

**Municipal Planning Commission Meeting  
City of Belle Meade  
December 21, 2021**

**Board Members Present**

Chairman, Steve Horrell	Vice Chairman, John Eason	Jim Hastings
James Hunt, Mayor	Larry Wieck	Bob Weigel
Scott Kendall	Gavin Duke	

**Staff Members Present**

City Manager, Beth Reardon      City Attorney, Doug Berry  
Assistant City Manager and Building Official, Lyle Patterson  
City Recorder, Rusty Terry

**Approval of the Minutes:**

Minutes from the regularly scheduled meeting held September 21, 2021:

**Motion to approve:**      Eason                      **Second:** Weigel              **Vote:** All aye

**Old Business:**    None

**New Business:**

1. **The application of Robert Caplin (21121) 424 Royal Oaks Drive, requesting to abandon half of a 10-foot pedestrian walkway and combine into lot 10 (424 Royal Oaks Dr.).**

**Presentation**

Building Official, Patterson is presenting for the Caplin's. Using a site map, Patterson shows a pedestrian walkway, which originates off Lynwood Boulevard, and is one of the old walkways used by day-staff to access the homes. The Caplin's would like to have half of the walkway, 5 feet of the 10-foot-wide walkway, to be combined into their lot.

**Board Questions and Comments:**

- Horrell: Is that an existing easement? What is the definition of those ten feet?
- Patterson: That is not an easement.
- Horrell Who owns the property?
- Patterson: It is part of the Royal Oaks Land subdivision, it was carved out to allow day staff and others to easily access homes from bus stops. It cuts through a couple of different places in Belle Meade.
- Horrell: I understand what it is. I'm trying to determine who owns it and and make sure we are not taking it away from anybody.
- Patterson: No, we are not.
- Berry: It was probably dedicated with the original plat to the city. Once it is abandoned by the city, it requires the Planning Commission's action. Typically, we can draw up an ordinance, and once the commission approves the abandonment it reverts 50 percent to the owner on either side. But your action is required.
- Hunt: Is there any reason to do this now? Would it affect the resident to delay?

- Berry: I would recommend just doing it and if there is a reason, we could bring it back. The commission is going to have to enact an ordinance to accomplish the abandonment.
- Duke: Wouldn't the neighbor want to do that as well?
- Berry: Once it's abandoned, it reverts by the operation of law to the adjacent owners.
- Horrell: I am wondering if the addition of the land would affect the survey and impact the mortgage.
- Berry: The Caplin's said it is included in the surveyor's report.
- Horrell: I am not opposed; I just want to make sure we are doing this correctly. Counselor, your advice would be to move forward?
- Berry: Yes. There's no reason to believe anything other than the right the city has to abandon, and it is likely the commission will have to pass an ordinance to accomplish that amendment, which is not going to be controversial.
- Hastings: Is that something we should do for the other side also?
- Berry: If it is abandoned by the city, it happens automatically.
- Patterson: I know that we did this on a street, I think it was Redwing Avenue. The people were asking for it like the Caplin's are here, and the other half just automatically went to the other contiguous neighbor. And that was a street.
- Berry: That is correct.
- Hastings: Who does that corner belong to?
- Berry: It looks like it belongs to the property to the north.
- Hastings: Shouldn't we know that?
- Berry: We are just recommending the abandonment. If the city passes and ordinance that says it is not ours anymore, then it splits down the middle, wherever it goes.
- Horrell: Could you get it approved from us contingent upon an ordinance being passed?
- Berry: In my opinion the abandonment wouldn't be effective unless an ordinance passes. If the Planning Commission sees no reason why it should not be abandoned, I would recommend it be abandoned.
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**Public Comment: None**

**Motion to approve the abandonment pending ordinance approval: Hastings**  
**Second: Eason Vote: All aye.**

**2. The application of Elle McCulty (21122) 121 Bellevue Drive S., requesting a determination of front & rear setbacks on a corner lot.**

Presentation:

Ron Farris, architect, presenting for Elle and Evan McCulty  
 Farris stated that this is not a demolition, and they are in the process of planning the renovation and an addition to the existing residence.  
 This is a corner lot and the McCulty's are asking the commission to consider or approve a building envelope that will establish Park Hill Drive as the front of the property. Currently the front door faces Park Hill, but the address is Bellevue Drive South. With the aid of a diagram, Farris showed the building setbacks per ordinance and explained what the new setback dimensions would be, noting this would net a building envelope that is more typical to an internal or regular straight lot. It was also noted the residence would not be any closer to Bellevue Drive South than it is today. The setback

request would allow the most greenspace to the neighbor on the west side. Farris also noted this request would be the most positive return of greenspace back to the neighbors and the city.

To show precedence, Farris, noted that several months ago, the Commission considered a request at Parmer Avenue and Scotland Avenue, a similar situation to this request. With supporting diagrams, he noted three corner lots with similar characteristics:

- Parmer Avenue and Scotland Avenue
- Lynwood Boulevard and Lillywood Road
- Harding Place and Westview Avenue

Farris concluded that this request is a better condition and a more favorable consideration of granting the front setback as Park Hill.

**No Public Comment**

**Board Questions and Comments:**

- Eason: You had two rear setbacks, one 60 feet and one 85 feet, what is the 85 feet for?
- Farris: The 60 foot is the one-story setback, and the 85 foot is the two-story setback.
- Eason: Which one are you asking approval for?
- Farris: I'm asking for 60 and 85.
- Eason: Okay.
- Horrell: What are staff recommendations?
- Building Official, Patterson: It makes sense that Park Hill is the front, as the house is oriented to Park Hill.
- Wieck: Can we review the diagram with the existing setbacks?
- Weick: Thank you, and back to the proposed setbacks?
- Weigel: How many square feet in that lot?
- Farris: 27,900 square feet.
- Duke: And that is the average setback for that front.
- Farris: Yes. And there are only two in the block.
- Duke: Building Official, Patterson, is there any reason not to approve this?
- Building Official, Patterson: None that I can see.
- Horrell: I am looking for a motion.

**Motion to approve:**        Duke                    **Second:**        Weigel                    **Vote:** All aye.

Meeting adjourned at 4:23 p.m.

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Steve Horrell, Chairman

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City Recorder, Rusty Terry