

Final comments on October 27, 2016 Planning Commission agenda items, received October 27, 2016

Item 1, Telecommunication Facility Uses

From: Erica Garrison [mailto:Erica.Garrison@wallerlaw.com]
Sent: Thursday, October 27, 2016 10:30 AM
To: Planning Commissioners
Cc: Sloan, Doug (Planning); Logan, Carrie (Planning)
Subject: FW: Letter to Planning Commissioners - BL 2016-415

Please see attached hereto our letter to the Commission re: the telecommunications zoning bill.

We will hand deliver 12 copies by noon for distribution as well.

Thank you,

Erica Garrison

(attachment follows)



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Erica K. Garrison
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October 27, 2016

HAND DELIVERED

Metropolitan Nashville/Davidson County Planning Department
800 Second Avenue South
Nashville, TN 37219

Re: BL 2016-415

Dear Planning Commissioners:

On behalf of our client, T-Mobile, we are writing once again to express our concerns with BL 2016-415, Item 1 on your agenda. This bill presents serious concerns to the Industry and will, in our opinion, slow down the deployment of our infrastructure, which will impact the services provided to our wireless customers. Being a smart 5G City is, as we understand it, a goal for the City, and we firmly believe that this bill will impede the progress we make towards that goal.

The City's authority to zone is subject to both federal and state law and is restricted by the same. 47 U.S. Code Section 332 says, "The regulation of the placement, construction and modification of personal wireless service facilities by any State or local government or instrumentality thereof:

- (1) shall not unreasonably discriminate among providers of functionally equivalent services; and
- (2) shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

T.C.A. 13-24-305 also provides some relatively explicit restrictions on what the zoning regulations can and cannot restrict. T.C.A. 13-24-305 says,

In regulating the placement of wireless telecommunications support structures, an authority may not:

- (1) Regulate the placement of an antenna or related equipment for an existing wireless telecommunications support structure; provided, however, that if the placement of an antenna on an existing wireless telecommunications support structure requires an extension, such placement may be regulated, if such extension

would require the wireless telecommunications support structure to have lighting or if such extension exceeds the height limitation of the authority. If a co-location occurs, such co-location may not be considered an expansion, and the appropriate authority may not impose additional costs or operating restrictions on the applicant for such co-location, unless such support structure is owned by the authority;

- (2) Require the applicant to provide any sort of justification for radio frequency need; or
- (3) Act to prohibit or have the effect of prohibiting the provision of personal wireless services.

While there is little case law or regulatory guidance in the state concerning the interpretation of this state law provision, we believe the language in subsection (3) is relatively broad and clear, and will be construed against the City. To put it simply, we are concerned that the bill, as a whole, could have the effect of prohibiting the provision of personal wireless services in the City. Moreover, we are also concerned that the bill, as applied, may unreasonably discriminate among providers of functionally equivalent services and could therefore violate federal law as well. Consequently, we think that the bill and its impact on the provision of wireless services, deserves additional attention and scrutiny.

Specifically, for this Commission's purposes, we would like to direct your attention to several very important technical concerns with the bill, that we believe must be revised and addressed:

- (1) Small cell deployment is absolutely necessary to ensure a "SMART" city. Consequently, small cell infrastructure should be a permitted use in all districts. Generally speaking, the revisions to the current legislation have certainly helped to make small cell deployment on existing structures easier. Nevertheless, we believe that additional revisions could be made to further facilitate this deployment while reasonably protecting the ROW. Specifically, we would suggest the language attached hereto as Exhibit A, which was suggested by ATT as well.
- (2) Section 3 of the Ordinance, (C)(5) should be revised as follows to encourage the timely deployment of small cell technology and to ensure that all providers have an opportunity to deploy their networks and infrastructure in the most efficient and effective manner:

- a. Drastically reduce the distance limitations in subpart (b) below 500 feet to ensure that small cell technology can properly work or remove that distance limitation all together. T-Mobile's engineers have indicated that a small cell can only provide limited "frequency" within a 200-300 foot radius. Consequently, if each telecommunications facility must be 500 feet from the next facility, there will undeniably be areas in the city that don't have adequate coverage. Moreover, when the distance limitation is coupled with the height limitation for the eligible facilities, it will result in even less coverage and there will be occasions, we believe, where certain carriers simply are denied access where they need it most, thus crippling their networks functionality.
- b. Increase the height limitation in subpart (d) to 50 feet high because the 35 foot height limitation will thwart collocation efforts and will likely only allow 2 carriers on each pole because each carriers small cell usually needs to be approximately 10 feet apart from the next small cell so as to avoid interference with the frequencies and network.

All in all, the bill has improved and we thank the Planning Staff and the Mayor's Office for working with us to revise the current language. Nevertheless, we believe that further communication is necessary to ensure that the final bill achieves the City's goal of preserving the ROW, while still facilitating the movement to a 5G SMART City. This is a highly technical field that is rapidly changing, and we firmly believe that by engaging the industry, and listening to our concerns, in an effort to understand how the bill will impact the deployment of wireless technology, the bill can be improved and modified to ensure that both of these goals are achieved. However, if the bill moves forward in its current form, we will have to oppose it, since we are very concerned that it violates state and federal law and will deter providers, such as our client, from deploying their infrastructure in this City and it will make it extremely difficult to improve and provide service in the urban areas of downtown that are so densely populated and require additional small cell frequencies to allow the technology that everyone loves to continue to efficiently and effectively function.

waller

Metropolitan Nashville/Davidson County Planning Department
October 27, 2016
Page 4

We look forward to continued dialogue and working with the City to revise and finalize this legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erica K. Garrison".

Erica K. Garrison

EKG:lo
Exhibit A

PROPOSED SMALL CELL PROCESSING LANGUAGE- EXHIBIT A

Notwithstanding any other provision of the Metropolitan Code of Laws, the following shall apply specifically to applications and permits to place a small cell facility and a distributed antenna system ("DAS")

- a. Small cell facilities and DAS shall be permitted in all zoning districts subject to building permit procedures and standards. Applications shall be reviewed and decided solely by the Zoning Administrator, and when applicable by the Historic Zoning Commission. All such applications shall be administratively reviewed solely based upon the information contained in the application and shall not be subject to public hearing or meeting.
- b. All small cell facility and DAS permit applications shall be decided within ninety (90) days following submission of a completed permit application. If no decision is made within ninety (90) days of submission of a completed permit application then the permit shall automatically be deemed approved. In the event of a denial of a permit application such decision shall be made in writing with detailed explanation of the reasons for denial.
- c. An applicant seeking to construct, modify or replace a network (multiple locations or sites) of small cell facilities or DAS shall be allowed, at the applicant's discretion, to submit a single application and receive a single permit for the installation, construction, maintenance or repair of a network of small cell facilities or DAS (multiple locations or sites).
- d. Permit or application fees, if any, associated with a small cell facility or DAS shall be based solely upon Metro's reasonable actual cost directly associated with administering such permit application. Any such permit fee shall not exceed, but may be less than, such reasonable actual direct cost. No other fees, including those of any third parties hired by Metro, shall be charged to the applicant.

From: Murphy, James [mailto:JMURPHY@bradley.com]

Sent: Thursday, October 27, 2016 9:40 AM

To: Sloan, Doug (Planning)

Cc: O'Connell, Freddie (Council Member); Sloan, Doug (Planning); Cooper, Jon (Legal); Costonis, Theresa (Legal); Woodson, Joseph (Mayor's Office); Braisted, Sean (Mayor's Office); Sturtevant, Mark (Mayor's Office); 'Hunter Stuart'; 'Matt Steadman'; Logan, Carrie (Planning); 'bill@windrowphillips.com'; 'b@baylor.io'; 'Roger Simpson'; 'ks6875@att.com'; 'JOHNSON, TIM'; 'Mandy Young'; 'jhargis@bakerdonelson.com'; 'Erica Garrison (Erica.Garrison@wallerlaw.com)'; 'H. LaDon (Don) Baltimore (dbaltimore@farrismathews.com)'; 'BARAKAT, RUSSELL G'; 'Brooks, Ann'

Subject: ORDINANCE NO. BL2016-415

Doug:

Here is my letter to the Planning Commission on the revised version of the telecommunications ordinance. I will have 12 copies delivered to you by noon for distribution to the Commissioners as provided in Planning Commission Rule VI. G.



Jim Murphy

Partner

e: jmurphy@bradley.com w: bradley.com

d: 615.252.2303 f: 615.252.6303 c: 615.491.7758

Bradley Arant Boult Cummings LLP

Roundabout Plaza, 1600 Division Street, Suite 700
Nashville, TN 37203

[LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Blogs](#) | [My Bio](#)

(attachment follows)

James L. Murphy III

jmurphy@bradley.com
615.252.2303 direct



October 27, 2016

VIA HAND DELIVERY AND EMAIL TO

doug.sloan@nashville.gov

Chairman Greg Adkins and Members of the

Metropolitan Planning Commission

Metropolitan Nashville/Davidson County

Planning Department

800 Second Avenue South

Nashville, TN 37219-6300

RE: Revisions to Text Amendment 2016Z-019TX-001-Text Change Regarding Telecommunications Facilities-Substitute Ordinance No. BL-2016-415 (the "Telecommunications Ordinance")

Dear Chairman Adkins and Commissioners:

As you know from my letter of October 13, 2016, my client Access Fiber Group, Inc. ("AFG") had concerns regarding the proposed Telecommunications Ordinance. Some of the concerns I raised in my letter have been addressed with revisions that have been made to the Telecommunications Ordinance, but some of the defects still remain.

Utilities such as AFG providing telecommunications services are authorized by Tenn. Code Ann. § 65-21-201 to locate their facilities within the public highways and streets of cities and towns. As I discussed in my earlier letter, Tenn. Code Ann. § 65-21-202 prohibits the location of telecommunications facilities within the public streets that obstruct the ordinary use of the public street by others. As a result, the Metropolitan Government may only adopt nondiscriminatory regulations of telecommunications facilities within the public streets that are rationally related to preventing such telecommunications facilities from obstructing the ordinary use of the public street by others.

The Department of Law has advised that notwithstanding the foregoing statutes, the Metropolitan Government may adopt police power regulations regarding the location of telecommunications facilities in the right-of-way that are not related to the prevention of obstructions of the ordinary use of the public street by others. Even if the Metropolitan Government has that authority, it cannot "pass an ordinance which ignores the State's own regulatory acts, or deny rights granted by the State or grant rights denied by the State and thus in effect nullify the State law." *State ex rel. Beasley v. Mayor & Aldermen of Town of Fayetteville*, 196 Tenn. 407, 268 S.W.2d 330, 334 (1954). Therefore, such police power regulations cannot prevent a telecommunications utility from locating their facilities in the public right-of-way.

One of the primary concerns with the revised Telecommunications Ordinance is the language found in Section 17.16.080C.5.a. prohibiting the location of new support structures for telecommunications facilities in the sidewalk, and requiring that any support structure not currently being used to support telecommunications facilities must be relocated from the sidewalk before

any telecommunications facilities may be located on the support structure. The revised Telecommunications Ordinance sought to eliminate the discriminatory aspects of the relocation provision by making that language applicable to other forms of telecommunications providers (wire line and cable), but the regulation still unreasonably discriminates against all telecommunications providers. In *Southern Bell Telephone & Telegraph Co. v. City of Nashville*, 35 Tenn.App. 207, 243 S.W.2d 617, 619-20 (1951), the Court found that an ordinance requiring Southern Bell Telephone and Telegraph Company to relocate its telephone facilities within the right-of-way at Southern Bell's expense was unlawful because it discriminated against Southern Bell, since the City operated utilities and Western Union Telegraph Company were not required to bear the costs to relocate their facilities within the right-of-way. Since the language in the revised Telecommunications Ordinance discriminates against the support structures used by telecommunications providers, it also is unlawful.

The language in Section 17.16.080C.5.a. prohibiting the location of support structures in the sidewalk and requiring the relocation of support structures outside of the right-of-way also conflicts with the right to locate in the right-of-way granted to telecommunications providers by Tenn. Code Ann. § 65-21-201 for those portions of Downtown where the sidewalk spans the entire width of the right-of-way and no green zone currently exists. As the result of the prohibition of new support structures in the sidewalk and the requirement that existing support structures in the sidewalk that are not currently being used to support telecommunications facilities must be relocated outside of the sidewalk before they can be used for to support telecommunications facilities, there will be no location for new telecommunications facilities within the right-of-way for those portions of Downtown where the sidewalk spans the entire width of the right-of-way and no green zone currently exists. Revising the Telecommunications Ordinance to allow all existing support structures within the sidewalk to be used to support new telecommunications facilities without requiring that they be relocated outside of the sidewalk would help minimize this problem. This would also further the Metropolitan Government's interest of having all telecommunications facilities within the right-of-way being located on existing support structures so that no new support structures would have to be located within the right-of-way.

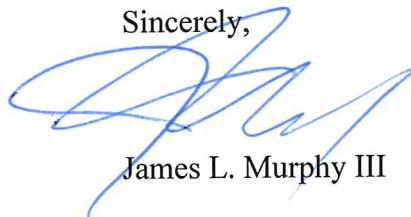
The Federal Telecommunications Act of 1996 prohibits the local government from denying a permit when it would prohibit of have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. § 332(c)(7)(B)(ii). The same limitation on the Metropolitan Government's zoning power is found in Tenn. Code Ann. § 13-24-305. Several provisions of the proposed Telecommunications Ordinance, including the prohibition of the location in the sidewalk found in 7.16.080C.5.a., the separation requirements in 7.16.080C.5.b., the height limitations in 7.16.080C.5.d. and the volume limitations in the definition of "Small Cell Facility", could have the effect of prohibiting the provision of personal wireless services. Therefore AFG recommends that the proposed Telecommunications Ordinance by revised to authorize the Zoning Administrator to approve exceptions to the requirements of the proposed Telecommunications Ordinance where an applicant can demonstrate that the strict compliance with the proposed Telecommunications Ordinance would have the effect of prohibiting the provision of personal wireless services. This is similar to the authority granted to the Zoning Administrator by Section 17.40.010 to make reasonable accommodations to avoid violations of the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*; the Americans with Disabilities Act, 42 U.S.C. § 12132 *et seq.*; and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc *et seq.*

AFG is also concerned that Section 17.16.080C.5.f. requires that new telecommunications facilities within the right-of-way must comply with design guidelines, but to date those guidelines have not been promulgated. Thus AFG has no idea whether the design guidelines would be so restrictive that they would prevent the deployment of new telecommunications facilities within the right-of-way. The proposed Telecommunications Ordinance should be deferred until such time as those design guidelines can be approved by the Planning Commission so that everyone will know what design standards will be applied for new telecommunications facilities to be deployed within the right-of-way.

AFG has been advised by representatives of the Metropolitan Government that the Metropolitan Government wants to have the new telecommunications facilities that are to be located within the right-of-way installed on existing support structures owned by the Metropolitan Government. Those representatives have also stated that the new zoning process contemplated by the proposed Telecommunications Ordinance should result in the review and approval of compliant applications within 30 days. However, it will not be possible to obtain approval to locate on existing support structures owned by the Metropolitan Government within that 30 day time frame because the agreement to locate on the existing support structures owned by the Metropolitan Government does not exist, and even if it did, each such agreement would have to be approved by an ordinance of the Metropolitan Council, which would require a delay of 6 to 8 weeks. The representatives of the Metropolitan Government have indicated that an ordinance would be filed to approve the form of the license agreement so as to avoid each agreement having to be approved by the Metropolitan Council, but to date the license agreement has not been prepared and the ordinance authorizing the use and execution of such license agreement has not been filed. The proposed Telecommunications Ordinance should be deferred until such time as the license agreement has been prepared and the ordinance authorizing the use and execution of such license agreement has been adopted.

AFG continues to be willing to work with the Metropolitan Government on the drafting of reasonable means of administering the siting, construction and installation of telecommunications facilities and equipment in the public right-of-way. Although some progress has been made to date through the current revisions, there remains several areas of concern that need to be addressed. AFG requests a deferral of action on the proposed Telecommunications Ordinance to resolve the remaining issues. Thank you for your consideration of this important matter, and please contact me with any questions.

Sincerely,



James L. Murphy III

JLM/jlm

cc: Councilman Freddie O'Connell (via email)
Ann Brooks, AFG (via email)

SAGER, KATHY ks6875@att.com

Sent: Thu 10/27/2016 9:37 AM

To: greg@tnHTA.net

Cc: Logan, Carrie (Planning) <Carrie.Logan@nashville.gov>Sloan, Doug (Planning) <Doug.Sloan@nashville.gov>O'Connell, Freddie (Council Member) <Freddie.OConnell@nashville.gov>

Chairman Adkins,

Attached are AT&T's comments to the Planning Commissioners regarding BL2016-415. These will also be hand-delivered before noon today.

Thank you

Kathy Sager

AT&T TN Regional Director - External and Legislative Affairs Office 615 214-4150/Cell 615 415-8061

(attachment follows)



Kathy Sager
External & Legislative Affairs

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October 27, 2016 (Via Hand Delivery)

Greg Adkins, Chairman
Nashville Metro Planning Commission
800 2nd Avenue S
Nashville TN 37219 – 3300

RE: Substitute Ordinance No. BL2016-415

Chairman Adkins,

First, I want to thank you, the members of the Planning Commission and Planning Department Executive Director Doug Sloan and his team for working with the industry to make improvements to Ordinance No. BL2016-415 regarding infrastructure placements. Getting this right is critically important for building Nashville's continued drive to be recognized as the "it city" by ensuring this ordinance does not inhibit the deployment of advanced telecommunications facilities.

While we appreciate the attempts to improve the ordinance, concerns remain that we believe will inhibit or deny future deployments of broadband infrastructure.

Take for example, the volumetric limit for antennas. While the limit has been increased from 3 cu. ft. to 5 cu. ft., a new height/width requirement has been added which is inconsistent with the expanded volume metric. Using the 36" height and 14" width, the calculated volume is 3.2 cu. ft. And the volume would only be 1.75 cu. ft. when utilizing flat panel antennas in an exposed triangular configuration. That effectively eliminates our currently preferred antenna choice by 2", even though we would be well below the expanded volumetric requirement. We are hopeful the consultants can correct this discrepancy.

While this one item is of major concern, there remain other areas of concern that would need to be addressed now or in the future. Those items include but are not limited to:

- Clear definitions/descriptions regarding small cells, i.e., towers, poles, etc.
- Clarifications regarding heights of poles, antennas, lightning rods, etc.
- Definitions of alternative structures to include traffic lights, others
- Clarity regarding time limits (none addressed), approval standards and cost limits on small cell applications (consultant cost alone could be \$3,500 per small cell application)
- Requirements for landscaping, when required, for small cells?
- Understanding that collocation doesn't always work for small cells; collocation is preferred at macro sites
- Placement of transmission equipment underground – expensive and problematic
- What are design guidelines; what is timelines for departments to supply recommendations or permits

- It appears that every small cell application, even in ROW, must first go through zoning before gaining a building permit; appears routine maintenance also requires a telecom facilities building permit
- What are standards for review by director of ITS and authority to delegate to a consultant

Additionally, in the fast-paced world of telecommunications, it's important any new policies remain technology-neutral to ensure future innovations are accounted for in the ordinance.

While we have come a long way from the initial draft, we look forward to continuing these important discussions and working to address the remaining significant areas of concern. At that time we can expand on these and other issues, citing the appropriate sections of the ordinance with you and/or the consultant.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathy Beger".

Cc: Doug Sloan
Carrie Logan
Planning Commission Members
Councilman Freddie O'Connell

Item 10, 677 Vernon Ave.

From: Hayes, Roseanne (Council Office)
Sent: Thursday, October 27, 2016 12:47 PM
To: Planning Commissioners
Cc: Sloan, Doug (Planning); Logan, Carrie (Planning); Kempf, Lucy (Planning)
Subject: Letter of Support from Councilwoman Mary Carolyn Roberts

This communication is being sent at the request of Councilwoman Mary Carolyn Roberts.

Rosie

Roseanne Hayes, Chief of Staff
Vice Mayor/Metro Council Office
One Public Square, Suite 204
Nashville, TN 37201
Office: 615.880.3350
Fax: 615.862.6784
Cell: 615.305.4330

(attachment follows)



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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Home: (615) 977-9262
marycarolyn.roberts@nashville.gov

MARY CAROLYN ROBERTS

Councilwoman, District 20

October 26, 2016

Chairman Greg Adkins and Members
Metropolitan Planning Commission
Metro Office Building - Sonny West Conference Center
700 Second Avenue South
Nashville, Tennessee 37219

Re: Proposal No. 2016CP-007-004
Property Located at 677 Vernon Avenue
MiKen Development, LLC
Applicant: Prewett Holdings, LLC, Owner

Dear Chairman Adkins and Members:

I am writing in support of the above referenced proposal which is on the Agenda for the Planning Commission Meeting today, Thursday, October 27, 2016. This proposal would rezone from CS to SP-MU zoning for property located at 677 Vernon Avenue to permit a mixed-use development and up to 60 multi-family units.

I have not received any communication in opposition to this proposal. I respectfully request the Commission's full consideration of approving this zone change request. I will be unable to attend the Planning Commission Meeting in person, but I thank you in advance and appreciate your support of my position.

Sincerely,

A handwritten signature in blue ink that reads "Mary Carolyn Roberts".

Mary Carolyn Roberts
Councilwoman, District 20

MCR/rh

cc: Members of the Planning Commission
Mr. Doug Sloan
Mrs. Carrie Logan
Ms. Lucy Kempf

Item 21, Marlin Ave/Linmar Ave Rezoning

From: Sledge, Colby (Council Member)

Sent: Thursday, October 27, 2016 1:10 PM

To: planningcommissioners@nashville.gov

Cc: Planning Commissioners; Sloan, Doug (Planning); jay@fulmereng.com; ahowell@cahco.com

Subject: 1109 and 1111 Montrose Ave

October 27, 2016

Planning Commissioners:

I apologize for my absence at today's meeting, as I am traveling today and am unable to attend. You will consider two related items today concerning 1109 and 1111 Montrose Ave.: a community policy change request (2014CP-010-004) and a related SP request to allow office use at both properties. I ask for your recommendation for approval for both.

In the time since this application was initially submitted, there have been several changes to the proposal based on my feedback and feedback from residents. These changes include:

- A strengthened landscaping plan that will hide the proposed parking behind both structures;
- Removal of curb cuts and driveways from the front of the houses, allowing for continuous sidewalk in front of the houses and the creation of two on-street public parking spaces;
- Restrictions to office and residential use, with the removal/prohibition of all other types of commercial uses.

The context of this application has also changed. Since the initial application, the Waverly-Belmont Conservation Overlay has passed, covering nearly 700 properties between 12th Ave S. and 8th Ave S. The two properties in question are not part of the overlay, as the applicants requested that they not be included as we continued this discussion. Upon advice from the Historic Commission staff and in an

effort to fulfill the wishes of as many property owners as possible, I removed these two properties from the overlay in an amendment. The proposal before you would present the same level of protections as the conservation overlay, and, in some cases, would provide stronger protections regarding the footprint of the existing structures.

Additionally, you are likely well aware of the parking challenges that the 12South neighborhood continues to face due to the growth and success of its commercial district. I don't pretend that this application will solve the parking crunch in the neighborhood. However, this proposal does create parking spaces that could be used for commercial employees during the evening hours. Such an arrangement would remove cars that would otherwise sit on residential streets for eight hours or more.

The applicants have done everything I have asked, including garnering the support of owners of the properties in all directions adjacent to the two properties under review. They have hosted and attended multiple community meetings, and have held additional office hours to meet with residents. They have a long history of appropriate development in the area, and have shown their willingness to respond to concerns. Additionally, the applicants would occupy one of the two structures for their office space, ensuring that at least one of the two properties will have occupants with a track record of cooperation in the neighborhood.

You will note that both items have received a recommendation of disapproval from Planning staff. Additionally, you have received correspondence from residents concerned about expansion of commercial properties off 12th Ave S. Such concerns are valid, and I have been upfront about my commitment to not use this as a precedent, while acknowledging that I can only uphold that commitment while I have the privilege to serve District 17.

You undoubtedly will hear well-made arguments on both sides of this issue this afternoon, which is a great benefit of serving an engaged and informed district. I thank you for your service, and hope that you will take all evidence presented into consideration as you vote.

Sincerely,

Colby

From: Benjamin Aplin [mailto:benjaminaplin@gmail.com]
Sent: Thursday, October 27, 2016 10:10 AM
To: Planning Staff
Cc: Murphy, Kathleen (Council Member)
Subject: I Support Case 2016Z-130PR-001 (the Marlin/Linmar rezone)

Dear Planning Commission members,

My wife and I own the home at 2514 Sharondale Drive, on the corner of Marlin Ave and Sharondale. My wife and I are raising two small children here. We urge you to support case 2016Z-130PR-001 which, as our Councilmember Kathleen Murphy has explained to us, will change the zoning of this area to allow for the building of one or two single family homes on each lot.

Marlin and Linmar are very small streets where parking is limited and it is a challenge to drive down either road without pulling over to the side to make room for a car coming the other way. I do not see how our limited street network can support the density that the current zoning allows. Furthermore, I have been dismayed by the developers' attempts to create multi-unit housing on these small lots; they have yet to come up with a site plan that has multiple units AND still meets the requirements of the current zoning law. It is exhausting to be constantly on the defensive, writing letters and attending meetings to prove that they do not have the hardship that would allow them to shortcut the landscape buffers, side setbacks, and so on.

Rezoning this area to R8 on Marlin and R6 on Linmar is a good compromise; it gives developers and property owners flexibility without drastically changing the density and character of our little neighborhood. And it would give homeowners like me, who are raising children here, who walk these quiet streets daily and enjoy the mature trees and slow nature of this small community, a little peace of mind.

Again, I urge you to support case number 2016Z-130PR-001.

Sincerely,

Ben Aplin

--

Benjamin Aplin
917 750 6949
benjaminaplin@gmail.com

benjaminaplin.com

From: mdrennan@comcast.net [mailto:mdrennan@comcast.net]
Sent: Thursday, October 27, 2016 9:16 AM
To: Planning Commissioners
Cc: Murphy, Kathleen (Council Member)
Subject: Please support Case #2016Z-130PR-001

Honorable members of the Planning Commission:

I write in respectful request that you support Case #**2016Z-130PR-001**, which would rezone Linmar Avenue and Marlin Avenue to a density that could be supported by the infrastructure in place. Council Member Murphy has been working steadily on our behalf to rezone Marlin and Linmar Avenues, as both streets are very narrow and cannot support street parking. Vehicles cannot pass safely when other vehicles are parked on the street, and street parking on either avenue creates a serious visibility issue for both pedestrian and drivers. In fact, Metro Sheriff's Department no longer picks up bulk-waste items on either street due to this issue.

On behalf of Linmar Place II HOA and as an individual property owner, I respectfully request that you vote in favor of this rezone.

Respectfully,

Miriam Drennan, President

Linmar Place II HOA

2712 Linmar Avenue

From: ds sachan [mailto:dsachan37215@gmail.com]
Sent: Thursday, October 27, 2016 11:58 AM
To: Planning Staff
Cc: Owensby, Craig (Planning)
Subject: Case 2016Z-130PR-001 WE DO NOT SUPPORT

Good morning Planning Staff,

We are the owners of 2704 Linmar Ave. We are writing to once again voice our strenuous opposition to the downzoning of properties on Linmar and Marlin Ave (**Case 2016Z-130PR-001**)

We **DO NOT** support **ANY** downzoning on Marlin or Linmar. The overwhelming majority of units on Linmar are already multi-family, thus rezoning to R6 would be out of context with the street. We feel this change to R6 would be unnecessary and contextually make no sense.

Furthermore, we know that **6 of the 7** property owners targeted by Councilwoman Murphy's bill are **opposed** to this change. We feel these properties should remain RM20.

Please note our objection to any zoning change if we are unable to attend the meeting tonight. Thank you for your time and hard work.

Sincerely,

Dileep & Cheryl Sachan

On Thu, Oct 13, 2016 at 11:50 AM, ds sachan <dsachan37215@gmail.com> wrote:

Good morning Planning Staff,

We understand there may be a re-hearing of the Marlin/Linmar case this evening (**BL2016-412**; formerly **2016Z-107PR-001**).

We are the owners of 2704 Linmar Ave. We **DO NOT** support ANY downzoning on Marlin or Linmar. Quite simply we feel it makes no sense given the current context of those two streets. Those properties should remain RM20.

Please note our objection to any zoning change if we are unable to attend the meeting tonight. Thank you for your time and hard work.

Sincerely,

Dileep & Cheryl Sachan