

## **MINUTES OF THE MEETING**

### **ATHENS MUNICIPAL-REGIONAL PLANNING COMMISSION**

**February 5, 2024**

**12:00 P.M.**

#### **CONFERENCE ROOM**

#### **ROLL CALL**

##### **MEMBERS PRESENT**

Chairperson Jona Garrett  
Janice Hardaway  
Sam Stephens  
Jordan Curtis  
Eric Newberry

##### **MEMBERS ABSENT**

John Proffitt  
Frances Witt-McMahan

##### **OTHERS ATTENDING**

Anthony Casteel  
Gene McConkey  
Nora Cardin  
Ben Burchfield  
Jennifer Goddard-Brown  
Michael C. Smith  
Diane Hicks  
Chris Lingerfelt  
Shannon Lingerfelt

#### **APPROVAL OF MINUTES**

##### **1. Approval of the December 27, 2023 work session minutes**

The minutes of the December 27, 2023, work session were approved on motion by Eric Newberry; seconded by Janice Hardaway; vote – unanimous.

##### **2. Approval of the January 29, 2024 work session minutes**

The minutes of the January 29, 2024, work session were approved on motion by Eric Newberry; seconded by Janice Hardaway; vote – unanimous.

##### **3. Approval of the December 4, 2023 regular minutes**

The minutes of the December 4, 2023, regular meeting minutes were approved on motion by Eric Newberry; seconded by Janice Hardaway; vote – unanimous.

#### **OLD BUSINESS**

There was no old business to discuss.

#### **NEW BUSINESS**

- 1. Public Comments and Recommendation on rezoning request by Christopher S Lingerfelt** to change parcels identified as Tax Map 056C Group C Parcel 058.00 and 059.00 located at 1304 North Jackson Street from L-1 Light Industrial District to R-2 Medium Density Residential District containing approximately 0.28 acres.

Mr. Casteel said this is another one of those lots that was developed a zone that does not allow single-family dwellings as a use. They were built in the 1940s, according to the tax records. What the issue is, is the same thing as the Virginia Avenue rezoning last year where you have a property that cannot not be rebuilt in the zone so you cannot get a residential loan. There is an R-2 across the street, unfortunately, these two lots are substandard lots in both districts, but they have submitted a plat, he received from Kyle Belk, combining these two properties, making it a minimum lot for the R-2 District. It will meet that density so the City Council can act on it. Those will run concurrently, and they will have to record the plat before the rezoning can be completed on the second reading. The landowners understand. Staff makes the recommendation for the rezoning because you cannot put anything industrial on 12,000 square feet.

MOTION: Move to approve the request to recommend to City Council for rezoning.

MADE: Eric Newberry

SECOND: Jordan Curtis

VOTE: Unanimous

MOTION PASSED

- 2. Public Hearing and Recommendation for the closure and abandonment of six (6) various unopened/unimproved alleyways as follows: North Matlock Avenue-north of Frye Street; between South White Street and the 700 block of South Jackson Street; running from Ava Street to Webb Street; perpendicular to Ohio Street and North of Decatur Pike; parallel to Hughes Street south of Decatur Pike, and diagonal from Tellico/Railroad intersection to Astrid Street.**

Mr. Casteel opened the floor for the public hearing.

Mrs. Hicks said she had a question about Hughes Street. She has a property at Hughes Street and at Bell Street. The closing of that street for what they are saying is an alleyway joins their property in the back. If it has not ever been maintained by the City, why is it being closed? It was Seatons' property that was their right of way.

Mr. Burchfield said it is not maintained or utilized by the City of Athens in any capacity.

Mrs. Hicks asked if the City owned that property.

Mr. Burchfield said yes, it is right of way. They've known about it for a long time. They are trying to get several of these out, this one being included because the strip is 10 foot in narrow width and a little under 15 feet at the widest. It is not useful for anything; they

cannot put a road on it, and there is no mechanism do a street, or even an alley. It is much simpler for the City to go through an abandonment process on a right of way like this than it is for an adjacent property owner. It has no strategic use for the City. A lot of property owners have already put something on it, or are encroaching on it, a fence or outbuilding, or something or other. They are abandoning it, half of it goes to one property owner the other half goes to the adjacent property owner and it is no longer in the City's right of way.

Mrs. Hicks asked if all the houses coming up Hughes and Bell Streets would take up half of that property and the other half would revert to Seaton's.

Mr. Burchfield said is one lot on the west side, that one side would go to Seaton's; all the other adjacent landowners to east will get their respective half of that right of way, the length of their western property boundary.

Mrs. Hicks asked if the length to the corner or all across the hill to the same width.

Mr. Burchfield said they do not. There is not a right of way to the Athens Housing Property.

Mrs. Hicks asked when the City acquired the alley.

He said to his understanding Seaton's has never owned it. He said it was platted in the 40s or 50s and tiny strip of right of way was in that plat. It has always been there. It has always been the City's. They never done anything with it and there is no real use for it. If that was going to be a street, say someone decided to build, they would have to dedicate a fifty-foot flag stem.

Mrs. Hicks asked if there would be some type of barrier to keep people from driving on that property.

Mr. Burchfield said it ultimately on Seaton's to manager trespassing. He said that he does not have the authority to make them secure it.

Mrs. Goddard-Brown asked if they would raise property taxes with the extra footage and is that automatically going to be surveyed in, or they going to have to change their property lines.

Mr. Burchfield said they are not raising property taxes. Will it have some kind of monetary impact, it will have something, like pennies on the dollar. There is not property tax increase on this, but to that point, you will have more property and it will be reflected on the taxes.

Mrs. Goddard-Brown asked if they would need to go change the property lines.

Mr. Burchfield said it is not their intent to go out stake every property.

Mr. Casteel said the property assessor is the one who updates these maps. When he finds out this has been done, he may abandon that, and he may not. It is up to the property owner to get a subdivision plat and record it.

Mrs. Goddard-Brown asked if she was going to sell her house, will the footage show.

Mr. Casteel said the only thing he knows the City has ever done is issue a quit claim deed. They would sign a quit claim deed if there was one prepared and brought. It would still be the property owner's responsibility to hire a surveyor to put the pieces of land together. They would not require that to sell their house.

Mrs. Hicks said they are looking at selling in a couple of years. How will that affect the sale of the property; how will they get the property line established?

Mr. Casteel said some title companies will sell as is, and some will come to the City and want it cleaned up.

Mr. Burchfield said basically it is a simple modification to the legal description.

Mr. Casteel said one thing that has not been said is, the City and Athens Utilities Board will maintain the right to put utilities in this easement. That will not be going away. They will not abandon that portion.

The public hearing was closed, and a motion was made.

Mr. Burchfield and Mr. Casteel answered all questions and concerns.

No one expressed opposition to the closures.

MOTION: Move to approve the request to recommend to City Council to close and abandon the six lots as presented.

MADE: Jordan Curtis

SECOND: Sam Stephens

VOTE: Unanimous

MOTION PASSED

Mr. Casteel said this will go to City Council in February and if they do pass it, it will become affective immediately because it is resolution and it will be abandoned February 20. The next day after everyone signs it, it will be final.

#### **PETITIONS AND REQUESTS FROM AUDIENCE**

There were no petitions or requests from the audience.

**STAFF REPORT**

There was no staff report presented.

  
Jona Garrett, Chairperson

  
Janice Hardaway, Secretary