

**AN ORDINANCE
TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF EAST POINT
BY REZONING PROPERTY LOCATED AT 4165 & 4155 BEN HILL RD FROM R-L
(RESIDENTIAL LIMITED) TO I-1 (LIGHT INDUSTRIAL)**

APPLICATION NO: 2021RZ-002-03

ASSOCIATED APPLICATION NO: N/A

WHEREAS, Robert McLeod (the "Applicant") and Myrna Dubose and Alton Dubose, the owners of real property located at 4165 & 4155 Ben Hill Rd, Parcel ID #(s) 09F370001801184, 09F370001800988, in East Point, Georgia, consisting of 6.76 +/- acres, as more fully described and delineated in Exhibit "A" (Limited Warranty Deeds/Legal Descriptions) and Exhibit "B" (Plat) attached hereto (the "Property");

WHEREAS, the City of East Point, and the Mayor and Council have determined that the rezoning of the Property would be in the best interest of the citizens of the City of East Point; and

WHEREAS, the Application has been reviewed and is in compliance with the City of East Point Code of Ordinances; and

WHEREAS, the Application is in accordance with the zoning procedures set forth in Part 10, Chapter 2, Article J of the East Point Code of Ordinances governing such procedures for the amendments to the official Zoning Map.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF EAST POINT, GEORGIA AS FOLLOWS WITH THE FOLLOWING CONDITIONS:

Section 1. The Property located at 4165 & 4155 Ben Hill Rd, Parcel ID #(s) 09F370001801184, 09F370001800988, in East Point, Georgia, consisting of 6.76 +/- acres, more or less, is rezoned and that the official Zoning Map is amended to reflect such rezoning from R-L (Residential Limited) zoning district to I-1 (Light Industrial) zoning district with the following conditions:

1. Uses be restricted to the following uses:

- a. Data Center
- b. Restaurant
- c. Office (business, professional)
- d. Fitness center
- e. Education (as outlined in Sec. 10-2079)
- f. Cultural facilities
- g. Artisan workshop
- h. Animal hospital/grooming shop

2. Utilize Shared parking with contiguous businesses

3. Implement use of green best management practices where practicable that promote the reduction of the rate of storm-water runoff

4. Implement dark sky downcast lighting fixtures

5. All refuse areas must be screened from view from public right of way

6. Any code-mandated landscape strip must contain noninvasive plant species

7. Minimum of 40% of building walls that face a public street must be composed of at least one of the following building materials: face brick, stone, glass, terrazzo, poured-in-place concrete slabs or tilt-up concrete construction. If poured-in-place or tilt-up concrete construction is used, then such concrete must contain at least one method of architectural articulation such as change in color tone, wall accents or impressions of lines into the concrete.

8. If building permit is not pulled for development of data center per April 2, 2021 application submission within a year of approval, then Council has authority to revert property back to R-L (Residential Limited) residential zoning

Section 2. The 2017 *Future Development Map* is amended to reflect the properties located in certain locations in East Point, Georgia as Future Development Character Area *Growing Residential*

Section 3. This ORDINANCE shall be codified in a manner consistent with the laws of the State of Georgia and the City of East Point.

1 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all Sections,
2 paragraphs, sentences, clauses and phrases of this ORDINANCE are, upon their enactment, believed by
3 the Mayor and Council to be fully valid, enforceable and constitutional.

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5 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
6 allowed by law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is
7 severable from every other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby
8 further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no
9 section, paragraph, sentence, clause or phrase of this ORDINANCE is mutually dependent upon any other
10 section, paragraph, sentence, clause or phrase of this ORDINANCE.

11 (c) In the event that any phrase, clause, sentence, paragraph, or section of this ORDINANCE shall,
12 for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid
13 judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council
14 that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
15 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
16 sentences, paragraphs or sections of the ORDINANCE and that, to the greatest extent allowed by law, all
17 remaining phrases, clauses, sentences, paragraphs and sections of the ORDINANCE shall remain valid,
18 constitutional, enforceable, and of full force and effect.

19 **Section 6.** ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly
20 repealed.

21 **Section 7.** Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia
22 at the time of the effective date of this ORDINANCE shall be and are hereby made applicable to this
23 ORDINANCE and shall remain in full force and effect.

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25 **Section 8.** The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified
26 herein.

27 Public Hearing Held: June 21, 2021
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1 First Reading: June 21, 2021

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4 APPROVED this 6th day of July 2021.



SPONSORED BY:

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Deana Holiday Ingraham, Mayor

APPROVED AS TO FORM:

ATTEST:

Brad Bowman

Brad Bowman (Jul 8, 2021 13:04 EDT)

Brad Bowman, City Attorney

Keshia McCullough

Keshia McCullough, City Clerk

EXHIBIT "A"

098-8

STATE OF GEORGIA
COUNTY OF FULTON

GEORGIA, FULTON COUNTY
TRUSTEES
97 DEC 8 PM 2:31
JUDICIAL CLERK
CLERK, SUPERIOR COURT

WARRANTY DEED OF GIFT

THIS INSTRUMENT, Made the 1st day of December in the year One Thousand Nine Hundred Ninety-Five, between ILEAH PEACIN III and BETH PEACIN of the County of Fulton, and State of Georgia, as party of the first party, hereinafter called Grantor, and CHARLIE S. M. RAINY and MINNIE PEARL RAINY (Grantor's Grandparents) as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires be inserted).

WITNESSETH that: Grantor, for and in consideration of the love and affection for Grantee, (their grandparents), at and before the signing and delivery of these presents, has granted, bargained, given, aliened, conveyed and confirmed, and by these presents does grant, bargain, give, alien, convey and confirm unto the said Grantee, all of said interest, right, title and equity in and to all that tract or parcel of land lying and being in original Land Lot 180 of the 9th District of originally Fayette, then Campbell, and now Fulton County, Georgia, and more particularly described as follows:

BEGINNING at a point on the westerly right-of-way line of Ben Hill Road (66-foot right-of-way) 1069.10 feet southeasterly from the intersection of the southeasterly right-of-way line of Ben Hill Road (66-foot right-of-way) and the west land lot line of Land Lot 180; running thence along the westerly right-of-way line of Ben Hill Road (66-foot right-of-way) South 64 Degrees 49 minutes east a distance of 10.7 feet to a point; thence South 05 degrees 00 minutes 16 seconds East a distance of 217.22 feet to a

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SITE PLAN LEGEND

	BUILDING AREA
	PAVED TO TRAVEL ROAD, PARKWAYS OF BUILDINGS, LAND DISTURBANCE AND OTHER AREAS
	LAND TO BE USED FOR LIGHT INDUSTRIAL ZONING DISTRICT
	TOTAL AREA: 3.4 AC.
	POINT, LOT, & AREA SETBACK AREA
	PERMITTED TO BE USED FOR SETBACKS TO BUILDING SETBACKS
	PERMITTED TO BE USED FOR SETBACKS TO BE USED FOR SETBACKS TO INDUSTRIAL ZONING