

## Comments on December 8, 2016 Planning Commission agenda items, received through December 7

### Item 2, Green Hills-Midtown Community Plan Amendment

**From:** John Dotson [mailto:john@parks-realty.com]

**Sent:** Tuesday, December 06, 2016 11:40 AM

**To:** Planning Commissioners

**Cc:** Eddie Robba

**Subject:** Music Row Design Plan - Music Row Neighborhood Association in support

After significant, sustained dialogue with the members of Music Row Neighborhood Association (MRNA) and Planning staff, we have determined that these are points of consensus from the neighborhood's perspective:

>> Our primary mission is to preserve the legacy of Music Row and make sure the stakeholders voice is heard as that is happens. Sometimes that does mean saving a building; sometimes not. It's about what happened here and what has yet to happen here. We support healthy development and property owner rights;

>> We are most concerned about traffic, parking and infrastructure. We are specifically asking that Planning and Public Works does a survey measuring what capacity are the streets currently handling? And what is a reasonable projection of capacity they can absorb as currently configured? Further that developers and Planning consider ways for how new traffic comes into and goes out of the current flow;

>> We understand that the Design Plan is a set of guidelines whose acceptance by the Planning Commissioners helps set the stage for construction of the Music Row Code. We are told that putting the code together should take into Sept 2017. Further, the Code turns the essential parts of the Design Plan into codes and ordinances. As an organization we believe there is a good basis to move forward working out the details of all provisions. Once accepted by the Planning Commission then comes the task of agreeing on the details of the code. MRNA will be in the midst of that negotiation;

>> Planning staff wanted to emphasize the any effort toward assembling the Design Review Committee will take place only as part of the Music Row Code. There had been some consideration of trying to do that sooner but felt more time needed to be taken to assemble it in a satisfying and effective manner;

>> There will need to be abundant and direct consideration of the composition of the Design Review Committee. It will be essential that the composition of that DRC is based on stakeholders and the Music Row Neighborhood Association preferences;

>> We respect and appreciate our partners-in-the-process, The National Trust for Historic Preservation. The data they have found has deeply enriched our history and ability to remember and share it. The Trust obviously makes the determination and invitation for a property to be NR or NRE;

We also recognize these areas of concern:

>> We have some concerns about how the Plan and Code would use the NR and NRE designations. If an application is made to demolish a building that is NR or NRE, that will cause the application be sent to the Design Review Committee for review. As a matter of course, we understand that the Historic Zoning already has the authority to place a 90-day hold on the process. At the end of that period, the owners would be able to tear it down. Nothing in what has been proposed makes that more complicated nor is it a prohibition against tearing the building down;

>> The largest concern with what is proposed in this regard is that being adjacent to a property that is NR or NRE makes the application subject to review by the Design Review Committee. There are more than 60 NRE properties, therefore this could affect nearly 200 properties distributed across Music Row. It could lead to very specific codes, construction and façade compliance requirements because it's adjacent to an NR or NRE property. Being on the NRE list most frequently does not stem from the property owner's solicitation. It comes as a result of the Trust's ongoing research. From our perspective that is a significant overreach.

The essence of our concern stems from the fact that any property with an NRE designation has nothing to do with the property owner's wishes. It has entirely to do with the results of the Trust's research. For this restriction to the deed to convey, it is best that it occurs with the consent of the owner.

We are otherwise in support about the Design Plan and Music Row Code as proposed are a good platform to build out. Obviously all we have at this point is the outline that has been provided and we all know the “devil is in the details.” Nonetheless, we stand ready as the representatives of the stakeholder in the neighborhood to work through the process to construct a good outcome for the neighborhood—primarily the stakeholders’ interests.

## **John Dotson**

Parks

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## Item 13, Short Term Rental Properties

From: Tom Hardin [mailto:hassell3@icloud.com]  
Sent: Tuesday, December 06, 2016 4:10 PM  
To: Planning Commissioners  
Cc: Tom Hardin  
Subject: Planning commission position

Planning commissioners if I cannot make the hearing Thursday I want to state my objection to the ordinance on type two Short term rentals.

Good afternoon. I'm Tom Hardin.  
I have resided at 519 Fatherland St  
In Historic Edgefield for twenty years.

I oppose approval of this ordinance (2016Z-023TX-001/BL2016-492) as currently drafted.

In Edgefield we have many type 2 STRs in operation.

I live within a stones throw of two Type 2 STRs. One is a new construction (side by side duplex) that sits catty corner to my home. It is regularly occupied by out of town guests on the weekend.

The second is about three houses down in the 600 block.

Both are run as non owner occupied STRs or type 2 businesses.

Neighbors have complained about both because of regular parties that at times are quite loud and boisterous. Both function like mini hotels in our residential neighborhood.

I participated in the development of the Nashville Next plan. I do not believe that plan contemplated areas zoned for residential use would be subjected to mini hotel- like businesses or type 2 STRs.

Type 2 STRs raise two serious problems in their business operation.

First by allowing non owner occupied STRs you risk hollowing out neighborhoods. Neighbors need to know and work with neighbors. We purchased homes to live in a residential area not a commercial one. Out of town vacationers are not neighbors. They come to play not to contribute to stable neighborhoods.

Second, Non-owner occupied STRs drive up rents. They make the market for affordable housing more difficult. This is a critical concern in Nashville as I'm sure you are aware.

Again, I oppose the ordinance as currently drafted.

Type 2 STRs are commercial activities and should not be allowed in residentially zoned districts of R and RS.

Thank you for your service to Nashville.

Please protect residential zoning.

THH

**From:** Ellen Bloomfield [mailto:[ellen@bloomfieldoriginalsllc.com](mailto:ellen@bloomfieldoriginalsllc.com)]

**Sent:** Tuesday, December 06, 2016 2:14 PM

**To:** Planning Commissioners

**Subject:** Short Term Rentals

Hello,

As a neighbor in Edgehill, I would like to voice my support for restricting investor-owned STRs to the current 3% cap that is in place, and to shut down illegally operating investor-owned STRs.

As I am sure you have heard from many Nashvillians, I want to maintain the strength of our neighborhood and continue to have neighbors rather than guests.

Thank you,

Ellen Bloomfield

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Ellen Bloomfield

1005 14th Avenue So.

phone: 615- 516-5553

fax: 615-523-1114

email: [ellen@bloomfieldoriginalsllc.com](mailto:ellen@bloomfieldoriginalsllc.com)

**From:** G. Renshaw [mailto:grenshaw55@gmail.com]  
**Sent:** Tuesday, December 06, 2016 4:44 PM  
**To:** Planning Commissioners  
**Subject:** Revised short-term rental ordinance - BL 2016-492

Dear Planning Commissioners:

Before you consider the revised short-term rental ordinance, BL 2016-492, please take the read this eloquent description of how investor-owned short-term rentals have impacted some Nashville neighborhoods, which was posted [here](#):

Posted by waitwaitdonttelleme

Let me paint you a picture, a very, very real picture.

**You bought a house in a neighborhood. A residential, non-commercially zoned neighborhood near downtown. You purchased here intentionally. You like coffee shops and restaurants, but you don't want to live next door to them.** You know your neighbors, even the ones who rent (long-term). You say hello to them, they check your mail if you're out of town, you watch over their house when they are etc. You exist happily.

Nashville then becomes the hottest place in the universe, and **your neighborhood, which you and your neighbors worked very hard to make a welcoming, friendly place is suddenly invaded by investors who buy up all the homes they can in your nice, friendly, walkable neighborhood. You never meet these investors, they live in New York or LA or other places no where near Nashville.** It's quiet for a bit, sure, a nice family or retired couple didn't get to buy the house, but all will hopefully be well. **And then comes the first bachelorette party.**

They arrive. Its 15 girls here for the weekend of their lives. They all drive 8 separate cars to get here, which they all park on your street, which is normally only occupied at a rate of 2 cars per house. They came to party. First stop at 10am: Liquor store. You see, its

cheaper if they "pre-game" at the house rather than go to a bar. At 2PM the decorating starts. Banners that read "Hos Before Bros" go on the outside of the house. Oh that young child walking by? She probably can't read it. By 8PM, they are drunk and rowdy and ready to roll. They pile out onto the line to call their Ubers. You're relieved, "they're out for the night" you think. You're wrong. At 2AM they're back and that's when the woo-ing starts. "WWWWHHHHOOOOOOOOOOOOOO". One girl is sick, she pukes on her rental homes lawn if you're lucky, your lawn if you're not. One girl is crying (at least one is always crying). Karen was mean to her. She needs to yell about how Karen was mean to her while sobbing for at least 30 minutes. The music has started. You never knew anyone could pay Justin Bieber this loudly.

**You call the police. On a good night, they can get there in an hour or two. This is Nashville, on a weekend, when real crimes are being committed. By the time they show up, if they do, the house is quiet. It's 4AM.**

That was Friday. It's now Saturday. Rinse and repeat for every weekend night of the rest of your life.

Metro has STR laws, but they are not enforced. AT ALL. You can't rent to more than 12 people - search [airbnb.com](https://www.airbnb.com) right now for houses that rent to 13+ and it will pull up hundreds. You have to have a permit. Know what the fee for renting without a permit is (if you get caught, which you won't): \$50. Do you know what party houses make a night? Upwards of \$700. Think they care about \$50? No. The responsibility is now on the neighbors to prove this is a "party house". When you awake at night, you try and take photos of girls sometimes flashing tits, sometimes boys brawling in the front yards, sometimes guys peeing in the street. Where those date and time stamped? No? Guess what, inadmissible. You call the police when the are being rowdy.

Sometimes you get woken up at 3AM by a 250lb, drunk beyond recognition male beating on your door because he forgot what house he was staying at. The police still don't come because people across the city are involved in domestic abuse situations, gang violence and drunk driving accidents.

**And now your neighbors, the ones you've known for years, the ones you've laughed with and heard stories from and exchanged bake goods with, they are leaving. They can't live next to a party house anymore.** They have kids that can't get woken up in the middle of the night or hear the fowl language being screamed in the front yard. **Their**

house sells in less than 24 hours. To an investor. Who wants to open up a short term rental racket of his own. That professional couple that wanted to buy it? Gone before they even read the listing.

**Know what the solution is? Get rid of NON OWNER OCCUPIED SHORT TERM RENTALS. I didn't say Owner Occupied. You want to rent your house out a few days a month when you travel? Great. If we're neighbors, I probably have your number and can call you if your guests are being rowdy - and you probably want me to, because this is your home and your neighborhood and a place you've worked to make a welcoming, friendly place.**

I hope you will consider revising this ordinance to eliminate Type 2 and Type 3 rentals in neighborhoods zoned R and RS.

**Please also note, below, that the "whereas" section of Ordinance 492 does not address any of the priorities for neighborhoods identified in our Nashville Next plan: quality of life, maintaining the character of neighborhoods, and sustainability**

**Neither does it mention affordable housing, another Metro priority that Type 2 and Type 3 STRs negatively impact:**

WHEREAS, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

WHEREAS, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

WHEREAS, hotel taxes from short term rental of homes can be used to promote travel and tourism and to support the local tourism industry; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals.

Thank you for considering this testimony.

Regards,

Grace Renshaw, 220 Mockingbird Road, 37205, and 1607A Douglas Avenue, 37206  
(a zero lotline under the same roof with a short-term rental)



From: Carol Williams [mailto:wachtel@bellsouth.net]  
Sent: Tuesday, December 06, 2016 9:51 PM  
To: Planning Commissioners  
Subject: 2016Z-023TX-001/please recommend "No" to Type 2STRs

To the Planning Commissioners;

Residential zoning is the key to neighborhood stability. This stability is extremely important to the "big picture" of Nashville over time. The Nashville Next Plan is clear on the need for vibrant stable residential communities.

Type 2 STRs are commercial activities(hotels) and should not be allowed in residentially zoned districts of R and RS. I am asking you to recommend to Metro Council removal of Type 2 STR's from these districts. These Type 2 STRs are non-owner occupied mini hotels and are rapidly changing the very fabric of communities. This is inappropriate land use in residential zoning.

Please consider the ramifications of thousands of absentee landlord mini hotels throughout your neighborhood . It is not only a drain on the neighborhoods but also on the Police Department and the Codes Department.

Thanks for your service to Nashville.

Carol Williams  
800 Russell Street  
Nashville, TN 37206

**From:** J Garr [mailto:jgarrett244@gmail.com]  
**Sent:** Wednesday, December 07, 2016 11:03 AM  
**To:** Planning Commissioners  
**Cc:** Withers, Brett (Council Member)  
**Subject:** please DISapprove Short Term Rentals // -023TX : bl-492 ; please substitute conditions re: 2016Z-023TX-001 // BL2016-492

Dear Planning Commissioners,

I'd ask that you vote against 2016Z-023TX-001 -- BL2016-492 as written; and substitute wording only allowing for owner-occupied rentals to be permitted in residential areas. Even better, if these type1s continue to have no-cap, then please specify that the owner must be present during the stay. Please push type2/type3s to commercial areas.

Nashville Next never envisioned this type of residential use. The sociological life-cycle of this type of proven-unenforceable use needs close examination; every day there is new distant press telling us how bad it is, and what are the effects, and potential half-life of any remedy will be years away.

Owner-onsite is the vast majority of the public's understanding of AirBnB use, even BZA commissioner Mr. Ewing echoed this general understanding in an appeal heard (2016-145) last week. That an owner couldn't sleep with someone causing issues, so it's generally not a problem.

But clearly this isn't what's happening.

Unfortunately, the testimony in this appeal often reflects the sentiments of those that are profiting from the neighborhood. That the good, present neighbors should police behavior and contact the distant property owners. That the important people here are the guests, and even going against a direct city order is Ok to protect them (since the fine, if imposed, is less than 10% of the daily fee). The neighborhood is not a priority. The neighborhood is at fault if failing to contact the property owners instead of the local authorities.

The conditions and expectations suggest folks wanting to maximize personal interests, eg. business owners.

There are more parts to this machine. This is a zero sum game where an affordable house, specifically in my neighborhood, can be removed from the market and converted into a hotel. We lose neighbors. People don't want to live next to hotel-houses either, they want neighbors, so the trend continues. We need neighbors. Neighbors can't compete against those with a revenue stream for justifying inflated housing prices.

Please at least let's make sure that guests are staying under the supervision of the property owner. Please add clarity to the understanding of what Short Term Rentals are and what everyone assumes them to be.

Thank you,

Jason Garrett

1508 Sevier Ct, 37206, district 6.

board member of Shelby Hills Neighborhood Association

( \*\* BZA 2016-145 : December 1 2016 \*\* )

<https://youtu.be/3Epl2QpfwnQ?t=6446>

( \*\* attached -- image showing the penetration of permitted STRs in East Nashville, via Nashville's openData portal. Estimates suggest there are twice as many actually running, as caps were immediately reached \*\* )

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## Item 17, 50 Music Square West

**From:** John Dotson [mailto:john.dotson@comcast.net]  
**Sent:** Tuesday, December 06, 2016 11:37 AM  
**To:** Planning Commissioners  
**Cc:** Withers, Kathryn (Planning); McCullough, Stephanie  
**Subject:** 50 Music Sq West - in support

Speaking on behalf of myself and the Music Row Neighborhood Association (MRNA).

First, we strongly support the initiative of the developer with their plan for a very creative re-imagination of the property. They have made a significant effort to reach out to the neighborhood association to seek consensus with the perspective of the stakeholders.

Second, we support the application the developers have for additional height and other variances to improve the building.

What is important to factor in here is the symbolic importance of the UA Tower to Music Row. It was built as a clear statement of how far the Music Row business community had come in terms of the global entertainment industry in the early 1970's. Having personally experienced the demand from those who ran the global entities empowering Music Row, I can attest that the directive from these board rooms for three decades has been "find Class A, high rise space to lease offices." Still we cannot provide that.

Nonetheless, 50 MSW stand as a tribute to the progress of the Nashville music business on a global level. That is the underpinning of why granting the developers the variances they've requested is important.

The statement made by its continued contribution to Music Row is very important from the perspective of the entertainment industry. Any concern about its height comes from people who are not invested in growing Music Row based on its history. The upgrade of what it can contribute to Music Row far exceeds its physical presence. It is already taller than what stands around it and there is not a good reason to diminish that allowance. Any concern height might present won't be the case for long when Music Row Flats (six stories next door) is finished. The existing adjacent Starstruck Building and the 49 MSW building are five and six stories respectively. Bottom line: It will soon be in context.

Given that this was the first high-rise, purpose-built office building on Music Row, it has been the highest point on Music Row since the mid-70's. We understand that based on existing scale, the building's total height, with the addition of two stories to scale, would not exceed the proposed height allowances based on updated height scale.

While it still deserves to be given "grandfathered" consideration in terms of height based solely on that context, the enhancement of services that the additional height will most likely be necessary to compete with amenities featured by other hotel properties on Music Row—such as the proposed Virgin Hotel.

Although it crosses a boundary line in zoning, the reality is that the proposed Virgin Hotel is only a couple of blocks from the UA Tower. They will be in head-to-head competition. This property deserves the opportunity to compete head-to-head.

## **John Dotson**

Parks

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Please consider the environment: don't print this email unless you REALLY need to. 

**Items 19a/b, Platinum Storage Brentwood/PUD Cancellation**

**(letter follows)**

115 Hearthstone Manor Circle  
Brentwood, Tn. 37027

December 6, 2016

NASHVILLE & DAVIDSON COUNTY  
DEC 7 2016  
METROPOLITAN PLANNING DEPARTMENT

Metro Planning Commission  
P.O. Box 196300  
Nashville, Tennessee  
37219-6300

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To Council Member Robert Swope,


Sir,

I have concerns about the upcoming hearing in regard to a change in the zoning status to be considered on December 8, 2016. As a homeowner in the area I request that serious consideration be given to denying the rezoning of case 2016SP-090-001.

My home was purchased with the assurance that nearby available land was for professional or residential use. If approved this 4 story and 3 story building will be the single commercial establishment between Cloverland & Seven Spring all the way to Edmondson Pike.

Would you want this in your neighborhood? I request that the commission maintain the original zoning plan.

Sincerely,

  
Betty O. Williams



## **Item 28, Colbert Drive/Shadow Lane Contextual Overlay District**

**From:** Goodman, Freda (Assessments)

**Sent:** Wednesday, December 07, 2016 10:50 AM

**To:** Planning Commissioners

**Cc:** Withers, Brett (Council Member); 'steve.osborne76@gmail.com'

**Subject:** Subject line: Support Item 28: 2016Z-138-PR-001 Contextual Overlay for Colbert and Shadow

Planning Commissioners,

I am writing to urge the Planning Commissioners to support the staff recommendation to approve the application of a Contextual Overlay District for Colbert Drive and Shadow Lane. The surrounding streets are already located in a Contextual Overlay District and it makes sense to bring our blocks into the Contextual Overlay in order to provide for consistency of design guidance throughout the neighborhood. Please support our request.

THANKS FOR YOUR HELP ON THIS MATTER,

FREDA GOODMAN

2619 COLBERT DRIVE

NASHVILLE, TN. 37206

**From:** Steve Osborne <Steve.Osborne@cot.tn.gov>

**Date:** Wed, 7 Dec 2016 15:03:39 +0000

**To:** steve.osborne76@gmail.com<steve.osborne76@gmail.com>

**Subject:** Support Item 28: 2016Z-138-PR-001 Contextual Overlay for Colbert and Shadow

Dear Commissioners;

My wife and I own the residence at 2612 Colbert and the home has been in my family since it was built in 1961. There are several other owners on the street that purchased their homes when they were originally built in the early 1960s or have purchased the homes from family members, and therefore still provide a continuity from the original plan of the neighborhood.

I am writing to urge the Planning Commissioners to support the staff recommendation to approve the application of a Contextual Overlay District for Colbert Drive and Shadow Lane. The surrounding streets are already located in a Contextual Overlay District and it makes sense to bring our blocks into the Contextual Overlay in order to provide for consistency of design guidance throughout the neighborhood. Please support our request.

Sincerely,

Steve Osborne

**From:** Barbara Blades [mailto:bablades1@hotmail.com]

**Sent:** Monday, December 05, 2016 10:52 AM

**To:** Planning Commissioners

**Cc:** Withers, Brett (Council Member)

**Subject:** support item 28:2016Z-138PR-001,Contextual Overlay for Colbert Dr and Shadow Lane

Hello,

I would like you to take into consideration the Contextual Overlay for the streets of Colbert and Shadow Lane. This will help stop the over building of houses that break up the vision of family housing. Though I hope not every house will follow suite I do hold that some discretion needs to be implemented.

I would point out that the area immediate to the south and east is already in a Contextual Overlay district and so it makes sense to continue that design guidance to provide consistency throughout the neighborhood.

thank you for your time.

Sincerely,

Barbara A Blades  
1101 Shadow Lane  
Nashville, TN 37206