



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
of the
Metropolitan Planning Commission
SPECIAL MEETING**

May 20, 2009

12:00 PM

Madison Room

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

Mission Statement: The Planning Commission guides growth and development as Nashville and Davidson County evolve into a more socially, economically and environmentally sustainable community, with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Derrick Dalton
Tonya Jones
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
Bob Leeman, Planning Mgr. II
Trish Brooks, Admin. Svcs Officer 3
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Jennifer Carlat, Planning Mgr. II
Anita McCaig, Planner III

Commission Members Absent:

Derrick Dalton
Victor Tyler

I. CALL TO ORDER

The meeting was called to order at 12:10 p.m.

II. ADOPTION OF AGENDA

Mr. McLean briefly summarized the purpose for the special called meeting. He explained that since the Commission had not received information from the consultants on the proposed May Town Center project, they were reconvened to reconsider the motion made at their May 14, 2009, regarding the date for the public hearing on this project.

Mr. Clifton moved and Ms. LeQuire seconded the motion, to adopt the agenda as present. (7-0)

III. DISCUSS PUBLIC HEARING SCHEDULES AND OTHER PROCEDURES RELATED TO THE MAY TOWN CENTER APPLICATION

Ms. LeQuire agreed that the additional information should be presented to the Commission prior to opening the public hearing on the May Town Center, so that the public, as well as the Commission would have more information on the proposal. She was in favor of resetting the May Town Center public hearing date.

Ms. Jones agreed with Ms. LeQuire's comments.

Mr. Ponder suggested the proposal be heard at two meetings due to the complexity of the project.

Mr. Clifton agreed with the comments on the complexity of the project. He then suggested that if the Commission were to hear the item over two public hearings that the public be allowed to speak at both public hearings, as they acquire more information about the project. He then questioned whether the council bill had been filed on the project.

Mr. Bernhardt explained that Councilmember Matthews had requested the bill, but he was unsure as to whether he signed the bill as of yet.

Mr. Clifton then stated he would like to have the public hearing held in June sometime after the additional information was provided to the public and the Commission.

Mr. Gee agreed to wait on holding the public hearing until after information from the consultants was provided to the Commission.

Mr. Gotto stated he would go with the majority vote of the Commission.

Mr. Clifton moved, and Mr. Gee seconded the motion, to remove the Public Hearing from the May 28, 2009, meeting that was originally adopted at their May 14, 2009, meeting. **(6-1) No Vote – Ponder**

Mr. McLean then opened the discussion to ideas on when the Commission would like to hold the public hearing. He briefly explained some of the conflicts associated with the June 11, 2009, meeting date.

Mr. Gotto suggested that the public hearing be held on June 25, 2009.

Ms. LeQuire suggested holding the public hearing on July 9th. However, it was explained to her that the Council Public hearing was scheduled for July 7, 2009, and that it was necessary for the Planning Commission to hear the application prior to this date, in order to make their recommendation to Council.

Mr. Ponder moved and Mr. Gotto seconded the motion, to have the Commission hold the public hearing on May Town Center on June 25, 2009.

The Commission continued their discussion prior to voting on the motion.

Ms. LeQuire expressed issues with moving the proposal through the application process so quickly.

Mr. Gotto briefly explained the various dates associated with having the proposal heard by Council in July.

Mr. Bernhardt offered that Councilmember Matthews had requested the bill, and that it was the Councilmember's desire to have this proposal heard at the July public hearing.

Mr. Clifton expressed his concern with holding the public hearing on June 25, 2009, and the possible issue of having to defer their decision, thus not having enough time to make their recommendation to Council.

Mr. Bernhardt explained that the economic impact study for the proposal was expected to be received by the planning department on June 1st. He then reminded the Commission of their Informal Work Session that was scheduled for June 3, 2009, at 8:30 a.m. at the Hermitage Police Precinct. It was at this session that the Commission would be presented with both the economic impact study as well as the transportation study by the consultants.

Mr. Gotto suggested possibly holding the Public Hearing either on a Wednesday in June, or on the regularly scheduled Planning Commission meeting dates.

Mr. Clifton suggested holding the meeting earlier in the month of June due to the possibility of deferring their decision and not having the appropriate amount of time to make their recommendation to Council.

Ms. Jones suggested holding the public hearing on June 11, 2009, and then call a special meeting for June 12, 2009, for their deliberations on the proposal.

Mr. Giarratana explained that he would not be available for the June 11, 2009, public hearing as he would be out of town. He further explained that his trip was scheduled two years ago and he would not be able to reschedule. Mr. Giarratana then briefly explained the history of the application and the desire of the applicant/owner to move forward on the proposal. He then explained that any day in June, other than June 8 – 12, would be best for the developer.

Mr. Gotto suggested hearing the proposal on Friday, June 19 at 4:00 p.m.

Ms. LeQuire again expressed her concerns with moving forward on the project without having a signed council bill.

Mr. Gotto explained the filing dates and deadlines for bills that would be heard at the July council public hearing.

Ms. Bernards explained that she had prepared the bill and would be sending it to the Council

office at noon on Friday, May 22, 2009.

Mr. Clifton suggested that the Commission hear from other members of the audience on whether they had issues with certain dates for hearing the May Town Center application.

There was no one in the audience that addressed the Commission.

Mr. McLean acknowledged there was a current motion on the floor to hold the public hearing on June 25th and questioned whether the Commission was ready to vote on the motion.

Mr. Gee questioned whether other Commissioners could attend a public hearing on June 19th as opposed to June 25th.

Ms. LeQuire explained she could not be at a meeting on June 19th and suggested June 30th.

Mr. Gotto suggested holding the public hearing at another location if the regular meeting room was not available, so that all the Commissioners could be present at the meeting.

Ms. LeQuire suggested setting up another special meeting date so that it could be used for additional discussion by the Commission after the public hearing.

Ms. LeQuire gave a brief explanation on her availability to the commission.

Mr. Gee suggested that a second meeting date be made available in the event the Commission needed additional time to deliberate their decision.

Mr. Clifton briefly spoke on the size of the development and questioned why the public hearing could not be moved to September, which would allow additional time to further review and better understanding of the project.

Mr. Giarratana reiterated the issue that the May Town Center was originally proposed in October of 2007 and the SP was presented in 2008, and that the development team has been working with both the Councilmember and the community for twenty months. He too mentioned that the owner of the project has been funding the development the entire time, and has been very patient with the delays, however, would like to have the proposal heard on May 28th, 2009. He further explained that the month of June would be available for the Commission to further deliberate their decision if the public hearing was heard on May 28th, 2009. He then spoke to the issue of hearing this proposal at the July 7, Public Hearing at Council.

Ms. LeQuire expressed concern with the amount of information that the Commission will receive from the consultants, and the issue of having the appropriate time to digest all of the information.

Mr. Gotto acknowledged that the proposed development will most likely require two public hearings and suggested that the Commission hold the first public hearing on May 28th and then choose the best date for the second public hearing. He explained that the first public hearing to be held on May 28th could revolve around the transportation impacts of the May Town Center and then hold a second

public hearing, sometime in June, on the economic impact of the May Town Center.

Mr. Ponder withdrew his original motion, and Mr. Gotto withdrew his second on the motion to hold the public hearing on June 25, 2009.

Dr. Cummings arrived at 12:46 p.m.

Mr. Gotto explained his motion to Dr. Cummings as she had just arrived at the meeting.

Dr. Cummings stated she would support that motion as she would be at both the May 28 and June 25 meetings.

Mr. Gee then suggested to limiting any public comments to only the fiscal/economic impact of the May Town Center at the June 25th public hearing.

The Commission discussed the possibility of holding the 2nd public hearing on June 11, 2009 as opposed to June 25th.

Mr. Gotto moved and Mr. Ponder seconded the motion, that the Commission hold the Public Hearing on the May Town Center on May 28, 2009, and to keep the public hearing open until June 25, 2009, in order to accept additional comments on the fiscal/economic component of the SP application and to deliberate, and make a recommendation at their June 25, 2009, meeting. **(6-2) No Votes – LeQuire, Jones**

The Commission then moved and adopted a motion that clarified that the discussions and comments that would be heard at the second public hearing scheduled for June 25, 2009, would be based only on the fiscal/economic impact of the May Town Center. **(8-0)**

The Commission then discussed the procedures for both of the scheduled public hearings. As a result of this discussion, the following motion was made by Ms. LeQuire and seconded by Mr. Gotto:

Process and procedures for the May 28, 2009 public hearing:

- Staff presentation of 20 minutes
- Applicant presentation of 20 minutes (applicant may hold 5 minutes for rebuttal)
- Opponents presentation of 20 minutes (if applicant rebuts, the opponents may hold 5 minutes for a sur-rebuttal but must address items raised in the rebuttal only)
- The hearing is open to anyone who wishes to comment for up to two minutes per person.
- The Chair may restrict repetitive comments.

Process and procedures for the June 25, 2009 public hearing:

- No staff presentation proposed.
- Applicant presentation of 15 minutes (applicant may hold 5 minutes for rebuttal)

- Opponents presentation of 15 minutes (if applicant rebuts, the opponents may hold 5 minutes for a sur-rebuttal but must address items raised in the rebuttal only)
- The hearing is open to anyone who wishes to comment on the fiscal component of the SP application for up to two minutes per person.
- The Chair may restrict repetitive comments.

This motion was approved with a vote of (8-0)

It was also determined that both items #2008CP-007G-03 and #2008SP-022G-03 would be moved to the end of the agenda, prior to Other Business.

Mr. Gotto requested that Mr. Giarratana provide the Commission with the same book of information that he had sent to Metro Council members.


Mr. Gee announced that Ms. LeQuire received a Design in Excellence award from the Urban Land Institute for a project located in Germantown.

IV. ADJOURNMENT

The meeting adjourned at 1:10

Chairman

Secretary

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