



**CITY OF BELLE MEADE
MUNICIPAL PLANNING COMMISSION
REGULAR MEETING AGENDA PACKET
DECEMBER 19, 2023, 04:00 PM**



**AGENDA MUNICIPAL PLANNING COMMISSION
REGULAR MEETING
DECEMBER 19, 2023, 04:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE**

TO ALL MEMBERS OF THE MUNICIPAL PLANNING COMMISSION AND INTERESTED PARTIES:

This is to notify you of the regularly scheduled meeting of the Municipal Planning Commission (MPC), with public hearing. Items for consideration are listed below and plans for each agenda item are available on the city website, citybellemeadetn.org. The meeting will also be available through Live Stream on the city website.

I. Call to Order

II. Approval of Minutes

Consideration of the minutes of the Municipal Planning Commission held November 21, 2023.

Attachment: [MPC Minutes Nov 21 2023.pdf](#)

III. Old Business

A. Election of Chairman and Vice Chairman

IV. New Business

A. The application of the adjoining residents to close, vacate, and abandon the right-of-way of Red Wing Avenue.

Attachment: [Property Owners Request.pdf](#)

Attachment: [LOCATION MAP.pdf](#)

Attachment: [ORD 2016-4 Abandon portion of ROW at rear of 121 Westhampton Pl.pdf](#)

Attachment: [HISTORIC PLATS OF THE IMMEDIATE AREA.pdf](#)

Attachment: [Crumbo public comment.pdf](#)

Attachment: [Alexander public comment.pdf](#)

V. Other Business: None scheduled

VI. Adjourn

VII. The next regularly scheduled meeting of the Municipal Planning Commission will be held January 16, 2024 at 4:00 p.m.



**MINUTES
MUNICIPAL PLANNING COMMISSION – REGULAR MEETING
NOVEMBER 21, 2023, 4:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE**

Call to Order

The meeting was called to order at 4:00 p.m. by Acting Chairman, Rusty Moore

Board Members Present

Acting Chairman Rusty Moore
Karen Rich
Gavin Duke
Nina Davidson
Scott Kendall
Haley Dale
Ashley Levi
Carter Dawson

Staff Members Present

Planning Director Mary Samaniego
City Recorder Rusty Terry
City Attorney Doug Berry

Approval of Minutes

Consideration of the minutes of the Municipal Planning Commission held July 11, 2023.

Motion to approve: Dale Second: Duke Vote: All aye

Old Business - None

New Business

The application of Charles Brian Fox, MPC2023-1, corner of Gerald Place and Belle Meade Boulevard, for determination of the front yards on a corner lot.

Acting Chairman Moore recused himself from the discussion and Vice Mayor Haley Dale assumed the role of Acting Chairman.

Brian Fox, resident at 610 Belle Meade Boulevard, stated the application was to determine the building envelope on the lot which they own adding that while they had no intention of building on the lot there was interest from others.

- Dale: What is the plan that had been submitted.
- Fox: The plan submitted was only an idea, that proposes a layout for the property. Whatever the commission thinks would look best for the city.
- Duke : Does the lot meet the qualifications of the square footage to build on.

- Dale: If it were being subdivided it would not, because it was existing, and it is .6 acres it is buildable.

A discussion, and period of questions and answers between the commission and the applicant ensued.

Public Comment Opened

Kathy Follin, 4416 Gerald Place provided history on the lot, expressing concern about water issues and the view that residents on Gerald Place would have of anything built there.

Additional discussion about the lot size, and water issues and easement location continued.

Duke asked for the staff recommendation.

Planning Director Mary Samaniego stated she recommended to approve the building envelope for the lot, adding that it is a legal lot of record and based on property rights in the constitution of the United States the owner has the right to develop the property for the permitted use within the zoning district. The commission can establish parameters, you have the criteria for you to look at for the setbacks and orientation, so you can place conditions upon it.

Ian Garcino, House Manager/Personal Assistant for Clint Higham and Matt Donahoe at 4420 Gerald Place stated they would like to know the location of the lot line.

Motion to approve as submitted with the condition that the driveway is on Belle Meade Boulevard and on the opposite side of the property from Gerald Place:
Place: Kendall
Second: Duke **Vote Aye:** Rich, Duke, Davidson, Kendall, Dale, Levi,
Dawson **Recused:** Moore

The application of Chris & Chance Hardy, MPC2023-3, 612 Belle Meade Boulevard, for determination of the front yards on a corner lot.

Mayor Rusty Moore resumed the position of Acting Chairman, following the vote on application 1.

Charlie Rankin, architect Rankin DesignWorks representing the Hardys, presented their request for establishing the corner lot setbacks for 612 Belle Meade Boulevard, by reviewing the plans as submitted with the application.

Questions from the board, answered by Rankin, ensued following the presentation.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve: Duke Second: Davidson

Board Discussion

Kendall requested staff recommendation.

Planning Director Mary Samaniego stated she recommended approval.

Vote: All aye

The application of Mike & Chandra O'Keefe, MPC2023-2, 627 Royal Oaks Place, for removal of a previous condition of no swimming pool construction.

Jason Brownlee, Landscape Architect & Watersscape Designer, JBrownlee Design, with Chandra O'keefe, resident 627 Royal Oaks Place. Brownlee stated the O'keefes are looking to add a swimming pool and outdoor living space and solving existing drainage issues, noting that in a discussion with Planning Director Mary Samaniego it was discovered there was a previous condition placed on the property when developed that prevented a swimming pool from being constructed on the property.

Chandra O'Keefe stated they were not aware of the condition on the property when they purchased the home, adding that they do have letters supporting the plan to correct the drainage and construct a swimming pool.

Planning Director Samaniego asked for the letters from the neighbors.

Board member Carter Dawson asked if a pool was allowed to be built.

Acting Chairman Moore explained that when the Planning Commission approved the lot, a condition was placed on the lot that no pool could be built, and that the resident is asking that the condition be removed and then they would go to the Board of Zoning Appeals for approval to build the pool outside of the building envelope.

A period of questions and answers about the stipulation placed on the lot and about the plan to mitigate the stormwater issues ensued.

Public Comment Opened

Wendy Gatto, 620 Westview Avenue, stated while she was for the correction of the drainage issues and was not opposed to a pool but was against a structure coming as close to her property as the plans show.

Pat Patten, stated that she did not receive notice, and just because she's not adjacent, she should receive a notice.

Public Comment Closed

Acting Chairman Moore stated that he believed that the board should be respectful of the previous board that placed the restriction on the property.

Motion to Deny: Dale Second: Kendall

Duke asked for staff recommendation.

Planning Director Samaniego stated that a pool could be developed within the existing envelope, adding the questions is should they be allowed to build a pool, and yes they should be allowed to build a pool on the property adding that with the existing building envelope it would be a small pool.

Dale renewed her motion

Vote: All aye

Review and Recommend Ordinance 2023-10 AN ORDINANCE TO AMEND TITLE 14, CHAPTER TWO OF THE BELLE MEADE ZONING CODE TO REPEAL THE POWER OF THE BOARD OF ZONING APPEALS TO GRANT SPECIAL EXCEPTIONS AND CLARIFY THE JURISDICTION OF THE BOARD TO GRANT VARIANCES AND CONDITIONAL USE PERMITS AND TO APPROVE NON-CONFORMING USES AND STRUCTURES.

City Attorney Doug Berry reviewed the ordinance and answered questions from board members about the ordinance.

Motion to approve: Duke Second: Dale Vote: All aye

Other Business: None Scheduled

Meeting adjourned at 5:17 p.m.

Acting Chairman Rusty Moore

City Recorder Rusty Terry

Request for Red Wing Avenue Closing

Date: October 3, 2023

RE: Red Wing Closing Request

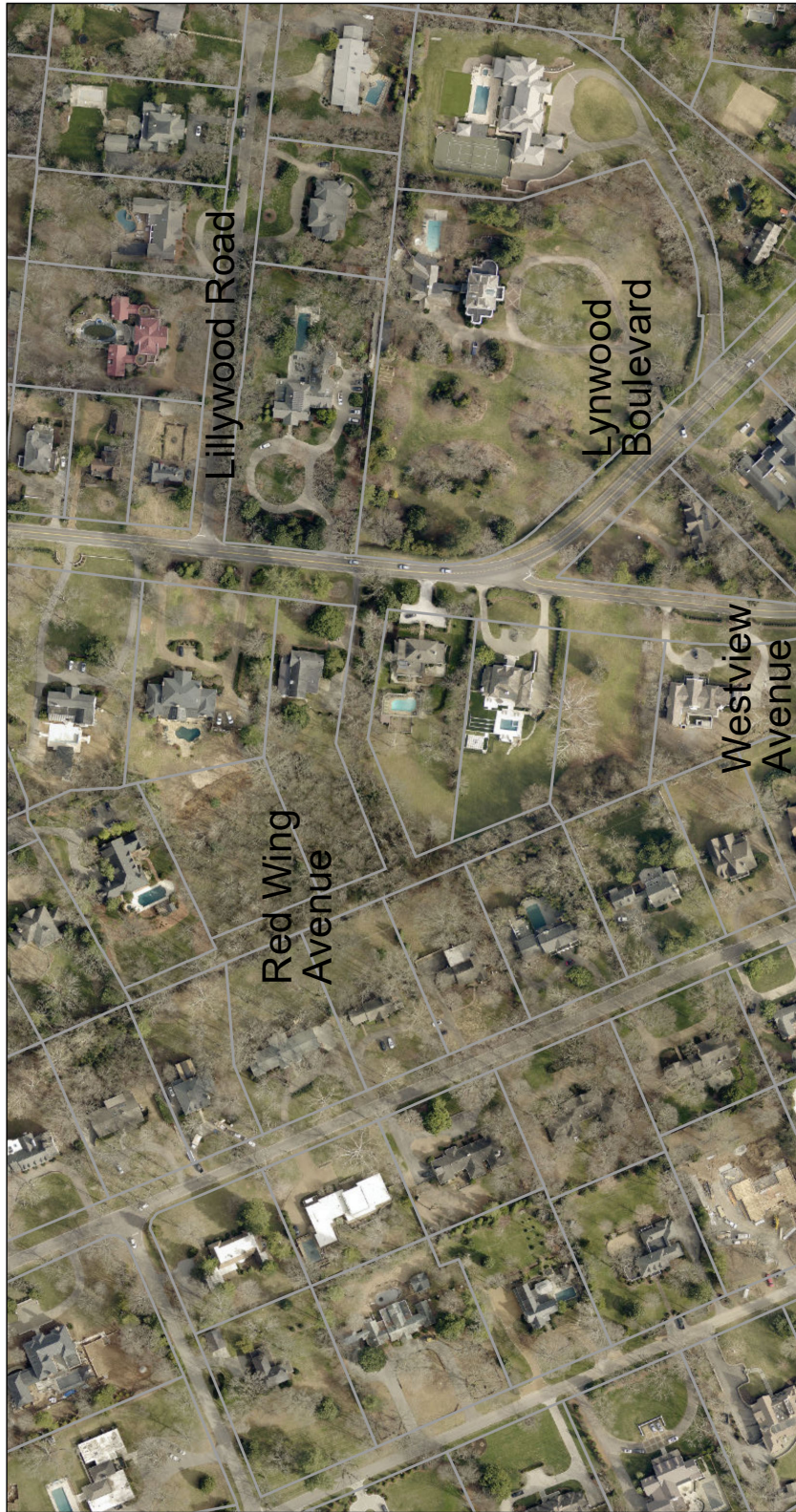
Belle Meade City Manager and Belle Meade City Planner
 Jennifer Moody and Mary Samaniego
 Belle Meade City Hall
 4705 Harding Road
 Nashville, TN 37205
 (615) 297-6041

We request that the Red Wing Avenue right-of-way property be abandoned and the former right-of-way be conveyed to the adjacent property owners.

The requesting party(s) are owner(s) of all property directly abutting Red Wing Avenue.

Applicants	Street Address	phone/email
<u>Paul C. Hershey</u>	309 Lynnwood Boulevard	310 429-2010 ceo@morgansamuels.com
<u>Ashley Henry</u>	311 Lynnwood Boulevard	615-454-1737 ashleyhenry@aol.com
<u>Drew Kitch</u>	313 Lynnwood Boulevard	415-906-9716 drewkitchen@yahoo.com
<u>Alana Alexander</u>	301 Westview Avenue	917-207-5581 alana.r.alexander@gmail.com
<u>John Olson</u>	400 Sunnyside Drive	615-260-7331 HOLDACRE@GMAIL.COM
<u>Mac Wilson</u>	402 Sunnyside Drive	615-948-7901 SMKWILSON@att.net
<u>John Olson</u>	406 Sunnyside Drive	615-260-7331 HOLDACRE@GMAIL.COM
<u>J. St</u>	408 Sunnyside Drive	615-613-7021 jcrstreams@gmail.com
<u>Shirley C. G</u>	410 Sunnyside Drive	615 306-1845 615 306-1919

Nashville / Davidson County Parcel Viewer



December 14, 2023

☐ graphicsLayer2

1:2,257

0 0.02 0.04 0.07 0.09 mi
0 0.04 0.07 0.14 km

Nashville Maps: Pictometry International

Made by: Metro GIS

25

ORDINANCE 2016-4

AN ORDINANCE TO CLOSE, VACATE AND ABANDON
A PORTION OF THE RIGHT OF WAY OF A ___' STREET CALLED REDWING AVENUE
AT THE REAR OF 121 WESTHAMPTON PLACE AND 400 SUNNYSIDE DRIVE.

WHEREAS:

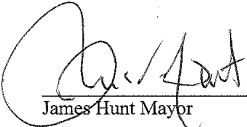
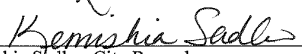
1. There is shown on the recorded plan of Deux Properties of record in Plat Book 6900, page 227, Register's Office for Davidson County, Tennessee, (the "Deux Properties Subdivision") a ___ foot street called Redwing Avenue, across the west property line (the "Right of Way") that terminates at the northern boundary line of Lot 2 of the Deux Properties Subdivision; and There is shown on the Plan of Re-subdivision of Lots Nos. 20-23 and the southerly 50 feet of Lot 24 as shown on the unrecorded plan of Honeywood Subdivision, of record in Plat Book 5200, page 324, Register's Office of Davidson County, Tennessee, a ___ foot street called Redwing Avenue, across the east property line (the "Right of Way") that terminates at the northern said lot and is coterminous with the Right of Way depicted as the boundary of Lot 2 of the Deux Properties Subdivision.
2. The dedication of the Right of Way has never been accepted by the City of Belle Meade, utilized by the Public, nor improved as a Public Street.
3. The owners of Lot 2 of the Deux Properties, the street address for which is 121 Westhampton Place, parties have requested that the City abandon the same as a public right-of-way across their Lot, and their lot only, which request the Commissioners deem to be in order.

NOW, THEREFORE, BE IT ORDAINED by the City of Belle Meade as follows:

Section 1. The Right of Way, as described above, is hereby declared closed, vacated and abandoned.

Section 2. Any and all public utility or other easements in said right-of-way are hereby retained by the City of Belle Meade, its agents, servants and/or contractors, and utility companies operating under franchises from the City of Belle Meade, or from the Metropolitan Government of Nashville and Davidson County, Tennessee, for the right to enter, construct, operate, maintain, repair, rebuild, enlarge and patrol its now existing and/or future utilities, including sewer, water and drainage facilities, together with their appurtenances, and for the doing of any and all things necessary and incidental thereto.

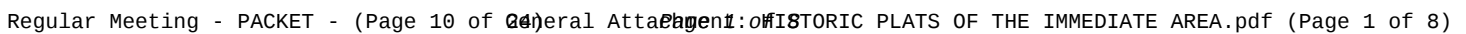
Section 3. This Ordinance shall take effect upon the expiration of fifteen (15) days following its adoption.

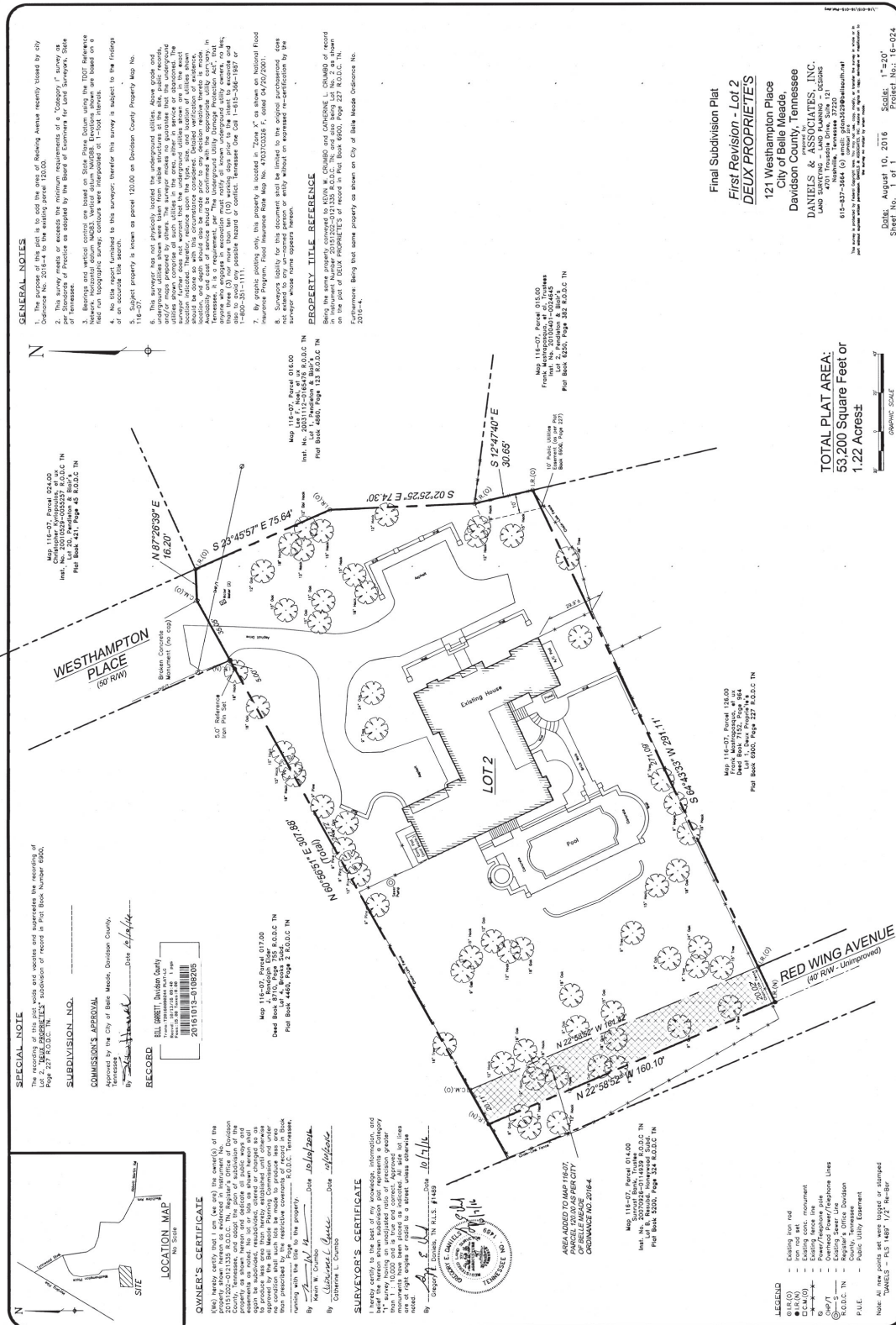

James Hunt Mayor

Kemishia Sadler, City Recorder

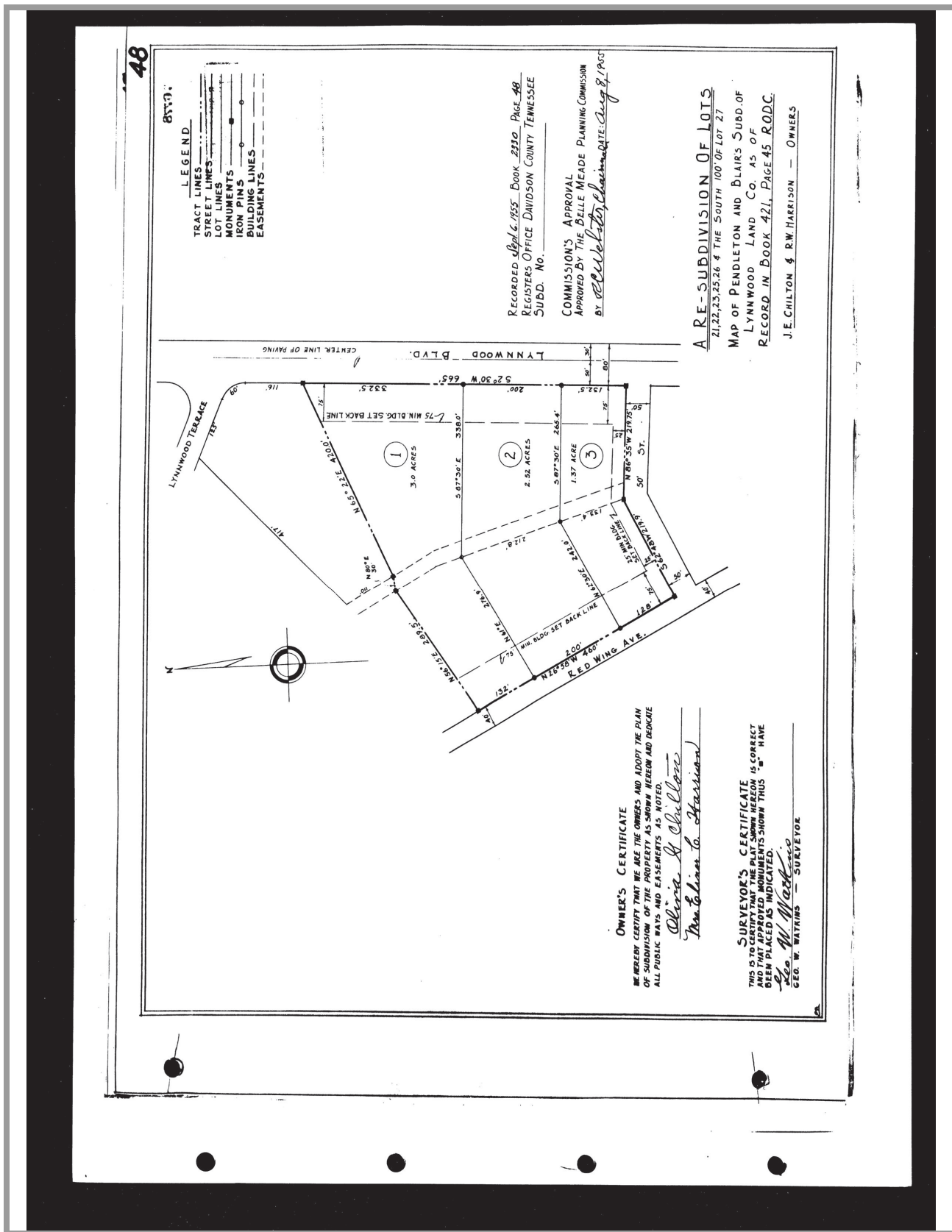
Passed on first reading, April 27, 2016.

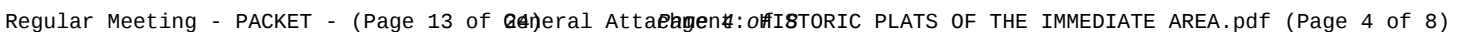
Approved by Municipal Planning Commission, May 17, 2016.

Passed on second reading, May 18, 2016.









-OWNER'S CERTIFICATE-

[We] hereby certify that we are the owner(s) and adopt the plan maps and easements as noted. No lot or lots as shown herein shall be sold or otherwise disposed of until the same have been approved by the City of Belle Meade Planning Commission. The plan maps and easements shall be subject to the provisions of the City of Belle Meade Planning Commission. The plan maps and easements shall be subject to the provisions of the City of Belle Meade Planning Commission. The plan maps and easements shall be subject to the provisions of the City of Belle Meade Planning Commission.

Name: _____ Date: _____

-ENGINEER'S CERTIFICATE-

I, the undersigned, hereby certify that the plan maps and easements as shown herein are true and correct. I am a duly licensed Professional Engineer in the State of Tennessee. My license number is 172. I am the Engineer for the City of Belle Meade Planning Commission. I am the Engineer for the City of Belle Meade Planning Commission. I am the Engineer for the City of Belle Meade Planning Commission.

Name: James B. Cannon Date: 8-16-51

BARGE, MAGON, SHAW & CANNON, INC.
MEMPHIS, TENNESSEE

-COMMISSION'S APPROVAL-

Approved by the CITY OF BELLE MEADE PLANNING COMMISSION

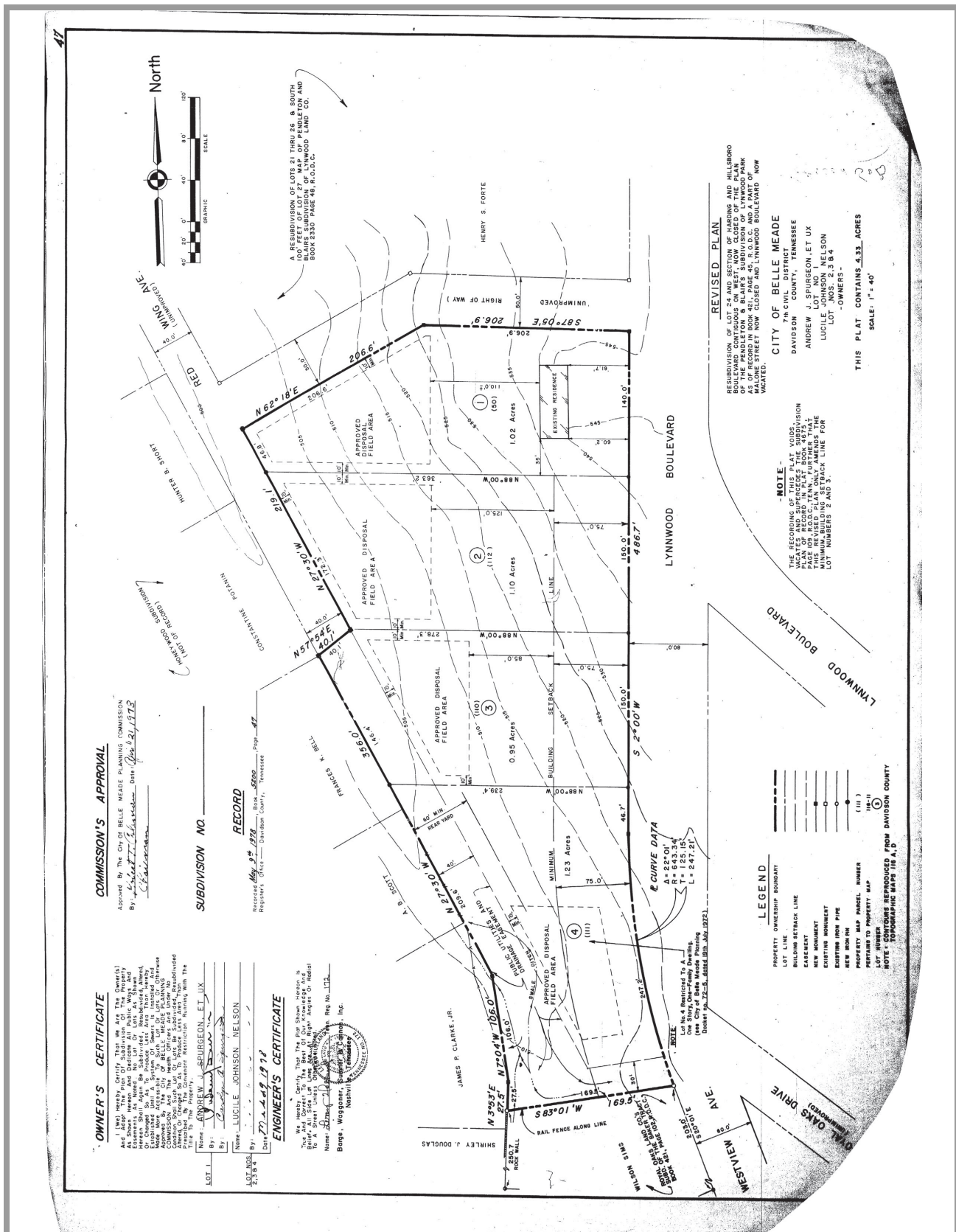
By: _____ Date: _____

-RECORD-

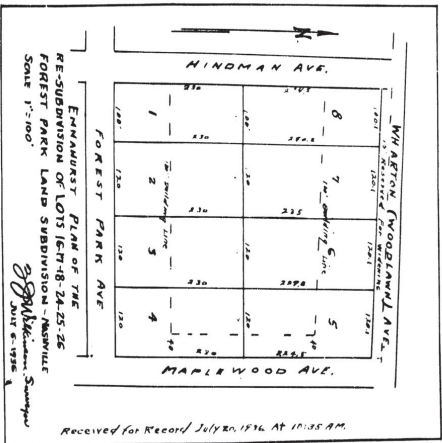
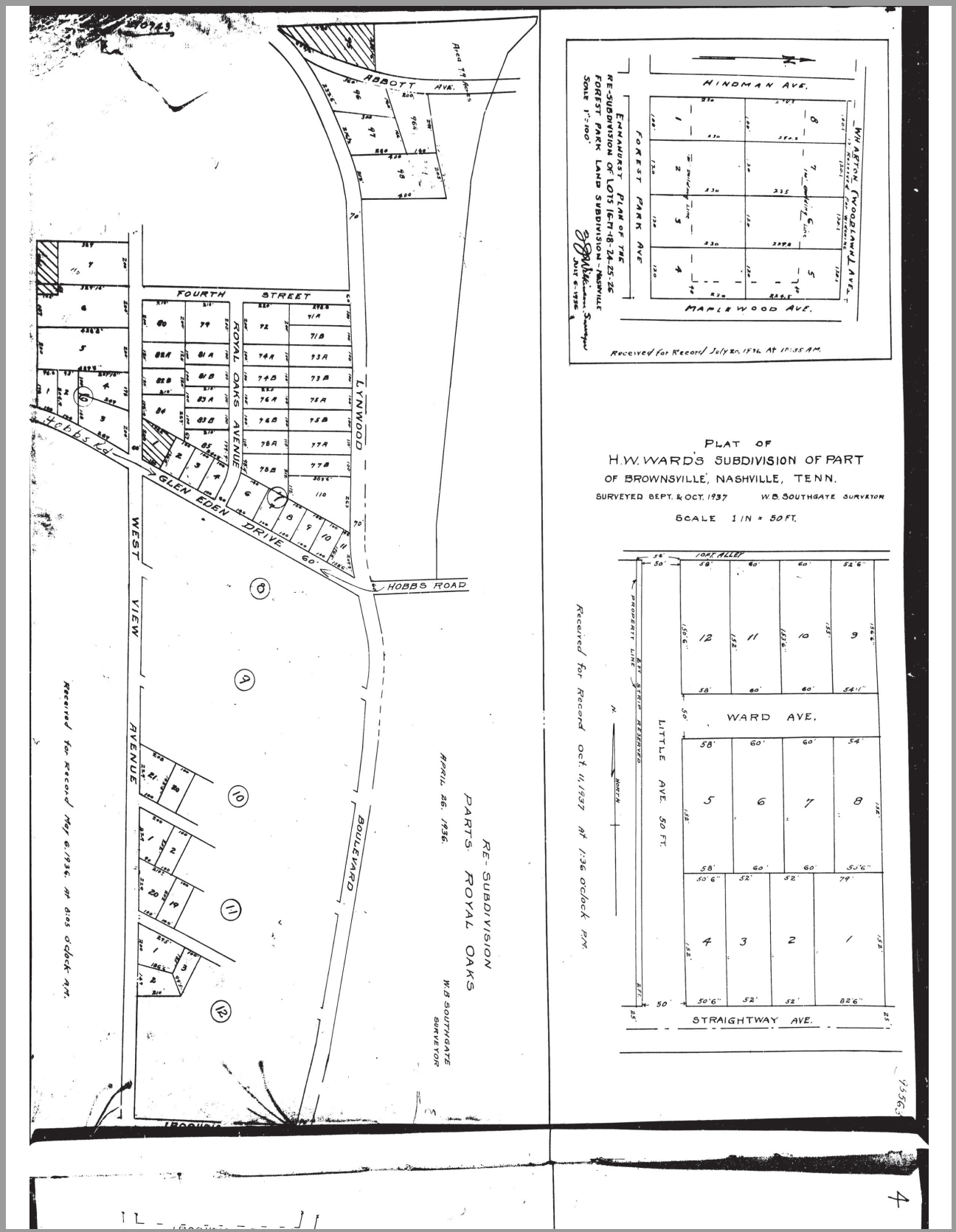
Recorded 4-2-81 Book 5800 Page 324
Registers Office-Davidson County, Tennessee

-LEGEND-

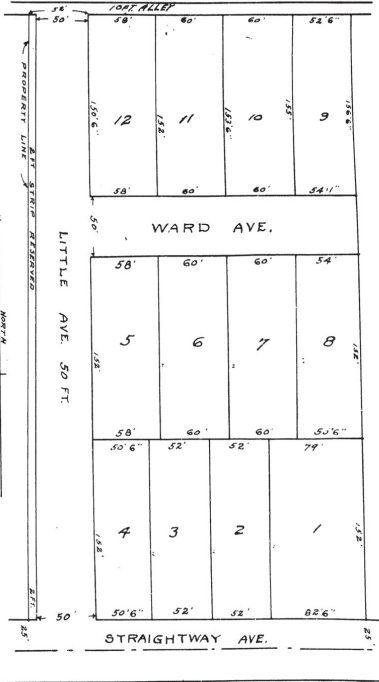
PROPERTY OWNERSHIP BOUNDARY
LOT LINE
BUILDING SETBACK LINE
EASEMENT
EXISTING MONUMENT
EXISTING IRON PIN
NEW IRON PIN
PROPERTY MAP PARCEL NO. (111)
PERTAINS TO PROPERTY MAPS 116-7 & 116-11
LOT NUMBER 5
NOTE: COPIES OF THIS MAPS FILED IN THE CLERK'S OFFICE OF DAVIDSON COUNTY







PLAT OF
H.W. WARD'S SUBDIVISION OF PART
OF BROWNSVILLE, NASHVILLE, TENN.
SURVEYED DEPT. & OCT. 1937 W.B. SOUTHWATE SURVEYOR
SCALE 1/4" = 80 FT.



From: [Mary Samaniego](#)
To: [Kevin Crumbo](#); [Katie Crumbo](#)
Cc: [Jennifer Moody](#)
Bcc: Doug.Berry@millermartin.com
Subject: RE: Municipal Planning Commission
Date: Tuesday, December 19, 2023 8:40:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Good morning Mr. and Ms. Crumbo. I spoke with the City Attorney yesterday and did confirm, as I indicated on our telephone conversation, that your property was not required to have direct mailing notice for the Planning Commission meeting. I will forward your emails comments and request for a deferral to the Planning Commission and include it in the public comments record in the application file. The Planning Commission meeting will begin at 4:00 PM in the City Hall meeting room for public comment and a vote for a recommendation to the Board of Commissioners. As a courtesy, I will ensure that I email you notification as soon as the Board of Commissioners meeting date and time is set to vote on this right-of-way surplus request.

Thank you for your time and attention,

Mary Samaniego
Planning Director
City of Belle Meade
4705 Harding Road, Nashville, TN 37205
Phone 615-297-2364 Fax 615-297-0255



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From: Kevin Crumbo <kevin.crumbo@pinehavenfamilyoffice.com>
Sent: Monday, December 18, 2023 5:15 PM
To: Mary Samaniego <msamaniego@citybellemeade.org>; Katie Crumbo
<katie.crumbo@gmail.com>
Subject: Fwd: Municipal Planning Commission

I am writing to request that the Municipal Planning Commission make a one meeting deferral of the Request for Red Wing Avenue Closing now on agenda for its meeting tomorrow at 4 pm.

As we discussed earlier today by phone, my wife Catherine "Katie" Crumbo and I are the owners of an adjacent property addressed 121 Westhampton Place, Nashville, Tennessee, 37205. We just learned of the meeting today 12/18/2023.

In our phone call today, you were unable to assure me that our property would not be impacted by the referenced request for closing of Red Wing, and consequently, you were unable to determine if we should have received notice of the request/meeting. For the avoidance of doubt, we have received no notice.

Upon reading the new business section of meeting agenda that I now see posted at your website, I see the signed request of property owners lacks any detail, the location map lacks any detail but does highlight 121 Westhampton as impacted, and the ordinance is a 2016 ordinance benefiting 121 Westhampton vs a proposed current ordinance that would clearly define what exactly is being proposed now.

We are unable to adequately evaluate the request on the eve of the meeting, and accordingly, request a one meeting deferral to do so.

We hope 121 Westhampton will not be impacted and that we will have no objection to the proposal.

Red Wing as it exists today has existed for decades. We are not aware of any compelling reason to rush its closing at this time.

Thank you. Kevin & Catherine "Katie" Crumbo.

From: [Austin Alexander](#)
To: [Mary Samaniego](#)
Cc: [Alana Alexander](#); [drewkitchen@yahoo.com](#); [ashleyhenry@aol.com](#); [ceo@morgansamuels.com](#); [holdacre@gmail.com](#); [smkwilson@att.net](#); [jcrstreams@gmail.com](#); [kevin.crumbo@pinehavenfamilyoffice.com](#); [katie.crumbo@gmail.com](#)
Subject: Re: December 19, 2023 MPC meeting information
Date: Tuesday, December 19, 2023 11:21:09 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Redwing Ave.pdf](#)

Mary,

I hope that you are doing well and enjoying this holiday season.

Alana forwarded me the meeting notice below. While we would love to be able to join (and will attempt to do so via zoom if that is an option - if so, please send a link), we unfortunately had an unexpected death in the family and are currently out of town for the funeral.

As you may recall from our conversation back in August, we are supportive of the closure and abandonment of Red Wing Avenue. Subsequent to that meeting, we spoke to a local property attorney who is familiar with these matters and wanted to follow up with you to make sure that his feedback on the legal considerations relating to the abandonment were incorporated into any next steps on this issue.

The attorney indicated that while splitting abandoned property equally between adjacent parcels is a common way of dividing it (as you had indicated), the approach should vary depending on a variety of factors. Most prominent of these is the historical context, and he indicated that the correct way of doing it is to deed the land back to the parcels from which it came, or as otherwise agreed to by the adjacent property owners. As such, based on this legal feedback, the most appropriate approach of reallocating the abandoned land in this case would be for it to go back to the Pendleton-Blair subdivision (which includes all of the lots in question that are on Lynwood, Westview, and Westhampton) rather than having it split between this and the Sunnyside/Honeywood subdivision, as we understood was previously discussed. There are three main reasons for this:

1. Historical context - Based on our historical research, Red Wing was originally created as part of the planned Pendleton Blair subdivision in 1913, with the intention of adding lots fronting that street. There was also a plan for the extension of the road that became Westhampton Pl, which would have intersected with Red Wing. Please see the historical map in the attached pdf for reference. As Red Wing was created for the benefit of this subdivision from land in this subdivision, based on the legal advice that we have received, it would revert back to the Pendleton Blair subdivision if abandoned.
2. Historical precedent - based on the attached map, a portion of the road that was to become Red Wing was already abandoned in the past. Specifically, portions of it to the north, where there are now four lots on Westhampton Pl that back up to what used to be reserved for Red Wing (plus the Crumbo lot, which absorbed a partial previous abandonment), as well as two lots to the south that are now on Westview Ave. These sections are highlighted in green on the attached maps. In all of these cases, this land previously allocated for this road reverted to the lots in Pendleton Blair.
3. Practical considerations - there is a creek that effectively serves as the western border of the Pendleton Blair subdivision (and the eastern/back side of the lots on Sunnyside). As

a result, if we were to allocate ~20' of land on the eastern side of this creek to lots on Sunnyside (in the Honeywood Resub), there would be no practical way for the Sunnyside owners to access this land for maintenance or any other purposes. It is already functionally part of the lots on Lynwood/Westview, and from a purely practical standpoint, it would make sense for it to remain as such.

Each of the above reasons seems to be sufficient for the Red Wing land to revert back to the lots in Pendleton Blair, and together they clearly suggest that this is the appropriate outcome in this specific case. Based on this, we believe that the correct apportionment would be as per the proposed plat map on the second page of the attached pdf. This just extends the existing Pendleton Blair lot lines through the land that is reserved for Red Wing (with the section coming off of Lynwood between the Henry and Kitchen lots split evenly between those two adjacent properties or as otherwise agreed between those two parties) and would result in just four changes to lot lines affecting five lots - specifically, the Crumbo, Hensley, Henry, Kitchen (formerly Esposito), and Alexander properties. The properties on Sunnyside would not be directly impacted, but the Sunnyside owners would still benefit from the closure of Red Wing and the avoidance of any future development behind their properties.

As I mentioned, we would like to join the meeting if possible, but assuming that this is the outcome that is recommended by the MPC, we would be supportive of it.

Please let me know if you have any questions or would like to discuss further prior to the meeting. Thank you and merry Christmas!

Thank you,
Austin Alexander
(m) 917.209.4911

Alana Alexander <alana.r.alexander@gmail.com> wrote:

Begin forwarded message:

From: Mary Samaniego <msamaniego@citybellemeade.org>
Date: December 14, 2023 at 1:40:32 PM CST
To: ceo@morgansamuels.com, drewkitchen@yahoo.com, Alana Alexander <alana.r.alexander@gmail.com>, holdacre@gmail.com, smkwilson@att.net, jcrstreams@gmail.com, ashleyhenry@aol.com
Subject: December 19, 2023 MPC meeting information

Good Morning MPC applicants.

Here is the link to the MPC December Agenda. The meeting begins at 4:00 PM and a representative for the application should be prepared to give brief presentation to the MPC when the agenda item is heard. I have the application and will be running the slides from my computer onto the screens.

<https://play.champds.com/bellemeadtn/event/81>

If there are questions or issues, let me know.

Have a great weekend!

Thank you for your time and attention,

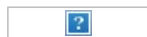
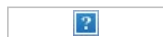
Mary Samaniego

Planning Director

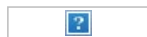
City of Belle Meade

4705 Harding Road, Nashville, TN 37205

Phone 615-297-2364 Fax 615-297-0255



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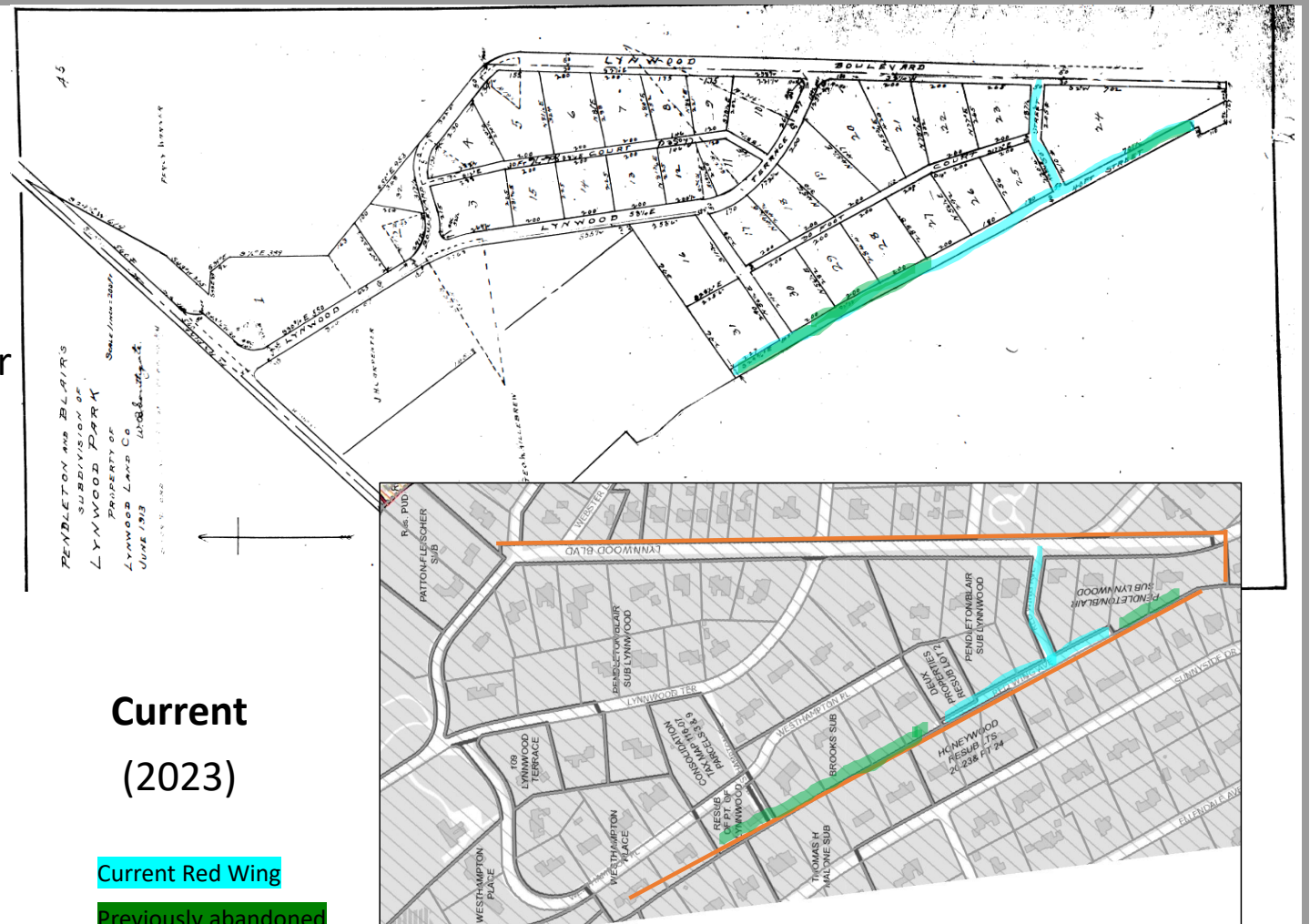
Redwing Ave.

Historical
Pendleton and Blair
(1913)

Current
(2023)

Current Red Wing

Previously abandoned



Proposed

