



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

**PETITION FOR: CONDITIONAL USE – ZOO FACILITY
VARIANCE – SECTION 21.5.8**

Property location:	1881 Monticello Highway
Property tax parcel:	038-002A, 038-003A & 037D-014
Acreage:	Approximately 436 acres
Applicant:	The Georgia Safari Conservation Park
Property Owner:	J&J Clack Tract and J&J Family Farm, LLC
Existing Use:	Agricultural, approved for Zoo Facility
Proposed Use:	Zoo Facility
Variance:	Extend the time limitation for conditional use approval

Summary

William Killmer, on behalf of The Georgia Zoo, LLC, is requesting conditional use approval to operate a zoo facility on approximately 436 acres in the unincorporated county. The project encompasses approximately 92 additional acres within the city limits of Madison. For clarification, this staff report does not address the property within Madison limits.

The applicant first came to the Planning Commission in June, 2013, to ask for approval of language to add zoo facilities to the Morgan County Zoning Ordinance. The applicant also sought conditional use approval of a location in south Morgan County, on Highway 83 near the county line. The text amendment was approved by the Board of Commissioners on July 2, 2013, with approval of the location in August 2013.

The applicant approached the county in 2014 with a different location, and the conditional use approval for a zoo facility at the current address of 1881 Monticello Highway was granted on April 4, 2014. Approval for the previous location was rescinded.

In October 2015, the applicant requested a text amendment to the Zoo Facilities Ordinance to add lodging and amusement rides. At that same meeting, an amendment to update the April 2014 conditional use approval (which had been extended in March 2015) was requested, as well as a separate conditional use approval to operate an event facility. The text amendment and conditional use update were approved on November 3, 2015, but the event Facility application was remanded back to the Planning Commission for further consideration. No additional submittal has been received for the event facility application.

In October 2017, after exhausting the 12 month extension allowed by the Zoning Ordinance, the applicant applied for continued conditional use approval and a variance to the time limitation on conditional use approval. After a lengthy discussion at the Board of Commissioners meeting, the conditional use was approved, and a variance was given to allow the applicant 3 years before having to request conditional

use approval again. The Board of Commissioners provided stipulations that the first phase of the walk-through park and the first phase of the safari park must be open to the public in order to cease future requests for conditional use approval. The three year variance is now ending and the applicant is requesting a renewal of conditional use approval and a new variance for another 3 years.

Applicable Ordinances

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.

Prior zoning actions related to short term rental requests

Staff did not include the Minutes from the discussions and approvals of the text amendment for the original Zoo Facilities language, or the south 83 location, as they are not relevant to this application.

Excerpt from March 27, 2014 Planning Commission meeting

- I. Michael Vaden is requesting a conditional use permit to operate a zoo on property located on Highway 83, south of Interstate 20 (Tax Parcel 037D-014), and extending back to Clack Road (Tax Parcel 038-003A and a portion of Tax Parcel 038-002A).

Chuck Jarrell presented the staff report on behalf of Morgan County and stated that the conditional use would be contingent on the approval of the previous rezoning application. He also stated that, if approval was given for this location, the approval given for the 2013 location would be voided, so the applicant would only have one zoo location. The proposed phased plan was shown and it was noted that Georgia Civil was working with DOT on the applicant's behalf. Mr. Jarrell explained that the applicant had stated that there would be no public access from Clack Road. He described the reasons why a DRI had not been submitted for the project and how staff would access the property during the upcoming Comprehensive Plan update to determine if the Future Land Use Map should be changed. He reviewed the conditions requested by the applicant and those suggested by staff. The Planning Commission asked about state waters present on the property and the size required for trees in a buffer.

Michael Vaden (1021 River Farm Run), Bill Killmer (2001 Little River Road) and Robert Tucker (New York) spoke in support of the application (the three are partners in the project). Mr. Killmer explained that they were approached by Mr. Conrads during last year's conditional use process regarding the proposed property. Both he and Mr. Vaden stressed that they wanted to leave the land as unchanged as possible.

The pair described their plan for buffers surrounding the project and addressed concerns regarding fencing at length. Mr. Vaden submitted copies of approximately 170 support letters to Vice-Chairman Craft.

Dr. Ed Price (1921 Clack Road) spoke in favor of the application. He noted the location of his home and stated that he felt the regulations put in place were good and that the applicant had illustrated a good plan. He stated that he preferred the “managed terrain” of a zoo to the possibility of a subdivision in that location.

Sandy Cawley (1150 Rawlings Drive) spoke in favor of the application, particularly regarding the educational opportunities for students and career opportunities for local residents.

Dr. Fred Bell (1461 Jim Thomas Road) spoke against the application and stated repeatedly that he felt the zoo would be a “travesty” for Madison. He spoke about a zoo he lived near when he was a child and the noise that the zoo produced. He stated that the zoo would damage Morgan County’s water supply and was a dangerous venture. He cited animal escapes from zoos during hurricanes in Florida. He stressed that everything proposed should be submitted in writing. Ms. Booth shared her knowledge of a zoo in North Carolina where the neighbors heard no noise from the zoo and felt it was an advantage to their community. Dr. Bell stated that a zoo was “OK for Greensboro, North Caroline, but not for Madison.”

Mr. Vaden explained what types of animals he intends to have in the zoo and how they are handled during inclement weather. He addressed water concerns and noted that the zoo’s water usage would be significantly less than a subdivision. He and Mr. Killmer described a meeting with school officials to discuss educational benefits.

Mary Kay Blalock (1411 Apalachee Woods Trail) spoke in favor of the application. She stated that she had previously worked for DNR and had issued permits to zoo facilities for wild or non-native animals. She stated that the proposed zoo project went “above and beyond” what was required.

The Planning Commission inquired about animal procurement and whether they would work with rescued animals. A lengthy discussion on buffers followed, with Mr. Vaden and Mr. Killmer answering questions from the Planning Commission regarding buffer deferment and installation.

Motion: Mr. Campbell made a motion to recommend approval of the conditional use application with the following conditions:

1. Exemption from paving materials; allow use of pervious materials;
2. Elimination of the barbed wire requirements for the perimeter fence;
3. Allow use of regular cattle fence where domestic animals will be kept;
4. Allow the use of existing buffers not located on the applicant’s property;
5. Allow planting of buffers as phases develop; allow use of seedlings. If seedling size is not compliant when a new phase opens, the buffer must be brought into compliance.
6. No public entrance be allowed on Clack Road;
7. Written permission be given from neighbors regarding the use of buffers;
8. Amend the emergency plan to include notification to City of Madison authorities in the event of an animal escape.

Second: Ms. Booth

Vote: 8:0 The motion to recommend approval of the conditional use application with 8 conditions was approved.

Excerpt from April 1, 2014 Board of Commissioners meeting

1. Michael Vaden is requesting a conditional use permit to operate a zoo on property located on Highway 83 south of Interstate 20 (Tax Parcel 037D-014), and extending back to Clack Road (Tax Parcel 038-003A and a portion of Tax Parcel 038-002A).

Tara Cooner, Senior Planner, stated the zoo is proposed for 395 acres between Highway 83 and Clack Road. The applicant understands that if approval is given for this location the previous approval for the location on south Highway 83 will be voided. The concept is to have a walk through zoo and botanical park at the entrance on Highway 83, with the remaining 300 acres used as a safari park and support areas. Georgia Civil is working with DOT on the applicant's behalf regarding entrances and potential turn lanes. The Zoning Ordinance regulations for a zoo were reviewed, as well as the conditions requested by the applicant and those suggested by staff. Fencing and buffers were discussed at length. Mike Vaden, Bill Killmer and Robert Tucker spoke in favor of the application and presented additional information regarding buffers and fencing. Ed Price and Sandy Cawley spoke in favor of the application. Dr. Fred Bell spoke in opposition, citing noise from a zoo he lived near as a child. Mary Kay Blalock spoke in favor of the application and stated that she used to work for DNR and was involved with permitting for zoo facilities. She stated that the applicant's proposal was above what is required. We received one letter in opposition from Cornelius Vason, two letters of support from the Chamber of Commerce and the Madison Morgan Conservancy, and Mr. Vaden presented letters of support at the Planning Commission meeting. The Planning Commission voted unanimously to recommend approval of the conditional use application with the following conditions:

Applicant requested conditions:

1. Exemption from paving materials; use of pervious materials;
2. Elimination of the barbed wire requirements for the perimeter fence;
3. Allow use of regular cattle fence where domestic animals will be kept;
4. Allow the use of existing buffers not located on the applicant's property;
5. Allow planting of buffers as phases develop; use of seedlings. If seedling size is not compliant when a new phase opens, the buffer must be brought into compliance.

Staff suggested conditions:

1. No public entrance be allowed on Clack Road;
2. Written permission be given from neighbors regarding the use of buffers; (Phillip von Hanstein and Mr. Conrad, if the Board is amenable to the clarification request)
3. Amend the emergency plan to include notification to City of Madison authorities in the event of an animal escape.

Chairman Ainslie allowed proponents to speak.

Michael Vaden, Bill Killmer, and Robert Tucker were present to answer questions about the zoo.

Mike Torino, 520 East Avenue, Madison spoke in favor stating that the zoo would support other activities, bring growth in a modest fashion and provide educational growth.

Bob Hughes, 115 East Jefferson Street, Madison spoke in favor stating the zoo would turn Madison into a destination which would help restaurants and other businesses.

Dave Belton, 1471 Morgan Drive, Madison spoke in favor stating the zoo would bring quality growth and educational opportunities.

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

MOTION by Comm. Warren, seconded by Comm. Harris to approve the request for a conditional use permit to operate a zoo on property located on Highway 83, south of Interstate 20 (Tax Parcel 037D-014), and extending back to Clack Road (Tax Parcel 038-003A and a portion of Tax Parcel 038-002A) with eight stipulations, two of which are modifications of Planning Commissioners recommendation. Unanimously Approved.

Conditions for Commissioners Approval of Zoo on property located on Highway 83, south of Interstate 20 (Tax Parcel 037D-014), and extending back to Clack Road (Tax Parcel 038-003A and a portion of Tax Parcel 038-002A).

1. Exemption from paving materials; allow use of pervious materials;
2. Elimination of the barbed wire requirements for the perimeter fence;
3. Allow use of regular cattle fence where domestic animals will be kept;
4. Allow the use of existing buffers not located on the applicant's property; if existing buffers are removed, a compliant buffer must be installed immediately;
5. Allow planting of buffers as phases develop; allow use of seedlings. If seedling size is not compliant when a new phase opens, the buffer must be brought into compliance. The buffer installation between the zoo property and the adjacent property (037D-014Z) may wait until the adjacent property is sold or developed (with the exception of Phase 1).
6. No public entrance be allowed on Clack Road;
7. Written permission be given from neighbors regarding the use of buffers; (Phillip von Hanstein and Mr. Conrad, if the Board is amenable to the clarification request)
8. Amend the emergency plan to include notification to City of Madison authorities in the event of an animal escape.

Excerpt from October 22, 2015 Planning Commission meeting

- I. The Georgia Zoo, LLC, is requesting a text amendment to add lodging and amusement rides to Chapter 7.34, Zoo Facilities, in the Morgan County Zoning Ordinance.

Mr. Jarrell presented the staff report and briefly reviewed the proposed language. He explained that the applicant had requested two changes to the language regarding the addition of resort amenities to the lodging portion of the language, and a modification regarding allowance of rides over dangerous animal enclosures. Staff also proposed an addition to the language to provide a 100' setback between lodging facilities and property lines. The Planning Commission confirmed that there was potential liability regarding rides over dangerous animals, although they noted that other zoos allowed such activity and

the applicant's insurance carrier would be a determining factor. When asked how the zoo could add amenities as they expand, Mr. Jarrell responded that they may need to come back and ask for additions to the language.

Bill Killmer and Mike Conrads, representing the applicant, informed the Planning Commission that the zoo was moving forward with the approval of their loan and that they wanted to improve the project with the addition of lodging and amusement rides. The Planning Commission asked about the barrier that would be between dangerous animals and riders and the aesthetics of the ride towers. Mr. Killmer stated that they would meet industry standards to protect the guests, and that the towers would be located on the interior of the project and would be minimally visible from roads. He explained that the zoo would grow organically with the safari park opening proposed for 2016 and the walk-through zoo in 2017. When asked how many units of lodging were intended and when they would be constructed, Mr. Killmer stated that their business model was for 80 units total, but they would not be constructed right away. He then corrected himself to state that the construction timing would depend on funding and sponsorships, but stated that he didn't want to have to keep coming back to the Planning Commission for further approvals. The Planning Commission discussed the carte blanche approach of the applicant and debated the feasibility of requiring additional approvals to encourage an incremental approach. The probability that the language will have to be amended in the future was recognized.

Bob Hughes, Economic Development Director, spoke in favor of the application and stated that he supported any enhancements that could make the zoo a world class destination.

Ed Price, 1921 Clack Road, spoke in opposition to the application and read notes from the original approval of the zoo, which he stated did not mention a hotel or amusement rides. He stated he would like to see the zoo before these additional amenities and reminded the Planning Commission that there was to be no entrance on Clack Road.

Shane Vivian, 1891 Clack Road, did not approach the podium, but stated that he concurred with Mr. Price.

Terry Collins, 1203 Thankful Road, spoke in opposition to the application and stated concerns that the rural nature of Clack Road would be disturbed.

The Planning Commission reminded those present that the applicant had stated during previous meetings that they would return to request these amenities. The Planning Commission recognized the effort that was made to create a text amendment that was amenable to all parties.

Motion: Mr. McMahon made a motion to recommend approval of the text amendment, including the suggested changes by the applicant regarding resort amenities and rides over dangerous animals, and the staff suggested change regarding setbacks for lodging.

Second: Mr. Cardwell

Vote: 8:0 The vote to recommend approval of the text amendment with suggested changes by the applicant and staff was unanimous.

- II. The Georgia Zoo, LLC, is requesting an amendment to an existing Conditional Use approval, granted in April 2014, to add lodging and amusement rides on property located at 1881 Monticello Highway (Tax Parcels 037D-014, 038-002A, 038-003A).

Mr. Jarrell presented the staff report and explained that the existing Conditional Use had to be amended to add lodging and amusement rides, as they were not part of the original approval. The application is contingent on the approval of the preceding text amendment. Mr. Jarrell stated that staff suggested that a maximum number of lodging units be established and expressed concern regarding the original prohibition regarding a public entrance on Clack Road, particularly related to the location of the proposed lodging. The Planning Commission discussed the Clack Road condition placed on the approval in 2014, specifically the original intent to prevent traffic to the zoo park, and debated whether the reduced traffic allegedly associated with lodging would justify allowing an entrance.

Bill Killmer reiterated that the Zoo's business model focused on 80 lodging units, which he said were necessary to differentiate the Georgia Zoo from other zoos. He stated that he did not want the lodging to be visible from Clack Road and felt the entrance was necessary for the convenience of the guests. The Planning Commission asked Staff how many parking spaces would be needed for 80 units; Mr. Jarrell responded that a minimum of 90 would be needed to accommodate 80 units and staff. When asked about the proposed layout, Mr. Killmer stated that the land plan wasn't completed.

No one spoke in favor of the application.

Ed Price spoke in opposition to the application, specifically regarding an entrance on Clack Road, and asked that the rural nature of the road be preserved.

Shane Vivian and Terry Collins did not approach the podium, but expressed agreement with Mr. Price.

The Planning Commission discussed the feasibility of transporting guests across the zoo property from the Monticello entrance and the assurance given to the residents on Clack Road last year regarding a prohibition on a public entrance.

Motion: Ms. Booth made a motion to recommend approval of the Conditional Use amendment to allow lodging and amusement rides with conditions that a maximum of 80 lodging units total be allowed and that Clack Road may be used as a service entrance only.

Second: Mr. Campbell

Vote: 8:0 The vote to recommend approval of the Conditional Use amendment with conditions was unanimous.

- III. The Georgia Zoo, LLC, is requesting Conditional Use approval to operate an Event Facility on property located at 1881 Monticello Highway (Tax Parcels 037D-014, 038-002A, 038-003A).

Mr. Jarrell presented the staff report and reviewed the types of events and locations requested by the applicant. He noted that Staff had concerns regarding events in the parking lot and preferred that events not extend into the lodging area unless all of the lodging units were booked with the event.

Bill Killmer and Mike Conrads argued against Staff's concerns regarding the lodging, stating that it should be a business decision for the zoo administrators. They also noted the noise ordinance and the dispersion of noise over distance. The Planning Commission discussed variables that affect noise transmission and if the zoo's application should differ from other event facilities. Staff confirmed that their concerns related to events in the parking lot were regarding safety. The Planning Commission dismissed those concerns by stating that Staff could inspect the event area if necessary.

Andrew O'Connell, Georgia Zoo CFO, explained the need for a pavilion in the lodging area and how it would affect fundraisers and educational activities if it were not allowed.

Ed Price spoke in opposition to the application and chastised the Planning Commission for giving the applicant everything that was requested. He stated that he had not heard any discussion regarding animals and felt the Planning Commission was not living up to its obligation.

The Planning Commission discussed the business responsibilities of the Zoo and noted that other event facilities did not have restrictions on where events could be held.

Motion: Mr. Campbell made a motion to recommend approval of the Conditional Use application to allow an Event Facility at 1881 Monticello Highway with no conditions.

Second: Mr. Cardwell

Vote: 8:0 The vote to recommend approval of the Conditional Use application unanimous.

Excerpt from November 3, 2015 Board of Commissioners

1. The Georgia Zoo, LLC, is requesting a text amendment to add lodging and amusement rides to Chapter 7.34, Zoo Facilities, in the Morgan County Zoning Ordinance.

Tara Cooner, Senior Planner, stated the zoo facilities text amendment was approved in July 2013. At that time, the zoo was just getting started and wanted the text to include lodging and amusement rides. Zoo staff stated that those amenities were part of their long term plan in public meetings. Staff advised Bill Killmer to approach the project incrementally and to come back to request a text amendment to add amenities when they were further along with the project. Staff and the Planning Commission made site visits to zoos in Atlanta and Columbia to observe their amusement rides and researched lodging options at other zoos. Ms. Cooner stated that Staff was aware of concerns regarding the zoo turning into an amusement park. She explained that text was written by Staff with assistance from the Planning Commission to protect the project from becoming an amusement park by specifying the limited types of rides that can be installed (there are only 6 rides plus a splash pad for kids), as well as requiring that the rides have limited visibility from any road. The lodging language does not specify the form of the lodging, but does include criteria for permanence, safety, and ADA accessibility. Of course all lodging structures must meet all applicable building codes. The text also includes language regarding protection of guests from animals during their stay. Providing a summary from the Planning Commission meeting, Ms. Cooner stated that the applicant has asked for two modifications to the proposed language: the first would add resort amenities, such as a swimming pool and dining facilities to the lodging component of the text and the second would change the staff suggested text to allow overhead rides, such as a gondola, to pass over animals classified as inherently dangerous. Staff presented text did not allow rides to pass over enclosures containing animals classified as dangerous in OCGA 27-5-5. Staff also suggested an addition to the language at the Planning Commission meeting for a 100' setback requirement between lodging structures and property lines. Mr. Killmer and Mike Conrads were present to answer questions. They stated that they anticipate opening the safari park in 2016 and the walk through zoo in 2017. The lodging units are not expected to be in the first phase of the zoo construction. Bob Hughes spoke in favor of the application. Ed Price, Shane Vivian and Terry Collins spoke in opposition, and

expressed concerns regarding the approval of additional amenities before the zoo was operational and the potential detriment to the pastoral nature of Clack Road. The Planning office received several phone calls from neighbors regarding the signs placed on the property. The Planning Commission voted unanimously to recommend approval of the text amendment to Chapter 7.34 including the language suggested by staff regarding the 100' lodging setback and both changes requested by the applicant, which were resort amenities to the lodging and the ability for rides to pass over inherently dangerous animals. After the meeting, staff had further concerns regarding the dynamic of the lodging and events at the zoo and suggests the addition of the following language: No event may be held in areas with free-roaming animals. Event guests must be separated from wild animals at all times.

Chairman Ainslie allowed proponents to speak.

Bill Killmer stated that they are making good progress and have obtained funding. He further stated that lodging is part of the business plan as a safari drive through will bring people from long distances.

Bob Hughes, Chamber of Commerce, spoke on behalf stating the zoo will drive the economy and will be a first class experience in Morgan County.

Chairman Ainslie allowed opponents to speak.

Ed Price stated his concern of the zoo turning in to an amusement park; he further stated that the applicant should live up to the expectation of a zoo and not an amusement area and entertainment center.

MOTION by Comm. Warren, seconded by Comm. Harris to approve the text amendment to add lodging and amusement rides to Chapter 7.34, Zoo Facilities, including the addition suggested by staff regarding a 100' setback between lodging structures and property lines; including the addition suggested by staff regarding no events in areas with free-roaming animals and separation of event guests from wild animals; and including the addition requested by the applicant to allow a swimming pool and dining facility at the lodging. Unanimously Approved.

Ms. Cooner asked permission from the Chairman to present information for the next two agenda items together, and to return to each specifically regarding the necessary vote to be taken. The Chairman agreed.

Tara Cooner, Senior Planner, stated that since the original zoo conditional use did not include the language regarding amusement rides and lodging, their conditional use must be updated to include those amenities. The staff report suggested that a maximum number of lodging units be established and requested clarification regarding an entrance on Clack Road. According to Ms. Cooner, in April 2014, there was concern by the residents on Clack Road that an entrance to the zoo would be installed on Clack Road. In response to that concern, a condition was placed in the original Conditional Use that there could be no public access to the zoo on Clack Road. At the Planning Commission meeting, Mr. Killmer stated that the lodging was intended to be constructed in phases and that their business model called for 80 units total. He also requested that the lodging entrance be allowed on Clack Road while

maintaining the prohibition to the zoo park from Clack Road. Mr. Price spoke in opposition and expressed concern regarding the entrance on Clack Road. Mr. Vivian and Mr. Collins agreed. The Planning Commission voted unanimously to recommend approval of the amendment to the Conditional Use granted in 2014 to add amusement rides and lodging, with a maximum number of 80 lodging units and that the prohibition on public access from Clack Road remain in place.

Ms. Cooner also reported that Staff has been approached since the meeting with concerns regarding the sequence of construction at the zoo. The common theme in these concerns has been that the animals should come first. There appears to be a fear that the lodging or rides will take precedence over the procurement and exhibition of animals. In an effort to quell those fears, Staff suggests the following condition: That no lodging may be constructed until the safari park is open to the public and the first phase of the walk through zoo construction plans have been reviewed and approved. Ms. Cooner clarified that the plans were architectural and not civil plans.

The seventh agenda item is regarding a conditional use application to allow events at the zoo. There were discussions during the Planning Commission meeting related to both the amendment to conditional use and the event facility conditional use that concerned staff. Specifically, the majority of the concerns are related to how the lodging will relate to events held in the safari park. Ms. Cooner stated that Staff met with Mr. Killmer to discuss the concerns. Based on that discussion, the applicant is asking for Agenda Item 7, related to events, be tabled until such time as documents requested by staff can be submitted. These documents will provide information regarding the location and proximity of lodging to event structures and the safari park. The applicant also asked for the opportunity to demonstrate how an entrance to the lodging could work off of Clack Road.

2. The Georgia Zoo, LLC, is requesting an amendment to an existing Conditional Use approval granted in April 2014, to add lodging and amusement rides on property located at 1881 Monticello Highway (Tax Parcels 037D-014, 038-002A, 038-003A).

Ms. Cooner stated that for Agenda Item 6, the applicant is seeking an amendment to the conditional use approved in April 2014 to add lodging and amusement rides. Conditions to be considered are the maximum number of 80 lodging units, the delay of lodging construction until specified milestones are met, and the entrance on Clack Road, which the applicant is asking for a delay on that decision until the event facility discussion when additional documentation can be presented.

Chairman Ainslie allowed proponents to speak.

Bill Killmer stated that he is proposing to table the request for Clack Road access and that he wants to maintain the pastures, etc. on Clack Road.

Chairman Ainslie allowed opponents to speak.

Mr. Ed Price reiterated his concerns about the zoo.

MOTION by Comm. Warren, seconded by Comm. Milton to approve an amendment to

the Conditional Use approved in April 2014 to include lodging and amusement rides, with the following conditions: lodging is limited to a total number of 80 units. Construction of lodging is delayed until the safari park is open to the public and the first phase of the walk through zoo construction plans have been reviewed and approved. Unanimously Approved.

3. The Georgia Zoo, LLC, is requesting Conditional Use approval to operate an Event Facility on property located at 1881 Monticello Highway (Tax Parcels 037D-014, 038-002A, 038003A).

Tara Cooner, Senior Planner, stated the applicant is seeking to table the application for conditional use approval for an event facility at 1881 Monticello Highway until such time as the following documentation may be submitted: A detailed site plan showing the location of lodging and event structures, parking locations in the lodging area, distances between structures and property lines in the lodging area, and proximity of wetlands and floodplains to structures in the lodging area; examples of the types of lodging to be constructed with approximate square footage; examples of the event structures to be constructed in the lodging area with approximate square footage; traffic study for Clack Road, and an illustration or depiction of how the proposed entrance would look from Clack Road. The County Manager requested additional documentation, such as a site plan be provided that gives the Board of Commissioners a more complete view of the entire zoo and safari park. Mr. Killmer verbally agreed to provide documentation as requested by the County Manager.

MOTION by Comm. Warren, seconded by Comm. Harris to approve the applicant's request to table the conditional use application for an event facility at 1881 Monticello Highway until such time as the documents requested by staff have been submitted and presented. Unanimously Approved.

Excerpt from September 28, 2017 Planning Commission meeting

- I. William Killmer, on behalf of The Georgia Zoo, LLC, is requesting conditional use approval for a zoo facility for approximately 436 acres located at 1881 Monticello Highway (renewal of previously approved applications) (Tax Parcels 038-003A, 038-002A & 037D-014).

Chuck Jarrell presented the staff report and explained why the applicant must ask for conditional use approval again. He also explained that the Board of Commissioners had tabled the decision regarding the Clack Road entrance with the applicant's event facility petition in 2015. He reviewed the conditions placed on the project in 2014 and 2015. The Planning Commission asked about the status of buffers and the applicant's requested modification to one of the conditions.

Mike Conrads, Bill Killmer (Partners, The Georgia Zoo, LLC) spoke on behalf of the application and offered to answer questions. The Planning Commission made several inquiries regarding buffers and the lack of activity on the site. Andrew O'Connell (Partner, The Georgia Zoo, LLC) assured the Planning Commission that buffers were included in the financial plan. The Planning Commission asked about paving plans and proposed water usage.

No one spoke in favor of the application.

Ed Price, 1921 Clack Road, spoke in opposition to the application, citing a lack of work on the property since the 2015 approvals and changes to the presented materials. He expressed doubt about the motives of the applicants and questioned the additional acreage in the city limits. He stated that the applicants need to determine a time frame for what they will do before seeking approval.

Shane Vivian, 1891 Clack Road, expressed concerns about noise and traffic, particularly cars that may turn around in his driveway. He yielded his remaining time to Mr. Price.

Mr. Price expressed concern for the number of applications and changes proposed for the zoo and stated that constant changes were no way to do business.

Terry Collins, 1203 Thankful Road, stated that he wanted the area to remain rural and expressed concern regarding potential cut-through traffic on Thankful Road.

The Planning Commission discussed the transparency of the zoo and their intentions, as well as the frustrations regarding lack of visual progress. The need to have approval up front due to fund-raising efforts was mentioned, as was the previous paving exemption. The members debated the appropriate sequence for building the walk-through zoo and lodging, and how much zoning conditions should interfere with the responsibility of the applicant and their business plan.

Motion: Mr. McMahon made a motion to recommend approval of the conditional use application with the following conditions:

1. Allow a delay in the parking lot paving until the end of phase one.
2. Elimination of the barbed wire requirements for the perimeter fence;
3. Allow use of regular cattle fence where domestic animals will be kept;
4. Allow the use of existing buffers not located on the applicant's property; if existing buffers are removed, a compliant buffer must be installed immediately;
5. Allow planting of buffers as phases develop; allow use of seedlings. If seedling size is not compliant when a new phase opens, the buffer must be brought into compliance. The buffer installation between the zoo property and the adjacent property (037D-014Z) may wait until the adjacent property is sold or developed (with the exception of Phase 1).
6. No public entrance be allowed on Clack Road;
7. Written permission be given from neighbors regarding the use of buffers;
8. Amend the emergency plan to include notification to City of Madison authorities in the event of an animal escape.
9. Lodging is limited to 80 units.
10. No construction allowed on the lodging until the safari and first phase walk through park are open to the public.

Second: The motion failed for lack of a second.

Motion: Mr. Cardwell made a motion to recommend approval of the conditional use application with the following conditions:

1. Allow a delay in the parking lot paving until the end of phase one.
2. Elimination of the barbed wire requirements for the perimeter fence;
3. Allow use of regular cattle fence where domestic animals will be kept;
4. Allow the use of existing buffers not located on the applicant's property; if existing buffers are removed, a compliant buffer must be installed immediately;

5. Allow planting of buffers as phases develop; allow use of seedlings. If seedling size is not compliant when a new phase opens, the buffer must be brought into compliance. The buffer installation between the zoo property and the adjacent property (037D-014Z) may wait until the adjacent property is sold or developed (with the exception of Phase 1).
6. No public entrance be allowed on Clack Road;
7. Written permission be given from neighbors regarding the use of buffers;
8. Amend the emergency plan to include notification to City of Madison authorities in the event of an animal escape.
9. Lodging is limited to 80 units.
10. The safari park must be approved and under construction prior to the commencement of construction of the walk-through zoo and lodging, which may be constructed concurrently.

Second: Ms. Booth

Vote: 4:1 The vote to recommend approval of the conditional use application with 10 conditions was approved. Mr. McMahon dissented.

- II. William Killmer, on behalf of The Georgia Zoo, LLC, is requesting a variance to the time limitation for approval in Section 21.5.8 of the Morgan County Zoning Ordinance for property located at 1881 Monticello Highway (Tax Parcels 038-003A, 038-002A & 037D-014).

Chuck Jarrell presented the staff report and admitted that Staff was aware the language was an issue with phased projects. He noted that some of criteria for consideration, which are written primarily for land variances, was not applicable for this application. The Planning Commission discussed the staff recommendation for twice yearly updates, whether a definite date should be imposed, and the need to give the project time to succeed.

Mike Conrads admitted that appearances could indicate that nothing was happening but assured the Planning Commission that progress was being made.

Andrew O'Connell briefly discussed some of the relationships the zoo had established with zoo industry experts and stressed the importance of taking the time to plan properly.

Ed Price asked for clarification regarding what the variance would affect and expressed apprehension at the possibility of removing the time limit. He reiterated his belief that the applicants should establish a concrete plan before requesting approval and questioned their statements regarding progress and the need for more time, asserting that the same statements were made in 2014.

Shane Vivian stated that animals were the focus at the first meeting he attended for the zoo, but felt that lodging and amusements had replaced animals. He reiterated that he did not want to hear noise.

The Chairman assured the audience that considerable research had been conducted prior to making decisions regarding the zoo. He mentioned field trips to other zoos, and the lack of discernable noise at the Columbia Zoo. The Planning Commission debated the feasibility of a hard date and the need to see progress. The members discussed the staff-proposed twice yearly updates and using those updates to evaluate progress.

Motion: Mr. Cardwell made a motion to recommend approval of the Variance with the condition that the zoo must present updates twice a year, and that the Planning Commission may request a review of the conditional use approval if any concerns are raised during update presentations.

Second: Ms. Booth

Vote: 5:0 The vote to recommend approval of the Variance with condition was unanimously approved.

Excerpt from October 3, 2017 Board of Commissioners meeting

Chairman Harris confirmed all agenda items would be addressed together. Staff also asked for the opportunity to give a brief review of past actions. Tara Cooner, Senior Planner, presented review.

ITEM #1

The zoo started with a text amendment in 2012 to establish the Zoo Facilities Ordinance, Chapter 7.34 of the Zoning Ordinance. A zoo location was originally approved in 2013 on Highway 83 near the county line, but the concept was moved to the current location after property owner Mike Conrads approached the applicant. In 2014, 395 acres, consisting of 2 parcels and a part of a third, were rezoned and the conditional use for a Zoo Facility was approved with eight conditions, including concessions on buffers and paving. In 2015, they asked for a text amendment to add amusement rides and lodging to Chapter 7.34. The Planning Commission recommended approval of both the text amendment and the update to their 2014 conditional use. Between the Planning Commission meeting and the Commissioners meeting, public concern was expressed regarding amenities and the original

5
zoo concept. To address these concerns, Staff suggested that the Commissioners add a condition regarding the order of construction. The applications for the text amendment and updated conditional use, with two conditions, were approved, but a third application for an Event Facility was tabled at the applicant's request.

The applicant has been working with a design company specializing in zoos. The boundary has moved into the City and the portion of the third parcel that was originally excluded is now shown as included.

The first agenda item is a request to rezone the remainder of Tax Parcel 038-002A, which is approximately 40 acres. The Planning Commission agreed with Staff that a precedent was set with the rezoning of the 312 acres in 2014 and voted to recommend the rezoning request.

ITEM #2

The second agenda item is to reapprove their conditional use, which is set to expire next month. The ordinance allows specific times for a project to start and finish, with an extension for longer projects. The zoo has filed all the extensions they can and must ask for re-approval. Frustration was expressed at the Planning Commission meeting regarding lack of activity at the site, and buffers, paving and water usage were discussed. The applicant requested a modification of the building sequence condition that required the safari park open and the walk-through park be approved before any work on lodging be changed to allow that the safari park be approved and under construction before the walk-through park and lodging, which they asked to allow either individually or concurrently. Opposition also brought up the lack of activity on site, as well as concerns related to noise, the rural nature of Clack Road, and questioned why the zoo couldn't plan the project out completely before asking for approval. The Planning Commission reconsidered the waiver on paved parking that had been granted in 2014 and voted 4:1 to recommend approval of the conditional use approval with the following conditions:

1. Allow a delay in the parking lot paving until one year after phase one opens
Conditions 2 through 9 remain the same as when they were made in 2014 and 2015.
2. Elimination of the barbed wire requirements for the perimeter fence;

3. Allow use of regular cattle fence where domestic animals will be kept;
4. Allow the use of existing buffers not located on the applicant's property; if existing buffers are removed, a compliant buffer must be installed immediately;
5. Allow planting of buffers as phases develop; allow use of seedlings. If seedling size is not compliant when a new phase opens, the buffer must be brought into compliance. The buffer installation between the zoo property and the adjacent property (037D-014Z) may wait until the adjacent property is sold or developed (with the exception of Phase 1).
6. No public entrance be allowed on Clack Road;
7. Written permission be given from neighbors regarding the use of buffers;
8. Amend the emergency plan to include notification to City of Madison authorities in the event of an animal escape.

6

9. Lodging is limited to 80 units.

Planning Commission slightly changed the wording of the applicant's requested modification.

10. The safari park must be approved and under construction prior to the commencement of construction of the walk-through zoo and lodging, which may be constructed concurrently. Ms. Cooner commented that she and Chuck Jarrell, Planning & Development Director had realized another issue needs to be addressed. Typically, an approved conditional use has up to 18 months, with the extension, to finish. All previously approved conditional use projects have finished within this time. One of the agenda items today is regarding that 18-month time limit and when the applicants should get to stop coming back for approvals. A decision needs to be made as to when the presented and approved intent has been met and when the applicant can move forward without coming back for additional approval. Ms. Cooner suggested that the most easily definable point is going to be when the 1st phase of the project, the safari and the walk-through park have opened, provided the phase meets the intent of what has been presented. Ms. Cooner clarified that the applicants must operate under the ordinance and conditions placed on them indefinitely, so this is not a date when their conditional use will end, only the requirement for having to continue coming back.

This issue goes into the third agenda item, which is a variance request on the time limit for conditional use approval, to waive the requirement to come back every 18 months until the undetermined date just mentioned. Ms. Cooner stated that Staff admits that this language is a problem for phased projects and will require a text amendment to handle future phased projects. Therefore, Staff does not feel the variance will set a negative precedent. When the Planning Commission addressed this issue, Staff recommendation was to allow the variance, but require the zoo to come back twice a year to give updates on progress. The Planning Commission vacillated between defining a date, and allowing them indefinite time while still having the ability to steer the project. The compromise was a recommendation to approve the variance request with no set date, but with the condition that the zoo come back twice a year for updates, and that at any of those updates, if the Planning Commission spotted a red flag, they could request a review of the zoo's conditional use approval. After review of the recommendation, it was determined that it violated the time allowances given by the Zoning Ordinance. Staff stands by the recommendation that the variance be granted with twice yearly updates.

Chairman Harris asked for questions for Staff.

Comm. Riden asked for clarification on the legality of the 18-month extension. Ms. Cooner responded that the ordinance allows 12 months with a 6 months extension, but the law does not allow the Commissioners to modify the approval within that time.

7

Comm. Riden also asked for clarification of the acreage involved in the request for conditional use approval. Ms. Cooner clarified that today's request only concerned the 436 acres located in the County and did not include the 92 additional acres within the City limits of Madison.

Comm. Ainslie commented that the main issue seemed to be the service entrance on Clack Road and asked if a traffic study had been done, Ms. Cooner confirmed it had.

Comm. Milton questioned if the ordinance regarding time frames for phased projects would have to be rewritten and Ms. Cooner responded that it will.

Comm. Von Hanstein questioned if there was a possibility of a public entrance from Highway 83 and Ms. Cooner responded that it would need to be addressed in the future.

NEW BUSINESS:

I. William Killmer, on behalf of The Georgia Zoo, LLC, is requesting a Zoning Map Amendment, from AR (Agricultural Residential) to AG (Agricultural) for approximately 40 acres located at 1881 Monticello Highway (Tax Parcel 038-002A).

Ms. Cooner reported from the Planning Commission meeting. Mike Conrads spoke in favor on behalf of Georgia Zoo. There was no opposition. The Planning Commission voted unanimously to recommend approval of the rezoning request.

**CHAIRMAN HARRIS ANNOUNCED THAT PROPONENTS AND OPPONENTS
WOULD BE GIVEN 10 MINUTES EACH SIDE TO SPEAK.**

CHAIRMAN HARRIS ALLOWED PROPONENTS TO SPEAK

Mike Conrads thanked the Board and stated that he and his family are fully committed to the project, as they felt this was a perfect location. He mentioned the potential tax benefits of the project to the County. He stated that the intent was for the zoo to be a world class project and asked for patience. He also apologized for not communicating with the public better. He commented that the Master Plan is complete and Phase I plans and specs are now getting locked in, general contractor has been selected and progress is being made on funding. He commented that getting the Safari up and running was the number one priority. He feels there needs to be some work done for phased projects.

Comm. Riden questioned Mr. Conrads about Yerkes research and whether the zoo would have a biomedical center.

8

Bill Killmer stated Yerkes was divesting themselves of chimp research and was discussing options with the applicants regarding research at the zoo.

Comm. Riden stated that he did not want a biohazard at the site. Bill Killmer assured him that there would not be a biohazard issue.

CHAIRMAN HARRIS ALLOWED OPPONENTS TO SPEAK

No one spoke in opposition

Comm. Von Hanstein abstained from voting stating that he is an adjacent property owner and friends with those both for and against.

MOTION by Comm. Ainslie, seconded by Comm. Milton to approve rezoning approximately 40 acres located at 1881 Monticello Highway (Tax Parcel 038-002A) from AR to AG.

Commissioners Riden, Ainslie and Milton voted with the motion. Comm. Von Hanstein abstained. Motion passed 3-0.

II. William Killmer, on behalf of The Georgia Zoo, LLC, is requesting conditional use approval for a zoo facility for approximately 436 acres located at 1881 Monticello Highway (renewal of previously approved applications) (Tax Parcels 038-003A, 038-002A & 037D-014).

Tara Cooner reported from the Planning Commission meeting. Mike Conrads, Bill Killmer and Andrew O'Connell spoke on behalf of the project. Ed Price, Shane Vivian and Terry Collins spoke in opposition. The Planning Commission voted 4:1 to recommend approval of the conditional use application with 10 conditions. Staff also recommended that the opening of both the Phase 1 safari park and the Phase 1 walk-through park be used as an end date for conditional use re-approvals, providing that Phase I meets the intent of the presented project. As a clarification, Staff would also recommend adding that although the submitted plan and project phasing may change, after Phase 1 opens, the project must continue to meet the intent of the presented project. Any variation from the presented intent will require further approval.

CHAIRMAN HARRIS ANNOUNCED THAT PROPONENTS AND OPPONENTS
WOULD BE GIVEN 10 MINUTES EACH SIDE TO SPEAK.

CHAIRMAN HARRIS ALLOWED PROPONENTS TO SPEAK

9

Mike Conrads, on behalf of the Georgia Zoo, spoke in favor. He again asked for patience and expressed understanding for the community's frustration. He asked for a modification to the condition regarding building sequence.

Allison Waltrip, 1309 Clack Road, Madison, GA asked for clarification from Ms. Cooner on the 10 conditions of approval recommended by the Planning Commission. Ms. Waltrip also wanted verification that a final decision had not been made on the Clack Road entrance. Ms. Cooner confirmed the 10 conditions and that the Clack Road entrance would be discussed again when conditional use to operate an event facility was addressed again.

CHAIRMAN HARRIS ALLOWED OPPONENTS TO SPEAK

Ed Price, 1921 Clack Road, Madison, GA questioned whether the application was a renewal and expressed concerns about conditions, particularly buffers near residential properties. He expressed doubt regarding the submitted plan and the placement of activities near Clack Road, as well as the environmental impact it will have on the area. He asked the Commissioners to deny the application.

Jay Waltrip, 1309 Clack Road, Madison, GA expressed opposition to an entrance on Clack Road. Commissioner Riden asked if he was opposed to the zoo or just the Clack Road entrance. Mr. Waltrip responded that he thought to zoo was a good idea, but not with an entrance on Clack Road.

The Commissioners discussed various options for buffers related to adjacent residential properties. Staff confirmed the location of nearby houses. The applicants offered to increase the setback to 100' and the buffer to 50' for the section of Tax Parcel 038-002A nearest the only adjacent residential structure.

Comm. Von Hanstein abstained from voting.

MOTION by Comm. Ainslie, seconded by Comm. Riden to approve the conditional use with the following conditions:

1. Allow a delay in the parking lot paving until one year after phase one opens
2. Elimination of the barbed wire requirements for the perimeter fence;
3. Allow use of regular cattle fence where domestic animals will be kept;
4. Allow the use of existing buffers not located on the applicant's property; if existing buffers are removed, a compliant buffer must be installed immediately;
5. Allow planting of buffers as phases develop; allow use of seedlings. If seedling size is not compliant when a new phase opens, the buffer must be brought into compliance. The buffer installation between the zoo property and the adjacent property (037D-014Z) may wait until the adjacent property is sold or developed (with the exception of Phase 1).
6. No public entrance be allowed on Clack Road;

10

7. Written permission be given from neighbors regarding the use of buffers;
8. Amend the emergency plan to include notification to City of Madison authorities in the event of an animal escape.
9. Lodging is limited to 80 units.
10. The safari park must be approved and under construction prior to the commencement of construction of the walk-through zoo and lodging, which may be constructed concurrently.
11. Require a 100' setback with a 50' planted buffer along the property line adjacent to residential property (1390 Clack Road).

The opening of both the phase 1 safari park and the phase 1 walk-through park will be used as an end date for conditional use re-approvals, providing that phase one meets the intent of the presented project. The project, after phase 1 opens, must continue to meet the intent of the presented project. Any variation from the presented intent will require further approval. Commissioners Riden, Ainslie and Milton voted with the motion. Comm. Von Hanstein abstained. Motion passed 3-0.

III. William Killmer, on behalf of The Georgia Zoo, LLC, is requesting a Variance to the time limitation for approval in Section 21.5.8 of the Morgan County Zoning Ordinance for property located at 1881 Monticello Highway (Tax Parcels 038-003A, 038-002A & 037D-014).

Tara Cooner reported from the Planning Commission meeting. Mike Conrads and Andrew O'Connell spoke on behalf of the application. Ed Price and Shane Vivian spoke in opposition. After researching the ordinance, it was determined that the Planning Commission recommendation is invalid. Staff recommends that the variance be granted with the condition that the zoo must give twice yearly updates to the Planning Commission keep the County informed on progress. Staff clarified that if the updates were required, they would be informational only and would, by law, not require advertisement. Staff volunteered to advertise them in the paper as part of the agenda.

CHAIRMAN HARRIS ANNOUNCED THAT PROPONENTS AND OPPONENTS WOULD BE GIVEN 10 MINUTES EACH SIDE TO SPEAK.

CHAIRMAN HARRIS ALLOWED PROPONENTS TO SPEAK

Mike Conrads stated that the zoo staff realized that they needed to do a better job of keeping the County apprised of activity related to project progress.

CHAIRMAN HARRIS ALLOWED OPPONENTS TO SPEAK

11

Ed Price, 1921 Clack Road, Madison, GA expressed confusion at the process and why reapprovals were necessary, especially when there was no visible progress on site. He suggested that the project be delayed until a master plan was submitted and a definitive start date was provided.

Allison Waltrip, 1309 Clack Road, Madison, GA expressed disagreement with the applicant's request and requested that the zoo come back to allow public comment.

Terry Collins, 1203 Thankful Road, Madison, GA expressed concerns about traffic and noise, and stated that he felt Thankful Road would become a cut thru for Clack Road.

When asked by the Commissioners, the zoo staff could not give an anticipated start date. Mr. Conrads stated that from groundbreaking to the opening of Phase 1 would take a minimum of 18 months. The Commissioners debated what would be an appropriate time frame to give the zoo before requiring them to come back for re-approval and expressed consideration of both the community and the zoo staff. Staff suggested an alternate time frame with a defined number of years.

Comm. Von Hanstein abstained from voting.

MOTION by Comm. Riden, seconded by Comm. Ainslie to grant the request for a variance for Section 21.5.8 for a period of three years for Phase I walk-through zoo and safari park to be open to the public with the condition that the zoo must give twice yearly updates to the Planning Commission to keep the County informed of progress.

Commissioners Riden, Ainslie and Milton voted with the motion. Comm. Von Hanstein abstained. Motion passed 3-0.

Criteria for Consideration

Section 21.3.1 Required Findings from Conditional Use Approval from the Morgan County Zoning Ordinance:

1. Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
2. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
3. Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
4. Public facilities and utilities are capable of adequately serving the proposed use;
5. Granting the request would not be an illogical extension of a use which would introduce damaging volumes of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well-maintained single family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
6. Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;
7. Granting the request would conform to the general expectation for the area population growth and distribution according to the Comprehensive Land Use Plan;
8. Granting the request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
9. Granting the request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

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; The variance is the minimum variance that will make possible an economically viable use of the land, building or structure

Staff Comments

Precedent has already been set regarding the approval of the zoo facility project and 3 year variance to the time limitation. Special attention should be paid to the conditions placed on the previously approved applications, as those conditions will need to be stated again in order for them to apply to a newly approved conditional use. For your convenience, the previously approved conditions are listed below.

Conditional Use

1. Allow a delay in the parking lot paving until one year after phase one opens
2. Elimination of the barbed wire requirements for the perimeter fence;
3. Allow use of regular cattle fence where domestic animals will be kept;
4. Allow the use of existing buffers not located on the applicant's property; if existing buffers are removed, a compliant buffer must be installed immediately;
5. Allow planting of buffers as phases develop; allow use of seedlings. If seedling size is not compliant when a new phase opens, the buffer must be brought into compliance. The buffer installation between the zoo property and the adjacent property (037D-014Z) may wait until the adjacent property is sold or developed (with the exception of Phase 1).
6. No public entrance be allowed on Clack Road;
7. Written permission be given from neighbors regarding the use of buffers;
8. Amend the emergency plan to include notification to City of Madison authorities in the event of an animal escape.
9. Lodging is limited to 80 units.
10. The safari park must be approved and under construction prior to the commencement of construction of the walk-through zoo and lodging, which may be constructed concurrently.
11. Require a 100' setback with a 50' planted buffer along the property line adjacent to residential property (1390 Clack Road).

The opening of both the phase 1 safari park and the phase 1 walk-through park will be used as an end date for conditional use re-approvals, providing that phase one meets the intent of the presented project. The project, after phase 1 opens, must continue to meet the intent of the presented project. Any variation from the presented intent will require further approval.

Variance

For a period of three years for Phase I walk-through zoo and safari park to be open to the public with the condition that the zoo must give twice yearly updates to the Planning Commission to keep the County informed of progress.



July 9, 2020

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 to GSCP, 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 I 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 I due to the various components and complexity of our project. Likewise, the timeline for the construction of future phases will be contingent upon animal availability and funding making it difficult to comply with the one-year time requirement.

We have secured a lender and submitted our full application to the USDA and ask that a three-year variance be granted to allow us the time needed to secure this funding and begin construction on Phase I. We continue to anticipate a 12-18 month construction period once funding has been secured. This variance request builds in a contingency period for construction and material delays due to COVID or any other unforeseen events. 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 (conditions are pertaining to size and complexity of project).
- 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,

A handwritten signature in black ink, appearing to read "William Killmer", written in a cursive style.

William Killmer, CEO



July 9, 2020

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 renewal of the original conditional use approval to operate a zoo and safari park that was granted The Georgia Zoo, LLC in April of 2014 and the transfer of this renewal to GSCP, LLC, the successor entity to The Georgia Zoo, LLC. In 2015, our conditional use approval was amended to include amusements and lodging which we also petition to be renewed with this application. Our project adheres to the criteria for Conditional Use as outlined below:

- Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
- Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
- Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use; Public facilities and utilities are capable of adequately serving the proposed use.
- Granting the request would not be an illogical extension of a use which would introduce damaging volumes of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well-maintained single-family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
- Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned.
- Granting the request would conform to the general expectation for the area population growth and distribution according to the Comprehensive Land Use Plan;
- Granting the request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability.
- Granting the request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

Much progress has been made on our project since our conditional use and variance request was approved in October of 2017. We had a soft groundbreaking in the Fall of 2018. We rebuilt an existing bridge in preparation for construction vehicles and equipment to access the service area of the site and updated and finalized the fencing plan. In preparation for our funding application to the USDA, several of our previous studies were revisited in 2019 including the completion of an entirely new Feasibility Study, an updated Environmental

Impact Report, reapproval from the Army Corps of Engineers, the Georgia DNR - Historic Preservation Division, and the Georgia DOT. In 2019, we began a rebranding effort with Atlanta based Metaleap Creative which included a new Branding Guide, redesigned logos, a new color palette and the creation of new marketing and promotional materials. As we gear up for full construction, we have a redesigned website which will launch in August 2020 that will tie into social media platforms giving real time updates and progress of the project to our growing social media followers.

While simultaneously completing the design, finalizing the construction plan and schedule, and pursuing funding, we are still very active in the community. In the summer of 2019, we partnered with the Madison Boys and Girls club to host a Summer Safari Tour for their summer campers. The event was a huge success and plans are underway to have the Club out for a second year with participants in their summer programs.

Lastly, with our last application in the 2017, we reported that our non-profit partner, The Georgia Zoological Society, Inc. was gearing up with board member selection and infrastructure development. At present, The Georgia Zoological Society has a fully autonomous and active Board made up of local and regional Trustees who are active in fundraising and governance. Meetings are held monthly and to date, the Board has raised over \$244,000 in support of Education and Conservation initiatives with an additional 450,000 pledge for the Giraffe Barn.

We continue to have tremendous support not only from the zoological industry, but locally and at the State level. On Monday, July 6, 2020 we hosted Georgia's Agriculture Commissioner Gary Black, and the State Director of USDA Rural Development Office Joyce White for a tour and lunch and learn. This was a critical opportunity as our funding application with the USDA is in its final stage of review and we expect to close on this loan in the next 90 days.

Thank you for your consideration and please let us know if you have any questions or if we can provide you with additional information.

Sincerely,



William Killmer
CEO