

PUBLIC NOTICE

GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

The Tuesday August 3, 2021 agenda of the Goodlettsville Board of Zoning and Sign Appeals includes a request that may interest you or affect your property. A public hearing will be conducted and anyone who wishes to speak for or against any request may do so. If you have any questions regarding this matter, please call the Goodlettsville Planning and Development Services Department at 615-851-2202 or email at amccormick@goodlettsville.gov.

Addam McCormick- Goodlettsville Planning Director

**City of Goodlettsville
Board of Zoning and Sign Appeals
MEETING AGENDA**

Tuesday August 3, 2021

5:00 PM

GOODLETTSVILLE CITY HALL - MASSIE CHAMBERS

Approval of June 1, 2021 Meeting Minutes

{ITEM 1 PUBLIC HEARING}

Item#1 Southwood Entertainment Group: Request temporary use approval for a carnival on 18.66 acres at 1000 Rivergate Parkway operating from August 21, 2021 to September 5, 2021. Property reference as Davidson County Tax Map/Parcel # 03402007600 and is zoned CSL, Commercial Services Limited. Property Owner: KDI Rivergate Mall, LLC. Zoning Ordinance Section 14-208 (1)(o)(i).

*A government committed to operating with efficiency and integrity in all we do
as we strive to enhance the quality of life for the community we serve.*

*105 S. Main Street – Goodlettsville, TN 37072 – 615-851-2200 – Fax 615-851-2212
www.goodlettsville.gov*

OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS

Date: June 1 , 2021

Time: 5:00 P.M.

Place: Goodlettsville City Hall Massie Chambers

Members Present: Chairman Mark Writesman, Vice-Chairman Cisco Gilmore, Brian Rager

Absent: Mike Broadwell, Jay Philpot

Also Present: Addam McCormick-Planning Director, Russell Freeman-City Attorney

Chairman Writesman called the meeting to order at 5:00 pm and declared a quorum. Staff stated no changes to the agenda. Rager made a motion to approve the minutes of the May 4 , 2021 Board of Zoning and Sign Appeals meeting as written, Gilmore seconded the motion. The motion was approved unanimously.

Item#1 **Somrath Chhun:** Request front setback variance for an accessory detached building located in a front yard of the corner lot property at 301 Melissa Drive. The 0.27-acre property is referenced as Davidson County Tax Map/Parcel# 03409004700 and is zoned R-15, Medium Density Residential. Zoning Ordinance Section: 14-208 (Q)(ii)(C)

Staff Discussion Items:

Staff received a call from a city employee about a 600 sq. ft. carport accessory building being built in the front yard of the 310 Melissa Drive property. No permits were obtained for the building. A zoning ordinance violation notice was sent on March 23, 2021. The applicant has requested an administrative appeal to the notice for an accessory building setback variance. The applicant discussed they attempted to obtain a permit by stopping at the City's Planning and Codes office but the office was closed due to COVID protocol and they attempted to call. City staff did experience phone issues for a short period including not being able to receive phone messages. The variance is based on the limited availability for additional buildings on the property due to the location of the house and the dimension of the corner lot with two front building setbacks. The north side of the property fronting Monticello Avenue contains an existing eighty (80) sq. ft. accessory building. Staff reviewed other locations on the property for an additional area accessory building for a similar carport structure including vehicle access. The location of the house on property would not permit an accessory behind the house. The north side of the property along Monticello Avenue including the eighty (80) sq. ft. accessory building contains a drainage area collecting drainage flow from multiple directions and an additional driveway in the area could create a drainage issue without reconstruction of the drainage facilities in the area. The existing driveway could be extended in front of the house to permit

access to the north side of the property but that would result in a driveway and yard appearance out of character with the other properties in the area. The 600 sq. ft. garage carport is ten (10') feet from the existing house and five (5') feet from the front property line along Melissa Drive.

Staff recommendation presented:

Per the Zoning Ordinance Section 14-213. (8)(c) Items (i) and (vii) the variance with the conditions listed below would provide a reasonable use of the property due to the narrow corner lot dimensions including two (2) front building setback requirements (along both Melissa Drive and Monticello Avenue), the house location on the property limiting any additional accessory building behind the house, and the drainage area along Monticello Avenue limiting access to the north side of the property to relocate the carport type structure.

- Minimum twenty (20') feet front setback along Melissa Drive and the altered carport can be extended to the house or include a three (3') feet minimum separation from the house per the City's International Residential Code to be considered a separate building
- If the revised building sq. ft. after the alteration exceeds 375 sq.ft then the roof to be painted to be a consistent color of the house roof color, and brick consistent with the house colors to be incorporated into the column and any exterior wall materials. If the revised building square footage after the alteration does not exceed 375 sq. ft. then no additional building materials requirements would apply
- Applicant to obtain City of Goodlettsville building permit and building variance alteration to be completed within 120 days

Public Hearing Opened:

Applicant: Somrath Chhun - 301 Melissa Drive

Requested to leave the carport/storage as is.

Writesman asked how long have you lived at this address

Chhun stated since September 2019

Writesman asked any other work at this address

Chhun stated remolded the house and improved the driveway.

Public Hearing Closed- No one requested to speak per Chairman's offer for additional comments

Board Discussion Items:

Gilmore asked if there was a reason for the separation from house to structure

Chhun stated the separation is due to a door for a room separate from the house

Gilmore asked do you have a separate tenant that lives within the house

Chhun stated yes

Gilmore asked McCormick if he knew the measurement from corner to the neighbors house

McCormick stated no roughly 10 ft. range from property line

McCormick asked Chhun if the property line was at the tree

Chhun stated they share the tree on the property line

Rager asked Chhun if he said there was a door in the existing building

Chhun stated yes because of the carport you can't see it but it enters into the room

Rager asked if you attached the carport to the house could the door be relocated

Chhun stated no he can't relocate the door

Freeman asked McCormick to remain detached you would have to have a 3 ft. situation would this create any other compliance issues of how wide the accessory door in the area of the home needs to be

McCormick stated yes the door would need to be 4 ft. and have open full swing you would not want to restrict that

Gilmore asked McCormick your recommending 20 ft. front setback

McCormick stated there are other similar carports in the area

Gilmore stated he noticed carports across the street and on Monticello Ave but they are attached and we are to look at these applicants separate

McCormick stated you still want to preserve the area another option would be to put a driveway in front of the house and put the carport on the other side that would be out of character

Motion:

Gilmore made the motion to deny based on the building creating a hardship for the property

behind blocking their view due to distance in front of adjacent home. Rager seconded the motion. Motion passed unanimously 3-0.

Item#2 Rivergate Church of Christ/ Joslin & Son Signs: Request setback variance for proposed digital signage on the existing sign structure due to the location of the sign from a residential zoning district at 201 Alta Loma Drive. The 4.86-acre property is referenced as Davidson County Tax Map/Parcel# 03405009200 and is zoned CSL, Commercial Services Limited. Zoning Ordinance Section: 14-305(1)(c)(v)

Staff Discussion Items:

The requested variance is to permit the existing pole sign on the property to be altered to include a digital changeable copy board on a portion of the sign within one hundred feet (100') of a residential zoning district. The existing sign is located roughly ninety (90') feet from the residential property lines across both Gleaves Street and Alta Loma Drive. The intersection area includes properties zoned Metro Davidson County Zoning Districts- R6, Medium Density Residential and CPUD- Home Depot Site. The sign is located at an angle to the intersection of Gleaves Street and Alta Loma Drive. The request is to keep the existing sign foundation and electric service instead of relocating the existing sign to meet the minimum one hundred feet (100') separation requirement. The digital changeable copy board is a permitted type of sign on the property which is zoned CSL, Commercial Services Limited.

Staff recommendation presented:

Per the Zoning Ordinance Section 14-308 (7)(b) Item (v) the variance with the condition for the digital message board lighting intensity to be programmed to be decreased in intensity from dusk to dawn would not be detrimental or injurious to the adjacent properties due to the angle of the sign from the adjacent intersection and since the sign is located across the roadways and intersection from both residential zoning districts, and the limited relocation that would be required to meet the one hundred (100') feet would not provide a significant difference in visibility to the adjacent residential properties.

Public Hearing Opened:

Applicant: Louis Kuykendall, Elder 201 Alta Loma Rd.

Kuykendall stated they have been in the building since 1988. The sign was there and already has some amount of light. They do a tremendous amount of outreach events in the community and each time an event is happening they have to physically place banners out by the roads to let people know when the event is happening. This will be a better option for the Church to communicate with the community.

Writesman asked McCormick if there was an issue with the size of the sign they are going back with

McCormick stated it is zoned commercial and within regulation and approximately 40 ft. from roadway.

Writesman asked Kuykendall if they will dim lights

Kuykendall stated it is programmable and should be a practical function of the sign

Freeman asked Kuykendall will the angle of the new sign be the same as the old sign

Kuykendall stated it points at the intersection. The idea is when people stop at that intersection they see the sign regardless of what street they are on.

Public Hearing Closed- No one else requested to speak per Chairman's offer for additional comments

Board Discussion Items:

Rager concern would be the brightness of the light and to make sure they did not stay bright and maintain dimming at night.

Technical Elder Randy Fuqua stated will comply with lighting brightness

Motion:

Gilmore made the motion to approve. Rager seconded the motion. Freeman asked if approved subject to the stipulation lighting intensity from dusk to dawn. Gilmore re-stated the motion to approve subject to the stipulation reduced digital board lighting intensity from dusk to dawn. Rager seconded the motion. Motion passed unanimously 3-0.

Adjournment:

Rager made the motion to adjourn, seconded by Gilmore. Motion passed unanimously. Meeting adjourned at 5:34 pm

Mark Writesman, Chairman

Sharon Reed, Planning Assistant

City of Goodlettsville
Board of Zoning and Sign Appeals Meeting
STAFF RECOMMENDATION REPORT

Item#1 **Southwood Entertainment Group:** Request temporary use approval for a carnival on 18.66 acres at 1000 Rivergate Parkway operating from August 21, 2021 to September 5, 2021. Property reference as Davidson County Tax Map/Parcel # 03402007600 and is zoned CSL, Commercial Services Limited. Property Owner: KDI Rivergate Mall, LLC. Zoning Ordinance Section 14-208 (1)(o)(i).

STAFF NOTES:

The request is for a temporary use carnival in the RiverGate Mall area. The carnival has previously been held annually in the Davison County jurisdiction side of the mall area. The proposed carnival location is within the City of Goodlettsville's jurisdiction area of the mall that is roughly 1,000 feet from the typical temporary carnival area along Gallatin Road. The property is zoned CSL, Commercial Services Limited. Per the City Zoning Ordinance, a carnival type event would be permitted in this zoning district but limited to seven (7) days instead of the proposed sixteen (16) day event operation between August 21st to September 5th. The City's Zoning Ordinance does permit the carnival in other commercial zoning districts for fifteen (15) days. Per RiverGate Mall representatives the previous carnivals that operated in the RiverGate Mall area were twice a year since 2012 and per discussion with city staff the carnival also existed prior to 2012. The applicant's proposal is for the carnival to occur over three (3) weekends including the extended Labor Day holiday. The requested event time frame would be a variance from the Zoning Ordinance requirement due to the property zoning designation.

Staff requested application submittal items for the proposed carnival with applicant response listed below.

1. **Clear and sufficient traffic access for visitors and emergency services and location of event not to disrupt adjacent businesses:** *The carnival and its patron parking will be held in front of the vacant stores at the RiverGate Mall. This will allow the event and its patrons to be able to have ample space and parking without disrupting any existing traffic or disrupting any existing business operations. The midways are 40' wide and won't be any issue for emergency vehicles.*

2. **Sufficient parking available and safe access from parking to carnival area for visitors and location of event not to disrupt adjacent businesses:** *Due to us hosting this event on the vacant store side of RiverGate Mall we foresee no parking disruptions with existing businesses. Also all patron walk up traffic will be within the mall parking lot and will be secured*

with a portable fence. The event and event parking are in parking lots that have vacant stores and patron traffic and parking won't be any issues with any existing traffic.

3. Defined area for portable bathrooms and handwash stations and employee areas: *There will be 2 sections of portable restrooms and hand washing stations. One will be located near the entrance as people come into the event. The other bay of hand washing stations and bathrooms will be located on the other side of the carnival lot to ensure bathroom facilities are attainable for all guests. We will provide handicap access restrooms and will service all portable restrooms and hand washing stations daily to make sure they are clean, functional, and fully stocked.*

4. Visitor protection of utility facilities/generators for rides: *We have 2 trailer mounted generators to supply power for the event. The generators are secured by the trailers they are mounted on as well as fencing around the generators.*

5. Information on security to be provided with event: *We will have 4-8 private security officers daily at the event. Weekdays (Monday thru Thursday) will consists of 4 security personnel and weekend (Friday to Sunday) days will consist of 8 security guards. We will station 2 guards at the front entry point of the carnival and the other guards will be roaming. In addition to this the mall has security personnel assisting with monitoring parking lots and the event itself if needed. Lastly the carnival will be secured with temporary fencing allowing us to create one, in and out entrance / exit area*

STAFF RECOMMENDATION:

Approval due to the existing vacant buildings and parking lots limiting the impact onto adjacent properties and multiple vehicle access points available in and out of the mall area. Staff would recommend an operating time frame from Thursday August 26th until Monday September 5th which would permit two (2) full weeks and eleven (11) operating days which would be a variance from the seven (7) day Zoning Ordinance provisions due to the history of the carnival operating in the Rivergate Mall area for decades and the existing vacant building and parking lots and multiple access opportunities as listed above would be consistent with the Standards for Variances Items (i) and (viii).

Zoning Ordinance Section 14-208 (1)(o)(i).

- o) Temporary Use Permits.** The following regulations shall govern the operation of certain necessary or seasonal uses which are nonpermanent in nature. Application for a temporary use permit shall be made to the board of zoning appeals through the office of the planning director. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, signage and parking space for the proposed temporary use. Area and bulk regulations of the district in which the use is

proposed to be located shall apply as well as the requirement for ingress/egress and surfacing requirements for parking areas. ***The board may require additional standards to protect the public safety and to reduce any actual or potential adverse off-site impacts.***

The board may grant such temporary use permits for the following uses subject to a public hearing, the specific regulations and time limits below, ***and any other limitation that may be necessary to protect adjoining property.*** After a temporary use permit has been properly granted, the board may authorize such use to be thereafter approved by administrative action of the planning director provided that no change in the character or layout of such use is proposed and provided that proper public notice is given.

- (i) **Carnival or circus.** A temporary use permit may be issued in the CS, CG, IR, and IG districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. A temporary use permit may be issued in any commercial district for children's rides and events provided that adequate parking and traffic circulation is available, any existing business operations will not be disrupted and subject to a maximum time period of seven (7) days.

Zoning Ordinance Section 14-213 (8) (c-e).

- (c) **Standards for variances.** The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows: (i) **The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;** (ii) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district; (iii) The variance will not authorize activities in a zone district other than those permitted by this ordinance; (iv) Financial returns only shall not be considered as a basis for granting a variance; (v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance; (vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts; (vii) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; (viii) **The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located;** and (ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public

streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

- (d) Non-conformity does not constitute grounds for granting of a variance. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (e) Prohibition of use variances. Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
- (f) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in § 14-213(8)(c) above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances.

Nashville / Davidson County Parcel Vi

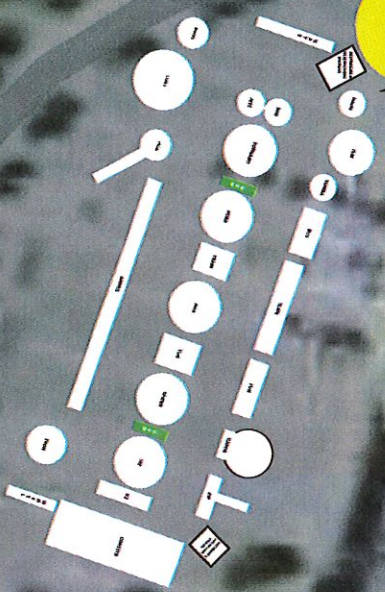


& Liquors



EVENT
PARKING

ENTRANCE



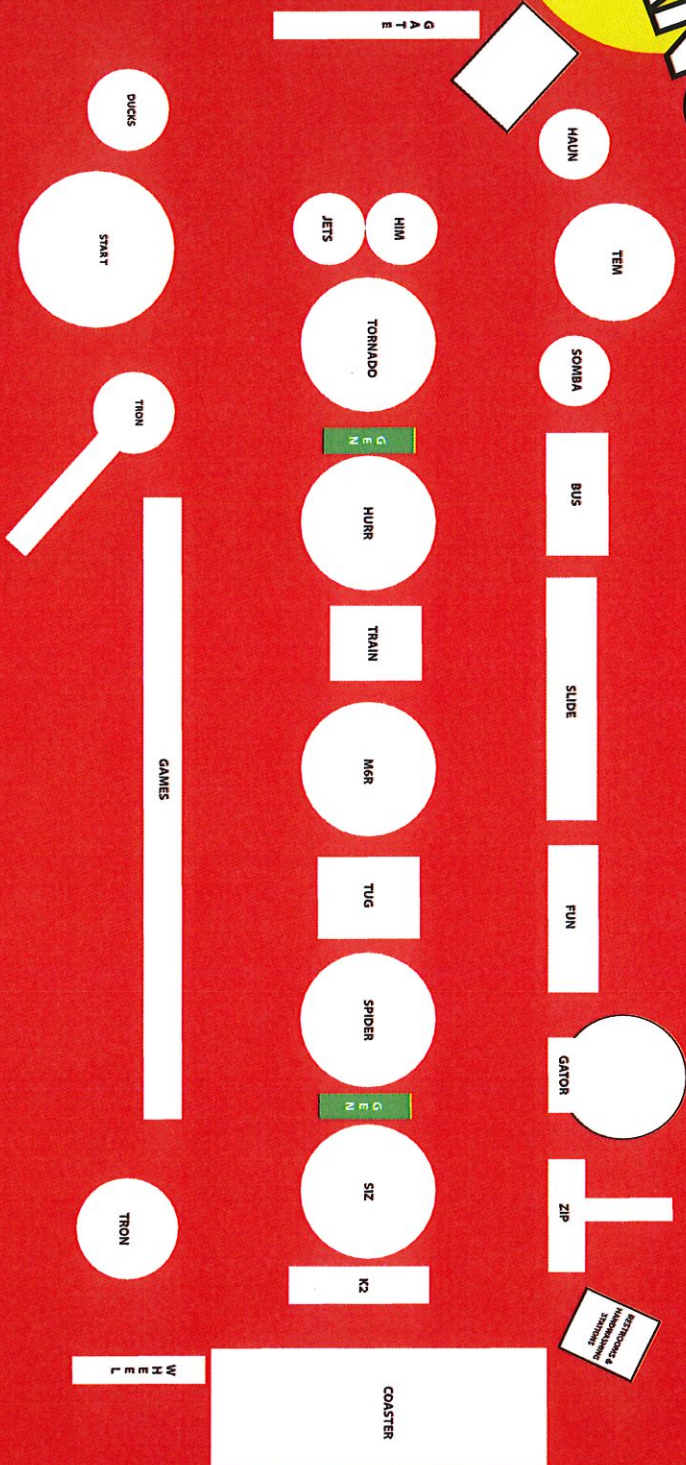
Rivergate Dr

 **RiverGate Mall**
Varied stores & a
traditional carousel

Guitar Center



ENTRANCE





City of Goodlettsville Special Event Application

Any person or organization desiring to conduct a special event affecting the ordinary use of City streets, right-of-ways, sidewalk, or other infrastructure must apply for a permit authorizing the activity. **The application must be received at City Hall at least thirty (30) days before the scheduled special event and must be approved by the City Manager.** Please refer to Ordinance 17-911.

Applicant Information

Applicant/Event Representative Name Brian Ellsworth

Organization Hand Me Downs 501c3 obo Hildebrand Amusements

Mailing Address 5465 Mesquite Rd

City Memphis State TN Zip 38120

Phone Day 901-609-4475 Cell 806-544-9805

Fax Number N/a

Email Address Briancellsworth@gmail.com Event Website: _____

Event On-site Coordinator Brian Ellsworth Cell 806-544-9805

Tax Exempt Number 85-3429825 (Attach certificate)

Event Operations

Type of Event *Mark with an X*

Athletic Event	☐	Block Party	☐	Car Show	☐	Carnival	☐	Concert	☐
Fair	☒	Festival	☐	Foot Race	☐	Parade	☐	Other	☐

Explain the specific area within the City of Goodlettsville that you want to host the event. Attach a site and parking plan.
We will be on the Goodlettsville City side of the RiverGate Mall, 1000 RiverGate Pwky.

Official Name of the Event The Fair at RiverGate Mall

Purpose of the Event To host a community fair with rides, games and food

Event Date	Beginning Date	8-21-2021	End Date	9-5-2021
Event Hours	Start Time	4p	End Time	10p
Event Set Up	Date	8/16 - 8/19, 2021	Start Time	9am
Event Break Down	Date	9/5 - 9/7, 2021	Time of Completion	5pm
Anticipated Attendance	Maximum # per day	200 - 700		

Event Components

Please check all items below that apply to your event and include any additional details in the space provided.

Amplified Sound (PA System)		Water Access Request	X	Road Closure Request	
Grill (Charcoal, Propane, Other)		Displays or Exhibits		Providing Food and Drink at no cost	
Fundraising Event	X	Tents Erected	X	Carnival Rides	X
Inflatable or Bounce Attraction		Vehicles Used During Event		Security	X
Admission Fee to Enter Area	X	Entry Fee to Participate	X	Number of additional trashcans required	
Food Sales	X	Merchandise Sales		Alcohol or Beer available	
Temporary Electricity Request Req. amps circuits		Portable Restrooms	X	Certificate of Insurance	X
Generator Use	X	Stage Erected		Fencing/Barricades	X

Other Event Details _____

Street Closures

If the event requires City streets to be closed, what streets? No streets will be needed to be closed

How will you notify the public about street closures? _____

Applicant is responsible for providing all barricades and traffic warning devices for street closures as deemed necessary and acceptable to the City.

Promotion Information

Is there advertising or media promotion planned for this event? *Provide details below*

We will promote the event through social media and radio (we have not finalized the exact stations yet). We may also buy some digital billboards but haven't finalized this yet either.

Rain/Cancellation Policy

Explain your rain or cancellation policy We are a rain or shine event. If inclement weather does occur during the event we will close the rides to allow weather to pass and provide patrons an opportunity to return to the event on another day or once weather passes through.

Agreement

1. Signing this Special Event Permit Application verifies that you have read and understand all terms and conditions from Section 2 of this application. Please initial items 1-6, sign and date the application below.

INITIAL HERE DE

2. The discovery of false or misleading information regarding the applicant or the described event activities on this application will result in the rejection of the application, revocation of approval of use of City property and/or denial of future request to access City property. INITIAL HERE DE
3. If requesting to use a park facility, please note that there is a no staking policy enforced in some areas of Moss-Wright Park. The only tents permitted at these specific areas will be pop-up tents that are secured with surface ballasts or tents that do not require staking. Violation of this policy will result in civil action to recoup any damages to the grounds and/or irrigation system. INITIAL HERE DE
4. Permits will not be granted to any vendor with a past due balance to the City of Goodlettsville. Past due balances must be paid in full, without exception, before new applications will be accepted. INITIAL HERE DE
5. Some events may require Security and/or Traffic Control. This must be scheduled through, or approved by, the Goodlettsville Police Department. INITIAL HERE DE
6. Some events may require Emergency Medical Services. This must be scheduled through, or approved by, the Goodlettsville Fire Department. INITIAL HERE DE

Hold Harmless Clause: Applicant/Event Producer shall save and hold harmless the City of Goodlettsville from and against all liability, claims and demands on account of personal injuries (including without limitation to the foregoing worker's compensation and death claims) or property loss or damage of any kind whatsoever, which arises out of or be in any manner connected with the performance of this contract, regardless of whether such injury, loss, or damage shall be caused by, or be claimed to be caused, by the negligence of the permit holder or the City of Goodlettsville; or by any agents or employees of any of the foregoing; or by accident; or otherwise.

The undersigned agrees to the terms of this agreement as outlined by the City of Goodlettsville.

The applicant ensures compliance with the following:

- The observance of all applicable laws and ordinances;
- Any stipulations or restrictions of the permit;
- The applicant assumes any and all liabilities that may arise by the street closing and the related activity;
- Barricades must be removed immediately after any event is over to ensure that city streets and right-of-ways are re-opened as soon as possible.

Permit applied for and all terms and stipulations agreed to by:

DE

Signature of the agent duly authorized by the event to bind it

7-7-2021

Date

