

**Comments on November 9, 2017 Planning Commission agenda items,
received November 6-7**

Item 2, BZA 2017-270

(attachment follows)

NICHOLAS D. BAILEY

ATTORNEY AT LAW

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NASHVILLE & DAVIDSON COUNTY

NOV 06 2017

METROPOLITAN PLANNING DEPARTMENT

November 3, 2017

Metropolitan Planning Commission
800 Second Avenue South
Nashville, Tennessee 37219

RE: BZA 2017-270

Address: 3501 Murfreesboro Pike

Appellant: Abraham Whitaker

Owner: Steve Adams

Dear Chairman Adkins and Members of the Board,

I represent Mr. Abraham Whitaker, owner of Whitaker's Mobile Detail Service, who has a ten year lease on the vacant property located at 3501 Murfreesboro Pike in Antioch. The property is owned by Mr. Steve Adams who supports the request for a variance filed by Mr. Whitaker. Mr. Whitaker's business involves the temporary use of the property where he details automobiles only three days per week. His business model does not require that any permanent structures be built on the vacant undeveloped property in order to detail automobiles. There is no sewer service on the property and he utilizes a water recovery system and uses all non-detergent chemicals in his operation of the business. He uses five tents which are only present on the property during the hours of operation and which are removed when he leaves for the day. The property is always kept clean of trash and debris. There is no sign present on the property. The property is surrounded by other commercial businesses. There are no nearby residential properties that would be affected by his business. Mr. Adams also owns the rear adjacent property.

Mr. Whitaker's application for a variance will be heard by the Board of Zoning Appeals at their next meeting on November 16, 2017. The matter is before the Planning Commission at the request of planning staff. The request which falls under Section 17.16.070 J. 3, seeks a variance from the required condition to operate his mobile detail service within a permanent structure. It was not originally contemplated that this request would need to be considered by the Planning Commission, unless or until the BZA made a determination of the request for a variance and whether, if granted, any conditions were required. This was the same conclusion reached by the Zoning Administrator. However, planning staff asked for the matter to be placed on the agenda of the MPC.

While the property at 3501 Murfreesboro Pike is zoned CS and is located in the Murfreesboro Pike Urban Design Overlay District (UDO), compliance with the UDO is

not triggered because this land is not being developed. If Mr. Whitaker's request for a variance is granted by the BZA to operate his business on the vacant land, there would be no development of the land and therefore any requirements under the UDO would not apply to Mr. Whitaker's temporary use of the property.

Mr. Abraham Whitaker is an outstanding member of the community and is active in his church and community. His mobile business employs ten men, including his teenage son and some of his son's young friends. He is in a position to be a great role model. In fact several of his employees have started their own mobile business detailing cars after learning the ropes under Mr. Whitaker. Some of the men he employs would have a difficult time finding other employment if he is not allowed to continue the operation of his mobile business at the location. Mr. Whitaker has strong support from the surrounding business owners and the community.

Mr. Whitaker has no intention of building a car wash. There is no sewer service on the property which would be necessary in order to build a car wash. He does not need any permanent structures in order to operate his business. It is mobile and temporary, like dozens of others all over the county. Since no development is contemplated, the UDO requirements do not come into play on this property. The staff recommendation contemplates the building of permanent structures, which Mr. Whitaker has no need for in his business, which is the reason for the request for a variance. His request before the BZA seeks a variance from the requirement to build permanent structures and to be allowed to operate his temporary mobile business on the vacant property.

It is our request that the Planning Commission approve Mr. Whitaker's request for a variance or in the alternative, defer to the BZA to make a determination on the request. Thank you for your consideration in this matter.

Very truly yours,



Nicholas D. Bailey

Item 6, Brick Church Lane

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

From: sprousehouse [mailto:djsprousehouse@comcast.net]

Sent: Tuesday, November 07, 2017 9:50 AM

To: Planning Commissioners

Subject: Please say No to item 6

Dear Planning Commissioners,

Please say NO to item #6 on the agenda - 2017S-266-001.

I am a Whites Creek resident and value the rural landscape, for that is the reason we moved to the area from Caldwell Hall 12 years ago.

I hope that one of the FEW remaining beautiful suburbs where natural woods and wildlife are enjoyed, will be respected and be able to continue to thrive.

Sincerely, Jocelyn Sprouse

Jocelyn Sprouse

3525 Huntland Dr

Whites Creek, TN 37189

Sent from XFINITY Connect Application

From: amyrose wendell [mailto:pinkcoiffant@gmail.com]

Sent: Tuesday, November 07, 2017 8:37 AM

To: Planning Commissioners

Subject: #6 on the agenda - 2017S-266-001

A developer has proposed a cluster lot subdivision of 200 house on Brick Church Lane near Trail Hollow Rd.

When is enough, enough? Ultimately ever developer wants to make their buck off of Nashville, and that's fine, but at this point they are even enough people moving here to fill all the new apartment complexes and housing developments that are already built or in the works. This all out money grab by devolepers,

that don't even share our neighborhoods, is reaching the end. It's got to stop. Further more the infrastructure isn't even in place to sustain this new development. Please quit letting these devolepers make our neighborhoods miserable chores to live in.

Please save some rural spaces. Let's leave something behind for our children to destroy.

AmyRose Wendell
Hocus Pocus Beauty Boutique
Pinkcoiffant@gmail.com
828-582-3013

From: Kristin West [mailto:kwest102002@yahoo.com]
Sent: Tuesday, November 07, 2017 6:15 AM
To: Planning Commissioners
Subject: Please oppose 2017S-266-001

Dear Sir or Madam,

Please oppose 2017S-266-001.

2017s-266-001 would be devastating to the surrounding community at Trail Hollow Road.

2017s-266-001 would allow a developer to build dense suburban housing in a rural area that lacks the infrastructure (namely, suitable roads) to support it - despite about 800 new houses already approved for surrounding areas.

2017s-266-001 would destroy existing open space, including endangered ecosystems (the Cedar Glade ecosystem).

Please protect the community from the greed of this developer who wants to profit at the expense of the people, community, and ecosystem.

Please oppose 2017S-266-001.

Thank you.

Sincerely,

Kristin West

From: lisakay3 [mailto:lisakay3@att.net]
Sent: Monday, November 06, 2017 5:10 PM
To: Planning Commissioners
Cc: lisakay3@att.net; Elise Hudson
Subject: Brick church lane, # 2017S-226-001

Commissioners : Asking for your personal consideration as you review this proposed development. Currently, the natural landscape of dense forestry on steep slopes is not the appropriate location for a subdivision. Wildlife displacement and timber growth requiring decades, possibly a century may be destroyed.

There are three schools and at least three churches in close proximity to the intersection of Brick Church Lane and Brick Church Pike. One is less than a half mile away.

Brick Church Lane is a narrow road, with slinky blind curves . It has been renown for its scenic beauty as well as its difficulty through the years. Think of the high school students standing on the corner waiting for a bus--is it your son, daughter, grandchild, friend?

Thank you for your consideration.

Lisa Kay Johnson
4001 Ridgemont Drive
Nashville , TN 37207
615-975-2923

From: cbhudson02@comcast.net [mailto:cbhudson02@comcast.net]
Sent: Monday, November 06, 2017 9:55 AM
To: Planning Commissioners
Cc: cbhudson02@comcast.net
Subject: brick church lane developement,to dense for neighborhood average home acerage is 16, old growth forest and ceder glades completely destroyed

This development is not at all consistent with existing neighborhood. The average home is setting on 16 acres. This is general service area no trash pick up or streetlights.This developer is just selling lots. There will be many different builders with no consistency to the homes. I have lived here all my life and the entrances to this subdivision could not be in any more dangerous place. There have been many wrecks on this hill and curve some fatal.The land is a combination of old growth forest and ceder glades which will be 90% destroyed by this project.Our mayor has recently emphasized the retaining of this type of green space. This just does not fit in with existing neighborhood.

From: cbhudson02@comcast.net [mailto:cbhudson02@comcast.net]
Sent: Monday, November 06, 2017 9:03 AM
To: Planning Commissioners
Subject: brick church lane developement density, old growth forest, cedar glades, does not go with present neighborhood an average of over 15 acres per home

The density of this development is not consistent with the brick church lane area which averages more than 16 acres per home. I know this is not your problem but this zoning was changed somehow without the longtime residents having input. Much of the area is close to 100 year old forest and the rest is cedar groves. Our mayor has made the saving of these a priority. If this development goes though as planned these will be leveled. This is developer just trying to sell lots. There will be many different builders building these houses on tiny lots with no consistency.

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

From: Lisa Proctor [mailto:ljproctor@comcast.net]
Sent: Monday, November 06, 2017 7:33 AM
To: Planning Commissioners
Cc: Haywood, Brenda (Council Member)
Subject: Brick Church Lane Opposition

Dear Commissioners,

I am writing to request that you disapprove the proposed development on Brick Church Lane in Whites Creek. The infrastructure is not adequate to support extremely dense development of 200 homes on 65 acres. The increased number of vehicles will pose severe safety issues on narrow two lane roads with limited sight distance that lead to and from the development. Further, the topography is not ideal with steep slopes. Whites Creek is known for its rural character, and this development is anything but that by wiping out an entire forest. The existing neighbors will be directly impacted by an overwhelming amount of cars creating traffic issues on their road. This plan has not been thoroughly contemplated for the future of this community. Are there sufficient schools for the increased population? Developers should not be allowed to run roughshod over rural neighborhoods. They build, they make their vast amounts of money, they leave, and we, the community, is left holding a bag of insurmountable problems because of a lack of foresight on the part of the government that is supposed to protect the people. Thank you for your time and consideration in voting this project out the door.

Sincerely,
Lisa Proctor
4129 Dry Fork Rd.
Whites Creek

From: Jennifer Hagan-Dier [mailto:jhagandier@gmail.com]
Sent: Monday, November 06, 2017 12:42 PM
To: Planning Commissioners
Subject: Brick Church Lane Subdivision (Item #6) - Request to Re-Open Public Hearing 11/9/17

Dear Planning Commissioners,

Thank you for your time and energy every other Thursday! I know I will miss seeing you all twice a month and serving alongside the new Commissioners. Welcome to you all!

This is my first letter since leaving the Commission. I am writing this letter on behalf of the Friends of Whites Creek community organization and all of the property owners on Brick Church Lane **respectfully requesting** that you make **a motion during the hearing this Thursday, November 9th to re-open the public hearing for the Brick Church Lane Subdivision** that we deferred during our last meeting.

If you review the staff report for this proposal or the notes from the meeting on October 26, it is clear that the Commission's decision to defer the item was based on the need for the COMMUNITY to have an opportunity to have input and to hear from the community. It is clear that the Commission intended to hear from the community on November 9th.

As you may recall, this item was originally on the Consent agenda, but there was no one in the community in support and several in opposition and it was pulled from Consent and a public hearing was held. Note that I live less than a half mile from the proposed development and to date have received nothing from my councilperson or the developer about the development or our concerns. Also, note that there are less than 15 houses total on this road today so this is why we do not live within the geographic boundary of "required" notice.

Apparently, we neglected to include a note in the motion to defer that the public hearing should be re-opened so we need a motion to re-open the public hearing and as a Commissioner, you have the right to do that. There will be at least 10-20 people there Thursday asking to speak on this matter or there to support Brick Church Lane residents.

Assuming that you will be accepting public comments, I will be writing a second letter tomorrow on the substantive issues we hope to discuss with you Thursday on this matter.

This is Not a "Done Deal"

If we do not re-open the public hearing, you will be making a decision based solely on the staff report and the comments of the few folks who were able to make the last meeting. There was a community meeting this past weekend on several developments proposed for Whites Creek and **the developer indicated that this was a "done deal" and the community could do nothing about it and the Commission had to approve it.**

As many of you know, **the staff report is a recommendation to the Commission and contrary to the developer's statements to the community, it is not a "done deal" until you, the Planning Commission approve or disapprove it.** If the staff report was the final say you could have your Thursday nights back at home.

Below is the information on the matter pulled from the staff report for 11/9/17:

2017S-226-001

BRICK CHURCH LANE

On Consent: No

Public Hearing: Closed

Council District 03 (Brenda Haywood)

Staff Reviewer: Gene Burse

As we clearly deferred the matter so that the community would have a chance to have input and we could fully understand the plan, we respectfully request that you make a motion to re-open the public hearing on the Brick Church Lane Subdivision (Item #6) on November 9th.

Additional Information to be Presented

This is not a run-of-the-mill subdivision plan in a suburban area. In fact, this is a plan that is so out of character with our community, even if it is in a T3 NE policy, that it will dramatically affect all of us living on a one-mile rural two-lane road each with at least 4 acres per house. The Nashville way is that the community has a right to be heard.

If you have not driven down Brick Church Lane you need to come see it yourself or ask Pearl to tell you about it😊. If you cannot make it as I know you are busy, we will bring pictures and charts. You have to see it all to understand it.

We also plan to have aerial footage of the area and other information that needs to be shared with the Commission especially those NEW commissioners who have not had a chance to be a part to the dialogue. The community will be there on Thursday to support your finding that this plan does not fit with the character of our community and has no place on Brick Church Lane as proposed.

We will also be discussing issues around:

- **Lack of Community Input or Process**
- **Proposal Out of Character** - The fact that this should not be T3 NE policy as it is not a transition between rural and urban, but even if it is the right policy, this plan does not meet the characteristics of T3 NE;
- **Proposed Plan Not Transitional** - The fact that this plan is not transitioning to anything and not near any T3 centers or mixed use developments;
- **Impact of Cumulative Development in the Area** - impact of developments in the pipeline for proposal or development;
- **Comparative density** - the dramatic and disproportionate increase in density, lack of green space and useable space;
- **Visibility, Connectivity, and Traffic** - the lack of connectivity, infrastructure and safety issues with both entrances unloading onto a two-lane rural road that is 1 mile in length with a blind curve and limited sight distance hill and no connectivity to a major connector road;
- **Insufficient Infrastructure in the Area**
- **Environmental Concerns** - the damage to the tree canopy and environmental concerns including steep slopes and heavy grading;
- **Application of Subdivision Regulations to Proposed Plan** – aberration of use of cluster lots and insane density

This proposal is properly before you and that you have the authority to approve or disapprove. You can agree with the staff report or you can disagree. Contrary to what others may think, you are the final say it what fits or does not fit within the character of the community. That is the beauty of being a Commissioner.

We will ask that every community member who submits comment on this item ask for the same and then keep their comments brief and to the issues at hand.

Thank you for your time and attention to this! Looking forward to seeing you soon.

Sincerely,

Jennifer Hagan-Dier

681 Brick Church Lane

Whites Creek, TN 37189

Friends of Whites Creek

(attachment follows)

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- **Insufficient Infrastructure in the Area**

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This proposal is properly before you and that you have the authority to approve or disapprove. You can agree with the staff report or you can disagree. Contrary to what others may think, you are the final say it what fits or does not fit within the character of the community. That is the beauty of being a Commissioner.

We will ask that every community member who submits comment on this item ask for the same and then keep their comments brief and to the issues at hand.

Thank you for your time and attention to this! Looking forward to seeing you soon.

Sincerely,
Jennifer Hagan-Dier
681 Brick Church Lane
Whites Creek, TN 37189
Friends of Whites Creek

Item 14, Anderson Estates Resub Lot 4 of Tract 14

From: david brinegar [<mailto:ffemtfire@gmail.com>]

Sent: Friday, November 03, 2017 1:08 PM

To: Planning Staff

Subject: SUBDIVISION

Hi , my name is Shirley f k Rich

I have lived in Madison for more than 50 plus yrs and have several rental properties. I do not Approve the Application to subdivide property at

CASE # 2017S-243001

PLEASE CALL FOR QUESTIONS

615 394-4955

Item 20, 2737 Couchville Pike

From: Ck COLLINS [<mailto:ck843@bellsouth.net>]

Sent: Monday, November 06, 2017 10:45 AM

To: Planning Staff

Subject: 2017Z-105PR-001 11/9/2017

Dear Planning Commission,

Concerning case #2017Z-105PR-001

This is located across the street from me and to the right. I have lived in this home since 1973.

The property has been in the Collins family since 1922. I have watched the airport and the supposed road plan in the 1970's and 80's go by the wayside and do nothing but destroy a viable little neighborhood.

No one seems to care about this road at all or there is a plan for some future development, I do not know, but this particular development presented a very positive plan for warehouse and office plan that looks very promising.

This area is in need of a responsible developer to come in and set the pace for new and better things.

I definitely believe that this is the developer that should be allowed to finally bring positive growth on Couchville Pike. When we met with them at the meeting their plans were awesome and they expressed the sentiment that they do care about the maintaining of their properties.

I hope and pray that you allow this to happen.

My neighbor who is to the right of me Mrs. Frank Carter and her son Kenneth Carter who live at 2730 Couchville Pike, Nashville, TN 37217,615-316-1026 , are also in agreement with me.

I am forwarding this to them.

It would be wonderful to see Couchville Pike become alive again.

Thank you for your consideration,

Sincerely,

Carole Collins 615-883-6566

2734 Couchville Pike

Nashville, TN 37217

Items 25a/b/c, STRPs

From: Anderson Williams [mailto:anderson.edgefield@gmail.com]
Sent: Tuesday, November 07, 2017 12:20 PM
To: Planning Commissioners
Subject: Please OPPOSE BL2017-937

Please don't commercialize my residentially zoned neighborhood. Please OPPOSE BL2017-937.

This seems like a simple, logical, and reasonable request - to keep R and RS zoned neighborhoods as neighborhoods.

Instead, Councilman Shulman's Airbnb protection bill is wholly anti-neighborhood. It doesn't compromise anything except the zoning rights of neighbors and neighborhoods for the protection of corporate and tourist interests.

Please oppose this harshly anti-neighborhood legislation.

Thanks for your service and consideration.

Anderson Williams

800 Russell Street

37206

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

From: Michael Kreyling [mailto:michaelk027@gmail.com]
Sent: Tuesday, November 07, 2017 12:01 PM
To: Planning Commissioners
Subject: 937

Dear commissioners: I sincerely hope that you will see 937 for what it is, a capitulation to the "industry" of STRP owners and the global business that feeds on them. It is being touted as a compromise, but it is everything but. It grants amnesty to those who have already violated the current STRP zoning

ordinances, it divides the city into USD and GSD — thereby taking us back to pre-Metro days when city and county competed and feuded over everything, and most dangerously it monetizes our neighborhoods by turning residences into commercial establishments. Generations now (and my wife and I represent perhaps the second such since we moved to East Nashville in 1985) have invested money, sweat equity, not to mention years of our lives to stabilizing the neighborhoods that are now the victims of transient paying guests. That's where we started in 1985—absentee landlords, rentals by the week or month, lax codes enforcement. 937 proposes like the Pied Piper to lead us all back there— instead of a pipe though the STRP interests are waving wads of cash. Many cities in the state and across the U.S. have seen this as bad planning and have rejected deals like 937. Nashville ought to take those lessons seriously. We're being sold out under 937 and MPC ought to stand up and say so.

Michael Kreyling
1201 Holly Street
37206

From: Karen Rich [mailto:kgrich@comcast.net]
Sent: Tuesday, November 07, 2017 10:06 AM
To: Planning Commissioners
Cc: 'Logan Key' via Coalition FOR Nashville Neighborhoods
Subject: BL2017-937

Dear Planning Commission Members,

I am writing to express my concern over the recommendation of the substitute Ordinance BL2017-937 that you will be voting on Thursday evening.

I am hopeful that you will oppose BL2017-937 and expose it for the lame legislation that it is. It is an empty bill that does nothing to address the true concerns of Nashville residents.

The Ad Hoc Committee was charged with solving the problems associated with the STRP industry. BL-937 does nothing of the sort. The language is vague. The specifics regarding process, fines, enforcement, taxes, code requirements, etc...just aren't spelled out clearly enough to be law. Metro does not need to pass more laws that cannot be adequately supported by the people, funded or enforced. It was sloppy legislation that got us into this mess in 2014 and 937 is simply more sloppy, manipulative and pro-commercialism legislation. What we now need is clarity, consistency and support for our existing zoning.

We have real land use policy and zoning codes. You recommended passing 608 because it is sensible legislation that takes us back to a place that confirms our existing laws. We were all lulled into this STR confusion from a place of misunderstanding, but what is undeniably clear is that Home Sharing is NOT the same thing as investing in real estate property.

I just paid my mother's Metro property tax invoice. Even the flyer included in the statement states, **"Unpermitted business activity on residential property - unless the activity meets the requirements for a home occupation permit, business use of residential property is not allowed."**

What is perfectly clear to the residents of Nashville is that Non-Owner Occupied Short Term Rental is a business model (one of many that continue to try to infiltrate our neighborhoods) and not a "Home Occupation" as defined by Metro law.

Please do not recommend legislation that does little to solve the problem, especially when the biggest problem is legal inconsistency with current zoning law and "home occupation" use as defined by Metro law.

Let's put our efforts towards really solving problems, not perpetuating them. Please stand by your support for BL-608 and recommend against BL-937.

Thank you,

Karen Rich

4401 Honeywood Dr

1114 Nichol Ln

3813 Sentinel Dr

5808 River Rd

From: Peter Brush [mailto:pwbrush@hotmail.com]

Sent: Tuesday, November 07, 2017 9:50 AM

To: Planning Commissioners

Subject: BL2017-937

Dear Planning Commission Members,

Please vote against BL2017-937. For neighborhood activists across Nashville, Shulman's proposal functions as a protection act for AirBnb.

Airbnb is proud of being disruptive. But we are not proud that Airbnb is disrupting the residential character of our neighborhoods. We don't need or want mini-hotels hosting up to 10 tourists infesting our residential neighborhoods.

Thank you for your consideration.

Peter Brush
4907 Wyoming Avenue
Sylvan Park

From: Stephanie Sprague [mailto:nashvilleneighbors@bellsouth.net]

Sent: Tuesday, November 07, 2017 10:12 AM

To: Planning Commissioners

Subject: Vote YES on Bill 937!

Dear Member Planning Commission,

As a short-term rental owner I urge you approve Substitute Ordinance 937, which represents the policy solutions reached by the STRP Ad Hoc Committee. They worked hard to come to some common sense compromise. I like this bill.

Regards,
Stephanie Sprague
1819 Willow Springs Dr
Nashville, TN 37216

Ten other commenters sent the same message:

Natalie Hannigan
1109 Ordway Pl
Nashville, TN 37206 ◻

Jennifer Denney
2701 Paddle Wheel Dr
Nashville, TN 37214 ◻

Jeff Corbett
1723 Nassau St
Nashville, TN 37208 ◻

Erin Bromley
3033 Newport Dr
Springfield, IL 62702 ◻

Neal Carpenter
945 Russell St
Nashville, TN 37206 ◻

Brian Courtney
910 S Douglas Ave
Nashville, TN 37204 ◻

Adam Will
109 42nd Ave N
Nashville, TN 37209 ◻

Matthew Wilson
580 Liberty Chapel Rd
Mount Juliet, TN 37122 ◻

Daniel Johnston
4901 Salem Dr
Nashville, TN 37211 ◻

Spencer Aaronson
1115 N 6th St
Nashville, TN 37207 ◻

From: Kristi Krauss [mailto:kristi.t.krauss@att.net]
Sent: Tuesday, November 07, 2017 10:17 AM
To: Planning Commissioners
Subject: Support Nashville's New Short-Term Rental Ordinance

Dear Member Planning Commission,

I am writing you to ask for your support in protecting short-term rentals and the value they bring to the Nashville community. It is important for the Planning Commission to vote YES on Substitute Ordinance 937, which will preserve the economic benefits STRPs bring to the city, while creating requirements that make enforcement easier.

Nashville's STRPs have existed in our city for decades. They provide our residents with a critical source of income, bring visitor spending to neighborhoods that traditionally do not benefit from tourism, and expand the opportunities for families to visit the Music City we call home.

Thank you for your work on STRP regulations in Nashville. We have finally found a solution that will work for all groups involved. For this reason, I urge you to support Substitute Ordinance 937 and to pass the bill with no amendments. Bill 937 will protect property rights, preserve the economic benefits of STRPs,

and ensure accountability and responsible renting.

Regards,
Kristi Krauss
1711 Ashwood Ave
Nashville, TN 37212 ◻

Thirteen other commenters sent the same message:

Jared Sciallo
2517B Herman St
Nashville, TN 37208 ◻

Van Pinnock
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