

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

Tuesday August 6, 2024

5:00 PM

GOODLETTSVILLE CITY HALL - MASSIE CHAMBERS

Approval of July 2, 2024 Meeting Minutes

(PUBLIC HEARING)

ITEM#1 Derick Faison: Requests conditional use approval for a day care center at 705 Rivergate Parkway. The 2.86-acre property is referenced as Davidson County Tax Map/Parcel# 02613001500 and is zoned CSL, Commercial Services Limited. Property Owner: The Impact Church of Nashville.

*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.*

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OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

July 2, 2024

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Stuart Huffman, Larry Jones, Brian Rager and Mark Writesman.

Absent: Jimmy D. Anderson

Also Present: Addam McCormick (Staff), Tim Ellis-City Manager, Russell Freeman-City Attorney, Sharon Reed (Staff) and Alex West (Staff).

Chairman Brian Rager called the meeting to order at 5:00 pm and declared a quorum.

Approval of June 4, 2024 Meeting Minutes: Writesman made a motion to approve the minutes of the June 4, 2024 meeting, Jones seconded the motion. Motion was approved.

Rager opened the Public Hearing for Citizen Comments:

Catlin Hale – 1357 Madison Creek Road

Hale has lived on this property since 2016. This is her home, and she takes care of the property. She lives there full time taking care of and maintaining the acreage and wildlife. Hale states that she has never had any complaints about the family or friends that come to stay with her in the home. Hale states it is part of the lifestyle to have people come and stay there in the home with her. It is her intention to continue to live there for the rest of her life.

Ms. Eakes – Patton Branch Road

Ms. Eakes is against the Airbnb. Ms. Eakes states they had one on Patton Branch and it was very loud with lots of parties and gatherings. Ms. Eakes states that they want to keep it a small quiet family area and feels if they allow for one more will come.

Jim Bale – 1321 Madison Creek Road

Bale states he has lived here for thirty years and is opposed to any zoning change due to potential of what could happen if it is changed. Bale states people go into rental property with the best intentions but not always a good ending because you have no control over the aftereffects. Bale states if you let one person do this than you have to let everyone do it. Bale is opposed to the zoning change.

Erin Harmon – 3035 Patton Branch Road

Harmon states she is opposed to the zoning change and wants to keep the zoning as is. Harmon states they want to keep it family oriented without out of state strangers so they can keep it quiet and safe for their family.

Karen Newhall – 1329 Madison Creek Road

Newhall states she has knows the owner of the property and is aware that it is an Airbnb. Newhall states she has never had a problem with noise or other problems. Newhall states as long as they are managed properly, they run very smoothly. She states no wild parties only squeals of joy from children enjoying the pool. Newhall states she does not care if the Airbnb is there as long as it is managed properly as it has been in the past.

Gary Yandell – 1325 Madison Creek Road

Yandell wants to know what the guidelines are and if you let one person do can they all do it? Yandell wants to know if guidelines are in place on certain days and times. Yandell wants to know the rules.

Carrie Fowler – 1511 Madison Creek Road

Fowler states she is opposed to the Airbnb because they have a giant Airbnb in their back yard on Patton Branch Road. Fowler states there is a lot of noise and is definitely opposed.

Geoffrey Newhall – 1329 Madison Creek Road

Newhall states he has lived next door to Catlin and Dr. Fishman for seven years and no problems with noise. Newhall states he owned an Airbnb at one time and as long as you have someone personally involved it runs smoothly.

Philip Williams – 3050 Patton Branch Road

Williams states he has lived on Patton Branch since 1989. Williams states a quiet neighborhood and when people start these rental ventures they have good intentions but as they have seen in other areas once they are rentals they can do what they want. Williams states that most rentals are there for a good time, have parties and end up destroying properties in the process. Williams states once you change zoning for one it opens up for others to do the same. Williams states once you have multiple Airbnb’s in the quiet neighborhood it will destroy the integrity of the neighborhood. Williams states that is the reason they move out there for a quiet neighborhood and enjoy the wildlife with peace and quiet. Williams is opposed to changing the zoning.

Rager asked for any additional comments and no additional comments were received.

Writesman made a motion to close the public hearing, seconded by Jones. The motion passed.

The Public Hearing was closed.

AGENDA

Item #1 Eric Fishman, MD/ Property Owner Representative: Requests an administrative appeal of a short-term rental violation notice at 1357 Madison Creek Road. The 21.9-acre property referenced as Sumner County Tax Map/Parcel# 14002205000 is zoned R-40, Low Density Residential. Zoning Ordinance Sections: 14-201 (3)(jjj)(kkkk) and 14-206 (5)(e)(iv) Property Owner: Equitable Trust TR of Qualia 177 IRR Trust.

Staff Discussion:

- The request is an administrative appeal of the short-term rental violation notice dated February 22, 2024.
- Airbnb listing from February 22, 2024
- The on-line appeal application was submitted on March 21, 2024.
- Per applicant’s Board of Zoning and Sign Appeals application:

This 20 acre + parcel is part of 50+ acres that I own, inclusive of 1357 Madison Creek Road and 1361 Madison Creek Road. In my opinion, it is unlikely that any short-term rental usage will adversely affect any of my neighbors or the neighborhood in general.

For clarity, I am applying on behalf of the owner Equitable Trust Co, TR of Qualia 27 Irr Trust. I am the sole beneficiary of that trust.

- The Zoning Ordinance section 14-213 (7)(d)(i) defines the administrative appeal process for the Board of Zoning and Sign Appeals.
- The appeal is the available due process for the review of City Zoning Ordinance violations notices.
- The property referenced above is zoned R-40, Low Density Residential.
- The zoning violation notice was concerning the short-term rental property use not being permitted in the R-40, Low Density Residential zoning district.
- Staff presented Zoning Ordinance Sections: 14-201 (3) Definitions, 14-206 (5)(e)(iv) Commercial Use Regulations and 14-213 (7)(d)(i) Board of Zoning and Sign Appeals-Powers.
- Staff presented motions options.
- Motion Option-To approve the applicant's administrative appeal based on the Board's findings during the meeting that the violation notice and referenced Zoning Ordinance sections were incorrectly applied with the violation notice.
- Motion Option- Motion to deny the applicant's administrative appeal based on the Board's findings during the meeting that the violation notice and referenced Zoning Ordinance sections were correctly applied with the violation notice. (Staff Recommendation)
- Motion Option- Motion to defer the request for the applicant to provide additional information as determined by the Board during the meeting.

Applicant: Marty Cook, Attorney – Representative for Eric Fishman, MD/Property Owner

Board Discussion:

- Cook states Dr. Fishman due to unique factors related to this property he is requesting leniency from the Citation and the ordinance does permit bed and breakfast uses.
- Cook states between this property and adjacent property he owns more than fifty (50) acres together so there are no neighbors in close proximity to this home.
- Cook discussed Ms. Hale living on the property full time.
- Cook discussed the classification of conditional use for this property.
- Huffman asked Ms. Hale if she was an owner of the property?
- Hale responded she lives there.
- Huffman asked Ms. Hale if she was a beneficiary of the trust?
- Hale responded she has not seen the will.
- McCormick discussed the process for requesting a bed and beak homestay conditional use in the zoning district.
- Freeman stated that would be separate request and review and discussed the short-term rental violation notice.

Motion: Huffman made a motion to deny the applicant's administrative appeal based on the referenced Zoning Ordinance sections were correctly applied with the violation notice, seconded by Jones . The motion passed.

With no further business, Writesman made the motion to adjourn, seconded by Jones.

The meeting adjourned at 5:29 pm.

Brian Rager, Chairman

Sharon Reed, Planning Assistant

City of Goodlettsville
Board of Zoning and Sign Appeals
STAFF REPORT
Tuesday August 6, 2024 5:00 PM

Approval of July 2, 2024 Meeting Minutes

MOTION OPTIONS:

1. Approve as listed
2. Approve with minute amendments as determined by the Board of Zoning and Sign Appeals

PUBLIC HEARING ITEM#1

ITEM#1 **Derick Faison:** Requests conditional use approval for a day care center at 705 Rivergate Parkway. The 2.86-acre property is referenced as Davidson County Tax Map/Parcel# 02613001500 and is zoned CSL, Commercial Services Limited. Property Owner: The Impact Church of Nashville

STAFF NOTES:

The 2.86-acre property including the existing church facility is zoned CSL, Commercial Services Limited. The CSL zoning district permits day care centers by conditional use review by the Board. The Zoning Ordinance provides general and specific conditional use review criteria. The applicant's request is for a day care center facility within the existing church childcare/classroom portion of the building. If the conditional use is approved, the applicant will be required to obtain approval from the State Fire Marshal's office.

The property is an existing developed property accessed from the adjacent signalized Rivergate Parkway intersection. The immediate surrounding area includes retail uses, convenience fuel markets, and a hotel facility. The property includes a large parking lot that can be used for the off-street daycare child drop off and pick up. The applicant's proposal is to use the existing church childcare facilities/classrooms for the day care center. Due to the property being an existing developed church facility including a large off-street parking lot facility, then a site plan for the day care center was not requested. Staff did discuss with the applicant the requirement for an outdoor fenced playground facility. The applicant discussed providing a fenced exterior playground facility in front of the existing building.

STAFF STIPULATION:

1. Applicant to provide a plan showing the proposed outdoor fenced area for the playground facility and the proposed number of children in the day care center. The playground facility to be sized per the Zoning Ordinance section# 14-213 (9)(e)(ii) (2)(iv) *A fenced outdoor play area shall be provided of at least 200 square feet per child or 2,000 square feet whichever is greater.*

MOTION OPTIONS:

1. Motion to approve the conditional use request including staff stipulation since the requests meets the Zoning Ordinance conditional use general and specific review criteria as determined by the Board during the meeting
2. Motion to deny the conditional use request based on the request not meeting the Zoning Ordinance conditional use general and specific review criteria as determined by the Board during the meeting
3. Motion to defer the request for the applicant to provide additional information as determined by the Board during the meeting

*Staff recommendation to be provided during meeting

Referenced Zoning Ordinance Sections:

14-213 (9)(c)

Requirements for conditional use permit. General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The board may impose such other conditions and restrictions upon the premises benefitted by a conditional use permit as may be necessary to comply with the provisions set out hereafter in this section in order to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding property and to better carry out the general intent of this ordinance. The board may establish expiration

dates for the expiration of any conditional use permit as a condition of approval. A permit may not be transferred to another owner or type of use without a rehearing before the board.

(d) General requirements. A conditional use permit shall only be granted provided the board makes specific findings that it:

- (i) Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
- (ii) Will not adversely affect other property in the area in which it is located;
- (iii) Is within the provisions of "conditional uses" as set forth in this ordinance; and
- (iv) Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and meets the specific standards below

14-213 (9)(e)(ii) (2)(iv)

(ii) Special conditions for personal and group care facilities (day care). For purposes of this title, day care facilities are classified into two types as defined below: **(A) Day care home**—Include day care in an occupied residence of four to not more than eight children not including children living in the home. **(B) Day care center**—Includes day care for more than eight pre-teenage children in any kind of building

(2) Day care center.

- (i) No such facility shall be permitted on a zone lot in a residential district unless such lot contains twice the lot area requirements of the district.
- (ii) No such facility shall be located on a minor residential street. Locations shall be limited to collector or arterial streets specified on the official major thoroughfare plan.
- (iii) In commercial districts the side and rear yard requirements of the adjoining residential district, which has the highest standards shall apply.
- (iv) A fenced outdoor play area shall be provided of at least 200 square feet per child or 2,000 square feet whichever is greater.
- (v) All bulk and space regulations of the district shall be met.

(vi) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver children. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.

(vii) All public utilities and sanitary sewers shall be available at the site and connected.

(viii) All regulations of the State of Tennessee that pertain to the use shall be met.

(ix) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facilities

(x) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area as well as the facility.

(xi) A site plan shall be submitted in conjunction with the application for a conditional use permit.



