



**CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
August 28, 2017
6:00 P.M.**

WORKSHOP AGENDA

I. Council Discussion

- 1. LCI Design Services Guidelines (Engineering)**
- 2. Reverse-Angled Parking on US-29 (Engineering)**

II. Agenda Items for Council Meeting at 7:00 pm

III. Adjourn to Regular Meeting

CITY OF FAIRBURN



LCI DESIGN SERVICES

Design Guidelines

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BENCHES

RMS-24

Steelsites RB Collection
www.victorystanley.com

Recycled Solid Steel Bar
6' (1.8m) Length
Surface Mounted

\$1496 per Bench



Towne Square Bench

Brian Kane
www.landscapeforms.com

Tubular and Sheet Steel
70" (1.7m) Length
Perforated Seat Style
Surface Mounted

\$1355 per Bench



Parc Vue Bench

John Rizzi
www.landscapeforms.com

Sheet Steel
72" (1.8m) Length
Surface Mounted

\$1505 per Bench



TRASH RECEPTACLES



RB-36

Steelsites RB Collection
www.victorystanley.com

36 Gallon (136 L) Capacity
Interior Plastic Liners

Rain Bonnet Lid Recommended

\$896 per Receptacle

2



Parc Vue Litter Receptacle

John Rizzi
www.landscapeforms.com

40 Gallon (151L) Capacity
Interior Liners
Surface Mounted

Side Opening Lid Recommended

\$795 per Receptacle

BIKE RACKS

BK-4

Prairie Sites Collection
www.victorystanley.com

Recycled Solid Steel Bar/Tubular Steel
7 Bicycle Capacity
Surface Mounted

\$996 per Bike Rack



3

BRNS-301

Cycle Sentry Collection
www.victorystanley.com

Tubular Steel Pipe
2 Bicycle Capacity
Surface Mounted

Customization Available

\$272 per Bike Rack



VEHICULAR LIGHTING



Existing Roadway Lighting

Located throughout Downtown Fairburn

4



GLEON Galleon LED

EATON
www.cooperindustries.com

PEDESTRIAN LIGHTING

Existing Pedestrian Lighting 1A

Located in the GMC Campus

18' (approx.) Fluted Post
Gray Color



Existing Pedestrian Lighting 1B

Located in Downtown Fairburn

14' (approx.) Fluted Post
Black Color



Pedestrian Lighting 2

Located in Downtown Fairburn Plaza

16' (approx.) Fluted Post
Black Color



BOLLARD LIGHTING



SOLANA SL360 Bollard

SternbergLighting
www.sternberglighting.com

BRICK PAVERS

Downtown Statesville Streetscape

Statesville, NC

- Concrete Sidewalks with Brick Banding/Accents
- Turfgrass and Groundcovers

Photo Credit:

http://mcgillengineers.com/wp-content/uploads/2014/07/Statesville_streetscape.jpg



Main Street Streetscape

Greensburg, KS

7

- Even Mix of Concrete and Brick Sidewalks
- Green Infrastructure
- Raised Planters
- Ornamental Grasses, Groundcovers, Trees

Photo Credit:

<https://www.asla.org/2011awards/480.html>



City of Montgomery Streetscape

Montgomery, OH

- Brick Paver Sidewalk
- Tree Wells

Photo Credit:

<http://www.stonecreeklandscapecompany.com/commercial>



PERMEABLE PAVERS



Exisitng Permeable Pavers

Located at GMC Parking Lot



Aqua-Bric

8

BELGARD
www.belgard.com



Eco Dublin

BELGARD
www.belgard.com

COBBLESTONE PAVERS

Granite Cobblestone

Photo Credit:

<http://www.genesispaving.co.za/brick-block-cobble-flagstone-pavers/example-of-cobblestone-pavers-random-edge-textured-grey/>



9

Rounded Rectangle Cobblestone

Photo Credit:

<http://www.myyardrocks.com/>



Rounded Square Cobblestone

Photo Credit:

[https://fthmb.tqn.com/7F_H5P3YtqOyL5Nt77h-80GvOFXI=/960x0/filters:no_upscale\(\)/about/cobble1-500x401-56a758685f9b58b7d0e963be.jpg](https://fthmb.tqn.com/7F_H5P3YtqOyL5Nt77h-80GvOFXI=/960x0/filters:no_upscale()/about/cobble1-500x401-56a758685f9b58b7d0e963be.jpg)



GRANITE WALLS



Stacked Stone Finish

Photo Credit:
<http://www.fischerlrd.com/wp-content/uploads/2016/05/fredwallw.jpg>



Smooth Finish

Photo Credit:
<https://s-media-cache-ak0.pinimg.com/originals/f0/7c/1d/f07c1d810474cee5f56690dca1260005.jpg>

10



Rough Finish

Photo Credit:
http://www.freshwaterstone.com/wp-content/uploads/2016/08/PA081938_edited-1.jpg



Belgard Environmental Product



BELGARD®
— COMMERCIAL —

Aqua-Bric® Environmental Collection



Beauty, functionality and quality are hallmarks of the Belgard® Commercial brand, and our Environmental Collection of permeable pavers is no exception. Belgard permeable pavers combine the best of Belgard with innovative stormwater management for a superior product line that provides sustainable solutions and aesthetically appealing designs.

ADA COMPLIANT



LT. VEHICULAR—80MM



MECHANICAL INSTALLATION





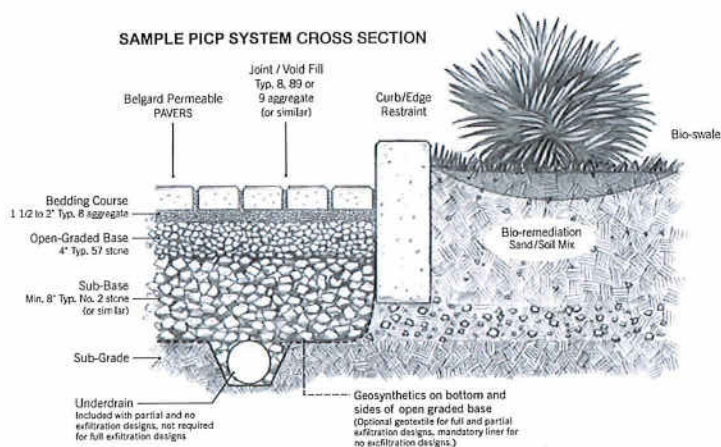
Aqua-Bric® Permeable Paver

Basic in form, with a clean, modular shape, Aqua-Bric® permeable pavers are an attractive, yet practical choice, easily adaptable to a wide range of design options. Strength and durability are combined with environmental compatibility, resulting in a permeable paver that's ideally suited for pedestrian or light vehicular applications.

Reg. TM of Advanced Pavement Technology, Inc.

Benefits of Belgard® Permeable Paving Stone Systems

- On the US Environmental Protection Agency's (EPA) menu for structural Low Impact Development (LID) BMPs
- Can contribute toward several LEED NC-2009 points
- Reduces stormwater runoff by up to 100%
- Can be used to achieve total maximum daily load (TMDL) limits for a range of pollutants
- Certified SRI colors reduce heat island effect
- Can reduce or eliminate the need for traditional drainage and detention requirements, saving space and money
- Can be designed to accommodate all native soil types
- 50-year design life based on proven field performance

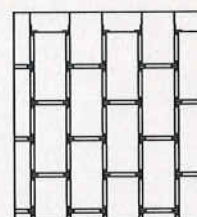


The availability of specific aggregate will often vary from region to region. In cases where it becomes necessary to substitute a similar size, your project engineer should always be consulted.

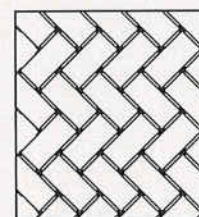


Shape

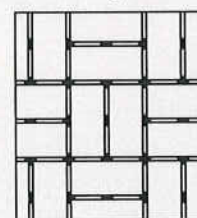
4 15/16" x 9 7/8" x 3 1/8"
(125mm x 250mm x 80mm)



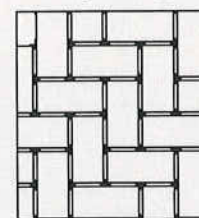
Running Bond



Herringbone 45 Degree

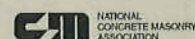


Basket Weave



Herringbone 90 Degree

Laying Patterns



Belgard Hardscapes
375 Northridge Rd. Ste. 250
Atlanta, GA 30350
877-235-4273

For more info visit: www.belgardcommercial.com

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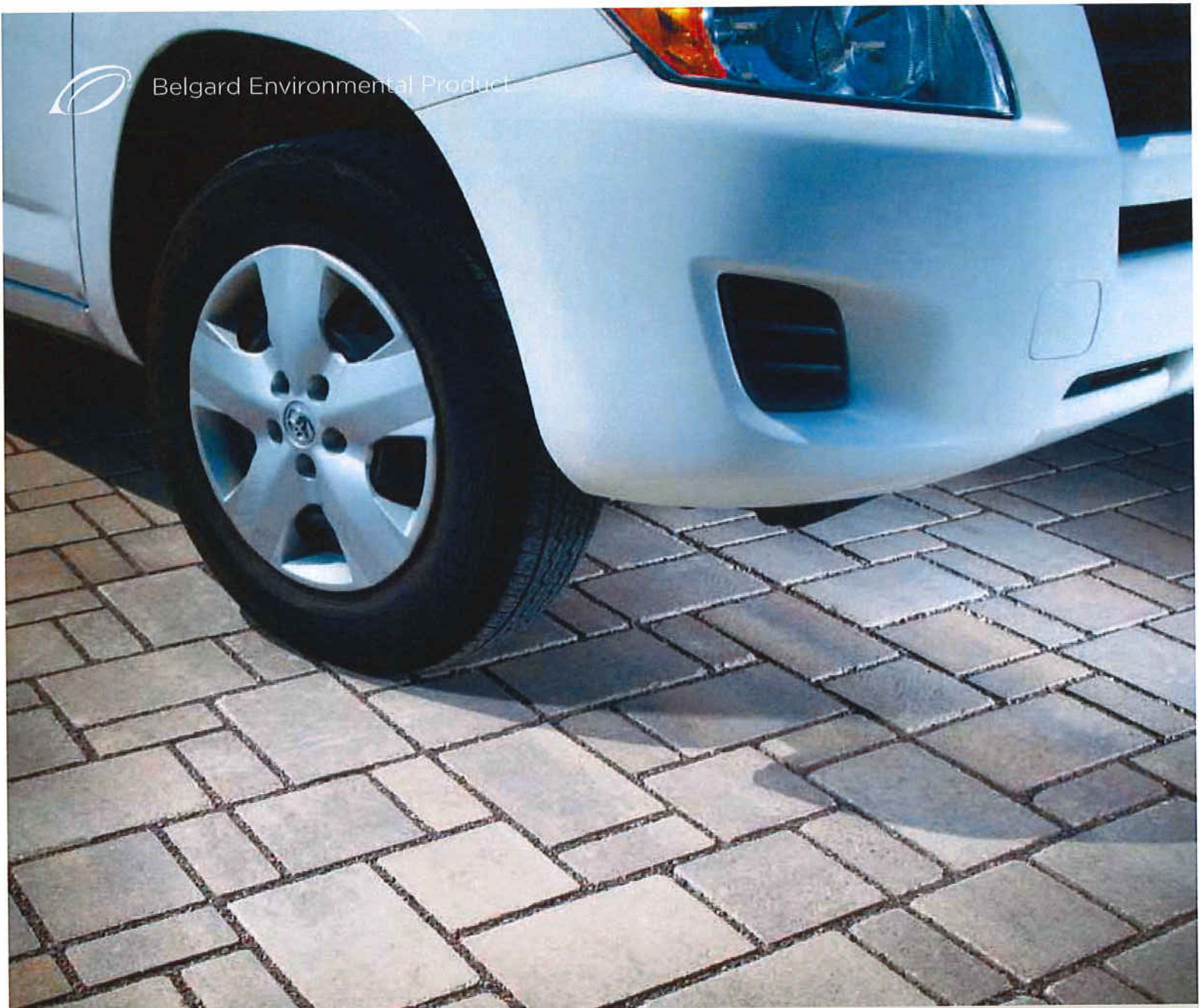


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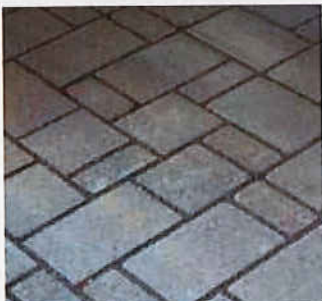


Belgard Environmental Product



BELGARD®
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Eco Dublin™ Environmental Collection



Beauty, functionality and quality are hallmarks of the Belgard® Commercial brand, and our Environmental Collection of permeable pavers is no exception. Belgard permeable pavers combine the best of Belgard with innovative stormwater management for a superior product line that provides sustainable solutions and aesthetically appealing designs.

ADA COMPLIANT



LT. VEHICULAR—80MM



MECHANICAL INSTALLATION



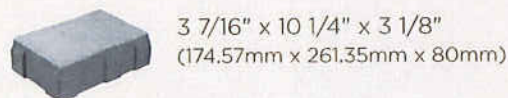
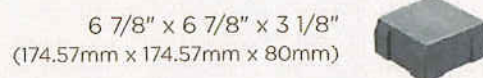
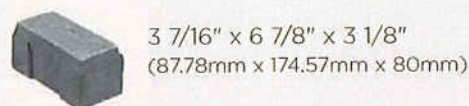
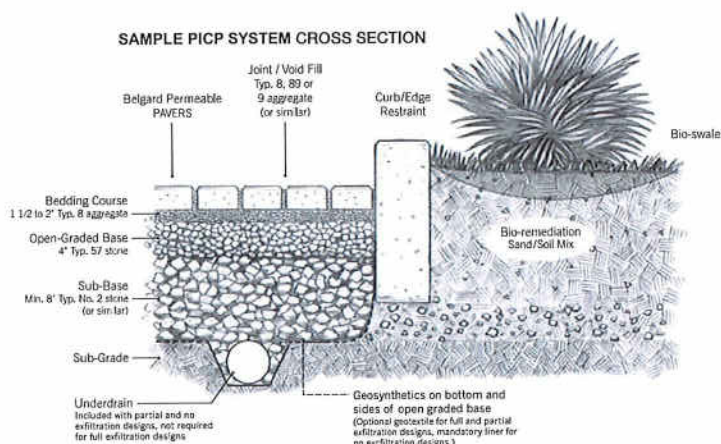


Eco Dublin™

Smart-looking style meets smart science. The classic look of cut stone and contemporary materials technology combine in Eco Dublin™, the latest addition to Belgard's Environmental Series of permeable pavers.

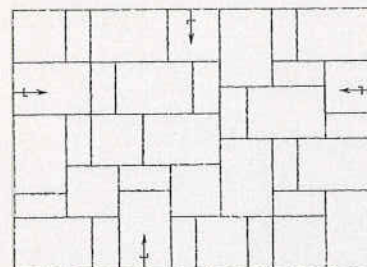
Benefits of Belgard® Permeable Paving Stone Systems

- On the US Environmental Protection Agency's (EPA) menu for structural Low Impact Development (LID) BMPs
- Can contribute toward several LEED NC-2009 points
- Reduces stormwater runoff by up to 100%
- Can be used to achieve total maximum daily load (TMDL) limits for a range of pollutants
- Certified SRI colors reduce heat island effect
- Can reduce or eliminate the need for traditional drainage and detention requirements, saving space and money
- Can be designed to accommodate all native soil types
- 50-year design life based on proven field performance



Shapes

(All three shapes come in each bundle.)



Mechanical Installation Laying Pattern



Belgard Hardscapes
375 Northridge Rd. Ste. 250
Atlanta, GA 30350
877-235-4273

For more info visit: www.belgardcommercial.com

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To:	City of Fairburn	From:	Andrew Kohr
	Office of Community Development		Stantec
File:	178202090	Date:	August 21, 2017

Reference: Information Concerning Reverse-Angled (Back In) Parking

The City of Fairburn is in the process of improving a portion of US29 (Broad Street) and adjacent side streets as part of a Livable Centers Initiative (LCI) Implementation Plan. Fairburn received implementation funding based on the successful completion of their 2009 and 2012 master plans. During the master planning process reverse angled parking (also known as back in parking) was identified as a new design feature for West Broad Street (US29) between Dodd and Smith Streets.

Following a presentation to downtown business leaders, city staff, and city council members, Stantec was asked to provide additional information on the reverse angled parking as well as existing locations.

Technical and Safety Information

The following are technical memos and articles discussing the safety advantages of reverse angled parking:

<http://nyc.streetsblog.org/2008/01/03/the-case-against-pull-in-angle-parking/>

http://www.pedbikeinfo.org/data/faq_details.cfm?id=3974

<https://www.eugene-or.gov/DocumentCenter/View/3332>

<http://villarica.org/pview.aspx?id=21055&catid=0>

<http://www.ci.davidson.nc.us/1080/Reverse-Angle-Parking>

<http://charlottenc.gov/Transportation/Programs/Documents/RAP%20Brochure.pdf>

<http://www.greatstreetsstlouis.net/mixed-use-district-design/choices-guidelines/parking>

Locations of Reverse-Angled Parking

The following is a sample of various locations across the United States that have implemented this type of parking.

- Villa Rica, Georgia (Along West Wilson Street from Westview to Carroll)
- Wauwatosa Village, WI (Harwood and Underwood Streets)
- Davidson, NC (Jetton Street between Exxon Station and Gethsemane Baptist Church)
- Macon, GA (Third Street between Pine and Oak)
- Charlotte, NC (Commonwealth Ave between Pecan and The Plaza)
- Charlotte, NC (Ridge Road in Prosperity Village)
- St. Louis, MO (Kiener Plaza)



August 21, 2017
City of Fairburn
Page 2 of 2

Reference: Information Concerning Reverse-Angled (Back In) Parking

- Chattanooga, TN (Broad Street) – entire downtown is being converted to reverse angled parking
- Cary, NC (multiple locations) – note that Cary has now outlawed all traditional head-in angled parking
- Memphis, TN (multiple locations)
- St. Joseph, Missouri (Felix Street)
- Kansas City, MO (McGee Street between 17th and 20th Streets)
- Austin, TX (East Deen Keeton Street, South Congress Ave, East Eighth Street, East Avenue, 4th Street, 9th Street, and 10th Street)
- Springfield, MO (Commercial Street)
- Knoxville, TN – no longer allows traditional head-in angled parking
- Cary, NC

Andrew Kohr
Senior Landscape Architect
Phone: (770) 492-2667
Fax: (770) 813-0688
Andrew.Kohr@stantec.com

Attachment: Attachment

c. C.C.



**CITY OF FAIRBURN
CITY HALL
56 Malone Street
Fairburn, GA 30213
August 28, 2017
7:00 P.M.**

REGULAR AGENDA

The Honorable Mayor Mario Avery

The Honorable Lydia Glaize
The Honorable 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 CALLED TO ORDER:**
- II. ROLL CALL:**
- III. INVOCATION:**
- IV. PLEDGE OF ALLEGIANCE:**
- 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 six (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:**

VIII. APPROVAL OF CITY COUNCIL MINUTES: City Council Minutes of July 24, 2017 and August 14, 2017 will be presented at the September 11, 2017 City Council Meeting

IX. PUBLIC HEARING:

1. Use Permit 17U-001 & 17CV-002 – Clayton Ministries (Planning)
2. Rezoning 17RZ-001 – Saben, LLC (Planning)

X. AGENDA ITEMS:

3. Text Amendment 17TA-003 – Cluster Mailbox Units Ordinance (Planning)
4. Discussion on the Comprehensive Managed Services for IT & GIS Request for Proposal (Mayor)
5. Service Agreement with Perfect Events 4 You, LLC (Parks & Rec)
6. Sale of Bucket Truck (Utilities)

XI. COMMENTS FROM COUNCIL:

XII. ADJOURN:

XIII. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION OR 3) REAL ESTATE



**CITY OF FAIRBURN
MAYOR AND CITY COUNCIL
AGENDA ITEM**

SUBJECT: USE PERMIT 17U-001 & 17CV-002 – Clayton Ministries

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

Planning and Zoning Commission Meeting: 08.08.17 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 Use Permit petition to allow a church at 7875 Bohannon Road, with a concurrent variance to allow parking within the minimum front yard setback.

DESCRIPTION: The applicant is seeking to construct a one story, 7,655 SF place of worship on 5.64 acres. The site will be developed in two phases. Phase I will include 4,655 SF fellowship hall, parking, and stormwater facility. Phase II will include 3,000 SF sanctuary and parking.

FACTS AND ISSUES: The Zoning Ordinance, Article IV, Section 80-171, requires a church to obtain a Use Permit through the approval of an administrative permit by the City Council. A church, temple, or place of worship is allowed in all zoning districts, upon the approval of a Use Permit.

RECOMMENDED ACTION: For the Mayor and City Council to **APPROVE CONDITIONAL** a Use Permit to allow a church at 7875 Bohannon Road, with a concurrent variance to allow parking within the minimum front yard setback.

Use Permit Petition 17U-001 & 17CV-002

APPLICANT/PETITIONER INFORMATION

Applicant: Clayton Ministries

Property Owner: Clayton Ministries, Inc./Souls for Christ.

PROPERTY INFORMATION	
Address, Land Lot(s), and District:	7875 Bohannon Road (09F080000280369) Land Lot 28, District 6th
Area:	Approximately 5.64 acres
Current Zoning and Use:	AG-1 (Agricultural District)
Overlay District:	N/A
Comprehensive Plan/Future Development Use:	Rural Residential
Proposed Zoning:	AG-1 (Agricultural District)

MEETING & HEARING DATES

Planning & Zoning Commission Meeting: August 8, 2017

Mayor & Council Hearing: August 28, 2017

PLANNING AND ZONING COMMISSION

The petition was heard at the Planning and Zoning Commission meeting on the August 8, 2017. The Commission recommended **APPROVAL CONDITIONAL** of the request for a Use Permit and concurrent variance to allow parking within the minimum front yard setback.

INTENT

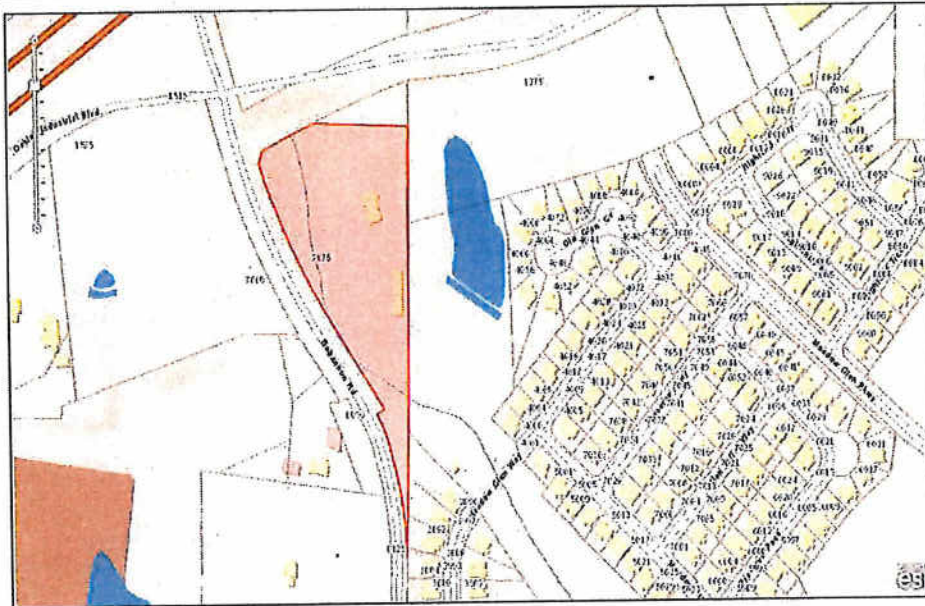
The petitioner is requesting a Use Permit to allow a church to be located on the above-mentioned property. The applicant is also requesting a concurrent variance as follows:

1. Section 80-203(b) (2) to allow parking within the minimum front yard setback. (17CV-002)

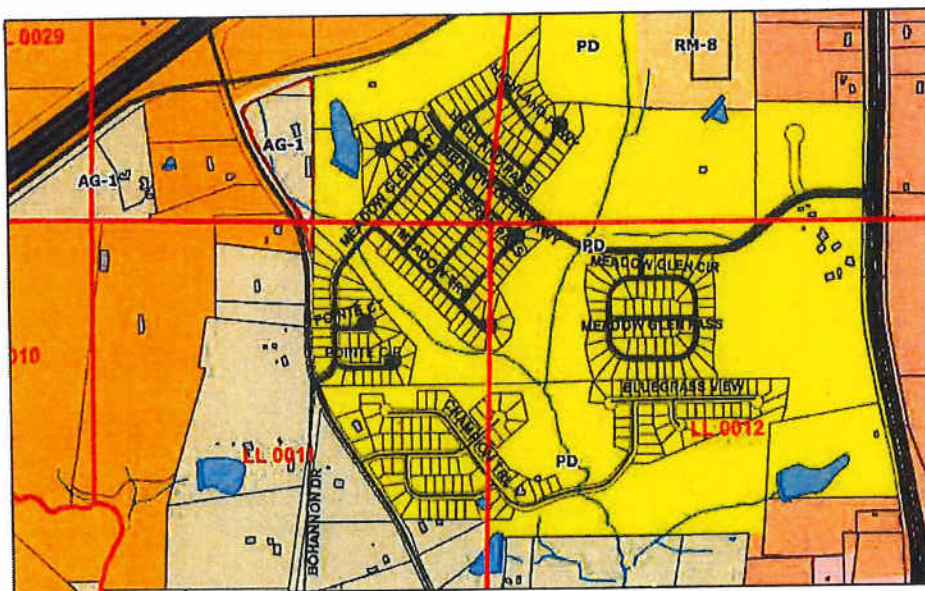
EXISTING LAND USE OF ABUTTING PROPERTIES

North: M-1 (Light Industrial District)
East: PD (Planned Development District) and C-2 (General Commercial)
South: PD (Planned Development District) and AG-1 (Agricultural District)
West: M-1 (Light Industrial District) and AG-1 (Agricultural District)

Parcel Map



Zoning Map



USE PERMIT

Section 80-172 Use Permit Considerations: Staff has reviewed said items pertaining to the subject use, and offers the following comments:

1. *Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;*

Prepared by the City of Fairburn Planning and Zoning Office for the City Council Meeting on August 28, 2017

The staff is of the opinion that the proposed use is consistent with the intent of the Future Development Map. The property is designated as Rural Residential. The residential land use character area lists churches as an appropriate use.

2. *Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;*

The area consists of M-1 (Light Industrial District) to the north; PD (Planned Development District) and C-2 (General Commercial District) to the east; PD (Planned Development District) and AG-1 (Agricultural District) to the south and M-1 (Light Industrial District) and AG-1 (Agricultural District) to the west. The proposal is compatible with the surrounding land uses and zoning district. The use would also offer a transition between the industrial uses and the residential uses to the west. The properties to the south are currently zoned AG-1 with single-family residential uses on the properties.

3. *Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;*

The proposed use does not violate any known statutes, ordinances or regulations governing land development.

4. *The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;*

The proposed use may affect the traffic flow on Oakley Industrial Boulevard and Bohannon Road. Staff has acknowledged this concern and will be addressing the potential issues in detail during the Land Disturbance Permit phase of the project. The proposed use would generate more traffic during the church's peak hours than a single-family residential use. The property frontage currently does not have sidewalks. The applicant is required to install sidewalks along all property frontages.

5. *The location and number of off-street parking spaces;*

All parking will be contained on site. The proposed site plan shows the 64 parking spaces, including 4 handicap parking spaces. The applicant will be required to comply with the off-street parking requirements. The applicant is requesting a variance from the use permit section of the ordinance to allow a portion of the parking area to be located in the front setback along Oakley Industrial Blvd.

6. *The amount and location of open space;*

The site is 5.64 acres with approximately 4.62 acres of open space. The total impervious area is 1.02 acres.

7. *Protective screening;*

The Use Permit standards, Section 80-203: Churches, Temples or Place of Worship requires a twenty-five (25) feet buffer adjacent to single family residential zoned properties.

8. *Hours and manner of operation;*

The hours of operation will be consistent with a typical church.

9. *Outdoor lighting; and*

The outdoor lighting will be required to meet the minimum requirements of the City's regulations.

10. *Ingress and egress to the property*

The one (1) ingress/egress point for the property is located on Bohannon Road.

Standards for Variance Consideration

Section 80-287 of the City's Zoning Ordinance includes one or more criteria, which must be met before a variance, can be approved:

1. Section 80-203(b) (2) to allow parking within the minimum front yard setback.

A. "Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."

Relief from this requirement is in harmony with the intent of the Zoning Ordinance and would not be a detriment to the public as the parking lot encroachment into the front yard setback allows the applicant to pull the impervious surface away from the stream buffer. The property also has two frontages. Each road frontage is considered a front yard. Therefore, based on these considerations, staff is of the opinion **this condition has been satisfied.**

B. "The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."

The property is triangular shaped and has two (2) road frontages (Oakley Industrial Blvd and Bohannon Road). The property slopes towards the stream located along the western property line (Bohannon Road). The lot has some significant topography changes along the stream buffer. The proposed buildings have been moved towards the rear of the site to avoid encroachment into the stream buffer. Therefore, based on these considerations, **staff is of the opinion that this condition has been satisfied.**

C. "Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from adjoining public road".

Not applicable.

RECOMMENDATION

It is the opinion of the staff that the use permit request is in conformity with the current Future Land Use Map, which recommends Rural Residential. The proposal is consistent with policies in the Comprehensive Plan to allow a church. The church would be consistent with the surrounding properties and provide a transition from the industrial to residential areas. Therefore, based on these reasons, staff recommends **APPROVAL CONDITIONAL** of the use permit and concurrent variance petition.

Should the Mayor and City Council decide to approve the use permit on the subject property to allow a church, the staff recommends the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To restrict the use of the subject property as follows:
 - a. To allow a church at a density of 1,357.27 square feet an acre.
2. To abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 5, 2017. Said site plan is **conceptual only** and must **meet or exceed** the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

To allow the following site development standards (17CV-002):

3. To allow parking within the minimum front yard setback adjacent to Oakley Industrial Blvd.

ATTACHMENTS

Letter of Intent
Application
Conceptual Plan
Site photographs

174-001

SCANLON
ENGINEERING SERVICES, INC.

221 East Bank Street
Griffin, Georgia 30224
678-967-2051 office / 678-967-2053 fax
www.scanloneng.com

June 5, 2017

Ms. Tarika Peeks
Fairburn City Planner
56 Malone Street
Fairburn, Georgia 30213

**RE: Letter of Intent for Clayton Ministries, Inc.
Fairburn, Georgia**

Ms. Peeks:

On behalf of the applicant, Pastor Hayes Clayton, Sr., Scanlon Engineering Services, Inc. (SES) is pleased to submit a Use Permit Application and supporting documents to the City of Fairburn Planning & Zoning Commission for approval to construct a one story, 7,655 SF place of worship on 5.64 acres located at 7875 Bohannon Road, Fairburn, Georgia 30213. The property is zoned AG-1 Agricultural. The Parcel ID Number is 09F080000280369.

The site will be developed in two phases. Phase 1 will include a $\pm 4,655$ SF fellowship hall, parking, and stormwater treatment facility. The fellowship hall will have 132 seats. Phase 2 will include a $\pm 3,000$ SF sanctuary and parking. The sanctuary will have 255 seats.

Please confirm the submitted application will be heard by at the Fairburn Planning & Zoning Commission Meeting scheduled for 7 PM, August, 2017.

The owner is:

Clayton Ministries, Inc.
Pastor Hayes Clayton, Sr.
444 Todd Road
Greenville, Georgia 30222
404-822-3506
hclaytonsr@gmail.com

194-001



City of Fairburn
Use Permit Application

Date Received: 6/5/17

APPLICANT INFORMATION

APPLICANT NAME: CLAYTON MINISTRIES, INC. ATT: PASTOR HAYES CLAYTON, SR
ADDRESS: 7875 BOHANNON RD, FAIRBURN, GA 30213
PHONE: 706-672-0335 CELL: 404-822-3506 FAX: N/A
EMAIL ADDRESS: hclaytonsr@gmail.com

OWNER INFORMATION (If different from Applicant)

OWNER NAME: SAME AS ABOVE
ADDRESS: _____
PHONE: _____ CELL: _____ FAX: _____
EMAIL ADDRESS: _____

PROPERTY INFORMATION (attach legal description)

ADDRESS: 7875 BOHANNON RD, FAIRBURN, GA 30213
PARCEL ID#: 09F080000280369 LAND LOT: 28 DISTRICT: 6th

USE PERMIT REQUEST

CURRENT ZONING: AG-1 CURRENT LAND USE: RESIDENTIAL
PROPOSED LAND USE: PLACE OF WORSHIP

CITY OF FAIRBURN

56 SW Malone Street, Fairburn, GA 30213-1341 | (770)964-2244 | Fax (770)969-3484 |
www.fairburn.com



17CV-002

City of Fairburn
Variance ApplicationDate Received: 6/5/17APPLICANT INFORMATION

APPLICANT NAME: Clayton Ministries, Inc
ADDRESS: 7875 Bohannon Rd Fairburn, GA 30213
PHONE: 706-672-0335 CELL: 404-822-3506 FAX: _____
EMAIL ADDRESS: hclaytonsr@gmail.com

OWNER INFORMATION (If different from Applicant)

OWNER NAME: SAME AS ABOVE
ADDRESS: _____
PHONE: _____ CELL: _____ FAX: _____
EMAIL ADDRESS: _____

PROPERTY INFORMATION (attach legal description)

ADDRESS: 7875 Bohannon Rd Fairburn, GA 30213
PARCEL ID#: 09F0800080369 LAND LOT: 28 DISTRICT: 6th

VARIANCE REQUEST

TYPE OF VARIANCE REQUESTED (circle one):

Minor
VariancePrimary
VarianceSecondary Variance /
InterpretationConcurrent
VarianceLandscaping
Variance

DESCRIPTION OF VARIANCE REQUESTED: To allow parking within
the minimum front yard setback

174-001



City of Fairburn
Use Permit Application

IMPACT ANALYSIS

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

YES

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

NO

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

YES

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

NO

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

USE YES

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

THERE ARE NO EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY

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

NO

CITY OF FAIRBURN



City of Fairburn
Use Permit Application

174-001

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: Clayton Ministries Inc

HAYES CHAYTON, SR

Type or Print Owner's Name

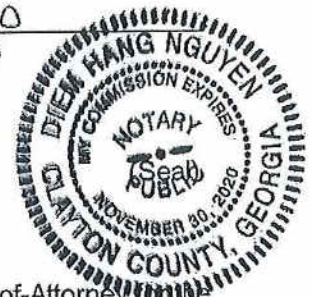
[Signature]
Owner's Signature

3-30-17
Date

Sworn and subscribed before me this
30 day of MARCH, 2017

[Signature]
Notary Public

30 NOV 2020
Commission Expires



POWER OF ATTORNEY (if owner is not the applicant) N/A

Applicant states under oath that: (1) he/she is the executor or Attorney-in-fact under Power-of-Attorney of 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).

HAYES CHAYTON
Type or Print Owner's Name

[Signature]
Owner's Signature

3-30-17
Date

Sworn and subscribed before me this
30 day of MARCH, 2017

[Signature]
Notary Public

30 NOV 2020
Commission Expires



Type or Print Applicant's Name

Applicant's Signature

Date

CITY OF FAIRBURN

56 SW Malone Street, Fairburn, GA 30213-1341 | (770)964-2244 | Fax (770)969-3484 |
www.fairburn.com

174-001



City of Fairburn
Use Permit Application

ATTORNEY / AGENT

CIRCLE ONE: Attorney ☒ Agent

MICHAEL J. SCANLON

Type or Print Attorney / Agent's Name

Michael J Scanlon

Attorney / Agent's Signature

221 E. BANK ST, GRIFFIN, GA 30223

Address

678-618-3665

Phone Number

joey@scanloneng.com

Email Address

AUTHORIZATION TO INSPECT PREMISES

☒ we CLAYTON MINISTRIES, INC.

☒ 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 a Use Permit.

PASTOR HAYES CLAYTON, SR

Type or Print Owner's Name

[Signature]

Owner's Signature

CITY OF FAIRBURN

56 SW Malone Street, Fairburn, GA 30213-1341 | (770)964-2244 | Fax (770)969-3484 |
www.fairburn.com

Site Photographs
7875 Bohannon Road (17U-001)



Bohannon Road



Oakley Industrial Boulevard

SES

SEALING & RECORDING
STAMP

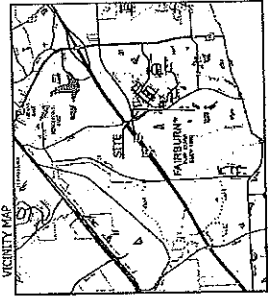
SEALANT ENGINEERING SERVICES, INC.
311 EAST BROAD STREET
DURHAM, GEORGIA 35801
PHONE: (919) 750-1111 FAX: (919) 750-1112

CLAYTON MINISTRIES, INC.
CONCEPTUAL SITE PLAN FOR
LOCATED ON LOTS 11 & 28 OF THE
9TH DISTRICT OF PLATON COUNTY, GEORGIA

DATE	DESCRIPTION
11/11/01	PRELIMINARY
11/11/01	REVISION
11/11/01	REVISION
11/11/01	REVISION
11/11/01	REVISION
11/11/01	REVISION
11/11/01	REVISION
11/11/01	REVISION
11/11/01	REVISION
11/11/01	REVISION



CONCEPTUAL SITE PLAN
SHEET NO. C-01
SHEET 2 OF 01

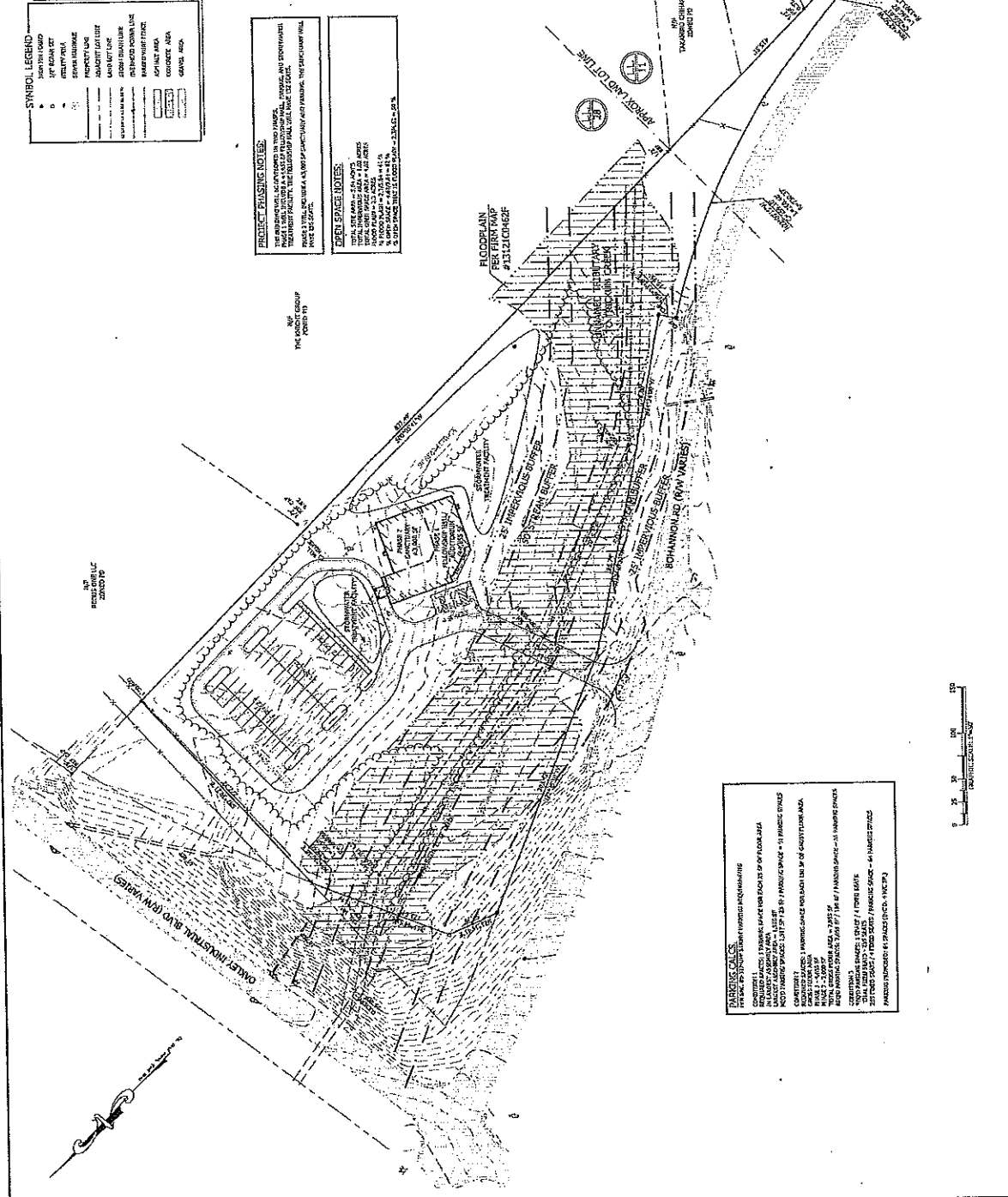


GENERAL NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA CONSTRUCTION CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES.
2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
3. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
4. ALL TREE REMOVALS SHALL BE IN ACCORDANCE WITH THE GEORGIA TREE PRESERVATION ACT.
5. ALL FILL SHALL BE COMPACTED TO 95% RELATIVE DENSITY.
6. ALL PAVING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA PAVING CODES.
7. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA SIGNAGE CODES.
8. ALL LIGHTING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA LIGHTING CODES.
9. ALL SECURITY MEASURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA SECURITY CODES.
10. ALL FLOOD CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA FLOOD CONTROL CODES.
11. ALL WASTE DISPOSAL MEASURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA WASTE DISPOSAL CODES.
12. ALL NOISE CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA NOISE CONTROL CODES.
13. ALL AIR QUALITY CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA AIR QUALITY CODES.
14. ALL CLIMATE CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA CLIMATE CONTROL CODES.
15. ALL VIBRATION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA VIBRATION CONTROL CODES.

SYMBOL LEGEND

1	1" = 1' SCALE
2	2" = 1' SCALE
3	3" = 1' SCALE
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5	5" = 1' SCALE
6	6" = 1' SCALE
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100	100" = 1' SCALE

PRODUCT PLACING NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA CONSTRUCTION CODES AND THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES.
2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
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15. ALL VIBRATION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE GEORGIA VIBRATION CONTROL CODES.



PERMITS & FEES

CONCEPT 1	1.00
CONCEPT 2	1.00
CONCEPT 3	1.00
CONCEPT 4	1.00
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CONCEPT 97	1.00
CONCEPT 98	1.00
CONCEPT 99	1.00
CONCEPT 100	1.00



RE: 17U-001 & 17CV-002
Property of Clayton Ministries, Inc./Souls for Christ
5.64 acres; Land Lot 28, District 6th
Fairburn, Fulton County, Georgia

AN ORDINANCE GRANTING THE APPLICANT, CLAYTON MINISTRIES, A USE PERMIT, SUBJECT TO CERTAIN CONDITIONS, AND A CONCURRENT VARIANCE TO ALLOW A CHURCH AT 7875 BOHANNON ROAD IN THE AG-1 (AGRICULTURAL DISTRICT); TO IDENTIFY THE CONDITIONS ATTACHED TO THE GRANT OF THE USE PERMIT; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, Chapter 80, Article IV, Section 80-203 - Church, temple or place of worship, of the City of Fairburn Zoning Ordinance requires that a Use Permit be obtained to operate a church, temple or place of worship; and

Whereas, Chapter 80, Article IV, Section 80-171 of the City of Fairburn Zoning Ordinance requires approval of the Use Permit by the City of Fairburn City Council; and

Whereas, the City of Fairburn Zoning Ordinance allows for the operation of a church in any zoning district within the City of Fairburn only by way of a use permit, describes the objective criteria to be evaluated in deciding whether to grant a requested use permit, and permits City Council to attach other conditions that it deems necessary to protect the environment as well as the public health, safety and welfare; and

Whereas, the Applicant, Clayton Ministries seeks a use permit and a concurrent variance in accordance with its application, 17U-001 & 17CV-002, in order to operate a church at the location 7875 Bohannon with parcel identification number 09F080000280369, in the AG-1 (Agricultural District) and allow parking within the minimum front yard setback adjacent to Oakley Industrial Boulevard, as described in Exhibit A (Deed Under Power/Legal Description) and Exhibit B (Survey); and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the application for Use Permit 17U-001 & concurrent variance 17CV-002, was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day of August, 2017; and

Whereas, pursuant to Chapter 80, Article IV, Section 80-171(5)(b) of the City of Fairburn Zoning Ordinance, the Use Permit, if granted, shall expire within three years from the date of approval of this resolution, unless a land disturbance permit, building permit, business license or certificate of occupancy has been issued.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia:

Section 1. That a use permit is granted to the Applicant, Clayton Ministries, Inc./Souls for Christ, in accordance with Chapter 80, Article IV.- Administrative Permits and Use Permits of the City of Fairburn Zoning Ordinance in order to operate a church at the location 7875 Bohannon Road with parcel identification number 09F080000280369, in the AG-1 (Agricultural District), the City of Fairburn City Council concluding that the use permit should be granted, subject to certain conditions.

Section 2. That the granted use permit is limited by the following conditions:

1. To restrict the use of the subject property as follows:
 - a. To allow a church at a density of 1,357.27 square feet an acre.
2. To abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 5, 2017. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

Section 3. A concurrent variance is granted to allow parking within the minimum front yard setback adjacent to Oakley Industrial Boulevard.

Section 4. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 5. This Ordinance shall become effective on the 28th day of August, 2017.

Section 6. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

APPROVED this 28th day of August, 2017, by the Mayor and Council of the City of Fairburn, Georgia.

Mario B. Avery, Mayor

APPROVED AS TO FORM:

William R. (Randy) Turner, City Attorney

ATTEST:

Shana T. Moss
Interim City Clerk

Exhibit A

All that tract or parcel of land lying and being in Land Lots 11 & 28 of the 9F District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point at the mitered intersection of the easterly right-of-way Bohannon Road (R/W Varies) and the southerly right-of-way of Oakley Industrial Boulevard (R/W Varies); thence along said miter North 21°34'41" East, a distance of 57.38 feet to a point on the southerly right-of-way of Oakley Industrial Boulevard; thence along said right-of-way North 65°44'51" East, a distance of 123.64 feet to a point; thence continuing along said right-of-way 38.50 feet along a curve to the right, said curve having a chord of North 66°20'38" East 38.50 feet and a radius of 1849.86 feet to a point; thence South 87°39'21" East, a distance of 272.32 feet to a 1 inch square rod found; thence South 00°05'41" West, a distance of 837.49 feet to a 1/2 inch pipe found on the Land Lot Line common to Land Lots 11 & 28; thence South 00°02'37" West, a distance of 415.51 feet to a point; thence South 88°07'10" West, a distance of 13.95 feet to a point on the easterly right-of-way Bohannon Road (R/W Varies); thence along said right-of-way the following calls: North 01°52'09" East, a distance of 37.50 feet to a point; thence 266.02 feet along a curve to the left, said curve having a chord of North 04°42'59" West 265.61 feet and a radius of 1393.13 feet to a point; thence 260.48 feet along a curve to the left, said curve having a chord of North 22°09'15" West 259.10 feet and a radius of 730.37 feet to a concrete monument found; thence North 56°23'10" East, a distance of 19.95 feet to a concrete monument found; thence North 34°34'00" West, a distance of 178.60 feet to a point; thence North 32°46'20" West, a distance of 195.74 feet to a point; thence North 22°35'30" West, a distance of 303.42 feet to a point, being the POINT OF BEGINNING.

Said tract contains 5.643 acres of land.

[illegible][illegible]



**CITY OF FAIRBURN
MAYOR AND CITY COUNCIL
AGENDA ITEM**

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

<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

Planning and Zoning Commission Meeting: 08.08.17

Council Meeting: 08.28.17

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING? ☒ 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

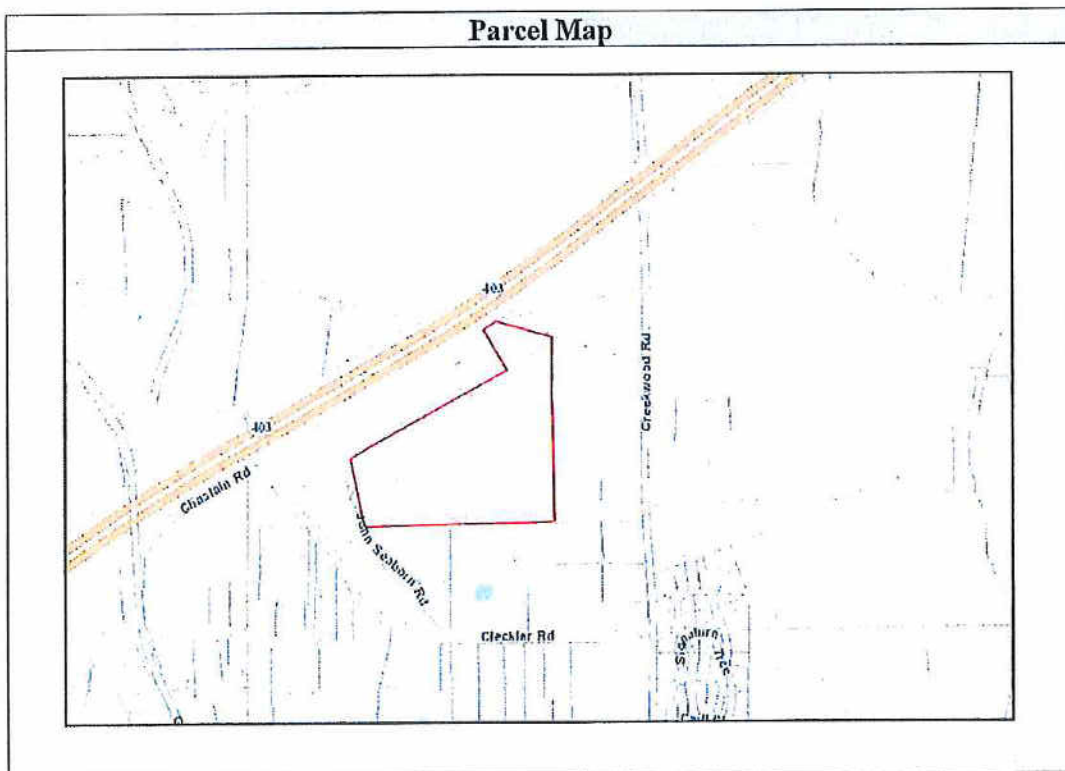
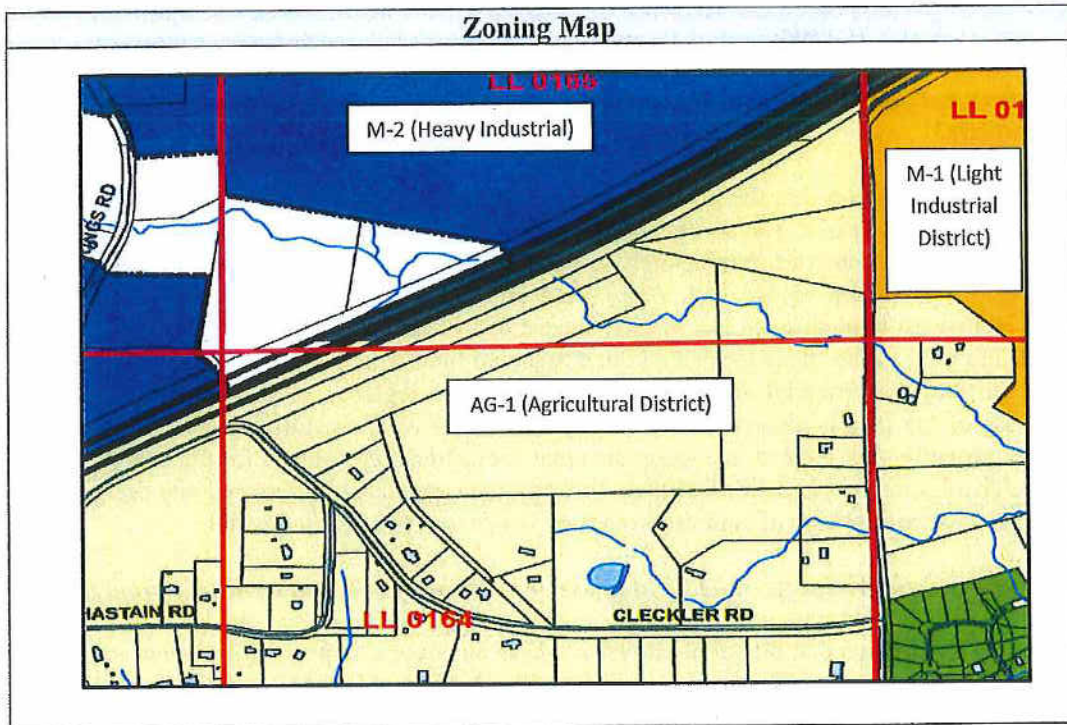
Planning and Zoning Commission Meeting	Mayor and City Council Public Hearing
August 8, 2017	August 28, 2017

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.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

North:	M-2 (Heavy Industrial District) and City of South Fulton
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 lightning, 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

August 21, 2017

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

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
Page 2

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

August 16, 2017

VIA FIRST CLASS MAIL AND EMAIL

Mayor Mario Avery
Members of the City Council
City of Fairburn
56 Malone Street
Fairburn, GA 30213

Re: Saben, LLC -- Rezoning Application 17RZ-001

Dear Mayor Avery and Members of the City Council:

As you know, the above-referenced matter is scheduled for hearing before the City Council on August 28, 2017 at 7:00 p.m. The Applicant requests a deferral to October 23, 2017, approximately 60 days from now, so that we may address the concerns of the Planning and Zoning Commission and the neighbors.

One item of particular concern was noise from the development. We are securing a noise study but do not anticipate it will be completed prior to the current hearing date. We will utilize the deferral period to complete the study and share the results with all stakeholders. We will also offer additional opportunities for community engagement so that we may address any other questions or issues.

If you have questions or comments, please do not hesitate to call.

Mayor Mario Avery & City Council
Page 2
August 16, 2017

Sincerely,

DUNLAVY LAW GROUP, LLC



Linda I. Dunlavy
Attorney for Saben, LLC

GWG

cc: John Barker
Tarika Peek
Valerie Ross
Mark Shugart



FACT SHEET
Rezoning 17RZ-001 Saben, LLC

1. Thirteen (13) parcels, eight (8) designated as Office/Industrial and five (5) designated as Rural Residential on the Future Land Use Map.
2. Current zoning on the parcels is AG-1 (Agricultural); Applicant is requesting to rezone the parcels from AG-1 (Agricultural) to M-1 (Light Industrial).
3. The applicant is proposing to construct three (3) warehouse buildings, totaling 1, 107, 370 SF. The three (3) warehouse buildings will be sized as follows:
 - a. Building #1 - 971,370 SF
 - b. Building #2 - 112,000 SF
 - c. Building #3 - 24,000 SF
4. The site design will accommodate truck and vehicle circulation within the site. This will prevent truck stacking and queuing on public roads. Access to Building #1 and #2 will be provided by a private roadway extending along the northern side of the subject property and access to Building #3 will be on Creekwood Road, which will align with the Clorox entry. Trucks will be prohibited from traveling south of Building #3. A 50' undisturbed buffer will be maintained around residential properties and enhanced landscaping and planting of trees and shrubbery will be added to the site to screen the building and operations from nearby residents.
5. The applicant has conducted three (3) community meetings with residents within close proximity to the project site. Also, the applicant will be contacting individual property owners along Cleckler and Chastain Roads on the southwest side of the proposed project in the upcoming weeks to provide more individualized information. The applicant's contact information was provided to all the meeting attendees so they can follow-up with any questions, concerns or suggestions. Approximately, three (3) inquires requesting digital copies of the site plan and other materials have been received. Below is a timeline of events:
 - a. Meeting Date: April 22, 2017 - Letters were mailed to all Creekwood subdivision residents and Asbury Park subdivision Homeowners Association president, Derek Jones.
 - b. Meeting Date: May 25, 2017 - Letters were mailed to residents in close proximity to the project site on Creekwood, Cleckler and Chastain Roads.
 - c. Meeting Date: June 6, 2017 - Letters were mailed to all residents of Asbury Park subdivision.
 - d. At the first meeting there were only three (3) attendees. The second meeting was well attended and the third meeting, although letters were sent to all residents of Asbury Park, only one (1) resident attended.

The applicant presented the project through a combination of PowerPoint slides and demo boards walking the residents through every aspect of the project and answering questions.



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.



17RZ-001

ATTORNEY / AGENT

CIRCLE ONE: Attorney Agent

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

[Signature]
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

[Signature]
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

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

POWER OF ATTORNEY (if owner is not the applicant)

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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
[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

[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

17R2-001

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
[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
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 390001650779

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 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)

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

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

17RZ-001



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

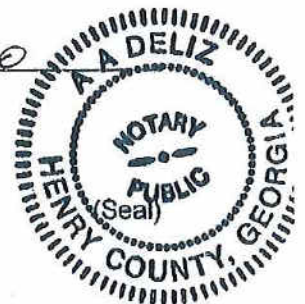
Ellis Shropshire
Owner's Signature

3-9-17
Date

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

Adel
Notary Public

May 28, 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

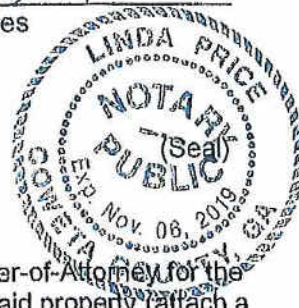
Date

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

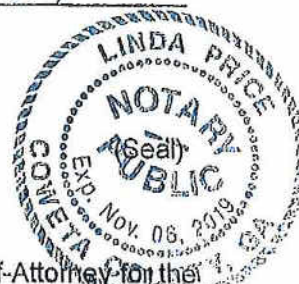
11/21/16
Date

Sworn and subscribed before me this

21 day of November, 2016

Linda Price
Notary Public

11-06-2019
Commission Expires



POWER OF ATTORNEY (if owner is not the applicant)

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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

[Signature]
Applicant's Signature

May 25, 2017
Date

CERTIFICATION OF OWNERSHIP

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

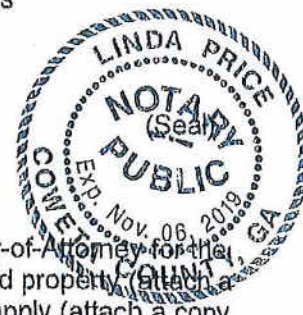
[Signature]
Owner's Signature

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)

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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 PO Alex 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

(Seal)

My Commission Expires August 10, 2020

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

(Seal)

My Commission Expires August 10, 2020

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

Type or Print Owner's Name

Owner's Signature

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 18, 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

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@dunlavyllawgroup.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

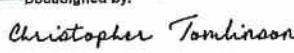
**Notice of Decision for
Request for Expedited Review of
DRI 2665 Saben Fairburn South Distribution Center**

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



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 Peek, City Planner/Zoning Administrator
FROM: Douglas R. Hooker, Executive Director, ARC
RE: Development of Regional Impact Review

Digital signature
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>



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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.

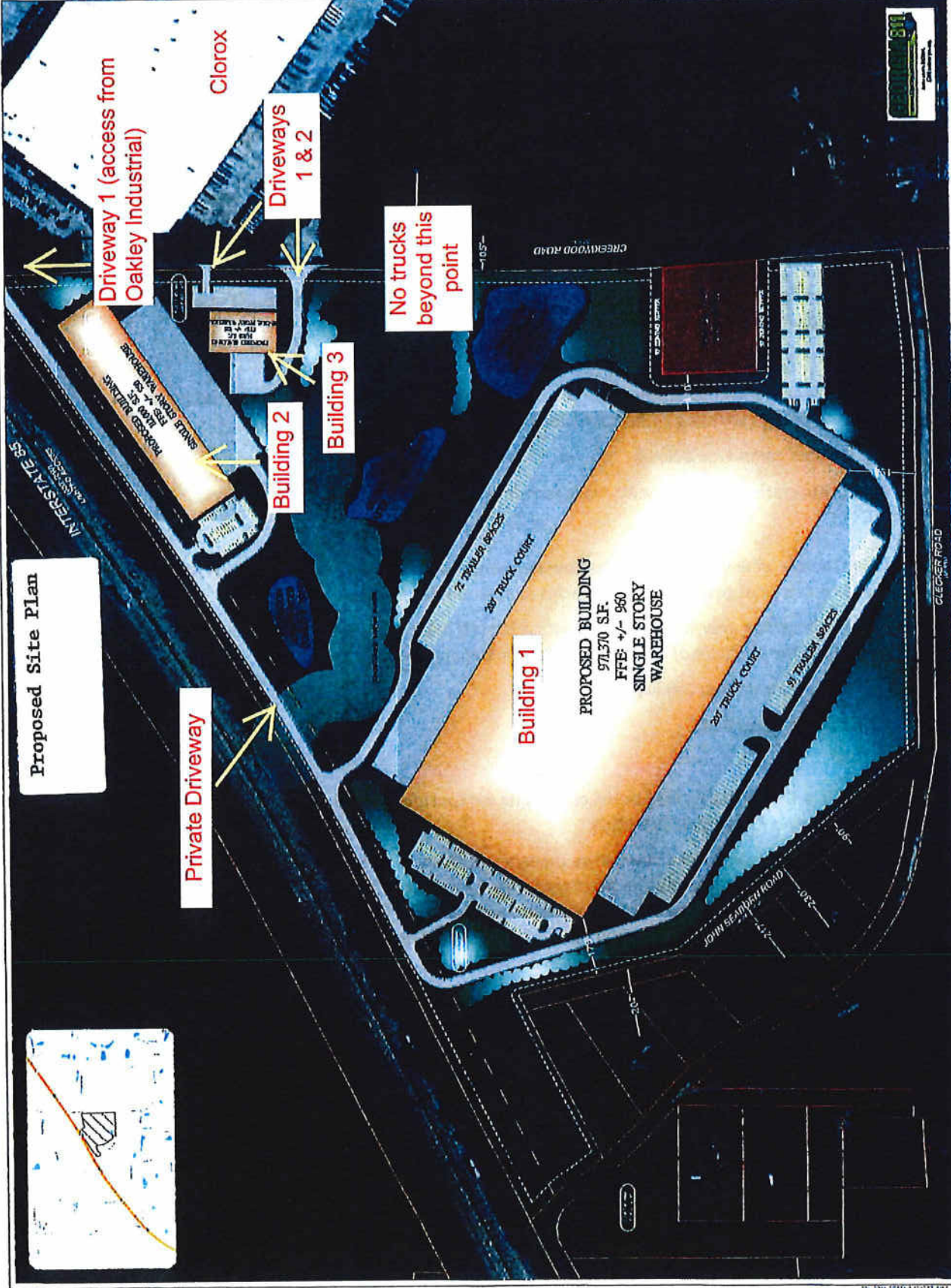


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SAHREN
FAIRBURN SOUTH DIST. CENTER
LAND LOTS 179, 179
NTH DISTRICT
FULTON COUNTY, GEORGIA

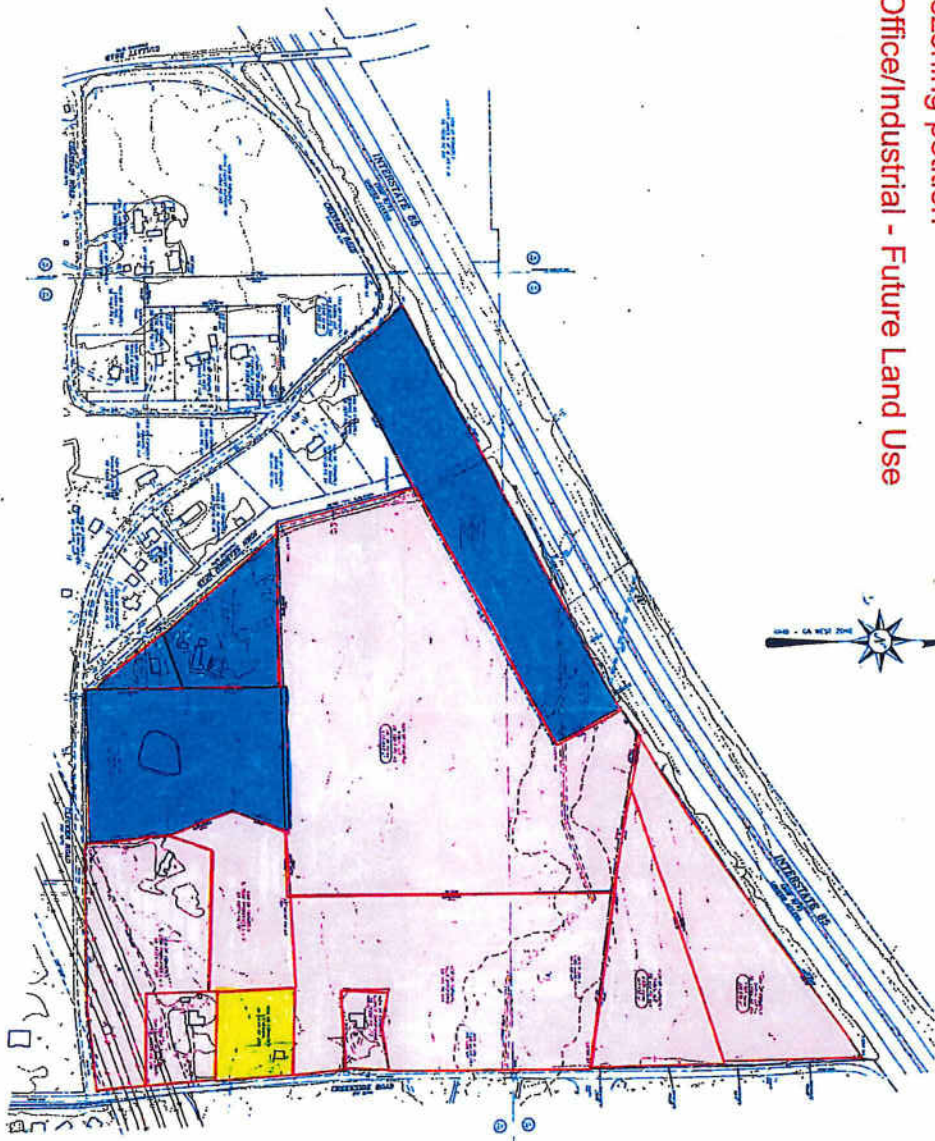
DATE	10/15/10
BY	SAHREN
FOR	SAHREN
PROJECT NO.	16-195
SHEET NO.	C3.0

LAYOUT & STAGING PLAN



AG-1 zoning, parcel not included in the rezoning petition

Future Land Use Site Plan



DRAWING SYMBOLS

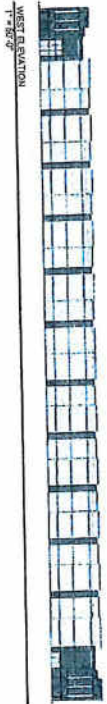
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ROUTING JOBS

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BRANDYARD SIGHT & TOPOGRAPHY, LANDING, NYS
Mark Shugart Property
Sault Point - Aco 4
LOCATED WITHIN THE CITY OF ALBANY, NY
2000, 2001, 2002, 2003, 2004, 2005
2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015
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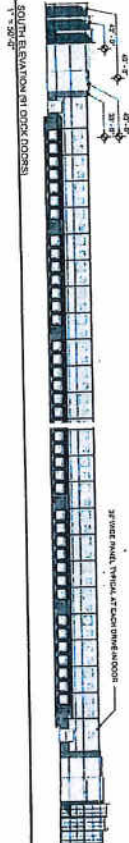
WEST ELEVATION
1" = 32'-0"



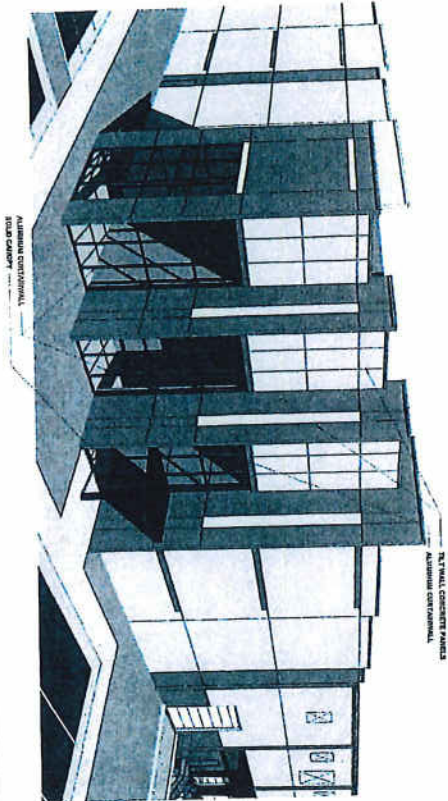
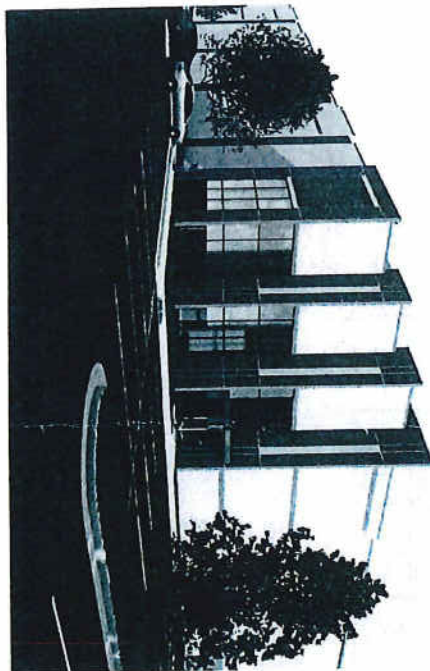
NORTH ELEVATION (AT DOCK DOORS)
1" = 32'-0"



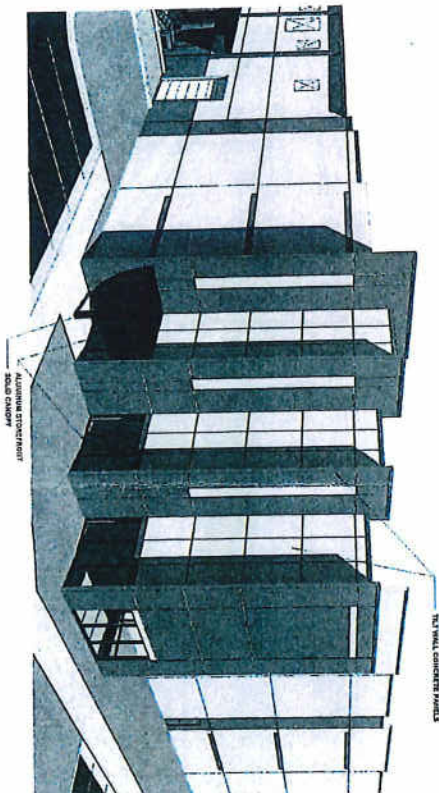
EAST ELEVATION
1" = 32'-0"



SOUTH ELEVATION (AT DOCK DOORS)
1" = 32'-0"



PRIMARY ENTRANCE
1" = 1'-0"



SECONDARY ENTRANCE
1" = 1'-0"

SHUGART - AREA 4 - SPECULATIVE BUILDING #1

Re: REZONING ORDINANCE 17RZ-001 (DRI 2665)
Property of SABEN, LLC/SHUGART
0 CREEKWOOD ROAD (07390001650787), 0
CREEKWOOD ROAD (07390001650779), 0
CREEKWOOD ROAD (07390001641000), 0 JOHN
SEABORN (07390001640663), 0 CLECKLER ROAD
(07390001640471), 0 CLECKLER ROAD
(07390001640465), 0 CLECKLER ROAD
(07390001641323), 0 CLECKLER ROAD
(07390001641315), 8471 CREEKWOOD DRIVE, 8485
CREEKWOOD DRIVE, 8545 CLECKLER ROAD,
8405 CLECKLER ROAD, 8395 CLECKLER ROAD
99 acres; Land Lots 164/165,
District 7,
Fairburn, Fulton County, Georgia

**STATE OF GEORGIA
COUNTY OF FULTON**

**AN ORDINANCE TO REZONE CERTAIN PROPERTY WITHIN THE CITY
LIMITS OF THE CITY OF FAIRBURN FROM AG-1 (AGRICULTURAL
DISTRICT) TO M-1 (LIGHT INDUSTRIAL DISTRICT); TO PROVIDE FOR
SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL
CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES**

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY
AUTHORITY OF THE SAME:

Whereas, the owners of real property (the "Applicants") have applied to the City of Fairburn for rezoning of certain property, consisting of 99 acres, more or less and as more fully described and delineated in Exhibit "A" (Legal Description/Warranty Deed) and Exhibit "B" (Site Map), attached hereto; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing on the rezoning was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 28th day August, 2017; and

Whereas, the Mayor and City Council of the City of Fairburn have determined that the rezoning of the property to the M-1 (Light Industrial) zoning district would be in the would be in the best interest of residents, property owners, businesses and citizens of the City of Fairburn.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same as follows:

Section 1. That the City of Fairburn Zoning Ordinance be amended, and the official maps established in connection therewith be changed so that the property located in the City of Fairburn as indicated on Exhibit "A" to this Ordinance be changed from the AG-1 (Agricultural District) to the M-1 (Light Industrial District).

Section 2. That the official maps referred to, on file in the Office of the City Clerk, be changed to conform with the terms of this Ordinance; and

Section 3. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 4. This Ordinance shall become effective on the 28th day of August, 2017.

Section 5. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed.

APPROVED this 28th day of August, 2017, by the Mayor and Council of the City of Fairburn, Georgia.

Mario B. Avery, Mayor

ATTEST:

Shana T. Moss, Interim City Clerk

APPROVED AS TO FORM:

William R. (Randy) Turner, City Attorney

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.

GRAPHIC SCALE

0 50 100

FEET



**CITY OF FAIRBURN
MAYOR AND CITY COUNCIL
AGENDA ITEM**

SUBJECT: TEXT AMENDMENTS 17TA-003 – Cluster Mailbox Units Ordinance

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

Submitted: 08.22.17

Work Session: 08.28.17

Mayor and City Council: 08.28.17

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING? ☐ Yes ☒ No

PURPOSE: For Mayor and City Council to amend, by resolution, Chapter 71 - Land Development; to add regulations for the installation of residential cluster mailbox units.

DISCUSSION: The United States Postal Services (USPS) has initiated a centralized mail delivery policy for new residential development, including single family development, most often referred to as cluster box units (CBU). The USPS recognizes the convenience of having a mailbox located at the end of a resident's driveway. However, there are many benefits to CBU's. Identity thieves look for easy targets to steal mail out of mailboxes. Unsecured curbside mailboxes are frequently their target of choice. The best defense in preventing this type of crime is in securing mail. Cluster box units are the least expensive and most effective method for combating mail theft. Also, over time and without frequent maintenance, curbside mail receptacle can become an eye sore. Curbside mailboxes have to be replaced more frequently than CBU's and are frequently vandalized or may be struck by automobiles, garbage trucks, etc.

Currently, the City does not have an ordinance to regulate the installation of CBUs. The proposed cluster mailbox units ordinance includes regulations on the design, location, parking requirements, number of mailboxes, etc. for residential CBUs. The developer/builder will be responsible for the installation of the CBUs, including but not limited to the box units, landscaping, architectural elements, concrete pad and sidewalks.

RECOMMENDED ACTION: For the Mayor and City Council to approve the text amendment to add regulations for the installation of residential cluster mailbox units to Chapter 71-Land Development, Article XII, Section 71-1059.

Attachment: Cluster Mailbox Units Ordinance (Chapter 71, Article XII, Section 71-1059)

Stephen Hood, Interim City Administrator

Mario Avery, Mayor

Chapter 71 - Land Development

Article XII. Cluster Mailbox Units

Section 71-1059

Definitions

A. Cluster-Style Mailbox. A style whereby mailboxes, meeting the specifications of the United States Postal Service (USPS) with the inscription plainly legible "U.S. MAIL" and "APPROVED BY THE POSTMASTER GENERAL", are assembled and grouped together on a single area of land so that they are regarded as one unit. Cluster-style mailboxes must be manufactured cluster-style mailboxes approved by USPS.

Cluster-Style Mailbox Units. Cluster-style mailbox kiosk built into a larger structure exhibiting the architectural style and building materials typical of the neighborhood/development.

B. Applicable districts:

1. All residential districts or districts with residential components when developed with residential units.
2. Non-residential districts and interior building cluster mailboxes are exempt from the design and location standards of this section.
3. Procedural standards are applicable to all cluster mailbox installations.

C. Procedural standards:

1. All cluster mailbox kiosks, whether installed on public or private streets, shall comply with the United States Postal Service (USPS) standards for the construction of mailboxes. A statement indicating the type of mail delivery available by the USPS (e.g. delivery to an individual *mailbox* or central delivery via *cluster mailbox* stations) shall be indicated on an approved subdivision plat or development permit.
2. The installation of the cluster mailboxes shall occur prior to any certificate of occupancy being issued for a residential structure shown on the plat.
3. Cluster-style mailbox kiosks shall be installed prior to the issuance of a certificate of occupancy for any residential structure that will be served by a cluster-style mailbox.
4. The cost of installation, including but not limited to box units, architectural elements, landscaping, concrete pad and concrete/masonry or stone, sidewalk access, shall be borne by the developer.
5. Maintenance of the cluster-style mailbox kiosk, landscaping, trash can and surrounding areas shall be borne by the homeowners association (HOA) of the neighborhood/development. Where no HOA exists, maintenance and associated costs shall be the responsibility of the homeowners served by the cluster mailbox kiosk.
6. Cluster-style mailbox kiosk shall be exempt from the setback requirements of the zoning district; however all structures shall require a separate building permit and must meet or exceed all applicable building code.

D. Design standards:

1. All cluster-style mailboxes shall be incorporated into cluster-style mailbox kiosks unless the cluster-style mailbox units are located interior to a building or as may be approved by the city engineer.

2. Cluster-style mailbox kiosks shall be compatible with other streetscape elements and be architecturally enhanced with building materials and details typical of the architectural style of the neighborhood/development.

a. Cluster-style mailbox kiosks shall be located away from any location where, by reason of the position, shape or color, it may interfere with, or obstruct the view of or be confused with any authorized traffic control device.

b. Provide a four-foot-wide impervious surface parallel to the kiosk and a roof overhang for a weather free standing location wherever the individual mailboxes are to be accessed.

c. Provide landscaping consistent with the landscape theme of the neighborhood/development.

d. Provide a trash receptacle at each clustered mailbox location.

e. Provide lighting.

3. Cluster-style mailbox kiosks shall have a base of a width not less than the width of the cluster mailbox structure itself.

4. Cluster-style mailbox kiosks shall have a minimum five-foot-wide concrete/masonry or stone sidewalk from the street.

5. Cluster-style mailbox kiosks shall provide access compliant with the Americans with Disability Act (ADA).

6. Cluster-style mailbox kiosks shall provide a paved area with ingress/egress to meet the requirements of the community development department to allow vehicles to pull off, park and re-enter the roadway safely while retrieving mail.

7. Cluster-style mailbox kiosks shall be located in areas that will best allow for vehicle parking. Parking layout is to be designed in a manner so as to not create pedestrian safety or vehicle safety issues as determined by the city engineer.

8. Minimum required parking shall be required as follows:

Cluster-style Mailbox Kiosks Off-street Parking Requirement		
Activity	Number of Spaces Required	
	Number of Mailboxes	Parking Spaces Required
Cluster Style Mailbox	0-20	2
	21-60	3
	81-100	4
	101 or more	4 plus 1 per each additional 50 mailboxes or portion thereof above 100

9. Access drives and parking areas shall be constructed to the City of Fairburn road standards or as approved by the city engineer.

E. Location standards:

1. The location of the cluster-style mailbox station is to be approved by the community development department and by the USPS.
2. Cluster-style mailbox kiosks shall be prohibited from being located within the public right-of-way.
3. Clustered mailbox kiosks shall be placed so as to not adversely affect the privacy of residents.
4. Cluster-style mailbox kiosks shall not be installed within a cul-de-sac bulb.
5. Cluster-style mailbox kiosks shall be located away from the intersection of any street and in no case closer than 75 feet measured from the street centerline in order to prevent obstruction of free and clear vision.
6. Clustered mailbox kiosks shall be centrally located, offering easy pedestrian access to all residents. Cluster-style mailbox kiosk shall be located no more than one-fourth mile from the property line of those residents served by the cluster-style mailbox kiosks. Distance shall be measured as a radius drawn from the cluster-style mailbox kiosks. Whenever feasible, the mailbox kiosks should be located within an amenity center, if one is proposed for the development.
7. Cluster mailbox kiosks shall be located in areas that will best allow for vehicle stacking or parking without creating pedestrian or vehicle safety issues as determined by the community development department.
8. No driveway or street access shall be constructed within five feet of a cluster-style mailbox unit and vice versa.

STATE OF GEORGIA

COUNTY OF FULTON

AN ORDINANCE TO AMEND CHAPTER 71 – LAND DEVELOPMENT, IN ORDER TO ADOPT A NEW ARTICLE XII. - CLUSTER MAILBOX UNITS. SECTION 71-1059 – DEFINITIONS., SECTION 71-1060 APPLICABLE DISTRICTS., SECTION 71-1061 PROCEDURAL STANDARDS., SECTION 71-1062 DESIGN STANDARDS. AND SECTION 71-1063 LOCATION STANDARDS.; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME THAT:

Whereas, the Mayor and Council of the City of Fairburn has the duty to protect the health, safety and welfare of persons and property within the City limits; and

Whereas, the Mayor and Council have determined a need to regulate cluster mailbox structures located within new residential development, including single-family development, within the City to protect the health, safety and welfare of persons and property within the City limits; and

Whereas, after consideration at its August 28, 2017, regular meeting, the Mayor and City Council have determined that amending Chapter 71. Land Development, in order to adopt a new Article XII. Cluster Mailbox Units, Section 71-1059 – Definitions, Section 71- 1060 – Applicable Districts, Section 71-1061 Procedural Standards, Section 71-1062 Design Standards and Section 71-1063 Location Standards, would be in the best interests of the residents, property owners, businesses and citizens of the City of Fairburn; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia, and it is hereby ordained by the authority of same that Chapter 71. Land Development be amended in order to adopt Article XII. Cluster Mailbox Units Section 71-1059. Definitions. through Section 71-1063- Location Standards. as depicted on Exhibit A attached hereto.

Section 1. Adoption of the following attached as Exhibit A.

Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section. 3. This Ordinance shall become effective on the 28th day of August, 2017.

Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

APPROVED this 28th day of August, 2017, by the Mayor and City Council of the City of Fairburn, Georgia.

ATTEST:

Mario B. Avery, Mayor

Shana T. Moss, Interim City Clerk

APPROVED AS TO FORM:

William R. (Randy) Turner, City Attorney

Chapter 71 - Land Development

Article XII. Cluster Mailbox Units

Section 71-1059 - DEFINITIONS

- 1. Cluster-Style Mailbox.** A style whereby mailboxes, meeting the specifications of the United States Postal Service (USPS) with the inscription plainly legible "U.S. MAIL" and "APPROVED BY THE POSTMASTER GENERAL", are assembled and grouped together on a single area of land so that they are regarded as one unit. Cluster-style mailboxes must be manufactured cluster-style mailboxes approved by USPS.
- 2. Cluster-Style Mailbox Units.** Cluster-style mailbox kiosk built into a larger structure exhibiting the architectural style and building materials typical of the neighborhood/development.

Section 71-1060 – APPLICABLE DISTRICTS

1. All residential districts or districts with residential components when developed with residential units.
2. Non-residential districts and interior building cluster mailboxes are exempt from the design and location standards of this section.
3. Procedural standards are applicable to all cluster mailbox installations.

Section 71-1061 – PROCEDURAL STANDARDS

1. All cluster mailbox kiosks, whether installed on public or private streets, shall comply with the United States Postal Service (USPS) standards for the construction of mailboxes. A statement indicating the type of mail delivery available by the USPS (e.g. delivery to an individual *mailbox* or central delivery via *cluster mailbox* stations) shall be indicated on an approved subdivision plat or development permit.
2. The installation of the cluster mailboxes shall occur prior to any certificate of occupancy being issued for a residential structure shown on the plat.
3. Cluster-style mailbox kiosks shall be installed prior to the issuance of a certificate of occupancy for any residential structure that will be served by a cluster-style mailbox.
4. The cost of installation, including but not limited to box units, architectural elements, landscaping, concrete pad and concrete/masonry or stone, sidewalk access, shall be borne by the developer.
5. Maintenance of the cluster-style mailbox kiosk, landscaping, trash can and surrounding areas shall be borne by the homeowners association (HOA) of the neighborhood/development. Where no HOA exists, maintenance and associated costs shall be the responsibility of the homeowners served by the cluster mailbox kiosk.
6. Cluster-style mailbox kiosk shall be exempt from the setback requirements of the zoning district; however all structures shall require a separate building permit and must meet or exceed all applicable building code.

Section 71- 1062 – DESIGN STANDARDS

1. All cluster-style mailboxes shall be incorporated into cluster-style mailbox kiosks unless the cluster-style mailbox units are located interior to a building or as may be approved by the city engineer.

2. Cluster-style mailbox kiosks shall be compatible with other streetscape elements and be architecturally enhanced with building materials and details typical of the architectural style of the neighborhood/development.

- a. Cluster-style mailbox kiosks shall be located away from any location where, by reason of the position, shape or color, it may interfere with, or obstruct the view of or be confused with any authorized traffic control device.
- b. Provide a four-foot-wide impervious surface parallel to the kiosk and a roof overhang for a weather free standing location wherever the individual mailboxes are to be accessed.
- c. Provide landscaping consistent with the landscape theme of the neighborhood/development.
- d. Provide a trash receptacle at each clustered mailbox location.
- e. Provide lighting.

3. Cluster-style mailbox kiosks shall have a base of a width not less than the width of the cluster mailbox structure itself.

4. Cluster-style mailbox kiosks shall have a minimum five-foot-wide concrete/masonry or stone sidewalk from the street.

5. Cluster-style mailbox kiosks shall provide access compliant with the Americans with Disability Act (ADA).

6. Cluster-style mailbox kiosks shall provide a paved area with ingress/egress to meet the requirements of the community development department to allow vehicles to pull off, park and re-enter the roadway safely while retrieving mail.

7. Cluster-style mailbox kiosks shall be located in areas that will best allow for vehicle parking. Parking layout is to be designed in a manner so as to not create pedestrian safety or vehicle safety issues as determined by the city engineer.

8. Minimum required parking shall be required as follows:

Cluster-style Mailbox Kiosks Off-street Parking Requirement		
Activity	Number of Spaces Required	
	Number of Mailboxes	Parking Spaces Required
Cluster Style Mailbox	0-20	2
	21-60	3
	81-100	4
	101 or more	4 plus 1 per each additional 50 mailboxes or portion thereof above 100

9. Access drives and parking areas shall be constructed to the City of Fairburn road standards or as approved by the city engineer.

Section 71-1063 – LOCATION STANDARDS

1. The location of the cluster-style mailbox station is to be approved by the community development department and by the USPS.
2. Cluster-style mailbox kiosks shall be prohibited from being located within the public right-of-way.
3. Clustered mailbox kiosks shall be placed so as to not adversely affect the privacy of residents.
4. Cluster-style mailbox kiosks shall not be installed within a cul-de-sac bulb.
5. Cluster-style mailbox kiosks shall be located away from the intersection of any street and in no case closer than 75 feet measured from the street centerline in order to prevent obstruction of free and clear vision.
6. Clustered mailbox kiosks shall be centrally located, offering easy pedestrian access to all residents. Cluster-style mailbox kiosk shall be located no more than one-fourth mile from the property line of those residents served by the cluster-style mailbox kiosks. Distance shall be measured as a radius drawn from the cluster-style mailbox kiosks. Whenever feasible, the mailbox kiosks should be located within an amenity center, if one is proposed for the development.
7. Cluster mailbox kiosks shall be located in areas that will best allow for vehicle stacking or parking without creating pedestrian or vehicle safety issues as determined by the community development department.
8. No driveway or street access shall be constructed within five feet of a cluster-style mailbox unit and vice versa.



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Discussion of the Comprehensive Managed Services for Information Technology and Geographical Information Services RFP.

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

Submitted: 08/22/2017 Work Session: 08/28/2017 Council Meeting: 08/28/2017

DEPARTMENT: Mayor

BUDGET IMPACT: As the contract has not been finalized, the total amount cannot yet be confirmed. However, upon approval from City Council, staff will move forward in negotiating the proposed contract with InterDev to begin at \$19,700/month.

PUBLIC HEARING? () Yes (X) No

PURPOSE: For Mayor and Council to discuss the Selection Committee's decision in awarding InterDev the winning bid for the Comprehensive Managed Services for Information Technology and Geographical Information Services Request for Proposal.

HISTORY: For the past several years, the City of Fairburn has supplemented its IT Staff with contracted IT services on an as needed project basis with some additional remote support. A temporary support Contract was and is currently in place with a vendor as the RFP process transpired in selecting a permanent IT services provider.

FACTS AND ISSUES: In 2017, City Council determined that the City was better served by a "comprehensive managed services" approach for IT planning and support. It is the desire of the City to consolidate this management under one partnership agreement with a qualified firm or group to support the entire IT environment.

At the beginning of this process, there was one full-time internal staff resource dedicated to IT operations. The City currently receives all GIS from County and Regional Commission resources. It has been determined that the successful contractor will manage both IT and GIS efforts and will report to the City Administrator. The selected provider will provide all professional IT staff and services to achieve a complete managed IT & GIS mission.

This item is being brought back as it failed to gain a second at the previous Council Meeting.

RECOMMENDED ACTION: For Mayor and City Council to discuss the Selection Committee's decision in awarding InterDev the winning bid for the Comprehensive Managed Services for IT and GIS Request for Proposal.

Stephen Hood, Interim City Administrator

Mario B. Avery, Mayor

Mayor
Mario Avery

Mayor Pro Tem
Hattie Portis-Jones

City Council
Lydia Glaize
Alex Heath
Elizabeth Carr Hurst
Pat Pallend
James Whitmore

MEMO

TO: Mayor and Council

FROM: Chief Stephen Hood, Interim City Administrator

SUBJECT: RFP for IT & GIS Managed Services

Dear Mayor and Council,

In 2017, the City Council determined that the City was better served by a "comprehensive managed services" approach for IT planning and support. It is the desire of the City to consolidate this management under one partnership agreement with a qualified firm or group to support the entire IT environment. At the beginning of this process, there was one full-time internal staff resource dedicated to IT operations. The City receives all GIS from County and Regional Commission resources. It has been determined that the successful contractor will manage both IT and GIS efforts and will report to the City Administrator. The selected provider will provide all professional IT staff and services to achieve the following mission:

- 1) Provide an **on-site** resource(s) on a regular, weekly schedule that can support all the City **Technology and GIS support requirements** for operations according to the terms specified in this document.
- 2) Support the current and future IT infrastructure assessment and planning needs by developing, organizing, and advising City Management regarding the creation of a Three-Year (3) IT Technology Strategic Plan.
- 3) Provide the City with comprehensive security planning and services including backup and disaster recovery, Antivirus, Malware, email archiving, managed firewall services and twice yearly security scanning.
- 4) Provide GIS planning and services for all City departments with a focus on providing online interactive mapping and visualization tools using the ESRI product suite for use by both internal City Staff and by the citizens of Fairburn.

· CITY OF FAIRBURN ·



Earlier this year, City staff began the process of acquiring the assistance needed for comprehensive managed services for Information Technology and Geographical Information Services by requesting proposals from qualified vendors and organizations. At this time, we are requesting authorization from City Council to begin the negotiation process for a finalized contract with the selected vendor.

The bid packet was posted on May 15, 2017 at 2:00 PM and submissions were received until June 22, 2017 4:00 PM. The below advertisement was advertised on the City of Fairburn Bids and Proposals website, GLGA, and ran in the South Fulton Neighbor Newspaper for five consecutive weeks (5/24/2017 – 6/21/2017):

The City of Fairburn is accepting sealed proposals from qualified vendors of Information Technology Managed Services. It is the desire of the City to consolidate this management under one partnership agreement with a qualified firm or group to support the entire IT environment. Currently there is one full-time internal staff resource dedicated to IT operations. The City receives all GIS from County and Regional Commission resources. The successful contractor will manage both IT and GIS efforts and will report to the City Administrator. The selected provider will provide all professional IT staff and services to achieve the following mission:

1. Provide an on-site resource(s) on a regular, weekly schedule that can support all the City Technology and GIS support requirements for operations according to the terms specified in this document.
2. Support the current and future IT infrastructure assessment and planning needs by developing, organizing, and advising City Management regarding the creation of a Three-Year (3) IT Technology Strategic Plan.
3. Provide the City with comprehensive security planning and services including backup and disaster recovery, Antivirus, Malware, email archiving, managed firewall services and twice yearly security scanning.
4. Provide GIS planning and services for all City departments with a focus on providing online interactive mapping and visualization tools using the ESRI product suite for use by both internal City Staff and by the citizens of Fairburn.

A bid packet may be obtained from the City Administrator's Office, 56 Malone Street S.W. Fairburn, GA 30213 or from www.fairburn.com.

To be considered, interested parties should send one electronic (.pdf) version of a fully responsive proposal. All proposals must be received on June 22, 2017 by 4:00 p.m. Proposals can be emailed to hnguyen@fairburn.com or mailed to:

Hang Nguyen
Assistant to the City Administrator
56 Malone Street
Fairburn, GA 30213

CITY OF FAIRBURN



e-mail: hnguyen@fairburn.com

On May 25, 2017 through June 22, 2017, any interested proposer may inspect the existing City IT infrastructure. An elective (non-mandatory) pre-bid meeting will be held at City Hall (56 Malone Street S.W. Fairburn, GA 30213) on June 7, 2017 at 10:00 AM. Any additional questions may be submitted to management for response by June 16, 2017. All questions must be requested in writing and will be answered in writing. Proposals will be opened at City Hall on June 26, 2017 and evaluated by a selection committee.

By responding to this RFP there is no expressed or implied obligation for the City to reimburse responding vendors for any expenses incurred in preparing proposals in response to this request. The City reserves the right to reject any or all proposals submitted as it deems appropriate and in the best interest of the City.

A pre-bid meeting was held on June 7, 2017 at 10:00 AM with the Selection Committee which consists of Finance Director Ed Holloway, IT Coordinator Bryan Lee, Utility Director Tom Ridgway, Building Director Harvey Stokes and City Engineer Brendetta Walker. Representatives from three different organizations attended to address questions regarding the bid packet as well as tour the facilities to view the current IT structure.

As of June 22, 2017 4:00 PM, the City received four bid proposals. Submissions were from itSynergi, Blue Group, Inter-Dev and TIFF Technologies. A Bid Opening meeting was held June 26, 2017 with the Selection Committee and official scores were tallied on July 11, 2017. Each firm has been graded on their company experience with items identified in the scope of work, certifications, expertise and references from similar agencies/jobs, their client relationship approach, service levels and clarity of proposals, management, expertise, job success, documentation methods, and proposed pricing. It was the Selection Committee's consensus that based on these requirements, InterDev is the winning bidder.

Staff is now asking for support from Mayor and City Council to move forward in awarding InterDev the winning bid for the Comprehensive Managed Services for IT and GIS RFP. Upon approval, staff will work to negotiate a finalized contract to bring back before Council. As always, if there are any questions or concerns we can help address, please feel free to contact me.

Thank you,

Chief Stephen Hood
Interim City Administrator

CITY OF FAIRBURN



City of Fairburn, GA

May 15, 2017

REQUEST FOR PROPOSALS (RFP)
COMPREHENSIVE MANAGED SERVICES
FOR
INFORMATION TECHNOLOGY (IT)
AND
GEOGRAPHICAL INFORMATION SERVICES (GIS)

City of Fairburn

Hang Nguyen, Assistant to the City Administrator

56 Malone Street

Fairburn, GA 30213

e-mail: hnguyen@fairburn.com

phone: 770-964-2244

I. INTRODUCTION

A. General/Information

The City of Fairburn requests proposals from qualified vendors of Information Technology Managed Services. Response to this call for proposals will allow the City to rank the various responders and begin negotiations with the vendor whose proposal is most advantageous to the City with price and other factors of expertise considered.

The City of Fairburn is located near Atlanta's Hartfield International Airport. The City provides services including Police, Fire, Public Works, Courts, Planning and Community Development, fiscal departments, special events, parks and recreation, and various administrative and support functions. The City employs approximately 180 staff and has an annual General Fund budget of approximately \$15 million. The fiscal year begins on October 1 and ends on September 30 each year.

For the past several years the City has supplemented its IT Staff with contracted IT services on an as needed project basis with some additional remote support. A temporary support Contract (SEE EXHIBIT A-1) is currently in place with a vendor as the RFQ process goes forward to select a permanent IT services provider.

In 2017, the City Council determined that the City was better served by a "comprehensive managed services" approach for IT planning and support. It is the desire of the City to consolidate this management under one partnership agreement with a qualified firm or group to support the entire IT environment. Currently there is one full-time internal staff resource dedicated to IT operations. The City receives all GIS from County and Regional Commission resources. The successful contractor will manage both IT and GIS efforts and will report to the City Administrator. The selected provider will provide all professional IT staff and services to achieve the following mission:

- 1) Provide an **on-site** resource(s) on a regular, weekly schedule that can support all the City **Technology and GIS support requirements** for operations according to the terms specified in this document.
- 2) Support the current and future IT infrastructure assessment and planning needs by developing, organizing, and advising City Management regarding the creation of a Three-Year (3) IT Technology Strategic Plan.
- 3) Provide the City with comprehensive security planning and services including backup and disaster recovery, Antivirus, Malware, email archiving, managed firewall services and twice yearly security scanning.
- 4) Provide GIS planning and services for all City departments with a focus on providing online interactive mapping and visualization tools using the ESRI product suite for use by both internal City Staff and by the citizens of Fairburn.

IT MANAGED SERVICES – REQUEST FOR PROPOSAL

By responding to this RFP there is no expressed or implied obligation for the City to reimburse responding vendors for any expenses incurred in preparing proposals in response to this request.

To be considered, interested parties should send one electronic (.pdf) version of a fully responsive proposal. All proposals must be received on **June 22, 2017 by 4:00 p.m.** Proposals can be emailed to hnguyen@fairburn.com or mailed to:

Hang Nguyen
Assistant to the City Administrator
56 Malone Street
Fairburn, GA 30213
e-mail: hnguyen@fairburn.com

Proposals will be opened at City Hall on June 26, 2017 and evaluated by a selection committee.

On May 25, 2017 through June 22, 2017, any interested proposer may inspect the existing City IT infrastructure. An elective (non-mandatory) pre-bid meeting will be held at City Hall (56 Malone Street S.W. Fairburn, GA 30213) on June 7, 2017 at 10:00 AM. Any additional questions may be submitted to management for response by June 16, 2017. All questions must be requested in writing and will be answered in writing. Following June 19, 2017, no written questions will be responded to by the City.

The City reserves the right to reject any or all proposals submitted as it deems appropriate and in the best interest of the City.

Proposals submitted will be evaluated by a committee consisting of the City Administrator, the Finance Director and up to three (3) City Dept. Heads.

During the evaluation process, the Evaluation Committee and the City reserve the right, when it may serve the City's best interest, to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City or the Evaluation Committee, vendors submitting proposals may be requested to make oral presentations as part of the evaluation process. Such presentation requests will be made on an as needed basis.

The City reserves the right to retain all proposals submitted and to use any idea(s) or concepts in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the vendor of the conditions contained in the request for qualifications, unless clearly and specifically noted in the proposal submitted and confirmed in a subsequent contract between the City and the firm selected.

It is anticipated that the ranking of the top proposals will be completed by July 7, 2017. The City shall negotiate in good faith with the proposers as ranked. If negotiations with the top proposer are not successful then the City will move on to the next proposer until the City has made a final selection and successfully negotiated and approved a contract agreement for services.

Following notification of the selected vendor, it is expected that a contract will be executed between both parties within six- eight weeks after the award date.

B. Term of Engagement

A three-year contract is contemplated, subject to the annual review and a renewal recommendation from the City Administrator, the satisfactory negotiation terms (including a price acceptable to both the City and the selected vendor), the concurrence of the City Council and the annual availability of appropriations.

II. NATURE OF SERVICES REQUIRED

A. General

The IT management and local onsite support areas are to include:

- Local and Wide Area Network Design, Configuration, and Support
- Wireless Network Design, Configuration, and Support
- Internet Access and Security
- Email Infrastructure & Support
- Backup Management, testing and reporting
- Application Management
 - Vendor Support and incident management liaison
- Infrastructure Support
 - (Mail, website, etc... all daily operations of the City)
- Network and Data Security
- Security Planning and Security Program Development
- Disaster Recovery & Planning
- On Site and Remote Client Service
- 24/7 System Monitoring and Response
- On-site System and Network Services
- Server Management & Support including VMware Infrastructure
- SAN - storage management and optimization
- GIS Mapping and Systems Management
- On Site and Remote GIS Services
- Online GIS mapping and visualization services
- Hosted SaaS Enterprise GIS options
- Public Safety mobile device support
- IT and Technology Project Management
- Work plan reporting – monthly status reporting with annual accomplishment reports

Annual Services:

- Network Vulnerability Assessment – (1 to 2 X per year)
 - Internal Scans
 - External Scans
- Annual Technology Plan updates and revisions. To include:
 - IT Services
 - GIS Services
 - Security Services

Proposers must be familiar with the City's current software applications which include:

- Zimbra email
- Tyler Incode
- Harris
- Sophos
- Courtware
- Firehouse
- Office 365
- SharePoint
- Taser Body Camera
- Civic Plus
- Barracuda Solutions

The management areas outlined above encompass five separate locations, 20 servers, 220 workstations and about 60 police department workstations and mobile devices.

B. Required Staff Certifications

Proposers should have sufficient staff to support the City that possess minimum certifications. All personnel assigned by vendor will conduct work based on ticket or task order basis. Training shall include, but not be limited to the following:

- Government CIO Certification (GCCIO)
- CISSP Security Certification
- PMI Certified PMP Project Management Staff
- GIS Professional (GISP)
- GIS ArcView and/or Esri (highly preferred)
- Cisco Certified Network Professional (CCNP)
- VMware Certified Professional 5.1 or above
- Microsoft Certified IT Professional or Solutions Expert

Any staff working the Police Dept. information systems shall complete an NCIC background check and GCIC Security Awareness Training in addition to any requested CITY or STATE background checks.

C. Company Certifications

Proposers should also have any licenses and registrations required to do business in Fairburn and Fulton County, GA. Proposers should also have corporate affiliations to include, but not limited to:

- Microsoft Partner
- GIS Arcserver and/or Esri Product Suite
- PMI Certified Project Management Professional (PMP) Project Management Staff

D. Management Support Services

All IT vendor staff will be centrally managed utilizing a helpdesk/work order system. Coverage for IT services will be provided during city operational hours. Remote client access software shall be authorized for use in supporting city operations. Police and Fire support services shall be delivered as required on a twenty-four-hour basis. Only in cases of extreme emergency would support be required during non-business hours.

E. Security

Selected vendor shall be granted full access to all city computers and IT operations. Access will be granted via written authorization as part of negotiations with the successful selected vendor. Selected vendor will be required to work closely with departments on major infrastructure issues to include security sensitive software and processes and work orders and emergency logistical support. Keys and pre-arranged security access will be negotiated and specified as part of the contract agreement. All security arrangements shall be pre-planned and meet CALEA and other city security needs.

F. General Reporting

Selected vendor shall be required to report on a bi-weekly and/or quarterly basis. Reporting shall include, but not be limited to, status of various projects, staffing, equipment readiness, changes in budget conditions, work order data, such as vendor response time and city down time. All reporting requirements will be pre-arranged as part of the negotiated contract with the successful vendor. Current Helpdesk and ticket activity stands at approximately 75 service calls per month.

G. Strategic Plan & Disaster Recovery Plan

The successful vendor shall provide the City with a current operational network diagram map with all city owned IT assets. In addition, the vendor shall propose phased changes and upgrades to improve the existing IT infrastructure/diagram. This plan shall be coordinated through the City Administrator and the Senior Management Team as a three-year IT Improvement Plan for the City. An additional element of the three-year Plan will be a Disaster Recovery Plan (DRP) and Continuous Operations Plan (COP).

H. Payments/Finance

The successful vendor shall bill the City monthly for all contract services performed within the scope of the negotiated contract. Proposals submitted in response to this RFP shall be shown to include the proposed team and a breakdown of hourly rates as well as total cost to the city, per month. The City shall pay for all services under the scope of work in one flat monthly fee. Failure to provide a clearly marked pricing plan will render the proposal unqualified at the discretion of the City.

I. City Website

The City of Fairburn website (<http://www.Fairburn.com>) is powered by CivicPlus. The City website is decentralized in operations and the City Administrator approves and appoints various department staff to feed and update the information. The selected vendor shall support the operations of the website on a technical basis, as required to keep the website operational. In addition, The City will also use Facebook and other Social Media services as part of its ongoing operations.

J. Service Levels

The selected vendor shall coordinate with City management to support and operate all IT software and hardware in the overall IT infrastructure. City Management's goal, throughout all systems is to maintain a 98-99% operational rating for each Performance period under the contract. The selected vendor shall be authorized (at direction of the City management) to represent the City in various technical matters/planning/negotiations/discussions with key IT vendors. This shall also include, but not be limited to, system upgrades, compatible versions of software maintenance agreements and licensing of products.

K. Training

The selected vendor shall be responsible for training and/or the arrangement of training for City employees on new or upgraded City purchased hardware or software products, as planned, and required.

III. QUESTIONS FOR PROPOSER

Please respond to the following questions in your proposal. Please use the same order and titles to help facilitate scoring your proposal.

A. General Company Information

- Provide a profile of your company, including background and history, size, locations, certifications, and credentials. Please provide resumes of the proposed staff team members that will be utilized to provide contractual duties to the City and an organizational chart, explaining the reporting relationships.
- Provide a minimum of three references of similar sized and/or larger government agencies that proposer is currently managing or has recently managed.
- Describe your ongoing training/certification programs for key staff.
- Describe approach or response to each of the required services in Section II of this RFP.

B. Security

- Describe your strategy for securing your clients data and include your company's policy for this.
- Explain how you maintain strict confidentiality and conformance with HIPPA, PCI and other confidentiality laws, regulations, and standards.
- Describe your company's security certifications
- List supported security standards and history of support for auditing or audit preparation. Experience with ISO, NIST CALEA standards.
- Explain your experience in dealing with Police and Fire support operations.
- Describe your plans for a Citywide IT Security Program Management.

C. Service Levels

- Describe your tools and strategies to monitor and insure the stability of the computing environment in Fairburn.
- Describe your support capabilities for products and services listed in City Description – Section II-A.
- Describe your work order or trouble ticket system, helpdesk and the communication flow for user reported issues as well as for issues realized from your system monitoring.
- Describe your guaranteed response times for issues, dependent on severity and/or time of day.
- Describe work planning and project identification and planning processes for the City.
- Describe the support and project prioritization process for the City.
- Describe how scheduled down times are determined and communicated.

IT MANAGED SERVICES – REQUEST FOR PROPOSAL

- Describe Application support strategy for mainline City applications.
- Describe GIS capabilities, support for application integration, website integration and database and server management.
- Describe how you would assist the City's management strategically plan to ensure the IT system remains useful, dependable and up to date. Specifically describe your experience with developing cost effective Three-Year IT strategic plans.
- Describe how you would document and record installation, maintenance, and performance of system components.
- Describe your proposed backup standards, processes, and disaster recovery plan for the City.
- Provide Draft Statement of Work for IT Assessment Process with sample reports and deliverables from previous Assessments.

D. Fees:

- Please provide all fees associated with this proposed contract for services, to include all fees to be proposed for the Three-Year IT Strategic plan proposal.
- Please itemize all fees with the four (4) major tasks outlined in the Scope of work:
 - a) Onsite and Remote IT Support activities
 - b) Three Year IT strategic plan. Please note for the 3-year plan to propose a general project schedule associated with that task.
 - c) Security Planning and Services
 - d) GIS Planning and Services
- Any additional fees for service initiation.
- Details of ongoing monthly or yearly fees and what is included and excluded.
 - Schedule of standard fees for work that may fall outside the scope of this proposal.
- Include any discounts available for timely or prepayment of quarterly/yearly invoices.
- Any proposal submitted without a clearly marked pricing plan will render the proposal unqualified at the discretion of the City.

IV. PROPOSAL REQUIREMENTS: A.

General Requirements

The following material is required to be received by 4:00 PM on June 22, 2017 for a proposing vendor to be considered.

The proposer shall **submit 2 separate (.pdf) files** (one content and one pricing) via email or on other electronic media (CD/DVD, flash drive, etc.). Proposals should be submitted with the following naming and formatting.

- **Company_name IT Support .pdf**
- **Company_name Pricing.pdf**

Please send proposals to hnguyen@fairburn.com

or if mailed, proposers should send the completed proposal to the following address:

Hang Nguyen
Assistant to the City Administrator
56 Malone Street
Fairburn, GA 30213
e-mail: hnguyen@fairburn.com

V. EVALUATION PROCEDURES A.

Evaluation Committee

Proposals submitted will be evaluated by an Evaluation Committee as determined by the City.

B. Review of Proposals

Responses shall be reviewed on these critical factors, with the indicated relative importance factors:

- Company experience with the items identified in the scope of work, certifications, expertise and references from similar agencies/jobs 20%
- Client Relationship approach 20%
- Service levels and clarity of the proposal 30%
- Management, expertise, job success and documentation methods 15%
- Fees 15%

COST WILL BE A FACTOR, BUT NOT THE SOLE FACTOR IN THE SELECTION OF A VENDOR

C. Final Selection

The City Council will approve a firm based upon the recommendation of the Evaluation Committee.

It is anticipated that a firm will be selected by July 14, 2017. Following notification of the firm selected, it is expected a contract will be executed between both parties no later than 6-8 weeks following the award date.

D. Right to Reject Proposals

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for qualifications unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City and the firm selected. The City reserves the right with prejudice to reject any or all proposals as it deems necessary.

PROPOSER GUARANTEES AND PROPOSER WARRANTIES

Proposer Guarantees

1. The proposer certifies it can and will provide and make available, at a minimum, all services set forth in this RFP.

Proposer Warranties

1. Proposer warrants that it is willing and able to comply with State of Georgia laws with respect to foreign (non-state of Georgia) corporations.
2. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees, or agents thereof.
3. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the express prior written permission and consent of the City of Fairburn.
4. Proposer warrants that all information provided for its proposal is true and accurate.

Signature of Official:

Name (typed): _____

Title: _____

Company: _____

Date: _____

APPENDIX A

INSURANCE EXHIBIT– PROFESSIONAL SERVICES

The individual or firm shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from, or be in connection, with the performance of the work hereunder by the individual or the firm, his agents, representatives, or employees. The cost of such insurance shall be included in the fee proposed.

For this clause, the term "professional individual or firm" shall also include the individual's or firm's respective officers, agents, officials, employees, volunteers, boards, and commissions.

A. Minimum Scope and Limits of Insurance

1. Broad Form Comprehensive General Liability

\$1,000,000 combined single limit per occurrence for bodily injury, personal injury, property damage, to include products and any completed operations.

2. Automobile Liability

\$1,000,000 combined single limit per occurrence for bodily injury and property damage

3. Umbrella Liability

\$1,000,000 per occurrence, following form.

4. Workers' Compensation

Limits as required by State of STATE/Department of Labor.

5. Employers' Liability

\$100,000 each accident

\$500,000 disease/policy limit

\$100,000 disease/each employee

6. Professional Liability (if used on a claims-made basis, insurance coverage shall be maintained for the duration of the contract and for two years following contract completion.)

\$1,000,000 per occurrence

\$2,000,000 aggregate

7. Personal Property Coverage

Adequate insurance to cover the value of personal property belonging to the Vendor while located on City of Fairburn property, while in use or in storage, for the duration of the contract.

IT MANAGED SERVICES – REQUEST FOR PROPOSAL

A. Aggregate Limits

Any aggregate limits must be declared to and be approved by the City of Fairburn.

B. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and be approved by the City in writing. At the option of the City, the insurer shall reduce or eliminate such deductibles or self-insured retentions about the City or the Vendor shall procure a bond which guarantees payment of the losses and related investigations, claims administration and defense expenses. At no time will the City be responsible for the payment of deductibles or self-insured retentions.

C. Notice of Cancellation or Non-renewal

Each insurance policy required by this Exhibit shall be endorsed to state that coverage shall not be suspended, voided, canceled, or reduced, either in coverage or in limits, except after thirty days, prior written notice by certified mail, return receipt requested, has been given to the City.

D. Other Insurance Provisions

The policies are to contain, or be endorsed to contain, the following provisions;

8. Liability (General, Automobile, Professional) Coverage;

- a. "The City of Fairburn and its respective officers, agents, officials, employees, volunteers, boards and commissions" are to be named as additional insured's, with regards to liability arising coming from activities performed by or on behalf of the Vendor; products and completed operations of the Vendor; premises owned, leased, or used by the Vendor. The coverage shall contain no special limitations on the scope of protection afforded to the City.
- b. The Vendor's insurance coverage shall be the primary insurance regarding this contract with the City. Any insurance or self-insurance maintained by the City shall be secondary to the Vendor's insurance and shall not contribute with it.
- c. Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City.
- d. Coverage shall state that the Vendor's insurance shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of the insurer's liability.

9. Workers' Compensation and Employer's Liability Coverage

- a. The insurer shall agree to waive all rights of subrogation against City of Fairburn for losses arising from the work performed by the Vendor for the City.
- b. If State statute does not require the Vendor to obtain Workers' Compensation insurance, then the Vendor shall furnish the City with adequate proof of the self-

IT MANAGED SERVICES – REQUEST FOR PROPOSAL

employment status. The Vendor agrees to waive all rights of claims against the City for losses arising from the work performed by the Vendor. During the contract period, if the self-employment status should change, the Vendor shall immediately furnish proper notice to the City and a certificate of insurance indicating that Workers' Compensation insurance and Employer's Liability coverage has been obtained in the correct amounts by the Vendor as required by this Exhibit.

10. Acceptability of Insurers

- a. Insurance is to be placed with insurers which have a Best's rating of at least A.
- b. Insurance companies must either be licensed to do business in the State of GA or be deemed to be acceptable by the City Administrator.

11. Verification of Coverage

The Vendor shall furnish the City with certificates of insurance effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by the insurer to bind coverage on its behalf. The certificates and endorsements are to be received and approved by the City Administrator before work commences. Renewal of expiring certificates shall be filed thirty days prior to expiration. The City reserves the right to require complete, certified copies of all required policies, at any time.

All insurance documents required by this Exhibit shall be mailed to Hang Nguyen, Assistant to the City Administrator.

Signed: _____

Date _____

City of Fairburn _____

Date _____

IT MANAGED SERVICES – REQUEST FOR PROPOSAL

Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number

Date of Authorization

Name of Contractor

Name of Project

Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 201_ in _____(city), _____(state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____ 201

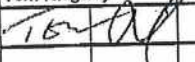
NOTARY PUBLIC

My Commission Expires

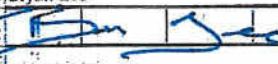
Managed IT Services: Total Scores											
Prepared By: Finance Department											
Signature:											
Date: 7/11/2017											
Respondent Name											
Rating Factor	Weight	Vendor A: tSynergi		Vendor B: Blue Group		Vendor C: Inter-Dev		Vendor D: TIFF Technologies		Score	Weighted Score
		Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score		
	0.20	2.00	0.40	3.10	0.62	4.65	0.93	1.90	0.38	0.00	
	0.20	2.50	0.50	2.50	0.50	4.20	0.84	1.70	0.34	0.00	
	0.20	2.00	0.40	3.10	0.62	4.65	0.93	1.70	0.34	0.00	
	0.20	2.65	0.53	4.00	0.80	3.85	0.77	1.90	0.38	0.00	
	0.20	2.65	0.53	4.15	0.83	4.65	0.93	2.30	0.46	0.00	
				2.36			3.37			1.90	0.00
Monthly Costs											
		\$34,335		\$22,530		\$19,709		\$32,075			
Annual Costs											
		\$412,020		\$270,360		\$236,400		\$384,900			

Managed IT Services		Managed IT Services									
Prepared By:	Finance Department	Ed Holloway									
Signature:	E. Holloway										
Date:	7/11/2017										
		Respondent Name									
		Vendor A: tSynergi		Vendor B: Blue Group		Vendor C: Inter-Dev		Vendor D: TIFF Technologies			
Rating Factor	Weight	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Price Proposal (Fee)	0.15	2	0.30	3	0.45	4	0.60	0	0.00		0.00
Company Experience - e.g., history, certifications, references, expertise	0.20	2	0.40	2	0.40	5	1.00	2	0.40		0.00
Client Relationship Approach e.g. responsiveness, availability	0.20	2	0.40	3	0.60	4	0.80	3	0.60		0.00
Service Levels - e.g., delivery, clarity of approach, added services	0.30	2	0.60	4	1.20	5	1.50	2	0.60		0.00
Management Expertise - e.g. prior job successes, documentation methods	0.15	2	0.30	3	0.45	5	0.75	2	0.30		0.00
	1.00		2.00		3.10		4.65		1.90		0.00

Managed IT Services		Managed IT Services									
Prepared By: Brenda Walker											
Signature: <i>Brenda Walker</i>											
Date: 7/11/2017											
		Respondent Name									
		Vendor A: tSynergi		Vendor B: Blue Group		Vendor C: Inter-Dev		Vendor D: .TIFF Technologies			
Rating Factor	Weight	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Price Proposal (Fee)	0.15	2	0.30	3	0.45	4	0.60	0	0.00		0.00
Company Experience - e.g., history, certifications, references, expertise	0.20	2	0.40	3	0.60	5	1.00	2	0.40		0.00
Client Relationship Approach e.g. responsiveness, availability	0.20	3	0.60	2	0.40	4	0.80	2	0.40		0.00
Service Levels - e.g., delivery, clarity of approach, added services	0.30	3	0.90	2	0.60	4	1.20	2	0.60		0.00
Management Expertise - e.g. prior job successes, documentation methods	0.15	2	0.30	3	0.45	4	0.60	2	0.30		0.00
	1.00		2.50		2.50		4.20		1.70		0.00

Managed IT Services		Managed IT Services									
Prepared By: Tom Ridgway											
Signature: 											
Date: 7/11/2017											
		Respondent Name									
		Vendor A: tSynergi		Vendor B: Blue Group		Vendor C: Inter-Dev		Vendor D: TIFF Technologies			
Rating Factor	Weight	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Price Proposal (Fee)	0.15	2	0.30	3	0.45	4	0.60	0	0.00		0.00
Company Experience - e.g., history, certifications, references, expertise	0.20	2	0.40	2	0.40	5	1.00	2	0.40		0.00
Client Relationship Approach e.g. responsiveness, availability	0.20	2	0.40	3	0.60	4	0.80	2	0.40		0.00
Service Levels - e.g., delivery, clarity of approach, added services	0.30	2	0.60	4	1.20	5	1.50	2	0.60		0.00
Management Expertise - e.g. prior job successes, documentation methods	0.15	2	0.30	3	0.45	5	0.75	2	0.30		0.00
	1.00		2.00		3.10		4.65		1.70		0.00

Managed IT Services		Managed IT Services									
Prepared By:		Harvey Stokes									
Signature:		<i>Harvey Stokes</i>									
Date:		07/02/2017									

Managed IT Services		Managed IT Services									
Prepared By: Bryan Lee											
Signature: 											
Date: 07/05/2017											
Rating Factor	Weight	Respondent Name									
		Vendor A: ItSynergi		Vendor B: Blue Group		Vendor C: Inter-Dev		Vendor D: TIFF Technologies			
		Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Price Proposal (Fee)	0.15	2	0.30	5	0.75	4	0.60	0	0.00		0.00
Company Experience - e.g., history, certifications, references, expertise	0.20	2	0.40	5	1.00	5	1.00	3	0.60		0.00
Client Relationship Approach e.g. responsiveness, availability	0.20	3	0.60	3	0.60	4	0.80	4	0.80		0.00
Service Levels - e.g., delivery, clarity of approach, added services	0.30	4	1.20	4	1.20	5	1.50	2	0.60		0.00
Management Expertise - e.g. prior job successes, documentation methods	0.15	1	0.15	4	0.60	5	0.75	2	0.30		0.00
	1.00		2.65		4.15		4.65		2.30		0.00



CITY OF FAIRBURN

CITY COUNCIL AGENDA ITEM

SUBJECT: SERVICE AGREEMENT WITH PERFECT EVENTS 4 YOU, LLC

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

Submitted: August 28, 2017 **Work Session:** August 28, 2017 **Council Meeting:** August 28, 2017

DEPARTMENT: Recreation

BUDGET IMPACT: \$12,050.00

PUBLIC HEARING? ☐ Yes ☒ No

PURPOSE: For Mayor and Council to approve Service Agreement between the City of Fairburn and Perfect Events 4 You, LLC, to provide transportation for College and University bands to participate in the Fairburn Fall Festival 2017 on October 7, 2017. The amount of the agreement is \$12,050.00.

HISTORY:

City of Fairburn Fall Festival takes place every year on the 1st Saturday in October. Perfect Event 4 You, LLC provided services for the 2014 & 2015 Fall Festival.

FACTS AND ISSUES:

Parks & Recreation budgeted \$35,000.00 for the 2017 Fall Festival (100-6100-52-3905)

RECOMMENDED ACTION: For City Council to authorize the Mayor to approve the service agreement between Perfect Events 4 You, LLC and the City of Fairburn in the amount of \$12,050.00.

Stephon Hood, Interim City Administrator

Mario B. Avery, Mayor

Performance Agreement

This Performance Agreement is entered into this 21st day of August 2017, by and between the City of Fairburn, Georgia, hereinafter referred to as "the City", and Perfect Events 4 You, LLC, transporting Partner and/or Agent, Tamara Lovejoy, for and on behalf of Clark Atlanta University Marching Band and Alabama State University, hereinafter collectively referred to as "the Artist".

The Artist, for the compensation set forth at Exhibit A ("Performance Fee"), and in exchange for the Performance of Services described and summarized at Exhibit A ("Services"), and in accordance with the terms and conditions set forth in this Agreement and as set forth at Exhibit B ("Special Stipulations"), if any, which Exhibits are incorporated herein and made part of this Agreement, agrees to provide said described Services for the benefit of the City as follows:

Date of Performance: October 7, 2017

Location: Downtown Fairburn
Fairburn, Georgia 30213

Time of Performance: 9:30am-11:00am (Artist on location 7am-3pm)

No additional fee shall be paid to Artist; provided, however, the City's obligation to pay the Performance Fee shall be binding on the City even if the Performance is not possible due to rain or other weather conditions. The Performance Fee shall be paid by the City at the conclusion of the Performance, or at such time as otherwise agreed, or at such time it is determined that the Performance is not possible due to no action or omission by the Artist.

The 2017 Fairburn Fall Festival is a "Family-Friendly Event". The Artist, staff, and guests shall conduct themselves with such guidelines, and shall: a. Not consume or have in their possession any alcoholic beverages or drugs or substances controlled by law (except medications prescribed by a doctor) either immediately before, during, or immediately after the performance covered by this contract on or near the premises of the appearance. b. Not use tobacco of any nature on or near the premises of the appearance. c. there shall be no profanity, swearing, vulgarity, or suggestive stories; no reference to sexual promiscuity; no glamorizing or promoting alcohol, drugs, or other harmful substances. Any violations by The Artist's, staff, or guests shall constitute a breach of this contract and require a forfeiture of all amounts that would otherwise have been payable to them.

Any fees or royalties of any kind applicable to the Artist's ability to perform under this Agreement shall be the sole responsibility of the Artist. In this regard, by execution of this Agreement, the Artist specifically warrants that any and all such fees and royalties have been paid or will be paid in advance of the Performance.

The City assumes no responsibility for any loss, damages, personal injury, including death, alleged or incurred by the Artist in connection with the Performance. The Artist agrees to indemnify and hold harmless, the City of Fairburn, as well as employees, agents, officials, and volunteers of the City of Fairburn, for and against any and all losses, expenses, demands, and claims, including personal injury and death, including costs and attorney's fees, which are sustained or alleged to have been sustained as a result of the Artist's acts or omissions, or the acts or omissions of the Artist's employees, agents, officials, and volunteers acting within the scope of their authority as such.

At all times, the Artist is an independent contractor and absolutely no employer-employee relationship shall be established by this Agreement.

This ____ day of _____, 20____.

The Artist

Tamara Lovejoy

The City of Fairburn

Mayor Mario Avery

Attest:

City Clerk

Approved as to Form:

City Attorney

Exhibit A

Service Fee:

\$12,050.00

Twelve thousand and fifty dollars.

Services:

Round Trip Bus Transportation for Clark Atlanta Marching Band (2 buses) and Alabama State University Marching Band (5 buses) to the 2017 Fairburn Fall Festival round trip.



Perfect Events 4 You, LLC
3069 Broadleaf Trail
Fairburn, GA 30213

Invoice

Date	Invoice #
8/10/2017	05152019

Bill To

City of Fairburn
56 Malone Street
Fairburn, GA 30213

Description	Amount
<u>TRANSPORTATION</u>	
Motorcoach Transportation- Alabama State University (5- 56 Passenger Coaches)- Camelot Bus Charters <i>From: Montgomery, AL to Fairburn, GA</i>	5,750.00
Motorcoach Transportation- Clark Atlanta (2- 55 Passenger Coaches)- ELW Motorcoach <i>From: Atlanta, GA to Fairburn, GA</i>	1,800.00
TRANSPORTATION SUBTOTAL	\$7,550.00
<u>PERFORMANCE/SERVICE FEE(S)</u>	
Performance Fee- Alabama State University	2,500.00
Performance Fee-Clark Atlanta	1,000.00
Service/Handling Fee	1,000.00
PERFORMANCE/SERVICE FEE SUBTOTAL	\$4,500.00
EVENT DETAILS	
Name: Fairburn Festival	
Date: October 7, 2017	
Time: 7 a.m.- 3 p.m	
Location- Fairburn, GA	
Thank you for your business and we look forward to serving you are your guest.	
Total	\$12,050.00

Exhibit B

Special Stipulations

None



CITY OF FAIRBURN
CITY COUNCIL AGENDA ITEM

SUBJECT: SALE OF BUCKET TRUCK

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

Date Submitted: 8/17/17 Date Work Shop: 8/28/17 Date Council Meeting: 8/28/17

DEPARTMENT: Electric

BUDGET IMPACT: \$7,500 in miscellaneous revenue

PUBLIC HEARING: () YES (X) NO

PURPOSE: For mayor and council to accept an offer of \$7,500 from Lance East for the old Unit #27, which was declared surplus in January 2016 when it was replaced with a new unit.

HISTORY:

FACTS AND ISSUES: Based on the poor condition of the vehicle, this is a fair offer.

OPTIONS: Sell at auction and risk getting a lower price.

ADMINISTRATORS COMMENTS:

RECOMMENDED ACTION: For mayor and council to accept an offer of \$7,500 from Lance East for the old Unit #27, which was declared surplus in January 2016.

Stephen Hood, Interim City Administrator

Mario Avery, Mayor