

Kimball City Planning Commission

Date: March 23, 2000

Time: 6:00

Members Present:

J. Davis X

K. Stevens X

C. Taylor X

M. Holland X

S. Wayne X

T. Dobson X

B. McCulley X

Tim Roach and Shannon Copas, Planners X

Others present: property owners from Mtn. Meadows

Subdivision, Roy Brackett, Gary Pelham and several

Other citizens

Meeting was called to order by Jere Davis and a quorum was established by previous roll call. Motion Jere Davis

Second Carl Taylor

*Minutes from the October 28, 1999 meeting were read and approved as read and approved as read.

Motion to accept Carl Taylor

Second Jere Davis

I Old Business

No old business was addressed

II New Business

- (1) Tommy Dobson presented a "corrected" plat on the "Mountain Meadows Subdivision". Mr. Dobson stated that he was speaking on behalf of lot owner #19 (Terry Case) and lot owner @20 (Rex Pesnell). The new map showed the line between lots #19 and #20 shifted 30 feet. Mr. Dobson said that this was by mutual agreement of the landowners to make lots #19 and #20 the same size. Mayor Davis made the motion to approve the plat changes contingent upon all the necessary signatures. Carl Taylor seconded the motion. All voted yes with the exception of Mr. Dobson who abstained.

Mayor Davis initiated a discussion with regard to Burton Cagle and Steve Tate's properties. He stated that he wanted to "clear the air" about the compliance of both properties. Mr. Cagle's junkyard is "grandfathered" in. Carl Taylor and Roy Brackett were to research the legalities regarding whether Steve Tate's property was in compliance with city ordinances. Mr. Tate stated that he did not have a business license. Burton Cagle stated that he had purchased pine trees to plant up Ponderosa Drive and along the Holland property lines.

Gary Pelham, manager of Wal-Mart presented the commission with the offer of \$5,000.00 grant from Wal-Mart to plant shrubbery, etc in the median as one enters Kimball. The man-power for the project will be provided. The commission welcomed this idea.

Carl Taylor stated to all in attendance that a chairman of the planning commission must be elected. Jere Davis nominated Kathy Stevens. Carl Taylor seconded the motion.

Jere Davis nominated Martha Holland as vice-chairman of the planning commission. Carl Taylor seconded the motion.

Martha Holland nominated Sallie Wayne for secretary. Carl Taylor seconded the motion.

III Jere Davis made the motion to adjourn. Carl Taylor seconded the motion.

The next meeting will be:

April 27, 6:00 PM

(add in where * is on p. 1)

Addendum to minutes:

Mr. Dobson stated that he and Ron Thomas are moving off the lot in Kimball where they are located. They have bought a lot in Jasper. They realize that they are not in compliance.

**Kimball Municipal Planning Commission
April 27, 2000**

Town Hall 6:00 p.m.

Agenda

- 1. Call to Order/Determination of a Quorum**
- 2. Reading and Approval of Previous Minutes**
- 3. Hearing of Persons Having Business before the Commission**
- 4. Old Business:**
 - A. Any Properly Presented Old Business**
- 5. New Business:**
 - A. 2000-2001 Program Design**
 - B. Any Other Properly Presented New Business**
- 6. Adjourn**

KIMBALL CITY PLANNING COMMISSION

Date: April 27, 2000

Time: 6:00 P.M.

Members Present:

J.Davis <u>ab</u>	K.Stevens <u>ab</u>
C.Taylor <u>X</u>	M.Holland <u>X</u>
S.Wayne <u>X</u>	T.Dobson <u>ab</u>
B.McCulley <u>X</u>	
Shannon Copas. Planner <u>X</u>	

Others Present: Several Citizens

Roy Brackett, Building Inspector

Meeting was called to order by Martha Holland and a quorum was established by previous roll call. Motion: C. Taylor

Second: M.Holland

I. Old Business:

(1.) Carl Taylor brought up the proposal to move lot lines between lots #19 and #20 of Mountain Meadow Subdivision. Property owners Terry Case and Rex Pesnell do not want any property lines moved.

Carl Taylor made the motion to rescind the previous month's motion to move the property lines 30 feet. Established lot lines by original plat will remain-no changes. Sallie Wayne seconded the motion.

(2.) Roy Brackett stated that he has been getting copies of the plats till the day of the planning commission meeting. Plats must always be in city hall 9-10 days before the planning commission meets.

Carl Taylor made the motion that before a plat is approved all signatures must be on it except that of the secretary. Bill McCulley seconded the motion.

(3.) M.Holland asked about the progress with regard to Steve Tate's property. She asked whether a letter of noncompliance should be sent to him. Roy Brackett said that the letter should not be sent. He preferred to check into it himself.

(4.) It was decided by the planner and the commission that education classes with regard to city ordinances will be held when there is no business on the agenda for the planning commission.

(5.) The next regular meeting needs to be on, Tues. May 23, 2000 due to conflicts relating to the regular meeting time.

New Business:

(1.) Roy Brackett stated that he had discovered approximately one mile of paved road leading from Indian Hills Subdivision into a cul de sac. He recommends condemning the part of the road not paved. Carl Taylor told him that the city has already decided the road would not be paved. That happened during Jim Lofty's administration.

(2.) 2000-20001 Program Design was discussed by Shannon Copas. He asked the following questions:

1. What would the commission like to see the State Planners do?

Page Two

2. Would we like a land-use map? This will be further discussed at the May 2000 meeting.
3. It was re-stated by Carl Taylor that any re-zoning request must be posted 15 days before the scheduled planning commission meeting. That decision was made by this planning board approximately one year ago.

III M.Holland made the motion to adjourn. C.Taylor seconded the motion.

The next meeting will be: **May 23, 2000; 6:00 P.M.**

Kimball City Planning Commission
May 23, 2000, 6:00 P.M.

Members Present: J. Davis, C. Taylor, B. McCulley, K. Stevens, M. Holland,
T. Dobson and S. Wayne

Others Present: Shannon Copas (planner), Stacey Morrison (an employee of the State
Planning Office), several residents, Roy Brackett (County Bldg.. Inspector)

Kathy Stevens called the meeting to order and a quorum was established by roll call. Sallie Wayne read the minutes of the previous meeting. Martha Holland made the motion to approve them. Carl Taylor seconded the motion.

I. Old Business:

1. 2000-2001 Program Design
Shannon Copas told the group that there is no hurry to implement the program. Carl Taylor made the motion that the planning commission would proceed the 2000/2001 Program Design. Jere Davis seconded the motion.

II. New Business: There was no new business brought before the commission, however several discussions were initiated as listed below:

1. Shannon Copas wants the commission to study the subdivision planning regulations.
2. Tommy Dobson thought the "flood ways" should be designated on the zoning map. A flood way is exactly where the water flows.
3. Roy Brackett stated that owners can be made to mow overgrown lots.
4. Jere Davis discussed the Johnson property at Creek Meadows. The owner wants to put in a new drainage tile. This is on the city right of way. Roy Brackett said this if this is done, the new tile must be as large or larger than what's already under the driveway on that property
5. It was discussed that planning commission members should have a copy of a plat before the meeting. Tommy Dobson thought that soil erosion guidelines and a storm water permit should also be included with the plat.

Our next meeting will be June 22, 2000 at 6:00 P.M.



Local Planning Assistance Office

Southeast Tennessee Region
Chattanooga State Office Building, Suite 690
Chattanooga, Tennessee, 37402
423-634-6446

MEMORANDUM

TO: Kimball Municipal Planning Commission/Board of Mayor and Alderman

FROM: Shannon Copas, Staff Planner

DATE: May 23, 2000 ✓

SUBJECT: 2000-2001 Program Design

The following is a brief review of planning activities for Kimball, and a proposed work program for the Kimball Municipal Planning Commission for the planning year beginning July 1, 2000 through June 30, 2001.

I. PLANNING TOOL STATUS

- A. Comprehensive Plan - The Kimball Comprehensive Plan is composed of the following elements, including any items updated during the 1999-2000 Program Year:
- 1) Base Map - (1996)
 - 2) Chapter 1101 Study - (1999)
- B. Land Use Controls - The following elements comprise the Land Use Controls available to Kimball:
- 1) **Zoning** - Kimball officially adopted zoning in August 1988. Based on the Local Planning Office's Official Action Files the zoning map and text are believed to be accurate and up to date.
 - 2) **Subdivision Regulations** - Kimball officially adopted subdivision regulations in February 1996. Based on the Local Planning Office's Official Action Files the subdivision regulations appear to be accurate and up to date.
 - 3) **Mobile Home Park Regulations** - Kimball has adopted mobile home park regulations, which are a part of the zoning ordinance text.

- 4) **Floodplain Regulations** - Kimball is a participant in the National Flood Insurance Program, and the Flood Hazard Map is a part of the **Official Zoning Map**. The Flood Regulations are included in the zoning ordinance and are consistent with current National Flood Insurance Program requirements. An Information Exchange Visit was completed in April, 2000.
- 5) **Available Maps** - Base Map, Official Zoning Map, and Street Map

II. PROGRAM DESIGN

Proposed Activities for the Kimball Municipal Planning Commission include the following items:

- 1) A Land-Use Survey for the Town of Kimball, Tennessee.
- 2) Update of Official Action Files.
- 3) Community Development Services, composed of attendance at Planning Commission meetings and other relevant meetings, agenda preparation, review of and recommendation on all agenda items, assistance with annexation ordinance preparation, planned mapping updates, maintenance of the ZO/Subregs/Maps to reflect amendments, day-to-day assistance to all local enforcement personnel.

This Program Design is the accepted work program for the Kimball Municipal Planning Commission for Planning Program Year 2000-2001.

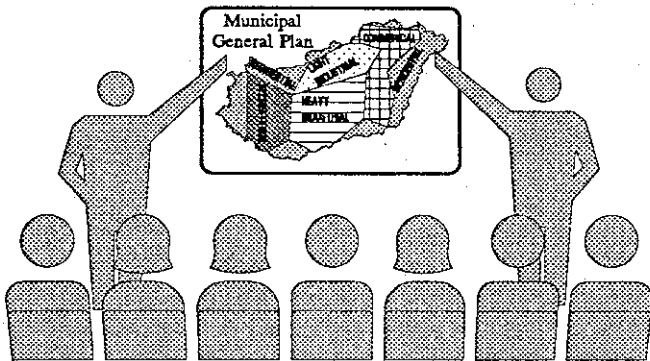
Chairman, Kimball Municipal Planning Commission

Date

POWERS OF MUNICIPAL PLANNING COMMISSION

Tennessee does not have mandatory planning and land use controls for municipalities; however, municipalities which choose to exercise planning, subdivision regulations and zoning must comply with the following grant of powers outlined in the *Tennessee Code*.

Prepare and Adopt a General Plan



Section 13-4-201, *Tennessee Code*, states that it shall be the function and duty of the commission to make and adopt a general plan for the physical development of the municipality including any area outside its boundaries which bears a relationship to the planning of the municipality. The legislation further stipulates what may be included in such a plan and is very broad in nature.

The plan, as described in the legislation, is to show the planning commission's recommendations for the physical development of the area. The plan "... may include, among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, waterfronts, playgrounds, airports, and other public ways, grounds, places, and spaces, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, and other purposes; ...". The legislation continues a general listing of other items that may be included, as well. In short, it may be said that the general plan may cover any service which the municipality might provide, as well as direction for many private activities. While the plan is not a legal instrument, the municipality does have ample power to implement it through a variety of means.

Make Advisory Reports and Recommendations

Section 13-4-103, *Tennessee Code*, gives the local planning commission the power to make advisory reports and recommendations that relate to the plan, to any public official or agency, whether local or not, utility company, civic, educational, or professional organization. In addition, all such public officials are required to furnish the commission with any information which may be needed for its work. There is also a statement that the commission shall have such powers as may be necessary to enable it to perform its purposes and promote municipal planning.

These powers are advisory only. However, it does mean that the commission may advise any body, public or private, whether a project or activity is in agreement with the general plan and use its powers of persuasion or information dissemination to affect the course of action. The

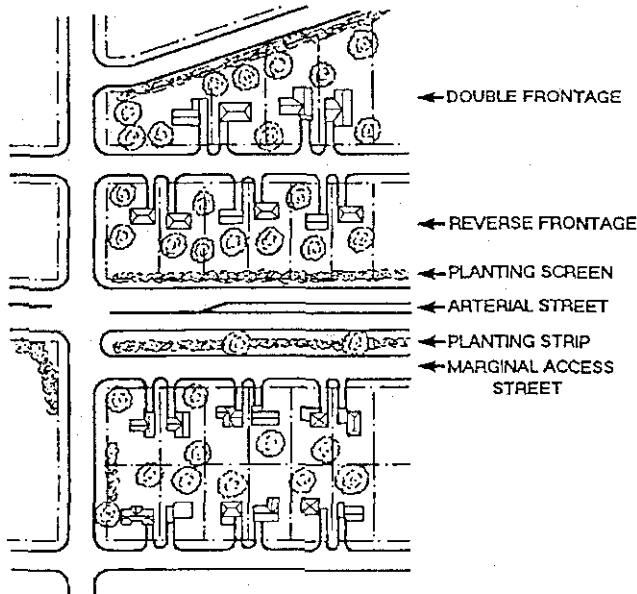
commission may also request and obtain information from such agencies as a school board, power board, industrial development board, housing authority, etc., to determine whether their activities are in compliance with the plan.

Mandatory Referral

This broad power to review and comment on any public project is sometimes referred to as mandatory referral. Section 13-4-104, *Tennessee Code*, states unequivocally that the planning commission shall be consulted prior to the construction or authorization of any project, and this includes private utilities. The law provides that all state, county, and local agencies and officials having jurisdiction over such projects must comply with the referral requirement.

The purpose of such referral is to assure that public projects and their locations are in compliance with the general plan, and further, to assure coordination between various agencies of different levels of government. Compliance with the planning commission's recommendations is not mandatory since the legislative or other responsible authority (e.g. a school board) can override the commission. However, it does guarantee that the commission has the opportunity to comment. Failure to comply with this provision could, in case of a court challenge, delay a project or even jeopardize some all together.

Subdivision Regulations and Site Plan Review



The subdivision of land is the first step in the continuing process of shaping the future land use pattern and adding to the housing stock of a growing community. Prior to the regulation of new subdivisions through planning commission authority, many new subdivisions turned out to be liabilities for the community as a whole and for the individual home buyer. Subdivisions were created without adequate water and sewer, in areas subject to frequent flooding, and without streets. Many times land would be subdivided and homes built and sold, and then the city or county would have to add all improvements.

New lots and streets can alter or intensify traffic on existing streets, they can increase the storm water drainage, they can create more demands for water supply or sewage treatment capacity, and they will enlarge the need for the whole spectrum of public services.

The *Tennessee Code* gives local government the necessary authority to adopt and enforce subdivision regulations. The law defines what constitutes a subdivision, provides that no plat may be recorded until it is approved by the planning commission, prohibits a county register from recording a plat until it is duly approved, provides procedures for the adoption of regulations and for the submission of plats, and provides penalties for transfer or sale of lots in unapproved subdivisions.

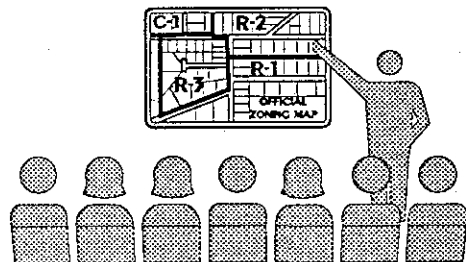
The *Tennessee Code* is rather liberal in its grant of power to a planning commission, and the community may, if it so chooses, adopt stringent controls. Section 13-4-303 provides that in exercising its powers the planning commission shall adopt regulations, and those regulations may provide for the harmonious development of the municipality and environs, for the coordination of streets with existing or planned streets or with the plan of the area, for adequate open spaces, for traffic, recreation, light, and air, and "...for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity." This last part appears to give a planning commission authority to consider the spatial relationships and timing of new developments, factors that few commissions have addressed in the past.

Section 13-4-307, *Tennessee Code*, deals with the acceptance of unapproved streets and reinforces the mandatory referral provisions mentioned earlier. This section generally states that no municipality or public official shall accept, layout, open, improve, pave, or light any street without planning commission review. No water or sewer mains may be laid in any street which is not public or shown on an approved subdivision plat. It is further provided that the chief legislative body may open, accept, or pave streets but such matter shall first be submitted to the planning commission. If disapproved by the commission, the legislative body may override the commission by a majority vote of the entire membership. Here again, the planning commission's recommendations may be overridden; however, the law does give the commission the opportunity for prior review.

Site plan review is a planning commission power only through the enforcement of a zoning ordinance. Once the zoning ordinance is adopted, the planning commission may be given the prerogative to review and approve or disapprove a site plan of any proposed use on any lot prior to the issuance of a building permit. The enforcement of these provisions can result in the improved location, layout, and design of buildings on individual lots.

Prepare and Recommend a Zoning Ordinance and Map

The preparation of a zoning ordinance and map as well as subsequent amendments thereto are but two of the powers of a planning commission. Zoning is often the most visible and controversial aspect of any planning commission's business. This is because it deals with how an individual may use private property.



The subject of zoning in general is rather complex and requires more explanation than is the purpose of this section. There are many multi-volume legal treatises available, and case law as a result of the many lawsuits in zoning abounds. Therefore, this section will simply summarize the role of the planning commission in the zoning process.

Section 13-7-201, *Tennessee Code*, empowers the chief legislative body of a municipality to adopt a zoning ordinance and also specifies the broad areas which may be regulated by zoning. However, Section 13-7-202 specifies that before the legislative body may exercise these powers, the planning commission must make and certify to the legislative body a zoning plan which includes the full text of a zoning ordinance and zoning maps.

After a public hearing which has had proper public notice, the chief legislative body may enact the zoning ordinance. Section 13-7-203 provides that no change in or departure from the text or maps as certified by the planning commission shall be made by the legislative body unless such change is submitted back to the planning commission for comment. Here again, the legislative body may override the planning commission, but the commission gets its opportunity to review. Some ordinances have been successfully challenged in court for failure to comply with this section.

After the ordinance is adopted, the planning commission generally has no role in its administration. This is the responsibility of the staff of the municipality.

Review of Amendments to the Zoning Ordinance or Map

The zoning ordinance and map may from time to time be amended as the need may arise. Since such action would change a city ordinance, it must be passed by the chief legislative body, and a public hearing held thereon. Section 13-7-204 provides that the planning commission shall first review the amendment.

It is this one aspect of the planning commission's power that consumes so much of the commission's time. In many communities the commission may spend 80 to 90 percent of the meeting discussion on zoning amendments. As noted, however, this is only one function of the commission, and while it is an important aspect of the zoning process, it should not be allowed to dominate all meetings. This can mean that other important planning commission functions may be ignored.

One way to simplify the procedure and speed up discussion of amendments is to correlate all amendments with an adopted general plan and to follow a specific procedure. Generally speaking, a proposed amendment should be able to meet several tests before it is approved by the planning commission.

- * Is the proposed change in agreement with the general plan?
- * Does the change violate the legal purposes of zoning?
- * Has it been determined that there will be no adverse impact upon adjoining property or that any adverse impact can be justified by the overwhelming public good or welfare?
- * Has it been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public?
- * Has it been determined that public services and facilities will not be adversely affected?

If all of these tests are met but the proposed change fails to agree with the general plan, then the commission should examine conditions and changes in the area since the original zoning map was adopted. The commission may find that many changes in physical condition, infrastructure, or policy have occurred that indicate the plan may need altering. In this event, the general plan can be amended and subsequently, the zoning map.

The result of following such a procedure for zoning amendments is that all the necessary questions get asked and the proper kind of information is generated so that the planning commission can make an informed and rational recommendation. This is the purpose of planning commission review of amendments, and the commission should not get involved in just the personal interests of the applicant or how the neighbors feel about it. Such a procedure is also much more able to withstand any legal challenge.

KIMBALL PLANNING COMMISSION

June 22, 2000 - 6:00P.M.

MEMBERS PRESENT: C.Taylor, M. Holland, K.Stevens, T.Dobson, S.Wayne and B.McCulley - Also present were Roy Brackett, Tim Roach & Shannon Copas.

Kathy Stevens called the meeting to order. A quorum was established by roll call. Sallie Wayne read the minutes from the May meeting. Carl Taylor made a motion to approve them as read. Martha Holland seconded the motion.

I. There was no old business.

II. New Business:

1. Don Stephens wishes to put in a new drainage tile on his property, since it is private property the matter will be referred to the regular city commission meeting

2. Roy Brackett stated that he cannot issue a building permit for Holland Derby Heights until Harold Deep has signed the plat. The original 1981 plat has not ever been officially approved according to Mr. Brackett. Mr. Dobson stated that the new plat superceded the 1981 plat. After much discussion, it was decided that Mr. Dobson would get all the necessary signatures and then bring the plat back through the planning commission for approval. Roy Brackett recommended having Harold Deep sign the plat and re-record it at the courthouse.

Motion: Dobson will resubmit the plat with all necessary signatures (including the property owners) and re-record it.

Zoning Map Discussion

1. Re-zoning must be done by city ordinance before it can be put on the map.

It was agreed that this meeting would be recessed until June 29 at 5:45. Carl Taylor made the motion. Martha Holland seconded the motion

June 29 - 5:45P.M.
Special Called Meeting

All members were present with the exceptions of T.Dobson, S.Wayne and J.Davis.

Mr. Dobson was not present to conduct his business w/regard to Derby Holland Heights.

The meeting was called to order and promptly adjourned

7/15/00
Mayor Jesse Davis
& Board of Alderman

ON THURSDAY, APRIL(6) 1995, THE TOWN OF KIMBALL BOARD OF MAYOR AND ALDERMAN MET IN THE TOWN HALL FOR THE REGULAR MONTHLY BOARD MEETING. MAYOR DAVIS CALLED THE MEETING TO ORDER.

ALDERMAN WITCHER OPENED WITH PRAYER.

MAYOR DAVIS ASKED FOR A ROLL CALL. THOSE PRESENT WERE: MAYOR DAVIS, VICE-MAYOR REYNOLDS, ALDERMAN CASE, ALDERMAN JACKSON, ALDERMAN WITCHER AND ATTORNEY GOUGER.

THE MINUTES FROM THE PREVIOUS MEETING WERE READ. REGARDING THE DISCUSSION OF FINES, COURT COST AND LITIGATION TAX, VICE-MAYOR REYNOLDS SAID "FINE COST" SHOULD BE CHANGED TO READ "COURT COST". ALSO, THE PARAGRAPH REGARDING JIMMY SULLIVAN STAYING OPEN LONGER, THIS SHOULD READ "THE REQUEST WAS DENIED FOR LACK OF A MOTION." ALDERMAN JACKSON MADE THE MOTION THE MINUTES BE APPROVED ONCE THESE CHANGES WERE MADE. VICE-MAYOR REYNOLDS SECOND THE MOTION. ALL VOTED AYE.

THE BOARD DISCUSSED DELIQUENT PROPERTY TAX. AFTER SOME DISCUSSION, ATTORNEY GOUGER ADVISED THE TOWN TO JOIN IN WITH SOUTH PITTSBURG AND JASPER ON ONE LAWSUIT NEXT YEAR TO COLLECT ON DELIQUENT TAXES. VICE-MAYOR REYNOLDS MADE THE MOTION TO HIRE ZACK KELLY AS THE TAX ATTORNEY TO GO IN WITH THE OTHER TOWNS IN ORDER TO COLLECT THE DELIQUENT TAXES. ALDERMAN WITCHER SECOND THE MOTION. ALL VOTED AYE.

THE BOARD HAD THE FIRST READING OF ORDINANCE NO. 100 REGARDING THE BUILDING PERMITS. THIS WOULD INCREASE THE FEE TO THE FULL AMOUNT RECOMMENDED BY THE SOUTHERN BUILDING CODE CONGRESS. THIS ORDINANCE WOULD ALSO CHANGE SECTION 103 OF THE BUILDING CODE REGARDING PERMITS. THE BOARD WITHDREW THE WORDS "ALTER, REPAIR, IMPROVE, REMOVE, CONVERT AND DEMOLISH". ALDERMAN JACKSON MADE THE MOTION TO LET ATTORNEY GOUGER DRAW UP THE ORDINANCE. VICE-MAYOR REYNOLDS SECOND THE MOTION. ALL VOTED AYE.

Mayor Davis I would suggest that the Ord. be amended to go back to what the building code says. This has to take historical your code's into consideration parts of the code? Roy

**Kimball Planning Commission
Meeting
July 27, 2000 - 6:00 P.M.**

Members Present: M. Holland C. Taylor J. Davis T. Dobson
S. Wayne
Also Present: Roy Brackett Shannon Copas

Martha Holland called the meeting to order. A quorum was established by roll call. The minutes were read. J. Davis made the motion to accept them as read. C. Taylor seconded. All voted aye.

Old Business:

1. Discussion of implementing 35 ft. set-back in C-2 zone. Recommendation will be sent to commission for approval.
2. All city commissioners should get a copy of planning commission minutes.
3. Shannon Copas stated the development of a land use map is in progress
4. Dobson would like to see industrial areas developed.

New Business:

1. No representation from the movie theatre company was present.
2. Roy Brackett asked that we recommend a change in city ordinance #100 with regard to section 103 of the building codes. The words "alter, repair, improve, remove, convert and demolish" should be left in this section of the building code so that we would meet the Southern Building Code standards.

Carl Taylor made the motion to add the afore mentioned words in order to meet the Southern Building code. T.Dobson seconded the motion.

Jere Davis made the motion to adjourn. Carl Taylor seconded the motion.

**Kimball Planning Commission
Special Called Meeting
Wednesday, August 16, 2000**

Present:

C. Taylor	K. Stevens	T. Dobson
J. Davis	B. McCulley	
S. Wayne	M. Holland	

Also Present: Roy Brackett, Bldg. Inspector
Shannon Copas, State Planning Offc.

A quorum was established by roll call.

The purpose of this meeting was to consider Mr. Dobson's plat for Holland Derby Heights subdivision.

Shannon Copas' recommendation was as follows:

This plat should only be approved if lots 1,2,& e were combined and shown as one lot.

According to Mr. Copas, another option would be to delete lots 1,2,& 3 from the plat.

Mr. Harold Deep, Health Department, has placed restrictions on # 1,2,&3 to the effect that only one house may be placed on the 3 lots combined.

Mr. Dobson's plat still shows #1,2,&3 as separate lots. He stated that a 1981 plat supercedes this plat and that it is his belief that the plat should be signed as is.

Shannon Copas said that this new plat is different than the 1981 plat. He would not recommend approval of the plat until lots 1,2,&3 were shown combined and other existing lots re-numbered.

Mr. Dobson objected to renumbering his lots because of the cost involved and the time factor.

Mayor Davis made the motion to sign the plat as presented today with 1,2,&3 separated. He did not get anyone to second the motion.

After much discussion (recorded on tape) Shannon Copas, Roy Brackett, and the *planning commission* tried to find a way to help Mr. Dobson get the plot approved so that building permits could be issued and the lots would not have to be re-numbered.

It was decided that lots 1,2,&3 would be blacked out(removed) from the plat. Mr. Dobson asked Roy Brackett if he would talk to Harold Deep and ask him to initial or resign this plat with 1,2,&3 taken off and it being noted that lots 1,2,&3 were owned by Buck Layne. Mr. Dobson stated that this is an acceptable way to end the controversy. Shannon Copas agreed that this could be done and lots would not have to be re-numbered.

Carl Taylor made the following motion: The Derby Holland Heights plat would be approved subject to lots 1,2,&3 being removed and it would be shown on the plat that Buck Layne owned lots 1,2,&3. Jere Davis seconded the motion. All voted aye, with exception of Mr. Dobson who abstained.

Roy Brackett marked out the lots with ink on the plat. He agreed to take the plat to Mr. Harold Deep and get it initialed. Then Mr. Brackett would take the plat to Carl

Taylor, acting secretary, to be signed. Mr. Brackett and Mr. Dobson agreed that this would be accomplished the next day so that building permits could be issued.

C. Taylor made the motion to adjourn. Jr. Davis seconded the motion.

KIMBALL MUNICIPAL PLANNING COMMISSION

AGENDA

August 24, 2000

- A. Call to Order/Determination of a Quorum
- B. Reading and approval of previous minutes
- C. Hearing of persons having business before the Planning Commission
- D. Old business
- E. New Business
 - 1. Any Properly Presented New Business
- F. Adjournment

NEXT SCHEDULED MEETING: SEPTEMBER 28, 2000

Planning Commission Meeting September 28th, 2000

Present

Kathy Stevens
Carl Taylor
Martha Holland
Tommy Dodson
Roy Brackett
Shannon Copos

Absent

Jere Davis
Sally Wayne
Bill McCulley

There were not any minutes to approve from the last meeting.

A discussion on changes to the Subdivision Regulations on minor Subdivision plat for four lots or less.

Motion was made to approve changes to Subdivision Regulations by Carl Taylor ,Tommy Dodson second the motion all voted yes.

A public hearing will be held and second reading on November 14th, 2000.

With no other business to discuss motion to adjourn was made by Carl Taylor Martha Holland second all voted yes.

RESOLUTION _____

A RESOLUTION TO AMEND THE KIMBALL MUNICIPAL SUBDIVISION REGULATIONS: MINOR SUBDIVISION – PLAT PROCEDURE.

WHEREAS, pursuant to Tennessee Code Annotated Section 13-4-303 municipal subdivision regulations have been adopted for the Town of Kimball; and,

WHEREAS, the Kimball Municipal Planning Commission has agreed to define Major and Minor Subdivisions and establish a Minor Subdivision – Plat Procedure; and,

WHEREAS, pursuant to Tennessee Code Annotated a public hearing was held before this body on November 14, 2000, pursuant to a notice published in the South Pittsburg Hustler at least fifteen days in advance of the hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE KIMBALL MUNICIPAL PLANNING COMMISSION:

SECTION 1. That the Kimball Municipal Subdivision Regulations, Chapter 2 (Definitions of Terms), Section 02.00 (Definitions), be amended to replace the definition of SUBDIVISION with the following:

SUBDIVISION: Within these regulations the term “subdivision” means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions of 5 acres or less for the purpose, whether immediate or future, for the sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The term “subdivision” may be further defined as follows:

1. Major Subdivision: All divisions of land into five (5) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development; and including all division of land into two (2) or more lots involving a new street, or change in existing streets; or divisions of land involving the extension of water, sewer or gas lines and includes re-subdivisions and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
2. Minor Subdivision: All divisions of land into four (4) or less lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. This definition shall not include any divisions of land involving a new street, a change in an existing street, or the extension of water, sewer or gas lines.

SECTION 2. That the Kimball Municipal Subdivision Regulations, Chapter 8 (Final Platting Requirements), Section 08.06 (Minor Subdivision – Plat Procedure) be added and to include the following:

Minor Subdivision – Plat Procedure

Whenever a proposed subdivision contains four (4) or less lots and does not require the construction or installation of new streets, utilities or other improvements, the following procedures for review and approval of the subdivision shall apply. The subdivider may, if he desires, submit only a final plat in securing plat approval provided that the plat submitted complies with all the requirements of the final plat. However, if any corrections or modifications are needed, the planning commission shall disapprove the plat and require that it be resubmitted for approval. Submission of a preliminary plat is optional unless topographical or other features justify submission as determined by the Planning Commission. If required the preliminary plat must meet all standards contained in Chapter 6 of this document.

Preliminary Plat Specifications (OPTIONAL)

See Section 06.04 of these regulations for the Preliminary Plat Specifications.

Final Plat Specifications (REQUIRED)

See section 08.04 of these regulations for the Final Plat Specifications.

SECTION 3. BE IT FURTHER RESOLVED, that this resolution shall become effective immediately upon its passage, THE PUBLIC WELFARE REQUIRING.

Chairman, Kimball Municipal
Planning Commission

Secretary, Kimball Municipal
Planning Commission

Date

Date

Planning Commission - BZA -
November 14, 2000 - 6:00 P.M.

Present:

M.Holland X
C.Taylor X
J.Davis X

T.Dobson X
S.Wayne X
B.McCulley ab

K.Stevens ab

BZA MEETING

Martha Holland called the meeting to order. A quorum was established by roll call. The minutes from the previous meeting were approved as read. Motion to approve those minutes was made by Tommy Dobson. A second was offered by Jere Davis. Martha Holland opened the public hearing on Subdivision Minor Plat Procedure. There was no discussion or any objection to approval of plat procedure. (see handout from state planner).

Motion to approve plat procedure-Dobson- second-J.Davis-all voted aye.

Motion to adjourn BZA - J.Davis-second-T.Dobson-

PLANNING COMMISSION MEETING

Martha Holland called the regular planning commission to order. A quorum was established by roll call. The previous minutes were read and approved as read.

No Business.

S. Wayne made the following motion: To cancel all meetings until the January meeting except the November 30 BZA meeting with regard to the McConnell property.- second-J.Davis-all voted aye.

Carl Taylor made the motion to adjourn-J.Davis seconded the motion.