

# 43rd Avenue road and alley abandonment

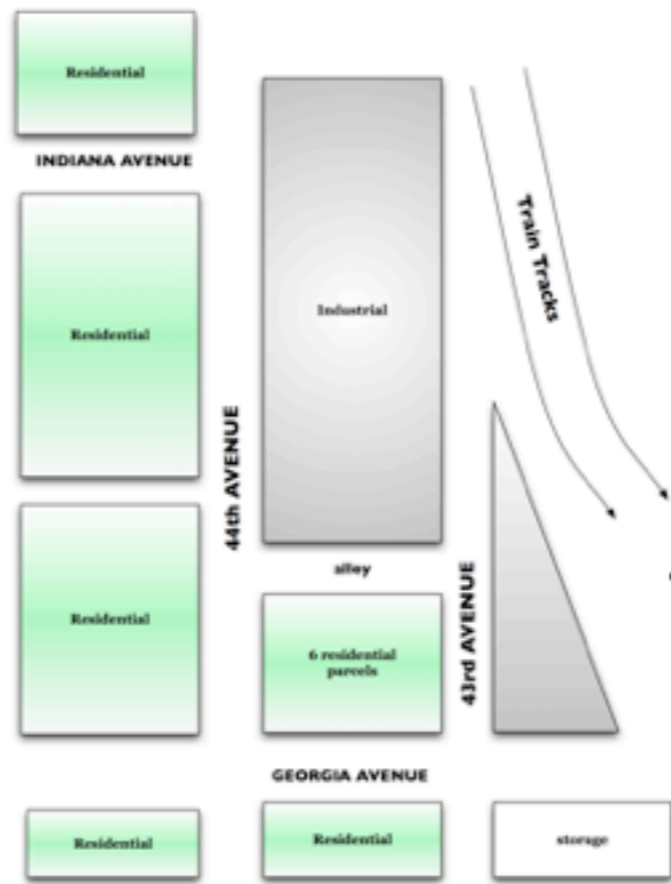
July 1st, 2010  
Community Meeting



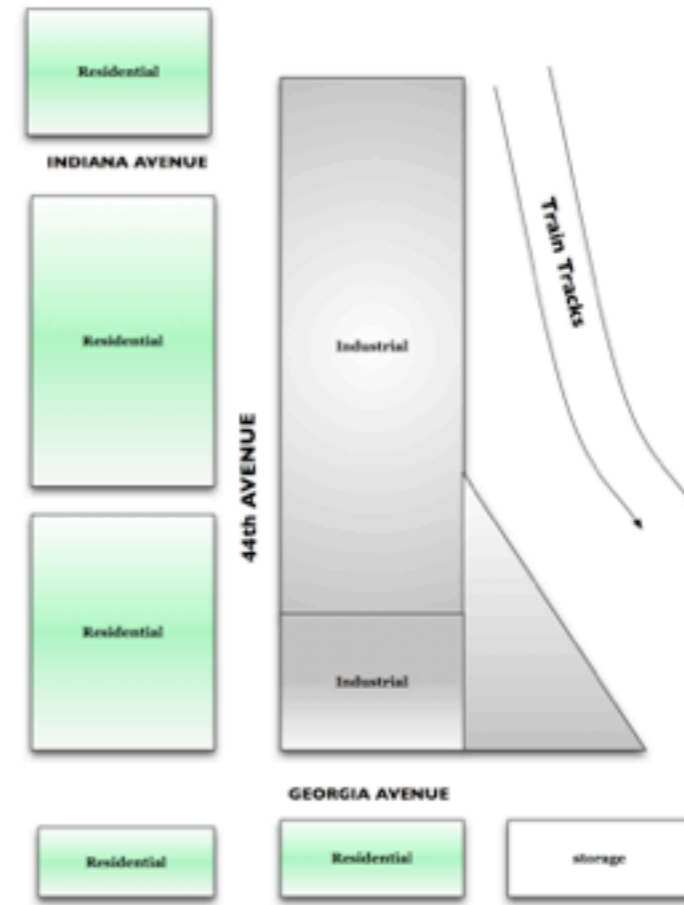
# 43rd & alley abandonment

- J.R. Hunter & RCG Group own industrial land and residential land near 43rd and Georgia
- would close an alley and portions of 43rd, “for the good of the neighborhood”

# NOW



# PROPOSED



# abandoning an alley or a section of road

- happens occasionally in Nashville
- usually not a lot of public interest
- almost always happens with similarly zoned properties (all industrial, all commercial)

# “just a simple abandonment”

- crime and dumping in the alley / road
- the best way to deal with the problem is to close off the roads
- nobody is opposed to it
- not a zoning question
- that's the extent of the issue

# the reality

- every one of those points is wrong

# it IS a zoning question

- Two bills were filed with Metro Council: one to abandon an alley and portions of 43rd, another to rezone the adjacent 6 parcels from RESIDENTIAL to INDUSTRIAL



# it IS a zoning question

- Go to <http://43rdrezoning.org/> and watch Metro 3 footage from the April 8th Planning Commission hearing where Mr. Hunter and Councilman Baker repeatedly talk about rezoning residential parcels to **INDUSTRIAL**.

# it IS a zoning question

- A Planning Commissioner even noted that it is “pretty clear” that “there is a program or a plan” to “rezone to industrial all the way to the interstate.”

# it IS a zoning question

- When the Planning Commission understood this and insisted the two “separate” issues be heard together, Councilman Baker deferred the zoning bill so that only the alley abandonment would be left for discussion.

# it IS a zoning question

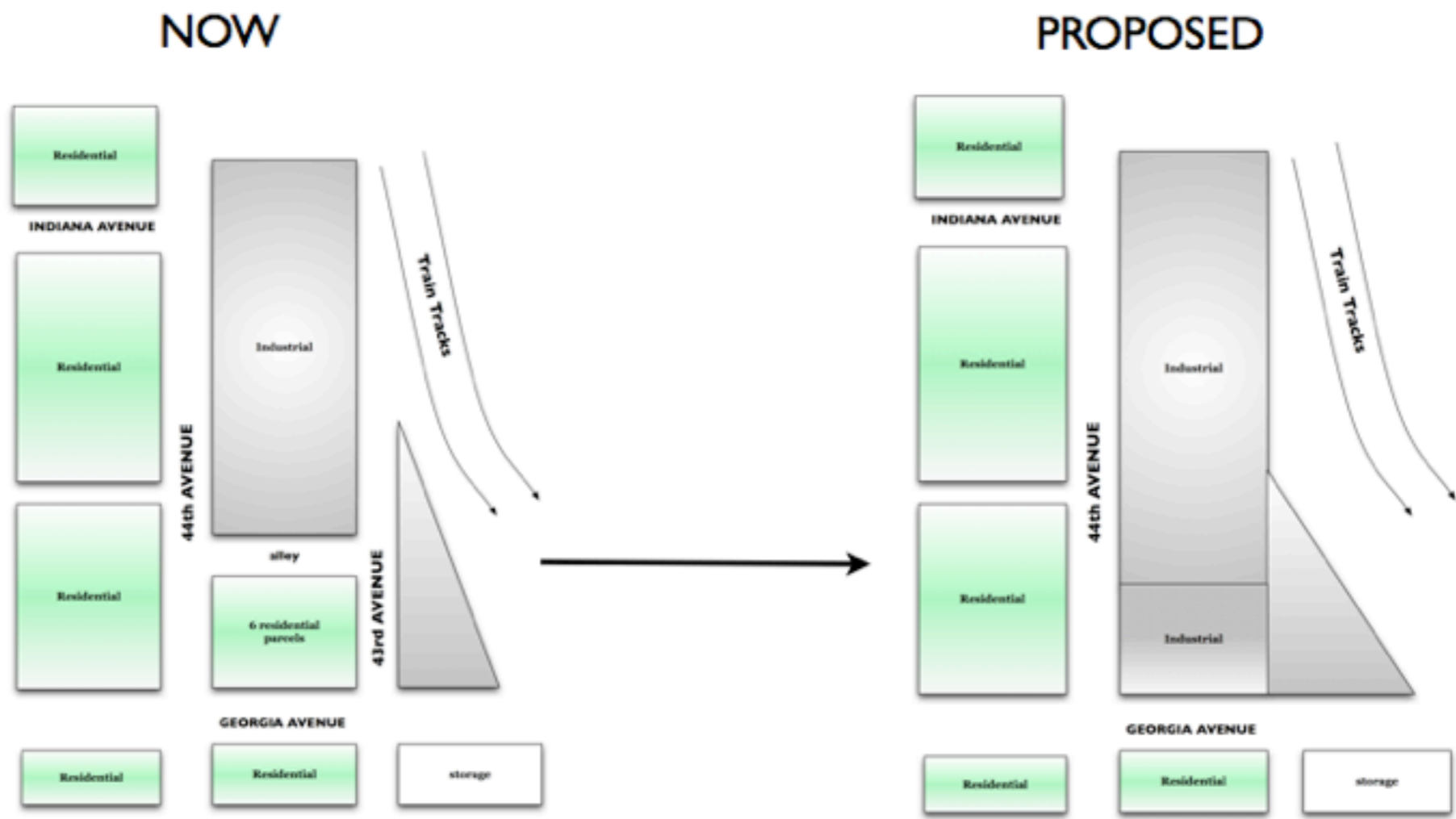
- The tune was changed. Now, “It’s not a zoning bill.” “People don’t understand, it’s a simple alley closure.” “Noone is talking about rezoning.”

# it IS a zoning question

- The zoning bill was not withdrawn, it was deferred.
- It can (and will) reappear in Metro Council immediately once they choose to activate it again.
- Not withdrawing the bill shows that rezoning is the motivation for closing this alley.

# it IS a zoning question

- removing alleys and roadways makes residential development difficult
- abandoning these roads “paves” the way to zone these parcels industrial



Road Closures “pave” the way for proposed Industrial rezoning.

# it IS a zoning question

- the West Nashville Plan mandates keeping the residential parcels residential
- it also mandates preserving alleyways in residential areas



# it IS a zoning question

- Even some people outside of the Nations have written to Metro Council and spoken before the Planning Commission, because if the West Nashville Plan is so blatantly ignored ...
- ... then their neighborhood Plans are worthless too.

# “no one is opposed”

- Road abandonment requests do not provide our community with an opportunity for a public hearing before the Metro Council.
- We don't get mailings, signs on the street, or phone calls.

# “no one is opposed”

- Pushing this abandonment first is a back-door way of sneaking in a zoning change without the neighbors knowing about it...
- ... until it is too late.

# “no one is opposed”

- We were lucky that a recent change to “Mandatory Referral” bills like this road abandonment cause a detour through the Planning Commission where we CAN speak our minds.
- Unfortunately even though Planning voted this down, Metro Council can ignore Planning, and our voices.

# “no one is opposed”

- “0.”
  - number of neighbors (out of 15) who were aware that a rezoning or road abandonment proposal had been submitted, as of 2 days prior to the April 8th Planning Commission hearing.

# everyone is opposed

- “15.”
  - number of immediate neighbors (out of 15) who were opposed to both the road abandonment and rezoning requests when someone actually bothered to ask.

# everyone is opposed

- “over 80.”
  - number of petition signers against the “unopposed” road abandonment as reported at the June 10th Planning Commission meeting.

# everyone is opposed

- “over 150.”
  - number of petition signers against the “unopposed” road abandonment as of June 30th.



# everyone is opposed

- “I would hope that between now and [June 10th] that the neighborhood gets proactive so that we hear from them what they want.”  
--Planning Commissioner Cummings,  
April 8th MPC hearing.

# everyone is opposed

- “I would like to have time for community meetings.”
  - Buddy Baker, in regard to this issue, speaking to the Metro Planning Commission, April 8, 2010.

# everyone is opposed

- “0.”
  - The number of community meetings on this issue called by Councilman Baker since April 8, 2010.

# everyone is opposed

- "It is interesting to see that everyone in the neighborhood who has an opinion is against this."  
--Planning Commissioner, former Metro Councilman, Stewart Clifton, June 10th Planning Commission meeting

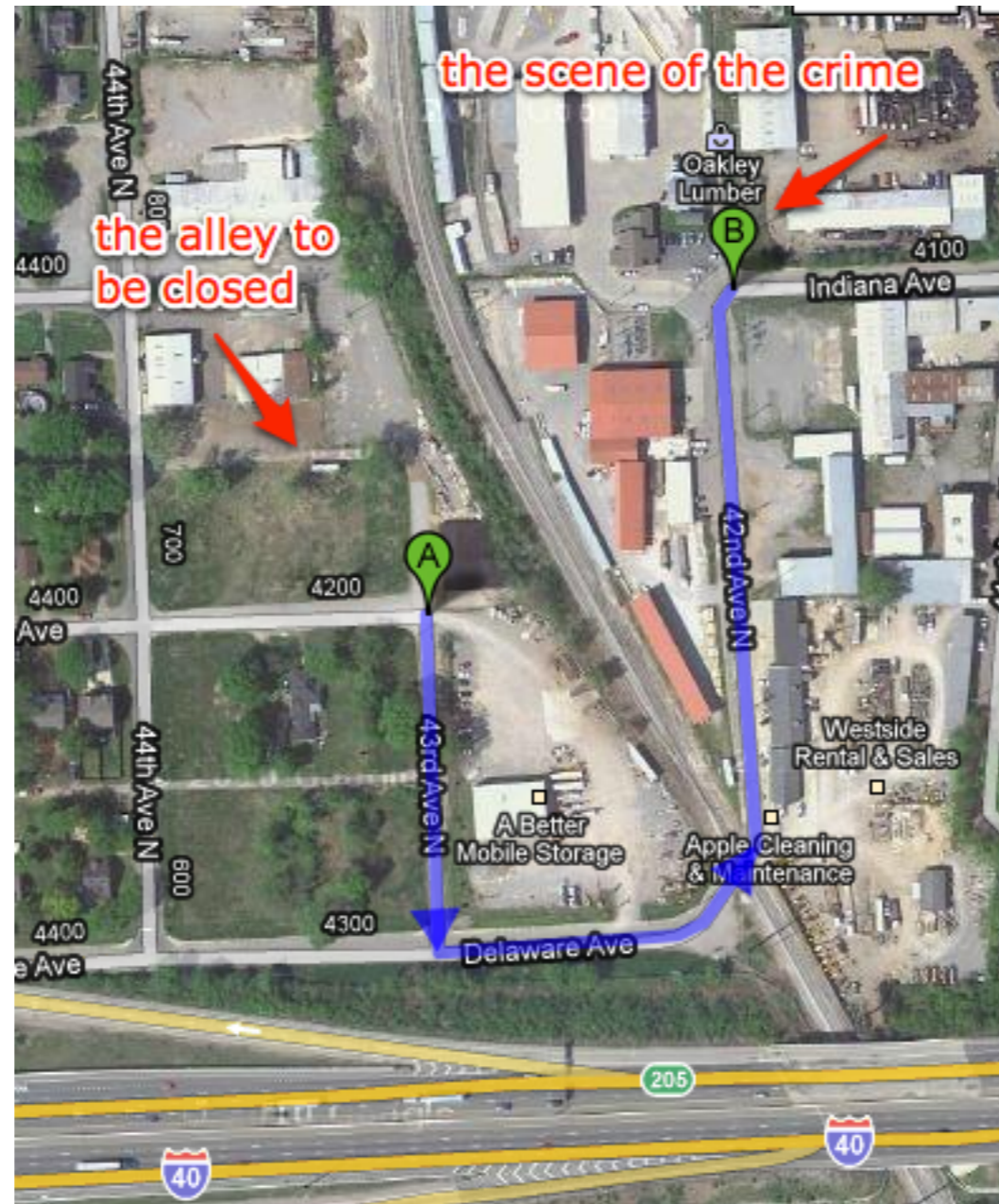
# “crime and dumping”

- Councilman and property owner cite relentless problems with crime and dumping of rubbish.
- Metro arrest records (available on [43rdrezoning.org](http://43rdrezoning.org)) indicate that area sees fewer arrests than the Nations neighborhood at large.

# “crime and dumping”

- Those pushing these changes keep citing the tragic high-profile case of an MBA custodian murder victim whose “body was dumped in this alley.”
- According to the Tennessean and other news outlets, Malith Wiek’s body was (still tragically) found blocks away.

# “crime and dumping”



# “crime and dumping”

- Photos show that Mr. Hunter’s own truck trailer was on the residential parcels for months.
- Photos show that the consistently visible trash on these properties was inside the owner’s own fences.
- It was noted that in May Mr. Hunter’s tenants were dumping on his already “secured” property.



# alley closure as a “solution”

- If the property owner cannot secure property behind his fences, giving away more property will do no good.
- Repeated testimony to the Planning Commission shows that neighbors do not want road closures and fences to bring any problems into their own yards.

# alley closure as a “solution”

- “What you’ll find when you go around the city is that the real trouble spots are where there are no people.”  
--consistently “anti-neighborhood”  
Metro Council and Planning Commission member Jim Gotto, admitting the root cause of problems here is lack of residents on these residentially zoned parcels.

# alley closure as a “solution”

- Metro property and demolition permit records show that the owner has been buying up adjacent residential properties and removing buildings.

# alley closure as a “solution”

- “I will not develop this property residentially.”

--J.R. Hunter

# alley closure as a “solution”

- Planning Commissioners, Metro Council members, and neighbors have all noted that Neighborhood Watch, better lighting, and development of the residential property should be more effective than fencing.

# alley closure as a “solution”

- Metro Nashville and FEMA are trying to find ways to help those made homeless by flooding.
- This is the best time in history for owners like Mr. Hunter and hard-hit neighborhoods like ours to **work with the city** to find creative ways to keep our neighbors in our neighborhood.

# items of interest

- This same land was the site of toxic industrial dumping almost 10 years ago.
- The waste dumped there caused neighbors to become ill, resulted in medical bills which they had to pay themselves (see testimony at the Metro Planning Commission, <http://43rdrezoning.org/>).

# items of interest

- In 2002 an attempt was made to put a waste transfer station on this site. The plan was rejected because the industrial plot in question was too small...



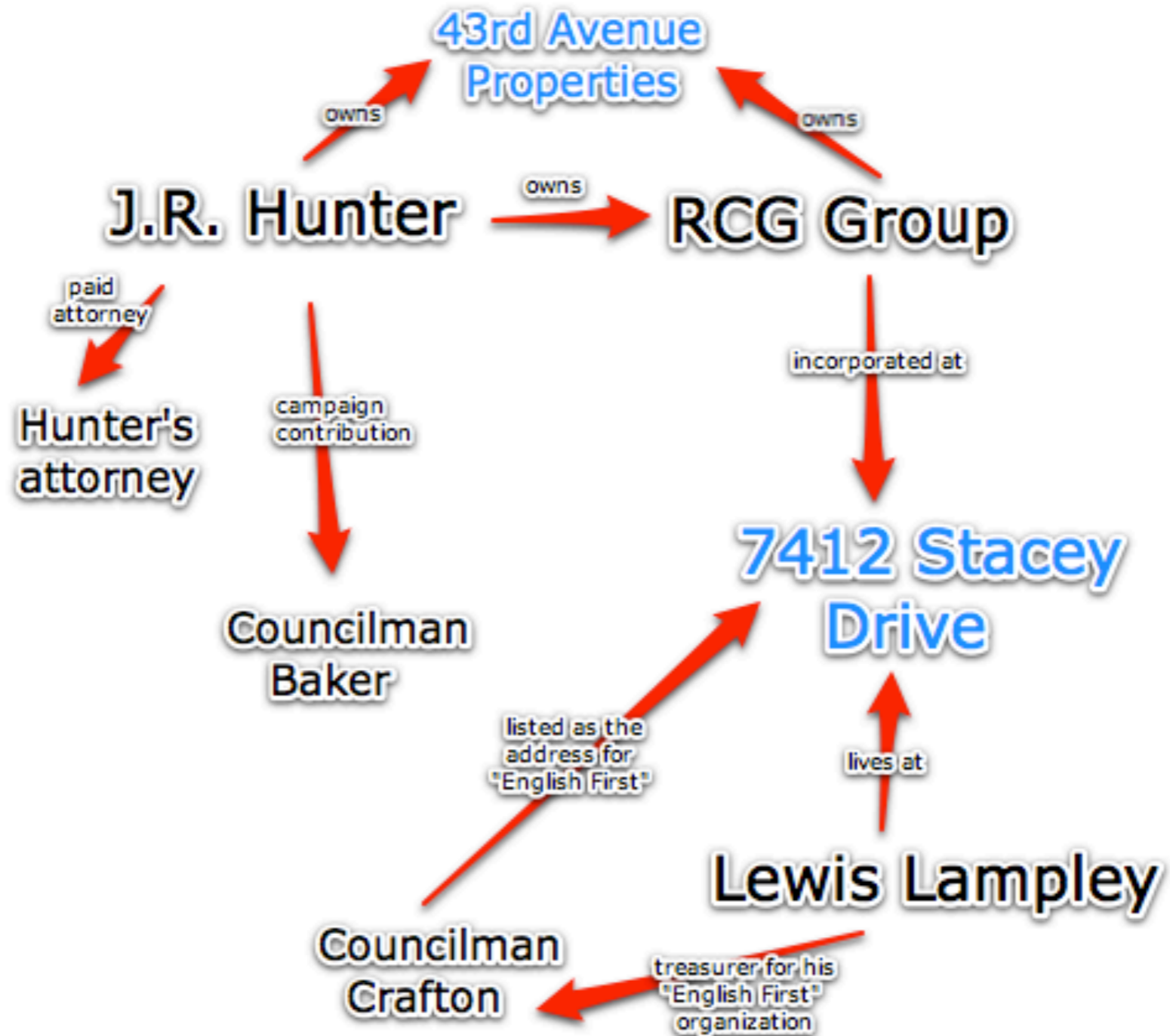
# items of interest

- Mr. Hunter has purportedly held this land for decades.
- This would mean these incidents occurred during his ownership.
- We presume a consolidated industrial plot will be sold for similar uses.

# items of interest

- Only a handful of people have spoken at public Planning Commission meetings in favor of this abandonment:
- J. R. Hunter, property owner
- Mr. Hunter's attorney
- Councilman Buddy Baker
- Councilman Eric Crafton
- Lewis Lampley, resident at 7412 Stacey Dr.

# items of interest



# where are we now?

- Metro Planning staff have consistently recommended disapproval of this abandonment.
- Over 150 people have signed the petition opposing the road/alley abandonment so far.

# where are we now?

- People from the Nations neighborhood and all over West Nashville have spoken at the Planning Commission against this abandonment.
- Commissioner Clifton stated that the alley abandonment is obviously connected with attempts to rezone residential land to industrial and voiced his opposition to rezoning and abandonment.

# where are we now?

- His fellow Planning Commissioners voted with him to reject the abandonment 7-2.
- After that vote the Metro Council received so many letters, phone calls and emails about this issue that they chose to defer the 3rd reading of the bill for a month so that the community opposition could be heard.

# where are we now?

- Councilman Crafton insists that the people in West Nashville just “don’t understand” a simple road abandonment.

# where are we now?

- Councilman Baker insists that this is not a zoning issue, and our opposition is actually just a plot by our neighbors in Hillwood(?) to meddle in The Nations' affairs.



# where are we now?

- Planning Staff reports at the Planning Commission show that there is strong demand for residential growth in the Nations neighborhood.

# where are we now?

- Mr. Hunter refuses to develop his property in accordance with its decades-old zoning (and the contents of the West Nashville Plan), but is upset with the problems of securing his empty residential land.

# where are we now?

- On July 20th Buddy Baker will ask Metro Council to give final approval for alley and road abandonment.
- We will not get a chance to speak at that meeting.

# what needs to happen?

- Buddy Baker needs to formally **WITHDRAW** the road and alley abandonment bill from Metro Council.

# what needs to happen?

- Buddy Baker needs to formally **WITHDRAW** the deferred residential to industrial rezoning bill from Metro Council.

# what needs to happen?

- The property owner should try to work with the community to find ways to keep his property clean and secure.
- On the table should be finding a way for someone to develop residential properties on Mr. Hunter's residential land in a way that is of benefit to him and our neighborhood.

# what needs to happen?

- Neighborhood Watch, improved lighting and streetscaping, visible videocameras, studies to improve road and walkway flow, and coordination with Metro Police on improving enforcement and deterrents should all come before permanent giveaways of land and closures of roads.

# what needs to happen?

- Metro Nashville is working with FEMA to find ways to help our neighbors displaced by flooding.
- We have a narrow window of time when we could work with Nashville to develop homes at 43rd and help our neighbors stay in their neighborhood.



# what needs to happen?

- Should our voices not be heard here, we need to be heard by the rest of Metro Council, and explore our options for better representation here in West Nashville.
- You can help us right now by signing the petition against both the abandonment and the “deferred” zoning bill tonight.