Ordinance No. 169-021

## 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 to reflect such rezoning from R-L (Residential Limited) zoning district to I-1 (Light Industrial) zoning district with the following conditions:

1	1. Uses be restricted to the following uses:	
2	a. Data Center	İ
3	b. Restaurant	
4	c. Office (business, professional)	
5	d. Fitness center	
6	e. Education (as outlined in Sec. 10-2079)	
7	f. Cultural facilities	
8	g. Artisan workshop	
9	h. Animal hospital/grooming shop	
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	2. Utilize Shared parking with contiguous businesses	
11	3. Implement use of green best management practices where practicable that promote the reduction	on
12	of the rate of storm-water runoff	
13	4. Implement dark sky downcast lighting fixtures	
14	5. All refuse areas must be screened from view from public right of way	
15	6. Any code-mandated landscape strip must contain noninvasive plant species	
16	7. Minimum of 40% of building walls that face a public street must be composed of at least one of t	
17	following building materials: face brick, stone, glass, terrazzo, poured-in-place concrete slabs or t	
18	up concrete construction. If poured-in-place or tilt-up concrete construction is used, then su	
19	concrete must contain at least one method of architectural articulation such as change in color tor wall accents or impressions of lines into the concrete.	1e,
20	8. If building permit is not pulled for development of data center per April 2, 2021 application	0.0
21	submission within a year of approval, then Council has authority to revert property back to R	
22	(Residential Limited) residential zoning	· •
23	<u>Section 2</u> . The 2017 Future Development Map is amended to reflect the properties located in certa	ain
24	locations in East Point, Georgia as Future Development Character Area Growing Residential	
25	- · · · · · · · · · · · · · · · · · · ·	
	Section 3. This ORDINANCE shall be codified in a manner consistent with the laws of the State of Georg	ia
26	and the City of East Point.	
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Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all Sections, paragraphs, sentences, clauses and phrases of this ORDINANCE are, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is severable from every other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this ORDINANCE is mutually dependent upon any other 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, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the ORDINANCE and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the ORDINANCE shall remain valid, constitutional, enforceable, and of full force and effect.

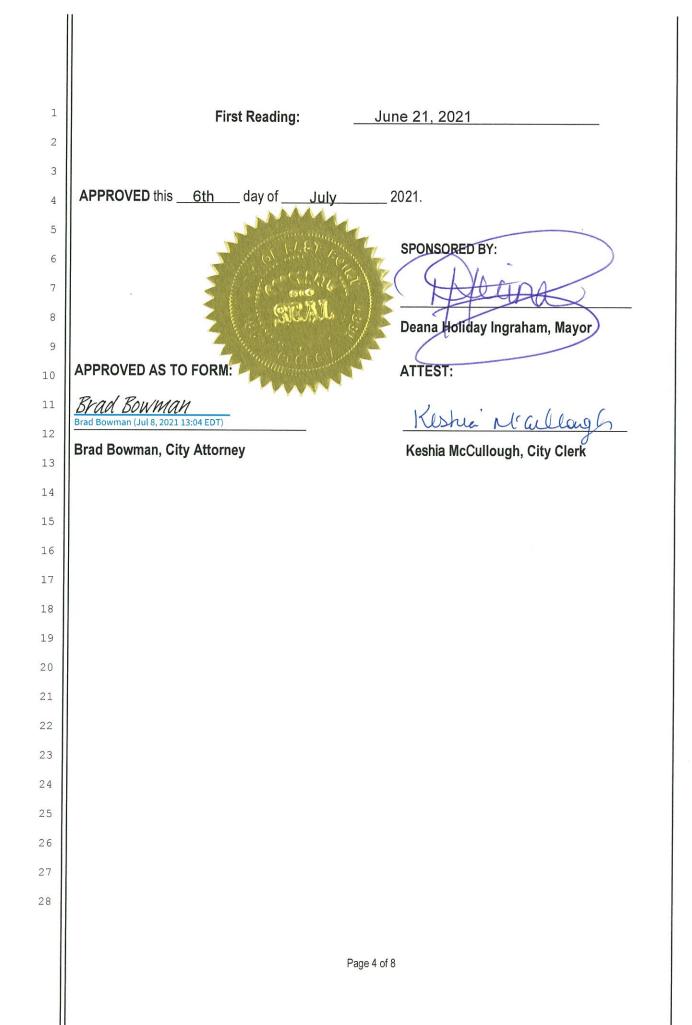
Section 6. ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.

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

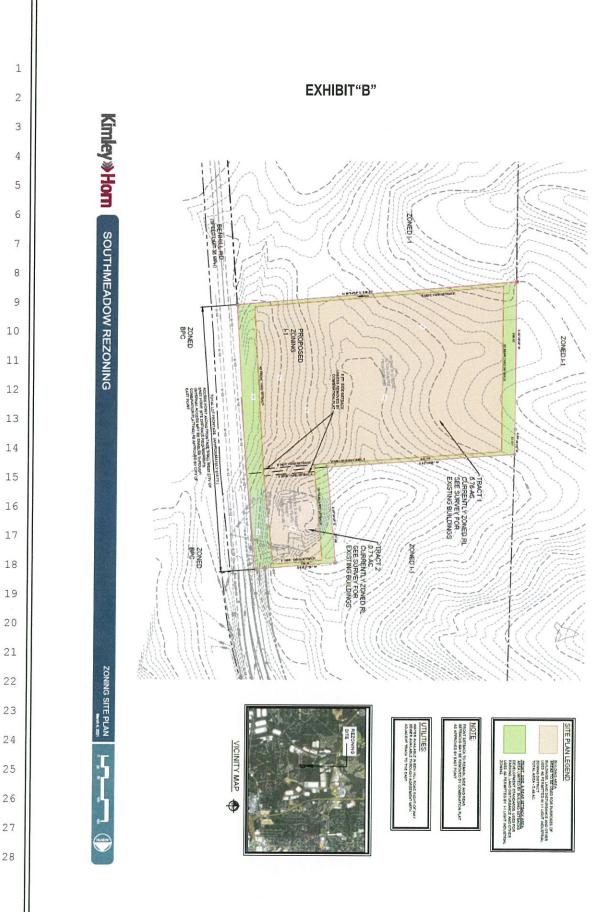
Section 8. The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.

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Public Hearing Held: June 21, 2021



1 EXHIBIT"A" 2 3 4 ¥98-8 5 б 7 8 9 CEORGIA FILLTON COUNT STATE OF COMMITS 97 BEQ (E. PH 2033) 10 CLEAK, SUPERION COURT COUNTY OF FULTOR 11 WARDARTY DEED OF GIFT 12 THIS INDENTURE, Made the fist day of Alconders in the year one Thousand Wine Hundred Minety- Studies . between 122AR FEACIN 111 and BETH FEAGIN of the County of Fulton, and State of 13 gis, as party of the first party, hereinsfter called Grantor, 14 CHARLIE S. M. RAIMEY and MINNIE PEARL RAIMEY (Grantor's Grandparants) as party of the second part, hereinstter called Grantes (the words "Grantor" and "Grantee" to include their 15 respective heirs, auccessors and assigns where the context requires DE BARBilaj. 16 WITNESSELW that: Grantor, for and in cossideration of the love and effection for Grantse, (their grandparents), at and before 17 the scaling and delivery of those presents, has granted, bargaized, given, sliened, conveyed and confirmed, and by these presents does 18 grant, bergain, give, allen, convey and confirm unto the maid Granten, all of short- inhereoty sight, Eitid SAS doubty in and to all that tract or parcel of land lying and being is original Land 19 Lot 180 of the 9th District of originally Payette, then Campbell, and now Fultos County, Georgia, and work pertirularly described as 20 followst EGINNING at a point on the wenterly right-of-way line of Ben Mill Road (\$5-foot right-of-way) 1069,10 feet routheaterly from the interaction of the southwarterly right-of-way line the interaction of the southwarterly and the west land to Ban Mill Road (60-foot right-of-way) along the westerly right-of-way line of Ban Mill Road (60-foot right-of-way) Bouth 60 Degress 49 minutes east a distance of 10.7 feet to a point; thence South 60 degrees 00 minutes 16 seconds East a distance of 217.22 feet to a Ŧ١ 21 \*23617#135 22 23 24 25 Deed Book 23617, Page 135 26 27 28 Page 5 of 8



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