

OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

August 3, 2021

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Chairman Mark Writesman, Vice Chairman Cisco Gilmore, Brian Rager, Jay Philpot

Absent: Mike Broadwell

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

Chairman Writesman called the meeting to order at 5:00 pm and declared a quorum. McCormick stated no changes to the agenda.

Approval of June 1, 2021 Meeting Minutes: Rager made a motion to approve the minutes of the June 1, 2021 meeting, Gilmore seconded the motion. Motion was approved unanimously.

AGENDA

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 Discussion:

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 presented the Zoning Ordinance Sections regarding Temporary Use Permits and Standards for Variances.

-Staff presented the additional items requested on the proposed carnival application.

-Staff recommends 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 6th 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.

Item Representative: Brian Ellsworth, Hildebrand Amusements

-Ellsworth states the event horseshoe setup is approximately 50' ft. internal allowing emergency access if needed. The portable restrooms, handicap, baby changing area and hand washing stations will be located near the gate. Second section of portable restrooms, and hand washing stations located on the other side of the carnival.

-Ellsworth states the generators are mounted to semi-trailers with fencing around the generators and no public access.

-Ellsworth explains typically this is a ten-day event but this year coming back from COVID they started having the events over a three-week (3) period. This helps with crowds and there are no days you are covered up with people.

-Ellsworth states the event can set-up and take down in two days (2) but they prefer three days (3).

Public Hearing: Richard Wright, General Manager at Rivergate Mall

-Wright discussed the impact COVID has had on the retail business and mall.

-Wright discussed the location issue for the carnival this year and Dillard's did not want the carnival located in the Dillard's carnival lot. As an alternative and with respect to Dillard's they found a spot on the other end of the mall. The space is vacant with plenty of parking and in the carnival timeframe there is no planned activity for the area.

No one else present to speak, Writesman closed the public hearing.

Board Discussion:

-Ellis asked Ellsworth if there was an emergency how will an emergency vehicle access the carnival?

-Ellsworth points out several access areas for emergency vehicles and states the horseshoe is a minimum 50' ft. all around. Ellsworth states the carnival fencing will be around carnival but will not connect to the mall building.

-Ellis states concern with carnival parking and accessibility in the event of an emergency.

-Wright explains the common areas of mall parking is for joint use of all tenants of the mall and the carnival will not interfere with any mall business. Wright discussed the inter-ring-road around the mall will not be blocked and there is plenty of space for emergency vehicles.

-Ellis asked Ellsworth what type of background check or process they have for hiring carnival personnel.

-Ellsworth discussed the process of hiring seasonal employees and all employees have a background check and are drug tested.

- Ellis discussed that carnival company is from Florida but Ellsworth is out of Memphis.
- Ellsworth discussed the company set up and brokerage type setting
- Writesman asked Ellsworth if he would be on location for the entire time of carnival.
- Ellsworth states he will be here most of the time and on weekends but there is a full-time general manager on location for the carnival
- Ellis discussed the requirement of a special event permit from the City and the organization Hand Me Downs 501c obo Hildebrand Amusements
- Ellsworth discussed the Hand Me Downs 501c is a non-profit and the contract with Rivergate mall is with Southwood Entertainment, LLC.
- Ellis asked for clarification between the two (2) names on the special event application
- Ellsworth explains Southwood Entertainment would be the financing and insurance and also insurance thru Hildebrand Amusements.
- Wright explains the license agreement is with Southwood Entertainment Group, LLC.
- Gilmore asked Ellis if the additional carnival days will be an issue for the police department
- Ellis states in the past they have used off duty police officers for security
- Ellsworth states they need to get approval from the board before going forward with security. They have talked with Allied security that patrols the mall for the carnival.
- Ellsworth states they charge an admission fee to the carnival. They have 1 entrance and 1 exit point. They plan to have 4-8 private security officers daily at the event. Weekdays (Monday thru Thursday) will have 4 security personnel and weekend (Friday thru Sunday) will have 8 security personnel.
- Ellis discussed the need for a minimum of off duty officers from Goodlettsville to be part of the security personnel due to understanding of process and relationships with City police department in the event of an issue.
- Freeman discussed a stipulation in the requirements could be a number of off duty Goodlettsville security personnel.
- Ellis discussed the City of Goodlettsville responds to calls and provides public safety to the entire mall.
- Freeman discussed the stipulation percentage of off duty officers from Goodlettsville within the City's jurisdiction
- Philpot asked if there was an incident with Dillard's that made them change the policy allowing carnival's using their lot?
- Ellsworth and Wright discussed it was a Dillard's corporate office decision not to have carnivals in the Dillard's lots.
- McCormick and Ellis discussed no major issues remembered or aware of with previous carnivals and police issues

-Freeman discussed submitting a security plan to the Chief of Police.

-Gilmore states the eleven (11) days is adequate and needs to see the security presence at the carnival.

-Freeman discussed the "Temporary Use Permit" and additional standards to protect the public safety.

-Ellis confirmed with McCormick that this approval is only for 2021 year.

Motion: Motion by Gilmore to approve based on the recommendation of variance, staff security plan, and all access dimensions are safe for emergency personnel, seconded by Rager. Motion passed unanimously.

The meeting adjourned at 6:06 pm.

Mark Writesman, Chairman

Sharon Reed, Planning Assistant