



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: VARIANCE

Property location: 1881 Monticello Highway
Property tax parcel: 038-002A, 038-003A & 037D-014
Acreage: Approximately 436 acres in county
Applicant: The Georgia Zoo, LLC
Applicant's Agent: William Killmer
Property Owner: J&J Clack Tract and J&J Family Farm, LLC
Existing Use: Agricultural, approved for Zoo Facility

Summary

William Killmer, on behalf of The Georgia Zoo, LLC, has requested a variance to the time limit for approval in Section 21.5.8 of the Morgan County Zoning Ordinance.

[Section 21.5.8 Time Limitation of Approval](#)

All uses, construction or building approved in the conditional use must begin within six (6) months of approval of the Board of Commissioners and be fully completed within one (1) year of approval. If not fully completed, it is the responsibility of the applicant to appeal to the Director of Planning and Development for a renewal of approval. This appeal should include, at a minimum, statements of fact demonstrating that the applicant is still invested in the project; that the project is moving forward in a reasonable manner; the project has not deviated from the approved plan; and any other information that is pertinent to the appeal. The applicant will be notified within seven (7) days of the date of the receipt of the appeal if their conditional use approval has been extended for another six (6) months. Any applicant aggrieved by the decision of the Morgan County Office of Planning and Development in regard to this appeal may file an appeal in accordance with this Article.

Please note that the language in place at the time of the Zoo's last approval allowed for a 12 month extension. The language was amended in December 2016.

The Ordinance requires that the use, construction or building approval must begin within 6 months of approval. Based on periodic meetings with the Zoo staff, the Director was satisfied that enough progress was being made to allow for the conditional use approvals to continue past the 6 month time period. However, the Zoo had to submit letters of appeal requesting extensions.

The Zoo's original approval for the Monticello Highway location was on April 1, 2014. A letter requesting a 12 month extension was filed on March 5, 2015 (See attached).

The Zoo amendment to the original conditional use approval was approved on November 3, 2015. A letter requesting a 12 month extension was filed on October 31, 2016 (See attached). Their current extension will expire November 1, 2017.

Keep in mind the criteria listed below are primarily for land variances and are not specifically written for text variances; several of the criteria will not apply.

Criteria for Consideration

From the Morgan County Zoning Ordinance. Section 20.3.1, Required Findings for Variance Approval:

1. There are extraordinary and exceptional conditions pertaining to the property because of size, shape and topography;
2. The literal application of this Ordinance would create an unnecessary hardship;
3. A variance would not cause substantial detriment to public good and impair the purposes and intent of this Ordinance;
4. A variance would not confer upon the property of the applicant any special privilege denied to other properties in the district;
5. The special circumstances surrounding the request for the variance are not the result of acts of the applicant;
6. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district;
7. The zoning proposal is consistent with all standards and criteria adopted by Morgan County;
8. The variance is the minimum variance that will make possible an economically viable use of the land, building or structure.

Staff Comments

The applicant and The Georgia Zoo, LLC, state in the attached letter that the zoo is a multi-year phased project. This position has been maintained since the Zoo's first meeting in 2012 when discussing the text amendment and original location on south Highway 83 (approved in 2013).

Staff recommends that the variance be approved and the time limit for approval be removed for The Georgia Zoo, LLC. However, in lieu of re-approvals and extension letters, Staff recommends that a condition be placed on the variance that the Georgia Zoo must make a bi-yearly (minimum) presentation to the Morgan County Planning Commission until such time as the first phase of the walk-through portion of the zoo is open to the public, explaining the progress of the zoo project.

With regard to the time limit and phased projects, Staff admits that compliance with the limit can be difficult at best. Experience has shown that churches often have issues complying with the time limit as well, due to funding complexities. Staff will propose a language change at a later date to address these issues.



July 6, 2017

Morgan County Planning Commission
150 E. Washington Street, Suite 200
Madison, GA 30650

To Whom It May Concern:

This letter serves as official application for a zoning variance to be granted the Georgia Zoo, LLC on the six-month construction start and one-year completion requirement for conditional use approvals as outlined in section 21.5.8. We are a multi-year phased project and in the final stages of securing our phase one funding. Construction commencement is contingent upon this funding and even under the most expedient of situations, we are predicting a twelve to eighteen-month construction period to complete phase one due to the various components of our project. Likewise, the timeline for the development of future phases will be contingent upon animal availability and funding making it difficult to comply with the with the one year time requirement.

We are working diligently towards breaking ground and ask that a variance be granted to allow us the necessary time needed to finalize our funding and begin construction on phase one and subsequent phases going forward. Our project adheres to the criteria for variance listed below.

- There are extraordinary and exceptional conditions pertaining to the property because of size, shape and topography;
- The literal application of this Ordinance would create an unnecessary hardship;
- A variance would not cause substantial detriment to public good and impair the purposes and intent of this Ordinance;
- A variance would not confer upon the property of the applicant any special privilege denied to other properties in the district;
- The special circumstances surrounding the request for the variance are not the result of acts of the applicant;
- The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district;
- The zoning proposal is consistent with all standards and criteria adopted by Morgan County;
- The variance is the minimum variance that will make possible an economically viable use of the land, building or structure.

If you have any questions, or if we can provide you with any additional information, please do not hesitate to contact our office. Thank you.

Sincerely,



William Killmer, CEO



March 5, 2015

Tara Cooner
Morgan County Planning & Development
P.O. Box 1357
150 E. Washington St.
Suite 200
Madison, GA 30650

Dear Ms. Cooner:

This letter addresses the approaching deadline for the completion of Phase 1 of The Georgia Zoo & Safari Park under the conditional use permit that was issued on April 1, 2014. Although work has progressed on our project, we will not meet this deadline and therefore, are requesting an additional 12 month extension to April 1, 2016.

Although it is not obvious to the general public, our work on the Zoo has been progressing steadily as we continue to finalize project details with our general contractor, architects and engineers. The design process is very important to the well-being of our animals and to the ultimate success of our project. We are taking the necessary steps to ensure that our designs are thorough and well thought out. At this time, we are planning to open the Safari Park in January of 2016, while construction continues on phase 1 of the walk through Zoo, which has a planned opening date of sometime in the fall of 2016.

Since the beginning of this process, we have stated that the Georgia Zoo & Safari Park will be completed in phases over a five year time period. The requested extension date of April 1, 2016 will not be for the completed project but for the opening of Phase 1 to the public.

Thank you for your consideration of our request, and please feel free to contact us if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Killmer", is written over a horizontal line.

Bill Killmer
CEO



October 31, 2016

Tara Cooner
Morgan County Planning & Development
P.O. Box 1357
150 E. Washington St.
Suite 200
Madison, GA 30650

Dear Ms. Cooner:

This letter addresses the approaching deadline for the completion of Phase 1 of The Georgia Zoo & Safari Park under the conditional use permit that is set to expire November 2016. Although work is continuing to progress on our project, we will not meet this deadline and therefore, are requesting an additional 12-month extension to November, 2017.

Although it is not obvious to the general public, our work on the Zoo has been progressing steadily as we continue to finalize project details with our general contractor, architects and engineers. The design process is very important to the well-being of our animals and to the ultimate success of our project. We are taking the necessary steps to ensure that our designs are thorough and well thought out.

Since the beginning of this process, we have stated that the Georgia Zoo & Safari Park will be completed in phases over a five-year time period. The requested extension date of November 2017, will not be for the completed project but for the opening of Phase one to the public.

Thank you for your consideration of our request, and please feel free to contact us if you need any additional information.

Sincerely,


Bill Killmer
CEO