



*City of Fairburn
Workshop Agenda
November 27, 2017
6:00 PM*

The Honorable Mayor Mario, B. Avery, Presiding

I. Council Discussion

II. Agenda Item(s) for Council Meeting at 7:00 PM.

- 1. City of Fairburn*** ***Chief Hood***
Cancellation of December 25, 2017
- 2. Police Department*** ***Chief Sutherland***
Surplus/Inoperable Police Equipment for Sale.
- 3. Electric*** ***Mr. Tom Ridgeway***
Recloser Purchase.
- 4. Property Management*** ***Mr. Harvey Stokes***
Request for Approval to Demolish a Structure on Blighted Property located
At 231/233 Margaret Street.
- 5. Community Development/Planning and Zoning*** ***Ms. Kimberly Mitchell***
Request for Approval of a Landscaping Design and Installation Agreement for
Fairburn Police Department.

III. Adjourn to Regular Council Meeting



CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
November 27, 2017
7:00 PM

REGULAR AGENDA

The Honorable Mayor Mario B. Avery, Presiding

The Honorable Mayor Pro-Tem Hattie Portis-Jones
The Honorable Alex Heath
The Honorable James Whitmore

The Honorable Lydia Glaize
The Honorable Pat Pallend

Stephen Hood
Shana T. Moss
Randy Turner

Interim City Administrator
Interim City Clerk
City Attorney

- | | | |
|-------|---|---------------------------|
| I. | Meeting Called to Order: | The Honorable Mayor Avery |
| II. | Roll Call: | Interim City Clerk |
| III. | Invocation: | Appointee |
| IV. | Pledge of Allegiance: | In Unison |
| V. | Presentation: | |
| VI. | Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes; however, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further in the event more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to the City Administrator for review. Responses will be provided at a later date. | |
| VII. | Adoption of the Council Agenda: | Council Members |
| VIII. | Approval of City Council Minutes: | Council Members |

IX. Agenda Items:

- | | |
|--|---|
| 1. City of Fairburn
Cancellation of December 25, 2017 Council Meeting. | Chief Hood
(Action Item) |
| 2. Police Department
Surplus/Inoperable Police Equipment for Sale. | Chief Sutherland
(Action Item) |
| 3. Electric
Recloser Purchase. | Mr. Tom Ridgway
(Action Item) |
| 4. Property Management
Request for Approval to Demolish a Structure on Blighted Property located at
231/233 Margaret Street. | Mr. Harvey Stokes
(Action Item) |
| 5. Community Development/Planning and Zoning
Rezoning 17RZ-001 (DRI) 2665)-Saben, LLC. | Ms. Kimberly Mitchell
(Action Item) |

X. Council Comments:

Council Members

XI. Executive Session

None

XII. Adjournment

Council Members

When an Executive Session is required, one will be called for the following issues:
(1) Personnel (2) Real Estate or (3) Litigation.

City of Fairburn

Mayor and Council Meeting Minutes
November 13, 2017
7:00 PM

POST PRELIMINARY MINUTES

The Official Minutes of this meeting are tentative and have not been ratified, or approved, by the Mayor and City Council, and these Post Preliminary Minutes are not binding on the City or any Officer thereof.

The Honorable Mayor Mario B. Avery, Presiding

The Honorable Mayor Pro-Tem Hattie Portis-Jones
The Honorable James Whitmore

The Honorable Alex Heath
The Honorable Pat Pallend

Stephen Hood
Shana T. Moss
Randy Turner

Interim City Administrator
Interim City Clerk
City Attorney

- I. Meeting was called to order by the Honorable Mayor Mario B. Avery at 7:00 PM.
- II. Roll Call was taken by Interim City Clerk, Moss, all member of council were present with the exception of Councilwoman Lydia Glaize who was absent.
- III. The Invocation was given by the Honorable Mayor Mario B. Avery.
- IV. The Pledge of Allegiance was recited in unison.
- V. Presentation: There were none
- VI. Public Comments:
 1. Mr. Thomas Cochran of 467 Fire Leafway, Fairburn, Georgia, congratulated Mayor, Council, Ms. Chapin, and Dr. Parks on a great festival and the events they are doing in Fairburn. He opposes the cluster mailboxes, due to the problem they pose for the elderly, being immobile trying to obtain their mail, and the security problem of everyone's mail being out. He further stated this is not a covenant nor is it a mandate by the postal service.
 2. Mrs. Tonya Clauss of 8410 Cleckler Road, stated she is aware of the vote in a few weeks regarding Saban Properties. Commented that the subdivision have had meeting with the Saban Group for a five year plan to sell their homes for bigger property. She stated the subdivision is inundated with loitering, illegal parking, and littering and if this warehouse is allowed in the area, these problems with only expand. The stop sign in the subdivision has been ran over twice in two months, she has video of semi-trucks speeding, more signage and more patrol is needed.

City of Fairburn

3. Dr. Nicholas Parnell of 8410 Clecker Road, presented a formalized plan (will become a part of the minutes) summarizing the major concerns of the Fairburn residents living on Clecker Road, opposing the Saban Warehouse. He reported the stop sign is down, and by allowing this warehouse the quality of life would be diminished in the area. There will be an increase in light and noise, bringing this warehouse will increase 350 more truck annually, and an increase in water pollution, and environmental concerns due to fluids leaking from the trucks.
 4. Ms. Christina Turner of 8345 Clecker Road stated she wants to see Fairburn grow, and is not opposed to growth, but this warehouse is not the growth the area needs. Her animals can get sick from the contamination that they will be exposed to.
 5. Ms. Patricia Durette of 8415 Clecker Road stated she is gravely concerned because her home is 27-30 feet from the warehouse line. This proposed warehouse will be within a few feet of where she sleeps. She can't imagine what it will be like living so close to this warehouse? What will her quality of life be like?
 6. Mr. Chuck Deaver of 8415 Clecker Road, thanked Councilwoman Glaize for coming out to meet with the resident, stated he sent an email to all elected officials inviting them to the meeting and received no response. Stated, Saban has done noise study and it is not the same as the level he has recorded. This warehouse will negatively impact lives, trucks are everywhere, there will be an additional back log in traffic, property value will decrease, he is very close to retirement, and he feels stuck and can't sell.
 7. Eric Wallis, Jr. of 100 Vintage Court, spoke regarding the Fairways of Durham Lakes and the theft in the area. He reported the main model was vandalized; the, thieves backed a U-Haul up to the unit and depleted the home. He asked if theft is an ongoing problem? Chief Sutherland replied that crime statistics in Fairburn has diminished tremendously. He spoke regarding the poorly dim lit John Rivers Road and asked if more lighting could be placed along the route.
- VII. Adoption of The Council Agenda: Motion to approve consent agenda, with the addition of Item # 8, being the former Far Better Community Center, Quit-Claim Deed. Motion to approve agenda was made by Councilman Heath; motion, seconded, by Councilman Pallend.
- Vote: (4-0): Motion Carried.
- VIII. Adoption of City Council Minutes: Motion to approve minutes from October 23, 2017 Council Meeting was made by Councilman Whitmore; motion, seconded by Councilman Heath.
- Vote: (4-0): Motion Carried.
- IX. Agenda Items:

City of Fairburn

Consent Agenda for Items 1,2, 3, 4, 5, & 6, being consent with Item 7 & 8 being a discussion in regular council.

Agenda Item 1

Ms. Karen Larkin/Chief Hood

This presentation was done in Workshop due to completing workshop and time allowed for presentation before regular meeting.

GMA-GIRMA Georgia Firefighters' Cancer Benefit Program Proposal and Resolution for Coverage as mandated by HB 146 (2017). Ms. Larkin stated medical research shows that smoke and ash can be carcinogenic; for fire fighters who are exposed to the elements when fighting fires. HB 146 will become effective January 1, 2017 and GMA has compiled the program and contracted with a 3rd party insurance company Hartford. Upon the 1st diagnosis the Lump Sum will be \$25,000, must be employed 12 months and there is a three month pre-existing condition. The lifetime maximum payout is \$50,000. The City of Fairburn currently has 43 Fire Fighters, per an employee census, 13 are employed elsewhere. For the 13 employee that are employed elsewhere (with other cities), their cost will be paid by the several other cities they are employed for. The amount per fire fighter is estimated at \$224.00 annually, premiums are due quarterly. First three years the rates are locked in. Mayor Pro-Tem Portis-Jones requested Ms. Larkin follow up with written instructions on the required administrative procedures including the City's responsibility to inform insured Firefighters of their right to continue coverage upon termination of employment. She further requested clarification regarding coordination between the Group's Long Term Disability policy administered by Lincoln and the current policy.

Agenda Item 2

Mr. Tom Ridgway

TOF for Storm Water Study in St. John's Crossing. The backyard of 1780 Crosswinds Walk has experienced flooding, at time up to the base of the foundation during major rain events.

Agenda Item 3

Mr. Tom Ridgway

Election for Off-System Energy Sales Margins for Power Supply Year 2018. MEAG Power has excess generating capacity not needed by participants, the energy is sold into the market and Fairburn receives a proportionate share of the revenue. The City of Fairburn received percentages of 60/40.

Agenda Item 4

Mr. Tom Ridgway

Election for Participant Directed Voluntary Deposits into the Municipal Competitive Trust. MEAG Power is eliminating the Reserve Funded Debt Account in the Municipal Competitive Trust. This year's balance is \$126,377.

Agenda Item 5

Mr. Harvey Stokes

Request for Approval of a Landscaping Design and Installation Agreement for Fairburn Police Department. The exterior of the building has not had any type of

City of Fairburn

improvements. The landscaping will bring the department up to standards with our Youth Center, Fire Station, and City Hall. The cost will be allocated to the Tree Bank Budget Line Item. Pike's Nursery was awarded the bid, which encompasses a lifetime warranty on plants. Councilwoman Whitmore also commented about dumping on John Rivers Road.

Agenda Item 6

Ms. Brendetta Walker

In December of 2015, OCP, Partners donated approximately 20 acres of property to the City of Fairburn. This previously donated property is adjacent to the current site offered for donation. The property is in close proximity to Hwy 74, and will have frontage along the proposed roadway from Harris to Milam Road.

Agenda Item 7

Ms. Brendetta Walker

The City of Fairburn has no ordinance regarding cluster mailbox units that the United States Postal Services (USPS) is proposing. The United States Postal Service (USPS) has initiated a centralized mail delivery policy for new residential subdivisions, most often referred to as cluster box units (CBU). Cluster mailboxes are now the USPS' preferred method for mail delivery for new residential development (subdivisions). These units are common features of apartment units. The USPS began a centralized delivery of these units in April 2012; this policy is now being enforced for new residential subdivisions. The USPS recognized the convenience of having a mailbox located at the end of a resident's driveway; however, there are advantages to CBU's, such as secure mail, and least expensive. This ordinance was previously presented at the September 25, 2017 Council Meeting and died from lack of a motion. The ordinance would allow the city a road map of parameters for contractors/builders to follow with building designs and specifications in the city. Motion to approve this ordinance was made by Councilman Whitmore; motion, seconded by Councilman Pallend.

Vote: (4-0) Motion Carried.

Councilwoman Whitmore vehemently opposes the cluster mailbox units and spoke on behalf of Durham Lakes Subdivision. The postal service has notified the residents they will be evolving to the cluster system and residents are very unhappy. Councilman Whitmore resides in Durham Lakes and stated people purchased \$300,00-\$500,000 homes in that area and mail will not be delivered to residents home, is unimaginable. The Homeowner's Association at Durham Lakes has solicited the assistance of Congressman David Scott, to assist with the postal service. Having cluster mailboxes poses problems for the elderly who are immobilized, parking problems and weather related problems. Residents of Durham Lake state this is not a mandate by the Postal Service; therefore, they feel they should be under no obligation to install cluster mailboxes. The Home Owners Association has prepared a letter that will be sent to Congressman Scott, and Councilman Whitmore, asked Mayor and Council to sign the letter in support of the resident of Durham Lakes that they oppose the cluster mailboxes that are being erected in their city. Councilman Whitmore read the letter from the Homeowner's Association to the council and citizens and asked that the letter become a part of the official record.

City of Fairburn

Below is the original letter in its entirety.

**Supplement to Privacy Release Form - Rufus Wells, Sr. for
Durham Lakes Property Owners Association (POA)**

Problem: Durham Lakes Golf & Country Club is an 864 unit development located in Fairburn, Georgia. We have four major subdivisions within our community; Durham Lakes, The Fairways, The Enclaves, and Brookhaven. Brookhaven is the subdivision where the problem exists.

All of our subdivisions have "Curbside Delivery" with the exception of Brookhaven. The Brookhaven subdivision is required by the Postmaster to have "Cluster Style" mailboxes according to a Notice from the Postmaster dated 4/9/12 (Growth and Delivery Point Management Program). The Cluster mailboxes are to be located in the Common Areas of the subdivision. There are 255 lots/homes in the Brookhaven subdivision. Currently there are 85 occupied homes in Brookhaven that were platted on 2/21/06. The original Plat Plan was approved for "Curbside Delivery" of the mail for all 864 lots.

The Builder, Century Communities of Georgia erected temporary Cluster mailboxes at the entry of the Brookhaven subdivision until such time as the Property Owners Association and the City of Fairburn could agree on locations for the permanent Clusters that would not impede traffic and would allow for off-street parking while the residents retrieved their mail.

I have personally received many complaints from current residents regarding the traffic jam that is created at the temporary Cluster Mailboxes in the evenings when residents are returning from work. There is insufficient parking area to accommodate more than three (3) vehicles at a time, and the current location is larger than any single Common Area owned by the POA. Please note that the traffic problem is being caused by only 85 families and the subdivision is only thirty four percent (34%) completed. Additionally, there are 5 to 8 new families moving in each month.

City of Fairburn

The POA met with City of Fairburn officials two weeks ago to identify acceptable Common Areas where the Cluster mailboxes could be located, recognizing that the traffic problem was only getting worse with each passing month. When we located the Common Areas in the Plat Plan, it became obvious that there are no sufficient Common Areas within the subdivision to locate the Clusters and not cause “significant” traffic control issues. The POA asked City officials if they could contact the Postmaster to get relief from the Cluster requirement since the Plat Plan was approved well in advance of the Postmaster’s Notice. City officials indicated that the Postmaster’s office was not willing to change their position this requirement.

Resolution: We are asking Congressman Scott’s office to intervene with the Postmaster to see if “Curbside Delivery” can be approved for our Brookhaven subdivision. This is the only solution that can solve the traffic control problem and ensure that the residents of Brookhaven have the same benefits as all other Durham Lakes residents.

The Mayor and Council decided to sign the agreement in support of the citizens of the city.

Agenda Item 9

Attorney Randy Turner

Presented to Mayor and Council Quit-Claim Deed for the former Far Best Community Center, this land originated from being overcharged regarding Duncan Park, Fulton County made assurances to deed the city this land in exchange for the overpayment. Mayor Pro-Tem Portis-Jones, thanked Attorney Turner on his hard work for this project, she is looking forward to working with the staff and citizens on renovations for this center. Mayor Avery wanted it to be understood, that this facility is inclusive for all. The next administration will set rental rates for this facility. Motion to accept was made by Councilman Pallend; motion, seconded by Councilman Heath.

Vote: (4-0) Motion Carried.

X. Council Comments:

Councilman Whitmore: Thanked everyone who came out and spoke, he heard everything that was said; he appreciated the narrative that was submitted by Dr. Parnell of Clecker Road. He is glad there is continued communication with Saban, Inc. and he hope the group meeting slated for Saturday (November 18) is productive. He congratulated Chief Robinson on receiving his Bachelor’s degree.

Councilman Heath: Thanked everyone for coming out, and for letting everyone know how they feel. He thanked citizens for electing him to his third term. This was the largest election cycle of candidates, the forums, citizens brought up a lot of issues, he asked if anyone has an issue please come and voice your concern. He will be in Charlotte, along with his colleagues for the National League of Cities Conference.

Councilman Pallend: No Comment

City of Fairburn

Mayor Pro-Tem Portis-Jones: Thanked the residents of Clecker Road for coming out, she received a lot of information. She looks forward to hearing about the meeting between the residents and Saban on Saturday (November 18th). She congratulated Chief Robinson on his achievement of receiving his degree. Thank you to the Fire and Police Department, they work really hard and do their best. Thanks for electing her to her second term and she appreciated the high voter turnout.

Mayor Avery: Congratulations to Deputy Chief Robinson, he acknowledged the newly elected official Mr. Ulysses Smallwood, who will take office in January 2018 as a council member and also, extended congratulatory wishes again to Mayor Elect Elizabeth Carr-Hurst.

XI. Executive Session : None

XII. Adjournment: With no further business of the city, motion to adjourn at 8:18 pm was made by Councilman Heath; motion, seconded by Mayor Pro-Tem Portis Jones.

Respectfully Submitted:

Shana T. Moss
Interim City Clerk

Mario B. Avery
Mayor

I Attest:

To: Mayor Avery, Mayor Pro Tem Portis-Jones, Mayor Elect Carr-Hurst, Council Member Glaize, Council Member Heath, Council Member Pellend, Council Member Whitmore

From: Dr. Nicholas F Parnell * 8410 Cleckler Rd, Fairburn * 404.695.6609 * nfpfish@aol.com

Date: 13 November 2017

Comments: This memo summarizes the major concerns of the Fairburn residents living on Cleckler Road. The families at these residences will realize direct negative impacts from the proposed warehouse on Creekwood Road. **Overall, these issues will seriously decrease the citizen's enjoyment of their properties in the city of Fairburn and their quality of life permanently.**

1. Significant increases in noise and light pollution
 - a. 1 million+ square foot warehouse will be in close proximity to residences with little barrier between.
 - b. Semi-truck activity, unloading, loading, parking, etc. will create a constant increased level of sound disturbance.
 - c. Employee vehicles and activity will add to noise.
 - d. Parking lot lights, headlights, and building lights will create additional disturbance and background illumination during all dark hours.
2. Serious increase in traffic volume and road damage resulting in decreased safety
 - a. Additional 350 semi-trucks per day traveling on a single two lane road (Oakley Industrial) that already suffers much damage
 - b. Addition of dozens of employee vehicles AND pedestrian traffic where no sidewalks exist
 - c. Semi-trucks on residential roads, in prohibited areas and crossing bridges not approved for weight (already occurring daily)
 - d. Destruction of road signs – including STOP signs (already occurring)
 - e. No plans for infrastructure modification per City Staff comment on at P&Z meeting on 8 August 2017
3. Potential for serious air and water issues
 - a. ALL residences are served by personal well water – risk of contamination with diesel, oil, brake fluid, transmission fluid, hydraulic fluid, etc.
 - b. Increased use of water will lower water table and dry resident wells
 - c. Increased runoff (linked to pollution of wells) can increase flooding/property damage
 - d. Point source and/or leaching contamination into Line Creek
 - e. Scores of idling semi-trucks and employee vehicles will decrease air quality
4. Continued increase in impacts of employee activity
 - a. Illicit activity on residential Cleckler Road during breaks or waiting for shifts (already occurring)
 - b. Constant littering (already occurring)
 - c. Racing up and down residential Cleckler Road (already occurring)
 - d. Destruction of road signs (already occurring)
 - e. No sidewalks for employees to walk down Oakley Industrial (already occurring)
5. Absolute diminishment of enjoyment of property and quality of life
 - a. Residents moved into AG-1 zoning because they want that life
 - b. Enjoyment of property is permanently impaired by ALL of the above issues as well as simple aesthetics of a mega-warehouse where trees & wildlife should be
 - c. Decrease in property values and “trapping” residents by diminishing property return to relocate



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: CANCELLATION OF DECEMBER 25, 2017 MAYOR AND COUNCIL MEETING

<input type="checkbox"/> AGREEMENT	<input type="checkbox"/> POLICY / DISCUSSION	<input type="checkbox"/> CONTRACT
<input type="checkbox"/> ORDINANCE	<input type="checkbox"/> RESOLUTION	<input checked="" type="checkbox"/> OTHER

Submitted: 11/15/2017 Work Session: 11/27/2017 Council Meeting: 11/27/2017

DEPARTMENT: Mayor and Council.

BUDGET IMPACT: None

PUBLIC HEARING? ☐ Yes ☒ No

PURPOSE: For Mayor and Council to vote to cancel the regular scheduled second meeting in December 2017. The meeting of December 25, 2017 is Christmas Day, and is a city holiday.

HISTORY: Due to Christmas Holiday(s) Mayor and Council normally have one meeting in December, which is the Second Monday in the month of December.

FACTS AND ISSUES: None

RECOMMENDED ACTION: Authorization

Stephen Hood, Interim City Administrator

Mario B. Avery, Mayor



CITY OF FAIRBURN
CITY COUNCIL AGENDA ITEM

SUBJECT: Surplus/inoperable police equipment for sale.

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (x) OTHER

Date Submitted: 11/7/2017 **Date Work Shop:** 11/13/2017 **Date Council Meeting:** 11/13/2017

DEPARTMENT: Police Department

BUDGET IMPACT: \$0

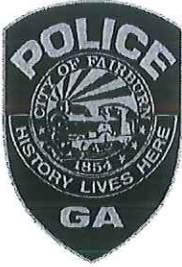
PURPOSE: To sell surplus/inoperable police equipment to Picture Car Productions for the amount of \$2000.00.

HISTORY: This equipment was once used by the police department but has outlived its usefulness. It has been in storage for years and will not be used as police department equipment again.

RECOMMENDED ACTION: For Mayor and Council to approve the sale of surplus/inoperable police equipment to Picture Car Productions for the amount of \$2000.00.

Stephen Hood, Interim City Administrator

Mario Avery, Mayor



Fairburn Police Department

Patrol Division

191 SW Broad Street
Fairburn, GA 30213

Phone: 770-964-1441
Fax: 770-774-7908



DATE: March 21, 2017

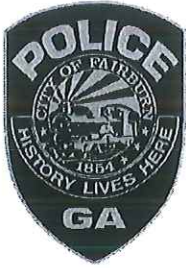
FROM: Lieutenant C. Rivera

TO: Chief V. Sutherland

Cc: Deputy Chief A. Bazydlo

RE: Inoperable/Old Police Equipment for Sale

- 1) 4 Push Bumpers by GO RHINO Products
- 2) 6 Prisoner Transport Cages
- 3) 1 Roof Light Bar
- 4) 6 Ford Crown Victoria Plastic Hubcaps
- 5) 1 Ford Fuse Box Cover Panel
- 6) 2 GENESIS – VP Lidar Guns with Cradles
- 7) 5 WM – PRO Wireless Transmitters
- 8) 1 PB – 1 Beltpack Transmitter with Case and 2 Extra Cases
- 9) 2 DECATUR ELECTRONICS Tuning Forks (77.6 MPH/33.2 MPH)
- 10) 1 BLACK & DECKER VersaPak charger
- 11) 1 JOTTO DESK Laptop Mount
- 12) 1 A/C Power Adapter
- 13) 1 MOBILE VISION Onboard Camera
- 14) 1 HAVIS SHIELDS Middle Console
- 15) 7 WHELEN DASH-KING 2000Blue Lights Assembly
- 16) 1 JOTTO DESK Storage Box
- 17) 1 LIONHEART Emergency Lights Control Box
- 18) 1 MOTOROLA MCS 2000 Portable Radio
- 19) 6 WHELEN Siren Control Box with PA Microphones and 2 Face Plates
- 20) 4 Emergency Lights Assembly Boxes with Wire Harness
- 21) 1 WHELEN Assembly Interior Emergency Lights (Blue/White)
- 22) 1 WHELEN Assembly Interior Emergency Lights (Amber/White)
- 23) 1 MOTOROLA Microphone
- 24) 3 SAMLEX POWER 450 Inverter
- 25) 4 STREAMLIGHT Flashlight Chargers with A/C Adapters
- 26) 6 GALLS A/C Adapters
- 27) 2 Interior Rear Mount Emergency Lights
- 28) 14 SHO-ME Interior Side Mount Blue Lights
- 29) 2 WHELEN 500 Series White Lights



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- 30) 1 Arm Rest
- 31) 1 ATLAS SOUNDOLIER Siren
- 32) 5 KUSTOM SIGNALS Radar Antennas
- 33) 3 FEDERAL SIGNAL CORP. Sirens
- 34) 1 Mount Bracket
- 35) 1 MOBILE-VISION Assembly Switch Box
- 36) 8 Ford Truck Center Cap
- 37) 2 KUSTOM SIGNALS Radar Units
- 38) 2 Interior Mount Blue Lights
- 39) 1 GALLS Interior Lights (2 Blue Lights) Assembly
- 40) 1 Ford Crown Victoria Dome Interior Light
- 41) 1 SOUTHERN VP CLASSIC SA 450 Siren Control Box with PA Microphone
- 42) 1 JOHNSON Talk-around Portable Radio
- 43) 16 WHELEN Box Siren Assembly
- 44) 1 GALLS STREETHUNDER Box Siren Assembly with Microphone
- 45) 1 WHELEN Interior Lights (2 Blue Lights) Assembly
- 46) 2 KUSTOM SIGNALS On-board Cameras Assembly with 1 Bracket
- 47) 3 Emergency Lights Switch Box Assembly
- 48) 2 MOTOROLA Box Siren Assembly with Brackets
- 49) 4 WHELEN Traffic Direction Indicator Assembly
- 50) 1 WHELEN Model WS-295 Box Siren Assembly
- 51) 1 WHELEN Strobe Power Supply
- 52) 3 KUSTOM SIGNALS Speed Radars
- 53) 1 GENESIS Speed Radar
- 54) 1 DECATUR ELECTRONICS Speed Radar Antenna with Bracket
- 55) 1 ELEKTRODYN Speed Radar Antenna
- 56) 2 KUSTOM SIGNALS Radar Unit Controller
- 57) 1 MAXRAD Communications Radio Antenna
- 58) 1 DECATUR ELECTRONICS Radar Antenna Controller
- 59) 15 MOTOROLA MT 500 Portable Radios
- 60) 2 KENWOOD TK-300 Portable Radios
- 61) 3 MOTOROLA HT-222 SLIMLINE Portable Radio Chargers
- 62) 1 KENWOOD KSC-1 Portable Radio Charger
- 63) 1 MAXON Portable Radio
- 64) 1 RADIUS SP50 Portable Radio
- 65) 1 PLANTRONICS Portable Radio A/C Adapter
- 66) 1 MAXON Portable Radio A/C Adapter
- 67) 1 ALEXANDER Portable Radio Battery
- 68) 1 Cordless Adapter
- 69) 1 PLANTRONICS Portable Radio Remote Control
- 70) 1 DYNAMETRIC Telephone Logger Patch
- 71) 2 ALPHA CAM 200 On-board Cameras
- 72) 7 WHELEN Emergency Lights Switch Box Assembly



Fairburn Police Department

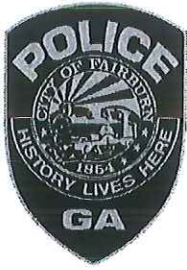
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- 73) 3 WHELEN CSP690 Strobe Power Supply
- 74) 1 WHELEN CSP660 Strobe Power Supply
- 75) 1 GALLS gr175 Strobe Power Supply
- 76) 4 NOVA MICROTIN Interior Blue Lights
- 77) 5 MOTOROLA Mobile Radio Speaker
- 78) 2 EAGLE Radar Antennas with Controller
- 79) 2 Ford Crown Victoria Rear View Mirrors
- 80) 24 VERTICAL WEAPONS SYSTEMS Window Bar Assembly with 3 Center Screens
- 81) 2 Ford Crown Victoria Rear Seats
- 82) 9 Back Seat Transport Cages
- 83) 8 WHELEN Roof Mount Emergency Lights
- 84) 5 WHELEN Halogen Replacement Light Bulbs
- 85) 5 WHELEN LED Flanged Amber Lights
- 86) 3 WHELEN Micro-Side-Beam Strobe Assembly
- 87) 1 Spot Light Assembly
- 88) 1 WHELEN Light Assembly
- 89) 1 FEDERAL SIGNAL CORPORATION Base Assembly
- 90) 3 TRUNNION Clear Amps
- 91) 9 WHELEN Replacement Strobe Twist Lock
- 92) 2 FIAMS Sirens
- 93) 5 Spot Light Handle Assembly
- 94) 1 Set SERGIO TACHINI Radar Tuning Forks (35 mph/65 mph)
- 95) 7 Ford Center Caps
- 96) 5 Laptops Mounts
- 97) 1 WHELEN Radar Unit with 2 Antennas
- 98) 13 MOTOROLA Shoulder Microphones
- 99) 1 Roof Mount Amber Lights Assembly
- 100) 1 K-9 (Vehicle Temperature Indicator)
- 101) 1 GALLS Siren Box Assembly
- 102) 1 KEVLAR Ford Crown Victoria Trunk Organizer
- 103) 7 Ford Crown Victoria Center Consoles
- 104) 3 DECATUR ELECTRONICS Radar Antennas with Controller
- 105) 1 GENESIS Radar Unit
- 106) 2 GEMINE Camera Console
- 107) 12 WHELEN Roof Mount Emergency Lights
- 108) 1 Ford Crown Victoria Center Console Lock Box
- 109) 1 GALLS A/C Adapter
- 110) 1 WHELEN Siren
- 111) 1 SHO-ME Siren
- 112) 1 Podium



Fairburn Police Department

Patrol Division

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Fairburn, GA 30213

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113) 1 Ford Crown Victoria Transmission

114) 1 CODE-3 Roof Mount Emergency Lights Assembly



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: RECLOSER PURCHASE

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Date Submitted: 11/7/17 Date Work Shop: 11/27/17 Date Council Meeting: 11/27/17

DEPARTMENT: ELECTRIC

BUDGET IMPACT: \$67,395 from account 510-0000-54-1400

PUBLIC HEARING: () YES (X) NO

PURPOSE: For Mayor and Council to approve the purchase of two 3-phase reclosers from Gresco in the amount of \$67,395.

HISTORY:

FACTS AND ISSUES: Reclosers have the ability to prevent or reduce the number of power outages, and minimize the size of the outage when faults occur on the distribution system. This ability to prevent outages increases customer satisfaction preserves revenue and reduces operating costs.

OPTIONS:

ADMINISTRATORS COMMENTS:

RECOMMENDED ACTION: For Mayor and Council to approve the purchase of two 3-phase reclosers from Gresco in the amount of \$67,395.

Stephen Hood, Interim City Administrator

Mario Avery, Mayor



City of Fairburn
56 Malone Street
Fairburn, GA 30213

CITY OF FAIRBURN AGENDA ITEM FACTS SHEET

To: City Administrator, Mayor and Council

From: Tom Ridgway

Date: November 14, 2017

Re: Winding Crossing Sewer Replacement

Who: Water/Sewer Department

What: Replacement of one manhole and two eight inch sections of sewer line adjacent to Winding Crossing Trail. At this time, the pipe segments will also be increased to 10 inch diameter pipe to accommodate potential increased flow in the future.

Why: In the past two years there have been four sewer overflows at this location. Video inspection has determined that one section of this line is concrete with numerous longitudinal cracks, which allow roots and stormwater to penetrate the pipe. There is one point that has a separated joint and broken and deformed pipe. This pipe flows to an old brick manhole that is in very poor condition, with roots entering the pipe on either side, which catches debris in the flow, blocking the pipe and contributing to the overflows. The pipe leading from this manhole to the next manhole downstream crosses the creek. This pipe is not installed in casing.

When: Project will be released to the contractor upon approval of the contract by Council.

Where: Winding Crossing Trail adjacent to 1975 and the creek





CITY OF FAIRBURN AGENDA ITEM

SUBJECT: REQUEST FOR APPROVAL TO DEMOLISH A STRUCTURE LISTED ON OUR BLIGHTED PROPERTY LOCATED AT 231/233 MARGARET STREET

(☒) AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION () OTHER

Date Submitted:
11-15- 2017

Date Work Shop:
11-27-2017

Date Council Meeting:
11-27-2017

DEPARTMENT: PROPERTY MANAGEMENT

BUDGET IMPACT: Not to exceed \$9,500.00, funding taken from line item 100-1565-52 -2203

PURPOSE: For Mayor and Council to approve the funding, and to authorize Southern Demolition & Environmental to perform the demolition of the structure located at 231/233 Margaret Street (Parcel ID 09F170800670171)

HISTORY: This particular property has gone through the complete abatement process, which includes court proceedings. Our 25 days N.O.V.(Notice of Violation was sent out to all interested parties including the owner, (with no responsive of a plan of action given to the city). The City, through the office of Property Management executed an environmental study on this structure, tests was for the present of asbestos and lead, which was negative. Southern Demolition Environment have been placed on our On-Call Demolition Services Agreement during the previous City Administrator tenure, they have performed such task as the demolition work at our Downtown Plaza, Duncan Park, several residential homes donated to the city by Habitat for Humanity in the Lighting area as well.

RECOMMENDED ACTION: Staff recommends Council to authorize Southern Demolition & Environmental to perform the demolition of the structure located at 231/233 Margaret Street, for the safety and quality of life for the citizens of Fairburn. The complete cost as outlined in the proposal includes environmental task such as erosion control and lot stabilization once completed. The project is not to exceed the amount of \$9,500.00.

Stephen Hood, Interim City Administrator

Mario Avery, Mayor



City of Fairburn
56 Malone Street
Fairburn, GA 30213

CITY OF FAIRBURN AGENDA ITEM FACT SHEET

To: City Administrator, Mayor, and Council
From: Harvey Stokes, Director of Building and Property Management
Date: November 15, 2017
Re: Facts Sheet for demolition of blighted property located at 231/233 Margaret Street

Who:

The department of Building & Property Management is seeking authorization from Mayor and Council to have Southern Demolition & Environmental to remove the structure located at 231/233 Margaret Street, at a cost not to exceed \$9,500.00.

What:

The Mayor and Council have authorized staff to identify, proceed with rectifying all hazards within the City of Fairburn as it pertains to unsafe structures. Currently we've identified, notified went through all proceedings, including the court system with this property. Funding if approved to be taken from line item 100-1565-52 -2203.

Why:

In order for the citizens to appreciate the values invested in their properties, we have to do our part as a governing body on the enforcement level to ensure our residences that the owners who do not want to comply are under the same guidelines and will be directed to bring their properties into compliance.

When:

If approved demolition should commence sometime within the next couple of weeks.

Where:

The property is located at 231/233 Margaret Street, Fairburn, GA.

AGREEMENT FOR ON-CALL DEMOLITION SERVICES

THIS AGREEMENT FOR DEMOLITION SERVICES ("Agreement") is made and entered into this ____ day of _____, 20__ by and between **SOUTHERN DEMOLITION, LLC**, a Georgia limited liability company ("Contractor") and THE CITY OF FAIRBURN, a municipality incorporated in the State of Georgia ("City").

Recitals:

A. The City desires to demolish the structures identified in the scope of work outlined in the August 3 Request for Proposals – 12-009 Demolition Services (the "Project").

B. The City has selected Contractor to perform certain Demolition Services in connection with the Project, as more specifically set forth below.

C. The City and Contractor desire to enter into this Agreement to set forth the terms and conditions of the services to be provided by Contractor.

D. The City has established the necessary funding for the project through revenue bonds issued in 2011.

NOW, THEREFORE, in consideration of the matters recited above, the mutual covenants set forth herein, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and incorporated herein.

2. Services by Contractor. Contractor shall perform the following services as directed by the City, or its designee, and in compliance with requirements of the Request for Proposals (RFP), dated August 3, 2012:

- (a) Perform the Services as indicated on the RFP, the statement of qualifications and fee proposal (*Attachment 1*), and limited to the extent agreed upon by the City;
- (b) Obtain written work authorization prior to beginning any work under this contract for unit priced work;
- (b) Compile or provide the necessary database of information to complete the scope of work;
- (c) Keep the City, or its appointee, informed and apprised as to the status of progress by way of regular status reports;
- (d) Coordinate with the City staff and any stakeholders in the performance of all of Contractor's public involvement services;

7. Status. Contractor is, as to the City, an independent contractor and is not nor shall Contractor be deemed to be an employee or agent (except as set forth below) of the City for any purpose whatsoever and nothing contained herein shall be deemed to constitute a contract of employment. In furtherance of the foregoing, Contractor acknowledges that: (a) it is not an employee of the City, (b) it will be working for the City on a temporary basis, (c) the City is not responsible for paying to Contractor or on Contractor's behalf any income tax withholding, unemployment taxes or compensation, workers' compensation premiums or benefits, health insurance premiums or benefits, or any other employment benefits, (d) it is ineligible to participate in, or receive anything from, any City benefit program. Notwithstanding the foregoing, Contractor shall act in the City's behalf for the specific land acquisition activities related herein and Contractor shall only act on the specific instructions and agreements with the City.

8. Insurance and Indemnity. Contractor shall maintain a policy of comprehensive general liability insurance in the combined single limit of at least \$1,000,000 to cover any claims arising out of the performance of the services under this Agreement. Contractor shall indemnify, hold harmless and defend the City from any and all claims, charges, lawsuits and liabilities arising out of or relating to any act or omission of Contractor or its agents.

9. Assignability. The City is entering into this Agreement in reliance upon the particular qualifications of Contractor to perform the services herein described. This Agreement may not be delegated or assigned by Contractor and any purported delegation or assignment by Contractor of this Agreement (or rights hereunder) is void unless Contractor has first obtained the prior written consent of the City which consent may be withheld for any reason or no reason. The City may assign this Agreement, in its discretion, to other local government(s) or state agencies with authority for public right of way issues within its jurisdiction.

10. Confidentiality. Except as required by law or by court order, Contractor shall not disclose any information related to the negotiations or agreements with Landowners or related to the performance of its services for the City without the prior written consent of the City.

11. Notices. All notices required or permitted hereunder shall be in writing and shall be served on the parties at the addresses set forth opposite their signatures below. Any such notices shall be either (a) sent by overnight delivery using a nationally recognized overnight courier, in which case notice shall be deemed delivered one business day after deposit with such courier, (b) sent by facsimile, with written confirmation by a nationally recognized overnight courier sent the same day as the facsimile, in which case notice shall be deemed delivered upon receipt of confirmation transmission of such facsimile notice, or (c) sent by personal delivery, in which case notice shall be deemed delivered upon receipt. Any notice sent by facsimile or personal delivery and delivered after 5:00 p.m. eastern standard time shall be deemed received on the next business day. A party's address may be changed by written notice to the other party; provided, however, that no notice of a change of address or facsimile number shall be effective until actual receipt of such notice. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of such notice. Copies of notices are for informational purposes only, and a failure to give or receive copies of any notice shall not be deemed a failure to give notice.

12. Miscellaneous. This Agreement shall not be modified or amended except by written instrument signed by each of the parties hereto. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Georgia. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, and all of which counterparts together shall constitute but one and the same instrument. Each provision of this Agreement is severable from any and all other provisions of this Agreement. Should any provision of this Agreement be for any reason unenforceable, the balance shall nonetheless remain in and be of full force and effect, but without giving effect to such unenforceable provision. Time is of the essence hereof. The section headings of this Agreement are for convenience only and in no way limit or enlarge the scope or meaning of the language hereof.

[Signature page follows]

IN WITNESS WHEREOF, City and Contractor have set their hands and seals hereto as of the day and year indicated next to their signatures.

CONTRACTOR:

Address:

2497 Edwards Drive
Atlanta, GA 30318

SOUTHERN DEMOLITION, a Georgia
limited liability company

By: _____
President

Date signed by Contractor:

_____, 2012

[CORPORATE SEAL]

CITY:

Address:
56 Malone St., SW
Fairburn, GA 30213

THE CITY OF FAIRBURN, a municipality
incorporated in the State of Georgia

By: M. B. Hy
Mayor

Date signed by City:

February 25, 2012

Approved as to form:

Walter D. Turner

City Attorney

Attest: Brenda B. James
City Clerk

[SEAL]

SUBCONTRACTOR AFFIDAVIT & AGREEMENT

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, as amended, stating affirmatively that the individual, firm or corporation which is contracting with City of Fairburn, Georgia, has registered and is participating in a federal work authorization program* [an electronic verification of work authorization program operated by the U.S. Department of Homeland Security or any equivalent federal work authorization program operated by the U.S. Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the provisions established in O.C.G.A. § 13-10-91, as amended.

152898
EEV / Basic Pilot Program* User
Identification Number
(<https://e-verify.uscis.gov/enroll/>)

9.17.2008
Date of Authorization

[Signature]
By, Authorized Officer or Agent

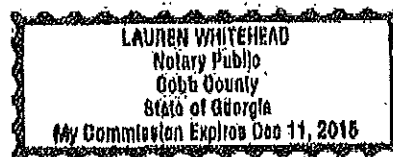
10.2.12
Date of Execution Affidavit

President
Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

2 DAY OF October, 2012

Lauren Whitehead Notary Public



My Commission Expires: 12/11/2015

Note: As of the effective date of O.C.G.A. § 13-10-91, the applicable federal work authorization program is the "EEV / Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau (USCIS) of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).

PRIME CONTRACTOR CERTIFICATION OF NONSEGREGATED FACILITIES

The undersigned hereby certifies that:

No segregated facilities will be maintained as required by Title VI of the Civil Rights Act of 1964.

Name of Prime Contractor: Southern Demolition, LLC

Project Name: # 12-009 City of Fairburn

Project Number (if applicable): # 12-009

Name and Title of Signer (Print or Type): Gina Cumberland-Rogschke, President

Signature: 

Date: Oct 7, 2012



MOLD, ASBESTOS, INDOOR AIR QUALITY, & RECONSTRUCTION

October 26, 2017

Harvey Stokes
Director of Property Management
City of Fairburn

RE: Asbestos Survey
231/233 Margaret St
Fairburn, GA 30213
Tax Parcel #: 09F170800670171

BioRestore was retained by Harvey Stokes to identify and sample all accessible suspect asbestos-containing materials at the building located at the above referenced address.

Asbestos Sampling Procedures

The inspection protocol is based on the Asbestos Hazard Emergency Response Act (AHERA) modified for the purpose of demolition of a structure. Sample collection was performed in accordance with Environmental Protection Act's (EPA's) revised Asbestos Model Accreditation Plan (MAP) mandated by the Asbestos School Hazard Abatement Reauthorization Act (ASHARA). Representative bulk samples of suspect asbestos containing building materials were randomly collected. Homogenous Area (HA) determination was based on the following criteria:

- Similar physical characteristics (same color and texture, etc.)
- Application (sprayed-on, towed-on, assembly into a system etc.)
- Material function (thermal insulation, floor tile, wallboard system etc.)

The number of samples collected from each HA depended category of HA the suspect material and the amount of material present as follows:

- **Surfacing Materials (S).** Samples are collected according to the HA quantity. For example:



1. Less than 1,000 SF - three (3) samples
2. Between 1,000 and 5,000 SF - five (5) samples
3. Greater than 5,000 SF - seven (7) samples

- **Thermal System Insulation (T).** Minimum of three (3) samples per HA.

Inspector must repair all sample locations.

- **Miscellaneous Materials (M).** Per AHERA, these materials must be sampled "in a manner sufficient to determine whether or not they contain asbestos". In most cases two (2) to three samples (3) samples are collected. The number of samples may vary depending on the quantity of material present, or the inspector's professional judgment.

Asbestos Analysis Methodology

Bulk samples were analyzed on August 21, 2017 utilizing Polarized Light Microscopy (PLM) and the Environmental Protection Agency (EPA) "Test Methods: Methods for the determination of Asbestos in Bulk Building Materials" (EPA 600/R-93/116, July 1993). All analysis was performed by EMSL Analytical, Inc., Atlanta Lab (EMSL). EMSL is a National Voluntary Laboratory Accreditation Program (NVLAP) certified laboratory (NVLAP Lab Code#101048 - 1). Asbestos Containing Materials (ACM) as defined by the EPA and the State of Georgia are materials with an asbestos concentration of greater than 1 percent (>1%).

Interpretation of Asbestos Results

Materials with reported asbestos concentrations greater than one percent asbestos are considered ACM and must be handled according to OSHA, USEPA, and the applicable state and local regulations if disturbed. United States Environmental Protection Agency (USEPA) National Emissions Standards for Hazardous Air Pollutants (NESHAP) relegates asbestos containing materials into three categories:

- Category I: asbestos containing resilient floor covering, asphalt roofing products, packings and gaskets.
- Category II: all remaining non-friable ACM
- RACM: friable asbestos material; Category I non-friable ACM that has become friable; Category I non-friable ACM that will be or has been subject to sanding, grinding, cutting, or abrading; or Category II non-friable ACM that will be or has been made friable due to renovation or demolition activities.



Building Summary

The building is an unoccupied, single-story structure. The building is constructed on a concrete slab. The exterior façade is a brick. The roofing system is composed of a shingles and felt paper. The accredited inspector determined specific materials that are non-suspect materials without collecting bulk samples. Examples of routinely identified non-suspect materials are wood, steel or metal, glass and carpet. Bulk samples are not required to be collected from thermal system insulation identified as fiberglass, foam glass, rubber, or other non-ACM. The following summary provides a listing of the suspect asbestos-containing materials identified at the structure.

- Roof Shingles
- Felt Paper
- Wire Insulation

Due to the nature of the survey and the construction of the building, there may be additional suspect asbestos containing materials in inaccessible or concealed spaces that are revealed during demolition activities. All such unidentified materials should be treated as Presumed Asbestos Containing Material (PACM) in accordance with 29 CFR 1926.1101 and 1910.1001. The PACMs should be sampled to confirm the presence of asbestos prior continuation of the demolition activities. Subcontractors and employees working within the structures at the site should be made aware of the locations of the ACMs and the possibility of concealed suspect ACMs that could be found during demolition activities. They should be advised not to disturb the ACMs or PACMs.

The following Summary Table provides a listing of materials locations, and approximate quantities of the asbestos-containing materials identified during the survey to have 1% concentration or greater. The collection of suspect asbestos containing materials was performed on June 19, 2017.

Table 1: NESHAP Summary Table 231/233 Margaret St, Fairburn, GA 30213				
Material (Category of HA) (Concentration)	Location of Material	Condition	Friable Yes/No	NESHAP Category
None Found				
M= Miscellaneous, S= Surfacing, T= Thermal System Insulation				



Asbestos Recommendation

All asbestos containing material identified by the NESHAP survey to contain 1% or more asbestos is recommended for removal by Georgia EPD-licensed personnel in accordance with applicable regulations, prior to building demolition. In accordance with the Georgia Department of Natural Resources-Environmental Protection Division Rules of Solid Waste Management, Chapter 391-3-4, ACM can only be disposed of in a landfill that accepts asbestos containing waste. A written notification is required by state and local regulations, as per the USEPA National Emission Standard for Hazardous Air Pollutants (NESHAP) Asbestos Regulations (40 CFR 61. Sub part m.), prior to beginning any work on ACM involving more than 25 linear feet or 10 square feet. The notification must be sent at least 10 working days prior to beginning any work on ACM to the designated regional Asbestos NESHAP notification office. When demolition by toppling occurs, adequate wetting shall be employed to suppress the dust and reasonable enclosures for dust emission control (as compatible with the building character) shall be employed.

Only a full demolition will reveal all suspect materials, therefore additional suspect asbestos containing materials may be in inaccessible or concealed spaces. All such unidentified materials should be treated as PACM or sampled to determine if it is asbestos containing.

NONE of the building materials at this structure were found to contain asbestos.

LIMITATIONS

This report is intended for the sole use of Harvey Stokes. The intent of the report is to aid the building owner, architect, construction manager, general contractors, and potential demolition and abatement contractors in the determination of the "characteristic" of the identified waste stream. This report is not intended to serve as a bidding document or as a project specification document. The scope of services performed in execution of this evaluation may not be appropriate to satisfy the needs of other users, and use or re-use of this document or the findings, conclusions, or recommendations is at the risk of said user. Additionally, the passage of time may result in a change in the environmental characteristics at this site. This report does not warrant against future operations or conditions that could affect the recommendations made. The results, findings, conclusions and recommendations expressed in this report are based only on conditions that were observed during the inspection of the site.

Sincerely,
AirPro



EMSL Analytical, Inc.

2205 Corporate Plaza Parkway SE, Suite 200 Smyrna, GA 30080

Tel/Fax: (770) 956-9150 / (770) 956-9181

<http://www.EMSL.com> / atlantalab@emsl.com

EMSL Order: 071705056

Customer ID: BRST42

Customer PO:

Project ID:

Attention: Matt Moree
Bio Restore
541 10th St NW
Atlanta, GA 30318

Phone: (678) 668-1030

Fax:

Received Date: 08/18/2017 2:50 PM

Analysis Date: 08/21/2017

Collected Date:

Project: 231/233 Margeret St

Test Report: Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
S-1 071705056-0001	Roof - Shingle	Black Fibrous Homogeneous	25% Glass	75% Non-fibrous (Other)	None Detected
S-2 071705056-0002	Roof - Shingle	Black Non-Fibrous Homogeneous	20% Glass	80% Non-fibrous (Other)	None Detected
F-1 071705056-0003	Roof - Felt Paper	Black Fibrous Homogeneous	80% Cellulose	20% Non-fibrous (Other)	None Detected
F-2 071705056-0004	Roof - Felt Paper	Black Non-Fibrous Homogeneous	80% Cellulose	20% Non-fibrous (Other)	None Detected
E-1 071705056-0005	231 - Wire Insulation	White Fibrous Homogeneous	80% Glass	20% Non-fibrous (Other)	None Detected
HVAC-I-1 071705056-0006	233 - HVAC Insulation	Yellow Fibrous Homogeneous	100% Glass		None Detected

Analyst(s)

Amber Baynes (4)

Kyle Rich (2)

Amber Baynes

Amber Baynes, Asbestos Lab Supervisor
or Other Approved Signatory

EMSL maintains liability limited to cost of analysis. This report relates only to the samples reported and may not be reproduced, except in full, without written approval by EMSL. EMSL bears no responsibility for sample collection activities or analytical method limitations. Interpretation and use of test results are the responsibility of the client. This report must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST or any agency of the federal government. Non-fragile organically bound materials present a problem matrix and therefore EMSL recommends gravimetric reduction prior to analysis. Samples received in good condition unless otherwise noted. Estimated accuracy, precision and uncertainty data available upon request. Unless requested by the client, building materials manufactured with multiple layers (i.e. linoleum, wallboard, etc.) are reported as a single sample. Reporting limit is 1%

Samples analyzed by EMSL Analytical, Inc Smyrna, GA NVLAP Lab Code 101048-1

Initial report from: 08/21/2017 14:47:22



Direct: 404-478-7142 Fax: 1-888-501-7774

WBE Georgia Department of Transportation



**Demolition Proposal
for City of Fairburn**

**231 Margaret Street
Fairburn, GA 30213**

Property Address: 231 Margaret Street
Fairburn, GA 30213

Contact: City of Fairburn
Harvey Stokes
hstokes@fairburn.com

	Options	Pricing	Initial
Demolition Proposal:	<ul style="list-style-type: none">• Demolition and Removal of House• Including Footers and Foundations• Existing driveway to be utilized as construction exit and to remain• Spread Seed and Straw• Includes Sewer Plug• Grade to Drain• Grade to Safety• Includes 811 Utility Notifications• Contact utility companies and coordinate disconnection• Includes required 10 Business Day Notification to EPD and closing documents	\$9,500	_____
	Construction Exit: Existing Driveway to be Construction Exit		
Silt Fence and Tree Save Fence:	Up to 65' Type "A" Silt Fence Included		_____
Site Plans:	Not Applicable	N/A	_____
Permits:	Owner to Provide Permit		_____

Owner agrees that all salvageable materials as present during site visit may be reflected in proposal pricing to the benefit of the contractor. Owner agrees that proposal pricing could adjust based on removal of salvageable materials by others.

Terms and Conditions: Payment is due upon completion. Any payments due hereunder and unpaid after 30 days shall bear interest from the date payment is due at the rate of 1 % of balance owed or \$35 (whichever is greater) for every 10 days outstanding. In the event of non-payment, a Mechanic's Lien will be placed on the property for the amount of the unpaid balance plus any applicable interest. Contractor maintains a \$2M CGL and Worker's Compensation policy, with Pollution coverage. Demolition pricing excludes excavation work, or the removal of concrete 12" or more below grade, unless otherwise noted. Contractor not liable for damage to existing driveways, if applicable. All work is guaranteed to be as specified. All work to be completed in a workmanlike manner according to specifications submitted, per standard practices and under Georgia law. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner/client acknowledges that he/she has authority to authorize environmental and/or demolition services as requested of above referenced property.

Note: this proposal is valid for 30 days

To accept the Work items above, subject to Terms and Conditions, provide
Authorized Signature and Date below:

Signature with Printed Name

Date

Title

*Notarized owner or registered agent affidavit acknowledgement may be required to proceed with scheduling

Relationship of Signatory to Owner:

☐ Self ☐ General Contractor ☐ Potential Buyer ☐ Government Entity
☐ Authorized Representative ☐ Real Estate Agent

Signatory Information:

Company or Individual Name: _____

Email: _____ **Phone #:** (____) ____ - _____

Address: _____ **City:** _____ **State:** ____ **Zip:** _____

Contact 2 Name: _____

Contact 2 Email: _____ Phone #: (____) ____-____

☐ Please furnish copy of W-9 to above

☐ Please furnish COI to above

Owner Information: (Info Must be Provided)

☐ Same as above

Company or Individual Name: _____

Email: _____ Phone #: (____) ____-____

Address: _____ City: _____ State: ____ Zip: _____

Email Address: _____

Entity Responsible for Billing: ☐ Signatory ☐ Owner

*☐ Customer intends on utilizing a credit card for payment

A 2% processing fee will be added to service invoice if customer utilizes credit card for payment.

☐ Please furnish copy of W-9 to above

☐ Please furnish COI to above

Purchase Order #: _____

*☐ Customer requests additional entity to be issued a Certificate of Insurance (COI):

Name: _____

Address: _____

Email: _____

Phone #: _____

Fax #: _____

Building/Home access instructions for Estimators/Abatement Crew/Inspector

(Please complete this section as it applies)

1. Anytime Access? ☐ Yes ☐ No If "No", explain _____

2. Lockbox Code: _____ ☐ N/A

3. Key Hidden or located onsite or are special tools needed to gain access (ie boarded up door, windows)? ☐ Yes ☐ No

If "YES", please provide additional instructions

4. If necessary, Southern Demolition has authority to take reasonable measures to gain entry.

(Remove door/window/glass, etc.)

**Please initial agreeing to this statement: _____

5. If Appointment is required for Asbestos Inspection please provide three preferred days/times:

Southern Demolition is a DBE/WBE, certified by the Georgia Department of Transportation

Date: _____
Date: _____
Date: _____

Time: _____ AM/PM
Time: _____ AM/PM
Time: _____ AM/PM



CITY OF FAIRBURN MAYOR AND CITY COUNCIL AGENDA ITEM

SUBJECT: REZONING 17RZ-001 (DRI 2665) – Saben, LLC

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Planning and Zoning Commission Meeting: 08.08.17
Council Meeting (Continued): 11.27.17

Council Meeting: 08.28.17

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING? (X) Yes () No

PURPOSE: For the Mayor and City Council to review a petition to rezone subject properties from AG-1 (Agricultural District) to M-1 (Light Industrial District) to allow the development of three (3) warehouse facilities.

DESCRIPTION: The applicant is requesting to rezone thirteen (13) parcels from AG-1 (Agricultural District) to M-1 (Light Industrial District). The subject properties are located by I-85 on the north, Creekwood Road (which begins at the southern end of Oakley Industrial Blvd) on the east, Cleckler Road on the south and John Seaborn Road on the west. The project consists of three (3) warehouse buildings totaling 1,107,370 square feet of warehouse/distribution space on approximately 99 acres. Site access is proposed along the northern side of the subject property, parallel to I-85 and Creekwood Road. (See Proposed Site Plan) The proposed project was submitted to the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) for DRI (Development of Regional Impact) conceptual plan review on January 23, 2017. GRTA approved the conceptual plan without conditions on March 29, 2017. The planned build-out of this DRI is approximately 2019.

According to the ARC Unified Growth Policy Map (UGPM), part of The Atlanta Region's Plan, this DRI is located in the Developing Suburbs Area of the region. Developing suburbs are areas that have developed from roughly 1995 to today and are projected to remain suburbs through 2040. Per the UGPM, majority of the DRI site is within a Regional Industrial and Logistics Area. These areas represent the major intermodal freight facilities and major logistics centers of the region. ARC's Regional Development Guide (RDG) details recommended policies for areas on the UGPM.

The DRI appears to manifest some aspects of regional policy in that it is in close proximity to other warehouse/distribution facilities on Oakley Industrial Boulevard, offering the potential for efficiencies in

freight movement. It also offers clear connectivity for regional freight movement via Oakley Industrial Boulevard, SR 74 and I-85. It should be noted that trucks are prohibited south of the site on Creekwood Road, meaning truck traffic will be traveling to/from the direction of SR 74.

PLANNING AND ZONING COMMISSION: The rezoning petition was reviewed at the August 8, 2017 Planning and Zoning Commission meeting. The Commission recommended **DENIAL** of the rezoning petition.

FACTS AND ISSUES: See the attached "FACT SHEET"

RECOMMENDED ACTION: For the Mayor and City Council to **CONTINUE** the rezoning petition to the **November 27, 2017** City Council meeting.

Rezoning Petition 17RZ-001 (DRI 2665)

PROPERTY INFORMATION	
Address, Land Lot, and District	0 Creekwood Road (07 390001650787), 0 Creekwood Road (07390001650779), 0 Creekwood Road (07390001641000), 0 John Seaborn (07390001640663), 0 Cleckler Rd (07390001640471), 0 Cleckler Road (07390001640465), 0 Cleckler Road (07390001641323), 0 Clecker Road (07390001641315), 8471 Creekwood Drive, 8485 Creekwood Drive, 8545 Cleckler Road, 8405 Clecker Road, 8395 Cleckler Road Land Lot 164/165 and District 7 th
Frontage	Creekwood, Cleckler, and John Seaborn Roads
Area	99 acres (approximately)
Existing Zoning and Use	AG-1 (Agricultural District), mostly undeveloped with several parcels used as single-family residential.
Overlay District	N/A
2035 Comprehensive Future Land Use Map Designation	Office/Industrial and Rural Residential
Proposed Zoning	M-1 (Light Industrial District)

APPLICANT/PETITIONER INFORMATION		
Property Owner	Petitioner	Representative
Saben, LLC/Shugart	Saben, LLC	Linda Dunlavy, Attorney

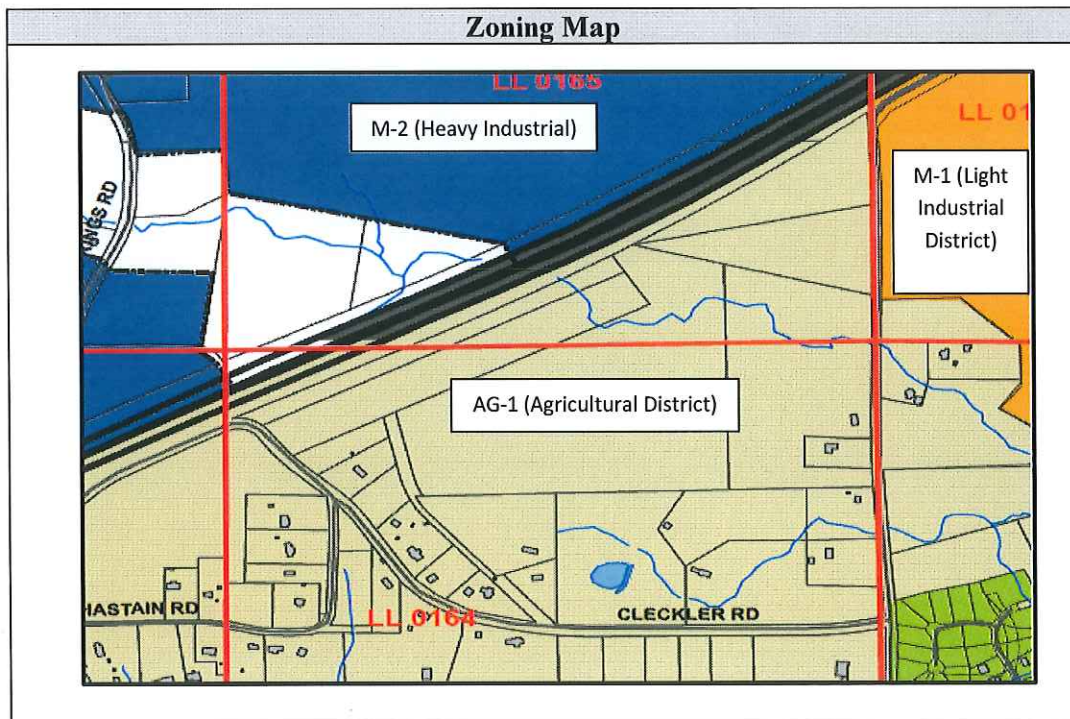
MEETING AND HEARING DATES	
Planning and Zoning Commission Meeting August 8, 2017	Mayor and City Council Public Hearing August 28, 2017
Mayor and City Council Public Hearing (Continued) November 27, 2017	

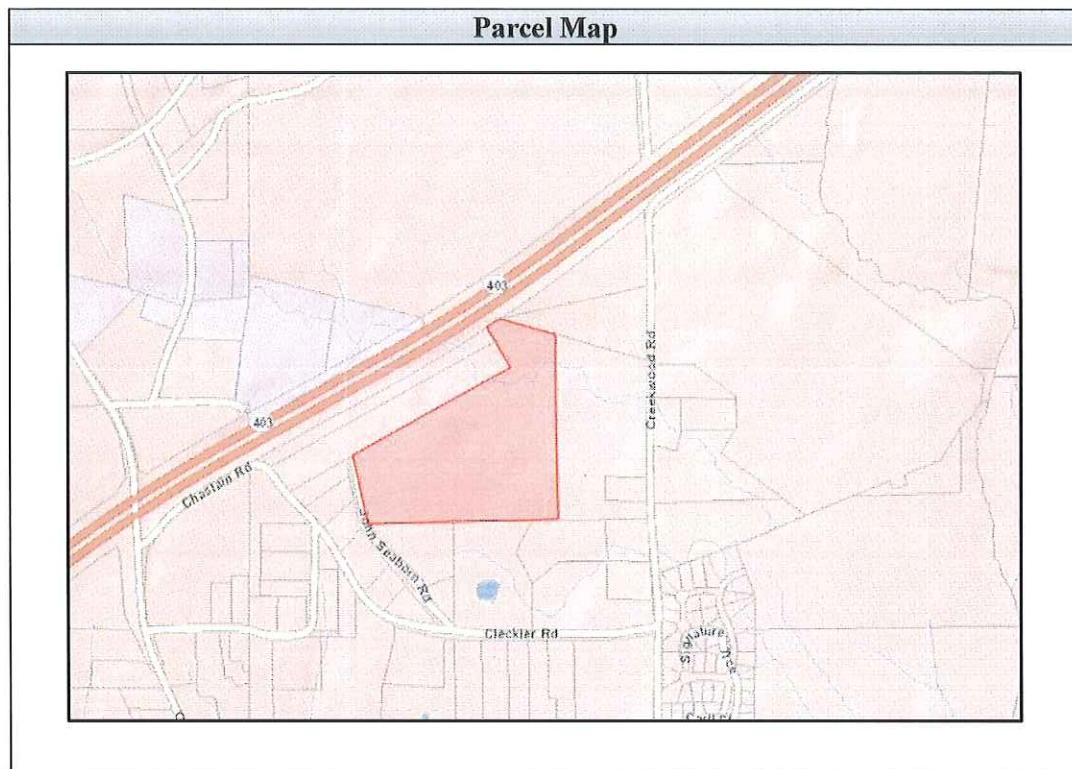
INTENT

To rezone subject properties from AG-1 (Agricultural District) to M-1 (Light Industrial District) to allow the development of three (3) warehouse facilities, totaling 1,107,370 square feet.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

North: M-2 (Heavy Industrial District) and City of Renaissance
East: M-1 (Light Industrial District, AG-1 (Agricultural District) and PD (Planned Development)
South: AG-1 (Agricultural District) and PD (Planned Development)
West: AG-1 (Agricultural District)





See Future Land Use Map Site Plan

ZONING IMPACT ANALYSIS

A. *Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?*

The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of: M-1 (Light Industrial District) to the north and east of the properties. Immediately to the east, of the subject property is Clorox, which is approximately 1.1 million square feet. Also, there are several warehouses located along Oakley Industrial Boulevard totaling over 1 + million square feet of industrial space. As stated in the DRI (2665), the majority of the site is located within a Regional Industrial and Logistics Area. These areas represent the major intermodal freight facilities and major logistics centers of the region. The proposed use of the land is also similar to nearby clusters of warehouse/distribution developments. The subject properties are located in a larger area that is experiencing demand for the development of warehouse/distribution and logistics facilities. Undistributed vegetated buffers and site design details will create a suitable transition of land use from rural residential to office/industrial.

B. *Does the proposal adversely affect the existing use or usability of adjacent or nearby property?*

The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby properties. The trucks entering/exiting building #1 and #2 will have access from a private driveway along the northern side of the subject property and building #3 will have access on Creekwood Road. The applicant considered the concerns of the nearby residents and as a result, the site design was altered to include a private driveway to reduce truck traffic on Creekwood Road.

Trucks are prohibited south of the site on Creekwood Road, meaning truck traffic will be traveling to/from the direction of SR 74. (See Proposed Site Plan)

The site design will also include internal traffic circulation to avoid stacking on public roads, non-intrusive lighting, and no truck traffic on Cleckler or John Seaborn Roads. Any portion of the proposed industrial development adjacent to residential districts will require a 50' undisturbed buffer. The applicant proposes to enhance the development with quality landscaping, planting of trees and shrubbery to improve the site and increase buffering qualities.

C. Does the property have a reasonable economic use as currently zoned?

The staff is of the opinion that the subject properties have a limited economic use as currently zoned. The subject properties are zoned AG-1 (Agricultural District). The probability of the subject properties developing into single family residential, a farm, forestry uses or park is highly unlikely due to the Office/Industrial future land use designation.

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

The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure. The applicant has designed the site with a private driveway to accommodate trucks and employees entering/exiting the site. The site design alleviates heavy truck movement and stacking along Oakley Industrial Boulevard and Creekwood Road. A traffic study of the area was conducted by a professional traffic engineer to assess the expected traffic impacts of the proposed project. The project is expected to generate an additional 710 daily trips at maximum build out, with 25% to 38% of those trips, depending on the time of day to be trucks. Approximately 355 additional trucks will impact traffic flow within a 24 hour time period. The vast majority of trips will occur during off peak hours and not compete with traffic on the road during rush hours. See table below.

Trucks Trips (AM and PM Counts)		
Entering/Exiting	Morning (AM)	Evening (PM)
Entering Warehouse Facility	23	14
Exit Warehouse Facility	10	30

Note: The trip counts are per hour during the morning and evening peak traffic volume hours.

The traffic study concluded that there were no mitigating improvements required to address the additional traffic generated by the propose project. GRTA has approved the petition with no conditions and GDOT did not recommend upgrades to any roads.

E. Is the proposal in conformity with the policies and intent of the land use plan?

The Comprehensive Plan 2035 and Future Land Use Map were adopted by City Council on May 11, 2015. The staff is of the opinion that majority of the subject properties are consistent with the Future Development Map, which designates the property as Office/Industrial. Two (2) parcels adjacent to I-85 and three (3) parcels along John Seaborn Road are designated Rural Residential. The remaining eight (8) properties are designed Office/Industrial. (See Future Land Use Site Plan)

The Office/Industrial character areas lie along the I-85 corridor. These areas consist of a mix of light and heavy industrial uses, as well as office uses. Industrial uses may include manufacturing,

processing plants, factories, warehouses and whole-sale trade facilities. Office uses may be associated with or support surrounding industrial uses.

Office/Industrial Development Strategies

- Create centers of work and innovation
- Develop true business parks, with a mix of industrial and office uses
- Functional traffic flow for all modes of traffic, including large trucks on well-designed streets with curbs and landscaping
- Buffers to provide transition to surrounding, lower intensity surrounding development
- Appropriate screening for outdoor storage and activity areas

Zoning districts within the Office/Industrial character areas include O&I (Office Institutional), M-1 (Light Industrial District) and M-2 (Heavy Industrial District).

Appropriate Land Uses

- Office
- Industrial/Manufacturing/ Processing/Ware-housing
- Research and Development

The proposed development will meet the development strategies of the Office/Industrial character as identified in the Comprehensive Plan by providing undisturbed buffers to provide transition to surrounding lower intense development, screening of the warehouse operations (storage and truck parking areas), and site design that prevents truck stacking on public roads which, promotes safer vehicle movement on heavily traveled roads.

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

The staff is of the opinion that there are existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal. The industrial (warehouse/distribution center) development market in the City of Fairburn has drastically increased over the past years. Over 3+ million square feet of industrial warehouse/distribution facilities have been constructed since 2015. As stated in the applicant's letter of intent, "the airport has generated a high demand for warehouse/distribution facilities to service it and other multimodal transportation hubs such as the CSX hub. The I-85 corridor south of Atlanta is booming and growing economically. The proposed development will bring growth and jobs to the City of Fairburn and turn a marginally contributing piece of property into a \$1 million + revenue contributor of the City of Fairburn."

G. Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of Fairburn?

The staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resource, environment, or citizens of Fairburn. The applicant will be required to comply with the City's Tree Ordinance, Zoning Ordinance, State, Federal and Local Stream Buffer Requirements, and Stormwater Requirements.

RECOMENDATIONS

The applicant has requested to continue the rezoning petition to the November 27, 2017 City Council meeting. The applicant would like to address concerns expressed by the Commissioners and property

owners at the August 8th Planning and Zoning Commission meeting. The additional 90 days will be used to conduct a noise study, clarify the existing traffic study data, schedule follow-up meetings with surrounding property owners to discuss concerns and provide residential property value data and analysis on properties in the vicinity. Therefore, based on these reasons, staff recommends that the rezoning petition is **CONTINUED** to the **November 27, 2017** City Council Meeting.

Please see the attached letter dated August 21, 2017 from the Dunlavy Law Group.

ATTACHMENTS

Letter of Intent

Conceptual Plan

GRTA Notice of Decision

ARC Regional Review Finding

Application

RECEIVED

JUN 01 2017

17RZ-001
City of Fairburn
Rezoning Application

Date Received: _____

APPLICANT INFORMATION

APPLICANT NAME: Saben, LLC

ADDRESS: 1380 Collingsworth Road, Palmetto, GA 30268

PHONE: 678-300-5050 CELL: 704-481-5560 FAX: 980-233-3833

EMAIL ADDRESS: jbarker@redrockdevelopments.com

OWNER INFORMATION (If different from Applicant)

OWNER NAME: See attached.

ADDRESS: _____

PHONE: _____ CELL: _____ FAX: _____

EMAIL ADDRESS: _____

PROPERTY INFORMATION (attach legal description)

ADDRESS: See attached.

PARCEL ID#: _____ LAND LOT: 1164 and 1165 DISTRICT: 7th

REZONING REQUEST

CURRENT ZONING: AG-1 CURRENT LAND USE: RR and O/I

PROPOSED ZONING: M-1 PROPOSED LAND USE: O/I

PROPOSED DENSITY (Residential Only): _____

IMPACT ANALYSIS

Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

Yes. See attached.

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

No. See attached.

Does the property have a reasonable economic use as currently zoned?

No. See attached.

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

No. See attached.

Is the proposal in conformity with the policies and intent of the land use plan?

Yes, see attached.

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

No. See attached.

Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of Fairburn?

No. See attached.

ATTORNEY / AGENT

CIRCLE ONE: Attorney Agent

Linda I. Dunlavy
Type or Print Attorney / Agent's Name


Attorney / Agent's Signature

1026 B Atlanta Avenue, Decatur, GA 30030
Address

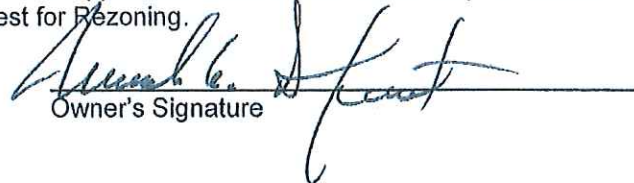
404-371-4101
Phone Number

ldunlavy@dunlavylawgroup.com
Email Address

AUTHORIZATION TO INSPECT PREMISES

I/we Mark Shugart / Seben LLC am/are the
owner(s) of the property, which is the subject matter of this application. I/we authorize the City of Fairburn to
inspect the premises, which is the subject of this request for Rezoning.

Mark Shugart
Type or Print Owner's Name


Owner's Signature

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: Parcel ID 07 390001641323

Saben, LLC/Mark Shugart
Type or Print Owner's Name
[Signature]
Owner's Signature
May 25, 2017
Date

Sworn and subscribed before me this
25 day of May, 2017
[Signature]
Notary Public
03/20/2019
Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019 (Seal)

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).

Saben, LLC/Mark Shugart
Type or Print Owner's Name
[Signature]
Owner's Signature
May 25, 2017
Date

Sworn and subscribed before me this
25 day of May, 2017
[Signature]
Notary Public
03/20/2019
Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019 (Seal)

Mark E. Shugart
Type or Print Applicant's Name
[Signature]
Applicant's Signature
May 25, 2017
Date

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: Parcel ID 07 390001640465

Saben, LLC/Mark Shugart
Type or Print Owner's Name
[Signature]
Owner's Signature
May 25, 2017
Date

Sworn and subscribed before me this
25 day of May, 2017
[Signature]
Notary Public
03/20/2019
Commission Expires

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Saben, LLC/Mark Shugart
Type or Print Owner's Name
[Signature]
Owner's Signature
May 25, 2017
Date

Sworn and subscribed before me this
25 day of May, 2017
[Signature]
Notary Public
03/20/2019
Commission Expires


Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019 (Seal)

Mark E. Shugart
Type or Print Applicant's Name
[Signature]
Applicant's Signature
May 25, 2017
Date

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: Parcel ID 07 390001640671

Saben, LLC/Mark Shugart
Type or Print Owner's Name


Owner's Signature

May 25, 2017
Date

Sworn and subscribed before me this
25 day of May, 2017


Notary Public

03/20/2019
Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
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Saben, LLC/Mark Shugart
Type or Print Owner's Name

Owner's Signature

May 25, 2017
Date

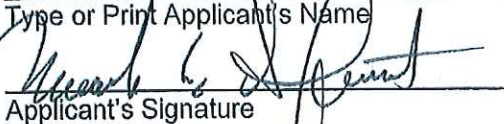
Sworn and subscribed before me this
25 day of May, 2017


Notary Public

03/20/2019
Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019 (Seal)

Mark E. Shugart
Type or Print Applicant's Name


Applicant's Signature

May 25, 2017
Date

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: Parcel ID 07 390001640663

Saben, LLC/Mark Shugart

Type or Print Owner's Name

Owner's Signature

May 25, 2017

Date

Sworn and subscribed before me this

25 day of May, 2017

Notary Public

03/20/2019

Commission Expires

Phyllis Pittman-Lee
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Comm. Exp.: 03-20-2019

(Seal)

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Saben, LLC/Mark Shugart

Type or Print Owner's Name

Owner's Signature

May 25, 2017

Date

Sworn and subscribed before me this

25 day of May, 2017

Notary Public

Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019

(Seal)

Mark E. Shugart

Type or Print Applicant's Name

Applicant's Signature

May 25, 2017

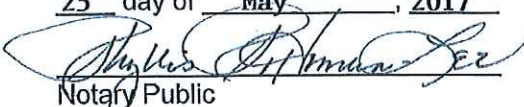
Date

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: Parcel ID 07 390001650779

Saben, LLC/Mark Shugart
Type or Print Owner's Name


Owner's Signature
May 25, 2017
Date


Sworn and subscribed before me this
25 day of May, 2017

Notary Public
03/20/2019
Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019 (Seal)

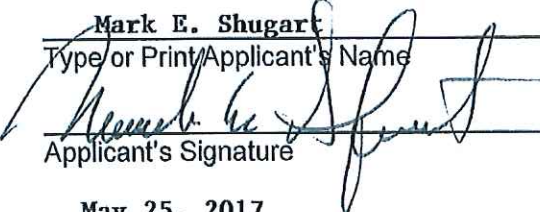
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Saben, LLC/Mark Shugart
Type or Print Owner's Name

Owner's Signature
May 25, 2017
Date

Sworn and subscribed before me this
25 day of May, 2017

Notary Public
03/20/2019
Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019 (Seal)

Mark E. Shugart
Type or Print Applicant's Name

Applicant's Signature
May 25, 2017
Date

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: Parcel ID 07 390001650787

Saben, LLC/Mark Shugart

Type or Print Owner's Name

Owner's Signature

May 25, 2017

Date

Sworn and subscribed before me this

25 day of May, 2017

Notary Public

03/20/2019

Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019

(Seal)

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Saben, LLC/Mark Shugart

Type or Print Owner's Name

Owner's Signature

May 25, 2017

Date

Sworn and subscribed before me this

25 day of May, 2017

Notary Public

03/20/2019

Commission Expires

Phyllis Pittman-Lee
NOTARY PUBLIC
DeKalb County, Georgia
Comm. Exp.: 03-20-2019

(Seal)

Mark E. Shugart

Type or Print Applicant's Name

Applicant's Signature

May 25, 2017

Date

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: 8471 Creekwood Road, Fairburn, GA

Lillian Shropshire
Type or Print Owner's Name

Lillian Shropshire
Owner's Signature

May 30, 2017
Date

Sworn and subscribed before me this
30th day of May, 2017

Patsy Hightower
Notary Public

Notary Public, Coweta County, Georgia
My Commission Expires Aug. 2, 2017



(Seal)

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).

Lillian Shropshire
Type or Print Owner's Name

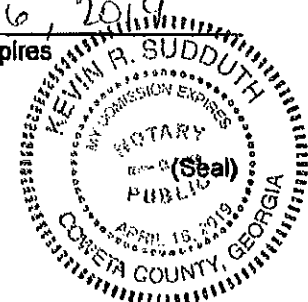
Lillian Shropshire
Owner's Signature

3/31/2017
Date

Sworn and subscribed before me this
31st day of MARCH, 2017

Kevin R. Sudduth
Notary Public

April 16, 2019
Commission Expires



SABIN, LLC
Type or Print Applicant's Name

[Signature]
Applicant's Signature

5/25/2017
Date

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: Parcel 07390001641000 - Creekwood Road

Ellis Shropshire
Type or Print Owner's Name

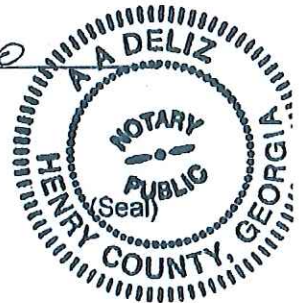
Ellis Shropshire
Owner's Signature

3-9-17
Date

Sworn and subscribed before me this
9 day of March, 2017

Deliz
Notary Public

May 22, 2020
Commission Expires



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)

SABEN, LLC
Type or Print Applicant's Name

[Signature]
Applicant's Signature

May 25, 2017
Date

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: Parcel 0739 000164 1315 - Cleckler Road

TL Cook Properties LLC / Gerald Edmondson
Type or Print Owner's Name

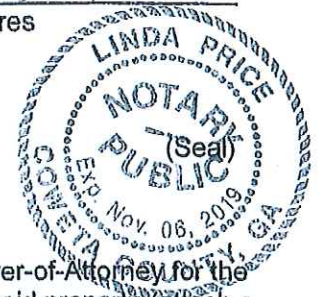
Gerald Edmondson
Owner's Signature

11/21/16
Date

Sworn and subscribed before me this
21 day of November, 2016

Linda Price
Notary Public

11-06-2019
Commission Expires



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).

TL Cook Properties LLC / Gerald Edmondson
Type or Print Owner's Name

Gerald Edmondson
Owner's Signature

11/21/16
Date

Sworn and subscribed before me this
21 day of November, 2016

Linda Price
Notary Public

11-06-2019
Commission Expires



SABEN, LLC
Type or Print Applicant's Name

[Signature]
Applicant's Signature

May 25, 2017
Date

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: Parcel 0739 0001641315 - Cleckler Road

TL Cook Properties LLC / Peter Edmondson
Type or Print Owner's Name

[Signature]
Owner's Signature

11/21/16
Date

Sworn and subscribed before me this
21 day of November, 2016

[Signature]
Notary Public

11-06-2019
Commission Expires

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).

TL Cook Properties LLC / Peter Edmondson
Type or Print Owner's Name

[Signature]
Owner's Signature

11/21/16
Date

Sworn and subscribed before me this
21 day of November, 2016

[Signature]
Notary Public

11-06-2019
Commission Expires



SABEN, LLC
Type or Print Applicant's Name

[Signature]
Applicant's Signature

May 25, 2017
Date



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: 8545 Cleckler RD, Fairburn GA 30268

TL Cook Properties LLC / Gerald Edmondson

Type or Print Owner's Name

Gerald Edmondson
Owner's Signature

11/21/16

Date

Sworn and subscribed before me this

21 day of November, 2016

Linda Price
Notary Public

11-06-2019
Commission Expires



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TL Cook Properties LLC / Gerald Edmondson

Type or Print Owner's Name

Gerald Edmondson
Owner's Signature

11/21/16

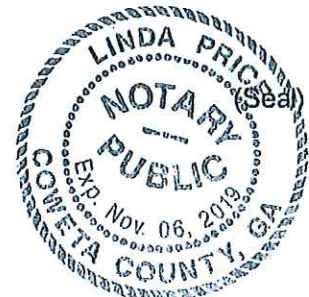
Date

Sworn and subscribed before me this

21 day of November, 2016

Linda Price
Notary Public

11-06-2019
Commission Expires



SABEN, LLC

Type or Print Applicant's Name

Charles E. Saben
Applicant's Signature

May 25, 2017

Date

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: 8545 Cleckler RD, Fairburn GA 30268

TL Cook Properties LLC / Peter Edmondson
Type or Print Owner's Name

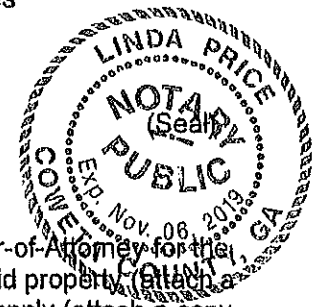
[Signature]
Owner's Signature

11/21/16
Date

Sworn and subscribed before me this
21 day of November, 2016

[Signature]
Notary Public

11-06-2019
Commission Expires



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).

TL Cook Properties LLC / Peter Edmondson
Type or Print Owner's Name

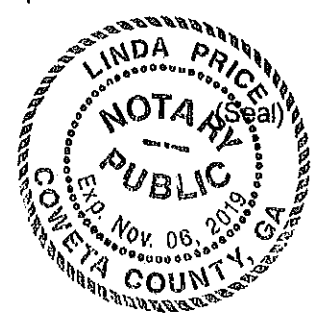
[Signature]
Owner's Signature

11/21/16
Date

Sworn and subscribed before me this
21 day of November, 2016

[Signature]
Notary Public

11-06-2019
Commission Expires



SABEN, LLC
Type or Print Applicant's Name

[Signature]
Applicant's Signature

May 25, 2017
Date

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: 8485 Creekwood Road, Fairburn, GA 30268

Christeen Smith-Pokey Janet Adams
Type or Print Owner's Name

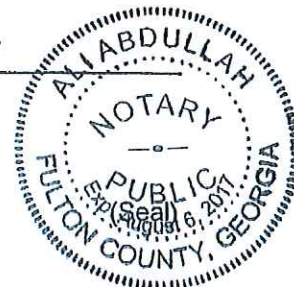
Janet Adams
Owner's Signature

11/16/16
Date

Sworn and subscribed before me this
16th day of Nov, 2016

[Signature]
Notary Public

Aug 6 2017
Commission Expires



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)

SABEN, LLC
Type or Print Applicant's Name

[Signature]
Applicant's Signature

May 25, 2017
Date

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: 8405 Cleckler Road, Fairburn, GA

Silvia Jimenez
Type or Print Owner's Name

Silvia Jimenez
Owner's Signature

November 23, 2016
Date

Sworn and subscribed before me this
23rd day of November, 2016

Raynelle Rumph
Notary Public

August 10, 2020
Commission Expires

Raynelle Rumph
Notary Public
DeKalb County
State of Georgia
My Commission Expires August 10, 2020 (Seal)

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).

Silvia Jimenez
Type or Print Owner's Name

Silvia Jimenez
Owner's Signature

November 23, 2016
Date

Sworn and subscribed before me this
23rd day of November, 2016

Raynelle Rumph
Notary Public

August 10, 2020
Commission Expires

Raynelle Rumph
Notary Public
DeKalb County
State of Georgia
My Commission Expires August 10, 2020 (Seal)

SABEN, LLC

Type or Print Applicant's Name

[Signature]
Applicant's Signature

May 25, 2017
Date

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: 8395 Cleckler Road Palmetto, Ga 31268

Lisa B Sherman Richard E Sherman
Type or Print Owner's Name

Lisa B Sherman
Owner's Signature

3/14/2017
Date

Sworn and subscribed before me this
14 day of March, 2017

Cheryl Willis
Notary Public Cheryl Willis
Notary Public, Fayette County, GA
My Commission Expires January 16, 2018
Commission Expires

(Seal)

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)

SABEN, LLC
Type or Print Applicant's Name

[Signature]
Applicant's Signature

May 25, 2017
Date

LETTER OF INTENT

And

Other Material Required by
City of Fairburn Zoning Ordinance

For

The Rezoning Application from AG-1 to M-1

Of

SABEN, LLC

For

+/- 99 acres of Land

Located in

Land Lots 164 and 165, 7th District, Fulton County

City of Fairburn, Georgia

0 Creekwood Drive (07 390001650787)

0 Creekwood Drive (07 390001650779)

0 Creekwood Drive (07 390001641000)

0 John Seaborn (07 390001640663)

0 Cleckler Road (07 390001640671)

0 Cleckler Road (07 390001640465)

0 Cleckler Road (07 390001641323)

8471 Creekwood Drive (07 390001640994)

Cleckler Road (07 390001641315)

8485 Creekwood Drive (07 390001640341)

8545 Cleckler Road (07 390001641299)

8405 Cleckler Road (07 390001640861)

8395 Cleckler Road (07 390001640853)

Submitted for Applicant by:

Linda I. Dunlavy

Dunlavy Law Group, LLC

1026 B Atlanta Avenue

Decatur, Georgia 30030

(404) 371-4101 Phone

(404) 371-8901 Facsimile

ldunlavy@dunlavylawgroup.com

I. INTRODUCTION

This Application seeks to rezone an assemblage of thirteen parcels currently zoned AG-1 to M-1 ("Subject Property") at the north east quadrant of the Cleckler Road and Creekwood Road ¹ intersection. The majority of the parcels are undeveloped with four developed for single family rural residential use. The Subject Property is located within the corporate limits of the City of Fairburn and in the South Fulton CID. The Applicant seeks rezoning of Subject Property to allow for the development and construction of a warehouse distribution facility. There are similar facilities in the immediate vicinity of the Subject Property, such as the Clorox facility on Oakley Industrial Boulevard. Applicant has successfully developed a warehouse distribution facility similar to what is being proposed in Fairburn on Bohannon Road north of I-85 which currently houses among other industrial users, Smuckers and Duracell.

A. SUBJECT PROPERTY

The majority of the Subject Property (+/-62.14 acres) is owned by the Applicant--Saben, LLC—with the remainder under contract to purchase by Saben, LLC. Saben, LLC is a Georgia limited liability company controlled by the Shugart family, long-time residents of Palmetto who currently live and work from property they own on Collingsworth Road in Palmetto. The Shugarts are invested in and committed to the community for the long-term. Saben LLC has been given the authorization to file this rezoning application with the City by the remaining property owners. The Subject Property fronts on Creekwood Road, Cleckler Road, John Seaborn Road and I-85. It is

¹ Please note that the improved right of way known as Creekwood Road on most maps is named Creekwood Drive in the Tax Commissioners files so it is used alternatively here as Creekwood Drive when referencing the right of way in the context of a tax parcel.

burdened with a transmission line easement across its southeast corner at near the intersection of Cleckler Road and Creekwood Road. It is traversed by one large stream running northwest from Creekwood Road just south of the Clorox entrance on Creekwood to I-85 and one lesser stream in the southeast corner. Immediately to the east is the Clorox warehouse and distribution facility at 1595 Oakley Industrial Boulevard. To the southeast of the Subject Property is the single family residential subdivision known as Creekwood Village comprised of 58 homes. To the south and west are a modest number of scattered single family residences. Further to the south off of Johnson Road is the Asbury Park subdivision. Asbury Park is a single family residential subdivision being built out currently by Knight Homes. Ultimately, it is platted for 153 homes but is only approximately 50% built out currently.

The closest residential properties to the Subject Property are on John Seaborn Road and Creekwood Road. The homes on John Seaborn are minimum of 90 feet from any property line of the Subject Property and a minimum of 300 + feet from any structure or internal roadway on the Subject Property. Similarly on Cleckler and Creekwood, there will be hundreds of feet between any residential structures and roadways or structures on the Subject Property. Moreover, these residences will be separated from site operations by vegetation, existing and supplemental. Photographs and copies from Google Earth of current conditions on the Subject Property and its surrounds are included with the rezoning package.

B. APPLICANT'S PROPOSAL

Currently, the Subject Property is grossly underutilized and contributes next to nothing to the City or its residents. It sits just south of I-85, a corridor that the Atlanta

Regional Commission has designated this area as a Regional Industrial and Logistics area for the promotion and development of industrial, warehousing and distribution facilities servicing the airport and other major transportation hubs such as the CSX intermodal freight terminal. The Applicant proposes to have the property rezoned to M-1 and consolidate the parcels comprising the Subject Property for the development and construction of a large warehouse distribution facility. The Applicant's original proposal was for four warehouse buildings totaling 1,382,000 square feet. This proposal, being one of "Regional Impact" was submitted to the Atlanta Regional Commission and GRTA for DRI ("Development of Regional Impact") concept plan review by the City of Fairburn on January 23, 2017 (DRI ID No. 2665). GRTA approved the concept plan without conditions on March 29, 2017. A copy of that approval is included with these materials in support of the rezoning application along with the approved DRI site plan.

Since DRI approval the Applicant has reviewed and revised its plan such that it is now proposing three (rather than four) buildings on site; 1, 107, 370 square feet of warehouse space (274,630 square feet less); and has modified its proposal for site access and internal circulation of vehicles. The three buildings will be sized as follows: one 971, 370 square foot building at the center of the site flanked by truck courts and trailer spaces on two sides with employee parking on the other two sides; one 112,00 square foot building proximate to the Creekwood/Oakley Industrial intersection with associated truck court and employee parking on two sides. The third building is proposed at 24,000 square feet and fronts on Creekwood. Parking will be interior to the site and buffered from views from the right of way in most instances. The original DRI plan provided for two entry points from Creekwood Road for all traffic going to and from the site. This

plan neglected to take advantage of the land on the northern most part of the site running parallel to I-85. The revised plan does that by providing a private roadway extending along the northern side of the Subject Property. This private roadway will provide ingress and egress for all vehicles destined for two of the three buildings on site—the two larger buildings. The only access from Creekwood would align with the Clorox entry and service the smaller 24,000 square foot building. The Applicant submits that the revised plan is a sounder plan in terms of community impact, transportation and infrastructure impact external to the site and provides for improved internal site circulation from the approved DRI plan.

There are state waters (two streams) on the site which will require 75 foot undisturbed buffers on either side of the wreted vegetation lines in the north east side of the site. There are also limited wetlands on the Subject Property. Impacts to wetlands will be limited to filling of a former drainage feature that served an old farm pond and a perpendicular crossing of a creek that runs under I-85. The drainage feature from the old pond originates on-site and will no longer be necessary with the pond being drained. The perpendicular crossing of the creek will involve installation of a box culvert under the new driveway to access the site. This crossing is necessary because the driveway for the site must be prior to the bridge where the creek crosses Creekwood Road. This bridge is not rated for truck traffic and truck traffic cannot cross the bridge. As such, the access point from Creekwood is north of the bridge. A Section 404 permit for the activities affecting the stream on the southeast corner and the wetlands will be sought by the Applicant from the Georgia Department of Natural Resources and the Corps of Engineers as required by state and federal law. The stream and wetland delineation map for the

Subject Property is included with the supporting materials.

The site plan provides for on-site detention and water quality in the center of the site through three ponds. With further engineering the location and the size of the ponds may change somewhat. Whatever the final design for storm water detention, the detention system shall handle the runoff of a one hundred-year rainfall, for any and all durations from the post-development, with a release rate that does not exceed the pre-development release rate during the same duration storm. Detention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners. The proposed project will meet the water quality and channel protection requirements in the Georgia Storm water Manual.

The Applicant proposes to plant supplemental vegetation on the Subject Property where needed to screen the operations and buildings on site from nearby residential users, mainly on the south west of the site. A 50 foot zoning buffer will be maintained around the parcel fronting Creekwood Road which is not part of the assemblage (namely 8475 Creekwood Road). Additionally, the Applicant plans to enhance the Subject Property with quality landscaping and the planting of trees and shrubbery to improve its current "bare appearance" in parts. After meeting with a couple of residents of Creekwood Village, the Applicant has also agreed to look at buffering or down-sizing the parking on the south end of the proposed development as it abuts Creekwood Road. Compliance with the City of Fairburn's Tree Ordinance will be a challenge but the Applicant believes it can work through some issues with the City on this matter and fully comply with its requirements. Lighting interior to the site will be directed inward and will not spread across property lines to adjacent properties. Photographs of similar lighting and a

photometric study prepared for the Applicant are included with these materials. The Subject Property has access to water and sewer.

In order to secure approval of GRTA for the project, the Applicant had to hire a professional traffic engineer to assess in detail the expected traffic impacts of the proposed project as a result of the number of vehicle trips generated by the project at build out. Calyx Engineers and Consultants prepared a detailed traffic impact study and submitted it to GRTA. Calyx study the proposed site driveways and major adjacent intersections to determine the current traffic and levels of service and the expected additional impacts (if any) generated by the Project on the Subject Property. The Project is expected to generate an additional 2322 daily trips at maximum build out, with 25 to 38% of those trips, depending on the time of the day to be trucks. The vast majority of trips will occur during off peak hours and not compete with traffic on the road during rush hours. Calyx concluded that there were no mitigating improvements required to address the additional traffic generated by the proposed Project and GRTA apparently agreed when it approved the DRI without conditions. With the reduction in square footage of the proposed Project (274,630 square feet less) from that reviewed by GRTA and the reconfiguration of site entrances, the traffic impacts will be less than those approved by GRTA.

II. 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 properties.

The surrounding areas to the west and south are predominantly single family rural residential uses on large agricultural style lots with a couple subdivisions—Creekwood

Village (built out with ranch frame houses between 2000 and 2002) and Asbury Park (currently being built out)—on smaller lots. However, immediately to the east of the Subject Property along Oakley Industrial Boulevard is the Clorox warehouse and distribution facility built in 2010 and comprised of in excess of 1.1 million square feet of warehouse space. Further to the east along Oakley Industrial Boulevard between Clorox and Senoia Road, there are warehouse distribution facilities built between 1998 and 2006 with a total of an additional 1.8 + million square feet of warehousing space. Further east at Spence Road between Oakley Industrial Boulevard and I-85 there exists additional warehouse space of 1.7 million + square feet. Warehouse facilities are in abundance between the airport and Fairburn adjacent to I-85. Construction of another facility as proposed by the Applicant will serve to satisfy the high demand for these types of facilities and is certainly suitable in view of the use and development of adjacent and nearby properties. Specific information concerning these other warehouse uses is included with the material in support of this rezoning application.

With the supplemental vegetation, buffering, attention to site design details, and distances from residential uses, the proposed warehouse/distribution facility is compatible and suitable with nearby property uses.

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

The zoning proposal will not adversely affect the nearby or adjacent uses. First, it is clearly compatible with the Clorox facility and other warehousing uses along Oakley Industrial Boulevard. Second, the operations activity on the Subject Property is far removed from any of the remaining single family residences (with the exception of 8475

Creekwood Road which will have a 50 foot buffer around the three sides that abut the Project) and in most instances there will be vegetation and topography screening them from views of the Subject Property and its operations. Sample views from adjacent properties at 8468 Creekwood, 8471 Creekwood, 8475 Creekwood and 8455 Cleckler Road upon completion of build out and supplemental planting are provided in materials filed with this Letter of Intent. These views demonstrate there will be no adverse impact on adjacent property views. The sensitive site design which incorporates non-intrusive lighting, supplemental vegetation, limited use of Creekwood Road and no vehicular use of Cleckler Road, in addition to internal traffic circulation serve to avoid negative impacts on the surrounds to the Subject Property. Finally, the warehouse buildings will be constructed of concrete panels and metal curtain walls with metal and glass entry parapets on the ends of each building. See sample building elevations provided herein. This is aesthetically far more attractive than vinyl sided warehousing facilities and of a much higher quality.

C. Whether the property has a reasonable economic use as currently zoned.

As zoned, the Subject Property has little economic use. It is restricted to single family residential uses, farm and forestry uses, or utility and park uses. It has been undeveloped for years and not attractive to those looking to invest in residential properties requiring one acre minimum immediately adjacent to I-85. The housing market in Fairburn is not currently robust. Trulia.com reports that the market for homes in Fairburn is trending down ward with a year over year drop of 20% in the median sales price. The highest and best use for the Subject Property would be as envisioned in the Comprehensive Plan—that of Office/Industrial.

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.

All services, facilities and utilities are available to serve the use contemplated.

Water and sewer are adjacent to the Subject Property. The proposed rezoning will have no effect on schools and GRTA has determined that the proposal will not be an excessive burden on the existing streets and transportation facilities.

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

The City adopted its Comprehensive Fairburn Plan 2035 including its Future Land Use Map in 2015. The majority of the Subject Property is designated O/I (Office/Industrial) with a small portion adjacent to I-85 designated as RR (Rural Residential). See Land Use Map included with these materials. As noted in the text of the 2035 Plan, the Office/ Industrial Character areas are designed to contain a mix of light and heavy industrial users including warehouses. The development of the Subject Property would serve to promote various goals for identified within the Comprehensive Plan, such as creating a center for work; promoting functional traffic flow for large trucks; providing for buffering and screening of storage and activity areas and providing a transition to lower intensity surrounding areas (p.47). The proposed warehousing/distribution facility also builds upon the existing industrial base in Fairburn (p.17) and promotes economic development in the City of Fairburn (p.19). It is estimated at build out (projected to be mid-2019) that the project will be valued at \$48 million and

will generate in excess of \$1 million in annual local tax revenues and likely create in excess of 600 jobs.

F. 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.

In general, the airport has generated a high demand for warehouse/distribution facilities to service it and other multimodal transportation hubs such as the CSX hub. The I-85 corridor south of Atlanta is booming and growing economically. This is abundantly clear when one looks at development in Fairburn on the south side of I-85 since 1996. These changing conditions within the past twenty years make development of the Subject Property as proposed logical. Use of the adjacent Clorox property since 2010 supports a similar zoning designation for the Subject Property. It will bring growth and jobs to the City of Fairburn and turn a marginally contributing piece of property into a \$1 million + revenue contributor to the City of Fairburn.

G. Whether the zoning proposal will permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of Fairburn?

In the development of the Subject Property, the Applicant will comply with all local, state and federal environmental laws. Applicant will comply with the City of Fairburn Tree Ordinance and will detain and treat all storm water on site per the best management practice requirements of the Georgia Stormwater manual. The plan provides for protection of and minimum disruption to state waters on site and will be heavily vegetated to maintain screening of its operations from adjacent rights of way. It

will have no adverse impacts on natural resources, the environment or the citizens of Fairburn.

III. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification, to the extent that it prohibits the use proposed, constitutes an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because it bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Property owners in violation of the due process and equal protection rights of the property owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

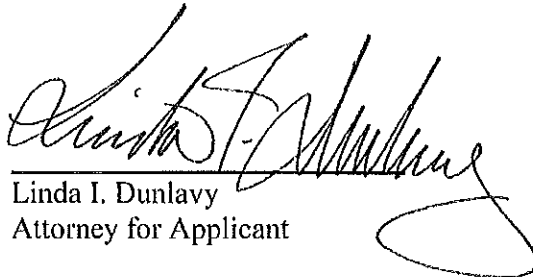
Further, the Applicant respectfully submits that the City Council's failure to approve the requested zoning map amendment would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the zoning amendment at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of City and community so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 27 day of May, 2017.

Respectfully submitted,



Linda I. Dunlavy
Attorney for Applicant

Dunlavy Law Group, LLC
1026 B Atlanta Avenue
Decatur, Georgia 30030
(404) 371-4101 Telephone
(404) 371-8901 Facsimile



NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Sonny Deriso, GRTA
Dick Anderson, GRTA

Al Nash, GRTA
Bob Voyles, GRTA

To: Mayor Mario Avery, City of Fairburn
(via electronic mail and certified mail) John Barker, Red Rock Developments

From: Chris Tomlinson, GRTA Executive Director

Copy: Annie Gillespie, GRTA/SRTA
(via electronic mail) GRTA DRI Email (dri@grta.org)
Jon West, DCA
Andrew Smith, ARC
Marquitrice Mangham, ARC
Paul DeNard, GDOT District 7
Edlin Regis, GDOT District 7
Brendetta Walker, City of Fairburn
Tarika Peeks, City of Fairburn

Bobby Fountain, Shugart Industrial
Mark Shugart, Shugart Industrial
Bill Hare, Shugart Farms
Randall Parker, CALYX Engineers
Brian Brumfield, Eberly & Associates

Date: March 29, 2017

Re: DRI 2665 Saben Fairburn South Distribution Center

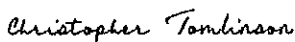
**Notice of Decision for
Request for Expedited Review of
DRI 2665 Saben Fairburn South Distribution Center**

The purpose of this notice is to inform Red Rock Developments (the Applicant), the City of Fairburn (the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 2665 Saben Fairburn South Distribution Center (the DRI Plan of Development). GRTA has completed an Expedited Review for the DRI Plan of Development pursuant to sections 3-101 and 3-102 of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-102.B.2. The DRI Plan of Development as proposed is **approved without conditions** by Expedited Review.

This decision will become final and no further review will be required, unless: (1) a request for review by the Land Development Committee is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-502 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, or (2) an appeal by the Applicant is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-501, or (3) an appeal by the local government is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-501. If GRTA staff receives a request for review or an appeal, you will receive another notice from GRTA, and the Land Development Committee will hear the appeal or request for Expedited Review at its May 10, 2017 regular meeting.

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the information presented during the Pre-Review and Methodology meeting on January 30, 2017, a trip generation/access analysis dated March 17, 2017 prepared by CALYX Engineers and a site plan dated March 14, 2017 titled "Saben Fairburn South Distribution Center" prepared by Eberly & Associates, both received by ARC on behalf of GRTA on March 20, 2017.

Approval of the above-referenced DRI by expedited review shall not constitute GRTA approval of any subsequent material modifications to the proposed DRI by the local government such that the proposed DRI is no longer eligible for approval by expedited review.

DocuSigned by:

5409E9A65D48478

Chris Tomlinson
Executive Director
Georgia Regional Transportation Authority



Property Information

Parcel ID: 07 390001650787
 Parcel Address: 0 CREEKWOOD DR
 Owner: SABEN L L C
 Total Appraised: \$41,300
 Area: 7.1 acres

[View Full Property Profile](#)

Tax Year 2016
 Parcel ID 07 390001650787
 Property Address 0 CREEKWOOD DR
 Owner SABEN L L C
 Mailing Address 1380 COLLINSWORTH RD PALMETTO GA 30268-9427
 Total Appraisal \$41,300
 Improvement Appraisal not available
 Land Appraisal \$41,300
 Assessment \$16,520
 Tax District 25
 Land Area 7.07 ac
 Property Class Residential Small Tracts
 Land Use Class Residential vacant
 TAD
 CID South Fulton CID

Address	0 CLECKLER RD
Parcel ID	07 390001650787
Land Lot	N/A
District	N/A
Current Zoning	Resident
Current Land Use	Residential vacant
Proposed Zoning	M-1
Proposed land use	Industrial
Fee	\$2,474.50



Property Information

Parcel ID: 07 390001650779
 Address: 0 CREEKWOOD DR
 Owner: SABEN L L C
 Appraised: \$43,900
 6 acres

[Full Property Profile](#)

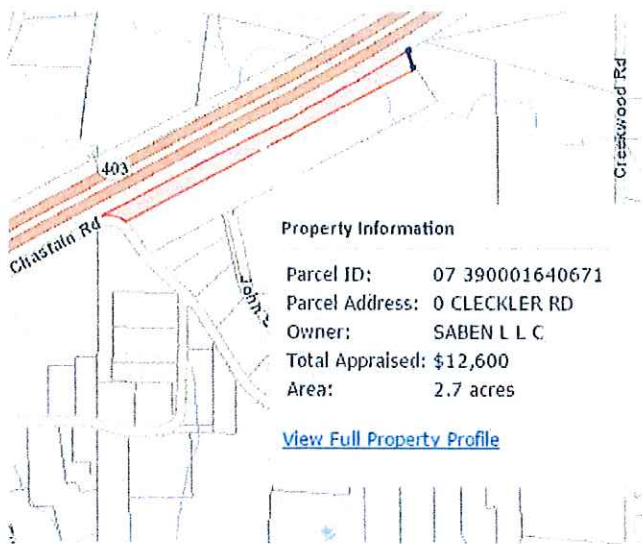
Tax Year 2016
 Parcel ID 07 390001650779
 Property Address 0 CREEKWOOD DR
 Owner SABEN L L C
 Mailing Address 1380 COLLINSWORTH RD PALMETTO GA 30268-9427
 Total Appraisal \$43,900
 Improvement Appraisal not available
 Land Appraisal \$43,900
 Assessment \$17,560
 Tax District 25
 Land Area 6.01 ac
 Property Class Residential Small Tracts
 Land Use Class Residential vacant
 TAD
 CID South Fulton CID

Address 0 CLECKLER RD
 Parcel ID 07 390001650779
 Land Lot N/A
 District N/A
 Current Zoning Resident
 Current Land Use Residential vacant
 Proposed Zoning M-1
 Proposed land use Industrial
 Fee \$2, 103,50



Tax Year 2016
 Parcel ID 07 390001640663
 Property Address 0 JOHN SEABORN
 Owner SABEN L L C
 Mailing Address 1380 COLLINSWORTH RD PALMETTO GA 30268-9427
 Total Appraisal \$145,000
 Improvement Appraisal not available
 Land Appraisal \$145,000
 Assessment \$58,000
 Tax District 25
 Land Area 29.08 ac
 Property Class Residential Large Tracts
 Land Use Class Residential vacant
 TAD
 CID South Fulton CID

Address	0 JOHN SEABORN
Parcel ID	07 390001640663
Land Lot	N/A
District	N/A
Current Zoning	Resident
Current Land Use	Residential vacant
Proposed Zoning	M-1
Proposed land use	Industrial
Fee	\$10,178 – MAX \$5,000



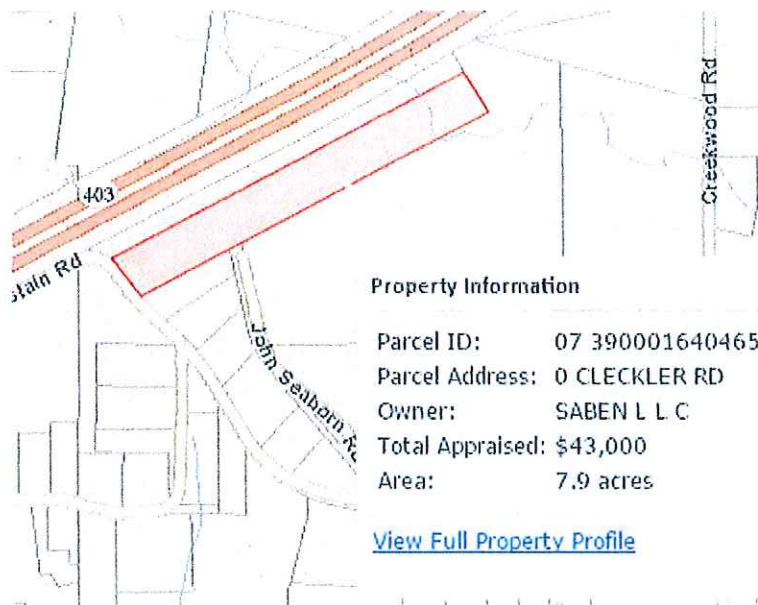
Property Information

Parcel ID: 07 390001640671
Parcel Address: 0 CLECKLER RD
Owner: SABEN L L C
Total Appraised: \$12,600
Area: 2.7 acres

[View Full Property Profile](#)

Parcel ID	07 390001640671
Property Address	0 CLECKLER RD
Owner	SABEN L L C
Mailing Address	1380 COLLINSWORTH RD PALMETTO GA 30268-9427
Total Appraisal	\$12,600
Improvement Appraisal	not available
Land Appraisal	\$12,600
Assessment	\$5,040
Tax District	25
Land Area	2.7 ac
Property Class	Residential Small Tracts
Land Use Class	Residential vacant
TAD	
CID	South Fulton CID

Address	0 CLECKLER RD
Parcel ID	07 390001640671
Land Lot	N/A
District	N/A
Current Zoning	Resident
Current Land Use	Residential vacant
Proposed Zoning	M-1
Proposed land use	Industrial
Fee	\$945



Property Information

Parcel ID: 07 390001640465
 Parcel Address: 0 CLECKLER RD
 Owner: SABEN L L C
 Total Appraised: \$43,000
 Area: 7.9 acres

[View Full Property Profile](#)

Tax Year 2016
 Parcel ID 07 390001640465
 Property Address 0 CLECKLER RD
 Owner SABEN L L C
 Mailing Address 1380 COLLINSWORTH RD PALMETTO GA 30268-9427
 Total Appraisal \$43,000
 Improvement Appraisal not available
 Land Appraisal \$43,000
 Assessment \$17,200
 Tax District 25
 Land Area 7.89 ac
 Property Class Residential Small Tracts
 Land Use Class Residential vacant
 TAD
 CID South Fulton CID

Address 0 CLECKLER RD
 Parcel ID 07 390001640465
 Land Lot N/A
 District N/A
 Current Zoning Resident
 Current Land Use Residential vacant
 Proposed Zoning M-1
 Proposed land use Industrial
 Fee \$2,761.50



Property Information

Parcel ID: 07 3900016
 Parcel Address: 0 CLECKLER
 Owner: SABEN L L C
 Total Appraised: \$54,900
 Area: 9.4 acres

[View Full Property Profile](#)

Tax Year 2016
 Parcel ID 07 390001641323
 Property Address 0 CLECKLER RD
 Owner SABEN L L C
 Mailing Address 1380 COLLINSWORTH RD PALMETTO GA 30268-9427
 Total Appraisal \$54,900
 Improvement Appraisal not available
 Land Appraisal \$54,900
 Assessment \$21,960
 Tax District 25
 Land Area 9.39 ac
 Property Class Residential Small Tracts
 Land Use Class Residential vacant
 TAD
 CID South Fulton CID

Address	0 CLECKLER RD
Parcel ID	07 390001641323
Land Lot	N/A
District	N/A
Current Zoning	Resident
Current Land Use	Residential vacant
Proposed Zoning	M-1
Proposed land use	Industrial
Fee	\$3,286.50



REGIONAL REVIEW FINDING

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: April 11, 2017

ARC REVIEW CODE: R1703221

TO: Mayor Mario Avery, City of Fairburn
ATTN TO: Tarika Peeks, City Planner/Zoning Administrator
FROM: Douglas R. Hooker, Executive Director, ARC
RE: Development of Regional Impact Review

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Original on file

The Atlanta Regional Commission (ARC) has completed a regional review of the following Development of Regional Impact (DRI). ARC reviewed the DRI with regard to its relationship to regional plans, goals and policies – and impacts it may have on the activities, plans, goals and policies of other local jurisdictions as well as state, federal and other agencies. This final report does not address whether the DRI is or is not in the best interest of the local government.

Name of Proposal: Saben Fairburn South Distribution Center (DRI 2665)

Submitting Local Government: City of Fairburn

Review Type: Development of Regional Impact **Date Opened:** March 22, 2017 **Date Closed:** April 11, 2017

Description: This DRI is located in the City of Fairburn, bounded roughly by I-85 on the north, Creekwood Road (which begins at the southern terminus of Oakley Industrial Boulevard) on the east, Cleckler Road on the south and John Seaborn Road on the west. The project consists of four buildings totaling 1,382,000 SF of warehouse/distribution space on approximately 99 acres. Site access is proposed via two driveways on Oakley Industrial Boulevard/Creekwood Road. The DRI review trigger for this development is a concept plan review application. The planned build-out of this DRI is 2019.

Comments: According to the ARC Unified Growth Policy Map (UGPM), part of The Atlanta Region's Plan, this DRI is located in the Developing Suburbs Area of the region. Developing Suburbs are areas that have developed from roughly 1995 to today and are projected to remain suburbs through 2040. Per the UGPM, the majority of this DRI site is also within a Regional Industrial and Logistics Area. These areas represent the major intermodal freight facilities and major logistics centers of the region. ARC's Regional Development Guide (RDG) details recommended policies for areas on the UGPM. General information and recommendations for Developing Suburbs and Regional Industrial and Logistics Areas are listed at the bottom of these comments.

This DRI appears to manifest some aspects of regional policy in that it is in close proximity to other warehouse/distribution facilities on Oakley Industrial Boulevard, offering the potential for efficiencies in freight movement. It also offers clear connectivity for regional freight movement via Oakley Industrial, SR 74 and I-85. It should be noted that trucks are prohibited south of the site on Creekwood Road, meaning truck traffic will be to/from the direction of SR 74.

The project could further support The Atlanta Region's Plan if it incorporated other aspects of the regional policy detailed at the bottom of this report, including green infrastructure and/or low-impact design (e.g., rain gardens, vegetated swales, etc.) in parking areas and site driveways, and as part of any improvements to site frontages. In addition, ARC encourages the applicant team to ensure that the development promotes a functional, safe, clearly marked and comfortable pedestrian experience on all streets, paths and parking areas on the site. This framework can offer the potential for safe internal site circulation for employees on foot or by another alternative mode.

The intensity of this DRI generally aligns with the RDG's recommended range of densities and building heights in Developing Suburbs. In terms of land use, the project generally aligns with the RDG's recommendations for Industrial and Logistics Areas as well. This DRI's land use is also similar to nearby

clusters of warehouse/distribution development, including the facility across Creekwood Road to the east as well as facilities to the north along Oakley Industrial Boulevard and north of I-85. This project is located in a larger area that is experiencing demand for the development of warehouse/distribution and logistics facilities. However, much of the area adjacent to or near this site, especially to the west, south and southeast, is predominated by low-density residential uses, undeveloped land and farmsteads. While all adjacent properties are also in the City of Fairburn, some nearby residential and undeveloped areas are outside the City. Fairburn's leadership and staff, along with the applicant team, should therefore collaborate to balance the goal of new development with the need for sensitivity to nearby local governments, land uses and natural resources, to the greatest extent possible. Buffers and setbacks will be an important consideration as a result.

Additional ARC staff comments related to natural resources and transportation are attached to this report. These include comments regarding the project's location in the Line Creek Small Water Supply Watershed and associated requirements, as well as the blue line stream on the property (a tributary of Line Creek) and related requirements for the City and the applicant to be aware of. Other comments received during the review period are attached to this report as well.

Further to the above, regional policy recommendations for Developing Suburbs include:

- New development should connect to the existing road network and adjacent developments and use of cul-de-sacs or other means resulting in disconnected subdivisions should be discouraged
- Maximize the usefulness of existing recreational facilities in addition to providing new recreational opportunities
- Eliminate vacant or under-utilized parking areas through mechanisms such as out-parceling or conversion to community open space
- Use rain gardens, vegetated swales or other enhanced water filtration design to enhance the quality of stormwater run-off
- Identify other opportunities to foster a sense of community by developing town centers, village centers or other places of centralized location

Further to the above, as a strategic economic sector, the region should strive to protect Regional Industrial and Logistics Areas and ensure they are well served by the regional transportation network. These areas will see increased job growth in the form of industrial and logistics space. Strategies are needed to avoid residential and industrial conflicts while still allowing both uses in proximity to each other, without limiting the operations of industrial land users. Regional policy recommendations in the RDG for Industrial and Logistics Areas include:

- Protect Industrial and Logistics Areas by not allowing conflicting land uses in the vicinity
- Identify key areas to preserve for freight and industrial uses
- Continue to promote Industrial and Logistics Areas as a major resource in recruiting future economic development prospects to the region
- Ensure the continued efficiency of cargo and freight transport with easy connectivity to trucking and shipping routes through the region

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC COMMUNITY DEVELOPMENT
ARC RESEARCH & ANALYTICS
GEORGIA DEPARTMENT OF TRANSPORTATION
SOUTH FULTON CID
FAYETTE COUNTY
TOWN OF TYRONE

ARC TRANSPORTATION ACCESS & MOBILITY
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS
GEORGIA REGIONAL TRANSPORTATION AUTHORITY
THREE RIVERS REGIONAL COMMISSION
FULTON COUNTY

ARC NATURAL RESOURCES
GEORGIA DEPARTMENT OF NATURAL RESOURCES
METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY
COWETA COUNTY
CITY OF PALMETTO

If you have any questions regarding this review, please contact Andrew Smith at (404) 463-5581 or asmith@atlantaregional.com. This finding will be published to the ARC review website located at <http://www.atlantaregional.com/land-use/planreviews>



40 Courtland Street, NE
Atlanta, Georgia 30303
atlantaregional.com

Development of Regional Impact Assessment of Consistency with the Regional Transportation Plan

DRI INFORMATION

DRI Number 2665
DRI Title Saben Fairburn South Distribution Center
County Fulton County
City (if applicable) None / Unincorporated (City of South Fulton)
Address / Location South side of Riverside Drive between Fulton Industrial Blvd and Campbellton Road
Review Process ☒ EXPEDITED
 ☒ NON-EXPEDITED

REVIEW INFORMATION

Prepared by ARC Transportation Access and Mobility Division
Staff Lead Marquitrice Mangham
Copied David Haynes, Daniel Studdard
Date March 21, 2017

TRAFFIC STUDY

Prepared by CALYX
Date March 17, 2017

REGIONAL TRANSPORTATION PLAN PROJECTS

01. Did the traffic analysis incorporate all projects contained in the current version of the fiscally constrained RTP which are within the study area or along major transportation corridors connecting the study area with adjacent jurisdictions?

☒ YES (provide date of RTP project list used below and the page number of the traffic study where relevant projects are identified)

The RTP does not identify any projects planned or programmed in the project study area. The traffic analysis report includes three planned projects identified in locally adopted plans.

2019 FA-106 Oakley Industrial Full-Depth Reclamation Stalwart Dr to Bohannon Rd \$897,309 TSPLOST funded

2020 FS-AR-182 SR 74 (Senoia Road) at I-85 – Add turn lanes at the ends widening of bridge to include turn lanes \$47,648,961 Federal, State & Local funding

2017 FS-284 South Fulton Multi-modal Study \$325,000 Federal & Local funding

☐ NO (provide comments below)

REGIONAL NETWORKS

02. Will the development site be directly served by any roadways identified as Regional Thoroughfares?

A Regional Thoroughfare is a major transportation corridor that serves multiple ways of traveling, including walking, bicycling, driving, and riding transit. It connects people and goods to important places in metropolitan Atlanta. A Regional Thoroughfare's operations should be managed through application of special traffic control strategies and suitable land development guidelines in order to maintain travel efficiency, reliability, and safety for all users. In light of the special function that Regional Thoroughfares serve in supporting cross-regional and interjurisdictional mobility and access, the network receives priority consideration for infrastructure investment in the Metro Atlanta region. Any access points between the development and a Regional Thoroughfare, combined with the development's on-site circulation patterns, must be designed with the goal of preserving the highest possible level of capacity and safety for all users of the roadway.

☒ NO

☐ YES (*identify the roadways and existing/proposed access points*)

The site plan and traffic analysis indicates two (2) access points proposed on Creekwood Road. Creekwood Road is a local road and is not designated as a Regional Thoroughfare.

03. Will the development site be directly served by any roadways identified as Regional Truck Routes?

A Regional Truck Route is a freeway, state route or other roadway which serves as a critical link for the movement of goods to, from and within the Region by connecting airports, intermodal/multimodal facilities, distribution and warehousing centers and manufacturing clusters with the rest of the state and nation. These facilities often serve a key mobility and access function for other users as well, including drivers, bicyclists, pedestrians and transit users. A Regional Truck Route's operations should be managed through application of special traffic control strategies and suitable land development guidelines in order to maintain travel efficiency, reliability, and safety for all users. In light of the special function that Regional Truck Routes serve in supporting cross-regional and interjurisdictional mobility and access, the network receives priority consideration for infrastructure investment in the Metro Atlanta region. Any access points between the development and a Regional Truck Route, combined with the development's on-site circulation patterns, must be designed with the goal of preserving the highest possible level of capacity and safety for all users of the roadway.

☒ NO

☐ YES (*identify the roadways and existing/proposed access points*)

The site plan and traffic analysis indicates two (2) access points proposed on Creekwood Road. Creekwood Road is a local road and is not designated as a Regional Truck Route.

04. If the development site is within one mile of an existing rail service, provide information on accessibility conditions.

Access between major developments and transit services provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce congestion. If a transit service is available nearby, but walking or bicycling between the development site and the nearest station is a challenge, the applicable local government(s) is encouraged to make the route a funding priority for future walking and bicycling infrastructure improvements.

☒ NOT APPLICABLE (nearest station more than one mile away)

☐ RAIL SERVICE WITHIN ONE MILE (provide additional information below)

Operator / Rail Line [Click here to enter name of operator and rail line](#)

Nearest Station [Click here to enter name of station.](#)

Distance* ☐ Within or adjacent to the development site (0.10 mile or less)
☐ 0.10 to 0.50 mile
☐ 0.50 to 1.00 mile

Walking Access* ☐ Sidewalks and crosswalks provide sufficient connectivity
☐ Sidewalk and crosswalk network is incomplete
☐ Not applicable (accessing the site by walking is not consistent with the type of development proposed)

[Click here to provide comments.](#)

Bicycling Access* ☐ Dedicated paths, lanes or cycle tracks provide sufficient connectivity
☐ Low volume and/or low speed streets provide connectivity
☐ Route follows high volume and/or high speed streets
☐ Not applicable (accessing the site by bicycling is not consistent with the type of development proposed)

[Click here to provide comments.](#)

Transit Connectivity ☐ Fixed route transit agency bus service available to rail station
☐ Private shuttle or circulator available to rail station
☐ No services available to rail station
☐ Not applicable (accessing the site by transit is not consistent with the type of development proposed)

[Click here to provide comments.](#)

** Following the most direct feasible walking or bicycling route to the nearest point on the development site*

05. If there is currently no rail transit service within one mile of the development site, is nearby rail service planned in the fiscally constrained RTP?

Access between major developments and transit services provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce traffic congestion. If a transit agency operates within the jurisdiction and expansion plans are being considered in the general vicinity of the development site, the agency should give consideration to how the site can be best served during the evaluation of alignments and station locations. Proactive negotiations with the development team and local government(s) are encouraged to determine whether right-of-way within the site should be identified and protected for potential future service. If direct service to the site is not feasible or cost effective, the transit agency and local government(s) are encouraged to ensure good walking and bicycling access accessibility is provided between the development and the future rail line. These improvements should be considered fundamental components of the overall transit expansion project, with improvements completed concurrent with or prior to the transit service being brought online.

- ☐ NOT APPLICABLE (rail service already exists)
- ☐ NOT APPLICABLE (accessing the site by transit is not consistent with the type of development proposed)
- ☒ NO (no plans exist to provide rail service in the general vicinity)
- ☐ YES (provide additional information on the timeframe of the expansion project below)
 - ☐ CST planned within TIP period
 - ☐ CST planned within first portion of long range period
 - ☐ CST planned near end of plan horizon

[Click here to provide comments.](#)

06. If the development site is within one mile of fixed route bus services (including any privately operated shuttles or circulators open to the general public), provide information on walking and bicycling accessibility conditions.

Access between major developments and transit services provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce congestion. If a transit service is available nearby, but walking or bicycling between the development site and the nearest station is a challenge, the applicable local government(s) is encouraged to make the connection a funding priority for future walking and bicycling infrastructure improvements.

☐ NOT APPLICABLE (nearest bus, shuttle or circulator stop more than one mile away)

☒ SERVICE WITHIN ONE MILE (provide additional information below)

Operator(s) Marta Bus Service

Bus Route(s) 180

Distance* ☐ Within or adjacent to the development site (0.10 mile or less)

☐ 0.10 to 0.50 mile

☒ 0.50 to 1.00 mile

Walking Access* ☐ Sidewalks and crosswalks provide sufficient connectivity

☒ Sidewalk and crosswalk network is incomplete

☐ Not applicable (accessing the site by walking is not consistent with the type of development proposed)

Bus Transit service currently operates in the west side of I-85 south. No bus transit service is provided closer to the site. Pedestrian and bicycle facilities currently do not exist along Creekwood Road. The site plan and traffic study does not propose sidewalk along roadways adjacent to the development.

Bicycling Access* ☐ Dedicated paths, lanes or cycle tracks provide sufficient connectivity

☐ Low volume and/or low speed streets provide sufficient connectivity

☒ Route uses high volume and/or high speed streets

☐ Not applicable (accessing the site by bicycling is not consistent with the type of development proposed)

* Following the most direct feasible walking or bicycling route to the nearest point on the development site

07. Does a transit agency which provides rail and/or fixed route bus service operate anywhere within the jurisdiction in which the development site is located?

Access between major developments and transit services provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce traffic congestion. If a transit agency operates within the jurisdiction and a comprehensive operations plan update is undertaken, the agency should give consideration to serving the site during the evaluation of future routes, bus stops and transfer facilities. If the nature of the development is amenable to access by transit, walking or bicycling, but direct service to the site is not feasible or cost effective, the transit agency and local government(s) should ensure good walking and bicycling access accessibility is provided between the development and any routes within a one mile radius. The applicable local government(s) is encouraged to make these connections a funding priority for future walking and bicycling infrastructure improvements.

☐ NO

☒ YES

Yes. See question 6 above.

08. If the development site is within one mile of an existing multi-use path or trail, provide information on accessibility conditions.

Access between major developments and walking/bicycling facilities provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce traffic congestion. If connectivity with a regionally significant path or trail is available nearby, but walking or bicycling between the development site and those facilities is a challenge, the applicable local government(s) is encouraged to make the route a funding priority for future walking and bicycling infrastructure improvements.

☒ NOT APPLICABLE (nearest path or trail more than one mile away)

☐ YES (provide additional information below)

Name of facility

[Click here to provide name of facility.](#)

Distance

☐ Within or adjacent to development site (0.10 mile or less)

☐ 0.15 to 0.50 mile

☐ 0.50 to 1.00 mile

Walking Access*

☐ Sidewalks and crosswalks provide connectivity

☐ Sidewalk and crosswalk network is incomplete

☐ Not applicable (accessing the site by walking is not consistent with the type of development proposed)

[Click here to provide comments.](#)

Bicycling Access*

☐ Dedicated lanes or cycle tracks provide connectivity

☐ Low volume and/or low speed streets provide connectivity

☐ Route uses high volume and/or high speed streets

☐ Not applicable (accessing the site by bicycling is not consistent with the type of development proposed)

No multiuse trails are in the study area. The site plan depicts a proposed pervious walking trail within the development

* Following the most direct feasible walking or bicycling route to the nearest point on the development site

OTHER TRANSPORTATION DESIGN CONSIDERATIONS

09. Does the site plan provide for the construction of publicly accessible roadway connections with adjacent parcels?

The ability for drivers and bus routes to move between developments without using the adjacent roadway network can save time and reduce congestion. Such opportunities should be considered and proactively incorporated into development site plans whenever possible.

- ☐ YES (connections to adjacent parcels are planned as part of the development)
- ☐ YES (stub outs will make future connections possible when adjacent parcels redevelop)
- ☒ NO (the site plan precludes future connections with adjacent parcels when they redevelop)
- ☐ NOT APPLICABLE (adjacent parcels are not likely to develop or redevelop in the near future)
- ☐ NOT APPLICABLE (the nature of the development or adjacent parcels does not lend itself to interparcel roadway connections)

The development proposes industrial uses adjacent to existing residential uses. The site plan and traffic analysis indicate that no opportunities for future internal roadways connectivity with adjacent parcels is being proposed.

10. Does the site plan enable pedestrians and bicyclists to move between destinations within the development site safely and conveniently?

The ability for walkers and bicyclists to move within the site safely and conveniently reduces reliance on vehicular trips, which has congestion reduction and health benefits. Development site plans should incorporate well designed and direct sidewalk connections between all key destinations. To the extent practical, bicycle lanes or multiuse paths are encouraged for large acreage sites and where high volumes of bicyclists and pedestrians are possible.

- ☐ YES (sidewalks provided on all key walking routes and both sides of roads whenever practical and bicyclists should have no major issues navigating the street network)
- ☐ PARTIAL (some walking and bicycling facilities are provided, but connections are not comprehensive and/or direct)
- ☒ NO (walking and bicycling facilities within the site are limited or nonexistent)
- ☐ NOT APPLICABLE (the nature of the development does not lend itself to internal walking and bicycling trips)

The site plan and traffic analysis does not indicate bicycle and pedestrian facilities being provided internal to the development or along adjacent roadways. Any pedestrian traffic on site would appear to intermingle with vehicular traffic with no indication of separate facilities for the different modes.

11. Does the site plan provide the ability to construct publicly accessible bicycling and walking connections with adjacent parcels which may be redeveloped in the future?

The ability for walkers and bicyclists to move between developments safely and conveniently reduces reliance on vehicular trips, which has congestion reduction and health benefits. Such opportunities should be considered and proactively incorporated into development site plans whenever possible.

- ☐ YES (connections to adjacent parcels are planned as part of the development)
- ☐ YES (stub outs will make future connections possible when adjacent parcels redevelop)
- ☐ NO (the development site plan does not enable walking or bicycling to/from adjacent parcels)
- ☒ NO (the site plan precludes future connections with adjacent parcels when they redevelop)
- ☐ NOT APPLICABLE (adjacent parcels are not likely to develop or redevelop in the near future)
- ☐ NOT APPLICABLE (the nature of the development or adjacent parcels does not lend itself to interparcel walking and bicycling trips)

The site plan and traffic analysis does not indicate bicycle and pedestrian facilities being provided internal to the development or along adjacent roadways. Any pedestrian traffic on site would appear to intermingle with vehicular traffic with no indication of separate facilities for the different modes

12. Does the site plan effectively manage truck movements and separate them, to the extent possible, from the flow of pedestrians, bicyclists and motorists both within the site and on the surrounding road network?

The ability for delivery and service vehicles to efficiently enter and exit major developments is often key to their economic success. So is the ability of visitors and customers being able to move around safely and pleasantly within the site. To the extent practical, truck movements should be segregated by minimizing the number of conflict points with publicly accessible internal roadways, sidewalks, paths and other facilities.

- ☐ YES (truck routes to serve destinations within the site are clearly delineated, provide ample space for queuing and turning around, and are separated from other users to the extent practical)
- ☐ PARTIAL (while one or more truck routes are also used by motorists and/or interface with primary walking and bicycling routes, the site plan mitigates the potential for conflict adequately)
- ☒ NO (one or more truck routes serving the site conflict directly with routes likely to be used heavily by pedestrians, bicyclists and/or motorists)
- ☐ NOT APPLICABLE (the nature of the development will not generate a wide variety of users and/or very low truck volumes, so the potential for conflict is negligible)

The site plan shows two full movement access points on Creekwood Road. One access point (#1) located northernmost portion of the site, enters a vehicular parking lot providing access to one building. Access point one provides for separation among truck and vehicle traffic. The second access point (#2) provides vehicles and trucks with access throughout the site. The site plan and traffic analysis does not indicate bicycle and pedestrian facilities being provided internal to the development or along adjacent roadways. Any pedestrian traffic on site would appear to intermingle with vehicular

traffic with no indication of separate facilities for the different modes. Movement throughout the site is provided by one driveway that connects freight trucks and vehicles to designated parking areas.

Due to concerns regarding integrity of an existing bridge along Creekwood Road south of the site, trucks are prohibited from making right turn movements out of the development. Signage directing freight traffic from the development are provided internal to the site and along external roadways.

RECOMMENDATIONS

- 13. Do the transportation network recommendations outlined in the traffic study appear to be feasible from a constructability standpoint?**

- ☐ UNKNOWN *(additional study is necessary)*
☒ YES *(based on information made available through the review process; does not represent a thorough engineering / financial analysis)*
☐ NO *(see comments below)*

No transportation improvements were recommended in the transportation analysis.

- 14. Is ARC aware of any issues with the development proposal which may result in it being opposed by one or more local governments, agencies or stakeholder groups?**

- ☒ NO *(based on information shared with ARC staff prior to or during the review process; does not reflect the outcome of an extensive stakeholder engagement process)*
☐ YES *(see comments below)*

Click here to enter text.

- 15. ARC offers the following additional comments for consideration by the development team and/or the applicable local government(s):**

With the goal of safety and alternative mode accessibility in mind, it is the policy of the ARC to encourage sound transportation practices to be incorporated in each development. It is recommended that, where feasible, pedestrian connectivity within the development and along roadways adjacent to the proposed development be incorporated.



NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Sonny Deriso, GRTA
Dick Anderson, GRTA

Al Nash, GRTA
Bob Voyles, GRTA

To: Mayor Mario Avery, City of Fairburn
(via electronic mail and certified mail) John Barker, Red Rock Developments

From: Chris Tomlinson, GRTA Executive Director

Copy: Annie Gillespie, GRTA/SRTA
(via electronic mail) GRTA DRI Email (dri@grta.org)
Jon West, DCA
Andrew Smith, ARC
Marquitrice Mangham, ARC
Paul DeNard, GDOT District 7
Edlin Regis, GDOT District 7
Brendetta Walker, City of Fairburn
Tarika Peeks, City of Fairburn

Bobby Fountain, Shugart Industrial
Mark Shugart, Shugart Industrial
Bill Hare, Shugart Farms
Randall Parker, CALYX Engineers
Brian Brumfield, Eberly & Associates

Date: March 29, 2017

Re: DRI 2665 Saben Fairburn South Distribution Center

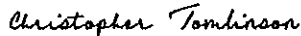
**Notice of Decision for
Request for Expedited Review of
DRI 2665 Saben Fairburn South Distribution Center**

The purpose of this notice is to inform Red Rock Developments (the Applicant), the City of Fairburn (the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 2665 Saben Fairburn South Distribution Center (the DRI Plan of Development). GRTA has completed an Expedited Review for the DRI Plan of Development pursuant to sections 3-101 and 3-102 of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-102.B.2. The DRI Plan of Development as proposed is **approved without conditions** by Expedited Review.

This decision will become final and no further review will be required, unless: (1) a request for review by the Land Development Committee is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-502 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, or (2) an appeal by the Applicant is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-501, or (3) an appeal by the local government is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-501. If GRTA staff receives a request for review or an appeal, you will receive another notice from GRTA, and the Land Development Committee will hear the appeal or request for Expedited Review at its May 10, 2017 regular meeting.

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the information presented during the Pre-Review and Methodology meeting on January 30, 2017, a trip generation/access analysis dated March 17, 2017 prepared by CALYX Engineers and a site plan dated March 14, 2017 titled "Saben Fairburn South Distribution Center" prepared by Eberly & Associates, both received by ARC on behalf of GRTA on March 20, 2017.

Approval of the above-referenced DRI by expedited review shall not constitute GRTA approval of any subsequent material modifications to the proposed DRI by the local government such that the proposed DRI is no longer eligible for approval by expedited review.

DocuSigned by:

5409E9A65D48476...

Chris Tomlinson
Executive Director
Georgia Regional Transportation Authority

Exhibit A

Zoning Legal Description for Saben South Fulton Distribution Facility

All that tract or parcel of land lying and being in Land Lots 164 and 165 of the 7th District, city of Fairburn, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point located at the intersection of the Westerly right-of-way line of Creekside Road (50-foot right-of-way) and the Northerly right-of-way line of Clecker Road (50-foot right-of-way), said point being the TRUE POINT OF BEGINNING; Thence along said right-of-way line of Clecker Road South 83 degrees 48 minutes 57 seconds West, a distance of 257.81 feet to a point; Thence along a curve to the right having an arc length of 125.88 feet, with a radius of 1041.43 feet, being subtended by a chord bearing of South 87 degrees 16 minutes 43 seconds West, for a distance of 125.80 feet to a point; Thence North 89 degrees 41 minutes 25 seconds West, a distance of 198.31 feet to a point; Thence North 89 degrees 45 minutes 46 seconds West, a distance of 324.67 feet to a point; Thence South 89 degrees 35 minutes 34 seconds West, a distance of 561.13 feet to a point at the intersection with the Northeasterly right-of-way line of John Seaborn Road (variable right-of-way); Thence along said right-of-way line North 40 degrees 22 minutes 55 seconds West, a distance of 357.78 feet to a point; Thence North 40 degrees 22 minutes 55 seconds West, a distance of 572.89 feet to a point; Thence North 13 degrees 34 minutes 13 seconds West, a distance of 501.66 feet to a point; Thence departing the Northeasterly right-of-way line of John Seaborn Road South 62 degrees 32 minutes 24 seconds West, a distance of 537.96 feet to a point located on the Northeasterly right-of-way line of Clecker Road (50-foot right-of-way); Thence along said right-of-way line North 37 degrees 58 minutes 13 seconds West, a distance of 80.66 feet to a point; Thence North 33 degrees 55 minutes 07 seconds West, a distance of 65.49 feet to a point; Thence North 44 degrees 59 minutes 04 seconds West, a distance of 142.12 feet to a point located on the Southeasterly right-of-way line of U.S. Interstate 85; Thence along said right-of-way North 62 degrees 30 minutes 18 seconds East, a distance of 1242.61 feet to a point; Thence along a curve to the left having an arc length of 436.53 feet, with a radius of 7462.23 feet, being subtended by a chord bearing of North 60 degrees 49 minutes 45 seconds East, for a distance of 436.47 feet to a point; Thence along a curve to the left having an arc length of 109.72 feet, with a radius of 7462.23 feet, being subtended by a chord bearing of North 58 degrees 43 minutes 55 seconds East, for a distance of 109.72 feet to a point; Thence along a curve to the left having an arc length of 731.14 feet, with a radius of 23381.26 feet, being subtended by a chord bearing of North 57 degrees 24 minutes 54 seconds East, for a distance of 731.11 feet to a point; Thence North 55 degrees 13 minutes 03 seconds East, a distance of 718.79 feet to a point located on the Westerly right-of-way line of Creekside Road (50-foot right-of-way); Thence along said right-of-way South 02 degrees 16 minutes 04 seconds East, a distance of 409.86 feet to a point; Thence South 00 degrees 11 minutes 48 seconds East, a distance of 83.11 feet to a point; Thence South 00 degrees 11 minutes 48 seconds East, a distance of 413.38 feet to a point; Thence South 00 degrees 48 minutes 52 seconds West, a distance of 75.25 feet to a point; Thence South 00 degrees 48 minutes 52 seconds West, a distance of 275.55 feet to a point; Thence South 00 degrees 44 minutes 23 seconds West, a distance of 304.28 feet to a point; Thence South 00 degrees 13 minutes 32 seconds West, a distance of 242.63 feet to a point; Thence along a curve to the left having an arc length of 265.65 feet, with a radius of 5402.75 feet, being subtended by a chord bearing of South 01 degrees 52 minutes 38 seconds East, for a distance of 265.63 feet to a point; Thence departing said right-of-way North 89 degrees 03 minutes 02 seconds West, a distance of 312.58 feet to a point; Thence South 01 degrees 42 minutes 28 seconds East, a distance of 281.47 feet to a point; Thence South 89 degrees 07 minutes 32 seconds East, a distance of 323.73 feet to a point located on the Westerly right-of-way line of Creekside Road (50-foot right-of-way); Thence along said right-of-way South 04 degrees 04 minutes 58 seconds East, a distance of 112.57 feet to a point; Thence South 04 degrees 10 minutes 26 seconds East, a distance of 145.86 feet to a point; Thence South 04 degrees 10 minutes 26 seconds East, a distance of 159.61 feet to a point; Thence South 03 degrees 06 minutes 30 seconds East, a distance of 11.59 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 99.012 Acres.

August 21, 2017

RECEIVED

AUG 23 2017

VIA EMAIL TO: tpeeks@fairburn.com
AND FIRST CLASS MAIL

Initial: _____

Tarika Peeks
City of Fairburn Planner
Planning and Zoning Department
26 West Campbellton Street
Fairburn, GA 30213

RE: Saben LLC rezoning 17 RZ-001

Dear Tarika:

As you know, on August 16, 2017, I directed a letter to Mayor and Council concerning the above-referenced pending rezoning application. In this letter, I alerted the Mayor and Council to the fact that Saben would be requesting a deferral of its zoning application when it comes on for public hearing August 28, 2017. I further indicated that we would be requesting a deferral to October 23, 2017. Upon further reflection and discussion as to what needs to be accomplished to provide meaningful information to staff, the community and Council, we believe that a 90 day deferral to the November 27th zoning hearings would be more appropriate. Within that 90 day period we hope to accomplish the following:

- Have a sound study performed to ascertain baseline noise at the property and the incremental sound impact, if any, from the proposed project;
- Fine tune the existing traffic analysis to provide more specific information about truck traffic expectations for the proposed project;
- Provide data concerning property values for residential properties within the immediate vicinity and provide a comparative impact analysis for the proposed project compared with an AG-1 residential development;
- Conduct individual follow up meetings with concerned residents;
- Meet with individual council people to discuss project comprehensively and address any concerns in a thorough responsive manner.

Ms. Tarika Peek
August 21, 2017
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I ask that this revised deferral request be shared with the Mayor and Council before next Monday's meeting. Thank you and please let me know if we need to provide any additional information as this matter moves toward the Mayor and Council meeting.

Sincerely yours,

DUNLAVY LAW GROUP, LLC



Linda I. Dunlavy
Attorney for Saben, LLC

LID: ppl

cc: Mark Shugart
John Barker