

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANAGER



SHAYLA REED
DIRECTOR
COMMUNITY DEVELOPMENT &
REGULATORY AFFAIRS

MEMORANDUM

TO: Mayor and Council
FROM: Planning & Zoning Division
SUBJECT: Z22-002 for o Campbell Dr.
MEETING DATE: July 14, 2021

Applicant seeks to rezone from **AG-1 (Agricultural)** to **M-2 (Industrial)**

STAFF RECOMMENDATION: Denial

PLANNING COMMISSION RECOMMENDATION: Denial

cc: Corey Adams, City Clerk

APPLICATION INFORMATION

Applicant Information:	Hardie Real Estate Group 2870 Peachtree Road, Suite 721 Atlanta, GA
Status of Applicant:	Property Owner; intent is to rezone prior to development into a warehouse complex in conjunction with property located in East Point
City Council District(s):	District 3
Parcel ID Number:	13 0033 LL0096
Area of Property:	5 Acres
Current/Past Use of the Property:	Undeveloped
Prior Zoning Cases/History:	None
Surrounding Zoning:	<u>North</u> : None (Union City) <u>South</u> : None (Union City) <u>East</u> : AG-1 <u>West</u> : None (Union City)
2035 Future Land Use Designation:	<u>Character Type</u> : Suburban Neighborhood <u>Land Uses</u> : Residential 2 to 3 Units per acre, Open Space, Public, Semi-Public and Institutional <u>Zonings</u> : R-3, R-3A, R-4A, CUP, NUP
Compatibility to the Fulton County 2035 Comprehensive Plan:	No
Overlay District:	None
Public Utilities:	Water service is provided to this site by City of Atlanta. Sewer service is available to the site by Fulton County. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street</u> : Roosevelt Highway <u>Classification</u> : Minor Arterial, State

Public Transit: MARTA bus service runs on
Roosevelt Highway

Bike/Pedestrian Access: No sidewalk or bicycle
lanes

Parking Required (Retail/Service Stations): N/A

MAPS

City of South Fulton Zoning and Aerial Map:

(see attached)

Proposed Site Plan:

(see attached)

PUBLIC PARTICIPATION

A virtual meeting was held February 10th via Zoom. The report is attached. The community will also have additional communication with the District 3 Councilmember.

Note: the East Point City Council had also been presented with a rezoning petition for this case. The Council approved the rezoning with conditions. Those conditions are attached.

ZONING IMPACT ANALYSIS

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Yes. This proposal is for a rezoning in order to construct a warehouse complex. This property is surrounded on three sides by parcel located in East Point; the majority of the development will be in the adjacent municipality.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

No. The proposed development is mostly in East Point, and the property is surrounded on three sides by property in the adjacent municipality. The development will be sufficiently buffered against other property in South Fulton. It will have no direct road access in South Fulton.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

No. The property is zoned Agricultural and is surrounded by industrial property in East Point.

4. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

No. It will have no direct street access in South Fulton.

5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

No. This proposal conflicts with the current land use plan.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and

No. There are no other pertinent conditions or concerns with this site.

7. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton.

No. The development is maintaining significant green space, and the truck traffic on the site is directed away from, and not adjacent to, South Fulton residential areas.

STAFF COMMENTS

Engineering: Engineering was invited to the pre-application meeting before the application was submitted and provided comments at that time.

Environmental: Requested information, none provided.

Public Works: Requested information, none provided.

Transportation: The traffic engineer was invited to the pre-application meeting before the application was submitted and provided comments at that time.

MARTA: Requested information, none provided.

Fulton County Health Department: Requested information, none provided.

Fulton County Schools: Requested information, none provided.

Fire: The Fire Marshall was invited to the pre-application meeting before the application was submitted and provided comments at that time.

Legal: Requested information, none provided.

PLANNER'S RECOMMENDATION

Denial. In this case, even though the property is surrounded by industrial property in the adjacent municipality, this proposal goes against the Future Land Use Map of the City of South Fulton. It is the policy of the City of South Fulton to maintain compliance with the Future Land Use Map in all cases so that the desired growth patterns of the Comprehensive Plan can be maintained.

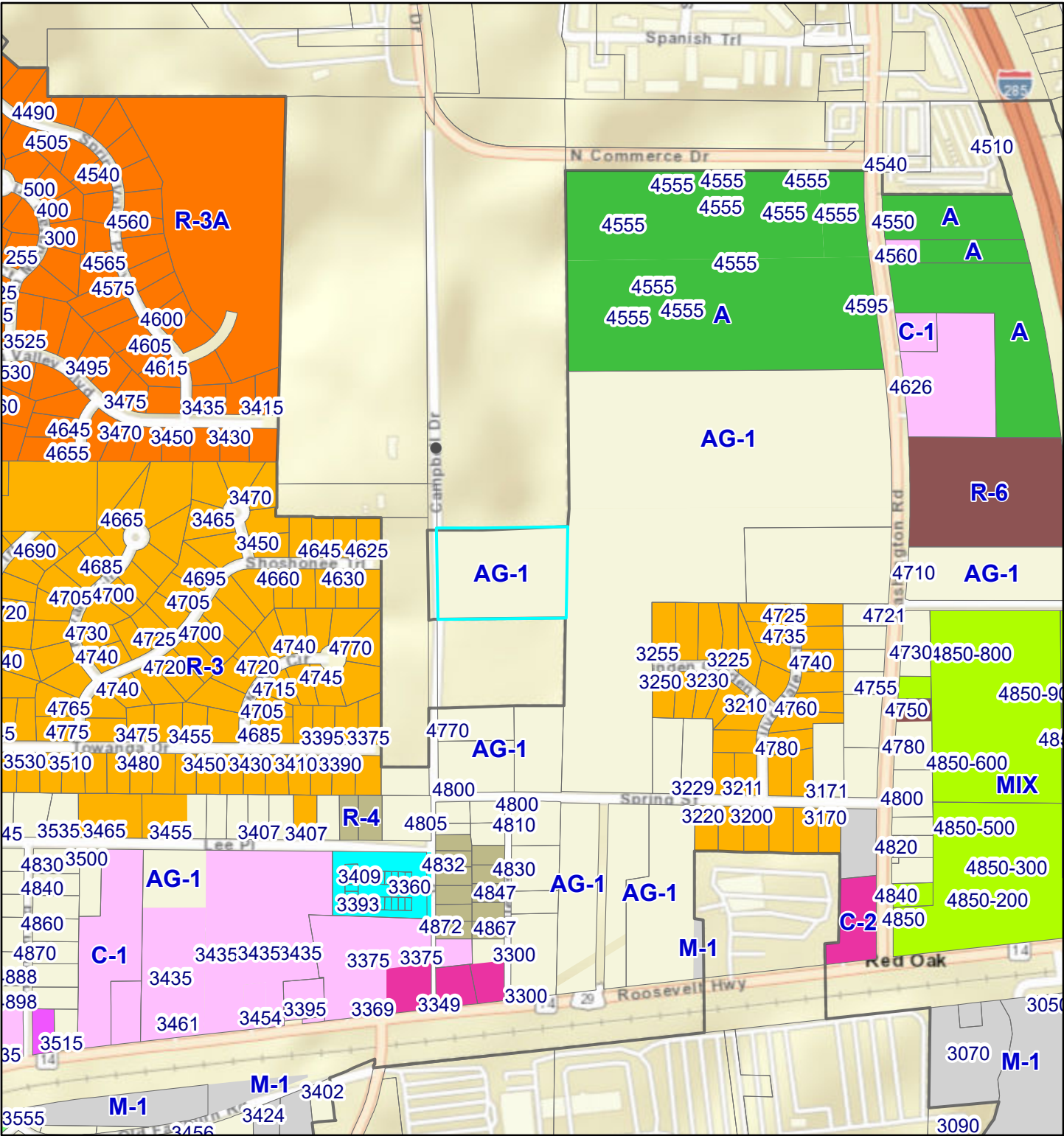
PLANNING COMMISSION RECOMMENDATION

At the April 20, 2021 Planning Commission meeting, the board recommended denial.

PREPARED BY: Nathan Mai-Lombardo, Planning and Zoning Administrator

REVIEWED BY: Shayla Reed, Director, CDRA

COSF ArcGIS Web Map



2/8/2021, 1:38:31 PM

1:9,028

Address Points

County Parcels All

City Limits

Current Zoning

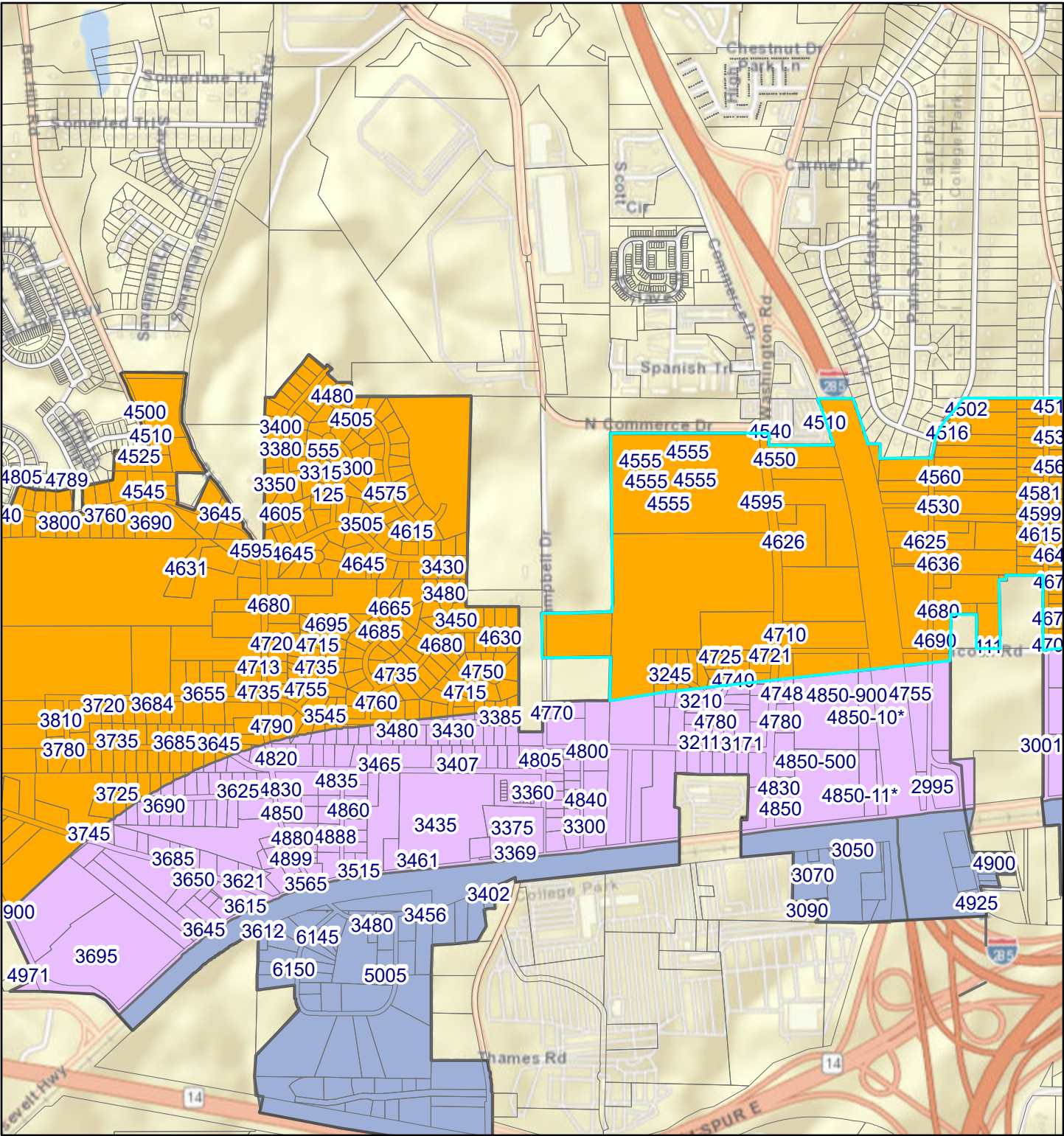
- AG-1 (Agricultural)
- C-1 (Limited Commercial)
- C-2 (General Commercial)
- M-1 (Light Industrial)
- MIX (Mixed Use)
- O-I (Office & Institutional)
- R-3 (Single Family Dwelling)
- R-3A (Single Family Dwelling)
- R-4 (Single Family Dwelling)
- R-6 (Single Family Dwelling)
- SUB-C (Single Family Dwelling)
- TR (Townhouse Residential)

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

COSF ArcGIS Web Map



3/5/2021, 8:42:03 AM

Address Points

County Parcels All

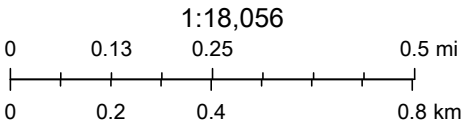
City Limits

2035 Future Land Use

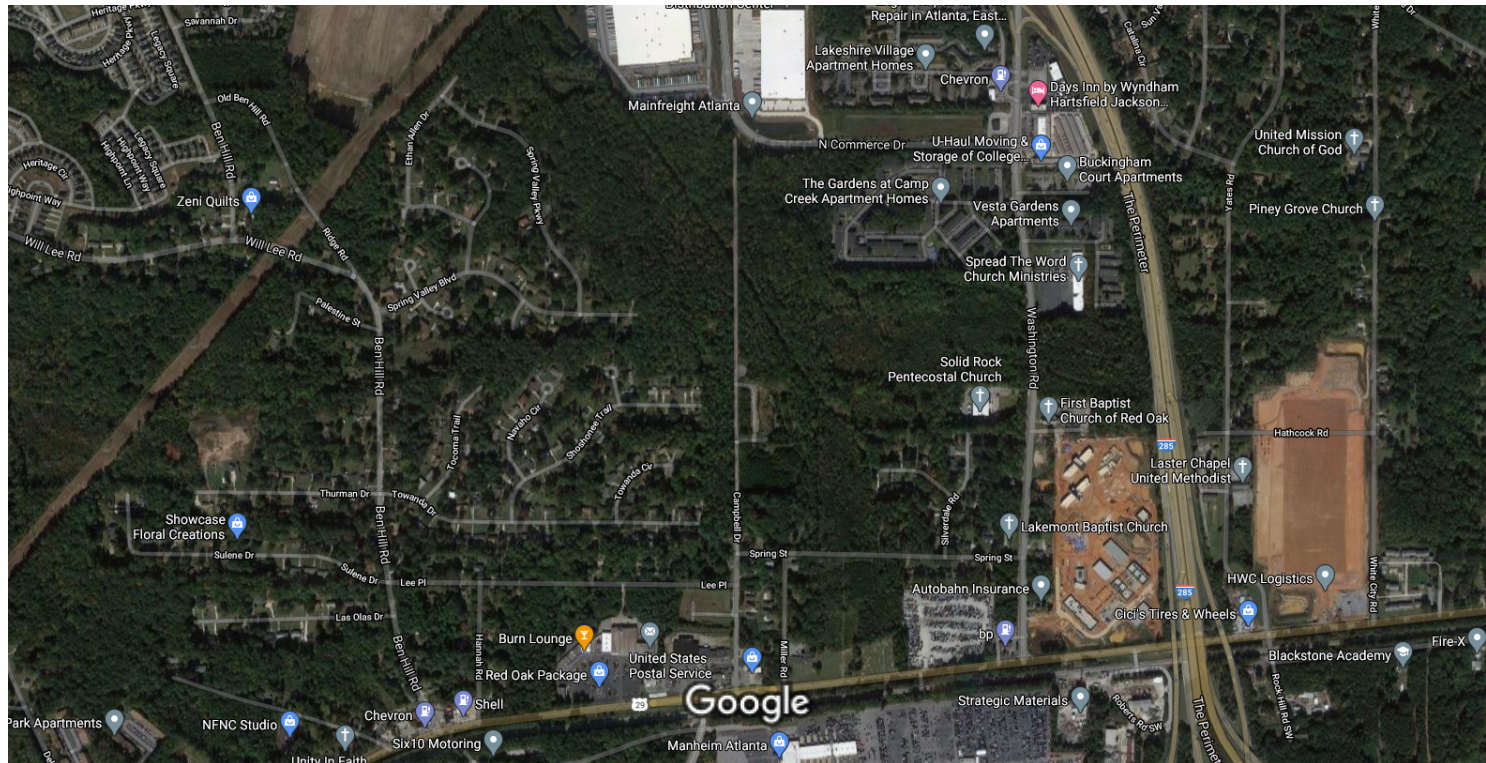
Business Park

Community Live Work

Suburban Neighborhood

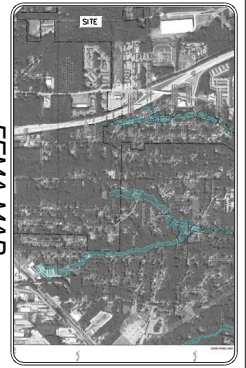


Esri, HERE, Garmin, INCREMENT P, NGA, USGS



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 500 ft

051222\GAXATL044028OrthoSectorTile1.jpg

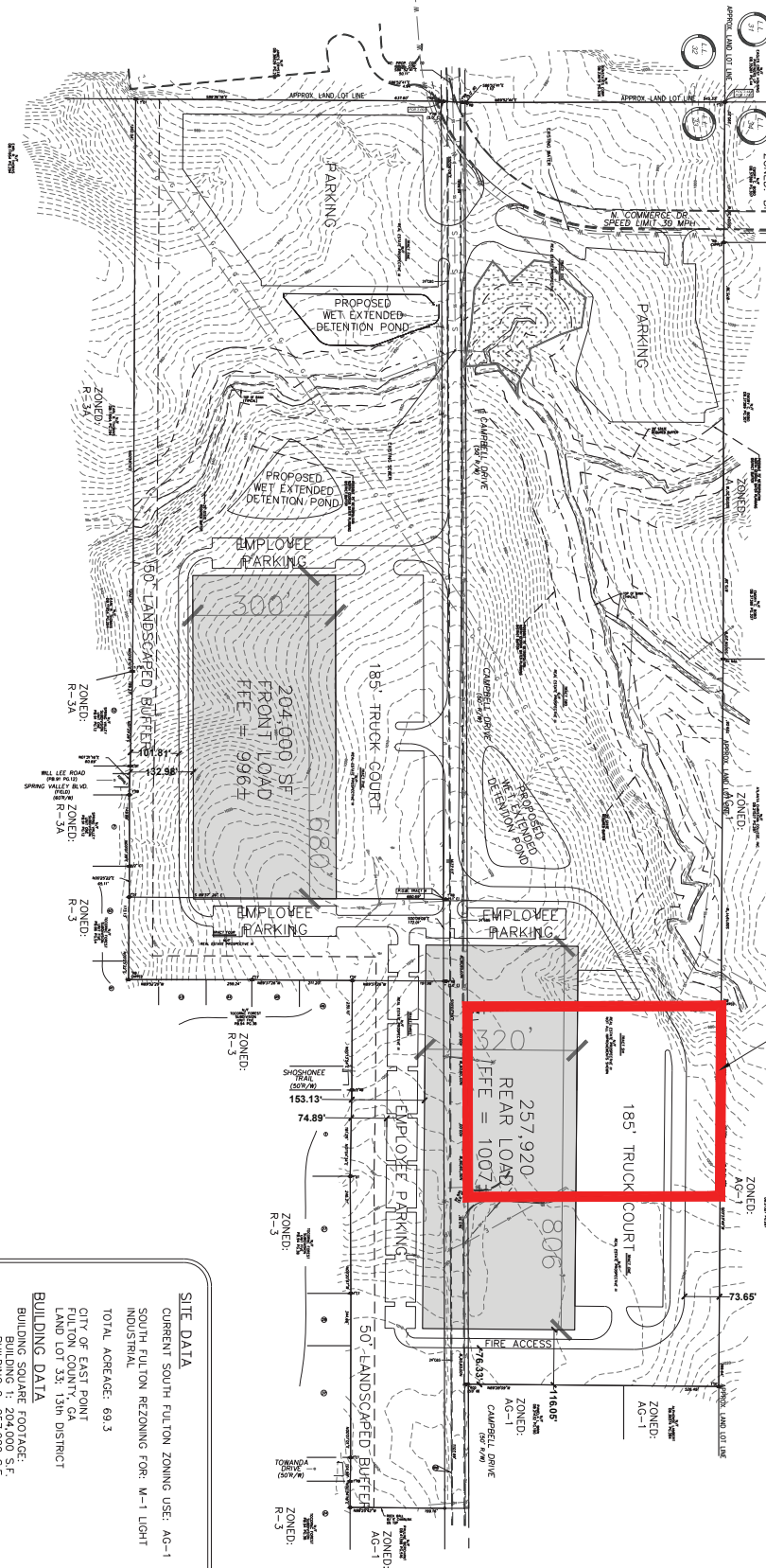


FEMA MAP

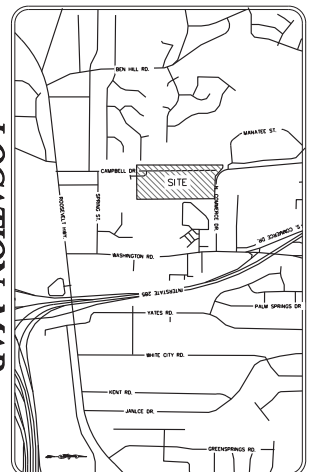
N.T.S.

NO PORTION OF THIS PROPERTY LIES IN THE FLOOD HAZARD ZONE AS PER THE FULTON COUNTY F.I.R.M. NO. 13121003635 DATED SEPTEMBER 18, 2013.

ACCORDING TO THE NATIONAL WETLANDS INVENTORY, NO OTHER STREAMS OR WETLANDS ARE SHOWN EXCEPT FOR WHAT IS SHOWN ON THIS SITE PLAN.



SOUTH FULTON PARCEL



LOCATION MAP

N.T.S.



SITE DATA

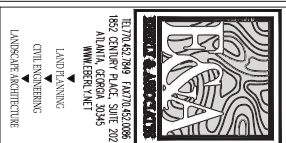
CURRENT SOUTH FULTON ZONING USE: AG-1
SOUTH FULTON REZONING FOR: M-1 LIGHT INDUSTRIAL
TOTAL ACREAGE: 69.3
CITY OF EAST POINT
FULTON COUNTY, GA
LAND LOT 33, 13th DISTRICT
BUILDING DATA
BUILDING SQUARE FOOTAGE:
BUILDING 1: 204,000 S.F.
TOTAL: 461,920 S.F.
PARKING DATA
REQUIRED PARKING
WAREHOUSING AND STORAGE: 1 PER 2,000 SF
TOTAL: 231 SPACES
PARKING PROVIDED
322 TOTAL SPACES

REVISIONS:

NO.	DATE	DESCRIPTION

PROJECT:

HREG
NORTH COMMERCE
ROAD SITE



SCALE:	1" = 100'
DATE:	02/21/21
DRAWN BY:	T. PATEL
PROJECT MANAGER:	W. REED
QA/QC CHECK:	

PROJECT NO.
20-085

SHEET NO.

C3.0



REZONING SITE PLAN **NORTH COMMERCE ROAD** **CITY OF EAST POINT, GEORGIA**

REVISIONS	

CIVIL ENGINEER

SEBASTY & ASSOCIATES, INC.

2501 RIVERS ROAD, SUITE 119

ATLANTA, GEORGIA 30341

CONTACT: WILLIAM GREER, P.E.

(678)287-4720

TEL: 770.621.3963 FAX: 770.621.0268

2501 RIVERS ROAD, SUITE 119

ATLANTA, GEORGIA 30341

WWW.SEBASTY.COM

LAND PLANNING

ONLINE ENGINEERING

LANDSCAPE ARCHITECTURE

ES&A

SEBASTY & ASSOCIATES

From: [Lauren Clayton](#)
To: [Nathan Mai-Lombardo](#)
Subject: FW: Campbell Drive Conditions and Cleveland Avenue
Date: Wednesday, June 23, 2021 9:45:09 AM
Attachments: [image001.png](#)

Hi Nathan,

Please see the final zoning conditions for the Campbell Drive rezoning in East Point. Let me know if you want to discuss. Thank you!

Lauren M. Clayton

WILSON BROCK & IRBY, L.L.C.

📍: Suite 700, Overlook I, 2849 Paces Ferry Road, Atlanta, GA 30339

☎: Main: 404-853-5050 | Cell: 404-313-6592 | Fax: 404-853-1812

✉: lclayton@wbilegal.com

From: Kimberly Smith <ksmith@EastPointCity.org>
Sent: Tuesday, June 22, 2021 10:06 PM
To: Lauren Clayton <LClayton@wbilegal.com>
Cc: Anthony Alston <aalston@EastPointCity.org>
Subject: RE: Campbell Drive Conditions and Cleveland Avenue

Campbell Conditions Approved at last nights meeting.

Staff recommends **APPROVAL with the following conditions:**

1. Applicant must provide a site plan showing 50' undisturbed natural vegetative buffer on all or any residential parcels along the western boundary of the site to protect residents from negative impacts that a distribution facility may create.
2. Project must adhere to design guidelines as specified in Sec. 10-2078 of Zoning Ordinance
3. Property Owner shall be restricted from any tractor trailer parking or loading along the western boundary of the site adjacent to any residential lots to protect residents from tractor trailer activity.
4. Indicate number of tractor trailer parking spaces and loading bays on site plan.
5. Project must utilize downcast lighting.
6. The site shall be limited to no more than two warehouse facilities

7. The total amount of warehouse square footage for both warehouses on the site shall not exceed 461,920 sf
8. There shall be no ingress and egress to the site on the south end of the site at Campbell Drive except any required access for Public Safety personnel
9. Submit landscaping plan showing at least two rows of Leland Cypress trees, a minimum of 5 gallon trees in size, staggered on center, the length of the property line along the site adjacent to residential lot as approved by the City of East Point during the plan review and permitting phase of the development. The trees shall have an installation and watering plan to be reviewed and approved by staff (PCD and arborist).

ANNOUNCEMENT ** Effective Immediately NOW ONLINE**
PAYMENTS AVAILABLE!!!!!! [Click Here](#)

*****NEW ALL ONLINE PERMITTING SUBMITTALS*** No more Paper, Email or Postal Service Mail-In PERMIT Applications!!!**

Instructions for “NEW” All Online Zoning, Plan Review, Permitting, Inspection, Open Records Requests. NOW ONLINE PAYMENT Requests.

Please use the appropriate link below to register with our New All Online software company, BS&A.

-

City of East Point’s BS&A-Online Links:

Direct Link to Municipal Home: <https://bsaonline.com/?uid=2757>

Apply for Planning, Zoning or Plan Review Process: https://bsaonline.com/Account/LogOn?ReturnUrl=%2fCD_PzeProcessApplication%2fApplyForPzeProcess&uid=2757

Contractor Account Creation: <https://bsaonline.com/Contractors/?uid=2757>

Apply for Permit (Homeowner*): https://bsaonline.com/DirectUrl/Cd_PermitApplication/2757

Apply for Permit (Contractor):

https://bsaonline.com/DirectUrl/Cd_PermitApplicationContractor/2757

Schedule Inspection: https://bsaonline.com/DirectUrl/Cd_InspectionRequest/2757

Schedule Inspection (Contractor):

https://bsaonline.com/DirectUrl/Cd_InspectionRequestContractor/2757

NEW....Online Payment is available by going to:

[https://bsaonline.com/OnlinePayment/OnlinePaymentSearch/?](https://bsaonline.com/OnlinePayment/OnlinePaymentSearch/?PaymentApplicationType=7&uid=2757)

[PaymentApplicationType=7&uid=2757](https://bsaonline.com/OnlinePayment/OnlinePaymentSearch/?PaymentApplicationType=7&uid=2757) or [Click Here](#). You will need to reference the permit number on the invoice. If you are not able to make the payment online due to error or

whatever reason, send invoice with payments made payable to the "City of East Point" are only in the form of business check, money order or cashier's check via mail, FedEx, or UPS sent to:

Permits

Planning and Community Development

2757 East Point Street

East Point, GA 30344

If or when you are asked for a Webpin, please email permits@eastpointcity.org with the Business Name, online Username and we will reply with a pin.

Kimberly Smith, MCP

Director



Department of Planning & Community Development

Direct: (404) 669-4322 | Mobile (404) 764-7409 | Email: ksmith@eastpointcity.org

"PC+D Motto and Vision 2020 and Beyond" **CC+EE+I**

COURTEOUS + COORDINATION + EFFICIENT + EFFECTIVE + INNOVATION!

From: Lauren Clayton <LClayton@wbilegal.com>

Sent: Tuesday, June 22, 2021 6:06 PM

To: Kimberly Smith <ksmith@EastPointCity.org>

Cc: Anthony Alston <aalston@EastPointCity.org>

Subject: Campbell Drive Conditions and Cleveland Avenue

Greetings,

Would you please send me a copy of the conditions from last night? The planning staff in South Fulton would like to review them. Thank you!

Also, I've been retained by someone who would like to redevelop a commercial lot near the Walmart on Cleveland. I think they have spoken with you before – they are wondering if we could schedule a meeting with you all to discuss (they mentioned something about concept review meetings on Thursdays). Can we set something up? Thanks!

Best,

Lauren M. Clayton

WILSON BROCK & IRBY, L.L.C.

📍: Suite 700, Overlook I, 2849 Paces Ferry Road, Atlanta, GA 30339

☎: Main: 404-853-5050 | Cell: 404-313-6592 | Fax: 404-853-1812

✉: lcayton@wbilegal.com

Please think about the environment before you print this e-mail.

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PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: Hardie Real Estate Group, LLC

Petition No. Z-21-002

Date: February 11, 2021

1. **The following parties were notified of the requested rezoning/use permit:**
Notices were sent pursuant to the staff -provided address list regarding the nature of the application and the date/time of a zoom meeting hosted by applicant. See attached.
We also advised the District Councilperson of the meeting.
2. **The following meetings were held regarding this petition: (Include the date, time, and meeting location.)**
A zoom meeting was held on February 11, 2021 at 6pm via zoom. Additionally, citizens who attended the zoom meeting but wanted a little more understanding about location and site layout will be attending a site walk on February 12, 2021 with the applicant.
3. **The following issues and concerns were expressed:**
Participants expressed the usual concerns that come with new distribution facilities - trucks on residential streets, noise, light, view of the buildings. There was a lot of concern about the potential future opening of Campbell Drive for truck and vehicular traffic to the site. Property value also came up.
4. **The applicant's response to issues and concerns was as follows:**
Emphasized building orientation and careful site design to avoid adverse impact on nearby residential. Showed images of buffer and landscape plans. Discussed potential zoning conditions regarding both Campbell Drive and the parking lots - also oriented participants to location of Campbell Drive on site plan to show that it would be completely built over on the souther portion of the site. Property value issue addressed -briefly explained property valuation concepts -
5. **Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.**

Attach additional sheets as needed.

-and discussed some of the quality residential developments that were built near the Duke distribution facilities that have good home values and have retained their values.

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBILEGAL.COM

LAUREN M. CLAYTON

lclayton@wbilegal.com

DIRECT DIAL: (770) 803-1028

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

February 2nd, 2021

RE: Zoning Application Z-21-002 – 0 Campbell Drive

Dear Neighbor:

I represent Hardie Real Estate Group, LLC, applicant for the above-referenced zoning case. This is to provide notice that the above application has been filed with the Community Development and Regulatory Affairs Department in the City of South Fulton. We are hosting a Zoom meeting to present the project and listen to community feedback on February 10th, 2021 at 6pm. Please see the details below:

Join Zoom Meeting

<https://zoom.us/j/96511528055>

Meeting ID: 965 1152 8055

One tap mobile:

+13126266799,,96511528055# US (Chicago)

+19292056099,,96511528055# US (New York)

Dial by your location:

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 965 1152 8055

Find your local number: <https://zoom.us/u/abVPhT08Pn>

WILSON BROCK & IRBY, L.L.C.

February 2, 2021

Page 2

We look forward to hearing from you. Thank you.

Sincerely,

WILSON BROCK & IRBY, L.L.C.

Lauren M. Clayton

LMC:

Encls.

cc:

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339

WWW.WBLEGAL.COM

LAUREN M. CLAYTON

lclayton@wblegal.com

DIRECT DIAL: (770) 803-1028

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

January 20th, 2021

VIA HAND DELIVERY

Mayor and City Council of the City of South Fulton
c/o Ms. Shayla Reed, Director
Community Development and Regulatory Affairs
City of South Fulton City Hall
5440 Fulton Industrial Boulevard
Atlanta, GA 30336

RE: Letter of Intent and to Rezone Property Located at 0 Campbell Drive, Tax Parcel
Identification Number 13 0033 LL0096

Dear Ms. Reed:

This firm represents Hardie Real Estate Group, LLC ("Hardie"), who is the contract purchaser of approximately 5 acres as more particularly described in the legal description on the attached survey and being located in the parcel code identification number shown on the application. Hardie seeks to rezone the subject property from the AG-1 zoning classification to the M-1 zoning classification as part of a larger development plan located predominantly in the City of East Point. The proposed development plan is for the construction of two warehouse distribution facilities just south of the Camp Creek Business Center. The facilities will be 204,000sf and 257,920sf. This request is compatible with the Comprehensive Development Plan's policies and intent as more particularly laid out in the Impact Analysis, and is designed to mitigate any adverse impact on nearby properties.

Several months ago, undersigned counsel, her co-counsel, and a representative from Hardie scheduled a site visit at the property to provide the Ward D Councilmembers in the City of East Point and the District 3 Councilmember of the City of South Fulton with a better understanding of the proposed plan. Also at the site visit was a concerned community member very interested in the existing conditions and future development of the site. We also had the opportunity to address the concerns of an adjacent property owner. From that site visit and further communications, the site plan and landscape plan attached herein was finalized. As further stated in the Impact Analysis, Public Participation Plan, and Environmental Site Analysis, Hardie is committed to constructing a well-planned, quality development that will be an asset to the community.

The subject property and the other parcels in the development plan have been vacant and undeveloped for several years. Illegal dumping and other forms of trespass have long been problems for the current property owner. The two largest parcels on the north end of the site,

WILSON BROCK & IRBY, L.L.C.

January 21, 2021

Page 2

located in the City of East Point, were rezoned approximately two years ago to a light industrial classification. The southernmost parcels, including the one that is the subject of this rezoning application, are currently zoned AG-1 and have no feasible economic use as zoned. The parcels to the south of the two larger parcels are necessary to create a consistent development plan that is compatible with both the warehouse/distribution facilities immediately to the north of the project, as well as the natural features of the site. Additionally, the assemblage of these parcels creates a site plan that is not only compatible with the aforementioned site conditions and location, but also one that can adequately protect the surrounding communities from light and noise through ample buffers, building placement and orientation, and an attractive and effective landscape plan.

Georgia law requires that the applicant and owner put the City on notice that if this rezoning request is not approved, then such an action would or could deprive the landowner and applicant of rights guaranteed by Article I, Section I, Paragraph I, Article I, Section III, Paragraph I, and Article I, Section I, Paragraph II of the Georgia Constitution and the 5th and 14th amendments to the United States Constitution.

This rezoning would allow the applicant to competitively attract a Distribution user, which are now, more than ever, an essential and rapidly growing part of our economy. Because this request is for a quality project proposal, preserves and protects environmentally sensitive areas of the overall site, and features many mitigation measures to protect the surrounding community, Hardie respectfully requests that this application be approved.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Lauren M Clayton

LMC



APPLICATION FOR REZONING & USE PERMIT

City of South Fulton Community Development and Regulatory Affairs
City of South Fulton City Hall
5440 Fulton Industrial Boulevard
Atlanta, GA 30336

DATE: 1-20-2021

TAX PARCEL IDENTIFICATION NUMBER(S): 13 0033 LLo096

SECTION I

REZONING REQUEST

Office use only:

ZONING CASE #: _____ ROAD FRONTAGE: _____

PROPERTY ADDRESS (if available): o Campbell Drive

The undersigned, having an interest in the property herein described, respectfully petitions that said property be rezoned
from AG-1 to M-1

Existing Zoning(s)

Proposed Zoning(s)

SECTION II

USE PERMIT REQUEST

Office use only:

USE PERMIT CASE # _____ ROAD FRONTAGE: _____

Under the provisions of Article XIX of the Zoning Resolution, application is hereby made to obtain a Use Permit as follows:

CURRENT ZONING: _____

USE PERMIT REQUEST: _____

SECTION IV

OWNER/PETITIONER

NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:

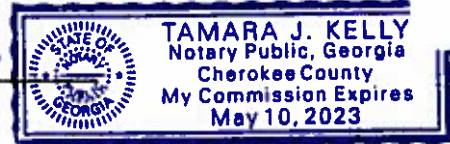
- If you are the sole owner of the property and not the petitioner complete Part 1.
- If you are the petitioner and not the sole owner of the property complete Part 2.
- If you are the sole owner and petitioner complete Part 1.
- If there are multiple owners each must complete a separate Part 1 and include it in the application.

Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

J. Marshall Martin
TYPE OR PRINT OWNER'S NAME
400 Northridge Rd., Suite 1225
ADDRESS
Atlanta, GA 30350
CITY & STATE ZIP CODE
JM Martin
OWNER'S SIGNATURE
mmartin@mbllawfirm.com
EMAIL ADDRESS

Sworn to and subscribed before me this the

22 Day of Jan 2021
Tamara J Kelly
NOTARY PUBLIC



404-467-5877
PHONE NUMBER

PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

DANIEL HANISON
TYPE OR PRINT PETITIONER'S NAME
2870 PEACHTREE RD NW, SUITE 721
ADDRESS
ATLANTA GA 30305
CITY & STATE ZIP CODE
D Hanison
PETITIONER'S SIGNATURE
daniel@hardiereg.com
EMAIL ADDRESS

Sworn to and subscribed before me this the

____ Day of _____ 20____

NOTARY PUBLIC

404-795-0202
PHONE NUMBER

SECTION V

ATTORNEY / AGENT

Check One: ☒ Attorney ☐ Agent

LAUREN M CLAYTON, WILSON, BROCK + IRBY
TYPE OR PRINT ATTORNEY / AGENT NAME

[Signature]
SIGNATURE OF ATTORNEY / AGENT

2849 PACES FERRY RD. STE 700
ADDRESS

ATLANTA, GA 30339
CITY & STATE ZIP CODE

D Hanison
PETITIONER'S SIGNATURE

LCLAYTON@WBILEGAL.COM
EMAIL ADDRESS

404-313-6592
PHONE NUMBER



ENVIRONMENTAL SITE ANALYSIS (ESA) FORM A

Provide a complete Environmental Site Analysis document fully addressing all items as required in sections 1 through 3 below. Attach this Form A to the front of the completed Environmental Site Analysis document (and any subsequent revisions) prior to submission. For additional information and questions, please contact the Fulton County Office of Environmental Affairs at 404-613-0250.

ESA Revision Number: _____

Applicant: Hardie Real Estate Group LLC

Phone Number: 404-795-0202

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies. Information regarding Fulton County's Comprehensive Plan may be found online at www.fultoncountyga.gov/fpcsd-home.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s). Cite the source of information regarding the presence or absence of environmental site features (e.g. according to the City of South Fulton website (www.cityofsouthfultonga.gov), wetland areas are located on the northwest portion of the site).

a. Wetlands

- U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://www.fws.gov/wetlands/>)
- Georgia Geologic Survey (404-656-3214)
- Fulton County Website (www.fultoncountyga.gov/fpcsd-home)
- Field observation and subsequent wetlands delineation/survey if applicable

b. Floodplain

- Federal Emergency Management Agency (<http://www.fema.org>)
- City of South Fulton Website (www.cityofsouthfultonga.gov)
- Fulton County Community Development Services
- Field observation and verification

c. Streams/stream buffers

- Fulton County Website (www.fultoncountyga.gov/fpcsd-home)
- Field observation and verification

- d. Slopes exceeding 33 percent over a 10-foot rise in elevation
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
- e. Vegetation (including endangered species)
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
- f. Wildlife Species (including fish and endangered species)
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation
- g. Archeological/Historical Sites
 - Fulton County Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
- b. Protection of water quality
- c. Minimization of negative impacts on existing infrastructure
- d. Minimization on archeological/historically significant areas
- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
- f. Creation and preservation of green space and open space
- g. Protection of citizens from the negative impacts of noise and lighting
- h. Protection of parks and recreational green space
- i. Minimization of impacts to wildlife habitats

Environmental Site Analysis

1. The zoning proposal conforms with the policies and intent of the Comprehensive Land Use Plan. While the Future Land Use Map designation is “Suburban Neighborhood”, the map is also laid out in a way that promotes the clustering of Industrial and Business Park type development. Because this project is contiguous to the Camp Creek Business Center, which houses mostly warehouse/distribution facilities, it is appropriate for this area and is in line with preventing a scattering of business park type uses throughout the city. The flow of truck and vehicular traffic to the site through the business park and away from residential streets is an example of keeping these types of uses adjacent to one another. The purpose of this rezoning is, in fact, to create a site layout that does more to ameliorate the impact of the project on adjacent properties than there would be if only the two industrially-zoned properties were developed as of right.

One character area of the Land Use Map (p. 35) is “Business Park” and is described as having uses that are less intense than the industrial uses that could currently be built on the larger industrially-zoned parcels. The Business Park character area contains uses that are “not incompatible with the residential neighborhoods,” as distinguished from other Industrial uses that could be constructed on the larger parcels of the site located in the City of East Point. It also indicates that such uses do not require as much mitigation such as ample buffering between residential and more heavy industrial uses – however, in spite of this, this site plan does offer significant mitigation measures through buffers, landscaping, and large portions of undisturbed land.

The project is also compatible with the Plan’s concerns about sedimentation runoff, as it will preserve and/or replace trees and leaves much of the land undisturbed. The Plan acknowledges that one key contributor to sedimentation runoff is “the removal of topsoil vegetation (i.e. trees, shrubs, and low growing ground cover).” The amount of trees and other natural vegetation included in this project promotes the goal of protecting from sedimentation runoff.

2. Environmental Impacts of the Proposed Project
 - a. Wetlands – According to the National Wetlands Inventory, no streams are wetlands are shown except for what is shown on the site plan. Wetlands have been identified on this site near the streams that meander through the site. Looking at the proposed site plan, you can see the efforts made to avoid development anywhere near the streams and within any stream buffers. Thus, the project will not be impacting wetlands in any measurable way.
 - b. Floodplain – according to the Fulton County Flood Insurance Rate Map, there is no portion of this property that lies in the floodplain. (Fulton Co. F.I.R.M. no. 13121C0363F dated September 18, 2013).
 - c. Streams and Stream Buffers – Multiple streams have been identified throughout the proposed project through field observation and verification (though not the

parcel under consideration for rezoning in the COSF). As stated in 'a' above, this site plan mitigates encroachment into stream buffers and leaves the streams undisturbed.

- d. Slopes exceeding 33 percent over a 10-foot rise in elevation – Field observation and verification concludes that such slopes and elevation changes in the property exist predominantly in and around the streams and stream buffers. As mentioned in 'a' and 'c' above, the site plan does not encroach within any stream buffers and leaves large portions of the site undisturbed where the streams meander through the site.
- e. Vegetation – Through field observation and verification, there is significant vegetation on this largely undeveloped site, particularly in and around the stream buffers. No endangered species of vegetation has been identified on the site. The site plan, with its significant buffers, proposed landscape measures, and large portions of undisturbed land, will preserve a large amount of vegetation on the site.
- f. Wildlife Species – Through field observation and verification, there are a number of wildlife species on the largely undeveloped site, though no endangered species have been identified. As stated above, the ability to develop this site without disturbing large amounts of the site where streams and stream buffers are located, as well as the ample buffers, will preserve habitats for wildlife species present on the site.
- g. Archeological/historic sites – No archeological or historic sites have been identified on this site through field observation and verification.

3. Project Implementation Measures

- a. Protection of Environmentally Sensitive Areas – as stated above, this site plan is strategically configured so as to not disturb environmentally sensitive areas, such as the streams, stream buffers, and slopes exceeding 25% (which exist predominantly within the stream buffer areas).
- b. Protection of water quality – the proposed development and uses for this project will have no impact on water quality, as the proposed uses do not have a deleterious effect on water quality and all water features on the site remain undisturbed.
- c. Minimization of negative impacts on infrastructure – the proposed development will not create a burden on City infrastructure, and the traffic flow to and from the site will not have a burdensome impact on COSF streets.
- d. Minimization on archeological/historically significant areas – as stated above, no archeological or historically significant areas have been identified on this site.
- e. Minimization of impact on environmentally stressed communities – the site is not located in or near an environmentally stressed community and will have no impact on those communities.

- f. Creation and preservation of green space and open space – as shown in the site plan and landscape plan, this project will contain significant green space and undisturbed areas of land.
- g. Protection of citizens from the negative impacts of noise and lighting – as stressed throughout this analysis, significant mitigation measures exist on the site plan so as to not disturb nearby citizens with noise and light. Those measures include, but are not limited to, strategic ingress and egress of truck traffic to avoid excessive traffic noise disturbances and ample buffers and undisturbed land to block noise and light from within the site.
- h. Protection of parks and recreational green space – this project does not impact parks and recreational green space.
- i. Minimization of impacts to wildlife habitats – as indicated above, the wildlife on the site will be minimally impacted by the proposed development as a result of the large portions of undisturbed land on the site.



IMPACT ANALYSIS FORM B

Applicant: Hardie Real Estate Group, LLC

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? **Please see separate Impact Analysis**

2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

3. Does the property to be rezoned have a reasonable economic use as currently zoned? _____

4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? _____

5. Is the zoning proposal in conformity with the policies and intent of the land use plan? _____

6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal? _____

7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton? _____

Attach additional sheets as needed.

IMPACT ANALYSIS

- a. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:**

The proposed use is suitable in view of the use and development of adjacent and nearby property. The property to the immediate north of the two largest parcels of the proposed development is the Camp Creek Business Center and is zoned BP (Business Park) in the City of East Point. The Camp Creek Business Center consists of multiple warehouse/distribution facilities, and all traffic for this site will be coming to and from the north. Additionally, the current zoning of the aforementioned parcels is Light Industrial, which allows for more intensive uses of those two parcels than the proposed development. There is residential development within the City of South Fulton to the south and west of the project, and great care has been taken to create a site plan that protects those communities from light and sound. The properties to the east and south are predominantly zoned AG-1, with the exception of apartments zoned A to the east. The ingress and egress for truck traffic has been strategically located to exclusively flow through the Camp Creek Business Center to the north. Ample landscape buffers and undisturbed portions of the site are proposed in a manner consistent with the Business Center to the north.

- b. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:**

The zoning proposal will have no adverse effect on existing use or usability of adjacent or nearby property, largely as a result of the strategic building placement, ingress and egress through the Business Center, landscape buffers, and large portions of undisturbed land where streams traverse the site.

- c. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

The property, as currently zoned, does not have a reasonable economic use. In addition, the property has no reasonable economic use if zoned to any category less intense than the category sought in this application.

- d. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:**

The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- e. **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan or land use plan.**

The zoning proposal conforms with the policies and intent of the comprehensive plan and the land use plan.

The Future Land Use map is laid out in a way that promotes clusters of Industrial and Business Park type development. The proposed project is contiguous to the Camp Creek Business Center to the north, which avoids the adverse impact of scattering industrial and business park type uses throughout the city. This leads to less adverse impacts on adjacent uses. For example, the aforementioned truck traffic traveling exclusively through an already-existing business park development prevents trucks from driving through residential neighborhoods.

Page 44 of the Comprehensive Development Plan refers to the Business Park character area, which includes warehousing and distribution, and states that “access to rail and truck routes are important to some business park sites.” The ability to direct truck traffic through an existing warehouse development makes this site ideal for the proposed project. Additionally, on page 35 of the Plan, Business Park projects are described as those that “accommodate multiple businesses of less intense industrial uses” and that “these areas do not require the same level of separation of buffering as the heavy industrial uses because the uses are not incompatible with the residential neighborhoods.” This project is thus appropriate for the location, and the ample buffers and landscaping in the proposal even further limits the already minimal impact Business Park type properties have on adjacent communities.

Additionally, one of the Plan’s environmental concerns is sedimentation runoff, which is exacerbated by “the removal of topsoil vegetation (i.e. trees, shrubs, and low growing ground cover)” (p. 103). The proposed project, with its large amount of undisturbed area and ample tree buffers and landscaping serves to effectuate the reduction of sedimentation runoff that other types of development could likely not offer.

f. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either the approval or disapproval of the zoning proposal:

The existing agricultural zoning on this site is not compatible with, or cohesive with, the BP to the north and the large I-1 parcels that are part of the proposed project. Other uses in I-1 and AG-1 would require more land disturbance and tree removal than the proposed project. This proposal offers a compatible and cohesive plan that allows for the addition of two well-placed distribution facilities, which, as stated above, is in line with the policies and intent of the comprehensive development plan. In fact, the rezoning of this parcel is what allows the development of a property that is already mostly I-1 zoning with a layout that ameliorates any adverse impact on the surrounding properties.

Additionally, while the City of South Fulton’s Comprehensive Development Plan designates this property as Suburban Neighborhood, all the rest of the parcels in this development are part of a very large section of the City of East Point’s Future Land Use Map that is designated as Industrial/Business Park. (2017 City of East Point Comprehensive Plan Update, p. 53). Thus, approximate sixty acres of this site plan would be inconsistent with the City of East Point Comprehensive Development Plan if it were to be developed as something other than the proposed project.

g. Whether the zoning proposal permits a use that can be environmentally adverse to the resources, environment and citizens of East Point:

For all the reasons stated above, the zoning proposal does not permit a use that can be environmentally adverse to the resources, environment and citizens of the City of South Fulton.



DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: _____ CITY COUNCIL MEETING DATE: _____

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of City Council.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.

If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.

If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: ~~Hardie~~ Hardie Real Estate Group, LLC (applicant)

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
<u>N/A</u>			

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) DANIEL HANISON

Signature: *D Hanison*

Date: 1/21/21



DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: _____ CITY COUNCIL MEETING DATE: _____

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of City Council.

CIRCLE ONE: YES **NO**

If the answer is YES, proceed to sections 1 through 4.
If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) J. Marshall Martin

Signature: [Signature] Date: 1-22-2021



DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: _____ CITY COUNCIL MEETING DATE: _____

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of City Council.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.
If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: WILSON, BROCK + IRBY LLC, LAW FIRM
REPRESENTING PETITIONER. ATTORNEY LARRY M DINGLE
REPORTS THE BELOW CONTRIBUTION.

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
<u>COREY A. REEVES</u>	<u>\$500</u>	<u>2019</u>	<u>\$500</u>

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) LARRY M. DINGLE

Signature: *Larry Dingle* Date: 1/20/21

PUBLIC PARTICIPATION PLAN FORM D

Applicant: Hardie Real Estate Group, LLC

1. The following individuals (property owners within a quarter mile of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the City of South Fulton Zoning Ordinance:
Upon receipt of a list provided by staff, applicant will send notices to the property owners
within a quarter mile of the property. Additionally, applicant and applicant's counsel have already been
in discussions with a directly impacted property owner, the City Councilwoman for District 3, and an
engaged resident of the city who is interested in the current conditions and future development of this
property. We will continue to work with Council, the resident, and other citizens to attend a meeting
with nearby property owners and the homeowners' association.
2. The individuals and others listed in 1. above will be notified of the requested rezoning/use permit using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)
As stated above, applicant will continue conversations with the engaged resident, Councilwoman
for district three, and the previously contacted adjacent property owner. Notices will be sent to the
previously mentioned property owners within a one quarter mile radius of the property and a
meeting with nearby property owners and/or the homeowners' association will be coordinated. Should
it be requested of applicant, more than one meeting can be scheduled.
3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)
As stated above, applicant plans to arrange at least one meeting with the parties referenced above.
We will be in consultation with the district 3 Councilwoman to determine the best way to arrange
for a meeting.

Attach additional sheets as needed.



PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: Hardie Real Estate Group, LLC Petition No. _____

Date: _____

1. The following parties were notified of the requested rezoning/use permit:

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)

3. The following issues and concerns were expressed:

4. The applicant's response to issues and concerns was as follows:

5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

Attach additional sheets as needed.



SITE PLAN CHECKLIST FORM F

Site plans for rezoning and use permit must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information: _____

ITEM #	DESCRIPTION	CHECK ✓
1	Key and/or legend and site location map with North arrow	✓
2	Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning	✓
3	Acreage of subject property	✓
4	Location of land lot lines and identification of land lots	✓
5	Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property	✓
6	Proposed streets on the subject site	✓
7	Posted speed limits on all adjoining roads	✓
8	Current zoning of the subject site and adjoining properties	✓
9	Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property	✓
10	Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400 feet of the subject site based on the County's aerial photography or an acceptable substitute as approved by the Director	✓
11	Location of proposed buildings (except single family residential lots) with total square footage	✓
12	Layout and minimum lot size of proposed single-family residential lots	N/A
13	Topography (surveyed or County) on subject site and adjacent property within 200 feet as required to assess runoff effects; Onsite areas with slopes greater than thirty-three percent (33%) shall be labeled and identified through cross-hatching and/or separate colors.	✓
14	Location of major overhead and underground electrical and petroleum transmission/conveyance lines	✓
15	Required and/or proposed setbacks	✓
16	100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps	✓
17	Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed	✓
18	Required and proposed parking spaces; Loading and unloading facilities	✓
19	Lakes, streams and other waters on the site and associated buffers	✓
20	Proposed stormwater management facilities	✓
21	Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access	N/A
22	Availability of water system and sanitary sewer system	✓
23	Tree lines, woodlands and open fields on subject site	✓
24	Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See Fulton County Subdivision Regulations)	N/A
25	Wetlands shown on the County's GIS maps or survey	✓
26	Airport noise contours on those properties within the FAR Part 150 Airport Noise Contour Map.	N/A

DEED

The legal description in this deed is not specific to the parcel subject to the rezoning application in the City of South Fulton. However, the legal description specific to this parcel can be found on the survey – it is labeled “Tract 3”

Deed Book 48546 Pg 629
Filed and Recorded Nov-17-2009 07:50am
2009-0354781
Real Estate Transfer Tax 10.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

After recording return to:
Jimmy C. Luke, Esquire
Foltz Martin, LLC
Five Piedmont Center, Suite 750
3525 Piedmont Road NE
Atlanta, Georgia 30305

**STATE OF GEORGIA:
COUNTY OF FULTON**

DEED UNDER POWER OF SALE

THIS INDENTURE, made and entered into as of the 3rd day of November, 2009 by and between **REDSTONE LAND INTERESTS NO. 1, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 1, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 2, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 3, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 4, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 5, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 6, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 7, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 8, LLC**, a Georgia limited liability company, and **REDSTONE LAND INTERESTS NO. 1, TIC NO. 9, LLC**, a Georgia limited liability company (hereinafter referred to as "Borrower") acting through **REAL ESTATE PERSPECTIVES III, LLC**, a Georgia limited liability company and Borrower's duly appointed agent and attorney-in-fact") (hereinafter referred to as "Purchaser") as party of the second part;

WITNESSETH:

WHEREAS, Borrower executed and delivered to Lender a certain Deed to Secure Debt, Assignment of Rents and Security Agreement from **REDSTONE LAND INTERESTS NO. 1, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 1, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 2, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 3, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 4, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 5, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 6, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 7, LLC**, a Georgia limited liability company, **REDSTONE LAND INTERESTS NO. 1, TIC NO. 8, LLC**, a

764895 1

Deed Book 48546 Pg 630

Georgia limited liability company, and REDSTONE LAND INTERESTS NO. 1, TIC NO. 9, LLC, a Georgia limited liability company (collectively, "Grantors") to REAL ESTATE PERSPECTIVES III, LLC, a Georgia limited liability company, dated April 25, 2008, filed and recorded May 2, 2008, in Deed Book 46689, Page 525, Clerk of Superior Court of Fulton County, Georgia records (the "Security Deed") said Security Deed being given to secure a Note of even date as the Security Deed in the original principal amount of ONE MILLION SIX HUNDRED SIXTY FOUR THOUSAND AND NO/100 DOLLARS (\$1,664,000.00); and

WHEREAS, default under the Note occurred and by reason of such default Lender elected, pursuant to the terms of the Security Deed and the Note, to declare the entire principal and interest immediately due and payable; and

WHEREAS, the entire indebtedness still being in default, on behalf of Borrower, and according to the terms of the Security Deed, did advertise said property for sale once a week for four weeks in a newspaper in Fulton County, Georgia, where the Lender carried its advertisement, namely the *Daily Report*, said dates of publication being October 7, 2009, October 14, 2009, October 21, 2009 and October 28, 2009; and

WHEREAS, Lender on even date herewith acquired the after-described property by buying the property at a foreclosure sale conducted pursuant to power of sale in that certain Security Deed.

WHEREAS, Lender, as attorney-in-fact for Borrower, did expose said property for sale at public outcry to the highest bidder for cash on Tuesday, November 3, 2009, within the legal hours of sale at the usual place for conducting Sheriff's sales in Fulton County before the Courthouse door at Atlanta, Georgia, in said county, at which said party of the second part was the highest bidder at and for the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) cash, and said property was then and there knocked off and sold for said sum.

NOW THEREFORE, for and in consideration of the foregoing premises and said sum of money and by virtue of the exercise of the power of sale contained in the Security Deed, the party of the first part has bargained, sold, granted and conveyed, and by these presents does hereby bargain, sell, grant and convey to the party of the second part, its successors, representatives, heirs and assigns the property described on Exhibit "A" attached hereto and incorporated herein by reference (the "Premises").

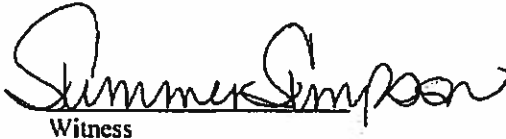
TOGETHER WITH, all and singular the rights, members and appurtenances thereto appertaining; also, all the estate of Borrower's representatives, heirs, successors and assigns, legal, equitable or otherwise whatsoever, in and to the same.


TO HAVE AND TO HOLD the said Premises and all parts, rights, members and appurtenances thereof, to the use, benefit and behoof of said party of the second part, its representatives, heirs, successors, successors-in-title and assigns, **IN FEE SIMPLE** forever, in as full and ample a manner as Borrower or Borrower's representatives, heirs, successors or assigns did hold and enjoy the same.

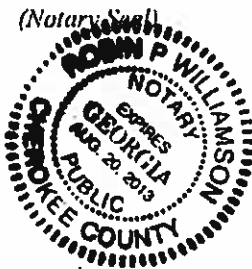
Deed Book 48546 Pg 631

IN WITNESS WHEREOF, Borrower has executed this Deed under seal, as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

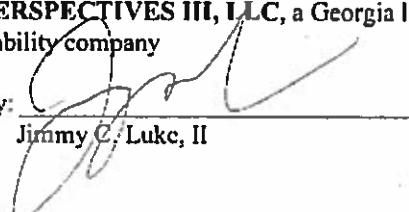

Witness


Notary Public
My commission expires:



GRANTOR:

REDSTONE LAND INTERESTS NO. 1, LLC, REDSTONE LAND INTERESTS NO. 1, TIC NO. 1, LLC, REDSTONE LAND INTERESTS NO. 1, TIC NO. 2, LLC, REDSTONE LAND INTERESTS NO. 1, TIC NO. 3, LLC, REDSTONE LAND INTERESTS NO. 1, TIC NO. 4, LLC, REDSTONE LAND INTERESTS NO. 1, TIC NO. 5, LLC, REDSTONE LAND INTERESTS NO. 1, TIC NO. 6, LLC, REDSTONE LAND INTERESTS NO. 1, TIC NO. 7, LLC, REDSTONE LAND INTERESTS NO. 1, TIC NO. 8, LLC, and REDSTONE LAND INTERESTS NO. 1, TIC NO. 9, LLC, Georgia limited liability companies, by and through its duly appointed agent and attorney-in-fact, REAL ESTATE PERSPECTIVES III, LLC, a Georgia limited liability company

By: 
Jimmy C. Luke, II

Deed Book 48546 Pg 632

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 33 of the 13th District of Fulton County, Georgia, being designated as Tracts One, Two and Six, containing 33.2515 acres upon that certain ALTA/ACSM Land Title Survey for Redstone Land Interests No. 1, LLC, Real Estate Perspectives III, LLC, Redstone Land Interests No. 1, TIC No. 1, LLC, Redstone Land Interests No. 1, TIC No. 2, LLC, Redstone Land Interests No. 1, TIC No. 3, LLC, Redstone Land Interests No. 1, TIC No. 4, LLC, Redstone Land Interests No. 1, TIC No. 5, LLC, Redstone Land Interests No. 1, TIC No. 6, LLC, Redstone Land Interests No. 1, TIC No. 7, LLC, Redstone Land Interests No. 1, TIC No. 8, LLC, Redstone Land Interests No. 1, TIC No. 9, LLC and Chicago Title Insurance Company, dated January 24, 2007, as last revised on April 22, 2008, prepared by Terra Mark Professional Land Surveying, certified by Joseph D. Sowerby, Georgia Registered Land Surveyor No. 2998, and being more particularly described as follows:

BEGINNING at a point marked by a 1/2 inch crimp top pipe located at the Land Lot corner common to Land Lots 31, 32, 33, and 34; run thence along the Land Lot line common to Land Lots 33 and 34 South 00 degrees 24 minutes 59 seconds West a distance of 295.20 feet to a 1/2 inch rebar capped found; continue thence along the aforesaid Land Lot line South 00 degrees 06 minutes 20 seconds West a distance of 875.38 feet to a PK nail found; continue thence along the aforesaid Land Lot line South 00 degrees 19 minutes 11 seconds West a distance of 729.06 feet to a 1/2 inch rebar capped found; continue thence along the aforesaid Land Lot line South 00 degrees 19 minutes 10 seconds West a distance of 400.00 feet to a point; continue thence along the aforesaid Land Lot line South 00 degrees 23 minutes 49 seconds West a distance of 393.35 feet to a 1 inch open top pipe; leaving the aforesaid Land Lot line, run thence North 89 degrees 28 minutes 09 seconds West a distance of 526.49 feet to a 1 inch rod located on the easterly right of way line of Campbell Drive (a 50' right of way); run thence along the aforesaid right of way line North 00 degrees 09 minutes 09 seconds West a distance of 393.35 feet to a PK nail; continue thence along the aforesaid right of way line North 00 degrees 09 minutes 09 seconds West a distance of 400.00 feet to a PK Nail found; continue thence along the aforesaid right of way line North 00 degrees 09 minutes 06 seconds West a distance of 1,899.94 feet to a 1/2 inch rebar found located at the intersection of the easterly right of way line of the aforesaid Campbell Drive and the Land Lot line common to Land Lots 32 and 33; leaving the aforesaid right of way line, run thence along the aforesaid Land Lot line South 86 degrees 52 minutes 41 seconds East a distance of 1.10 feet to a 1/2 inch rebar found; continue thence along aforesaid Land Lot line North 89 degrees 52 minutes 44 seconds East a distance of 545.33 feet to a point marked by a 1/2 inch crimp top pipe located at the Land Lot corner common to Land Lots 31, 32, 33 and 34, and said point being the POINT OF BEGINNING.

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 33 of the 13th District of Fulton County, Georgia, being designated as Tracts Three, Four and Five, containing 32.637 acres upon the aforesaid survey and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a point marked by a 1/2 inch crimp top pipe located at the Land Lot corner common to Land Lots 31, 32, 33 and 34; run thence along the Land Lot line common to Land Lots 32 and 33 South 89 degrees 52 minutes 44 seconds West a distance of 545.33 feet to a 1/2 inch rebar found; continue thence along the aforesaid Land Lot line

PRE-APPLICATION REVIEW FORM

Office use only:

I hereby certify that I have completed a preliminary review of the site plan for this project and determined that it meets the minimum standards specified by Article 28.5.2 of the Fulton County Zoning Resolution.

Staff signature: _____ Date: _____

Planning Division

Community Development and Regulatory Affairs

Staff printed name: _____

The undersigned acknowledges that the site plan is submitted in accordance with Article 28.5.2 of the City of South Fulton Zoning Ordinance and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: _____ Date: _____

Applicant printed name: _____