



CITY OF ST. MARYS

418 OSBORNE STREET
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., 14th Floor
Staten Island, NY 10305

Staff Report: Planning Commission Hearing
Date: March 14, 2016
By: J.S. Adams, PhD

PLANNING COMMISSION RECOMMENDATION

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 at City Hall and on the City of St. Marys Website www.stmarysga.gov on January 08, 2016.

The Public Hearings were called to order at 6:00 PM February 18 & 25, 2016, by Chairman Johnson and the Public Hearing and receipt of Public Comment was adjourned at 5:00PM on March 7th, 2016.

A duly noticed special called meeting was called for 5:30 PM by Chairman Johnson and recommendation reached on March 14, 2016.

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

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, 2015**
- B-9 Bill Bruce - February 9, 2016**
- B-10 Boyd Lemon - February 15, 2016**
- B-11 Robert Divine - February 17, 2016**
- B-12 Downtown Development Authority - February 17, 2016**
- B-13 Chamber of Commerce - February 17, 2016**
- B-14 Alex Kerns - February 18, 2016**
- B-15 Robert Divine - February 20, 2016**
- B-16 Robert Divine - February 20, 2016 Attachment**
- B-17 Robert Divine - February 20, 2016**
- B-18 Kay Westberry - February 20, 2016**
- B-19 Joe Lembo - February 22, 2016**
- B-20 Rachel Knight - February 21, 2016**
- B-21 Lucy Lyons and et al - February 22, 2016**
- B-22 Jan Meriwether - February 22, 2016**
- B-23 Donna Hooten - February 23, 2016**
- B-24 Rick Frey - February 23, 2016**
- B-25 Mary Lynn Howard - February 24, 2016**
- B-26 David Kyler, February 24, 2016**
- B-27 Ken Nelms, February 25, 2016**
- B-28 Maris Cato. February 25, 2016**
- B-29 Lucy Lyons, February 25, 2016**
- B-30 Donna Hooten, February 25, 2016**
- B-31 Providence Bank, February 25, 2016**
- B-32 Danny O'Sullivan, February 26, 2016**
- B-33 Reeney Adams, February 29, 2016**
- B-34 Danny O'Sullivan, February 29, 2016**
- B-35 Roland & Patricia Simard - March 1, 2016**
- B-36 Stephanie Bowen - March 1, 2016**
- B-37 Alex Kearns - March 3, 2016**
- B-38 Mike Desmond - March 7, 2016**
- B-39 Danny O'Sullivan - March 7, 2016**
- B-40 Sean Myers - March 7, 2016**
- B-41 Monty Baus & Les Warner - March 7, 2016**
- B-42 Southern Environmental Law Center- March 7, 2016**
- B-43 J G Bowen - March 7, 2016**
- B-44 Jane Orr - March 7, 2016**
- B-45 Bob Devine - March 7, 2016**
- B-46 John Toshach - March 7, 2016**
- B-47 Stephanie Bowen - March 7, 2016**
- B-48 Stephanie Bowen - March 7, 2016**
- B-49 Joan Holland - March 7, 2016**

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, Miscelaneous 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**
- C-6 Examples of recent manufacturing facilities in the region, applicant 2.18.2016**
- C-7 Buffering with Figures**
 - C-8 Staff Report for the Port of St. Marys Rezone Application (02/22/2016)**
 - C-9 Revised Conditions, March 3, 2016**
 - C-10 Revised Special Conditions, March 10, 2016**
 - C-11 Revised Application Text, March 14, 2016**

II. RECOMMENDATION DELIBERATION UNDER REZONE CRITERIA: Sec. 110-185(d)

Commissioner Rich stated that there has been significant public interest in this application for rezoning. It has been the subject of a number of press articles and public meetings that preceded the formal hearing process conducted by the Planning Commission. At its work session in January, the Planning Commission encouraged public comment at two hearings and by written submission. All documents related to this application were posted on the City’s website. Under Section 110-185 of the City’s zoning code, it is provided that a public hearing on a rezoning matter shall be conducted by the Planning Commission and Section 110-185(b)(7) states, in part, that the primary goal of the public hearing is “to solicit pertinent factual information which will be beneficial in helping the planning commission and the city council judge the merits of each specific proposed amendment.”

The Planning Commission heard almost 5 hours of public comment. Including those who spoke more than once, there were 41 comments made by members of the public. Not including documents of public record and the report and detailed analysis of the regional impact by the Coastal Regional Commission, there were 21 documents posted on the website from the Applicant and the Planning Department as well as 49 written comments by residents and non-residents alike. The time to submit additional written comments was extended to March 7th at which time the public hearing was closed. Once the public hearing is closed, the Planning Commission and City Council conduct their review and determination of the application with no further opportunities for public hearings or comment.

In addition to the ten factors set forth in §110-185, the law requires consistency with other public documents that are incorporated by reference into the zoning code such as the city’s comprehensive plan. Other documents of record like the resolutions of the Joint Development Authority, the City’s Downtown Development Authority and the Camden Kings Bay Joint Land Use Study are important insofar as they identify the city’s commitment to economic growth as a factor in how this application is considered against the criteria set forth in the zoning code.

Commissioner Rich stated that he has read all of the material submitted to the Planning Department and listened closely to the statements that were made at the hearings both for and against the application. Commissioner Rich states that his support for the motion does not discount the objections and caveats that were expressed. Nor does it mean that the applicant’s request should be

granted unconditionally. However, the weight of all of the oral and written information received by the Planning Commission is more persuasive in favor of the motion than against it.

Commissioner Rich states that his notes indicate that a majority of the public comment received through written submissions to the planning department and the oral statements at the two public hearings were in favor of the rezoning. Many of those in favor also favored conditions being imposed that would assure environmental friendly uses, traffic and safety controls and environmental stewardship. The public comment in opposition to the application was somewhat evenly split between those who felt the application should be denied outright and those who felt rezoning was necessary but were concerned that the application was too vague as to what types of industry might come to St. Marys if the zoning change were approved as filed. A few of the opponents felt that it was more appropriate for the Joint Development Authority to find users rather than allowing the applicant to do so. One uniform objection was that the noise, traffic and safety concerns would be inconsistent with the residential nature of the surrounding properties.

The Gillman plant was first erected in the 1940s and the property on which it was located was zoned industrial from that time through 2007 when LandMar sought and received a rezone to planned development residential mixed use. For sixty years the plant was the economic driver for city and the various land uses surrounding the plant. When the plant ceased operation, it was clear that any future use would have to deal with the fact that the site had become an environmental brownfield and that any use of the mill site thereafter would have to meet federal and state environmental clean-up laws and regulations. As was expressed at the hearings, the clean-up requirements differ for industrial uses compared to residential uses.

Because the site is under the control of the federal bankruptcy court, the application is being made with the consent of Michael Newsome, the trustee in bankruptcy. Mr. Newsome spoke at the public hearing and described how he has tried, without success until now, to market the property. Mr. Newsome's statement at the February 25th session was very clear that there was no likelihood of a sale under the present zoning and that the current cash balance in the estate was being diminished by marketing costs and taxes. Once that fund is depleted, the property would be put out for public auction and could be bought on speculation by any buyer with or without a plan for its use. In this case, the sale to the Applicant is contingent on rezoning and the Applicant has spent considerable time and effort in submitting a rationale for a rezoning to Industrial. The Applicant has also agreed to the special conditions which are a part of this motion.

The trustee in bankruptcy and the Joint Development Authority (JDA) noted that attempts to find a buyer for the property have been in vain because the property is not zoned industrial. The JDA noted that it is hampered in its ability to use state resources to market the property because it is not zoned for industrial use and that effective negotiations with potential buyers could not take place because of the current zoning classification.

Both the Chamber of Commerce and the city's Downtown Development Authority support the application. The Costal Regional Commission, in its final report of January 26th recommended that the city approve the zoning amendment contingent upon the developer and/or City ensuring adequate public facilities are in place to support the proposed development including water, wastewater removal and transportation facilities. The CRC also recommended that the site be adequately buffered, an item which is addressed in the special conditions proposed by the City.

A number of comments addressed the navigation issues and the environmental and conservation issues related to the site. To the extent other federal and state agencies have superseding jurisdiction over future uses of the site, any action by the City on this rezoning application will have no effect on the owner's or developer's obligations to comply with the laws, regulations and rulings from the agencies that have superseding authority. While the application and the special conditions do not go as far as some might prefer, I am satisfied that the planned conservation area, the public access way and the buffering requirements, along with the requirements for site plan approval and special uses, are sufficient to reconcile the industrial development of the site and the environmental concerns that have been expressed.

What many people may not appreciate is the extent to which the zoning code allows the City to oversee the future use of this property if the rezoning is ultimately approved. The application provides that uses permitted in a light industrial or general industrial zone would be permitted in this proposed planned development. However, the current zoning code is explicit in that any use that will cause excess noise, fumes, dust, smoke, fire hazard or similar condition is not permitted unless the applicant for the use files a request for a special use permit. The conditions attached to this motion along with the existing provisions in the zoning code that relate to special uses provide limitations on development that meet the concerns expressed at the public hearings about how the property might be used in the future. Further, in addition to the role the city plays in the permitting process, the record in this application recognizes that agencies like the Navy, Coast Guard, Corps of Engineers, the State Department of Transportation, the State Department of Community Affairs and the State Department of Natural Resources all have roles to play in how the property is used irrespective of its zoning classification.

The concerns about noise, traffic, visual impact, pollution, odor, public safety and similar aspects of industrial uses that have created the most concern among those who object to the rezoning would fall within the special use provisions in the zoning code. The grant of a special use is discretionary and to the extent a special use is sought for a tract within the planned development, an application will have to be made for the use and will be subject to review by the planning department, a public hearing before the Planning Commission and ultimately, review by the City Council.

As it does with all matters presented to the Planning Commission for review, the city's planning department and the Community Development Director performed a comprehensive review on the application as part of the city's due diligence. Mr. Adams' report was well researched, documented and thorough. The report recommends approval of the application along with enumerated conditions that provide greater city control over the platting and permitting process to assure continuing city oversight should the application receive final approval. The final list of conditions completed on March 10th are well considered and add the kinds of protections that were sought through the verbal and written comments.

As was noted at the working session of the Planning Commission in January, the zoning code affirmatively requires that the Planning Commission determine whether the factors in favor of a rezone outweigh the ten factors set forth in §110-185(d) as a condition of approving a recommendation to the City Council that a property be rezoned.

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

(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.

(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.

The first three requirements relate to the legal appropriateness of the application; namely, does the rezone constitute a spot zone or a use or extension of a use that would be detrimental to the adjoining uses. Most of the residents' objections to the application related to the peaceful and quiet enjoyment of their properties and would fall into these three categories. There is no doubt that, when partially or fully developed as an industrial use, there will be traffic, noise, visual and safety concerns for the residents who live at or near the site. Nevertheless, this site has historically been used as an industrial site and the fact that it's a brownfield suggests that it will never be suitable for residential use because the remediation costs on top of the purchase price would likely not be recoverable by a developer. Also, as noted in the public comment, there is infrastructure already installed in the way of wells, rail service and gas lines to support an industrial use. Traffic concerns are speculative and the written record acknowledges that a Georgia Department of Transportation study would be required in conjunction with any future industrial use of the property. When balancing the objections by the residents living in proximity to the site against the historic use of the property, the likelihood that it will not be useable as a residential development in the future and the stated need for a more diverse economy in the city as expressed by the comments in favor of the application, there is a sufficient factual and legal basis to find that a rezone would not contravene the first three requirements.

(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 fourth requirement relates to traffic patterns through residential neighborhoods. While an industrial use may increase traffic volume, there's no clear basis to assume that any future increase in traffic done in compliance with city permitting and GA DOT approval will necessarily create congestion, noise or safety concerns that would be adverse to the residential uses near the site. It should be noted that Osborne Street would be the likely avenue of ingress and egress and Osborne Street now bears the brunt of virtually all traffic into the downtown area for residences, city offices, places of worship, Cumberland Island, and downtown businesses.

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

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

Items 5 and 6 relate to expected growth and current plans for the city to acquire land for infrastructure services. There is no indication that a change of zone would affect the city's ability to provide infrastructure services to the site and any other area of the city.

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

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

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

With respect to the requirements in subsections 7, 8 and 9, the acquisition and use of the property will only improve the city's fiscal stability. It will not detrimentally affect levels of public

service. Based on the public comment, it is in the interest of the city's short and long term development goals to have this property become useful. Public comment observed that the 2007 economic downturn had more effect on property values than the likelihood of this change of zone. If anything, failure to approve this application could result in detrimental changes to the city's fiscal stability, its long term development goals and the market values and tax rates of nearby properties.

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

The last requirement relates to the integration of a zone change with the city's master plan. In 2008, St. Marys, along with Kingsland, Woodbine and the County adopted a Joint Comprehensive Plan for the 20-year time period from 2007-2027. In the St. Marys portion of the plan, there are references to the need for the city to provide an opportunity for commercial and industrial growth in the city.

More recently, the city and the Navy participated in the Camden Kings Bay Joint Land Use Study published May 13, 2014, and adopted unanimously by the City Council on July 21, 2014. That study made several references to the Gillman site and the conclusions in that study are important insofar as it is a matter of public record in the city and underscores the city's commitment to play a role in facilitating business development in the city.

To the extent that the spur line operated by the St. Marys Railroad Company would be a compliment to the proposed industrial use if rezoned, the Camden Kings Bay Joint Land Use Study notes that development of the site would benefit both the Navy and the rail operator by making the railroad more efficient and profitable. The ability to use the rail line as an additional modality of ingress and egress to the Gillman site supports a finding that a change of zone for the mill site is appropriate. That study further stated that "[i]ncreasing employment opportunities and availability of services . . . will allow community residents and military families to be less reliant on distant economic centers and improve community economic sustainability." The study also went on to say that "[t]here is a need to develop and fill industrial space for economic development purposes, to benefit the community and SUBASE Kings Bay."

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

Section 110-185(d) also provides that "A negative finding on one or more of these criteria shall not preclude approval of a rezoning." The issue of how a rezone would affect the immediately adjacent residences in terms of safety and traffic flow is an issue of deep personal concern to those who spoke at the public hearings and to the members of the Planning Commission. Given the conditions attached to this motion, it is my conclusion that any negative finding that could be made with respect to traffic, noise, pollution and residential use adjoining the site is outweighed by the ability of this application to satisfy the other requirements of section 110-185. The zoning process is designed to allow an owner to use his or her property for its highest and best use based on the conditions that exist at the time of the application. On balance, the prospective benefits of a rezone warrant a finding that a change of zone is appropriate and for those reasons I support the application and will vote to approve the application with the conditions suggested by the Planning Department.

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

**Sec. 110- 185 – Public hearings, public hearing procedures, and rezoning standards
(b)7(b)**

► **MOTION FOR RECOMMENDATION WITH CONDITIONS:**

Upon a motion by Commissioner Rich that the application to rezone Tax Parcel 149-004 owned by Old Weed and Ready Plantation, LLC from PD Mixed Use to PD Industrial (PD I), PD Mixed Use (PD MU) and PD Conservation Area (PD CA) be approved and a recommendation granting the rezone be certified to the City Council subject to the following conditions:

That, to the extent the approval conflicts with the Camden County Joint Comprehensive Plan, the Planning Commission approves such amendments as may be necessary to allow the development of an industrial planned development in the City of St. Marys and directs the Community Development Director to amend the St. Marys portion of the Camden County Joint Comprehensive Plan to conform to this approval;

That the amended special conditions filed by the Planning Department be made a part of the Plan and be attached to the recommendation of approval certified to the City Council; and

That the conditions presented by the Planning Department shall prevail in the event of a conflict between the conditions and the Plan;

and a second by Commissioner Cooper, and a unanimous vote in favor, the Planning Commission recommends approval with conditions, as found in “Exhibit H: Special Conditions” 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 A”.

SPECIAL CONDITIONS OF APPROVAL:

EXHIBIT H SPECIAL CONDITIONS

The following Special Conditions are made a part of the Port of St. Marys Industrial & Logistics Center Planned Development District Text, J-25467.0001 (hereafter “PD Text”) and included therein as Exhibit H. In the event of any conflict between these Special Conditions and any portion of the Port of St. Marys Industrial & Logistics Center Planned Development District Text, J-25467.0001 or the City of St. Marys, Georgia Zoning Ordinance (hereafter “Zoning Ordinance”), these Special Conditions shall govern.

- 1. Special Use Permits.** Any Special Use Permit (also known as a Special Permit Use) (hereafter “SUP”) issued for a use to be conducted upon property entirely within the territory of the Port of St. Marys Industrial & Logistics Center Planned Development District as defined in the Port of St. Marys Industrial & Logistics Center Planned Development District Text which is owned by Old Weed & Ready Plantation, LLC as shown on Exhibit B to the PD Text– Boundary Survey dated October 26, 2015 (Parcel A, Parcel B, Parcel C, and Parcel D) (hereafter “the Property”) shall continue to be valid so long as the use for which it was issued shall be continuously conducted without interruption and shall not be limited to an annual duration as set forth in the Zoning Ordinance Section 110-145 (5). The SUP shall be transferrable or assignable to any future owner.
- 2. Development Plan.** Prior to any development, a Plot Plan for Planned Development, as described in 110-68(c), shall be submitted to the Community Development Department, for review and approval by the Planning Commission, that addresses all Special Conditions set forth herein, the applicable portion of the Zoning Ordinance, Subdivision Regulations and any development agreement. Without the submittal and approval of a Plot Plan, all subsequent development not shown thereon will not be approved nor any building permits issued therefor. Prior to any development, a Final Plot Plan (Development Plan), as described in 110-68(c), shall be submitted to the Community Development Department, for review and approval by the Planning Commission, that addresses all applicable conditions. Without the submittal and approval of a Final Plot Plan, all subsequent development, including building permits, will not be issued or approved. In addition to the PD conditions of approval, the developers shall comply with all St. Marys ordinances. The Developer has acknowledged that the site must adhere to a Brownfield Corrective Action Plan, administered by the Georgia Environmental Protection Division and will cooperate with all parties to achieve the Plan as it now exists or as it may be amended from time to time.
- 3. Height Overlay District.** No buildings may be constructed or permitted on the Property which exceed 65 feet in height unless 1) the building is clearly shown on the Plot Plan and is subsequently approved and 2) the property owner at its own expense provides all funds necessary for the City of St. Marys (SM) to purchase firefighting equipment and provide the SM Fire Department personnel training in the use of the equipment and firefighting methods sufficient for the SM Fire Department to combat fires in the building contemplated considering the size and contents of the contemplated building. The equipment and training shall be those identified by SM and the equipment shall be and remain the property of SM. The property owner’s obligations may be placed in a development agreement between the owner and SM.
- 4. Maritime Heritage District.** The Property shall not be considered a part of the Maritime Heritage District (MHD) and the provisions of Sec. 110-78. - Maritime Heritage District (MHD) shall not apply thereto.

5. **Water and Sewer Services.** Any water or sewer lines and improvements necessary or desirable but not extant at the time of this rezoning serving the Property shall be constructed in conformity with SM design standards by the owner of the Property at owner's sole expense. Once completed, the improvements shall be dedicated to SM at no expense to the city.

SM water system shall be utilized as the source for all domestic service. The City of St. Marys Point Peter Wastewater Treatment Facility shall receive all industrial and domestic wastewater from this site. All industrial wastewater shall only be treated by SM pursuant to contract with the owner of the Property setting conditions, pretreatment required and rates for such effluent. Use of the on-site wells for industrial purposes is regulated by GA EPD.

6. **Storage.** There shall be no storage of refuse not generated on site, coal ash, or any particulate matter that may escape or emit noxious odors to surrounding areas, including trash to steam processing. Rail cars or containers shall only be stored (defined as remaining in place for more than 48 hours) processed (loaded or unloaded) or repaired in the areas designated on the Plot Plan.
7. **Streets and Roads.** All transportation facilities will be to City standards and a traffic study for required improvement should be a condition of approval. 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. Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships. Access to the Property by truck traffic shall be limited to Finley Street and St. Patrick Street, while keeping all storage yards interior and well-protected from surrounding uses through buffering and screening. Access to portions of the Property abutting Meeting Street shall be limited where possible to limit the impact to surrounding commercial and residential areas. All transportation facilities will be built and maintained to City standards and a traffic study for required improvement should be a condition of approval.

All roads shall be privately maintained unless and until dedicated to and accepted by the SM. Prior to Development, the Property Owner shall provide a ten-foot wide non-motorized public access easement to the Camden County PSA or SM, at SM's option, for use by citizens of St. Marys for a multi-use path along the western boundary of the site.

8. **Parking.** 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.
9. **Amendments to Existing Planned Development Districts.**
- a. 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 of the St. Marys Zoning Ordinance.
 - b. 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.
 - c. 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.

- d. 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 or letter of credit in an amount set by the city council.

10. Buffers and Open Areas. Setbacks, buffers and open areas shall meet the minimum requirement established herein provided, however, that any required wetlands and salt marsh jurisdictional setbacks shall also apply according to law throughout the Property. There shall be a 200' buffer around the designated Conservation Area (CA) a portion of which must be a planted buffer as set forth herein. There shall be a 300 foot buffer from all storage, processing and portage of hazardous material facilities, as identified on the Final Plot Plan, and adjacent to residential property lines. All boundaries adjacent to other properties not part of the PD zone shall be separated by a continuous planted **30 foot** buffer sufficient to block all views from ground level at the property line of the I-P portions of the property from view from adjacent properties and roads (except at two entry gates). Such buffer strip shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact planting screen that are opaque from ground level to a minimum of six feet from ground level. The plantings shall be not less than six feet high at planting and shall contain sufficient plants which have a growth potential height of 30 feet and can block views continuously up to that height in the locations required herein. Landscaped earthen berms 10 feet high can be substituted for the buffers required herein. Property owner shall be responsible to nurture, maintain and replace any plantings in any buffer.

11. Changes to Definitions. The following changes are made to Section 2, E Definitions of Land Use Terms and Density Terms:

- a. Section 2 Marine Facilities listing of allowed uses is amended to replace the first listed allowed use with the following: "Shipping facilities for shallow draft barges and vessels"
- b. Section 2 Marine Facilities listing of allowed uses is amended to replace the tenth listed allowed use with the following: "Bunker (Fuel) storage facilities limited to 100,000 gallons"
- c. Section 3 Neighborhood Commercial listing of permitted uses is amended to add the following provisions:
 - i. (3) No Drive Thru facilities permitted
 - ii. (4) No Single-family dwellings permitted
 - iii. (5) All non-specified commercial uses shall be special permitted uses (SUP)

12. Utilities. A 10' Public Utility Easement to SM is required on all interior lot lines, and adjacent to all exterior boundary lines.

13. Timing of Development. The provisions of Section 110-185 (b)(7)(f) shall not apply to this rezoning of the Property. SM shall not take action to rezone property to original zoning as described therein.