

**OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS**

Date: January 4, 2016

Time: 4:30 P.M.

Place: Massie Chambers- Goodlettsville City Hall

Members Present: Chairman Tom Mosier, Commissioner Zach Young, Owen Sanders

Absent: William Carter, Edgar Lowe

Also Present: Addam McCormick, Rhonda Carson, Brock Rust, Rick Schwartz and others

Chairman Tom Mosier called the meeting to order.

Commissioner Zach Young made a motion to approve the minutes of the December 7, 2015 Board of Zoning and Sign Appeals meeting as written. Mr. Owen Sanders seconded the motion. The motion passed unanimously 3-0.

{PUBLIC HEARING}

Rick Schwartz, Applicant and Brock A. Rust, Property Owner request conditional use approval for a crop and animal raising agricultural activity use in an R-40, Low Density Residential Zoning District on True Vine Way. The conditional use review is contingent upon Goodlettsville City Commission’s review and approval of the R-40 low Density Residential property rezoning. Property is referenced as Sumner County Tax Map 143 F, Group A. Parts of Parcels 35 and 38 and containing approximately 9.82 acres.
(16-1-608)

Staff reviewed. Mr. Addam McCormick reported to the Board that the property is currently being reviewed by City Commission with the second reading of the rezoning ordinance scheduled for January 14, 2016. The conditional use in the R-40 District is contingent upon City Commission approving the rezoning. The conditional use review and any approval is subject to the City Commission changing the property zoning from LDRPUD, Low Density Residential Planned Unit Development to R-40, Low Density Residential. The City Commission approved the property rezoning on first reading. This request is being reviewed to determine if animals can be kept on the property prior to rezoning the property and creating the large acreage tracts. The City Commission deferred the second reading of the rezoning for the Board of Zoning and Sign Appeals to review the conditional use request. Mr. McCormick reviewed the requirements for conditional use permits:

Goodlettsville Zoning Ordinance Referenced Sections:
Section 14-213 Administration and Enforcement
Item (9) Conditional Use Permits
Section (c) Requirements for conditional use permit

and
Section (d) General requirements.

(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.

Section 14-213 Administration and Enforcement

Item (9) Conditional Use Permits

Section (g) Specific standards for agricultural and extractive activities

Part (i) Special conditions for crop and animal raising

(g) Specific standards for agricultural and extractive activities
A conditional use permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

(i) Special conditions for crop and animal raising.

(A) This shall apply to the keeping of farm animals only, provided however, that hog pens and game roosters and/or fighting roosters shall be prohibited.

(B) Minimum lot size shall be five (5) acres for keeping, raising, or grazing horses, cattle, goats, sheep, or

chickens.

(C) This shall not be construed to include any kind of feed lot operation.

Section 14-202	Use Classification
Item (9)	Agricultural, resource production, and extractive activities
Section (c)	Crop and animal raising

(9) Agricultural, resource production, and extractive activities.

(a) Agricultural services includes various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto.

(i) Crop drying, storage, and processing

(ii) Crop planting, cultivating, and protection services

(iii) Horticultural services

(iv) Soil preparation services

(v) Veterinary services for large animals

(b) Confined animal feeding operations includes facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter within confined fenced spaces (also known as a feed lot) or within buildings.

(c) Crop and animal raising includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding confined animal feeding operations and facilities for the processing, packaging, or treatment of agricultural products.

(i) Dairies

(ii) Farms

(iii) Raising of plants, animals, and fish

(iv) Truck gardens

Mr. Brock Rust addressed the Board members and gave a short history of the property and adjoining properties. He stated he is the current owner of the property being reviewed. The property is approximately 10 acres. The original plan for the property was to include 39 units and now the plan is to sell the property to Rick Schwartz and build one residential home. Mr. Rust stated Mr. Schwartz is the director of the Nashville Zoo and inquired on keeping animals on the property called a "Bongo". Mr. Rust introduced Mr. Rick Schwartz to explain the proposal and answer any questions the Board members and neighbors may have.

Mr. Schwartz stated he is the director of the Nashville Zoo and has been for 27 years. He stated that his intention is not to have a mini zoo on the property or a breeding facility for the animals, but simply to house the Bongo animals. He stated this breed is a specialty to him and The Nashville Zoo. He explained what the Bongo is, stating; It is an African Forest Dwelling Antelope, very sensitive to Tennessee temperature. They currently stay inside at the zoo when the temperature is below 45 degrees. They are the rarest Antelope species in the world.

They are extremely trackable, extremely clean, as tame as a goat, and are mute/make no noise. The bongo's have a small hoof size (smaller than a cow or horse) with no damage to the turf. They primarily eat leaves and pellet type food (zoo diet). He stated they are not big jumpers, (short-legged-heavy bodied). He explained that his plan is to bring the animals from the zoo property to the proposed property in a couple of years. The Nashville Zoo is doing renovation and the area that keeps the bongos is going to be under construction. The bongos will need to be moved because they cannot handle the construction and noise. Mr. Schwartz proposed that the fencing area would be around all 9.82 acres as a perimeter fence, which is required by TN. Wildlife Resource Agency. The bongo's enclosure would be inside of that game fencing just like at the zoo. He explained if one did escape, it would still be inside of the perimeter fence. He stated, at nighttime and in the winter, the animals go into a stall (16x16) to eat and stay. When the animals stay inside at night, it protects them from noise and temperatures. It is also a time to monitor the animals, to feed and give the care they may need. He stated, it also gives relief to the field that they are in so the animals are not out there constantly. He stated the grass and grounds will be maintained at all times.

Mr. Schwartz explained that it would not be a huge herd of the animals, it would be only one male and four females. All of the animals were born on zoo property, and none born in the wild. They have been on the property at the Nashville Zoo for seven or eight years. All vaccines and health checks are administered by veterinarians of the zoo, and they have no health issues. Several neighbors addressed Mr. Schwartz with questions and concerns.

Neighbors John and Nancy Edmondson stated they were concerned about the animals being in their backyard and in the city, they also discussed natural runoff causing erosion and waste concerns. Mr. Frank Schmidt represented The Ture Vine community. He stated the Home Owners Association is asking that the request for crop and animal raising agricultural activity use in an R-40 be denied. Jason Higgins at 1201 Willis Branch Road stated that the property surrounding this area has hunting and gunfire, atv and motorcycle riding activities at times. His question being if the noise and activity would disturb the animals. He also wanted to know about any rezoning restriction that might occur. Ms. Susie Pemberton at 1237 Willis Branch Road asked about containing the animals and catching them if they escaped the fencing area. She also asked about potential diseases and vaccines of the animals. Ms. Rose Adams at 125 Tara Lane expressed concern with the animals possibly being a carrier of the Ebola virus or any other virus. Ms. Judy Pratt at 1205 Willis Branch stated concern about the fencing and how it might be out of character (displeasing) for the surrounding properties, and how noise might affect the animals. Ms. Horton at 127 Tara Lane asked if the housing of the Bongos would be temporary, and if so, what would happen with the fence on the property if the animals are moved back to the zoo. Mr. Schwartz addressed the neighbor's questions. Concerning the fence, he plans to make the make it appealing by landscaping and camouflaging (electrostatic painting) the fence. Commissioner Zach Young stated that regardless of the decision on this request, the fencing is allowed. Mr. Schwartz addressed the concern of Ebola Virus and stated there had been no documented cases in North America of animals carrying this disease, only documented in

humans. He stated the animals have been at the zoo since 1990 and one has never escaped or jumped the 8 foot fence. Noise is not an issue for the animals, he stated they are used to the crowds and noises of the zoo on a daily basis. Erosion concerns should not be an issue, they cause less damage than the white tail deer that are already on the property. He stated the animals only would produce a baby bongo every couple of years.

Mr. Owen Sanders asked how many acres of the property would be used for housing of the animals. Mr. Schwartz stated about four acres would be used and added that the animals do not do any damage to the terrain/soil. Commissioner Zach Young asked about the proposed size of the stalls for housing of the animals. Mr. Schwartz stated there would be (three) 16 x 16 stalls for the animals. Chairman, Tom Mosier asked about the offspring of the animals and if they would be housed with the original 1 male and 4 females. Mr. Schwartz indicated that any offspring would be handed off to other zoos. He also stated that there are no State Federal Regulations regarding the animals.

Commissioner Zach Young stated he thought the impact of this request would be significantly low, if at all. He made a motion to conditionally approve the request based on:

- Five (5) Bongos
- Approximately four (4) acres of the land to be used for housing of the animals
- Bongos to be inside of an eight (8) foot fence along with a perimeter fence
- This request granted to this property only and property owner Mr. Rick Schwartz
- Property to be subdivided to the 9.82 acre tract that was submitted

Mr. Owen Sanders seconded the motion. The motion passed unanimously 3-0.

ORDER OF THE BOARD

WHEREAS; the public and adjoining property owners have been adequately notified, and

WHEREAS; the Board has determined that the requirements of The Goodlettsville Zoning Ordinance have been addressed, and

WHEREAS; the Board has determined that no adverse impact will occur

NOW, THEREFORE, BE IT ORDERED, the request for conditional use for a crop and animal raising agricultural activity use in an R-40, Low Residential Zoning District on True Vine Way is approved based on Ordinance Also noted, this will be contingent upon Goodlettsville City Commission's review and approval of the R-40, Low Density Residential

property rezoning. Property is referenced as Sumner County Tax Map 143F, Group A, Parts of Parcels 35 and 38 and containing approximately 9.82 acres.

Other Business:

Election of the 2016 Board of Zoning and Sign Appeals was deferred to the next scheduled meeting due to time limitations of this meeting.

The meeting adjourned at 5:25 p.m.

Tom Mosier, Chairman

Rhonda Carson, ECD Assistant