

Comments on May 23 MPC agenda items, received through May 17

ITEM 1A: 2019CP-005-001—East Nashville Community Plan and ITEM 1B: 2019Z-004PR-001

From: Joel Rakes [<mailto:joelrakes@gmail.com>]

Sent: Monday, May 13, 2019 8:54 PM

To: Planning Commissioners

Cc: Sewell, Marty (Planning); Kempf, Lucy (Planning); Birkeland, Latisha (Planning); Davis, Scott (Council Member)

Subject: Updated Comments for N. 6th Street Project (5/23 Agenda)

Hello Planning Commissioners + Mr. Sewell,

I am writing in opposition to the N. 6th Street project (2019Z-004PR-001/2019CP-005-001).

As you're aware, this particular case that is currently on the 5/23 agenda has been deferred by my count, 7 times now (1/24, 2/14, 2/28, 3/14, 3/28, 4/11, 4/25).

At the 3/28 meeting CM Davis and the developer deferred literally on the spot with no advance notice disrespecting and wasting the time of 25+ folks in opposition who attended the meeting.

With so many deferrals now, and all of the original comments of opposition being emailed 2+ months ago I thought a quick refresher of the letters of opposition could be helpful. This project has overwhelming community opposition ; over 76% all original resident feedback was against the project and over 121+ residents signed a petition against it.

In this email I included:

1. The original comments in opposition from March 22 (attached in a PDF called "March 28, 2019 comments...")
2. My original email with the petition data (see below), as well as the attachments related to this email (petition responses, overview, and a social media screenshot from the developer realtors.

ORIGINAL EMAIL FROM 3/28:

Dear Commissioners,

I am writing in today to encourage you to vote NO on the N. 6th Street rezone and policy change request (2019Z-004PR-001/2019CP-005-001) on the agenda tomorrow, Thursday, 3/28.

I have written in a few times during the staff report phase in detail, so for the sake of your inboxes I will keep this as short as possible.

The Petition

- There has been **182** total petition signatures (as of 3/18) in opposition of this request at save6thstreet.com.
- **121** of those are located directly in the affected neighborhoods (Cleveland Park, McFerrin Park, Highland Heights).
 - And 27 of those are located on the most affected streets N. 5th and N. 6th.

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- There is immense opposition to this project from the houses that back up directly to this project at 901, 903, 911, 915 N. 5th.
- See attached digital petition signatures and a more in-depth overview of the petition data.

Citizen Comments

Looking at the citizen comments that have been submitted to Planning and posted online on 3/22 and 3/27, there is a clear sign in the data that actual neighborhood residents *do not support* these requests.

- 62% of all the comment feedback around this project is in opposition
- Most importantly – **76% of the comments from nearby affected residents oppose this project.**
- See more info on the comment data breakdown [here](#).

Concerns Around the Project:

1. The fact that this project's requested zoning (MUN-A) allows non-owner occupied STRP units *will* attract investors who will purchase these units intentionally for STRP purposes. Just take a look at the developer's real estate agent Facebook post (image attached) if there was any doubt on their intent for marketing these properties.

Our neighbors have made it clear they do not want to live next to a "mini-hotel" with a revolving door of out-of-town guests *taking* from our neighborhood and not putting anything back in. We want ***neighbors, not tourists.***

2. The affected portion of the alley behind our house that will share access with the N. 6th Street property was designed originally to have access for 6 single family homes on each side. The proposed project will drop 30+ condo units and commercial space in the place of 6 single family homes. The parking lot (40+ spots), along with commercial space will lead to in/out traffic that will be immensely higher than the current baseline and greatly affect the residents on N. 5th street who share the alley. This is a quiet neighborhood street (hence the lot's original neighborhood policy), density and traffic of this scale will be very disruptive.

3. This project's request to change the NM/NE lots to NC objectively is a very large leap. A leap that is only happening because the developer's rezoning request was not feasible otherwise.

Why are we changing the thoughtfully created, consensus-built neighborhood policy because a developer bought 6 single-family lots and found a way to make a bigger profit? Why are one development group's needs more important than the neighborhood's wishes and established policy?

Another way to say it: what is the point of the neighborhood policy if it can be so easily amended to help a developer's project vision become a reality?

My neighbors and I implore you and the rest of MPC to think about the precedent this particular case will set in Cleveland Park. Our neighborhood was already under a deluge of rezoning requests, and a huge policy change like this won't help ease neighbor displacements, an affordable housing crisis, and the quality of life degradation.

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Please follow your staff provided recommendation and vote **NO** to disapprove these two cases, and encourage the developer to build within the existing base zoning or pursue a SP with a 100% non-owner occupied STRP exclusion at a zoning level.

Thank you for your consideration.

SEE FOLLOWING 3 ATTACHMENTS

And March 28, 2019 comments received through March 22 available at:

<https://www.nashville.gov/document/ID/8aa615e4-b709-4272-a802-14174913437e/March-28-2019-comments-received-through-March-22.pdf>

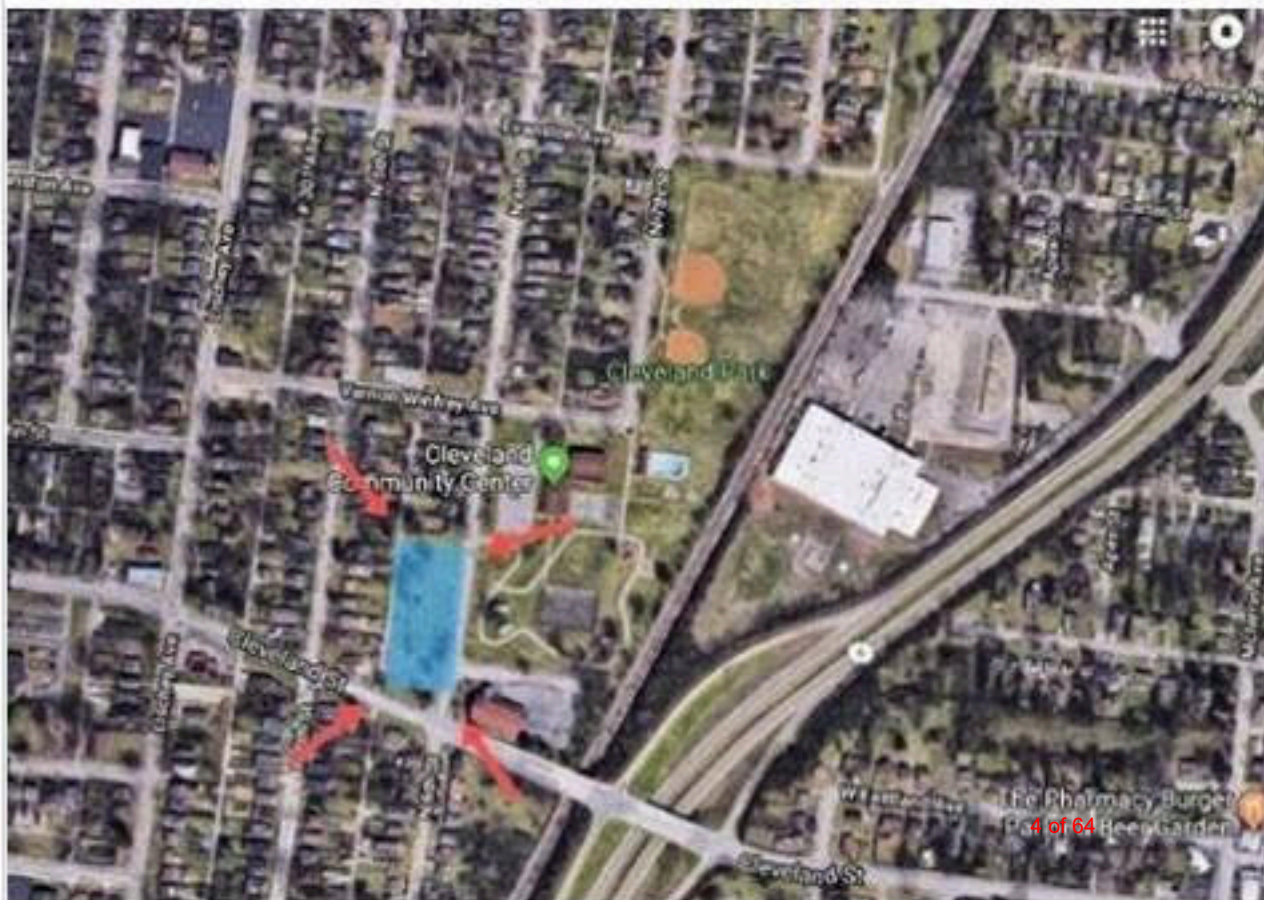


Moving Music City

19 hrs · 🌐



We have something exciting up our sleeves!! Congrats to Matt, Sean and the rest of Cleveland Park Development for closing on not one, not two, but SIX properties on N 6th Street! Be on the lookout later this year for this gorgeous project - featuring those highly sought after short term rentals 🏡



'Save 6th Street' Petition Results

As of 3/18/19

The Petition Statement Reads:

- I am asking the developers of the properties located at 906 to 916 North 6th Street to amend their request to change the community plan and rezone the property.
- I am asking the Nashville Metro Planning Commission to disapprove this rezoning request as it is contextually inappropriate for the neighborhood placement.
- I believe the proposed plan would negatively affect my neighborhood and I am requesting that any zoning changes explicitly exclude non-owner occupied short-term rental permits, and require lower building height and density.

Methodology:

- Results were collected at www.save6thstreet.com/petition and in-person by visiting neighbors or at local community meetings.
- Addresses were requested and our team has filtered the results by direct neighbors and signatures outside the core area.

Results:

- **182 total signatures (as of 3/18):**
 - **121 (66%) are located in Cleveland Park/McFerrin Park/Highland Heights area.**
 - The vast majority of these were residents in Cleveland Park.
 - Of these residents **27** signatures were located on N. 5th or N. 6th street.
 - *Including signatures from homes that back up directly to this project at 901, 903, 911, 915 N. 5th*
 - 33 (19%) are located nearby in East Nashville (37206 and 37216)
 - 16 (9%) are located outside of East Nashville.
 - 9 (5%) did not provide an address.

Comments from Participants:

- "This neighborhood is full of seniors and teachers and others who want to live in an affordable neighborhood. This plan completely disregards the wishes of the neighbors (including my best friend). They shouldn't have to put up with all the negatives that come from a high concentration of mini hotels. "
- "A policy/rezone request of a lot this absolutely should require detailed site plans. We have no insight into what is going to be built here beyond the developer's word which is non-binding. What happens if the rezone/policy request is approved and then the

developer flip the property immediately or changes course on what he sold the public on plans-wise? Bottom line: this request's scale needs a SP with plans and a non-owner occupied STRP ban as a starting point for this to be even remotely digestible for the neighborhood.

- “Short term rentals are destroying our neighborhoods. I want people living here that are invested in the community, will raise their kids here, will not leave empty structures 4 or 5 days a week. “
- “This development does not make sense in the location it is planned. This area should accommodate less dense and preferably homes. Especially across the street from a park.“
- “I’ve lived in the neighborhood for almost 12 years. I love the community and neighborly feel of the area. I am strongly against non-owner occupied short-term rentals in this area.”
- “This is an abuse of zoning laws. Neighbors want to live by neighbors, not customers. Keep hotels out of residential neighborhoods. “
- “Please no short term housing! This does not feel safe for a family neighborhood. We have small children and like to know who our neighbors are and be able to screen for sex offenders.”
- “We already have a few AirBnbs on our block and it has been frustrating when people are coming in and out of our neighborhood. In addition, I am concerned about it being across from the park and community center where we will bring our kids. “
- “As a resident of Cleveland Park for almost a decade, I am upset at the plan to create such a massive change to our neighborhood without input and consideration of the residents and community around the properties.”
- “We have developed a plan for the neighborhood. Why would we want to change that on a lot by lot basis?”

Petition Statement:

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I am asking the Nashville Metro Planning Commission to disapprove this rezoning request as it is contextually inappropriate for the neighborhood placement.

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D5 (Cleveland Park, McFerrin, Highland of CP/FP - on 5th or 6th)												
Outside of EN	No address	East Nash	121	27	First Name	Last Name	Email Address	Street Address	Postal Code	Share Your Thoughts (optional)	Date Signed	
16	9	33	66%									
9%	5%	18%										
		x	x		Lavonia	Rivers	lavoniarivers4@gmail.com	901 N. 5th St	37207	***signed paper petition on 3/12. Lived on street 40 years.	3/17/2019 2:37	
		x	x		Chris	Scott	chrissct023@gmail.com	915 N. 5th St	37207	***signed paper petition on 3/12. Lived in neighborhood for 5 years.	3/17/2019 2:34	
		x			Charles	Flowers	friendsofcharledflowers@gmail.com	240 Treutland Ave	37207	Please keep the current zoning to Single Family homes. In addiiton, requesting the owners get a plan from council stating no Short term rentals.	2/27/2019 23:18	
		x	x		Lori	Bub	lbub1975@gmail.com	1104 N 5th St	37207		2/26/2019 19:58	
		x			Matthew	Sinclair	sinclair.matthew@gmail.co	Smiley St	37206	I live in an adjoining neighborhood (Maxwell Heights), but this development will affect quality of life in all adjacent neighborhoods. I'm opposed to short term rentals in this development.	2/26/2019 19:08	
			x		giada	wren	foryomind@hotmail.com	1306 Stainback Ave	37207		Nashville	2/26/2019 18:00
		x			Joy	Ramirez	ramirejoy@gmail.com	Fatherland	37206			2/22/2019 15:37
			x		Don	Tangren	treehousedon@yahoo.co	Pennock	37207			2/22/2019 15:17
					Tara Jo	Kirk	tarajokirk@gmail.com	1232 Joseph Ave	37207	I am asking the developers of the properties located at 906 to 916 North 6th Street to amend their request to change the community plan and rezone the property.	2/21/2019 14:26	

x		nicolas	Reitzin	nicolas.reitzin@gmail.com	838a n 2nd st	37207		2/21/2019 13:17
							This neighborhood is full of seniors and teachers and others who want to live in an affordable neighborhood. This plan completely disregards the wishes of the neighbors (including my best friend). They shouldn't have to put up with all the negatives that come from a high concentration of mini hotels.	
x		Sarah	Henning	sarahkayhenn@yahoo.com	Litton	37216		2/21/2019 3:45
							Short term rentals are destroying our neighborhoods. I want people living here that are invested in the community, will raise thier kids here, will not leave empty structures 4 or 5 days a week.	
x		Jon	Yankee	jonericyankee@gmail.com	3931 Ivy Drive	37216		2/21/2019 3:23
	x	Adam	Swafford	adamchat9@mac.com	Lischey	37207		2/21/2019 1:24
				chasecastleberry@gmail.c				
	x	Chase	Castleberry	om	1116 N 7th St	37207		2/21/2019 0:15
							I am not anti development but there has to be a better way to preserve the community. Even if mixed use development is involved, the retail shops MUST be accessible to everybody. Obviously the housing too! But people original to this neighborhood must be able to imagine opening business here as well. That's my main concern.	
x		Olivia	Scibelli	oliviasimonescibelli@gmail.com	1007 west mckennie avenue	37206		2/2/2019 17:50

							No non-owner occupied short-term rentals, please. Retail space could be fine, but no short-term rentals.	2/1/2019 13:18
	x	x	Katelyn	Clampett	katelynclampett@icloud.com	911 N 5th St		
	x		Luke	Finch	lukeaarofinch@gmail.com	Stockell	37207	1/29/2019 23:22
	x		Daniel	Green	danielm.green@me.com	Pennock Ave	37207	1/29/2019 21:41
	x	x	Tiffany	Minton	tiffanyminton@gmail.com	1205 N 6th St	37207	1/24/2019 21:20
							This development does not make sense in the location it is planned. This area should accommodate less dense and preferably homes. Especially across the street from a park.	
	x		Andrew	De Vries	ardevries1@gmail.com	Stockell Street	37207	1/21/2019 14:58
			DIANE	CUMMINGS	dcummings789@yahoo.com	9910 LEVENSHALL DR	29456 LADSON	1/20/2019 23:23
x							We have enough non-owner occupied short-term rental units in our neighborhoods!	
	x		Deatra	Smith	deatsorjackson@gmail.com	McEwen Av.	37206	1/20/2019 17:54
							Enough is enough with the amount of short term rentals in our neighborhoods.	
	x		Jacquelyn	Smith	backdrops91@gmail.com		37206	1/20/2019 17:51
			Charlotte	Siegel	cgrainger12@yahoo.com	307 Grace St	37207	1/20/2019 13:01
							Lived in neighborhood 7 years. ***filled out paper petition.	
	x		Whitney	Campbell	ewhitneycampbell@yahoo.com	1107 N 2nd St	37207	1/20/2019 1:51
							I believe the proposed plan would negatively affect my neighborhood and I am requesting that any zoning changes explicitly exclude non-owner occupied short-term rental permits, and require lower building height and density.	
	x		Jami	Anderson	jamidesign@yahoo.com	1219 Stainback Ave	37207	1/19/2019 14:54

							I've lived in the neighborhood for almost 12 years. I love the community and neighborly feel of the area. I am strongly against non-owner occupied short-term rentals in this area.	1/19/2019 0:43
	x		Alex Grant	alexdvorskygrant@gmail.com	Stockell	37207		
	x		Sarah Worsham	sally.worsham@gmail.com	1122 N 8th St	37207		1/19/2019 0:20
	x	x	Kenneth Stroop	kenneth.stroop@vumc.org	N 6th St	37207		1/19/2019 0:10
	x		Jenny Archer	jenny_day4@yahoo.com	N. 8th st	37207		1/18/2019 23:48
x			Janelle Hamilton	hami730@att.net	305 Mountainside Dr.			1/18/2019 21:50
	x		Anderson Williams	andersonwwilliams@yahoo.com	800 Russell Street	37206 Nashville		1/18/2019 19:51
	x		Meredith Brantley	meredith.l.brantley@gmail.com	N 8th street	37207		1/18/2019 19:32
	x		Brooke Yamini	brooke.yamini@gmail.com	1204 N. 2nd St	37207		1/18/2019 19:30
	x		William Spurgeon	whspurgeon@gmail.com	Vaughn Street	37207	Retain the Neighbor-centered Use of Cleveland Park	1/18/2019 18:27
	x		Joseph Hamilton	j.h.hamilton@vanderbilt.edu	305 Mountainside Dr	37215		1/18/2019 5:11
	x		Sarah Martin	sarahmartin1026@gmail.com	1020 Stainback Ave.	37207	Lived in neighborhood 7 years. *Signed paper petition at the 1/17/19 meeting.	1/18/2019 2:59
	x		Shelia D. Harris	myluulysoul@gmail.com	1116 N. 8th St	37207	Lived in neighborhood 40 years. *Signed paper petition at the 1/17/19 meeting.	1/18/2019 2:59
	x		Lisa D. McGullough	liskasguqueen@gmail.com	1016 N. 7th St	37207	Lived in neighborhood 48 years. *Signed paper petition at the 1/17/19 meeting.	1/18/2019 2:58
	x	x	Gale Parker	NA@na.com	1305 N. 6th Street		Lived in neighborhood 71 years. *Signed paper petition at the 1/17/19 meeting.	1/18/2019 2:53
	x	x	Catherine Harrison	c.johnson1221@comcast.net	1108 N. 5th St	37207	Lived in neighborhood 62 years. *signed paper petition at 1/17/19 meeting	1/18/2019 2:50
	x		Ernestine Crutcher	cookiecrutcher@att.net	1229 Lischey Ave	37207	*Signed paper petition at 1/17/19 meeting	1/18/2019 2:49
	x		Jennifer Kamper	jenbkamper@yahoo.com	Stainback Ave	37207		1/17/2019 23:43

		x	Brenda Vehige	bvehige13@yahoo.com	807 N 2nd Street		37207	1/17/2019 23:25
x			Ellen Schoen	ellenrschoen@gmail.com				1/17/2019 22:53
		x	Katherine Thompson	ktown123@gmail.com	Meridian Street		37207	1/17/2019 21:40
								This is an abuse of zoning laws. Neighbors want to live by neighbors, not customers. Keep hotels out of residential neighborhoods.
	x		Kevin Martelli	kevin.martelli@gmail.com	2103 Creighton Avenue		37206	1/17/2019 21:05
		x	Matthew Bond	MatthewJBond@Hotmail.com	3519 Golf Street		37216	1/17/2019 20:43
								This rezoning request is merely a ploy to to usurp the existing legislation which does not allow non-owner occupied short-term rental permits. The plan presented will be disruptful to the neighborhood and is not in the existing character of the
x			Carol Lecian	caleian@gmail.com	1228 Donelson Avenue		37138	1/17/2019 20:25
		x	Devan Baldwin	devc20@hotmail.com				1/17/2019 20:02
			Willie Pollich Stamm	Lambert.Murray20@dpvm.com				
x			Ethan Link	ethan.link@gmail.com	1013 North 6th Street	44300-0468	Computers	1/17/2019 17:41
		x	Whitley Marshall	jwhitleymarshall@yahoo.com			37207	1/17/2019 16:48
x			Kristin Whittlesey	kawhittlesey@yahoo.com	1400 Gartland Ave.		37206	1/17/2019 16:05
	x		sara mcgee	sbishoprn@live.com	308 S 7th Street		37206	1/17/2019 15:13
								As presented this plan is not
		x	Tom Hardin	hassell3@gmail.com	519 Fatherland Street		37206	1/17/2019 14:00
x			Billy Nobel	billynobel@gmail.com				1/17/2019 13:40
			Lindy Page	llpage84@gmail.com				1/17/2019 13:15
		x	Suzette Seifert Barre	suzettebarrto@gmail.com	N 2nd Street		37207	1/17/2019 11:45
		x	Aftyn Behn	aftynbehn@gmail.com	912 N 2ND		37207	1/17/2019 6:19
								I live in East Nashville and am very concerned about the number of short-term rentals in our residential
	x		Wayne Johnson	wwj1205@yahoo.com	Delmas Avenue		37216	1/17/2019 4:29

							Please no short term housing! This does not feel safe for a family neighborhood. We have small children and like to know who our neighbors are and be able to screen for sex offenders.	1/17/2019 4:09
	x		Grace Walker	porter.g08@gmail.com brittain.brantley@gmail.co	1206 N 6th St	37207		
		x	Brittain Dana	Brantley Ohren dmohren@gmail.com	m 1206 A N 8th St	37207 37206		1/17/2019 3:58 1/17/2019 2:58
x			Logan Key	logkey98@aol.com	1411 Fatherland St	37206	Nashville	1/17/2019 1:51
							With an apparent shortage of housing, I think this type of development focused on short-term rentals is a dangerous precedent. Neighborhoods should remain for residents, not tourists. There have simply been too many problems with STRs in residential neighborhoods. Perhaps we need more restrictions on STRs. The actual neighbors have a community plan for that area; 1 and 2 family homes.	
x			Charlotte Cooper	cscoopernash@gmail.com	Trimble Road	37215		1/17/2019 1:49
							Neighborhoods are for peace and quiet after a long day or night at work - or a peaceful place to retire. There is an excess of party places in Nashville. Those of us who love and raise families of retire here want our homes to be a refuge not another place for drunks and party goers.	
x			BettyLynn Jordan	Duley Berlin jberlin589@gmail.com	50 Fawn Creek Pass	37214-4503 37216		1/17/2019 1:44 1/17/2019 0:37
		x						
			x	Kyle Barber	kyle.e.barber@gmail.com	906 N 5th St	37207	1/17/2019 0:32

						I used to live in this area and now liv in Murfreesboro. I do not want to see the possibility of more short term rental happening in this area. Also my fear that eventually the bottom will fall out of this type market and residents will be left with lower property values from vacancies and possible foreclosures. Families don't need temporary residents who		
x		Sissy	Ritchie	sissyr6453@gmail.com	905 Lynnwood Cir	37130	just come to Nashville to party	1/17/2019 0:24
	x	Christine	Doza	cjdoza@me.com	North 6th Street	37207		1/17/2019 0:22
x		Raphaela	Keohane	Raekeo@aol.com	117 30th Ave N Apt 402	37203		1/17/2019 0:07
x		Patricia H.	Williams	phwilliams2@comcast.net	4301 Elkins Avenue	37209	Nashville	1/16/2019 23:51
	x	Claudia	Lofton	cclofton@gmail.com	1117 N 2nd Street	37207	Nashville	1/16/2019 23:50
	x	Erin	Hall	missairn@bellsouth.net	1207 Pennock Ave	37207		1/16/2019 23:42
	x	Zane	Riggs	zane_riggs@yahoo.com			This genrifying idiot who isnt	1/16/2019 23:23
							I am really tired of these inappropriate zoning changes. If a property is ZONED for 1 house or 6 houses, then keep it that way! Nobody who already bought homes with this zoning in place want to now have their prime investment, their home, suddenly surrounded by such unacceptable density. We have zoning LAW for a reason, to protect residents and home owners. Please stick to current zoning as establ	
	x	Karen	Rich	kgrich@comcast.net				1/16/2019 22:22

						We already have a few air bnbs on our block and it has been frustrating when people are coming in and out of our neighborhood. In addition, I am concerned about it being across from the park and community center where we		
	x		Sanjana	Ballal-Link	ballal85@gmail.com	N6th Streeg	37207 will bring our kids.	1/16/2019 22:01
		x	Elizabeth	Swafford	ejswizzl@gmail.com	Treutland	37207 Living between two AirBnBs is the worst!	1/16/2019 21:38
							No, No, a thousand times NO! These things are ruining our	
	x		Carol	Norton	c.norton@comcast.net	801 Boscobel St.	37206 East Nashville neighborhoods/	1/16/2019 21:13
x			M'Lissa	Stroop	mcstroop@gmail.com	4615 Shys Hill Rd	37215	1/16/2019 21:08
		x	Hilli	Levin	hilli.levin@gmail.com	Hancock Street	37207 Nashville	1/16/2019 21:04
		x	Carol	Williams	wachtel@bellsouth.net	800 Russell Street	37206	1/16/2019 21:01
x			Grace	Renshaw	grenshaw55@gmail.com	220 Mockingbird Road	37205 Nashville	1/16/2019 21:00
		x	Timothy	Barry	Timcbarry30@gmail.com	1019 Lischey Ave	37207	1/16/2019 20:27
		x	Ryleigh	Watts	rewatts@crimson.ua.edu	1019 lischey avenue	37207	1/16/2019 19:50
							This is an over reach by the developer and completely out of touch with my community.	
		x	Charlie	Staton	charlie.l.staton@gmail.com	1019 Lischey Ave	37207	1/16/2019 19:29
		x	Cortney	Akridge	cakridge@abcnash.edu	547 Lischey Ave.	37207	1/16/2019 18:41
x			Rachel	Young	ryoung@lyft.com	506 Elgin Street	37201 Nashville	1/16/2019 18:04
		x	Aaron	Harris	aaron.harris@me.com	1120 Stainback Ave	37207	1/16/2019 17:34
		x	Andrea	Bordeau	abordeau115@yahoo.com	Stockell	37207	1/16/2019 16:59
							This is wayyy too much stuff packed in a relatively small	
		x	Taylor	Sullivan	taylormaris1@gmail.com	1209 N 5th street	37207 space.	1/16/2019 16:56
		x	David	Kieley	dkieley@gmail.com	N. 7th St.	37206	1/16/2019 16:05
		x	Rosalynn	Phillips	rosalynnnp14@gmail.com	Pennock Ave	37207	1/16/2019 15:48
							Developer needs to show their plan to the community.	
		x	DJ	Sullivan	donaldjamesullivan@gmail.com	2220 Scott Ave	37216	1/16/2019 15:38
		x	Timra	Stump	timrastump@outlook.com	Pennock Ave	37207	1/16/2019 14:45

The current proposal shows a blatant disregard for the neighborhood, community, residents, and future of Cleveland Park. It is a short-sighted operation built entirely to benefit the developer and not the neighborhood or even future residents who live in the development, if any are able to purchase in competition with developers turning them into short-term rentals.

x	x	Adam Kay	Buzard Johnson	adam.buzard@gmail.com jadedizzle@gmail.com	1216 N. 5th Street	37207	1/16/2019 14:40 1/16/2019 12:38
	x	Kelly	Wilkerson	kel.wilkerson@gmail.com mrpatrickmack@gmail.co	Pennock Ave	37207	1/16/2019 7:02
	x	Patrick	McInerney	m	Hancock St	37207	1/16/2019 6:54
	x	Liz	Talago	bonjour@liztalago.com	836 N 2nd St	37207 NASHVILLE	1/16/2019 3:38
	x	Kenneth	Stroop	kstroop70@gmail.com	N 6th	37207	1/16/2019 3:17
	x	Ben	Dumas	bensdumas@gmail.com	N. 2nd St.	37207	1/16/2019 1:22
							Please consider the stability and preservation of residential neighborhoods.
	x	Carol	Willyams	wachtek@bellsouth.net	800 Russell Street	37206	1/16/2019 1:12
	x	Joshua	France	jbf3249@yahoo.com	1211 N 8th St	37207	1/16/2019 1:08
	x	Phoebe	Tarman	pdereamer9@gmail.com	N 6th St	37207	1/16/2019 0:45
	x	John	Tarman	jtarmen3@gmail.com	N 6th St	37207	1/16/2019 0:43
							As a resident of Cleveland Park for almost a decade, I am upset at the plan to create such a massive change to our neighborhood without input and consideration of the residents and community around the properties.
	x	Samantha	Singer-Swaff	ssinger05@gmail.com	Lishey	37207	1/16/2019 0:37

							I'm all for thoughtful development! But do not want a mini hotel as my neighbor. Yes to a small restaurant, coffee shop, reasonable number of condos/apartments. I love living in this neighborhood and on N 6th St. Keep it a	
x		Erin	OShea	erin.maurer.oshea@gmail.com	N 6th St	37207	neighborhood.	1/15/2019 23:56
x		Earin	Ratley	everdin123@gmail.com	216 Treutland Avenue	37207		1/15/2019 23:53
x	x	Colin	O'Shea	colin.oshea88@gmail.com	N 6th St			1/15/2019 23:49
x		Lee Ann	Lambdin	lalambdin@gmail.com	329 Grace Street	37207	Please support responsible growth, which this is not.	1/15/2019 23:01
x	x	Wes	Davenport	davenportwes@gmail.com	1028 N 6th St	37207	Nashville This is not good for teh community or Nashville when a developer attempts to change the community plan. This is not a neighborhood elvolvint, it's a settled and comfortable community that	1/15/2019 22:36
x	x	Samuel	McCullough	cpna4u@bellsouth.net	1112 North 6th St	37207	needs to remain so.	1/15/2019 19:49
x	x	Hayden	Forsee	hayden4c@gmail.com	1211 N 5th St	37207	Nashville	1/15/2019 19:40
x		Jase	Chandler	jase.m.chandler@gmail.com	1414 Ordway Place	37206		1/15/2019 18:52
x		Mary Beth	Jones	joneslewis246@yahoo.com	1204B North 6th Street	37207		1/15/2019 18:45
x		Sean	Parker	seanparker@fastmail.fm	1004 Spain Ave	37216	Nashville	1/15/2019 18:40
x		William	Bullens	williambullens@gmail.com	Hancock Street	37207		1/15/2019 18:38
x		Michael	Hamilton	m.patrick.hamilton@gmail.com	Hancock Street	37207		1/15/2019 18:38

						We don't want anymore congestion, condensed, tall building and certainly no more investors looking to make easy money without dealing with the consequences.	1/15/2019 18:37
x		Craig	Moan	craig.moan@gmail.com	132 Lucile st	37207	
				danielmcconnell848@yaho			
x		Daniel	Mcconnell	o.com	Gartland Ave	37206	1/15/2019 18:32
x		Frank	Hundley	frankhundley@gmail.com	921A Delmas Ave	37216	1/15/2019 18:27
x		Chelsey	Smit	chelseysmit17@gmail.com	211B S 11th St	37206	1/15/2019 18:11
x		Nora	Kern	norakern12@gmail.com	W Eastland Ave	37206	Nashville 1/15/2019 18:00
	x	Douglas	Shaughnessy	il.com	329 Grace St	37207	1/15/2019 17:44
							These areas cannot continue to handle the influx of traffic that a project like this will bring. Non-owner occupies units almost always result in vacationers or renters that do not care about and are not respectful to the neighbors, businesses, and locals in the areas they reside in. Nashville cannot continue to sell every square inch of land for mass development when city resources are maxed out!
	x	Margaret	Decampo	mdecampo@gmail.com	607 Newhall Dr	37206	1/15/2019 17:16
x		brittany	Mccann	helloworldbrittany@gmail.com	694 Dutchmans Dr	37076	1/15/2019 17:14
				nashvegasbelle@gmail.co			I don't live in this specific area but it's part of my neighborhood. The raping and pillaging of Nashville needs to stop! There are better ways to grow.
x		Susan	Clanton	m	Skyview Drive	37206	1/15/2019 17:08
	x	Robert	Connor	robconr@yahoo.com	1304 Pennock Ave	37207	1/15/2019 16:50
x		Haley	Ford	hford2262@gmail.com	Stratford Ave	37216	1/15/2019 16:50
x		Warren	Hawkins	whawkins@lyft.com	930A Delmas Ave	37216	Nashville 1/15/2019 15:37

	x		Alexandria	Tyson	alexlintonrn@gmail.com	1223 Stainback Ave	37207		1/15/2019 15:22
	x		Gina	Drifmeyer	genie423@verizon.net	620 Stockell Street	37207		1/15/2019 15:18
								I would add that I am less opposed to the density of the project than I am to the possibility of so many STRP's. Some density can often help affordability and bring even more bodies into our neighborhood and invested in the same. But STRP's do nothing to further that goal. We already have more than enough of those on each and	
	x		Mark	Lenihan	mwl325@yahoo.com	1213 B N. 7th St.	37207	every block.	1/15/2019 15:01
x			Katie	Banyay	katiebanyay@gmail.com	732 Tahlana ave.	37115		1/15/2019 14:15
	x		Satah	Jones	smjones862@gmail.com	Stockell	37207		1/15/2019 13:55
	x	x	Chelsea	Ward	cward1227@gmail.com	N. 6th St	37207		1/15/2019 13:53
	x		Amanda	Allen	amandajherzog@gmail.com	1011 Meridian St	37207		1/15/2019 13:52
	x	x	Chelsea	Ward	chelsea.marie.ward@gmail.com	1014 N. 6th st	37207		1/15/2019 13:51
	x		Brianna	Swanberg	briannaswanberg@yahoo.com	1316 Rosedale Ave	37207		1/15/2019 13:23
	x		Susanne	Hines	shinesJ5@gmail.com	N 2nd Street	37207		1/15/2019 12:40
	x		Elissa	Pugh	elissapugh@gmail.com	1605 Lischey Avenue	37207		1/15/2019 11:48
	x	x	Lauren	Jones	lauren.m.jones@comcast.net	1204 B North 6th Street	37207		1/15/2019 7:50
								We have developed a plan for the neighborhood. Why would we want to change that on a	
	x		Diane	Szczesniak	culver73@comcast.net	1602 Lischey	37207	lot by lot basis?	1/15/2019 6:08
	x		Amanda	King	King.amanda.r@gmail.com	Prince Ave	37207		1/15/2019 5:33
	x		Alexandra	Minor	russell.alex.p@gmail.com	1209 N 7th St	37207		1/15/2019 5:30
	x		Marilyn	Cameron	mjmc615@gmail.com	Stainback Ave	37207		1/15/2019 5:11
	x		Danielle	Magaard	danielle.magaard@gmail.com	1012 Lischey Ave	37207		1/15/2019 5:03

						I would hate to have what is essentially a hotel with no security or front desk in my neighborhood.	1/15/2019 4:54
	x		Jonathan Loeser	jloeser@mac.com silviapaganolewis@gmail.com	N 2nd Street	37207	
			Silvia Lewis	om thomaschristiangentry@gmail.com	1306 Stainback ave 1605 Baptist World Center Drive	37207 37207	1/15/2019 4:48 1/15/2019 4:36
x			Thomas Gentry	mail.com			
x			Julia Huskey	huskey.julia@gmail.com	1605 Baptist World Center	37207	1/15/2019 4:34
	x		Julie Shaffner	jedrif@gmail.com	1002 Pennock Ave	37207	1/15/2019 4:10
						If this area is to be developed it should be for affordable housing for residents not short term rentals	
	x		Jesse Call	callj22@gmail.com	Pennock	37207	1/15/2019 4:09
	x		Bill Holbrook	dustoid@gmail.com	209 Treutland Ave	37207	1/15/2019 4:08
	x		Ashley Wood	awood1125@gmail.com starinthemargin@gmail.com	1020 Pennock ave	37207	1/15/2019 4:06
	x		Meagan Jenkins	m	1122 N 7th St	37207	Nashville 1/15/2019 4:03
	x	x	Jason Stalcup	jberrystalcup@gmail.com davidandrachelpfeiffer@gmail.com	906 N 5th Street	37207	1/15/2019 4:00
x			Rachel Peiffer	mail.com			Please stop allowing STR's in our neighborhood! 1/15/2019 3:58
	x		Nancy Muckler	nmuckler13@gmail.com	1008 Stainback Ave	37207	1/15/2019 3:57
							I sent an email to the zoning committee already and plan to attend the meeting on the
	x		David Grant	dgthunder@gmail.com carmenklapper@gmail.com	1100 block of Stockell st	37207	24th. 1/15/2019 3:52
	x		Carmen Klapper	m	1338 Stainback Ave	37207	1/15/2019 3:50
x			William Burke	bj5781@aol.com	Myrtle Street	37206	1/15/2019 3:50
	x	x	Carmen Klapper	carmenklapper@gmail.com	Ave		1/15/2019 3:49
	x		Nathaniel Muckler	Wmuckler13@gmail.com	1008 Stainback Ave	37207	1/15/2019 3:35
	x	x	Chari Pirtle	chari.pirtle1@gmail.com	705 N 5th Ct	37207	1/15/2019 3:26
	x	x	Ryan Mitchell	ryanmitchell@me.com	1023 N 5th Street	37207	1/15/2019 3:14
	x	x	Seth James	seth.james@outlook.com	644 N 5th St	37207	Nashville 1/15/2019 3:11
	x		Harmony Lopez	hmlopez@ymail.com	Treutland Ave	37207	1/15/2019 3:11
x			Edward Brinson	brinsoncounseling@bellso uth.net			Rampant development is making this city too expensive for regular people. 1/15/2019 3:07

x		Renee	Butler	lisa.renee.butler@gmail.co m	1103 Lischey	37207	We need housing. Not hotels.	1/15/2019 3:05
x		Thomas	Gingerich	thomasgingerich@gmail.co m	1208 Meridian Street	37207		1/15/2019 2:59
x		Kathryn	Turner	kturner3@gmail.com	1208 meridian street	37207		1/15/2019 2:55
x		Omid	Yamini	omid1130@gmail.com rebekahrmitchell@gmail.c	N. 2nd St	37207	Thank you for setting up this site, very helpful!	1/15/2019 2:46
x	x	Rebekah	Mitchell	om	1023 N 5th Street	37207		1/15/2019 2:44
x		Nick	Allen	nickdotallen@gmail.com	1011 Meridian Street	37207		1/14/2019 23:19
x	x	Nancy	Wofford	tomandnancywofford@sbc global.net	904 , N 5th St	37207	I am in agreement. A policy/rezone request of a lot this absolutely should require detailed site plans. We have no insight into what is going to be built here beyond the developer's word which is non-binding. What happens if the rezone/policy request is approved and then the developer flip the property immediately (this just happened at 829 Lischey.). Bottom line: this request's scale needs a SP with plans and a non-owner occupied STRP ban as a starting point for this to be even remotely digestible for the	1/14/2019 18:37
x	x	Joel	Rakes	joelrakes@gmail.com	903 N. 5th Street	37207	neighborhood.	1/14/2019 18:15
x	x	Mary	Rakes	mtwrakes@gmail.com	903 N. 5th St	37207	Please stop this!	1/14/2019 18:12

Comments on May 23 MPC agenda items, received through May 17

From: Meagan Jenkins [mailto:starinthemargin@gmail.com]
Sent: Tuesday, May 14, 2019 8:53 AM
To: Planning Commissioners; Davis, Scott (Council Member); Sewell, Marty (Planning)
Subject: Re: OPPOSE – Case #: 2019Z-004PR-001/2019CP-005-001

Good morning, all.

I am re-sending my below comments since this case was deferred for well over two months. My opinions remain the same, and I would very much like for them to be considered at the 5/23 meeting during which this case (#2019Z-004PR-01/2019CP-005-001) will be discussed.

Sincerely,

Meagan R. Jenkins
resident, N. 7th St.

On Thu, Feb 28, 2019 at 1:44 PM Meagan Jenkins <starinthemargin@gmail.com> wrote:

Planning Commissioners,

I am writing you today, asking you to please OPPOSE case: #2019Z-004PR-001/2019CP-005-001 currently listed on your 3/28/19 agenda.

This particular rezoning request is fraught with issues and has been received poorly by our Cleveland Park neighborhood community as evidenced by over 170+ petition signatures against this development at save6thstreet.com. I believe there are a few major issues at stake that make this request a very negative direction for our neighborhood:

1. This request to rezone these 9 single family lots to Mixed Use Neighborhood Alternative would allow up to 100% of the proposed development to become STRP non-owner occupied units. The developer has been on the record stating he would build up to 30k sq ft of residential 1 & 2 bedroom condos and commercial space. This type of development density combined with non-owner occupied STRP permits would attract many investors and turn this property into a mini-hotel in the middle of a quiet street. One or two non-owner STRP's on a block is one thing, but the potential for up to 30+ STRP units in one contained space would be extremely disruptive. *To be clear, I am not against non-owner occupied STRPs in general - just the density of such in an otherwise very quiet neighborhood. The developer's real estate company has ALREADY marketed them as such, lending neighbors to believe that the developer is NOT sincere in his insistence that he is interested in creating more affordable housing options in our neighborhood.*

2. Roughly 1/2 of the current 9 lots on N. 6th St are zoned for "Neighborhood Maintenance" (the ones closer to Cleveland are "Neighborhood Evolving"). I understand that this rezoning request asks to change the neighborhood policy on the 9 existing lots to "Neighborhood Center." This is an extremely large shift from the existing Nashville Next framework. Overall, this seems inappropriate with our policy, and sets a terrible precedent for our neighborhood.

I believe the negative potential here greatly outweighs any proposed benefits. A plot of property this size and importance to the neighborhood should not receive a blanket MUN-A rezoning approval without showing detailed plans that comply with policy and community feedback. *While I'm not necessarily opposed to the idea of walkable retail and restaurant space just down the street, I do think this current request would be detrimental to the neighborhood.* I request that you oppose this plan for these reasons and push the developer towards either staying within the existing base

Comments on May 23 MPC agenda items, received through May 17

single family zoning and neighborhood policy *or a SP that prohibits the space from potentially becoming the aforementioned "mini-hotel"*.

Thank you for your consideration.

Sincerely,
Meagan Jenkins
resident, N. 7th St.

From: DJ Sullivan [<mailto:donaldjamessullivan@gmail.com>]
Sent: Tuesday, May 14, 2019 9:20 AM
To: Sewell, Marty (Planning); Planning Commissioners
Subject: Fwd: OPPOSE – Case #: 2019Z-004PR-001/2019CP-005-001

Note for 5/23 Meeting:

As a resident of East Nashville, I am OPPOSED to the rezoning for case: 2019Z-004PR-001/2019CP-005-001

I oppose this rezone because the developer has not been respectful to the community in reference to the inclusion of STR's. The developer should go through the SP process so the community has a fair say in whether STR's are included.

Thanks,
DJ Sullivan
Homeowner, District 7

From: jami anderson [<mailto:jamidesign@yahoo.com>]
Sent: Tuesday, May 14, 2019 10:22 AM
To: Sewell, Marty (Planning)
Cc: Planning Commissioners
Subject: OPPOSE – Case #: 2019Z-004PR-001/2019CP-005-001

Planning Commissioners,

I am writing you today, asking you to please OPPOSE case: #2019Z-004PR-001/2019CP-005-001 currently listed on your 5/23/19 agenda.

I have several issues with this case:

1. This was originally proposed as residential units for residents and commercial space, not for STRP non-owner occupied units which would be allowed under the rezoning proposal. How many times are we going to be hit with this bait and switch?? Our neighborhood has already been raped thanks to this tactic that just keeps getting neighborhood plan directives continuously over-ridden and then passed due to councilmanic courtesy. I could say more here, but to what end, really. It's been said a million times already yet it still keeps happening. Why is that?

This rezoning is requesting a major change to usage, yet won't be specific as to how that will be carried out. There is very strong neighborhood opposition to this by people who actually live in our area as opposed to support from developers and business people who live nowhere near the area in question. There is a petition with almost 200 signatures attesting to this opposition by residents.

Comments on May 23 MPC agenda items, received through May 17

Specifically:

2. This request to rezone these 9 single family lots to Mixed Use Neighborhood Alternative would allow up to 100% of the proposed development to become STRP non-owner occupied units. The developer has been on the record stating he would build up to 30k sq ft of residential 1 & 2 bedroom condos and commercial space. This type of development density combined with non-owner occupied STRP permits would attract many investors and turn this property into a mini-hotel in the middle of a quiet street. One or two non-owner STRP's on a block is one thing, but the potential for up to 30+ STRP units in one contained space would be extremely disruptive.

3. Roughly 1/2 of the current 9 lots on N. 6th St are zoned for "Neighborhood Maintenance"(the ones closer to Cleveland are "Neighborhood Evolving.") I understand that this rezoning request asks to change the neighborhood policy on the 9 existing lots to "Neighborhood Center." This is an extremely large shift from the existing Nashville Next framework. Overall, this seems inappropriate with our policy, and sets a terrible precedent for our neighborhood.

4. In addition to not complying with the existing neighborhood policy, the proposed density and potential commercial space is contextually inappropriate. N. 6th Street is a quiet street occupied mostly by small 1,000 sq foot ranch homes, a park widely utilized by families and children, the Boys & Girls club at the community center, and a long established church. Dropping in 30k of retail/condos at 3+ stories high will literally overshadow the important park across the street and disrupt a street intended to be maintained "as-is" per the Nashville Next plan.

I believe the negative potential here greatly outweighs any proposed benefits. A plot of property this size and importance to the neighborhood should not receive a blanket MUN-A rezoning approval without showing detailed plans that comply with policy and community feedback. I request that you oppose this plan for these reasons and push the developer towards staying within the existing base single family zoning and neighborhood policy.

Thank you for your consideration.

Sincerely,

Jami Anderson
1219 Stainback Ave
37207

From: Renee Butler [mailto:lisa.renee.butler@gmail.com]
Sent: Tuesday, May 14, 2019 10:14 PM
To: Sewell, Marty (Planning); Planning Commissioners
Subject: Fwd: OPPOSE – Case #: 2019Z-004PR-001/2019CP-005-001

Re-sending my comments concerning the 6th street proposal in Cleveland Park.

Thanks for your time.

=====

Renee Butler
1103 Lischey Ave
37207

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

From: **Renee Butler** <lisa.renee.butler@gmail.com>

Comments on May 23 MPC agenda items, received through May 17

Date: Mon, Mar 18, 2019 at 1:14 PM

Subject: OPPOSE – Case #: 2019Z-004PR-001/2019CP-005-001

To: <Marty.Sewell@nashville.gov>

Cc: <Planning.commissioners@nashville.gov>, Scott Davis <scott.davis@nashville.gov>

Please oppose Case #2019Z-004PR-001/2019CP-005-001 that is listed on your agenda for your 3/28 meeting.

Here are some of my reasons.

1. The overall policy change should not be changed to benefit a developer. Policy change requests should come from the neighborhood. Allowing a developer to make these changes flies in the face of those of us who live here.
2. The proposed zoning change would unfortunately allow STRPs to exist. We don't need any more of these. Especially across from the park and a church. We need single family homes.

There are plenty of options for this developer without making any of these changes. His reluctance to adjust his zoning request to disallow STRP just proves he is out for the most money he can get and who cares about the rest of the neighborhood.

Thanks for your attention to this.

=====

Renee Butler
1103 Lischey Ave
37207

From: Thomas Gingerich [mailto:thomasgingerich@gmail.com]
Sent: Wednesday, May 15, 2019 11:14 AM
To: Sewell, Marty (Planning)
Cc: Davis, Scott (Council Member); Planning Commissioners
Subject: Fwd: SILL OPPOSED TWO MONTHS LATER to case #2019Z-004PR-001/2019CP-005-001

This has been an ENDLESS cycle of deferments that is still going on and has only cost TAXPAYERS time and money. This zoning process started back in January if I am not mistaken and these delay tactics have

Additionally the developer requested time at a resent neighborhood meeting to give an update that didn't exist. There are ZERO plans and he has wasted everyones time trying to push through an idea that he can't even provide.

PLEASE disapprove this zoning request and let the neighborhood dictate what it looks like moving forward, NOT str developers.

My below statements still apply to this issue as well.

Thank you for your time.

Thomas Gingerich
1208 Meridian ST.
Nashville, TN 37207

Begin forwarded message:

Comments on May 23 MPC agenda items, received through May 17

From: Thomas Gingerich <thomasgingerich@gmail.com>
Subject: Opposition to case #2019Z-004PR-001/2019CP-005-001
Date: March 18, 2019 at 9:52:55 PM CDT
To: Marty.Sewell@nashville.gov
Cc: scott.davis@nashville.gov, Planning.commissioners@nashville.gov

Planning Commissioners,

I am writing you today, asking you to please OPPOSE case: #2019Z-004PR-001/2019CP-005-001 currently listed on your 3/28/19 agenda.

Simply put, I want a vibrant neighborhood that is strong and full of neighbors that have an investment in making the place that they call home a strong and vibrant one as well. This can ONLY happen when people are long term residents in that neighborhood and have an investment in a quality of life that is shared with their neighbors. This rezoning proposal jeopardizes that opportunity in a major way.

With no plan being put forth or even so much as a formal meeting (that wasn't set up via word of mouth or at a bar) from the developer that is making this request the neighborhood is having to go with a worst case scenario for what would go in place if this rezoning were to pass. We are looking at the real possibility for up to 30 "Highly sought after STR's" which anyway you slice is a hotel. In fact it is worse than a hotel as a hotel at least has people beyond the occupants on sight should incidence arise among other things. That alone is too much for this PROUD neighborhood to have to deal with much less an increased demand on resources from police or EMT's. As I said before, we have to go with worst case scenario here.

Furthermore, by allowing this rezoning to pass you are allowing one developer to benefit greatly. Meanwhile the rest of us will be forced to deal with nothing but the ill effects of increased traffic, greater strains on parking, temporary revolving residence, the potential of greater incidence of crime, and the increased cost of handling and prevention of said incidence of crime. This all comes with ZERO upside to the neighborhood that we have been privy to up to this point.

Thank you for your consideration.

Sincerely,
Thomas Gingerich
1208 Meridian St.
Nashville, TN 37207

From: Brittain Brantley [<mailto:brittain.brantley@gmail.com>]
Sent: Wednesday, May 15, 2019 12:21 PM
To: Sewell, Marty (Planning); Planning Commissioners
Subject: OPPOSE case: 2019Z-004PR-001/2019CP-005-001

re-sending my feedback since this case was deferred two months

Planning Commissioners,

I am writing you today, asking you to please OPPOSE case: 2019Z-004PR-001/2019CP-005-001.

This particular rezoning request is fraught with issues and has been received poorly by our Cleveland Park neighborhood community as evidenced by over 165+ petition signatures against this development at save6thstreet.com. I believe

Comments on May 23 MPC agenda items, received through May 17

there are a few major issues at stake that make this request a very negative direction for our neighborhood:

1. This request to rezone these 9 single family lots to Mixed Use Neighborhood Alternative would allow up to 100% of the proposed development to become STRP non-owner occupied units. The developer has been on the record stating he would build up to 30k sq ft of residential 1 & 2 bedroom condos and commercial space. This type of development density combined with non-owner occupied STRP permits would attract many investors and turn this property into a mini-hotel in the middle of a quiet street. One or two non-owner STRP's on a block is one thing, but the potential for up to 30+ STRP units in one contained space would be extremely disruptive.
2. Roughly 1/2 of the current 9 lots on N. 6th St are zoned for "Neighborhood Maintenance" (the ones closer to Cleveland are "Neighborhood Evolving.") I understand that this rezoning request asks to change the neighborhood policy on the 9 existing lots to "Neighborhood Center." This is an extremely large shift from the existing Nashville Next framework. Overall, this seems inappropriate with our policy, and sets a terrible precedent for our neighborhood.
3. In addition to not complying with the existing neighborhood policy, the proposed density and potential commercial space is contextually inappropriate. N. 6th Street is a quiet street occupied mostly by small 1,000 sq foot ranch homes, a park widely utilized by families and children, the Boys & Girls club at the community center, and a long established church. Dropping in 30k of retail/condos at 3+ stories high will literally overshadow the important park across the street and disrupt a street intended to be maintained "as-is" per the Nashville Next plan.

I believe the negative potential here greatly outweighs any proposed benefits. A plot of property this size and importance to the neighborhood should not receive a blanket MUN-A rezoning approval without showing detailed plans that comply with policy and community feedback. I request that you oppose this plan for these reasons and push the developer towards staying within the existing base single family zoning and neighborhood policy.

Thank you for your consideration.

Sincerely,
Brittain

From: Woody Muckler [mailto:wmuckler13@gmail.com]
Sent: Wednesday, May 15, 2019 3:07 PM
To: Sewell, Marty (Planning)
Cc: Planning Commissioners
Subject: Oppose 2019Z-004PR-001/2019CP-005-001

I am writing you today, asking you to please OPPOSE case: #2019Z-004PR-001/2019CP-005-001 currently listed on your 5/23/19 agenda.

I have lived at 1008 Stainback Avenue for six and a half years, and I have been following this case closely. I firmly believe that this will be extremely detrimental to my neighborhood. The developers unwillingness to pursue anything other than a zoning change which will allow for these proposed units to be utilized as non owner occupied short term rentals leads me to believe that he has no interest in this development or this neighborhood, except for how much he can gain financially. I believe that none of these potentially 30 or more units can in any way be considered as possible affordable housing, because investors are eager to snatch them up as profitable Airbnb rentals, bringing top dollar to themselves and the developers. The VERY FIRST mention that I ever heard of this was when Moving Music City posted a

Comments on May 23 MPC agenda items, received through May 17

congratulations on their Facebook page to their Cleveland Park Development Team, including the comment “be on the lookout later this year for gorgeous project-featuring those highly sought after short term rentals”. See attachment

SEE ATTACHMENT ON FOLLOWING PAGE



Moving Music City

19 hrs · 🌐



We have something exciting up our sleeves!! Congrats to Matt, Sean and the rest of Cleveland Park Development for closing on not one, not two, but SIX properties on N 6th Street! Be on the lookout later this year for this gorgeous project - featuring those highly sought after short term rentals 🏠



This will become a party hotel, with no management on site, in the middle of a residential neighborhood. A nightmare for my neighbors and myself. I urge you to please oppose this development. Thank you for your consideration.

Woody Muckler
1008 Stainback Ave
Nashville TN, 37207

Comments on May 23 MPC agenda items, received through May 17

From: Kathryn Turner [mailto:kturner3@gmail.com]
Sent: Wednesday, May 15, 2019 3:23 PM
To: Sewell, Marty (Planning)
Cc: Planning Commissioners
Subject: Fwd: Disapprove the N. 6th Street Project --- 2019Z-004PR-001/2019CP-005-001

Sending my feedback again with an addition comment since this case has been deferred a few times...

Hello,

I'm asking you to please take the planning staff's recommendation and disapprove the N. 6th street rezoning request.

I am against it because I want neighbors, not a mini hotel for tourist - which is what this rezoning will allow. The developer has not scheduled a neighborhood meeting, like he has promised multiple times. At the planning meeting and CPNA meetings - he has also shown complete unwillingness to compromise or listen to the desires of neighbors. In my opinion, his intentions has been clear multiple times: his post on Facebook about the "highly sought after STRs" and his agent trying to pack the planning meeting because the neighborhood has not been on board with what they want.

I urge you to listen to what the actual residents of this neighborhood want...not the wishes/desires from developers and real estate agents.

Additional comment: The developer was at the CPNA meeting that was held on May 9, 2019 with "updates." His update was that he has an entirely new plan, but refused to share any details or answer any questions regarding this new plan. However, he was very insistent the case was going to go before planning. Therefore, the neighbors have literally seen NOTHING in regards to this development.

Again, please please please listen to actual residents of this neighborhood and not the wishes/desires from developers and real estate agents.

Sincerely,

Kathryn Turner

1208 Meridian St, Nashville, TN 37207 .

ITEM 6: 2019SP-028-001—1418 and 1420 3rd Avenue North

From: Richard Audet [mailto:richardaudet414@gmail.com]
Sent: Thursday, May 16, 2019 2:13 PM
To: Planning Commissioners; Brett Diaz; O'Connell, Freddie (Council Member); HGN Board of Directors; Swaggart, Jason (Planning)
Subject: Case 2019SP-028-001

1418-1420 3rd Ave Rezone Request

Case 2019SP-028-001

May 16, 2019

Dear Members of the Planning Commission:

Comments on May 23 MPC agenda items, received through May 17

The Historic Germantown Neighborhood Association (HGN) supports the rezoning request for property located at 1418 and 1420 3rd Ave. N. The developer has met multiple times with the HGN Board and neighborhood and several of our requested change have been incorporated into their SP plan.

In general, HGN opposes additional sidewalk curb cuts in Germantown, and are unlikely to support future cuts. However, we concur that this exception is needed to allow the necessary parking for the planned uses. Our view is that this project will be of overall benefit to the neighborhood and want see it move forward.

Thank you for considering this information during your deliberations.

Sincerely,

Sonya Link
Chair, HGN Development Committee

ITEM 9: 2019Z-061PR-001—Various Properties on McClurkan Avenue

From: Parker, Michelle [mailto:MParker@lucasgroup.com]

Sent: Wednesday, May 15, 2019 3:05 PM

To: Planning Commissioners; Planning Staff

Subject: Public Comment Case #2019Z-061PR-001

Importance: High

Members of the Metro Planning Commission,

Thank you for your service to our community. I am writing in regards to the **Requested Zone Change 2019Z-06PR-001**, which requests a rezone of eight contiguous single-family lots from RS5 to RM20-A. This rezone request is located on my block. I own a single family home at 1001 McClurkan Ave. As our neighborhood is a T4 Urban Neighborhood Evolving, I am in support of thoughtful redevelopment and infill. That said, I don't believe the proposed zoning to be the appropriate choice for the neighborhood given some existing challenges presented by the institution located in the neighborhood. Instead I would propose R6 zoning be applied to the entire block, allowing for appropriately placed increased density and zoning that is consistent with other areas in the neighborhood. My concerns with the proposed zoning includes the following:

- The **increased traffic** with the potentially 29 new units this zoning allows in an area that has ongoing, documented traffic issues. The proposed rezoning is located across the street from the Lincoln College of Technology (AKA Auto Diesel College). There have been ongoing problems with traffic and congestion at the very corner where the rezoning is proposed due to the location of the parking lots for the school. There are multiple periods during the day with severely increased traffic resulting in an additional 10-15 minutes to exit the neighborhood which is impacted by the school's schedule. As I imagine the impact of an additional 29 units to the picture, I am not excited by the additional traffic in an already high traffic area within a residential neighborhood.
- **Pedestrian Safety**- as noted by a recent WKRN news story on traffic in our neighborhood, reckless driving issues of Lincoln Tech students has been an ongoing issue. Students have used our neighborhood streets for drag racing. Not to mention the noise and exhaust pollution caused by this unnecessary risk to our community. **Our neighborhood does not yet have sidewalks which exacerbates the dangers of speeding.** I have heard other

Comments on May 23 MPC agenda items, received through May 17

neighbors report students driving through fences and running over pets in the street. I have also felt concern for my own safety on walks around the neighborhood when I hear vehicles racing dangerously close to me.

- I am also concerned that these new units may house the student population of the college, which unfortunately has largely been disrespecting the existing neighborhood and residents. Besides the drag racing, our streets and lawns are often littered with garbage which I can only assume is left by the students as it typically is seen in areas that are closest to the college (including my lawn which is directly across from one of the school's parking lots). Unfortunately this has been an ongoing issue. The neighborhood has not received the support from the administration at the college, the local police officer, or our councilmember to address the issues which I believe could be alleviated with proper intervention from the school. I hope that this happens as I value the training that is being provided to these students and their future contributions to our community that are being made possible by the school.

I am in support of increased density in our neighborhood and that diverse housing options are essential to the East Nashville I love. That said, I am concerned by the exposure that RM20-A zoning would allow to development that could be harmful to the safety, wellbeing, and financial investment of community members. Based on the historic lack of support from the police, Lincoln Tech, and our current councilmember to alleviate traffic and pedestrian safety concerns, I do not believe this to be the right timing for this zoning change and request that the planning committee deny this request. I am happy to work together with community members to discuss other zoning options that would allow for thoughtful development and density that makes sense for our existing neighborhood infrastructure, and would propose that R6 may be a better option to consider.

Warm regards,

Michelle Parker
1001 McClurkan Ave.
Nashville, TN 37206
303--941-2521

Item 17: 2019SP-042-001—LC Nations

From: gail wales [<mailto:2ndbean@gmail.com>]

Sent: Tuesday, April 23, 2019 4:27 PM

To: Planning Staff

Cc: planning.commissions@nashville.gov

Subject: 2019SP-042-001

I am a homeowner in the Nations and am totally opposed to 400 multi-family residential units. There is currently so much traffic on 51st (which has been narrowed by bike lanes) and this would be a ridiculous amount of added traffic. As a native Nashvillian, I love the changes that have come to our city but at a point it is too much and we are at that point in the Nations. Our Council person seems to be for this because she wants to make sure that the restaurants in the area thrive but if she tried to get into any of those restaurants currently, she would more than likely have to wait in lines to get into any of them.

Gail Preston

Comments on May 23 MPC agenda items, received through May 17

From: Kelli T [mailto:ktaylo10@gmail.com]
Sent: Friday, May 3, 2019 1:34 PM
To: Planning Commissioners
Cc: Planning Staff
Subject: Fwd: Opposition to 400 Unit Residential Property

I wanted to forward the following correspondence with my Council Person and hope to get some answers, as the next Nations neighborhood meeting is May 6th, and it would be really beneficial to have answers to some of these questions prior to that. You can see that Mrs. Roberts responded to my initial concerns by stating that she supports rezoning this site from commercial to residential because adding more people will result in the restaurants thriving. You can see my response and request for more data regarding that theory below, because unless there are facts to back this statement up, then it's just a theory. Many restaurants in much busier neighborhoods in Nashville than the Nations have closed in the past year alone, neighborhoods with much higher pedestrian and tourist densities than the Nations (Germantown and the Gulch, to name a few). Building a 400 unit apartment complex and introducing potentially 800 more residents plus their guests to a very small area of this neighborhood, all for the *potential* benefit of a few restaurants and at the detriment of the homeowners here is extremely upsetting. Once this area has been rezoned and the building built, it cannot be undone, and I've seen no factual evidence that A) introducing pedestrians will help non-enticing restaurants thrive and B) that thriving restaurants will improve the neighborhood. In fact, I believe the opposite to be the case for reasons stated below.

Furthermore, Mrs. Roberts cites that the Nations has 100 foot wide streets as supporting evidence that the Nations' infrastructure can handle this mass influx of people. I used to be an engineer for TDOT, and the Nations has streets nowhere near 100 feet wide. In fact, the widest is Centennial, which is approximately 60 feet wide, while 51st Avenue is approximately 50 feet, and the smaller streets (like Kentucky, Indiana, etc.) are approximately 30 feet wide. The fact that incorrect information is being given in support of this project begs the question, what other non-factual information is being given in support of this project? Are the local streets *actually* running a very low car count? Are the local restaurants *actually* not busy? Do thriving restaurants *actually* make a neighborhood thrive? Additionally, a street being 100, 500, or 1000 feet wide is irrelevant if it is only one lane each way (as 51st Avenue is---the street that will be most likely to experience congestion) and can only accommodate the same volume of traffic that a 30 foot wide street accommodates.

Kelli Taylor

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

From: Kelli T <ktaylo10@gmail.com>
Date: Mon, Apr 29, 2019 at 9:06 AM
Subject: Re: Opposition to 400 Unit Residential Property
To: Roberts, Mary Carolyn (Council Member) <marycarolyn.roberts@nashville.gov>

Thank you so much for all the information. I really appreciate it. I want to be as informed about the issue as possible, so I have a couple of questions if you've got time to answer them.

1) Which restaurants specifically aren't busy? Where is the data source outlining these numbers?

I would argue that the reason the restaurants aren't busy isn't because of a lack of nearby pedestrians, but rather because of lacking marketing and perhaps quality or concept. I've barely heard of or heard of anyone frequenting any of the restaurants in this neighborhood prior to moving here, and I'm from Nashville. My husband and I are very active in

Comments on May 23 MPC agenda items, received through May 17

the restaurant scene in Nashville, and there is a noticeable difference between the style of restaurants in this neighborhood and how they're not made visible to the rest of Nashville in comparison with other restaurants in other neighborhoods. Some of the restaurant concepts here are appealing, interesting, and/or different, but many are not. Additionally, most people I know, ourselves included, don't necessarily frequent the restaurants within walking distance of our homes if they're not that enticing, but rather we drive to our favorite places or new places we want to try. Nashville is unfortunately a driving city (which would be great to change), and I don't think putting a ton of potential pedestrians near non-enticing restaurants is going to make them behave any differently than other Nashvillians. They're going to get in their cars (or Uber/Lyft) and travel via vehicle elsewhere like everyone else is currently doing.

2) Where is the data source stating that in order for a neighborhood to thrive, its restaurants have to thrive?

3) Furthermore, I would also ask if a handful of restaurants being busy is more important than the feel and experience of an entire neighborhood.

Thanks for your time, and I would love to attend the next planning meeting if I'll be in town. Thank you for the invite.

Kelli Taylor

On Thu, Apr 25, 2019 at 6:30 PM Roberts, Mary Carolyn (Council Member) <marycarolyn.roberts@nashville.gov> wrote:

Hey Kelli,

Thanks for your email. I understand your concerns and historically I have been very opposed to apartments because I have feared that they will turn into low income housing and the negative connotations that come with that. Unlike Germantown, we have 100' wide streets and are running a a very low car count.

However, the restaurants on 51st aren't thriving and it's because there aren't enough feet on the streets. Many people have bought houses and aren't necessarily going to our restaurants. I'm telling you this to give you insight on my thoughts on approving this.

Please come to our planning and zoning meetings. We are currently and actively shaping this project and would love your insight. The next meeting is at 6pm at St Lukes on May 6th.

Thank you,

Mary Carolyn Roberts
Metro Council, District 20
marycarolynroberts@gmail.com
www.marycarolynroberts.com
615-977-9262

From: Kelli T [ktaylo10@gmail.com]
Sent: Thursday, April 25, 2019 4:13 PM
To: Roberts, Mary Carolyn (Council Member)
Subject: Opposition to 400 Unit Residential Property

Comments on May 23 MPC agenda items, received through May 17

Hi Mary Carolyn,

I just wanted to write a note strongly opposing the proposed 400 unit residential property near the intersection of 51st Avenue and Centennial Boulevard. My husband and I just moved to the Nations four months ago from Germantown, specifically to escape the rampant, disruptive AirBNB activity that the city has allowed to occur there, as well as some of the ongoing noise and traffic issues occurring as a result of the density that has come along with the construction boom that's happened there over the past ten years (a time during which I lived there and watched it slowly happen). We live on 51st and Indiana and are extremely disheartened to learn of this proposed project. Assuming 50% of these units are 2 bedrooms, 25% are 1 bedrooms and 25% are 3 bedrooms, that means around 800 additional cars will be introduced to our neighborhood, likely traveling the most convenient pathway, which is 51st Avenue. 51st Avenue is a mere two-lane street with a stop sign that already gets backed up during peak hours. It is one of only three routes to exit the Nations to cross underneath I-40 to obtain access to areas south of I-40. Given that the same land footprint proposed to house the 400 unit project typically would contain around 45 houses (in comparison with neighboring blocks based upon aerial imagery), this would create a significant negative impact on the sanity of those of us who live here, due to noise issues (both from cars and people) as well as vehicular congestion. We are extremely disappointed to find that one of the main reasons we chose the Nations to move to (and we currently love it here; what a cool neighborhood) is now potentially under threat and we may have to move again in the near future. Thank you for your consideration.

Kelli Taylor

From: Kevin Solaka [<mailto:ksolaka@hotmail.com>]

Sent: Friday, May 3, 2019 9:26 AM

To: Roberts, Mary Carolyn (Council Member); Planning Staff; Planning Commissioners

Subject: Opposition to the 400 Unit Residential Property in the Nations

I wanted to draft this email to let you know I am strongly opposed to the rezoning of the property at 51st and Centennial Boulevard from commercial to residential. This proposed 400 unit residential property will likely bring anywhere from 600-1,000 new residents and their cars onto 51st Avenue as this is the most direct path from the interstate. I don't know if any of you live directly off 51st Avenue but the traffic, congestion, and road noise with the new stop sign system is already an issue and annoyance. All we can hear from inside our home is road noise. We are already being awoken several times a night due to vehicle traffic and acceleration on 51st and Indiana. Now add upwards of 1,000 new residents and their friends/families and this becomes an exponentially bigger problem.

What is your plan to alleviate congestion and road noise? 51st Avenue is a single lane road (in each direction) with multiple stop signs and stoplights along the way. Are you going to change this to two lanes? Will there be new stoplights? Is there any plan that accompanies this proposal and the domino effect that will ensue or are the people who actually live in this neighborhood left to just deal with it?

In my opinion, the neighborhood is growing at an overly rapid rate. Single family lots are being replaced with two or in some cases three family units. With this already happening and the 400 unit proposal, what will our neighborhood look like 5 years down the road? Will it be like Germantown or 12 South and be completely overrun with tourists, bachelorette parties, and noise 24/7? I know that's not what us, the neighborhood's residents want. This city's obsession with tourist dollars and expansion over the sanity of its residents is quite frankly ridiculous. Everyone seems to forget about the actual city's residents, your constituents, who are the ones who own property, pay taxes, vote, and care about the future look and feel of their neighborhoods.

Comments on May 23 MPC agenda items, received through May 17

I've heard through the grapevine that the reason a lot of you are supporting this rezoning is for the sake of our restaurants which I also find to be ridiculous. Again, we are sacrificing the sanity of the neighborhood to bring in more money. I don't know if any of you are involved in the Nashville food scene or any food scene for that matter, but location does not matter. I've seen plenty of great Nashville restaurants in great locations fail (Kuchnia and Keller, Bound'ry, Mop/Broom, Caviar and Bananas, Salt and Vine, Prima, Tin Angel, Cochon, and the list goes on and on). Good restaurants will always thrive. They don't thrive because you throw 1,000 more residents at them. And frankly, I don't see an issue with our restaurants being empty. The street parking around our home is packed every Thursday through Sunday with people lining the sides of both 51st and Indiana.

I hope you will consider the points above and end the expansion at all costs mentality that has overrun Nashville's political decisions over the last decade.

Sincerely,

Kevin Solaka

From: Lenore [<mailto:lenorerr@comcast.net>]
Sent: Friday, May 3, 2019 6:02 PM
To: Planning Commissioners
Subject: 400 unit apt. building in The Nations

I oppose the building of a 400 unit apartment building in The Nations. The good gentrification that has been done is beginning to erode with the overcrowding of this community. Enough!!

Lenore Rosenblatt
4608 Illinois Ave.

From: Selin [<mailto:selin03@yahoo.com>]
Sent: Saturday, May 4, 2019 1:07 PM
To: Roberts, Mary Carolyn (Council Member)
Cc: Planning Commissioners
Subject: Opposition for the 400 unit apartments

Hello,

I wanted to send a short email to express my opposition for the apartments that are being planned to be built in the Nations. I bought my home in the Nations because it was a neighborhood that did not have many transient, apartment homes, unlike other areas of Nashville. I strongly believe that the Nations will lose its charm and become another Sylvan Heights or Germantown, not to mention the congestion it will bring.

I appreciate your consideration and time for reading my email.

Thank you,
Selin

From: Linnea Folger [<mailto:linnea.folger@comcast.net>]
Sent: Saturday, May 4, 2019 2:11 PM
To: Planning Commissioners
Subject: 400 unit development in the Nations

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I am writing to express concern regarding this 400 unit apartment development. (I have not been able to attend neighborhood meetings as I am caring for grandchildren on Tuesdays.)

I am not opposed to development — residential, commercial or retail. I understand the need for greater density. And would be especially supportive of work force or affordable housing.

I am, however, concerned about the number of units. Is there not a middle ground — say 200-250 units?

We currently appear to have difficulties with stress on infrastructure such as sewers. I worry that 400 additional housing units will overwhelm the sewer and storm systems. What steps have been taken to ensure that infrastructure can handle this increased load?

Thank you for your consideration.

Linnea Folger
5002 Indiana Ave

From: Sean Preston [<mailto:digitalisean@gmail.com>]
Sent: Monday, May 6, 2019 9:35 PM
To: Planning Commissioners; Planning Staff
Subject: Case #2019SP-042-001

Hello Metro Planning Personnel,

I am writing you in opposition to the proposed zoning changes for the new apartments on Centennial Blvd (Case #2019SP-042-001). I'm a resident of the Nations and feel that this will only bring more traffic and noise to the neighborhood, and diminish the peacefulness of the area. The general area already has plenty of new apartment and condo developments. I feel that we do not need any more at this time.

Thank you for your time,

-Sean

From: Ashley Dunn [<mailto:ashleydunn1228@gmail.com>]
Sent: Tuesday, May 7, 2019 12:50 PM
To: Roberts, Mary Carolyn (Council Member); Planning Commissioners; Planning Staff
Subject: Proposed Development in the Nations/Tennessee Avenue

Hello all,

My name is Ashley Dunn and I live directly across the street from where the proposed 400-unit, 4-5 story development on 51st/Tennessee Avenue would be. I am very concerned about this development for many reasons, of course I think it will likely decrease property value and cause an extreme amount of traffic/congestion, but if I have to choose an issue (since I'm sure it's going to be built one way or the other), I would ask to have some type of height restriction to 3-stories at the most - as to blend with the neighborhood and not completely take over the area with such a huge structure. I cannot attend the neighborhood meetings to voice this concern, and my other concerns, due to my work schedule.

Please let me know what other steps I can take to hopefully help reach a compromise between the neighborhood (many who are opposed to this development) and the developers.

Comments on May 23 MPC agenda items, received through May 17

Thanks for your time,
Ashley Dunn
615-717-7751

From: Allison Lund [<mailto:allison@freshhospitality.net>]
Sent: Tuesday, May 7, 2019 1:49 PM
To: Roberts, Mary Carolyn (Council Member); Planning Commissioners; Planning Staff
Subject: Opposition to apartments in The Nations

Writing to oppose the planned apartments around 49th, 51st in the Nations. The proposed height is the issue. 5 stories is way out of context to this neighborhood. It should be 3 or 4 max, and even 4 is pushing it. Compare height to the buildings on 51st Ave. (one with Bare Bones Butcher and one with 51st Taproom). Please don't let developers run roughshod all over this neighborhood like everything else in Nashville.

Allison Lund
4507 Georgia Ave.
Nashville 37209

ITEM 18: 2019S-043-001—Highland View

From: 12strings22@gmail.com [<mailto:12strings22@gmail.com>]
Sent: Monday, May 13, 2019 11:39 AM
To: Planning Commissioners; Mary C. Roberts; 'Mina Johnson'; Murphy, Kathleen (Council Member)
Cc: Kempf, Lucy (Planning); Rickoff, Abbie (Planning)
Subject: Concerns about Highland View subdivision, Case #2019S-043-001

To: Metro Planning Commissioners
From: Mike Williams, resident at 6457 Fleetwood Drive, Nashville TN 37209
Subject: Highland View concept plan, # 2019S-043-001
Date: May 13, 2019

The following thought-pieces weave the Commissioners' concerns – your own words and questions from the April 25 Planning Commission meeting – with citizens' objections to Highland View subdivision.

As a resident whose Fleetwood Drive home abuts the proposed subdivision, I'm reaching out on behalf of all the neighbors surrounding Knob Hill. We ask only that you hear us, and cast your vote in Nashville's best interest.

Councilwoman Mina Johnson advised me, "Nobody is going to read a long email." I replied, "These Commissioners are the gatekeepers. Their own words, from the PC meeting, show how deeply they care. They want to feel the pulse of their city."

Thank you for considering these issues that go to the heart of city planning.

BRAIN V. HEART

Balancing sub regs with policy standards

THE NORTH ROAD CONNETION

Comments on May 23 MPC agenda items, received through May 17

Roy Dale isn't telling the whole story

WIDENING WATTS LANE

Potholes and Loopholes

LIABILITY

Metro Council's risk, from falling ice and lead poisoning

SUITABILITY OF THE LAND

The developer must cure the hazards, before the Commission can approve.

BLASTING

How safe is the tower, the neighborhood, and Knob Hill itself?

SLOPES AND STREAMS

GIS maps, and other flaws in concept plans

60 DAY LIMIT

Don't let Highland View default!

THE BIG PICTURE ON KNOB HILL

"There are some pieces of land that God put there to hold the rest together"

SEE FOLLOWING ATTACHMENT

CONCERNS ABOUT Highland View, Case #2019S-043-001

The COMMISSIONERS' OWN WORDS AND QUESTIONS,
from the April 25 Planning Commission meeting,
focus these concerns about Highland View:

BRAIN V. HEART

Balancing sub regs with policy standards

THE NORTH ROAD CONNETION

Roy Dale isn't telling the whole story

WIDENING WATTS LANE

Potholes and Loopholes

LIABILITY

Metro Council's risk, from falling ice and lead poisoning

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The developer must cure the hazards, before the Commission can approve.

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How safe is the tower, the neighborhood, and Knob Hill itself?

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GIS maps, and other flaws in concept plans

60 DAY LIMIT

Don't let Highland View default!

THE BIG PICTURE ON KNOB HILL

"There are some pieces of land that God put there to hold the rest together"

BRAIN versus HEART

A major question at the April 25 PC meeting on Highland View subdivision was: which codes should the Commissioners use, to judge a subdivision application? Metro Subdivision Regulations, and the policy standards of NashvilleNext and the Community Plans, all were created to guide city growth decisions. So: when the Commissioners judge a subdivision, do sub regs or policy standards control?

I've read the sub regs and NashvilleNext and the Community Plans. As a citizen who's not a lawyer, my takeaway is that the sub regs are the "brain" of how to build, and policies are the "heart" of how to grow the city wisely. Sub regs set a framework for building. Policies mold that framework to serve the environment and the character of specific areas of the city.

Metro approved NashvilleNext in 2015 as a twenty-five-year city growth General Plan that values the character of neighborhoods. Metro's detailed expressions, in this long-term vision, suggest that when sub regs and policies get sideways, the city grows best if Heart controls Brain.

Yet the prevailing wind in Nashville favors growth. To paraphrase the voice from the corn in Field of Dreams, "Here they come . . . so we'd better build it!" Builders who set their sails to that prevailing wind, tend to feel that Brain should control Heart.

At the April 25 PC meeting on Highland View, Applicant and Staff pressured the Commissioners to judge Highland View purely on sub regs and not on policies such as West Nashville Community Plan's Conservation Policy, Maintenance Policy and Open Space Policy, and NashvilleNext's Special Policy for Hillwood/West Meade, and Special Policy for Knob Hill. The Commissioners were steered away from considering:

- Knob Hill Special Policy (NashvilleNext III, p49):
"In the configuration of parcels and any new right-of-way, priority should be given to the preservation of environmentally sensitive features over consistency with surrounding parcel and right-of-way patterns."
- Open Space Policy for Knob Hill (West Nashville Community Plan 2009, p50):
"Should the existing use cease, the intent is for the site to be retained as open space and placed in public use if the opportunity should arise."

At the PC meeting, Planning Staff and Applicant schooled the Commissioners to vote via brain, not heart:

ABBIE RICKOFF, *presenting the Highland View concept plan (1:21:12 time marker on the Public Access TV video of the April 25 PC meeting):*

As a general reminder, the Planning Commission is granted the authority to review and approve subdivisions through state statute, and subdivisions are reviewed against the technical requirements of the adopted subdivision regulations.

ROY DALE's *opening statement advocating the concept plan (1:27:19):*

This is all about the subdivision regulations and whether this meets subdivision regulations or not. It's as simple as that.

ROY DALE's *opening statement advocating the concept plan (1:30:39):*

I think that the discussion here really should be geared towards the subdivision requirements and whether you met those requirements or not. The Planning Commission Staff is in charge of that, they're supposed to respond to you and tell you whether or not those requirements have been met, and they're telling you that.

ROY DALE's *rebuttal after citizens opposed Highland View (2:41:04):*

So, in all that discussion, I don't think I heard anything about this not meeting a subdivision regulation. I think they had valid concerns, and I listened to what they had to say, but there's nothing that's telling you that this does not meet the requirements of a subdivision.

METRO PLANNING ATTORNEY *responded to Staff asking about attorney Don O'Donniley's assertion, "The standard for review is not necessarily the subdivision regulation. The law is. The most restrictive regulations, on book, control. And here, that would be NashvilleNext and the Community Plans." (2:51:49):*

That's something I would not have heard. And our opinion is that the subdivision regulations are what control. I think the subdivision regulations were put in place to be harmonious, and the way that they were developed, it puts it into compliance with NashvilleNext. So I would respectfully disagree with that.

Have the sub regs been developed "into compliance with" NashvilleNext? Logic supports the opposite: NashvilleNext's policies, approved in 2015, are intended to sensibly apply the existing sub regs.

Did Metro's 2018 revision of the sub regs, put the sub regs into compliance with NashvilleNext? If not, Planning attorney's opinion is flawed.

At the April 25 PC meeting, opponents of Highland View reacted to the Staff and Applicant herding the Commissioners toward the Sub Reg Corral:

Attorney DON O'DONNILEY *representing Neighbors for Knob Hill*:
You [the Commissioners] have the authority consistent with NashvilleNext plan, Transect 3, to approve. You also have the authority to disapprove.

MARY CAROLYN ROBERTS (2:45:50):
Roy's right, we haven't talked about subdivision regulations tonight. But we're talking about right and wrong, in a way. Because we're looking at a community. You're hearing them talk about their heartfelt need.

MARY CAROLYN ROBERTS (2:48:29):
Roy's right: we can't prove to you that this subdivision regulation – and I know that's what you're voting on – is inappropriate. But I'm telling you, this is something that will impact the community for the next hundred years.

And the Commissioners asked Staff and Applicant how Commissioners should weigh sub regs and policy standards:

VICE CHAIR JESSICA FARR, *in discussion of the concept plan (2:52:34)*:
I would ask for another clarification from staff on our role with subdivisions, but with a different angle, and that is: how do we incorporate whether or not there are health and safety concerns, or perceived health and safety concerns, that need further exploration? And how does that impact our role with subdivision regulations?

LUCY KEMPF:
There is no entitlement, no rezoning associated with this. It is simply where the location of streets, lot orientation, block structure and the like, and how those function. And those are all defined within the subdivision regulations in detail. And so the Commissioners' role here is more administrative.

. . . With respect to subdivisions, which is what we're hearing now, the role of policy is very limited. NashvilleNext is policy. It's an advisory document that gives us advice and guides our advice on zoning decisions.

And so, for subdivisions, the policy simply directs us to the portion of the subdivision regulations that apply. So it's more limited.

State law says we're to guard the health and welfare of our citizens, and do that through development of subdivision regulations.

PEARL SIMS *talked about the balance of heart and brain (3:15:42):*

I have a concern that – and this is philosophical, along with the council woman – there are things that are legal but just not right. I think this may be one of those situations where it's awful but lawful. And we are a country of laws, I hope. We certainly are trying to keep policies, and that is our role. We can't wade in like the council people do, with emotions. We have to say this is either right or wrong.

Having said that, subdivisions . . . we have four reasons we can turn down a subdivision. One is health, safety and general welfare. And the common definition of general welfare is that all of our laws contribute to the general welfare. But the federal definition is much tighter than that. And it actually says that we can take into consideration the emotional and other kinds of concerns that people have when we are making and passing policy. And I really am concerned . . . all the stuff that our Commissioners have brought up . . . that we protect the general welfare. And general welfare is really defined by federal law, which supersedes all of this.

. . . I have so many questions, that have to do with health, safety and general welfare, that I'm not sure I can answer this question tonight.

JEFF HAYNES *asked whether Commissioners should weigh Special Policies for the Knob Hill area.*

LUCY KEMPF *responded (3:20:18):*

The policy would very much govern our review of the zoning case. If a developer asked for a change in entitlement, if they asked for a commercial property or they asked for some different residential, we could apply that policy.

But for a subdivision, policy really only tells us what section of the sub regs apply. And so we wouldn't look into detail at those standards. It's a document that helps us provide the advisory guidance to counsel, under the other standard.

Is Ms. Kempf's guidance to the Commissioners correct? Ms. Kempf, please tell us: exactly which Metro code or state law says Commissioners must approve a concept plan that meets sub regs but conflicts with General Plan policy standards? We have scoured Metro and State, and we find no such code, nor even any suggestion that sub regs must control over policy standards.

And what about precedent? In the 2017 Knob Hill subdivision case, Applicant and Staff actually urged Commissioners to abandon a sub reg and let a policy standard control. Advocating a single-access concept plan, Applicant and Staff told the Commissioners: Since Knob Hill Special Policy's environmental constraints won't let us tear up slopes to build a second access road, therefore you should grant us a variance to break a sub reg (max 750' length for turnarounds).

Four planning experts, favoring the turnaround variance in the 2017 subdivision application, urged the Commissioners to heed Knob Hill Special Policy:

ABBIE RICKOFF, *writing the Staff report to the Commission:*

"A road connection to the north may be impractical due to steep slopes and the grading required to construct a road that meets Metro standards. *Given the environmental constraints that would prevent the applicant from creating additional street networks on this site*, staff recommends approval of a variance to the maximum length of a dead-end street standard."

ROY DALE:

"*The Special Policy on this property says that the environment features are more important, and specifically says that they're more important than even the lot layout or extension of roadways.* If we extend the road to the property lines, I think it just gets into sensitive areas that we don't want or need. And so, as a result of that, Planning is saying, connectivity is not an issue on this property."

LUCY KEMPF:

"We felt that, on the whole and on balance, we had to look at this holistically . . . connectivity was possible to the north, but it seemed that it might undermine some of the other *goals that we had for environmental stewardship.* That is how we arrived at recommending the variance."

Applicant's attorney TOM WHITE added:

"That road to the north . . . would basically be like Sherman coming through Atlanta. It would destroy the woods, *the very thing of your Special Policy, which says preserve environmental matters . . .* urging that connectivity to the north would totally, totally destroy that: the woods, the slope, everything. It would have been a horrible proposal."

In 2017, Applicant and Staff told the Commissioners to favor heart over brain. So . . . what has changed, today, to mandate brain and discourage heart?

Let's wrap up this discussion of sub regs and policy standards, by considering wisdom found in the codes themselves:

Sub reg 1.6.1 says, "These regulations are intended to promote the health, safety and welfare of the persons within this jurisdiction, and toward that purpose, these regulations may be liberally construed."

"Liberally construed" isn't precise . . . but it may mean that, for the sake of health, safety and welfare, consideration of sub regs ought to take to heart the community-wise standards of NashvilleNext and the Community Plans.

NashvilleNext, which grew out of opinions from 420 community meetings and more than 18,500 concerned citizens, is the General Plan authorized by Tennessee Code 13-4-203 to serve "the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare."

I recently visited the Planning Department and spoke to Staff at Desk J. They assured me that Planning takes NashvilleNext seriously and values the General Plan. When I told how the Planning Staff and the Applicant were urging Commissioners to decide Highland View only on the basis of sub regs and not on NashvilleNext, Desk J's response was a quizzical tilt of the head and a furrowed brow. I asked them if the 2018 sub reg revision "put the sub regs into compliance with NashvilleNext" (as Planning's attorney implied). Furrowed brow again: Desk J knew of no such revision aim.

We urge the Commissioners to be the primary gatekeepers for sensible city growth. No element of Planning is better placed, than the Commissioners, to stop plans that aren't in Nashville's best interest. And as Commissioner Moore worries, once the PC approves a concept plan, it's forever out of the Commissioners' hands.

Commissioners: please refuse to limit your good sense to the sub regs. Use your brain, yes . . . but also use your heart to grow your city well.

NORTH ROAD EXTENSION

At the Planning Commission meeting April 25, neighbors quoted statements that the Commission heard in 2017 from planning experts Abbie Rickoff, Lucy Kempf, Tom White and Roy Dale, all testifying that a north connecting road on Highland View was a bad idea and should not be built.

After we recited those quotes on April 25, Roy Dale spoke in rebuttal:

ROY DALE in rebuttal in 2019, on building the north road connection (2:41:20 time marker on the Public Access TV video of the April 25 PC meeting):

There is one thing that I did hear that I wanted to clarify, and that was a lot of discussion about this connection and how this connection couldn't occur in the prior application that was submitted. It's because we went to the adjacent property. The only thing we could get was like a 50 foot easement, and there was no way that you could go over that hillside and stay within the grading of a 50 foot easement. So, the church has actually now acquired a very large wide piece of property so they can achieve that. In the prior analysis from Planning Commission, they never said it couldn't be done. They said it might not be feasible or it might be difficult. But now, with the width of this property that's been purchased, it can easily be accomplished. So I just want to make sure you understand that.

Roy Dale now claims that the addition of new land makes the road easy to build. But in 2017 he testified the opposite, and his warning wasn't about new land:

ROY DALE, testifying to the Planning Commission in 2017:

"We actually submitted a plan to Public Works and Planning, that showed extending this road to the north *all the way to the property line*. There's another road very close by, that you could connect to. But what it really does, it goes over a steep area, it gets into sensitive slopes, it opens up area for development that you really don't want to open up."

ROY DALE, testifying to the Planning Commission in 2017:

"The Special Policy on this property says that the environment features

are more important, and specifically says that they're more important than even the lot layout or extension of roadways. If we *extend the road to the property lines*, I think it just gets into sensitive areas that we don't want or need."

"Extend the road to the property line." Mr. Dale chose his words carefully in 2017. The property line that he cited, twice, is the north edge of the 2017 Highland View property: the border of Lots #24 and #25 on that concept plan. Mr. Dale didn't mean extending to Watts Lane or to any other second access. He meant gouging up the 2017 concept plan's 15 percent slope that rises along the proposed northern street through the cul-de-sac and up to the hill crest where 2017's Lot #24 abuts Lot #25. That slope, which Mr. Dale said is too steep and fragile to build a road on, exists entirely on the 2017 concept plan.

To build the proposed 2019 north extension to Watts Lane, would violate the same 15 percent slope that Mr. Dale decried two years ago.

Metro Public Works reg 3.6.4 says the maximum grade for a Residential Local Street is 10 percent. Building a 10 percent street straight up a 15 percent slope will require destructive cutting and filling and blasting – and Knob Hill Special Policy prioritizes preserving sensitive environment over extension of roadways. Even if Public Works (reg 3.6.4) allows a 12 percent street (which is an icy-road hazard in winter; and does that require Applicant to get a variance?), that construction would desecrate the 15 percent slope.

Roy Dale and other planning experts testified in 2017 that a road connection to the north would be impractical and destructive to build.

Today Mr. Dale's 2017 argument against the road still prevails, notwithstanding his misleading rebuttal to the Planning Commission.

WIDENING WATTS LANE: POTHOLES AND LOOPHOLES

ABBIE RICKOFF, *presenting the Highland View concept plan (1:26:04 time marker on the Public Access TV video of the April 25 PC meeting):*

Watts Lane will be improved from the Watts Lane access point to Charlotte Pike as determined by Metro agencies prior to final plat approval.

Staff recommendation on Highland View: Approval with conditions.

Condition #1: Prior to final plat approval, bond or improve Watts Lane from the termini of this development to Charlotte Pike to provide a minimum pavement width of 20' where it doesn't already exist. Minor modifications to this requirement may be approved during the development of construction plans, as determined appropriate by Metro Planning, Public Works, Fire Marshal, and Stormwater.

It will be a logistical boondoggle to widen Watts Lane to 20 feet, from the dead end terminus all the way to the gated apartment complex – around 900 feet. Watts Lane is 14 to 17 feet wide, with deep drainage ditches hugging close on both sides, and a stone wall you can't widen into, and you'll have to move telephone poles and fill in ditches and dig new ditches and stabilize the ground to pave 900 feet of street sturdy enough for hundreds of new cars per day and fire trucks too.

I challenge Commissioners: drive Watts Lane yourself. One look will make your head spin. And if you don't want to go drive Watts Lane because traffic is unbearable on Charlotte, beware of approving 40 new households of traffic onto that mess.

And while we're talking about widening Watts Lane: there's a worrisome clause lurking in Condition #1:

“Minor modifications to this requirement [to widen Watts Lane to 20 feet] may be approved during the development of construction plans, as determined appropriate by Metro Planning, Public Works, Fire Marshal, and Stormwater.”

What minor modifications?

Given the difficulty and cost of widening Watts Lane all the way from the dead end to the gated apartment complex, it's easy to imagine a developer saying to Public Works, “Gee, guys, cut me some slack, it'll break my bank to widen to 20 feet. 17 feet is maybe enough. Let me off the hook: grant me a 'minor modification' to just not widen that long 17-foot-wide section. I mean, golly, hundreds of cars a day, and fire

trucks, probably can squeeze through there okay. Let me just widen the short piece from the dead end to Watts Terrace. Hey, one pro to another, let's not kill this project over a measly three feet. Okay?"

The "minor modifications" clause in Condition #1 screams to developers, "Look: a loophole!"

VICE CHAIR JESSICA FARR (3:04:01):

I don't understand the difference in the bonded and improved construction.

LISA MILLIGAN:

Public Works has reviewed this plan, has recommended approval, and has included the condition to say that Watts Lane would be improved from this access to Charlotte, to at least 20 foot width. It ranges from between 16 to 18 in places, up to 20. That would all be within existing public right of way. So there's enough right-of-way width to provide for the widening of that to a minimum of 20 feet. And so we have included that as a condition per Public Works.

In regards to the bonding versus building: bonding is essentially a temporary step before building. So at times you will have a plat come in and be approved and they will record it and bond improvements, either new roads or offsite improvements will be included in a bond that's held until those improvements are made. And so it's generally a kind of holding pattern to ensure that the improvements are made.

VICE CHAIR JESSICA FARR:

So the improvements will be made?

LISA MILLIGAN:

Yes . . . that's what's required. Yes.

Councilwoman Mina Johnson, speaking earlier to the Commissioners, mulled a suspicion about bonding:

Suppose the Planning Commission approves the Highland View concept plan. And then, before final plat approval, the developer posts a bond for improving Watts Lane . . . but he doesn't actually start widening Watts Lane, he just posts the bond. And suppose the bond is small enough that the developer decides, "It's prohibitively expensive to widen Watts Lane and also to build the new north connection within the subdivision – which is 400 feet of wasted street since there are no lots to sell along it, and much of that 'old' portion (on the 2017 concept plan) of that connecting street has

to gouge a 10 percent street up a 15 percent slope, which is expensive blasting and cutting and filling and environmental hassle. It's more cost effective to me, now, to forego the bond and not widen Watts Lane or build the north extension street at all. I'll profit best if I just build the 2017 single-access version of Highland View, and sacrifice the bond. And I won't need a variance for triple-length turnarounds, because the Planning Commission already has approved the 2019 concept plan.

Roy Dale often emphasizes, in the planning process prior to PC approval, "It's just a concept plan." The concept plan is a starting point, to shape development. Changes are likely, later. How vast a change might appear on the final plat? I haven't studied the history of that process. I don't know if it's realistic that a developer might forego a bond to make a profit.

Bonding . . . minor modifications

Commissioner Farr asked point-blank: "So the improvements [widening Watts Lane to 20 feet] will be made?" And Lisa Milligan answered hesitantly, "Yes . . . that's what's required. Yes."

Can I lay my head down on that exchange, and get a good night's sleep?

DAVIESHA MOORE (3:08:35):

When you say approved, would it ever come back to this Commission? Or is the approval just all on the staff administrative side?

ABBIE RICKOFF:

It would likely be administrative unless there's some major change that ran counter to what was reviewed by the Planning Commission. It would stay administrative.

Following up on the concern about a "bond" loophole for the developer: if a developer tries to forfeit the bond and build the single-access 2017 concept plan, would that qualify to the Planning Department as a "major change that ran counter to what was reviewed by the Planning Commission"?

If so, would the Highland View application come back to the Commission for public review, with citizens able to have their say again, and with the Commissioners having the power to vote NO?

These concerns are critical for the Commissioners to figure out before voting to approve the Highland View concept plan.

LIABILITY: ICE FALLS AND LEAD POISONING

Maudina Avenue resident Jennifer Kirkendall told the Commissioners that “two-to-three-foot chunks of ice” fell from WSMV-TV’s tower and struck homes and cars in her neighborhood last winter.

WSMV VP/GM Renee LaSpina, in a letter February 15, reported to Planning Staff not only that ice fell on Maudina Avenue 650 feet away from the tower, but also that ice fell last winter onto the parking lot of WSMV’s office, 700 feet from the tower, and the station took “the usual precaution of having our employees move their cars to the east end of the parking lot.” Usual precautions? WSMV must have known of other ice falls in their parking lot, at a distance from the tower that, had the ice blown west instead of east, it could strike 200 feet into Highland View lots #27, #28, #29, #30 and the recreation area and the street – as we demonstrated to the Commissioners by drawing a 700-foot-radius circle around the tower onto the concept plan.

VICE CHAIR JESSICA FARR (2:55:50 time marker on the Public Access TV video of the April 25 PC meeting):

One area that I don’t know if we can address, relates to the tower and the statement that’s been made about the ice coming off the lines, and the impact that that’s had. And if the drawings are accurate, it looks like that’s covering a significant number of the lots. So has anybody looked at that? Or who would look at that?

LUCY KEMPF:

I’m opening up an email that I received from Erica Garrison, attorney of record for WSMV. She asked me to read a comment into the record:

“WSMV-TV does not oppose the proposal. We do, however, ask that the Planning Commission and the developer assist WSMV-TV in making future homeowners aware of the risks of falling ice, and encourage the developer to coordinate carefully.”

Really? I’m a new homeowner coming in, and you’re telling me what?

The ice-fall liability issue doesn’t just concern two isolated incidents several hundred feet from the tower. It concerns sixty winters of WSMV engineers knowing about ice falling from the tower. If ice fell recently in populated places, then hundreds or thousands of ice shards likely have fallen each winter in a huge radius around the tower – in woods where no one noticed. Soon they’ll fall on new homes and residents.

Highland View is going to be built in harm's way. It's just a matter of time until shards of ice damage life, limb or property. Who will bear liability?

Let's examine the liability risk to Metro Council, which is responsible to zone and rezone land in the city.

When WSM bought land on Knob Hill in 1957 and secured zoning to build the TV tower, guy-wire easements, and station office, Metro Council should have realized (as WSM engineers surely did) that ice would fall around the tower. So Metro Council became derelict in guarding citizen's health, safety and welfare, when Council failed to zone the ice-fall area for non-residential use. Metro Council's irresponsible R40 zoning has invited people to build homes in harm's way.

If Metro Council wants to avoid liability for ice damage, Council's best strategy may be to rezone, for non-residential use, all the land that's within the radius of the ice falls that already are documented.

And what about lead poisoning?

Maudina Avenue resident Jennifer Kirkendall told the Commission that when WSMV cleaned the TV tower to repaint it, so much dried lead paint fell that "The whole neighborhood was carpeted in large lead chunks." Jennifer and neighbors pressured WSMV to hire Commissioner Ron Gobbell's company to clean up the lead. But before clean-up, rain soaked the paint into the soil.

(Commissioner Gobbell recused himself from voting on Highland View: even though he wasn't personally involved in the paint clean-up issue, he did not want to create an appearance of impropriety by taking part in a decision on the subdivision.)

DAVIESHA MOORE (3:08:55):

I think probably most of the Commissioners feel there are questions regarding the tower safety issue, so I'm interested in hearing what some of the other Commissioners have to say. That's still an open item for me.

FABIENE BEDNE:

Did you get a lead content report on the soil? On the site, the concentration of lead poisoning, as part of the submittal?

ABBIE RICKOFF:

Soil studies aren't provided at this stage. The Geotech survey, which is one of the notes on the plans that the Applicant added, will be done during the final site plan process. That requires a geotechnical engineer to go out onsite, approve the plans, and create a study that assures that he's reviewed all of the soils and the topo and all of that. That will have to be provided.

FABIEN BEDNE:

I'm not asking for a geotechnical study. This is a very specific test that you do. One thing you guys don't know about me, I was a *[unintelligible]* contractor, and I wrote specifications . . . for you to be able to get a building permit on a house that is deemed to potentially have lead paint on it, you have to do a specific test that is done where you measure in a very unique way the concentration of lead dust on the soil. And the reason to do that is that lead is very toxic, not only to children – it hurts their learning ability – but also to pets. So when you have soil that is poisoned with lead, you are required to go through a study so you can assess the concentration and then be able to design whatever remediation you need to do, either abatement or remediation. So, I think, at this point without having that test, we don't have enough information to make a decision about this proposal. So that is my concern about this.

CHAIR GREG ADKINS:

Given the facts that we . . . which, a lot of time, these subdivision hearings are a fact-finding mission . . . given those facts, I think it'd be very appropriate to add it as a condition as well.

FABIEN BEDNE:

I don't think it's a condition. It's that . . . we just don't know if its feasible. And so that's why I think we should probably defer the project until the time where we can get that study.

If poisonous lead is in Highland View soil, then Metro Council may bear liability if they continue to zone the affected area R40 which invites people to build homes where children and pets may be poisoned by lead.

If Metro Council wants to avoid liability for lead-poisoning damage to life, limb or property, Council's best strategy may be to rezone, for non-residential use, all the land where lead paint may have fallen from the tower.

An interesting point about rezoning: if Metro Council opts to rezone an area around the tower for non-residential use, then an opportunity arises under Open Space Policy on Knob Hill (West Nashville Community Plan 2009, p50) "Should the existing use cease, the intent is for the site to be retained as open space and placed in public use if the opportunity should arise."

SUITABILITY OF THE LAND

Since all the Commissioners on April 25 said they were concerned about health, safety and welfare, in regard to ice shards falling on Highland View, lead paint in the soil, and even the possibility that the 60-year-old, quarter-mile-tall TV tower might collapse . . .

And since the Planning Staff and the Applicant say the Subdivision Regulations must rule the Commissioners' decision to approve or disapprove . . .

It makes sense to look at Metro Subdivision Regulation 3-3, SUITABILITY OF THE LAND, Section 2:

"Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, steep slopes, rock formations, problem soils, sinkholes, or other adverse earth formations or topography, utility easements, or other features which may be harmful to the safety, health and general welfare of inhabitants of the land and surrounding areas, shall not be subdivided or developed unless adequate methods to solve the problems created by the unsuitable land conditions are formulated by the developer and approved by the Planning Commission."

The hazards of ice shards and lead paint falling from the TV tower, in a radius that's documented to be 700 feet, clearly constitute "other features which may be harmful to the safety, health and general warfare of inhabitants" of Highland View.

According to sub reg 3-3, at least a 700-foot radius of land around the tower "shall not be subdivided or developed" unless the developer removes those dangers, to the satisfaction of the Planning Commission.

The Highland View concept plan, which puts homesites in harm's way, fails to meet Subdivision Regulation 3-3. The Planning Commission must not approve the Highland View concept plan until the developer removes those dangers. This isn't a question of doing studies or assigning liability. It's simply a sub reg saying that the Commission must not approve the concept plan until the developer does the required remediation.

BLASTING

ROY DALE, *in his opening statement promoting Highland View (1:31:45 time marker on the Public Access TV video of the April 25 PC meeting):*

I sort of got some insight today that there might be some discussion about the tower. And so I've brought today something to give you. Planning Commission has this in their files. *[He hands paper to the Commissioners.]*

So, this is nothing new. As a matter of fact, I called Larry Oaks, who is the vice president of Meredith Corporation that owns the tower. He is an engineer. And he came before this body and spoke before you [in 2017]. And I've actually taken what he wrote down there. So I'm not paraphrasing, you can see it. Meredith more or less identifies an area on the tower of 350-foot radius. We went 150 feet beyond that. And so what Larry has said to you, and he's said it to you publicly, and he said it to me in an email as well, that that radius is sufficient for them.

But he did also mention something else that I noticed today. He had concerns about blasting. So today I added a paragraph in the handout, of a possible condition that you could add if you wanted to, that would deal with blasting. I think Larry, more or less, he's not concerned about the structural integrity of the tower. They built a church really close by, they did some blasting when they did the church, it had no negative effect on the tower. But obviously, as an engineer, I think he would want to know that somebody went the extra mile.

So in this handout that I gave you, I'm suggesting, if you get into an issue you're concerned about, the presence of this tower, I would suggest that you say, "Prior to the issuance of the first grading permit, the Applicant will provide Metro Planning Commission Staff with a geological and engineering assessment with respect to blasting and its effects on the WSMV-TV transmission tower. Said assessment will also be provided to Meredith Corporation for their review. This assessment will be based upon final construction plans with the roadway" – again, this is a concept, you're not going to know this stuff till you do final plans – "The assessment will be based upon final construction plans of the proposed roadway and the associated utility improvements. The final construction plans will be completed based upon *[unintelligible]* boundary and topographic survey."

Mr. Dale is telling the Commissioners: you won't know the dangers of blasting on Knob Hill until after you vote to approve the Highland View concept plan.

The quarter-mile-tall TV tower, with sixty years' wear and tear on it, was built on

an undeveloped hill so if it collapsed it wouldn't kill people like WSM's prior tower did in 1957. Springs are bubbling out of the limestone ten feet from one of the tower cable anchors: the cable that supports the tower is anchored in rock so friable that more water flows underground on Knob Hill than on its surface.

Blasts of dynamite, gouging out a 10 percent grade roadbed straight up a 15 percent slope 700 feet from the tower in an area where Knob Hill Special Policy prioritizes environmental preservation over road-building . . . that couldn't possibly weaken this 1368-foot tower and endanger people living in its shadow, could it?

MARY CAROLYN ROBERTS, *regarding blasting danger (2:48:47)*:

I have a rock quarry in my district. And when they're talking about, the blasting [on Knob Hill] is not going to affect them . . . it is going to affect them. It's going to affect them greatly. Once the boom goes off, it's impossible to go back and measure that. So even though I think Rogers Group, who has my rock quarry, is extremely responsible, they still make mistakes. There's cracks all over my area from those rock quarries. So that's not true. So we're talking about a lot of safety issues and we're talking about a lot of things that are the kind of things that you can't regulate.

It's not just Meredith/WSMV that's worried about blasting. On Fleetwood dead end, which abuts Highland View, my neighbors and I already suffer cracks and settling in our houses built on steep slopes along a 2000-foot dead end that probably should not have been approved by Planning in the 1960s. We're worried that each "boom" at Highland View may hurt the value and livability of our homes.

Blasting into Knob Hill's limestone and slashing the surface integrity of poor-quality Mimosa soil, will unpredictably disrupt the hill's interconnecting underground streams – which Highland Park Church, who owns the subdivision land, knows well, because they constantly deal with water seeping from under their parking lot. Stormwater's pledge of "zero more runoff" from the completed subdivision, doesn't address, much less solve, runoff dangers during the long period while streets and houses are getting built.

Commissioners voting on Highland View, should ask themselves, "How would I feel if my home was right under Highland View during construction?"

Also: when the tree cover is stripped away from Knob Hill, rainfall and outflow from blast-fractured limestone will gallop into neighbors' yards during construction.

You say developers won't cut 8-caliper trees?

"Gee, golly, we accidentally cut down . . . aw, shucky darn."

SLOPES AND STREAMS:

ABBIE RICKOFF, *presenting the Highland View concept plan (1:24:15 time marker on the Public Access TV video of the April 25 PC meeting):*

None of the lots have been identified on natural slopes of 20 percent or greater, and no problem soils have been identified on the site plan. The stream and stream buffers at the front of the site along Knob Road, are not located in any of the proposed lots.

(1:26:14): All of the lots are located outside of the areas with steep slopes and streams and stream buffers, and no critical lots have been identified on the plan.

Who is doing the identifying? Staff? Applicant? GIS maps? Commissioners?

Staff and Applicant (see below) claim GIS maps are inaccurate to measure slopes and streams. Yet they insist that only GIS maps, not eyeball observation, determines whether the Commissioners should approve concept plans.

Neighbors who have walked Knob Hill know the stream that exits at Knob Road extends far into Highland View and feeds off active springs that may disrupt homesites and destabilize TV tower cable anchors. And a slope map that we got from Staff's own 2017 project folder shows many more critical slopes and dangerous construction areas in Highland View than Roy Dale's 2019 concept plan does.

We testified in detail, about those slopes and streams, to the Commissioners.

ROY DALE, *in rebuttal to our testimony, cites GIS inaccuracy (2:42:32):*

One lady talked about maybe streams on the property extending further than Metro's GIS. Metro's GIS is not that accurate. That's why we have to survey property. That's why we have to determine exactly where these encumbrances might be. The Metro GIS on steep slopes is highly inaccurate. That's why we have to do topographical surveys to establish slopes exactly as they are, and so when a plan comes back before you, it cannot have a critical lot, and it's not going to penetrate a steep slope.

Commissioners: Highland View never will "come back before you" after you approve the concept plan. You'll be out of the loop. Your vote tonight is your one chance to rightly assess this subdivision . . . based on GIS maps and assurances that Applicant gives to Staff, and the consequent assurances that Staff echoes to you.

VICE CHAIR JESSICA FARR (3:00:24):

About the steep slopes that have been referenced, how do we evaluate that? What's our policy around the steep slopes? Is that something Staff can address?

ABBIE RICKOFF:

Our slope maps that we have with our GIS records, they're more of a composite map and they represent, generally, where steep slopes are, and they categorize them by under 20 percent, 20 to 25 percent, and over 25 percent. They're general, they can't get down to specifics. It gives us an indication, when we're reviewing a plan, so that we have an understanding of the baseline of where we are, where are areas that we should be concerned about, that we should look further into.

When an Applicant submits a survey that is field verified, we rely on the Applicant's information because they go out and look at the field and go out onsite and make those determinations. Our level, and any slopes that we have, are more general. We'll get all that information with the next step, the next phase, which is the final development plan.

VICE CHAIR JESSICA FARR:

But, Staff, could you clarify whether there are critical lots on this plan, how those are defined and then how we would review those specifically with respect to slopes?

ABBIE RICKOFF:

The Applicant has to identify any lots that would qualify as critical lots.

There it is: a "see no evil" relationship between Applicant and all other parties in concept plan approval. Staff doesn't go out and eyeball the site at this point. Nor do Metro agencies. Nor do Commissioners. Staff relies on the concept plan at face value. When Staff "checks the boxes" with Metro agencies, the agencies rely on what Staff presents to them, i.e., what Applicant has presented to Staff. When the Commission considers Staff's recommendation, the Commissioners are relying on what Applicant presented in the concept plan. The whole concept-approval process, up through the Commissioners' vote, relies on Applicant drawing up a concept plan that's based on inaccurate GIS slope-and-stream maps, absent surveys and analyses, the pressure of Applicant's client to get his horse into the starting gate, and Applicant's salesmanship.

I'm not saying Applicants don't do their best at presenting concept plans. I'm saying they stand to be most successful and profitable by presenting a compelling concept plan.

In the concept plan phase of the multi-tiered city planning process, Applicants shouldn't be expected to heed neighbors' feelings or to safeguard a Big Picture vision of city growth or to protect anyone's health, safety and welfare. Applicants simply present a piece of paper and advise planners how to value it.

This is the system we work in. In that system, Commissioners bear the primary responsibility – the civic opportunity – to learn all you can before you vote, rather than just passing a wand over third-hand info and the blind guidance of the sub regs.

JEFF HAYNES (3:17:18):

Is someone from Public Works here? They're not? I'd love to understand the Public Works standards for slopes of roads, especially as we connect into Watts Lane. We've heard different information here . . . and if, in fact, that meets Metro standards, or it exceeds the standard slope of the road? Do we have an answer?

LISA MILLIGAN:

They have reviewed the plan as presented and they have recommended approval of the plan. They will also get very detailed construction plans at the time with the final site plan, with more information about the road grades. But they do have their standards. This has been reviewed. It should . . . it will meet those standards. It will be further reviewed again with the final site plan.

Commissioner Haynes, forget about the fact that a kid with a smart phone can walk out on Knob Hill and get Siri to instantly tell the elevation of any two points and the distance between them, and the angle of slope from Point A to Point B. Don't worry that the professionals you're relying on to help you evaluate the concept plan, haven't bothered to do that. Heck, just go ahead and vote. The engineers will iron it all out later.

60-DAY DEADLINE – CAN THE APPLICANT DODGE?

LISA MILLIGAN, *during discussion about a four-week postponement of the Commission's vote, answered a Commissioner who asked about a 60-day limit to vote on Highland View (3:26:47 time marker on the Public Access TV video of the April 25 PC meeting):*

60 days would be June 24. 60 days from today. So, if no action is taken prior to June 24, it's deemed approved.

AUDIENCE *grumbles in consternation:*
WHAT??

LISA MILLIGAN:

The Tennessee code, annotated, in regards to subdivisions, indicates that once a subdivision has been presented to the Planning Commission and taken up for action, that there is a clock that starts ticking, and that clock is a 60 day clock. If the Planning Commission fails to take action within 60 days of the date that it's first heard, then it is deemed approved.

So June 24th is the 60 day, and that's per state law, Tennessee code, annotated.

DAVIESHA MOORE:

So we just want to make sure that the deferral gives us enough time to have it back before us.

CHAIR GREG ADKINS:

So it doesn't get approved automatically. That's why this 60 days is so important, and we be completely upfront about it.

VICE CHAIR JESSICA FARR:

So if we hit May 23rd and Legal is not ready [to supply opinions on concerns about code primacy, safety issues, case law], and we defer it another meeting at that time, does that

LISA MILLIGAN:

June 13th is the meeting immediately after May 23rd. But that would be the last possible

LUCY KEMPF:

If Legal's not ready, we'll reach out to the Applicant. They're going to

want both sides of the best technical information on the record, so the Commission will be able to make a decision. So it's in their interest to make sure that Legal has all the facts that Legal needs, to make its judgment.

TCA, Title 13, Chapter 4: The Applicant for the Commission's approval may waive the time requirement [60 days] set in this subsection and consent to an extension or extensions of the applicable time period.

But it's not a sure thing that the Applicant in Highland View is interested to give Legal extra time. Or to promptly study lead-poisoned soil or where ice shards fall. Or to wait until somebody on the Commission opines that a 10 percent street up a 15 percent slope is too destructive and maybe Applicant will need Public Works to allow that street to be 12 percent, which may require a variance . . . oh no, no, we don't want a variance, that's was our downfall two years ago. And now momentum seems to be slipping away from us, the Commission may vote us down, maybe we'd best muddle along slow and hope June 13 comes and Legal is still not ready and the PC lets that meeting slip by and we get default approval, which may be our only chance to get this turkey in the oven.

Roy Dale isn't actually the Applicant; his client Highland Park Church is the Applicant, and the church has been trying to sell this parcel of land for years and they've sunk a bunch of money into paying Roy Dale's fee (twice) and paying fees for filing concept plans and shelling out \$200,000 for land to connect to Watts Lane, and paying for "you gotta do this and that and the other, before you get a decision." The church is way past being patient. Not to besmirch the church, but I wouldn't bet my fortune that they feel "it's in our interest to make sure Legal has all the facts that Legal needs."

We urge the Commissioners to vote up-or-down on Highland View before the 60 day default. If by June 13 you haven't received enough legal opinions and test results to put your minds at ease about liability and health, safety and welfare, do the right thing, the responsible thing, and vote NO.

The city doesn't need this dangerous, wrong-headed development hanging like an albatross around its neck.

DO NOT DEFAULT on Highland View.

THE BIG PICTURE ON KNOB HILL

Former Metro Planning Staff Director Robert Paslay is famous for saying:

“There are some pieces of land that
God put there to hold the rest together.”

Knob Hill may be one of those pieces of land.

This pristine ridge, one of the last major open spaces in west Nashville, is a unique, fragile, complicated parcel. The whole hill is an aquifer: water seeps from the rocks in all weather, feeding moss growing everywhere including the hilltops. Springs flow within and out from the limestone, some within arm's reach of a TV tower cable anchor – it's a shuddering thought, that the cables that hold the tower up are anchored in rock so friable that more water flows underground on Knob Hill than on its surface.

No one know how 60 years of wear and tear, high winds, ice, sun, have affected the tower. No one knows how its integrity might be compromised by nearby blasting. No one knows what would happen if a tornado struck, like the 1998 mile-wide monster that tore down trees within 2000 feet of the tower. No one knows the range and the intensity of ice falling from the tower in winter. No one knows how much lead paint has fallen from the tower. No one comprehends the nature and extent of Knob Hill's underground streams, and what unexpected results might come from blasting, cutting, filling, removing the tree cover, and artificially routing stormwater runoff. No one can assure nearby neighborhoods against negative consequences during the long period while streets and infrastructure and houses are being built above them.

No one knows the long-term quality-of-life effect, on the entire city, of wiping out one of Nashville's last pristine ridges.

No one has yet invited Metro Parks Greenways and Open Space, and Tennessee Land Trust, and philanthropists and generous neighbors, to buy the Highland View site (and maybe additional land on Knob Hill owned by Highland Park Church and West Side Community Church) and put this unique ridge to public use as open space, maybe as a park where Nashville residents can find refuge from the development crowding in all around them.

Not only does Knob Hill, in its pristine state, have unique potential to benefit all of Nashville for generations to come; Knob Hill's remarkable odyssey through the city planning system may serve as a positive motivator for Big Picture growth all over

Nashville and Davidson County and municipalities far away. City planners, studying the twists and turns of Knob Hill's changing ownership, zoning history, safe spot for a TV tower, and how this ridge's special topography and environment can enhance Nashville's future, can learn valuable lessons for developing the whole city, so that we all can better enjoy living and working here.

Knob Hill is not just another piece of land to plop a subdivision on. It is a piece of land that God put there to hold the rest together.

The Planning Commission has the power to see past sub regs and the hunger of developers – the power to take a big lesson from the Knob Hill story, about how to wisely grow our city. By rejecting the Highland View concept plan, the Commission can mark a turning point, steering Nashville away from mindless overgrowth that has bedeviled cities such as Austin, Texas . . . away from the whirlpool of, "Uh oh, we've gone over the falls, and there's no way out."

The Planning Commission can make a wise choice: for whatever reason you can find under the sub regs and NashvilleNext, or just because common sense and civic vision convince you to not let this ridge slip away, vote NO and let an opportunity arise per Open Space Policy, to put Knob Hill to better use far beyond our own lifetimes.

Create bold precedent. Set a vibrant example for sensible development. This is no exaggeration: every great adventure starts with a single step.

Take a step on Knob Hill.