

PRELIMINARY ZONING ANALYSIS

Planning Commission Hearing Date: November 3, 2009
Board of Commissioners Hearing Date: November 17, 2009

Due Date: September 25, 2009

Date Distributed/Mailed Out: September 11, 2009



Cobb County... Expect the Best!

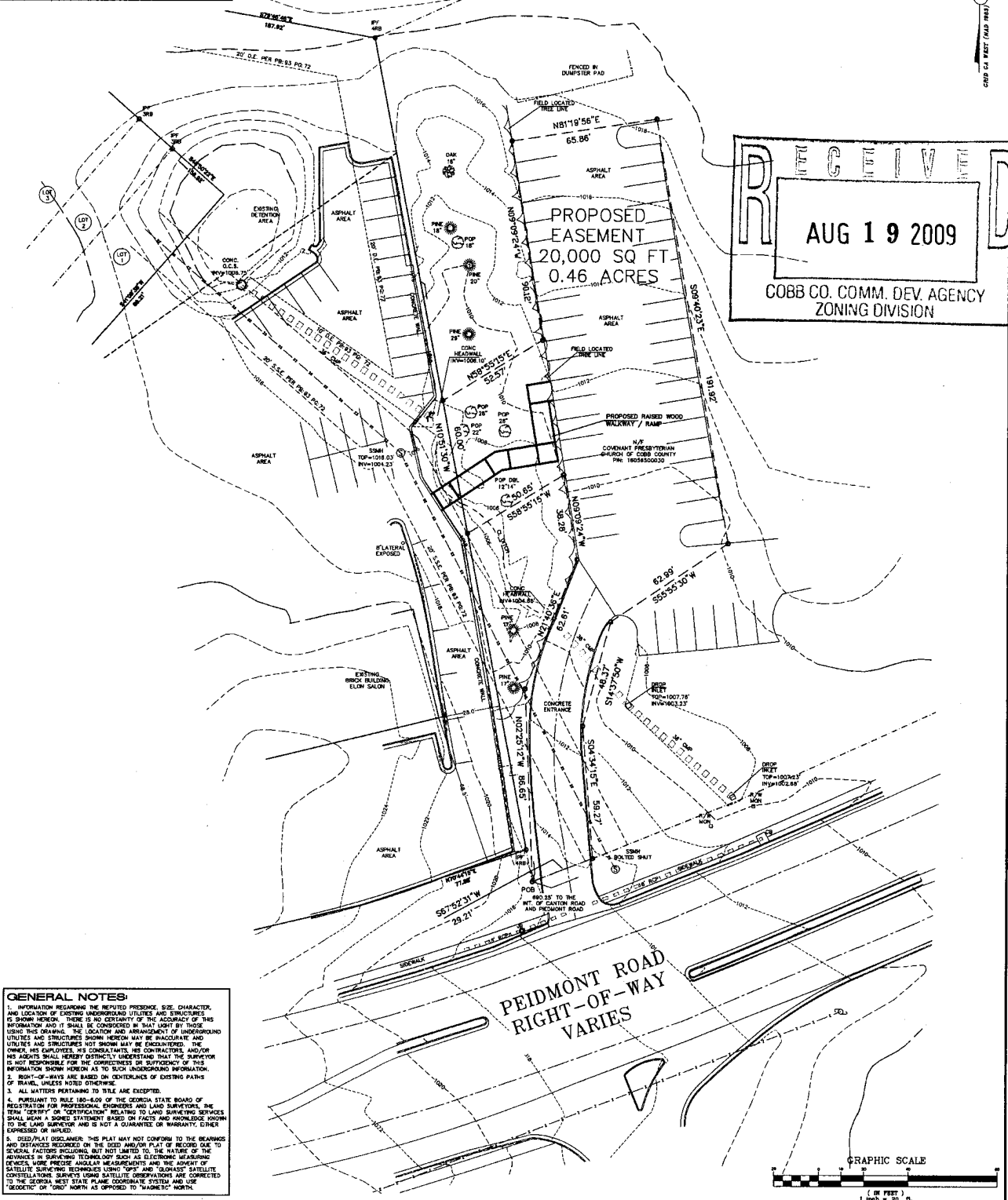
Z-31
(2009)

DON WESTBROOK

695 PIEDMONT ROAD
LAND LOT 566, 16th DISTRICT
OF COBB COUNTY, GEORGIA
PIN: 18056600010

LEGEND:

IF5	IRON PIN SET	CLP	ROLLAND
OT	IRON PIN FOUND	CM	CONCRETE MONUMENT FOUND
OT	OPEN TOP PIN	SM	OVERHEAD UTILITY LINES
RS	REINFORCING BAR	UMT	SANITARY SEWER MAIN POLE
CL	CONCRETE	UB	MAIN HOLE TELEPHONE
R/W	RIGHT-OF-WAY	UB	CATCH BASIN
LL	LAND LOT LINE	UB	JUNCTION BOX
LL	LAND LOT LINE	UB	SNIP WALK
LL	LAND LOT LINE	UB	HEAD WALL
LL	LAND LOT LINE	UB	CONCREGATED METAL PIPE
LL	LAND LOT LINE	UB	FINE HYDRANT
LL	LAND LOT LINE	UB	DRAINAGE EASEMENT
LL	LAND LOT LINE	UB	WATER VALVE
LL	LAND LOT LINE	UB	WATER METER
LL	LAND LOT LINE	UB	SANITARY SEWER CLEANOUT
LL	LAND LOT LINE	UB	POINT OF BEGINNING
LL	LAND LOT LINE	UB	POINT OF INTERSECTION
LL	LAND LOT LINE	UB	NOT TO SCALE
LL	LAND LOT LINE	UB	SHAKE SHED CATCH BASIN
LL	LAND LOT LINE	UB	UTILITY EASEMENT
LL	LAND LOT LINE	UB	PARKING SPACES



GENERAL NOTES:

1. INFORMATION REGARDING THE DEPICTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY EXPLICITLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. PURSUANT TO RULE 180-6-09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATED TO LAND SURVEYING SERVICES SHALL MEAN A SOLEMN STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THIS DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNOLOGY. TOPIC AND "CLASSIC" SATELLITE CONSTELLATIONS SURVEYS USING SATELLITE OBSERVATIONS ARE CONNECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEOCENTRIC" OR "GOND" NORTH AS OPPOSED TO "MAGNETIC" NORTH.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 100,000 FEET, AN ANGULAR ERROR OF 10.0 SECONDS PER ANGLE POINT AND WAS ADAPTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET, AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

NO IRON MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. PERSONS OR ENTITY WHOSE NAMES ARE LISTED ON THIS PLAT ARE NOT TO BE CONSIDERED AS ENDORSING OR GUARANTEEING THE ACCURACY OF THIS PLAT. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF SHALL BE USED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2008 FRONTLINE SURVEYING & MAPPING, INC. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road
A-9, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

ISSUING PLAN FOR: **DON WESTBROOK**

LAND LOT 566

16 DISTRICT 2nd SECTION COBB COUNTY, GEORGIA

DATE:	07/21/09
SCALE:	1" = 20'
REVISION:	
BY:	
DATE:	

PHASE: **PROPOSED EASEMENT**

MAP NO. **08 23-00 P.02**
08 23-00 P.023

I HAVE THIS DATE EXAMINED THE TITLE OFFICIAL FLOOD HAZARD MAP AND FOUND THAT BY GRAPHIC PLOTTING ONLY THE REFERENCE PARCEL (S) IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

EFFECTIVE DATE:

JOB # 43657-1

APPLICANT: Don Westbrook
770-427-8698

PETITION NO: Z-31

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

HEARING DATE (PC): 11-03-09

HEARING DATE (BOC): 11-17-09

PRESENT ZONING: R-20

TITLEHOLDER: Covenant Presbyterian Church of Cobb County, Inc.

PROPOSED ZONING: LRO

PROPERTY LOCATION: Located on the north side of Piedmont Road, west of Canton Road.

PROPOSED USE: Additional Parking
For Adjoining Salon

ACCESS TO PROPERTY: Piedmont Road

SIZE OF TRACT: 0.46 acre

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: _____

LAND LOT(S): 566

PARCEL(S): 3

TAXES: PAID Exempt DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

FUTURE LAND USE MAP: Public Institutional

NORTH:

SOUTH:

EAST:

WEST:

OPPOSITION: NO. OPPOSED _____ **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

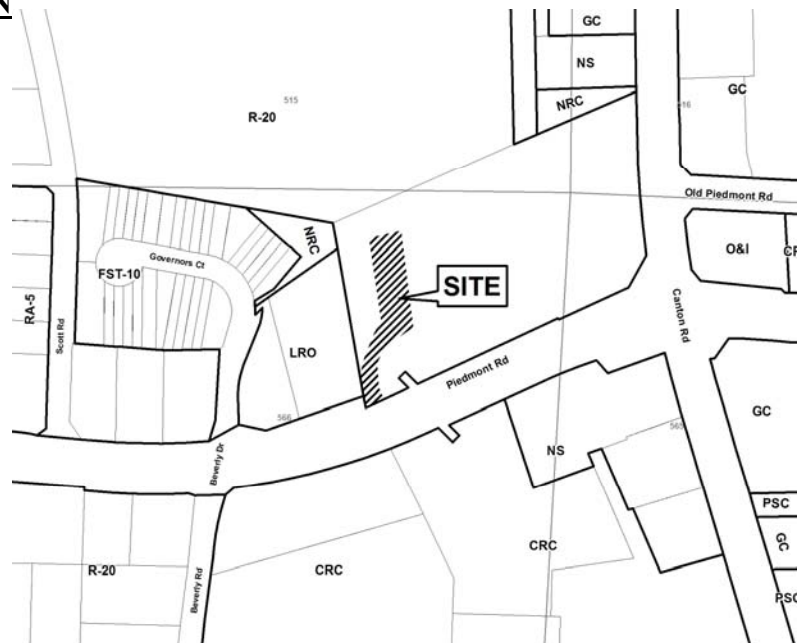
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Additional parking for Elon Salon
- b) Proposed building architecture: Not applicable.
- c) Proposed hours/days of operation: Monday through Saturday: 7:00 a.m. until 9:00 p.m.
- d) List all requested variances: None.

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The subject property is located in an area under the Cobb County Future Land Use Map which is denominated as Public Institution (PI) and is located adjacent to Elon Salon which is zoned in the LRO classification and within the confines of a Neighborhood Activity Center (NAC).

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government:

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located.)

Not applicable.

*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

APPLICANT: Rex E. Horney

678-409-4898

REPRESENTATIVE: Moore Ingram Johnson and Steele, LLP

John H. Moore 770-429-1499

TITLEHOLDER: Rex E. Horney

PROPERTY LOCATION: Located at the northwest intersection of
Canton Road and Hawkins Store Road.

ACCESS TO PROPERTY: Hawkins Store Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-32

HEARING DATE (PC): 11-03-09

HEARING DATE (BOC): 11-17-09

PRESENT ZONING: CRC with
Stipulations

PROPOSED ZONING: CRC with
Stipulations

PROPOSED USE: Teaching Academy For
Gymnastics, Cheering, Tumbling and the Like

SIZE OF TRACT: 4.68 acres

DISTRICT: 16

LAND LOT(S): 228, 277

PARCEL(S): 4

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

FUTURE LAND USE MAP: Parks/ Recreation/ Conservation

NORTH:

SOUTH:

EAST:

WEST:

OPPOSITION: NO. OPPOSED _____ **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
 - b) Proposed building architecture: _____
 - c) Proposed selling prices(s): _____
 - d) List all requested variances: _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Teaching Academy for Gymnastics, Cheerleading,
Tumbling, and the like
 - b) Proposed building architecture: Stucco, Stone, Hardi-Plank, and
combinations thereof
 - c) Proposed hours/days of operation: Monday-Sunday; 8:00 a.m. - 10:00 p.m.
 - d) List all requested variances: None known at this time
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None known at this time

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

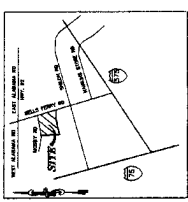
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). Not Applicable

***Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.**

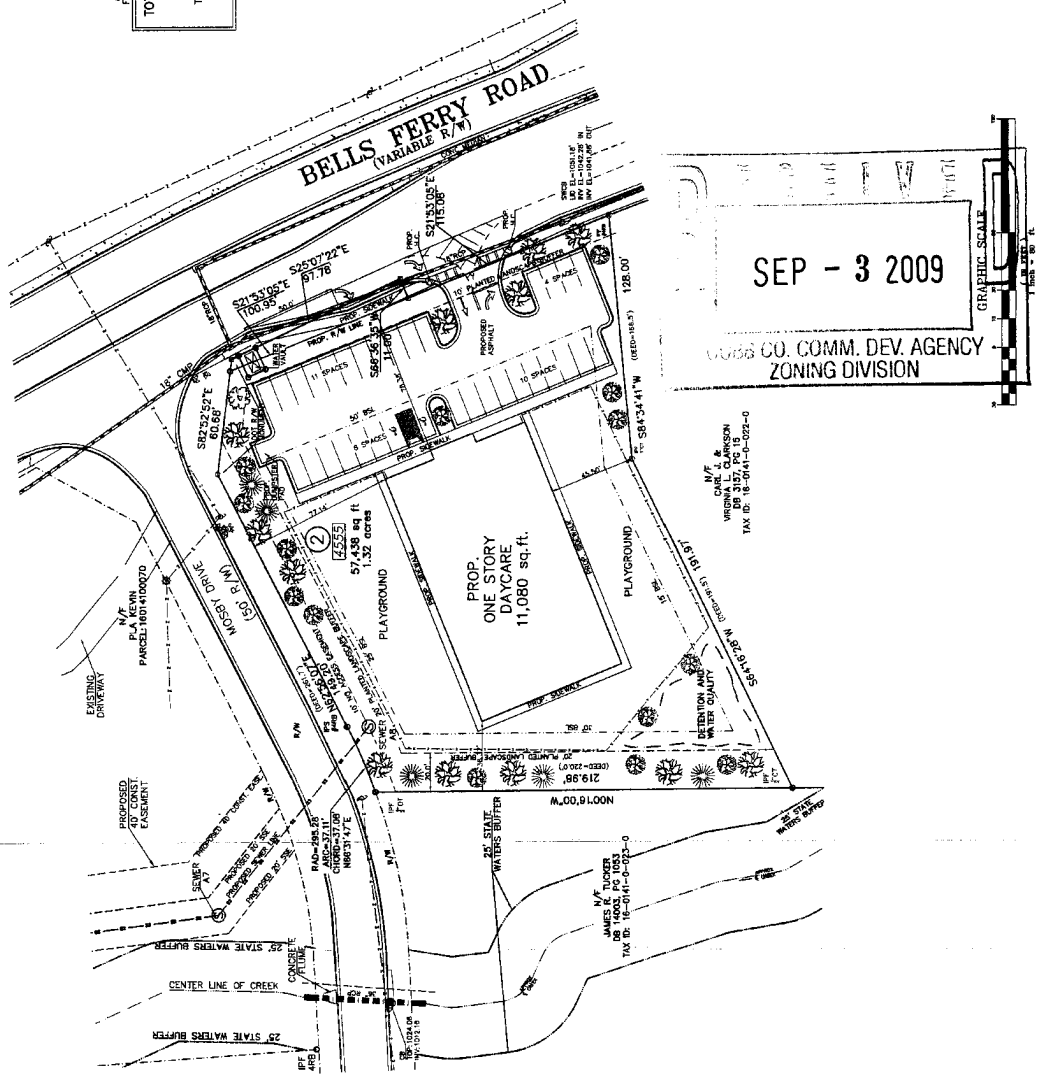
Z-33
(2009)

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road, Bldg. A-9, Ste. 272, Norcross, GA 30066
TELEPHONE (678) 355-9905 FAX (678) 355-9805

SECTION PLAN FOR
XC PROPERTIES, LLC
DATE: 08/31/09
SCALE: 1" = 30'
LAND LOT 141, 1st DISTRICT, 2nd SECTION
BLOCK 2
LOT 2
SILVER HILLS
EXISTING ZONING R-20
PAGE 2 OF 2
DATE: 08/31/09
4.3776



TOTAL SEWER EASEMENT
AND CONSTRUCTION EASEMENT AREAS
FOR PROPOSED OFF-SITE SEWER PLAN:
TOTAL SEWER EASEMENT AREA
16,427 SQ FT
0.377 ACRES
TOTAL CONSTRUCTION EASEMENT
16,186 SQ FT
0.37 ACRES



SEP - 3 2009

COSS CO. COMM. DEV. AGENCY
ZONING DIVISION



LEGEND:

●	BOUNDARY MARKERS
○	EXISTING UTILITY
○	PROPOSED UTILITY
○	EXISTING DRIVEWAY
○	PROPOSED DRIVEWAY
○	EXISTING SIDEWALK
○	PROPOSED SIDEWALK
○	EXISTING CONCRET
○	PROPOSED CONCRET
○	EXISTING ASPHALT
○	PROPOSED ASPHALT
○	EXISTING GRAVEL
○	PROPOSED GRAVEL
○	EXISTING SAND
○	PROPOSED SAND
○	EXISTING SOIL
○	PROPOSED SOIL
○	EXISTING VEGETATION
○	PROPOSED VEGETATION
○	EXISTING FENCE
○	PROPOSED FENCE
○	EXISTING SIGN
○	PROPOSED SIGN
○	EXISTING LIGHT
○	PROPOSED LIGHT
○	EXISTING UTILITY
○	PROPOSED UTILITY
○	EXISTING DRIVEWAY
○	PROPOSED DRIVEWAY
○	EXISTING SIDEWALK
○	PROPOSED SIDEWALK
○	EXISTING CONCRET
○	PROPOSED CONCRET
○	EXISTING ASPHALT
○	PROPOSED ASPHALT
○	EXISTING GRAVEL
○	PROPOSED GRAVEL
○	EXISTING SAND
○	PROPOSED SAND
○	EXISTING SOIL
○	PROPOSED SOIL
○	EXISTING VEGETATION
○	PROPOSED VEGETATION
○	EXISTING FENCE
○	PROPOSED FENCE
○	EXISTING SIGN
○	PROPOSED SIGN
○	EXISTING LIGHT
○	PROPOSED LIGHT

GENERAL NOTES:

1. INFORMATION REGARDING THE BOUNDARY, BEING CHARACTERIZED BY THIS PLAN, IS BASED ON THE RECORDS OF THE COUNTY CLERK'S OFFICE. THERE IS NO CERTAINTY AS TO THE ACCURACY OF THIS INFORMATION. THE LOCATION AND ADJACENCY OF ADJACENT PARCELS AND STRUCTURES NOT SHOWN MAY BE DISCOVERED BY OTHER MEANS. THE BOUNDARY OF THIS PARCEL IS NOT GUARANTEED BY THIS PLAN.
2. THE BOUNDARY OF THIS PARCEL IS NOT GUARANTEED BY THIS PLAN. THE BOUNDARY OF THIS PARCEL IS NOT GUARANTEED BY THIS PLAN.
3. THE BOUNDARY OF THIS PARCEL IS NOT GUARANTEED BY THIS PLAN. THE BOUNDARY OF THIS PARCEL IS NOT GUARANTEED BY THIS PLAN.
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5. THE BOUNDARY OF THIS PARCEL IS NOT GUARANTEED BY THIS PLAN. THE BOUNDARY OF THIS PARCEL IS NOT GUARANTEED BY THIS PLAN.

XC PROPERTIES, LLC
SERVICE PLAN FOR
4555 BELLS FERRY ROAD
LAND LOT 141, 1st DISTRICT, 2nd SECTION
OF COBB COUNTY, GEORGIA

SITE DATA
EXISTING ZONING R-20
SITE AREA-132 ACRES
PROPOSED ZONING (LOW RISK OFFICE)
PROCESSED/BLDG SETBACK INFORMATION
FRONT: 50'
MAJOR SIDE: 25'
REAR: 25'
SUMMARY:
TOTAL FLOOR AREA: 11,080
TOTAL GREEN SPACE: 132
TOTAL GREEN SPACE: 132

RIGHT OF WAY AND CONVEYANCE
814 sq ft
0.018 acres

REFERENCES:
PLAT OF SURVEY FOR LOTS 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

APPLICANT: XC Properties, LLC
678-778-3754

PETITION NO: Z-33
HEARING DATE (PC): 11-03-09

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

HEARING DATE (BOC): 11-17-09
PRESENT ZONING: R-20

TITLEHOLDER: Marylin C. Berggrun

PROPOSED ZONING: LRO

PROPERTY LOCATION: Located at the southwest intersection of
Bells Ferry Road and Mosby Drive.

PROPOSED USE: Child Development Center

ACCESS TO PROPERTY: Bells Ferry Road

SIZE OF TRACT: 1.32 acres

PHYSICAL CHARACTERISTICS TO SITE: _____

DISTRICT: 16

LAND LOT(S): 141

PARCEL(S): 21

TAXES: PAID X DUE _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 3

FUTURE LAND USE MAP: Neighborhood Activity Center

- NORTH: _____
- SOUTH: _____
- EAST: _____
- WEST: _____

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

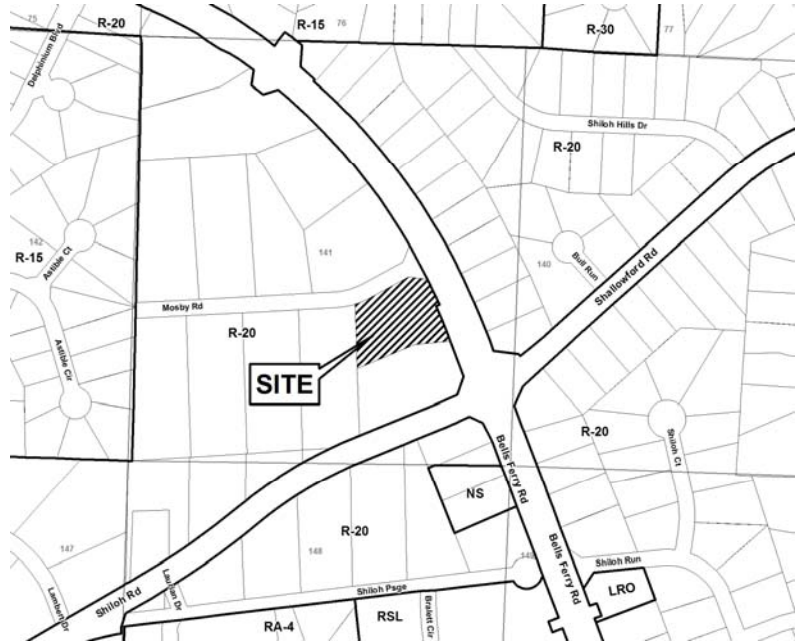
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____
 REJECTED _____ SECONDED _____
 HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____
 REJECTED _____ SECONDED _____
 HELD _____ CARRIED _____

STIPULATIONS:



Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
 - b) Proposed building architecture: _____
 - c) Proposed selling prices(s): _____
 - d) List all requested variances: _____
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Child Development Center
 - b) Proposed building architecture: The construction of a one-story 11,080 square foot Building with masonry components.
 - c) Proposed hours/days of operation: 6:30 a.m. to 6:30 p.m. Monday through Friday, with staggered drop off and pick up times.
 - d) List all requested variances: None
- _____
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

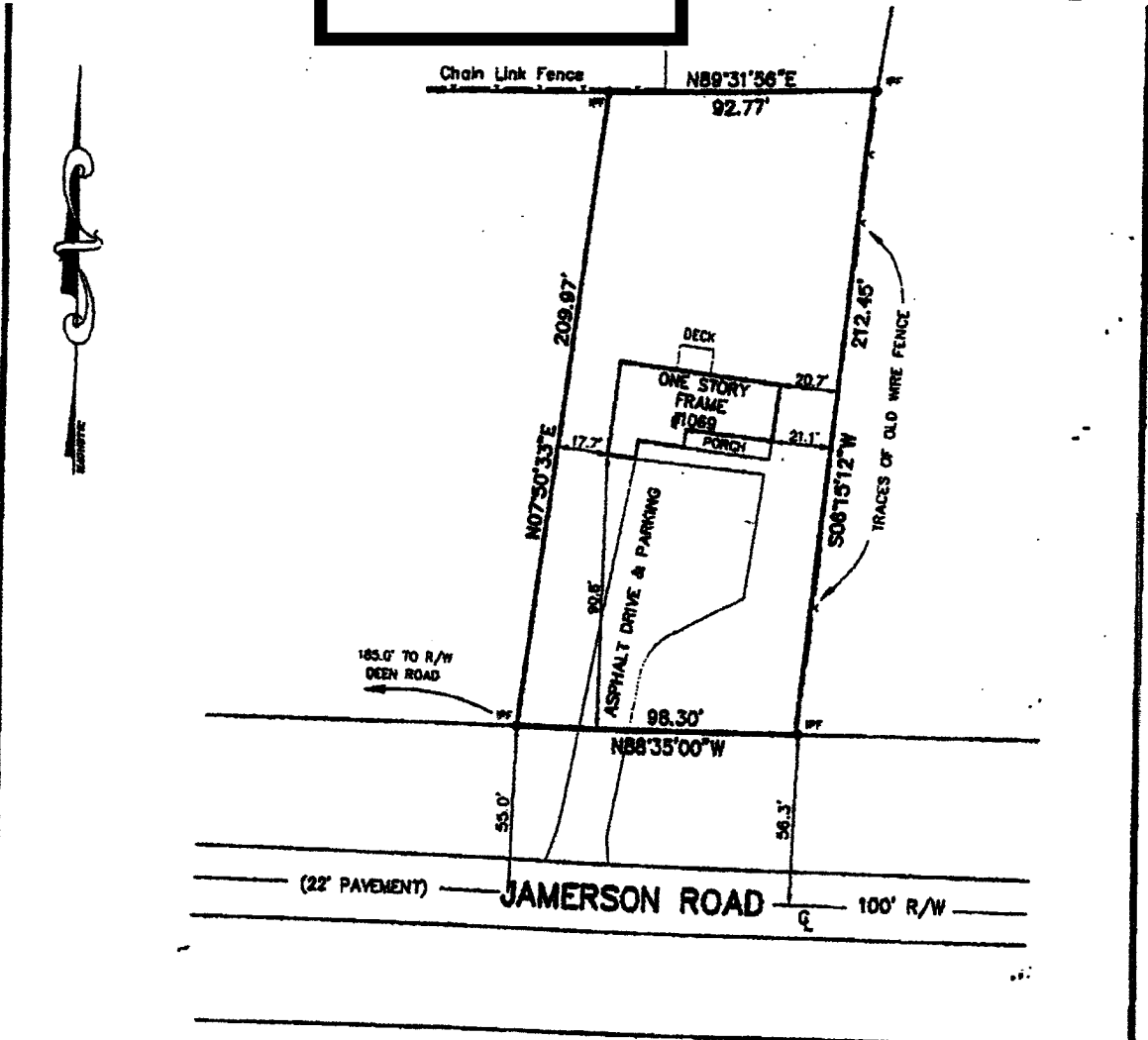
The subject property is located in an area under Cobb County's Future Land Use Map (FLUM) which is denominated as a Neighborhood Activity Center (NAC) and in an area specifically designated for Low Rise Office (LRO) utilization under the County's Comprehensive Land Use Plan.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where those properties are located.) No.

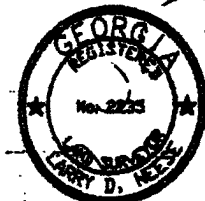
*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

LUP-26
(2009)



THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FEMA OFFICIAL FLOOD HAZARD MAPS. MAP # 13067C0039F, DATED AUGUST 18, 1992. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 1.7" PER ANGLE POINT AND WAS ADJUSTED USING COLLIER RULE.

TOTAL AREA
 20,042.0 SQ. FT.
 0.460 ACRES

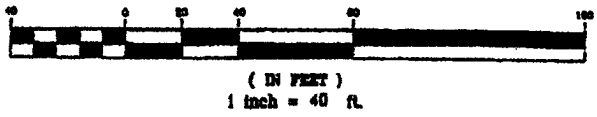


THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED REAFFIRMATION BY THE SURVEYOR. SURVEY PERFORMED WITHOUT THE BENEFIT OF CURRENT TITLE REPORT.

EQUIPMENT UTILIZED: ANGULAR NISSAN D-30
 LINEAR NISSAN D-30

GRAPHIC SCALE



UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500 FEET OF THIS PROPERTY. ALL MATTERS PERTAINING TO TITLES ARE EXCEPTED. LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.

SURVEY FOR:	
THOMAS CHILCOTE	
	REVISIONS —
PLAT BOOK 69	PAGE 115
LAND LOT: 59	CC: LT
DISTRICT: 18th	SECTION: 2nd
COUNTY: COBB	DWN: LN
STATE: GEORGIA	CHRD: LDM
	SURVEY/2002

CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY MARK, AND ALL THE PEOPLE SHALL SAY, 'AMEN'. Deut. 27:17

WEST GEORGIA SURVEYORS, INC.
 731 Sandtown Road
 Marietta, Georgia 30008
 (770) 428-2122
 FAX: (770) 422-9178

APPLICANT: Dan and Karen Sosnowski

770-843-1019

REPRESENTATIVE: Karen Sosnowski

770-853-0042

TITLEHOLDER: Daniel E. Sosnowski

PROPERTY LOCATION: Located on the north side of Jamerson Road, east of Deen Road (1069 Jamerson Road).

ACCESS TO PROPERTY: Jamerson Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house

PETITION NO: LUP-26

HEARING DATE (PC): 11-03-09

HEARING DATE (BOC): 11-17-09

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit (renewal)

PROPOSED USE: Professional Office For Polygraph Examinations

SIZE OF TRACT: .46 acre

DISTRICT: 16

LAND LOT(S): 59

PARCEL(S): 6

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

FUTURE LAND USE MAP: Low Density Residential

NORTH:

SOUTH:

EAST:

WEST:

OPPOSITION: NO. OPPOSED _____ **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:



APPLICANT: Marian Lawton
770-509-0533

PETITION NO: LUP-27

REPRESENTATIVE: Marian Lawton
770-509-0533

HEARING DATE (PC): 11-03-09

HEARING DATE (BOC): 11-17-09

TITLEHOLDER: Marian E. Lawton

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit

PROPERTY LOCATION: Located on the northern side of
Shadowbrook Drive, north of Dewberry Trail and on the south side of
Gresham Road, east of Fairview Street.

PROPOSED USE: Personal Care Home
For Six Residents

ACCESS TO PROPERTY: Shadowbrook Drive and Dewberry Trail
(1402 Shadowbrook Drive)

SIZE OF TRACT: 0.48 acre

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Existing house

LAND LOT(S): 1137

PARCEL(S): 21

TAXES: PAID X DUE _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 2

FUTURE LAND USE MAP: Industrial Compatible

NORTH:

SOUTH:

EAST:

WEST:

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

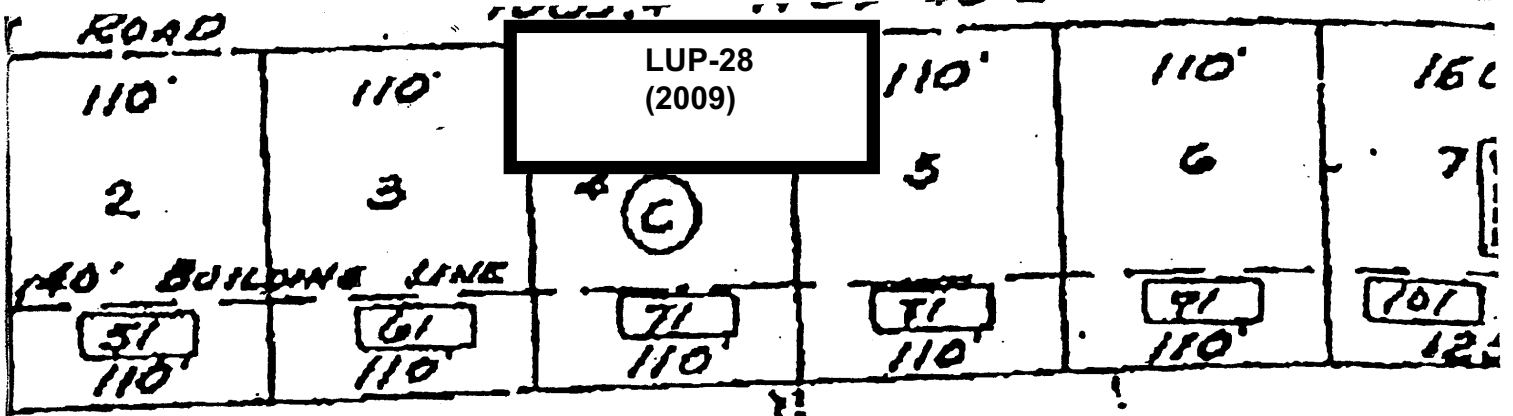
APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

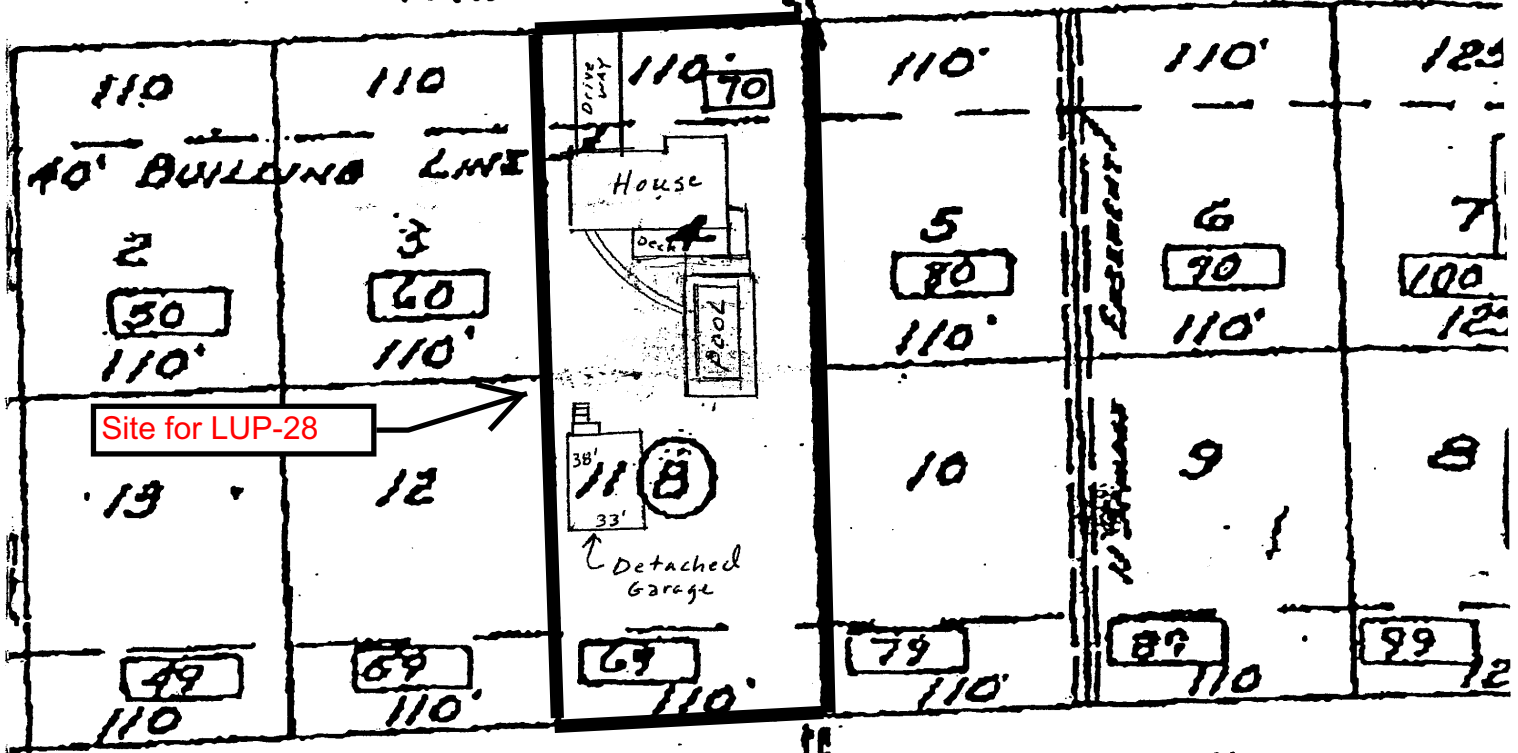
STIPULATIONS:





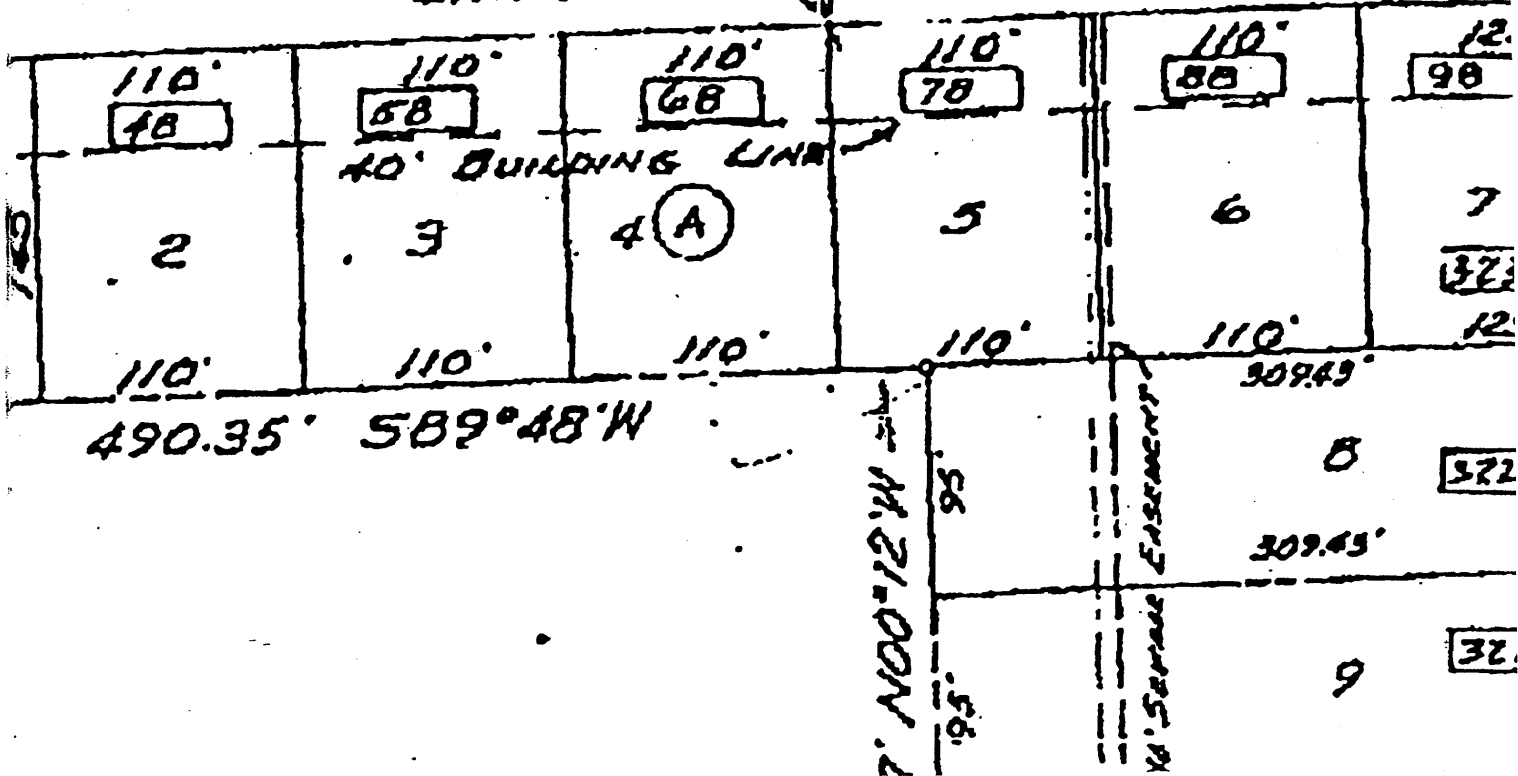
WILLARD

DRIVE N.E.



CHRISTINE

DRIVE N.E.



APPLICANT: Deborah L. Cabe, James Daniel Cosby and Mary
Michael Cosby

PETITION NO: LUP-28

REPRESENTATIVE: Deborah L. Cabe
770-874-8216

HEARING DATE (PC): 11-03-09

HEARING DATE (BOC): 11-17-09

TITLEHOLDER: Deborah L. Cabe, James Daniel Cosby, Mary
Michael Cosby

PRESENT ZONING: R-15

PROPOSED ZONING: Land Use Permit

PROPERTY LOCATION: Located on the south side of Willard Drive
and the north side of Christine Drive, east of Bells Ferry Road.

PROPOSED USE: Renting A Garage

Apartment

ACCESS TO PROPERTY: Willard Drive

SIZE OF TRACT: 0.71 acre

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: _____

LAND LOT(S): 439

PARCEL(S): 25

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

FUTURE LAND USE MAP: Low Density Residential

NORTH:

SOUTH:

EAST:

WEST:

OPPOSITION: NO. OPPOSED _____ **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

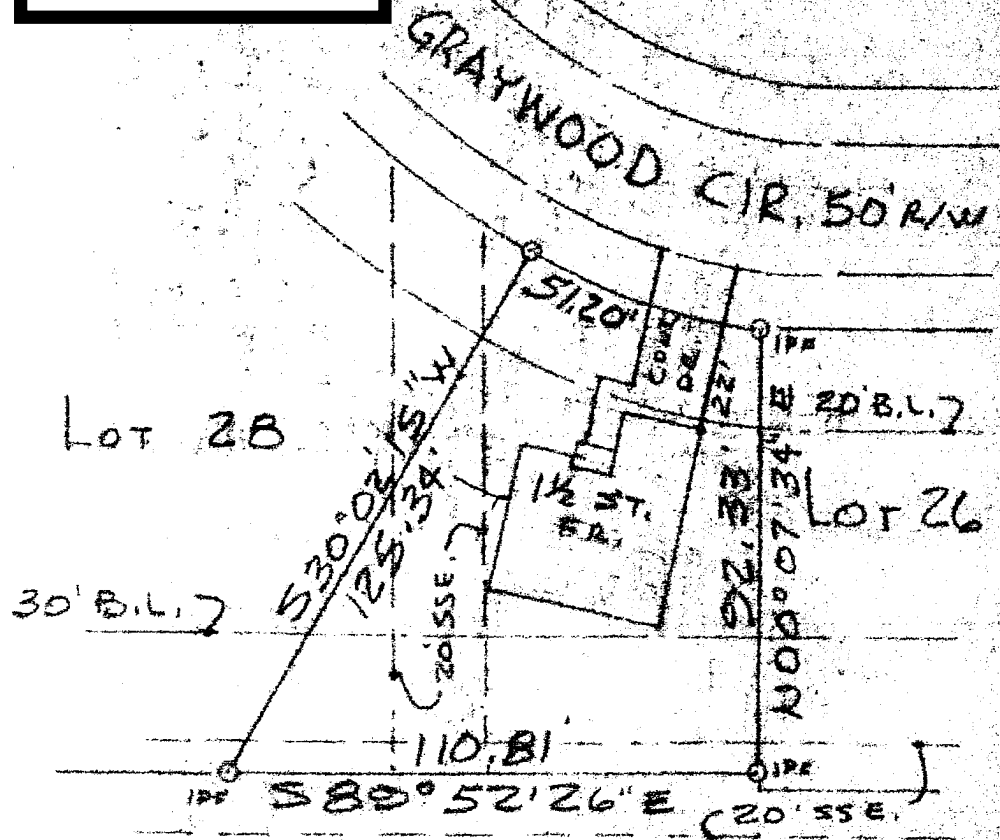
HELD _____ **CARRIED** _____

STIPULATIONS:



LUP-29
(2009)

MAG. NORTH



LOT 27
 GRAYSON POINTE S/D
 PLAT BOOK
 PAGE

This property (is Not) located
 in a Federal Flood Area as indicated
 by "F.I.A. Official Flood Hazard Maps."

NOTE: ERROR OF CLOSURE
 EXCEEDS 1 FT. IN 10,000 FT.
 SURVEY FOR:

RUSSELL K. CLAY

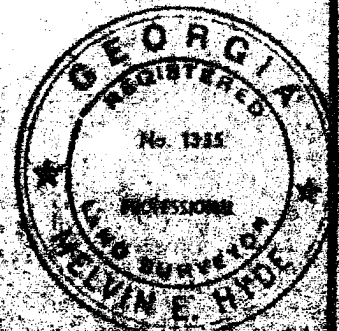
LAND LOT 64 18TH DIST., 2ND. SECT.
 COBB COUNTY, GEORGIA

SCALE 1" = 40' JUNE 6, 1996

M. E. HYDE & ASSO.
 3136 East Point Street
 East Point, Ga. 30344
 (404) 766-5106

In my opinion this plat is a true
 representation of the land parcel and
 has been prepared in conformity with
 the minimum standards and requirements
 of law.

M. E. Hyde



APPLICANT: DeAngela M. Clay

404-696-1474

REPRESENTATIVE: DeAngela M. Clay

404-696-1474

TITLEHOLDER: Russell K. Clay

PROPERTY LOCATION: Located on the south side of Graywood

Circle, north of Roberts Drive

(5899 Graywood Circle).

ACCESS TO PROPERTY: Graywood Circle

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

NORTH:

SOUTH:

EAST:

WEST:

PETITION NO: LUP-29

HEARING DATE (PC): 11-03-09

HEARING DATE (BOC): 11-17-09

PRESENT ZONING: RA-4

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Day Care

SIZE OF TRACT: 0.20 acre

DISTRICT: 18

LAND LOT(S): 53

PARCEL(S): 14

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

FUTURE LAND USE MAP: Medium Density Residential

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:





Application #: LUP-29
PC Hearing Date: 11-3-09
BOC Hearing Date: 11-17-09

TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business? Day Care
2. Number of employees? 2
3. Days of operation? Monday - Friday
4. Hours of operation? 8-5
5. Number of clients, customers, or sales persons coming to the house per day? 12 ; Per week? _____
6. Where do clients, customers and/or employees park?
Driveway: ; Street: _____ ; Other (Explain): _____
7. Signs? No: ; Yes: _____. (If yes, then how many, size, and location): _____
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): NONE
9. Deliveries? No ; Yes _____ (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)
10. Does the applicant live in the house? Yes ; No _____
11. Any outdoor storage? No ; Yes _____ (If yes, please state what is kept outside): _____
12. Length of time requested: 3
13. Any additional information? (Please attach additional information if needed):

Applicant signature: Russell K Clay Date: 9-4-09
Applicant name (printed): Russell K Clay

APPLICANT: T-Mobile South, LLC
404-226-8915

REPRESENTATIVE: Kimberly J. Adams
404-226-8915

TITLEHOLDER: Georgia Transmission Corporation

PROPERTY LOCATION: Located on the east side of John Ward Road, south of Palmer Drive.

ACCESS TO PROPERTY: John Ward Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:
- SOUTH:
- EAST:
- WEST:

FUTURE LAND USE MAP: Low Density Residential

PETITION NO: SLUP-13

HEARING DATE (PC): 11-03-09

HEARING DATE (BOC): 11-17-09

PRESENT ZONING: R-80

PROPOSED ZONING: Special Land Use Permit

PROPOSED USE: Telecommunications Tower and Related Equipment

SIZE OF TRACT: 11.17 acres

DISTRICT: 19

LAND LOT(S): 119

PARCEL(S): 10

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 1

Note: See Exhibit "A" for Letter of intent

OPPOSITION: NO. OPPOSED _____ **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:

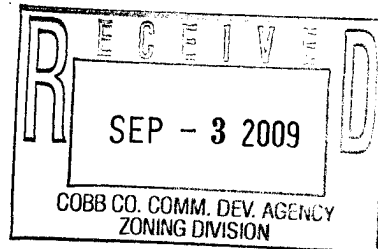




COMPASS Technology Services, Inc • 5449 Bells Ferry Road • Acworth, GA 30102
Phone: 404-226-8915 • Fax: 404-529-4414

September 3, 2009

Mark Danneman
Cobb County Zoning Administrator
191 Lawrence Street
Marietta, GA 30060



Re: T-Mobile's Telecommunications Application for Special Land Use Permit
At 827 John Ward Road, Marietta, Georgia 30064
Cobb County Parcel Number 19011900100
(T-Mobile Site "Cheatham Hill")

Dear Mr. Danneman:

This letter is written in support of T-Mobile's above-referenced special land use permit application for a proposed telecommunications monopole facility. T-Mobile proposes to construct a 150 foot monopole facility to provide its FCC mandated wireless telecommunication service to the west portion of Cobb County along John Ward Road and surrounding neighborhoods.

Description of Proposed Monopole Facility

The subject property consists of an approximately 11.17 acre tract zoned R-80. The property is currently the site of a Georgia Transmission Corporation substation. T-Mobile proposes to construct a monopole tower and wireless telecommunications facility next to the existing substation.

The purpose of the proposed monopole facility is to provide requisite wireless telecommunications service to the west portion of Cobb County. The existing network is not capable of providing the level of coverage required by the customer base in this portion of the County. Specifically, this proposed site will provide coverage along John Ward Road between Whitlock Avenue and Powder Springs Road and the surrounding neighborhoods. In addition to meeting T-Mobile Communications' requisite service needs, the proposed monopole facility will have the added benefit of accommodating at least three other carriers who could co-locate its antennas on the proposed monopole.

The proposed monopole facility will be sited on the subject property in a manner designed to minimize its impact on any other properties. The proposed facility will be located in wooded portion of the subject property in that is buffered by tree growth. The setbacks and existing vegetative growth as well as a proposed landscape strip will provide a buffer to screen the view of the monopole facility from adjacent roads and properties.

The proposed monopole has been designed to be as aesthetically attractive and compatible with the surrounding area as possible. The monopole will be more slender and considerably less visually obtrusive than traditional lattice towers. Finally, the monopole will be constructed of galvanized steel and 150 feet in height.

The proposed facility will be unmanned and will not require water or sewer service. This unmanned site is designed such that it requires minimal visits by a field engineer to maintain the facility of approximately two visits a month. Therefore, the proposed site will not have any substantial negative effect to the traffic, noise, or safety of the surrounding area. The site will be secured with the requisite fencing to prevent unauthorized access. Finally, the proposed site will not cause detriment to the surrounding properties or property owners.

There are no existing towers or other tall structures located within or near T-Mobile's requisite service area on which to locate its antennas. T-Mobile is actually located on the closest existing tower located at Cheatham Hill Elementary School to the south. Further, T-Mobile is also located at one of the two existing monopoles located to the north of Whitlock Avenue. The proposed property was selected because it is a multi-acreage, non-residentially used tract that is well buffered with existing mature tree growth thus providing better buffering from the surrounding properties.

Compliance with the Zoning Ordinance

T-Mobile's proposed monopole facility will comply with all of the standards of the Cobb County Zoning Ordinance. Pursuant to Section 134-273 (2), T-Mobile proposed facility is allowed with a special land use permit, and such approval is therefore requested to construct this facility. The following information is provided in response to the requirements of Section 134-273:

1. *Setbacks:* The proposed monopole facility meets the Cobb County requirement that the tower be set back a distance equal to the full height of the tower from any adjoining off-site residential structure or as safety dictates. The total tip height of the proposed monopole with lightning rod will not exceed 155 feet, and the closest off-site residential structure is located 321 feet from the proposed monopole.
2. *Accessory Structure:* There will be a small unmanned equipment cabinet at the base of the proposed monopole that will house T-Mobile's switch equipment and is appropriate in scale and intensity with the proposed site.
3. *Fencing:* The proposed monopole facility will be surrounded by an eight security fencing to prevent unauthorized access to the site.
4. *Regulatory Compliance:* The proposed monopole facility will meet or exceed all requirements and standards of the FAA, the FCC, and other governing agencies as may be established and amended.
5. *Structural Compliance:* As required by the Cobb County Zoning Ordinance, at the time of filing for building permit, tower drawings for the monopole will be submitted that have been certified by an independent registered structural engineer as meeting all current safety and design standards of all applicable codes.
6. *Collocation:* T-Mobile has explored the usage of any existing towers and there are no such towers located in or near the area to meet T-Mobile's coverage objectives. Therefore, a new tower is required, but the proposed monopole will be constructed to accommodate at least three additional carriers so that it may collocate on the facility as well.

7. *Nonresidential Sites:* The proposed site is consistent with Cobb County's ordinance in that it a non-residential used property and currently the site of a utility substation.
8. *Height:* The proposed monopole height of 150 feet is the minimum height required to meet T-Mobile's coverage objectives for this area.
9. *Abandonment:* In the unlikely event that T-Mobile should cease operate at this site for a twenty-four month period, T-Mobile understands the special land use permit will be revoked.
10. *Landscaping:* The proposed monopole facility is in compliance with the requirement that a 40 foot setback, 15 feet of which must be a landscape strip, be provided when adjoining residentially zoned property. The proposed fenced compound is located at least 40 feet from all property lines and will be surrounded by a 15 landscape buffer which will comply with Cobb County's tree and landscaping requirements. The minimum height of the proposed landscaping trees will be five feet tall at the time of planting, and it will be regularly maintained.

The following statements are made in response to Section 134-37(e) regarding the Board of Commissioners' criteria for consideration of a Special Land Use Permit Application:

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 unmanned monopole facility will not have an adverse impact on the surrounding neighborhoods or area.
2. *Whether or not the use is otherwise compatible with the neighborhood.* The proposed site was selected for its nonresidential, utility use as its currently the site of a Georgia Transmission Corporation substation. Further, there is significant tree growth between the proposed tower site and the adjoining residential properties and John Ward Road.
3. *Whether or not the use proposed will result in a nuisance as defined under state law.* The proposed use will not result in such a nuisance.
4. *Whether or not quiet enjoyment of surrounding property will be adversely affected.* The proposed unmanned monopole facility will not adversely affect the quiet enjoyment of surrounding properties. It has been located on the subject property and designed in a way to minimize its visibility from the surrounding neighborhoods. The facility is automated and unmanned.
5. *Whether or not property values of surrounding property will be adversely affected.* The proposed facility will not adversely affect property values of surrounding properties. These monopole facilities are designed to cohabitate in residential areas to provide the wireless communications coverage that is required in these areas.
6. *Whether or not adequate provisions are made for parking and traffic considerations.* Adequate provisions have been made for both parking and traffic. The proposed facility is unmanned and only requires periodic visits from a field engineer. An existing access into the property will be utilized and there is ample parking available in T-Mobile proposed access easement.
7. *Whether or not the site or intensity of the use is appropriate.* The proposed site location is an appropriate location for such a monopole facility as it is allowed by Section 134-273 of the Cobb County Ordinance and meets all the requirements of this section which govern the placement of communications antenna and tower facilities in excess of 35 feet in height.

8. *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.* T-Mobile's proposed site is located on a multi-acreage, non-residentially used property. The proposed site will be unmanned.
9. *Whether or not adequate provisions are made regarding hours of operation.* As stated previously, the proposed facility is unmanned and will only require periodic visits from a field engineer. These visits are typically made during normal business hours unless there is some sort of an emergency such as a power outage.
10. *Whether or not adequate controls and limits are placed on commercial and business deliveries.* As stated previously, the proposed facility is unmanned and will only require periodic visits from a field engineer. This facility is not a commercial facility that requires any sort of customer visits, offices, or deliveries.
11. *Whether or not adequate landscape plans are incorporated to ensure appropriate transition.* The proposed facility will be surrounded by a 15 foot wide landscape buffer on all sides.
12. *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.* The public health, safety, welfare or moral concerns will not be adversely affected by this unmanned monopole facility. On the contrary, this facility provides improved E911 service to this area which is an ongoing cooperative relationship between Cobb County and T-Mobile to improve the safety and welfare of its citizens. Last year, approximately half of all 911 calls were made from mobile devices.
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.* The proposed application meets all the requirements of Section 134-273 which governs the placement of communications antennas and towers in excess of 35 feet.
14. *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.* T-Mobile has provided sufficient information to allow the full consideration of all relevant factors including detailed site plans and coverage plots.
15. *In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county.* T-Mobile has met this requirement with its application materials and information. T-Mobile has provided sufficient information to allow the full consideration of all relevant factors including details site plans and coverage plots.

Finally, T-Mobile has submitted all of the requisite application materials including but not limited to the proposed site plan, T-Mobile's Radio Frequency Engineer's coverage plots and site objective report, and the FAA's Determination of No Hazard to Air Navigation.

Critical Need for This Cell Site

Additionally, T-Mobile submits the following information to help clarify its need for the proposed monopole.

T-Mobile offers two-way wireless telephone service through its use of a wireless radio system. To provide public radio service, a carrier must obtain from the Federal Communications Commission ("FCC") both a permit to construct the requisite facilities and a license to operate a system in defined service areas using designated radio frequencies. The FCC has approved T-Mobile for the subject service area, and T-Mobile is currently offering wireless telecommunications service pursuant to the rules and regulations of the FCC.

In a cellular radio system, low powered transmitters and stored program controllers are located at certain points ("cell-sites") throughout the cellular service area. The cell-sites are connected by telephone facilities to a central switching center. In conjunction with the equipment at the cell-sites, the central switching center provides two critical functions relating to the operation of each system. First, it supervises the setting up of each call and establishes the connection that routes the call over the trunk that leads to the low powered transmitter nearest the mobile unit. Second, the central switching center further reroutes the call to a second low powered transmitter that initially conducted the radio transmission. Regular cable telephone facilities interconnect the central switching center to public telephone networks. Thus, subscribers with mobile telephones are provided with regular telephone service quality.

Currently, in the subject service area approved by the FCC, a network of cell-sites and central switching centers has been installed. In order to provide quality service to all parts of the subject service area, T-Mobile must install additional cell-sites. The height and location of the antennas in the grid system of a cellular radio system (taking into account the contour of the land and the radius of the antennas' reliable transmission area) dictate that each cell-site be precisely located within the grid relative to other cell-sites and the central switching center. The grid for the subject service area establishes that the subject property be one of the cell-sites for the subject cellular radio system.

Statement of Constitutional Rights

Finally, for the purpose of preserving its legal rights, T-Mobile sets forth the following statement of its constitutional rights.

An unnecessary hardship would be created by the denial of the requested special land use permit. Any modification of the grid system and/or relocation of the cell-sites would cause the applicant irreparable damage in terms of time and expense.

The special land use permit requested, if granted, would not cause substantial detriment to the public good or impair the purposes or the intent of the Cobb County Code. The property is zoned such to allow the particular use intended. The monopole and the equipment structures will not interfere with the current or future use of surrounding properties.

Failure to grant the requested special land use permit would be unconstitutional and would constitute a taking of property without just and adequate compensation and without due process of law in violation of the Fourteenth Amendment to the United States Constitution and Article 1, Section 1, Paragraph 1 and Article 1,

Section III, Paragraph 1 of the Constitution of Georgia. A denial of the requested special land use permit would also be unconstitutional because it would discriminate in an arbitrary and capricious manner between T-Mobile and the owner of the subject property and owners of similarly situated property in violation of Article 1, Section III, Paragraph III of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Such denial would deprive T-Mobile and the property owner of their liberty and property rights. Such action would not substantially advance legitimate state interests but would cause T-Mobile and the property owner significant detriment.

For all the above reasons, T-Mobile respectfully requests that the necessary special land use permit requested be granted.

Very truly yours,

T-Mobile South LLC

A handwritten signature in black ink, appearing to read "Kimberly J. Adams", written in a cursive style.

Kimberly J. Adams
Zoning and Permitting Manager
COMPASS Technology Services
Agent for T-Mobile South LLC

APPLICANT/OWNER

T-Mobile-South, LLC
FOUR CONCOURSE PARKWAY
SUITE 300
ATLANTA, GA 30328
PHONE: (770) 604-8880
FAX: (770) 350-3049

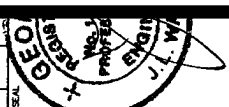
PREPARED BY:

WALKER ENGINEERING INCORPORATED
8451 DUNWOODY PLACE
SANDY SPRINGS, GA 30350
PHONE: 770-641-7306
FAX: 770-587-2196

REVISIONS

REV	DATE	DESCRIPTION	BY
A	11/25/08	ISSUED FOR PERMIT	MLJ
B	01/29/09		
C	05/01/09		
D	01/29/09		

SLUP-14 (2009)



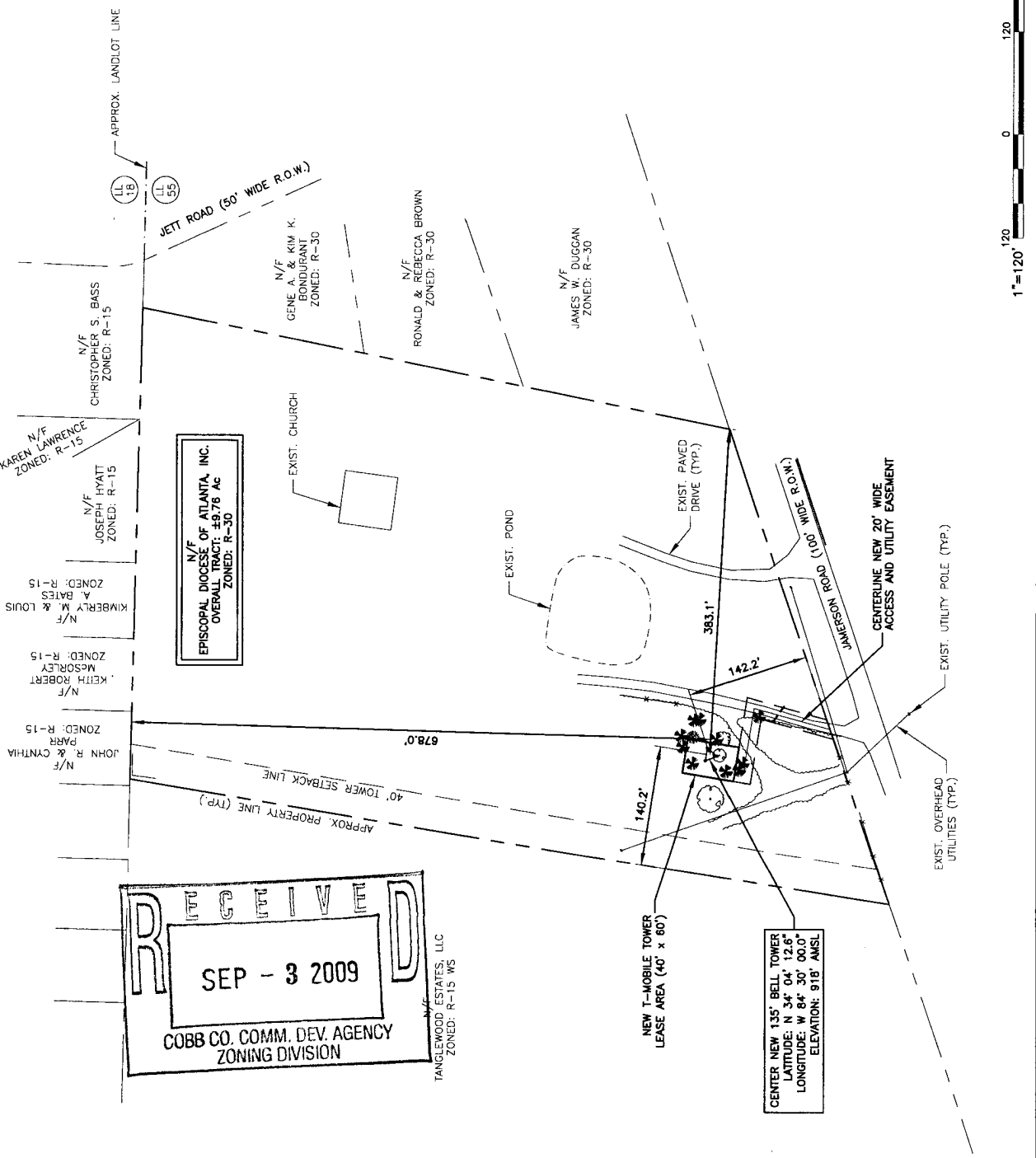
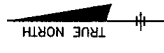
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PROJECT LOCATION
HAMES ROAD
9AT2061B
1675 JAMERSON ROAD
MARIETTA, GA 30066
COBB COUNTY

DRAWN BY: MLJ
CHECKED BY: MLJ
DATE: 01/25/08
JOB NO.: 0804-0178T
SITE NO.: 9AT2061B
DRAWING DESCRIPTION:

OVERALL SITE PLAN

DRAWING NUMBER: C3



RECEIVED
SEP - 3 2009
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

CENTER NEW 135' BELL TOWER
LATITUDE: N 34° 04' 12.6"
LONGITUDE: W 84° 30' 00.0"
ELEVATION: 918' AMSL

NEW T-MOBILE TOWER
LEASE AREA (40' x 60')

1" = 120'
0 120 240

APPLICANT: T-Mobile South, LLC
678-920-1262

REPRESENTATIVE: Lannie Greene
678-920-1262

TITLEHOLDER: Episcopal Diocese of Atlanta, Inc.

PROPERTY LOCATION: Located on the north side of Jamerson
Road, west of Jett Road.

ACCESS TO PROPERTY: Jamerson Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

NORTH:

SOUTH:

EAST:

WEST:

PETITION NO: SLUP-14

HEARING DATE (PC): 11-03-09

HEARING DATE (BOC): 11-17-09

PRESENT ZONING: R-30

PROPOSED ZONING: Special Land Use
Permit

PROPOSED USE: 135 Foot
Telecommunications Tower and Equipment

SIZE OF TRACT: 9.7621 acres

DISTRICT: 16

LAND LOT(S): 55

PARCEL(S): 7

TAXES: PAID Exempt DUE _____

COMMISSION DISTRICT: 3

FUTURE LAND USE MAP: Public Institutional

Note: See Exhibit "A" for Letter of intent

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

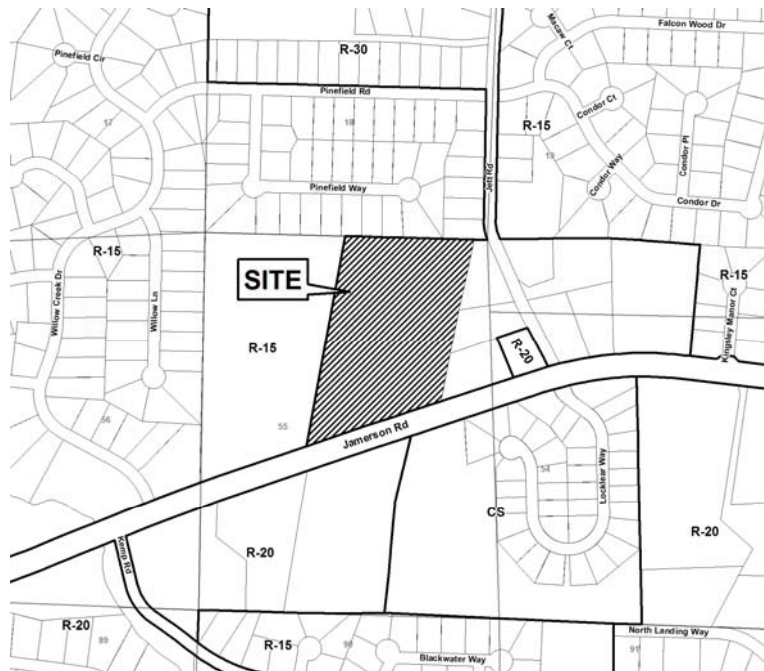
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:



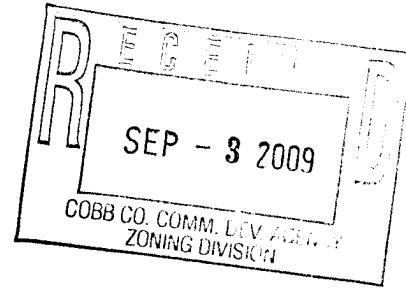
T-Mobile

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

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.

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-

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

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 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 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.

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

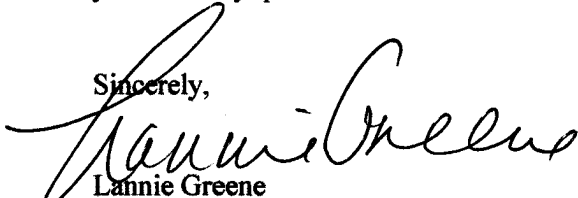
This application includes all requested documentation.

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 ½" 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.

Sincerely,



Lannie Greene
Agent for T-Mobile South LLC