

Comments noted in BLUE type.

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 5th and 15th. 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.

Although the Planning Commission is not required to make a determination on the qualifications of the developer, it must be noted that the neither the applicant (Port of St Marys, LLC) nor its affiliated company, ASM Capital, is a developer. Port of St Marys, LLC, was chartered in Delaware in June, 2016, and is owned by the principals of ASM Capital and Mr. Christopher Ragucci. According to its website, ASM Capital is an investor in bankruptcy debt, presumably purchased at discount from impatient or frustrated creditors. After settlement of the bankruptcy estate, ASM hopes to profit by the sale of the assets acquired through this process. **Neither ASM Capital, nor Port of St Marys, LLC, has demonstrated any successful experience in making a meaningful contribution to the success of a project such as this. To the contrary, their profit expectations on the sale or leasing of this property to an end-user will raise the cost of redevelopment, thus making it more difficult if not impossible to return this property to productive use.**

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.

As suggested in the paragraph above, the rezoning application does not include a “concrete” development plan. **To the contrary, the applicant representative, Mr. Christopher Ragucci, has admitted in a public meeting that he “has no idea what uses may be found for the property” . The applicant has asked that the property rezoned, with no assurances of what**

requests may be made in the future for special use permits. Although this would allow the City to have some degree of control, future use permit requests may indeed include difficult choices between undesirable uses and the promise of jobs and tax revenue. And despite the best intentions of the present Planning Commission and City Council, these decisions will be made by currently unknown elected and appointed officials.

(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:

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 A1A/200 & 8 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.

Comparison to the projected use by the LandMar development is irrelevant; comparing the zoning application that was approved at a different time, under different conditions, and by a different Planning Commission and City Council with different issues in mind.

As noted above, the rezoning application envisions significant, but not quantified, truck traffic. As stated by CRC in Exhibit M, Section 13.9 through 13.12 "The existing roadway network will not be adequate to accommodate the proposed development." Because of this, the City will face unknown costs for roadway improvements.

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

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 rezone 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.

As with other aspects of this proposal, there is no specificity regarding use of artesian wells that could have a significant impact on the surrounding water tables. While increased use of currently under-utilized City water and sewer capacity is considered a financial benefit, unregulated depletion of the aquifer could have disastrous impact not only on St Marys but also on a vast contiguous area.

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:

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.

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.

(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.

Unfortunately, this is misleading. The comment in the report regarding barge port feasibility was made when Gilman Paper was operating with significant quantities on inbound and outbound freight shipments suitable for barge traffic—heavy and bulky—as opposed to the freight requirements of much current industry—lighter and less bulky—more suitable to truck or air shipping. The concluding paragraph of the Executive Summary of this report concludes “--it is felt that the initial success of the facility is heavily dependent upon the support and patronage of Gilman Paper Company” . Further in the report is the finding that the depth and width of the North River prevents use of ocean-going barges, so any barge shipments in or out would have to be re-loaded at Fernandina or other ICW port—a prohibitively expensive extra logistics function. **The conclusion must be that a barge port is not economically feasible.**

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.

Although the City did approve the LandMar rezoning approval, LandMar did not get so far as to comply with the necessary remediation; **in fact the cost of this remediation was one of the factors that contributed to failure of the LandMar project.** LandMar attempted to have the citizens approve a TAD program to be used in covering the remediation costs. This was not approved, thus LandMar could not count on favorable tax treatment to help mitigate the costs. Since that time, the City has acquired Redevelopment Powers and has implement a TAD program. Presumably many of the infrastructure and remediation costs in a future development could be financed through the TAD program. **The bad news is that the City will not see any increase in property tax revenues for many years, until the TAD-secured financing has been paid. But the increased cost of City services for public safety and road work will begin immediately, resulting in a net short term cost to the City.**

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.

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.

While it is perhaps commendable to have a significant number of employees at the mill site property, it is inconceivable that many of them will walk to the Downtown area before getting in their cars to drive home from work, just as they did not do so when Gilman/Durango was operating.

(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.

As mentioned above, it could be up to 25 years before TAD financing is repaid and the City sees any increase in property tax, revenue, although cost of City services will increase when development starts, thus shifting tax burden to other City property owners.

Buildable Lands of St. Marys, St. Marys CDD

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.

A perhaps more realistic view is that there are good reasons why this property, and other industrial property such as the 56 acre dry-ground industrial park owned by the Development Authority of St Marys, has been vacant for so many years. St Marys is ten miles from the Interstate highway. Sites with immediate I-95 access are available and can draw upon the same labor force as this property. While the property does have the advantage of rail access, the idea of a barge port has been dis-credited, and most desirable industries these days do not need to ship bulky, heavy items. In terms of employment, even achieving the revised projection of 500 jobs "at build-out", fifteen years hence, is only 2-3 per cent of the current employment in Camden County. **To think that rezoning this property to industrial use will result in desirable development, increased property taxes, employment, etc. in the foreseeable future is not realistic, and comes at the cost of not being able to consider more realistic opportunities with an end-user or a responsible, experienced industrial developer.**

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

►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".

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

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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.

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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

In conclusion: A better idea is to not try to make this “pie-in-the-sky” , “pig-in-a-poke” or “sow’ s ear into a silk purse” (or call it what you will) in order to tie the applicant to a series of restrictions. It would be better to disapprove the application based on its lack of specificity, then for the City Council to pass a resolution informing the Bankruptcy Trustee, Joint Development Authority and others that the Council will consider favorably an application to rezone for specific uses if submitted by an end-user with successful operating experience, or an industrial developer with a successful track record in similar projects.