

KIMBALL MUNICIPAL PLANNING COMMISSION
MINUTES

JANUARY 25, 1996

THE MEETING WAS CALLED TO ORDER BY CHAIRMAN JACK KEEF. THE ROLL CALL WAS AS FOLLOWS:
PRESENT WERE, BRIAN BRADFORD, DAVID JACKSON, KENNETH STANLEY, CHAIRMAN JACK KEEF. THE
MINUTES OF THE PREVIOUS MEETING WERE READ. DAVID JACKSON MADE THE MOTION THAT THEY BE
ACCEPTED AS READ. THIS MOTION WAS SECONDED BY BRIAN BRADFORD.

NO ONE WAS PRESENT HAVING BUSINESS BEFORE THE COMMISSION.

OLD BUSINESS

MOTION WAS MADE BY DAVID JACKSON TO ASK THE CITY BOARD TO REPEAL ORDINANCE 56, GIVING
THE AUTHORITY OVER SUBDIVISION REGULATIONS TO MARION COUNTY. HAVING THIS ORDINANCE REPELLED
WOULD GIVE THE AUTHORITY BACK TO THE KIMBALL PLANNING COMMISSION. THIS MOTION WAS
SECONDED BY KENNETH STANLEY. KEVIN GREENWALT EXPLAINED THE TIMING OF A 30 DAY NOTICE AND
REQUIREMENTS OF PUBLIC NOTICE , ALONG WITH A PUBLIC HEARING. ALL VOTED AYE.

NEW BUSINESS

MOTION WAS MADE BY DAVID JACKSON AND SECONDED BY KENNETH STANLEY TO APPROVE THE ORION
FOOD DISTRIBUTION SITE PLAN REVIEW. ALL VOTED AYE.

KEVIN DISCUSSED THE DEANNEXATION REPORT. NO ACTION WAS TAKEN AT THIS TIME. THE NEXT
PLANNING COMMISSION WAS SET FOR FEBRUARY 29, 1996.

WITH NO FURTHER BUSINESS TO DISCUSS, MOTION WAS MADE TO ADJOURN BY BRIAN BRADFORD AND
SECONDED BY DAVID JACKSON.



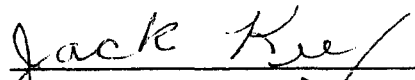
JACK KEEF, CHAIRMAN

KIMBALL MUNICIPAL PLANNING COMMISSION
PUBLIC HEARING

CHAIRMAN KEEF CALLED THE MEETING TO ORDER AT 6:05PM ON 2-29-96.

MEMBERS PRESENT WERE JERE DAVIS, BRIAN BRADFORD, JACK KEEF AND KEVIN
GRENWALT.

NO ONE WAS PRESENT FOR PUBLIC COMMENT. MOTION WAS MADE BY JERE DAVIS TO
ADJORN. THE PUBLIC HEARING MOTION WAS SECOND BY BRIAN BRADFORD. ALL
VOTES AYE.



JACK KEEF, CHAIRMAN

KIMBALL MUNICIPAL PLANNING COMMISSION
MINUTES

CHAIRMAN JACK KEEF CALLED THE MEETING TO ORDER AT 7:15 PM ON 2-29-96. MEMBERS PRESENT WERE: JERE DAVIS, BRIAN BRADFORD, DAVID JACKSON, JACK KEEF AND KEVIN GREENWALT. DR. KENNETH STANLEY WAS ABSENT. MINUTES OF THE PREVIOUS MEETING WERE READ. MOTION WAS MADE BY BRIAN BRADFORD TO APPROVE THE MINUTES AS READ. MOTION WAS SECOND BY DAVID JACKSON. ALL VOTED AYE.

THERE WERE NO ONE PRESENT WITH BUSINESS BEFORE THE COMMISSION.

OLD BUSINESS:

SUBDIVISION REGULATION PROPOSAL WAS DISCUSSED BY KEVIN GREENWALT. MOTION WAS MADE BY JERE DAVIS TO ACCEPT THE PROPOSAL. MOTION WAS SECOND BY BRIAN BRADFORD. ALL VOTED AYE.

MOTION WAS MADE BY JERE DAVIS TO APPOINT BRIAN BRADFORD AS COMMISSION SECRETARY FOR ONE YEAR. MOTION WAS SECOND BY DAVID JACKSON. ALL VOTED AYE.

DISCUSSIONS CONCERNING THE TERM LENGTHS OF APPOINTED COMMISSIONERS WERE : EFFECTIVE JANUARY 1, 1996, JACK KEEF'S TERM BE FOR ONE YEAR, EXPIRES JANUARY 1, 1997. BRIAN BRADFORD'S TERM TO BE TWO YEARS, EXPIRES JANUARY 1, 1998. DR. KENNETH STANLEY'S TERM TO BE THREE YEARS, EXPIRES JANUARY 1, 1999. ALL OF THE APPOINTMENTS BE RETROACTIVE FROM JANUARY 1, 1996. DAVID JACKSON MADE THE MOTION TO PROPOSE TO THE BOARD TO ADOPT THIS PROPOSAL. MOTION WAS ECOND BY JER DAVIS. ALL VOTED AYE.

KEVIN DISCUSSED THE BOUNDARIES OF THE CITY MAP AND CORRECTIONS.

NO ONE HAD ANY NEW BUSINESS TO DISCUSS.

THE NEXT PLANNING COMMISSION MEETING IS SCHEDULED FOR MARCH 28, 1996. MOTION WAS MADE BY JERE DAVIS TO ADJOURN. MOTION WAS SECOND BY BRIAN BRADFORD. ALL VOTED AYE.



JACK KEEF, CHAIRMAN

KIMBALL MUNICIPAL PLANNING COMMISSION
MINUTES
MARCH 28, 1996

THE MEETING WAS CALLED TO ORDER BY CHAIRMAN, JACK KEEF AT 6:PM. MEMBERS PRESENT WERE: BRIAN BRADFORD, DAVID JACKSON, JERE DAVIS, AND KEVIN GREENWALT. THE MINUTES OF THE PREVIOUS MEETING WERE READ. MOTION WAS MADE TO ACCEPT THE MINUTES AS READ BY DAVID JACKSON AND SECOND BY BRIAN BRADFORD.

NEW BUSINESS:

JERRY KENMORE ASKED FOR AN EXTENSION OF EXECUTIVE DRIVE TO BE PAVED BY THE CITY, APPROXIMATELY 150 FEET. HIS LOT IS NUMBER 21. KEVIN ADVISED JERRY THAT THIS REQUEST WOULD BE SUBJECT TO KIMBALL'S SUBDIVISION REGULATIONS. AGREEMENT FOR KEVIN TO DO SOME RESEARCH TO FIND OUT MORE SPECIFIC DETAILS ABOUT THE RIGHT OF WAY.

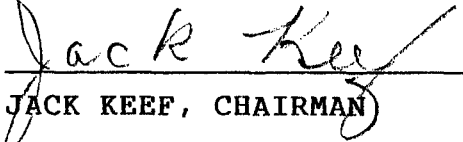
1-STEVE TATE DID NOT ATTEND THE MEETING.

2-KEVIN PRESENTED A PRELIMINARY DRAFT OF KIMBALL ZONING ORDINANCE FOR THE COMMISSION TO REVIEW AND DISCUSS AT THE NEXT MEETING.

OLD BUSINESS:

THERE WAS NO OLD BUSINESS TO BE BROUGHT UP AT THE MEETING.

MOTION TO ADJOURN THE MEETING WAS MADE BY DAVID JACKSON AND SECOND BY JERE DAVIS.



JACK KEEF, CHAIRMAN



MEMORANDUM

TO: Kimball Municipal Planning Commission

FROM: Kevin Greenwalt, Community Planner

DATE: April 3, 1996

SUBJECT: Executive Drive Right-of-Way Question

At the March 28, 1996 planning commission meeting, Mr. Jerry Kennemore raised questions regarding the right-of-way at the end of "Executive Drive" in Kimball. Mr. Kennemore stated that Mr. John Acuff claims ownership of the portion of right-of-way that extends from the end of the paved cul-de-sac ("Executive Drive") to the end of the subdivision (recorded in the Marion County Register of Deeds Office as "Mountain Shadows" subdivision). Mr. Kennemore suggested that the city pave the remaining unpaved portion of right-of-way at the end of "Executive Drive". Questions were also raised regarding "when the city took over the pavement maintenance of Executive Drive".

I went to the county courthouse (Register of Deeds Office and Tax Assessors Office) and to the Kimball Town Hall, on March 29, to try to establish the official documented history of "Executive Drive". This memorandum attempts to clarify the questions raised in the planning commission meeting.

Note: When citing "lots" or "lot numbers", I am referring to the officially recorded "Mountain Shadows" subdivision plat. When citing "parcels" or "parcel numbers", I am referencing the official Marion County Tax Map.

Facts

1. The "Mountain Shadows" plat (See Attachment) is a subdivision containing 19 "lots" ("Lot" numbers 1-21 with "lot" numbers 6 and 20 omitted) and also includes the street named "Executive Drive".
2. The "Mountain Shadows" subdivision final plat was signed by the Kimball Planning Commission Secretary and Recorded in the Marion County Register of Deeds Office on July 30, 1979 (Page 82, Plat Book 4).

3. The "Mountain Shadows" subdivision is further shown on the Marion County Tax Map, Number 119-J, (See Attachment). The "parcels" are numbered: 1 - 6; 9 ("parcel" 9 is a combination of "lots" 13, 15 & 17); 10 - 18 & 18.01; and, 19 ["parcel" 19 is a combination of "lot" 2 ("Mountain Shadows) and a "lot" on Mountain View Drive -- the next subdivision northeast of "Mountain Shadows"].
4. "Executive Drive" contains a paved temporary cul-de-sac that ends at the shared "lot" corners of lots 16 & 18 and 19 & 21 and is short (by approximately 125-150 feet) of the end of the right-of-way shown on the "Mountain Shadows" subdivision plat.
5. There is no record (that I can find) in the Official Board of Mayor and Aldermen town meeting minutes exhibiting that the town officially accepted "Executive Drive" as a public street. (I went through the meeting minutes from 1979 to 1994 and relied on the memory of the city recorder regarding the record from 1994 to present.)
6. Mr. John Acuff owns a small portion (approximately 186 feet x 60 feet) of property (which is shown on the "Mountain Shadows" plat as "Future Development) on the northwest side of "Lot" Number 21.
7. Mr. Jerry Kennemore owns "Lot" Number 21 in the "Mountain Shadows" subdivision. Mr. Kennemore wants to utilize the "disputed" right-of-way to access his driveway.

Staff Analysis

1. A recorded plat (and any recorded revisions thereto) and the parcels shown on the county tax maps should coincide and are (supposed to be) the official legal record of how tracts of land are divided and configured. Deeds are often written to convey individual lots or parcels, but the deeds should correspond to the officially recorded plat. The "bottom line" is that an officially recorded plat is (again, supposed to be) the official record of how property is divided. Any contention by individuals (at some later date) that they "intended" to keep this or that portion of property is irrelevant -- the recorded plat (and any recorded revisions thereto) should prevail regarding disputes over the division of the property.
2. The "Mountain Shadows" subdivision final plat and the Marion County Tax Map shows the "Executive Drive" right-of-way extending the full length of all "lots" (or "parcels") in the subdivision. The right-of-way does not end short of the last two lots in the subdivision.

The dedicated right-of-way ("Executive Drive") is part of the final plat, officially approved by the planning commission and recorded in the register of deeds office (and subsequently placed on the official tax maps). The planning commission accepted this right-of-way as a present and future means of access to property in the "Mountain Shadows" subdivision and the future development that may occur north/northwest of that subdivision.

The fact that "Executive Drive" (the paved street portion) does not extend to the end of the "Executive Drive" right-of-way does not mean that the right-of-way ownership reverts back to the developer (Mr. Acuff). That right-of-way was dedicated, accepted, approved and

recorded and remains public right-of-way until such time that the town takes official action to surrender that right-of-way. (I found no record that the town has officially surrendered or dedicated that right-of-way to anyone.)

3. The planning commission may have erred (in 1979) when it approved the "Mountain Shadows" subdivision final plat without "Executive Drive" having been paved for the entire length of the right-of-way. However, the remaining (unpaved) right-of-way is part of the subdivision and was dedicated for public use by virtue of the fact that it was recorded on the plat as right-of-way. (There is no notation on the recorded plat that ownership was retained by any individual.)
4. According to the plat, my research and interpretation of the law, Mr. Acuff retains ownership of only that (approximate) 186 foot by 60 foot portion of property outside the northwestern boundary of "lot" 21.
5. Although there is no record of the town ever officially accepting "Executive Drive" (the paved portion) as an official street, the town has maintained it and used it (general public access, public service vehicle access, etc.) and therefore it has the status of a public street.
6. The fact that the town, by virtue of "use", has "accepted" "Executive Drive" into its road maintenance responsibility and that the remaining (unpaved) right-of-way is dedicated, by virtue of the recorded plat, in no way obligates the town to pave the unpaved portion of the right-of-way.
7. Although it may not provide the "best" access, the pavement on "Executive Drive" provides minimal access to both "lots" 18 and 21. The subdivision is an old and established one and property buyers should have been aware of the physical features of the subdivision when they purchased the property there. It is much too late for the town to attempt to require the developer to pave the remaining portion of the right-of-way (besides the developer only did what the 1979 planning commission allowed him/her to do).
8. The town should not build the un-built section of "Executive Drive" right-of-way. This could establish a costly precedent, whereby the town could receive pressure to build roads on platted right-of-ways all over town -- right-of-ways that serve only one or two property owners. The town should only build new roads in the case of publicly owned and maintained facilities that benefit the community as a whole or connections of roads providing improved access to existing roads -- not roads within subdivisions.
9. If the rear property (labeled "future development") is further subdivided and is required to take access from "Executive Drive", then the planning commission can (and should) require the "future developer" (whomever that may be) to pave the unpaved section of "Executive Drive" (to subdivision regulation standards) in order to gain access to that rear property.

10. State law requires that, whomever (town or private individual) builds new roads in the town, the right-of-way must be platted and the road must follow the subdivision regulation process and be approved by the planning commission.

Tennessee Code Annotated

13-4-104. Submission of proposed constructions to commission-Approval-Failure to approve, overruling. Whenever the [planning] commission shall have adopted the plan of the municipality or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the municipality until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided that in case of disapproval, the commission shall communicate its reasons to the chief legislative body of the municipality and such legislative body by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, such legislative body shall have the power to proceed; provided, however, that if the public way, ground, place, space, building, structure or utility be one the authorization or financing of which does not, under the law governing the same, fall within the province of such legislative body, then the submission to the planning commission shall be by the state, county, district, municipal or other board or official having such jurisdiction, and the planning commission's disapproval may be overruled by such board by a majority vote of its membership, or by such official. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by such chief legislative body or other submitting board or official. [Acts 1935, ch. 34, §7; C. Supp. 1950, §3493.7; T.C.A. (orig. ed.) §13-507.]

13-4-307. Acceptance of and improvements of unapproved streets. From and after the time when the platting jurisdiction of any municipal planning commission shall have attached as provided in §13-4-302, the municipality shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the municipality, unless such street shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to the attachment of the commission's subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission or with a street plat made and adopted by the commission; provided, that the chief legislative body of the municipality may locate and construct or may accept any other street, provided the ordinance or other measure for such location and construction or for such acceptance be first submitted to the planning commission for its approval, and, if disapproved by the commission, be passed by a majority of the entire membership of the legislative body; and a street, approved by the planning commission upon such submission or constructed or accepted by such majority vote after disapproval by the commission, shall have the status of an approved street as fully as though it

has been originally shown on a subdivision plat approved by the commission or on a plat made and adopted by the commission. [Acts 1935, ch. 45, §6; C. Supp. 1950, §3407.15; T.C.A. (orig. ed.), §13-607.]

I realize it appears that I have gone to extremes in this memorandum when one considers that only a small portion of right-of-way is involved. However, the problem cited and the issues raised in this question goes to a deeper policy issue for the town. I expect that Executive Drive is not the only place in town where this type of problem exists.

It appears that the town lacks an official street adoption policy, which is closely linked with the subdivision review that the planning commission conducts. The expense of constructing subdivision roads rests solely with the developer and none of that cost is part of the town's responsibility. Furthermore, approval of a final subdivision plat by the planning commission does not constitute automatic acceptance of that road into the public street system. The Board of Mayor and Aldermen must take its own separate official action to bring that road into the system. This acceptance should only occur after the road is built to the subdivision regulation standards (and inspected as proof) and approved by the planning commission through the subdivision regulation process.

cc: Kimball Board of Mayor and Aldermen (via fax - 4-3-96)
Billy Gouger, Town Attorney (via fax - 4-3-96)

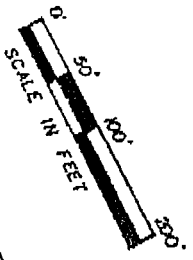
Attachment to Kimball Memorandum

April 3, 1996

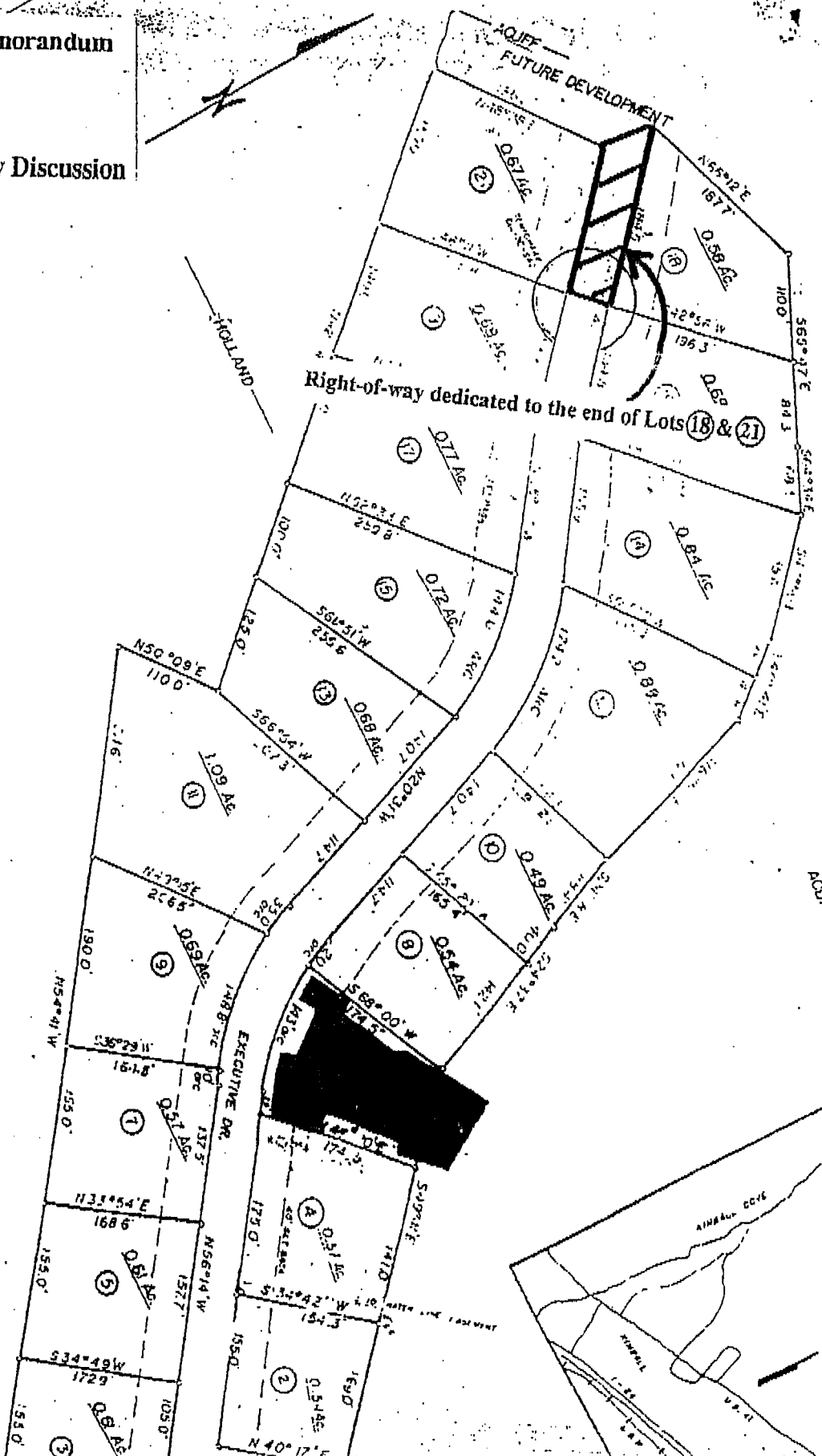
Executive Drive Right-of-Way Discussion

- NOTES**
1. OWNER IS JOHN ACUFF, TURNER AVE., JOSEPH, TN.
 2. SITE IS IN KIMBALL, TN.
 3. ALL PROPOSED STREETS TO HAVE 50' R/W
 4. NO ZONING CURRENTLY IN EFFECT
 5. ALL LOT LINES TO HAVE A 10' DRAINAGE & UTILITY EASEMENT.
 6. 2nd CHAL. DISTRICT, MARION CO. TN.

1/2" = 10' OF HEATED AREA.
 * BRICK OR EQUIVALENT.
 * FAST IS FROM NEAREST LOT LINE.



STATE OF TENNESSEE, MARION COUNTY
 I, James H. Hester, Mayor of said County,
 do hereby certify that the foregoing is a true and
 correct copy of the plat as recorded in the
 records of said County, to wit: Book 19, Page 25.
 ALL RIGHTS RESERVED.
 Recorded for \$175.00 Tax & Fees
 \$55.00
 James H. Hester, Mayor
 [Signature]

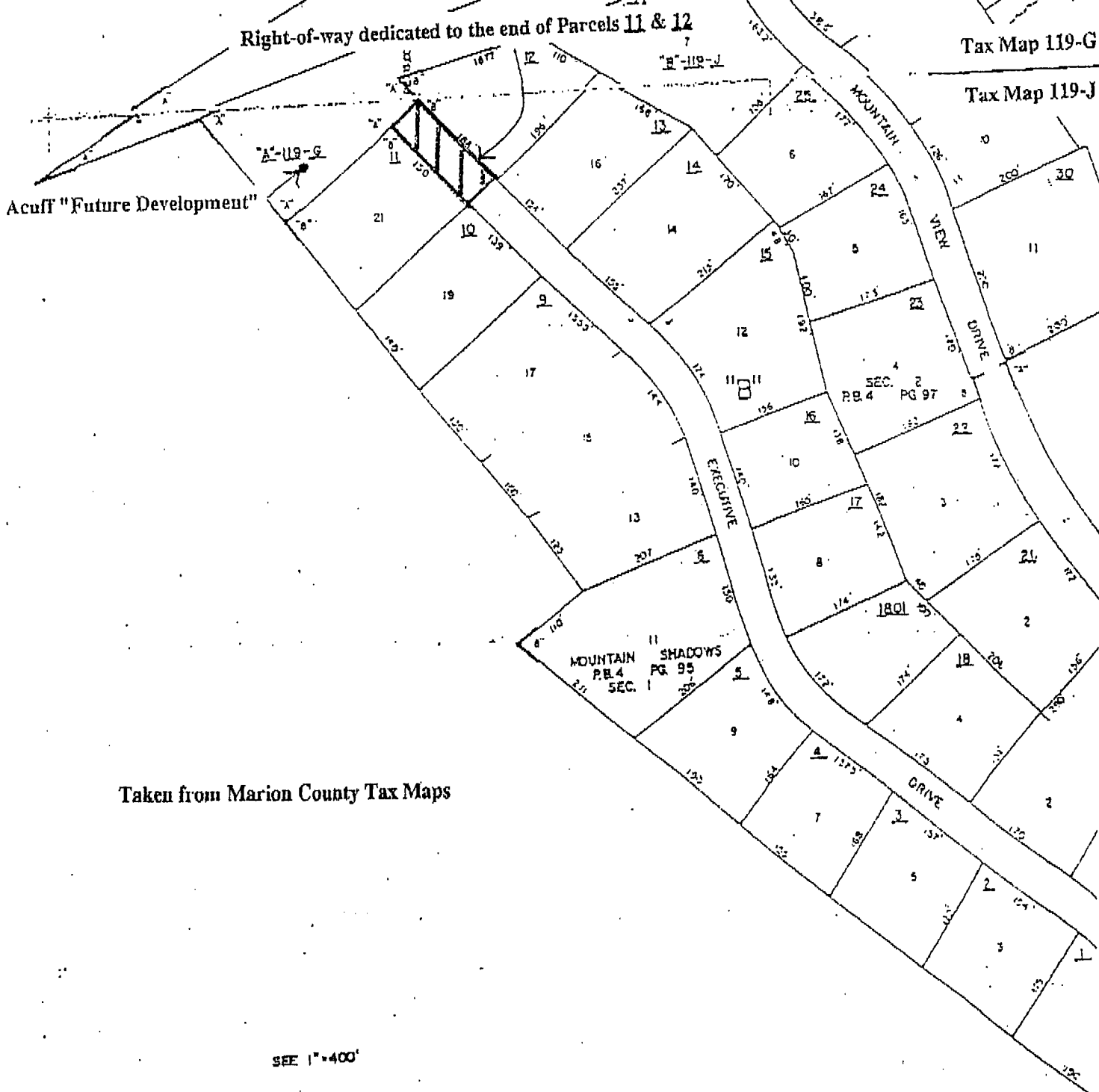


Right-of-way dedicated to the end of Lots (18) & (21)

Attachment to Kimball Memorandum

April 3, 1996

Executive Drive Right-of-Way Discussion



Taken from Marion County Tax Maps

SEE 1"=400'

KIMBALL PLANNING COMMISSION
APRIL 25, 1996

THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING MEMBERS PRESENT:
DAVID JACKSON, BRIAN BRADFORD, CHAIRMAN JACK KEEF, AND KEVIN GREENWALT.
THE MINUTES OF THE PREVIOUS MEETING WERE READ. A MOTION WAS MADE BY
BRIAN BRADFORD TO ACCEPT THE MINUTES. A SECOND WAS MADE BY DAVID JACKSON.

UNDER OLD BUSINESS, THE ROAD THAT JERRY KENNEMORE WANTED THE CITY PAVE
WILL NOT BE PAVED, BUT MR. KENNEMORE WILL STILL USE THE ROAD.

UNDER NEW BUSINESS, THERE WAS A DISCUSSION OF THE ZONING ORDINANCE
PROPOSAL. THERE WAS A DISCUSSION ON REZONING PROPERTY FOR WAL-MART.
THEY WILL BE WILLING TO MEET AT ANY TIME NEEDED FOR MORE DISCUSSION
ON THIS ISSUE.

THE NEXT MEETING IS SCHEDULED FOR MAY 21, 1996.

DAVID JACKSON MADE THE MOTION TO ADJOURN. BRIAN BRADFORD SECOND THE
MOTION. THE MEETING WAS ADJOURNED.

AGENDA

KIMBALL MUNICIPAL PLANNING COMMISSION

THURSDAY, MAY 23, 1996

6:15 P.M., C.T.

- A. CALL TO ORDER
- B. READING AND APPROVAL OF PREVIOUS MINUTES
- C. HEARING OF PERSONS HAVING BUSINESS BEFORE THE COMMISSION
- D. OLD BUSINESS:
 - 1. Zoning Ordinance Discussion
 - 2. Any Other Old Business
- E. NEW BUSINESS:
 - 1. Joyce Tate, Preliminary Plat
 - 2. Any Other New Business
- F. ADJOURNMENT

See if we can reschedule for
5/30/96

✓ Jerry - yes
✓ David - yes
✓ Brian - yes
no - Jack - yes

Kevin - yes
Dr. Stanley - resigned

NEXT SCHEDULED MEETING: JUNE 27, 1996

AGENDA

KIMBALL MUNICIPAL PLANNING COMMISSION

RESCHEDULED MEETING - THURSDAY, MAY 30, 1996

6:15 P.M., C.T.

- A. CALL TO ORDER
- B. READING AND APPROVAL OF PREVIOUS MINUTES
- C. HEARING OF PERSONS HAVING BUSINESS BEFORE THE COMMISSION
- D. OLD BUSINESS:
 - 1. Zoning Ordinance Discussion
 - 2. Any Other Old Business
- E. NEW BUSINESS:
 - 1. Joyce Tate, Preliminary Plat
 - 2. Any Other New Business
- F. ADJOURNMENT

Kevin - yes
Mayor yes
David yes
Brian yes
Jack no

Dr. Stanley - resigned

NEXT SCHEDULED MEETING: JUNE 27, 1996

KIMBALL PLANNING COMMISSION
MINUTES
JULY 25, 1996

THE FOLLOWING MEMBERS WERE PRESENT: DAVID JACKSON, JACK KEEF, KATHLYN HILL, JERE DAVIS, KEVIN GREENWALT, AND BRIAN BRADFORD.

THERE WERE NO MINUTES FROM THE PREVIOUS MEETING.

NEW BUSINESS

JIM WARREN HAD A PRELIMINARY PLAT OF THE PROPOSED SUBDIVISION. DISCUSSION WAS MADE AND PRELIMINARY APPROVAL WAS GIVEN WITH POSSIBLE MODIFICATIONS TO LOTS #21, #22, #23, & #24. JERE DAVIS MADE THE MOTION TO APPROVE, WITH A SECOND FROM DAVID JACKSON. THERE WAS A DISCUSSION ON A VARIANCE OF THE CULDESAC FROM 50 FEET TO 40 FEET.

THERE WAS DISCUSSION OF SEWER SYSTEM VERSUS SEPTIC TANKS. JERE STATED HE DIDN'T FEEL HE COULD GIVE A (GOOF) ANSWER AT THIS POINT, BUT HE UNDERSTANDS THEIR CONCERNS.

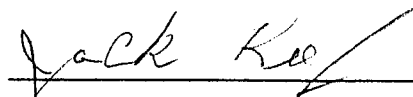
JERE AGREES TO RECOMMEND THAT THE CITY APPROVE EXPENDITURES TO SUPPLY A LIFT STATION AND TIE IN TO THE MAIN SEWER LINE ACROSS I-24 FOR APPROVAL. JIM WARREN ASKED FOR ATTENDANCE AT THE NEXT CITY MEETING ON AUGUST 8TH AT 7:00PM.

ROBERT MCMILLIAN WAS ASKING FOR VARIANCE TO ALLOW A ^{USE} SINGLE WIDE MOBILEHOME TO BE PUT IN R-1 ZONE. KEVIN SAID THAT KIMBALL COULD NOT GRANT A VARIANCE BECAUSE THE LAW DOES NOT PERMIT US TO DO THAT. DAVID ASKED THAT WE DEFER THIS REQUEST UNTIL NEXT MEETING. KEVIN ADVISED THAT WE SHOULD REZONE TO R2, BUT THAT 2 TO 3 LOTS WOULD BE REZONED. JERE MADE A MOTION TO REZONE LENA MURRAY, ROBERT MCMILLIAN AND MARION COUNTY PROPERTY TO THE CITY BOARD TO R2. BRIAN SECOND THE MOTION PROVIDED THAT KEVIN DOES NOT FIND ANYTHING WRONG.

BURTON CAGLE HAD A REQUEST FOR A SIGN PERMIT. THE BUILDING INSPECTOR HAS NOT DENIED AND ASKED FOR NO VARIANCE ON THIS ITEM. NO ACTION WAS TAKEN.

THE ZONING ORDINANCE WAS DISCUSSED.

BRIAN BRADFORD MADE A MOTION TO ADJOURN AND WAS SECOND BY DAVID JACKSON.



JACK KEEF, CHAIRMAN

**DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT**
Local Planning Assistance Office
Sixth Floor, Suite 690
540 McCallie Avenue
Chattanooga, TN 37402



TENNESSEE

MEMORANDUM

TO: Kimball Municipal Planning Commission

FROM: Kevin Greenwalt

DATE: August 19, 1996

SUBJECT: Workshop Reminder

This is to remind you that at our July meeting we agreed to meet at 5:00 p.m., C.T., on August 22 to conduct a Zoning Ordinance Workshop, prior to the planning commission meeting.

I hope that everyone can attend this workshop.

Thank you.

KG/mcl .

AGENDA

KIMBALL MUNICIPAL PLANNING COMMISSION

THURSDAY, AUGUST 22, 1996

6:00 P.M., C.T.

- A. CALL TO ORDER
- B. READING AND APPROVAL OF PREVIOUS MINUTES
- C. HEARING OF PERSONS HAVING BUSINESS BEFORE THE COMMISSION
- D. OLD BUSINESS:
 - 1. Zoning Ordinance Discussion
 - 2. Any Other Old Business
- E. NEW BUSINESS:
 - 1. Southern Wholesale Carpets/Site Plan Review
 - 2. Highway 41/C-1 Zoning Extension Request/Bradford
 - 3. Any Other New Business
- F. ADJOURNMENT

NEXT SCHEDULED MEETING: SEPTEMBER 26, 1996

REPORT OF THE MEETING OF THE
KIMBALL MUNICIPAL PLANNING COMMISSION
AUGUST 22, 1996

MEMBERS PRESENT

Brian Bradford
Jere Davis
Kathlyn Hill
Jack Keef, Chm

MEMBERS ABSENT

David Jackson

OTHERS PRESENT

None

LPAO Staff Representative: Kevin Greenwalt

The planning commission conducted a workshop, from 5:00 PM CT to 6:15 PM CT, to discuss proposed comprehensive zoning ordinance amendments.

The meeting commenced at 6:15 PM CT, with the roll call of the membership.

The previous meeting minutes were read and a motion was made to approve the minutes.

MOTION: Bradford
SECOND: Davis
PASSED: Unanimously

Brian Bradford/Rezone Request/R-1 to C-2

Brian requested that his property and his mother's (three lots), along Highway 41, be rezoned from R-1 Low Density Residential to C-2 Highway Business District. (Actually this is an extension of the zoning boundary to the rear lot line of highway frontage property where the front is already zoned commercial.) Brian explained that the current zoning boundary divides his property, permitting commercial uses in the front and residential uses in the rear.

Staff explained that the "200 foot from the highway" commercial zoning boundary along Highway 41 is not a good idea. The establishment of any zoning line that does not follow definable boundaries (such as creeks, roads, lot lines, railroads, etc) creates confusion for property owners and the building inspector. Staff stated that zoning boundaries should almost always follow those definable boundaries, unless completely unavoidable. Staff stated that a zoning boundary may divide a large parcel of land, where the property owner could subdivide the property and utilize the varying zoning uses that would be permitted in the separate zones that the boundary establishes. But small lots should not be divided by a zoning boundary because it renders portions of the property virtually useless.

Staff stated that Mr. Bradford's property is not the only place where this problem occurs. All along the highway, properties are severed by the zoning boundary -- where commercial property is partially in the residential zone and residential property is

partially in the commercial zone. This condition renders the "non-conforming" portion of the property virtually useless. In many of these specific cases, the properties are too small to subdivide and develop the two different uses that the zoning boundary establishes (residential & commercial). Staff stated that, as part of the planning commission's comprehensive zoning review, the planning commission will be, in the future, considering correcting the various zoning map problems throughout the town.

Staff explained that the zoning ordinance requires that a 10 foot evergreen buffer strip is located wherever the commercial zone abuts a residential zone. Staff stated that the buffer strip would "shield" the residential areas south of the proposed zoning extension. (Staff pointed out that the zoning boundary allows commercial uses in two properties located in the subdivision behind the Bradford property -- another example of the hazard of creating a zoning boundary that does not follow lot lines.)

The planning commission discussed Brian's proposed use of the commercial property and the need for an adequate buffer strip where the commercial abuts the residential zone.

A motion was made to extend the C-2 Highway Business District to the rear lot line of the three Bradford parcels along Highway 41.

MOTION: Davis
SECOND: Hill
PASSED: Davis, Hill, Keef
ABSTAIN: Bradford

Due to the lack of additional business, a motion was made to adjourn the meeting at 7:05 PM CT.

MOTION: Bradford
SECOND: Hill
PASSED: Unanimously

REPORT OF THE SPECIAL CALLED MEETING OF THE
KIMBALL MUNICIPAL PLANNING COMMISSION
SEPTEMBER 12, 1996

MEMBERS PRESENT

Brian Bradford, V Chm.
Kathlyn Hill
David Jackson

MEMBERS ABSENT

Jere Davis
Jack Keef

OTHERS PRESENT

Sammy Dobbins

LPAO Staff Representative: Kevin Greenwalt

The meeting commenced at 6:35 PM CT. The previous meeting minutes were deferred.

Southern Wholesale Carpet/Site Plan Review

Sammy Dobbins presented the site plan for the proposed carpet outlet. Staff reported that staff had worked closely with Sammy on this project and the site plan met all of the requirements of the zoning ordinance. The planning commission briefly discussed the site plan.

A motion was made approve the site plan for the Southern Wholesale Carpet.

MOTION: Jackson
SECOND: Hill
PASSED: Unanimously

A motion was made to adjourn the meeting at 6:45 PM CT.

MOTION: Jackson
SECOND: Hill
PASSED: Unanimously

KIMBALL PLANNING COMMISSION


THE REGULAR MONTHLY PLANNING COMMISSION WAS CALLED TO ORDER ON OCTOBER 24, 1996 AT 6:00PM BY CHAIRMAN KEEF.

ROLL CALL: PRESENT--JACK KEEF, BRIAN BRADFORD, KATHLYN HILL, DAVID JACKSON, KEVIN GREENWALT.
ABSENT--JERE DAVIS.

THERE WERE NO MINUTES FROM THE PREVIOUS MEETING.

THERE WAS NO BUSINESS SCHEDULED, NOR ANYONE PRESENT WITH BUSINESS.

MOTION TO ADJOURN AND DISCUSS THE PROPOSED DRAFT OF ZONING ORDINANCE BY DAVID JACKSON AND A SECOND MADE BY BRIAN BRADFORD. ALL VOTED AYE.



JACK KEEF, CHAIRMAN