place a maximum building footprint of 15,000 square feet on commercial structures in the Town Center-Mixed Used zone.

Discussion: WPC discussion on maximum building footprint of 15,000 square feet vs. maximum building square footage cap of 15,000 feet.			
Tim Hancock explained findings and justification for proposing two, 30,000 square foot maximum footprints.			
WPC findings and justification attached to these minutes.			
Motion (if any): Section 4.05(2)(6), Special Uses Permitted is to be modified to add the following language in addition to the cap language proposed by the Board of Mayor and Alderman under Special Uses Permitted:			
A. Single-use, single story commercial buildings shall be limited to a maximum footprint size of 30,000 square feet and limited to a maximum number of two within the Town Center.			
✓	Tom Bartoo	2nd	Werner Slabber
X	Angela Cassidy		Bill Trohanis
M	Tim Hancock		Lou Ziebold
X	Joe Robbins		

- b. Amendments to the Minutes of September 28, 2023

Discussion: Sam Elliot proposed adding the attendee list to each month's minutes.			
Motion (if any): Motion made to attached attendee list to each month's minutes.			
M	Tom Bartoo	2nd	Werner Slabber
✓	Angela Cassidy		Bill Trohanis
✓	Tim Hancock		Lou Ziebold
✓	Joe Robbins		

IX. New Business

- a. Ordinance 2023-359 as amended by the Board of Mayor and Alderman to place a maximum building footprint of 15,000 square feet on commercial structures in the Town Center-Mixed Used zone.

<p>Discussion:</p> <p>WPC discussion on maximum building footprint of 15,000 square feet vs. maximum building square footage cap of 15,000 feet.</p> <p>Tim Hancock explained WPC findings and justification for proposing two, 30,000 square foot maximum footprints in TC-MU.</p> <p>WPC findings and justification are attached to these minutes.</p>			
<p>Motion (if any):</p> <p>Section 4.05(2)(6), Special Uses Permitted is to be modified to add the following language in addition to the cap language proposed by the Board of Mayor and Alderman under Special Uses Permitted:</p> <p style="padding-left: 40px;">B. Single-use, single story commercial buildings shall be limited to a maximum footprint size of 30,000 square feet and limited to a maximum number of two within the Town Center.</p>			
✓	Tom Bartoo	2nd	Werner Slabber
X	Angela Cassidy		Bill Trohanis
M	Tim Hancock		Lou Ziebold
X	Joe Robbins		

- b. Amendment to the Minutes of September 28, 2023

<p>Discussion:</p> <p>Sam Elliot proposed adding the attendee list to each month's minutes.</p>			
<p>Motion (if any):</p> <p>Motion made to attached attendee list to each month's minutes.</p>			
M	Tom Bartoo	2nd	Werner Slabber
✓	Angela Cassidy		Bill Trohanis
✓	Tim Hancock		Lou Ziebold
✓	Joe Robbins		

Adjournment

The meeting was adjourned at 8:10 PM by Tim Hancock.

Walden Planning Commission Chair

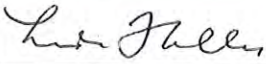
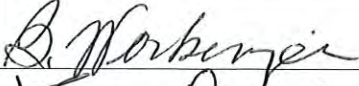



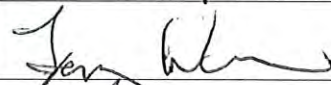
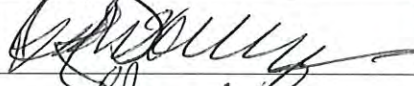


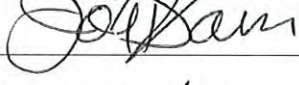
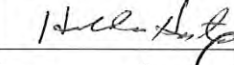

Walden Planning Commission Secretary

TOWN OF WALDEN

ATTENDANCE

Sign in Sheet Planning Committee

Meeting Date: 10/26/2023

Name (Please Print)	Signature	Address	E-Mail
LINDA COLLINS		2907 E Blvd	
Beth Wockinger		5222 Castle Lane	
Larry Wanda		2238 LS 127	
Dick Schmitt		219 Lake	
Larry Chapman		161 Woodliff Cir	
Tom Wheeler		1231 Lewis Drive	
Geoff Wockinger		5502 2nd St NW	
Stuart Bush		2562 Crestwood	
John Argo		Pine Hill Rd	
JOE DAVIS		2115 Alhwa Walden	
Hilda Floster		1009 Northern Ave	
Jack Davis		2602 Anderson Rd	

Walden Planning Commission
Section 4.05 Town Center Mixed Use (TC-MU) Zoning
Findings and Recommendations
October 26, 2023

The following FINDINGS were established by the Walden Planning Commission as part of the recommended revisions to section 4.05, referenced below:

Based on the adoption of the Walden Town Plan by the Board of Mayor and Alderman, the Walden Planning Commission made recommendations for changes to the zoning ordinance to implement the Town Center goals as adopted in the Town Plan.

At their scheduled hearing on Tuesday, March 17, 2023, the Walden Board of Mayor and Alderman accepted all proposed zoning changes with one addition, proposing a building footprint limitation of 15,000 square feet on all buildings within the TCMU zoning district.

Throughout the adopted Walden Town Plan, the author cites the use of design standards to control the development within the Town Center, including elements such as 'type, placement, and height of buildings' (pg. 21) and further advocates the use of small to medium footprints (pg. 29) along with the creation of 'a new district with appropriate design standards' (pg. 29).

The approved Walden Town Plan also states that 'careful attention must be given to the placement, height, and massing of buildings' to achieve a vibrant town center (pg. 61) and clarifies the design intent to include buildings with 'smaller footprints or resemble buildings with smaller footprints to minimize their mass' (pg. 60).

Nowhere in the Town Plan is a cap on building size referenced or recommended, and as stated in the approved Town Plan on page 59, that 'the ultimate design and size of Walden's Town Center will be affected by many factors, including natural constraints, infrastructure constraints, and market realities' (emphasis added).

The adopted Town Plan encourages the town to work with developers to arrive at creative and beneficial plans for the Town Center, as stated in the Public Comment Summary on Page 137 that 'Developers should be encouraged to be creative in achieving the intent of the plan even if the solution differs from the plan scenario.'

The Walden Planning Commission finds that the suggested footprint limitation of 15,000 square feet would render many approved land uses in the TCMU District improbable and as such, ignores the potential market realities referenced in the adopted Town Plan. This specific cap further erodes the ability for a developer to use creativity in design to advance the goals of the Town Plan.

The Walden Planning Commission also recognizes the concerns raised by residents regarding the potential for unlimited building sizes in the Town Center and the need to address concerns over the Town Center being developed with a big box style retailer. Therefore, the Planning Commission is modifying its zoning recommendation for Section 4.05, Town Center Mixed Use to read as follows:

RECOMMENDATION

Section 4.05(2)(6), Special Uses Permitted is to be modified to add the following language in addition to the cap language proposed by the Board of Mayor and Alderman under Special Uses Permitted:

- A. Single-use, single story commercial buildings shall be limited to a maximum footprint size of 30,000 square feet and limited to a maximum number of two within the Town Center.

JUSTIFICATION:

The desired effect of this added language is as follows:

1. It places a maximum allowable square footage in the zoning code and limits single use commercial buildings that are larger than 15,000 square feet to 2. This addresses the public's stated concerns regarding having no limits on the size of commercial uses in the Town Center while potentially maintaining the economic viability of any future project.
2. This language promotes the development of mixed-use buildings containing residential uses on upper floors as envisioned in the adopted Town Plan.
3. Should the Board choose to retain the footprint limitation of 15,000 square feet for all buildings in the Town Center, this body recommends that grocery stores remain a permitted use in the C-1 district.

MEMORANDUM

To: Members of the Walden Municipal Planning Commission
Cc: Mariah Prescott, Town Administrator
From: Ashley Gates, Senior Planner
Date: September 21, 2023
Subject: Request to rezone 2902 Taft Highway from R-1 Residential to C-1 Commercial

Summary

Address: 2902 Taft Highway
Parcel Number: 089K C 004.26
Applicant: Thomas Davidson
Current Zoning: R-1 Residential
Proposed Zoning: C-1 Commercial
Current Use: Vacant
Proposed Use: No change – to be sold with adjacent commercial property
Adjacent Zoning: C-1 and R-1
Adjacent Use: Commercial; single-family residential
Staff Recommendation: Deny; Obtain Attorney opinion regarding prior zoning

Analysis

Zoning History

This property is said to have been rezoned to C-1 Commercial in the 1990's. The attached ordinance was approved in 1997, though legal review is needed to discern the intended zone due to multiple zones being listed. The 2002 rezoning of the adjacent property to the new (at the time) C-1 Commercial zone indicates that this property was never rezoned to C-1 Commercial.

Attorney review is recommended.

Proposed Use

The owner wishes to sell this property along with the commercially zoned property at 2900 Taft Highway. There is no development plan for this property. Rezoning to C-1 will allow for more use of the property at 2900 Taft Highway due to the required 40-foot side yard setback from R-1 zoned properties.

Zoning Ordinance

At 0.47 acres this lot does not conform to the minimum lot size for the R-1 zone in Walden. The proposed C-1 Commercial zone does not have a minimum lot size. The lot width is approximately 150 feet, meeting the minimum width of the R-1 and C-1 zone. The current zoning limits the use to single-family residential, home occupations, day care homes, churches, parks and schools. The C-1 Commercial zone allows for a variety of commercial uses.

Compatibility with Adjacent Land Uses

The Zoning Ordinance calls for a 40-foot side and rear yard setback in the C-1 Commercial zone when adjacent to R-1 zoned properties. With current zoning, this requirement significantly limits the commercial use of the adjacent property at 2900 Taft Highway. With the proposed zoning, any future development will need to be setback 40 feet from the adjacent R-1 zoning, offering a large buffer between the commercial use and adjacent residential use.

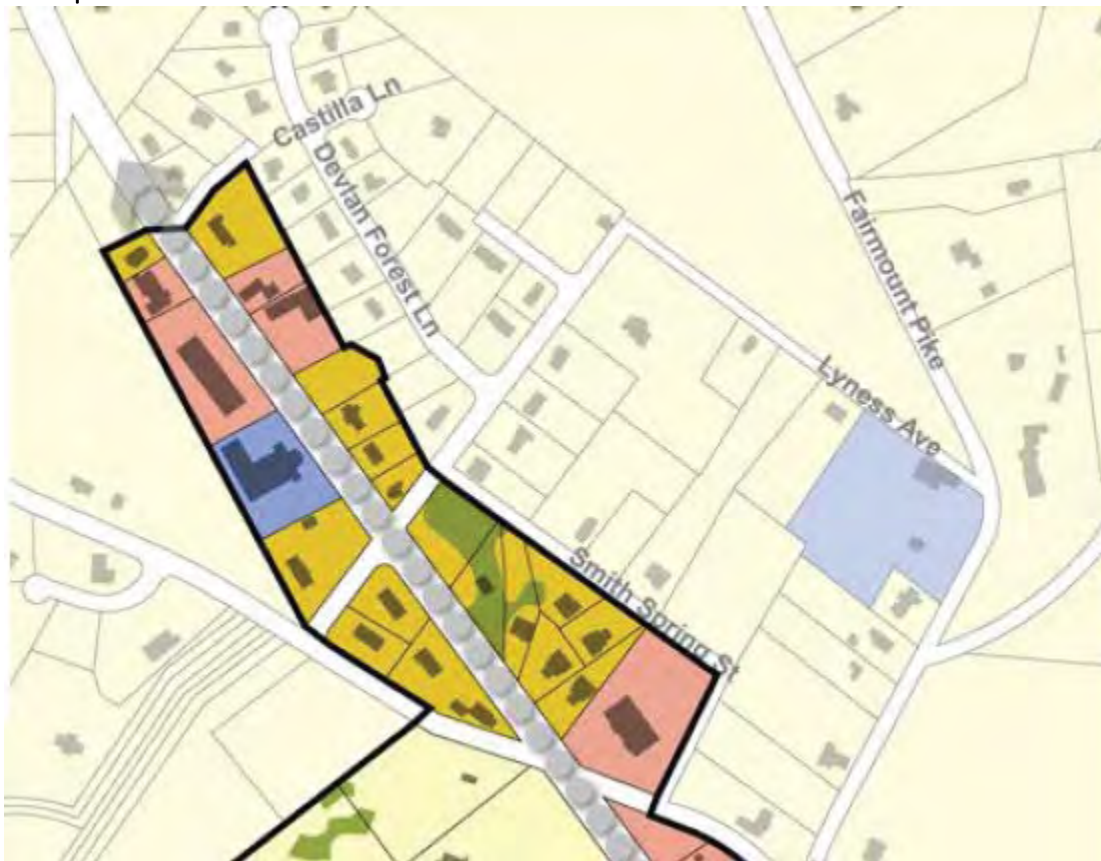
Spot Zoning

This property is adjacent to another C-1 zoned property, and is not likely to be considered spot zoning.

Land Use Plan

This property is within the Taft Highway Focus Area. Within the Land Use Plan, it is identified as "Taft Highway Residential." The proposed C-1 Commercial zoning is not compatible with the Taft Highway Residential Place Type that is identified for this property.

Excerpt from Land Use Plan



Staff Recommendation

Due to the identified residential place type in the Walden Land Use Plan, staff cannot recommend approval. Once the Zoning Ordinance is amended to implement the Land Use Plan, the appropriate future zoning for this parcel would be Town Center - Residential, or TC-R.

If the Planning Commission finds merit in the proposed zoning, the Planning Commission may hold a public hearing to amend the Walden Land Use Plan for this property. The recommendation would then go to the Board of Mayor and Alderman.

The Town Attorney may review the prior rezoning case to determine whether there is an error on the Zoning Map. If an error is found, staff recommends that the Board of Mayor and Alderman pass an appropriate resolution, or the Town Attorney provide a signed letter to SETD, so that the maps may be updated.



Subject: Civil Engineering Site Study of Lot 27 at 2902 Taft Highway, Walden TN.

Lot 27 is currently zoned R1. It previously housed a single-story building used as an office for a local business enterprise. The office was destroyed by fire a number of years ago. After the removal of debris from the fire, the lot was reclaimed and regraded to the original contours. The entire area was landscaped and is currently covered in thick sod and mowed regularly; hence, no erosion is evident. A recent topographic survey indicates the preponderance of surface drainage flows northeasterly across lot 27 to lot 26. Lot 26 is a gravel parking area and staging area for commercial operations of the Price Rite Marketing Systems at 2900 Taft Highway.

A small area approximately 30 feet deep across the back of lot 27 falls rather steeply 10 to 12 feet to the back property line. This area is in a natural state and is overgrown with trees and brush and shows no visible erosion.

As with most undeveloped property, the extent of future development is unknown at the present time. If future regrading is done to modify the existing drainage pattern, local and regional regulations would require mitigation of possible future erosion.

The site is currently graded to its natural slope from right to left and adequately covered with a dense fescue sod; therefore, no visible erosion was observed and is not anticipated during normal or even excessive rainfall events.

Submitted per the request of the Town of Walden

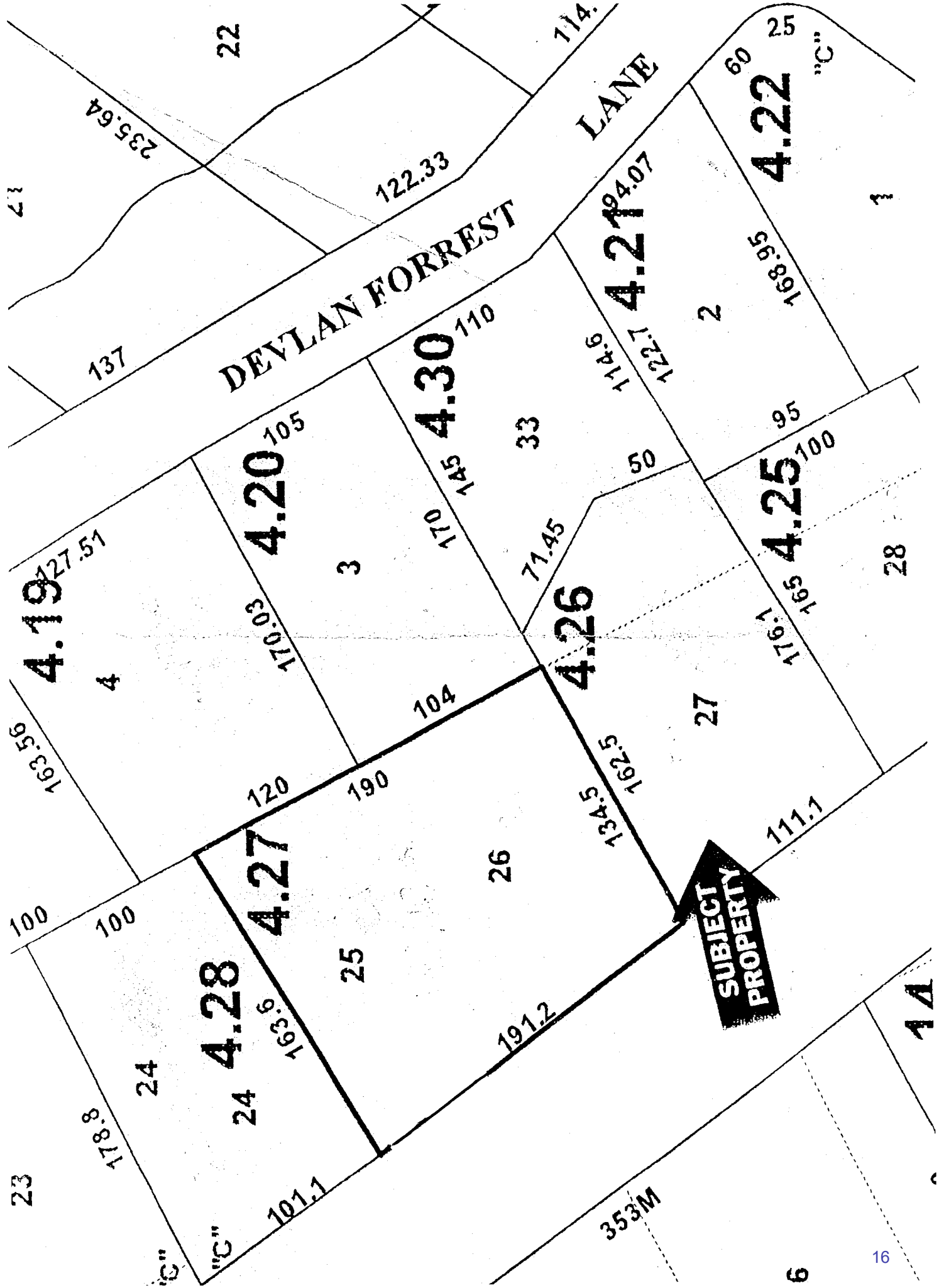
Lawrence D. Chapman, Civil Engineer

L.D. Chapman 10-21-23

30-year construction management experience TVA

2-year surveying experience for US Department of State, US Army

4-year land surveying experience for a private company



DEVLAN FORREST LANE

4.19

4.20

4.30

4.21

4.22

4

3

110

114.9

168.95

127.51

105

145

122.1

95

170.03

170

71.45

100

104

104

4.26

179.1

163.56

120

190

134.5

27

100

4.27

26

162.5

111.1

100

4.28

25

191.2

SUBJECT PROPERTY

178.8

24

163.6

1A

100

101.1

353M

23

"C"

6

16

24

24

23

22

25

28

27

2

1

25

60

"C"

114

122.33

137

235.64

43

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295



TOWN OF WALDEN
PLANNING COMMISSION

1836 Taft Highway
Walden, TN 37377

For Staff Use:
Date Received: _____
Fee Paid: _____

APPLICATION FOR:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Zoning Change | <input type="checkbox"/> Subdivision of Property |
| <input type="checkbox"/> Change to Zoning Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Final Plat |

Applicant Name / Address / Phone Number:

Property Owner Name / Address / Phone Number
(if different):

DAVIDSON THOMAS J ETAL
2902 TAFT HWY
SIGNAL Mt. TN. 37377

SAME

John Davidson contact

Email: _____

Property Information:

Address: 2902 TAFT HWY
Parcel Number: Lot 27 & Pt Lt 26 Spencer Add. PB 2 PG 4
Acreage: Rev 44-178
Current Zoning: RESIDENTIAL (R-1) Current Use: _____
Proposed Use: ~~COMMERCIAL~~ N/A Combined Resale
Proposed Zoning (if Applicable): COMMERCIAL (C-1)

For Subdivision Plats:

No. of Lots: _____ Surveyor Name / Contact Information: _____

Required Attachments:

- Zoning Change: Site plan, property tax map, and either a survey or legal description of the property proposed for rezoning
- Change to Zoning Ordinance: Draft of proposed changes
- Special Use Permit: Site plan
- Subdivision: Preliminary or final plat

All applications submitted by someone other than the property owner must submit a signed letter from the property owner authorizing the application.

Applicant's Signature: John Davidson

Date: 8/23/23



Hamilton County - 2022 Property Tax Bill # 172626

BILL HULLANDER
HAMILTON COUNTY TRUSTEE

2022

PAY AT FIRST HORIZON BANK (14 locations in Hamilton County)

Present entire bill/separate check required for each bill

SCAN THIS QR CODE



2022

PAY BY PHONE: 1-877-728-8945 Extension 1 (Fees apply)

2022

PAY ONLINE: www.hamiltontn.gov/trustee (Fees apply)

For more payment options - see reverse side

TO PAY YOUR BILL

2022

DESCRIPTION OF PROPERTY

OWNER NAME

LOT 27 & PT LT 26 SPENCER ADDN
PB 9 PG 4 REV 44-178

DAVIDSON THOMAS J ETAL

2022

PROPERTY ADDRESS

DIST

MAP #

2022

2902 TAFT HWY

3W

089K C 004.26

2022

TAX OR FEE

ASSESSMENT

TAX RATE

AMOUNT DUE

2022

Hamilton County Property Tax

\$15,000

2.2373

\$335

Walden Property Tax

0.5315

\$79

2022

2/17/23

pd 002940

2022

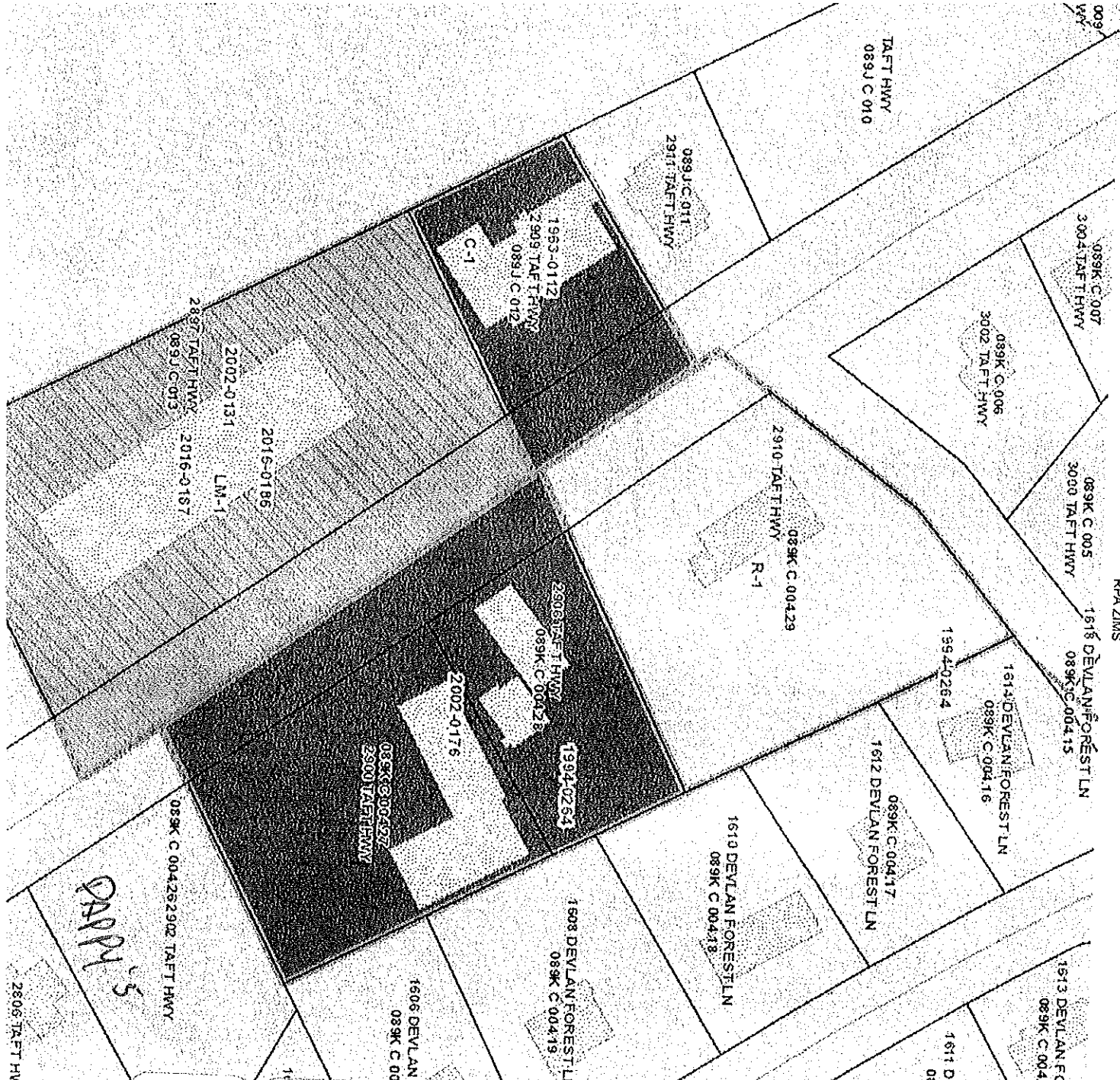
2022

TOTAL AMOUNT DUE

\$415

ENCLOSE STUB WHEN MAILING

RPA ZIMS



Cases

Legend

Identity

Measure Tools

Print

Transportation
([role='legend-collapse-Transportation'])

Additional Reference
Data ([role='legend-collapse-Additional-Reference-Data1'])

Zoning Features
([role='legend-collapse-Zoning-Features'])

Administrative
Boundaries ([role='legend-collapse-Administrative-Boundaries'])

Address

Owner Name

Tax Map Number

Town of Walden Planning Commission

Resolution 2023-2

**A RESOLUTION OF THE TOWN OF WALDEN, TENNESSEE PLANNING COMMISSION TO
RECOMMEND THAT THE PLANNING COMMISSION SERVE AS THE DESIGN REVIEW
COMMISSION FOR A PERIOD OF ONE (1) YEAR**

WHEREAS, Tennessee Code Annotated, §6-54-133, authorizes municipalities to establish a Design Review Commission; and,

WHEREAS, the Walden Zoning Ordinance, as expected to be amended by Ordinance No. 2023-359, calls for the establishment of a Design Review Commission; and,

WHEREAS, the Tennessee Code Annotated, §6-54-133 authorizes the municipal governing body to designate the planning commission as the design review commission; and

WHEREAS, the Town of Walden Municipal Planning Commission, established in October 2022, has studied the Town of Walden Plan and the design criteria recommended by the Walden Land Use Committee to implement the Town of Walden Plan; and

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF WALDEN, TENNESSEE
MUNICIPAL PLANNING COMMISSION THAT:**

Section 1. The Walden Municipal Planning Commission recommends that the Walden Board of Mayor and Alderman establish a Design Review Commission as required for the implementation of the Walden Land Use Plan and Walden Zoning Ordinance as amended by Ordinance No. 2023-359.

Section 2. The Walden Municipal Planning Commission recommends that the Walden Board of Mayor and Alderman designate that the Walden Municipal Planning Commission serve as the Walden Design Review Commission for a period of one (1) year.

Section 3. The Walden Municipal Planning Commission recommends that after a period of one (1) year from the date that the Design Review Commission is established, the Walden Planning Commission shall cease to be designated as the Design Review Commission unless reappointed by the Board of Mayor and Aldermen.

Section 4. This resolution shall be transmitted to the Board of Mayor and Aldermen as a recommendation upon affirmative vote by the Walden Municipal Planning Commission.

Yea:

Nay:

Planning Commission Chair

Date

ATTEST:

Planning Commission Secretary

Town of Walden

Town Center Development Process

DRAFT FOR DISCUSSION PURPOSES ONLY, 11/22/23

1. Rezone to TC-MU

1. Pre-Application meeting with staff
 2. Application submitted and reviewed by staff - includes concept plan and other requirements
 3. Reviewed by Planning Commission
 4. Reviewed by Board of Mayor and Alderman
- May approve, approve with conditions, or deny. All decisions must be consistent with the adopted Land Use Plan. Ordinance requires two readings and public hearing. Zoning and conditions remains in place even if ownership changes.

2. Special Permit

1. Application submitted and reviewed by staff - includes concept plan
 2. Reviewed by Planning Commission
 3. Reviewed by Board of Mayor and Alderman
- May approve, approve with conditions, or deny. Resolution requires one reading and public hearing. Ordinance should be clear that new owner must re-apply.
- Only required for uses that require special permit.**

3. Design Review

1. Pre-Application meeting with staff
 2. Application submitted and reviewed by staff
 3. Reviewed by Design Review Board
- May approve, approve with conditions, or deny. Design Review Standards set standards for any variances, which are approved/reviewed by DRB. **All conditions for approval from Board of Mayor and Alderman should be in placed with the rezoning and special permit process.**

**All decisions must be consistent with the adopted
Town of Walden Plan.**

Town of Walden

Town Center Development Process

DRAFT FOR DISCUSSION PURPOSES ONLY, 11/22/23

4. Preliminary Plat

1. Plat submitted and reviewed by planning staff and Hamilton County staff
2. Reviewed by Planning Commission
If plat meets requirements of Subdivision Regulations, Zoning Ordinance and (if/when applicable) Design Review Standards, plat should be approved.

Approval of Preliminary Plat grants developer vested property rights for 3 years per Tennessee state law.

5. Final Plat

1. Developer completes improvements as indicated on the Preliminary Plat or submits a performance guarantee (bond or letter of credit) for 150% of the cost of improvements
2. Final plat is submitted to planning and Hamilton County staff
3. Inspections of all improvements that have so far been installed and signatures from all departments
4. Planning Commission reviews, may approve, approve with conditions,

6. Building and Environmental Permits

1. Required permits vary based on project, include groundwater/septic, stream/wetland alteration, land disturbance, water quality, and building permits
2. Must follow adopted building codes and state/federal requirements
3. Zoning Ordinance and approved designs will be enforced by building official (Hamilton County)
4. Some permits will be issued prior to approval of Final Plat for construction of roads/utilities

In Article 8. Special Permits, under 8.01 Applications for a Special Permit, revise as follows:

- (n) Buildings or Structures with a footprint greater than 5,000 square feet in the C-1 General Commercial Zone, ~~TC Town Center Zone, or the TCO Town Center Overlay Zone~~ or TC-MU Town Center Mixed Use Zone. Structures in the TC-MU Zone may not exceed 15,000 square feet in total (all floors).

The Board of Mayor and Aldermen may grant a Special Permit provided that the applicant furnishes satisfactory proof of convenience, necessity, and absence of harmful effect on surrounding property, and consistency with the adopted Town of Walden Plan. It is a requirement that the applicant for a Special Permit furnish the following with their application for a Special Permit:

- Survey of existing conditions on the property showing the following: 5-foot elevation contours; natural drainage areas, streams, and wetlands; existing structures; existing rights-of-way and easements of record; existing paved areas or roads; live specimen trees exceeding 12 inches in diameter at breast height; any features of the land that may impact development.
- Conceptual site plan showing the following:
 - Location, size, and dimensions of all existing and proposed building(s), including total square footage of each structure (all floors)
 - Property lines and building setback lines
 - Landscaped buffers when required by the Zoning Ordinance and/or Design Review Standards
 - Proposed streets, sidewalks, and right-of-

ways

- Proposed open space areas
- Approximate location of any proposed public amenities such as parks, squares or greenways
- Approximate parking area and calculations
- Vehicular and pedestrian points of ingress and egress
- Proposed septic field line area
- Conceptual stormwater plan
- A narrative impact statement of the project providing details on the following:
 - Traffic impact
 - Environmental impact
 - Economic viability of proposed commercial uses
- Supporting documentation for the narrative impact statement

~~-a site plan with the application that depicts the proposed use of the property to include, but not limited to, site access, building configuration, maximum footprint size, building setback, proposed landscaping, drainage, wastewater treatment, and parking plan, as well as other pertinent information as determined by the Board of Mayor and Aldermen.~~

The Board of Mayor and Aldermen, upon recommendation by the Planning Commission, may grant a Special Permit ~~from the maximum footprint size based on one or more of the following criteria:~~for a structure exceeding the maximum footprint size of 5,000 square feet, and not exceeding the

maximum square footage (all floors) of 15,000 square feet within the TC-MU zone, based on one or more of the following criteria:

- (1) The applicant presents an alternative that complies with the stated intent, goals, and general standards of the zone as defined in the Zoning Ordinance or the Town of Walden Plan.
- (2) The proposed ~~maximum footprint~~ building footprint and square footage is consistent with the adopted plans and principles for the area.
- (3) The proposed ~~maximum footprint~~ building footprint and square footage is compatible with the character of the area where it is proposed and with the size and location of the buildings in the vicinity.
- (4) Physical conditions of the property, such as steep slopes, drainage or sewer easements, or small or irregular lot shape make compliance of the maximum footprint and square footage requirement impossible.

The Board of Mayor and Aldermen may condition approval of the Special Permit as allowed in this section on one or more requirements reasonably necessary to achieve the intent, goals, and general standards of the Zoning Ordinance and Town of Walden Plan. If issued, the special permit shall be issued to the applicant and is non-transferrable. The permit shall allow only the specific plans presented to the Board of Mayor and Aldermen. Significant alterations to the plans or a change in ownership shall require a new special permit to be applied for. A significant alteration to the plans shall include:

- (a) More than 5% change in land area being added or removed from the Site and Building Plan;
- (b) Change to the number of dwelling units;
- (c) Change in use of the structure
- (d) An increase of more than 5% in the building area of any single nonresidential building, or an increase of more than 10% in the total building area of all non-residential buildings in the development



MEMORANDUM

To: Members of the Walden Municipal Planning Commission

Cc: Mariah Prescott, Town Administrator

From: Ashley Gates, Senior Planner

Date: November 22, 2023

Subject: Design Review Standards – Articles 1 and 2

Article 1: General Provisions

Summary: This article contains the definitions, process, and applicability of the Design Review Standards. Key discussion topics are listed below.

Topic	Summary	Staff Notes
Definitions	A list of definitions is included, but incomplete.	Staff recommends that terms needing to be defined be noted throughout the document and that the WPC returns to this section at the end of their review.
Intent	Intent reflects that of the Walden Town Center zones	
Applicability – Location	Town Center Boundary (also known as Taft Highway Focus Area) only	
Applicability – Signage at Existing Buildings	Required to meet requirements of the Zoning Ordinance, but review by DRB is not required.	May consider requiring review of signs over a certain size.
Applicability – Additions	Less than 10% or 1,000 square foot additions that are not visible from the right-of-way are exempt	
Applicability – Alteration	Interior alterations are exempt. Exterior alterations require review if visible from the right-of-way. Repairs are not considered to be an alteration.	
Applicability – Exemptions for Residential	Single Family attached and detached units are exempt.	If WPC wishes to include attached units, attorney review is recommended. Attorney

Topic	Summary	Staff Notes
		should also review applicability to duplexes.
Applicability – Single Family Homes	Single Family homes are exempt from the design review process but encouraged to meet the dimensional and architectural requirements.	There are no dimensional requirements for single family homes in the TC-R and TC-MU zones. Setbacks should either be added to the Zoning Ordinance, or compliance with the Design Review Standards, with staff approval, should be required. Attorney should review whether duplexes should also be exempt.
Review Process – Application Submittal	Requirements include: Survey of existing conditions, vicinity plan, stie plan, applicable calculations, exterior lighting plan, geotechnical survey when requested by DRC, Landscape plan, cross-section and elevations of all buildings, physical samples of materials, photographs of site, environmental impact assessment, traffic impact study	<p>Staff needs guidance on:</p> <ul style="list-style-type: none"> • Whether Environmental Impact Assessment should be required, and should it be required for all developments? • When should a traffic impact study be required? • Proposal to use the IDA-IES Model Lighting Ordinance as guidelines for exterior lighting <p>A list of applicable calculations and an application checklist should be created once this document is finalized.</p>
Review Process – Design Review Board Review	Design Review Board must mail notices to property owners within 300 feet ahead of any review.	
Review Process – Changes to approved Plans	<p>Changes require additional review when:</p> <ul style="list-style-type: none"> (a) More than 5% change in land area being added or removed from the Site and Building Plan; (b) Change to the number of dwelling units; (c) An increase of more than 5% in the building area of any single nonresidential building, or an increase of 	Please review and provide guidance on percentages.

Topic	Summary	Staff Notes
	<p>more than 10% in the total building area of all non-residential buildings in the development</p>	
<p>Variances</p>	<p>DRB has the authority to grant variances when the following conditions are met:</p> <ul style="list-style-type: none"> • That unusual physical or other conditions exist which would cause practical difficulty or unnecessary hardship if these regulations are strictly adhered to; and • That the granting of a variance will not be detrimental to the public interest; and • That the variance will not be in conflict with the intent and purpose of these regulations. 	<p>Attorney should review.</p>
<p>Modifications to Allow Alternative Compliance</p>	<p>This flexibility allows beneficial developments that do not strictly adhere to the Design Standards.</p>	<p>This language is common within Design Review Standards, but staff recommends removing at this time.</p>
<p>Additions to Existing Structures</p>	<p>In cases where the standards would result in additions to existing structures not being compatible with the existing structure, alternative compliance is allowed.</p>	<p>This is important to include for historic structures.</p>
<p>Conditions of approval</p>	<p>When a variance is approved, the DRB may place conditions on the approval.</p>	

Article 2: Site Planning

Summary: This article contains requirements for the overall site plan, including grading, drainage and open space. Key discussion topics are listed below.

Topic	Summary	Staff Notes
Grading and Drainage – Trees/Clearing	Specimen trees within 10 feet of a septic field must be preserved. All other specimen trees “should” be preserved, but without stating that they “shall” be preserved.	This requirement may have significant practical difficulties. The inclusion of “should” could create enforcement issues, and specific criteria needs to be established. This also needs to work in harmony with the proposed Tree Ordinance.
Grading and Drainage – Drainage	This section encourages best management practices and refers to the TDEC Stormwater Design Guidance Manual.	More guidance from WPC is needed. Needs to work with stormwater requirements currently under review.
Open Space – definition	Two categories of open space are established – Improved Open Space and Natural Open Space	The Town of Walden Plan encourages improved open space as part of the Town Center
Minimum Open Space	See Part V. Section E.	The Town of Walden Plan states: The Illustrative Plan shows a substantial amount of open space preserved in the Town Center. A portion of this open space is due to extremely steep slopes but given infrastructure constraints and the rural mountain character of Walden, this plan envisions preserving land beyond that which is constrained to create an appropriate transition from the Town Center to surrounding private land. The proposed amount of preserved open space should be a minimum of 50% and may include environmentally constrained property. Development preserving a large amount of natural open space should be allowed to have a more compact development pattern and potentially a modest increase in overall density, as long as the development can be adequately

Topic	Summary	Staff Notes
		<p>served with infrastructure. Any updated regulations should consider the impact of this approach on smaller parcels.</p> <p>Requiring 50% open space on each individual parcel would not allow a developer to have a “more compact development pattern” as recommended. It would result in a more sprawling development.</p> <p>Staff requests WPC guidance on the proposed percentages of open space, particularly if a portion needs to be developed as improved open space. Multi-family requirement may be excessive.</p>
Open Space – Incentives	The standards allow an incentive for improved open space (counts as 1.5 times the acreage as natural open space), and 25% of pervious parking areas are allowed to count towards open space	Guidance on the preference for improved vs. natural open space is needed.
Open Space Types	Design of improved open space guidelines provided by land use consultant.	Aside from the Pocket Park, the maximum size limitations do not seem necessary.

Article 10. **Interpretation and Amendments**

10.01 Interpretation. In interpreting and applying the provisions of this Ordinance, the Board of Mayor and Aldermen shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, property, or general welfare.

10.02 Initiation of Amendments. The Board of Mayor and Aldermen may from time to time, after report thereon by the Planning Commission and after public hearings as required by law, amend, supplement, or change the number, shape, or boundaries of Zones, or any regulations or provisions of this Ordinance. An amendment, supplement, or change may be initiated by the Board of Mayor and Aldermen or recommended by the Planning Commission.

10.03 Public Hearing on Amendments. Upon receipt of an application or proposal for change, the Planning Commission shall prepare a report on the proposed change, approving or disapproving the proposal or petition, or may specify conditions of approval or a recommended modification of the proposed change, with reason therefore; and submit it to the Board of Mayor and Aldermen. The Town shall there upon give notice of a public hearing to be held not less than fifteen (15) days from the date of the publication of the notice or such longer period of time, if any, as may be prescribed by the Tennessee Code Annotated. Such notice shall be by publication in a daily newspaper of general circulation throughout the Town of Walden. (Added 3/10/2020, Ord. 2020-0333)

10.04 Action of the Board of Mayor and Aldermen. After the official hearing by the Board of Mayor and Aldermen as described above, the Board of Mayor and Aldermen shall, by majority vote approve or disapprove the proposed amendment, or approve the amendment with modification. (Added 3/10/2020, Ord. 2020-0333)

10.05 Fees for Administrative Costs. The Regional Planning Agency is authorized to charge the petitioner an amount that is commensurate with the cost of processing the application.

10.06 Procedures. A petition, once heard and denied, shall not be accepted and heard again for the same area, or any part or combination including the same area, and the same or similar change of zoning, use or other change, for a period of twelve (12) months following the denial of this petition by the Board of Mayor and Aldermen.

10.07 Incorporation of Amendment in the Language of this Ordinance. The phrase used in this Ordinance "at the time of passage of this Ordinance" shall in its application to land, and buildings, properties, and uses affected by an amendment to this Ordinance be read to mean "at the time of passage of this amendment."

Rezoning is considered an amendment to the Zoning Ordinance. Current regulations require a public hearing with 15-day public notice at the Board of Mayor and Aldermen meeting, following the requirements of state law. The Planning Commission may recommend amending this portion of the Zoning Ordinance to require additional notification for Planning Commission meetings when rezoning cases are heard.

From Section 4.05 Town Center Mixed Use

- (1) **Special Uses Permitted.** Subject to the issuance of a Special Use Permit by the Board of Mayor and Aldermen:
 - (1) Hotel/Motel;
 - (2) Indoor event venues;
 - (3) Public utilities;
 - (4) Short-term vacation rentals;
 - (5) In general, all stores, shops, or services similar in character, type and effect to the uses permitted as listed in 4.05.(d)(1), but not listed as permitted by right, unless otherwise controlled or provided by law; and
 - (6) Any building with uses permitted in the TC-MU zone or uses permitted by Special Use Permit that has a building footprint of greater than 5,000 sq. ft. up to a maximum total square footage of 15,000 square feet. For the purposes of this section, total square footage shall be the total area of enclosed space measured to the exterior walls of the building on all floors.

Article 1. General Provisions, Rules and Definitions

1.01 General Purpose. For the public health, safety, morals, convenience, order, prosperity, and general welfare of the citizens of the Town of Walden, and in order to secure the public interest in the orderly development of the Town of Walden by promoting sustainable, long-term economic development, adequate light and air, improved traffic safety, reduced traffic congestion, environmental protection; as well as adequate water drainage, water supply, sanitation and recreational facilities through the regulation by districts and zones of the location, height, bulk, number of stories and size of buildings and other structures, the uses of buildings, structures and land for trade, industry, residences, recreation, public activities and other purposes, and in connection therewith, there is hereby adopted and established an official Development and Zoning Plan for the Town of Walden consisting of the maps and regulations described herein. In adopting this Ordinance, the Town of Walden recognizes that its natural landscapes and development patterns play an important role in defining the attractiveness, identity, livability, and therefore, the economic health of the community. Currently, the Town enjoys a rural mountain character supported by scenic overlooks, creek gorges, woodlands, and pasturelands. The character of development is predominantly residential and small in scale.

This ordinance is also designed to enhance and implement the vision established in the ~~Walden's Ridge Plateau Area Plan (April, 1997)~~ Town of Walden Plan (March 2022), as amended.∴

~~To be a community that attracts families, who can live here through the phases of life, provides for an orderly and cohesive development pattern that maintains a small town atmosphere with rural character and green spaces, and preserves pristine natural areas for the enjoyment of its residents.~~

This ordinance is not intended to deny property owners the reasonable, practical, or economical use of their land, but to promote development that contributes to Walden's scenic assets. Therefore, in order to provide for continued prosperity, health, and identity of the community in the future, the Town of Walden sets forth the following purposes for the ordinance:

- To maintain rural character and small scale of development;
- To protect important natural resources (creek gorges, overlooks, woodlands, steep slopes, wetlands);
- To protect and enhance property values;
- To provide a variety of living arrangements;
- To encourage harmonious and integrated development patterns that are economically feasible and are in harmony with the community with the following development priorities:
 - Outdoor gathering places;
 - Pedestrian facilities;
 - Mixed uses;
 - Landscaping;
- To discourage commercial strip development; and
- To promote high quality development that is needed and that takes into account the effect on adjacent property as well as the public health, safety, morals and general welfare of the citizens of Walden and promotes materials and design consistent with the maintenance of Walden's character as a rural and residential community.

2.02 The Zoning Map. The boundaries of said zones are hereby fixed and established as shown upon the map accompanying this ordinance and made a part thereof, and entitled “Zoning Map of the Town of Walden, Tennessee”. The Zoning Map and all the notations, references, and other information shown thereon are a part of this Ordinance, and as much a part as if such information set forth on the map were all fully described and set out herein. This Zoning Map, properly attested, is on file in the office of the Town Manager or his/her designee.

~~zoning map, consisting of a series of maps drawn to a scale of 1” = 400’ which are identified by sheet numbers in the lower right hand margin and approved by the Board of Mayor and Aldermen and authenticated by the signature of the Walden Mayor and the Secretary of the Chattanooga-Hamilton County Regional Planning Commission. Each of these maps, supplemental sheets, and index map are hereby adopted and made a part of this Ordinance, and said maps and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said maps were fully described therein.~~

4.07 Open Space Overlay Zone (OS-1)

c) **Step Three.** A meeting with the Regional Planning Agency Town of Walden staff or designated planning agency to review the Draft Concept Plan. Review shall include an onsite tour. ~~The Regional Planning Agency Town staff and/or planning agency staff~~ shall schedule a mutually convenient date to walk the property with the applicant, his/her site designer, and the appropriate staff of the Hamilton County Public Health Department (for unsewered developments). The purpose of this visit is to familiarize the Regional Planning Agency Town staff and/or the designated planning agency staff with the property features, and to provide the Agency staff an opportunity to offer guidance to the applicant regarding the location of conservation areas and potential structure locations and street alignments before review by the Planning Commission. The Draft Concept Plan should then be revised to reflect any agreed changes for presentation as a Concept Plan to the Planning Commission.

d) **Step Four.** Review of Concept Plan by the Planning Commission. This Plan is a preliminary engineered plan drawn to illustrate the proposed layout for greenway lands, building sites, and street alignments. This is the stage in which drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. The Concept Plan shall contain all of the elements of the Draft Concept Plan and will be the basis for the Site Plan.

e) **Step Five.** Submission of a Site Plan for review by the Planning Commission and the Board of Mayor and Aldermen. Once the Concept Plan has been completed, and preliminary certified by an engineer, and referred by the Planning Commission to the Board of Mayor and Aldermen the applicant shall complete a final engineered plat of the proposed subdivision and file this plat with Walden Town staff ~~the Regional Planning Agency~~ which shall review and forward the final plat to the Board of Mayor and Aldermen for final review within thirty (30) days of receiving the plat, assuming the applicant has provided the required information in a timely matter. All site plan approvals will be subject to the approval of the open space conservation plan and the dedication of required conservation easements.

8.01 Applications for a Special Permit:

Persons desiring consideration for a Special Permit shall apply to the ~~Regional Planning Commission~~Walden Planning Commission through the ~~Regional Planning Agency~~Town of Walden staff and shall supply information for such permit. Upon recommendation by the Planning Commission, the Special Permit request shall be heard by the Board of Mayor and Aldermen. The Board shall determine that the proposed use will not be in conflict with the adopted plans of the Town of Walden and shall generally consider (i) the effect the proposed use will have on adjacent property; (ii) the public health, safety, morals and general welfare; and (iii) the need for such development. In addition to the criteria set forth above, the Board shall also consider the following with regard to the specific use. A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of 300 feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior the public hearing by the Board. The most updated tax rolls for Hamilton County will be the source of ownership information for Board purposes. A notice of the public hearings held by the Board shall be published in a daily paper at least fifteen (15) days before the hearing.

8.02 Granting Permits. In granting the Special Permit, the Board of Mayor and Aldermen may, in addition to granting uses detailed in this Ordinance, allow exceptions in minimum site area (lot) requirements, and off-street parking requirements.

No building permits shall be issued until the Board of Mayor and Aldermen has approved the Special Use Permit.

No Special Permit shall be approved by the Board of Mayor and Aldermen unless it is first submitted to and approved by the ~~Chattanooga-Hamilton County Regional~~ Planning Commission or, if disapproved, shall receive a favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen.

A Special Permit may be issued on condition that the location and method of operation be approved by the Board of Mayor and Aldermen, however, in all instances, the proposed facility must conform with all applicable State and Federal requirements or regulations.

10.05 Fees for Administrative Costs. The ~~Regional Planning Agency~~Board of Mayor and Aldermen is authorized to charge the petitioner an amount that is commensurate with the cost of processing the application.