

**Comments on May 11, 2017 Planning Commission agenda items,
received through May 5, 2015**

**(Comments gathered at the May 4 public meeting concerning items
1a/b, Southeast Community Plan Amendment/Burkitt Ridge are being
presented separately.)**

Item 3, The Livery at 5th and Monroe

From: Richard Audet [<mailto:richardaudet414@gmail.com>]

Sent: Wednesday, April 19, 2017 8:47 AM

To: Logan, Carrie (Planning); O'Connell, Freddie (Council Member); Jim Creason; HGN Board; Fitzpatrick, Brian T

Subject: Livery Zoning Change Request

April 20, 2017

Ms. Carrie Logan

Metropolitan Nashville Planning Department

800 Second Avenue South

Nashville, TN 37201

Re: Livery SP Zoning Change Request, 1235 5th Ave. N, Map 82.09, Parcel 292

Dear Ms. Logan:

On April 17, 2016 the Historic Germantown Neighborhood Association (HGN) Board voted 4-3 to approve a Letter of Support for the Livery project's zoning change request from MUN to SP for work contemplated at the SW corner of 5th Ave. N. and Monroe Street. This effectively reinstates the Board's original letter to the Planning Commission sent on November 28, 2016 although the vote at this time was unanimous.

In January, HGN's first letter was temporarily withdrawn because of significant resident opposition to the planned operations of the Livery's event space and likely neighborhood bar. Neighbors raised concerns about a range of potential negative impacts that such uses might have on this residential neighborhood.

Since November, the HGN Board has held nine meetings during which this project was discussed. HGN members, concerned residents, and the Trust Development team received ample opportunity to have their concerns understood or to clarify their development plans. Developers explained that the request for a zoning change stemmed from their desire to dedicate the building's entire 9,000sf to commercial purposes instead of the original two to one commercial/residential mix. The development team expressed a willingness to add voluntary, legally-binding restrictions to their SP request to alleviate neighborhood concerns. These restrictions were reviewed at the April 17 Board meeting and are attached to this letter.

The conversation that preceded the most recent vote centered on two issues: 1. which zoning designation, MUN or SP, afforded greater protections to the interests of Germantown, and, 2. if the self-imposed Livery zoning restrictions adequately addressed parking, occupancy, and noise concerns. The general feeling was that the proposed restrictions were inadequate and likely, unenforceable. Some members believed that the SP designation, because of its more stringent regulatory oversight by various Metro departments, provided the best opportunity for protecting the neighborhood's interests.

Please do not hesitate to contact me with any questions.

Sincerely,

Richard Audet, President

Historic Germantown Neighborhood Association

615-815-0005

PO Box 281074

Nashville, TN 37228

CC: Thomas F. O'Connell, Metro District 19 Councilman

Attachment: Livery SP Restrictions

(attachment follows)

Purpose and Intent

The purpose of this specific plan is to permit a commercial development to include a maximum 10,000 SF of non-residential uses and a maximum 5 residential units.

Development Plan

The developer of this project intends to develop a 9,900 SF non-residential building.

Existing Conditions

The existing site has established vegetation (grasses and trees). Gravel areas, a paved patio, and 2 decorative fountains also currently exist on the site.

Applicability to the General Plan

This property is within the North Nashville Community Planning area adopted June 22, 2015. The structure plan for this property identifies this area as Urban Mixed Use Neighborhood.

Definitions

For the purposes of clarity, the following definitions shall apply to the SP:

- The "**Building**" shall mean the structure proposed for development at 1235 5th Avenue North, Nashville, TN 37208
- "**Owner**" shall mean THE LIVERY AT 5TH AND MONROE, LLC, and its heirs, successors, or assigns
- "**Event Space**" shall mean the two floors designated for use as an event venue within the **Building**. This designated premises includes the ground level, second level and rooftop level of the **Building**. The **Event Space** does not include the basement level
- "**Event Space Tenant**" shall mean any tenant who operates primarily for the purposes of providing short-term use of the designated premises, and shall include any successor, assignee or sublessor of such **Event Space Tenant**, provided such transferee operates from the designated premises as an **Event Space**
- "**Event Space Renter**" shall mean those individuals or groups who rent the designated premises for the purpose of hosting guests or invitees
- "**Event Space Invitees**" shall mean those individuals or groups invited by the **Event Space Renter** to attend an event within the designated premises
- "**MUN Zoning Guidelines**" shall mean those standards, regulations and requirements set forth in the **MUN Zoning Guidelines** as of the date of the applicable request or application, in addition to any amendments made to the **MUN Zoning Guidelines** which would broaden the uses or rights by the **Building** or its tenants

Permitted Uses

Uses permitted in this development shall include Event Space and those uses allowed in the MUN zoning district except for the following primary uses which shall be prohibited:

- Alternative financial services
- Rehabilitation services
- Beer and cigarette market ("Beer and cigarette market" as a primary use shall be defined as a tenant who operates primarily for the sale of discounted packaged beer or cigarette products sold for off-premises consumption and for which the aggregate total of all packaged cigarette sales exceeds 25% of such tenant's gross annual sales)

Development Standards

1. Minor modifications to the SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
2. The required fire flow, emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Approval of any specific plan does not exempt any parcel shown on the plan or any development within the SP from compliance with all provisions of the Metro Zoning Code with respect to floodplain, steep slopes, unstable soils, sinkholes, rock outcroppings, streams, springs and critical lots.
4. Any excavation, fill or disturbance of the existing ground must be done in accordance with stormwater management ordinance 78-840 and approved by the Metro Department of Water Services.
5. The developer of this project shall comply with the requirements of the SP adopted tree ordinance 2008-328 (Metro Code Chapter 17.24)
6. Bicycle parking shall be provided in accordance with Section 17.20.135 of the Metro Zoning Code.
7. All surface parking areas must meet the "parking area screening and landscaping" requirements specified in the Metro Zoning Code.
8. According to FEMA's current flood maps (47037C0216F, dated April 20, 2001), as well as Metro's GIS information, there is no 100-year floodplain within the SP boundary.
9. According to the NRCS Soils Map, the soils on the property are McB (Maury Urban Land Complex, 2-7% slopes) and SvD (Stiversville-Urban land complex, 3-25% slopes). These soils are/are not "problem soils" as noted in section 17.28.050 of the Metro Zoning Code.
10. Site slopes range from 1-12%.
11. There are no known existing wetlands within the SP boundary.
12. Signage shall meet Metro design standards for MUN zoning. A detailed signage plan will be submitted with the Final SP documents, if required.
13. All development with the boundaries of this plan shall be based on the requirements of the Americans with Disabilities Act and the Fair Housing Act.
14. All proposed public utilities and services shall be installed underground.
15. For development standards, regulations and requirements not specifically shown on the SP plan and /or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district and UZO Overlay as of the date of the applicable request or application.
16. The owner/developer agrees to maintain private trash & recycling service for the development as long as the development remains in place. The responsibility shall be transferred to the property owner's association for the development upon its establishment.
17. The parking requirements shall be based on the lesser of the current zoning code at the time that building permits are applied for or the zoning code in effect at the time of the Preliminary SP approval.
18. The owner agrees to the following on the south side of the proposed building:
 - The proposed stoop shall be located entirely on the subject property, shall not encroach into any existing easements, and shall be screened from the view of the adjoining property owner at ground level.
 - Proposed windows on the south side of the building shall be frosted.
19. The final site plan / building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
20. Drawing is for illustration purposes to indicate the basic premise of the development, as it pertains to Stormwater approval/comments only. The final lot count and details of the plan shall be governed by the appropriate stormwater regulations at the time of final application.
21. Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.
22. Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (minimum driveway culvert in Metro ROW is 15" CMP).
23. Landscape: The development of this project shall comply with and exceed the requirements of metro zoning code 17.24 tree protection and replacement and with chapter 17.40, article x. Tree protection and replacement procedures.
24. The portion of the **Building** permitted for use as an **Event Space** shall have an occupancy limit of two hundred twenty-five (225) occupants; provided, however, this restriction shall not apply for up to twelve (12) events per calendar year. In no event will the portion of the **Building** permitted for use as an **Event Space** exceed three hundred twenty-five (325) occupants.
25. The non-**Event Space** portion of the **Building** (the basement space, initially) shall have an occupancy limit of one hundred-eight (108) occupants, with such basement space occupancy limit subject to increase or decrease so long as the total occupancy for all three levels of **The Building** does not exceed 333 occupants.
26. Between the hours of 7:00 AM and 9:59 PM the rooftop level of the **Building** shall have a noise limit of 55 dBA as measured from the street 40 feet from the building.
27. Between the hours of 10:00 PM and 6:59 am the rooftop level of the **Building** shall have a noise limit of 40 dBA as measured from the street 40 feet from the building.
28. On the occasion such noise limit is violated, **Owner** shall pay a fine of \$150 to a designated not-for-profit (recipient TBD, but could include parks association, boys & girls club, etc.).
29. For any non-residential space occupied by 50 or more individuals, the windows of that space shall become closed and remain closed between the hours of 10:00 PM until 7:00 AM.

From: Karen Roach [mailto:karen@karendeanroach.com]
Sent: Wednesday, April 05, 2017 9:34 AM
To: board@historicgermantown.org
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: The Livery Project

To Whom it may Concern:

My name is Karen Roach and I live at 600 Garfield Street, unit 10 in Nashville Tennessee 37208. I am in support of The Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe, Street.

Thank you for your time.

Best,

Karen Roach

From: Susan Callahan [mailto:susancallahan777@gmail.com]
Sent: Monday, April 03, 2017 3:10 PM
To: board@historicgermantown.org
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: Support For The Livery

To Whom it may Concern:

My name is Susan Callahan and I live at 1350 Rosa Parks Blvd, Unit 343, Nashville, TN. 37208I am in support of The Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe, Street.

Thank you,

Susan Callahan

From: Shannon Earl [mailto:shannonkearl@gmail.com]
Sent: Monday, April 03, 2017 3:36 PM
To: Planning Commissioners
Subject: Opposition to zoning change for The Livery

Members,

My husband, Mark, and I live on the corner of 5th and Monroe--right across the street from where The Livery will be built. Please, please vote to keep the current zoning in place. We love our neighborhood and appreciate the blend of residential and commercial, historic and modern. However, our rooftop porch and home will become a noisy nightmare if the tenants after The Sloane don't have to abide by the current layer of zoning protection afforded us.

Thank you for your time,
Shannon Earl

From: Brian Newman [<mailto:btnewm@gmail.com>]
Sent: Monday, April 03, 2017 1:15 PM
To: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: SP Zoning for 1235 5th Ave N-District 19

To Whom it may Concern,

My name is Brian Newman and I live at 1613a 5th Ave N in Salemtown. I have lived in Salemtown for 9 years, and I am writing in support of the proposed SP zoning of the property located at 1235 5th Ave N. I believe the proposed building will be an excellent addition to our growing Mixed-Use neighborhood.

More importantly, I have seen many developers abuse Salemtown over the past 9 years, swooping in with poor quality work to make a quick buck with no regard for the long term impact on the neighborhood.

Jim Creason resisted the urge to cash in at the expense of the neighborhood, *his* neighborhood, and committed to placing quality over profits.

I can say without hesitation that there is no better candidate to develop this critical corner of Germantown than Capital District's biggest advocate, Jim Creason.

Sincerely,

Brian Newman

1613a 5th Ave N

Nashville, TN 37208

615-957-8149

From: Paul Mensing [<mailto:Paul@epnash.com>]

Sent: Monday, April 03, 2017 11:17 AM

To: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)

Cc: catherine@epnash.com; jim@trustdevelopment.net; liz@breadandbutterpr.com

Subject: The Livery SP zoning

To whom it may concern

Our names are Catherine Aubale Epstein and Paul Mensing vonTroschke and we live at 1601 5th Ave N, Nashville, TN 37208.

We are in support of The Livery development project and the proposed SP zoning for the SW corner of 5th Ave N and Monroe St.

Regards,

Catherine and Paul

From: Chris Corby [<mailto:chris.corby@sfm-service.com>]
Sent: Monday, April 03, 2017 9:59 AM
To: HGN Board
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: Livery development at 5th and Monroe

To whom it may concern,

My name is Chris Corby and I live at 1325 5th Ave N (one block north of this property).

I am tentatively in support of the change to SP zoning for this development.

I thank you for the work you are doing, and do not envy your role in this.

Chris Corby

1325 5th Ave N, #6
Nashville, TN 37208
Mobile: 615.405.1449

From: Kellee Cardamon [<mailto:kelleecardamon@gmail.com>]
Sent: Saturday, April 01, 2017 11:25 AM
To: board@historicgermantown.org
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: Livery Project

To Whom It May Concern:

My name is Kellee Cardamon and I live 515 Madison Street, Nashville, TN 37208. I am in support of the Livery development project and the proposed SP zoning for the SW corner of 5th Avenue North and Monroe Street.

Thank you.

Kellee Cardamon

From: timcoffman [mailto:timcoffman@mac.com]
Sent: Saturday, April 01, 2017 2:11 PM
To: Birkeland, Latisha (Planning)
Cc: Kim Unertl
Subject: Opposed to 5th & Monroe zoning for "party rental space"

I am writing to voice our opposition to changing the zoning at 5th and Monroe to commercial-only, rental party facility. We think that mixed use (commercial/residential) is much more appropriate for Historic Germantown.

From: Kay Poole [mailto:kmp704@aol.com]
Sent: Sunday, April 02, 2017 11:26 AM
To: board@historicgermantown.org
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning); jim@trustdevelopment.net
Subject: The Livery Rezoning

To Whom it may Concern:

My name is Kay Poole and I live at 1208 5th Ave N in Germantown.

I am writing in support of The Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe, Street. I have known Jim Creason for several years and have a great respect for his abilities as a developer. I know that he cares very much for

Germantown and I trust that he would not develop something that would damage our great neighborhood.

I have heard many, if not all, of the fears expressed by some of the residents here. I do not agree that there would end up being thousands of people in the building if zoned SP. If people are interested in living in pure residential area, they should move to one. We do want to have a variety of businesses and restaurants in our neighborhood.

Thanks for listening to my opinion.

From: David Ford [<mailto:dwfford@gmail.com>]
Sent: Sunday, April 02, 2017 3:10 PM
To: board@historicgermantown.org
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: Livery development project

Hello:

My name is David Ford and I live at 515 Madison St. , UNIT# 151, Nashville, TN 37208 . I am in support of The Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe, Street.

Thank you.

David Ford

From: Jeanece Seals [<mailto:ajseals@bellsouth.net>]
Sent: Sunday, April 02, 2017 4:40 PM
To: board@historicgermantown.org; O'Connell, Freddie (Council Member)
Cc: Birkeland, Latisha (Planning)
Subject: Support for SP Zoning for the Livery at Monroe project

Dear Members of the HGN Board,

The purpose of this e-mail is to provide my written support for the proposed SP zoning for the Livery on Monroe project. This is a decision that I reached after spending a lot of time evaluating the pros and cons of this proposed zoning request. As someone who has lived in Germantown since the summer of 1999, I have witnessed the tremendous changes that have occurred in this neighborhood, many positive

and some not. During these 18 years, I have seen the effects of development and I used that history to draw upon in thinking about this proposed zoning. I reached my conclusion by considering what affords the most protection to the fabric of the neighborhood, both now and in the future. I firmly believe that the SP zoning, with the restrictions that Jim Creason has agreed to, offers more protection than the MUN zoning that is currently in place. The vacant lot at the corner of 6th and Monroe can and will be developed commercially, regardless of the proposed zoning decision. I recognize that the proposed event space will bring more traffic to the neighborhood on nights when there is an event (approximately 3 nights each week). It will be similar to Sunday mornings when the two churches on 6th Avenue meet. They arrive at the same time and they leave at the same time. The disruption to traffic is for a short period of time. The proposed restrictions included in the SP zoning seem reasonable and will have a moderating effect on the increased traffic during events. Because of the rapidly escalating land and building costs, the most likely alternate use for the property under the current MUN zoning is large restaurant which will be more disruptive because people arrive and leave constantly every day and night.

Because the SP zoning terms continue with the property even if it is sold, the terms limiting noise and hours of operation offer the most significant protection. Just how significant that is becomes evident when one considers that the "Trolley Bar" being built on 6th Avenue will have multiple roll-up garage doors and a large outside patio right across the alley from the housing at Germantown Commons. The bar owners have publicly stated that they plan to stay open until 3 am every night which they can legally do under the property's MUN A zoning.

Thank you for considering my viewpoint during your deliberations. I appreciate the seriousness and fairness with which you have evaluated this proposed zoning change.

Jeanee Seals
1216 5th AVE N
Nashville, TN 37208

From: Easterly R Lane [<mailto:rl@bellsouth.net>]
Sent: Sunday, April 02, 2017 5:44 PM
To: HGN Board; Freddie O'Connell; Birkeland, Latisha (Planning)
Subject: The Livery development project

TO: HGN Board; Councilman Freddie O'Connell; Metro Planning Commission

FROM: Lane Easterly
1216 5th Av N

I strongly support the proposed SP zoning for The Livery development project for the corner of 5th Av No and Monroe Street.

I have lived at the address listed above for 14 years. I really like living on this street, just one-half block from The Livery development. I plan to continue living at this address.

I have given much thought about this proposed development and the issue of SP versus MUN. It is clear to me that the SP zoning, with terms limiting hours of operation and noise, offers far more protection for the future of the neighborhood as we know it than the zoning currently in place.

Thank you for considering my viewpoint as you evaluate the proposed zoning change.

From: Jason Turner [mailto:jason@ktrlawgroup.com]
Sent: Sunday, April 02, 2017 5:53 PM
To: board@historicgermantown.org
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: The Livery

Dear Board:

I am a homeowner at the 5th & Garfield development (1702B 5th Ave N) and have lived in Germantown/Salemtown since mid-2014. The changes that have occurred in our neighborhood have been nothing short of extraordinary in the past several years. Given the growth and the large influx of residents in our community, it is a development such as The Livery that makes absolute sense for an addition to our neighborhood.

As you may know, Jim Creason has been a large part of the revitalization in this area over the past several years. Having the privilege of getting to know Jim after purchasing my home from him has revealed his true and genuine passion for enhancing this part of Nashville. I wholeheartedly support this project and the proposed SP zoning request for the southwest corner of 5th Ave and Monroe. Given the existing zoning for the property, coupled with the numerous other recent large additions in the area, it seems most responsible of Jim & Trust Development to seek this change for the betterment of the community. Refusing such a request will send the wrong message to Nashville and other developers, especially those such as Jim who have put so much into the neighborhood.

Thank you for your service to Nashville and this neighborhood. I sincerely hope that you, too, will give your full support to Jim/Trust and the request for this zoning change so the development can proceed as planned.

Many thanks,

Jason L. Turner, Esq.

Keller Turner Ruth Andrews & Ghanem, PLLC

20 Music Square West, Suite 200

Nashville, TN 37203

p: (615) 244-7600

f: (855) 344-7600

From: Kariann Kozlowski [<mailto:kariannkozlowski@gmail.com>]

Sent: Sunday, April 02, 2017 8:36 PM

To: board@historicgermantown.org

Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)

Subject: Livery Zoning - Germantown

To whom it may concern:

My name is Kariann Kozlowski and I live at 1515 5th Ave N in Germantown. I am writing in support of the proposed SP zoning of the property located at 1235 5th Ave N. I feel the Livery development will be an excellent addition to our diverse and growing neighborhood. Over the past year, I have been very pleased with the developments in the neighborhood, especially Jim Creason's projects. I have no doubt that with his prior experience and knowledge of Germantown, that he the right vision for this high profile corner. Please feel free to reach out with any questions.

Thank you,

Kariann Kozlowski

814-450-8270

From: sharon smith [<mailto:sharon.e.smith2@gmail.com>]

Sent: Sunday, April 02, 2017 9:34 PM

To: HGN Board

Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning); Planning Commissioners
Subject: re Mondays vote on The Livery Rezoning / please vote No

I have followed the discussion as it has unfolded re The Livery development since Jim Creason's formal presentation last fall, to his schmoozy event at Germantown Inn this past Wednesday when he was available to answer questions. Through this time I have wavered back and forth over my support for his request for rezoning.

As I walk down the 1200 block of 5th Avenue I've tried to look ahead to what this rezoning ultimately means for that stretch. It really seems that [keeping the residential component that is required by the current MUN is a necessary thing](#) if we hope to retain the charm of that block. It's not hard at all to picture that stretch of 5th Avenue transforming into something like the Germantown Business District, a row of houses turned all commercial, a transformation that would likely be triggered should Jim's zoning request be approved.

As hard as the HGN Board has worked to preserve the historicity of Historic Germantown and everything that implies and entails, it seems this particular change is a move away from that. Under the current zoning, Jim can still have successful commercial enterprises under his roof -- that the surrounding neighborhood itself can enjoy -- while still maintaining the residential piece that defines so much the uniqueness of Germantown.

I respectfully ask that the HGN Board vote No on supporting the zone change request for The Livery development.

Regards,

Sharon Smith

1325 5th Avenue North #3

37208

From: Gretchen Peters [<mailto:gretchenpeters@me.com>]

Sent: Monday, April 03, 2017 8:33 AM

To: O'Connell, Freddie (Council Member); Planning Commissioners; Birkeland, Latisha (Planning)

Subject: I oppose the rezoning of The Livery, Germantown

Dear Sirs/Madams,

I wanted to send an email before the Planning Commission votes to weigh in on my thoughts on The Livery project in Germantown. The Livery is just a few doors down from us on 5th. We attended a neighborhood meeting early this year, at which time the developer stated that he'd come back with solid proposals re: occupancy/noise/etc - our major concerns - that would be "baked into" the new zoning - unchangeable even by future tenants/owners. He came back with language like "will contemplate a parking scheme", "will consider noise regulation"... This is very worrisome, and certainly not good enough to change existing zoning on the street and block that is the heart of Germantown. I think as a matter of principle, promises and assurances can't be considered a compelling enough reason to change existing zoning, which is, after all, there for good reason. The developer's Germantown projects to date have been on the whole, good for Germantown - but it would be foolhardy to base one's opinion on what one *thinks* the developer will/won't do with this particular property.

The MUN zoning is working very well in Germantown - even with the growing pains that we are experiencing. For a property that sits right in the heart of the most photographed, iconic and treasured street in Germantown to change that zoning there would have to be a very compelling reason - compelling not to the developer but to the entire neighborhood. My husband and I, and presumably our neighbors, will welcome the Livery, and its new tenants, but not at the expense of the quality and character of our street, and our neighborhood.

The issue of the alley is of particular concern to me - the idea that the alley between 5th and 6th would be used by multiple valet parkers, running cars up and down a small one-way alley with garages and carriage houses (like ours) right on the alley fills me with dread. We have a hard enough time backing our cars out of the garage due to the very tight space, and lack of visibility (you can't see whether there's a car coming down the alley until you're already out of the garage and sticking out most of the way into the alley). We are always very slow and careful backing out for this reason. If there are valets speeding (which they will, because they'll be under pressure to park as many cars as possible in as short a time possible) up and down the alley, accidents are inevitable.

Finally, the hours and capacity specs that The Livery reps represented to us at the neighborhood meetings were just too far off from what they've said they'll commit to attach to the SP in binding fashion. Essentially, we were told one thing and then shown another.

For these reasons (and more, which I won't go into because they've already been expressed by other neighbors), both myself and my husband very much oppose the rezoning of the Livery.

Gretchen Peters
1225 5th Ave N
Nashville, TN 37208
615-512-8554

From: Amy Delk [<mailto:amydelk67@yahoo.com>]
Sent: Friday, March 31, 2017 4:34 PM
To: Board@historicgermantown.org
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)

Subject: To Whom It May Concern

My name is Amy Delk and I live at 934 Ireland Street, Nashville TN 37208. I am in support of the Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe Street. It will be a great addition to our neighborhood!

Amy

Amy Delk
934 Ireland Street
Nashville, Tennessee 37208
Cell: 615-509-4092
amydelk67@yahoo.com

From: timcoffman [mailto:timcoffman@mac.com]
Sent: Saturday, April 01, 2017 2:11 PM
To: Planning Commissioners
Cc: Kim Unertl
Subject: Opposed to 5th & Monroe zoning for "party rental space"

I am writing to voice our opposition to changing the zoning at 5th and Monroe to commercial-only, rental party facility. We think that mixed use (commercial/residential) is much more appropriate for Historic Germantown.

From: Matt Butler [mailto:windingrhodes@gmail.com]
Sent: Friday, March 31, 2017 12:35 PM
To: O'Connell, Freddie (Council Member)
Cc: richardaudet414@gmail.com; Board@historicgermantown.org; Planning Commissioners
Subject: Opposed to the Rezoning for 5th and Monroe

> I am writing to make my opinion known and put on record my adamant opposition to the north corner of 5th and Monroe (plans for a development called The Livery) being rezoned from MUN (current zoning) to SP.

>

> The building planned for this corner is a three level 10,000 sqft building plus a 2000 sqft rooftop space. The proposed rezoning is to allow the entire building to be commercial. We are told the current plan is to use the top two levels and rooftop as an event space; it is unknown what the plan is for the lower level. If the rezoning occurs without restrictions, we believe the rezoning could legally allow as many as 1000 people inside the building at any one time.

>

> When opposition materialized at a Historic Germantown neighborhood meeting with the developer, the developer offered to put some restrictions in the actual SP rezoning. These included maximum occupancy limits of 333 people and decibel limits for noise on the roof and hours during which the windows would be closed. The neighbors who have been opposed to the rezoning continue to be opposed despite these limits. We believe this rezoning threatens the charm of the 1200 block of 5th

Ave. The current MUN zoning has worked well for the block; there is no reason to give one developer special treatment, especially because it will invite other developers on the block to request similar special treatment. For whatever they are worth, these are some of specific reasons myself and other neighbors believe the proposed limitations are inadequate:

>

> First, at the community meeting, we were told the event space would attract only 80-person events two or three times a week, with the possibility of some events attracting an additional 30 people. Many of us thought we might be able to live with that. The proposal from the developer, however, is to set the maximum occupancy of the event space at 225 people (with 12 days

> where the maximum occupancy is 325) without any limitations on the number of events per week. That is two or three times as big for two or three times as many days per week. That's in addition to another 108 people as the maximum occupancy in the lower level. Our view is that is way too many people for this small piece of land at the corner of this particular block. Although it is true a bar could be put in under the current zoning and in theory a bar could have 300 people if there were no tables in the bar, we are less worried about that theoretical possibility for two reasons: 1) even if the developer did that, there would have to be residential units in the building under the current zoning and the > residents would mitigate the noise and other damage to the neighborhood that a high-commercial use would entail and 2) neighbors would be able to use a bar more often than an event space (and that, in and of itself, would mitigate damage to the neighborhood insofar as less parking is consumed when neighbors use commercial space) and therefore we would reap some benefit from the space in exchange for the burdens. Although the proposal says that events would be marketed at 125-150 people, that is not in the binding portion of the proposal so it is completely unenforceable.

>

> Second, the proposal includes no hours of operation whatsoever for the event space, including no hours of operation for use of the rooftop. The proposal deals with noise by using decibel limits during certain hours and by closing the windows after 10pm. We do not believe this will work. To begin with, the decibel limits and windows will do nothing to mitigate the noise and ruckus on the street when people leave events at late hours. In addition, how will the decibel limits be enforced? The proposal includes a fine of \$150, but who will enforce that? And is \$150 a sufficient deterrent to stop noise violations? Or will it just be a cost of doing business for the event space? We think the event space should close by 10pm on weekdays and 11pm on weekends and we think people should be off the roof one hour earlier. We also think amplified music should be banned on the roof. Even among the high-rises of midtown they ban amplified music on the roof now.

>

> Third, the proposal is completely inadequate as to parking. All the proposal offers with any specificity is to comply with whatever Metro requires. And what Metro requires is very little, around 40 or 50 spaces for this three-story all-commercial building. We think the building should be required to have a three-year lease in place for parking for 50% of the maximum occupancy of the building (333 people under the proposal); that's 166 spaces, not 40 or 50. The proposal contains vague language to "contemplate" disruption to the alleyways and "contemplate" some ratio of parking stalls (which we take to mean valet spaces) per vehicle, but contemplation is not enough. We want concrete guarantees. There is also nothing in the proposal to designate a space for valet and uber drop off that will minimize disruption to the flow of traffic and to the safety of pedestrians. There is a vague promise to require someone to direct traffic at peak times, but again, nothing is spelled out with any specifics. It would be premature to support such a vague document.

>

> Finally, there is nothing in the document that speaks to enforcement. (Besides the \$150 fine for noise.) We do not want to rely on Metro to

> enforce the zoning conditions because Metro has too many other things to do and the fines at Metro are too low to deter misbehavior in parties willing to spend tens of thousands of dollars to rent the space.

> In other communities, contracts are entered into between neighborhoods and developers for purposes such as these. A contract could, for example, give any neighborhood resident a financial incentive to bring a complaint

> to small-claims court or another adjudicatory body and seek serious fines for violating the terms of the rezoning. We think such an agreement should be entered into before supporting any rezoning. We offered to come up with such a contract - yet the developer submitted his proposal without such contract.

>

> Every other building on this block of 5th Ave has residential space - actually with people living and raising their families in the homes.

>

> This rezone is out of character for this particular block and is not in keeping with the residential feel of this block.

>

> I want to go on record as being OPPOSED to a rezone.

>

> Sincerely,

> matt butler
> 101 Taylor St. And 1220 5th Ave N
> Nashville, TN Nashville, TN

From: Ashlee Butler [mailto:ashleebutler@outlook.com]
Sent: Friday, March 31, 2017 12:02 PM
To: richardaudet414@gmail.com; O'Connell, Freddie (Council Member);
Board@historicgermantown.org; Planning Commissioners
Subject: Opposed to the Rezoning for 5th and Monroe

I am writing to make my opinion known and put on record my adamant opposition to the north corner of 5th and Monroe (plans for a development called The Livery) being rezoned from MUN (current zoning) to SP.

The building planned for this corner is a three level 10,000 sqft building plus a 2000 sqft rooftop space. The proposed rezoning is to allow the entire building to be commercial. We are told the current plan is to use the top two levels and rooftop as an event space; it is unknown what the plan is for the lower level. If the rezoning occurs without restrictions, we believe the rezoning could legally allow as many as 1000 people inside the building at any one time.

When opposition materialized at a Historic Germantown neighborhood meeting with the developer, the developer offered to put some restrictions in the actual SP rezoning. These included maximum occupancy limits of 333 people and decibel limits for noise on the roof and hours during which the windows would be closed. The neighbors who have been opposed to the rezoning continue to be opposed despite these limits. We believe this rezoning threatens the charm of the 1200 block of 5th Ave. The current MUN zoning has worked well for the block; there is no reason to give one developer special treatment, especially because it will invite other developers on the block to request similar

special treatment. For whatever they are worth, these are some of specific reasons myself and other neighbors believe the proposed limitations are inadequate:

First, at the community meeting, we were told the event space would attract only 80-person events two or three times a week, with the possibility of some events attracting an additional 30 people. Many of us thought we might be able to live with that. The proposal from the developer, however, is to set the maximum occupancy of the event space at 225 people (with 12 days where the maximum occupancy is 325) without any limitations on the number of events per week. That is two or three times as big for two or three times as many days per week. That's in addition to another 108 people as the maximum occupancy in the lower level. Our view is that is way too many people for this small piece of land at the corner of this particular block. Although it is true a bar could be put in under the current zoning and in theory a bar could have 300 people if there were no tables in the bar, we are less worried about that theoretical possibility for two reasons: 1) even if the developer did that, there would have to be residential units in the building under the current zoning and the residents would mitigate the noise and other damage to the neighborhood that a high-commercial use would entail and 2) neighbors would be able to use a bar more often than an event space (and that, in and of itself, would mitigate damage to the neighborhood insofar as less parking is consumed when neighbors use commercial space) and therefore we would reap some benefit from the space in exchange for the burdens. Although the proposal says that events would be marketed at 125-150 people, that is not in the binding portion of the proposal so it is completely unenforceable.

Second, the proposal includes no hours of operation whatsoever for the event space, including no hours of operation for use of the rooftop. The proposal deals with noise by using decibel limits during certain hours and by closing the windows after 10pm. We do not believe this will work. To begin with, the decibel limits and windows will do nothing to mitigate the noise and ruckus on the street when people leave events at late hours. In addition, how will the decibel limits be enforced? The proposal includes a fine of \$150, but who will enforce that? And is \$150 a sufficient deterrent to stop noise violations? Or will it just be a cost of doing business for the event space? We think the event space should close by 10pm on weekdays and 11pm on weekends and we think people should be off the roof one hour earlier. We also think amplified music should be banned on the roof. Even among the high-rises of midtown they ban amplified music on the roof now.

Third, the proposal is completely inadequate as to parking. All the proposal offers with any specificity is to comply with whatever Metro requires. And what Metro requires is very little, around 40 or 50 spaces for this three-story all-commercial building. We think the building should be required to have a three-year lease in place for parking for 50% of the maximum occupancy of the building (333 people under the proposal); that's 166 spaces, not 40 or 50. The proposal contains vague language to "contemplate" disruption to the alleyways and "contemplate" some ratio of parking stalls (which we take to mean valet spaces) per vehicle, but contemplation is not enough. We want concrete guarantees. There is also nothing in the proposal to designate a space for valet and uber drop off that will minimize disruption to the flow of traffic and to the safety of pedestrians. There is a vague promise to require someone to direct traffic at peak times, but again, nothing is spelled out with any specifics. It would be premature to support such a vague document.

Finally, there is nothing in the document that speaks to enforcement. (Besides the \$150 fine for noise.) We do not want to rely on Metro to

enforce the zoning conditions because Metro has too many other things to do and the fines at Metro are too low to deter misbehavior in parties willing to spend tens of thousands of dollars to rent the space.

In other communities, contracts are entered into between neighborhoods and developers for purposes such as these. A contract could, for example, give any neighborhood resident a financial incentive to bring a complaint

to small-claims court or another adjudicatory body and seek serious fines for violating the terms of the rezoning. We think such an agreement should be entered into before supporting any rezoning. We offered to come up with such a contract - yet the developer submitted his proposal without such contract.

Every other building on this block of 5th Ave has residential space - actually with people living and raising their families in the homes.

This rezone is out of character for this particular block and is not in keeping with the residential feel of this block.

I want to go on record as being OPPOSED to a rezone.

Thank you for your time.

Ashlee J Butler
1220 5th Ave N

From: MacOwner [<mailto:yancycook@gmail.com>]

Sent: Friday, March 31, 2017 7:22 AM

To: board@historicgermantown.org

Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)

Subject: The Livery Project, Historic Germantown, Nashville, TN

To whom it may concern:

My name is Yancy Cook. I reside at 1521 Arthur Ave., Nashville, TN. I want to voice my support for The Livery Project and the proposed zoning for the SW corner of 5th Ave North and Monroe St.

Thank you!

Yancy Cook
Account Executive
Suncrest Healthcare

From: Warren Beck [<mailto:wmb0007@gmail.com>]

Sent: Wednesday, March 29, 2017 1:47 PM

To: board@historicgermantown.org

Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: The Livery

Send to:

board@historicgermantown.org

CC:

freddie.oconnell@nashville.gov

latisha.birkeland@nashville.gov

BCC:

livery@breadandbutterpr.com

To whom it may concern,

My name is Warren Beck and I have been a Germantown resident since 2015 (I own and live in a condo at 6th & Madison). I am in support of the Livery at 5th & Monroe development project and of the proposed SP zoning for the SW corner of 5th Ave North and Monroe Street. I believe the project will be an asset to the neighborhood and I hope our community realizes its potential for positively impacting Germantown.

Best,

Warren Beck

From: Liz Brittain [<mailto:brittain.liz@gmail.com>]

Sent: Wednesday, March 29, 2017 12:32 PM

To: board@historicgermantown.org

Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: Thoughts on The Livery project

Dear members of the Board,

My name is Liz Beck and I live in the Madison Square Condos at 6th & Madison with my husband. We purchased our condo in 2015 and the company I work for moved their offices to Germantown in 2016, so as someone who lives and works within two square blocks, I absolutely love this neighborhood.

I wanted to reach out and say that I support the Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe Street. I was born and raised in Nashville and have watched the city grow and change throughout my 26 years. While I understand that the rapid growth that we're currently experiencing can sometimes have a negative impact as developers build without much thought to the existing communities, I believe it's a poor decision to close off our neighborhoods to all growth and change, and I don't see approval of this proposed SP zoning having a long-term negative impact on Germantown.

I believe the project will be an asset to our community and a great resource to our neighborhood and its residents. Jim Creason has proven that he supports smart growth in Germantown and I think this project has great potential to be a positive step forward for the neighborhood.

Best,

Liz Beck

From: Diana Barton [mailto:dianasimsbarton@gmail.com]

Sent: Tuesday, March 28, 2017 2:38 PM

To: board@historicgermantown.org; O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)

Subject: Livery

To Whom it may Concern:

My name is Diana Barton at the Vista Germantown apartments in 37208. I am in support of the Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe, Street.

Best,

Diana Barton

From: lauren lagarde [<mailto:laurenlagarde@gmail.com>]

Sent: Tuesday, March 28, 2017 1:11 PM

To: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning); board@historicgermantown.org

Subject: The Livery Germantown

Hi there,

My name is Lauren Lagarde and I live at the Vista Germantown apartments in 37208. I'm writing to share that I am in support of the Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe, Street.

My best,

Lauren

From: Brandon Almand [<mailto:Brandon.Almand@ardenthealth.com>]

Sent: Tuesday, March 28, 2017 8:32 AM

To: O'Connell, Freddie (Council Member)

Cc: Birkeland, Latisha (Planning)

Subject: Support for Livery Development

To whom it may Concern:

My name is Brandon Almand and I live at 600 Garfield St. Unit 15, Nashville, TN 37208. I am in support of the Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe, Street.

Regards,

**Brandon Almand, BSN, RN-BC | Epic Analyst II- Inpatient Orders Team | Ardent Health Services |
Nashville, TN | 615-296-3544 (O) | 615.296.6748 (F) |**

brandon.almand@ardenthealth.com

From: Brooke Leitch [mailto:brookemarieleitch@gmail.com]

Sent: Tuesday, March 28, 2017 1:01 PM

To: board@historicgermantown.org

Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)

Subject: Livery

To Whom it may Concern:

My name is Brooke Leitch and I live at the Vista Germantown apartments in 37208. I am in support of the Livery development project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe, Street.

Thank you,

Brooke Leitch

Item 16, Hickory Trails

From: Christopher E. Hukan, Atty. [<mailto:chris@hukanlaw.com>]

Sent: Tuesday, April 11, 2017 8:06 AM

To: Napier, Patrick (Planning); nancy@nvr4district8.com

Subject: 630 Old Hickory Blvd. | 2017SP-037-001

Mr. Napier:

I just saw this proposed development and have serious concerns. 13 residences on .96 acres on a street where every other home is a single family residence? I would be furious if I lived on Marthona.

I live a block away, and this seems to be completely out of character for the neighborhood.

--

Christopher English Hukan, Atty.
1191 W. Main Street, Suite 6
Hendersonville, Tennessee 37075
615.669.7299
www.hukanlaw.com