

LETTER OF INTENT FOR
TYPE I REZONING REQUEST REGARDING

0 Old Elberton Road

PIN 273 001 (the “Property”)



Seeking

Rezoning from A-R to E-I

Future Land Use Map Amendments from Rural to Employment

William J. Diehl

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On Behalf of FAE Clark, LLC—Applicant and Property Owner

The Property is a large agriculturally-zoned property within a strategically located and developing job center in the County. It is also among the largest undeveloped parcels within the County. In short, it represents a massive opportunity for economic and workforce development. Historically, the Property has been on the periphery of the County's workforce centers and its rural "green-belt" land use regulations and policies. The current Zoning Map and Future Land Use Map reflects the transition in this area. But the land use polices and regulations in this area also reflect the changing market realities and reflect the County's infrastructure investments in the area, which have tended toward greater density of development.

There have been numerous changes in both the zoning districts and the future land use map in this area within the past decades—the breadth of these changes reflect the County's growth and change infrastructure. The Property should be rezoned to participate in these investments rather than precluded from them. The rural designation does not reflect the market realities and the feasible uses of the Property. In fact, the Property was previously used for agricultural purposes but those uses failed even to cover the tax liabilities associated with the Property.

This is the second time the Property has been before this Board. The first presentation involved the development of a quality walking-oriented housing development with mixed housing types providing a variety of price points for new home-buyers. The Board of Commissioners denied that application and continued to impose the agricultural zoning district. This rezoning request is proposed in response to that denial, but also in an effort to mirror development patterns the County has encouraged and incentivized in the surrounding area.

A. Details of the Zoning Request

This development proposal seeks a rezoning and future land use map amendment of the parcel identified as 273 001. The adjoining parcel 273 001H—which was included in the prior rezoning—will remain with its current zoning and future land use classifications. The Site plan below shows the reorientations of the development proposal:

(Image on Following Page)

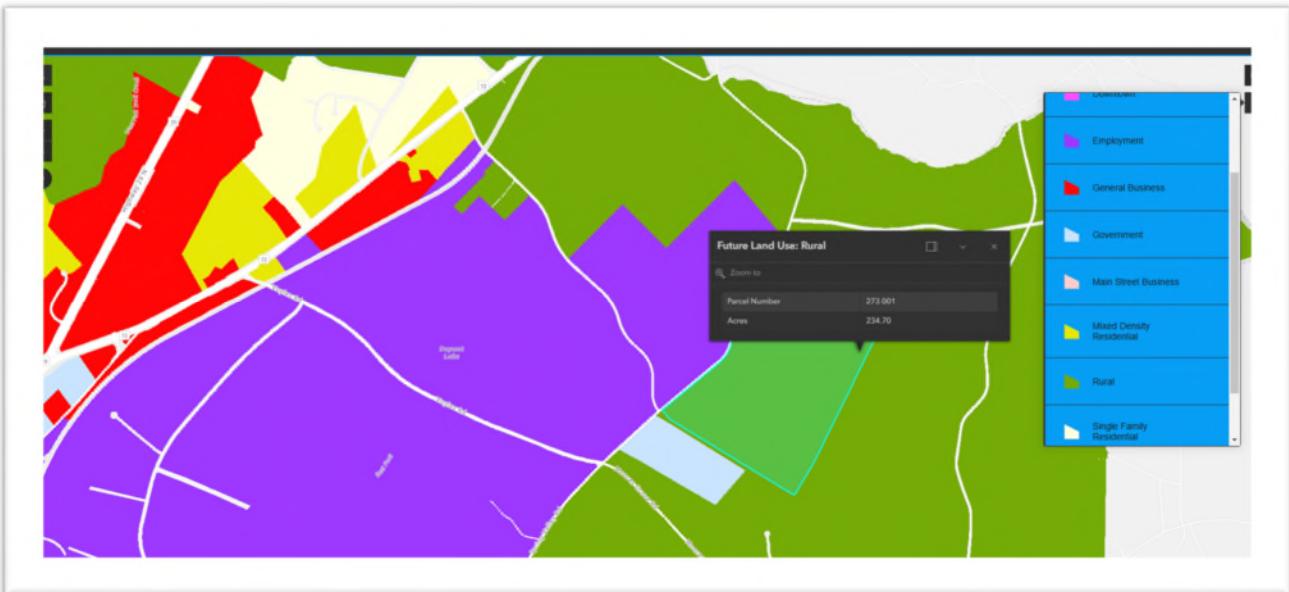


On the Property, four light-industrial buildings are envisioned, with over 2 million square feet of building coverage. The site will be developed and used in a manner that respects existing adjoining uses. A two-hundred foot (200 ft.) buffer will be maintained from the southern and eastern property lines where a school (WR Collie Middle) and agricultural properties currently exist. Where appropriate and feasible, the Applicant would agree to provide berms to further protect and insulate the school. These buffers exceed the distance between the school and the E-O zoned Invista development across Old Elberton Road. This buffer is also significantly greater than required by code between these uses (Maximum 50 ft. per Zoning Ordinance Sec. 9-15-3).

Additionally, the anticipated uses will be passive, essentially-silent, have limited vehicular traffic, will not create noxious odors, and will not have associated environmental issues arising from industrial uses. The Applicant intends that these developments will be used as long-term storage facilities, or other uses that will not generate a heavy intensity of use. As discussed in more detail below, the Applicant is willing to proffer conditions that would restrict uses that generate heavy truck traffic, create odors or noise, or other similar environmental concerns.

B. The Property's Feasible Future Land Uses

The Property is located among a diversity of uses, most leveraging access to transportation throughfares such as Highway 29 and Hull Road (GA-72). The Future Land Use Map reflects that diversity:



The Future Land Use Map currently identifies the Property's anticipated uses as being within the "Rural" future land use designation. The designation is intended to "have very low residential density" and to encourage "[a]gricultural functions. . . as well as other compatible uses, such as limited low impact commercial uses, equestrian facilities and other animal boarding uses." (Comp. Plan p. 53). Despite this designation, however, the Property is located among other heavy intensive, industrial uses, including Nakanishi Manufacturing Corporation's campuses, RWDC Industries and planned industrial developments such as the Invista manufacturing site the Athena Industrial Park. Likewise, there are institutional uses—to wit, WR Colie Middle School—in direct proximity to the Property.

The Property's rural designation is not a feasible future land use designation. The Property was previously used for Agricultural purposes. That use, however, failed to generate sufficient revenue to cover the annual tax bill on the Property, which is \$23,037.25. Moreover, heavy agricultural uses may create environmental concerns arising from noise, odor, and pesticide/weed-control chemicals that may be inconsistent with the adjoining elementary school and the Applicant is concerned that continuing such a use may subject them to nuisance or environmental actions.

The County has recently altered its Future Land Use Map in this area and these alterations have tended toward more intensive uses—particularly expanding the Employment future land use map across geographic borders such as Pittard Road. Consistent with that stated and enacted policy, the County has expanded resources and infrastructure in the area to increase industrial activity and investment in the area. Indeed, the County's development authority has acquired property for industrial development within the Athena Industrial Park only approximately a half a mile from the Property. Thus, the Applicant submits that—while the Future Land Use Map continues to

designate the Property for “Rural” uses—the County’s investments, long-term planning, infrastructure development, and employment goals indicate that the designation is but a vestige of outdated policy and inappropriately ties the property to regulations that preclude it from participating in surrounding County investments.

C. The Rezoning Request

In addition to the future land use amendment, this Application seeks a rezoning request from AR to E-I. There is significant precedent for the E-I zoning district within the proximity of the Property. Across Old Elberton Road, there are numerous parcels that have been recently rezoned to the E-I zoning districts including the Bullock & Hibbert parcels directly across Old Elberton Road (222 021 & 273 005), which were rezoned to the E-I district from the A-R district in 2024. The Athena Industrial Park is within a half a mile from the Property.



While Old Elberton and Spring Valley Road may have been a historic geographical transition point between industrial and agricultural uses, even that distinction has been eroded by recent legislation, appropriations, and policy decisions by the County. First, parcels to the East of Old Elberton and Spring Valley Road have been rezoned from the A-R to the E-I districts. 1310 Spring Valley Road (222 001), approximately 4,000 feet from the Property, was rezoned in 2020 to the E-I district. That parcel is less than 150 feet from the Thomas Farm at Spring Valley neighborhood. Furthermore, the WR Colie Middle School, nearly adjacent to the Property, demonstrates a transition from traditional agricultural uses to more intense uses.

Likewise, the County’s investments in the Athena Industrial Park and its economic development incentives to the Nakanishi Manufacturing and Invsita industrial buildings indicate a deliberate policy and investment in expanding industrial and employment opportunities in the area.

The Property here adjoins industrial and institutional uses. It is better suited for industrial development than the property at Spring Valley Road. Like the other industrial uses and the county-led investments in surrounding industrial development activities. The rezoning request will provide supplemental services to the surrounding uses in a manner that has low intensity.

D. Proffered Conditions

1. Uses of the Property will be limited to those uses that would meet the restrictions of Level I Industrial Uses as defined in Section 9-11-5 of the Unified Development Ordinance;
2. The Developer shall maintain a 200 foot building setback from the South and Eastern property lines as indicated on the site plan;
3. Site development shall be limited to 2.1 million square feet of building space;
4. The site shall be developed to maintain at least 40% of green and open space.

Sincerely,

THOMPSON, O'BRIEN, KAPPLER & NASUTI, P.C.

A handwritten signature in blue ink, appearing to read "W J Diehl".

William J. Diehl