

Comments on June 8, 2017 Planning Commission agenda items, received June 2-6

Item 1, Sky Nashville SP

From: donotreply@nashville.gov [mailto:donotreply@nashville.gov]
Sent: Saturday, June 03, 2017 9:07 PM
Subject: Planning Commission - Citizen Email

Name : Joan Parmer
Phone Number : 6153567205
Email Address : hnjparmer@comcast.net

I've lived off of White Bridge Road for 24 years and frequently travel on Charlotte Pike. Like everywhere in Nashville the traffic has become almost impossible. The thought of a high density development going up in the Sylvan Heights area seems ludicrous! I know a number of people who live in that area, and they are greatly dismayed. I urge you to vote no on case #2016SP004001 Proposed by Skyline Nashville Development.

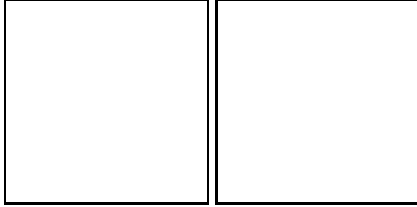
From: Matt White [mailto:whitemw1@gmail.com]
Sent: Monday, June 05, 2017 3:01 PM
To: Kindall, Ed (Council Member); Murphy, Kathleen (Council Member)
Cc: Planning Commissioners
Subject: #2016SP-004-001 keep R6 zoning NO SP for sky nashville

Planning Commissioners, Mr. Kindall, and Ms. Murphy,

My fiancé, Christina Weathers and I, live at 415 35th Ave. N.

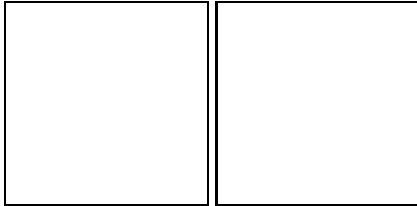
First, if the current build projects on 35th Ave. are any indication of what to expect with the Sky Nashville project, I wouldn't let them build a dog house for me.

The alley between 35th and 36th has been totally destroyed behind their project. There is constant materials in the alley right of way and no silt fence to stop runoff. In addition to that, the destroyed alley way is pretty much unusable for the last two weeks because public works has allowed a closure of the alley for sewer work on one side.



(No photos were visible in the original email)

Not only that, I am pretty sure burning construction debris is a no no.



The current R6 zoning of the property which is under review to be rezoned to SP (#2016SP-004-001)has a lot of problems with it. If this current small project, which Ardavan Afrakteh , may or may not be involved in, is any indication of how to treat the existing neighborhood you should think about what will happen.

There has not been any kind of sufficient traffic study I am aware of which accounts for the increased trips of at a minimum 124 cars for the SP zoning request. There are periods of time when it has taken me personally five minutes for a single car to make a left hand turn off 35th Ave N. onto Charlotte. At five o'clock rush hour out of downtown, it is already almost impossible to turn out of 35th and head downtown. In addition, the new Enterprise Rent A Car is going to add additional traffic. There has been talk of widening 35th Ave N. to meet the increased traffic. However, it appears Enterprise was allowed to build their property and sidewalk to the existing street which leaves the street as narrow as it is now.

I think the site is around 4.75 acres. The zoning request to move to SP would have the density of 1,683 sqft per housing unit. RM20 does not even allow for that much density if I understand it correctly. The SP zoning would allow for over 25 units per acre. Why would a density even greater than that be allowed in an area with mostly R6?

The SP zoning would almost cut in half the requirement per housing unit for R6. At a minimum, the lot size per unit to make it an HPR must be 3,000 sqft. The SP zoning would allow for almost double the current 14 units per acre.

Also, as I understand it, the zoning of the surrounding 5 properties is considered when evaluating the request. Why would the owner of the site be allowed to triple the density of the surrounding properties touching it? Just because he bought the property, they should not be allowed to commingle it into a property which is zoned for single family homes essentially and allow them to put in what is a multi-family project to a degree.

The current zoning for the area is more than enough homes. When completed the additional cars for the current zoning will add more than enough congestion to the existing neighborhood.

Thank you for your time,

--

Matt White

615-330-1460

From: Anna Lea Dozier [mailto:annalea.dozier@gmail.com]

Sent: Sunday, June 04, 2017 12:38 PM

To: Planning Commissioners

Cc: Murphy, Kathleen (Council Member)

Subject: SKYNASHVILLE 2016SP-004-001

Dear Councilwoman Murphy and Planning Commission,

I write with concerns about the density of the proposed Sky Nashville development. Please keep the current zoning and do not approve for more homes.

AnnaLea Cothron

3513 Park Avenue

Nashville, 37209

Sylvan Heights

Item 5, The Livery at 5th and Monroe SP

From: Neely Burks [mailto:neely.burks@gmail.com]
Sent: Tuesday, June 06, 2017 8:16 AM
To: Planning Commissioners
Subject: I support The Livery

To Whom It May Concern:

As a Hope Gardens resident since 2010, I've researched plans for The Livery at 5th & Monroe and feel that this project and its rezoning will serve as a strong fit for the neighborhood and welcome addition to the community. I'm writing to encourage the Board's support.

Thank you for always looking out for the best interest of our neighborhood.

Best,

Neely Burks

1032 9th Ave North

From: Liz Brittain [mailto:brittain.liz@gmail.com]
Sent: Monday, June 05, 2017 4:28 PM
To: Planning Commissioners
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: I support The Livery rezoning

Hi there!

My name is Liz Beck and my husband and I have lived in a unit in the Madison Square Condos since we purchased it in 2015, and I wanted to reach out again about why I support The Livery project.

Although I've only lived in Germantown for about a year and a half now, I was born and raised in Nashville and have seen firsthand the growth and development of our city and its different neighborhoods--both good and bad. Jim Creason is one of the good guys and I truly believe that his vision for The Livery at 5th & Monroe and The Sloane will only benefit our Germantown community and serve as a resource to its residents.

I've had the pleasure of working with Jim since December when the germantown inn hired the PR firm that I work for to take on the inn as a client. He's proven himself to be a champion of the neighborhood and values developing with the neighborhood and community members in mind. It's been amazing to see how well-received the inn has been locally and nationally, earning our neighborhood wonderful press in top publications like The New York Times, Conde Nast Traveler, Food Network Magazine and Southern Living, among others. I can only imagine The Livery will attract even more great praise. We shouldn't be complaining.

It's been extremely disheartening to witness the fear-mongering and negativity that this request has brought about in the neighborhood, especially when the opposition's platform has been largely based on assumptions and false claims. I don't believe that the rezoning will result in the next Acme or night club in our neighborhood and I don't believe it will cause traffic and noise problems. I'm sad to see the corner garden go, but the property is being developed regardless and so it might as well be done by someone who's passionate about building with respect to the surrounding community rather than indifferent to our concerns. Do we really believe another developer will take the time to meet with the opposition and agree upon a list of self-imposed restrictions to ease concerns?

My best,

Liz Beck

615.517.4208

From: Taylor Lewis [mailto:lewisandpalm@gmail.com]

Sent: Monday, June 05, 2017 3:44 PM

To: Planning Commissioners
Cc: bfitzpat@gmail.com
Subject: opposition to the proposed rezoning of Lively Building.

I am writing today to show my concern for the proposed structure to go on the corner of 5th and Monroe. I think it would severely degrade the integrity of the neighborhood and cause more harm than good. The neighborhood is already reaching maximum capacity and I think a proposed commercial space would do no good.

Thank you for your time,

Taylor Lewis

From: lauren lagarde [mailto:laurenlagarde@gmail.com]
Sent: Monday, June 05, 2017 2:43 PM
To: Planning Commissioners
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: Tiffany Vaughan [mailto:tiffanyvaughan2012@gmail.com]
Sent: Monday, June 05, 2017 12:19 PM
To: Planning Commissioners
Subject: Fwd: The Livery at 5th and Monroe- OPPOSED

My name is Tiffany Vaughan and I live at 1224 5th Ave N, almost directly across the street from the proposed Livery. I am a member of the Historic Germantown board and I am strongly opposed to this project for many reasons, but in this message I will implore you to look comprehensively at all the

projects in Germantown, especially along Monroe St. We have a reputation for fine dining, and count at least 12 currently operational restaurants (3 more under construction), 3 coffee shops, 3 other food shops and as well as many other retail shops within our 18 square block Historical Germantown boundary. We love having so much in such close proximity, but the demands of these businesses also causes a strain on our parking and traffic flow (especially with traffic congestion caused by Uber/Lyft drivers stopping in the middle of our streets). Local residents are becoming hard-pressed to have parking available for our guests, especially on Sounds game nights.

If you look along Monroe Street, there are busy commercial operations on every intersection from Rosa L Parks Blvd to the River, with the exception of 7th Ave N (home to 2 churches) and 5th Ave N. Currently Monroe flows pretty smoothly, which was reflected in the traffic study. Unfortunately, the traffic study was unable to account for the 245 apartments being built at the Monroe (entire block between 4th and 3rd), Lifestyles Communities (hundreds of apartments between 2nd and the greenway), The hotel and large office buildings being built at 2nd and Monroe, and the eventual development of the Neuhoff Property bordering the Cumberland River. Monroe becomes a two lane street at 5th Ave N and will become a nightmare to navigate once all these already approved projects come online and bring their additional cars with them (people already park illegally along Monroe because of parking shortages). Understandably, the traffic study was not able to account for this, but as planning commissioners I implore you to take these developments into account before allowing a commercial space to be doubled. The neighborhood cannot take more supersized growth before our quality of life is negatively impacted. I'm hoping that you will take a comprehensive approach to planning, look at what is already surrounding the development and agree that this parcel would be best served by maintaining the MUN zoning and limiting the commercial application to 5000 sq ft.

Thank you,

Tiffany Block Vaughan

1224 5th Ave N

From: Ron Westphal [mailto:ronmarciaw@gmail.com]

Sent: Sunday, June 04, 2017 2:11 PM

To: Planning Commissioners

Subject: The Livery

As a resident of Germantown since 2003, I am very much concerned about the proposed development call The Livery. I am concerned about how it fit in with the

historic row houses that line that side of 5th Ave. A three story structure is very much out of scale with them and the other newer homes that fill the block. Parking is already at a premium in the neighborhood and a business that could attract the numbers envisioned will only exacerbate the already crowded situation. With an average of three persons per car, an event of 300 people would add 100 vehicles to the parking. I have heard that the "event space" could host up to 1000 people, which would mean more than 300 additional cars in the community.

I urge you to carefully consider all the ramifications of this proposed project. Once it has been built, there will be no way to reverse your decision. Will the increased vehicle traffic, noise and diminished landscape of this historic street be off set by the gain of a few who have no vested interest in **Germantown except commercial gain.**

Thank you for your time and attention,

Ronald M. Westphal

1404 4th Ave N

Nashville

From: Ashlee Butler [mailto:ashleebutler@outlook.com]

Sent: Friday, June 02, 2017 1:17 PM

To: Planning Commissioners; O'Connell, Freddie (Council Member); megan@meganbarry.com

Cc: windingrhodes@gmail.com

Subject: Opposition to rezoning of The Livery 5th Ave N

June 2, 2017

Re: Case 2017SP-005-001

Dear Planning Commission,

We are residents of the 1200 block of 5th Ave N as well as owners of a condo in Werthern Lofts in Germantown. We are aware of the request for a rezone for the development called The Livery. I am writing you this letter to explain why we believe you should DENY the request for rezoning.

Like many neighbors and other Nashville residents we have spoken to, we are having a difficult time comprehending that this application is being seriously considered. When your office sent my neighbors and us the yellow postcard in December alerting us to this SP application, a torrent of opposition to the project immediately materialized (for reasons listed below). 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 nor so much opposition to a development project. This was repeated at several Germantown Neighborhood Meetings we attended as well - this development was being met with more opposition than any other project discussed at neighborhood association meetings.

Over the past few months, nearly 60 of our neighbors (residents, home owners, business owners) have signed a petition opposing the rezoning. Forty neighbors sent letters to the neighborhood association opposing the rezoning, including a majority of the households on the 1200 block of 5th Avenue North. These letters opposing the 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.

After this, the developer offered 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: we are 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 was able to correct this misunderstanding and because two neighborhood association board members were absent at that particular 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.

I don't understand how this proposal keeps forging ahead. Can we bury it once and for all?

The developer's proposed rezoning is opposed by the vast majority of the neighborhood for very good reason (We are using many of these points from a neighbor's informational letter, but we fully stand by them):

- Every lot on the 1200 block of 5th Ave N is zoned MUN. And, without exception, every other building on the block (1200 5th Ave N) has residence space with full-time residents. This moderate, mixed-use zoning with people calling each and every building "home" 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 ft², 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 developer's 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.

We appreciate your attention this matter. Many of us have spent countless hours and way too many sleepless nights trying to bury this project for the good of the neighborhood. Please help us do it for what we hope will be the last time.

Sincerely,

Matt & Ashlee Butler
1220 5th Avenue N. and 706 Taylor St. #101
Nashville, TN 37208

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

Sent: Tuesday, June 06, 2017 10:29 AM

To: Planning Commissioners

Subject: Livery

To Whom it may Concern:

My name is Brooke Leitch and I live at the Peyton Stakes 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

From: Christopher.Ott@hcahealthcare.com [mailto:Christopher.Ott@hcahealthcare.com]

Sent: Monday, June 05, 2017 10:46 AM

To: Planning Commissioners

Subject: 5th and Monroe Rezoning

Dear Zoning Board Members,

I am writing to oppose the rezoning of the garden at 5th and Monroe in Germantown for commercial use. That lot is on a block that has only residential and mixed use and not sole commercial lots. I live at 606A Hume Street, I do not believe that the lot at 5th and Monroe is even remotely appropriate for an all commercial enterprise. There is already significant issues with parking and congestion at that intersection. Also, the idea of having an event space with a rooftop in the middle of an all residential block will only bring noise and inappropriate volumes of foot and car traffic. There are many other locations in Germantown that are certainly better suited for this type of development.

This email should serve to register my objection and opposition to this rezoning with the members of the planning commission.

Sincerely,

Dr. Christopher Ott

Christopher J. Ott , MD, FACEP | Chief Medical Officer
| **Physician Services Group** | **HCA**

Christopher.Ott@hcahealthcare.com

(615) 372-5583 (o) | (720) 480-2242 (c)

HCA | Physician Services
Group