

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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

HAROLD BUCKLEY JR.
HBUCKLEY@WBLEGAL.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.