



**CITY OF ST. MARYS**

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ST. MARYS, GEORGIA 31558

COMMUNITY DEVELOPMENT DEPARTMENT  
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**CITY OF ST. MARYS  
PLANNED DEVELOPMENT MASTER PLAN & REZONE REQUEST  
PORT OF ST. MARYS, LLC**

**APPLICANT:** Port of St. Marys, LLC  
31 Hylan Blvd., 14<sup>th</sup> Floor  
Staten Island, NY 10305

**Staff Report:** Planning Commission Hearing  
**Date:** February 11, 2016  
**By:** J.S. Adams, PhD

**STAFF REPORT**

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**KEY TO TEXT**

- Regular font represents general background text, and staff’s summary or paraphrasing of applicant’s text
- **Bold font represents Titles, Headers, Section References and Standards of St. Marys Municipal Code**
- Underlined is proposed text from the applicant, including proposed changes to St. Marys zoning code
- *Italicized text is staff comment*

**PUBLIC COMMENT should be sent to [cdcomments@stmarysga.gov](mailto:cdcomments@stmarysga.gov)  
Only signed public comment will be accepted**

**REQUESTED ACTION:** Old Weed & Ready Plantation, LLC submitted a letter to the City of St. Marys on November 17, 2015 authorizing Port of St. Marys, LLC and its designated agents, permission to apply for a rezoning request, site plan approval or related applications ( Exhibit H). The Port of St. Marys, LLC submitted a request to rezone Tax Parcel 149 004, previously known as Durango Paper Mill, located on Osborne Street and approval of the Planned Development Zoning Master Plan (Exhibit 2). The present zoning for this parcel is PD-Mixed Use. The applicant is requesting to rezone the parcel to PD-Industrial to include Industrial, Logistics, Marine Facilities and Commercial Uses. The total property is approximately 722 acres consisting of approximately 557 acres of combined uplands and freshwater wetlands, and approximately 165 acres of salt marsh.

The intent of the Port of St. Marys Industrial & Logistics Center Planned Development District is to create a rail served industrial, manufacturing and maritime facility on the former Gilman/Durango Paper Mill site. The proposed Planned Development will promote economic development along with manufacturing and logistic jobs for St. Marys and Camden County. The Port of St. Marys Industrial & Logistics Center Planned Development District is anticipated to be constructed in multiple phases over a period of approximately 15 years. The PD Text and Zoning Master plan are non-specific in regard to the final location of land uses to allow flexibility in the future.

This plan includes zoning for manufacturing with a barge dock and ship berths, cargo handling and rail intermodal facilities, as well as, shore based infrastructure. Initial plans indicate approximately 3000 linear feet of barge & vessel berthing is attainable on the North River. Proposed facilities are subject to Georgia Department of Natural Resources and USACE permitting. The marine facilities will enable industrial operations to access the North River. St. Marys River, Intracoastal Waterway, and the Atlantic Ocean and serve as a key component to the vision and success of the project.

Due to the anticipated size of the industry and the amount of land impacted, the rezone application and development plans submitted on November 3, 2015 were forwarded to the Coastal Regional Commission of Georgia as part of a Development of Regional Impact (DRI) application (Exhibit I) forwarded for their review. The DRI Findings Report (Exhibit J), submitted on December 1, 2015, stated the project is consistent with the St. Marys Vision, Comprehensive Plan Goals and Policies. The Regional Future Development Map illustrates this area as Developing and Developed which is consistent with the proposed development. The DRI report provided analysis showing consistency between the proposed DRI plan and the Guiding Principles in the Regional Plan.

The applicant held two open houses to provide information and answer questions with regard to the proposed rezoning for the old Durango Mill site. Nearly 100 citizens to the first meeting held on Saturday, December 5, 2015 at the St. Marys Elementary School. There were about 75 citizens present at second meeting which was held on December 15, 2015 at the St. Marys Elementary School also hosted by Chris Ragguci of the Port of St. Marys, LLC.

## **I. GENERAL BACKGROUND, NOTICE AND EXHIBITS**

1. This rezone was initiated by the applicant, Port of St. Marys, LLC on November 3, 2015, pursuant to Article VII Amendments of the Zoning Regulations Section 110-182.
2. **NOTICE** of the February 18, 2016 & February 25, 2016 hearing before the Planning Commission was provided pursuant to Sec. 110-185 (a), St. Marys Municipal Code as follows:
  - A. Published in the Tribune & Georgian on January 28, 2016 & February 4, 2016;
  - B. Sent to all property owners abutting the external boundaries of the rezone area on January 25, 2016;
  - C. Sent to all Camden County political subdivisions on January 7, 2016;
  - D. Posted on the subject property on January 20, 2016, as evidenced by affidavit in file; and
  - E. Posted on the City of St. Marys Website [www.stmarysga.gov](http://www.stmarysga.gov) on January 08, 2016.

Pursuant to Zoning Ordinance regulations, the Commission shall review the above notice procedure and make a finding regarding adequacy of notice.

3. **EXHIBITS** attached to this report include:

**A Exhibits from Application**

- A Port of St. Marys Master Plan**
- B Boundary Survey, Legal Description and Adjacent Property Owners List**
- C Height Overlay District**
- D 2013 Aerial Photograph**
- E Topographic Map**
- F Water and Sewer Demands**
- G Jurisdictional Wetlands Survey**
- H Old Weed & Ready Plantation, LLC Authorization Letter**
- I Development of Regional Impact (DRI) Application**
- J Additional DRI Information**
- K DRI Findings Report, #2524**
- L City of St. Marys request letter for additional analysis**
- M DRI Detailed Analysis Report, #2524**
- N Conceptual Layout of the Port of St. Marys Industrial & Logistics Center**

**B Exhibits – Public Comments**

- B-1 City of Kingsland – November 12, 2015**
- B-2 Department of the Navy – November 24, 2015**
- B-3 Robert Divine – November 24, 2015**
- B-4 St. Marys Earthkeepers – November 24, 2015**
- B-5 Southern Environmental Law Center – November 25, 2015**
- B-6 Robert Divine – December 28, 2015**
- B-7 Robert Divine – December 29, 2015**
- B-8 Faith Ross – February 5, 2016, with five attached documents**

**C Exhibits – Additional Materials**

- C-1 Port of Fernandina accounts for 4% of city truck traffic, Thamm, Fernandina Observer, October 26, 2015, excerpts taken from Port of Fernandina Truck Circulation Study, October 2015**
- C-2 DRI for LandMar Durango Mill Property, #1160**
- C-3 Phase One Environmental Assessment, McNair Law Firm, October 2003**
- C-4 Additional Durango Environmental Records, Miscellaneous Sources**
- C-5 An Investigation of the Economic Feasibility of Constructing a Multi-purpose Barge Terminal on the North River at St. Marys, Georgia, Dr. E. Cameron Williams and Dr. Jerry W. Wilson, 1993**

## **II. GENERAL: PLANNED DEVELOPMENT**

### **PROPOSED MODIFICATIONS TO THE CITY OF ST. MARYS ZONING ORDINANCE AND SUBDIVISION REGULATIONS**

Port of St. Marys Industrial & Logistics Center Planned Development District is a planned community with proposed development for industrial, serviced by rail, truck and shallow-draft barge, with some mixed-use and a conservation area. The nature of the development and the creation of the PD provide the opportunity to modify certain portions of the development ordinances. The Planned Development requests the following changes to the existing St. Marys Code of Ordinances.

#### **PROPOSED MAXIMUM BUILDING HEIGHT OVERLAY**

##### **For the Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) replace Section 110-73 (c)(6) Maximum Building Height (60') – with the following:**

*Proposed Port of St. Marys Industrial & Logistics Center PDD Height Overlay District shall set maximum building heights in lieu of existing building height limitations found in the City of St. Marys Zoning Regulations.*

*In Sec. 110-73(c)(6) of the City of St. Marys I-G Industrial land use district it states the maximum building height is 60'. The proposed Port of St. Marys Planned Development District (PD) proposes the Height Overlay District to have maximum building height requirements that range from 45' – 100' as noted below. The report shows that 77% of the property can have height requirements that exceed the current City of St. Marys 60' maximum height requirement shown in the St. Marys I-G land district.*

- 45' - 23% of the gross developable area (+/-557 acres). Includes all of the Mixed Use Tract and a portion of the Port Industrial Land Use Tract.
- 65' - 65% of the gross developable area (+/-557 acres). Includes a majority of the Port Industrial Land Use Tract. There will be a 200' setback minimum from all adjacent property.
- 100' - 12% of the gross developable area (+/-557 acres). Includes a portion of the Port Industrial Land Use Tract. There will be a 400' setback minimum from all adjacent property.

#### **PROPOSED SPECIAL USE PERMITS CHANGES**

##### **Sec. 110-145 – Special Use Permits.**

*Section 110-145 of the City of St. Marys Code of Ordinances states no Special Use Permit shall be transferable or assignable, even if the use is unchanged. The Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) is requesting the PD to allow Special Use Permits to be transferrable or assignable to any future owner without requiring approval through the Planning Commission and St. Marys City Council. Future property owners would not be required to apply for the Special Use Permit or pay the \$625 application fee whether there is or is not a change of use.*

*Under the three districts, as defined, Port Industrial, Mixed Use, or Conservation Area there are no Special Permit Uses provided and thus, the applicant is suggesting that the Special Permitted Uses will be triggered by the provisions of Section 110-73(b).*

*It must be remembered that any future development must still adhere to the Development Standards of the City and still adhere to the Special Use Permitting process after a PD is approved and a final plot plan or development plan is considered. The Permitted Uses proposed for the Port Industrial are the Permitted Uses allowed in the Light and General Industrial Districts of St. Marys, with the added categories of 'Marine Facilities,' 'Maintenance Areas,' 'Storage Facilities,' and 'Steam and Energy production and storage facilities.' The General Industrial areas of St. Marys currently permit,*

- (2) Industrial uses which involve manufacturing, fabrication, processing, assembly, packaging, treatment or storage of heavy materials, products or equipment; but not including junk or salvage operations or uses

which may cause the conditions outlined below in subsection (b)(2), special permit uses, and specifically excluding waste handling, treatment or storage facilities. Waste handling, treatment or storage as part of an overall industrial process is permitted.

*The “subsection (b)(2)” referenced above is the provision that states,*

2) Any industrial use that may produce injurious or noxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions as a result of its operation. Such uses shall be located a minimum of 200 feet from adjoining property lines and must be in conformance with all applicable rules and regulations administered by the Environmental Protection Division of the Georgia Department of Natural Resources.

*Thus, the Port will be held to General Industrial standards that force any operation that proposes manufacturing or production that causes “injurious or noxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions as a result of its operation,” to provide a 200’ buffer, and adhere to “all applicable rules and regulations administered by the Environmental Protection Division of the Georgia Department of Natural Resources,” not to mention any “additional conditions which may be required to be met.”*

*Some of the permitted uses allowed under Port Industrial and Marine Facilities that should be considered special permitted uses or conditional, are ‘Storage Facilities,’ ‘Steam and Energy production and storage facilities,’ ‘Bunker (fuel) storage facilities.’ The thought that fuel tank farms might be permitted without conditions or specific limitations should not be possible in downtown St. Marys. The Planning Commission may also review the Permitted Uses allowed under the General and Light Industrial districts and consider whether they would wish to see these uses in the downtown area.*

**For the Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) replace Section 110-145(4) with the following:**

(4) Where the City Council authorizes the issuance of a Special Use Permit for the use of land or buildings, as listed in article II, “Land Use Districts,” that Special Use Permit shall be issued only for the applicant/entity requesting the Special Use Permit for the specific use requested at the public hearing. The Special Use Permit shall be transferrable or assignable to any future owner.

*Section 110-145(5) of the St. Marys Code of Ordinances states that all existing Special Use Permits are required to be renewed each year at a cost of \$75. The Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) is requesting the City to waive the annual renewal fee in the amount of \$75.*

*If the transferability and term of the ‘Special Uses’ granted the property are of concern, a happy medium might be the inclusion of an oversight provision, such as the one that follows:*

*The Community Development Department shall have the right to examine the operation of the specific use yearly to determine compliance with the requirements and any conditions. If the Community Development Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of thirty days to come into compliance. If after thirty days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission who may recommend that action be taken to remove the special use from the property.*

**For Section 110-145 (5) St. Marys Code of Ordinances current zoning text follows:**

*(5) All Special Use Permits shall be licensed by the city. All initial applications for a Special Use Permit shall be accompanied with an application fee of \$625. If approved, the Special Use Permits will be effective from July 1 through June 30 of each calendar year. If the special use permit application is denied, \$312.50 of the initial application fee shall be refunded to the applicant. All existing Special Use Permits shall expire on September 1*

unless renewed pursuant to the provisions of this amended section. Thereafter, all Special Use Permits are required to be renewed each July 1, at a cost of \$75.

**For the Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) replace section 110-145 (4) with the following:**

(5) All Special Use Permits shall be licensed by the City. All initial applications for a special use permit shall be accompanied with an application fee of \$625. If a Special Use Permit is approved, no annual renewals shall be required.

*What is in effect being requested is a rendering of the Special Use Permit into a quasi-Permitted Use, unless provisions are given for oversight and timing. The loss in revenue from the Special Uses granted are not as essential as the oversight that the process can provide. By severing the Special Use from the yearly renewal fee, as well as to the attachment to the owner or operator runs the risk of an operation becoming 'non-compliant' and providing little recourse to the City for enforcement.*

### **PROPOSED MARITIME HERITAGE DISTRICT EXEMPTION**

#### **Sec. 110-78. – Maritime Heritage District (MHD).**

The Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) is proposing to be exempt from the requirements of the St. Marys Maritime Heritage District Ordinance. The exemption would apply to all property owned by Old Weed & Ready Plantation, LLC as shown on Exhibit B – Boundary Survey dated October 26, 2015 (Parcel A, Parcel B, Parcel C, and Parcel D).

*The above noted property presently lies within the Maritime Heritage waterside portions of the Maritime Heritage District. The request to be exempt from the requirements of the Maritime Heritage District would exempt the applicant from provisions found in Section 110-78(e), including:*

- *In Sec. 110-78(e)(1) On the waterside plan, any applicant for any use in the MHD must submit a plan to the Planning Commission for approval, following the provisions contained in these regulations and/or the Zoning Ordinance 110.*
- *In Sec. 110-78 (e)(7) all floating constructions shall be regulated by the City of St Marys. This would include ships, boats, trawlers, dinghies, barges and any manmade floating construct that floats on, is anchored, or floats below the water of the St. Marys River and its numerous tributaries.*
- *In Sec. 110-78(9) anchoring for any reason in the defined ship channel is not a permitted use in the waterside overlay zone.*

*Coastal areas have many permitting processes and also many different parties granted authority from the State of Georgia to the Corp of Engineers, DNR and Coast Guard. If the Planning Commission feels the Maritime Heritage District, which was primarily focused on preserving the interface between the downtown and waterfront commerce, is required to maintain the same for this industrial site, then those conditions should be addressed.*

### **PROPOSED DESIGN STANDARDS**

#### **(f) Subdivision Regulations of the City of St. Marys, Georgia**

Sec. 86-1 through Sec. 86-42 “Article I General Provisions. Article II Definition of Terms, Article III Design Standards.

Proposed Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) Section II shall meet minimum design standards for Streets, Lanes, Alleys, Right of Ways, Lots, Blocks, Utility Easements, easement locations and open space.

## **PROPOSED ALLOWED LAND USES:**

The Zoning Master Plan for the project consists of three land use tracts to include (I-P) Port Industrial, (MU) Mixed Use and (CA) Conservation Area.

### **Port Industrial Tract (I-P)**

The purpose of this planning area is to provide areas for manufacturing, processing, assembling, fabricating, marine facilities, intermodal transfer and related activities.

#### Permitted Uses:

a. Permitted Uses allowed in Sections 110–72 Light Industrial (I-L), and 110–73 General Industrial (I-G), under the City of St. Marys Zoning Regulations as included herein as Appendix A both by right and conditional uses.

#### b. Marine Facilities

The following are allowed uses:

- i. Shipping facilities for barges and ships
- ii. Import / Export operations
- iii. Container cargo
- iv. Bulk cargo
- v. Break-bulk cargo
- vi. Shipyard operations – vessel construction & repair
- vii. Dry dock
- viii. Vessel berthing
- ix. Vessel bunkering operations (Fueling and Replenishment)
- x. Bunker (Fuel) storage facilities
- xi. Inter-modal operations (Rail, Truck, Maritime vessel)
- xii. Bulkheads, seawalls, piers and pier heads
- xiii. Solar and Clean Energy Generating Facilities

All Marine facilities shall comply with state and federal standards, which are in effect at the time of such permitting, and regulations shall be determined, by the direct application to appropriate agencies.

#### c. Maintenance Areas

Permitted uses include:

- i. Vehicle maintenance
- ii. Storage of vehicles and parts, boats, and landscape equipment
- iii. Fuel storage
- iv. Shops for woodwork, metalwork and painting
- v. Greenhouses, plant propagation areas and holding yards
- vi. Mulching facility and mulch storage
- vii. Storage of chemicals and bulk materials as permitted by law
- viii. Offices associated with maintenance operations

#### d. Open Space

#### e. Roads

#### f. Utilities

#### g. Wetlands

#### h. Storage Facilities

#### i. Steam and Energy production and storage facilities

### **Mixed Use Tract (MU)**

The purpose of this planning area is to provide an area that permits commercial uses in addition to manufacturing, assembling, fabricating, marine facilities, and related activities.

#### Permitted Uses:

#### a. Neighborhood Commercial

#### Permitted Uses:

i. Retail businesses, personal service businesses, shopping centers, restaurants, convenience stores, commercial establishments, offices and civic/institutional uses.

ii. Uses permitted in City of St. Marys Zoning Ordinance Sec. 110–69. C–1 Central Business District

Maximum building heights for all uses shall meet the requirements of the Height Overlay District for the Port of St. Marys Industrial & Logistics Center PDD.

b. Port Industrial (I–P)

**Conservation Area Tract (MU)**

The purpose of this planning area is to provide a conservation tract to preserve wildlife habitat as identified by the wood stork colony known to exist on the property.

Permitted Uses:

a. Wildlife Habitat

b. Open Space

i. Landscape areas.

ii. Stormwater ponds, drainage improvements.

iii. Saltwater and freshwater wetlands including buffers.

iv. Conservation Areas and greenbelts.

v. Multi–use trails.

vi. Perimeter buffers.

c. Wetlands

i. Open space and buffers.

ii. Conservation areas.

iii. Activities in all areas as permitted by the U.S. Army Corps of Engineers

iv. (USACOE), the Georgia Environmental Protection Division (EPD) and the Georgia Department of Natural Resources Coastal Resource Division.

v. Disposal of reclaimed water as permitted by EPD.

vi. Storm water control and management.

vii. Marine Facilities, boardwalks, trails, bridges and other permitted structures and facilities.

viii. Forest management.

d. Utilities

**III. AMENDMENTS TO EXISTING PLANNED DEVELOPMENT (PD) DISTRICTS: Sec. 110-68(b)**

(1) Any request pertaining to amending a PD District shall be considered an amendment to the Zoning Ordinance and shall be processed in accordance with the regulations set forth in article VII, amendments.

(2) All information required in subsections (c) and (d) of this section shall be submitted to the planning commission and subsequently forwarded to the city council with the recommendations of the planning commission.

(3) If the amendment is approved by the city council, all information pertaining to the proposal, presented or agreed to by the applicant shall be deemed conditions of approval. All permits granted in the PD District shall be in conformance with those conditions.

(4) Before approval of an amended Planned Development District, the city council may require a contract with safeguards satisfactory to the city attorney guaranteeing completion of the development according to the criteria listed herein. Such guarantee may include the submission of a performance bond in an amount set by the city council.

#### IV. PLANNED DEVELOPMENT GENERAL DESIGN CRITERIA AND DEVELOPMENT STANDARDS: Sec. 110-68(f)

**(1) Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships.**

*The limitation of points of access, keeping truck traffic to Finley and St. Patrick, while keeping all storage yards interior and well-protected from surrounding uses through buffering and screening will alleviate many of the community concerns.*

**(2) Variety in building types, heights, placement on lots and size of open spaces are encouraged if they are conducive to a safe, healthy and aesthetically pleasing living environment.**

*Not applicable to this application.*

**(3) The average density for residential dwelling units in a PD District should not exceed those set forth in the R-2 District, although it may be clustered within the PD District.**

*Not applicable to this application.*

**(4) A buffer strip with plant cover trees and/or an attractive fence should be provided by the PD District, unless the adjoining use is compatible. For instance, when one family and multifamily dwellings within a PD District are on property adjoining an R-3 District, then no buffer shall be required.**

*Many industrial districts across the nation have higher standards and impose greater controls on types of buffering and screening. Glynn County, for example, where they outline specifically the buffering choices and define requirements down to type of plantings allowed. Other jurisdictions put the onus on the planning commission and/or the Council to consider a development agreement. St. Marys has historically gone with the latter, placing the burden on the Planning Commission to develop the agreement, and unfortunately, this hasn't always been completed in a timely fashion, if at all. Staff recommends developing standards as a condition of approval or provisions in a development agreement.*

**(5) Within a PD District, the design should include buffers suitable for screening residential areas from commercial or industrial uses when dangers of incompatibility exist.**

*See above.*

**(6) The parking regulations of this chapter should be accepted as minimum standards, and therefore creative improvements are encouraged.**

*Parking standards for the City should be amended to provide parking requirements for each new facility at time of plot plan and special use permitting.*

**(7) Shopping centers and other types of planned developments shall not have more than two access points to any one public street, unless unusual circumstances dictate the need for additional access points.**

*Meeting Street access should be limited where possible to limit the impact to surrounding commercial and residential areas.*

**(8) All access points from a PD District should be located at least 100 feet from the intersection of any street.**

*All transportation facilities will be to City standards and a traffic study for required improvement should be a condition of approval.*

**(9) Proposed cemeteries must be a minimum of ten acres and must otherwise comply in all respects with O.C.G.A. § 10-14-01 et seq. together with all rules and regulations promulgated by the Secretary of State of Georgia.**

*Not applicable for current application.*

**V. REZONE CRITERIA: Sec. 110-185(d)**

**(1) The zoning request should be a logical extension of a zoning boundary which would improve the pattern of uses in general area.**

***Development of Regional Impact***

*To review the process, within Georgia, since 2000, of how a project that involves a Development of Regional Impact (DRI) proceeds through the public process, we must first return to November 5th, when the project was first submitted to the City. The submission triggers an analysis, through the Georgia Department of Community Affairs, which notifies surrounding communities and affected agencies for projects that reach certain thresholds and therefore may affect more than local communities. For such projects, they are sent to Darien and the Coastal Regional Commission (CRC) for review.*

*Until last March, the CRC would have not only sent notification to surrounding stakeholders, they would have also given the application a more detailed examination. Yet, since policy has changed, it is now beholden to the local jurisdiction to request further analyst. This was done by the City of St. Marys on December 10th (see Exhibit L), when the initial report came back lacking any form of value-added analysis and input from just five parties.*

*The final report from the CRC, Exhibit M, DRI Detailed Analysis Report, gives further details of the property, comparing proposed projections of the change in zoning to the current zoning of the property. With reception of the report, the City is now able to proceed with local action on the application.*

*The applicant provided two introductory information forums at the St. Marys Elementary School, on December 5<sup>th</sup> and 15<sup>th</sup>. These ‘information only’ sessions were facilitated by the Camden County Joint Development Authority, as a way of introducing the project to the St. Marys community and to provide citizens a chance to ask questions relating to the rezone request. The City’s Planning Commission, in preparation for the public process held a work session at the St. Marys Elementary School on January 7th. The City’s review doesn’t officially begin, however, until the duly noticed public hearings before the Planning Commission begin on February 18th and 25th.*

***City of St. Marys Public Process***

*First, there have been many questions regarding just what is being developed on the property and whether the developer is qualified to accomplish the plan. This rezone request, however, asks the City to contemplate the future of one of its last remaining large tracts of land as an area with potential industrial, manufacturing, transport and mixed-use development, or remain, waiting for mixed-use residential, rather than whether the developer can accomplish a proposed development.*

*The ten standards for judging the application under 110-185(d) Zoning Amendment Criteria - guide the City’s decision and asks the Planning Commission to “recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the city council.” None of which require the Planning Commission to make a determination on the qualifications of the developer.*

*The City Council is then given the authority to “consider the recommendations of the planning commission, and vote on the proposed amendment to the text or map of the zoning ordinance after the planning commission’s public hearing. If the proposed amendment is not recommended by the planning commission, the favorable vote of a majority of the entire membership (four members) of the city council shall be required to make the amendment*

effective. The applicant and others so requesting shall receive notice of the decision of the city council through the planning and zoning director.”

Finally, and perhaps most pertinent to any rezone request, “the planning commission may recommend and the city council may require, such conditions, in addition to those required by other provisions of this chapter, as it finds necessary to ensure compliance with those standards and all other applicable requirements of this chapter. Violation of any of those conditions shall be a violation of this chapter. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.”

The reason conditions are so pertinent to a rezone application is that it gives the City further assurance on any future development that the applicant will have stricter standards, more pertinent standards to live by. Without a concrete development attached to the zoning request, the conditions and perhaps a development agreement, will be the avenue for the city to share its expectation of prospective industrial development. Just as the Port of St. Marys has a picture of what they are hoping to achieve with this rezoning, the City, mainly through the conditions, can offer their own vision. Greater environmental controls, through higher standards than state or federal demands, or greater control of public access, or traffic movements could be imposed, with the trade-off that future developers will have the understanding that these wishes must be met, weighing any initial cost or long-term commitment to any development plans and the protections necessary to insure a healthy future.

**(2) The request should not be an illogical extension of a zone boundary which would intrude a damaging salient of a commercial, industrial, or high-density apartment use into a stable neighborhood of well-maintained single-family homes, and would be likely to lead to neighborhood deterioration, the spread of blight, and requests for additional zoning of a similar nature which would expand the problem.**

*Please see comments in Standard (3), below.*

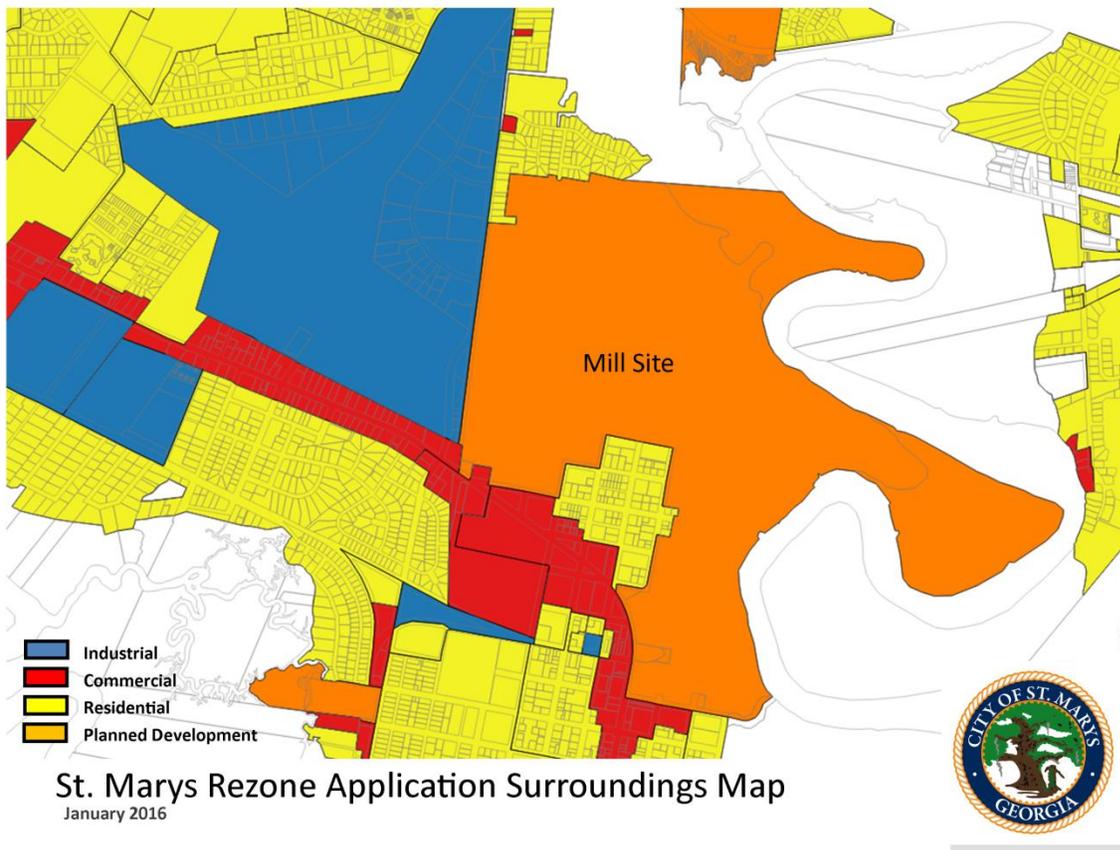
**(3) The request should not result in spot zoning or generally be unrelated to either existing zoning or the pattern of development of the area.**

All rezone requests in Georgia put the burden of proof on the applicant, at a public hearing, to convince those reviewing each application that ‘spot zoning’, as defined below, will not result from the rezone:

<sup>5</sup>Georgia courts have defined “spot zoning” as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.” *East Lands, Inc. v. Floyd County*, 244 Ga. 761, 764(3) quoting *Jones v. Zoning Bd. of Adjustment*, 32 N.J.Super. 397, 108 A.2d 498, 502 (1954).

Spot zoning is usually a result of a single property or unique intrusion of a totally different and conflicting land use in a homogeneous district of a city. The mill site, however, was of course, historically, industrial and this return to industrial will not be anything new to the area. The paper mill at its peak employed 900 and at one point provided primary work for a large portion of the St. Marys population. For years, thanks to this mill, St. Marys was the very definition of a company town. To suggest that it is an ‘illogic extension’ of a zoning boundary would be less than accurate in any context and in all reality it is still basically an industrial site, a brownfield legacy from the industrial age. There are still wastewater and storage facilities on site and a serviceable amount of infrastructure for redevelopment. Whether the community wishes to see this as a future industrial site or remain a mixed-use residential area will depend largely on the vision the community has for St. Marys and the resurgence of the American economy.

The map below shows a current zoning map of the surrounding properties, with nearly a third of its abutting landside property in industrial, a third abutting residential and a third commercial. Therefore, there would be very little difficulty in making a case for rezoning the property in any direction, commercial, residential or industrial.



**(4) The request should not create traffic which would traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards.**

*The major points of ingress and egress from the site are proposed to be located six blocks off Georgia Highway 40/Osborne St. at Finley Street and immediately off Hwy 40 at St. Patricks' Street. These access points are proposed to handle the majority of truck traffic from the development, while a portion of traffic is proposed to be handled via St. Marys Rail. Since this is a rezone application and there is no development plan attached, only summary, 'upper-story,' projections have been provided for the transportation demands.*

*Compare the Peak Demand projected at approximately 3,400 trips for the Port application compared to the Land Mar application of 3,800 and one might conclude that this is asking for less of an impact than the previous scenario. Such a scenario is indeed possible, however truck traffic is very different from automobile traffic. Unfortunately at this 30,000 foot level of analysis, neither proposal could provide such detail and must await a traffic study. Real numbers, or at the very least, more realistic numbers, might be the 4,200 daily trips that currently move along Osborne, last counted in 2011, with 148 trucks per day or 3.51% of the traffic load. In 1990, at the same location, at Osborne and Meeting St., 7,849 vehicles made the daily trip and those counts remain over double today's rate until 2000, according to GDOT.*

*If we compare these numbers with Port of Brunswick in Glynn County and the impact on US 17, between the Port and Interstate-95, the 12,600 vehicles per day, with 1,095 truck traffic would be the upper-end to any projections a Port might expect in St. Marys and yet, those numbers are already what is seen just a mile up the road on Osborne, at the Airport, where 13,800 vehicles travel per day, of which 789 trucks pass through. In a recent study, the Port of Fernandina shows similar counts and similar splits for AIA/200 & 8<sup>th</sup> Street (3,800 vehicles, with 1,100 trucks) and a mile south on A1A, towards the bridge, near Gum St. (13,200 vehicles and 1,200 trucks).*

Where a Port would increase traffic and truck numbers, from looking at similar areas, with similar concerns, and looking at historic numbers, we can see that a shift to industrial would not likely over-burden current traffic facilities. Any further development, we must remember, would demand a traffic study, with concessions made by the developer to meet local and state improvements where required.

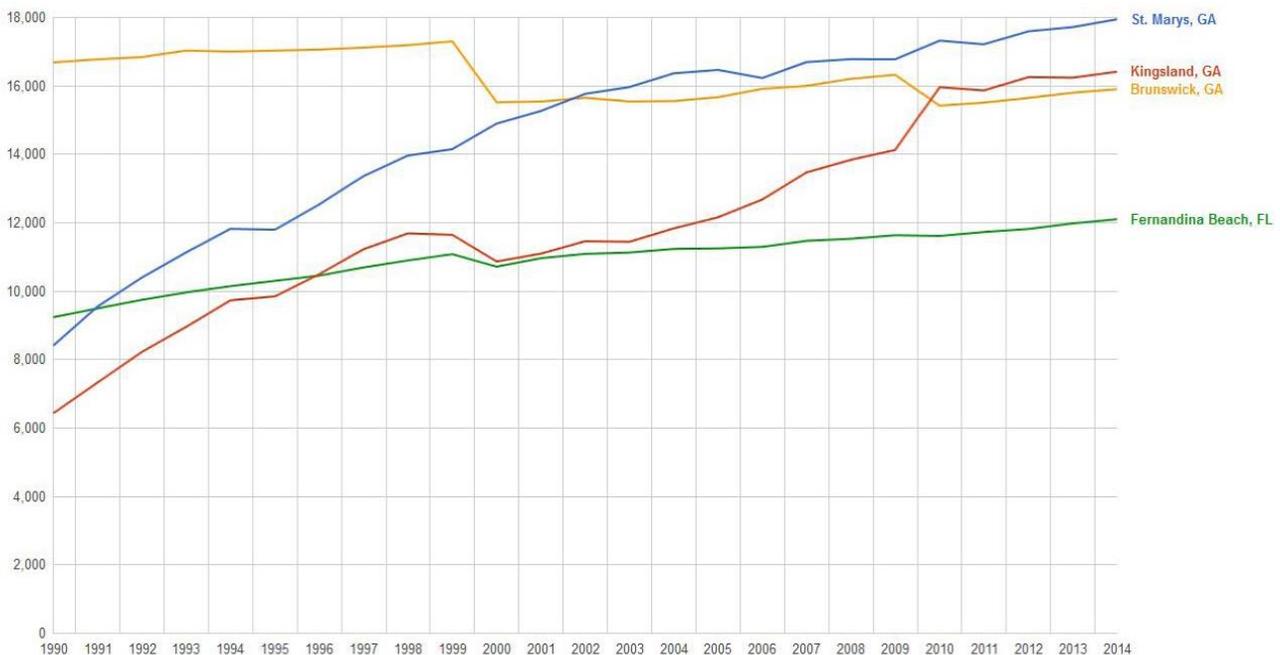
Storage of hazardous materials and their effects are a serious concern to residents neighboring rail-lines or storage yards. Federal Transportation Safety Regulations require most hazardous materials to provide a buffer of 300' to any habitable structure and this should be considered here.

The proposed rezone offers buffers to surrounding land owners of 50' at industrial locations, relying on a special use permit for the additional 200' buffers, with no buffers provided at the mixed-use area, along the southern border. With concerns over the transport of hazardous materials, provisions should be considered for a minimum 300' buffer from residential areas, for industrial facilities and transportation yards, where materials may be stored, conveyed or processed. If concerns surround certain described materials, such as coal, coal ash, or refuse, then language within the PD ordinance revision or conditions should specifically spell-out those materials.

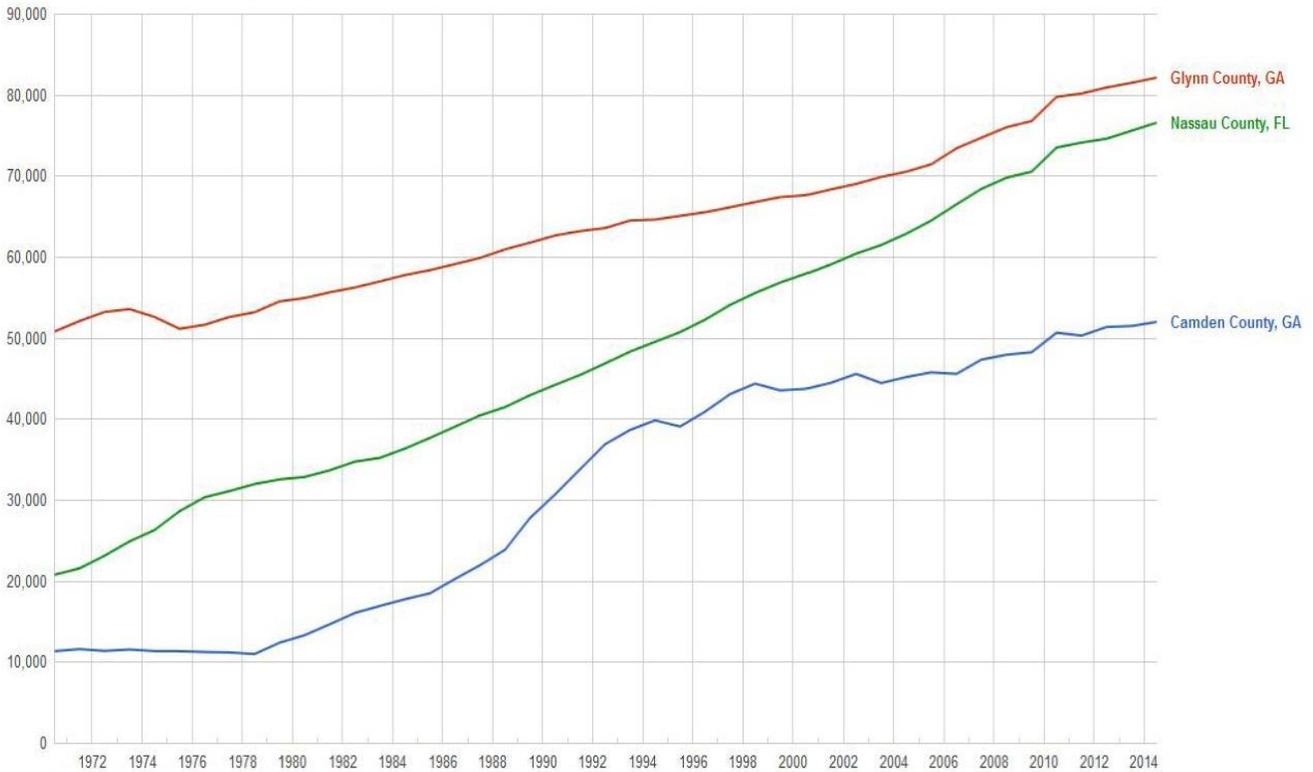
**(5) The request should conform to the general expectations for population growth and distribution.**

The following chart shows a comparison of St. Mary, Kingsland, Brunswick and Fernandina Beach, FL, over the past twenty-five years. When the rate of growth of St. Marys and Kingsland is seen in light of the county growth in Glynn County and Nassau County, FL, as opposed to Camden County, we can see that our Camden County cities are outpacing the urban growth of these other benchmark communities. Where Fernandina Beach and Brunswick have 'flat-lined' over the past twenty-five years, and growth has leaked into the surrounding counties and communities, St. Marys and Kingsland continue to experience rather healthy population growth. Although St. Marys' growth has steadied over the past ten years, St. Marys' population can still expect to reach 20,000 by the 2020 Census and likely 30,000 by the 2030 Census. As the two metropolitan areas to the north and south, Brunswick and Jacksonville, continue to expand, Camden County and St. Marys can expect consistent growth over the fifteen year timeframe the applicant projects for buildout.

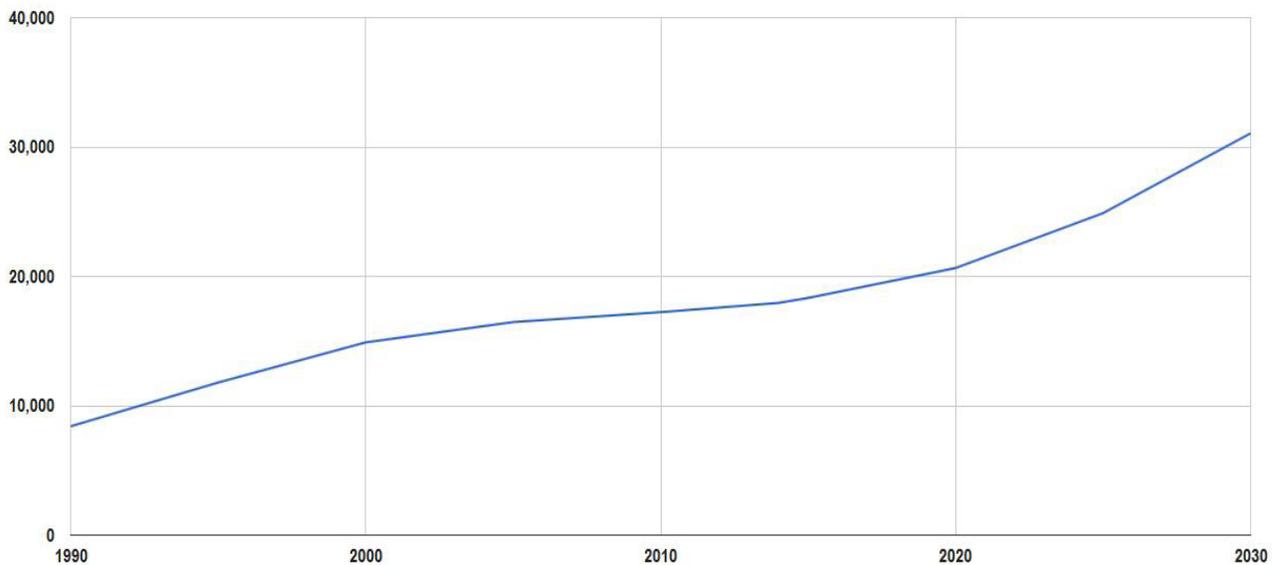
**Benchmark City Population Growth, 1990-2015, US Census**



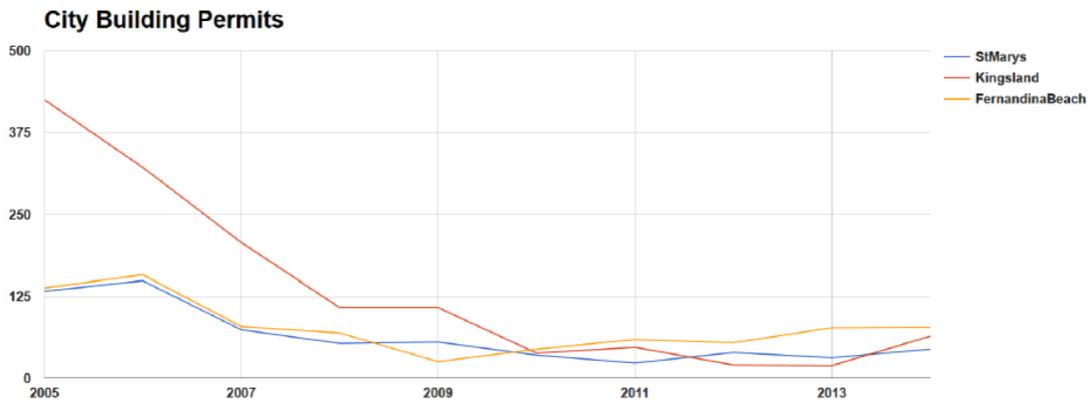
### Benchmark County Population Growth, 1990-2015, US Census



### St. Marys Population Projection



*With this continued growth will come demands on infrastructure and available lands. As noted elsewhere in this report, there is a backlog of residential property in St. Marys and the County, yet, industrial lands and commercial lands are another story. Although a large number of commercial properties sit vacant or undeveloped in the City of St. Marys, there are also quite a number of industrial properties dormant or undeveloped. Yet industrial lands account for only 5% of buildable lands in St. Marys, less than half that of commercial lands and one-tenth committed to residential.*



*Along the Osborne/Hwy 40 Corridor there are a number of properties operating non-conforming 'industrial' uses in commercially zoned districts. Many of these uses have been doing so for years and are working under 'grandfathered' status and are in need of industrial property, with very little industrial property available to fit their needs.*

*St. Marys future depends on having available developable lands for all land classifications, with industrial being the most pressing need. Where many communities have more 'flexible' industrial zoning classifications, encouraging 'live-work' opportunities and mixed-use development, there is very little flexibility in the current zoning codes of St. Marys. The City has embarked on a rewrite of its zoning code but that will not impact this rezoning application. However, it is not beyond the realm of this request to discuss the possibility that more of the property, especially the property bordering residential properties, identified as parcels 1-6 on Exhibit N, the Conceptual Layout, provide the possibility of more flexible, light-industrial zoning, with office and mixed-use residential opportunities, even if it must be through special use.*

*Since the applicant projects a fifteen year timeframe for build-out, we can't ignore the growing trends locally and nationally of a more mobile workforce. Of St. Marys current occupational tax licenses, only 48% operate within a commercially zoned district, while 6% operate in industrially zoned areas and, 34% operate as home businesses or occupations within residential areas. Indeed, there is a growing trend across the country to a more nimble, smaller and more mobile workforce and workplace. This is the future of development and St. Marys will be addressing this in the new zoning code, however, nothing stops this request from leading that charge and offering more flexible uses in transition areas. The application offers 18 acres, along Meeting Street, as a transitional mixed-use area for commercial-residential, yet across the country more flexible industrial zoning is meeting commercial and residential uses in meeting growing demands.*

*It should be noted that the 18 acres of Mixed Use area identified along Meeting Street allows for Port Industrial as a permitted use, yet the same doesn't work in reverse, not even as a special use or as another option on the 521 acres of Port Industrial.*

**(6) The request should not limit options for the acquisition of future planned public facility sites, roads, open-space, etc.**

*Back when the mill was operational the on-site water flow being pulled from the artesian wells reached 26,000 gallons per minute. Flows of this magnitude have quite an impact on surrounding water tables and are highly sought after, especially in coastal communities, which are rife with salt water intrusion. The Port proposal identifies the use of City water, however there is also discussion regarding the use of on-site wells. Clarification through a development agreement, with proportionate use clauses could alleviate any concerns that the applicant might forego utilizing City Water and the revenue attached. The applicant has stated that the on-site wells would be used for industrial production, while City water would be used for domestic flows. The City should understand*

*the attraction to prospective industrial operations of these artesian wells, yet balance that with what might be expected from industrial use on City property. The City might consider an agreement that allows only City water usage, unless a special permit is issued for a designated industrial use.*

*Wastewater is proposed to be coordinated with the City for an onsite regional pump station to transfer wastewater via force main to the Point Peter wastewater treatment facility. According to recent reports, the Point Peter WWTF is currently operating at 1.7 to 2.0 MGD, of a permitted 4.0 MGD. The City also has a maximum permitted capacity of 6.0 MGD of potable water at its disposal, while only averaging 2.0 on daily drawdown. Any condition or development agreement should provide a threshold or trigger that would compensate the City for additional usage. The new Tax Allocation District (TAD) for this area is also a possible component in supporting this outlay.*

*The proposal provides a Conservation Area for the stork rookery, which is one of the most unique attributes of the site. The rookery is a very sensitive landscape and the buffering of such an area to industrial intrusions or any other impacts should be one of the highest priorities of any eventual development. The rookery is zoned CA, yet the application does not provide any dedicated assurances. There is also a 'Greenway Trail' identified on the 'Conceptual Plan' Exhibit but no assurances given in the proposed code towards providing public access, let alone dedicated improvements the City's trail system. The current zoning code of St. Marys does not guarantee connectivity to existing or future trail systems and public access to parks, open space or waterfront. These concerns should be addressed in the conditions.*

*There is concern over the storage and processing of solid waste as part of the industrial site. Limiting all solid waste on-site to that originated at the site through conditions should alleviate these concerns.*

**(7) This request should not result in major changes in existing levels of public service, and/or fiscal stability.**

*The request to maintain the Maximum Building Height allowances from the existing Planned Development zoning code would require the City of St. Marys Fire Department service structures up to 100' for approximately 557 acres (12%) of the site. Currently the City does not have the aerial capacity to service such heights. In fact, the ability to serve a 100' structure from an emergency service perspective may be the most pertinent point to address in conditioning such an application.*

*Across the coastal areas, at the Port of Brunswick, under the Basic Industrial zoning of Glenn County and under the Port of Fernandina's prevailing Waterfront Industrial ordinances, structures are limited to 60'. The 100' height requirements provided under the current mixed-use zoning was intended for a residential use and therefore whether industrial development would necessitate such heights should be a point of discussion.*

*St. Marys Municipal Code **Sec. 110-96-Exceptions to height regulations** currently provides exceptions to smokestacks and many non-habitable structures:*

**Sec. 110-96. - Exceptions to height regulations.**

*The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, flag poles, masts and aerials.*

*Therefore, if cranes or such non-habitable structures are the reason for the increased heights, another option would be to add cranes to the list of exceptions rather than keeping a large swath of land open to these extreme heights. If these heights are required, then conditions of approval should address needed service equipment and the added training and personnel that may be required to mitigate these hazards.*

*Another area that should be addressed, if we are to consider the Phase One Environmental Assessment and the possibility of additional industrial uses, is to condition any future special use permit that asks for permission to handle, store or transport hazardous or toxic materials with a development agreements that secures the City the training, equipment and personnel for handling additional risk.*

**(8) This request should not achieve short term goals at the expense of long-term, development goals.**

*The current Planned Development Mixed-Use zoning has not resulted in a development opportunity on the property over the past ten years. Whether the rezoning would allow for more economic opportunities may not be answered by a simple rezoning. However, a Feasibility Study produced by Georgia Southern, back in 1993, by Dr. E. Cameron Williams and Dr. Jerry W. Wilson of Georgia Southern University's Center for Management Development, unequivocally stated a belief that a bargeport would be a profitable proposal for the site:*

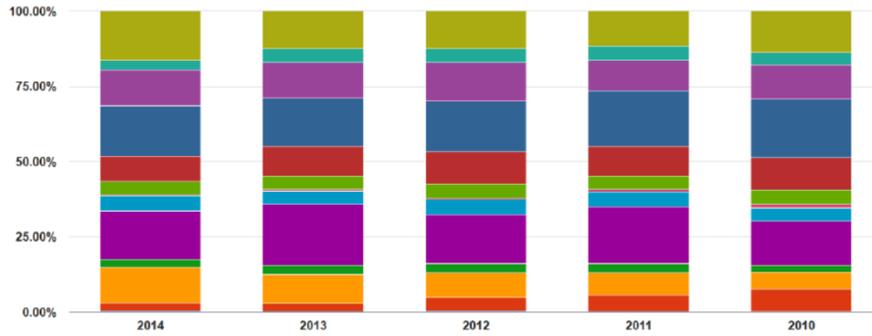
*"It is the opinion of the investigators that, based upon the findings reported here, a barge terminal on the North River site in St. Marys is feasible. The rather conservative estimate of the market potential, based upon secondary data and the survey of area industry, is from 200,000 to 500,000 tons per year. While the variety of potential commodities that would flow through the terminal is not extremely broad, the volumes of a number of the products discussed in the report should be sufficient to attain the minimum necessary to cover operating costs." (p. 45, **An Investigation of the Economic Feasibility of Constructing a Multi-Purpose Barge Terminal on the North River at St. Marys, Georgia**, by Dr. E.C. Williams and Dr. J.W. Wilson (1993))*

*It must be said that the report was written not only while the Gilman Paper Company was still operational, and when Gilman was also projected to be a significant provider of cargo for the study and over twenty years ago, yet it is conceivable that many of the potential industries and products to be transported in the study are still at play today.*

*The most prohibitive barrier to any development on such a site is the Brownfield conversion of a highly degraded industrial site into a developable site. LanMar bought the property in 2005, for \$36.5 Million, hoping to transform it into a multi-use real estate development, ending in bankruptcy and not answering the question of whether the site could ever be reclaimed for residential or commercial development. The site is currently under the Georgia Environmental Protection Division's Brownfield program, where a Corrective Action Plan (CAP) is in place and monitored to limit exposure to surrounding areas. The CAP limits the liability of development, where any future development will be monitored by the Georgia EPD and risk carried by the Trustee. The Phase One Environmental was prepared in October 2003, with a laundry list of potential hazards and contaminates. LandMar removed all hazardous materials from the site but the site still contains black liquor and many hazardous conditions, including a landfill that might be the highest point in Camden County. Yet with all of these concerns LandMar successfully rezoned the property to mixed-use residential-commercial, which should answer any questions on whether it can be once again returned to the less risky use designation of industrial.*

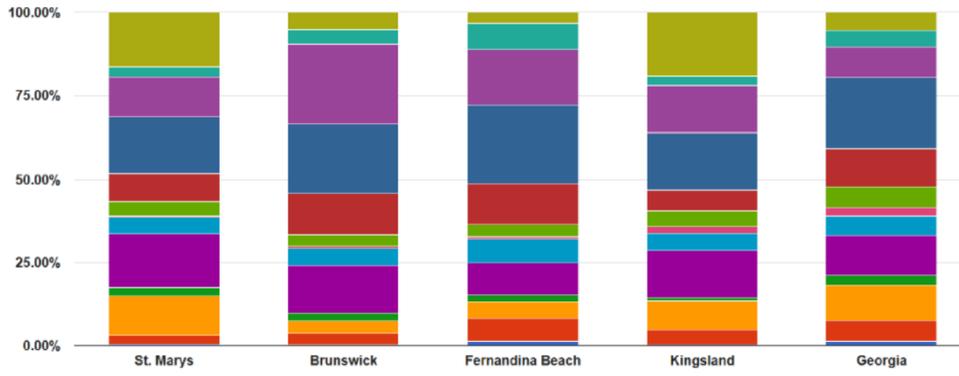
*Where the Land Mar proposal, and current zoning, focuses on residential and the ancillary job growth that results from a mostly commercial vision, the Port proposal envisions a future of 'primary employment' for the site and St. Marys, while placing any commercial or residential in a secondary position. The current economic mix for the City can be seen in the charts that follow. St. Marys and Camden County continues to have a considerable portion of its workforce dedicated to public administration compared to benchmark coastal communities and the state average. Unlike much of the other coastal communities, St. Marys and Camden County continue to show a bright outlook for manufacturing, as area manufacturing accounts for more than double that of Fernandina Beach and Brunswick. Although St. Marys lags behind the other coastal areas in 'Arts, Entertainment, and Recreation, and Accommodation and Food Service' sector, it is in 'Educational Services, and Health Care and Social Assistance' where the true indicator of a 'tourism destination' community can be found and also where St. Marys and Camden County continues to struggle.*

**St. Marys Industry, by Sector**

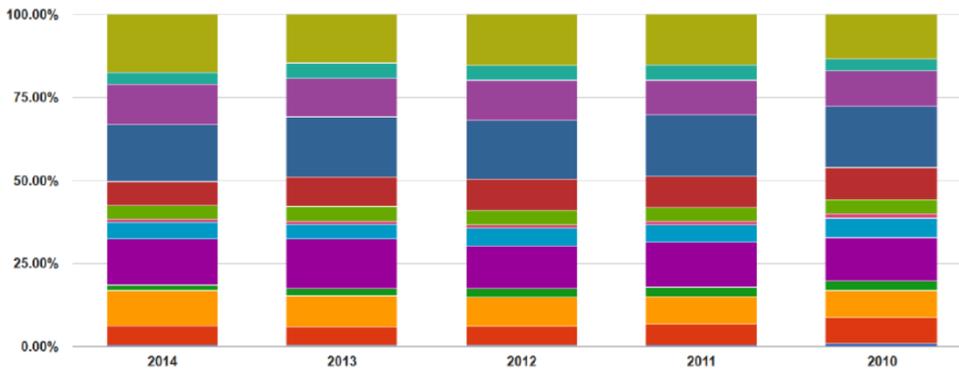


- Public administration
- Other services, except public administration
- Arts, entertainment, and recreation, and accommodation and food services:
- Educational services, and health care and social assistance:
- Professional, scientific, and management, and administrative and waste management services:
- Finance and insurance, and real estate and rental and leasing:
- Information
- Transportation and warehousing, and utilities:
- Retail trade
- Wholesale trade
- Manufacturing
- Construction
- Agriculture, forestry, fishing and hunting, and mining:

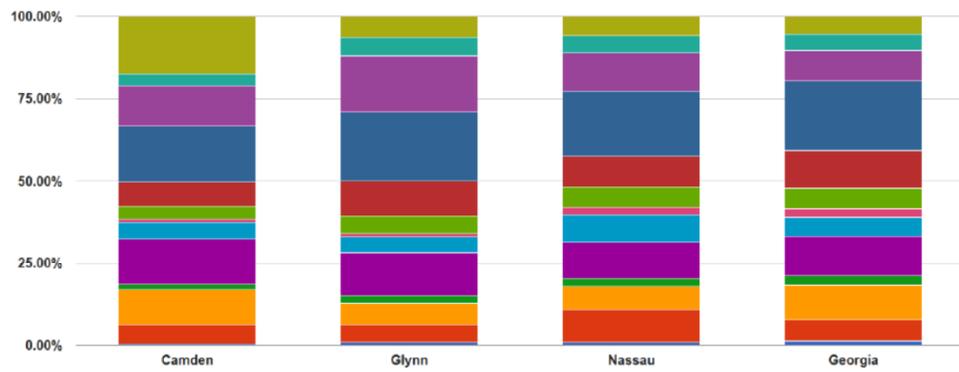
**City Industry, by Sector**



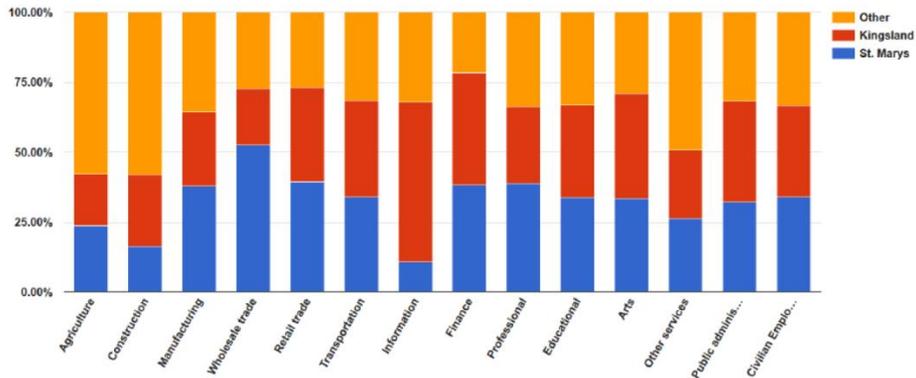
**Camden County Industry, by Sector**



**County Industry, by Sector**



**Camden County Industry, by Jurisdiction**



*This reliance upon the government sector, from the large public administration portion of its industrial base to the vast naval presence, provides St. Marys a double-edged sword, with a fairly resilient core to weather economic downturns, yet an over-reliance on a single sector, the SUBASE, if the federal government were to go through another Base Realignment and Closure process. Although St. Marys and Camden may be envisioned as a tourism destination there are many indications that it still contains a healthy manufacturing and potential industrial sector, providing a more balanced industry sector split than many coastal communities.*

*The number of jobs projected for the site, according to the calculations for the DRI, 5,300, is of course, unattainable. The current number of jobs for the whole of St. Marys is just over 6,800 and the most ever employed at the site, when the paper mill was at full employment was never more than a 1,000. One must understand that the numbers projected in the application are the upper-story or ceiling projections to show the full impact potential, from an engineer's table that relates much more to our grandfather's manufacturing world or prior, than to today's industry. We must also couch all of these projections in the DRI process, where it is looking to show the upper-limits to what a region might face if every inch of the development was maximized. Remember, the LandMar estimates were for over 3,000 dwelling units, 250,000 sq.ft. of commercial space and a 250 room hotel, when the entire City of St. Marys had just around 6,000 housing units at the time of application.*

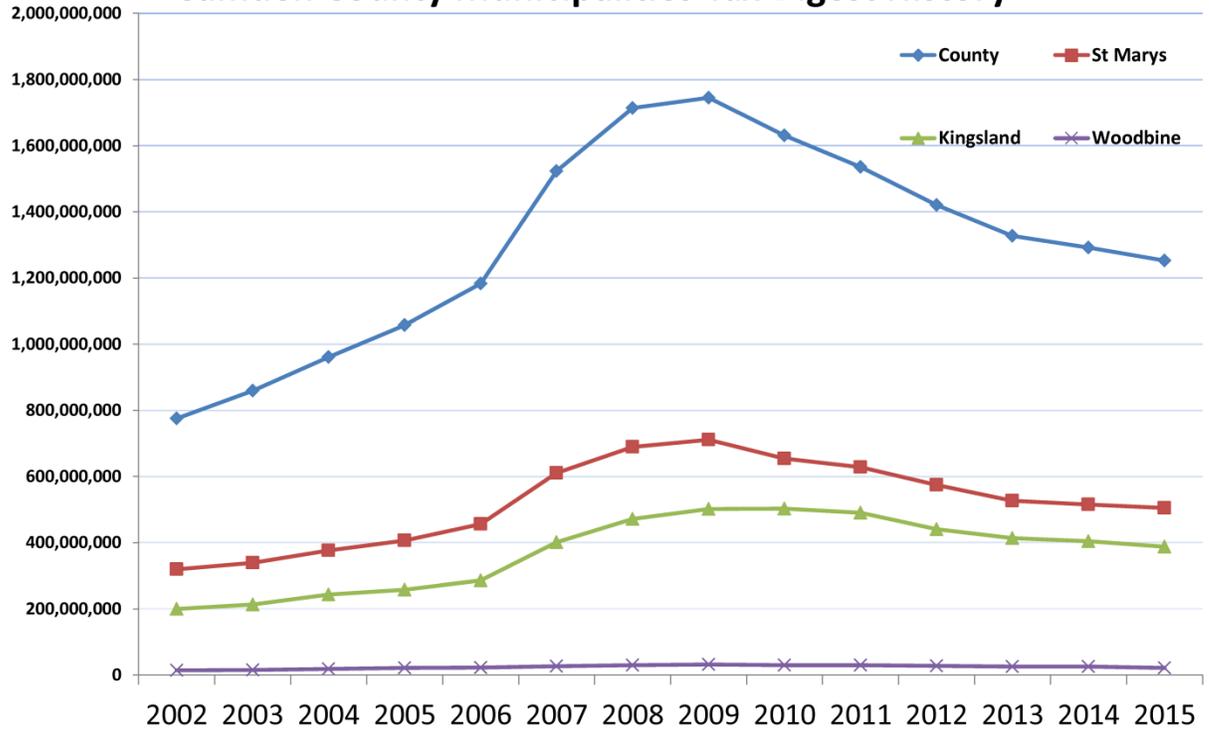
*The City of St. Marys has just recently completed a Downtown Renaissance Visioning Plan, which will be incorporated into the city-wide Master Plan and Visioning work that is just reaching the community engagement phase. The Renaissance plan, led by UGA's Carl Vinson Institute, envisions a revitalized waterfront and downtown that is a regional and national draw, building on the destination Cumberland Island provides guests. What isn't mentioned in the plan and essential to drawing those guests and the businesses, such as the restaurants and shops that follow, are the population and densities required to keep the downtown vibrant. It will take more than streetscape improvements and blight control to revitalize the downtown .It will take an understanding that in each of these zoning decisions the City is providing development opportunities for businesses, industries or homes, in areas adjacent to the heart of the downtown, and not five to ten miles away, where most recent development has occurred.*

*This application is the largest contiguous piece of property under single-ownership in the City of St. Marys, holding quite conceivably the single most impactful piece to a downtown renaissance the City might see in the next fifty years. With limited 'greenfield' or 'brownfield' opportunities remaining in the City proper, this rezone provides an opportunity to place an employment center in that vital stretch between downtown and midtown St. Marys. With over half of the available platted lots located five miles or more from downtown St. Marys, the daily trips from work, to school, to shopping, from this growth, never reaches the downtown district, leaving the downtown a tourism destination a growing number of current residents. Each rezone, each development, each decision by Commission and Council must begin to address these concerns, as millennials and the new workforce demand more walkable, compact communities.*

**(9) This request should not result in changes to market values and/or tax rates of nearby properties.**

*The City's Tax Digest continues to decline and available industrially zoned sites are limited. In a comparison to other port communities, the City of St. Marys has just 4% of land dedicated to industrial uses. Comparing comparable coastal communities, Fernandina Beach and Brunswick have a much greater proportion of their land dedicated to industrial. .*

## Camden County Municipalities Tax Digest History



City of St. Marys, Finance Dept.

## Buildable Lands of St. Marys, St. Marys CDD

2016 Estimates	Buildable Lands (acres)	Pct. Zoned C, I, or R	Pct. Buildable Lands	Pct. Total Lands
<b>Commercial</b>	1387.71374	17%	13%	9%
<b>Industrial</b>	575.775904	7%	5%	4%
<b>Residential</b>	6283.347056	76%	57%	39%
<b>Total</b>	8246.836699		75%	52%
<b>Buildable Total</b>	11038.41076			69%
<b>Total Lands</b>	16000			

*Brownfield sites present added challenges to redevelopment, for both industrial and residential uses, but residential uses are held to higher standards and therefore are more costly to remediate. High density, multi-use residential-commercial areas have been successful, yet the vast majority of these brownfield projects came before the economic downturn and in more urban areas.*

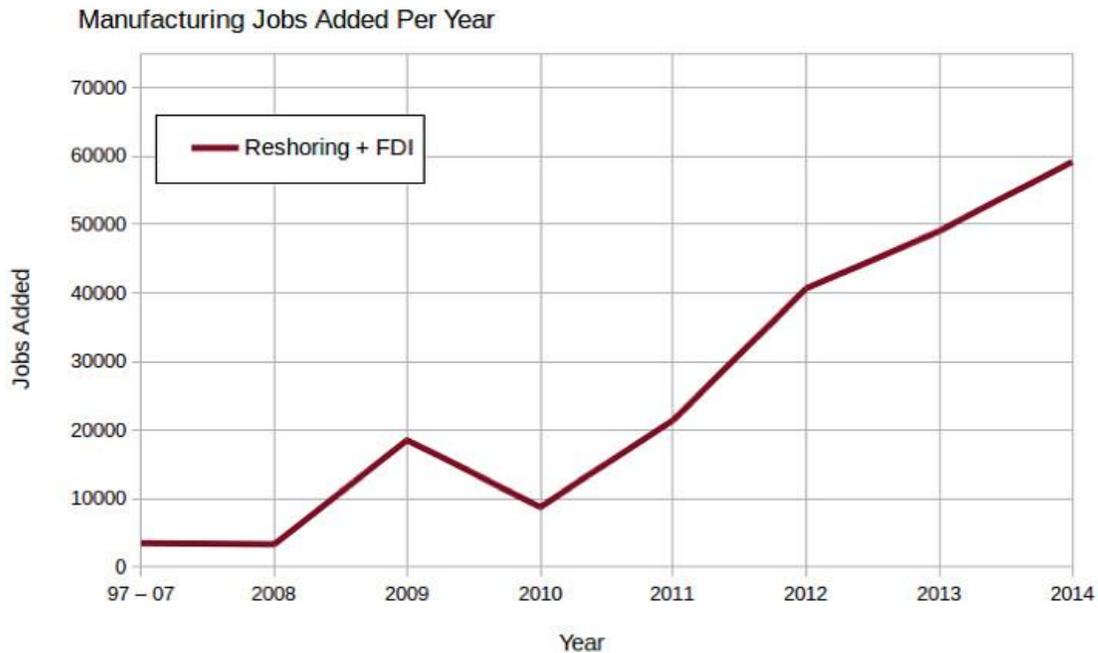
**(10) The request should conform to policies and recommendations contained in the St. Marys/Camden County Comprehensive Plan.**

*The most recent Camden County Joint Comprehensive Plan, of 2011, shows the site as Suburban Development, presumably influenced by the recent purchase and marketing of the site as a Master Planned mixed-use commercial-residential area, under the guidance at the time of the writing by the vision of the Land Mar purchase.*

*The Land Mar proposal, which vests the property currently, envisioned an approximately 3,000 dwelling unit, quarter of a million square foot office/commercial district on the edge of Historic Downtown St. Marys. This vision keyed upon a marina, with a 250 room hotel and conference facility, 750 slip marina and mixture of housing and commercial that would have doubled the available number of multi-family units in the City, upon completion.*

*As of this writing there are approximately 2,840 available platted and serviced lots in the City of St. Marys. With a yearly growth rate, over the past five years, of just 37 units per year, a simple linear analysis would provide a simplistic reading that St. Marys has over 75 years of inventory to liquidate. Not so surprisingly, this isn't new inventory. When the Land Mar proposal moved through the St. Marys approval process, it was at the height of the housing boom, with Camden County producing over 600 units per year. Today, with only a third of this production, needless to say, it's a very different market.*

*The return of America's manufacturing sector, with the 'reshoring' of jobs from China and elsewhere is a continuing and controversial subject, with many linking the continuing wage suppression to the rise in China's labor costs and the return of many U.S. plants and jobs without the salaries that left years ago. As the chart below indicates, jobs are returning and so is the economy, with possibly less spending power. Whether this growth continues and revitalizes the American economy can be debated, but the question of whether to rezone the property back to industrial may be timely in that it allows opportunities for transport, logistics, as well as, manufacturing and industry. The flexibility of these industrial opportunities can be conditioned to allow only those industries the City prefers to see, while limiting the opportunity that this vital piece of the City be positioned for residential development that may be years in the making.*



Cases 2007 through 12/31/14. Sources: Reshoring Initiative Library, December 31, 2014.

**A negative finding on one or more of these criteria shall not preclude approval of a rezoning.**

**IV. RECOMMENDATION TO THE ST MARYS PLANNING COMMISSION WITH POSSIBLE CONDITIONS**

► **MOTION REGARDING COMPLIANCE WITH COMPREHENSIVE PLAN:** Upon a motion by \_\_\_\_\_, a second by \_\_\_\_\_, and a vote of \_\_\_ to \_\_\_, the Planning Commission finds the proposed rezone of the Port of St. Marys area is/is not in accordance with the Comprehensive Plan.

If the proposal is not in conformance with the Plan, the Commission may consider whether it is appropriate to amend the Comprehensive Plan.

► **MOTION TO AMEND COMPREHENSIVE PLAN:** Upon a motion by \_\_\_\_\_, a second by \_\_\_\_\_, and a vote of \_\_\_ to \_\_\_, the Planning Commission finds it is appropriate to amend the Comprehensive Plan and hereby initiates amendments that will change the Land Use Map and Text designation of the Port of St. Marys area from “PD Mixed Use” to “PD Port Industrial (PD I-P), PD Mixed Use (PD MU) and Conservation Area (PD CA), as identified on Exhibit ”.

If found in accordance with the Plan, the Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

► **MOTION FOR RECOMMENDATION:** Upon a motion by \_\_\_\_\_, a second by \_\_\_\_\_, and a vote of \_\_\_ to \_\_\_, the Planning Commission recommends approval as proposed/ approval with conditions/denial of the proposed Rezone of the Port of St. Marys area from “PD Mixed Use” to “PD Port Industrial (PD I-P), PD Mixed Use (PD MU) and Conservation Area (PD CA), as identified on Exhibit ”.

## **SUGGESTED CONDITIONS OF APPROVAL:**

### **Master Development Plans**

- 1. Prior to any development, a Final Plot Plan (Development Plan) shall be submitted to the Community Development Department, for review and approval, that addresses all applicable conditions set forth and the following specific instructions. Without the submittal and approval of a Final Plot Plan, all subsequent development, including building permits, will not be issued or approved.*
- 2. The developer shall create a mandatory property owners' association in the form of a non-profit corporation registered with the Secretary of State, State of Georgia that encompasses the entire boundaries of the PD except for any real property to be conveyed to the City or other entity. The developers shall convey in fee simple to the association for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/observation areas, docks and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Prior to platting or any issuance of a building permit, property owners' association including Articles of Incorporation with proof of being filed with the Secretary of State, State of Georgia, restrictive covenants and all exhibits, shall be submitted to the Community Development Department for review along with copies of instruments to be used to convey in fee simple the above mentioned areas to the said association.*
- 3. In addition to the PD conditions of approval, the developers shall comply with all St. Marys ordinances.*
- 4. The Developer agrees to the timetable on site clean-up and to adhere to Brownfield Corrective Action Plan, administered by the Georgia Environmental Protection Division.*

### **Open Space, Buffering & Environmental**

- 1. There shall be a 25' buffer around all jurisdictional wetlands. This buffer area shall be designated on the Final Plot Plan and any subsequent site development plan.*
- 2. There shall be a 200' buffer around the designated Conservation Area (CA).*
- 3. A Buffering and Screening Plan shall be provided with the Plot Plan for Planning Commission consideration.*
- 3. The CA shall be placed under a perpetual conservation easement in favor of \_\_\_\_\_. The developers shall submit one copy of the executed and recorded conservation easement in a form acceptable to the City Attorney to the Community Development Department, prior to the issuance of a building permit.*
- 4. There shall be no storage of open containers of refuse, coal ash, or any particulate matter that may escape or emit noxious odors to surrounding areas, including trash to steam processing.*

### **Transportation & Circulation**

- 1. Truck access to the site is limited to Finley St. and Saint Patrick St.*
- 2. Rail cars or containers shall only be stored (remain in place for more than 48 hours), processed (loaded or unloaded) or repaired in the areas designated on the plot plan.*
- 3. There shall be a 300' buffer from all storage, processing and portage of hazardous material facilities, as identified on the Plot Plan, and adjacent residential lot lines.*
- 4. Prior to development, the applicant shall conduct and prepare a transportation study according to GDOT specifications to address all needed transportation improvements.*
- 5. All transportation improvements shall be to City of St. Marys and GDOT specifications.*
- 6. Prior to development, the applicant shall provide a ten-foot wide non-motorized public access easement to the PSA of Camden County for a multi-use path benefitting the citizens of St. Marys and Camden County.*

### **Emergency Services**

- 1. A developer agreement shall be recorded that obligates the applicant to provide needed equipment, training support or personnel to meet the fire, emergency and hazardous material needs of the proposed development.*

2. *The City of St. Marys shall not be liable for costs or damages as a result of actions taken in response to an emergency created by the release or threatened release of a hazardous substance generated by or from a facility owned by another person, or for costs or damages as a result of actions taken in response to a threat to or endangerment of public health or safety at or arising from a facility. This paragraph shall not preclude liability for costs or damages as a result of gross negligence or intentional misconduct by the City of St. Marys. For the purpose of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.*

3. *The City of St. Marys shall be reimbursed for all applicable costs to any emergency services expended in service to an industrial site incident.*

### **Utilities**

1. *A deed restriction or developer agreement shall be recorded that states on-site wells are to be used for emergency fire protection needs only, unless granted by special use by the City of St. Marys.*

2. *At time of Plot Plan or Development Plan, the City of St. Marys may ask that water, wastewater or storm water studies be prepared by the applicant and/or adequate facilities be provided to meet increased demands.*

3. *A 10' Public Utility Easement is conditioned on all interior lot lines, and adjacent to all exterior boundary lines.*

4. *All roads shall be privately maintained with public access until dedicated to and accepted by the City of St. Marys.*

### **Suggested Changes to Proposed Uses:**

#### **Port Industrial Permitted Uses:**

- *Shipping Facilities for shallow draft barges and ships tugs*
- *Bunker (Fuel) Storage Facilities limited to ###Gallons*

#### **Neighborhood Commercial**

- *No Drive Thru Facilities Permitted*
- *No Single-family Dwellings Permitted*
- *All non-specified Commercial Uses are Special Permitted Uses*