

Public comments on June 8, 2017 Planning Commission agenda items, received through June 2, 2017

Item 1, Sky Nashville SP

From: Kathy Chiavola [mailto:kcsing1@aol.com]
Sent: Thursday, June 01, 2017 7:21 PM
To: Etkindall@aol.com; Kindall, Ed (Council Member); Murphy, Kathleen (Council Member); Planning Commissioners
Subject: Vote NO Case #2016SP-004-001

Dear Kathleen and Ed,
Please VOTE NO on Case #2016SP-004-001 and keep current R6 zoning. This would be terrible for our neighborhood and negatively impact our city! It is already oversaturated in that area and I have to drive by there every day. Thank you!

Kathy Chiavola
4107 Colorado Ave
Nashville, TN 37209

Dear Councilwoman Kathleen Murphy and Planning Commission:

I want to voice general support for Sky Nashville (#2016SP-004-001) and to suggest a condition for the rezoning.

I support Sky Nashville because it is good change. I respect that some of my neighbors do not want our neighborhood to be turned into apartment complexes. I share that value. I don't think Sky Nashville necessarily erodes the quality or integrity of the neighborhood. If anything, it enhances it long-term.

1. The Sylvan Heights/Summit need: Charlotte between 33rd and 37th is not financially viable/attractive to walkable restaurants because the residential density isn't high enough.

2. The greater Nashville good: Nashville needs higher density residential near downtown. People are moving to Nashville. The higher the density of residential close to downtown, the less the impact on Nashville traffic (and the greater the benefit/incentive to accelerate the mayor's light rail plans along Charlotte).
3. The land isn't that desirable for single-family homes:
 - The east side faces that giant antenna. No home owner wants a house next to that.
 - The north side is right on the interstate. No home owner wants that either.
 - For most of the land, there is only a downtown view if built up a few stories; higher than individual houses would ever be due to practicality and local codes.
 - No homes on the west side have a downtown view to lose.
4. This development gets rid of an eyesore to Sylvan Summit. Currently, the lot is largely undeveloped and unmaintained. From what I can tell, no families are being pushed out of their homes since the houses on the lot appear to be run-down and uninhabited.
5. Increased tax base.

However, I believe that as a condition to the rezoning, at least 50% of the residential units should be sold as owner-occupied primary residences.

- Nashville has a severe shortage of homes available for sale. The shortage of homes for sale will stifle Nashville's growth sooner than later, push people to live farther outside the city, and exacerbate our traffic problem (further stifling our growth).
- This condition will also help align the developer's interests with those of the community and neighborhood. They'll be vested in making sure that 50% of the units are appealing to owner-occupied buyers. And after all, that is the core reason why the neighborhood is zoned as it is today (owner-occupied residents take better care and have lower crime rates than renters).

I know there is some opposition to the development, and I regret that I will be unable to attend the zoning hearing on June 8. I hope this letter effectively conveys my thoughts. If you have any questions, I'm happy to discuss further. I appreciate everything you, City Council and Planning Commissioners do to serve Nashville. Thank you!

Sincerely,

Anthony Ladd

3319 Nevada Ave, Nashville TN 37209

From: Angela Colter [mailto:apcolter06@gmail.com]
Sent: Wednesday, May 31, 2017 5:13 PM
To: Planning Commissioners
Cc: Etkindall@aol.com; Murphy, Kathleen (Council Member); Kindall, Ed (Council Member)
Subject: DISAPPROVE SKYNASHVILLE 2016SP-004-001

DISAPPROVE: 2016SP-004-001 !!!

I live at 3318 Trevor Street (owner) and have so for over 13 years. I purchased this home because it was a peaceful, residential neighborhood with no traffic issues. Until recently, I sat on my porch and enjoyed watching the deer and rabbits across from me. Sadly, those days are gone! Trevor street was not...and is not meant to be super-saturated with the latest monstrosities; (the erection of over 50 (3) story homes already...and now this proposal.

Trevor is a family oriented street. I have a small grandchild who won't be able to play in his own neighborhood due to all the unnecessary traffic that comes with the Sky Nashville project. There has been enough construction going on; banging noises 7 days a week and the congestion is bad already.

On top of the horrific 3 story "sheds" that have been recently built, Enterprise Car Rental, a commercial property located on 35th & Charlotte Ave, has their entrances on 35th and 36th Ave. Now, the traffic flow has quadrupled when you count the new constructions on 35th alone.

My family's personal privacy has already been diminished with the 3 story homes built behind me, to the right and around the corner from me. My own plans to landscape my yard (beautiful privacy fence in the back too) to enjoy my dog and grandson playing are no longer viable. Who wants their neighbors peering down from their 3rd floor lofts into their yard??? Now, you want to force me to look at those ugly three tier sheds as permanent structures in front of me? Enough is enough!

I am a senior citizen who just got a reappraisal for my property.

guess what?? In less than a year, my taxes tripled!!! Why is it ok for out of state developers to continually come in and displace residents and destroy our neighborhoods? Who is really profiting here? It is definitely not me, my family or my

neighbors. Please preserve Nashville by stopping this rezoning and Sky Nashville project. Keep my neighborhood truly residential - do not triple the current density. My daughter said it best, "We need to keep our land for our children and pets". Commissioners - Please say NO! Vote NO against 2016SP-004-001! Thank you for your time and consideration.

Angela P Colter

13+ year Trevor St. resident

Lifelong resident of Davidson Co.

From: Murphy, Kathleen (Council Member)

Sent: Wednesday, May 31, 2017 5:01 PM

To: Planning Commissioners

Subject: Fwd: Disapprove SKYNASHVILLE - 2016 SP-004-001

Thank you,

Councilwoman Kathleen Murphy

615-422-7109

Sign up for District 24 newsletter here: <http://ow.ly/UozjR>

Begin forwarded message:

From: Susan Henderson <sah43@bellsouth.net>

Date: May 31, 2017 at 4:59:53 PM CDT

To: "etkindall@aol.com" <etkindall@aol.com>, "ed.Kindall@nashville.gov" <ed.Kindall@nashville.gov>, "kathleen.murphy@nashville.gov" <kathleen.murphy@nashville.gov>

Subject: Disapprove SKYNASHVILLE - 2016 SP-004-001

Reply-To: Susan Henderson <sah43@bellsouth.net>

Disapprove SKYNASHVILLE - 2016 SP-004-001. Keep the current zoning in place.

Regards,

Susan Henderson

3220 Trevor St

Nashville, TN 37209

615-429-6178

From: Susan Henderson [<mailto:sah43@bellsouth.net>]

Sent: Wednesday, May 31, 2017 4:58 PM

To: Planning Commissioners

Subject: DISAPPROVE SKYNASHVILLE - 2016SP-004-001

Keep the current zoning in place!

Susan Henderson

3220 Trevor St

Nashville, TN 37209

From: carole-ann mobley [mailto:caroleannmobley@gmail.com]
Sent: Wednesday, May 31, 2017 11:56 AM
To: Planning Commissioners
Cc: Etkindall@aol.com; Kindall, Ed (Council Member); Murphy, Kathleen (Council Member); lilly lewin
Subject: DISAPPROVE SKYNASHVILLE 2016SP-004-001

Hello

I am a resident at 417A 35th Ave north and have been to some of the mtgs organized by my neighborhood with the developers of Sky Nashville to oppose the rezoning. I am extremely concerned about the rezoning from an R6 to an SP that will allow for 123 units, rather than the 50, to be built on that lot. That is pure greed, not good planning or concern about creating a unique new neighborhood for Nashville as the developers claim is their goal.

The traffic right now on 35th and Charlotte is almost unmanageable as it is- I cannot imagine when 100+ or MORE vehicles are using 35th Ave as the only entrance/exit from said compound. I cannot even get out onto Charlotte most mornings and sometimes have to circle around the block to get where I'm going. A traffic light would be the only solution but we will still have cars lined up in front of my home to get in and out everyday. It will be congested, loud, and potentially dangerous traffic wise. Also we will lose an incredible amount of trees which already is a problem with overdevelopment on these 3 streets (35th, 36th, 37th). Yesterday I watched as construction crews closed up some vents in a new home that was holding a birds nest with babies in it. The mother bird tried all evening to get to back her nest with no avail. I know this is trivial to most but it's a small example of how developers take over an area with no regard to anyone else's wishes or life.

Each time it rains I watch a HUGE puddle (almost a small pond) gather at the foot of my neighbors drive and empty into the new unfinished yard next to us. It sits for days as there is no drainage. This is a major concern as all of the water, dirt, and sand run down the alley/hill straight into this land. How is this being addressed?

It was stated at the last meeting the developers have offered to build sidewalks on 35th? Why? How is that helping anything? That means either I, or my neighbor across the street, will be losing some of their front yard. The offer to widen 35th does not solve any issues either and will take away from our yards as well.

I am vehemently opposed to this rezoning and will do whatever necessary to stop it. I feel it will affect my lifestyle, peace of mind, comfort, safety, and lower my property value as no one will want to live in such a traffic heavy, congested area. The blasting that will occur for underground parking in the hillside is also a major concern. My new house already has damage from all of the blasting around me. Mirrors have been broken and will need to be replaced at my expense.

Sadly I am already considering moving from this area in the not so distant future as I was hoping for this to become a real neighborhood, not to live near a condo complex with pool, underground parking, street parking, etc or a huge new gated subdivision with small homes crammed together. Not what I planned for when I spent a large amount of money to move into this new home.

Thank you for considering these heartfelt thoughts-

Sincerely,

Carole-Ann Mobley

417A 35th Ave North

Nashville TN 37209

PS Thank you for my neighbors who help organize all of this so we have a chance to voice our opinions.

From: lilly lewin [mailto:lillylewin@gmail.com]
Sent: Tuesday, May 30, 2017 12:17 PM
To: Planning Commissioners; Kindall, Ed (Council Member)
Cc: Murphy, Kathleen (Council Member)
Subject: DISAPPROVE SKY NASHVILLE #2016SP-004-001

Good Morning Commissioners,

I am a resident of 3306A Trevor Street, directly across the street from the proposed Sky Nashville development.

I wrote you last year asking for your disapproval of the Sky Nashville request to change the community plan and the zoning from R6 to an SP

I am writing to you again to request the DISAPPROVAL of the zoning change from R6 to an SP.

VOTE NO to 2016SP-004-001 to change the current R6 zoning to an SP.

The new Sky Nashville proposal is still too dense! Since last year, there have been over 50 units built in our Sylvan Summit neighborhood so we have already increased the density to of traffic and noise on our small streets!!! And this plan will send us over the top in terms of traffic, noise, and quality of life!

Why does the developer need to change the current R6 zoning to an SP when the current zoning already allows for 44-50 homes!

The developer still wants almost 3 times the density

of the current zoning! This means 3 times as many cars and people not to mention noise and pollution!

The new plan is for 123 units on 4.75 acres at the top of a steep hill with very little access to Charlotte Ave.

The streets in our neighborhood are narrow and have on street parking that makes it hazardous at times and really only open to one lane of traffic.

Also, the developers are still placing the most dense housing the farthest distance from the Charlotte corridor.

Also, I do not consider a four story building with one bedroom condos as affordable housing or worker housing! Many people who are teachers, firemen, etc need more than one bedroom because they have families. AND I do not want to see my home destroyed when they blast the rock to make the underground parking garage!

We looked for a house for over a year before finding our home on Sylvan Summit! We spent our hard earned money on a house in a peaceful neighborhood and paid the money to be close to town and have a wonderful view. This development's extreme density will change our current neighborhood for the worse. And I am concerned for my property value if these proposed units end up being rentals or air bnb units without on site owners!

Yes, this is a transitioning neighborhood, but it is a neighborhood of single family homes and duplexes with some residents living here for over 50 years! This feels extreme and all about greed NOT about the people in the neighborhood!

Besides the extreme density, I am concerned about the following:

1. Lack of green space in the plan and the destruction of old growth trees.
2. Traffic on 33rd, 35th and on Trevor and Felicia, including problems accessing Charlotte. They plan to widen 35th? How can the developer do this when there are already homes in place AND There are no turn lanes onto Charlotte and no lights at 33rd, 35th, and 36th.
3. NOISE POLLUTION! Loss of trees as a sound barrier to interstate and this plan has no sound barrier plan to replace the trees!
4. Erosion of the hillside due to removal of topsoil.
5. Construction that will require blasting and may damage our homes.
6. Water drainage concerns and runoff when they remove topsoil and pave most of the green space! I don't see a REAL plan to solve the water issues!
7. The cul de sac of the hill that violates the working plan.

I know that something will be built across the street from us and I agree that the architecture of this development is beautiful and it is a plus to have one developer build and design the space, BUT the negative

impact of the density requested is just too much and will greatly affect the quality of life on Sylvan Summit and along Charlotte!

Thank you for your consideration.

I look forward to speaking to you at the Zoning hearing on June 8th.

Lillian Sensing Lewin

3306 Trevor Street

Nashville, TN 37209

513-382-8484

lillylewin@gmail.com

Lilly Lewin, curator

Thinplace : a pilgrimage of discovery and creativity

513-382-8484

lillylewin@gmail.com

lilly's pad

From: lilly lewin [mailto:lillylewin@gmail.com]
Sent: Tuesday, May 30, 2017 12:10 PM
To: Kindall, Ed (Council Member); Planning Commissioners
Cc: Murphy, Kathleen (Council Member); Lilly & Rob Lewin
Subject: DISAPPROVE SKY NASHVILLE! VOTE NO to 2016SP-004-001

Good Morning Ed,

After knocking on doors and meeting with neighbors and hearing about the new plan from Sky Nashville developers,

THIS PLAN IS STILL TOO DENSE! All but one family in our neighborhood want to keep the R6 zoning

WE DO NOT want an SP zoning change!

Rob and I counted the number of NEW homes built in Sylvan Summit since last year when we fought Sky Nashville.

There are over 50 new units on the hill! These homes are on 33rd, 35, 36, 37th and on Felicia and Trevor Street.

Also, I do not consider a one bedroom condo for \$250,000 affordable housing! Most folks who are teachers, and firemen. etc

have families not just one person and they need more than a one bedroom! These units will end up being air bnb or rental units NOT

neighborhood HOMES!

Please hear us and support DISAPPROVING SKY NASHVILLE! **VOTE NO to 2016SP-004-001**

Thank you!

Lilly Lewin

Lilly Lewin, curator

Thinplace : a pilgrimage of discovery and creativity

513-382-8484

lillylewin@gmail.com

[lilly's pad](#)

From: Jonathan Rhodes [mailto:jonnybizjet@yahoo.com]

Sent: Friday, May 26, 2017 2:06 PM

To: Planning Commissioners

Cc: Etkindall@aol.com; Kindall, Ed (Council Member); Murphy, Kathleen (Council Member)

Subject: DISAPPROVE SKYNASHVILLE 2016SP-004-001

DISAPPROVE SKYNASHVILLE CASE 2016SP-004-001

Ms. Shepherd,

In regard to zoning notice hearing to be held on 8 June, please refresh my sentiments as listed below.

As reviewed in recent meeting with developer, it's also important to note that developer's plan to take a portion of my property which may require moving my retaining wall and fence, will not be acceptable. I will monitor case closely in the event that I need to obtain my own legal council.

Regards,

Jonathan Rhodes

From: Jonathan Rhodes <jonnybizjet@yahoo.com>
To: "Planning.commissioners@nashville.gov" <Planning.commissioners@nashville.gov>
Cc: "Etkindall@aol.com" <Etkindall@aol.com>; "Ed.kindall@nashville.gov" <Ed.kindall@nashville.gov>;
"Kathleen.murphy@nashville.gov" <Kathleen.murphy@nashville.gov>
Sent: Wednesday, May 3, 2017 3:12 PM
Subject: DISAPPROVE SKYNASHVILLE 2016SP-004-001

3 May 2017

RE: DISAPPROVE SKYNASHVILLE 2016SP-004-001

Dear Ms. Shepherd,

I live at 3326 Felicia Street, Nashville, TN 37209, on the corner of 35th Avenue and Felicia Street which is in the neighborhood and along the proposed entry / exit for Sky Nashville Project Case 2016SP-004-001.

Already am I concerned with any increase in traffic on 35th, as I back out of my driveway (onto 35th Avenue) the route for the hill is blind, where cars travel at speeds far exceeding any designated speed limit. I would request you come and observe this activity. The streets and alleys are also currently so deteriorated, I am embarrassed.

My specific concerns are as follows:

- Blasting concerns that will cause damage to our property. I experienced damages to my previous home in Sylvan Heights due to One City blasting, for which the developer takes no responsibility. A neighborhood lawsuit is currently with the court system. I request the city mandate the developer to set aside funds for damages incurred due to any blasting required, regardless of size approved.
- Emergency Response and Snow / Ice Removal. Where will vehicles park when they can't make it up the steep hill? A commercial truck has already rolled down the hill destroying a home in its path where this developer is already building a new one.


- Airbnb: A majority of homes in our neighborhood are investor owned non-occupied, unfortunately. We already experience multiple parties on weekends, and have witnessed alcohol (or drug) induced nudity in the streets, gunshots (on more than on occasion) – with party revelers running away through yards with handles of liquor, bouncers charging admissions into homes, etc.

Additionally, main neighborhood concerns, expressed as a group include:

- Density too far from the main corridor of Charlotte Avenue
- Loss of trees which will bring erosion and excess water run off
- Traffic ...there are no lights at 33rd or 35th Avenue

This development is excessive, for which the space was never intended. This developer is currently building homes at the bottom of the hill. I do wish the city would have monitored them trucking dirt in to raise the lots considerably, leveling it, and immediately beginning construction. These houses will likely suffer the consequences.

This developer's crew also knocked over my neighbor's mailbox last year and has yet to replace it. Their trash is consistently in my yard and in the streets. Pure disrespect with only the few units they are building now.

My cell is (703) 531-7057 , if you would like to discuss further.

Thank you for taking the time to read this and to consider my concerns.

Sincerely,

Jonathan Rhodes
3326 Felicia Street
Nashville, TN 37209

From: Mary Vick Bargagliotti [mailto:marybargagliotti@gmail.com]
Sent: Wednesday, May 17, 2017 7:21 PM
To: Etkindall@aol.com; Planning Commissioners; Murphy, Kathleen (Council Member)
Subject: Re: APPROVE SKY NASHVILLE

Hello Councilman Kindall and Councilwoman Murphy,

After attending several community meetings, I have come to the decision that I am very excited about the opportunity Sky Nashville brings to my neighborhood. I live on Felicia, just 1 block down. I have no concerns about traffic or noise. I believe it is 2017 and we are an innovative city full of creative solutions! I welcome the density. Most of Charlotte Pike is still an eyesore. So many people are moving to Nashville everyday and I welcome them as my neighbor. As the density in population comes, so do local businesses and local jobs! I dream of going to work somewhere walk-able to my home one day. Maybe we will even get better public transit! Our city is changing and what a perfect place to put new people where there is next to no displacement and some affordable homes.

Thank you for your thoughtfulness and the time you have committed to my neighborhood. I appreciate your work.

Mary Bargagliotti

3304D Felicia St

Nashville, TN 37209

901-481-3143

On Mon, Jul 11, 2016 at 1:01 PM, Mary Vick Bargagliotti <marybargagliotti@gmail.com> wrote:

We are so excited about the opportunity Sky Nashville will bring to our neighborhood! The businesses they will attract will be so much better than all of the used car lots that we have now. The answers the architects gave to the neighborhood concerns were more than adequate to ease our fears.

So please APPROVE both 2016CP-007-001 and 2016SP-004-001

Thank you for your time.

Mary Bargagliotti

3304D Felicia St

Nashville TN 37209

[901-481-3143](tel:901-481-3143)

Item 5, The Livery at 5th and Monroe SP

From: Fitzpatrick, Brian T [mailto:brian.fitzpatrick@Law.Vanderbilt.Edu]

Sent: Friday, June 02, 2017 10:37 AM

To: Planning Commissioners

Cc: O'Connell, Freddie (Council Member); Megan Barry

Subject: Opposition to rezoning of The Livery

Dear Planning Commission,

Please see the attached letter in opposition to The Livery rezoning on the agenda for next week's meeting.

The letter is long and I thought it would be better to send it as an attachment. Please let me know if you have any trouble opening it.

Many thanks,

Brian Fitzpatrick

Professor of Law

Vanderbilt University

615-322-4032

(attachment follows)

June 2, 2017

Re: Case 2017SP-005-001

Dear Planning Commission,

I am a law professor at Vanderbilt University and I live a few feet away from the proposed Livery rezoning at 5th Ave & Monroe Streets. On Wednesday, I received a letter in the mail from you indicating that there will be a meeting to consider this rezoning next week. I am writing you this letter to explain why you should deny the application.

To be entirely honest with you, I cannot believe the application is being seriously considered. Indeed, I had thought this project was dead and have thought it was dead several times now. But, as a famous Supreme Court opinion said in another context, this SP application is like “some ghoul in a late night horror movie that repeatedly sits up in its grave and shuffles abroad, after being repeatedly killed and buried.”

When your office sent my neighbors and me the yellow postcard in December alerting us to this SP application, a torrent of opposition to the project immediately materialized. Our city council person, Freddie O’Connell, has said on more than one occasion that, in the many years he has been involved in the neighborhood, he has never seen so much controversy over and so much opposition to a development project. Over the past few months, nearly 60 of my neighbors have signed a petition opposing the rezoning. Forty neighbors sent letters to the neighborhood association opposing the rezoning, including most of the houses on the 1200 block of 5th Avenue. These letters rezoning outnumbered letters in support by two, three, or four times over depending if you count the 1200 block, Germantown as a whole, or the broader neighborhood. We thought that was the end of this project.

But it popped up once again. The developer offered some very trivial restrictions on the use of the proposed building. These restrictions were so trivial that, in a letter dated April 20, the neighborhood association found them “inadequate” to protect the neighborhood from “parking, occupancy, and noise concerns.” But some members of the neighborhood association were under the incorrect understanding that, if the lot was rezoned SP, there would be “more stringent regulatory oversight by various Metro departments.” To the contrary: I am unaware of any law or practice in Nashville that enforces noise, parking, and occupancy ordinances more seriously on SP lots than MUN lots. Nonetheless, because no one corrected this misunderstanding and because two neighborhood association board members were absent at a meeting, the neighborhood association voted 4-3 to support the rezoning. It should be obvious that this vote is not representative of the views of the neighborhood nor based on a correct understanding of the law.

But the vote appeared to be irrelevant in the end because the developer could not secure parking for the hundreds of people who would drive to the event space he proposes for the building. The developer told people he planned to rent parking spaces from St. Mark's Church on 6th Avenue, but the developer's own traffic study (prepared in April by FTG, LLC) found the number of parking spaces there inadequate. Then St. Mark's decided to put its parking lot up for sale meaning even those spaces might not be guaranteed. Project dead again.

Yet, the ghoul has risen once more. So let us bury it once and for all. The developer's propose rezoning is opposed by the vast majority of the neighborhood for very good reason:

- Every lot on the 1200 block of 5th Ave is zoned MUN. The moderate, mixed-use zoning on the block has made it one of the most charming streets in all of Nashville. Opening the street up to a three-level plus rooftop, 12,000 total sqft, high-use, all commercial development will destroy the character and charm of the block. It will come with noise, traffic, and parking headaches. Moreover, it will open the rest of the block up to more rezoning because, if you let this developer do this, it will be very difficult to deny another developer the same right without facing a credible lawsuit for arbitrary and capricious zoning.
- There is no public interest in this zoning change. The zoning on our block is working. The other commercial businesses on the block co-exist peacefully with apartments above them. There is no reason to make this change other than to enable the developer to make more money by squeezing more commercial space into his building. This application is entirely for the private benefit of the developer.
- Although there are other commercial businesses on the block, the street quiets down after 11pm when patrons at the restaurant finish eating. There would be no peace on our street if the developer gets his way. The building he proposes has a rooftop and he refused every request to limit the hours people could use the rooftop and to prohibit amplified music on the roof. (He instead proposes decibel limits that no one will have the resources or incentive to enforce.) Even among the high-rise buildings of midtown, they are having problems with amplified music on the roofs; Germantown is much more quiet and the music will have an even more dramatic effect on us.
- The traffic problems that this rezoning will cause are hard to overstate. Because the developer wants to put an event space in the building, hundreds of cars will arrive and leave the space at one time. Where are all these cars going to line up for the valets to park them? On our streets. At one point the developer promised the neighborhood he would guarantee a traffic officer to direct traffic for his events (a promise he reneged on), and that is a telling

concession: if the rezoning means traffic officers will be needed to direct all the cars, we know it will destroy the charm and character of the block because traffic officers are not required now. And where will the valet take all these cars? The current plan is to use the alley between 5th and 6th Avenues to shuttle the cars to St. Mark's parking lot (which may or may not exist when the building opens, see below). That will turn the alley into a major thoroughfare and trap many residents who have to exit their homes through the alley for long periods of time. That is completely unacceptable.

- Indeed, in Table 7, the developer's own traffic study concluded that the traffic generated by this rezoning would cause "extreme delay" (level "F") at the corners of Jefferson Street and 5th and 6th Avenues. According to Table 7, this means it will take almost 30 minutes (16 vehicles at 110 seconds per vehicle) for the traffic at the 5th Avenue intersection to clear! Completely absurd.
- Then there is the parking. As I noted, the developer's own study found his plan to use St. Mark's Church as inadequate and even that lot went away because it is up for sale now. The developer has not done anything to remedy the problem: the St. Mark's lot is still up for sale. Moreover, the developer has not produced a three-year lease with St. Mark's; thus, even if the lot were not for sale, we do not know if the developer could secure all of the spots in the lot when he needs them for a three-year period. In addition, St. Mark's holds services on Wednesday evenings and Sundays. Won't the lot be full then? And has St. Mark's promised the lot to anyone else at any time, perhaps the developer's own Germantown Inn next door? We have no idea and the developer should accordingly get zero credit for any unsubstantiated promises he has made with respect to that lot. (Indeed, the developer has often been unduly optimistic about that lot. He has said there are 50 spots in the lot, and they are not. We examined the lot and a maximum of 45 cars is possible if no room for egress and ingress is assumed. It is hard to see how more than 30 cars would fit there when it is paved and stripped, and the developer certainly has not told us how.)
- The developer has identified another lot at 1120 5th Ave. But this lot has at most 46 spaces, far fewer than he needs with or without the St. Mark's lot. Moreover, the developer has not produced a three-year lease for this lot as is required by the zoning code. In addition, his letter of intent for this lot is with Premier Parking, but they do not own the lot. It is owned by HG Hill Realty. The developer has not submitted the lease between Premier Parking and HG Hill Realty so we cannot determine whether Premier can even lease the lot to the developer when he needs them for a three-year period. Nor do we know who else has leased the lot and therefore have no way of knowing how many parking spaces will actually be available. Again, the developer

should get zero credit for this parking lot. Which leaves him with zero parking.

- One final point should be made about parking and traffic: the developer and his traffic consultant have proceeded under the assumption that only 225 persons would be in the proposed event space at any one time. But the developers own application permits 325 guests in the event space at many times throughout the year. Because the developer and his traffic consultant have assumed that more people will drive to an event space than to the building's other proposed tenant (a restaurant), this means the traffic will sometimes be worse than the "extreme delays" already predicted and that even more parking will sometimes be required. The developer's decision to ignore the peak use of his own building in his calculations is reason enough to deny his application.
- One final note: as the application is now, it is not clear the developer would have to go back before the historic zoning commission for reapproval under the guidelines applicable in Germantown at that time the SP would be approved. Germantown is about to change its historic overlay guidelines, and we would not want to let the developer evade the new guidelines in the SP process.

I appreciate your attention this matter. My neighbors and I have spent countless hours and many sleepless nights burying this project. Please help us do it again for what I hope will be the last time.

Sincerely,

Brian Fitzpatrick
1222 5th Avenue N
Nashville, TN 37208

From: Melinda Eisnaugle [mailto:melinda@theavenueagency.com]
Sent: Friday, June 02, 2017 11:28 AM
To: Planning Commissioners
Cc: O'Connell, Freddie (Council Member)
Subject: Livery Zoning - local Germantown resident & business owner

To Whom It May Concern:

The growth in Germantown and the surrounding area has brought a lot of positive and needed changes. We are grateful for the community's hard work. Our concern is that the growth is happening much too fast and is not being properly controlled. Sites are being overdeveloped and not held accountable for their impact on the neighborhood. This includes the Livery development.

There are already significant traffic issues within Germantown. There are many apartment and condos being viewed right now that are going to bring EVEN MORE traffic into the area. There are many places that need better lighting at night and that need to be marked appropriately for resident parking (including fire zones and no parking zones). For example, the business next door (Perfecta Drywall) shares a driveway with parking with our business. This driveway has not been properly marked by the city and we continue to have visitors to the area block the driveway. There is no way to get around the cars who block the drive. This is a SAFETY hazard for those who are trapped that the city has not responded to. Germantown does not have the infrastructure to support what has ALREADY been built. The commissioners need to address the current issues before creating more potential issues for the residents. The area will certainly not be able to support more large scale traffic from the Livery.

Another serious concern is noise pollution from the intended rooftop deck. Nashville has lost a lot of sacred and historic sites already due to the large corporations willing to pay the fines to do illegal things. If they are making enough money, the slap on the wrist is not going to impede them from doing ILLEGAL things, including noise pollution in a residential area where hard working voting members of the community and their children are sleeping. If the Livery moves forward, the noise pollution penalties need to be SIGNIFICANT and SUBSTANTIALLY cut into their profit margin to actually be a deterrent.

More people means more trash in the area. On a daily basis, we pick up alcohol and tobacco containers from our front sidewalk area. People coming and going from an event are not going to treat the neighborhood with the respect that the residents will. We already see significant more trash on our sidewalks due to the Sounds stadium.

As a resident and business owner only a block from the Livery development site, my concerns are many and will immediately impact our personal lives and our business. These concerns have not yet been given reasonable consideration. Supporters of the Livery who are not being directly impacted (are outside of a few blocks from the site) should not have the weight of consideration in the early stages of development.

=====

Melinda Eisnaugle



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From: Anne Marie Powell [mailto:powell.anne.marie@gmail.com]
Sent: Friday, June 02, 2017 10:02 AM
To: Planning Commissioners; O'Connell, Freddie (Council Member)
Cc: Brian Fitzpatrick
Subject: Opposition to rezoning of The Livery

Good morning,

My husband, eight year old son, and I live at [1214 5th Avenue North](#). We are against the proposed rezoning for the property planned as "The Livery" for the corner of 5th and Monroe. We feel that the rezoning would ultimately be detrimental to the charm and beauty of the neighborhood. At present we have a nice mixture of business and homes on our block in Germantown. However, I strongly feel that changing the zoning for "The Livery" would disrupt this balance that has been created. Germantown would become less of a pleasant place to live. It would be difficult to find parking spaces, and the noise

and the congestion of the area would increase. I love living in Germantown, but I want it to remain a place where we can peacefully raise our eight year old son and not become a place where it is tedious to live because we can't sleep at night due to all the noise or we can't find a place to park. That is why I am opposed to the rezoning of this proposed development.

Thank you for your attention,

Anne Marie Powell

Thank you for your attention.

Sincerely,

Anne Marie Powell

Sent from my iPhone

From: Ashley Lanaux [mailto:ashley.lanaux@gmail.com]

Sent: Friday, June 02, 2017 7:23 AM

To: Planning Commissioners; bfitzpat@gmail.com

Subject: The Livery Rezoning

To whom it may concern:

I hope you are having a wonderful day! I just moved here (literally 3 days ago) from Los Angeles and closed on my home at 1209B 5th Ave North in Germantown. I could not be more excited to begin my journey in Nashville and become part of this community. What drew me to Germantown was the cobbled stone street lined with trees, homes, small local businesses and a quiet close-knit neighborhood feel. Coming from Los Angeles where everything is bigger and there are rooftop parties galore, I wanted the opposite of that and really a place I could lay down roots for the long haul.

After receiving the notice about the The Livery Rezoning, I'm worried that this beautiful, quiet, special and unique section of Nashville will change and not for the better. I've seen what these big square footage, multi-level complexes can do and to be honest, if I had known this was coming I probably would have not bought my home which will now be around the corner from this complex.

I know that I am new to the neighborhood and that my voice may not carry much weight at this time, but I hope you understand that there is a reason why families, young professionals in their 30s and high end small businesses want to be in this area. And why homes in this area are selling quickly and in the span of a weekend. Germantown has something different from other neighborhoods and it is our best asset. To have a large complex like this will completely change the dynamic, energy, and Germantown community and I'm afraid it will not be for the better.

Look forward to meeting all my neighbors and being a part of this wonderful community.

~ Ashley Lanaux

C: 504.343.1442

From: IRENE.BOYD09 [mailto:irene.boyd09@comcast.net]

Sent: Thursday, June 01, 2017 10:37 PM

To: Planning Commissioners

Cc: O'Connell, Freddie (Council Member)

Subject: The Livery Rezoning

I have been a resident of Germantown since 1981 and I live on the same block on which The Livery is projected to be built. When I moved on that block, across the street from me was an entire block of land that held heavy construction machinery. On my side of the block was a vacant lot and a small paint company to the left of my house. Parking was not an issue. Since then, housing has been built where the construction machinery was held and there are three restaurants on my block and another at the beginning of the next block.

I do not have a private parking space, but never worried about it before all the development. Now with all the restaurants and the baseball stadium nearby, I struggle to find parking on my block. Often I go around the block several times, hoping someone will leave and I can find a parking place. This happens especially around lunch and dinner times and into the evening. Although I am in good health, I am 75 years old and often have to carry groceries from one end of my block to the other. I am often alone in the evening and sometimes a little fearful walking the block. Also, I find it is difficult for me to have family and other friends over for dinner or company, because I cannot guarantee that there will be a parking space. I suspect that this is an issue for others who live in the neighborhood, even though they may have their own parking space.

The thought that The Livery will be at the other end of my block, where I sometimes have to park, concerns me. I have not heard of any realistic parking accommodations for those who will attend events at The Livery. If the projection is that there could be up to a couple hundred people for an event, where will they park? It seems that traffic could become a real issue, especially because the streets around there are narrow, and there will already be parking on both sides of the street. Much as I've appreciated most of the development in Germantown, I really have concerns about the impact that The Livery and the special zoning will have in our neighborhood and on the future of Germantown. I oppose the new zoning proposal.

Sincerely,
Irene Boyd
1213 5th Ave., No.
Nashville, TN 37208

From: Kevin Powell [mailto:kjpowell@gmail.com]
Sent: Thursday, June 01, 2017 7:06 PM
To: O'Connell, Freddie (Council Member); Planning Commissioners
Cc: btfitzpat@gmail.com; Heather Edwards
Subject: The Proposed Rezoning for the Livery in Germantown

I have lived in Germantown at 1214 5th Avenue North (between Madison and Monroe) since 1999. During that time I have seen a lot of changes in Germantown, both good and bad. I remember how excited I was when the Germantown Cafe opened because it gave me one more dining option (other than Monell's and the Mad Platter). Now, of course, there are more than a dozen restaurants within walking distance to choose from. I love the 1200 block of 5th Avenue North. I am so grateful that I chose to live here 18 years ago. Germantown Cafe is one of the few restaurants that I can think of in Germantown that actually has a parking lot. Even so, street parking is rare commodity on this block, especially when the Sounds are playing. My family is lucky. We have two off street parking spaces. Some of my neighbors on this block (who have lived here much longer than I have) are not as fortunate. They could never have foreseen when they bought here in the 1980's and 1990's what Germantown was to become. I honestly believe the MUL zoning is the best option for this block. I have never heard of anyone who lives above the Germantown Cafe or Tempered Cafe and Chocolates complain about the noise below them. It is self regulating. Everyone has to live in harmony. I firmly believe that MUL is the way to go for The Livery. I believe that the majority of the homeowners that will be affected by this zoning change on 5th Avenue are also in favor of keeping the zoning MUL. I have seen a lot of letters from Vista Germantown apartment dwellers that are in favor of approving the zoning change. Those people have a designated parking spot in the Vista garage and can easily move whenever they want to. Please respect the wishes of the majority of homeowners who chose to live in this great neighborhood and keep the Livery zoning MUL. Thank you for your consideration.

Kevin J. Powell

1214 5th Avenue North

Nashville, TN 37208

From: James Walsh [mailto:barrywalsh@me.com]

Sent: Wednesday, May 31, 2017 11:45 AM

To: Planning Commissioners

Cc: Gretchen Peters

Subject: The Livery

To The Planning Commission -

Re: The Livery.

We are opposed to The Livery development as proposed. We live at 1225 5th Ave North, so we are just three doors down from the property on 5th and will be impacted directly. Our reasons for opposing this are as follows:

1. Traffic: The 1200 block of 5th N. is the heart and soul of Germantown. Adding a commercial hub to the corner of 5th & Monroe, with all the apartments/condos going up all around us on Monroe, would be a huge mistake. Obviously traffic and parking will be problematic. We have, like many homeowners in Germantown, a carriage house behind our house that backs up to the alley between 5th and 6th N. Backing out of those carriage houses will be a nightmare when valet parking attendants are running/driving/parking/retrieving cars down that alley.

2. Parking: No concrete plans are in place as I see it. The proposed parking at St Mark Church means nothing as the church is for sale. Where is the long term stability for the neighborhood?

3. Noise: This part is self-explanatory. No one wants excessive noise in their neighborhood. How can the developer guarantee there won't be excessive noise? And if so, for how long?

Lastly, we are worried about future plans. What's to stop the present owner from selling the property to someone in the future who might change the rules? Please consider our lovely neighborhood when you decide on the future of Germantown. Do we want less of a 'neighborhood' vibe here,

opening it up to endless commercial development? Or do we want our neighborhood to remain one of the crown jewels of residential Nashville?

Sincerely,

Barry Walsh and Gretchen Peters

1225 5th Ave N

Nashville, TN 37208

PS: As I'm having surgery tomorrow morning I am not sure I will make the Planning Commission meeting next Thursday, June 8. But I am going to try. bw

From: Kacky Fell [mailto:kacky@hatcherandfell.com]

Sent: Friday, June 02, 2017 12:53 PM

To: Planning Commissioners

Cc: O'Connell, Freddie (Council Member)

Subject: The Livery

To whom it may concern:

I am a long time resident of Germantown, and my home and studio are both located at 1208 7th Avenue North. I have been a property owner in this neighborhood for over 20 years; and I have seen, and supported, a lot of change! I love all the new restaurants and neighbors. However, my fear is that the traffic volume is getting close to destroying the reasons this is a great 24/7 neighborhood.

I am specifically concerned about the plans being proposed for the development known as The Livery. While I am certainly not an expert on zoning, I *do* know this neighborhood and Mixed Use Zoning very well. I bought my house in 1995 *because* of the Mixed Use zoning. It allowed me to live in my house and have a photography business in the same building. I love Germantown's unique environment with opportunities for residential living alongside small businesses. Over the past 30 to 40 years Germantown has provided a location that works for BOTH residents and businesses, and I think that is one of the reasons it has been so attractive to people moving themselves and their businesses into the neighborhood. It has taken the neighbors working together and being respectful of everyone's needs and concerns to maintain a good balance. It doesn't make sense to ruin the exact environment that has made this such a popular place to live and work.

I have been told by Freddie O'Connell that there are differences of opinion on whether Mixed Use or Special is the appropriate and most *protective* zoning for this property. The question in my mind is what is the Planning Commission doing to retain the unique 'aesthetic' and 'feel' of the neighborhood, *regardless* of the specific zoning? I think you should put whatever controls are necessary to prevent the infusion of a high and inappropriate volume of traffic into an already congested residential and business area. Allowing for an event space, where large numbers of people will be coming in and leaving *at the same time multiple times throughout the week*, is a big change and would have a major impact on the neighbors! It seems to me that the well-being of the neighborhood and the people who already live here should take precedence over the plans of a developer.

There are specific constraints on Mixed Use, which I think generally do not adequately address the parking issues for our neighborhood, but we know what they are which makes staying with Mixed Use seem like a safer option. I understand that you can impose stricter constraints about parking and traffic volume with Special Zoning. Is that your intent?

As the people who are charged with making decisions about our neighborhoods *that take everyone's best interest to heart*, I ask that you carefully consider the ramifications and impact to our beloved Germantown neighborhood as you consider The Livery's zoning change request.

Sincerely,

--

Kacky



Kacky Fell
Hatcher & Fell Photography
1208 7th Ave North
Nashville, TN 37208
(615) 255-4420

