



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: ZONING MAP AMENDMENT

Property location:	1881 Monticello Highway
Property tax parcel:	Portion of 038-002A
Acreage:	Approximately 40 acres
Applicant:	The Georgia Zoo, LLC
Applicant's Agent:	William Killmer
Property Owner:	J&J Clack Tract and J&J Family Farm, LLC
Existing Zoning:	Agricultural Residential (AR)
Proposed Zoning:	Agricultural (AG)

#### Summary

In March 2014, the Georgia Zoo, LLC requested to rezone approximately 395 acres from AR (Agricultural Residential) to AG (Agricultural). At the same meeting, conditional use approval was requested to allow a zoo facility on the same property.

The 2014 rezoning request was for the following:

Tax Parcel 037D-014: Approximately 321 acres

Tax Parcel 038-002A: approximately 50 of 90 acres

Tax Parcel 038-003A: Approximately 24 acres

The Georgia Zoo, LLC has now expanded the zoo project to the remaining 40 approximate acres of Tax Parcel 038-002A, which will require the rest of the parcel to be rezoned to AG for the land to be part of the zoo. A Zoo Facility is not allowed in the AR zoning district.



Tax Parcel 038-002A is along Clack Road. The approximately 90 acre parcel was not re-surveyed when part of the property was rezoned in 2014. Current maps do not show part of the property as AG and the remainder as AR. The red line shows approximately where the division was identified in 2014. Below the line was rezoned to AG. Above the line remained AR.



(Note: the different colors on these two maps are because we had a different printer when the older image was created.) The image on the left is from the 2014 presentation for the original rezoning request. The zoo properties are shown as a lighter green (AR)(looks yellow) and are outlined in blue. The red oval highlights a line that was added as part of the presentation, denoting the proposed division of Parcel 038-002A. The image on the right is the current zoning, which incorrectly shows the entire parcel as zoned AG (darker green). This mistake, as mentioned above, is because the parcel was not re-surveyed, so the entire parcel was changed to reflect AG zoning. Although the map shows AG, the records (Staff reports, Minutes, etc.) clearly show that only part of the land was rezoned to AG. This mistake in mapping is why the need to rezone the additional approximately 40 acres was not caught until after the last agenda had been published, prompting Staff to request that the applicant withdraw their two applications from the August agenda.

Past Planning Commission & Board of Commissioners Minutes (excerpts)

**Excerpt from the March 27, 2014 Planning Commission meeting (Note: the agenda listed all 90 acres as part of the rezoning. The acreage was clarified during the meeting and reflected in the motion.**

- I. J & J Conrads Farm is requesting a rezoning for three parcels, from Agricultural Residential (AR) to Agricultural (AG). The properties are approximately 309 acres located on Highway 83 south of Interstate 20 (Tax Parcel 037D-014), approximately 90 acres located on Clack Road (Tax Parcel 038-002A), and approximately 24 acres located on Clack Road (Tax Parcel 038-003A).

Chuck Jarrell presented the staff report on behalf of Morgan County. He explained that the request is for three parcels for a total of approximately 395 acres. He clarified that the acreages were Tax Parcel 037D-014 - 321 acres, Tax Parcel 038-002A – approximately 50 of 90 acres, and Tax Parcel 038-003A – 24 acres. The Planning Commission asked about the surrounding zoning districts. Mr. Jarrell confirmed that such a large area could stand on its own and not be considered spot zoning.

Mike Conrads (255 North Main Street, Madison), applicant, explained that he was requesting the rezoning to clear the way for a particular use and noted that, if it failed, he would return to rezone the property back to AR.

Frank Wooten (1390 Clack Road) spoke against the application and explained that he had moved to his current location to get away from “junk.” He stated he was concerned about the future of Highway 83 and wondered if traffic lights and additional lanes would be necessary because of zoo traffic. The Planning Commission explained to Mr. Wooten that comments regarding the zoo should be held until the next agenda item was discussed.

Dr. Fred Bell (1461 Jim Thomas Road) spoke against the application as it was connected to the zoo application. The Planning Commission explained that different criteria were used for a rezoning versus a conditional use, and the rezoning must be examined separately from the zoo application.

Motion: Mr. Knight made a motion to recommend approval of the rezoning of the following parcels and acreages from AR to AG: Tax Parcel 037D-014 - 321 acres, Tax Parcel 038-002A – approximately 50 of 90 acres, and Tax Parcel 038-003A – 24 acres, for a total of approximately 395 acres

Second: Mr. Myers

Vote: 8:0 The motion to recommend approval of the rezoning from AR to AG of approximately 395 acres was approved.

#### **Excerpt from the April 1, 2014 Board of Commissioners Meeting**

1. J & J Conrads Farm is requesting a rezoning for three parcels, from Agricultural Residential (AR) to Agricultural (AG). The properties are approximately 321 acres located on Highway 83 south of Interstate 20 (Tax Parcel 037D-014), a portion of approximately 90 acres located on Clack Road (Tax Parcel 038-002A), and approximately 24 acres located on Clack Road (Tax Parcel 038-003A).

Tara Cooner, Senior Planner, provided a report from the Planning Commission meeting. She stated the rezoning request is for three parcels: one on Highway 83 which is 321 acres, one on Clack Road that is 24 acres and 50 acres of a 90 acre parcel on Clack Road, for a total of 395 acres. The property is adjacent to City of Madison industrial zoning and County AR zoning. The Planning Commission was concerned about spot zoning as there was no AG zoning adjacent. Staff responded by saying that an area this size could stand on its own, whereas a smaller parcel would be considered spot zoning. Mike Conrads spoke in favor of his application. Frank Wooten spoke in opposition but his opposition was to the zoo which was the next item on the agenda. Dr. Fred Bell spoke in opposition to the rezoning, based on the fact that the rezoning was for the zoo. The Planning Commission stressed that the Zoning Procedures Law requires them to use criteria specific to rezoning. The Planning Commission voted unanimously to recommend approval of rezoning 2 parcels and part of a third for a total of 395 acres.

Chairman Ainslie allowed proponents to speak.

Mike Conrads, 255 Main Street, Madison spoke in favor of his application.

Chairman Ainslie allowed opponents to speak. There were no opponents.

MOTION by Comm. Harris, seconded by Comm. Warren to approve the request from J & J Conrads Farm for rezoning three parcels from Agricultural Residential (AR) to Agricultural (AG). The properties are

approximately 321 acres located on Highway 83 south of Interstate 20 (Tax Parcel 037D-014), a portion of approximately 90 acres located on Clack Road (50 acres) (Tax Parcel 038-002A) and approximately 24 acres located on Clack Road (Tax Parcel 038-003A) for a total of approximately 395 acres. Unanimously Approved.

#### Criteria for Consideration

(Please note that the criteria below are bulleted in the Morgan County Zoning Ordinance, Section 19.3.1. They are numbered here for ease of use.

1. Compatibility with Adjacent Uses and Districts: Existing uses and use districts of surrounding and nearby properties, whether the proposed use district is suitable in light of such existing uses and use districts of surrounding and nearby properties, and whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
2. Property Value: The existing value of the property contained in the petition under the existing use district classification, the extent to which the property value of the subject property is diminished by the existing use district classification, and whether the subject property has a reasonable economic use under the current use district.
3. Suitability: The suitability of the subject property under the existing use district classification, and the suitability of the subject property under the proposed use district classification.
4. Vacancy and Marketing: The length of time the property has been vacant or unused as currently used under the current use district classification; and any efforts taken by the property owner(s) to use the property or sell the property under the existing use district classification.
5. Evidence of Need: The amount of undeveloped land in the general area affected which has the same use district classification as the map change requested. It shall be the duty of the applicant to carry the burden of proof that the proposed application promotes public health, safety, morality or general welfare.
6. Public Facilities Impacts: Whether the proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks or other public facilities and services.
7. Consistency with Comprehensive Plan: Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan.
8. Other Conditions: Whether there are any other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposal.

#### Staff Comments

Precedent has already been set regarding the zoning approval for the zoo facility. Any reason for denial must justify why 50 acres of a parcel was appropriate for rezoning in 2014, but the remaining 40 acres is not now.



August 14, 2017

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

To Whom It May Concern:

This letter serves as our official application for the rezoning of an approximately forty (40) additional acres of tax Parcel 03A-002A from AR to AG. Our project adheres to the following criteria for zoning map approval as outlined below:

- **Compatibility with Adjacent Uses and Districts:** Existing uses and use districts of surrounding and nearby properties, whether the proposed use district is suitable in light of such existing uses and use districts of surrounding and nearby properties, and whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
- **Property Value:** The existing value of the property contained in the petition under the existing use district classification, the extent to which the property value of the subject property is diminished by the existing use district classification, and whether the subject property has a reasonable economic use under the current use district.
- **Suitability:** The suitability of the subject property under the existing use district classification, and the suitability of the subject property under the proposed use district classification.
- **Vacancy and Marketing:** The length of time the property has been vacant or unused as currently used under the current use district classification; and any efforts taken by the property owner(s) to use the property or sell the property under the existing use district classification.
- **Evidence of Need:** The amount of undeveloped land in the general area affected which has the same use district classification as the map change requested. It shall be the duty of the applicant to carry the burden of proof that the proposed application promotes public health, safety, morality or general welfare.
- **Public Facilities Impacts:** Whether the proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks or other public facilities and services.
- **Consistency with Comprehensive Plan:** Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan.

- Other Conditions: Whether there are any other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposal.

In 2014, rezoning to an AG designation from AR was granted for approximately fifty (50) of the approximate ninety (90) acres of tax parcel 03A-002A. Since that time, the scope of our safari project has expanded and we are now seeking rezoning to AG on the remaining acres of the parcel. Thank you for your consideration and please let us know if you have any questions or if we can provide you with additional information. Thank you.

Sincerely,



William Killmer  
CEO