

Town of Walden
Planning Commission Agenda

Walden Town Hall
1836 Taft Highway

May 25, 2023
5:30pm

- I. Call to Order
- II. Roll Call
- III. Consideration of the Minutes
- IV. Town Administrator Report – anything to report from Board of Mayor and Alderwomen
- V. Communication from Chair and Commissioners
 - a. Review of Sunshine Law application to WPC – Communication go through Town Administrator
 - b. Limiting of future agendas – staff or body drive / to what we can reasonably cover – max around 2 hours
- VI. Hearing of Persons having business with the Commission (limited to matters not specifically on the agenda)
- VII. Unfinished Business
 - a. 4.05 Town Center Zone
- VIII. New Business
 - a. Amending By-Laws to Reflect the new agenda order
 - b. Discussion and Recommendation to Board of Mayor and Alderman for adoption of amendments to the zoning ordinance (first set of amendments)
 - i. 1.07 Definitions
 - ii. 2.01 Division into Zones
 - iii. 4.04 General Commercial Zone
 - iv. 4.03 R-1 Residential (d) Special Uses Permitted
 - v. 6.01 and 6.02 Steep Slopes and Escarpments
 - vi. 4.05 Town Center Zone
 - c. Discussion and Recommendation to Board of Mayor and Alderman for means of implementation of zoning districts in the Town Center Area
 - d. Discussion and Recommendation to Board of Mayor and Alderman regarding submittal requirements for rezones in the Town Center Area

- e. Discussion and Recommendation to Board of Mayor and Alderman for designation of the Walden Planning Commission to serve as the Design Review Board (DRB) on an interim basis for one year

- f. Discussion setting the agenda for June WPC Meeting
 - i. Request to Abandon Right-of-Way – 2nd Street at McLean Ave.

 - ii. Zoning Ordinance Amendments
 - 1. Design Review Standards
 - 2. 8.01 Applications for Special Permit, Part (j) Mixed Housing Types
 - 3. 8.01 Applications for Special Permit, Part (n)
 - 4. 4.05 Town Center Overlay

Staff recommends prioritizing Design Review Standards and Town Center Overlay. The Design Review Standards will inform the two amendments to 8.01.

Town of Walden
Walden Planning Commission
Regular Monthly Meeting
April 27, 2023

Call To Order

The meeting was called to order at **17h31** PM by Tim Hancock. The following interested citizens were in attendance: Attendance sheet attached

Roll Call

Ashley Gates called the roll.

Commissioners:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Tom Bartoo | <input checked="" type="checkbox"/> Werner Slabber |
| <input checked="" type="checkbox"/> Angela Cassidy | <input checked="" type="checkbox"/> Bill Trohanis |
| <input checked="" type="checkbox"/> Tim Hancock | <input checked="" type="checkbox"/> Lou Ziebold |
| <input checked="" type="checkbox"/> Joe Robbins | |

Staff:

- Ashley Gates, SETDD
- Chad Reese, SETDD
- Mariah Prescott, Town of Walden
- Sam Elliott, Town of Walden
- Stacy Stewart, Town of Walden

Adoption of the Agenda

Changes to the agenda:

Changes to the Agenda: Move VIII before VI			
Motion: To approve			
<input checked="" type="checkbox"/>	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/>	Angela Cassidy	<input checked="" type="checkbox"/> M	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/> 2nd	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

Consideration of the Minutes

March 23, 2023 Tim Hancock provided clerical corrections to the Planning Commission Secretary, Werner Slabber.			
Motion: To approve			
<input checked="" type="checkbox"/> 2nd	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/>	Angela Cassidy	<input checked="" type="checkbox"/>	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/> M	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

Communication from Chair and Commissioners

1. 2050 Regional Transportation Long Range Plan
 Tim would like to move forward by getting more information and slide into existing plan to be presented for additional funding. He suggested that the roundabout and shared use pathways from the Town of Walden Plan could be added to the Long Range Plan.

Hearing of persons having business with the commission

Discussion: 6212 Forest Park – Paul Larkins Asked to reduce setback to 10% of property Get a variance to reduce setback Attorney Sam Elliott stated that the request was the result of a BZA hearing			
Motion (if any): Request staff research on the proposed changed for a future meeting.			
<input checked="" type="checkbox"/>	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/>	Angela Cassidy	<input checked="" type="checkbox"/> M	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/> 2nd	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

Discussion: 2902 Taft Highway – Mr. Davidson Property purchased and rezoned in late 1990's Rezoning not recorded on plat Mariah and Ashley asked to look at records			
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New Business

a. Request to Abandon Right-of-Way – 2nd Street at McLean Ave.

Discussion: Request to abandon Right-of-Way at 2 nd St at McLean Ave - Kent Kersten Ashley found 12” Waterline in ROW per WRUD email. Discussion on contacting all nearby properties			
Motion (if any): Motion to table the item until all nearby property owners are contacted and add to the Planning Commission agenda within 60 days.			
<input checked="" type="checkbox"/>	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/>	Angela Cassidy	<input checked="" type="checkbox"/>	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/>	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

b. Request to Abandon Right-of-Way – Brantley Lane at Wilson Ave.

Discussion: Request to abandon Right-of-Way at Brantley LN and Wilson Ave – Mr. Whittaker Staff recommended approval, with no utilities or primary access points to other lots.			
Motion (if any): To approve			
<input checked="" type="checkbox"/> M	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/> 2nd	Angela Cassidy	<input checked="" type="checkbox"/>	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/>	Lou Ziebold
<input checked="" type="checkbox"/>	Joe Robbins		

Unfinished Business

c. 2.01 Division into Zones

Discussion: <ul style="list-style-type: none"> • Tim Hancock presented idea to establish overlay for entire Town Center • Ashley Gates stated concern about agricultural uses in Town Center • Chad Reese stated recommendation to move forward with rezoning to be in alignment with plan • Sam Elliott suggested that rezoning cannot occur if the zone does not even exist, suggest that Planning Commission move forward with drafting Town Center zone 			
Motion (if any): To approve the recommended amendments to 2.01 Division into Zones as presented.			
<input checked="" type="checkbox"/> M	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/> 2nd	Angela Cassidy	<input checked="" type="checkbox"/>	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/>	Lou Ziebold
	Joe Robbins		

d. 4.04 General Commercial Zone

Discussion: <ul style="list-style-type: none"> • Ashley Gates stated that grocery stores had been removed from the C-1 list of permitted uses • Decided to remove the width to depth ration requirement as recommended by staff and consultant 			
Motion (if any): To approve the recommended amendments to 2.01 Division into Zones with all revisions as presented.			
<input checked="" type="checkbox"/> M	Tom Bartoo	<input checked="" type="checkbox"/>	Werner Slabber
<input checked="" type="checkbox"/> 2nd	Angela Cassidy	<input checked="" type="checkbox"/>	Bill Trohanis
<input checked="" type="checkbox"/>	Tim Hancock	<input checked="" type="checkbox"/>	Lou Ziebold
	Joe Robbins		

e. 4.05 Town Center Zone

- Decided to remove “through streets and blocks” from the Intent section, as there are other means of creating connectivity.
- Ashley Gates stated concern regarding having the A-1 Agriculture zone as the underlying zone until a subdistrict is established
- Planning Commission decided to remove cemeteries as a Special Use allowed in the TC-1 and T-C2 sub-districts
- Much discussion regarding the maximum building footprint as originally voted on by the Board of Mayor and Alderman
- Parking requirement was determined to be far to low, and staff was asked to provide an alternative.
- Ashley Gates stated concern that developments under 5 acres are required to only have 5% of open space set aside, and anything larger than 5 acres requires 50%.
 - Tim Hancock and Tom Bartoo stated that 50% was quite high
 - Suggested a 30% requirement for more than 5 acres, 15% requirement for under 5 acres
 - No vote was taken
- Discussion was dominated by misalignments and discussion on how to correct and coordinate Land Use Plan with Zoning plan. To summarize:
 - All wording in land use plan and zoning overlay need to align
 - Key in Overlay need to be the same as zoning e.g TC-1 and TC-2 etc.
 - All zoning needs to align with property boundaries
 - Plan needs to be put in place how to address large or long properties that span multiple zones

Public Comments:

1. Joe Davis
Documents brought forward was dated
Joe to distribute his notes to Mariah
All agreed to have latest documents available 1 week before meeting
2. Tony Wheeler
Discussion on 5000 sf limitations and parking restrictions
3. Kirby Yost
Concern that sub-district zones still don't align with property lines
Questions regarding sub-district application process
4. Colin Johnson
Discussed parking adjustments for Land use planning
Design to age in place

Adjournment

The meeting was adjourned at 21h30 PM by motion.



MEMORANDUM

To: Members of the Walden Municipal Planning Commission
Cc: Mariah Prescott, Town Administrator
From: Ashley Gates, Senior Planner
Date: May 19, 2023
Subject: Item VII.(a) Town Center Zone

Summary

The attached Zoning Ordinance Amendment includes the language submitted by Keith Covington, Land Use Consultant, except for the design standards, which are to be removed next month.

Key discussion topics for the Planning Commission are summarized below.

Topic	Staff Notes
<p>Territorial Applicability. Sub-districts as proposed in the Walden Plan do not follow parcel boundaries. See parts (c) and (e).</p>	<p>The Planning Commission may consider the following options:</p> <ul style="list-style-type: none"> • Update the map in the Walden Plan • Allow property owners to apply for any sub-district identified on their property. This may be based on a required percentage. <p>Staff recommends a the simpler approach of accepting proposals for any sub-district that would conform to the place types identified on the property. Property lines are very likely to change should a major development be proposed.</p>

Topic	Staff Notes
<p>Underlying Zoning See Part (e) Subdistricts.</p> <p>Note: This topic may be better suited to discussion under Agenda Item VII. c. Discussion and Recommendation to Board of Mayor and Alderman for means of implementation of zoning districts in the Town Center Area</p>	<p>As written, any area without a Sub-District designation must follow the A-1 Agricultural zone, which introduces some unwanted uses to the Town Center area. The Planning Commission may consider the following alternatives:</p> <ul style="list-style-type: none"> • Have underlying zoning remain as currently zoned, which includes both R-1 and A-1. • Establish a new underlying zone for the Town Center. • Change the wording so that all underlying zoning is R-1. <p>Due to the undesirable A-1 uses, staff recommends either adjusting the language to R-1, or establishing a base TC zone that would allow a limited number of uses.</p> <p>If the Planning Commission prefers to utilize the existing zoning as the base zoning, staff recommends that the TC-1 and TC-2 sub-districts be designated as two separate zones rather than sub-districts, as the TC base zone would no longer be needed.</p>
<p>Maximum Building Footprint See Part (g)(2)(a)(6)</p>	<p>The Land Use Plan calls for small to medium buildings, or buildings that are designed to look like small to medium sized buildings. Staff is not aware of any alteration to the Land Use Plan that set a specific footprint limit. However, the Mayor and Board of Alderman previously recommended a 15,000 square foot maximum footprint in their initial review of the zoning Ordinance amendments.</p>
<p>Application Procedures See part (i)</p> <p>Note: This topic may be better suited to discussion under Agenda Item VII. d. Discussion and Recommendation to Board of Mayor and Alderman regarding submittal requirements for rezones in the Town Center Area</p>	<p>It remains unclear if the Planning Commission would like detailed plans and geotechnical surveys at the rezoning / sub-district application stage. This information will be required at the Design Review and/or Special Use permit stage.</p> <p>Additionally, the current draft allows for less detailed plans for developments under 5 acres or 4 lots.</p>

Topic	Staff Notes
<p>Open Space Requirement See part (k)</p>	<p>The Walden Plan states the following (see also attached excerpt):</p> <p>“The proposed amount of preserved open space should be a minimum of 50% and may included 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 served with infrastructure. Any updated regulations should consider the impact of this approach on smaller parcels.”</p> <p>Due to the language included in the Land Use Plan, staff recommends the 50% requirement remain, with no restriction on the inclusion of steep or undevelopable areas as part of this calculation.</p> <p>For smaller lots under 5 acres, the Planning Commission may consider a higher percentage than 10% to avoid incentivizing smaller developments that are not cohesively planned.</p>
<p>Parking</p>	<p>Staff updated the requirement to what was previously required, four spaces per 1,000 gross square feet.</p>

Under Article 4. Zone Regulations, replace 4.05 Village Center Zone (VC-1) with a new zoning district as follows:

4.05 TOWN CENTER ZONE (TC)

- (a) **PURPOSE.** The purpose of this section is to implement the portions of Town of Walden Plan that promote the development of a mixed-use, pedestrian-friendly Town Center for the Town of Walden.
- (b) **INTENT.** It is the intent of this section to enable the development of Walden’s Town Center in a manner that:
 - allows for an interconnected pattern of development ~~through streets and blocks;~~
 - allows for a mixture of uses that promote a vibrant heart for the community;
 - allows for a mixture of housing types that meet a variety of needs for all walks of life;
 - promotes the inclusion of usable formal and informal open space;
 - creates a comfortable environment for pedestrians and bicyclists through appropriate building placement and sidewalk and street design; and
 - is sensitive to the unique environmental features of Walden.
- (c) **TERRITORIAL APPLICABILITY.** The TC district applies ~~to property generally located along the west side of Taft Highway and identified in the Town of Walden Plan as shown in Figure 4.05-A,~~ as indicated on the Town of Walden Zoning Map. Zoning changes to the TC Zone and Sub-Districts shall comply with the Town of Walden Plan.
- (d) **DESIGN REVIEW STANDARDS.** All development must follow the design standards established in the Town of Walden Design Review Standards, unless specifically exempt in Article 1 Section III of the Design Review Standards.
- (e) **SUB-DISTRICTS.** This Section recognizes that there are two distinct areas within the Town Center as identified in the Town of Walden Plan; therefore, the following sub- districts

Commented [AYG1]:
Decided to remove "through streets and blocks" at April meeting.

Sub-districts in Land Use Plan do not follow parcel boundaries. Does the PC wish to adopt a new map as part of the Land Use Plan?

-AYG

as generally illustrated in **Figure 4.05-B** are established:

- Town Center Mixed-use (TC-1)
- Town Center Residential (TC-2)

The two Sub-districts are the only areas where the provisions of this Section may be applied. The remaining area within the TC shall be developed according to the A-1 zoning district, preserved in its natural state, or set aside as permanent open space to meet the open space requirements of this section.

Property owners or developers may apply for a Sub-District classification using the procedure outlined in Part (i) of this section. Sub-District boundaries shall only be established in compliance with the Town of Walden Plan.

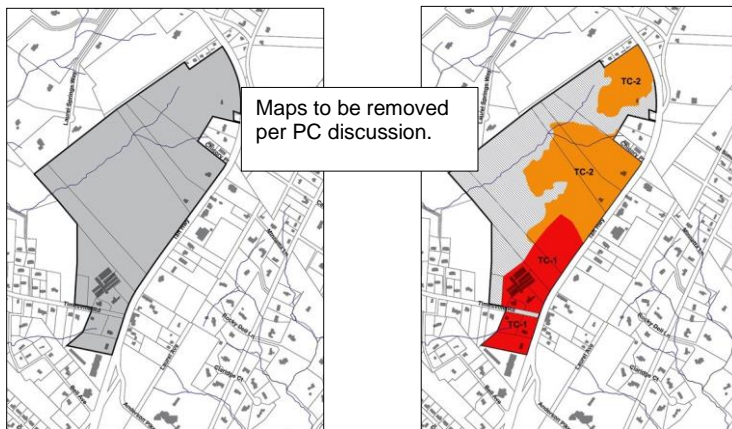


Figure 4.05-A Territorial Applicability Map Figure 4.05-B Sub-district Map

Commented [AYG2]: I need more guidance on this language. **Does the PC want the underlying zoning of the TC zone to be A-1**

Agricultural? This allows livestock/fowl, single family, churches, barns, municipal uses. Special Uses permitted include day care centers; bakeries; public utilities; cemeteries; assisted living; single-wide mobile homes; bed and breakfasts; nurseries/greenhouses and truck gardens; farm stands; stables; kennels and communication towers. **Minimum lot size would be 20 acres.**

With the "Countryside Residential" in the grey shaded area in the Walden Plan, R-1 seems a more appropriate underlying zoning.

Again, need to decide how we will address TC-1 and TC-2 not following parcel boundaries. A new map could be presented at a future meeting, or a rule based on the % of land within sub-district could be established.
-AYG

~~(f) **STANDARDS AND GUIDELINES DEFINED.** This Section establishes design standards and design guidelines.~~

Commented [AYG3]: Removed and included in Design Review Standards.

~~(1) **Design Standards.** Design Standards are prescriptive, quantifiable measures and rules that provide specific direction for meeting the intent of this section. Design Standards use terms such as “shall” or “must” to indicate that compliance with the standard is required.~~

~~(2)(f) **Design Guidelines.** Design Guidelines are recommended approaches for meeting the intent of this section. Design Guidelines use terms such as “should” or “may” to indicate that the guideline is relevant to the intent and will be considered during the review process.~~

(g) **LAND USE**

(1) **Permitted Land Uses**

(a) **Town Center Mixed-use (TC-1).** In addition to the land uses permitted by right in the General Commercial Zone (C-1) under Section 4.04(b), the following uses are also permitted ~~by right:~~

- (1) Assisted Living Facilities;
- (2) Churches;
- (3) Home occupations;
- (4) Liquor sales;
- (5) Live/Work townhouses;
- (6) Grocery Stores
- (7) Multi-family dwellings on upper floors of non-residential or mixed- use buildings; and
- (8) Single-family attached Townhouses.

(b) **Town Center Residential (TC-2)**

- (1) Accessory dwelling units;
- (2) Churches;
- (3) Day care homes;
- (4) Home occupations;
- (5) Multi-family dwellings;
- (6) Municipal parks;

Commented [AYG4]: "by right" removed at April meeting.

Commented [AYG5]: At April meeting, decided to remove grocery stores from C-1 zone, and added to TC-1

- (7) Schools;
- (8) Single-family attached Townhouses; and
- (9) Single-family detached dwellings

(2) **Special Uses Permitted.** Subject to the issuance of a Special Use Permit by the Board of Mayor and Alderman:

(a) **Town Center Mixed-use (TC-1)**

- (1) ~~Cemeteries;~~
- (2) Hotel/Motel
- (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.(f)(1)(a), but not listed as permitted by right, unless otherwise controlled or provided by law; and
- (6) Any building with uses permitted as listed in 4.05.(f)(1)(a) or uses permitted by Special Use Permit that has a building footprint of greater than 5,000 sq. ft. up to a maximum of 15,000 sq. ft.

Commented [AYG6]:
Decided to remove at April meeting

(b) **Town Center Residential (TC-2)**

- (1) Public utilities;
- (2) Day care centers;
- (3) Assisted living facilities provided that the facility shall contain no more than eight (8) residents. Such facility may include two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to the persons residing in the house.; and
- (4) ~~Cemeteries; and~~
- (5) Bed and Breakfasts.

Commented [AYG7]: The decision to include or not included a maximum footprint was not resolved at the April meeting.

(3) **Uses Prohibited**

- (a) Auto repair;
- (b) Auto sales;
- (c) Commercial radio, television, telephone, microwave towers; and
- (d) Gasoline service stations

(h) **CONFLICTING PROVISIONS**

- (1) **Conflict with State or Federal Regulations.** If the provisions of the TC district are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes more stringent controls.
- (2) **Conflict with other Town Regulations.** If the provisions of the TC district are inconsistent with one another, or if they conflict with applicable provisions found in other adopted ordinances or regulations of the Town the provisions of the TC will control.
- (3) **Graphics.** The graphics in this section are for illustrative purposes only. Where there is a conflict between a graphic and the text, the text controls.

(i) **ADMINISTRATIVE PROCEDURES SPECIFIC TO THE TC DISTRICT_**
SUBDISTRICT APPLICATION PROCEDURES

- (1) **Pre-Application Conference.** A pre-application conference with the ~~Board of Mayor and Aldermen~~ Town of Walden Staff, or their designee(s), is required prior to any application for approval under the TC district. The purpose of the pre-application conference is to provide an overview of the materials necessary to submit an

Commented [AYG8]: Staff needs more direction on the application procedures.

Does the PC want:

- Detailed surveys and plans with a rezoning application?
- Detailed surveys and plans with a "Sub-District" application?
- Only limited plans with rezoning / "Sub-District" application, knowing that detailed plans and surveys are required for the Design Review process.

Changed from Board to Town staff in April

application and a description of the process; answer questions related to development under the TC district; and determine and clarify issues that may arise.

Applicants are encouraged to prepare and bring the following to the pre-application conference:

- Sketch map of the site illustrating known constraints;
- Description or sketches of the proposed development or use;
- Information or reports regarding topographic, geotechnical, and other known environmental constraints on the site;
- Information or concepts for stormwater management and wastewater treatment; and
- Any other supporting materials the applicant wishes to share about the development.

~~(2) **Site and Building Plan Review.** Site and Building Plan review is required under the TC district. Applicants shall submit a Site and Building Plan application to the Town of Walden. Town staff or their designee shall review the Site and Building Plan application. Upon review, if all the requirements of this section and other provisions of the Zoning Ordinance have been met and no deviations from the standards are requested, the Site and Building Plan application may be approved administratively. Otherwise, the Site and Building Plan application shall be referred to the Town's Design Review Board (DRB) for approval. Town staff or their designee, at their discretion and at any time, may submit the Site and Building Plan application to the DRB for approval. If approval of the application is denied, the applicant may appeal the decision to the Town Board. Regardless of Site and Building Plan approval, proposed development is still subject to review by other agencies and departments before permits may be issued. The following documents are required to be submitted with the Site and Building Plan application.~~

~~(a) Individual Single family and Two family Residential~~

Commented [AYG9]: This section replaced with "Application" section below.

Commented [AYG10]: Staff recommends removing all administrative approvals for the Town Center zone at this time. If needed, administrative approval could always be added in the future.

- ~~A site plan to include the site boundary, location of all buildings or other structures, parking areas, setbacks dimensioned, and applicable calculations that indicate compliance with the provisions of the TC district; and~~
- ~~additional information necessary to satisfy Town of Walden or Hamilton County requirements for engineering, wastewater, and stormwater management.~~

~~(b) All Other Development~~

- ~~Final site plan prepared by a Tennessee licensed engineer or surveyor for the development to include the site boundary, topographic information, flood and other natural feature information, location of all buildings or other structures, interior streets, parking areas, open space, utilities, and all other features and facilities to be installed or used in connection with the proposed development. Applicable calculations that indicate compliance with the provisions of the TC district shall be included on the site plan in tabular format;~~
- ~~a geotechnical report for the entire site;~~
- ~~a detailed landscape plan to include the location and species of all plantings and the location and design of all fences and walls;~~
- ~~elevations of all building facades to include dimensions, materials, and applicable calculations in tabular format to indicate compliance with the provisions of the TC district; and~~
- ~~additional information necessary to satisfy Town of Walden or Hamilton County requirements for engineering, wastewater, and stormwater management.~~

~~Upon approval, a Site and Building Plan is valid for a period of three (3) years, after which it becomes void unless a building permit has been issued based on the approved Site and Building Plan.~~

- (1) Application. ~~The application for the TC-1 or TC-2 designation shall include the following:~~

Commented [AYG11]:
Alternatively as proposed at April meeting by attorney in audience:

In addition to the general requirements for a zoning application, any application for property to rezone to either TC-1 or TC-2 shall include the following:

Staff note: if TC-1 and TC-2 are to be "Sub-districts," then "rezone" is not the proper term.

i.) Town Center Mixed-use (TC-1)

- Site plan showing the following:
 - Area for proposed sub-district request with dimensions shown
 - Adjacent parcels with measurements for reference if only a portion of a property is to be designated TC-1
 - Approximate location, size, and dimensions of the existing or proposed building(s)
 - Property lines
 - Landscaped buffers when required by the Zoning Ordinance
 - Open space areas
 - Approximate location of any proposed public amenities such as parks, squares or greenways
 - Approximate parking area
 - Vehicular and pedestrian points of ingress and egress
- Soil evaluation for septic system suitability
- For sites greater than 5 acres, a geotechnical survey completed by a qualified geotechnical engineer or geologist of the entire area to be developed or disturbed

ii.) Town Center Residential (TC-2)

- For developments involving five (5) or more acres or five (5) or more lots, a site plan showing the following:

- Area for proposed sub-district request with dimensions shown
- Adjacent parcels with measurements for reference if only a portion of a property is to be designated TC-1
- Approximate location of proposed residential lots and residential types
- Proposed streets and sidewalks
- Proposed parking area, if applicable
- Property lines
- Landscaped buffers when required by the Zoning Ordinance
- Approximate location of any proposed public amenities such as parks, squares or greenways
Proposed streets and sidewalks
- Legend, north arrow, graphic scale
- Area in acres to be designated TC-1
- For developments involving five (5) or less acres and four (4) lots or fewer, a site plan showing the property lines, setback lines, number and type of residential units, approximate parking area (if applicable), and any proposed public dedications such as sidewalks, roads, or open space.
- For developments of five (5) or more acres or five (5) or more lots, a geotechnical survey completed by a qualified geotechnical engineer or geologist of the entire area to be developed or disturbed

(3)(2) Soil evaluation for septic system suitability

Commented [AYG12]:
Need direction as to whether smaller developments shall be have fewer requirements at this stage.

- (4) ~~**Deviations from Standards.** Requests for deviations from the standards in this Section may be considered when such deviations are deemed to enhance the appearance and design of proposed development or to allow for the adaptive reuse of existing non-conforming structures. The following procedures apply:~~
- (a) ~~A request for deviations shall be submitted by the applicant in writing at the time of the initial filing of the Site and Building Plan application. The request shall state the deviation(s) requested; the grounds for the request; and the facts upon which the applicant is relying.~~
 - (b) ~~The DRB shall make a recommendation to approve or deny the request. The DRB may recommend approval of the request if it determines the deviation(s) will not be detrimental to the health, safety, and welfare of the public; the grounds for the request are unique to the project; the deviations are necessary to achieve the design intent of the project; and the deviations are not contrary to the intent of the Town of Walden Plan and the TC district.~~
 - (c) ~~Upon a favorable recommendation by the DRB, the request for deviations will be referred to the Board of Appeals for final approval. If the request is denied, the applicant may appeal the decision as outlined in Article 9. Board of Appeals for Variances.~~
 - (d) ~~The DRB may impose reasonable conditions or restrictions in granting deviation requests to protect the health, safety, and welfare of the public and meet the purposes and intent of this Section.~~

Commented [AYG13]:
Removed as discussed at March PC meeting.

- (5)(4) **Revisions to an Approved Site and Building Plan**
Requests to revise or modify an approved Site and Building Plan in whole or in part shall be filed with and considered by Town staff or their designee. Town staff or

their designee, at their discretion and at any time, may submit the request to revise an approved Site and Building Plan to the DRB for approval. In instances where any of the area within an adopted Site and Building Plan is developed, the following types of changes shall require approval from the DRB including a public hearing:

- (a) More than 5% change in land area being added or removed from the Site and Building Plan;
- (b) Increases in the number of dwelling units;
- (c) An increase of more than 5% in the building area of any single non-residential building, or an increase of more than 10% in the total building area of all non-residential buildings in the development, and any increase in the building area, regardless of use, that was 5,000 square feet in the approved Site and Building Plan;
- (d) Changes to the street network that reduces connectivity within or between developments.
- (e) Changes that reduce the amount of open space by more than 5%; and
- (f) Changes in any approved deviations from the standards as defined in section 4.05(h)(3).

(3) **Sub-District Application Review.** Applications must be submitted at least 30 days prior to the Planning Commission meeting at which they will be presented. The Planning Commission will make a recommendation regarding the TC-1 and/or TC-2 designations based on completion of the application, suitability of the land, and compliance with the Town of Walden Plan.

Upon recommendation by the Planning Commission, the sub-district designation request shall be heard by the Board of Mayor and Alderman. The Board shall determine that the proposed sub-district will not conflict with the adopted Town of Walden plan.

Commented [AYG14]:
Revisions to site plans are covered in the Design Review Standards / process, and staff feels that this section may be removed.

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.

(4) Subdivision Plats and Design Review. If the subdivision plat (when needed) and design review materials are provided with the sub-district application, they may be reviewed concurrently with the sub-district application. All requirements and procedures of the Town of Walden Subdivision Regulations and Design Review Standards shall still apply.

(i) **DEVELOPMENT REGULATIONS GENERAL TO ALL SUB-DISTRICTS**

This portion of the document has been moved to the Design Review Standards. Not included in red-line version to avoid confusion.

Commented [AYG15]:

Alternatively, as submitted by applicant's attorney, see below. Staff recommends *not* including "a building permit" as this is handled by Hamilton County and not coordinated with the PC / DRB, or SETDD staff.

The Commercial, Multi-Family Residential and Mixed-Use Design Standards shall be applied, as applicable, in the normal review processes for subdivision plats or a building permit for all commercial development, multi-family development, mixed-use development and special use permits. An applicant for rezoning shall have the option to seek design review from the Town of Walden at the same time as a rezoning or special permit application.

(k) **Open Space.** Usable open space is important to provide outdoor areas for passive and active uses that meet the needs of residents, tenants, employees, customers, and visitors. Usable open space is essentially land on a developed site that is set aside, dedicated, designated, or reserved for active or passive recreation, for the use and enjoyment of owners or occupants.

(a) **Preservation of Sensitive Natural Features**

- (1) To the maximum extent practicable, sensitive environmental features of a site shall be protected. Steep slopes shall follow the provisions of Article 6.
- (2) The developer and property owner shall be responsible for the erection and maintenance of barriers necessary to protect any existing or installed vegetation from damage both during and after construction.

(b) **Required Open Space**

- (1) A minimum of fifty percent (50%) of the gross land area shall be set aside for natural open space in developments greater than five (5) acres.
- (2) A minimum of five percent (5%) of the gross land area shall be set aside for formal or informal usable open space in all developments.

(c) **Location.** Where location is not dictated by site geography, open space shall be allocated in a location that is readily accessible and useable by residents and users of the development. Where possible, a portion of the open space should provide focal points for the development. These open spaces should be designed to serve as central gathering points for residents within the

Commented [AYG16]: PC decided to have a 30% minimum open space requirement for developments more than 5 acres, and 15% for developments under 5 acres at the April meeting. However, staff had missed the 50% open space recommendation in the Walden Plan. See attached excerpt from the plan. The Planning Commission should re-open this discussion to ensure the Zoning Ordinance is in compliance with the plan.

development.

- (d) **Ownership and Maintenance.** Open spaces shall be owned and maintained as permanent open space by a homeowner's association, property owners' association, private ownership with conservation easement, or public ownership when dedicated to and accepted by the Town of Walden or another appropriate public agency.
- (e) **Open Space Types.** Standards for the types of open spaces permitted are established ~~according to type on the following pages in the Town of Walden Design Review Standards.~~

(j) **DIMENSIONAL REQUIREMENTS**

All dimensional requirements, including setbacks and building height shall be governed by the Walden Design Review Standards. Single family attached or detached residential structures are exempt from the design review process. However, single family attached and detached structures in the Town Center (TC) Zone are required to meet the dimensional requirements of Article III of the Walden Design Review Standards. Compliance with these regulations can be assessed by staff review.

Commented [AYG17]: Setback requirements are based on building type, so all dimensional requirements were moved to the Design Review Standards.

(k) **PARKING REQUIREMENTS**

- (1) **Number of Spaces Required**
 - i. **Residential uses: one and one half (1.5) spaces per dwelling unit**
 - ii. Non-residential uses: ~~one (1) space per three thousand (3,000) square feet of gross floor area~~ four (4) spaces per 1,000 square feet of gross floor area
- (2) Required parking, except for required accessible spaces, may be located off-site, if located within six hundred (600) feet of the primary pedestrian entrance.
- (3) On-street parking may be allowed to meet off-street

Commented [AYG18]: As discussed in April, increased parking requirement. 4 per 1000 sf is the current requirement in the Walden Zoning Ord.

parking requirements. An applicant may be credited with one or more legally permitted on-street parking spaces located on a public right-of-way or private street immediately adjacent to the subject lot's street frontage toward the required minimum off-street parking. The location and number of on-street parking spaces shall be identified on the submitted site plan.

- (4) See the Walden Design Review Standards for parking lot design requirements.

Excerpt from the Walden Plan related to Open Space requirements.

Open space

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 served with infrastructure. Any updated regulations should consider the impact of this approach on smaller parcels.

Green Streets

As described in Chapter 5, it is recommended that the Town adopt a stormwater ordinance that includes best management practices for stormwater runoff. Ideally, development proposals in the Town Center should include a variety of tools to collect and treat runoff that doesn't solely rely on large ponds. This should help to minimize grading.



RECOMMENDATIONS

(0, 5, 20-YEAR TIMEFRAME)

DO THIS NOW

- 6.1 To implement the concepts for the Town Center, update the VC-1 district or replace it with a new district that includes the following:
 - Review of appropriate land uses
 - Standards related to the layout of streets, blocks, and civic spaces
 - A minimum requirement for preserved natural open space
 - Building placement, height, and massing standards
 - Parking and access standards
 - Architectural standards
 - Landscaping standards
 - Signage standards
- 6.2 To implement the concepts of the Town Center neighborhood, create a new zoning district that includes the following:
 - Review of appropriate land uses
 - Standards related to the layout of streets, blocks, and civic spaces
 - A minimum requirement for preserved natural open space
 - Building placement, height, and massing standards
 - Parking and access standards
 - Basic architectural standards
 - Basic landscaping standards
- 6.3 Adopt a development review process that includes submittal materials necessary to adequately review development proposals for adherence to development standards and this Plan.
- 6.4 Request traffic control evaluations from TDOT for key intersections experiencing peak hour delays, including Taft Highway/Anderson Pike and Taft Highway/Fairmount Pike. Begin discussion with TDOT Region staff regarding desire for potential roundabout and intersection realignment, as well as Taft Highway widening (i.e.,

addition of landscaped median).

- 6.5 Participate in the Chattanooga-Hamilton County/North Georgia Transportation Planning Organization's (TPO) plan development process for the 2050 Regional Transportation Plan. When they do a "call for projects", submit the Taft Highway project.
- 6.6 Develop a strong working relationship with the Chattanooga-Hamilton County Regional Planning Agency (RPA) and express support for updating the Walden's Ridge Plateau Area Plan, which was last updated in 1997.

DO THIS WITHIN 5 YEARS

- 6.7 Work with the Land Trust for Tennessee or similar organization to develop a plan to place preserved open space in permanent conservation easements.
- 6.8 Evaluate improvements to the intersections of Fairmount Pike, Anderson Road, and Taft Highway

DO THIS WITHIN 20 YEARS

- 6.9 Revisit the revised standards in Walden's development regulations and update accordingly.

Illustrative Plan highlighting preservation of more than 50% on large parcels and highly conceptual locations for wastewater treatment or stormwater management (above, left). Precedent imagery illustrates the interface between the natural and the built environment.

For Agenda Item VII.(c) Discussion and Recommendation to Board of Mayor and Alderman for means of implementation of zoning districts in the Town Center Area.

Source: Keith Covington, Common Ground, Land Use planning consultant

three ways to implement town center zoning

NEW BASE ZONE DISTRICT

- A new zoning district in Walden's code that includes permitted uses and rules for development in the Town Center
- Could be applied by the Town or a property owner to a specific parcel(s)

OVERLAY ZONING DISTRICT

- Special rules for development in the Town Center "overlay" the base zone district of the property
- Permitted uses are according to the base zoning of the parcel

FLOATING ZONE DISTRICT

- Similar to a base zone district that addresses everything in one place, BUT once applied, the district "floats" over the subject area until an owner elects to apply it to their property



three ways to implement town center zoning

NEW BASE ZONE DISTRICT

- **PROS:** everything addressed in one district
- **CONS:** requires a zone change to put in place

OVERLAY ZONING DISTRICT

- **PROS:** allows you to modify the standards of the underlying “base zone district”
- **CONS:** requires a zone change to put in place and land use is controlled by the “base zone district”

FLOATING ZONE DISTRICT

- **PROS:** everything addressed in one district, does not require immediate application to a property
- **CONS:** optional—the hope is that the mix of uses and intensity are an incentive





MEMORANDUM

To: Members of the Walden Municipal Planning Commission

Cc: Mariah Prescott, Town Administrator

From: Ashley Gates, Senior Planner

Date: May 19, 2023

Subject: Submittal requirements for rezones in the Town Center Area

Attached, please find examples from other communities for their submittal requirements. Common requirements include:

- Application and fee
- Survey of property showing existing conditions
- Concept site plan

Zoning Application Checklist

This application checklist is provided as a service of the Chattanooga-Hamilton County Regional Planning Agency. Its purpose is to assist in preparing an application proposal that meets the submittal requirements. Please contact the Regional Planning Agency at (423) 643-5902 for any additional questions or concerns.

Application Submittal Checklist	
	Completed and signed Application Form
	Application Fee - <i>Staff will call applicants for credit card payments & more information about picking up the zoning signs after the application is considered complete.</i>
	All property addresses and tax map numbers on the application that are included in the request
	Signed copy of the Property Owner Authorization form <i>(if applicable)</i>
	The most recent copy of Deeds showing ownership for each parcel included in the request
	Copy of the most recent recorded subdivision plat book and page number for each parcel included in the request <i>(if applicable)</i>
	Copy of Hamilton County Tax Assessors Property Information Card for each parcel of property included in the request
	If more than 5 parcels are included in the rezone request, include a table with the property owner's names, deeds, subdivision plat book and page number, and tax map numbers
	Site Plan that is in compliance with the minimum requirements of the Site Plan Policy or minimum requirements of the respective zoning regulation
	A written narrative describing the rezoning request including but not limited to: why the current zoning is incompatible, the compatibility of the new zoning, the proposed uses, and any other supportive information related to the application.
Minimum Site Plan Requirements	
A site plan shall be required for all rezoning requests and special permit, except for those requests listed below. IF the zone or special permit being applied for contains specific site plan requirements, the applicant must submit a site plan following the requirements of the zoning regulation.	
Exempt from site plan requirements:	
<u>Chattanooga:</u> Rezoning to R-1 / <u>Hamilton County:</u> Rezoning to A-1, R-1, or R-5 / <u>Lakesite:</u> Rezoning to R-1 / <u>Lookout Mountain:</u> Rezoning to R-1 or R-2 / <u>Ridgeside:</u> Rezoning to R-1 / <u>Walden:</u> Rezoning to A-1, R-1, or E-1	
	Area for proposed zone request, labeled as such, with dimensions shown
	Approximate location, size, and dimensions of any existing or proposed structures
	Property lines for all parcels involved in the application
	Vehicular and pedestrian points of ingress and egress, existing or proposed
	Landscape buffers as required by ordinance or otherwise proposed
	Approximate parking area design, including number of spaces
	Locations of dumpsters, if applicable
	Location of floodway, 100-year and 500-year floodplain as currently mapped by FEMA or Hamilton County GISMO
	A legend including the following items: north arrow, graphic scale (in feet), total area in acres of the requested area for rezoning, number of residential units, if applicable

Title of Project _____

Provided with Submittal		For Office Use
	Location Map - Can be obtained at https://maps.lebanontn.org/rokmaps/	
	Tax Map and Parcel Number Information for Subject Parcel(s)	
	Copy of Applicable Tax Map(s)	
	Total Acreage of Parcel(s)	
	North Arrow	
	Current and Requested Zoning of Subject Parcel(s)	
	Name, Address, Telephone Number and Email of Owner/Developer	
	Name, Address, Telephone Number and Email of Design Firm and Contact Person, if applicable.	
	Boundary Information, Including Property Corners Marked with Iron Pins and Stakes	
	Names of All Public Streets Adjoining Property	
	Utility Availability Letter	
	Other information as may be Requested by the Planning Commission or Staff	

This application shall be accompanied by maps, drawings or other supportive information necessary to explain the request. The applicant or a representative shall be present at the Preliminary Planning Commission and Planning Commission meetings. The Planning Commission reviews the request and makes a recommendation to the City Council. Rezoning is done by ordinance, approved by the City Council. Approving an ordinance is a two reading process with a public hearing held at the second reading. The applicant or representative shall be present at the public hearing of the City Council.

ZONING REQUEST FORM



Date Submitted: _____ P.C. Meeting Date: _____

Zoning Request Form Accepted by: _____

Zoning Request Case Number: _____

PROPERTY INFORMATION PLEASE PRINT	PROPERTY OWNER/APPLICANT INFORMATION PLEASE PRINT
Project/Development Name: _____ _____	Name: _____
Unit/Phase Number: _____ Lot Number: _____	Company: _____
Address: _____ _____	Address: _____ _____
Present Zoning: _____	City: _____ State: _____ Zip: _____
Zoning Applied for: _____	Telephone: _____
Tax Map and Parcel Number(s): _____ _____	Email: _____
Proposed Use: _____	Fax: _____
	I am the property owner <input type="checkbox"/>
	I am not the property owner <input type="checkbox"/>

JUSTIFICATION STATEMENT (Reason for Rezoning)
PLEASE PRINT OR ATTACH STATEMENT

SUBMITTAL CHECKLIST

Site Plan and Vicinity Map
 Fee Payment (see Fee Schedule for Amount)

Information on Surrounding Uses and Zones

Justification Statement (Reason for Rezoning)

Owner Authorization Letter (if Applicant is not the Property Owner)

Date: May 3, 2023

To: The Walden Planning Commission, the Walden Town Board, and Staff

From: The Environmental Committee of the Town of Walden

by Unanimous Vote at the May 3rd Environmental Committee Mtg

Subject: Current Issues Shaping Walden's Future

The Environmental Committee has some comments concerning recent topics and discussions that we would like to share.

(1) First of all, since the WPC is relatively new, the Environmental Committee would like to point out that prior to the WPC's formation, on August 9, 2022, the Walden Board voted (Resolution 2022-565) to put into the Land Use Plan that the square footage for a commercial space in the Town Center must stay under 15,000. This resolution was on the agenda at the RPC, but then Walden instead created the WPC to best manage Walden's growth process.

Please note that Walden's Land Use Plan, including the above resolution, was based on two years of open meetings, listening to community members and led by a professional consultant.

One result of this process was that Walden was the only recipient to receive the award "2022 Outstanding Plan for a Small Jurisdiction" from the Tennessee Chapter of the American Planning Association. In short, Walden now has a fantastic template and guide for our community. But all of the members of the Environmental Committee are concerned that important aspects of our award-winning Land Use Plan are being eroded.

(2) We feel that the recent discussion at the last WPC meeting, to have no cap on building size, or to consider a full-sized grocery store instead of significantly smaller versions, is environmentally irresponsible and against the previously-documented wishes of local residents. Having no cap sets a precedent and does not protect the character of Walden.

It also goes against the voices of residents, especially Walden residents, who clearly and repeatedly have stated their desire for smaller businesses to retain a community feel. These views have been expressed not only in the final results of the Land Use Plan, but in recent town elections.

In the last WPC meeting, several members of the commission noted their personal expertise in building successful businesses and working on countless construction projects in their professional lives. Some WPC Commissioners stated their views that for a grocery store and the Town Center development to be successful there must be a full-sized grocery. Their concern was maximizing profitability and tax revenue.

It is our understanding that the job of the WPC is not to contemplate or prioritize the financial issues or profit earnings of developers, or to maximize Town tax revenue. WPC Commissioners are there to represent and support the best interests of the citizens of Walden and follow through on choices and values by recommending appropriate guidelines.

The WPC's role is to take a comprehensive view and consider the *total* quality of life and growth that Walden and area *residents* want. We urge the WPC to consider a holistic view of local development and not solely the maximum financial gains possible. Quality community growth and life should never be evaluated through a purely monetary lens.

(3) Open Space:

The Land Use Plan (page 82) recommends 50% open space. Thus we are very concerned about the WPC suggestion to reduce Open Space from 50% to 30% -- a *40% loss of Open Space*.

This contradicts the current Land Use Plan. If stormwater and wastewater mitigation areas are included in Open Space, combined with some steeply sloped areas unusable or difficult for development, we *must* keep 50% designated Open Space to protect against overly dense construction.

Will the aesthetics of the Town Center found in the Land Use Plan be possible with a 40% reduction in Open Space? We all need clarification on what Open Space means and answers to the following questions:

- How does Open Space relate to Green Space ?
- Are Open Spaces simply places that allow for infiltration of stormwater, which could then include areas of loose pavers in calculations?
- Does Open Space include retention ponds and the wastewater processing areas?

The change from 50% to 30%, is too great a reduction without a more detailed understanding of what qualifies and what does not.

In addition, although 30% percent open space may be a standard amount that our staff members have noted elsewhere, had these other communities chosen a small town feel? Did they have similar topography? Were they limited by wastewater design?

And finally, shouldn't Walden, with an award-winning design, go above and beyond what is typically done?

Walden citizens want to maintain the mountain/rural nature of our Town, therefore we suggest leaving 50% Open Space.

(4) Additional note for thought:

We also want to comment that developers frequently donate land adjoining the development to a non-profit. We urge a thorough look at the ramifications.

- How would this affect the percentage of Open Space in the development?
- Would this mean the development will be more densely constructed?
- Would stormwater or wastewater mitigation efforts located on this land?
- Would this then remove accountability for stormwater and wastewater issues from the developer/owner?
- Could this lead to problems down the road if there are costly maintenance issues that smaller organizations cannot manage if they own the mitigation areas?
- What if the non-profit shuts down?
- Can the property be sold or is it protected by a conservation easement held by an *accredited* Land Trust?

Whittling away at significant aspects of the Land Use Plan will damage the quality and uniqueness of Walden and the proposed Town Center. We feel that because of the excellent planning work that has been done these past years, there is no doubt that the Walden Town Center can be a complete success with a modest –sized commercial business, additional small businesses and residences, all while retaining the character that locals value *and chose*.

Sincerely,

The Environmental Committee, Town of Walden

Catherine Colby
Mary Beth Sutton
Linda Collins
Hannah Lynch
Barbara Womack
Diane Ryder
Mary Aho
Jane Harper
Darcy Welch
Caroline Spencer Guild