

**DECEMBER 20, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 068

PURPOSE

To consider a Settlement of Litigation for Municipal Communications, LLC regarding Special Land Use Permit application SLUP-9 (Municipal Communications, LLC) of 2015, for property located on the west side of Wade Green Road, south of Clearview Drive in Land Lot 18 of the 20th District. *(Continued by staff from the November 15, 2016 hearing)*

BACKGROUND

The Special Land Permit for this case was heard and approved by the Board of Commissioners (BOC) on February 16, 2016. The applicant filed an appeal in federal court contending the location condition was an effective denial of the SLUP. Settlement discussions took place during the spring of 2016. As a result of these discussions and a second balloon test, the BOC has decided to place on the November 15, 2016 zoning meeting agenda a proposal to settle the lawsuit by amending the location and the height for the cell tower of the previously approved SLUP application. The proposal under consideration would place the tower on the original leased site but require it to be moved 15-feet further into the tree line. The height would be lowered to 160-feet.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the Settlement of Litigation proposal.

ATTACHMENTS

Staff report from original SLUP application and the zoning hearing minutes.

REGULAR AGENDA (CONT.)

Z-95¹⁵ RACETRAC PETROLEUM, INC. (CONT.)

6. Variances as stated in the Zoning comments
7. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
8. Stormwater Management Division comments and recommendations. *not otherwise in conflict*
9. Revised Department of Transportation comments and recommendations dated February 11, 2016 (attached and made a part of these minutes), *not otherwise in conflict*

VOTE: **ADOPTED** 4-0, Ott absent

Following the vote on Z-95¹⁵, Commissioner Birrell requested that the above motion be amended to include an additional stipulation. The Board was agreeable to this request; therefore, the following motion was made:

AMENDED MOTION

MOTION: Motion by Birrell, second by Lee, to **amend** the above motion for Z-95¹⁵ to include the following:

10. Applicant to conform to the Canton Road Design Guidelines and the Pedestrian Streetlight District guidelines

VOTE: **ADOPTED** 4-0, Ott absent

SLUP-9¹⁵ MUNICIPAL COMMUNICATIONS, LLC (formerly SOUTHERN LINC WIRELESS) (Wildwood Baptist Church Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Telecommunications Facility in Land Lot 18 of the 20th District. Located on the west side of Wade Green Road, south of Clearview Drive (4801 Wade Green Road). *(Previously continued by Staff from the December 1, 2015 Planning Commission hearing until the February 2, 2016 Planning Commission hearing)*

The public hearing was opened, and Ms. Ellen W. Smith, Mr. Don Heppe, Mr. Dale Griffith, Ms. Elaine J. Williams, and Mr. Jonathan Edwards addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **approve** SLUP-9¹⁵, subject to:

1. Site plan received by the Zoning Division on November 11, 2015, with the tower being moved due east 300 feet to the location specified by staff (attached and made a part of these minutes)

REGULAR AGENDA (CONT.)

SLUP-9¹⁵ MUNICIPAL COMMUNICATIONS, LLC (CONT.)

2. Tower to be a monopine type
3. Tower to be constructed to accommodate a minimum of three users
4. Tower height to be a maximum of 165 feet, unless it can be reduced by being placed on higher ground
5. Maximum height of tower to be 1300 feet mean sea level
6. County Arborist to approve the landscape screening plan
7. Provide the exact representation of the proposed monopine structure for approval by the District Commissioner (all feed lines shall be within the structure and not be visible and sealed to prevent access by birds and other wildlife)
8. Provide a certified structure design prior to permitting
9. If tower is not built within 12 months of final approval by the Board of Commissioners, then this SLUP will expire

VOTE: **ADOPTED** 4-0, Ott absent

Following the vote on SLUP-9¹⁵, the Applicant's Representative for Z-2 arrived; therefore, Mr. Pederson read Z-2 back into the record.

Z-2 PASTA BELLA, INC. (G.B.A. Restaurant, Inc., owner) requesting Rezoning from NS to **R-15** for the purpose of Single-Family Residential in Land Lot 848 of the 19th District. Located on the east side of Reed Drive, north of Hurt Road (1561 and 1671 Reed Drive).

Mr. Larry Burke, Applicant's Representative, addressed the Board.

Mr. Pederson clarified that Z-2 was approved as part of the Consent Agenda; but requested that a vote be taken to revise the stipulations.

Following discussion, the following motion was made:

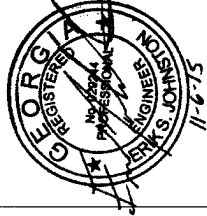
MOTION: Motion by Cupid, second by Birrell, to **approve** Z-2 to the **R-15** zoning category, as amended and subject to:

1. Site plan received by the Zoning Division on November 19, 2015, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. Allowance of variances as stated in Zoning comments contained in the Zoning Analysis

**SLUP-9
(2015)**



FORESITE GROUP
 Forensic Surveying, Inc.
 1775 Lake Park Drive
 Suite 200
 Marietta, GA 30066
 Phone: 770.428.1100
 Fax: 770.428.1101
 Email: info@foresitegroup.com



PROJECT: **EAST ACWORTH #G-8655**
 LOCATED AT:
 4801 WADE GREEN ROAD
 KENNESAW, GA 30144

APPROVALS

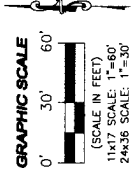
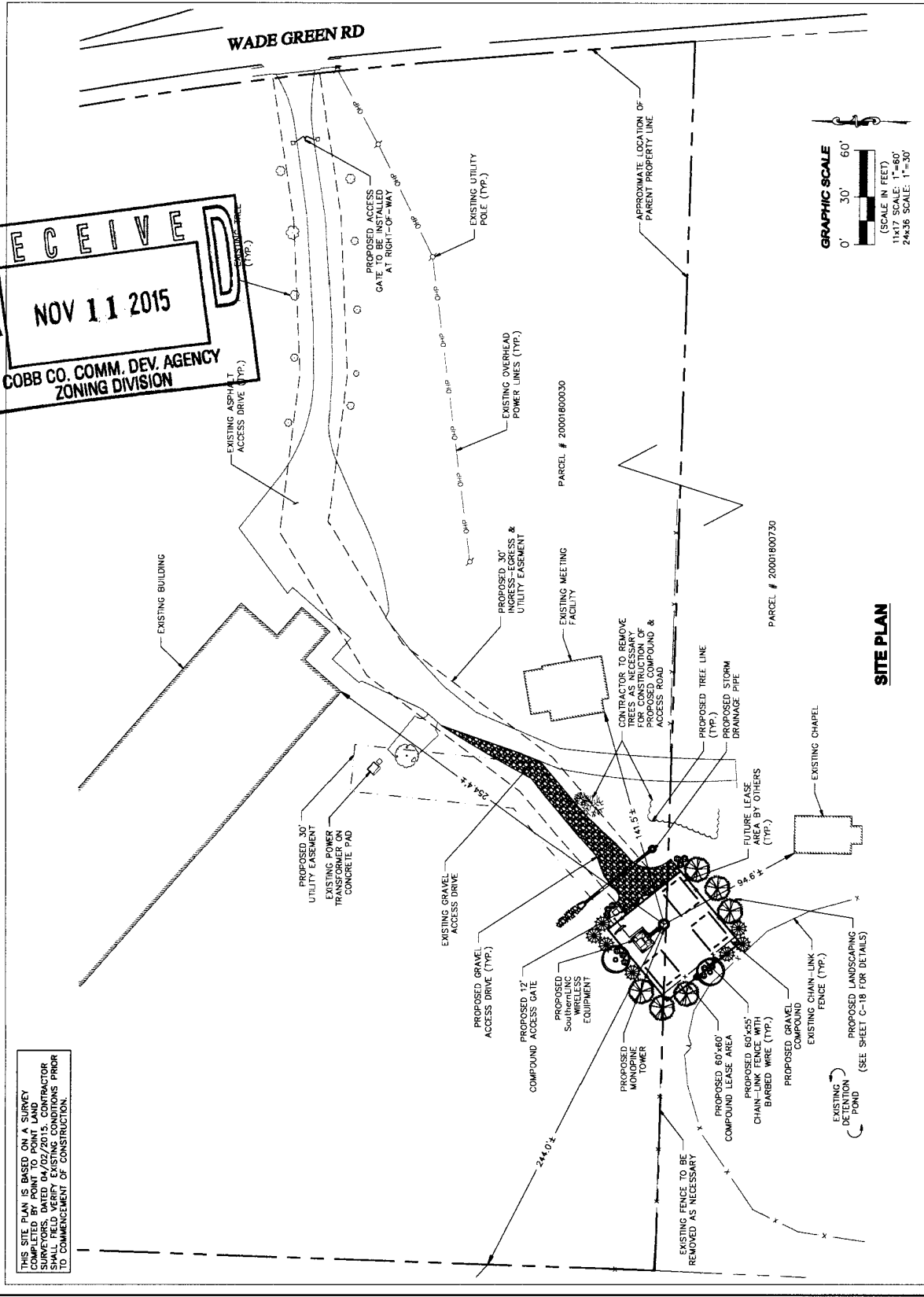
CARRIER	
LANDLORD	
LEASING	
CONSTRUCTION	

ISSUED FOR: PERMIT/CONSTRUCTION

PROJECT MANAGER:	MRS
DRAWING BY:	TS
DATE:	10/08/15
TITLE:	

SHEET NUMBER: **C-1**
 JOB/FILE NUMBER: **289.010**

RECEIVED
 NOV 11 2015
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



SITE PLAN

THIS SITE PLAN IS BASED ON A SURVEY COMPLETED BY POINT TO POINT LAND SURVEYORS, DATED 04/02/2015. CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.

APPLICANT: Municipal Communications, LLC
 (formerly Southern LINC Wireless)

PHONE#: (404) 995-1890 **EMAIL:** pccorry@municipal.com

REPRESENTATIVE: Ellen W. Smith

PHONE#: (770) 956-9600 **EMAIL:** esmith@hznw.com

TITLEHOLDER: Wildwood Baptist Church, Inc.

PETITION NO: SLUP-9

HEARING DATE (PC): ~~11-03-15~~ 02-02-16

HEARING DATE (BOC): ~~11-17-15~~ 02-16-16

PRESENT ZONING: R-20

PROPERTY LOCATION: West side of Wade Green Road, south
of Clearview Drive
(4801 Wade Green Road).

PROPOSED ZONING: Special Land
Use Permit

ACCESS TO PROPERTY: Wade Green Road

PROPOSED USE: Telecommunications
Facility

PHYSICAL CHARACTERISTICS TO SITE: Existing church and
associated buildings

SIZE OF TRACT: 34.6 acres

DISTRICT: 20

LAND LOT(S): 18

PARCEL(S): 73

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Single-family residential
- SOUTH:** R-20/ Greens Crossing Subdivision
- EAST:** R-20, R-15/ Single-family residential, Wade Green Forest Subdivision
- WEST:** R-20/ Clearwater Estates Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

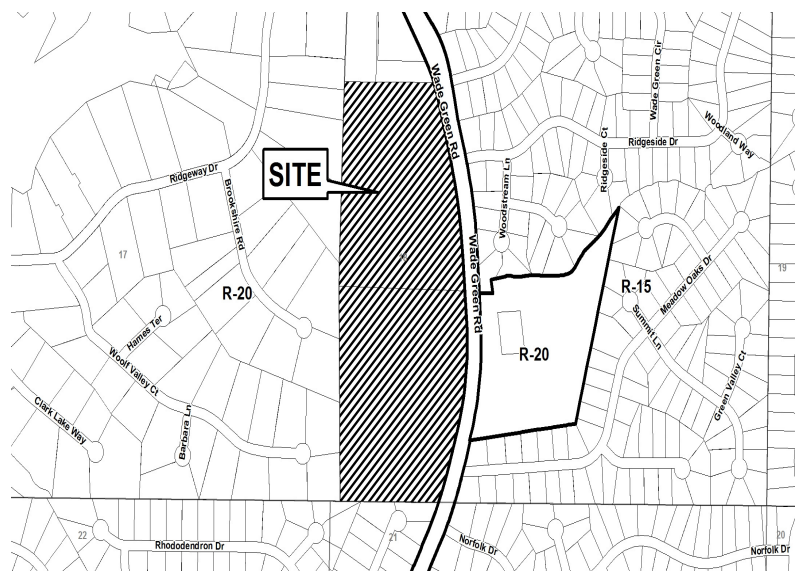
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

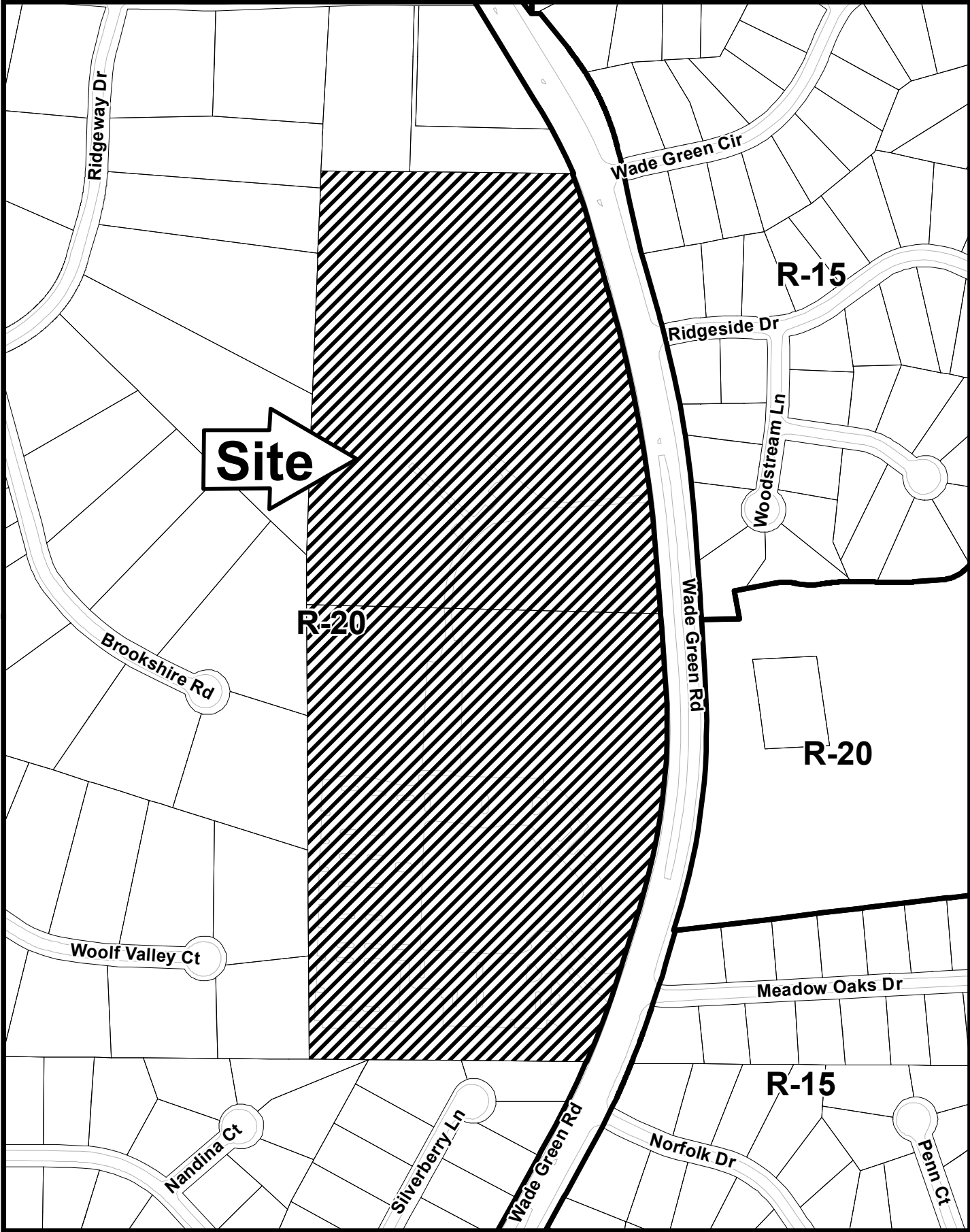
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

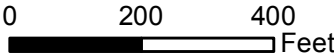
STIPULATIONS:



SLUP-9



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



City Boundary
Zoning Boundary

APPLICANT: Municipal Communications, LLC

PETITION NO.: SLUP-9

PRESENT ZONING: R-20

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Special Land Use Permit (SLUP) for the purpose of installation of a wireless communication tower and antennae as well as accompanying ground equipment. The tower is a proposed 165 foot tall “monopine” situated on a 60 foot by 60 foot lease area within the 34.6 acre site that currently contains Wildwood Baptist Church and its associated buildings. The tower will accommodate at least three (3) service providers and will be enclosed by a six (6’) foot high chain link fence with three (3) strands of barbed wire. Access to the site is from Wade Green Road.

The applicant’s revised proposal adheres to the requirements for a telecommunications facility as laid out in the Code section 134-237 including providing for at least three (3) users, utilizing a “stealth” type facility, and a six (6’) foot fence plus barbed wire. Also, it is setback more than one-half of the tower’s height to any public right-of-way and has demonstrated FAA and FCC compliance. Additionally, the proposed 165 monopine tower is set back 244 feet from any adjoining residential parcel boundary (more than the required setback of the tower’s full height). Moreover, being located on a parcel zoned “R” or residential (though used for a church) and adjacent to a residential subdivision, the requirement that the tower be located in relation to the boundary of such residential property no closer than the height of the proposed tower plus a safety factor of ten percent is met with the 165 foot tower being located 230 feet away from the residential property line to the west. Further, the tower, being on an improved parcel, is located closer to the church’s structures (95 feet northwest of the existing chapel as shown on the site plan) than to the boundary of the parcel (aforementioned 230 feet). The applicant is also providing the Code required 15 foot landscape screening buffer around the compound site.

Historic Preservation:

No comment.

Cemetery Preservation:

No comment.

WATER & SEWER COMMENTS:

No comment.

TRAFFIC COMMENTS:

Recommend a FAA Study.

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

APPLICANT: Municipal Communications, LLC

PETITION NO.: SLUP-9

PRESENT ZONING: R-20

PETITION FOR: SLUP

FIRE COMMENTS:

No comment. After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Municipal Communications, LLC
(formerly SouthernLINC)

PETITION NO.: SLUP-9

PRESENT ZONING: R-20

PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Clark Creek FLOOD HAZARD INFO: Zone X

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

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

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

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

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

DOWNSTREAM CONDITIONS

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

APPLICANT: Municipal Communications, LLC
(formerly SouthernLINC)

PETITION NO.: SLUP-9

PRESENT ZONING: R-20

PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS

1. The proposed lease area is located directly adjacent to the existing stormwater management facility for the church property. Runoff from the disturbed portion of the lease area should be directed to the pond.

STAFF RECOMMENDATIONS

SLUP- 9 MUNICIPAL COMMUNICATIONS, LLC (FORMERLY SOUTHERNLINC WIRELESS)

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (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 applicant's revised proposal takes measures to be in compliance with the County Code and mitigate potential adverse effects upon neighbors by way of utilizing a stealth "monopine" tower. The recommended lowering in tower height from the original request of 190 feet to 165 feet will also mitigate potential adverse affects.**
- (2) *Whether or not the use is otherwise compatible with the neighborhood.* **The County's consultant has reviewed and agrees with the demonstrated need for the proposed tower in this area to provide adequate service to area users, as long as the proposed tower is disguised as a pine tree.**
- (3) *Whether or not the use proposed will result in a nuisance as defined under state law.* **The proposed tower will not result in a nuisance as defined under state law.**
- (4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.* **The proposed monopine tower will not adversely affect quiet enjoyment of surrounding property as the proposed tower generates little noise and traffic.**
- (5) *Whether or not property values of surrounding property will be adversely affected.* **It has been Staff's experience that cell towers have an insignificant effect on property values. Items that have a significant effect on property values include the condition of property being assessed, property condition of adjoining properties, and the school district. There are examples throughout the county of home resales and new house construction within sight of cell towers.**
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.* **The property has enough parking to accommodate the proposal. Traffic generated by this proposal is minimal.**
- (7) *Whether or not the site or intensity of the use is appropriate.* **Though zoned residential, the subject site is used for a church and associated buildings and the tower's proposed location is set back adequately from neighboring residential properties. Cell towers are commonly found on residential properties in residential areas because that is where the need is for wireless service.**
- (8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.* **The County's consultant has reviewed and agrees with the demonstrated need for the proposed tower in this area to provide adequate service to area users now and into the future.**
- (9) *Whether or not adequate provisions are made regarding hours of operation.* **The site will have infrequent visits from technicians and other maintenance crew monthly.**
- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.* **There will be only infrequent visits from technicians and other maintenance crew. There will be less vehicles trips to this proposed tower per month than a single family house.**

(CONTINUED ON NEXT PAGE)

SLUP- 9 MUNICIPAL COMMUNICATIONS, LLC (FORMERLY SOUTHERNLINC WIRELESS)
(Continued)

- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition. The proposal includes the Code required 15 foot landscape screening buffer around the tower compound. Additionally, the property contains many trees*
- (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 of the surrounding neighborhoods will not be adversely affected by the proposed tower. In fact, health and safety should be improved by providing more reliable phone and data service in times of emergency.*
- (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 applicant's proposal meets the requirements of the Code in setbacks from neighboring residential properties, fencing, buffering, and FAA as well as FCC requirements.*
- (14) *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors. The applicant has provided all necessary documents to allow for a full consideration of all relevant factors.*
- (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. Staff has communicated with the County's tower consultant regarding this proposed tower and believes the tower can be moved over 300 to 400 feet due east, which places the tower in a thick grove of trees and moves the tower farther away from residential houses to the west. Based upon the above analysis as well as the Site Review provided by the County consultant, CityScape, the applicant's revised proposal and staff recommended 165 foot monopine tower satisfactorily meets Code requirements and, as such, staff recommends APPROVAL subject to the following conditions:*
- 1. Tower to be a monopine type;**
 - 2. Tower to be constructed for a minimum of three (3) users;**
 - 3. Site plan received November 11, 2015 with the tower being moved due east 300 feet to 400 feet with District Commissioner approving the final location;**
 - 4. Tower height to be a maximum 165 feet; unless it can be reduced by being placed on higher ground;**
 - 5. Maximum height of tower be 1300 feet mean sea level;**
 - 6. County Arborist to approve the landscape screening plan;**
 - 7. Provide the exact representation of the proposed monopine structure for approval by District Commissioner (all feed lines shall be within the structure and not be visible and sealed to prevent access by birds and other wildlife);**
 - 8. Provide a certified structure design prior to permitting.**

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.

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

James M. Ney
e-mail jney@honzw.com

Ellen W. Smith
e-mail esmith@honzw.com

November 11, 2015

BY HAND DELIVERY

Mr. Terry Martin
Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064

NOV 11 2015

Re: 2015 SLUP-9 Application for Special Land Use Permit ("**Application**") by Municipal Communications, LLC, as assignee of SouthernLINC Wireless ("**Applicant**") for a wireless communications facility (the "**Facility**") to be located at 4801 Wade Green Road, Kennesaw, Georgia (the "**Property**")

AMENDMENT AND SUPPLEMENT TO APPLICATION

Dear Terry:

This law firm has the pleasure of representing Applicant with respect to the Application. We respectfully submit for the County's zoning file the following additional materials to amend and in support of the requested special land use permit ("**SLUP**") for the Facility:

- (1) **Updated Application Form.** The original Applicant, SouthernLINC Wireless has assigned to Municipal Communications, LLC, with the permission of the property owner, Wildwood Baptist Church, Inc. ("**Owner**"), all of its right, title and interest in and to its lease for approximately 3,600 square feet of the Property (the "**Site**") for the construction and operation of the Facility. SouthernLINC will lease space on the Facility from Municipal Communications, LLC and will be the initial tenant on the Facility. Accordingly, we submit the enclosed Application Form with all appropriate signatures.
- (2) **Property Disclosure and Campaign Disclosure Forms.** We hereby submit property disclosure and campaign disclosure forms for both Applicant and for the attorneys representing Applicant. These supplement the forms initially filed by SouthernLINC.
- (3) **Property Survey.** SouthernLINC initially included a survey of portions of the Property including the Site, together with legal descriptions of the Property and the Site as well as for access and utility easements. We hereby enclose 7 copies (2 that are 8 ½" x 11" and 5 that

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
November 11, 2015
Page 2

are 11" x 17") of a current boundary survey of the Property which is also recorded in Plat Book 191, page 87, Cobb County, Georgia records.

- (4) **Revised Site Plans** (5 full sized copies; 2 copies measuring 8 ½" x 11"). After discussions with surrounding community members, the County's RF consultant and others, and in an effort to ensure that the Facility is the least intrusive means for SouthernLINC to provide wireless coverage in the area, Applicant is amending its SLUP request in two significant ways: (a) it is reducing the height of its Facility approximately 15%, from an overall height of 190 feet (approximately 195' with a lightning rod at the top) to an overall height of 165 feet (approximately 170' including the lightning rod at the top), and (b) it is changing the type of facility from a monopole to a monopine (a tree-like structure). These modifications are reflected in these revised site plans.
- (5) **Evidence of Notice Efforts.** Signs were timely posted and, after Applicant requested a continuance, were re-posted with updated hearing date information. Photographs reflecting both sign postings are enclosed. Additionally, Applicant mailed the requisite Notice to Adjacent Property Owners to all property owners within 1,000 feet of the Property, and we enclose for the County's records copies of the Notice and the Certificate of Mailing evidencing the mailing of the Notice on September 23, 2015.
- (6) **Revised RF Affidavit and Supporting Documentation.** We enclose a supplementary radio frequency ("**RF**") Affidavit in support of the Application, which helps to explain from a technical standpoint the reduced height requested for the Site. This Affidavit has already been provided to the County's independent RF consultants, Jon Edwards and Rick Edwards, with CityScope. This updated RF Affidavit also includes an identification of the search area within which SouthernLINC needs to locate a wireless facility to achieve the coverage it is obligated by Federal mandate to provide to its customers, the RF engineer's resume and qualifications, the identification of all existing towers within a 3-mile radius of the Site, and additional propagation maps.
- (7) **Copy of the October 6, 2015 e-mail** exchanges between Applicant's representative and the County's RF consultant confirming (a) information regarding the balloon test conducted in connection with the photograph simulations provided with the original Application as well as a second balloon test that was conducted on October 7, and (b) that the nearest adjacent elementary school refused to allow the Facility on its property.
- (8) **FAA Determination of No Hazard.** We enclose a copy of the FAA's "Determination of No Hazard to Air Navigation" that was issued in connection with the proposed Facility. Note that this determination confirms that no lighting is required (even if the height of the tower was going to be 199 feet – which it is not).

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
November 11, 2015
Page 3

- (9) **T-Mobile Letter of Interest.** The Facility is designed to support multiple wireless carriers, as shown on the Elevation and Antenna Details Sheet C-3 of the Site Plans. In addition to supporting SouthernLINC, Applicant is pleased to enclose a letter of interest from T-Mobile, which confirms that carrier's interest in collocating upon the Facility if approved. Applicant anticipates that the Facility will serve up to 4 carriers, even at the proposed reduced height, as the coverage and capacity radio frequency needs of providers is only increasing.

The Application and the accompanying documents support Applicant's request for the Facility SLUP and comply with all Cobb County zoning requirements.¹ No variances are requested. The Owner and Applicant respectfully request that the Division recommend the approval of the Application to the Board for consideration at the next available public hearing.

¹ Applicant notifies Cobb County of its constitutional concerns. If the Board denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. The Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977). If the Board denies the Application in whole or in part, such an action will deprive Applicant and Owner of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board limits its approval of the SLUP by attaching conditions thereto affecting any portion of the Property or the use thereof, either of such actions being taken without Applicant's consent, then such action would deprive Applicant and Owner of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (see Ga. Const. 1983, Art. I, § 3, para. 1(a)), and the just compensation clause of the Fifth Amendment to the United States Constitution (see U.S. Const. Amend. 5). To the extent that the Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and Owner and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a denial or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (see Ga. Const. 1983, Art. I, § 1, para. 1) and the Fifth and Fourteenth Amendments of the United States Constitution (see U.S. Const. Amend. 5 and 14). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance for lack of objective standards, guidelines or criteria limiting the Board's discretion in deciding applications for SLUP.

Furthermore, the Telecommunications Act of 1996, codified at 47 U.S.C. § 332(c) (the "**1996 TCA**") was intended to "promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies." *Preamble to 1996 TCA*. The primary mechanisms used by the 1996 TCA to "promote competition and reduce regulation" are prohibitions against local regulations that (i) "unreasonably discriminate among providers of functionally equivalent services" or (ii) "prohibit or have the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B). Also, section 253 of the 1996 TCA provides that "no State or local statute or regulation ... may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." The Board may violate the 1996 TCA on all three grounds if it denies the Application. Nevertheless, Applicant remains optimistic that the Board's consideration of the Application will be conducted in a constitutional and legal manner.

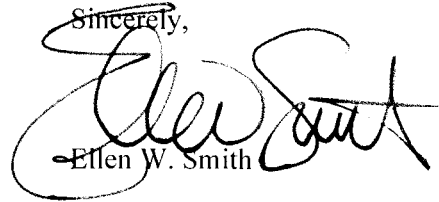
HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
November 11, 2015
Page 4

Please include this Amendment and Supplement and all enclosures with the County's official zoning file on this Application. We are happy to answer any questions or provide any information that the Division, its consultant or the Board may have with regard to the Application.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen W. Smith". The signature is stylized and cursive, with the first name "Ellen" being larger and more prominent than the last name "Smith".

Ellen W. Smith

EWS/ews
Enclosures

AMENDED

Application for Special Land Use Permit Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035)

Application No. SLUP -9

PC Hearing Date: *12/01/2015

BOC Hearing Date: *12/15/2015

Applicant Municipal Communications, LLC **Phone #** 404.995.1890
(applicant's name printed)

Address 3495 Piedmont Road, Eleven Perimeter Center
Suite 411, Atlanta, Georgia 30305 **E-mail** pcorry@municipal.com

Holt Ney Zatzoff & Wasserman, LLP 100 Galleria Parkway
c/o James M. Ney **Address** Suite 1800 Atlanta, Georgia 30339

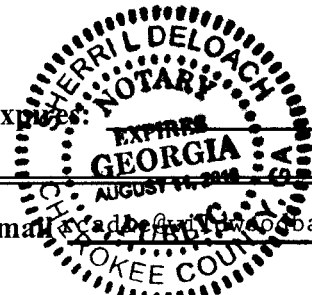
(representative's name, printed)

James M. Ney **Phone #** 770.956.9600 **E-mail** jney@hnzw.com
(representative's signature)

Signed, sealed and delivered in presence of:

Therri L. DeLoach
Notary Public

My commission expires: _____

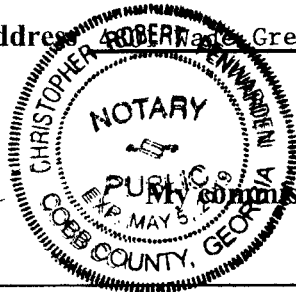


Titleholder Wildwood Baptist Church, Inc. **Phone #** 770.428.2100 **E-mail** ecadd@wildwoodbaptist.org
(titleholder's name, printed)

Signature [Signature] **Address** 4000 Wade Green Road, Kennesaw, Georgia 30144
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

Christopher Robert
Notary Public



My commission expires: May 5th, 2019

Present Zoning R-20 **Size of Tract** 34.6+/- **Acre(s)**

For the Purpose of Telecommunications Facility

Location 4801 Wade Green Road, Kennesaw, Georgia 30144
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 18 **District(s)** 20th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

[Signature]
Peter R. Corry (applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

[Signature]
Peter R. Corry (applicant's signature)

NOV 11 2015

PROPERTY/FINANCIAL DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Does any member of the Board of Commissioners or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property? No

If so, describe the nature and extent of such interest: N/A

Does any member of the Board of Commissioners or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? No

If so, describe the nature and extent of such interest: N/A

Does any member of the Board of Commissioners or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above? No

If so, describe the relationship and the nature and extent of such interest: N/A

I certify that the foregoing information is true and correct, this 9th day of October, 2015.
Municipal Communications, LLC

By: 
Applicant's Signature
Peter R. Corry, CEO

¹If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

PROPERTY/FINANCIAL DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Does any member of the Board of Commissioners or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property? _____

NO

If so, describe the nature and extent of such interest: _____

N/A

Does any member of the Board of Commissioners or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? _____

NO

If so, describe the nature and extent of such interest: _____

N/A

Does any member of the Board of Commissioners or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above? _____

NO

If so, describe the relationship and the nature and extent of such interest: _____

N/A

I certify that the foregoing information is true and correct, this 11th day of November, 2015.

James M. Ney
Applicant's Signature
Attorney for Applicant

¹If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

PROPERTY/FINANCIAL DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Does any member of the Board of Commissioners or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property? NO.

If so, describe the nature and extent of such interest: N/A

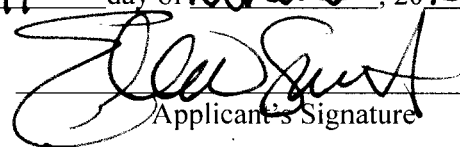
Does any member of the Board of Commissioners or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? NO

If so, describe the nature and extent of such interest: N/A

Does any member of the Board of Commissioners or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above? NO

If so, describe the relationship and the nature and extent of such interest: N/A

I certify that the foregoing information is true and correct, this 11th day of November, 2015.


Applicant's Signature

¹If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Has the applicant² made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Board of Commissioners or Planning Commission who will consider the application?

Yes

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Board of Commissioners of Cobb County within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the Board of Commissioners or Planning Commission to whom the campaign contribution or gift was made: Commissioner Lisa Cupid

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution: \$1,000.00

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application: _____

I certify that the foregoing information is true and correct, this 13th day of October 2015.

Municipal Communications, LLC

By: 
Applicant's Signature

Peter R. Corry, CEO

¹If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Has the applicant² made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Board of Commissioners or Planning Commission who will consider the application?

YES

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Board of Commissioners of Cobb County within ten (10) days after this application is first filed.

Please apply the following information which will be considered as the required disclosure:

The name of the member(s) of the Board of Commissioners or Planning Commission to whom the campaign contribution or gift was made: _____ (See Below)

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution: _____ (See Below)

An enumeration and description of each gift having a value or two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application: _____ (See Below)

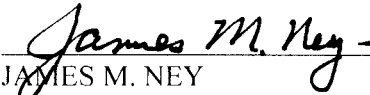
<u>Name</u>	<u>Amount Given</u>	<u>Date Given</u>	<u>Description</u>
Bob Barr (for Congress)	\$500	June 26, 2013	Campaign Contribution
Bob Barr (for Congress)	\$250	April 1, 2014	Campaign Contribution
JoAnn Birrell (Cobb Co. Commissioner)	\$250	February 4, 2013	Campaign Contribution
JoAnn Birrell (Cobb Co. Commissioner)	\$1,000	February 10, 2014	Campaign Contribution
Andy Bouman (Sandy Springs City Councilman, District 6)	\$150	January 26, 2015	Campaign Contribution
Lisa Cupid (Cobb Co. Commissioner)	\$500	June 26, 2013	Campaign Contribution
Lisa Cupid (Cobb Co. Commissioner)	\$250	August 1, 2014	Campaign Contribution
Lisa Cupid (Cobb Co. Commissioner)	\$250	September 12, 2014	Campaign Contribution
Lisa Cupid (Cobb Co. Commissioner)	\$500	June 9, 2015	Campaign Contributions
Reuben Green (Judge, Superior Court of Cobb County)	\$200	August 6, 2014	Campaign Contribution

¹ If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and the extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

Name	Amount Given	Date Given	Description
Reuben Green (Judge, Superior Court of Cobb County)	\$200	May 11, 2015	Political Contribution
Karen Handel (U.S. Senator)	\$500	July 23, 2013	Campaign Contribution
Karen Handel (U.S. Senator)	\$500	April 30, 2014	Campaign Contribution
Karen Handel (U.S. Senator)	\$500	May 14, 2014	Campaign Contribution
Johnny Isakson (for Congress)	\$1,000	January 15, 2013	Campaign Contribution
Johnny Isakson (U.S. Senator)	\$500	August 4, 2013	Campaign Contribution
Johnny Isakson (U.S. Senator)	\$2,000	January 15, 2014	Campaign Contribution
Johnny Isakson (U.S. Senator)	\$1,000	December 5, 2014	Campaign Contribution
Johnny Isakson (U.S. Senator)	\$1,250	April 21, 2015	Campaign Contribution
Johnny Isakson (U.S. Senator)	\$1,000	August 27, 2015	Campaign Contribution
Jack Kingston (U.S. Senate)	\$250	May 14, 2014	Campaign Contribution
Jack Kingston (U.S. Senate)	\$1,000	June 10, 2014	Campaign Contribution
Tim Lee (Cobb Co. Commissioner)	\$1,000	April 28, 2015	Campaign Contribution
Chris McFadden (Judge)	\$250	June 20, 2014	Campaign Contribution
Chris McFadden (Judge)	\$300	April 28, 2015	Campaign Contribution
Sam Olens (Attorney General)	\$250	January 6, 2013	Campaign Contribution
Sam Olens (Attorney General)	\$1,000	August 4, 2013	Campaign Contribution
Sam Olens (Attorney General)	\$200	December 30, 2013	Campaign Contribution
Sam Olens (Attorney General)	\$500	September 23, 2014	Campaign Contribution
Bob Ott	\$48.93	March 11, 2015	Breakfast Meeting
Chris Owens (Councilman, City of Alpharetta)	\$111.75	April 15, 2014	Lunch
Tom Price (U.S. Representative)	\$1,000	August 28, 2013	Campaign Contribution
Tom Price (U.S. Representative)	\$200	January 29, 2014	Campaign Contribution
Tom Price (for Congress)	\$2,600	August 25, 2014	Campaign Contribution
Tom Price (for Congress)	\$1,000	June 5, 2015	Campaign Contribution
Tom Price (for Congress)	\$500	June 21, 2015	Political Contribution
Judge Craig L. Schwall (Superior Court of Fulton Co.)	\$200	July 23, 2013	Campaign Contribution

I certify that the foregoing information is true and correct, as of this 23rd day of September, 2015.


 JAMES M. NEY
 Attorney for Applicant

CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Has the applicant² made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Board of Commissioners or Planning Commission who will consider the application?

Yes.

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Board of Commissioners of Cobb County within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the Board of Commissioners or Planning Commission to whom the campaign contribution or gift was made: PLEASE SEE ATTACHED.

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution: PLEASE SEE ATTACHED

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application: PLEASE SEE ATTACHED

I certify that the foregoing information is true and correct, this 11th day of November, 2015.


Applicant's Signature

¹If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

ELLEN W. SMITH CAMPAIGN CONTRIBUTIONS

<u>NAME</u>	<u>AMOUNT GIVEN</u>	<u>DATE GIVEN</u>
JoAnn Birrell (Cobb Co. Commissioner)	\$80 (luncheon)	January, 2013
JoAnn Birrell (Cobb Co. Commissioner)	\$500	February 5, 2014
Tim Lee (Cobb Co. Commissioner)	\$200	March 13, 2012
Tim Lee (Cobb Co. Commissioner)	\$500	August 9, 2012

SouthernLINC Wireless' East Acworth (GA) Monopole Proposal**Location:** 4801 Wade Green Road

STATE OF ALABAMA

COUNTY OF *Gonzales*

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, SHANE AUSTIN, who after being duly sworn, states as follows:

1. My name is Shane Austin. I am over the age of 21 and am competent in all respects to testify to the matters stated herein. Unless otherwise indicated, the statements in this Affidavit are based upon my personal knowledge.
2. I am a Principal RAN Engineer – LTE/iDEN with SouthernLINC Wireless (“**SouthernLINC**”). I have worked in the field of RF planning, performance and optimization of wireless networks for the past 15 years for SouthernLINC. My resume, which includes a description of my educational background, is attached hereto as **Schedule 1**.
3. I have first-hand knowledge concerning the SouthernLINC network throughout Cobb County, Georgia, and specifically of SouthernLINC’s coverage and capacity needs in and around the area of the property located at 4801 Wade Green Road in the County (the “**Property**”).
4. SouthernLINC uses the industry standard propagation tool called “ATOLL” to identify areas in its network where signal strength is too weak to provide reliable wireless service quality. This information is developed from many sources, including terrain and clutter databases which simulate the environment and propagation models. By way of background, SouthernLINC is a wholly owned subsidiary of Southern Company, and is an Atlanta-based regional wireless carrier with network coverage in metro and rural areas of Alabama, Georgia, southeast Mississippi and northwest Florida. SouthernLINC Wireless bundles multiple communication options, including Push To Talk (PTT) two-way radio, cellular service, wireless Internet access, wireless data, and text and picture messaging, into one hand-held device. SouthernLINC’s customer base is comprised of business, government and consumer users. Particularly because of its customers and background as a subsidiary of Southern Company, SouthernLINC built in redundancies, power back-ups and security features designed to deliver consistent communications, even during severe weather conditions.
4. I prepared and submitted the letter and propagation coverage maps dated August 5, 2015, true, correct and complete copies of which are attached hereto and incorporated herein as **Schedule 2**. These coverage maps show the existing coverage within the general vicinity of the Property as well as the proposed coverage if SouthernLINC’s

antennas were located on the proposed facility at a RAD center of 184 feet. SouthernLINC's search area ring (the area in which I identified a need for a wireless facility to meet SouthernLINC's existing coverage and capacity needs) is attached hereto as **Schedule 3**.

6. SouthernLINC's network operates on the 850 megahertz frequency only. SouthernLINC's proposed tower at the Property will be used for SouthernLINC's LTE service which consists of a 1.4MHz channel bandwidth due to SouthernLINC's limited spectrum.

7. SouthernLINC initially requested a RAD center of 184 feet on the Property for a number of reasons. First, it requested this height because of its network design and the frequency within which it operates (its towers are typically approximately 3.5 miles apart as opposed to other carriers which may have towers within a mile of each other). Second, it requested this height because of the rolling terrain within the area. However, after reconsideration, SouthernLINC proposes to reduce its RAD center to 159 feet (for an overall tower height of 165 feet). SouthernLINC is also revising the style of tower from a monopole to a monopine.

8. There are existing towers within a 3-mile radius of the Property. These existing towers are identified on **Schedule 4** attached hereto and made a part hereof. As indicated on the Schedule 4 spreadsheet, there are two towers located within 1 mile of the site, but collocation upon these towers at the available RAD centers would not achieve SouthernLINC's coverage objectives.

9. Attached hereto as **Schedule 5** is a set of propagation maps that I have prepared to show SouthernLINC's coverage if it lowers its RAD center on the proposed tower at the Property to 159 feet. SouthernLINC can compensate for its reduced RAD center height by adjusting antenna tilts. The area that the new site will serve is what is known as a high interference area in LTE due to the lack of a dominant/strong signal. High interference in LTE produces poor signal quality which leads to low data rates, especially with a 1.4MHz channel. Without the new tower, this area would have peak data rates ranging from 50kbps to 500kbps. With the new tower, albeit at the lower RAD center, this area will have peak data rates higher than 3500kbps which is required for SouthernLINC's design.

10. SouthernLINC will also need to collocate on a 170' Crown Castle tower southeast of this location located at 75 Hawkins Store Road in the future to improve the area around I-575. This site is known as Heck Road on the RF plots. Since the highest elevation available on this Crown Castle tower is approximately 118', a 165' monopole is needed for the new East Acworth site.

11. SouthernLINC certifies that all of its equipment will be installed and operated in keeping with applicable FAA and FCC rules and regulations and appropriate industry standards. The construction of this tower, including SouthernLINC's installation of transmitter/receiver equipment, will not interfere with the usual and customary

transmission or reception of radio, television, or other service enjoyed by adjacent properties.

12. SouthernLINC further certifies that the proposed telecommunications facility shall be maintained in a safe manner, and in compliance with all conditions of the telecommunications permit, without exception, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations.

[Signature continues on following page]

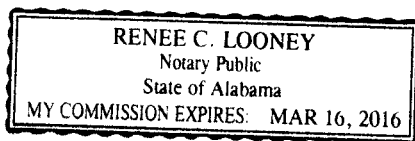
I am submitting this Affidavit, sworn and under seal, in support of Municipal Communications, LLC's Application for Special Land Use Permit to Cobb County, Georgia.

FURTHER AFFIANT SAITH NOT.

Sworn to and subscribed before me this
5th day of November, 2015.

Shane Austin
Shane Austin

Renee C. Looney
Notary Public



Schedule 1

111 Hayesbury Lane
Pelham, AL 35124

205-288-9351
wsaustin@southerncc.com

Shane Austin

- Objective** To obtain challenging employment in RF Engineering utilizing my experience along with my appreciation and knowledge of the RF Engineering industry.
- Experience** 2000–Present SouthernLINC Wireless Birmingham, AL
Principal RAN Engineer – LTE/iDEN
- Monitored site statistics to evaluate performance.
 - Worked with field engineers to troubleshoot site problems.
 - Worked with other carriers to eliminate interference.
 - Responsible for traffic KPIs.
 - Responsible for all Frequency Planning.
 - Designed, frequency planned, and created data fill for COWs for Nascar races, golf tournaments, and emergency situations.
 - Designed RF hardware configuration changes.
 - Responsible for the LTE/iDEN RAN design.
 - Created new site search areas.
 - Designed new coverage and capacity sites.
 - Created site justification packages for new sites.
 - Performed Propagation Model Optimization(PMO).
 - Lead Engineer in the testing of digital BDAs.
 - Led the design, installation, commissioning, and testing of multi carrier 3G and 4G fiber in-building Distributed Antenna Systems(iDAS).
 - 3GPP Representative.
- Training and Certifications**
- Wizard, Atoll, CommScope, Mobile Access, and Anritsu certified.
 - Award Solutions LTE RF Design.
 - Motorola Systems School.
 - Ericsson LTE L14 Radio Network Functionality & Configuration.
 - Ericsson LTE L14 Air Interface, Protocols and Procedures.
 - Ericsson LTE L12 Radio Network Design.
 - Ericsson LTE L14 Performance Management & Optimization.
- Education** 1996–2000 Auburn University Auburn, AL
- B.S., Electrical Engineering.

Schedule 2



A Southern Company

August 5, 2015

Cobb County Zoning
1150 Powder Springs Street, Suite 400
Marietta, GA 30064

SUBJECT: SouthernLINC Wireless' East Acworth (GA) 190' Monopole Proposal

To Whom It May Concern:

SouthernLINC Wireless is proposing to construct a new 190' monopole located at 4801 Wade Green Road, Kennesaw, Georgia. This new monopole will be used for SouthernLINC's LTE service. Existing towers were analyzed first, but none were adequate. The closest tower is a 150' monopole tree owned by SBA and the highest elevation available on the tower is 140'. The ground elevation for the SBA tower is also 57' less making the overall height 107' less. With it being a monopole tree, the antenna patterns will also be affected due to the obstructions in front of and around the antennas. The area that the new site will serve is what is known as a high interference area in LTE due to there not being a dominant/strong signal. High interference in LTE produces poor signal quality which leads to low data rates. Without the new tower, this area would have peak data rates ranging from 50kbps to 500kbps. With the new tower, this area will have peak data rates higher than 3500kbps which is required for our design. The difference can be seen in the attached data rate plots. 180' above ground level is the minimum needed to improve this area.

If you or any others have any questions or concerns, feel free to contact me at 205-257-6900.

Sincerely:

A handwritten signature in cursive script that reads "Shane Austin".

Shane Austin
Principal RF Engineer
SouthernLINC Wireless

Approved By:

A handwritten signature in cursive script that reads "Clayton H. Brogdon".

Clayton H. Brogdon, PE
Manager of Engineering
SouthernLINC Wireless

SouthernLINC Wireless

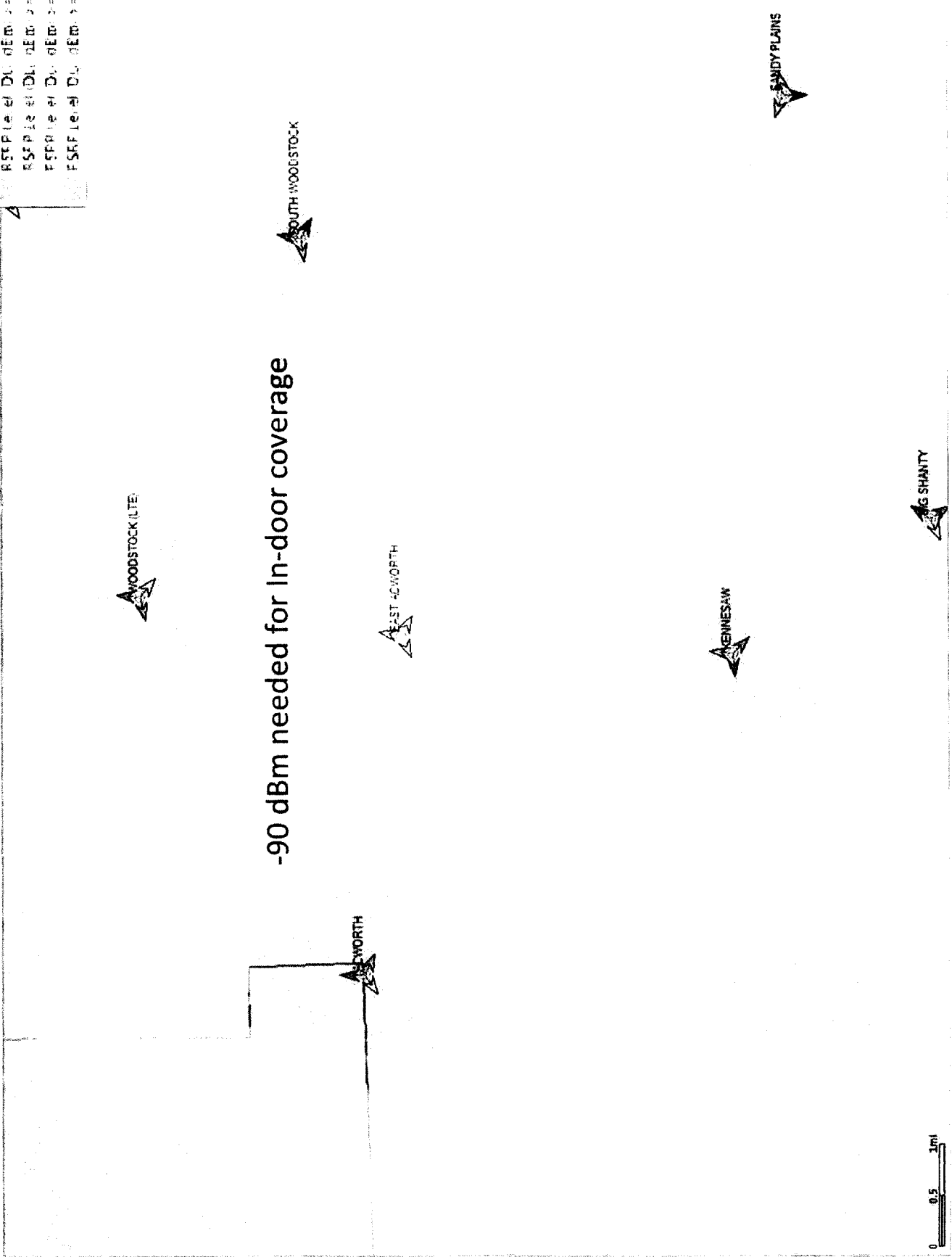
Map of Current Coverage

Effective Signal Analysis (DL) RSRP

- PSFP Level DL (dBm) = -80
- RSEPL Level DL (dBm) = -80
- RSEPLR Level DL (dBm) = -88
- PSFP Level DL (dBm) = -105.6
- PSRF Level DL (dBm) = -112

RSRP (Signal Strength) Coverage before East Acworth site activated

-90 dBm needed for In-door coverage

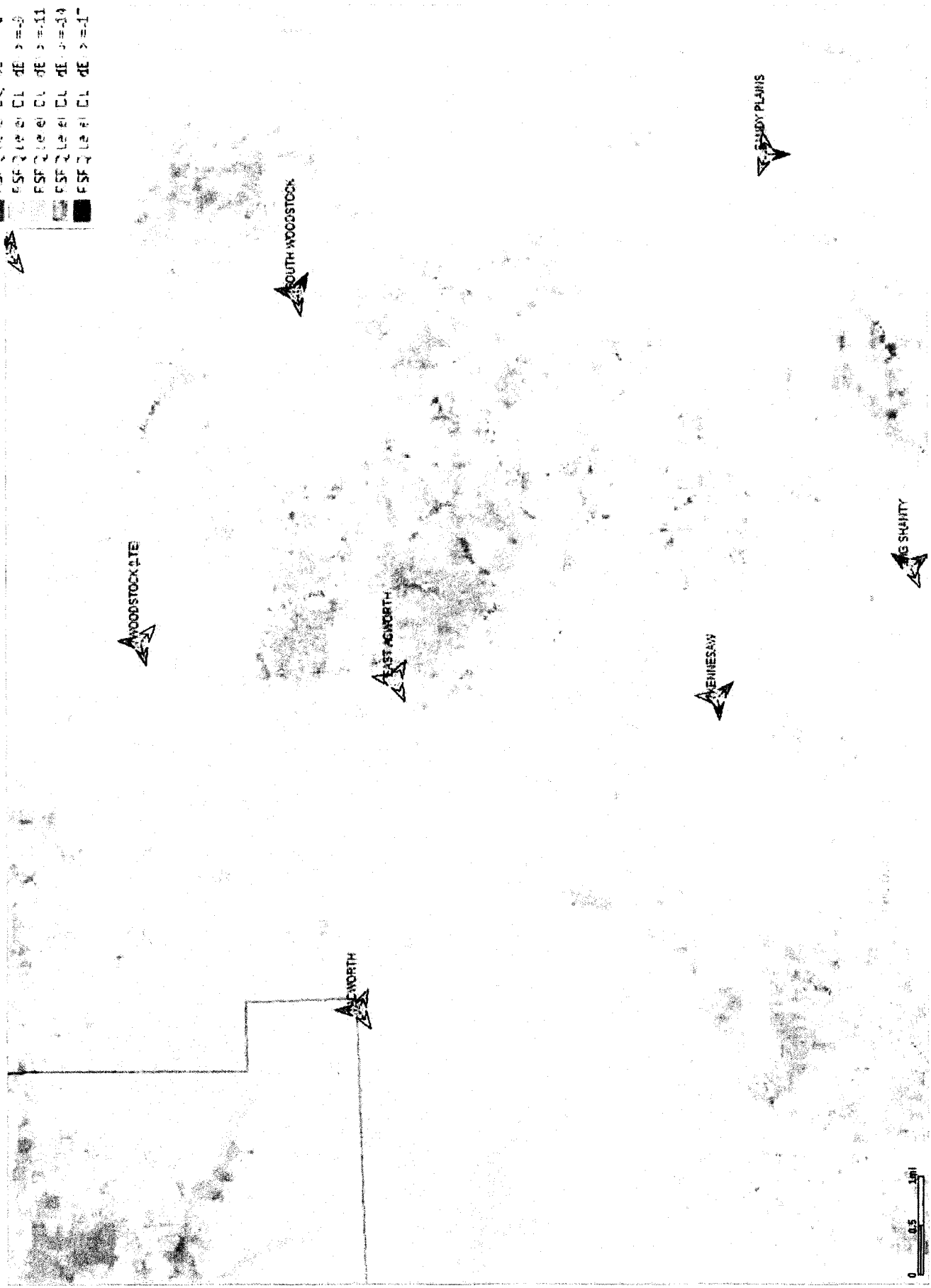


0 0.5 1mi

RSRQ (Signal Quality) Coverage before East Acworth site with Map

Cells_Coverage_RSRQ

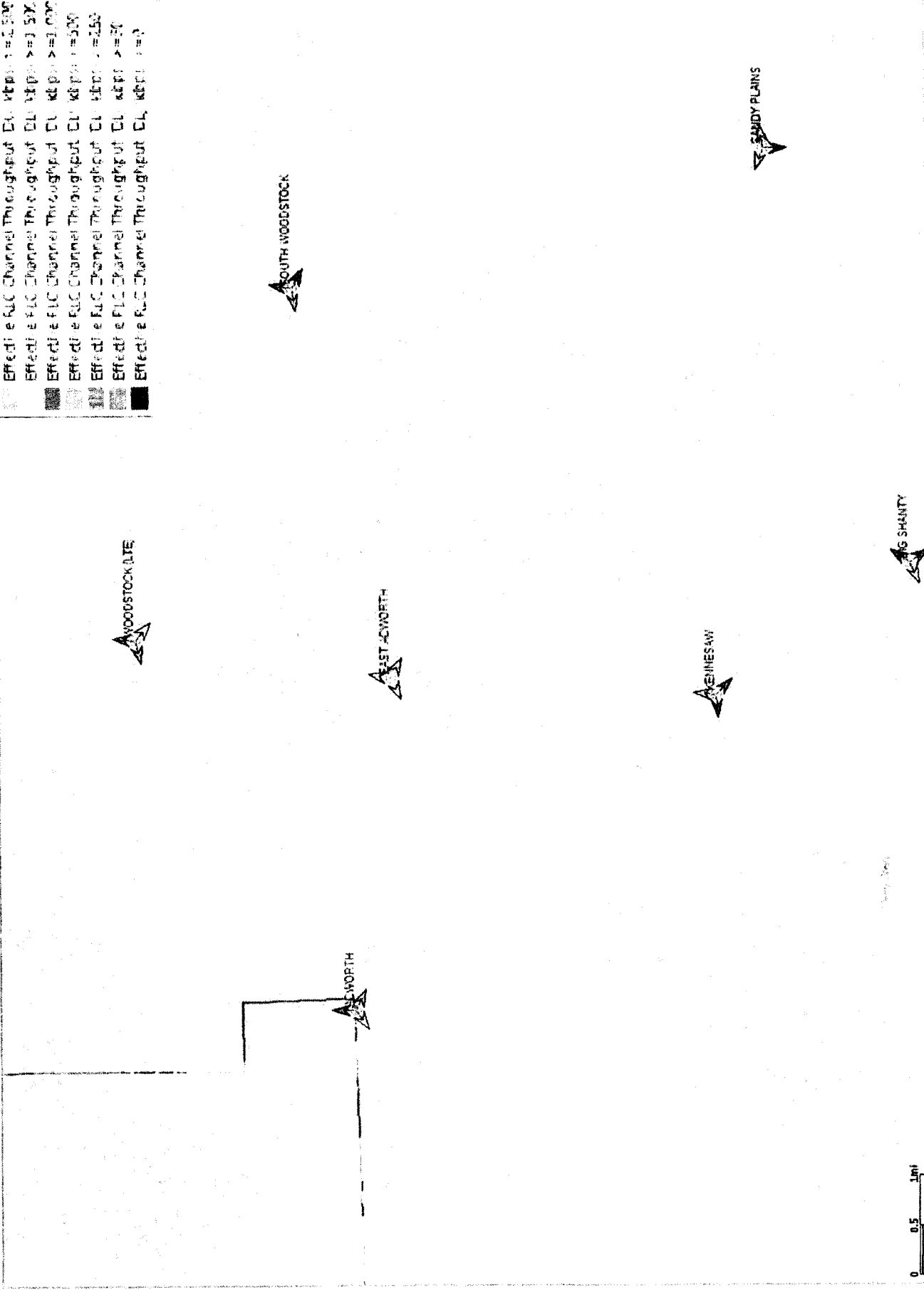
- FSF 2 1e 01 01 0E 1=4
- FSF 2 1e 01 01 0E 1=0
- FSF 2 1e 01 01 0E 1=11
- FSF 2 1e 01 01 0E 1=14
- FSF 2 1e 01 01 0E 1=17



Throughput before East Acworth site activated

Cells_Effective RLC Channel Throughput (DL)

- Effective RLC Channel Throughput DL kbps >= 500
- Effective RLC Channel Throughput DL kbps >= 2500
- Effective RLC Channel Throughput DL kbps >= 1500
- Effective RLC Channel Throughput DL kbps >= 1000
- Effective RLC Channel Throughput DL kbps >= 500
- Effective RLC Channel Throughput DL kbps >= 250
- Effective RLC Channel Throughput DL kbps >= 50
- Effective RLC Channel Throughput DL kbps >= 0

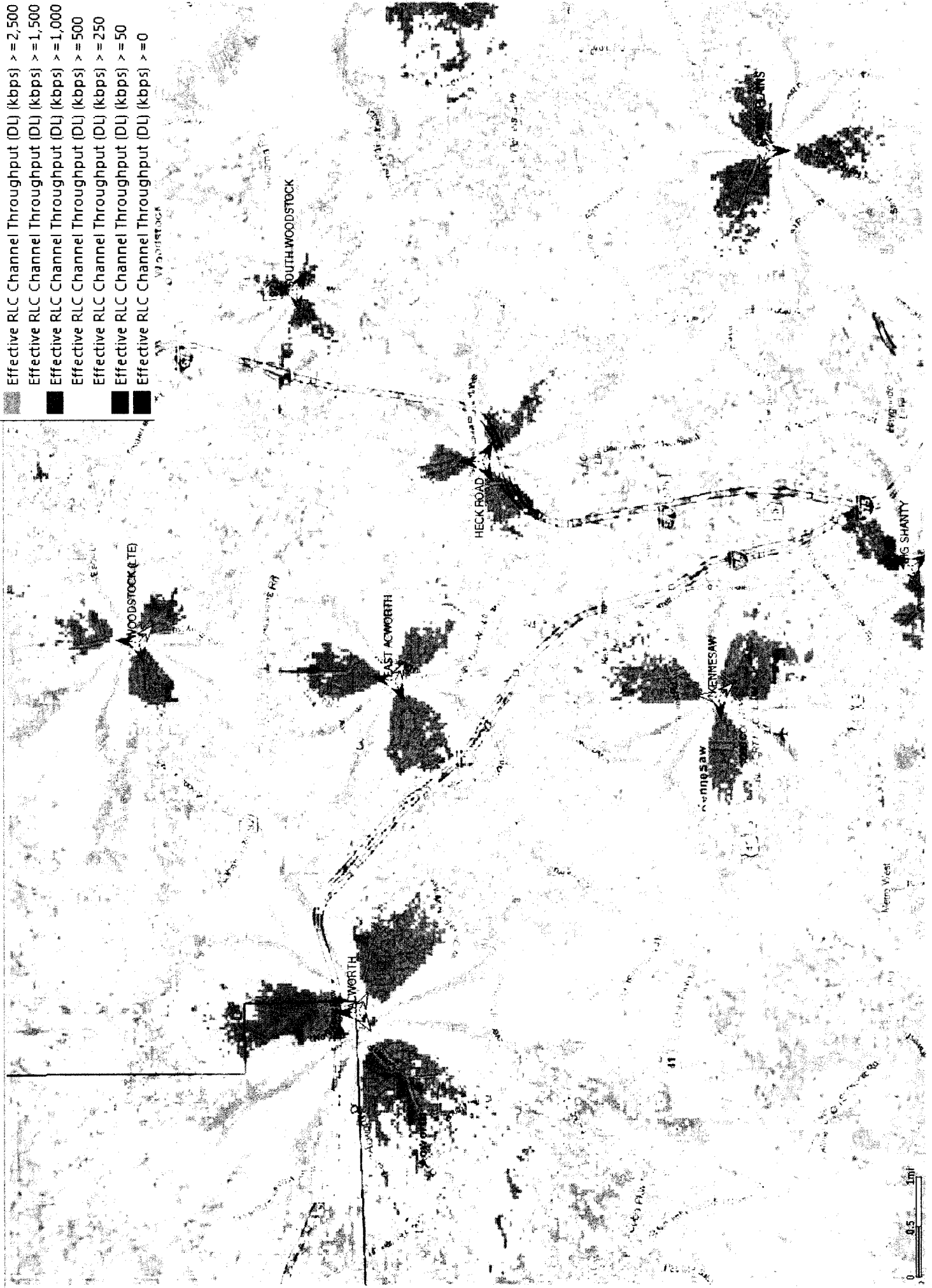


STUDY PLANS

Throughput after new sites were activated

Cells_Effective RLC Channel Throughput (DL)

- Effective RLC Channel Throughput (DL) (kbps) > = 3,500
- Effective RLC Channel Throughput (DL) (kbps) > = 2,500
- Effective RLC Channel Throughput (DL) (kbps) > = 1,500
- Effective RLC Channel Throughput (DL) (kbps) > = 1,000
- Effective RLC Channel Throughput (DL) (kbps) > = 500
- Effective RLC Channel Throughput (DL) (kbps) > = 250
- Effective RLC Channel Throughput (DL) (kbps) > = 50
- Effective RLC Channel Throughput (DL) (kbps) > = 0



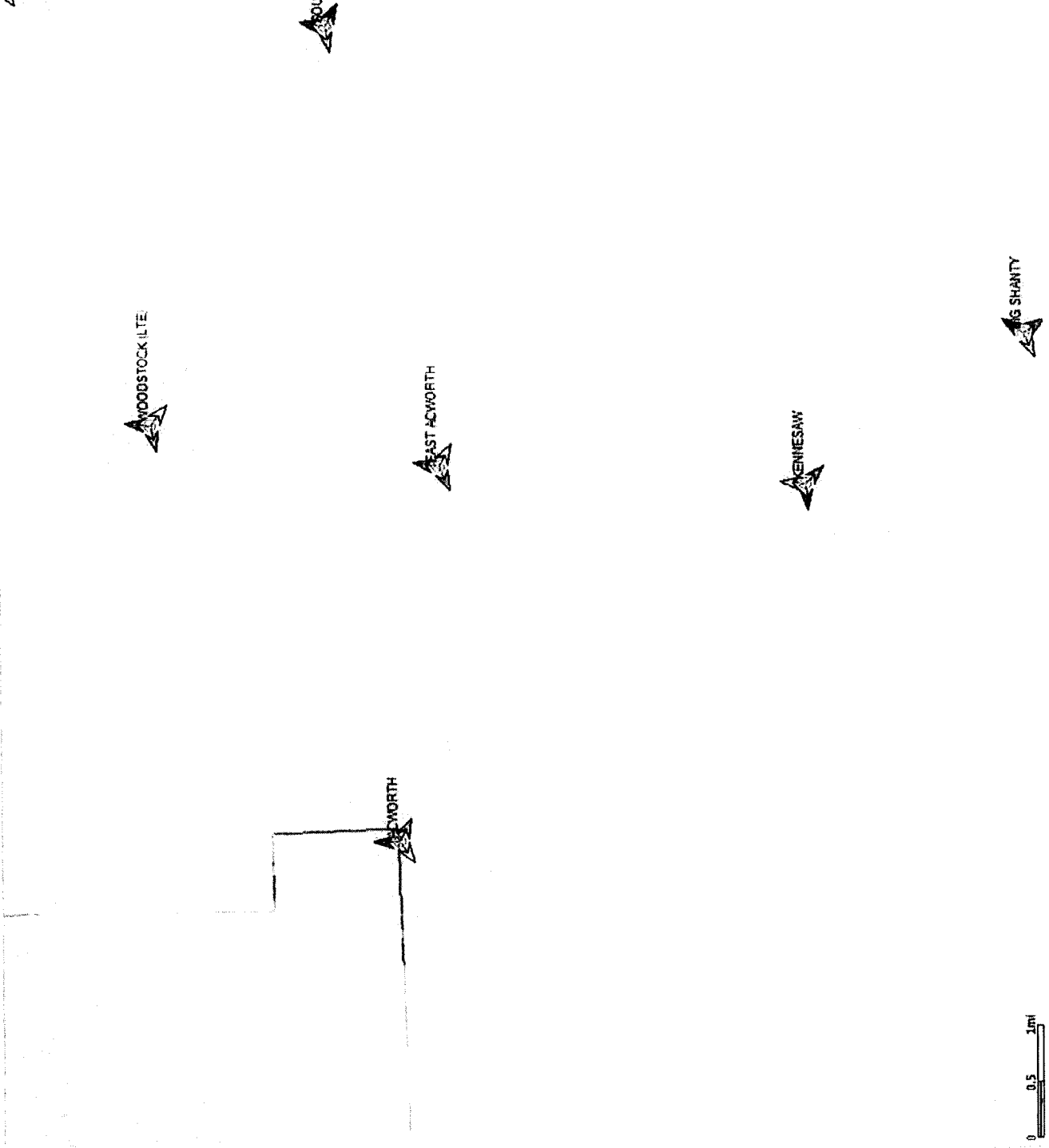
SouthernLINC Wireless

Map including proposed 190'
monopole facility coverage and
current coverage

RSRP Coverage after East Acworth site was activated

Effective Signal Analysis (DL) RSRP

RSRP	DL	DEM	>=	30
RSRP	DL	DEM	>=	30
RSRP	DL	DEM	>=	30
RSRP	DL	DEM	>=	30
RSRP	DL	DEM	>=	30



RSRQ Coverage after East Acworth site activated with Map

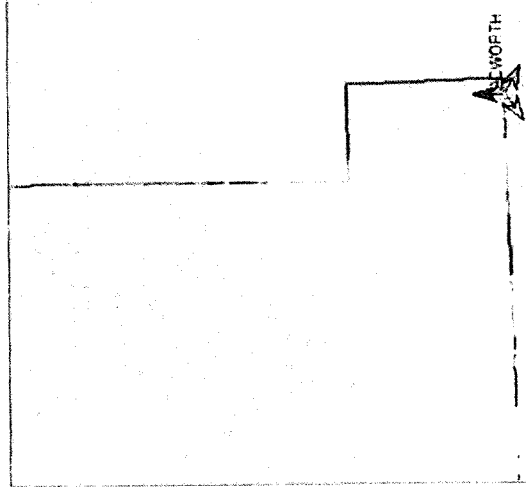
Cells_Coverage_RSRQ

■	FSP2 (L) (A) DL DE 3 == 6
■	FSP2 (L) (A) DL DE 3 == 0
■	FSP2 (L) (A) DL DE 3 == 11
■	FSP2 (L) (A) DL DE 3 == 14
■	FSP2 (L) (A) DL DE 3 == 17



Throughput after East Acworth site activated

- Cells_Effective RLC Channel Throughput (DL)
- Effective RLC Channel Throughput (DL) Mbps = 500
- Effective RLC Channel Throughput (DL) Mbps = 2.500
- Effective RLC Channel Throughput (DL) Mbps = 1.500
- Effective RLC Channel Throughput (DL) Mbps = 1.000
- Effective RLC Channel Throughput (DL) Mbps = 500
- Effective RLC Channel Throughput (DL) Mbps = 250
- Effective RLC Channel Throughput (DL) Mbps = 100
- Effective RLC Channel Throughput (DL) Mbps = 50
- Effective RLC Channel Throughput (DL) Mbps = 25
- Effective RLC Channel Throughput (DL) Mbps = 10
- Effective RLC Channel Throughput (DL) Mbps = 5
- Effective RLC Channel Throughput (DL) Mbps = 1



WOODSTOCK LTE

SOUTH WOODSTOCK

EAST ACWORTH

KENNESAW

STUDY PLAINS

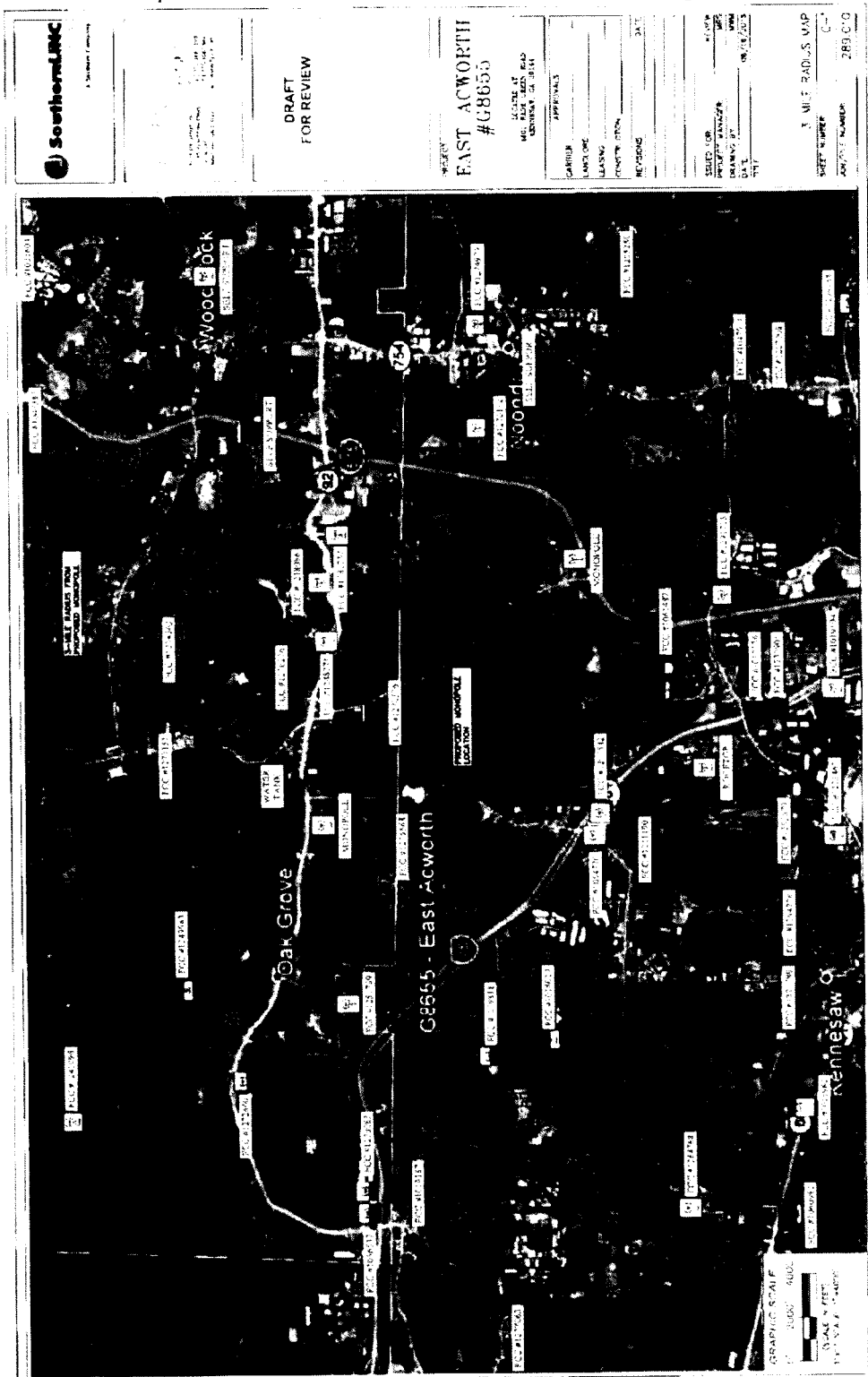
BIG SHANTY

ACWORTH



Schedule 4

Map of Sites within 3 Miles of Site and Surrounding Area



SouthernLINC
1000 Peachtree Street, N.E.
 Atlanta, GA 30309
 404.525.1234

**DRAFT
 FOR REVIEW**

**SHEET #
 EAST ACWORTH
 #G8655**

1500 S. WOODS ROAD
 KENNESAW, GA 30144

CARRIER	APPROVALS
DATE	
PROJECT MANAGER	
DATE	
ISSUED FOR	
DATE	

3 MILE RADIUS MAP
 SHEET NUMBER: **289 C-0**
 PROJECT NUMBER: **289 C-0**

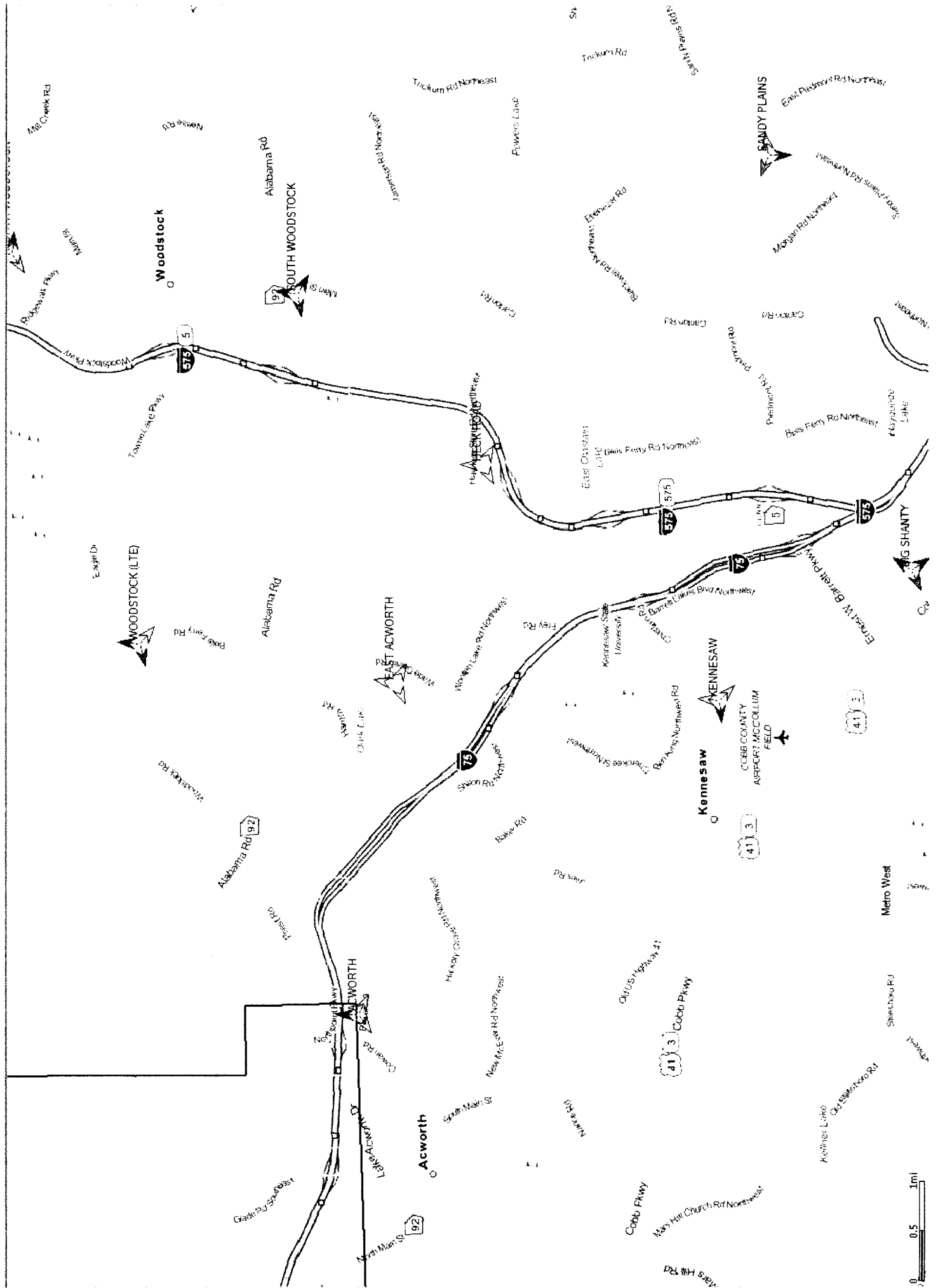
GRAPHIC SCALE
 0 1000 2000
 FEET
 0 300 600
 METERS

	Registration #	Owner	Coordinates		City, State	Height in feet	SouthernLINC Colocated
1	<u>1012136</u>	American Towers, LLC	34-01-55 3N 084-34-30 5W	3333 Busbee Drive NW	Kennesaw, GA	168	No -- too far from coverage gap
2	<u>1019818</u>	Crown Castle South LLC	34-03-53 7N 084-37-38 9W	2700 Hickory Grove Road	Acworth, GA	276	No -- too far from coverage gap
3	<u>1028027</u>	SpectraSite Communications, LLC through American Towers, LLC	34-03-28 1N 084-37-29 8W	2361 Baker Road	Acworth, GA	280	No -- too far from coverage gap
4	<u>1054720</u>	Pinnacle Towers LLC	34-03-05 5N 084-35-36 0W	George Busbee Pky	Kennesaw, GA	199	No -- too far from coverage gap
5	<u>1061487</u>	SpectraSite Communications, LLC through American Towers, LLC	34-02-43 9N 084-33-44 9W	Booth Elementary Booth Road	Kennesaw, GA	153	No -- too far from coverage gap
6	<u>1207542</u>	Crown Castle South LLC	34-03-03 8N 084-35-30 5W	1414 Shiloh Road	Kennesaw, GA	158	No -- too far from coverage gap
7	<u>1211190</u>	SpectraSite Communications, LLC through American Towers, LLC	34-02-44 2N 084-36-10 9W	4190 Jiles Road	Kennesaw, GA	120	No -- too far from coverage gap
8	<u>1214363</u>	SBA Properties, LLC	34-06-30 1N 084-33-56 6W	6425 Putnam Ford Road	Woodstock, GA	199	No -- too far from coverage gap
9	<u>1230901</u>	Pinnacle Towers Acquisitions LLC	34-01-44 7N 084-34-27 9W	George Busbee Pky	Kennesaw, GA	175	No -- too far from coverage gap
10	<u>1238086</u>	T-Mobile USA Towers LLC	34-05-10 3N 084-33-21 2W	502 Industrial Drive	Woodstock, GA	184	No -- too far from coverage gap
11	<u>1248271</u>	New Towers LLC	34-05-07 5N 084-33-53 0W	107A Dixie Drive	Woodstock, GA	190	No -- too far from coverage gap
12	<u>1249963</u>	American Towers, LLC	34-06-15 6N 084-37-02 3W	6125 Little Ridge Rd	Acworth, GA	190	No -- too far from coverage gap
13	<u>1251799</u>	SBA Monarch Towers I, LLC	34-04-58 8N 084-37-10 0W	5328 Woodstock Road	Acworth, GA	140	No -- too far from coverage gap
14	<u>1270276</u>	SBA 2012 TC Assets, LLC	34-05-38 0N 084-34-12 1W	199 A Delay Street	Woodstock, GA	162	No -- too far from coverage gap
15	<u>1270576</u>	SBA Towers III LLC	34-04-45 8N 084-34-32 6W	5321 Bells Ferry Road	Acworth, GA	154	No -- insufficient height. It is 9 miles from proposed tower and highest available RAD is 115'. Ground elevation is 1059'.
16	<u>1271789</u>	SBA Monarch Towers II, LLC	34-01-51 2N 084-37-06 1W	3052 Matlock Drive	Kennesaw, GA	160	No -- too far from coverage gap
17	<u>1272660</u>	SBA 2012 TC Assets, LLC	34-05-46 5N 084-37-53 9W	3372 Hwy 92	Acworth, GA	153	No -- too far from coverage gap
18	<u>1275568</u>	SBA Monarch Towers II, LLC	34-04-43 2N 084-35-44 8W	Hamby Road	Kennesaw, GA	160	No -- insufficient height. It is 6 miles from proposed tower and highest available RAD is 135'. Ground elevation is 1078'.
19	<u>1277151</u>	TowerCom V, LLC	34-06-31 9N 084-34-59 0W	6409 Bells Ferry Rd	Woodstock, GA	154	No -- too far from coverage gap
20	<u>1282237</u>	Crown Castle South LLC	34-05-02 4N 084-32-55 7W	196 Emma Lane	Woodstock, GA	186	No -- too far from coverage gap
21	<u>1294776</u>	Georgia Power Company	34-01-50 7N 084-36-25 8W	Travelers Trail	Kennesaw, GA	71	No -- too far from coverage gap

Schedule 5

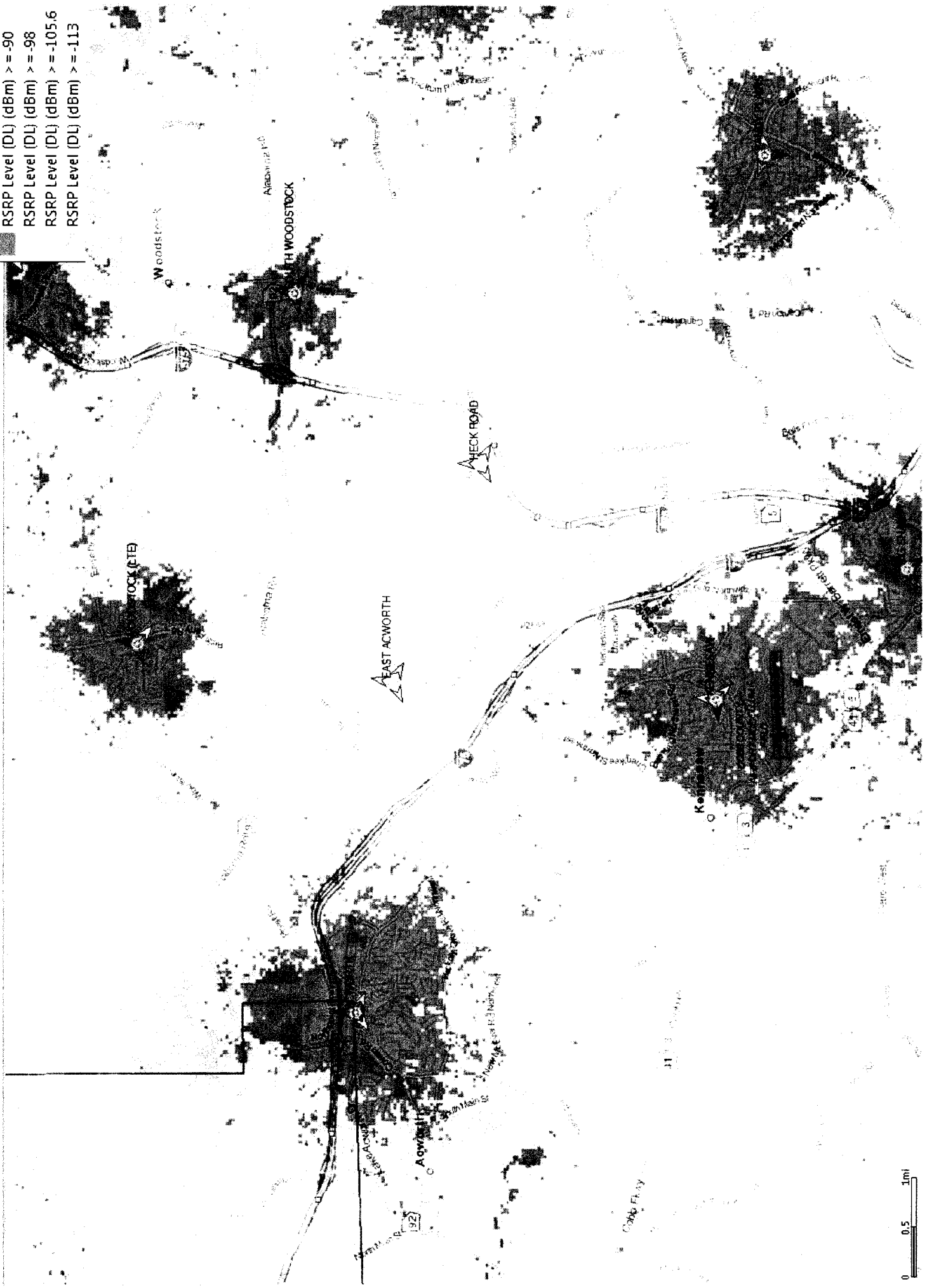
New East Acworth and Heck Road Sites Justification

East Acworth and Heck Road Sites location



RSRP (Signal Strength) Coverage before new sites were activated

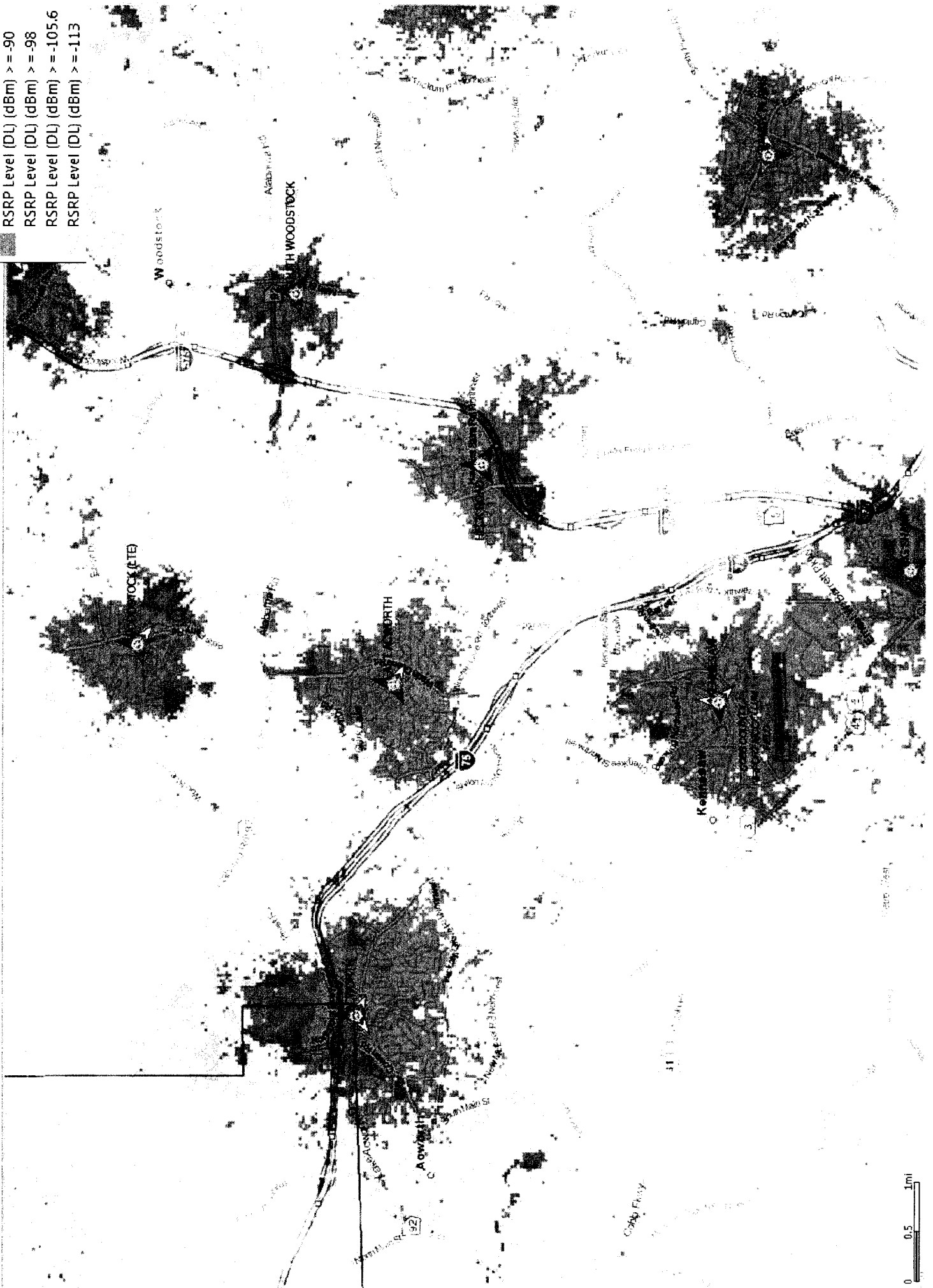
Effective Signal Analysis (DL)_RSRP
RSRP Level (DL) (dBm) > = -80
RSRP Level (DL) (dBm) > = -90
RSRP Level (DL) (dBm) > = -98
RSRP Level (DL) (dBm) > = -105.6
RSRP Level (DL) (dBm) > = -113



0 0.5 1mi

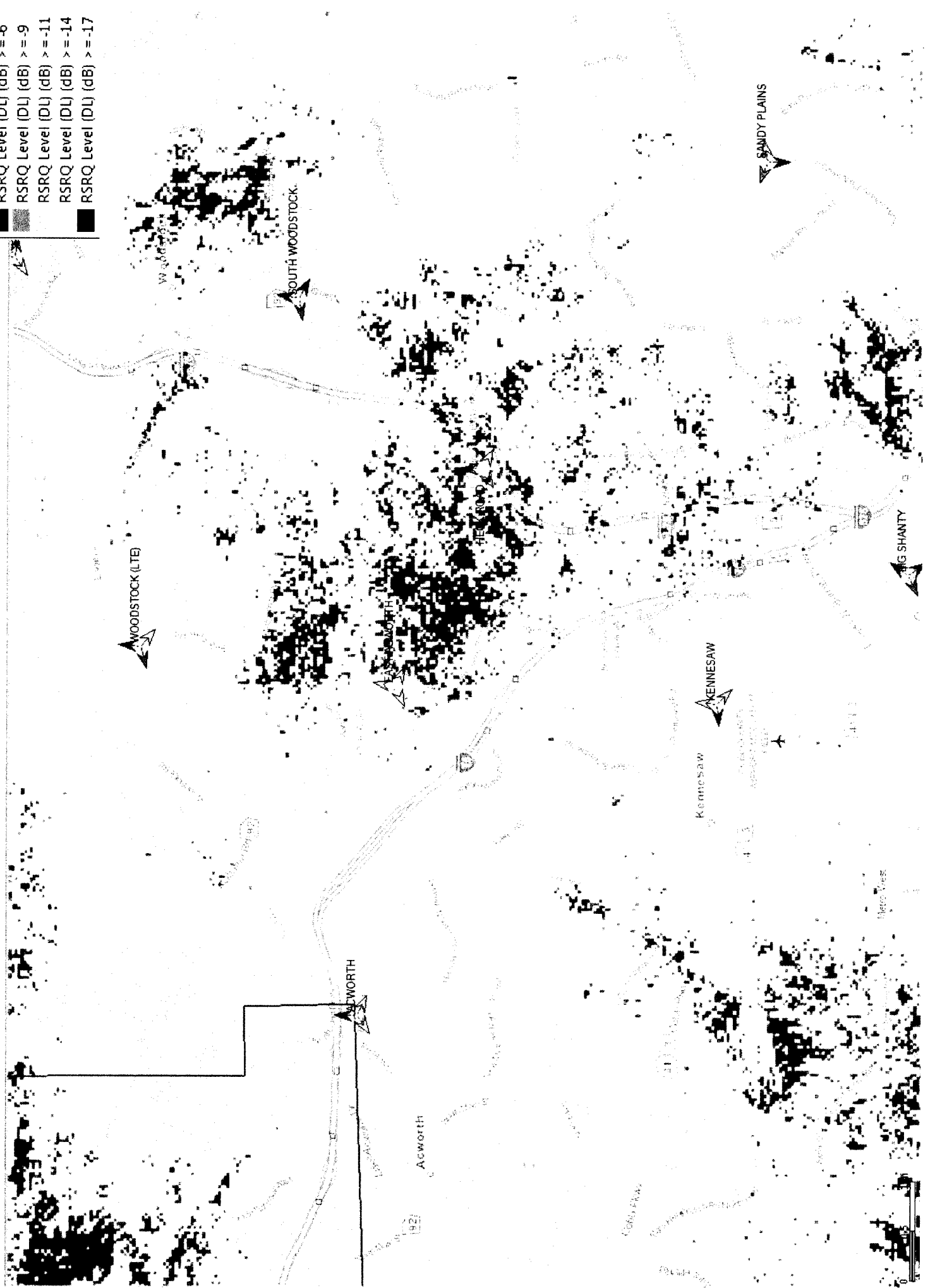
RSRP Coverage after new sites were activated

Effective Signal Analysis (DL) RSRP
RSRP Level (DL) (dBm) > = -80
RSRP Level (DL) (dBm) > = -90
RSRP Level (DL) (dBm) > = -98
RSRP Level (DL) (dBm) > = -105.6
RSRP Level (DL) (dBm) > = -113



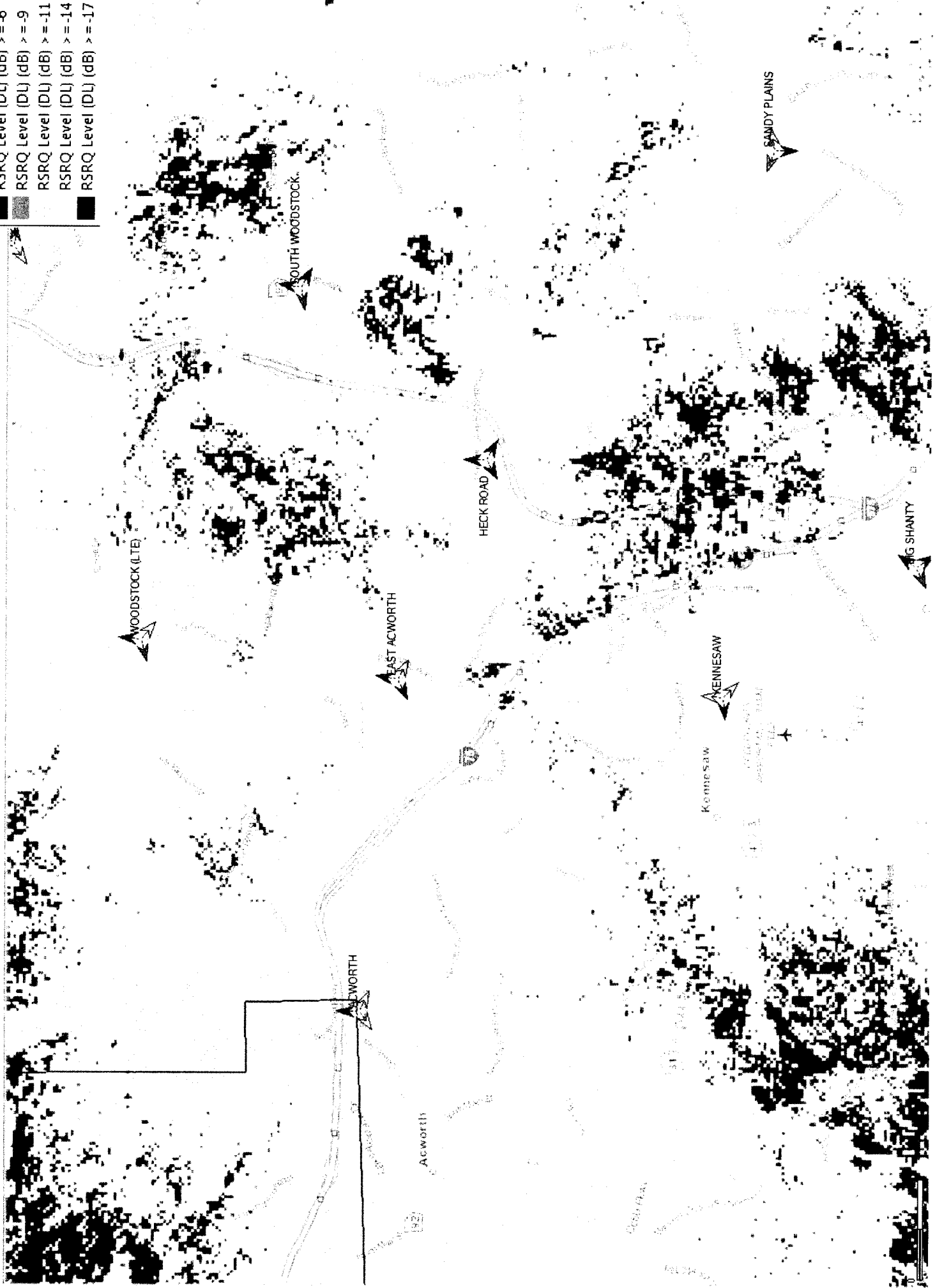
RSRQ (Signal Quality) Coverage before new sites were activated

Cells_Coverage_RSRQ	
■	RSRQ Level (DL) (dB) > = -6
■	RSRQ Level (DL) (dB) > = -9
■	RSRQ Level (DL) (dB) > = -11
■	RSRQ Level (DL) (dB) > = -14
■	RSRQ Level (DL) (dB) > = -17



RSRQ Coverage after new sites were activated

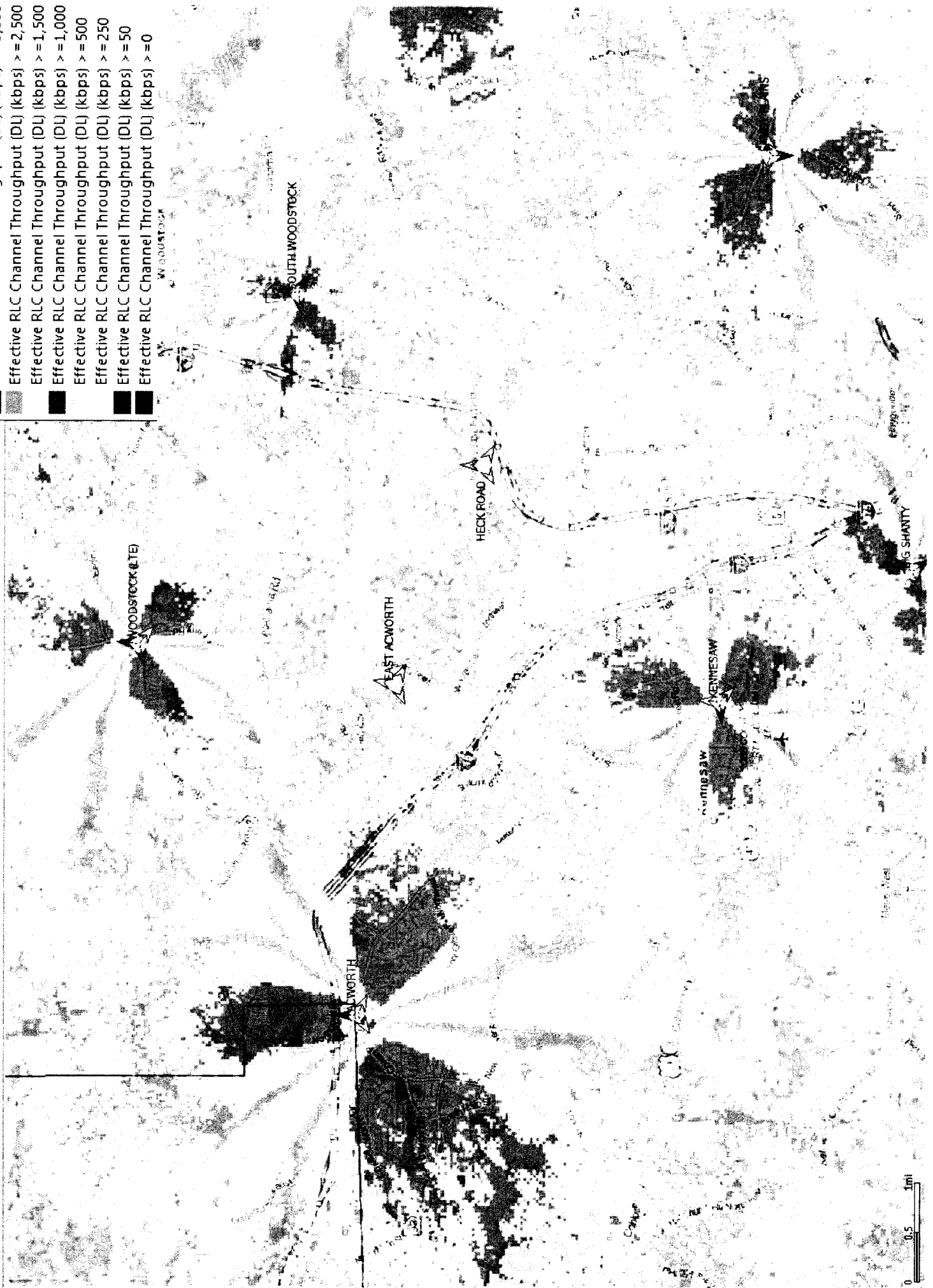
Cells_Coverage_RSRQ	
■	RSRQ Level (DL) (dB) > = -6
■	RSRQ Level (DL) (dB) > = -9
■	RSRQ Level (DL) (dB) > = -11
■	RSRQ Level (DL) (dB) > = -14
■	RSRQ Level (DL) (dB) > = -17



Throughput before new sites were activated

Cells, Effective RLC Channel Throughput (DL)

- Effective RLC Channel Throughput (DL) (kbps) >= 3,500
- Effective RLC Channel Throughput (DL) (kbps) >= 2,500
- Effective RLC Channel Throughput (DL) (kbps) >= 1,500
- Effective RLC Channel Throughput (DL) (kbps) >= 1,000
- Effective RLC Channel Throughput (DL) (kbps) >= 500
- Effective RLC Channel Throughput (DL) (kbps) >= 250
- Effective RLC Channel Throughput (DL) (kbps) >= 50



Smith, Ellen W.

From: Mandy Von Hoven <mandy@vci-atl.com>
Sent: Tuesday, October 27, 2015 9:52 AM
To: John Throckmorton; Chris Penwarden; brobinson@vci-atl.com
Subject: Fwd: SLUP-9 / SouthernLink Wireless / 4801 Wade Green Road

And this is the only other chain - see below.

Thanks,

Mandy Von Hoven
Project Manager
Value Concepts, Inc
770-876-4308

----- Forwarded message -----

From: Rick Edwards <rick@cityscapegov.com>
Date: Tue, Oct 6, 2015 at 11:50 AM
Subject: Re: SLUP-9 / SouthernLink Wireless / 4801 Wade Green Road
To: Mandy Von Hoven <mandy@vci-atl.com>

Thank her for a quick response and also for contacting the school

Rick

Richard L. Edwards



www.cityscapegov.com

Main: 561-558-2808

Fax: 877-220-4593

From: Mandy Von Hoven <mandy@vci-atl.com>
Date: Tuesday, October 6, 2015 at 10:55 AM
To: Jon Edwards <Jon@cityscapegov.com>
Cc: Buddy Robinson <brobinson@vci-atl.com>, "Pederson, John" <John.Pederson@cobbcounty.org>, "Campbell, Jason" <Jason.Campbell@cobbcounty.org>, Rick Edwards <rick@cityscapegov.com>, "Martin, Terry L" <Terry.Martin@cobbcounty.org>, <elizabeth@cityscapegov.com>
Subject: Re: FW: SLUP-9 / SouthernLink Wireless / 4801 Wade Green Road

Hi Jon,

1. We've begun coordination with Foresite to have the drawings revised to show a stealth pine instead of a standard monopole.

2. An orange/red balloon was flown in a balloon test as shown in the attached balloon test pictures. The submitted photosims did capture this image as shown in the attached picture - the compound is not visible only the upper part tower. The balloon is actually tied to a truck in the compound area.

ECA will be flying an orange balloon (5' diameter) on Wednesday, October 7th, from 7:30am to 10am per the commitment we made at the community meeting last week. ECA has told us that they will have photosims back to us by Friday. We will ensure that there is an image capturing the view from the northeast per the consultant's comment below.

3. We proposed this to Cobb County Schools which consulted with the Principal and the proposal was turned down.

Thanks,

Mandy Von Hoven
Project Manager
Value Concepts, Inc
770-876-4308

From: Jon Edwards [mailto:Jon@CityScapeGov.com]
Sent: Monday, October 05, 2015 11:14 AM
To: brobinson@vci-atl.com
Cc: Pederson, John; Campbell, Jason; Martin, Terry L; Rick Edwards; 'Elizabeth Herington-Smith'
Subject: SLUP-9 / SouthernLink Wireless / 4801 Wade Green Road

Dear Mr. Robinson,

We have conducted a preliminary review of the subject application on behalf of Cobb County. Because this proposal is located in a heavily-residential area, the public will be more sensitive. It was noted that a blue balloon was used for the test as the orange balloon was not operable. Testing with a blue balloon does not meet the intent such a test is to provide because it is not as visible as a traditional orange one. In addition, we have some further questions that are needed for us to complete our review:

1. Was a concealed-type tower considered?
2. The location where the most visible portion of the tower will be is along Wade Green road, just northeast of the site where an open field will provide a clear view of the compound. Is there a reason this location was not provided in the photo simulations?

3. Was the elementary school property, located 0.3 miles south of the target search area (0.5 mile south of the proposed site) considered, the county does prefer such use.

We look forward to your response. If you have any questions, please do not hesitate to contact me.

Regards,

Jon

Jonathan N. Edwards, P.E. | Principal Engineer

Atlanta, GA

m: [561.558.2808](tel:561.558.2808) | o: [678.747.9900](tel:678.747.9900)



Helping Local Governments Solve Wireless Telecommunications Issues

www.CityScapeGov.com

Please consider the environment before printing



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2015-ASO-4780-OE

Issued Date: 05/26/2015

Edward L. Murray
 SouthernLINC Wireless
 4601 Southlake Parkway
 Suite 150
 Hoover, AL 35244

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower East Acworth - G8655
 Location: Acworth, GA
 Latitude: 34-04-20.01N NAD 83
 Longitude: 84-35-19.46W
 Heights: 1135 feet site elevation (SE)
 199 feet above ground level (AGL)
 1334 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 11/26/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (202) 267-3215. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-ASO-4780-OE.

Signature Control No: 248432957-253070991

(DNE)

Kerryaine Yarber
Technician

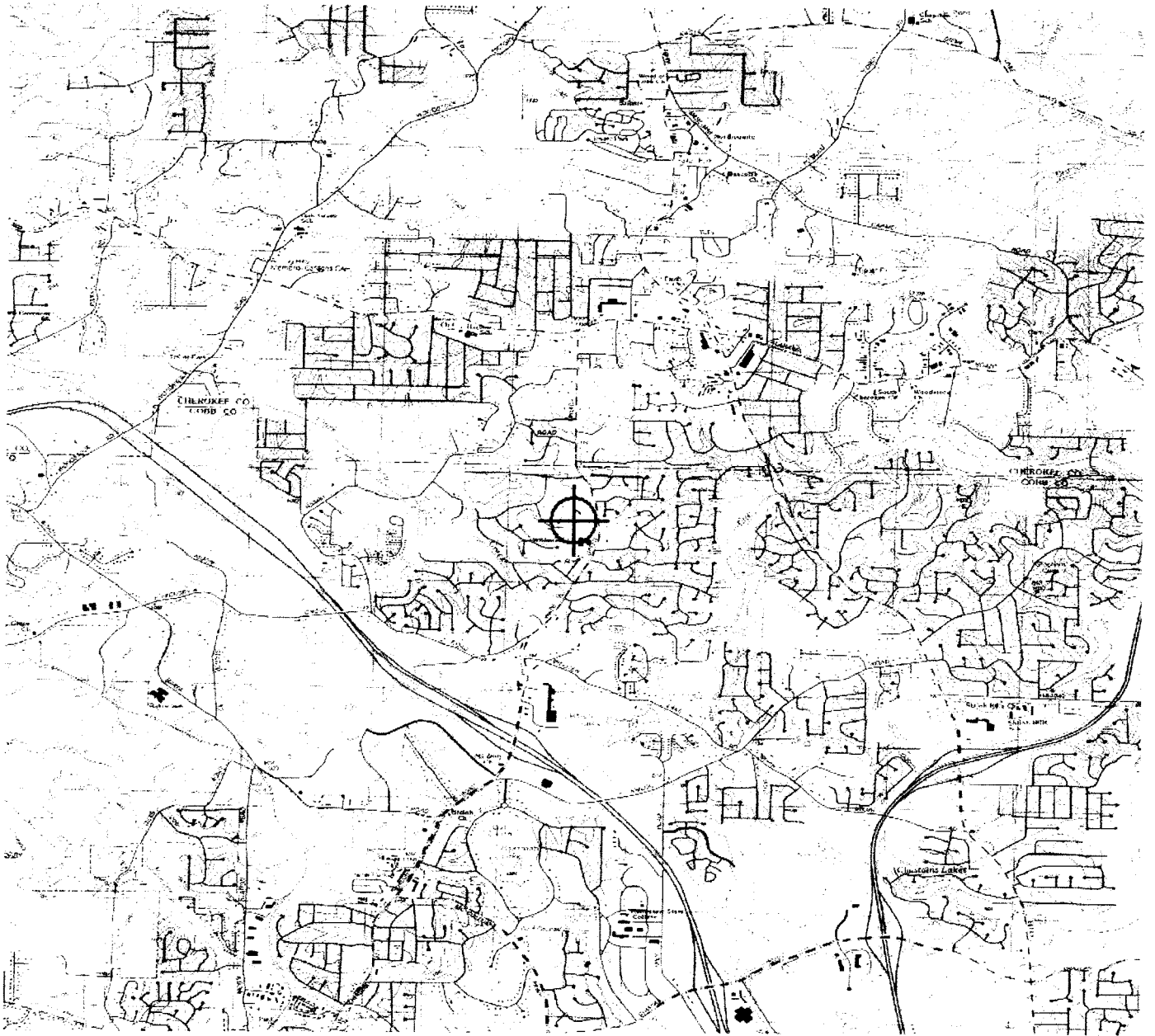
Attachment(s)
Frequency Data
Map(s)

cc: FCC

Frequency Data for ASN 2015-ASO-4780-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
851	866	MHz	500	W

TOPO Map for ASN 2015-ASO-4780-OE





October 30th, 2015

Richard Edwards, President
CityScape Consultants, Inc.
7050 W Palmetto Park Rd #15-652
Boca Raton, FL 33433

Dear Rick,

The purpose of this letter is to confirm our interest in a site under development by **Municipal Communications, LLC**, at Wildwood Baptist Church, 4801 Wade Green Rd, Acworth GA 30102. The coordinates for this site are 34-04-20.01N, 84-35-19.46W.

For questions please contact the undersigned at 678-690-3584 or shawn.blassingill@T-Mobile.com.

Best Regards,

A handwritten signature in black ink, appearing to read 'Shawn Blassingill', with a stylized flourish at the end.

Shawn Blassingill
Sr. Development Manager
T-Mobile – Atlanta Market

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

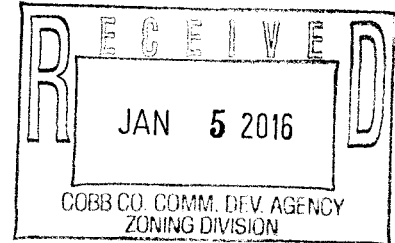
ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

James M. Ney
e-mail jney@honzw.com

Ellen W. Smith
e-mail esmith@honzw.com

January 5, 2016



BY HAND DELIVERY

Mr. Terry Martin
Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064

Re: 2015 SLUP-9 Application for Special Land Use Permit ("**Application**") by Municipal Communications, LLC, as assignee of SouthernLINC Wireless ("**Applicant**") for a wireless communications facility (the "**Facility**") to be located at 4801 Wade Green Road, Kennesaw, Georgia (the "**Property**")

SECOND AMENDMENT AND SUPPLEMENT TO APPLICATION

Dear Terry:

As you know, this law firm has the pleasure of representing Applicant with respect to the Application. We respectfully submit for the County's zoning file the following additional materials to amend and in support of the requested special land use permit ("**SLUP**") for the Facility:

- (1) **Additional Evidence of Notice Efforts.** Signs were timely posted and they have been re-posted in response to weather related events and complaints as to location. Specifically, we enclosed a map confirming the location of the 4 signs giving notice of the upcoming hearings in February and their spacing, per the County's policy, of approximately 500 feet apart, and photographs of the signs. These were reposted by November 20, 2015.
- (2) **Updated Photograph Simulations:** After Applicant agreed to reduce the height of its the Facility from 190 feet (with a lightning rod and an initial carrier RAD center of 185 feet) down to 165 feet (with a lightning rod at the top and an initial carrier RAD center of 159 feet), and Applicant agreed to change the design of the Facility from a monopole to a monopine, Applicant also prepared revised photograph simulations. We enclose a copy of those revised photograph simulations herewith for review. As shown by the photograph simulations, the visibility of the Facility is significantly reduced and given that the Property is a large acre tract, the Facility will be as visibly unobtrusive as possible. The visual impact of the Facility has to be weighed against the benefit of providing wireless coverage and capacity to area users. In this instance, the provision of wireless coverage and capacity

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
January 5, 2016
Page 2

outweighs any perceived negative visual impact of the Facility. Additionally, we enclose a copy of the December 21, 2015 Explanation of Methodology for a Balloon Test and Photo Simulations prepared by Applicant's consultant, Environmental Corporation of America to respond to complaints by certain community members as to the accuracy of the balloon tests performed and the accuracy of the photograph simulations.

- (3) **Zoning Standards Analysis.** Although the initial Application materials including the Letter of Intent addressed some of the provisions of Section 134-37(e) of the Zoning Ordinance, we enclose a separate Zoning Standards Analysis to ensure that the 15 guideposts to be considered by the Board have been addressed. Included in this Analysis are responses to some concerns raised by nearby community members, as well as a drawing that shows the approximate distance from the center of the Facility to all off-site residential structures.
- (4) **Distinction between Online Marketing Data and RF Needs:** Several community members have inquired as to the need for the Facility given that SouthernLINC's website shows that the zip code for the Property falls within SouthernLINC's Wireless service area. The link to this information is: <https://www.southernlinc.com/coverage.aspx>. It is accurate that the area within which the Property falls is within SouthernLINC's service area – and that is the reason for needing the Facility – to ensure that SouthernLINC can provide customers the service they desire in this area. Moreover, the website includes the following caveat:

Map depicts approximate coverage and does not guarantee service availability. Coverage may not be available everywhere and is subject to change. Several factors may affect or interfere with coverage such as network changes, traffic volume, service outages, obstructions, type of equipment, weather and other conditions.

Instead, the coverage maps submitted by SouthernLINC in connection with the Application reflect the need for service in the area and that need was confirmed by the County's independent consultant as demonstrated in his report dated November 13, 2015.

Applicant hereby acknowledges that it has requested the continuance of the County's consideration of the Applications and that, as a result of Applicant's requests as well as the timing of the County consultant's delivery of his report, the Board's consideration of the Application in February 2016 will fall outside of the 150 days allowed under OCGA § 36-66B-5(a). Applicant hereby confirms its agreement to waive any objection as to the timeliness of the County's decision on the Application as a result of Applicant's requests for continuance.

The Application and the accompanying documents support Applicant's request for the Facility SLUP and comply with all Cobb County zoning requirements. The Owner and Applicant respectfully request that the Division recommend the approval of the Application to the Board.

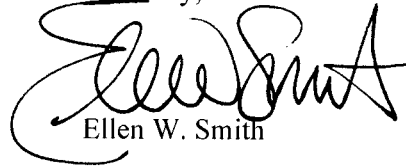
Please include this Second Amendment and Supplement and all enclosures with the County's official zoning file on this Application. We are happy to answer any questions or provide any information that the Division, its consultant or the Board may have with regard to the Application.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
January 5, 2016
Page 3

Thank you.

Sincerely,



Ellen W. Smith

EWS/ews
Enclosures

34° 4'28.4"N, 84°35'14.9"W

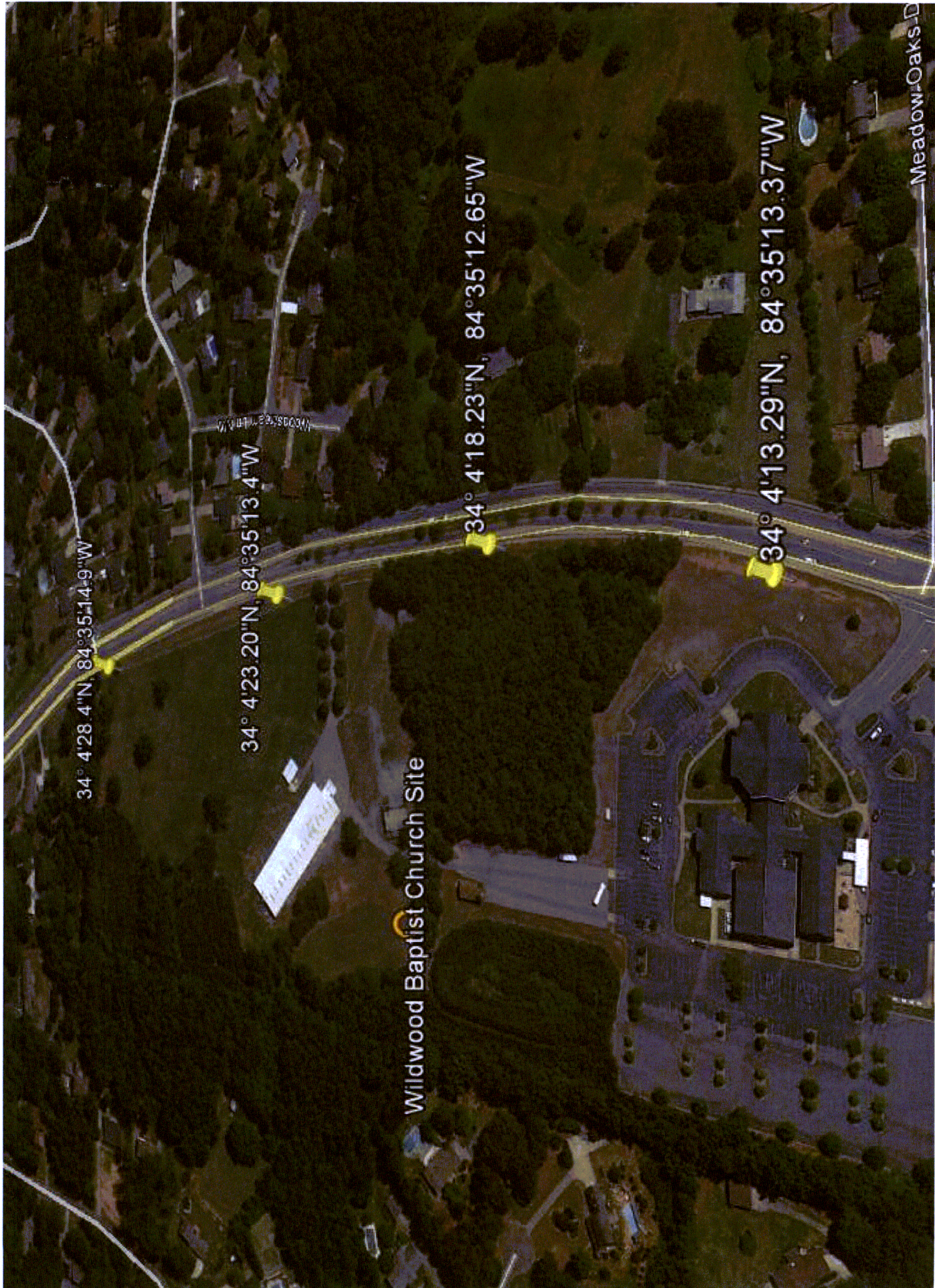
34° 4'23.20"N, 84°35'13.4"W

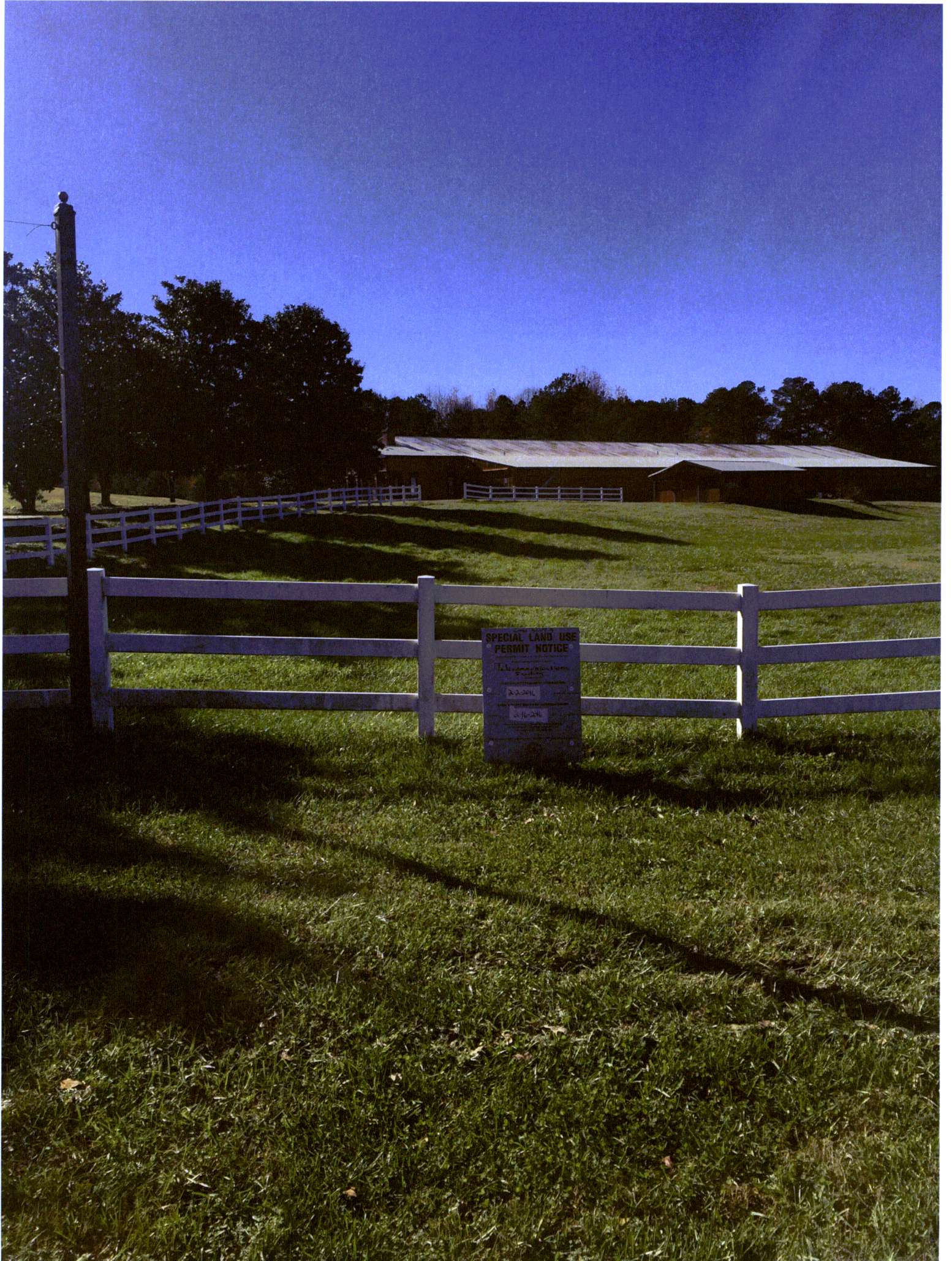
34° 4'18.23"N, 84°35'12.65"W

34° 4'13.29"N, 84°35'13.37"W

Wildwood Baptist Church Site

Meadow Oaks Dr





**SPECIAL LAND USE
PERMIT NOTICE**
The following information is provided for your information:
Permit No. 2-2-2011
2-16-2011



CASE SLUP-9
**SPECIAL LAND USE
PERMIT NOTICE**

Application has been made to grant a Special Land Use Permit
on this property for the purpose of

*Telecommunications
Facility*
to be heard by the

COBB COUNTY PLANNING COMMISSION

on Tuesday, 2-2-2016 at 9:00 a.m. and by the

COBB COUNTY BOARD OF COMMISSIONERS

on Tuesday, 2-16-2016 at 9:00 a.m.

Hearing to be held in the Cobb County Building,
Commissioners' Meeting Room, 2nd floor
100 Cherokee St., Marietta, GA

For additional information contact the Zoning Division at (770) 526-2035



STOP
**SPECIAL LAND USE
PERMIT NOTICE**
Telecommunications
District
CARR COUNTY PLANNING COMMISSION
8.2.21
CARR COUNTY PLANNING COMMISSION
CARR COUNTY PLANNING COMMISSION
CARR COUNTY PLANNING COMMISSION



G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Figure 1: Google Earth 2014 Aerial Image Showing Photograph Locations



ECA Proj. # R0675b



10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Location 1: Northwesterly View Toward the Proposed Monopine Tower from
Approximately 1,050 Feet Away



ECA Proj. # R0675b



G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia
**Location 1: Northwesterly View Toward the Proposed Monopine Tower from
Approximately 1,050 Feet Away**



ECA Proj. # R0675b



Tower Not Visible

10/07/2015

G8655 (East Acworth)

4801 Wade Green Road

Acworth, Cobb County, Georgia

Location 2: Northwesterly View Toward the Proposed Monopine Tower from

Approximately 1,600 Feet Away



ECA Proj. # R0675b



Tower Not Visible

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia
Approximately 2,250 Feet Away



ECA Proj. # R0675b



G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

**Location 4: Southwesterly View Toward the Proposed Monopine Tower from
Approximately 800 Feet Away**



ECA Proj. # R0675b



Proposed Tower

10/07/2015



ECA Proj. # R0675b

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia
**Location 4: Southwesterly View Toward the Proposed Monopine Tower from
Approximately 800 Feet Away**



G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Location 5: Southwesterly View Toward the Proposed Monopine Tower from
Approximately 1,000 Feet Away



ECA Proj. # R0675b



Proposed Tower

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Location 5: Southwesterly View Toward the Proposed Monopine Tower from
Approximately 1,000 Feet Away



ECA Proj. # R0675b



Tower Not Visible

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Location 6: Southerly View Toward the Proposed Monopine Tower from
Approximately 1,350 Feet Away



ECA Proj. # R0675b



Tower Not Visible

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Location 7: Southeasterly View Toward the Proposed Monopine Tower from
Approximately 1,500 Feet Away



ECA Proj. # R0675b



Tower Not Visible

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Location 8: Southeasterly View Toward the Proposed Monopine Tower from
Approximately 1,100 Feet Away



ECA Proj. # R0675b



Tower Not Visible

10/07/2015



ECA Proj. # R0675b

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia
Location 9: Easterly View Toward the Proposed Monopine Tower from
Approximately 2,000 Feet Away



G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

**Location 10: Northeastly View Toward the Proposed Monopine Tower from
Approximately 1,000 Feet Away**



ECA Proj. # R0675b



Proposed Tower

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

**Location 10: Northeastly View Toward the Proposed Monopine Tower from
Approximately 1,000 Feet Away**



ECA Proj. # R0675b



Tower Not Visible

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Location 11: Northeastly View Toward the Proposed Monopine Tower from
Approximately 550 Feet Away



ECA Proj. # R0675b



Proposed Tower at 190ft

10/07/2015



ECA Proj. # R0675b

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

**Location 12: Northerly View Toward the Proposed Monopine Tower from
Approximately 1,150 Feet Away**



Tower Not Visible at 165ft

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

**Location 12: Northerly View Toward the Proposed Monopine Tower from
Approximately 1,150 Feet Away**



ECA Proj. # R0675b



Tower Not Visible

10/07/2015

G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia

Location 13: Northerly View Toward the Proposed Monopine Tower from
Approximately 1,850 Feet Away



ECA Proj. # R0675b



ENVIRONMENTAL CORPORATION OF AMERICA
ENVIRONMENTAL | GEOTECHNICAL | WETLANDS | ECOLOGY | CULTURAL RESOURCES

December 21, 2015

Municipal Communications, LLC
3495 Piedmont Road
Eleven Piedmont Center Suite 411
Atlanta, GA 30305

Attention: Mr. John Throckmorton

**Subject: Letter of Qualification and Explanation of Methodology
for a Balloon Test and Photo Simulations of a
Proposed 165-Foot Monopine Telecommunications Structure
(Overall Height Including Appurtenances)
G8655 (East Acworth)
4801 Wade Green Road
Acworth, Cobb County, Georgia
ECA Project #: R0675**

Dear Mr. Throckmorton:

ECA as a company has over 26 years of experience working specifically with telecommunications companies including T-Mobile USA, AT&T Mobility, Sprint PCS, Compass Technology Services, Crown Castle USA, and American Tower Corporation, among others, in compiling regulatory compliance documentation and has prepared more than 200 photographic simulations of telecommunications towers. ECA specifically has over 5 years of experience working with Municipal Communications, LLC performing various scopes of work relative to their telecommunications facility projects.

Municipal Communications, LLC hired ECA to create several photograph simulations of their proposed G8655 (East Acworth) telecommunications structure at 4801 Wade Green Road, Acworth, GA. Photographic simulations are visual representations of what a proposed structure would like after the tower is erected and all construction activities are completed.

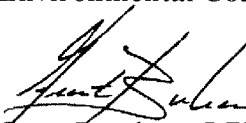
The photographic simulations for the G8655 (East Acworth) site were based on a balloon test that was conducted in order to simulate the height of the proposed structure. During fieldwork, adjustments were made to the anchoring location and/or the impacts of wind were noted and taken while taking photographs in order to take such effects into account when producing the simulations. Since the accuracy of a balloon test may not always fully depict the realistic height of the proposed tower structure, ECA also uses a publicly available topographical model and street view photographs from Google Earth in conjunction computer-aided design (CAD)

programs in order to estimate the height of the proposed structure. More specifically, ECA uses the distances and ground level elevations of the proposed tower and photograph locations, as well as other existing structure/features to triangulate the visibility of the tower from a particular position. A simulated image of the height and scale of the proposed structure is then created using Adobe Photoshop. ECA's photo simulation staff has more than 10 years of experience with these programs and also has personally visited hundreds of telecommunications facilities. Such experience ensures that staff completing the simulations understand what telecommunications structure look like in reality and, when combined with the modeling processes, results in reliable and reasonably accurate simulations of telecommunications structures.

After completion of the initial balloon test/photo simulation report depicting the proposed tower structure at 190 feet above ground level, Municipal Communications, LLC requested that the photo simulations be adjusted to depict a tower structure with an overall height of 165 feet above ground level. Using similar methodology described above, the photosimulations were adjusted to represent the shortened tower height.

In my professional opinion, these photograph simulations reflect to a reasonable certainty the anticipated projection of the height and visibility of the tower if constructed at the G8655 (East Acworth) site. If you need any additional information, please do not hesitate to call me at 770-667-2040 x114 or email me at eric.johnson@eca-usa.com.

Sincerely yours,
Environmental Corporation of America


Grant Burnham, REP
Senior Scientist


Eric Johnson
Vice President of Operations

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

Re: 2015 SLUP-9

Applicant: Municipal Communications, LLC

Property: 4801 Wade Green Road, Kennesaw, Georgia

ANALYSIS OF ZONING STANDARDS IN SUPPORT OF MUNICIPAL COMMUNICATIONS, LLC'S SLUP APPLICATION

Section 134-37(e) of the Zoning Ordinance¹ requires the Board to consider fifteen guideposts, at a minimum, when deciding whether to grant or deny a SLUP application. Applying the fifteen guideposts to the Application shows that the Board should GRANT the 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.

If the Board's decision is to grant the Application, then there will be no significant adverse impact on the neighborhood or area in which the proposed Facility will be located. In an effort to give area neighborhoods and residents an idea of the height, there was a balloon test performed after filing the Application and the results of that balloon test (then at the initial proposed height of 190 feet) reflected that there would be little view of the Facility. Then, after consultation with CityScapes, the County's consultant and others, Applicant reduced the height of the Facility and changed the tower design from a monopole to a monopine, further reducing the visual impact of the Facility on the surrounding area. Photograph simulations submitted with the Application support no significant adverse effects.

Furthermore, the location of the Facility on the Site meets the "design, location and safety requirements" described in Section 134-273(3) of the Zoning Ordinance, in that the Facility is to be located close to existing improvements on the Property which are non-residential in nature, and because the Property is not located on a platted lot within an existing subdivision. Moreover, the Zoning Ordinance expresses a preference for towers to be located in the middle of a property and, as looked at North to South, the Facility is so located. Accordingly, the Board's approval of the Application will further the goals of the Zoning Ordinance and not significantly adversely affect the neighborhood or surrounding area.

If the Board decides to reject the Application, Applicant (and SouthernLINC and T-Mobile) will be forced to renew their search for property on which it may locate the proposed Facility. A study of the immediately adjacent area reflects that there simply are no commercially zoned properties within the search ring, and certainly none that will allow setbacks to be met. Similarly, there are no properties outside of the Property or the neighboring school (which declined to lease space for the Facility) that are not platted lots within residential subdivisions. Although area residents have requested the Facility be moved elsewhere on the Owner's Property, moving the Facility elsewhere will not significantly reduce the visible impact of the Facility (instead, such a move will move the Facility closer to other residents) and the location of the Facility on the Property is in a location near the existing detention for the Property and in a location that allows for the maximum use of the existing Property, while exceeding all setback

¹Capitalized terms not otherwise defined in this Analysis shall have the meanings ascribed to them in the Statement submitted by Municipal Communications, LLC with its Application.

requirements under the Zoning Ordinance. Neighbors have questioned the location of the Facility on the Property, arguing that it can be moved closer to Wade Green Road and away from their homes. But, the goal for this site is to serve the residential community in this area of Wade Green Road – not the commercial areas that lie to the south, closer to Interstate 75. Moreover, even if the Applicant shifted the location of the Facility further south and away from its coverage objectives, it would need to be taller to cover the residential areas to the north and it would essentially provide redundant coverage to towers already located to the South. Furthermore, the southern commercial node that includes LRC, OI and NS zoned properties do not have large parcels that would allow for Applicant to meet setback requirements.

Furthermore, Applicant's inability to locate the Facility on the Site may force Applicant to construct more than one tower in the area to allow it to provide the same coverage to SouthernLINC as it could achieve with the proposed Facility. Multiple towers would be adverse to the stated goals of the Zoning Ordinance and have more of an impact on the neighborhood or surrounding area than if the Board granted the Application.

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

As described in response to number 1 above, a Board decision to grant the Application will ensure that the overall character of the area will remain intact. Because the Facility is proposed to be located on a large, approximately 33 acre Property, the large acreage serves as a buffer of compatibility. Moreover, the majority of the residential subdivisions (such as Clearwater Estates) adjacent to the Property have lot sizes that are typically a minimum of one acre and some that are in excess of five acres. The size of the neighboring lots ensure that neighbors are also not close to the Property lines and ensure further buffering from the Facility Site.

Certain community members have argued that the Facility is an inappropriate commercial use on residentially zoned Property and that approval of the Application to allow the Facility will serve as the first step down a slippery slope of commercialization of a residential corridor. This is simply incorrect. First, the Zoning Ordinance expressly permits the application for a SLUP in this instance, and does not treat the Facility as a disallowed commercial use in this zoning district. Second, the existing use of the Property is institutional – not residential (despite the residential zoning category). Approval of the Facility will not change the primary nature of the Property as an institutional use nor will the zoning of the Property change. Third, Georgia law acknowledges that wireless facilities are not “commercial” uses in the typical sense of the term. *See e.g.*, O.C.G.A. § 48-5-7.4(p)(5) (exempting the wireless facilities from the list of prohibited non-agricultural or residential uses within a conservation use district).

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

The Board's approval of the Application will not result in a “nuisance” as that Georgia law defines that term. No part of the proposed Facility (including the construction, operation and maintenance of the Facility) would rise to the level of a “nuisance” under Georgia law. One concern levied by community members is that noise from the Facility will constitute a nuisance. The Facility does not generate noise (whether a “hum” or otherwise) and once construction is completed and the Facility is operational, there is no noise and certainly none that would rise to the level of any violation of the County's noise ordinance or to a nuisance level. Moreover the Eleventh Circuit has held that a wireless facility that is lawfully constructed on property next door to a neighbor is not a nuisance under Georgia law. *See Sanders v. Henry County, Georgia*, 2012 WL 2894292 (11th Cir. July 17, 2012).

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

The Board will preserve and help maintain the surrounding property owners' current levels of quiet enjoyment of their property if the Board grants the Application. Once the proposed Facility is constructed and in operation, Applicant anticipates that there will be limited visits by a single maintenance person per wireless service provider to the Site, which visits will not affect surrounding property owners.

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

If the Board grants the Application, the property values of surrounding properties will not be adversely affected. Previously, Applicant and others in the wireless industry have commissioned property appraisal studies to be conducted by MAI, AICP, Georgia Certified Appraisers regarding the impact of wireless telecommunications towers on surrounding properties and areas of Georgia, similar to the area surrounding the proposed Site. These studies confirm that there is no negative or adverse impact on either the property's value or marketability. Instead, the studies conclude that viewing the towers presents no problem to buyers or prospects and has no influence on the sales price or marketability of the nearby residences. By analogy, Applicant's proposed and similarly situated tower likewise will have no adverse effect to the surrounding neighborhoods, property values or marketability. The County has accepted such findings in connection with prior SLUP applications where similar facilities were constructed on Church and other large acreage tract properties.

Given the increased use of wireless devices to the exclusion of hard-line telephone systems, there is evidence that value of properties which do not have wireless coverage or which have poor wireless coverage is lower than properties with adequate and reliable wireless coverage. (The Centers for Disease Control report issued in 2014, an estimated 45% of the nation's children now are in "wireless" households.) Accordingly, the location of the Facility will likely serve to maintain or possibly improve the property values of surrounding properties.

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

Once constructed, the Facility will be unmanned, and Applicant anticipates only monthly visits by a maintenance technician to the Facility plus some additional periodic (but not intense) construction as additional carriers collocate on the Facility (designed for up to 4 antenna arrays). Furthermore, these visits most typically occur at off-peak traffic times, generally not creating an overlap between the Applicant's maintenance and use of the Facility and the Owner's use of the Property. Accordingly, if the Board grants the Application, there will be no negative impact on parking or traffic in this area.

One concern raised by a community member was that Section 134-265 of the Zoning Ordinance provides that "[n]o nonresidential access shall cross residentially-zoned property." Our understanding of the interpretation of that provision is that it prohibits the crossing of a residentially zoned parcel to have access to a non-residentially zoned parcel (thereby creating a traffic burden on the residentially zoned parcel as a result of significant commercial traffic). But, we do not understand this section to prohibit access from the public right of way onto a residentially zoned (but institutionally used) parcel. In this case, the proposed access to the Site is not over any parcel except the Property. Access is not through a subdivision street and an adjoining neighbor's property to get to the Site. To read the provision otherwise would mean that the Church could never access its own Property.

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

As described in the previously submitted Application materials and above, the Site is appropriate for the location of the proposed Facility, particularly given the large acreage owned by the Church and the relatively minimal density of construction on the Property. The location and operation of the Facility on the Property will not alter the institutional use of the Property or the residential character of adjacent properties.

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

The unique condition that exists with respect to this Site is the proximity to area neighborhoods that the carriers are attempting to serve while complying with the County's preference that such facilities not be located on platted lots within a residential subdivision. The existing institutional use of the Property as described above makes the Facility a compatible use of the Site. Accordingly, there is no need for Applicant to address the Board's general presumption in this instance.

As shown on the Future Land Use map adopted by the County (a portion of which is attached to the last page of this Analysis), the Property is designated as "Public / Institutional" and it is surrounded by the designation "Low Density Residential." The only nearby property designated other than "LDR" is the property which is the Pitner Elementary School (also designated as "Public/Institutional"). There are no other properties within the search ring that are non-residential.

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

As indicated above and in the Statement, once constructed, the Facility will be unmanned, and Applicant anticipates only monthly visits by a carrier's maintenance technician to the Facility. Although the Facility will operate constantly, there will be no visible or tangible impact of such continuous operation on the existing and surrounding uses. Accordingly, Applicant has made adequate provisions regarding hours of operation.

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

During construction of the Facility, which is a 2 or 3 week period, there will be some deliveries made to the Property, but thereafter there will be infrequent visits and virtually no commercial or business deliveries to the Site.

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

Applicant has incorporated landscape buffering into its site plans for the Facility.

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

This factor simply is not relevant to the proposed location of the Facility.

(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 Application complies with all specific requirements set forth in the Zoning Ordinance for SLUPs for telecommunications towers. Specifically, Zoning Ordinance Section 134-273(3)(m)(l) identifies six specific factors that the Board is to consider with respect to the issuance of SLUPs for towers. In this instance, consideration of all of these factors weighs in support of granting the Application.

First, with respect to the proximity of the Facility to offsite residential structures, as shown on the attached drawing, the Facility is located away from nearby off-site residential structures. And, as described above, any benefit from moving the Facility further to the east (towards Wade Green Road) are simply outweighed by locating the Facility on the Site as proposed.

Second, as discussed in item (5) above, this Facility is not anticipated to have any effect on property owners or purchaser's of nearby or adjacent residentially zoned areas.

Third, there are existing trees and vegetation on the Property which will serve to shield the base equipment and much of the base of the proposed Facility. This existing vegetation combined with the stealth design and the lowered height of the Facility mitigate the visibility of the Facility and minimize the impact on adjacent neighbors, so that the proposed Facility is the least intrusive means of achieving the needed coverage and capacity.

There are no substantially tall structures on the Property or in the surrounding area (which presents a challenge for collocation opportunities). An alternative ecumenical structure has been considered (either a collocation in a church steeple or another structure). But, the height required by the carriers simply eliminates those as options. Specifically, collocation on the rooftop of the existing Church building on the Property as a stealth steeple or bell tower is not feasible because: (i) the height needed by SouthernLINC to meet its RF needs could not be feasibly met; and (ii) the structural capacity of the Church roof would not support such collocation (especially at the height needed).

Fifth, the aesthetic design of the tower is a monopine which is designed to look like a thick pine tree with no immediately visible antennas. The tower will not have guyed wires or a lattice style (both typically viewed as more visually intrusive), and it will be consistent with utility poles. Community members have asked whether a "slick stick" design is an acceptable alternative. Although slick sticks have been used in the past in appropriate locations, a slick stick at the Site would not allow for the coverage and antenna directional flexibility that carriers require for such large residential areas. Furthermore, most of the carriers in the market today refuse to collocate within a slick stick because

HOLT NEY ZATCOFF & WASSERMAN, LLP

Analysis of Zoning Standards in Support of
Municipal Communication's SLUP Application (Wildwood Baptist)
January 5, 2016
Page 6

equipment sizes have changed and radio manufacturers will not provide warranties for equipment within a slick stick structure.

Finally, although the surrounding views are typically of trees and residential structures, there are intervening telephone and other utility structures in the area. This is no different. The height of the tower is minimal – 165 feet, and the style of the tower itself is designed to be as visually unobtrusive against the existing visual backdrop.

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

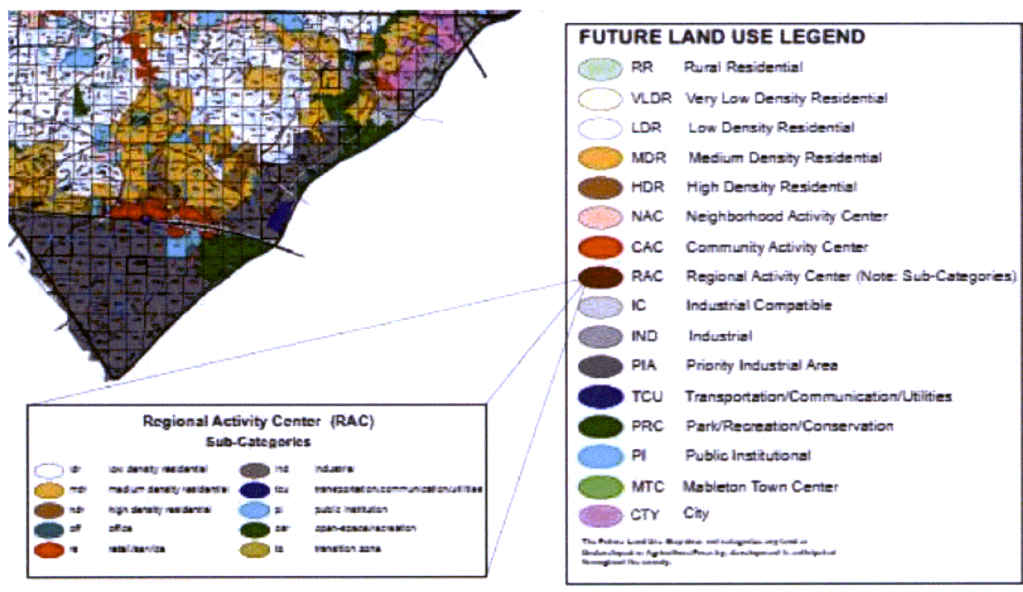
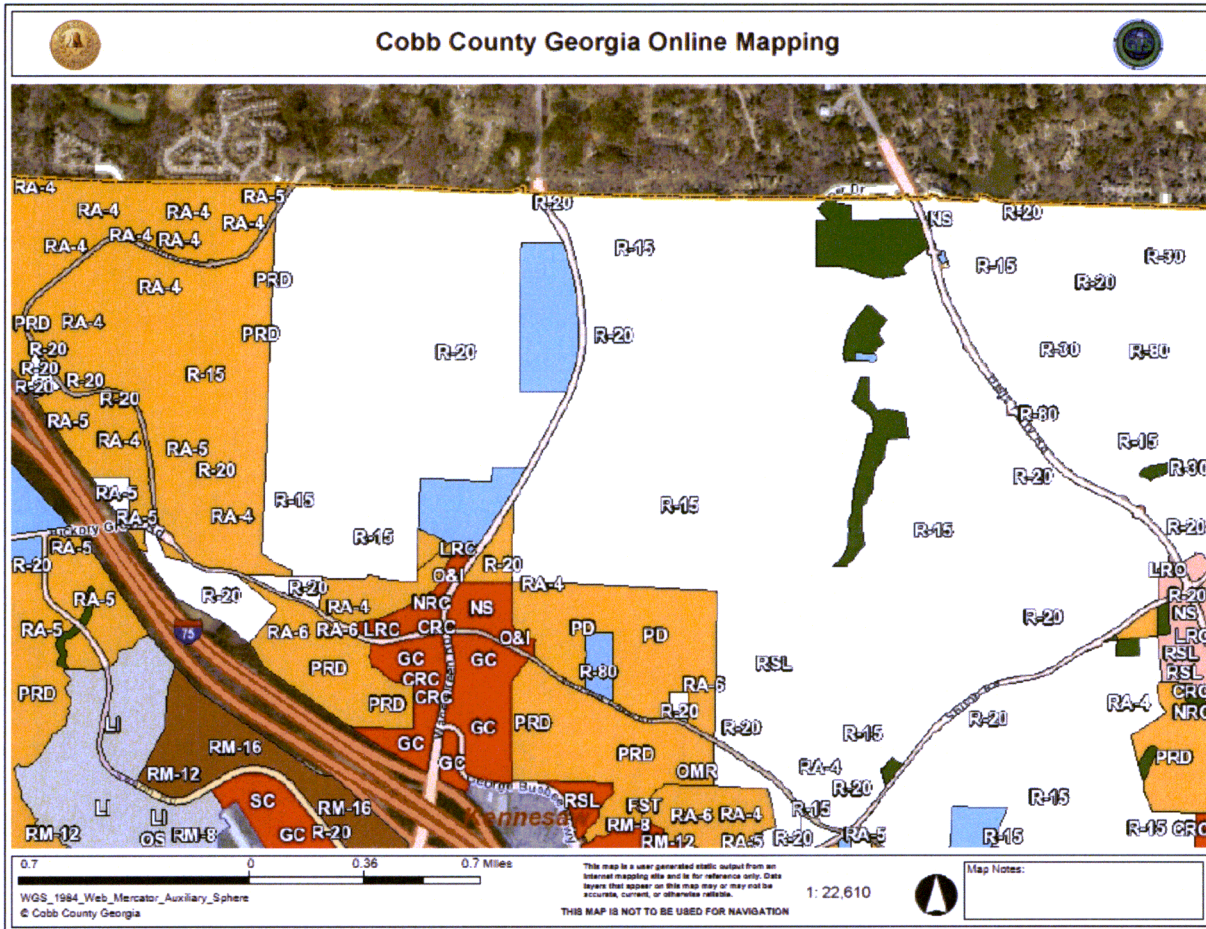
In support of its Application, Applicant has provided all information required by the Zoning Ordinance. Applicant remains willing to provide to the Board any additional information that it may desire to allow for a full consideration of the Application.

(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.

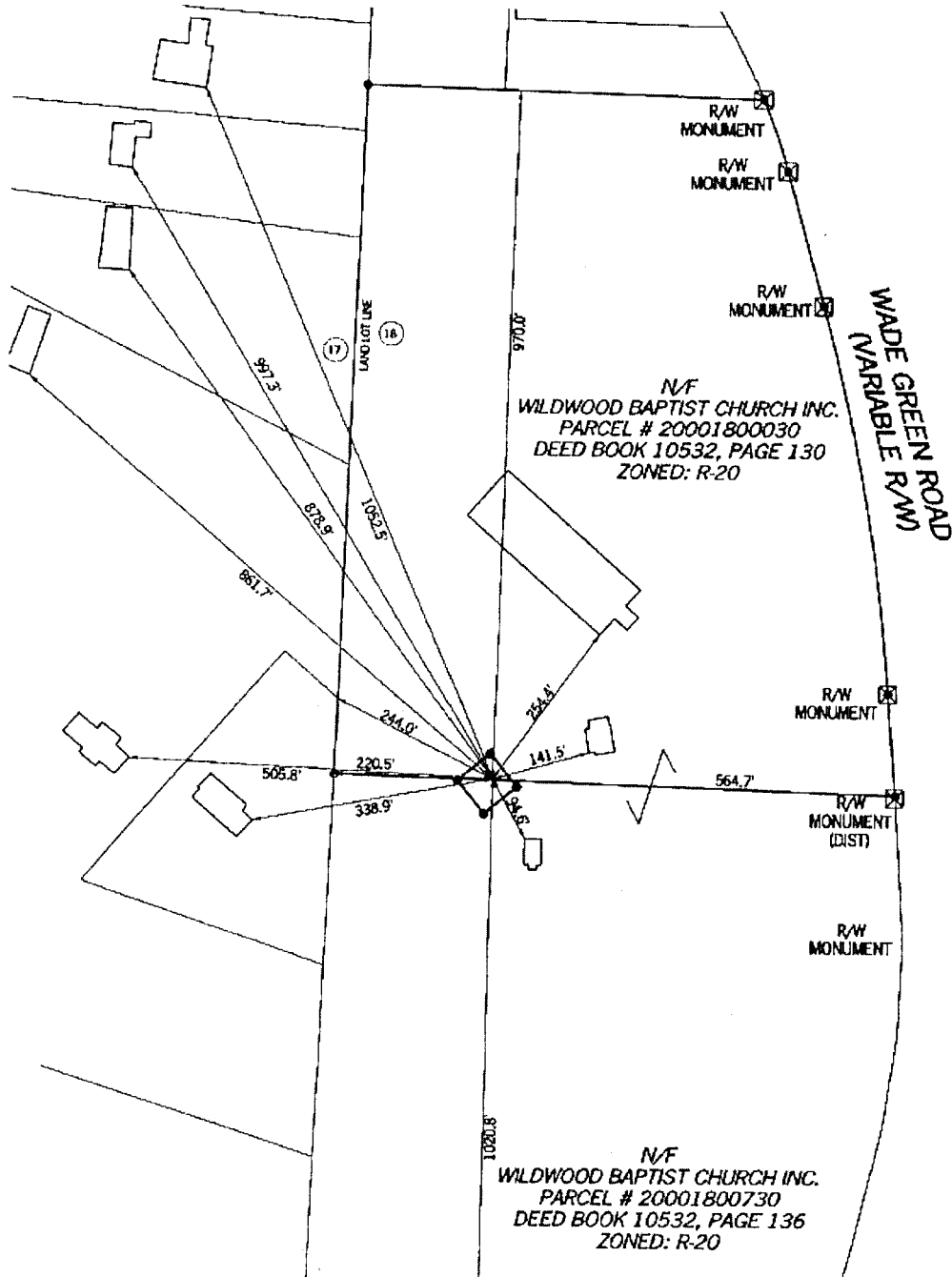
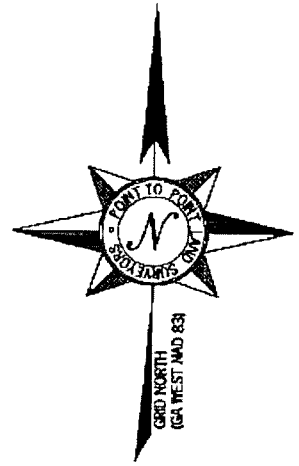
In addition to this Zoning Analysis, Applicant has submitted a number of materials in support of the Application.

Based on all of these factors, Applicant has produced sufficient information to allow the Board fully to consider all relevant factors and to demonstrate that the Application complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by Cobb County. The Board should APPROVE the Application.

Portion of Future Land Use and Zoning Map showing Area



DIMENSION SHEET



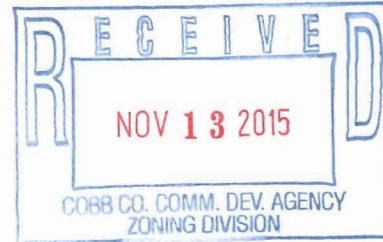
Cobb County, Georgia
Telecommunications Site Review
New Support Structure



7050 West Palmetto Park Road, #15-652
Boca Raton, FL 33433
Tel: 877.438.2851 Fax: 877.220.4593

November 12, 2015

Mr. John Pederson
Zoning Division Manager
Cobb County Government
1150 Powder Springs Street, Suite 400
Marietta, GA 30064



RE: Cobb County #SLUP-9
SouthernLINC Wireless G-8655

Dear Mr. Pederson,

At your request, on behalf of Cobb County, Georgia ("County"), CityScape Consultants, Inc. ("CityScape") in its capacity as telecommunications consultant for the County, has considered the merits of the above referenced application submitted by Value Concepts, Inc. ("VCI") on behalf of SouthernLINC Wireless ("Applicant") to construct a new wireless telecommunications support structure and associated ground compound at 4801 Wade Green Road, Marietta, *see Figure 1.*

This application is proposed to improve the wireless service along Wade Green Road and nearby surrounding areas of Cobb County.

The proposal has been evaluated from the following perspectives:

- The proposed facility, as specified, is justified due to technological reasons and is essential for the Applicant to provide its telecommunications service; and,
- The proposed facility will follow the guidelines of the Telecommunications Act of 1996, the Cobb County Ordinance and all other pertinent rules and regulations.

Site Justification and Coverage

In order for the wireless communications facility to be justified, its need, location and height have to be addressed. The application proposes to construct a new Wireless Communications Facility (WCF), *see Appendix, Exhibit A.*

Cellular Macro/Microsite Design

In addition to the minimum effective needed height for signal coverage, as more wireless devices are deployed, capacity issues become the limiting factor. Technology is improving which allows towers to handle more devices, but it is not keeping up with the speed that such devices are connecting. As the industry heads for 5G in the next 4-5 years, more *localized* cellular sites will be needed. This will involve shorter towers that are closer together to limit their “reach”. This practice has already begun in urbanized areas for the past few years and will continue in more residential areas. The future will also involve what are known as “small cells” which are antennas placed on street lamps, shorter buildings, etc. For these reasons, as well as the fact that the proposed site is surrounded by neighborhoods, the County has the ability to limit the height of the proposed structure and require it to be concealed *or stealth*.

The current service gap is shown in the coverage map in *Appendix, Exhibit B*. The gray circle [CityScape] approximates the desired coverage area. The applicant’s search ring is shown in *Appendix, Exhibit C*. By definition, potential sites within this ring will meet the Applicant’s coverage goals. It is noted that the search area is mostly residential, with an elementary school being the only non-residential parcel, *see Figure 2*. The school was contacted by the Applicant but does not wish to have a WCF on its property. Thus, a nearby church property was chosen. The Cobb County Ordinance (“Ordinance”) has strict guidelines regarding locating a WCF on residential parcels, which the church happens to be. These parcels are to be a last resort option.

There is an existing 122 foot tower approximately $\frac{3}{4}$ mile north of the center of the search ring. However, it was dismissed by the Applicant as it is shorter and has a lower ground elevation, effectively making it 80 feet shorter than the proposal. There are no other existing towers within the Applicant’s search ring. CityScape concurs with the Applicant that there are not any existing sites that will allow the Applicant to meet its coverage goals.

The new service with the proposed facility is shown in *Appendix, Exhibit D*. These before and after maps justify the improvement that a new facility will meet the Applicant’s need.

Initial review of the application raised questions to the height needed in the general area. The coverage maps provided by the Applicant do appear to justify the height. However, it is noted that the Applicant, as compared to other wireless service providers (WSPs) has sites spaced further apart. To permit a taller tower based solely on the Applicant’s specific need of greater coverage distance would violate the Telecommunications Act of 1996 specifically:

“Section 704 prohibits any action that would discriminate between different providers of personal wireless services, such as cellular, wide-area SMR and broadband PCS”.

Generally carriers develop their networks using closer located sites to accomplish the same goal. Allowing additional height for a single carrier would be special treatment.

These concerns prompted a conference call with the Applicant (on November 2) to which CityScape requested better justification for the needed height and also could surrounding sites still meet the coverage goals (as explained above). The Applicant promptly responded with supplemental information, which supported a shorter, one hundred sixty-five (165) foot, *monopine* structure at the same location. CityScape concurs with this height reduction and believes that other WSPs would benefit from this new structure in the heavily residential area. The proposed height would allow the Applicant to operate from the 159 foot level, with three additional co-locations at 149, 139 and 129 feet. This lower height is adequate to effectively radiate above the treeline and avoid *shadowing* due to the varying terrain in the immediate area.

The Ordinance permits telecommunications towers greater than eighty (100) feet tall, provided that there are no other existing or planned structures within 4,500 feet of the proposed site, unless the Applicant makes adequate justification. CityScape believes the Applicant has made the adequate showing of need for a new structure.

Colocation

The Applicant has provided a statement the structure will be capable of supporting three additional collocations (four total carriers), *see Appendix, Exhibit A*. All future carriers will install their antennas below the proposed SouthernLinc antennas, with the lowest carrier being thirty (30) feet below the Applicant.

Other Requirements

The Applicant proposes to install a 10' X 12' concrete pad for its ground equipment within the proposed 60' X 60' ground compound, *see Appendix, Exhibit E*.

Due to the proximity to the Cobb County Int'l Airport, the FAA requires the structure be registered with the FCC. The FAA has indicated that a structure up to 199 feet at the proposed location is permitted without need for marking or lighting, *see Figure 3*.

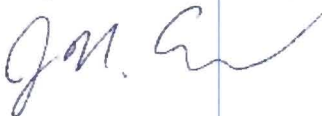
All requirements and documentation for new telecommunications towers in the Ordinance appear to be met by the Applicant. All designs and plans for the proposed new facilities were developed according to accepted practices of RF propagation engineering and the persons completing all work are sufficiently qualified within their disciplines. The proposal, if built as designed, should be sufficient to provide improved service to SouthernLINC Wireless customers and other wireless collocations in the foreseeable future.

In conclusion, it is the opinion of the undersigned that the Applicant has justified the need for a new wireless facility in the immediate area and has complied with Federal guidelines for personal wireless facility deployment. CityScape Consultants, as the wireless expert for the County, recommends the application be approved with the following conditions:

1. Revised Construction Documents reflecting a one hundreds sixty-five (165) foot "monopine" structure shall be submitted and reviewed by CityScape; and,
2. NEPA and SHPO approval should be obtained; and,
3. All feed lines shall be installed within the support structure and antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife; and,
4. The proposed structure shall not be lighted; and,
5. The facility shall be constructed so that access is only attainable by qualified personnel

I certify that to the best of my knowledge all of the information included herein is accurate at the time of this report. CityScape only works for local governments and has an unbiased opinion, all recommendations are based on technical merits without prejudice and according to prevailing laws and codes.

Respectfully submitted,



Jonathan N. Edwards, P.E.
CityScape Consultants, Inc.

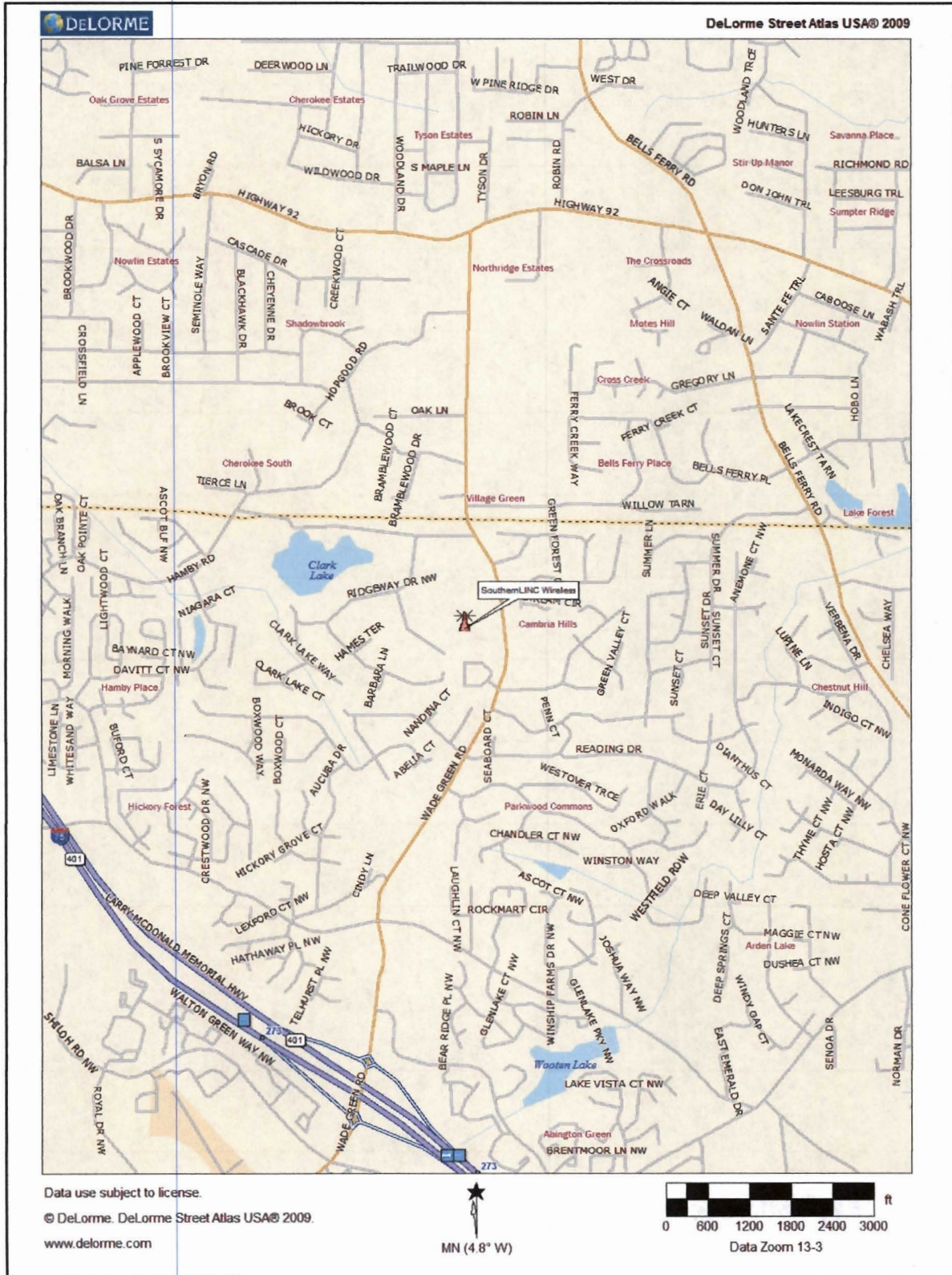


Figure 1 – Site Location

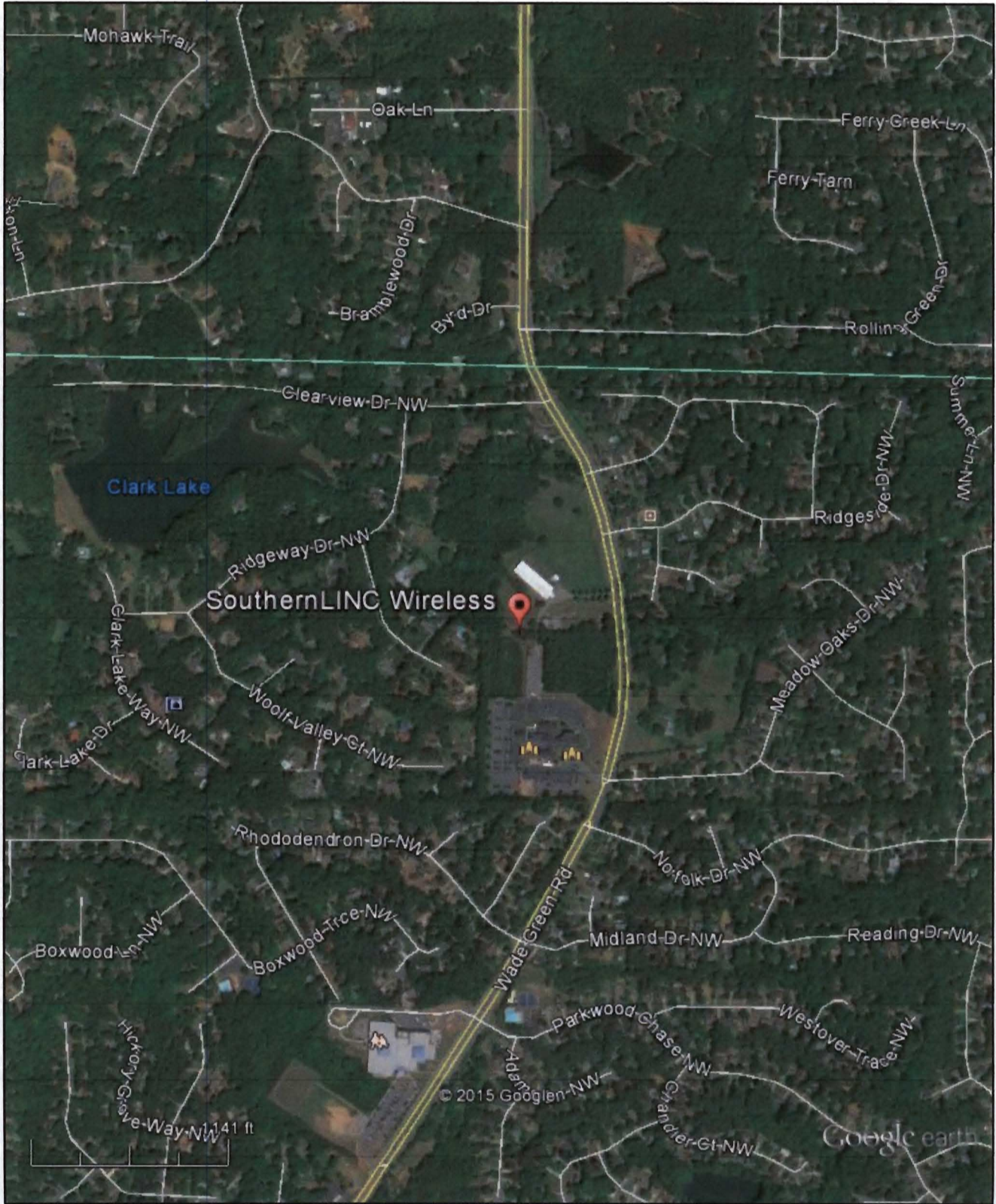


Figure 2 – Site Location (Aerial)



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193

Aeronautical Study No.
2015-ASO-4780-OE

Issued Date: 05/26/2015

Edward L. Murray
SouthernLINC Wireless
4601 Southlake Parkway
Suite 150
Hoover, AL 35244

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower East Acworth - G8655
Location:	Acworth, GA
Latitude:	34-04-20.01N NAD 83
Longitude:	84-35-19.46W
Heights:	1135 feet site elevation (SE) 199 feet above ground level (AGL) 1334 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 11/26/2016 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

Figure 3 – FAA Determination of No Hazard



Appendix

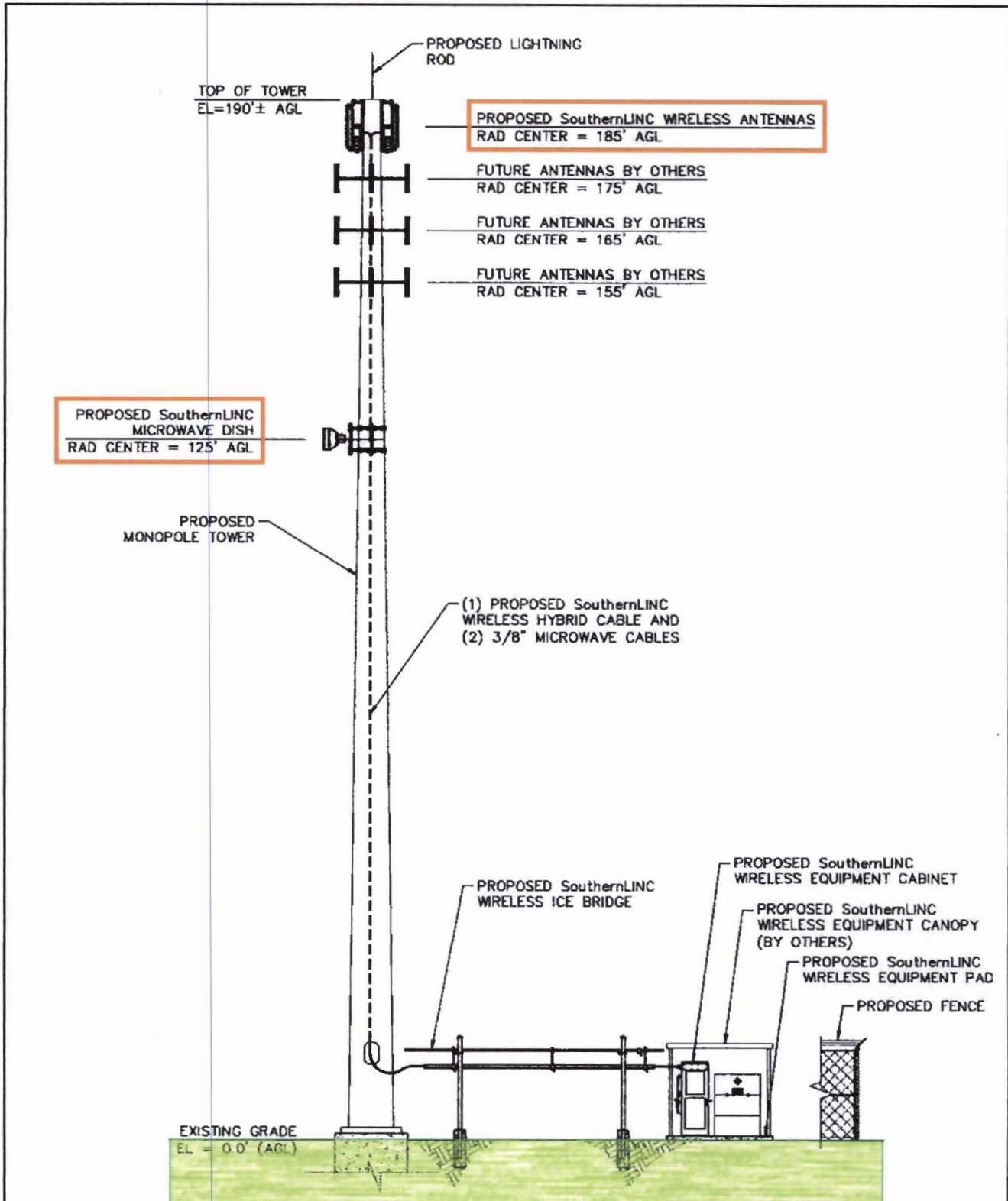


Exhibit A - Proposed Support Structure

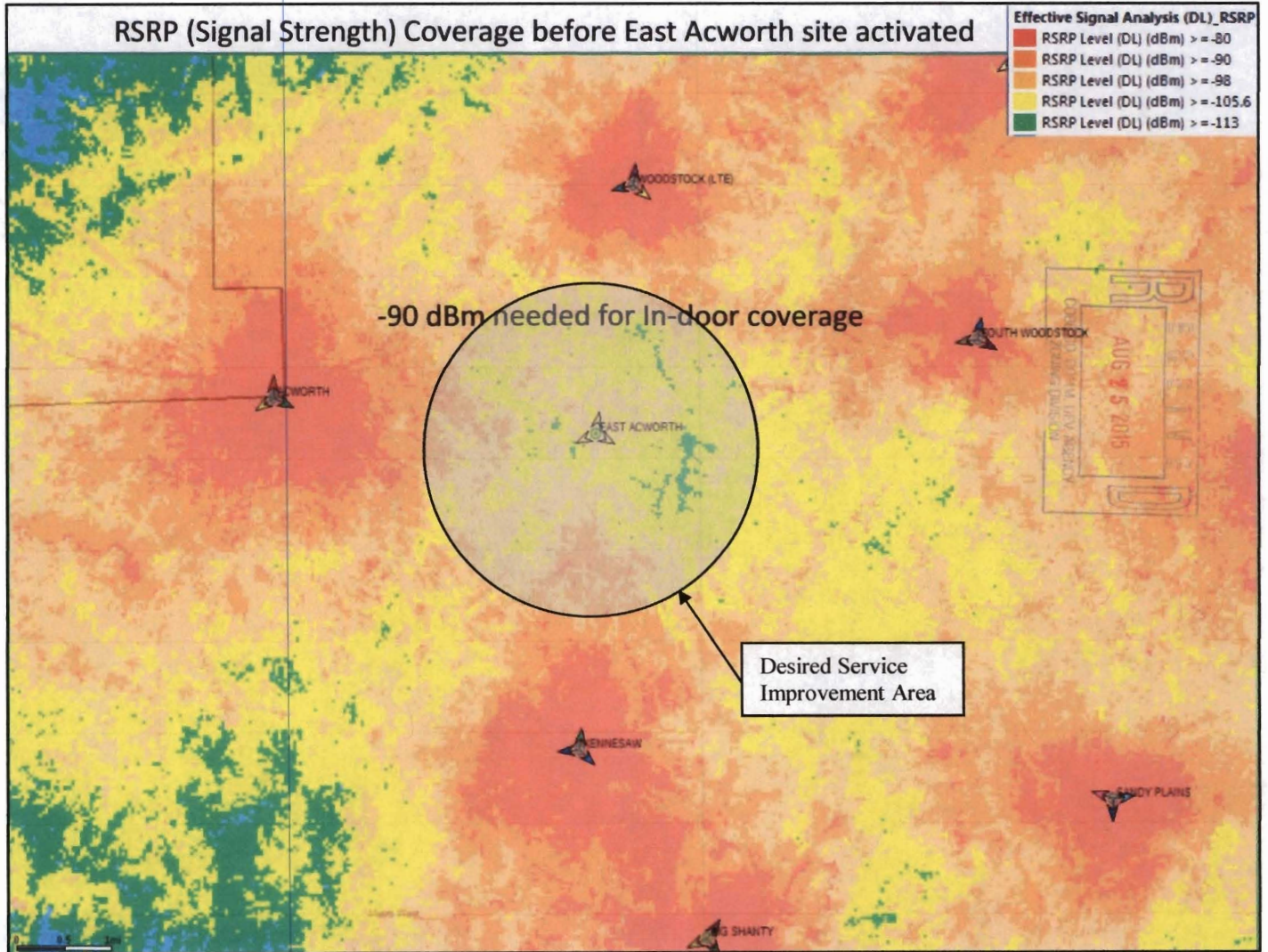


Exhibit B – Predicted Service Without Proposal



Exhibit C – Search Ring

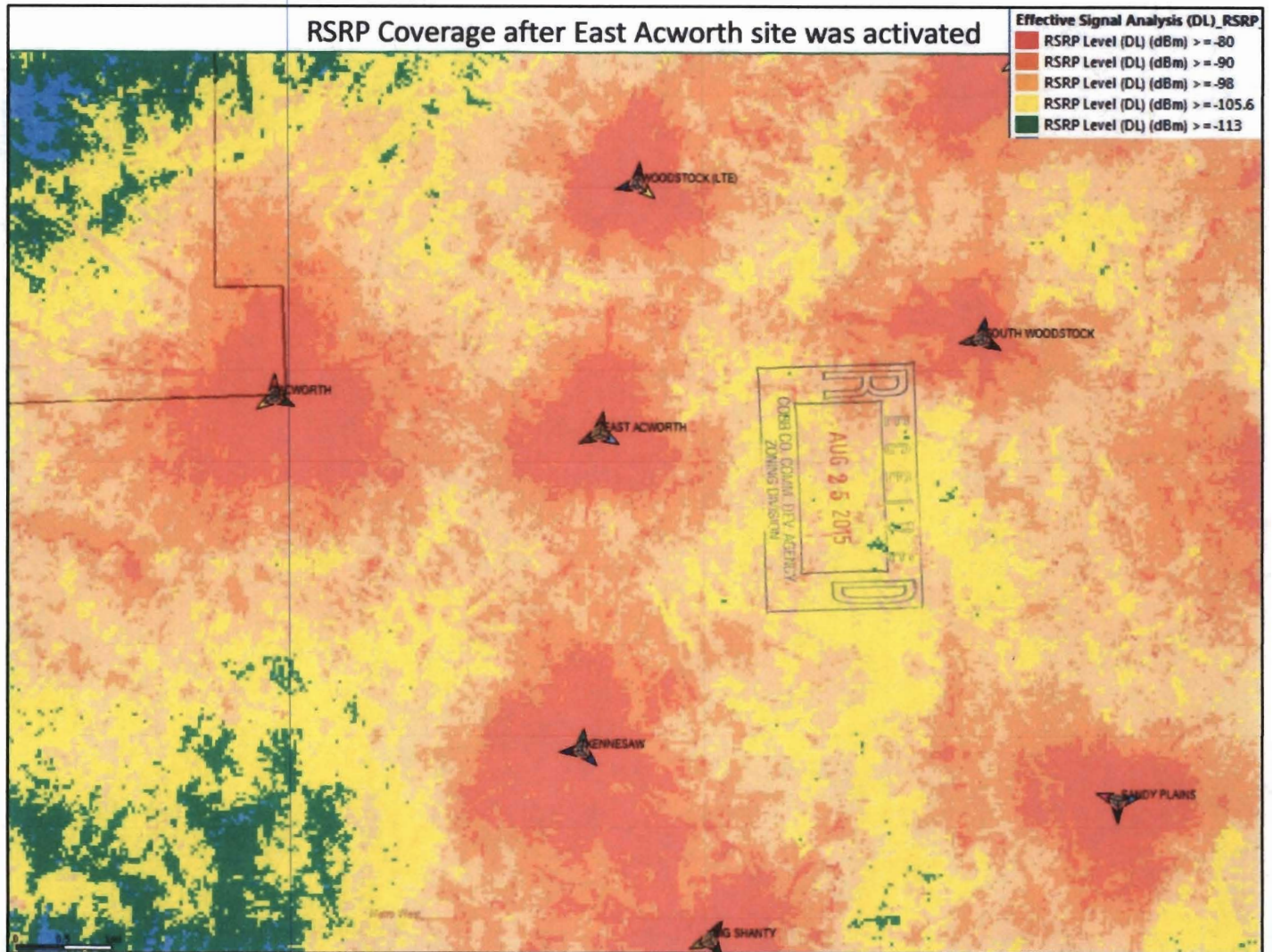


Exhibit D – Predicted Service With Proposal

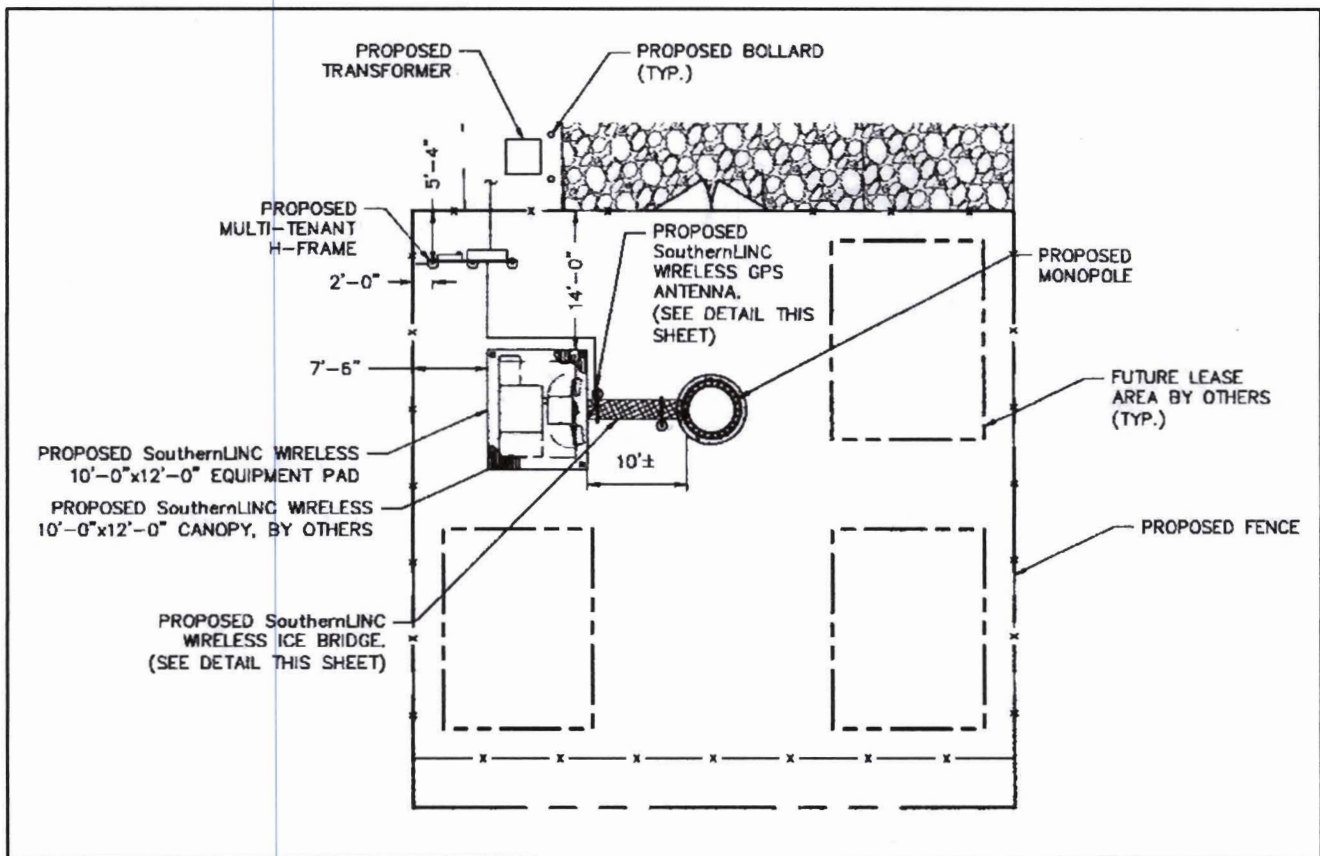


Exhibit E – Proposed Ground Compound