



**APPLICANT:** T-Mobile

404-226-8915 Kimberly J. Adams

**REPRESENTATIVE:** Moore Johnson Ingram & Steele, LLP

John H. Moore 770-429-1499

**TITLEHOLDER:** East Cobb Presbyterian Church (PCA), Inc.

**PROPERTY LOCATION:** Located on the southeasterly side of Roswell Road, south of Shady Hill Road.

**ACCESS TO PROPERTY:** Roswell Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing church

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-80/ Single-family house
- SOUTH:** R-20/ Oak Lane Stables
- EAST:** R-20/ Single-family houses
- WEST:** PRD/ East Hampton subdivision

**PETITION NO:** SLUP-15

**HEARING DATE (PC):** 08-05-08

**HEARING DATE (BOC):** 08-19-08

**PRESENT ZONING:** R-80

**PROPOSED ZONING:** Special Land Use Permit

**PROPOSED USE:** 120-Foot Telecommunications Tower

**SIZE OF TRACT:** 8.15 acres

**DISTRICT:** 1

**LAND LOT(S):** 17

**PARCEL(S):** 3

**TAXES: PAID** Exempt **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

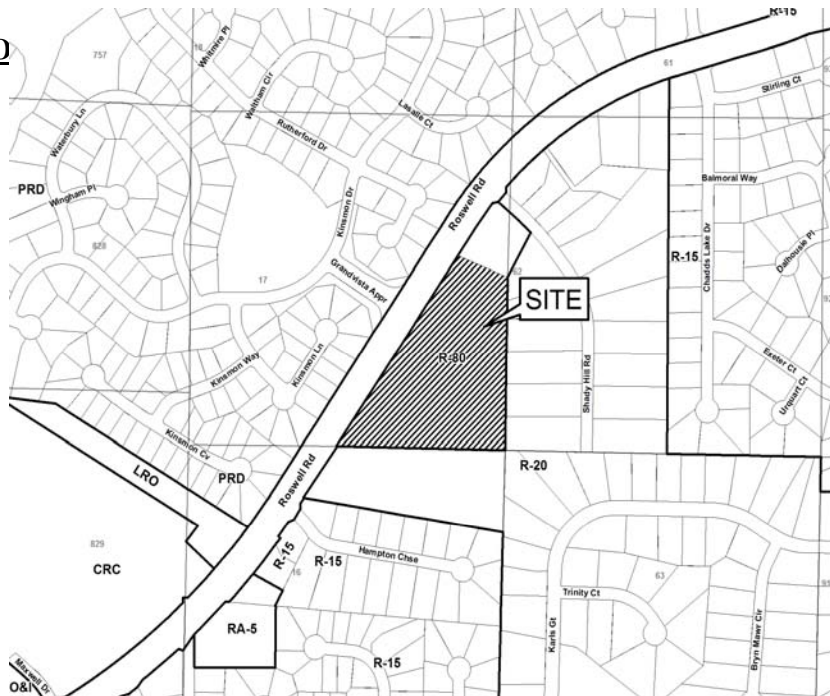
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

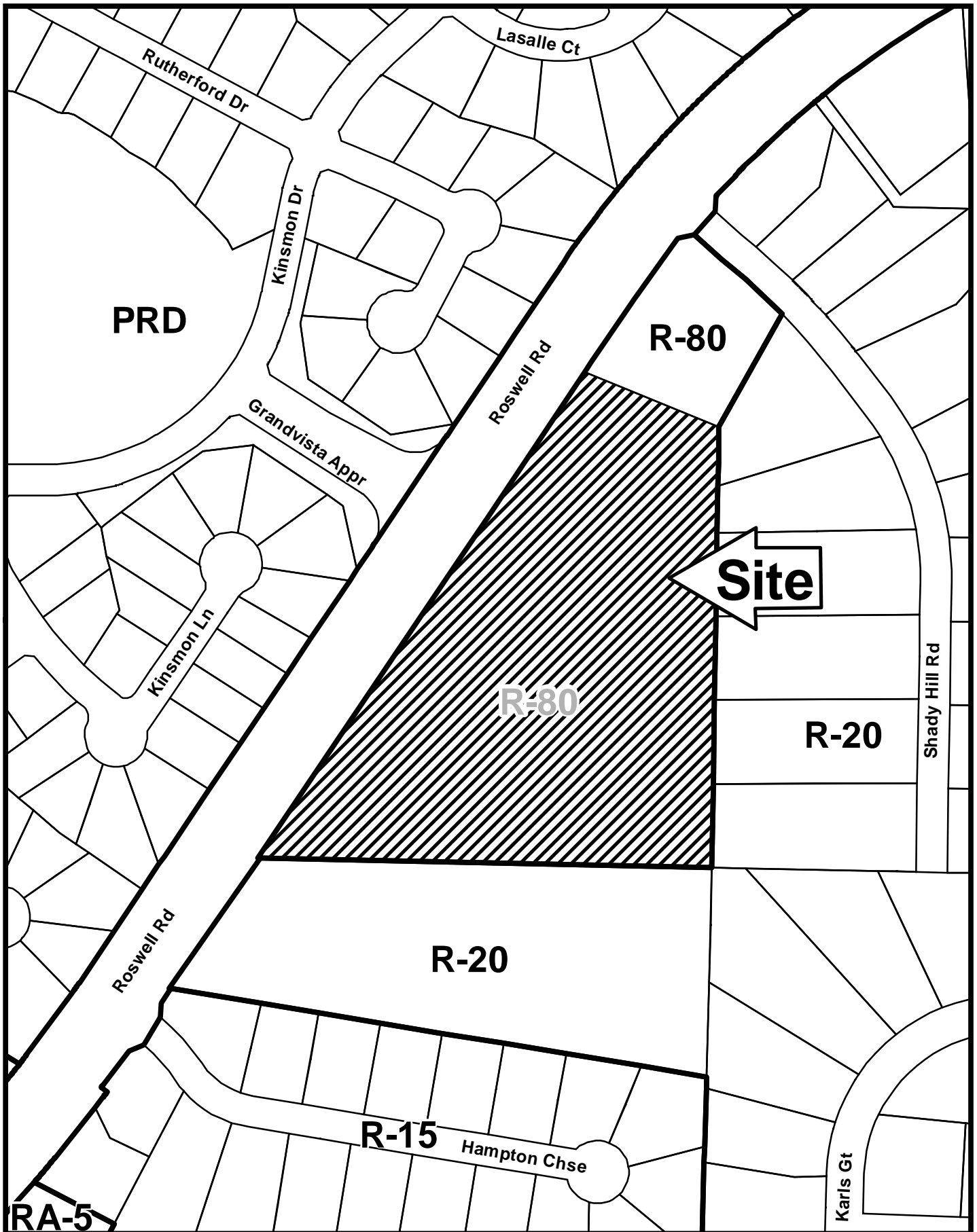
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

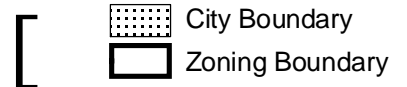
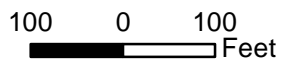
**STIPULATIONS:**



# SLUP-15



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



APPLICANT: T-Mobile

PETITION NO.: SLUP-15

PRESENT ZONING: R-80

PETITION FOR: SLUP

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**PLANNING COMMENTS:** Staff Member Responsible: Mark A. Danneman

The applicant is requesting a Special Land Use Permit for the purpose of erecting a 120-foot telecommunications facility. The tower would be a stealth tower or “unipole” (see Exhibit “B”), with small equipment cabinets located at the base of the structure. Applicant will comply with ordinance requirements for a six-foot fence, and the tower will be designed to accommodate at least two other users. The facility will be maintained on a monthly basis or as needed for emergency service. The proposed tower will be set back a distance of over 138-feet from the closest adjacent residential structure. The applicant has submitted a letter explaining their position (See Exhibit “A”).

**Historic Preservation:** No comment.

**Cemetery Preservation:** No comment.

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**WATER & SEWER COMMENTS:**

Water and sewer not necessary for tower.

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**DEPARTMENT OF TRANSPORTATION COMMENTS:**

Recommend an FAA study.

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**STORMWATER MANAGEMENT COMMENTS:**

If approved, runoff from the lease area must be directed to the existing onsite stormwater management facility.

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\*\*\*\*\*

**FIRE DEPARTMENT COMMENTS:**

Fire Apparatus Access Road

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

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

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

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

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

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

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or slide type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s office.

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## **STAFF RECOMMENDATIONS**

### **SLUP-15     T-MOBILE**

The applicant's proposal is located in an area designated as Public Institutional on the Future Land Use Map. The property is located in an area that contains single-family homes, a horse farm, and is fairly close to the Avenue at East Cobb. For cell towers, non-residential sites are encouraged, and the use of platted lots in residential subdivisions are discouraged, which this proposal complies. The tower is setback its full height from all off-site residential structures, and is designed for additional co-locations, as required by code. The tower look, or profile has changed from a typical tower with exterior antennae, to a stealth unipole, which is much more aesthetically pleasing. Additionally, the property is on a four lane divided highway that already has very tall power lines along the road. Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division on July 2, 2008;
- Fire Department comments;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

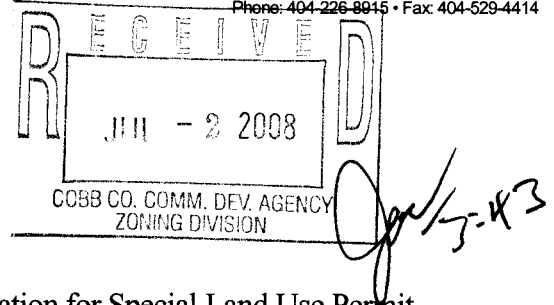
**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**



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

July 2, 2008

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



Re: T-Mobile's Telecommunications Application for Special Land Use Permit  
At East Cobb Presbyterian Church, 4616 Roswell Road, Marietta  
Cobb County Parcel Number 01-0017-0-003-0 - SLUP-15  
(T-Mobile Site "Shady Hill")

Dear Mr. Danneman:

This letter is written in support of T-Mobile's above-referenced special land use permit application for a proposed telecommunications stealth structure facility. T-Mobile proposes to construct a 120 foot stealth unipole facility to provide its FCC mandated wireless telecommunication service to the eastern portion of Cobb County along the Roswell Road corridor and surrounding neighborhoods.

Description of Proposed Stealth Unipole Facility

The subject property consists of an approximately 8.15 acre tract zoned R-80, and T-Mobile proposes to construct stealth unipole tower and wireless telecommunications facility.

The purpose of the proposed stealth unipole facility is to provide requisite wireless telecommunications service to the eastern portion of Cobb County. The existing network is not capable of providing the level of coverage required by the customer base in this portion of the County. Specifically, this proposed site will provide coverage along busy Roswell Road corridor near the Shady Hill Road intersection and the surrounding neighborhoods. In addition to meeting T-Mobile Communications' requisite service needs, the proposed stealth unipole facility will have the added benefit of accommodating one other carrier who could co-locate its antennas on the proposed unipole.

The proposed stealth unipole facility will be sited on the subject property in a manner designed to minimize its impact on any other properties. The proposed facility will be located in a portion of the property that is buffered by mature tree along the southern property line and mature trees and high tension power lines along the between the site and Roswell Road to the west. The setbacks and existing vegetative growth as well as a proposed landscape strip will provide a buffer to screen the view of the stealth unipole facility from adjacent roads and properties.

The proposed stealth unipole has been designed to be as aesthetically attractive and compatible with the surrounding area as possible. The stealth unipole is a single pole with all antennas and equipment enclosed inside the pole so that there is no exterior equipment visible. This alternative structure is selected and designed

to blend in with subject property and surrounding area as it will be located behind the high tension lines running down Roswell Road.

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

There are no existing towers or other tall structures located within or near T-Mobile's requisite service area on which to locate its antennas. Additional justification and documentation have been provided to by T-Mobile's Radio Frequency Engineer to further address this issue. The proposed property was selected because it is of a non-residentially used, large acreage tract that is well buffered with existing mature tree growth thus providing better buffering from the surrounding properties.

#### Compliance with the Zoning Ordinance

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

1. *Setbacks:* The proposed stealth unipole facility meets the Cobb County requirement that the tower be set back a distance equal to the full height of the tower from any adjoining off-site residential structure or as safety dictates. The total tip height of the proposed stealth unipole with lightning rod will not exceed 122 feet, and the closest off-site residential structure is located 138.7 feet from the proposed stealth unipole.
2. *Accessory Structure:* There will be a small unmanned equipment cabinet at the base of the proposed stealth unipole that will house T-Mobile's switch equipment and is appropriate in scale and intensity with the proposed site.
3. *Fencing:* The proposed stealth unipole facility will be surrounded by security fencing to prevent unauthorized access to the site. T-Mobile proposes to utilize a eight foot tall wooden privacy fence to surround the proposed compound.
4. *Regulatory Compliance:* The proposed stealth unipole facility will meet or exceed all requirements and standards of the FAA, the FCC, and other governing agencies as may be established and amended.
5. *Structural Compliance:* As required by the Cobb County Zoning Ordinance, at the time of filing for building permit, tower drawings for the stealth unipole will be submitted that have been certified by an independent registered structural engineer as meeting all current safety and design standards of all applicable codes.
6. *Collocation:* T-Mobile has explored the usage of any existing towers and there are no such towers located in or near the area to meet T-Mobile's coverage objectives. Therefore, a new tower is required,



but the proposed stealth unipole will be constructed to accommodate an additional carrier so that it may collocate on the facility as well.

7. *Nonresidential Sites:* The proposed facility is in compliance with the Code requirement encouraging the usage of non-residential sites and discouraging the usage of platted residential subdivision lots. Although the subject property is residentially zoned, it is a multi-acreage lot that is the site of East Cobb Presbyterian Church which is not a residential use.
8. *Height:* The proposed stealth unipole height of 120 feet (122 feet with lightning rod) is the minimum height required to meet T-Mobile's coverage objectives for this area.
9. *Abandonment:* In the unlikely event that T-Mobile should cease operation at this site for a twenty-four month period, T-Mobile understands the special land use permit will be revoked.
10. *Landscaping:* The proposed stealth unipole facility is in compliance with the requirement that a 40 foot setback, 15 feet of which must be a landscape strip, be provided when adjoining residentially zoned property. The proposed facility is located at least 50 feet from all property lines and will be surrounded by a 15 landscape buffer that complies with Cobb County's tree and landscaping requirements. The minimum height of the proposed landscaping trees will be five feet tall at the time of planting, and it will be regularly maintained.

Finally, T-Mobile has submitted all of the requisite application materials including but not limited to the proposed site plan, T-Mobile's coverage plots and site objective report, and Section 106 Report.

#### Critical Need for This Cell Site

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

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

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

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

Statement of Constitutional Rights

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

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

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

Failure to grant the requested special land use permit would be unconstitutional and would constitute a taking of property without just and adequate compensation and without due process of law in violation of the Fourteenth Amendment to the United States Constitution and Article 1, Section 1, Paragraph 1 and Article 1, Section III, Paragraph 1 of the Constitution of Georgia. A denial of the requested special land use permit would also be unconstitutional because it would discriminate in an arbitrary and capricious manner between T-Mobile and the owner of the subject property and owners of similarly situated property in violation of Article 1, Section III, Paragraph III of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Such denial would deprive T-Mobile and the property owner of their liberty and property rights. Such action would not substantially advance legitimate state interests but would cause T-Mobile and the property owner significant detriment.

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

Very truly yours,

T-Mobile South LLC



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

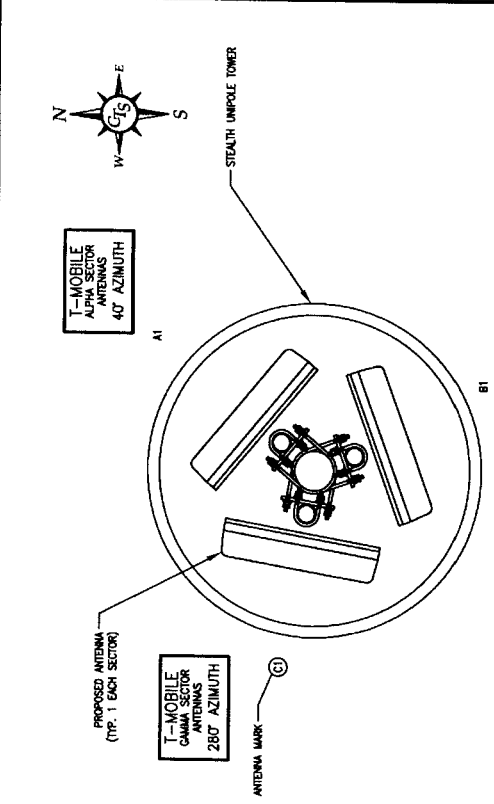
COMPASS  
 Technology Services  
 1400 Lake Park Road  
 Atlanta, Georgia 30322  
 770.231.2000 FAX: 770.231.2001  
 WWW.COMPASS-TS.COM

NO.	DATE	REVISIONS	BY
A	02/09/09	ZONING	JTV
B	02/09/09	ZONING	JTV
C	02/09/09	ZONING	JTV

REGISTERED PROFESSIONAL ENGINEER  
 W.M. PRATHER  
 No. 10114  
 State of Georgia

T-Mobile South, LLC  
 FOUR CONCOURSE PARKWAY, SUITE 300  
 ATLANTA, GEORGIA 30328  
 PHONE: (770) 604-8980  
 FAX: (770) 350-3048

DATE	DESCRIPTION
02/09/09	ISSUED FOR PERMIT
02/09/09	ISSUED FOR PERMIT
02/09/09	ISSUED FOR PERMIT



NOTES:  
 1. ALL ANTENNAS, CABLES, AND MOUNTS SHALL BE INSTALLED IN ACCORDANCE WITH THE TOWER ENGINEER'S RECOMMENDATIONS IN A MANNER CONSISTENT WITH THE STRUCTURAL ANALYSIS REPORT.  
 2. THIS ANTENNA ORIENTATION PLAN IS SCHEMATIC. THE CONTRACTOR SHALL VERIFY TOWER ORIENTATION AND FIELD COORDINATE REQUIRED ADJUSTMENTS TO ACHIEVE THE DESIRED ANTENNA AZIMUTHS.  
 3. TOWER STRUCTURAL ANALYSIS BY OTHERS.

1. TOWER ELEVATION  
 SCALE: NOT TO SCALE

2. ANTENNA ORIENTATION  
 SCALE: NOT TO SCALE

3. ANTENNA & COAXIAL CABLE SCHEDULE  
 SCALE: N/A

ANTENNA MARK	SECTOR	ANTENNA MODEL #	COAX FEED LOCATION (G-MOUNT)	COAX COLOR CODE	TECHNOLOGY CONFIGURATION	RAD CENTER	COAXIAL CABLE SIZE - LENGTH	TMA MODEL AND QUANTITY	DOWN TILT ANGLE
A1	A	APY18-206175-C-400	BOTTOM	1 RED	Rx / Tx	116°	1 5/8" - 1 X 145'	1 - RRY-11271/2	0° Z
A2	A	APY18-206175-C-400	BOTTOM	1 RED / 1 BROWN / 1 RED / 2 BROWN	Rx / Tx / Rx (FUTURE Tx)	106°	1 5/8" - 1 X 140'	1 - RRY1412B-1A20	0° Z
B1	B	APY18-206175-C-400	BOTTOM	1 BLUE / 1 WHITE	Rx / Tx	116°	1 5/8" - 1 X 145'	1 - RRY-11271/2	0° Z
B2	B	APY18-206175-C-400	BOTTOM	1 BLUE / 1 BROWN / 1 BLUE / 2 BROWN	Rx / Tx / Rx (FUTURE Tx)	106°	1 5/8" - 1 X 140'	1 - RRY1412B-1A20	0° Z
C1	C	APY18-206175-C-400	BOTTOM	1 GREEN / 1 WHITE	Rx / Tx	116°	1 5/8" - 1 X 145'	1 - RRY-11271/2	0° Z
C2	C	APY18-206175-C-400	BOTTOM	1 GREEN / 1 BROWN / 1 GREEN / 2 BROWN	Rx / Tx / Rx (FUTURE Tx)	106°	1 5/8" - 1 X 140'	1 - RRY1412B-1A20	0° Z

