

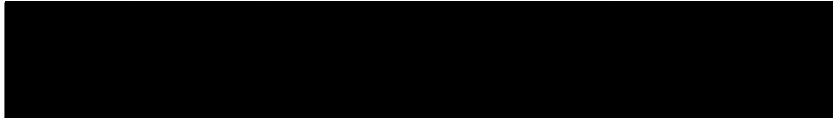


Date Received: _____

APPLICANT INFORMATION

APPLICANT NAME: HAMMER (DE) LIMITED PARTNER

ADDRESS: 395 9th Avenue 58th Floor New York, NY 10001



FAX: _____

OWNER INFORMATION (If different from Applicant)

OWNER NAME: SAME AS APPLICANT

ADDRESS: _____

PHONE: _____ CELL: _____ FAX: _____

EMAIL ADDRESS: _____

PROPERTY INFORMATION (attach legal description)

ADDRESS: 7600 Jonesboro Rd. Clayton County, GA

PARCEL ID#: 12049A A002 LAND LOT: 14 DISTRICT: 12th

CONDITIONAL USE PERMIT REQUEST

CURRENT ZONING: HI-Heavy Industrial CURRENT LAND USE: Warehouse Storage and Distribution

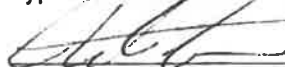
PROPOSED LAND USE: No Change

DESCRIPTION OF USE (ex.: number of employees, details of operation, etc.): _____
Property is currently operated as a warehouse storage and distribution center by Do It Best.

CERTIFICATION OF OWNERSHIP

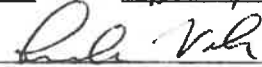
I hereby certify that I am the owner of the property shown on the attached plat, described in the attached legal description, and identified as follows: Charles Stocks - Authorized Signatory

HAMMER (DE) LIMITED PARTNER
Type or Print Owner's Name


Owner's Signature

2/26/26
Date

Sworn and subscribed before me this
26 day of February, 2026


Notary Public

July 1 2027
Commission Expires

Madeline Vasile
Notary Public, State of New York
Reg. No. 01VA6394227 (Seal)
Qualified in Richmond County
Commission Expires July 1, 2027

POWER OF ATTORNEY (if owner is not the applicant)

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

Type or Print Owner's Name

Owner's Signature

Date

Sworn and subscribed before me this
____ day of _____, _____

Notary Public

Commission Expires

(Seal)

Type or Print Applicant's Name

Applicant's Signature

Date

ATTORNEY / AGENT

CIRCLE ONE: Attorney Agent

HAROLD BUCKLEY JR
Type or Print Attorney / Agent's Name

Harold Buckley Jr.
Attorney / Agent's Signature

2849 PACES FERRY ROAD SUITE 700 ATLANTA GA 30339
Address

770-803-3707
Phone Number

hbuckley@nbilegal.com
Email Address

AUTHORIZATION TO INSPECT PREMISES

I/we HAMMER (DE) LIMITED PARTNER am/are the owner(s) of the subject property, which is the subject matter of this application. I/we authorize the City of Jonesboro to inspect the premises, which is the subject of this request for a Conditional Use Permit.

HAMMER (DE) LIMITED PARTNER
Type or Print Owner's Name

[Signature]
Owner's Signature

2/26/26
Date

CHARLES STOCKS
AUTHORIZED SIGNATORY

LEGAL DESCRIPTION – TRACT 1 (BASED ON THIS SURVEY)

All that tract or parcel of land lying and being in Land Lot 49, 12th District, Clayton County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #25-096; Drawing/File #25-096), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a 1" open top pipe found (N:1290678.67, E:2241205.99) on the southeasterly right-of-way line of Georgia State Highway #54 (A.K.A. Jonesboro Road)(Variable Width Public R/W), said 1" open top pipe found being approximately 1,840.80 feet from the southeasterly intersection of Georgia State Highway #54 and Battle Creek Road.

THENCE departing said southeasterly right-of-way line of Georgia State Highway #54, North 88 degrees 15 minutes 59 seconds East a distance of 1026.29 feet to a 1/2" iron pin set on the westerly right-of-way line of Old Morrow Road (50' Public R/W);

THENCE along said westerly right-of-way line of Old Morrow Road the following courses and distances, South 07 degrees 54 minutes 47 seconds East a distance of 700.26 feet to a 1/2" iron pin set;

THENCE along a curve to the right having a radius of 3449.11 feet for an arc length of 534.12 feet, being subtended by a chord of South 01 degrees 55 minutes 12 seconds East for a distance of 533.58 feet to a 1/2" iron pin set, said 1/2" iron pin set being witnessed by a 1/2" rebar found on line to the proceeding call 12.33 feet northwest thereof;

THENCE departing said westerly right-of-way line of Old Morrow Road, North 85 degrees 56 minutes 39 seconds West a distance of 687.60 feet to a 1/2" iron pin set;

THENCE North 85 degrees 42 minutes 27 seconds West a distance of 694.42 feet to a 1/2" rebar found on the aforesaid southeasterly right-of-way line of Georgia State Highway #54;

THENCE along said southeasterly right-of-way line of Georgia State Highway #54, North 12 degrees 16 minutes 21 seconds East a distance of 1120.84 feet to a 1" open top pipe found, said 1" open top pipe found being the POINT OF BEGINNING.

Said tract of parcel of land contains 32.645 acres or 1,422,004 square feet.

AND GRANTOR will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered in the presence of: TRUSERV CORPORATION, a Delaware corporation

Patricia C Lydon
Witness

Patricia C Lydon
Notary Public

*By: *Barbara L. Wagner*
Name: *Barbara L. Wagner*
Its: *VPS Treasurer*



[AFFIX NOTARIAL SEAL & STAMP]



EXHIBIT A

Legal Description

A tract or parcel of land lying and being in Land Lot 49 of the 12th District of Clayton County, Georgia, and being more particularly described as follows:

Beginning at a 1 inch pipe found on the easterly right-of-way of Georgia State Highway 54 also known as Jonesboro Road (R/W varies), said point being 1840.8 feet southwest of the southeasterly intersection of State Highway 54 and Battlecreek Road; thence South 88 degrees 15 minutes 00 seconds East a distance of 1027.32 feet to a ½ inch rebar set on the westerly right-of-way of Old Morrow Road (50' R/W); thence along said right-of-way South 04 degrees 22 minutes 01 seconds East a distance of 700.15 feet to a point; thence continuing along said right-of-way on a curve to the right an arc distance of 534.21 feet (said arc being subtended by a chord of 533.62 feet, a bearing South 01 degrees 35 minutes 50 seconds West and a radius of 3304.29 feet) to a ½ inch rebar set, thence North 82 degrees 19 minutes 34 seconds West a distance of 1382.13 feet to a ½ inch rebar found on the easterly right-of-way of Georgia State Highway 54; thence along said right-of-way North 15 degrees 46 minutes 02 seconds East a distance of 1120.51 feet to said point of beginning, said tract containing 32.6348 acres as shown on plat of survey by Pearson & Associates dated September 30, 1998.

Also including all that tract or parcel of land lying and being in Land Lot 49 of the 12th District of Clayton County, Georgia, and being more particularly described as follows:

To find the true point of beginning commence at a 1 inch pipe found on the easterly right-of-way of Georgia State Highway 54 also known as Jonesboro Road (R/W varies); said point being 1840.8 feet southwest of the southeasterly intersection of State Highway 54 and Battlecreek Road; thence South 88 degrees 15 minutes 00 seconds East a distance of 1077.61 feet to a ½ inch rebar set on the easterly right-of-way of Old Morrow Road (50' R/W) to the true point of beginning; thence South 88 degrees 15 minutes 00 seconds East a distance 10.74 feet to a ½ inch rebar found on the westerly right-of-way of Central of Georgia Railroad (100' R/W); thence along said right-of-way South 06 degrees 20 minutes 30 seconds East a distance of 794.24 feet to a point; thence continuing along said right-of-way a curve to the right an arc distance of 327.83 feet (said arc being subtended by a chord of 327.75 feet, a bearing of South 05 degrees 08 minutes 20 seconds East and a radius of 4478.58 feet) to a point; thence continuing along said right-of-way a curve to the right an arc distance of 132.87 feet (said arc being subtended by a chord of 132.84 feet, a bearing of South 00 degrees 31 minutes 02 seconds East and a radius of 1818.62 feet) to a ½ inch rebar set; thence North 82 degrees 19 minutes 34 seconds West a distance of 92.11 feet to a ½ inch rebar set on the easterly right-of-way of Old Morrow Road; thence along said right-of-way a curve to the left an arc distance of 544.13 feet (said arc being subtended by a chord of 543.54 feet, a bearing of North 01 degrees 36 minutes 11 seconds East and a radius of 3354.23 feet) to a point; thence continuing along said right-of-way North 04 degrees 22 minutes 01

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00163

seconds West a distance of 695.37 feet to said true point of beginning; said tract containing 1.1443 acres as shown on plat of survey by Pearson & Associates dated September 30, 1998.

BOOK 6243 PAGE 163

-2-

EXHIBIT B

Exceptions

1. The lien of general county taxes for the year 2003 and subsequent years, or taxes due for previous years due to reassessment, reappraisal and rebill, none now due or payable.
2. Easements in favor of Georgia Power company, as follows:
 - (a) Dated November 10, 1945, recorded in Deed Book 44, Page 347, Clayton County, Georgia Records.
 - (b) Dated July 26, 1971, recorded in Deed Book 616, Page 152, Clayton County, Georgia Records.
 - (c) Dated July 3, 1962, recorded in Deed Book 275, Page 596, Clayton County, Georgia Records.
3. Easements in favor of Clayton County dated March 27, 1979, recorded in Deed Book 947, Page 574, Clayton County, Georgia Records.
4. Easement in favor of Clayton County Water Authority dated July 3, 1962, recorded in Deed Book 275, Page 596, Clayton County, Georgia Records.
5. Easement in favor of Clayton County, the State of Georgia and the public generally in and to the property within the bounds of the Old Morrow Road extending and adjacent to the Central of Georgia Railroad right of way as set forth in that certain Warranty Deed dated August 4, 1959, recorded in Deed Book 199, Page 291, Clayton County, Georgia Records and the Quitclaim Deed recorded in Deed Book 199, Page 239, Clayton County, Georgia.
6. Obligations contained within that Easement and Right of Way Deed from Nalco Chemical Company, dated January 13, 1971, filed January 15, 1971, and recorded at Deed Book 593, Page 572, Clayton County, Georgia Records.
7. Matters disclosed on the Survey, as follows:
 - (a) Various utility lines and pipes over and across the subject property without any apparent easement therefor;
 - (b) Railroad spur track;
 - (c) Building encroaches 31.60' over the setback line on the east of the subject property;

- (d) Fence at the northeast corner of subject property encroaches 0.3' into the right of way of Old Morrow Road; and
- (e) Detention pond.

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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

HAROLD BUCKLEY JR.
HBUCKLEY@WBILEGAL.COM
DIRECT DIAL: 770/803-3707

TELEPHONE
(404) 853-5050
FACSIMILE
(404) 853-1812

February 27, 2026

VIA: ELECTRONIC PORTAL SUBMITTAL

Ms. Faith Akuna, Interim Director
Jonesboro Department of Community Development
1859 City Center Way
Jonesboro, GA 30236

Re: Letter of Intent by Hammer DE Limited Partnership ("WP Carey") for its Annexation, Rezoning (to M-1), and Conditional Use Permit for a +/- 32-Acre Property Located at 7600 Jonesboro Road (Tax Parcel No. 12049A A002) (the "Subject Property") to Allow the Continuation of an Existing Warehouse Use.

Dear Ms. Akuna:

My firm represents WP Carey, real estate investment trust that specializes in the acquisition and operation of commercial and industrial single-tenant properties. WP Carey owns the Subject Property, which is zoned heavy industrial and is located at the southern end of a large heavy industrial development district. The Subject Property is developed with a warehouse distribution facility that was established in 1972 and has operated continuously since that time. Consistently with its history and current development, Clayton County has zoned the Subject Property heavy industrial and given it the same future land use designation. However, inconsistently with the Subject Property's history and current development, Clayton County included it within a relatively new zoning overlay known as the Business Corridor Overlay District, which prohibits warehouses. The county's imposition of the Business Corridor overlay forced the Subject Property out of zoning compliance and caused the existing warehouse development to become a legally nonconforming (grandfathered) use.

While Clayton County's zoning ordinance generally allows the existing nonconforming use to continue indefinitely, there are two exceptions to this general authorization that can result in the loss of the nonconforming use. First, any nonconforming use that is destroyed to an extent greater than sixty percent of its replacement cost is permanently lost and cannot be restored.¹ Second, any nonconforming use that is discontinued beyond a maximum time restriction is also permanently lost and cannot be restored. While the county's zoning ordinance allows nonconforming uses with Heavy Industrial zoning to be vacant for one year between tenants, it reduces this grace period to a maximum of 180 days for parcels within the Business Corridor overlay district.²

A warehouse tenant currently occupies the Subject Property, so it is in no immediate danger of losing its nonconforming status because of an imminent vacancy. However, WP Carey is extremely concerned about the prospect of a future tenant search taking longer than the statutorily restricted 180 days, which would eviscerate the Subject Property's financial viability. It is similarly concerned that a

¹ Clayton County Zoning Ordinance § 9.5(F).

² Id. at § 9.5(E).

WILSON BROCK & IRBY, L.L.C.

WP CAREY LETTER OF INTENT

February 27, 2026

Page 2 of 4

catastrophic event, such as a fire, could deprive the Subject Property of its current usability. Therefore, WP Carey respectfully requests the city of Jonesboro to annex the Subject Property, zone it to the light industrial (M-1) zoning classification and light industrial future land use designation, and to approve a conditional use permit for the existing warehouse and distribution land use.

This application meets the city's prescribed rezoning and conditional use permit approval standards for such applications as follows:³

(1) *Relationship to the established land use pattern.*

As explained above, the Subject Property is located at the southern edge of an existing heavy industrial development node within which the prevailing character of existing development is industrial. The Subject Property directly abuts an active chemical manufacturing facility to the north. The Subject Property directly abuts two parcels to the south, one of which is in unincorporated Clayton County with the other parcel located within Jonesboro's municipal limits. The unincorporated parcel is zoned heavy industrial, and it is developed with a mini-warehouse facility that was constructed in 2019. The parcel within the city limits, which was annexed in 2021, is zoned light industrial and it was improved with a new warehouse distribution center in 2022. WP Carey's existing warehouse distribution facility is entirely consistent with the foregoing industrial development land use pattern.

2) *Compatibility with comprehensive plan; timing of development.*

The Subject Property is not currently located within the city, so it does not carry a municipal future land use designation. Clayton County's comprehensive plan currently gives the Subject Property a heavy industrial future land use designation. As explained above, WP Carey only wants to continue the Subject Property's existing warehouse use without the threat of losing those development entitlements.

The Subject Property is located adjacent to the city's Gateway North future land use character area, which prioritizes office, institutional, commercial, and retail land uses. However, the Gateway North character area also emphasizes that this area is also targeted for redevelopment and reinvestment.

(3) *Suitability of the zoning proposal.*

As explained above, WP Carey merely seeks to continue a land use that has existed on the Subject Property for approximately 54 years. Our existing development is not only consistent with legacy industrial developments to the north of it, but also with brand new industrial developments on parcels to the south, including another warehouse distribution center that was constructed less than four years ago. Therefore, continuing or substantially improving the existing warehouse use is a suitable zoning proposal.

(4) *Impact on public facilities and services; referrals to other agencies.*

Local public infrastructure has served the existing warehouse and distribution use for more than half a century without a problem. Therefore, local infrastructure is sufficient to support the continuation of the warehouse and distribution use.

(5) *Impact on public financial resources.*

According to Clayton County's tax records, the Subject Property currently generates approximately \$242,000 in annual property taxes, of which approximately 50% goes to the school system, 39% goes to Clayton County, and 11% goes to fire safety services. We cannot predict exactly how much of the county's portion of the property taxes (\$94,650 annually) would be redirected to the city post-annexation, but we do

³ See 2005 Jonesboro Zoning Ordinance § 86-374 (prescribes zoning map amendment standards); see also *Id* at § 86-121 (conditional use permit approval standards are the same as the map amendment approval standards).

WILSON BROCK & IRBY, L.L.C.

WP CAREY LETTER OF INTENT

February 27, 2026

Page 3 of 4

anticipate the city receiving a substantial portion of it. The county would retain the fire services portion of our annual property taxes as it provides the city with fire safety services.

The additional tax revenue directed at the city would provide an almost unprecedented benefit to its public finances. Our warehouse use currently exists and has been fully supported by local public infrastructure for more than 50 years. Therefore, our requested annexation, rezoning, and conditional use permit would literally not impose any additional costs on the city. So, almost all new tax revenue generated by our proposal would represent a tax digest profit to the city, which it will be able to direct toward existing unfunded or underfunded priorities.

(6) *Availability of other land suitable for the proposed use; effect on balance of land uses.*

The Subject Property contains more than 32 acres of land, which is necessary to accommodate the existing warehouse distribution facility. The continuation of the existing warehouse distribution use would not have any impact on the balance of surrounding land uses unless the city authorizes the Subject Property's redevelopment. Furthermore, there is no other available industrial land within the city that is large enough to accommodate a relocation of the existing warehouse distribution land use.

(7) *Impact on neighborhood character.*

The continuation of the long-standing warehouse distribution use would not have any impact on the character of the surrounding neighborhood unless the city authorizes the Subject Property's redevelopment. Instead, approving our proposal would maintain existing neighborhood conditions. Furthermore, the existing warehouse distribution land use has continually operated since it was established in 1972, which makes it an exceedingly stable land use. To the contrary, allowing the existing use to be forcibly discontinued would threaten the surrounding community with blighted conditions because it will be extremely difficult to convince an office, institutional, commercial, or retail establishment to locate between a chemical plant and recently built warehouses. Therefore, approving our proposal would protect the surrounding community against potentially blighted conditions.

(8) *Opportunity for economic use of property.*

The Subject Property will not have a reasonable economic use under its current zoning if it loses its legally nonconforming status. It is located within an existing heavy industrial development node, directly between a chemical plant and new warehouses. Therefore, its economic feasibility is uniquely tied to its current industrial use.

(9) *Effect on adjacent property.*

WP Carey only requests the ability to continue the existing warehouse distribution land use. Therefore, this zoning proposal will not have any impact on the existing use or usability of any surrounding properties. On the contrary, its forced discontinuance under its current overlay zoning would compromise their use or usability, which could result from a denial of this proposal.

(10) *Impact on surrounding property values.*

The surrounding community has experienced development and growth over the 56 years the existing warehouse and distribution facility has operated on the Subject Property. Therefore, the existing use has not, and does not, deter the value or improvement of surrounding properties.

WILSON BROCK & IRBY, L.L.C.

WP CAREY LETTER OF INTENT

February 27, 2026

Page 4 of 4

(11) *Circumstances peculiar to the context.*

The Subject Property's heavy industrial zoning classification and future land use designation conflicts with the Business Corridor overlay district, which is a peculiar circumstance that presents WP Carey with an extraordinary hardship. The Subject Property's specific location between active industrial uses, some of which are less than 5 years old, make it unsuitable for the uses permitted by the overlay regulations. I have handled zoning and land use matters as a city planner and a land use lawyer for more than 30 years, and I have never seen this scenario before. So, it is exceedingly rare to have this level and extent of regulatory land use conflict. Furthermore, the hardship this conflict presents is unnecessary because of the current industrial use's longstanding nature.

(12) *Impact on the public interest.*

As explained above, approving this proposal would be protective of the public interest by preventing the deprivation of the Subject Property's legally nonconforming under its current zoning. Furthermore, given the existing land use's longstanding character, protecting its economic viability would have no negative impact on the surrounding community. Therefore, this proposal reflects a reasonable balance between the public interest and WP Carey's constitutionally protected property rights.

(13) *Environmental impact.*

This proposal requests an annexation, rezoning, and conditional use permit to allow the continuance of an existing warehouse and distribution use, within a heavy industrial development node. Therefore, approving this proposal would not create any negative environmental impacts. In fact, the Subject Property's location next to an active chemical plant makes it more appropriate to continue the existing industrial use than to force the parcel's conversion to an incompatible non-industrial use.

Conclusion

For all the foregoing reasons, WP Carey respectfully requests the approval of its annexation, rezoning, and conditional use permit requests. Please don't hesitate to let me know if I may provide you with any additional information or clarification.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



By: Harold Buckley Jr., AICP, Esq.
Attorneys for WP Carey

Enclosures.