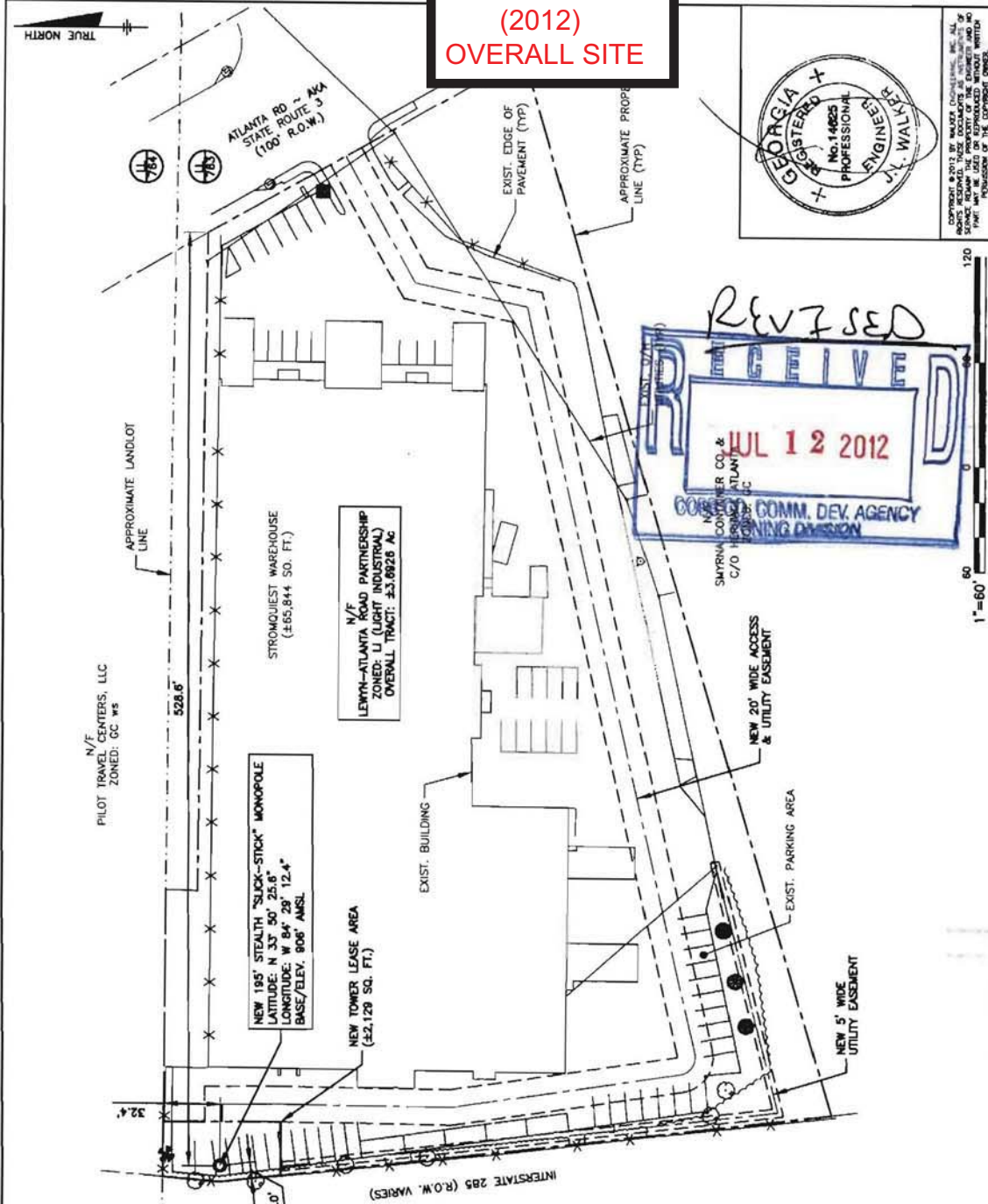


**SLUP-3
(2012)
OVERALL SITE**



REGISTERED PROFESSIONAL ENGINEER
No. 14825
KYLE WALKER

COMPANY & 2012 BY WALKER ENGINEERING, INC. ALL RIGHTS RESERVED. THESE DOCUMENTS ARE THE PROPERTY OF WALKER ENGINEERING, INC. AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON WITHOUT THE WRITTEN PERMISSION OF THE CONTRACT OWNER.

SITE NO.	ATL023
DATE	09/18/12
SCALE	1110-0702T
C3	

IN CHARGE OF:	JUL
DESIGNED BY:	MSB
DRAWN BY:	MSB
CHECKED BY:	STH

**ATLANTA ROAD
4620 ATLANTA ROAD
SMYRNA, GA 30080
OVERALL SITE PLAN**

NO.	DATE	REVISIONS
2	06/18/12	REVISED PER COMMENTS
1	05/29/12	REVISED PER COMMENTS
0	06/18/12	ISSUED FOR CONSTRUCTION

WALKER ENGINEERING INCORPORATED
8451 DUNWOODY PLACE
DUNWOODY, GA 30338
PHONE: 770-433-2006
FAX: 770-587-2156

- GENERAL NOTES:**
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 CONTROLS DURING ALL PHASES OF CONSTRUCTION FOR 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 SHOWN ON THIS DRAWING. THEY ARE BASED UPON RECORDS FROM VARIOUS UTILITY COMPANIES, 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 CLEARING. 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 LEAVE IN PLACE ANY AND ALL UTILITIES OR OTHER TYPE OF DEBRIS THAT COMES OFF THEIR SITE AND ENDS UP 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 FOR HAULING EQUIPMENT AND/OR MATERIALS TO AND FROM THE SITE. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGES TO THE STREETS AND/OR UTILITIES DUE TO NON-COMPLIANCE OF WEIGHT LIMIT REGULATIONS.

PREPARED BY:

**Municipal
Communications**
LLC

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PAGE

INTENTIONALLY

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APPLICANT: Municipal Communications, LLC
404-556-0139

REPRESENTATIVE: James M. Ney 770-661-1202
Holt Ney Zatzoff & Wasserman, LLP

TITLEHOLDER: Lewyn – Atlanta Road Partnership

PROPERTY LOCATION: West side of Atlanta Road, northwesterly
of Old Atlanta Station Drive; and on the east side of I-285
(4620 Atlanta Road).

ACCESS TO PROPERTY: Atlanta Road

PHYSICAL CHARACTERISTICS TO SITE: Existing distribution
warehouse center

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Pilot Travel Center
- SOUTH:** GC/Office Warehouse
- EAST:** GC/Retail Shops
- WEST:** I-285 and PVC/Flats at West Village

PETITION NO: SLUP-3

HEARING DATE (PC): 08-07-12

HEARING DATE (BOC): 08-21-12

PRESENT ZONING: LI

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Wireless Communications
Tower and Antennas

SIZE OF TRACT: 3.6926 acres

DISTRICT: 17

LAND LOT(S): 763

PARCEL(S): 13

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

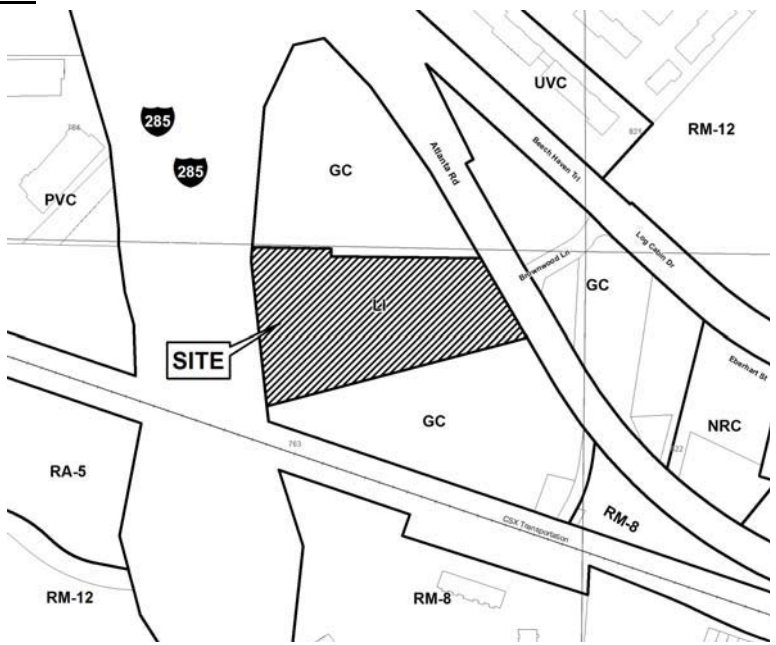
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

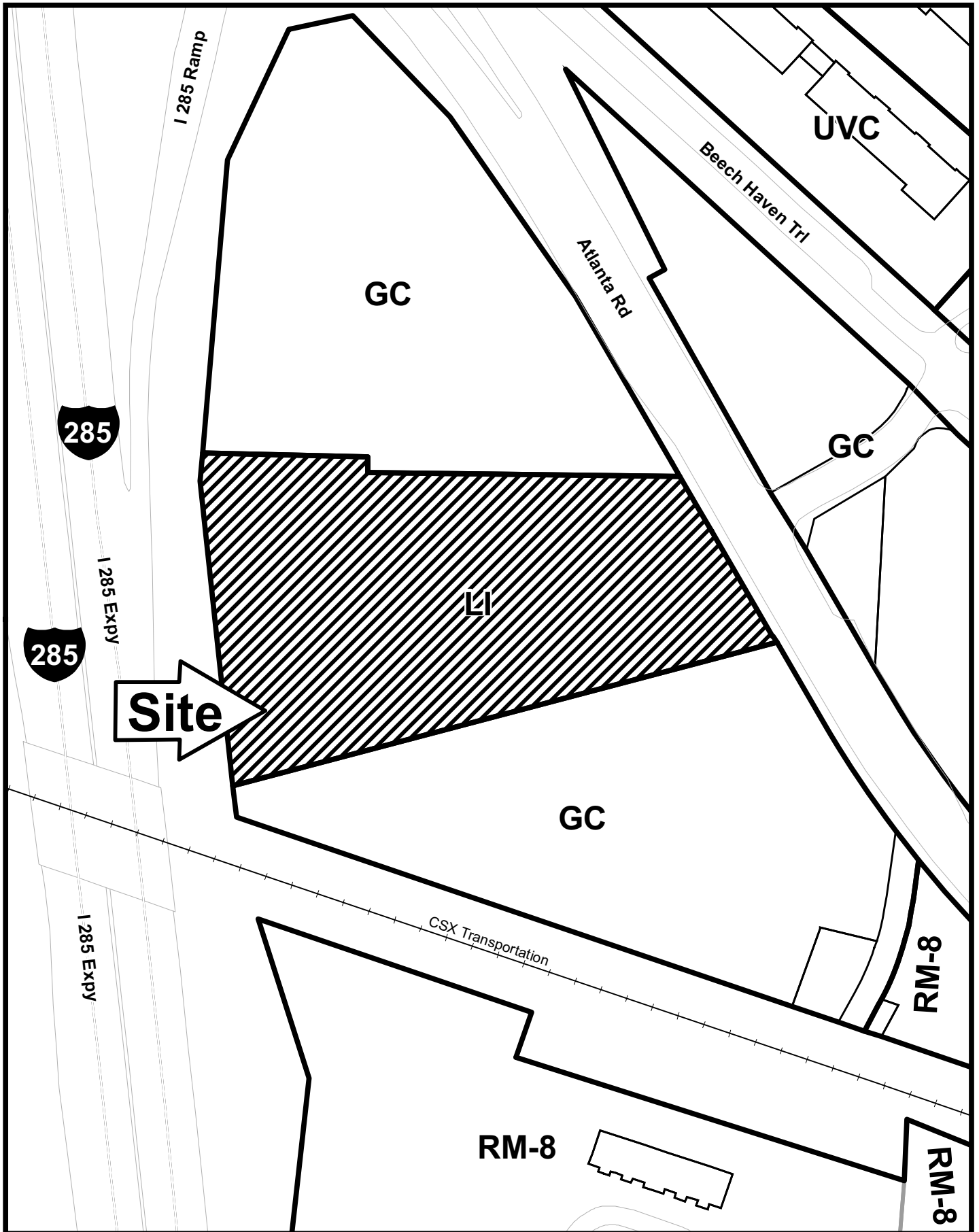
HELD _____ **CARRIED** _____

REJECTED _____ **SECONDED** _____

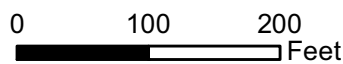
STIPULATIONS:



SLUP-3



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-3

PRESENT ZONING: LI

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit for the purpose of erecting a 195-foot wireless communications tower. The proposed site plan indicates three areas for future tenants within the proposed lease area and the elevation of the proposed tower indicates the tower will support four users. The tower location will be near the western property line closest to I-285 of this property that serves as a distribution/warehouse center. The lease area will be enclosed with a six-foot high chain link fence with three strands of barbed wire. Since the tower does not abut residentially zoned property, no landscape buffer is required. The applicant submitted the required coverage location maps and as part of the application process, the application package was forwarded to the outside engineering consultant hired to render an opinion. On August 21, 2012, the Zoning Division received a favorable report from the outside engineering consultant. Said report is on file with the Zoning Division.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments.

TRAFFIC COMMENTS:

Recommend FAA7460 Airspace study.

Recommend applicant coordinate with GDOT prior to development plan approval to ensure compatibility with the proposed Atlanta Road Interchange project.

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

FIRE 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-3

PRESENT ZONING: LI

PETITION FOR: SLUP

DRAINAGE COMMENTS

No comments. Facility will be located over existing pavement with no increase in impervious surface or runoff.

STAFF RECOMMENDATIONS

SLUP- 3 MUNICIPAL COMMUNICATIONS, LLC

Applicant's proposal for a 195-foot wireless communications facility will be located on a property zoned Light Industrial (LI), closest to the northwestern portion of the property near I-285. The application included site plans of the overall tract and the lease area, maps and elevation renderings of the proposed tower that were forwarded to the outside engineering consultant as required by the Zoning Ordinance. Based on the above analysis and the favorable recommendation of the outside engineering consultant, staff recommends APPROVAL of this application subject to the following stipulations:

- Revised site plan received by the Zoning Division on July 12, 2012, with the District Commissioner approving minor modifications;
- Traffic Comments in this analysis; and
- Outside engineering consultant's recommendations from the report on file in the Zoning Division that include: (1) The Applicant provide the County with an approved NEPA and SHPO analysis and plan; (2) The Applicant agrees to construct the facility to accommodate the wireless facilities o no less than six cellular /PCS antenna arrays of like design and no less than two wireless broadband antenna arrays of like design; (3) The Applicant attest the monopole structure shall have all antenna/feedline ports sufficiently secured to prevent access and nesting by birds and other wildlife; (4) The Applicant attest the facility will be secure from trespass by any unauthorized individuals; and (5) The Applicant and all wireless service providers provide to the County signed documentation of compliance with all FCC rules regarding interference to other radio services and that all wireless service providers will comply with all FCC rules regarding human exposure to radio frequency energy.

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



Re: Application For Special Land Use Permit
Applicant: Municipal Communications, LLC
Property: 4620 Atlanta Road, Smyrna, Cobb County, Georgia

ANALYSIS OF ZONING STANDARDS IN SUPPORT OF MUNICIPAL COMMUNICATION, 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 by no means be any significant adverse impact on the neighborhood or area in which the proposed Facility will be located. In this instance, the Facility will be tucked behind a warehouse, visible only at a glimpse by passers-by on I-285 who are speeding through town. Given that the contiguous properties are zoned and used for warehousing and gas station uses, there is little impact on the area in which the Facility will be located. 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, which encourages the location of towers in non-residential sites where possible and discourages the use of platted lots in an existing subdivision. In this case, the Facility will be located on property that is not used for residential purposes and which is surrounded by non-residential uses. 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. (By comparison, the closest tower to the Site, in West Village, is located immediately adjacent to single and multi-family uses.)

If the Board decides to reject the Application, Applicant will be forced to renew its search for property on which it may locate the proposed Facility. In that case, if Applicant is not allowed to locate the Facility on the Site, it may be forced to locate a tower on residentially used property down Atlanta Road. Likewise, 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 T-Mobile as it could achieve with the proposed Facility. Multiple towers, including the potential of one or more located on residentially used property, 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. The proposed Facility will be located on

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.

Analysis of Zoning Standards in Support of
Municipal Communications, LLC's SLUP Application
June 5, 2012
Page 2

an industrially zoned and used property that is not located within a particular "neighborhood" (or, at best, is located in a "neighborhood" of light industrial uses), and is otherwise compatible with the area.

(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.

(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 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.

Instead, 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. 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. 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. There is more than ample parking on the Property for both the warehousing and Facility uses. Accordingly, if the Board grants the Application, there will be no negative impact on parking or traffic in this area.

Analysis of Zoning Standards in Support of
Municipal Communications, LLC's SLUP Application
June 5, 2012
Page 3

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

As described in the 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 of the use of the Property.

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

Given the existing LI zoning and use of the Property and given the immediately surrounding business uses and zonings, the Facility is a compatible business use. Accordingly, there is no need for the Applicant to address the Board's general presumption in this instance.

(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 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. Even taking into account the initial construction traffic to the Site, there will be less delivery traffic than the property to the south, which is a distribution center and the property to the north, which is a gas station/convenience store.

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

Given the location of the Facility in the rear (or west) of the Property, behind the existing warehouse building and in an area that is already largely paved, and given that the immediately adjacent properties are I-285, a gas station and convenience store and a warehouse/distribution center, installing landscaping around the Site would not be a transition, but rather would be out of place in the midst of an already improved Property.

(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.

Analysis of Zoning Standards in Support of
Municipal Communications, LLC's SLUP Application
June 5, 2012
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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 weigh in support of granting the Application.

First, with respect to the proximity of the tower to offsite residential structures and areas, this Facility has the benefit of being close enough to provide some service to offsite residential structures located to the south (the nearest being the townhomes several properties away) and to the east, across Atlanta and Log Cabin Roads, while at the same time being tucked within a distinctly commercial and industrial area. There are already existing use transitions and buffers between the proposed tower location, immediately adjacent to I-285, and any off-site residential structures or areas.

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, although the Property does have some trees and greenery at the rear property line abutting I-285, it is generally nondescript. Some of this will be removed to allow for the location of the Facility, including the fencing to surround the Site. Generally there is not a surrounding "tree line" per se as the general area is existing commercial, warehouse and Interstate improvement.

Fourth, the existing Stromquist warehouse building on the Property is approximately 55 feet high and will effectively block and screen all ground equipment, fencing and the like on three sides of the Site. The ground and accessory equipment of the Facility will be visible from the west (or I-285) side of the site, but no more visible than the gas station or other improvements already are.

Fifth, the aesthetic design of the tower is a monopole which will be a light gray/steel color generally with antenna arrays at the top location. 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 and other nearby tower facilities.

Finally, given that the proposed tower will be located in an already improved area, essentially at the intersection of I-285 and Atlanta Road, will billboards, travel center and other signs and utilities crowding the visual scene of the area, there will be no interruption of the scenic view or quality of the area. Instead, once constructed, this Facility will blend in with the surrounding commercial and industrial improvements already in the area.

(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.

Analysis of Zoning Standards in Support of
Municipal Communications, LLC's SLUP Application
June 5, 2012
Page 5

- (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.**

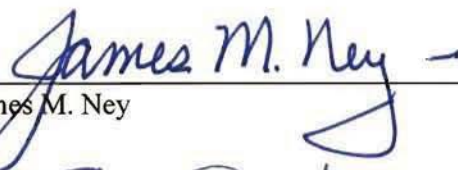
In addition to this Zoning Analysis, Applicant has submitted the following in support of the Application:

- (a) Application for Special Land Use Permit, Cobb County Georgia form, including original notarized signature of Owner and Applicant's representatives;
- (b) a copy of the Property warranty deed to Owner;
- (c) metes and Bounds legal description of Property and Site (including access and utilities easements);
- (d) copy of the paid tax receipt for the Property;
- (e) the Statement;
- (f) Site Plans (including survey and scaled elevation drawing of proposed tower);
- (g) RF Engineer's Affidavit and Analysis;
- (h) Documentation of all towers within a three-mile radius of the proposed Facility (per Zoning Ordinance Section 134-273(3)(m));
- (i) Application and Consultant Fees (\$6,000.00); and
- (j) Sign Deposit and Fees (\$318.00).

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.

Respectfully Submitted,

HOLT NEY ZATCOFF & WASSERMAN, LLP

By: 
James M. Ney

By: 
Ellen W. Smith

Attorneys for Municipal Communications, LLC

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 jnev@hnzw.com

Ellen W. Smith

e-mail esmith@hnzw.com

July 12, 2012



BY HAND DELIVERY

Zoning Division

Community Development Agency

Cobb County, Georgia

1150 Powder Springs Street, Suite 400

Marietta, Georgia 30064

Re: Application for Special Land Use Permit No. SLUP-3 (2012), Cobb County, Georgia by Municipal Communications, LLC ("**Applicant**") for a wireless communications facility (the "**Application**") to be located at 4620 Atlanta Road, Smyrna, Georgia 30080 (the "**Property**")

PROPOSED CONDITIONS TO SLUP

Ladies and Gentlemen:

As you know, this law firm has the pleasure of representing Applicant with respect to the Application.¹ After discussing the Application with the County, Applicant has agreed that if the Board of Commissioners approves the Application, Applicant agrees that it will comply with the following conditions to the SLUP:

- A. The tower structure shall be a "slick-stick" (alternative design) instead of a standard monopole design. (This new design is shown on the enclosed, revised construction drawings.)
- B. The existing 36-foot "COW" (cellular on wheels) currently located at 4359, W. Atlanta Road SE, Smyrna, Georgia (at the Ace Hardware property) shall be decommissioned and removed upon completion of the construction of the proposed new facility and when T-Mobile is on air.
- C. In the event that all of or a significant part of the property adjacent to the Property to the north and owned by Pilot Travel Centers, LLC (the "**Pilot Property**") is condemned, taken or its use changed to a non-commercial utilization, then

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Statement of Proposed Site Improvements submitted with the Application.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
July 12, 2012
Page 2

Applicant shall submit to Cobb County a landscape plan providing for the landscaping on the northern and eastern perimeters of the Site. Such landscaping plan would be subject to the approval of the Cobb County arborist and would be implemented after such approval is provided.

- D. The existing trees and vegetation along the western side of the proposed lease area (cell tower site) will be disturbed as little as possible in order to preserve the visual screening supplied by said trees and vegetables.

In addition, in an effort to address concerns surrounding landscaping even if the Pilot Property remains used as a travel center or other commercial use, Applicant is proposing to maintain the existing vegetation and trees to the greatest extent possible, and has revised the design of its Site to reflect this landscaping maintenance.

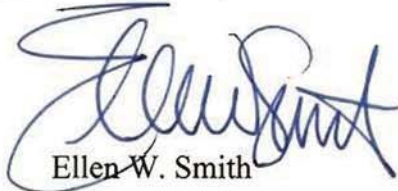
These conditions are reflected in the revised site plans submitted in support of the Application concurrently herewith under separate cover letter.

We respectfully request that these conditions be made part of the Board's approval of the Application. Thank you.

Sincerely,



James M. Ney



Ellen W. Smith

JMN/EWS/ews
Enclosures

cc: The Honorable Bob Ott, District Two Commissioner
Mr. Peter Corry