

Comments on June 8, 2017 Planning Commission agenda items, received June 6-7

Item 5, The Livery at 5th and Monroe SP

From: Liz Rogers [mailto:lizrogerstravel@gmail.com]
Sent: Wednesday, June 07, 2017 2:09 PM
To: Planning Commissioners
Cc: btfitzpat@gmail.com
Subject: OPPOSE the zone change - The Livery at 5th and Monroe

To whom it may concern,

I am a resident of Germantown. As a concerned neighbor who has reviewed what the proposed zoning change will allow and the problems it poses, I **OPPOSE** changing the zoning from MUN to SP of The Livery development project at 5th and Monroe. This will destroy the charm and character of the most historic part of the neighborhood.

Thank you,

Liz Rogers

From: Ron Hogan [mailto:rhogan@mindspring.com]
Sent: Wednesday, June 07, 2017 12:52 PM
To: Planning Commissioners; O'Connell, Freddie (Council Member)
Subject: Rezoning of the Livery; Opposition To -- II

Commissioners,

I'm sorry, but I have business in Chattanooga tomorrow and will not be able to attend the meeting. However, if you have any questions or comments, feel free to contact me. I would be happy to expound on what I wrote, as well as to discuss all the other negative sides of the zoning proposal that my fellow opponents have put before you.

Sincerely

Ron Hogan

(423) 243-4398

From: Ron Hogan [mailto:rhogan@mindspring.com]

Sent: Wednesday, June 7, 2017 11:43 AM

To: 'planning.commissioners@nashville.gov' <planning.commissioners@nashville.gov>; 'O'Connell, Freddie (Council Member)' <Freddie.OConnell@nashville.gov>

Subject: Rezoning of the Livery; Opposition To

Commissioners,

I live 3 doors over (1227 5th Ave N) from the proposed Livery and I am seriously opposed to the rezoning of the of that property to SP. I do not want to have 200+ people on the roof of a building that close looking down on my and my neighbors' back yards. Nor do I want to hear loud party music and people two, three or more times a week., Frankly, I wouldn't want to be a guest looking down into people's back yards... or the back parking area/dock of a fish store, or the crowded streets on the other two sides. Yes, the neighborhood is great, but the people coming to an event aren't looking to be touring the neighborhood... except maybe for that elusive parking space blocks away.

Leaving the zoning as is will result (assuming the initial plans are kept as they originally were designed) in two living spaces on the second floor of the building. Sure, there will be times that the people living there will use the rooftop deck to party, but most residents don't party two, three or more times a week.

While I have parking in the back of my house for two vehicles, the proposed plan to use that particular, very narrow, single lane alley, which I and my neighbors use, will be all but inaccessible and dangerous with valets continually going back and forth, as Mr. Creason has proposed. It's somewhat of a concern now getting in and out of my parking area, not to mention a pedestrian issue. Walking down the alley, there have been many, many times that I've had to back up against a building or fence to let cars pass. If the Livery is proposed, I would hazard a guess that there will be more than one accident, vehicle or pedestrian, there as valets zoom up and down the alley.

The proposed building, as initially proposed, would fit in to the neighborhood very nicely. Yes, with restaurants, there would be plenty of cars, but they would be spread out over the day, not coming in and leaving all at once. Moreover, all of the residents would benefit from additional eateries, not continually pass by a commercial building that is of little or no use to them.

Regrettably, there will be some type of commercial activity at that address. Let's keep the zoning as is and make it something where both the developer and the residents benefit. The tax base to the city wouldn't suffer, nor would my or my neighbors' property values.

I would appreciate your vote against the rezoning.

Thank you for your time and attention.

Ron Hogan

(423) 243-4398

-----Original Message-----

From: Jeff Compo [mailto:jcompo@icloud.com]

Sent: Wednesday, June 07, 2017 12:28 PM

To: Planning Commissioners

Subject: I support the Livery!

Jeff Compo
312 Van Buren St.
Nashville

Sent from my iPhone

-----Original Message-----

From: Heather Edwards [mailto:heatheredw@comcast.net]

Sent: Wednesday, June 07, 2017 10:44 AM

To: Planning Commissioners

Cc: O'Connell, Freddie (Council Member)

Subject: OPPOSE zone change for The Livery at 5th & Monroe (2017SP-005-001)

To Whom It May Concern:

Hello. As a long time resident of Germantown, I will be at the meeting tomorrow to express my opposition of the zone change request from MUN to SP for the SW corner lot of 5th & Monroe called The Livery. However, I was reading in the agenda that the staff recommendation was to “approve with conditions and disapprove without all conditions.” The conditions that the developer set are not adequately addressing the neighbors concerns. Who is going to monitor their dBA levels? Are we going to tax our already overworked police to enforce this? And why is any dBA level on the rooftop allowed in the middle of the night anyways? And if they do violate they have to pay a \$150 fine. That is SO nominal they can just work that into the fee for their venue rental cost. Under the current mixed-use zoning if half of this building was residential they would have to be more accountable to the people within the building making the noise level less of an issue. It would also create less impact to the neighborhood if only approximately 5,000 sq. ft. (which is currently allowed) of the building was commercial in regards to traffic, noise, parking, etc. Then there is the precedent this sets. There is an empty lot probably 5 times the size across the street. If this zone change gets approved, there is no reason any developer who purchases that will not have for trying to switch to SP. The charm of this neighborhood is the mixed use vibe. I am not opposed to change or progress, but we can't scale buildings double the size as only commercial properties or it will change the whole residential feel the neighborhood has. PLEASE take into consideration the neighbors writing in and their heartfelt reasons for wanting this property to stay MUN. We care so much about Germantown and preserving our neighborhood.

Thank you for your consideration.

Sincerely,

Heather Edwards
1400 Rosa L. Parks Blvd. #115
Nashville, TN 37208
615.400.0862

(Resident of Germantown for 13 years)

From: Keith Hayman [mailto:khayman@gggco.com]
Sent: Wednesday, June 07, 2017 10:41 AM
To: Planning Commissioners
Cc: btfitzpat@gmail.com
Subject: The Livery rezoning at 5th and Monroe

Attention Metro Planning Commission of Nashville:

I have been a resident of Germantown since 2009. I have reviewed the proposed zoning change. I have major concerns of the noise issues similar to the recent issues in Midtown. I do not believe #28 in the SP is enough of a deterrent.

I suggest #28 should be modified to be a \$1,000 fine paid to Metro for any violations and the tenant needs to vacate after 3 violations of the noise ordinance.

I'm not sure how a wedding or corporate event on a rooftop will remain below 55 decibels. 55 dB is compared to a conversation in a restaurant, office, background music, air condition unit at 100 feet.

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.

Thank you for the consideration. Please let me know if you have additional questions.

Keith Hayman

Senior Vice President

Catastrophe Team Specialist/Business Development

GGG/Adjusters International

cell 914-469-9468

email: khayman@gggco.com

From: John Horton [mailto:jhortonlaw@gmail.com]

Sent: Wednesday, June 07, 2017 10:14 AM

To: Planning Commissioners

Cc: Jim Creason; Liz Beck

Subject: Case No. 2017SP-005-001 The Livery - June 8 agenda item.

Greetings,

My name is John Horton. I live at 1231 5th Avenue North. My home is adjacent to and 10 feet from the property at issue. I will certainly be the most affected by this development and am submitting this email in support of the application for SP zoning. My reasons are as follows:

1. Zoning is not static and occasionally needs tweaking to allow what should be allowed.

I am the previous owner of the property at issue. I purchased the lot in 1994 with the intention of building a home. At the time the zoning was so restrictive that the setbacks would only allow me to build a 6 foot wide house. Luckily, I was able to purchase the historic home next door and made this parcel into my urban garden. When i went to install a picket fence around the garden I had to obtain a variance. I could place a chain link fence next to the sidewalk, but my picket fence had to be set back 10 feet. I was even required to do a traffic study to make sure a picket fence wouldn't obstruct visibility at the intersection. I thought it ridiculous that i had to get a variance for a picket fence. That process started my work on zoning in Germantown. I served on the neighborhood Board of Directors for 8 years. I was President for 4 years. I also served as Secretary, Treasurer and CFO of the Germantown Street Festival (Oktoberfest)twice. As an attorney, I filed lawsuits in the environmental court on behalf of the neighborhood association. I appeared before the Board of Zoning Appeals, Planning Commission and

Metro Counsel on behalf of the neighborhood association. I also represented residents in various zoning matters ranging from variance requests to obtaining SP zoning for a garage apartment before such things were allowed. I was actively involved in Germantown's progression from the Phillips Jackson Redevelopment District to MUN zoning, through the imposition of a Historic Zoning Overlay and then the Urban Zoning Overlay. Throughout these years of service i became very aware that the existing zoning failed to address what certainly should have been allowed at that time. Adjustments were needed. This is such a situation with regard to use of the property. I am currently surrounded by restaurants, coffee houses, boutiques etc... At a point in Germantown's history requiring residential development as a component of new construction made sense, but Germantown has experienced overwhelming residential development in recent years. The square footing limitation and any residential requirements as they currently exist don't make sense. As the abutting property owner I favor fewer uses (residential and/or commercial) in the building. I see the proposed event space in this building as no more intensive than multiple restaurants, residences etc... Based upon my personal experience I see this SP request as a natural and desirable progression of development in Germantown.

2. Parking, traffic and noise objections don't address the reality of this urban setting.

The days of being able to park in front of your house and use the front door are long gone. For more than a decade it has been understood that on street parking in Germantown was for business patrons. Off street parking requirements for residential development addressed this reality. I certainly empathize with residents who sold off the parking behind their homes or built garages up to the rear property line and failed to allow for guest parking in the rear, but they made those choices. I have not seen any Germantown businesses object to sharing on street parking with this new development. It is my understanding that this developer has gone far beyond other businesses in securing parking for the tenants in this building. I can remember the days when Germantown was very quiet and, yes, dangerous at night. Those days are gone, thank goodness. I can sit in my home and watch fireworks from the Sound's Stadium. My dogs don't like them, but i do. I can hear music from the Bicentennial Mall. Music venues have popped up. It is just a part of urban living. This is not a bucolic suburban neighborhood and i never wanted it to be one.

3. SP is preferred zoning.

I owned the piece of property at issue for more than 20 years. When i decided to sell i did not market it. I picked a developer who shared my aesthetic, who had a history of quality developments and who i believed was reasonable. I approached Mr. Creason to see if he would be interested in purchasing and developing the property. He worked with me through the process and accommodated my concerns. Given my decades of work for Germantown, I wanted to make sure that the development of this very important piece of property was done so it would enhance Germantown. I believe the proposed development will. I prefer SP because I will know exactly what the development will be like. Heaven forbid, if something should happen mid-process and another developer take over, i will have the security of knowing that the development will proceed unaltered absent future changes to the zoning. As mentioned above, I have personally used SP on behalf of a client to allow what should be proper

development. There are other SP's in Germantown already. This is not a disfavored zoning tool. It is available to allow development such as this.



JOHN T. HORTON
P.O. Box 331282
NASHVILLE, TN 37203
PHONE: (615) 975-8131
FAX: (615) 219-7135

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From: Jason Lehning [mailto:jason@jasonlehning.com]
Sent: Wednesday, June 07, 2017 8:55 AM
To: Planning Commissioners
Cc: btfitzpat@gmail.com; freddie@readyforfreddie.com
Subject: OPPOSE the zone change - The Livery at 5th & Monroe

Greetings Planning Commissioners,

I am writing to encourage you to DENY the proposed change in zoning for the property at the SW corner of 5th Ave N. and Monroe St. in Germantown (The Livery).

I am one of a MAJORITY of neighborhood residents who are firmly opposed to the zoning change. Please do not set this precedent. Send a clear message to developers that Germantown is a great neighborhood for **LIVING** in, with a thoughtful balance of residential and commercial spaces. An all-commercial building on this prominent corner in a MUN neighborhood capitalizes on the years of hard work the neighborhood has invested, while **only** benefiting the developer and creating havoc for nearby residents. Nothing about this benefits the neighborhood. Really, nothing.

Again, **the majority of Germantown residents are opposed to this**. I hope you are listening.

Thank you,

Jason Lehning

From: Lee [mailto:leeclevine@gmail.com]
Sent: Wednesday, June 07, 2017 7:41 AM
To: Planning Commissioners
Cc: btfitzpat@gmail.com
Subject: OPPOSE the zone change - The Livery at 5th & Monroe

Dear Commissioners,

As a property owner in the Germantown neighborhood, I am **OPPOSED** to rezoning The Livery development project at 5th & Monroe from MUN to SP.

I have reviewed what will be allowed if The Livery's zoning change is approved and I find it unacceptable.

This zoning change is wrong for our community. Why? Because it would:

- destroy the charm and character of the area
- allow for hundreds of people arriving, departing, and occupying the building at any given time
- bring us constant noise, traffic, parking headaches and congestion
- serve the interests of developers, not residents
- make this the only lot on the block that isn't mixed use
- set a terrible precedent

Please do not allow this to happen to my neighborhood. Keep the MUN zoning in place at 5th & Monroe.

Thank you,

Lee

--

Lee Levine

1350 Rosa L Parks Blvd #445

Nashville, TN 37208

615-417-4578

leeclevine@gmail.com

From: Catherine Aubale Epstein [mailto:caubaleepstein@gmail.com]
Sent: Wednesday, June 07, 2017 7:09 AM
To: Planning Commissioners
Subject: The Livery in Germantown

I support the Livery in Germantown as I believe it will be an addition to the neighborhood.

Best,

Catherine

--

Catherine Aubale Epstein
Real Estate Broker

Platinum South Real Estate
Tel. USA: 1-415-987-4666
Tel.France: 06-74-67-50-81

TOLL FREE: 1-866-497-2747 (From USA to France)

-----Original Message-----

From: Liza Ramage [mailto:ramagel@comcast.net]
Sent: Tuesday, June 06, 2017 9:20 PM
To: Planning Commissioners
Cc: btfitzpat@gmail.com
Subject: Oppose the sone change: The Livery at 5th and Monore

Greetings -

I am a resident of Germantown, where parking is already a serious issue and retaining what we can of our friendly, neighborhood feel is a high priority.

Having reviewed the proposed zoning change and what it will allow, I OPPOSE changing the zoning of The Livery project from MUN to SP. I request that you at the Metro Planning Commission oppose this change as well.

Thank you,
Liza Ramage
1400 Rosa L Parks Blvd.

#209
37208

From: Lori Fedell [mailto:fedell.lori@gmail.com]
Sent: Tuesday, June 06, 2017 9:05 PM
To: Planning Commissioners
Subject: Fwd: OPPOSE the zone change - the Livery at 5th & Monroe

Resending with typo corrected in subject line

----- Forwarded message -----

From: Lori Fedell <fedell.lori@gmail.com>
Date: Tue, Jun 6, 2017 at 9:01 PM
Subject: OPPOSE the zone change - the Livery at 5th & Monroe
To: planning.commissioners@nashville.gov <planning.commissioners@nashville.gov>

I am a resident of Germantown. As a concerned neighbor, who has reviewed what the proposed zoning change will allow and the problems it poses, I OPPOSE changing the zoning from MUN to SP of the Livery development project at 5th and Monroe.

-----Original Message-----

From: Blake Chaffin [mailto:blake@nashvilleeventlighting.com]
Sent: Tuesday, June 06, 2017 8:04 PM
To: Planning Commissioners
Cc: btfitzpat@gmail.com
Subject: OPPOSE the zone change - The Livery at 5th and Monroe

I am a resident of Germantown and walk down 5th avenue everyday. I own a small business that services the event industry, and I know better than anyone what challenges come along with event venues. It is a nightmare waiting to happen. As a concerned neighbor, who has reviewed what the proposed zoning change will allow and the problems it poses, I OPPOSE changing the zoning from MUN to SP of the Livery development project at 5th and Monroe.

Thanks,
Blake

Blake Chaffin - Owner
Nashville Event Lighting, LLC
P.O. Box 128011
Nashville, TN 37212

blake@nashvilleeventlighting.com

615.414.6724 - Office
615.400.5743 - Cell

Facebook:
<http://www.facebook.com/nashvilleeventlighting>

From: Jessi Nicole [mailto:avaphoto.design@yahoo.com]
Sent: Tuesday, June 06, 2017 6:34 PM
To: Planning Commissioners
Cc: btfitzpat@gmail.com
Subject: The Livery...

I am a resident of Germantown. As a concerned neighbor, who has reviewed what the proposed zoning change will allow and the problems it poses, I OPPOSE changing the zoning from MUN to SP of The Livery development project at 5th & Monroe.

Thank you.

From: Alli Bridgers [mailto:allibridgers@gmail.com]
Sent: Tuesday, June 06, 2017 2:32 PM
To: Planning Commissioners
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: I support The Livery rezoning

To Whom it may concern,

My name is Alli Bridgers, and I live in the Vista Apartment complex in Germantown. I fully support the Livery at 5th & Monroe project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe Street.

Thanks for your time,

Alli Bridgers

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

Sent: Tuesday, June 06, 2017 1:56 PM

To: Planning Commissioners

Subject: The Livery Project

To Whom It May Concern,

I live at 520 Madison Street, and I wanted to reach out regarding the Livery at 5th & Monroe project at the corner of 5th Ave North and Monroe Street. I believe the project will be an asset to the neighborhood and strongly support the proposed SP zoning for the property. I hope our community also realizes its potential to be a resource for, and not a burden on, our neighborhood.

Best,

Warren Beck

From: Diana Barton [mailto:dianasimsbarton@gmail.com]
Sent: Tuesday, June 06, 2017 1:53 PM
To: Planning Commissioners
Cc: O'Connell, Freddie (Council Member); Birkeland, Latisha (Planning)
Subject: I support The Livery rezoning

To Whom it may concern,

My name is Diana Barton and I live in the Vista Apartment complex in Germantown. I fully support the Livery at 5th & Monroe project and the proposed SP zoning for the SW corner of 5th Ave North and Monroe Street.

Thanks for your time,

Diana