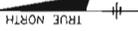
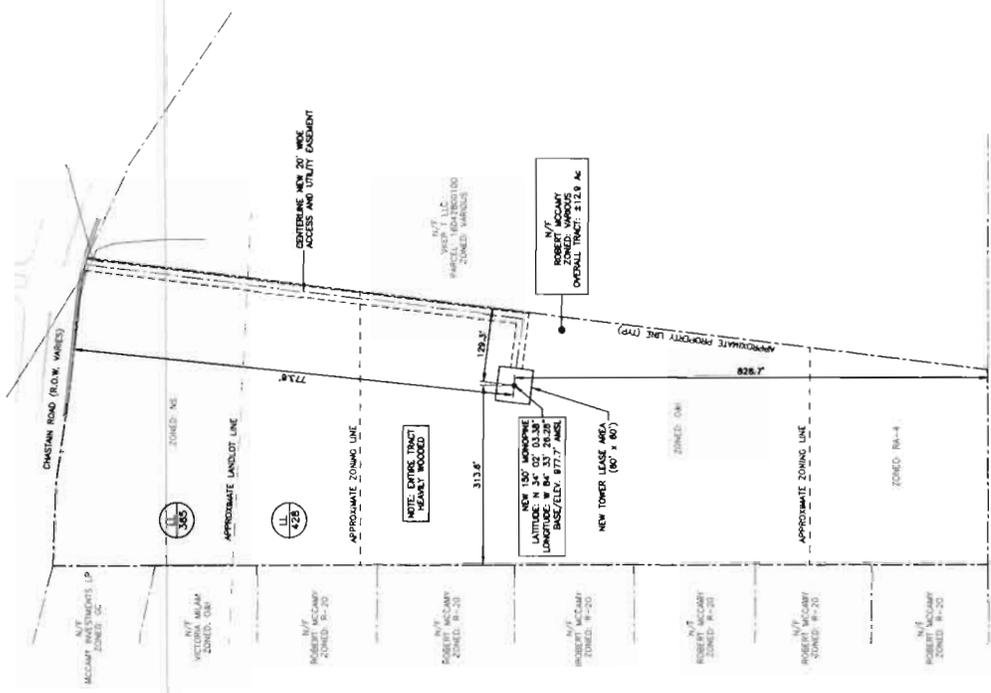


SLUP-16
(2016)



1. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH COBB COUNTY, GEORGIA SPECIFICATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT CONSTRUCTION FROM PROTECTION OF ADJACENT PROPERTIES, ROADWAYS AND WATERWAYS.
3. CONTRACTOR IS RESPONSIBLE FOR PROVIDING A BUILDING SITE FREE OF DRAINAGE PROBLEMS.
4. CONTRACTOR SHALL NOTIFY ALL UTILITIES AT LEAST 24 HOURS PRIOR TO START OF CONSTRUCTION TO VERIFY LOCATION OF ALL UTILITIES SHOWN OR NOT SHOWN.
5. ALL UTILITIES WITHIN ROADWAY SHALL BE BACKFILLED WITH STONE.
6. CONTRACTOR SHALL REPAIR AT HIS EXPENSE DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION, SUCH AS, BUT NOT LIMITED TO DRAINAGE, UTILITIES, PAVEMENT STRIPING, CURBS, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL UNUSABLE MATERIALS FROM SITE.
8. SEED, MULCH, FERTILIZER AND WATER SHALL BE APPLIED TO ALL DISTURBED AREAS UNTIL A HEALTHY STAND OF GRASS IS ACHIEVED.
9. CONTRACTOR SHALL COORDINATE WITH POWER COMPANY PROVIDING TEMPORARY SERVICE FOR CONSTRUCTION FACILITIES DURING CONSTRUCTIONS.
10. THE CONTRACTOR IS SPECIFICALLY CAUTIONED ABOUT THE LOCATION AND/OR ELEVATIONS OF EXISTING UTILITIES, DEEDS AND PLATS OF RECORD, AND WHERE POSSIBLE ACTUAL FIELD MEASUREMENTS. THIS INFORMATION IS NOT TO BE TAKEN AS EXACT OR COMPLETE.
11. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE EXACT LOCATIONS OF EXISTING UTILITIES WHICH MAY CONFLICT WITH PROPOSED IMPROVEMENTS.
12. THIS PROJECT WILL NOT REQUIRE WATER OR SEWER SERVICE. PROPERTY IS ON THE PUBLIC SEWER SYSTEM.
13. CONTRACTOR SHALL REMOVE ANY DIRT OR MUD FROM TIRES OF ANY CONSTRUCTION VEHICLES PRIOR TO LEAVING SITE.
14. REFER TO BUILDING/TOWER PLANS FOR PROPOSED DIMENSIONS AND OTHER SPECIFICS WHICH ARE NOT SHOWN.
15. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A PROPER TRAFFIC CONTROL PLAN FOR PUBLIC SAFETY ADJACENT TO CONSTRUCTION SITE. THE TRAFFIC CONTROL PLAN MUST BE IN ACCORDANCE WITH LATEST MUTCD EDITION.
16. BMPs MUST BE IN PLACE PRIOR TO CLEANING, REGARDLESS OF PLAN REQUIREMENT OR LOT SIZE. NO GRADING MAY BE DONE UNTIL BMP INSTALLATION IS COMPLETE. CONTRACTOR MUST CONTACT ENGINEERING SERVICES FOR INSPECTION OF BMPs PRIOR TO BEGINNING GRADING ACTIVITY.
17. ALL EASEMENTS TO BE GRASSED AND/OR RIP-RAPPED AS REQUIRED TO CONTROL EROSION.
18. DEVELOPERS AND/OR CONTRACTORS ARE RESPONSIBLE TO REMOVE OR CLEAN OUT ANY SILT, DIRT, MUD OR ANY OTHER TYPE OF DEBRIS THAT COMES OFF THEIR SITE AND FINDS ITS WAY INTO A PRIVATE POND, ONTO PRIVATE PROPERTY, INTO A COUNTY OWNED POND OR COUNTY OWNED PROPERTY TO INCLUDE RIGHTS-OF-WAY.
19. THE CONTRACTOR WILL ADHERE TO THE WEIGHT LIMITS PRESCRIBED ON COUNTY MAINTAINED ROADS OR HAULING EQUIPMENT AND/OR MATERIALS TO AND FROM THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS FOR THE STREETS AND/OR UTILITIES DUE TO NON-COMPLIANCE OF WEIGHT LIMIT REGULATIONS.



SLUP-16 (2016)
 IN CHARGE OF: J-LW
 DESIGNED BY: MSB
 DRAWN BY: MSB
 C-CHECKED BY: STH
 DATE: 09/30/16
 FILE NO: 1310-04681
 SITE NO: --
 COPYRIGHT © 2016 BY WALKER ENGINEERING, INC. ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF WALKER ENGINEERING, INC. AND NO PART MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER.

CHASTAIN RD/BIG SHANTY
 CHASTAIN ROAD
 KENNESAW, GA 30144
 OVERALL SITE PLAN

NO.	DATE	REVISIONS
0	09/30/16	ISSUED FOR CONSTRUCTION
		MSB
		NT

PREPARED BY: WALKER ENGINEERING INCORPORATED
 8451 DUNWOODY PLACE
 SANDY SPRINGS, GA 30350
 PHONE: 770-841-7308
 FAX: 770-587-5188

PREPARED FOR: **Municipal Communications, LLC**

APPLICANT: Municipal Communications, LLC

PHONE#: (404) 995-1890 **EMAIL:** pccorrry@municipalcom.com

REPRESENTATIVE: Garvis L. Sams, Jr.

PHONE#: (770) 422-7016 **EMAIL:** gsams@slhb-law.com

TITLEHOLDER: Robert J. McCamy, Jr.; McCamy Properties, LLC

PROPERTY LOCATION: South side of Chastain Road, west of Chastain Meadow Parkway

ACCESS TO PROPERTY: Chastain Road

PHYSICAL CHARACTERISTICS TO SITE: Wooded, undeveloped

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/ Community Bible Church of Kennesaw
SOUTH: OS/ Wooded, Undeveloped
EAST: NS, O&I, RA-4/ Wooded, Undeveloped
WEST: GC, O&I, R-20/ Single business, Cell Tower, Wooded

PETITION NO: SLUP-16

HEARING DATE (PC): 12-06-16

HEARING DATE (BOC): 12-20-16

PRESENT ZONING: NS, O&I

PROPOSED ZONING: Special Land Use Permit

PROPOSED USE: Wireless Telecommunications Facility and related Antenna and Equipment

SIZE OF TRACT: 0.2296 acres

DISTRICT: 16

LAND LOT(S): 365,428

PARCEL(S): 22,1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

Adjacent Future Land Use:

North: Public Institution (PI) and Low Density Residential (LDR)
East: Community Activity Center (CAC)
South: Community Activity Center (CAC)
West: Community Activity Center (CAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

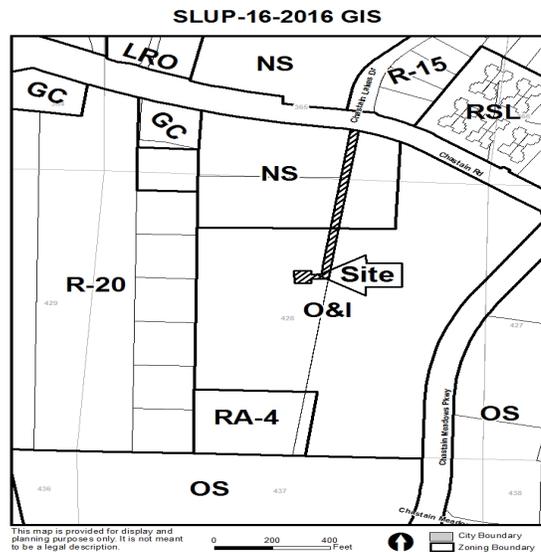
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

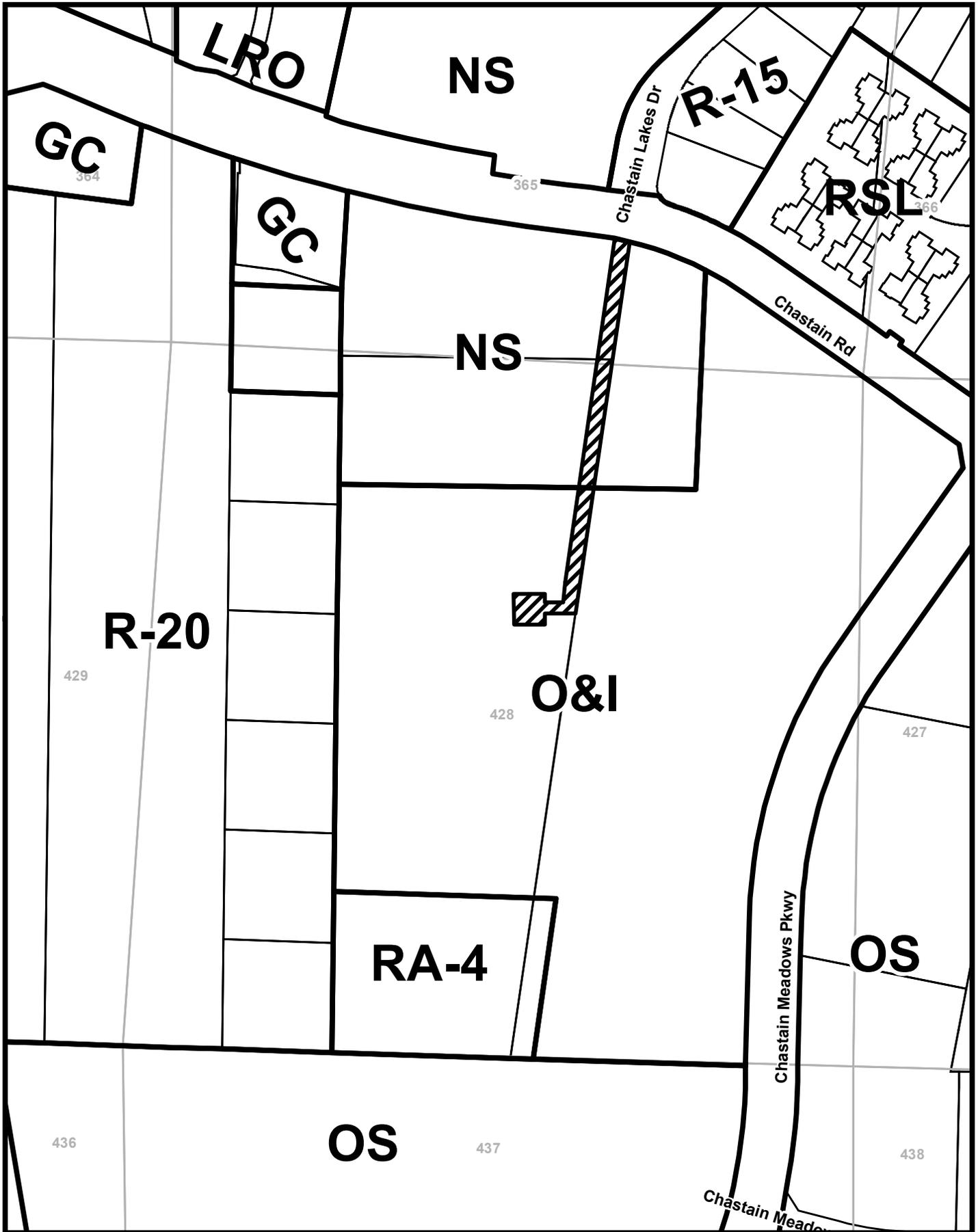
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

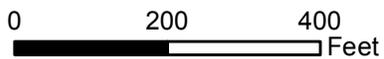
STIPULATIONS:



SLUP-16-2016 GIS



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-16

PRESENT ZONING: NS, O&I

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 145 foot tall “monopine” situated on a 60 foot by 60 foot lease area within the approximately (16) acre wooded site. 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 Chastain Road.

The applicant’s proposal adheres to many aspects of the Code Section 134-273 including providing for at least three (3) users, utilizing a “stealth” type facility, six (6) foot fence plus barbed wire, setback more than one-half of the tower’s height to any public right-of-way, FAA and FCC compliance, etc. Also, other aspects of the request follow Code requirements such as the requirement that the tower’s distance from adjacent residentially-zoned parcels be required to be the distance of equal to the tower height plus a “safety factor” of ten percent (Sec. 134-273(3)a(2)). In this regard, the applicant is proposing the tower be setback distances from bordering residential parcels of more than 300 ft. adjacent to the eastern property line and more than 800 ft. adjacent to the southern property line. Though, the Code requires a 15 ft. landscape screening buffer around the tower compound that the applicant currently does not propose installing. However, given the tower’s proposed location deep within the heavily wooded lot, the intended screening of this requirement may still be considered to be met.

One particular aspect of the applicant’s request that has been modified to better conform to the Code is the tower’s height above the tree line. Section 134-273(3) I encourages towers “to be located at a height above the tree line no greater than necessary to reasonably accommodate the facilities.” The County’s telecommunications consultant, CityScape, has addressed this issue and recommends a ‘monopine” tower designed for the requested number of carriers with the lower being approximately 20 feet above tree top. After discussions between the consultant, applicant and carrier it was agreed to reduce the antenna elevation to the currently requested 145 feet which would provide for an overall 145 ft. structure height (140 ft. tower and 5 ft. lightning rod).

Therefore, with the aforementioned considerations, and the fact that the County’s contracted consultant has provided an analysis that confirms the applicant’s demonstrated need for the proposed tower, staff has proposed appropriate stipulations that reflect the requirements of the County Code as well as the consultant’s suggestions. These stipulations are contained at the end of this analysis under “Staff Recommendations.”

Historic Preservation: No comment.

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

APPLICANT: Municipal Communications, LLC

PETITION NO.: SLUP-16

PRESENT ZONING: NS, O&I

PETITION FOR: SLUP

WATER & SEWER COMMENTS:

No comments. No water or sewer proposed/required.

TRAFFIC COMMENTS:

This request will not have an adverse impact on the transportation network.

PLANNING COMMENTS:

No comment.

APPLICANT: Municipal Communications

PETITION NO.: SLUP-16

FIRE COMMENTS:

NO COMMENTS: 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

PETITION NO.: SLUP-16

PRESENT ZONING: NS, O&I, RA-4

PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

SLUP-16 MUNICIPAL COMMUNICATIONS, LLC

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 proposal meets most of the County Code's requirements to mitigate potential adverse effects upon neighbors. These measures include utilization of a stealth "monopine" tower, appropriate setbacks and proposed tower height not higher than treetops than is functionally necessary. This, coupled with the tower's location deep within a heavily wooded parcel, makes unlikely the potential that it will have an adverse effect upon adjacent neighbors or area.**
- (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.**
- (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.**
- (5) *Whether or not property values of surrounding property will be adversely affected.* **The proposed tower will not adversely affect surrounding property values.**
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.* **Parking and traffic considerations are not applicable to this proposal.**
- (7) *Whether or not the site or intensity of the use is appropriate.* **The area of the property in which the tower will be constructed is zoned O&I. The proposed use is appropriate.**
- (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.**
- (9) *Whether or not adequate provisions are made regarding hours of operation.* **The site will be in continuous operation with only infrequent visits from technicians and other maintenance crew.**
- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.* **There will be only infrequent visits from technicians and maintenance crew.**
- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition.* **The proposal does not include additional landscaping of the tower site, taking advantage of existing surrounding vegetation only.**

SLUP-16 MUNICIPAL COMMUNICATIONS, LLC (Continued)

- (12) *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected. **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.***
- (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 Code requirements for providing for a stealth tower, fencing, and FAA and FCC requirements as well as setbacks to adjacent properties but requires a waiver of landscape screening of the site in order to take advantage of existing vegetation.***
- (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. **Based upon the above analysis as well as the Site Review provided by the County consultant, CityScape, the applicant's proposed 145 foot stealth monopine meets certain Code requirements and, in order to serve the recognized need for coverage in the area, staff recommends APPROVAL subject to the following conditions:***

1. Tower height to be a maximum 145 feet;
2. Tower to be of monopine type;
3. Tower to be constructed for a minimum of three (3) users;
4. Final site plan and landscape plan to be approved by District Commissioner with consideration to location and screening of compound site;
5. Provide the exact representation of the proposed monopine structure for approval by District Commissioner (all feed lines shall be within the structure and not visible and sealed to prevent access by birds and other wildlife);
6. Provide a certified structure design;
7. Provide satisfactory SHPO and NEPA documentation; and provide FAA study.

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.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

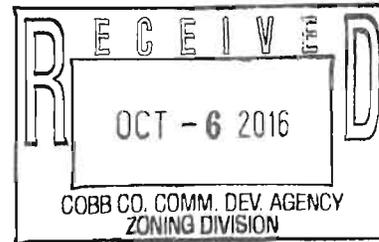
ADAM J. ROZEN

WWW.SLHB-LAW.COM

October 6, 2016

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application for Special Land Use Permit
Applicant: Municipal Communications, LLC
Property: Chastain Road Site, Land Lots 365 & 428, 16th District,
Cobb County, GA

Dear John:

As you know, Section 134-37(e) of the Cobb County Zoning Ordinance requires the Board of Commissioners (“BOC”) to consider fifteen (15) guidelines, at a minimum, when deciding whether to grant or deny a SLUP Application. Applying the fifteen (15) guidelines to the Application shows that the BOC should grant this Application.

**ANALYSIS OF ZONING STANDARDS IN SUPPORT OF
MUNICIPAL COMMUNICATIONS, LLC**

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 BOC’s decision is to grant the Application for the 150’ stealth pine tower with related antenna and equipment, there will be no significant adverse impact upon the area in which the proposed Facility will be located. In this instance, the Facility will be located on an undeveloped tract which is zoned O&I. The leased area will be accessed from an undeveloped parcel fronting onto Chastain Road which is zoned NS. Moreover, the location of the Facility on the Site meets the “design, location and safety requirements” described in § 134-273(3) of the Zoning Ordinance which discourages the location of towers on strictly residentially utilized property or the utilization of platted lots within existing subdivisions. In this case, the Facility will be located on property that is not used for residential purposes. Accordingly, the BOC’s approval of the Application will further the goals of the Zoning Ordinance and not significantly nor adversely affect the surrounding area.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 2

If the BOC decides to reject the Application, the Applicant will be forced to renew its search for property upon on which it may locate the proposed Facility. In that case, if the Applicant is not allowed to locate the facility on this Site, it may be forced to locate a tower on property nearby which is more residentially oriented. Likewise, the Applicant's inability to locate the Facility on the Site may force the Applicant to construct more than one (1) tower in the area to allow it to provide the same coverage to AT&T as could be achieved with the proposed Facility. Multiple towers, including the potential of one (1) or more located on residentially utilized property, would be adverse to the stated goals of the Zoning Ordinance and have more of an impact on the surrounding area than if the BOC granted this Application.

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

As described in the response to Number 1 above, a BOC decision to grant the Application will ensure that the overall character of the area will remain intact. The proposed Facility will be located on commercially zoned property and is otherwise compatible with the area.

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

The BOC's approval of the Application will not result in a "nuisance" as Georgia law defines that term. No part of the proposed Facility (including the construction, operation and maintenance of the Facility) rises to the level of a "nuisance" under Georgia law.

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

The BOC will preserve and help maintain the surrounding property owners' current levels of quiet enjoyment of their property if the BOC grants the Application. Once the proposed Facility is constructed and operational, the Applicant anticipates that there will be limited (probably quarterly) visits by a single maintenance person to the Site, which visits will not affect surrounding property owners.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 3

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

If the BOC grants the SLUP Application, the property values of the surrounding properties will not be adversely affected. Previously, the Applicant and others within the wireless industry commissioned property appraisal studies which were conducted by MAI, AICP, and Georgia Certified Appraisers regarding the impact of wireless telecommunications towers on surrounding properties in areas of Georgia similar to the area surrounding the proposed Site. These studies confirm that there is no negative or adverse impact upon either the properties' value or marketability. Instead, the studies conclude that viewing the towers presents no problems to buyers or prospects and has no influence on the sales price or marketability of the nearby residences. By analogy, the Applicant's proposed and similarly situated tower likewise will have no adverse effect upon the surrounding property values or marketability.

Instead, given the increased use of wireless devices to the exclusion of hard-line telephone systems, there is evidence that the 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. Accordingly, the location of the Facility will serve to maintain and improve the property value of surrounding properties.

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

Once constructed, the Facility will be unmanned and the Applicant anticipates only quarterly visits by a maintenance technician to the Facility plus some additional periodic (but not intense) construction as additional carriers collocate on the Facility. Furthermore, these visits most typically occur at off-peak traffic times and will 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 BOC grants the Application, there will be no negative impact upon parking or traffic in the area.

7. Whether or not the Site or intensity of the use is appropriate.

As described in this statement and above, the Site is appropriate for the location of the proposed Facility. The location and operation of the Facility on the property will not significantly alter the intensity or the use of the property.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 4

8. Whether or not special or unique conditions overcome the BOC's general presumption that residential neighborhoods should not allow non-compatible business uses.

Given the present undeveloped commercial zoning of the subject property, the Facility is a compatible business use. Accordingly, there is no need for the Applicant to address the BOC's general and rebuttable presumption in this instance. Moreover, the Applicant has already met with Cobb County representatives and certain members of the community and intends to continue those dialogues and others, respectively, during the pendency of the Application.

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

As indicated above, once constructed, the Facility will be unmanned and the Applicant anticipates only quarterly visits by a 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, the Applicant has made adequate provisions regarding the hours of operation.

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

During the construction of the Facility, which is a two-three (2-3) week period, there will be some limited deliveries made to the property. However, 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.

Given the location of the Facility in an undeveloped wooded area, no landscaping will be needed and the Applicant is seeking a waiver of the Zoning Ordinance provisions in this regard.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 5

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

This factor is not relevant to the proposed location of the Facility on the property, as there will be no adverse impacts whatsoever.

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 § 134-273(3)(m)(1) identifies six (6) specific factors which the BOC is to consider with respect to the issuance of SLUPs for towers. In this instance, consideration of all of those factors weigh in support of granting this Application.

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

In support of its Application, the Applicant has provided all of the information required by the Zoning Ordinance. The Applicant remains, however, willing to provide the BOC and the Zoning Division with any additional information which they may desire to allow for full consideration of the Application.

15. In all applications for a Special Land Use Permit, the burden shall be on the Applicant(s) both to provide 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 Analysis, the Applicant has submitted the following in support of the Application:

- a. RF Engineer's Affidavit from AT&T Mobility dated September 27, 2016 and the Affidavit from T-Mobile USA dated October 4, 2016.
- b. Documentation reflecting all of the towers within a three (3) mile radius of the proposed Facility in accordance with § 134-273(3)(m).

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

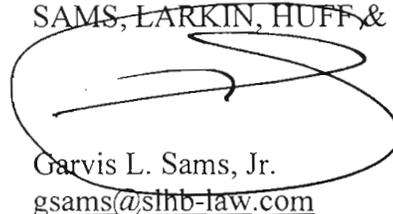
Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 6

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

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/klk

cc: Mr. Peter Corry, CEO, Municipal Communications, LLC (via email)
Mr. John Throckmorton, Vice President Municipal Communications, LLC (via email)

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

ADAM J. ROZEN

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

WWW.SLHB-LAW.COM

October 6, 2016

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application for Special Land Use Permit by Municipal Communications, LLC

Dear John:

This firm has been engaged by and will be representing Municipal Communications, LLC (the "Applicant") concerning the above-captioned Special Land Use Permit Application. In that regard, the Applicant respectfully submitted its Application, the approval of which will result in the County's issuance of a Special Land Use Permit ("SLUP") to allow for the construction and the ultimate operation and maintenance of a Wireless Telecommunications Tower and related antenna and equipment (collectively the "Facility") on an approximate 10,000 square foot (0.2296 acre) portion of the subject property ("Site").

STATEMENT OF PROPOSED SITE IMPROVEMENTS

The Property and the Site

The property, owned by Robert J. McCamy ("Owner"), is commercially zoned in the O&I zoning district with access located on NS zoned road frontage located on the south side of Chastain Road, west of Chastain Meadows Parkway. Currently the property is undeveloped and unimproved. All of the property which surrounds the Site is located in Unincorporated Cobb County with the contiguous properties either commercially or residentially zoned, but undeveloped; with the exception of the O&I zoned property adjacent to the west located at 287 Chastain Road, housing the *Any Pest* offices.

The Owner has leased the Site to the Applicant, together with utility and ingress/egress easements. The Site is located towards the western boundary of the subject property, placing the Facility in a position so that any potential adverse effect upon surrounding properties has been diminished. The Facility is a permitted use for the Site upon the issuance of the requested SLUP.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 2

The Facility/Proposed SLUP

The Facility which the Applicant plans to construct will include a one-hundred, fifty-five foot (155') high (including the lightning rod), multi-tenant, stealth pine tower (incorporating a concealment system known as a Stealth Pine); ground-mounted communications equipment and associated minor Site improvements to facilitate the operations and maintenance of and access to the Facility on the Site. The carrier located on the top of the tower at the "rad center" height of one-hundred, fifty feet (150') is proposed to be AT&T Wireless ("AT&T") and there will be space for additional antenna arrays at heights approximately ten feet (10') apart. In that regard, the proposed Facility will comply with the design requirements of §134-273(3)(b) of Chapter 134 of the Official Code of Cobb County, Georgia, as the same is amended from time to time, as there is and will be tower space for at least three (3) carriers. Including the lightning rod, the tower will extend to a total of 155' in height.

The equipment and other associated Site improvements which are shown on the plans submitted concurrently with this Application are limited to those uses associated with the operation of the antennas or towers and are appropriate in scale and intensity. The entirety of the Site will be enclosed with a six foot (6') high chain link fence with three (3) strands of barbed wire, as more particularly described on the enclosed plans. Additional details relating to the Site and the Facility are set forth in the plans consistent with §§134-273(3)(c) & (d).

Access to the Facility will be via an access easement across the Owner's property with ingress/egress via Chastain Road. The Applicant confirms that the Facility will meet or exceed current standards of the Federal Aviation Administration ("FAA"), the Federal Communications Commission ("FCC") and all applicable agency guidelines governing the construction and operation of such a Telecommunications Tower. The Applicant does not expect that the FAA will require the Facility to be lighted.

Once constructed, the Facility will be unmanned. Only quarterly site visits by AT&T maintenance technicians are anticipated. The Facility will not have water or sewer services and it will not generate any waste. The only utility connections required are electric and telephone services. The electricity demand of the Facility will be similar to that of a single-family residence. The Facility will not create a significant demand for community services. In fact, the Facility will provide a service to the community in the form of a safe, reliable and uninterrupted wireless service for use by the general public, emergency services personnel and others within this sub-area of Cobb County.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 3

The Facility will be an integral part of AT&T's Network across Cobb County and other portions of the Greater Atlanta area as more particularly described in the Radio Frequency ("RF") Report and Analysis which is being submitted concurrently with this Statement.

Concurrent Variance Requests

The Applicant is requesting a waiver of landscaping requirements as the site and facility is densely wooded and vegetated.

Constitutional Statement

The Applicant hereby notifies Cobb County of its constitutional concerns. If the BOC denies the Application, in whole or in part, then the property does not have a reasonable economic use under the Zoning Ordinance without the SLUP. The Application meets the tests 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. If the BOC denies the Application, in whole or in part, such an action will deprive the Applicant and the Owner of the ability to use the property in accordance with its highest and best use. Similarly, if the BOC limits its approval of the SLUP by attaching conditions adversely affecting any portion of the property or the use thereof, either of such actions being taken without the Applicant's consent, then such action would deprive the Applicant and the Owner of all reasonable uses 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 and the Just Compensation Clause of the Fifth Amendment to the United States Constitution.

To the extent that the Zoning Ordinance allows such an action by the BOC, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between the Applicant and Owner and the owners of similarly situated properties in an arbitrary, capricious, unreasonable and unconstitutional manner in violation 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 the Applicant) would constitute a gross abuse of discretion and an unconstitutional violation of the Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution and the Fifth and Fourteenth Amendments of the United States Constitution. The Applicant further challenges the constitutionality and enforceability of the

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 4

Zoning Ordinance for its lack of objective standards, guidelines or criteria limiting the BOC's discretion in deciding applications for SLUP(s).

Furthermore, the Telephone Communications Act of 1996, codified at 47 U.S.C. § 332(c) (the "1996 TCA"), as amended, was intended to "promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications for consumers and encourage the rapid deployment of new telecommunications technologies" (preamble to the 1996 TCA). The primary mechanisms used by the 1996 TCA to "promote competition and reduce regulation" are prohibitions against local regulations which (i) unreasonably discriminate among providers for functionally equivalent services" or (ii) "prohibit or have the effect of prohibiting the provisions of personal wireless services." 47 U.S.C. §332(c)(7)(B). Also, § 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 telephone communications services." The BOC may violate the 1996 TCA on all three (3) grounds if it denies the Application. Nevertheless, the Applicant remains optimistic that the BOC's consideration of the Application will be conducted in a constitutional and legally permissible manner.

Zoning Requirements

Chapter 134 of the Zoning Ordinance and, specifically §134-273, sets the requirements applicable to the placement of communications towers and antennas on property within the County. In satisfaction of these requirements and in addition to this statement, the Applicant hereby submits the following documents for the Zoning Division's review:

1. Application for Special Land Use Permit form(s), including original notarized signatures of the Owner and the Applicant's representatives.
2. A copy of the Quit Claim Deeds reflecting the record Titleholders of the subject property.
3. A metes and bounds legal description of the Lease Area and Ingress-Egress Easement. The legal description of the overall tract is included in the Quit Claim Deed.
4. A copy of the 2015 paid tax receipt for the property is included with this submission.
5. Zoning Standards Analysis which addresses SLUP considerations.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 6, 2016
Page 5

6. The requisite number of copies of the site plan, survey and a set of the communication tower details.
7. RF Engineer's Affidavit dated September 27, 2016 from AT&T Mobility and an RF Engineer's Affidavit, dated October 4, 2016 from T-Mobile USA.
8. Documentation of all towers within a three (3) mile radius of the proposed Facility in accordance with §134-273(3)(m).
9. A check made payable to Cobb County representing the application fee, consultant fees and the sign deposit and fees in the sum of Six-Thousand, Three-Hundred, Eighteen Dollars (\$6,318.00).

Upon the filing and in accordance with all deadlines, the Applicant will post notification signage on the property and will mail the requisite notices to property owners within one-thousand feet (1,000 feet) of the property.

The Application and the accompanying documents support the Applicant's request for the Facility SLUP and comply with all Cobb County zoning requirements. The Owner and Applicant respectfully request that the Zoning Division recommend approval of the Application to the BOC for consideration at the next available public hearing.

Please do not hesitate to contact me should you have any questions or need any additional information or documentation. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/klk
Enclosures

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

Community Development Agency

October 6, 2016

Page 6

cc: Mr. Peter Corry, CEO, Municipal Communications, LLC (via email w/attachments)
Mr. John Throckmorton, Vice President Municipal Communications, LLC (via email
w/attachments)



SLUP-16 (2016)
Engineer's
Affidavit and
Maps

AT&T Mobility
660 Hembree Parkway
Suite 120
Roswell, GA 30076

RF Affidavit

To: Whom it may concern
From: Mark Cabadin
Date: 9/27/2016
Re: GA2368 Big Shanty



AT&T is requesting permission to construct a new wireless telecommunications tower at 0 Chastain Road, Kennesaw, GA 30144 (34-02-03.38 N, 84-33-26.28 W) which resides in the Cobb County, as part of our plan to improve wireless, voice, and data service to the in building residences of the 1.2 Mile vicinity of the proposed new tower build. The primary focus of this new site is to provide in-car as well as in-building coverage to the residents in the city of Smyrna, where AT&T currently has minimal in building coverage for our customers, a situation that will worsen given the projected increase in demand.

Extensive site acquisition efforts were conducted to determine if collocation on an existing tower or other structure would be possible, and no adequate structure could be found. There are no structures in the area that could provide the required mounting height of 145' or more and support the load of the antennas, lines, and related apparatus needed for AT&T to deploy its LTE equipment, thus no alternative to the construction of a new tower exists. The proposed location for the new tower was selected based upon a comprehensive analysis of the search ring. Factors included: aesthetic impact, compatibility with existing land use, constructability, suitability to meet RF propagation objectives, willingness of landowner to lease land, etc.

The trigger for this New Build is also to improve on the robust infrastructure AT&T currently maintains by meeting the demands of our current and future customers in the Cobb County area. The AT&T Network team performed a query based on detractors to highlight areas of improvements in the network and the Cobb County location selected is a needed candidate to meet the needs of our customers. Detractors are a culmination of coverage complaints, poor coverage or low signal indicators based on drive and customer device data collection as well as future and potential growth/constraints in the network.

The closest existing AT&T sites that would hand off to this proposed site are on average of 1 mile away from the needed coverage zone, and there are currently no existing collocation tower opportunities that we can collocate within 1 mile of the proposed tower location.

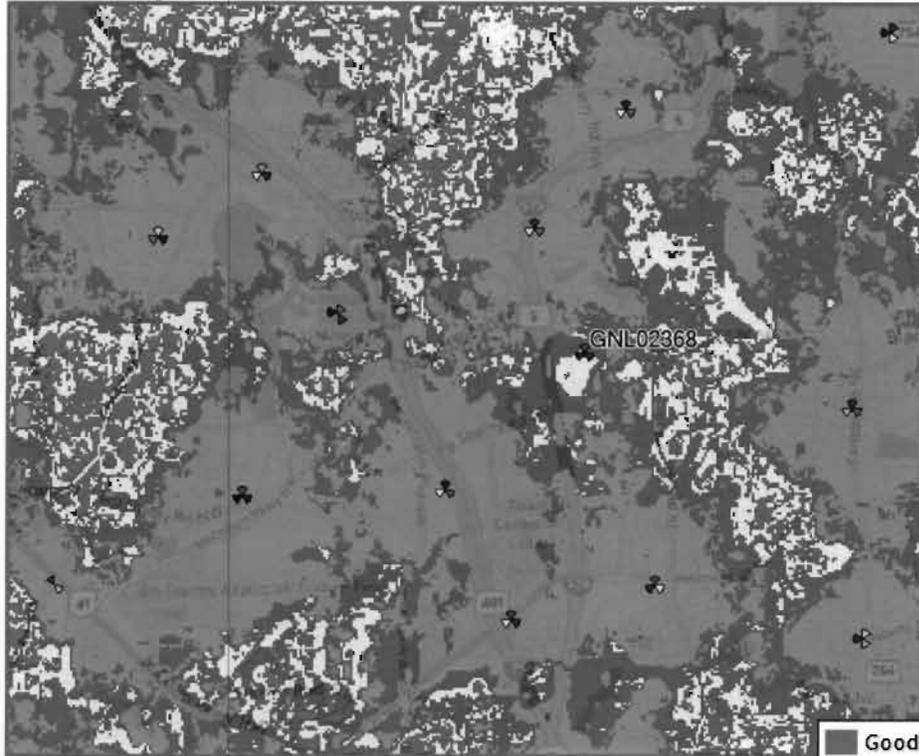
RF Propagation plots are attached showing predicted before and after coverage levels.



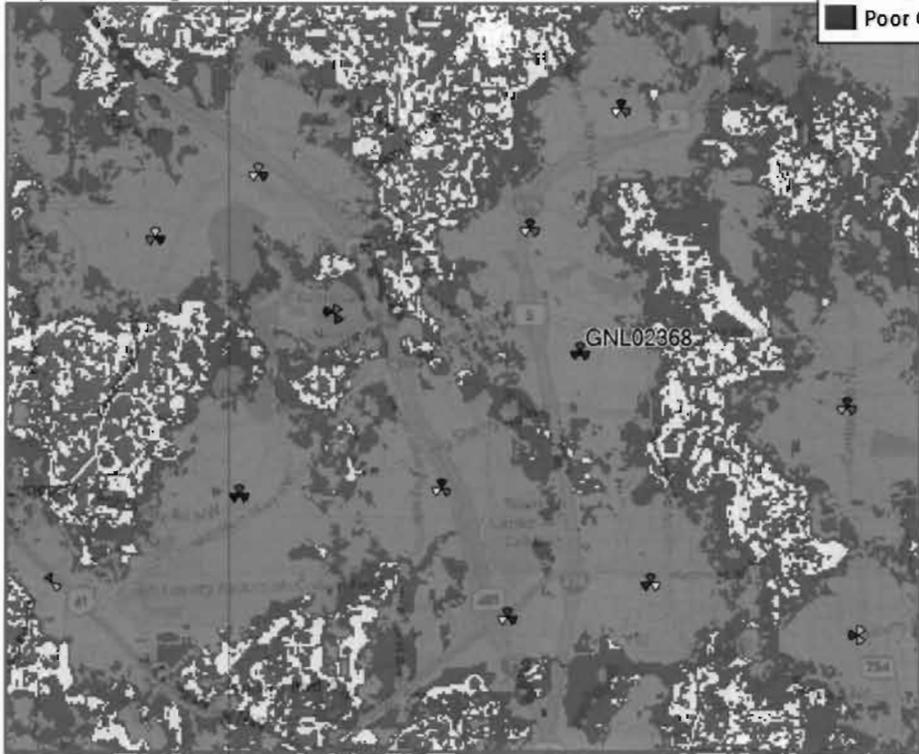
AT&T Mobility
660 Hembree Parkway
Suite 120
Roswell, GA 30076

SLUP-16 (2016)
Engineer's
Affidavit and
Maps

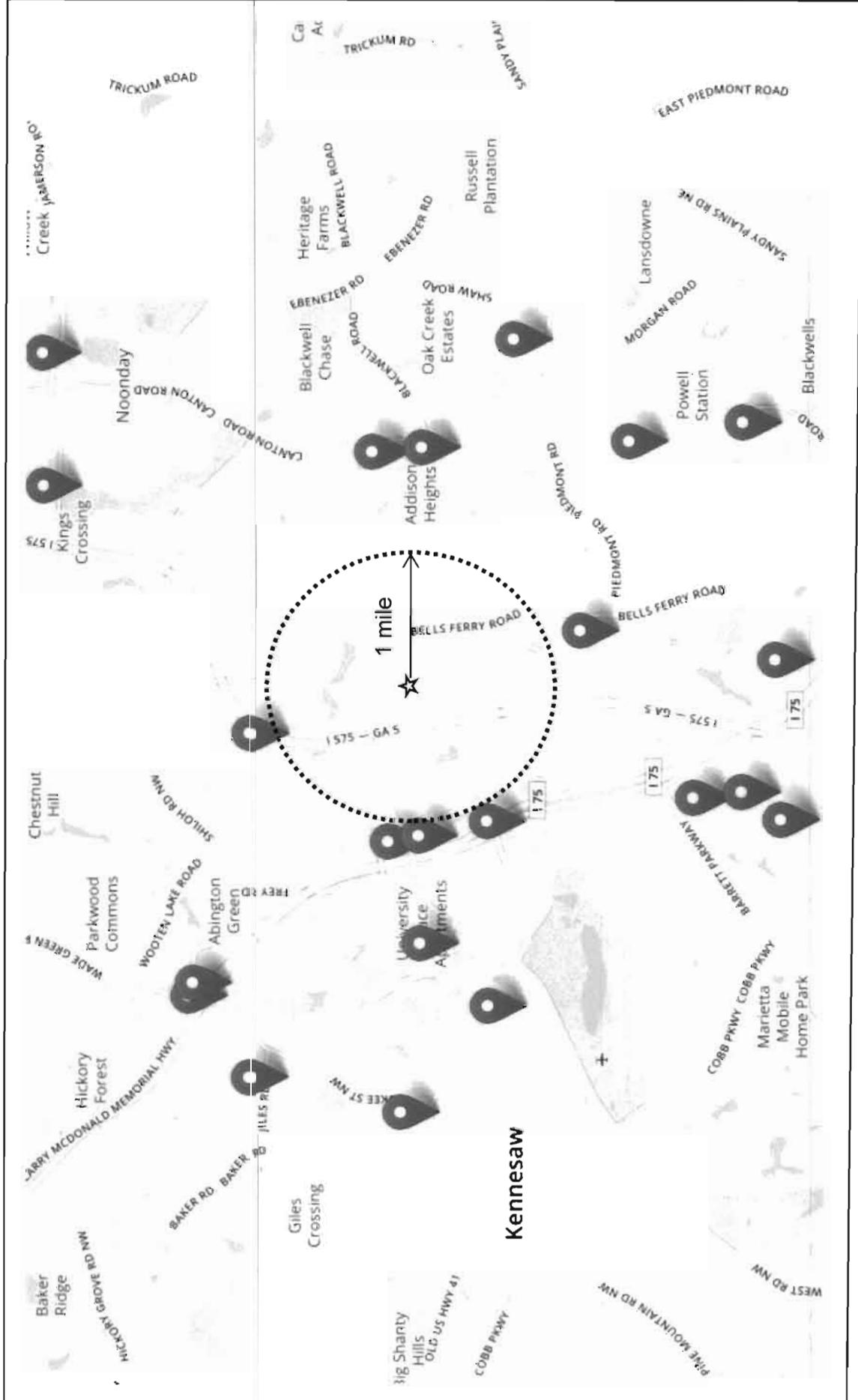
Current Coverage



Proposed Coverage



- Good Indoor Coverage
- Good Outdoor, Marginal Indoor Coverage
- Marginal Outdoor Coverage
- Poor Outdoor Coverage



**MAP OF EXISTING TOWERS WITHIN
THREE (3) MILES PER FCC DATABASE**

Site name: Big Shanty
145' Monopine
Chastain Road
Kennesaw, GA

Cobb County

Sitename: Big Shanty
 145' Monopine
 Chastain Road
 Kennesaw, GA Cobb County

**TABLE OF EXISTING TOWERS WITHIN
 THREE (3) MILES PER FCC DATABASE**



	ASR	Owner	Lat/Long	City	Height (ft)
1	<u>1010850</u>	Global Tower, LLC, through American Towers, LLC	34-00-08.0N 084-34-12.0W	MARIETTA, GA	157
2	<u>1012136</u>	American Towers, LLC	34-01-55.3N 084-34-30.5W	KENNESAW, GA	168
3	<u>1018420</u>	SBA Towers, LLC	34-00-30.4N 084-31-40.8W	Marietta, GA	160
4	<u>1018990</u>	Verizon Wireless (VAW) LLC	33-59-50.4N 084-31-32.8W	MARIETTA, GA	211
5	<u>1019194</u>	Verizon Wireless (VAW) LLC	34-01-20.4N 084-34-21.8W	KENNESAW, GA	162
6	<u>1024098</u>	GEORGIA POWER COMPANY	33-59-36.8N 084-34-21.2W	MARIETTA, GA	263
7	<u>1030975</u>	Crown Castle PT Inc	33-59-50.9N 084-34-09.7W	Marietta, GA	165
8	<u>1047911</u>	POWERTEL, INC.	34-02-01.0N 084-31-45.0W	BLACKWELLS, GA	164
9	<u>1054226</u>	Crown Castle PT Inc	34-00-47.9N 084-33-00.9W	Marietta, GA	165
10	<u>1054720</u>	Pinnacle Towers LLC	34-03-05.5N 084-35-36.0W	KENNESAW, GA	199
11	<u>1061487</u>	American Towers, LLC	34-02-43.9N 084-33-44.9W	KENNESAW, GA	153
12	<u>1207541</u>	Crown Castle South LLC	33-59-38.9N 084-33-13.3W	Marietta, GA	137
13	<u>1207542</u>	Crown Castle South LLC	34-03-03.8N 084-35-30.5W	Kennesaw, GA	158
14	<u>1207908</u>	Crown Castle South LLC	34-01-43.6N 084-31-43.2W	Marietta, GA	184
15	<u>1211190</u>	American Towers, LLC	34-02-44.2N 084-36-10.9W	KENNESAW, GA	120
16	<u>1223461</u>	Southern LINC	34-01-20.1N 084-35-40.4W	Kennesaw, GA	170
17	<u>1230901</u>	Pinnacle Towers Acquisition LLC	34-01-44.7N 084-34-27.9W	KENNESAW, GA	175
18	<u>1253579</u>	SBA Monarch Towers I, LLC	34-01-43.9N 084-35-13.8W	Kennesaw, GA	155
19	<u>1270112</u>	SBA 2012 TC Assets, LLC	34-03-57.1N 084-31-59.1W	Kennesaw, GA	164
20	<u>1274979</u>	SBA 2012 TC Assets, LLC	34-03-57.5N 084-31-03.2W	Marietta, GA	160
21	<u>1294155</u>	Georgia Power Company	34-01-11.2N 084-30-57.5W	Marietta, GA	163
22	<u>1294776</u>	Georgia Power Company	34-01-50.7N 084-36-25.8W	Kennesaw, GA	71



To: Cobb County Planning and Zoning

**1150 Powder Springs St.
Suite 400
Marietta, GA 30064**

**Ref: T-Mobile USA Site Busbee & Townpark-9AT3251
Radio Frequency Narrative, Engineering Study and Certifications**

Municipal Communications, LLC, on behalf of T-Mobile USA (commercially referred to as "***T-Mobile***"), is proposing the installation of a 140-foot AGL (Above Ground Level) (145 feet including all appurtenances) monopine for co-location of T-Mobile's antenna equipment. This telecommunication facility is proposed to be located at 287 Chastain Road, Kennesaw, GA. This site is named and will be referred to as Busbee & Townpark.

PERSONAL BACKGROUND

I am a Senior Radio Frequency (RF) Engineer with T-Mobile. I have been working in the field of RF planning, performance and optimization of wireless networks for approximately 20 years. I have provided RF services to T-Mobile, and I have been accepted and testified as an RF expert in various counties of Georgia and Tennessee. I have a Bachelor's of Science Degree in Electrical Engineering from Virginia Polytechnic Institute and State University.

SITE OBJECTIVES

The primary reason for the facility is to **provide capacity** to relieve traffic and subscriber congestion (when a customer cannot access T-Mobile's network due to high traffic volume limitations), from an existing T-Mobile site (9AT0040C) located at the intersection of Interstate-75 and Chastain Road (see the map attached hereto and made a part hereof as Exhibit A for reference) west of the proposed Site 9AT3251E, Busbee & Townpark.

Adding this facility, at the height proposed, will enable customers to access T-Mobile's 4G (Fourth Generation) high-quality voice and high-speed internet services for customers using T-Mobile's various wireless devices, particularly in the areas between I-75 and I-575 along Chastain Road where there is high vehicular traffic and high data and voice usage in surrounding commercial areas, and also between I-575 and Bells Ferry Road. Secondary objectives were to provide ample 4G LTE (Long Term Evolution) voice and data service from an in-building coverage standpoint to customers in office parks, commercial areas, and residential east of I-575 and west of Bells Ferry Road. The propagation plot attached hereto as Exhibit B shows T-Mobile's existing 4G Coverage.

GEOGRAPHIC SEARCH AREA SUMMARY

The Geographic Search Area (GSA) was a customized ring defined approximately 0.25 to 0.3 mile from the 9AT3251E Busbee & Townpark location at the intersection of I-575 and Chastain Road. The GSA is depicted in red on Exhibit A. The GSA's design is a result of T-Mobile's existing and proposed 4G coverage and targeted traffic: the desired height for T-Mobile's antennas was determined to be 150 feet AGL (Above Ground Level) to meet our capacity requirements and coverage objectives.

SITE SELECTION

As a general rule, T-Mobile first looks to determine whether there are existing structures on which it may collocate its wireless facilities. In this instance, Municipal Communications' proposed tower was the ideal location and least intrusive means to achieve the capacity and coverage needs that T-Mobile has in this area, particularly because of the proposed 140 foot height and location. This avoids the need for more than one facility in this area. The propagation plot, attached hereto as Exhibit C, assuming T-Mobile's antenna on that tower at a height of 140 feet AGL, shows 4G coverage from the Busbee & Townpark tower with T-Mobile's existing 4G coverage. As part of the suitability for meeting radio frequency objectives, topography and density of "clutter" (including trees, buildings, and other structures or things that may impede and impact signal strength), were also considered.

PROPOSED SITE MEETING OBJECTIVES

This facility is designed to provide service (which includes voice and data service) in the Townpark area along Chastain Road from I-75 to Bells Ferry Road. Also, this site will provide ample 3G and 4G (third and fourth generation) coverage for high-quality voice and high-speed internet usage and other applications featured with our mobile phone products to use in homes and offices around the above-mentioned areas. This will also ensure that customers can call 911, particularly where there are congestion or coverage issues. Again, the 140-foot (AGL) height is needed not only for the area it is designed to cover but to give enough height above tree level to propagate sufficient signal to our customers who before could not access our network. Exhibit C attached hereto and made a part hereof shows the area covered and coverage achieved with the construction and operation of the proposed facility.

GENERAL INFORMATION

T-Mobile uses an industry recognized radio propagation planning tool, calibrated propagation models, and local topology and surface features data to predict the performance of new sites. Sites are placed to provide optimum coverage and service to our customers, while minimizing the number of antenna facilities for aesthetic and shareholder value reasons. We believe that constructing the new antenna facility on above mentioned raw land is in the best interest of T-Mobile and the surrounding jurisdiction.

CERTIFICATIONS

The proposed facility will not interfere with emergency or public safety communications. I prepared the Exhibits including the coverage plots and the analysis shown on each Exhibit. I hereby certify that the information contained herein is true and correct, to the best of my knowledge, based upon my professional expertise. Attached hereto and made a part hereof as Exhibit F is a true and correct copy of T-Mobile's FCC license.

CONCLUSION

T-Mobile Regional and Corporate Headquarters not only scrutinize every site that is proposed and submitted for Budget approval, but in some cases recommends building cell sites to relieve problem areas, whether it is dropped calls, network congestion, or both, or just covering a new area. T-Mobile is not in the business of building cell sites for the sake of building them, as building sites costs from tens to hundreds of thousands of dollars.

T-Mobile coverage in this area provides additional choices for consumers and access to communications and Public Safety agencies for residents and visitors. I hope you will consider this request favorably.

So certified, this 4th day of October, 2016.

Certified, signed, sealed and delivered in the presence of:



Notary Public

(NOTARY SEAL)



(SEAL)
MARK D. ROBINETTE
Senior RF Engineer T-Mobile USA
One Ravinia Drive, Suite 1000
Atlanta, Georgia 30346



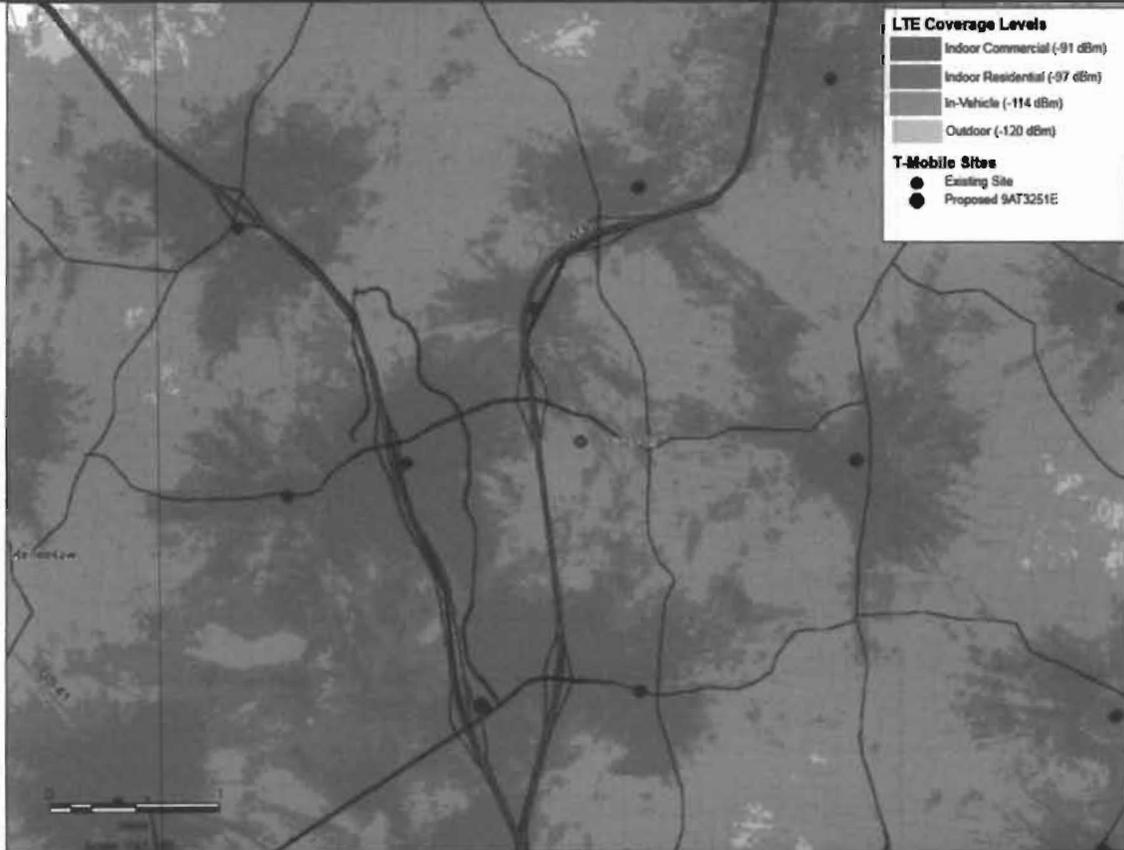
EXHIBIT A

9AT3251 Geographical Service Area



EXHIBIT B

Existing T-Mobile LTE AWS Coverage



T-Mobile Confidential

T-Mobile

EXHIBIT C

**9AT3251E Proposed LTE AWS Coverage (140' AGL)
+ Existing T-Mobile LTE AWS Coverage**

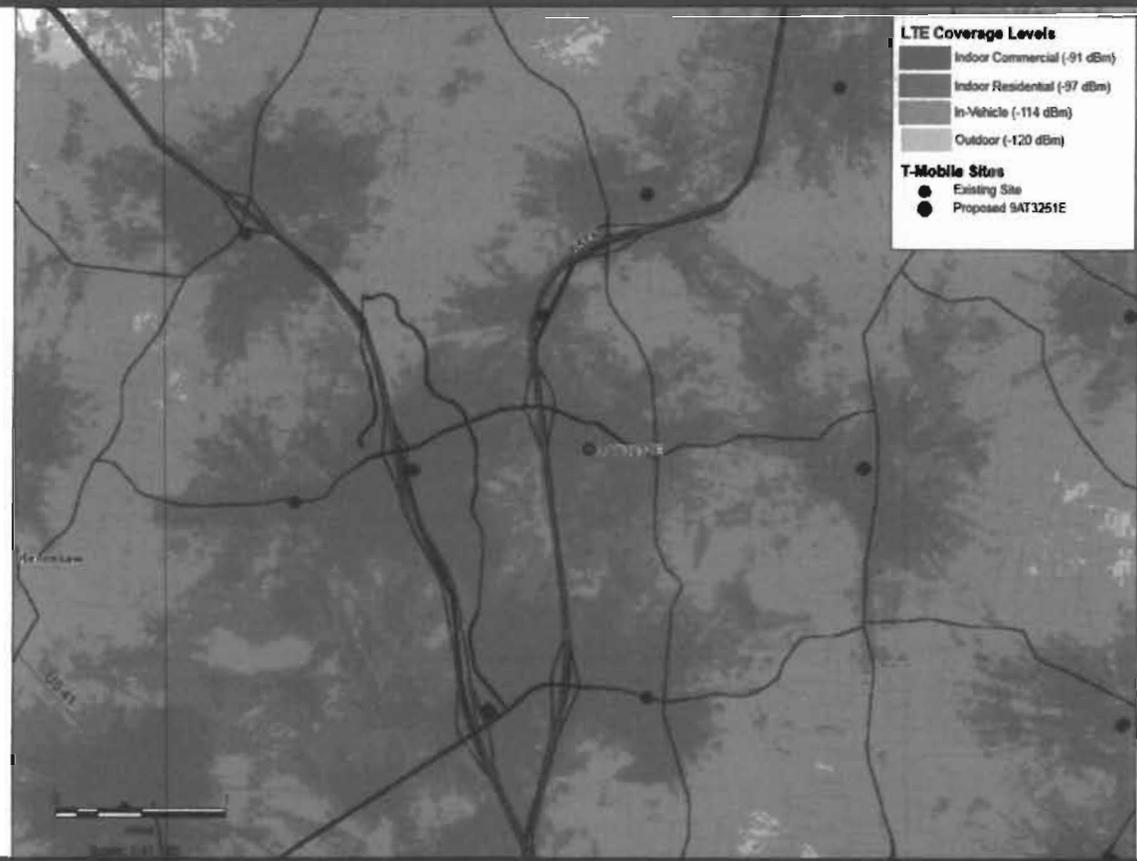


EXHIBIT D

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Wireless Telecommunications Bureau
RADIO STATION AUTHORIZATION

LICENSEE: T-MOBILE LICENSE LLC

ATTN: FCC REGULATORY COMPLIANCE
 T-MOBILE LICENSE LLC
 12920 SE 38TH STREET
 BELLEVUE, WA 98006

Call Sign KNLG285	File Number
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0001565449

Grant Date 06-01-2007	Effective Date 04-22-2014	Expiration Date 04-28-2017	Print Date
Market Number BTA024	Channel Block E	Sub-Market Designator 3	
Market Name Atlanta, GA			
1st Build-out Date 04-28-2002	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

Conditions:
 Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.