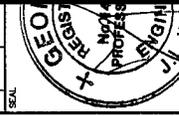


APPLICANT/OWNER
T-Mobile
 South, LLC
 FOUR CONCOURSE PARKWAY
 SUITE 300
 SANDY SPRINGS, GA 30328
 PHONE: (770) 604-8980
 FAX: (770) 595-3049

PREPARED BY:
WALKER ENGINEERING INCORPORATED
 8451 DUNWOODY PLACE
 SANDY SPRINGS, GA 30350
 PHONE: 770-641-7306
 FAX: 770-597-2196

REV	DATE	DESCRIPTION	BY
A	05/19/09	ISSUED FOR PERMIT	MAJ
D	10/27/09	ISSUED FOR CONSTRUCTION	MAJ

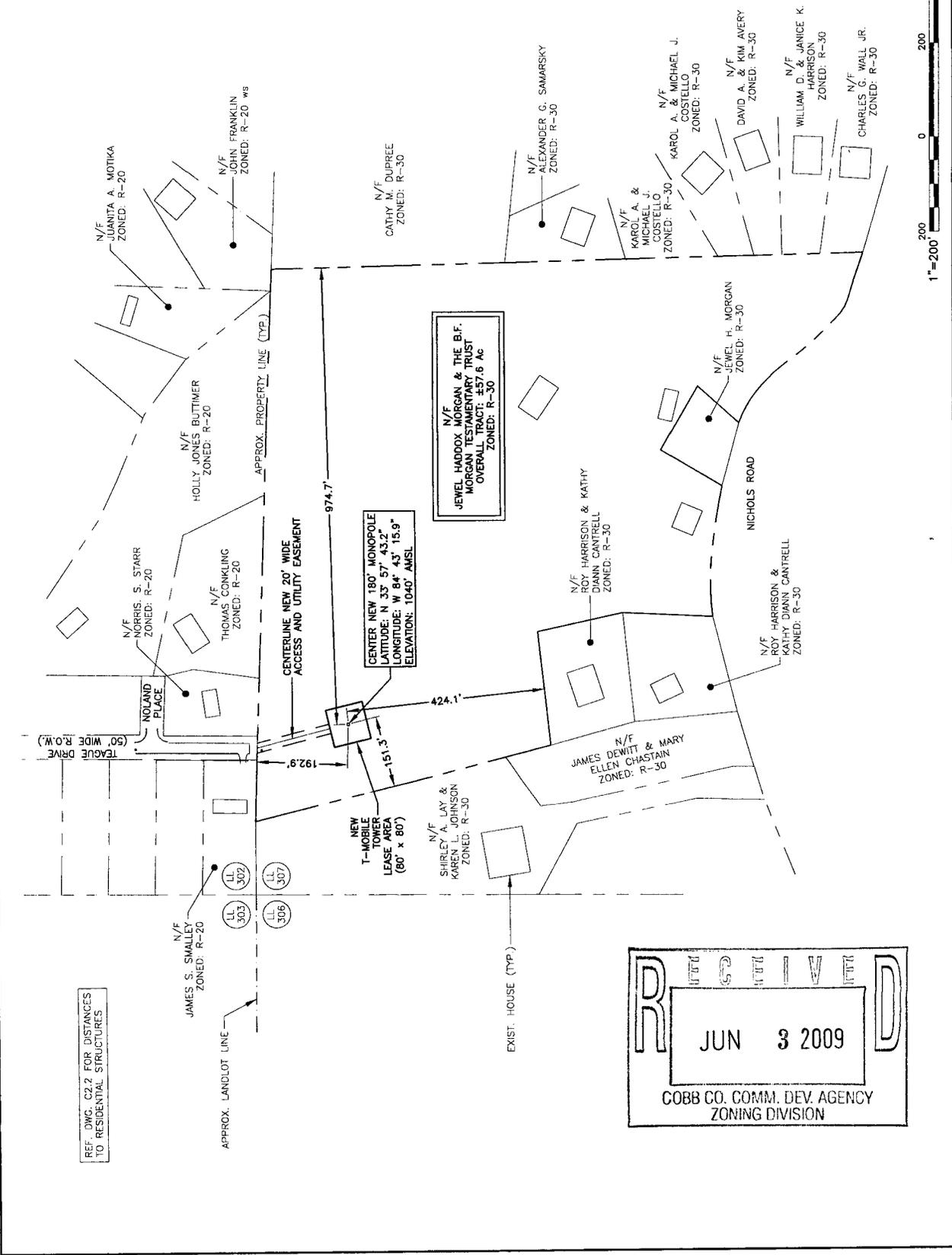
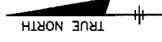
SLUP-10 (2009)



PROJECT LOCATION
HOLLAND
 9AT2159E
 5746 NICHOLS ROAD
 POWDER SPRINGS, GA 30127
 COBB COUNTY

DRAWN BY: MAJ
 CHECKED BY: MAJ
 DATE: 05/19/09
 JOB NO.: 0904-023RT
 SITE NO.: 9AT2159E
 DRAWING DESCRIPTION:

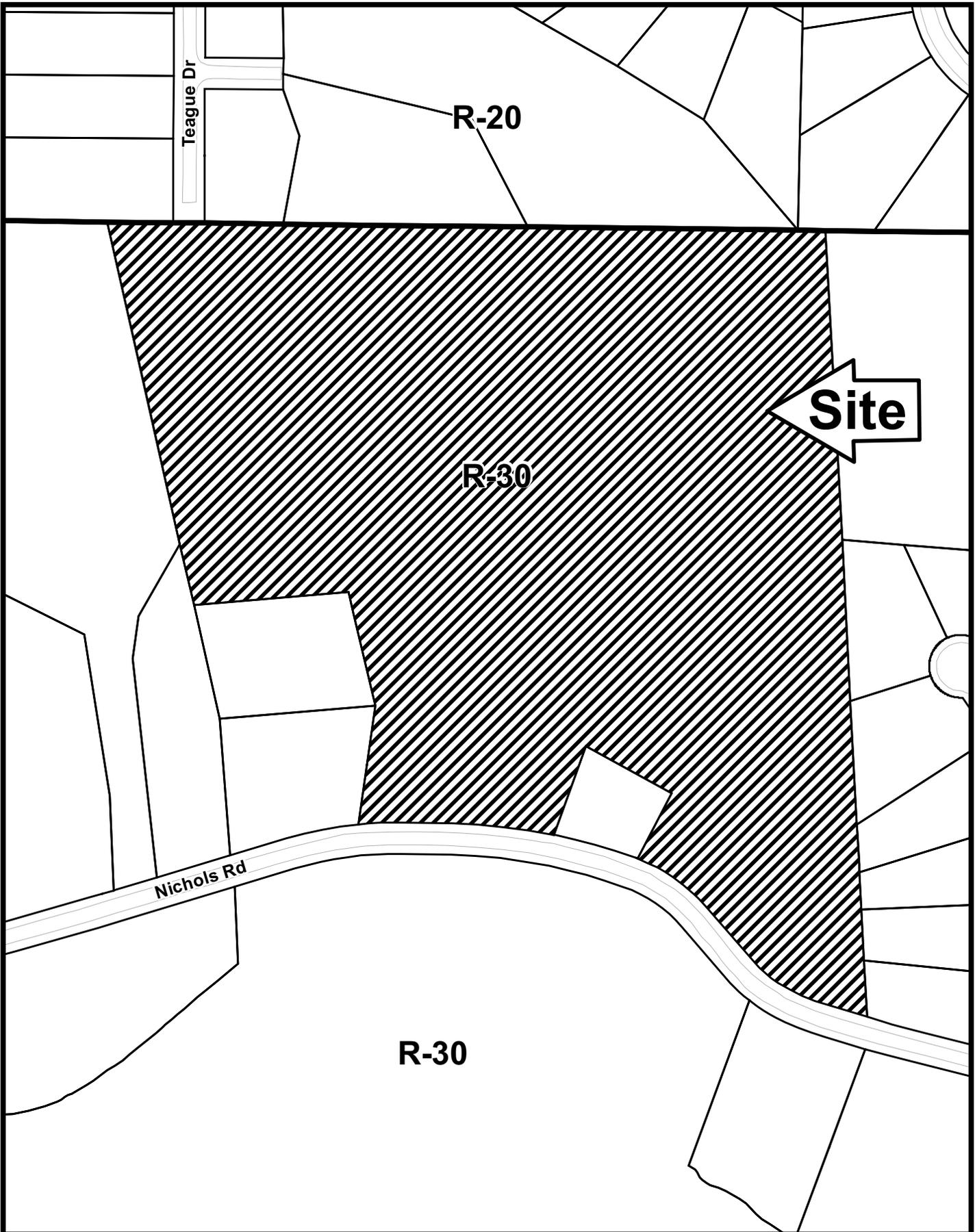
OVERALL SITE PLAN
 DRAWING NUMBER: C3



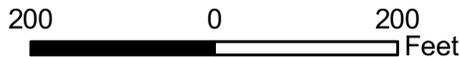
REF DWG. C2.2 FOR DISTANCES TO RESIDENTIAL STRUCTURES

RECEIVED
 JUN 3 2009
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

SLUP-10



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

APPLICANT: T-Mobile South, LLC

PETITION NO.: SLUP-10

PRESENT ZONING: R-30

PETITION FOR: SLUP

ZONING DIVISION COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

The applicant is requesting a Special Land Use Permit to construct a 185-foot telecommunications tower and related ground equipment. The proposed tower would be a monopole style tower. The tower and ground equipment would be kept in a 80-foot by 80-foot fenced area. The tower would be built to accommodate four users. There would be a 10-foot landscape buffer, which is 5-feet less than the County Code requires. The facility would be accessed via Teague Drive only. The applicant has submitted a letter of intent, which is attached as Exhibit "A".

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1900 house is located within the project area. The proposed project does not appear to require the demolition of the structure. This project will likely require a Section 106 review by the Georgia Department of Natural Resources' Historic Preservation Division. This historic resource could possibly be affected by the proposed cell tower. The Historic Preservation Division will eventually make the determination of whether the cell tower would be an adverse effect on the historic resource. If the project succeeds in obtaining the Special Land Use Permit, staff would like to recommend that the house be documented. In order to properly document this structure, its inhabitants, and the role it played in Cobb County's history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

WATER & SEWER COMMENTS:

Water and sewer not necessary for tower.

TRAFFIC COMMENTS:

Recommend an FAA study.

Recommend a paved driveway apron.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

APPLICANT: T-Mobile South, LLC

PETITION NO.: SLUP-10

PRESENT ZONING: R-30

PETITION FOR: SLUP

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – total of 110-feet needed (45 feet + 20 foot wide roadway + 45 feet).

All fuel tanks must be submitted to Cobb County Fire Marshal’s Office for approval call 770-528-8328.

APPLICANT: T-Mobile South , LLC

PETITION NO.: SLUP-10

PRESENT ZONING: R-30

PETITION FOR: SLUP

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Allatoona Creek FLOOD HAZARD INFO: Zone A

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: Adjacent to existing onsite lake and stream

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream Onsite.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream _____.

APPLICANT: T-Mobile South , LLC

PETITION NO.: SLUP-10

PRESENT ZONING: R-30

PETITION FOR: SLUP

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The proposed improvements are less than the threshold necessary to require stormwater management for this project. Although the grading proposed is minimal, extra erosion control measures should be required to protect the onsite lake.

STAFF RECOMMENDATIONS

SLUP-10 T-MOBILE SOUTH, LLC

It is Staff's opinion that the applicant's proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Most of the surrounding properties are used for single-family uses. It is Staff's opinion that the applicant's proposal will have an adverse affect on the usability of adjacent or nearby property. The view sheds from adjacent single-family houses will be negatively affected. A tower would introduce a quasi-commercial use into the community. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Very Low Density Residential (VLDR) area. The VLDR category is to provide areas that are suitable for very low density housing. The purpose of R-30 zoning district is to provide locations for single-family residential uses or residentially compatible institutional and recreational uses. The County Code encourages non-residential sites for telecommunications tower locations, which this site does not conform. Additionally, the applicant is not showing the required 15-foot landscape buffer.

Although the cell tower is setback its full height from any adjoining off-site residential structures, Staff believes the tower is inappropriately located on the property due to it's proximity to the property line. Some of the tower's fall zone is located on the neighboring property which has significant adverse affects on the usability, desirability, and developability of the property within the fall zone. The County Code calls for the tower to be set back its full height from any adjoining off-site residential structure, *or as safety concerns may dictate*. Staff believes the tower's fall zone should be completely on the applicant's lot, which would remove the fall-hazard. Staff believes the tower's location on the property could adversely affect the health, welfare, and safely of the surrounding neighborhood. While cell towers are touted by their proponents to be safe from collapse, no cell tower can be 100% guaranteed not to collapse. It is Staff's position that the recommendation for this proposal is in compliance with the Telecommunications Act of 1996. The applicant has the burden of proof to produce sufficient information on this request to show a cell tower is needed. It is Staff's opinion based on the information submitted, and the above analysis that the applicant has not submitted sufficient evidence for the request. Based on the above analysis, Staff recommends **DENIAL**.

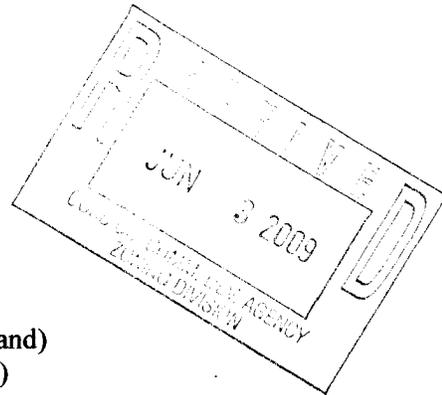
The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



June 4, 2009

BY HAND DELIVERY

Cobb County Board of Commissioners
Cobb County Planning Commission
C/O Cobb County Community Planning Department
191 Lawrence Street
Marietta, GA 30132



RE: Application for a Special Land Use Permit:
T-Mobile South LLC Wireless Facility (9AT2159E/Holland)
Located at 5746 Nichols Road (Tax Parcel 20030700060)

Dear Honorable Commissioners:

This Letter of Intent is submitted to the Cobb County Community Planning Department in connection with and as support for the above referenced Special Land Use Permit application submitted for consideration by the Cobb County Planning Commission and the Cobb County Board of Commissioners (the "Application"). T-Mobile respectfully submits this Application, the approval of which will grant the necessary zoning approval that will allow T-Mobile to install, operate and maintain a wireless telecommunications facility and related antennas and equipment.

As depicted on the site plans submitted, the facility will include a 185-foot high multi-tenant, monopole and ground-mounted communications equipment to be located within a 6,400 square foot lease area. This facility will be an integral part of the wireless network providing personal wireless service across Cobb County, and will allow for the provision of safe, reliable and uninterrupted wireless coverage to the public in this area of Cobb County, where T-Mobile currently has no facility and thus is not able to provide adequate wireless coverage.

T-Mobile believes that the application and the accompanying documentation support this request for a wireless facility. Furthermore, this facility will comply with all the requirements of Section 134-273 of the Cobb County Zoning Ordinance. The property owner and T-Mobile respectfully request that the Cobb County Board of Commissioners approve this Application

SITE SELECTION PROCESS

T-Mobile's Radio Frequency Engineering Division studied the immediate area of Nichols Road and Antioch Road (the "coverage objective") to determine where a facility would need to be located in order to adequately address the coverage objective, which includes providing coverage to the residential areas in this part of Cobb. The limits of the search area were defined by a ring which encompasses a radius of approximately 0.5 mile.

T-Mobile first attempts to search out possible co-location opportunities. This is not only preferred by Cobb County but also by T-Mobile in that it is less expensive and less time consuming. Unfortunately there are no existing tower facilities or tall structures within the area capable of accommodating T-Mobile's antennas and equipment. Also, pursuant to *Section 134-273, Television, land mobile, communication, microwave and radio transmission antennas and towers over 35 feet in height. (3) Design, location and safety requirements. b. At the time of filing the application for a tower, the applicant shall provide a site plan and information regarding topography, coverage zone and tower*

height requirements. It is strongly encouraged that the applicant provide documentation of all towers within a one mile radius of the proposed location, to include the number of users approved to collocate and the number of users existing on said towers, there are no available structures within a one mile (1.6 kilometers) radius of the proposed location according to the Federal Communications Commission website (please see Exhibit I).

The search area consists of residentially zoned parcels which are developed as such. T-Mobile seeks to minimize the perceived impacts that a wireless facility has on residential areas. Typically T-Mobile will seek larger and more commercial or agricultural properties. The closest commercial node was over a mile to the southeast at Mars Hill Road and Dallas Highway. This area is too far to accomplish T-Mobile's coverage goals.

Due to its ongoing relationship with the Cobb County School District, T-Mobile representatives approached Vaughn Elementary about the possibility of placing a facility on the school's 20 acre tract. However the school's administration was not interested in pursuing an arrangement.

Other parcels were investigated but property owners were either not interested or the property was not as well suited for the proposed facility. The subject site was selected because of its size and wooded nature that would help in concealing the proposed facility. The property is the largest tract within the search area and allows for the facility to meet all applicable setbacks which include the height of the tower from any off-site residential structure.

THE PROPERTY

The property is located at 5746 Nichols Road and is approximately 60 acres and zoned R-30. The parcel consists of heavily wooded areas in addition to pasture and agricultural fields. The proposed facility will be accessed from Teague Drive which borders the northerly property line. Properties adjoining the subject site are zoned for residential uses and include occupied single-family residential homes. Due to the location of the facility on the subject site, the proposed facility will be well screened from adjoining properties.

THE FACILITY

T-Mobile has leased a 6,400 square feet area for the construction and permanent location of the proposed facility plus the right to use the property for utilities and access to the facility. T-Mobile plans to construct a 185' monopole structure at the facility. The monopole will be designed to meet all wind loading requirements for Cobb County. Additionally the facility will meet all local, state, and federal requirements in its design, construction, and operation. The proposed facility, including the monopole and ground area, will be designed for total of four additional wireless service providers (including T-Mobile). This will help in providing the infrastructure necessary for adequate wireless services for residential areas in this area of Cobb County.

T-Mobile will need only electric and telephone utilities for the facility and will therefore have little impact on County services. Once constructed, the facility will be unmanned and therefore there will be minimal site visits to the site; the facility will not have an impact upon the traffic along Teague Drive. This facility, since designed at 185' in overall height, will not be required to be outfitted with artificial lighting according to FAA standards; no strobe, beacon or other lighting devices will be placed on this facility.

The facility will also meet *Cobb County Zoning Ordinance Section. 134-273. Television, land mobile, communication, microwave and radio transmission antennas and towers over 35 feet in height. (3) Design, location and safety requirements. a. All towers and antennae in excess of 70 feet must be set back a distance equal to the full height of the tower from any adjoining off-site residential structure or as safety concerns may dictate* with a setback of 271' from the closest off-site residential structure; well within the required 185'.

In addition to the off-site residential setback the proposed facility will meet *Cobb County Zoning Ordinance Section. 134-273. Television, land mobile, communication, microwave and radio transmission antennas and towers over 35 feet in height. (5) Landscape buffer and screening requirement. Unless otherwise noted within this section's requirements, or otherwise approved by the board of commissioners, the special land use permit hearing, any commercial tower or antenna which abuts a residentially zoned property shall have a minimum 40-foot setback from the residential property, 15 feet of which should be a landscaped, screening buffer between the tower and the residentially zoned property which will be subject to county staff approval. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and/or access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated, undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126* with setbacks of 151' to the westerly property line; 193' to the northerly property line; 975' to the easterly property line; and 424' to the southerly property line. The proposed facility includes a 10' landscaped buffer in addition to the surrounding natural buffer which well exceeds the above requirement and meets the intent of the Ordinance.

In accordance to Section 134-37, Special land use permits, of the Cobb County Zoning Ordinance, the following standards and factors are found to be relevant to the exercise of the County's zoning powers and shall govern the review of all proposed Special Land Use Permit.

- (1) Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.

The proposed facility will meet all of the requirements set forth by Cobb County regulations which are written to protect surrounding and nearby properties. The facility is well buffered from adjoining properties

- (2) Whether or not the use is otherwise compatible with the neighborhood.

The Cobb County Zoning Ordinance allows wireless facility within residential areas with the approval of a Special Land Use Permit. Furthermore, the Cobb County Zoning Ordinance defines the requirements that a wireless facility must meet in relationship to residential properties (i.e. setbacks and landscape buffers). This site meets the requirements set forth and therefore is compatible based on the meeting of requirements of the Cobb County Zoning Ordinance.

- (3) Whether or not the use proposed will result in a nuisance as defined under state law.

This proposed facility is not considered a nuisance defined under state law.

(4) Whether or not quiet enjoyment of surrounding property will be adversely affected.

The proposed facility meets all of the requirements set forth by the Cobb County Zoning Ordinance which was written and adopted to protect adjoining and nearby properties. Furthermore this facility will not emit noise or odors. The facility will be unmanned and will not impact county services.

(5) Whether or not property values of surrounding property will be adversely affected.

The proposed facility meets all of the requirements set forth by the Cobb County Zoning Ordinance which was written and adopted to protect property values. Additionally there is no conclusive evidence available that shows that wireless facilities have an impact on property values. Over the past 20 years, wireless technology and facilities have become an important part of the infrastructure.

(6) Whether or not adequate provisions are made for parking and traffic considerations.

Once constructed the facility will be unmanned and will have minimal impact upon traffic. The facility is designed to accommodate parking needs.

(7) Whether or not the site or intensity of the use is appropriate.

The proposed facility meets the regulations of the Cobb County Zoning Ordinance which allows this particular use in a residential when certain criteria is met and a Special Land Use Permit is approved. The criteria outlined in the Zoning Ordinance takes into account this type of use.

(8) Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.

The Cobb County Zoning Ordinance allows this particular use in a residential when certain criteria is met and a Special Land Use Permit is approved.

(9) Whether or not adequate provisions are made regarding hours of operation.

The facility will be operational 24 hours a day, 7 days a week, however, the facility will be unmanned.

(10) Whether or not adequate controls and limits are placed on commercial and business deliveries.

With the exception of the construction period, there will be no deliveries made to the facility.

(11) Whether or not adequate landscape plans are incorporated to ensure appropriate transition.

The facility will include a 10' landscape buffer in addition to a substantial undisturbed natural buffer.

(12) Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.

The facility exceeds all Federal requirements in regards to radio frequency emissions and will not have any impact upon public health, safety, welfare or moral concerns or surrounding neighborhoods. The site will actually enhance public safety with Enhanced 911 service in this area of Cobb County.

(13) Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.

This site meets all requirements provided for in Section 134-273 of the Cobb County Zoning Ordinance.

(14) Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.

This application includes all requested documentation.

In support of this application T-Mobile South LLC includes the following:

1. Special Land Use Permit Application
2. Exhibit A - Property Deed
3. Exhibit B - Legal Description
4. Exhibit C - Tax Map/Search area Analysis
5. Exhibit D - Zoning Map with Search Area Overlay
6. Exhibit E - Description of Proposed Tower's Area of Service: Coverage Maps
7. Exhibit F - Photo Simulations of the Proposed Tower
8. Exhibit G - Radio Frequency Engineer's Statement Regarding Facility
9. Exhibit H - T-Mobile's FCC License
10. Exhibit I - FCC Registration search for structure within a one mile (1.6 kilometers) radius
11. Exhibit J - Constitutional Challenge
12. Five sets of Site Plans (11" X 17")
13. Two sets of Site Plans (8 1/2" X 11")

T-Mobile is happy to answer any questions or provide any additional information that Cobb County may have with regards to this Application. Please feel free to call me at (678) 920 - 1262, if you have any questions.

Sincerely,



Lannie Greene
Agent for T-Mobile South LLC