

Not needed on

ORDINANCE NO. 2024-363

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR
THE TOWN OF WALDEN, TENNESSEE, TO ZONE
PARCEL 004.26 OF HAMILTON COUNTY TAX MAP 089K GROUP "C" FROM
R-1 RESIDENTIAL TO C-1 COMMERCIAL**

WHEREAS, the authority granted in *Tennessee Code Annotated* (TCA), Section 13-7-201, allows for the zoning of territory within a municipality; and

WHEREAS, the Walden Municipal Planning Commission has certified zoning districts as provided for in TCA, Section 13-7-202; and

WHEREAS, TCA Section 13-7-204, authorizes amendments to a zoning map; and

WHEREAS, Thomas Davidson, property owner of parcel 004.26 of Hamilton County Tax Map 089K Group "C", located at 2902 Taft Highway, has applied to have the zoning of this parcel changed from R-1 Residential to C-1 Commercial; and

WHEREAS, in accordance with TCA, 13-7-203, subsection (A), a public hearing was held prior to the adoption of this zoning map amendment with at least fifteen (15) days prior notice being given in a newspaper of general circulation; and

WHEREAS, in accordance with TCA, Section 13-7-203, subsection (B), the Walden Municipal Planning Commission reviewed the zoning amendment at their regularly scheduled meeting on November 30, 2023 and voted to recommend that the Walden Board of Mayor and Alderman not approve the proposed rezoning described herein;

NOW, THEREFORE, BE IT ORDAINED by the Walden Board of Mayor and Aldermen that the Walden, Tennessee Official Zoning Map be, and hereby is, amended as follows:

Section 1: The following parcel shall be designated as **C-1 COMMERCIAL** on the Walden, Tennessee Official Zoning Map:

Hamilton County Tax Map 089K, Group C, Parcel 0046.26 its entirety.

The property is further illustrated on the attached map.

NOW, BE IT FURTHER ORDAINED that this ordinance shall become effective upon final passage by the Walden Board of Mayor and Aldermen, Tennessee and publication, the public welfare requiring it.

Reviewed by the Walden Municipal Planning Commission: November 30, 2023

First Reading and Public Hearing 4/9/2024

Yea:

Nay:

Second Reading 5/14/2024

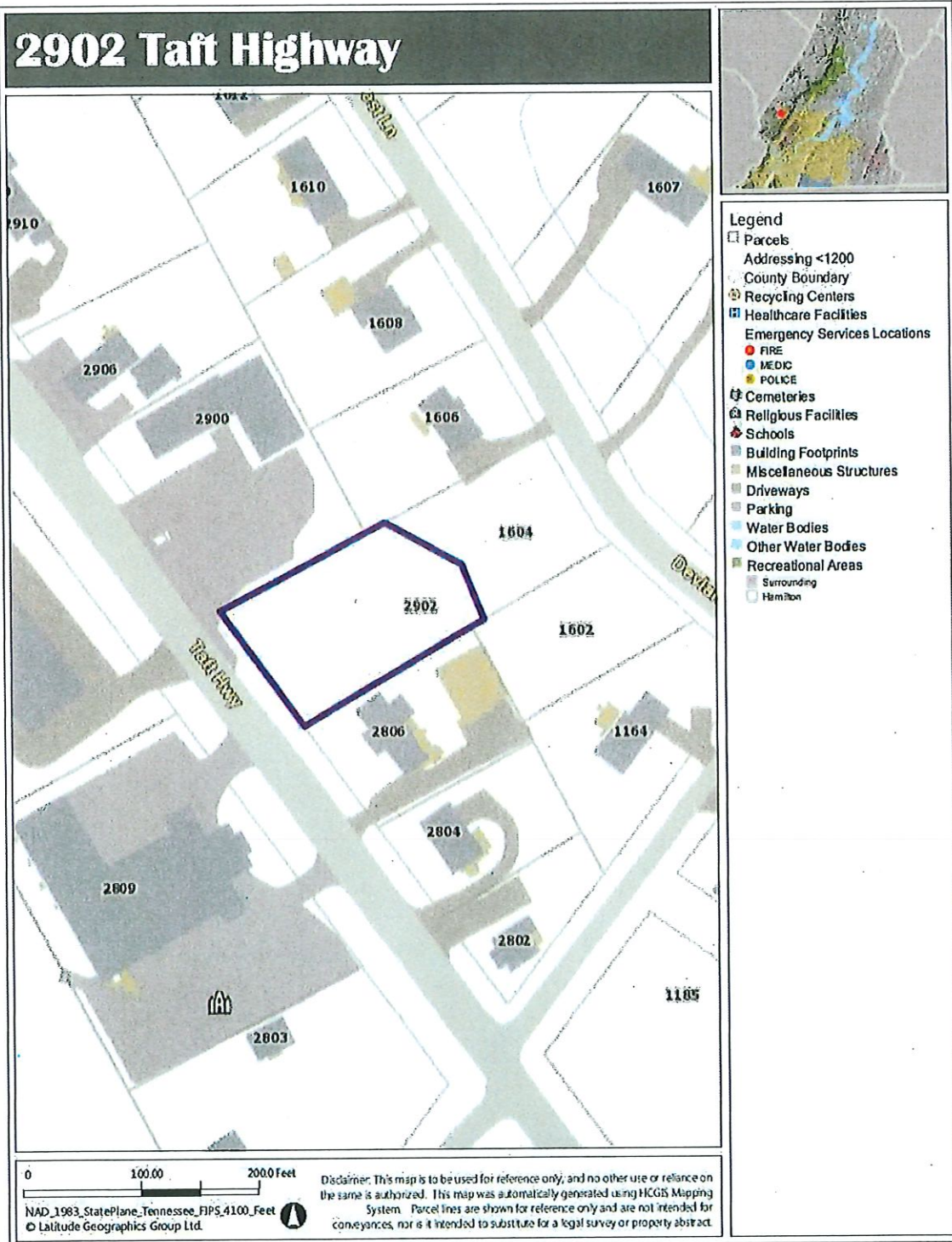
Yea:

Nay:

Mayor, Lee Davis

Town Recorder, Stacy Stewart

EXHIBIT A: PARCEL MAP



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.

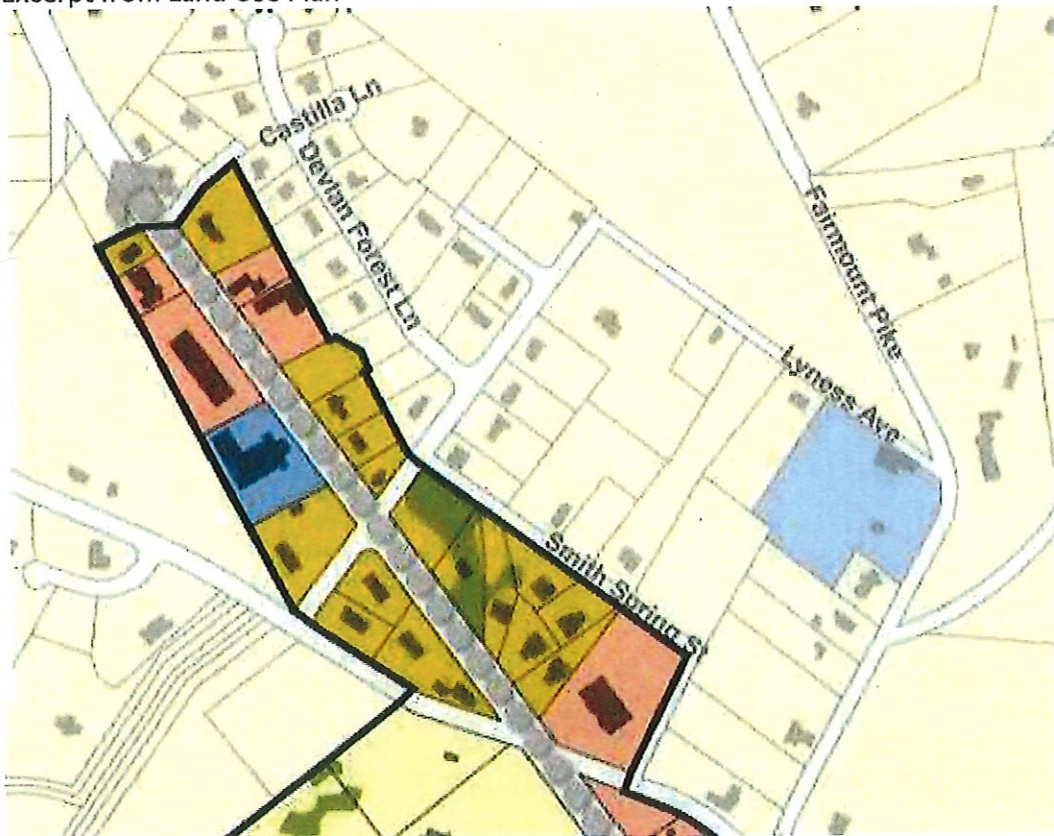
Spot Zoning

This property is adjacent to an other 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 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.



TOWN OF WALDEN
PLANNING COMMISSION

1836 Taft Highway
Walden, TN 37377

For Staff Use:

Date Received: _____

Fee Paid: _____

APPLICATION FOR:

- ☒ Zoning Change
☐ Change to Zoning Ordinance
☐ Special Use Permit

- ☐ Subdivision of Property
☐ Preliminary Plat
☐ 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
(423) 314-3867
John Davidson contact
Email: jdavid7774@gmail.com

SAME

Property Information:

Address: 2902 TAFT HWY
Parcel Number: LOT 27 & PT LT 26 SPENCER ADD. DB9 PG 4
Current Zoning: RESIDENTIAL (R-1) Acreage: REV 44-178
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: _____

Date: _____

8/23/23 18



Applicant's Engineer Report for 2902 Taft Hwy

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 Marking 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



Hamilton County - 2022 Property Tax Bill # 172626

BILL HULLANDER
HAMILTON COUNTY TRUSTEE

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

Present entire bill/separate check required for each bill

SCAN THIS QR CODE



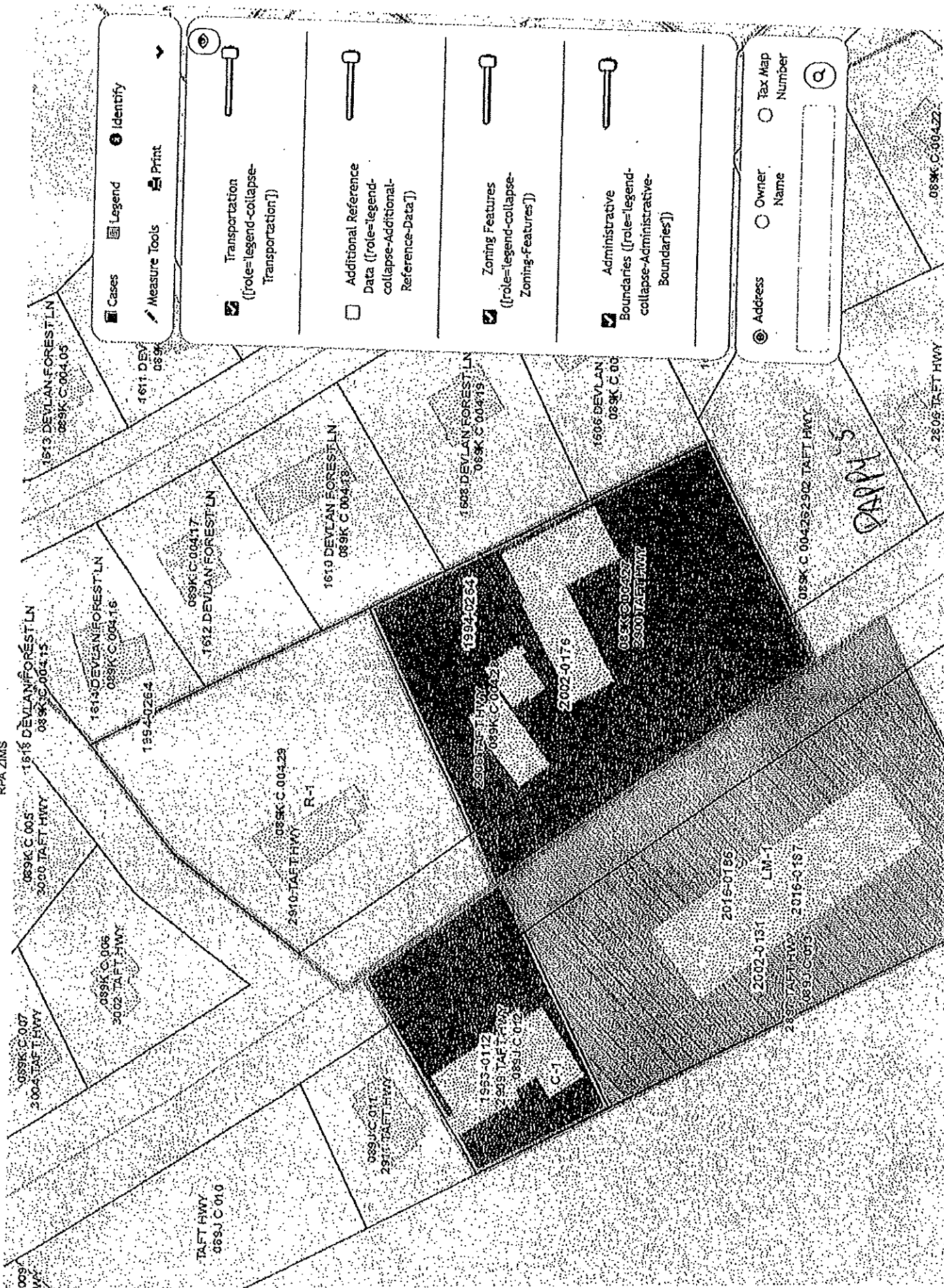
TO PAY YOUR BILL

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

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

For more payment options - see reverse side

2022	DESCRIPTION OF PROPERTY		OWNER NAME	
2022	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
2022	Walden Property Tax		0.5315	\$79
2022	2/17/23 pd 002940			
2022				
2022	ENCLOSE STUB WHEN MAILING			TOTAL AMOUNT DUE \$415



Environmental Committee Denial Recommendation 2902 Taft Hwy

Hello Mariah,

Please note the following to the Town Board.

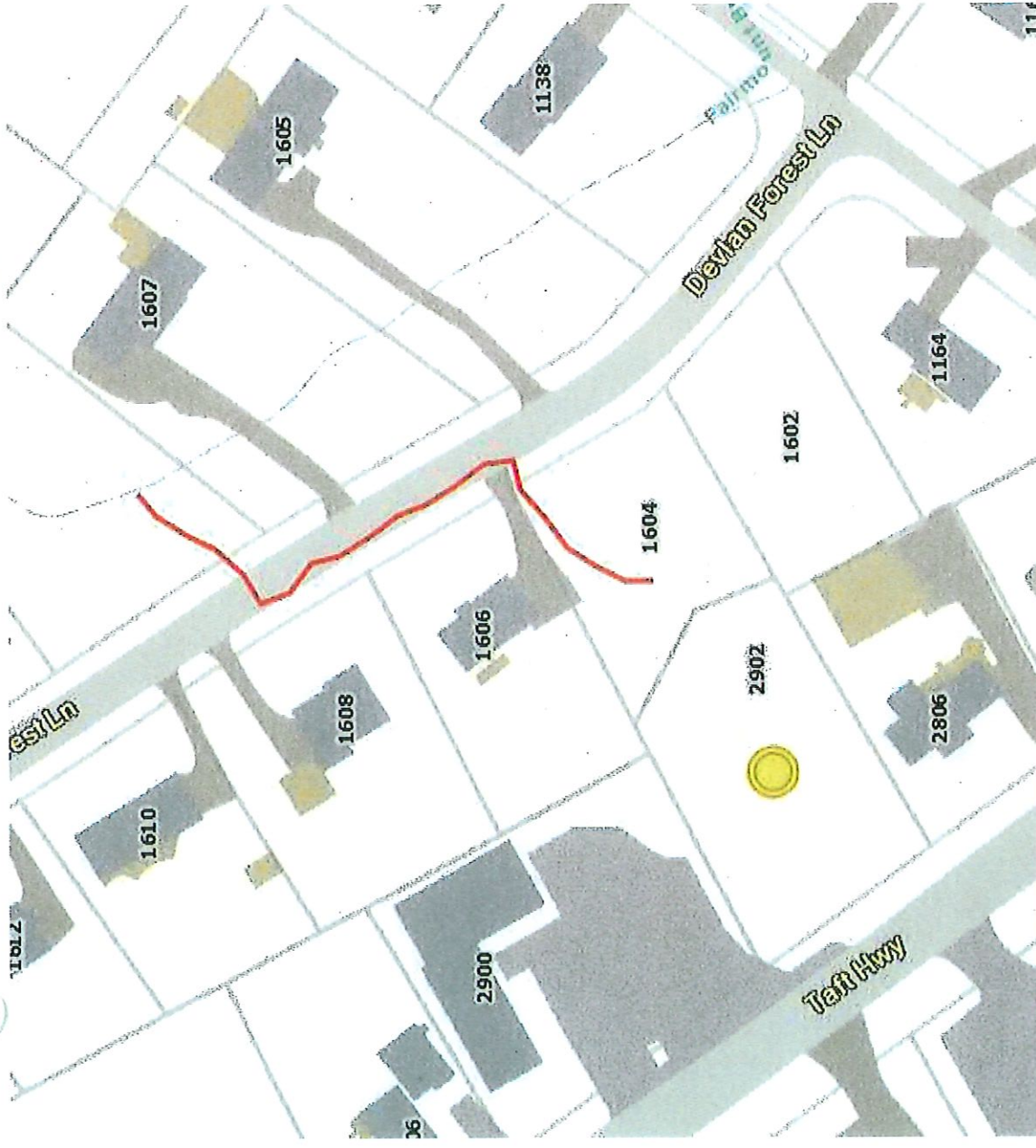
The Environmental Committee once again unanimously passed a motion on April 3 urging rezoning not to be approved for the 2902/2900 lots -- aligning with Ashley Gates's and the WPC's previous recommendations and reasoning.

Thank you, Catherine Colby

Chair, Walden Environmental Committee

The Walden Environmental Committee recommends that rezoning of 2902 Taft Highway be deferred until drainage issues (storm water and septic) affecting 1604, 1606 and 1608 Devlan Forest and stemming from 2900 and 2902 Taft Hwy are investigated and resolved. The situation is in conflict with the Clean Water Act.

Currently Walden is working through the process with Hamilton County to modify Walden's part of the Interlocal Agreement in order to have regulations that more adequately recognize that Walden has unique soils, slopes and bedrock, as compared to the Valley lands.



- Lot 2902 Taft (Residential) is bare with little significant vegetation buffer or swale to protect property and watershed.
- Lot 2900 (Commercial) and same owner as 2902, has no storm water mitigation. A large percentage of this property is covered with impervious materials such as roof and pavement, causing significant runoff damage to 1608 Devlan Forest. The commercial structure at 2900 Taft is about 10 feet from the 1608 Devlan Forest Property Line, and roof runoff water is piped to the exact property line (see photos)
- The red line is a visible, continually wet, grey green drainage with unknown source coming down through 1604/1602 Devlan from the 2806/2902 Taft area. The Town of Walden and Hamilton County Water Quality have been notified and will be investigating if this is illicit discharge into the watershed

- Lots 1164, 1602, 1606, 1608, 1610 along residential Devlan Forest have significant slopes and visible bedrock and are affected by runoff from lots along Taft Highway. Mitigation and planning for storm water and septic drainage should happen before rezoning or development in order to protect property, infrastructure and environment and comply with the Clean Water Act.



- 1608 Devlan Forest residence, directly below 2900 Taft Highway (Commercial). Years ago building expansion at 2900 Taft extended the commercial structure to within 10 feet of the property line (back of commercial building top right). Recent installation of a wide-diameter pipe carries most roof runoff and discharges it at the property line fence.
- 1608 Devlan previously had a complete lawn without a spillway of rocks
- Much of 2900 Taft is impervious parking and roof with zero mitigation of storm water.
- Note bedrock behind home, typical of homes in this sloping area below Taft. This inability to absorb water must be considered in rezoning and development decisions.
- This runoff is part of what is causing damage to additional downstream properties along the Fairmount Branch.

Letter from Catherine Colby concerning 2902 Taft Hwy 1/8/2024:

From: Catherine Colby <catherinelcolby@gmail.com>

Sent: Monday, January 8, 2024 2:11 PM

To: Lee Davis <mayorwalden@gmail.com>; Lizzy Schmidt <lschmidt@waldentn.gov>; Angela Cassidy <acassidy@waldentn.gov>; Mariah Prescott <mprescott@waldentn.gov>; Ashley Gates <agates@sedev.org>

Cc: Ellen Young <eyoung@waldentn.gov>

Subject: Comments and Questions regarding 2900 and 2902 Taft

Hello Walden Town Board, Mariah and Ashley,

First, I'd like to say that I absolutely believe engineering solutions for stormwater can be found to protect downstream land, infrastructure, and water quality-- as long as the mitigation measures adequately estimate rainfall patterns and climate variability on the specific plots of land.

Development and construction at 2902 and 2900 Taft (two street numbers covering three plots) directly affects me because their runoff flows down a significant grade in a neighbor's yard then under the road into our land where my in-laws live. (This Devlan lot has been officially incorporated into my house plat at 5502 Castilla Lane). On that slope, starting at Walden's outfall pipe which goes under the road, I am experiencing significant erosion from stormwater. Large tree roots are being undermined, banks are caving in and there is downcutting. Ultimately this stormwater conveyance and others close by, (coming from structures along Taft and created by human activity and not natural drainages) are putting a greater volume and a higher velocity of water into the Fairmount Branch than in the past, causing damage-- including at the Fairmount Pike culvert which will be expensive for Walden to fix.

There is no mandated stormwater management on lots under an acre because Walden follows HC which has no regulations for lots this size. However, if there is sediment in water, and erosion caused by land disturbance, the Federal Clean Water Act applies regardless of lack of local regulation and regardless of lot size.

Related Questions: (1) If the three adjoining plots are developed in one conceptual use (same owner for all three), do the HC regulations for a 1 acre+ plot kick in and apply, or are they grandfathered in as being three small lots?

(2) If the old Price Rite marketing building is redeveloped, will a new design be required to fix the current issue where all the roof and parking surface water is concentrated and sent to the back property line? This commercial building is 10-11 feet from the back residential property line and the large drain pipe extends to the neighboring property fence allowing for no absorption into a rain garden or swale on the lot where it was generated.

As Walden plans for development and redevelopment along Taft Highway, the steep and rocky slopes in neighboring residential lots and their low absorption/ high runoff potential must be considered.

Thank you,

Catherine Colby
3103 Fairmount Pike

4/6/2024:

Hello Angela,

So what I understand is that both Ashley and the WPC opposed/ denied this.

The most responsible solution is that this should not be rezoned until the current overlay guidelines are approved so that proper safeguards can be in place for (1) the residents who back up to these properties-- and (2) the properties across Devlan and downstream that would be directly affected by inadequate stormwater control.

Past history shows that the owners of the Taft lots have been irresponsible, and their ongoing dumping of stormwater has caused significant damage to properties and stormwater conveyances.

Please see pictures in previous letter detailing concerns/pipes on their commercially-zoned adjacent property. We must have assurances that engineering features will be calculated and built using current and predicted rainfall patterns, such as a retention pond to enable water to sink, slow and spread instead of putting the water burden on properties and environment below.

Thank you, Catherine

Dr. Catherine Colby
3103 Fairmount Pike

(423) 315-2117
catherinelcolby@gmail.com

Chattanooga Times Free Press

Account #: AP108391

Company: TOWN OF WALDEN TN / Legals

1836 Taft Hwy

Walden, TN 37377-3512

Ad number #: 412379

PO #:

Matter of: NOTICE TO THE PUBLIC The Town of Walden

AFFIDAVIT • STATE OF TENNESSEE • HAMILTON COUNTY

Before me personally appeared Samara Swafford, who being duly sworn that she is the Legal Sales Representative of the CHATTANOOGA TIMES FREE PRESS, and that the Legal Ad of which the attached is a true copy, has been published in the above named newspaper and on the corresponding newspaper website on the following dates, to-wit:

Times Free Press 06/16/24; TimesFreePress.com 06/16/24

And that there is due or has been paid the CHATTANOOGA TIMES FREE PRESS for publication the sum of \$25.90.

Samara Swafford

Sworn to and subscribed before me this date: 20th day of June, 2024



Sheniqua Hambrick

My Commission Expires 12/14/2026

Chattanooga Times Free Press

400 EAST 11TH ST
CHATTANOOGA, TN 37403

NOTICE TO THE PUBLIC

The Town of Walden Board of Mayor and Alderman passed on final reading Ordinance 2024- 364 adopting the zoning text amendments as recommended by the Walden Planning Commission.