



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

Re: Other Business Items

August 21, 2020

Dear Planning Commissioners:

Please find enclosed two separate items for your consideration under Other Business at the August 27, 2020 meeting. These items are important to our work as a Commission, but do not require a vote. The Commissioners will have an opportunity to engage in a discussion about these topics during the Other Business section on the agenda:

(1) Time allowances during public hearings

Enclosed is a memo regarding time allowances for representatives requesting to speak on behalf of an organization. To clarify our existing rules, at the advice of Legal Counsel, staff recommends the preparation of a simple form that speakers requesting five minutes would fill out in advance of the meeting. A draft form is also enclosed.

(2) Cluster Lot Provision – Workshop and Amendment Timing

Enclosed is a proposed schedule for evaluating and updating cluster lot provisions in the Zoning Code.

Please let me know if you have any questions or concerns.

Sincerely,

Lucy Kempf
Executive Director
Metro Planning Department



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OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

August 21, 2020

Dear Chairman Adkins:

This memo addresses your request to clarify Section VII.B.7.a.i and VII.B.7.b.i of the Planning Commission Rules and Procedures (last amended 7/13/2017) regarding time allowances for representatives requesting to speak on behalf of an organization. For background, the current language is at the bottom of this memo in italics.

I am not recommending that the Commission amend its Rules, but rather, clarify how to better implement them.

- 1.) **The MPC Rules and Procedures currently state that a representative may speak on behalf of an organization for up to five minutes.** To clarify this rule, at the advice of Legal Counsel, staff recommends the preparation of a simple form that speakers requesting five minutes would fill out in advance of the meeting. The form should be published online and include fields such as: (1) a description of the organization and its members; (2) the date the organization established, and (3) total number of current members in the organization.
- 2.) **The MPC Rules and Procedures currently specify that written notice must be received by the Commission prior to the meeting.** To implement this rule, I recommend that staff require the form noted above be received no later than noon the day before the Planning Commission meeting is held.

Due to the volume of requests to speak, it is difficult for staff to sort through the various requests at the meeting and determine who is or isn't eligible to speak on behalf of an organization. To better organize these requests, staff will provide to the Chair a list of people requesting to speak as a representative for an organization prior to the meeting.

- 3.) **Further, in discussing these rules with Metro Legal, it may be necessary for the Commission to define the meaning of an "organization" in the context of these requirements, and what expectation the Commission has for who can speak on behalf of an organization.** To clarify the issue, staff recommends that an "organization" include: established Neighborhood Associations and Community Groups, five or more individuals from surrounding neighborhood(s), and 501C3 non-profit organizations. If no formal "organization" exists yet, but a group of people have formed to discuss an issue, the Commission may allow five minutes to a representative if the form is submitted prior to the meeting and there is no indication that members of the group are speaking as individuals, as well. Finally, if the person making the request is not the president of the organization, staff recommends that the form include whether any vote was taken to authorize the requestor as the spokesperson for said organization. The Commission may also want to state what is NOT considered an "organization." For example,

an attorney hired to work on a case would not be considered an organization unless the other conditions noted in the procedures are met (i.e., neighborhood voted for attorney to represent them).

In the event that the form is incomplete, or not submitted on time, then the Chair may choose not to allow the five minutes, or alternatively, the Planning Commission could vote to suspend its rules and allow the lengthier testimony on a case by case basis.

Background: Current Rule pertaining to representatives speaking on behalf of an organization:

7. The Chairperson shall recognize individuals to speak in the following order:

- a. Proponents from the public*
 - i. When prior to the meeting written notice has been received by the Commission authorizing a representative to speak on behalf of an organization, the identified representative may speak for up to five (5) minutes.....*
- b. Opponents from the public*
 - i. When, prior to the meeting, written notice has been received by the commission authorizing a representative to speak on behalf of an organization, the identified representative may speak for up to five (5) minutes.*

Sincerely,

Lucy Kempf
Executive Director
Metro Planning Department



Metro Planning Commission (MPC)
Request for a Representative of
An Organization to Speak
Regarding a Public Hearing Item

I want to speak:
 ____ In favor of the Application
 ____ In opposition to the Application
 (Please check one)

Please fill out the form below if you would like to speak as a representative for an organization at the next MPC meeting.

THIS FORM MUST BE COMPLETELY FILLED OUT AND RECEIVED BY PLANNING STAFF NO LATER THAN NOON THE DAY BEFORE THE PLANNING COMMISSION MEETING IS HELD. THE FORM WILL BE PUBLISHED ON-LINE ON THE PLANNING DEPARTMENT WEBSITE.

Note: In the event that the form is incomplete, or not submitted on time, the Chair may choose not to allow the five minutes speaking time.

Today's Date: _____

Number on Agenda (Example -- 1, 2, or 17): _____

Case Name or Number (Example – 2020S-001-001): _____

Please Print Your First and Last Name and Name of Organization

Your Address

Description of the organization you represent (i.e. how many current members, approximate date the organization was established and any other relevant information):

Are you the president of the organization? Yes: _____ No: _____

If you are not the president of the organization, was a vote taken to authorize you to speak as the spokesperson for said organization.

____ Yes. A vote was taken by members to authorize me to speak for the organization.

____ No. A vote was not taken by members to authorize me to speak for the organization.

If no formal organization exists yet, but a group of people have formed to discuss an issue, the Commission may allow five minutes to a representative if the form is submitted prior to the meeting, as stated above, and there is no indication that members of the group are speaking as individuals, as well.

Name and description of the group of people you represent (i.e. how many people? Are any of these people going to speak as individuals at the meeting?):

Cluster Lot Provision – Workshop and Amendment Timing

Opening workshop for MPC – 1st 2 weeks of October

(note: staff recommends that the Commission meet in person, therefore, the timing of this workshop may shift, depending on the health orders in place at the time of the meeting).

- Focus on cluster lot provision
- Provide 3 or 4 examples of cluster provisions that have had opposition or ended up with overturned decisions
- Provide potential updates to the Zoning Code
- Solicit feedback from Commissioners

Potential Amendments for Discussion Purposes at the Workshop

- Increase land area needed to utilize cluster provisions (5 acre minimum? 1.5 times base?)
- Require 15% open space, excluding stormwater features
- Only cluster down 1 zoning district size

Zoning Code Amendment

- Based on Commission feedback, draft proposed amendment – complete by mid November
- Post on website and seek public input – late November through early December
- Intro at Council – 1/5/21
- MPC – 1/28/21
- Council PH – 2/2/21