

## MINUTES OF THE MEETING

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

**January 6, 2025**

**12:00 P.M.**

### **CONFERENCE ROOM**

#### ROLL CALL

##### MEMBERS PRESENT

Sam Stephens  
Chairperson Jona Garrett  
John Proffitt  
Jordan Curtis  
Eric Newberry  
Steve Sherlin  
Janice Hardaway

##### MEMBERS ABSENT

##### OTHERS ATTENDING

Anthony Casteel  
Brandon Ainsworth  
Tim Schultz  
Gene McConkey  
Nora Cardin  
Ben Burchfield  
Christian Medders

**(Several others attended the meeting please see below for full list)**

John Duggan, Hector Jaramillo, Shelli Runyan, Sam Runyan, Mike Womack, Barry Toomey, Don Clark, Karen Axley, Karen Tommey, Kiamuddin Jatoui, Dian Risbon, Ivey Watson, Dan Axley, Pamela Clark, Jacob Burnette, John Coker, Brian Dingman, James A Lewis, Austin Plemons, Ted Heater, Jennifer Johnson, Rodney Scarbrough, Matt Dunn, Cynthia Mishtal, Aaron Heist, Tyler Boyd, Vickie Thomas, Ken Armstrong, Joel Riley, Ashton Jenne, Christian Medders

#### APPROVAL OF MINUTES

##### **1. Approval of the December 30 work session minutes**

The minutes of the December 30, 2024, work session were approved on motion by Jordan Curtis; seconded by John Proffitt; vote – unanimous.

##### **2. Approval of the December 2, 2024 regular minutes**

The minutes of the December 2, 2024, regular meeting were not presented at the meeting.

#### OLD BUSINESS

##### **1. Election of Officers**

Eric Newberry nominated Jona Garrett for Chairperson; it seconded by Janice Hardaway. There were no other nominations for Chairperson. Mrs. Garrett accepted the nomination. It was put to a vote; all were in favor. Jona Garrett remains Chairperson.

John Proffitt nominated Sam Stephens for Vice Chairperson; it was seconded by Janice Hardaway. There were no other nominations for Vice Chairperson. Mr. Stephens accepted the nomination. It was put to a vote; all were in favor. Sam Stephens remains Vice Chairperson.

Sam Stephens nominated Janice Hardaway for Secretary; was seconded by Eric Newberry. There were no other nominations for Secretary. Mrs. Hardaway accepted the nomination. It was put to a vote; all were in favor. Janice Hardaway remains Secretary.

- 2. Public Comments and Patio Home Preliminary Plat approval for Hector Jaramillo on property shown as part of Tax Map 065 Parcels 094.00 on the Tennessee Real Estate Property Assessment Data Website. The property is located on Cedar Springs Road and Keith Lane and contains 22.56 acres and a possible 93 lots. The property is zoned R-2 Medium Density Residential.**

Chairperson Garrett opened the floor for public comments. She advised that they would not hear what has already been discussed. Only new comments.

Kiamuddin Jatoi, he said he lives on Matlock Avenue and has lived there for 19 years now. He said he met with Seth Sumner, the previous police chief, the now police chief, and has had numerous officers to house about the speed violations on Matlock Avenue. No one does nothing, what is going to be done about the speeders? At 7:30 in the morning the traffic is blocked up, who is going to take care of that. Seth Sumner said they could not have a stop sign on Crestway Drive or Matlock because that is a liability. If they don't have a sidewalk on Matlock, how does his wife expect to get the mail.

Mr. Curtis said the city council is currently specifically looking at a safety study on Matlock. It is an item on the study session in January even including a stop sign on Matlock.

Mr. Jatoi said he had heard the same thing for years. He said it sounds like bureaucratic BS to him. A stop sign is not going to stop the additional amount of traffic. He talked about the school system and traffic lights.

Chairperson Garrett had to cut Mr. Jatoi's comments due to time for others.

Joel Riley talked about being employed by the city of Athens previously. He talked about the increase in the traffic on Cedar Springs Road and Keith Lane because of the new homes and school. They have to do a traffic study and have some traffic lights. This area was zoned R-2 and if you look there's 14 or 15 houses that totally envelop the area, he spoke but all would classify R-E due to land space. What should be done is it should be classified R-E because all the houses around there and everything east on Cedar Springs Road could be classified R-E. What happened was when they were classified, he looked

at all the lots around it, they were R-1 and R-2 and he classified as R-2. He discussed the acreage of the houses and the concentration. If they pass that, they are going to have to look at the impact of that area.

John Coker, he does not live in the city but does own property in the city. He talked about when he was on this board and how he fought against three homes being developed on Congress Parkway that were 50% it was supposed to go back and be commercial property. He said the board approved it so the developer could get an FHA home loan. The developer was a customer of his, but he could not vote for it. He said this development goes against the charter. They have the right to deny this. They are going to open a can of worms, look at the old Seaton lot, how many homes they are going to pack in there. Some board members have a conflict of interest and that needs to stay outside that door. The council put them there to do what is right for the citizens.

Don Clark, 914 Cedar Springs. They don't have a picture of what kind of homes are going to be put in there. As a planning commission that needs to be denied. They don't know if the homes are going to aesthetically improve the area or decrease the area. This needs to be tabled. You need to know all this stuff in advance.

Mr. Coker asked if this board passed this, whether it will be passed on to the council to approve.

They said no.

Mr. Newberry said his concern as a planning commission is this, if someone comes in hands them a plat, and it is for a particular development in the city, depending on how it is zoned, there are requirements this plat has to meet, so what he is saying for subdivision regulations, does it meet the requirements. Their job is to approve it or disapprove it. All of them are lay members and none are planning professionals, they go to training every year.

Mr. Coker said in the charter there are multiple reasons they can deny this without fear. Let it go back to being aesthetically correct, not just because the guidelines say you can build five-foot off the guidelines. He said they do not need to open this can of worms.

Chairperson Garrett asked if there were any other comments and that this would be the last comment accepted.

Jacob Burnett, 618 Forrest Avenue. He said he did his own calculations, and it looks like the plots are not the required size. Looks like they are about 7,000 verses 8,000 square feet, which is required for an R-2 development. He asked if they have details showing the lots are an appropriate size?

Chairperson Garrett said yes, he is correct.

There was an uproar with several people speaking at once.

Mr. Newberry said he previously told them they are a lay board. Mr. Casteel is their professional planner. If he comes to them and tells them that plat meets the requirements, then they expect he's done his review as a professional planner.

Mr. Jatoi said he came to his meeting and does have that paperwork. They want to see those plans that he is talking about. He should back it up with paperwork.

They told Mr. Jatoi that it shows on the plat they have before them there.

Mr. Casteel said this is a patio home development. In the zoning code, there are reduced lot sizes in the patio homes to make small lot size and put the additional property that is required for the minimum lot in the open space. Mr. Riley subtracted that section out, so there are another six acres put in permanent conservation that could never be developed. The density does not change. They still can do five homes an acre and they are well under that in this development.

Mr. Burnett said what the city code actually says is may approve that, the city does not have to approve that correct.

Mr. Casteel said wrong. The Board of Zoning Appeals approved this in 2021, so there is no may, it is shall now.

Someone said it was a different plat back then.

There were more outbursts and people yelling.

Chairperson Garrett said they were getting off track.

Mr. Burnett said he trusts what they are saying. He talked about how the city may approve and not have to approve.

Mr. Jatoi said space the homes out.

There was a conversation between those in the audience with each other.

There was another outburst with several people talking.

There was a discussion on the approval of the plat and when the patio home use was approved.

Mr. Casteel said the plat expired because they never built it so they are restarting it now. The patio home approval did not expire.

There was more yelling and outbursts of unidentifiable people in the audience.

Chairperson Garrett called for order.



Mr. Burnette once again said they need to discuss this lot size.

MOTION: To approve the deny the plat.

MADE: Steve Sherlin

SECOND: NONE

There was no second. The motion failed due to no second.

MOTION: To approve the request.

MADE: Sam Stephens

There was another outburst by the audience.

SECOND: Jordan Curtis

Mr. Proffitt said he appreciates what they are saying and he wished they have the prevue of what the houses will look like. Safety concerns him whether he votes for it or not.

Mr. Sherlin said he is against this motion because they have a duty to do what is best for the city and its citizens. He read the various sections of Tennessee Code Annotated 13.03-401 through 13.03-413. He said in his opinion this kind of development is not suitable for this area. This is going to put a burden on the services of the city for that area. He does not think it will be convenient to the public nor will it be safe. Is real concern is traffic on Keith Lane and it should not be supporting this kind of traffic.

There was more back and forth discussion.

Mr. Sherlin said he has a problem with access from the subdivision onto Keith Lane. Based on the preamble of the enactment laws they have grounds to deny.

Mrs. Hardaway said the council has planned to do a significant study in that area and she believes Matlock is central to the whole picture if they do a lot of speculation about what ifs is their decision premature.

Someone from the audience said is that not what planning is.

Mrs. Hardaway said what has been spoken has been measurable and she wants to make sure they are not jumping to a conclusion about safety measures.

Mr. Sherlin said there was a request to put a 4-way stop at Matlock and Crestway Drive after a previous study. They are putting up warning signs and to his knowledge there has not been another wreck. The problem is speeding at 60 mph or more. This is a problem a stop sign will not fix.

People from the audience began to speak again.

Mr. Sherlin said the study has been done, and they have not heard back yet, but that is just on Matlock. There is going to be a traffic problem there and a safety issue and he cannot vote for it.

Mr. Curtis asked if they do not approve this plat today, will it not be approved automatically in certain number of days.

Mr. Casteel said state law says after it has been put on the agenda, if it has not been acted upon by the board up or down, it is automatically approved in 60 days. That is his understanding of the law.

VOTE: 5-2 (John Proffitt and Steve Sherlin voted against)  
MOTION PASSED

## **NEW BUSINESS**

- 1. Public Comments and Patio Home Preliminary Plat approval for MESANA INVESTMENTS LLC property shown as part of Tax Map 057 Parcels 089.00 on the Tennessee Real Estate Property Assessment Data Website. The property is located off Davis Place Drive and contains 8.42 acres and a possible 40 lots. The property is zoned R-2 Medium Density Residential.**

Mr. Medders said this is Davis Place – Phase 2. They had the preliminary plat approved previously. He said it is about done; it is just a technicality of being reapproved. They made all the comments that were asked for. The only comment was power be put on it and they talked to AUB, and he talked with Corey and he said he was good with not putting on here since it is a preliminary plat and Mr. Medders said he would put it on the final.

Mr. Coker asked if this still meets the same criteria as when Davis Place started, or is it compacted.

Mr. Medders said no. This meets the same criteria when they approved the original preliminary plat. Mr. Medders told Mr. Coker he was on the board and he voted for this

preliminary plat if he remembers correctly. This is about done. This is just a technicality. He said the patio home were the original development when Mr. Coker was on the board.

Austin Blevins – Davis Place – Talking to people in the Davis Place, roads and access are real big concern. He said they have an existing one street subdivision now and there are at least three different connection points. Why could there not be dedicated entrance off Slack Road going into this new development. It is not going to meet restrictions existing restrictions from lot sizes to pitch of the roof, the third or front of the house has to be stone or material other than vinyl siding, he talked about other requirements. He talked about his route home from work. He talked more about traffic flow. He said their biggest stake in the game is the access. They shouldn't be able to pass through the existing Davis Place to get to where they are going. He asked about streetlights and traffic increase. He also asked about the zoning. He also talked about the new school and overcrowding. Having all those existing accesses, there is going to be an influx of traffic. He wants there to be direct access from Slack Road and not have people come through Davis Place.

John Duggan – 1002 Towanda Trail – He has an issue with access. Citizens are asking why there is no access off Slack Road. There are no speed limit signs. There is a problem throughout the city. They need a plan to think about that. It is a high-risk issue. A second access point needs to be dealt with. This area has been cut into roads and no one has come to repair the potholes. They want the name of the entire neighborhood to not be called Davis Place. He said they are in a high-cost society and there needs to be more planning. If there are guidelines in the charter about safety concerns, that need to be addressed first.

Mr. Medders said this property was all Mr. Haren's property to begin with. All this was part of the entire subdivision, and the roads were roughed in with the original development of phase 1. Those entrances were roughed with the original layout 5 years ago. There has never been an entrance off Slack Road. The two-lane road was built to city standards when it was originally built. They are almost finished with the subdivision, it has expired and they need it to be resigned. The restricted covenants were on put on the lots that were platted and approved at that time.

Mr. Blevins said in theory there would be no difference if phase 2 was approved for tiny homes.

Mr. Medders said that is correct. The restrictions were on the original lots, not the land themselves.

Mr. Blevens said they need to be separated because they are different. It is only up to the developer to determine the name of the subdivision.

Someone spoke up and said the intent is that to be apart it needs to coincide with it when it is built.

Mr. Medders said the development is 99% done all they have is paving. They only have technicality now because the preliminary is expired. He asked for approval.

Mr. Duggan asked if phase 2 was done and there was no more construction to be done.

Mr. Medders said phase 2 is done, the road has been put down and it is ready to go. It is happening this week.

Mrs. Garrett closed that portion of the meeting.

MOTION:     To approve the request.

MADE:         John Proffitt

SECOND:       Jordan Curtis

Mr. Proffitt asked if everything had been addressed and Mr. Casteel said yes. Mr. Medders spoke up and said everything except what he mentioned about AUB previously.

VOTE:           6-0 (Chairperson Garrett recused herself from the vote)  
MOTION PASSED

**2. Public Comments and Recommendation for the establishment of the Athens Historic Preservation Association Commercial District Boundary for Downtown.**

Mr. Casteel explained what they have in their packet is the minutes from the Historical Preservation meeting. This is what they recommended the Planning Commission to look at. He talked about the 2019 guidelines and said they already have guidelines in place for this.

Tyler Boyd spoke and said he said he thinks it will be a good idea. It sends a message to future property buyers and developers. If you have your commercial district as such it shows that you care about downtown and its value. He talked about the events downtown and the history of downtown. He talked about many landmarks downtown. Having this zoned as a historic district would help out so much.

Mr. Newberry reiterated what they were actually voting on.

There was a brief discussion about what this means.

Mr. Casteel said, this means they will have to get a certificate of appropriateness to work on the exterior of the building. The guidelines are already in place and are very specific.

Mr. Curtis said he thinks the Historic District continues to be successful. He thinks the opportunities are limitless and this is a natural progression.

MOTION:     To recommend the AHPC downtown commercial historic boundary to the city council for adoption.

MADE: John Proffitt  
SECOND: Jordan Curtis

VOTE: Unanimous  
MOTION PASSED

Mr. Proffitt asked what the feeling was with the downtown property owners.

Mr. Curtis said he thinks it was very positive.

Mr. Sherlin said he is for this. He said the council will have a wider view of this. He would like to have 50% of the downtown business owners on board with this before he would vote for it.

3. **Public Comments and discussion concerning asking City Council if they want regulations to be drafted to protect Single family Homes in the proposed Athens Historic Preservation Association (AHPC) Commercial District Boundary for Downtown, per AHPC request.**

Mr. Curtis said he thinks the genesis of this is recommend to Council those residences in this overlay were destroyed, they could rebuild. It is to protect single family homes in the commercial district.

MOTION: To approve the request to make a motion to the city council.

MADE: Eric Newberry  
SECOND: Steve Sherlin

VOTE: Unanimous  
MOTION PASSED

Mr. Curtis asked if this is a change they could make even if they do not accept the historic overlay. It is worth protecting those historic homes in the area.

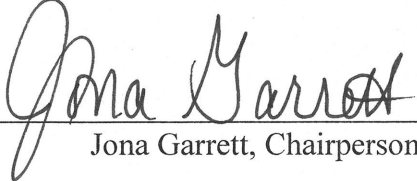
### **PETITIONS AND REQUESTS FROM AUDIENCE**

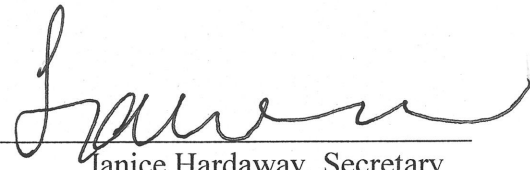
Mr. Duggan talked about coming up with some kind of rules of engagement to create less audience noise because there were issues hearing.

### **STAFF REPORT**

There was no Staff report presented.

The meeting was adjourned.

  
Jona Garrett, Chairperson

  
Janice Hardaway, Secretary

Signing in Janice Hardaway's  
absence. FWME