

APPLICANT:	T-Mobile South, LLC	PETITION NO:	SLUP-14
	678-920-1262	HEARING DATE (PC):	
REPRESENTATIV			
	Episcopal Diocese of Atlanta, Inc.		
		PROPOSED ZONING:S	Special Land Use
PROPERTY LOCA	TION: Located on the north side of Jamerson	_	Permit
Road, west of Jett Road.		PROPOSED USE:	
		Telecommunications Towe	r and Equipment
ACCESS TO PROPERTY: Jamerson Road		_ SIZE OF TRACT:	9.7621 acres
		DISTRICT:	16
PHYSICAL CHARACTERISTICS TO SITE: _Existing church			
		_ PARCEL(S):	7
		TAXES: PAID Exempt I	DUE
CONTIGUOUS ZONING/DEVELOPMENT		COMMISSION DISTRICT	:_3
NODTH.	R-15/Willow Creek subdivision		

OPPOSITION: NO. OPPOSED\_\_\_PETITION NO:\_\_\_SPOKESMAN \_\_\_\_

R-15/ subdivision under construction

## PLANNING COMMISSION RECOMMENDATION

R-20/ undeveloped

R-30/ single-family houses

APPROVED\_\_\_\_MOTION BY\_\_\_\_

REJECTED SECONDED

**SOUTH:** 

EAST: WEST:

HELD\_\_\_\_CARRIED\_\_\_\_

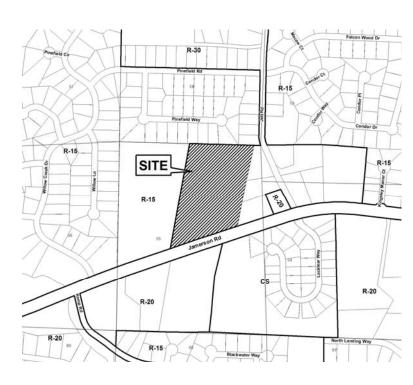
## **BOARD OF COMMISSIONERS DECISION**

APPROVED MOTION BY

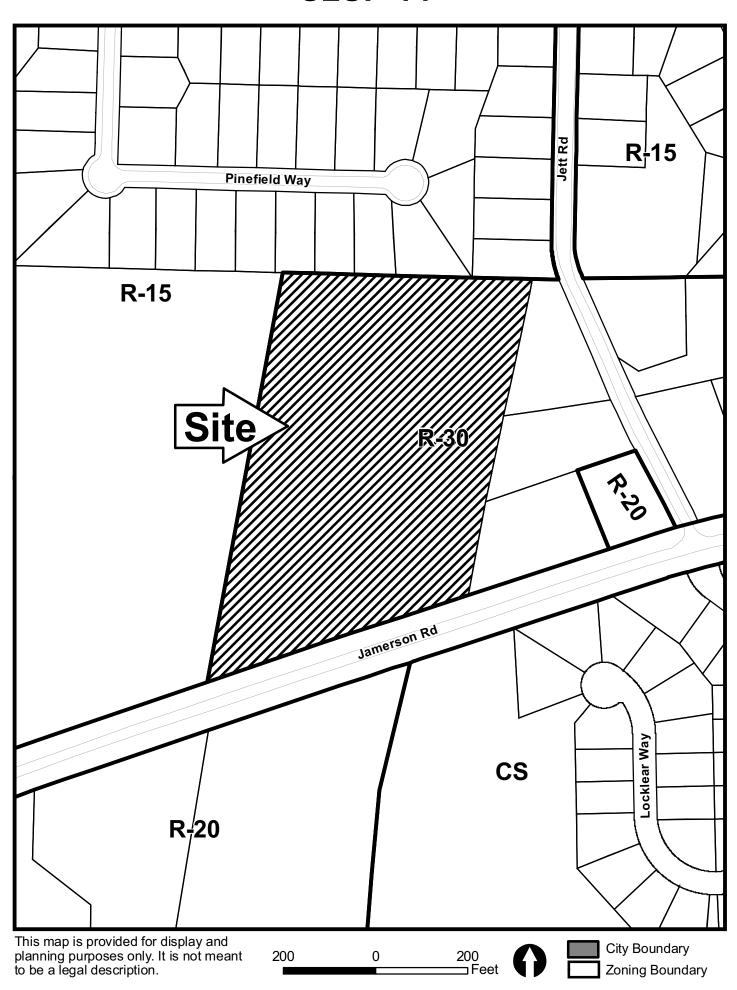
REJECTED\_\_\_\_SECONDED\_\_\_\_

HELD\_\_\_\_CARRIED\_\_\_\_

**STIPULATIONS:** 



## SLUP-14



<b>APPLICANT:</b> T-Mobile South, LL	<u>PETITION NO.:</u>	SLUP-14		
PRESENT ZONING: R-30	PETITION FOR:	SLUP		
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ZONING DIVISION COMMENTS	Staff Member Responsible:John P. Peder	rson, AICP		
be a stealth bell tower (see exhibit "B"	Land Use Permit to place a cell tower on the propagation, which would be 135-feet in height, and would a 60-foot by 40-foot compound. The applicant has A".	l hold up to three		
<u>Historic Preservation</u> : No comment				
	**********	* * * * * * * * * *		
WATER & SEWER COMMENTS:	<u>:</u>			
Water and sewer not necessary for tov	ver.			
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * *		
DEPARTMENT OF TRANSPORT	ATION COMMENTS:			
Recommend an FAA study.				
Recommend applicant be required to a project improvements.	meet all Cobb County Development Standards an	d Ordinances related to		
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * *		
FIRE DEPARTMENT COMMENTS:				

All Fuel tanks must be submitted to Cobb County Fire Marshal's Offices for approval. Call 770-528-8328.

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DRAINAGE COMMENTS	
FLOOD HAZARD: YES NO POSSIBLY	Y, NOT VERIFIED
DRAINAGE BASIN: Trickum Creek  ☐ FEMA Designated 100 year Floodplain Flood.  ☐ Flood Damage Prevention Ordinance DESIGNATED  ☐ Project subject to the Cobb County Flood Damage Pr  ☐ Dam Breach zone from (upstream) (onsite) lake - nee	evention Ordinance Requirements.
WETLANDS: ☐ YES ☐ NO ☐ POSSIBLY, NO	OT VERIFIED
Location:	
☐ The Owner/Developer is responsible for obtaining an of Engineer.	y required wetland permits from the U.S. Army Corps
STREAMBANK BUFFER ZONE:  ☐ YES ☐ NO	☐ POSSIBLY, NOT VERIFIED
<ul> <li>Metropolitan River Protection Area (within 2000' or buffer each side of waterway).</li> <li>Chattahoochee River Corridor Tributary Area - County Georgia Erosion-Sediment Control Law and County Georgia DNR Variance may be required to work in 2</li> <li>County Buffer Ordinance: 50', 75', 100' or 200' each</li> </ul>	Ordinance - County Review/State Review. 5 foot streambank buffers.
DOWNSTREAM CONDITION	
drainage system.  Minimize runoff into public roads.  Minimize the effect of concentrated stormwater disch	arges onto adjacent properties.
<ul> <li>Developer must secure any R.O.W required to receive Existing Lake Downstream</li> <li>Additional BMP's for erosion sediment controls will be Lake Study needed to document sediment levels.</li> <li>Stormwater discharges through an established resident.</li> </ul>	pe required.
	ed volume of runoff generated by the proposed project

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**********	******
DRAINAGE COMMENTS CONTINUED	
SPECIAL SITE CONDITIONS	
<ul> <li>□ Provide comprehensive hydrology/stormwater controls to</li> <li>□ Submit all proposed site improvements to Plan Review.</li> <li>□ Any spring activity uncovered must be addressed by a question of the structural fill must be placed under the direction engineer (PE).</li> </ul>	ualified geotechnical engineer (PE).
<ul><li> Existing facility.</li><li> Project must comply with the Water Quality requirement</li><li> Water Quality Ordinance.</li></ul>	·
<ul> <li>Water Quality/Quantity contributions of the existing la conditions into proposed project.</li> <li>Calculate and provide % impervious of project site.</li> <li>Revisit design; reduce pavement area to reduce runoff and</li> </ul>	•
☐ No site improvements proposed.	
ADDITIONAL COMMENTS OF ICCESTIONS	

## ADDITIONAL COMMENTS/SUGGESTIONS

1. Access drive and tower compound must be pervious surface such as gravel or mulch (with the exception of proposed equipment pads). The existing surrounding vegetation should provide a sufficient onsite water quality buffer strip. No significant stormwater management impacts are anticipated.

## STAFF RECOMMENDATIONS

## SLUP-14 T-MOBILE SOUTH, LLC

The applicant's proposal is located in an area designated as a Public Institutional on the Future Land Use Map. For cell towers, non-residential sites are encouraged, and the use of platted lots in residential subdivisions are discouraged, which this proposal complies. The tower is setback it's full height from all off-site residential structures, and is designed for additional co-locations, as required by code. The tower is located in a stand of trees, and away from most of the single-family houses. The proposed tower is disguised as a bell tower, which should compliment the church. Staff would suggest the applicant examine placing the tower closer to the church building, so the bell tower would look like its part of the church building. Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division on September 03, 2009, unless the tower can be relocated closer to the church building, with the District Commissioner approving the final plan;
- Tower to be a stealth bell consistent with Exhibit "B";
- Maximum of three users or co-locators;
- Fire Department comments;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

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.

# $\mathbf{T} \cdot Mobile \cdot$

September 3, 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 (9AT2061E/Hames Road) Located at 1673 Jamerson Road (Tax Parcel 16005500070)

### **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. This facility is a necessity as T-Mobile is responding to the demand of its customers, who many of which no longer use their land lines but instead use their cell phones for everyday activities and in the event of emergencies. Roughly half of all 911 calls are made by cell phones; between July 18, 2009 and August 18, 2009, there were 4,925 911 calls made by T-Mobile customers in Cobb County.

The proposed antenna location is also needed to meet Federal Communications Commission (FCC) requirements for Enhanced 911 (E911) service. The wireless E911 program is divided into two phases. Phase I requires wireless carriers, upon request from a local Public Safety Answering Point (PSAP), to report the telephone number of a wireless 911 caller and the location of the antenna that received the call. Phase II of the E911 program requires wireless carriers to provide far more precise location information, within 50 to 100 meters in most cases. Provisions of E911 service in accordance with FCC requirements is a major component of the need for additional cell sites.

Additionally wireless infrastructure is required for programs, such as Cobb County's recently announced Code Red Emergency Notification System, to be successful. This program provides alerts in the event of an emergency, such as inclement weather. Subscribers may be able to get notifications of life-threatening emergencies on their land lines, cell phones, or as text messages on their cell phones. Without adequate wireless coverage, T-Mobile customers within this area may not be alerted.

The proposed facility was denied in a previously submitted Special Land Use Permit application in 2008 (SLUP-12), although, the professional staff of the Cobb County Planning Department recommended approval; the staff report is included as Exhibit A. Following this denial, T-Mobile continued to seek properties that would meet the law and intent of the Cobb County Zoning Ordinance. As explained below there was one other possible candidate that was explored. This candidate was property owned by Cobb County and operated by Parks and Recreation. It was determined that this parcel was not a valid candidate because of its location within a flood zone and access issues to the facility. The subject location is the only site that can meet the law and intent of the Cobb County Zoning Ordinance and also meets the technical requirements of T-Mobile's network infrastructure.

## SLUP-14 (2009) Exhibit "A" Letter of intent

As depicted on the site plans submitted, the facility will include a 135' high bell tower and ground-mounted communications equipment to be located within a 2,400 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.

Often one of the concerns regarding a wireless facility is the impact it may have on property values. There is no substantial evidence that a facility de-values adjacent or nearby properties. As a matter of fact, properties near a Verizon tower located within a subdivision on Hidden Falls Lane in Smyrna (Parcel #17045700410) were investigated to determine if there is an actual impact on the value of adjacent or nearby properties.

Using only the Cobb County Tax Assessors database, we investigated properties within the subdivision and the surrounding area to see if this tower had an impact on the property values; this study was not conducted by a professional property appraiser. We did not include any properties that have been bought or sold within the last 18 months due to the historical condition of the real estate market. This existing 291' self-supporting tower (lattice tower) was built in 1991 and homes within the subdivision and an adjacent subdivision were built after the tower was constructed. Based on this investigation, properties within the area did not lose any value and actually re-sold for more than the original price. This study is included as Exhibit J.

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 Episcopal Diocese of Atlanta, the property owner and T-Mobile, the applicant 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 Jamerson Road, south of Alabama Road and between Canton Road and Trickum Road and surrounding neighborhoods (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 1.25 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 J).

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-

## SLUP-14 (2009) Exhibit "A" Letter of intent

Mobile will seek larger and more commercial or agricultural properties. The closest commercial node was over a mile to the west at Jamerson Road and Canton Highway. This area is too far to accomplish T-Mobile's coverage goals. Therefore with the Cobb County Zoning Ordinance as a guide, T-Mobile sought out properties that would satisfy the requirements for wireless facilities. Actually, T-Mobile has gone beyond the requirements of the Cobb County Zoning Ordinance by proposing a bell tower design, which is appropriate for the property use of a church.

#### PROPERTIES INVESTIGATED

Several parcels inside and outside the search area were investigated for the possibility of a wireless facility. They included the following:

- 1. Mountain View United Methodist Church located at 2300 Jamerson Road. Parcel is too far east to provide the expected coverage. Additionally, site would have been in much closer proximity to residential structures than the proposed structure at the subject property.
- 2. Sprint PCS Facility located at 1110 Lake Drive. Structure is located too far west to provide the required coverage.
- 3. **Keheley Elementary School** located at 1985 Kemp Road. Property is too far south to provide the required coverage.
- 4. **Kell High School** located at 4770 Lee Waters Road. Property is too far west to provide the required coverage.
- 5. Cobb County Parks Property located at Jamerson Road at intersection of Old Mill Drive. Met with Cobb Parks and Recreation representative; however, the property has access issues and the best locations to provide the required coverage would have been within flood plain.
- 6. Property across street from proposed location is primarily flood zone and wetlands.

Please see attached Exhibit C for a tax map analysis of the above properties. Included with this exhibit is a flood zone map in regards to parcels #5 and #6 above.

### THE PROPERTY

The subject site was selected because of its size and wooded nature, along the westerly property line, 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 is located at 1673 Jamerson Road and is approximately 9.7 acres and zoned R-30. The property is currently developed with the Church of the Annunciation Episcopal Church. The facility will be located within a wooded area along the westerly property line towards the southwest corner of the property. The proposed facility will be accessed from Jamerson Road and will utilize the existing paved access road. Properties adjoining the subject site are zoned for residential uses and include occupied single-family residential homes to the north and east. Property to the south is undeveloped and property to the west is partially developed single family subdivision. Due to the location of the facility on the subject site, the proposed facility will be well screened from adjoining properties.

In the staff report for SLUP 12 of 2008, it was recommended that the placement of the facility be closer to the church building. However, in meeting the law and intent of the Cobb County Zoning

## SLUP-14 (2009) Exhibit "A" Letter of intent

Ordinance, T-Mobile determined that the best location was to be further away from the residential properties to the north and east.

#### THE FACILITY

T-Mobile has an option to lease a 2,400 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 135'bell tower at the facility. The structure 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 bell tower and ground area, will be designed for total of three 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 Jamerson Road or surrounding neighborhood roads. This facility, since designed at 135' in overall height, will not be required to be outfitted with artificial lighting according to FAA standards; no strobe, beacon or other lighting devises 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 over 383.1' from the closest off-site residential structure; well within the required 135' (See sheet C-3 of submitted site plans).

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 140.2' to the westerly property line; 678' to the northerly property line; 383.1' to the easterly property line; and 142.2' to the southerly property line. The proposed facility includes a 15' undisturbed landscaped buffer in addition to the setbacks which well exceed the above requirement and meets the intent of the Ordinance.

In accordance with 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 Permits.

(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. Since this property is a church within a residential area, the bell tower design is appropriate. The facility is well buffered from adjoining properties due to setbacks.

(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). Additionally, this proposal includes a bell tower on a church property. 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. This application meets the criteria of the Cobb County Zoning Ordinance.

(8) Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow non-compatible 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 15' undisturbed landscape buffer as required.

(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 on surrounding neighborhoods. The site will actually enhance public safety with Enhanced 911 service and Code Red Emergency Notification System 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.

SLUP-14 (2009) Exhibit "A" Letter of intent

(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 Staff Report (SLUP 12 of 2008)
- 3. Exhibit B Property Deed
- 4. Exhibit C Legal Description
- 5. Exhibit D Tax Map/Search area Analysis
- 6. Exhibit E Zoning Map with Search Area Overlay
- 7. Exhibit F Description of Proposed Tower's Area of Service: Coverage Maps (two)
- 8. Exhibit G Radio Frequency Engineer's Statement Regarding Facility
- 9. Exhibit H T-Mobile's FCC License
- 10. Exhibit I Property Sales Analysis
- 11. Exhibit J-FCC Registration Search
- 12. Exhibit K Constitutional Challenge
- 13. Five sets of Site Plans (11" X 17")
- 14. Two sets of Site Plans (8 1/2" X 11")

T-Mobile will be conducting a public information meeting on October 22, 2009 at the Church of Annunciation and will notify nearby residents of a balloon test to be held shortly thereafter. Upon the conclusion of the balloon test, this application will be supplemented with photo simulations of the proposed 135' bell tower. I am 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.

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Agent for T-Mobile South LLC

