

SLUP-9  
(2014)



NO.	DATE	REVISION
1	11/19/2013	REVISED EASEMENT SURVEY
2	12/19/2013	ADD TITLE UPDATE EDITION

POINT TO POINT LAND SURVEYORS  
810 Jackson Street  
Locust Grove, Georgia 30248  
404.444.4440 (t) 678.565.4497  
pointtosurvey.com



MEASUREMENT SURVEY PREPARED FOR:  
**MUNICIPAL COMMUNICATIONS, LLC**  
3405 FREEMONT ROAD, NE  
ELEVEN FREEMONT CENTER  
SUITE 411  
ATLANTA, GA 30305

\*GA2368\*  
LAND LOTS 365 AND 428,  
16TH DISTRICT,  
COBB COUNTY, GEORGIA

DRAWN BY: WW  
CHECKED BY: AL  
APPROVED: C. MER  
DATE: NOVEMBER 15, 2013  
P27 JOB # 2013.1039 OF 1



VICINITY MAP  
NOT TO SCALE

**GENERAL NOTES**

THE EASEMENT SURVEY WAS PREPARED FOR THE EGRESS AND UTILITY PURPOSES OF THE SUBJECT PROPERTY AND THE RIGHTS OF EASEMENT SHOWN HEREON SHALL NOT BE USED AS AN INSTRUMENT FOR THE TRANSFER OF THE SUBJECT PROPERTY FROM ANY POSITION OR PORTION THEREOF.

THE SURVEY WAS CONDUCTED ON NOVEMBER 13, 2014.

THE POINTS USED FOR THIS SURVEY ARE AS SHOWN ON THE SURVEY PLAT AND THE POINTS OF THE SUBJECT PROPERTY ARE AS SHOWN ON THE SURVEY PLAT.

THE PLAT HAS BEEN CALCULATED FROM CLOSE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 10,000 FEET.

THE Z CONTROLS SHOWN ON THIS EASEMENT SURVEY ARE ALIGNED TO THE DATUM AND HAVE A VERTICAL ACCURACY OF ± 1. CONTROLS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS EASEMENT SURVEY ARE BASED ON ONE NORTH AND ONE GEORGIA WEST ZONE.

NO PORTION OF THIS PROPERTY IS COVERED BY A SPECIAL FLOOD AREA AS PER FEDERAL COMMUNITY PANEL NO. 1306 (EFFECTIVE DATED MARCH 04, 2013).

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED AT THE SURVEY. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE GEORGIA BOARD OF SURVEYING AND MAPPING FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT (O.C.G.A. 18-6-67).

CERTIFICATE OF AUTHORIZATION: LP80043

**SITE INFORMATION**

PROPOSED LEASE AREA = 3,600 SQUARE FEET (0.0826 ACRES)  
LATITUDE = 34°02'08.37" (NAD 83)  
LONGITUDE = 84°33'30.34" (NAD 83)  
ELEVATION AT CENTER OF PROPOSED LEASE AREA = 397.0' A.M.S.L.

**PROPOSED LEASE AREA**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 365 AND 428 OF THE 16TH DISTRICT OF COBB COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED ON THE SOUTHWESTERLY RIGHT-OF-WAY OF CHASTAIN ROAD HAVING AN APPARENT 100-FOOT RIGHT-OF-WAY AND THE EASTERLY MARGIN OF A 50-FOOT WIDE ROAD EASEMENT (SAND EASEMENT BEING MORE PARTICULARLY DELINEATED ON THAT PLAT RECORDED IN PLAT BOOK 57, PAGE 143, RECORDS OF COBB COUNTY, GEORGIA), THENCE ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHASTAIN ROAD AND RUNNING WEST 12.97 FEET TO A POINT; THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHASTAIN ROAD AND RUNNING SOUTH 02°52'31" WEST 218.03 FEET TO A POINT; THENCE, SOUTH 86°10'53" EAST, 138.43 FEET TO A POINT; THENCE, SOUTH 78°06'42" EAST, 13.01 FEET TO A POINT; THENCE, SOUTH 00°03'36" EAST, 72.95 FEET TO A POINT; THENCE, SOUTH 38°03'53" EAST, 25.00 FEET TO A POINT; THENCE, NORTH 51°56'07" EAST, 30.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE, SOUTH 38°03'53" EAST, 60.00 FEET TO A POINT; THENCE, SOUTH 51°56'07" WEST, 60.00 FEET TO A POINT; THENCE, NORTH 38°03'53" WEST, 60.00 FEET TO A POINT; THENCE, NORTH 51°56'07" EAST, 60.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.0826 ACRES (3,600 SQUARE FEET), MORE OR LESS.

**PROPOSED 20' INGRESS-EGRESS AND UTILITY EASEMENT**

TOGETHER WITH A PROPOSED 20-FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT LYING AND BEING IN LAND LOT 365 OF THE 16TH DISTRICT OF COBB COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED ON THE SOUTHWESTERLY RIGHT-OF-WAY OF CHASTAIN ROAD HAVING AN APPARENT 100-FOOT RIGHT-OF-WAY AND THE EASTERLY MARGIN OF A 50-FOOT WIDE ROAD EASEMENT (SAND EASEMENT BEING MORE PARTICULARLY DELINEATED ON THAT PLAT RECORDED IN PLAT BOOK 57, PAGE 143, RECORDS OF COBB COUNTY, GEORGIA), THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHASTAIN ROAD, THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHASTAIN ROAD, NORTH 86°11'40" WEST, 17.97 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHASTAIN ROAD AND RUNNING, SOUTH 02°52'31" WEST, 218.03 FEET TO A POINT; THENCE, SOUTH 86°10'53" EAST, 138.43 FEET TO A POINT; THENCE, SOUTH 78°06'42" EAST, 13.01 FEET TO A POINT; THENCE, SOUTH 00°03'36" EAST, 72.95 FEET TO A POINT; THENCE, SOUTH 38°03'53" EAST, 25.00 FEET TO THE ENDING AT A POINT.

N/F  
MCCAMMY ROBERT J  
PIN: 160428000220  
ZONED: NS

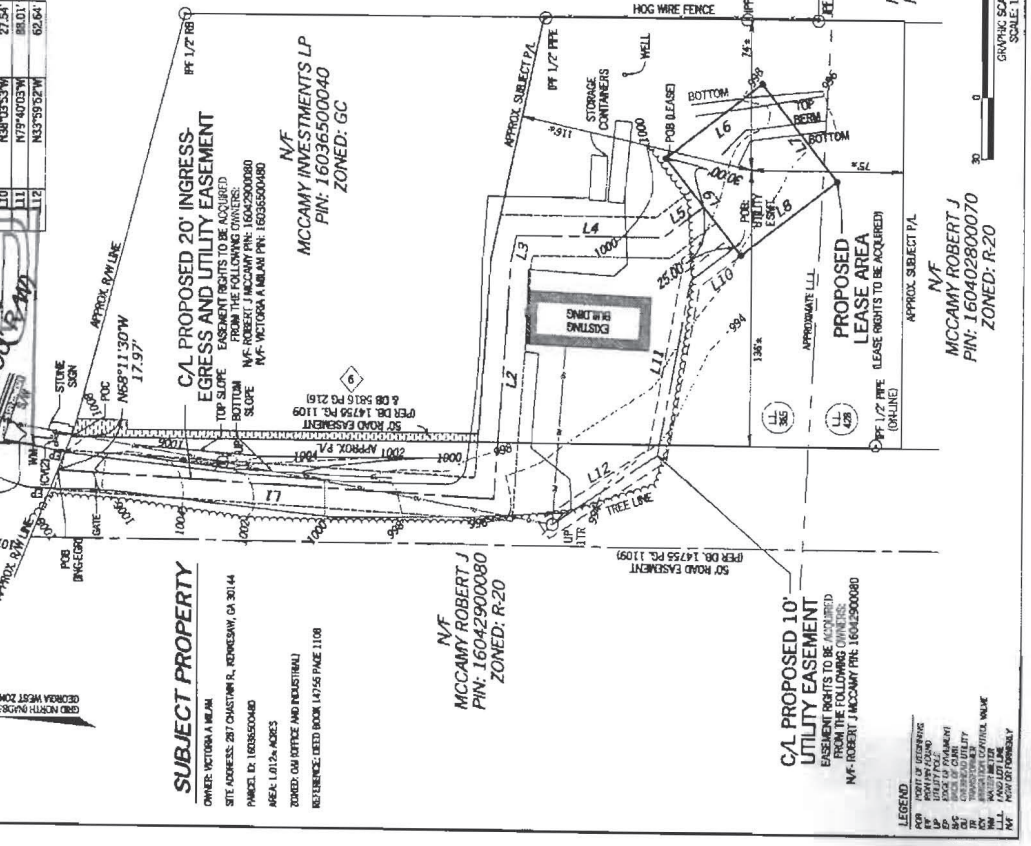
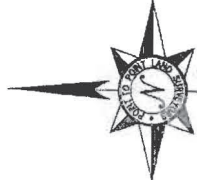
N/F  
MCCAMMY ROBERT J  
PIN: 16042800010  
ZONED: NS

N/F  
MCCAMMY ROBERT J  
PIN: 160402800070  
ZONED: R-20

LINE	BEARING	DISTANCE
1	S02°52'31" W	218.03
2	S86°10'53" E	138.43
3	S78°06'42" E	13.01
4	S00°03'36" E	72.95
5	S38°03'53" E	25.00
6	S51°56'07" W	60.00
7	S86°10'53" E	60.00
8	N02°52'31" W	60.00
9	N51°56'07" E	60.00
10	N38°03'53" E	27.54
11	N51°56'07" W	60.00
12	N53°53'53" W	62.64

REVISED

JUN 13 2014  
COBB CO. COMM. DEV. & ZONING DIVISION



**APPLICANT:** Municipal Communications, LLC

(404) 995-1890

**REPRESENTATIVE:** James M. Ney (770) 661-1202

Holt Ney Zatzoff & Wasserman, LLP

**TITLEHOLDER:** Victoria A. Milam

**PROPERTY LOCATION:** South side of Chastain Road, east of I-575  
(287 Chastain Road).

**ACCESS TO PROPERTY:** Chastain Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing business on  
a wooded lot

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** GC, LRO, NS/ wooded, Resurgens office park, Church

**SOUTH:** R-20/ wooded

**EAST:** NS/ wooded

**WEST:** R-20/ wooded

**PETITION NO:** SLUP-9

**HEARING DATE (PC):** 05-06-14

**HEARING DATE (BOC):** 05-20-14

**PRESENT ZONING:** O&I  
with Stipulations

**PROPOSED ZONING:** Special Land  
Use Permit

**PROPOSED USE:** Telecommunications  
Tower and Related Equipment

**SIZE OF TRACT:** 0.96 acre

**DISTRICT:** 16

**LAND LOT(S):** 365, 428

**PARCEL(S):** 48

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_ **REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

**BOARD OF COMMISSIONERS DECISION**

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

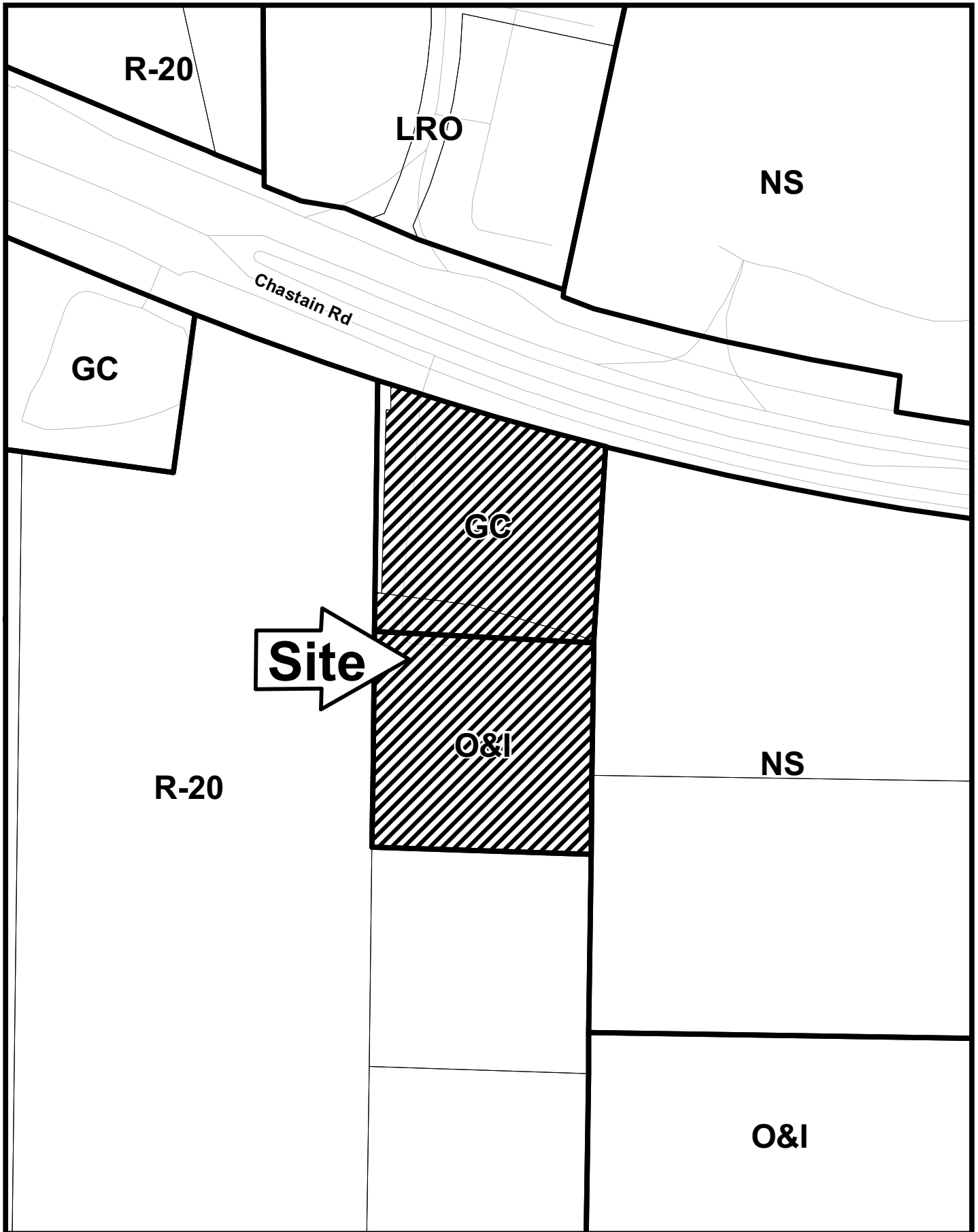
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

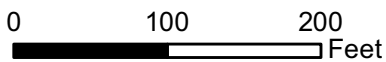
**STIPULATIONS:**



# SLUP-9



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



City Boundary  
Zoning Boundary

**APPLICANT:** Municipal Communications, LLC

**PETITION NO.:** SLUP-9

**PRESENT ZONING:** O&I with Stipulations

**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 150 foot tall “monopine” situated on a 60 foot by 60 foot lease area within the one (1) acre site that currently contains an office business and that is being considered under concurrent application Z-28 of 2014 that is necessary to remove a use limitation currently existing on the property for professional office uses only. The tower will accommodate up to four (4) 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. However, other aspects of the request do not follow Code requirements. First, the tower’s distance from adjacent residentially-zoned parcels is required to be 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 75.1 ft. adjacent to the southern property line and 136.4 ft. adjacent to the western property line where it should be setback at least 165 ft. to include the “safety factor” of the proposed 150’ tower height. Also, the Code requires that towers on improved parcels be located closer to the parcel’s existing structures than the boundaries of the parcel (Sec. 134-273(3)a(2)b). The current proposal indicates that the tower will be located a distance less than 60 ft. from the site’s existing structure while being less than 40 ft. from the property’s eastern and southern boundaries. Too, the Code requires a 15 ft. landscape screening buffer around the tower compound that the applicant currently does not propose installing.

Another particular aspect of the applicant’s request that does not 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 up to four (4) 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 120 feet which would provide for an overall 130 ft. structure height (125 ft. tower and 5 ft. lightning rod). It was also noted by the consultant that a “slick stick” type facility would allow a maximum 120 feet, resulting in a further ten (10) visibility reduction.

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 comments.

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

**APPLICANT:** Municipal Communications, LLC  
**PRESENT ZONING:** O&I with Stipulations

**PETITION NO.:** SLUP-9  
**PETITION FOR:** SLUP

\*\*\*\*\*

**WATER & SEWER COMMENTS:**

No comments.

\*\*\*\*\*

**TRAFFIC COMMENTS:**

Recommend applicant use the existing access.

Recommend a FAA Study.

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

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**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-9**

**PRESENT ZONING: O&I w/ stips**

**PETITION FOR: SLUP**

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**STORMWATER MANAGEMENT COMMENTS**

No comments.

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## STAFF RECOMMENDATIONS

### **SLUP-9      MUNICIPAL COMMUNICATIONS, LLC**

The applicant is requesting a SLUP for the construction of a 150 foot wireless telecommunication tower and associated equipment within a 60 foot by 60 foot lease area on the subject one (1) acre site. The site's physical characteristics are a single, existing business located on a predominately wooded lot.

Intended for up to four (4) users, the tower's lease area will be fenced with a six (6) foot tall chain link fence that will be topped with barbed wire and is accessed from Chastain Road. The tower's proposed location on the site will necessitate granting variances in regards to its setback equal to its height and 10% safety factor. Rather than the 165 ft. required at a tower height of 150 ft., the tower is proposed to be located 75.1 ft. from the southern property line and 136.4 ft. from the western property line. If, as the consultant and applicant has discussed, the tower height is lowered to 125 ft., the necessary setback would be 137.5 ft. Too, the tower appears to be proposed so as to be located closer to the parcel's boundaries rather than the existing structure on the property. This is contrary to Code requirements. Also, no 15 ft. landscape screening buffer is proposed. While adjacent properties are currently undeveloped and no residential structures exist on adjoining residentially zoned property, screening of the ground based equipment within the lease area may be a concern to possible, future neighbors potentially exacerbated by the tower's ultimate location on the subject property.

Based upon the above analysis as well as the Site Review provided by the County consultant, CityScape, and taking the suggestions of the consultant, including the applicant-agreed solution of lowering the overall tower structure height to 130 ft. (125 ft. tower and 5 ft. lightning rod), staff recommends APPROVAL subject to the following conditions:

- Final site plan to be approved by District Commissioner with appropriate tower setbacks and certified structure design with breakpoint design if tower setback does not meet Code requirements;
- The overall height of the tower to be no more than 130 feet (125 foot tower with 5 foot lightning rod);
- The tower to be of a "monopine" design substantially similar to that contained in the Site Review by CityScape as "Exhibit A," with District Commissioner approving exact representation;
- The applicant shall design the tower to support up to four (4) carriers of like design;
- The applicant shall provided satisfactory SHPO and NEPA documentation;
- The emergency power generator noise shall not exceed 70dB at the property boundaries and testing is allowed only between 9AM and 4PM Monday through Friday;
- All feed lines shall be contained within the support structure and not be visible;
- All antenna and feed line ports are to be sealed to prevent access by birds and other wildlife.

**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:** 287 Chastain Road, Kennesaw, Georgia

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

Section 134-37(e) of the Zoning Ordinance<sup>1</sup> requires the Board to consider fifteen guideposts, at a minimum, when deciding whether to grant or deny a SLUP application. Applying the fifteen guideposts to the Application shows that the Board should GRANT the Application.

**(1) Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.**

If the Board's decision is to grant the Application, then there will be no significant adverse impact on the neighborhood or area in which the proposed Facility will be located. In this case, the facility will be behind an existing business and otherwise surrounded by unimproved property on all sides. Given the proximity of the site to I-575 and the Chastain Road off-ramp, the Facility will be visible from the Interstate, but otherwise no neighbors will have a significant view of the Facility. Plus, this Facility is proposed to be set back more than 275 feet from the Chastain Road right of way, so the Facility will have extremely low visibility to the properties to the north across the Chastain Road right of way (which itself is approximately 100 to 120 feet).

Furthermore, the location of the Facility on the Site meets the "design, location and safety requirements" described in Section 134-273(3) of the Zoning Ordinance, in that the Facility is to be located closer to the existing building on the Property than to the property lines of the Property, the Property is non residential in nature and because the Property is not located within a platted or existing subdivision. Accordingly, the Board's approval of the Application will further the goals of the Zoning Ordinance and not significantly adversely affect the neighborhood or surrounding area.

If the Board decides to reject the Application, Applicant (and AT&T) will be forced to renew their search for property on which it may locate the proposed Facility. Many of the nearby commercial properties are too small to allow the location of a wireless facility thereon and still meet setbacks. Likewise, there are a number of residentially-zoned (but vacant) properties in the immediate vicinity and the location of the Facility on this Site meets the intent of the Zoning Ordinance to avoid placement of wireless facilities on residentially-zoned properties. 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 AT&T as it could achieve with the proposed Facility. Multiple towers would be adverse to the stated goals of the Zoning Ordinance and have more of an impact on the neighborhood or surrounding area than if the Board granted the Application.

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<sup>1</sup>Capitalized 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 Communication's SLUP Application (Chastain Rd.)  
March 6, 2014  
Page 2

**(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. As you travel down Chastain Road to the east from the Site, there are properties that are zoned OI, GC and which are used industrially. Accordingly, the proposed Facility 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 per wireless service provider to the Site, which visits will not affect surrounding property owners.

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

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

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. (The Centers for Disease Control report issued earlier this year reports an estimated 45% of the nation's children now are in "wireless" households.) Accordingly, the location of the Facility will likely serve to maintain or possibly improve the property values of surrounding properties.

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

Once constructed, the Facility will be unmanned, and Applicant anticipates only monthly visits by a maintenance technician to the Facility plus some additional periodic (but not intense) construction as additional carriers collocate on the Facility (designed for up to 4 antenna arrays). Furthermore, these visits most typically occur at off-peak traffic times, generally not creating an overlap between the

Analysis of Zoning Standards in Support of  
Municipal Communication's SLUP Application (Chastain Rd.)  
March 6, 2014  
Page 3

Applicant's maintenance and use of the Facility and the Owner's use of the Property. Accordingly, if the Board grants the Application, there will be no negative impact on parking or traffic in this area.

**(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, which is currently used as a pest-control business.

**(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 OI zoning and use of the Property and given the immediately surrounding business uses and zonings, the Facility is a compatible business use. Although there are residentially-zoned properties which abut the Property, none are developed at this date and given the proximity of the Site to the intersection of I-575 and Chastain Road, it is unlikely that these will be developed as low density residential properties in any event. 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 carrier's maintenance technician to the Facility. Although the Facility will operate constantly, there will be no visible or tangible impact of such continuous operation on the existing and surrounding uses. Accordingly, Applicant has made adequate provisions regarding hours of operation.

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

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

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

Given the location of the Facility in the rear of the Property, behind the existing building and in an area that is already generally paved, 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. That said, Applicant can incorporate a landscape plan as needed, but respectfully suggests that it is not warranted in this situation.

**(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.

Analysis of Zoning Standards in Support of  
Municipal Communication's SLUP Application (Chastain Rd.)  
March 6, 2014  
Page 4

**(13) Whether the Application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.**

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

First, with respect to the proximity of the tower to offsite residential structures and areas, as shown on the Overall Site Layout (sheet C-1 of the Site Plans) reflects that the location of the Facility on the Site and indeed on the Property will ensure that no off-site residential structure or area is physically impacted by the Facility. Even with the variance requested to reduce the southern tower setback from 132 feet to 75 feet, there is no close adjacent off-site residential structure. Instead, there are no structures anywhere within the near vicinity of the Facility with the exception of the pest control building located on the Property.

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

Third, there are existing mature trees which will serve to shield the base equipment and much of the 150 feet of the proposed Facility.

There are no substantially tall structures on the Property or in the surrounding area (which presents a challenge for collocation opportunities).

Fifth, the aesthetic design of the tower is a monopine which is designed to look like a thick pine tree with no immediately visible antennas. The tower will not have guyed wires or a lattice style (both typically viewed as more visually intrusive), and it will be consistent with utility poles.

Finally, although the surrounding views are typically of trees and residential structures, there are intervening telephone and other utility structures in the area. This should be no different. The height of the tower is minimal – 150 feet, and the style of the tower itself is designed to be as visually unobtrusive against the existing visual backdrop.

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

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

Analysis of Zoning Standards in Support of  
Municipal Communication's SLUP Application (Chastain Rd.)  
March 6, 2014  
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 descriptions;
- (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 Analysis from AT&T;
- (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 (\$309.00).

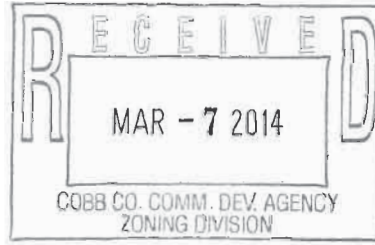
Based on all of these factors, Applicant has produced sufficient information to allow the Board fully to consider all relevant factors and to demonstrate that the Application complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in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



AT&T Mobility  
 12555 Cingular Way  
 Suite 2400  
 Alpharetta, GA 30004

SLUP-9 (2014)  
 Applicant's  
 Engineer's  
 Affidavit and  
 Maps

# RF Affidavit



To: Whom it may concern  
 From: Lanre Ogun  
 Date: 3/3/2014  
 Re: GA2368 Big Shanty

AT&T is requesting permission to construct a new wireless telecommunications tower at 287 Chastain Rd. Kennesaw GA, in 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 area, 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 150' or more and support the load of the antennas, lines, and related apparatus needed for AT&T to deploy its GSM and UMTS 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.

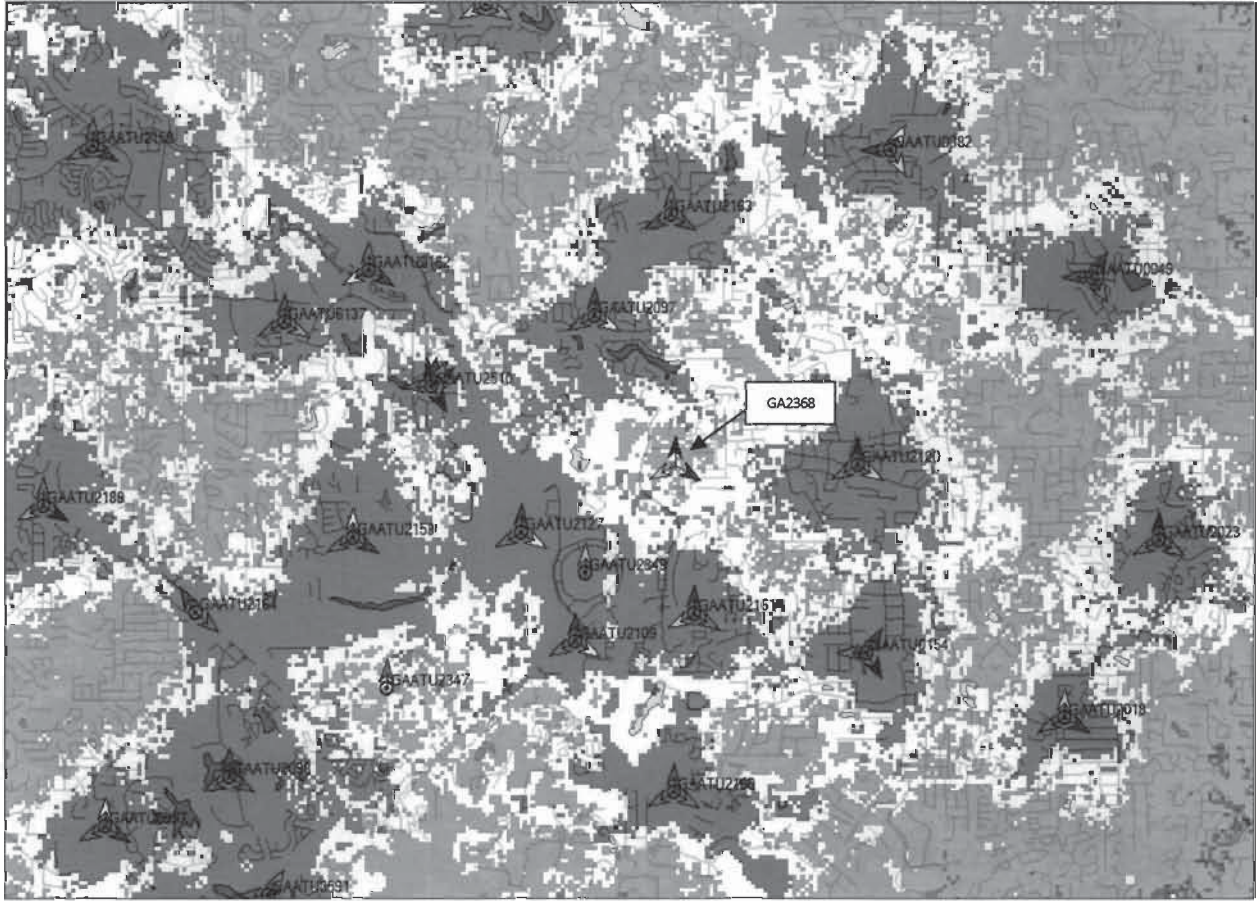
RF Propagation plots are attached showing predicted before and after coverage levels. The attached snapshots show the pre and post coverage for the area affected.

In the Screenshots below we have the Current & Proposed Coverage for the Area as well as the Legend in dBs that show the coverage signals as well as high level descriptions of what the coverage would reflect based on our analysis.

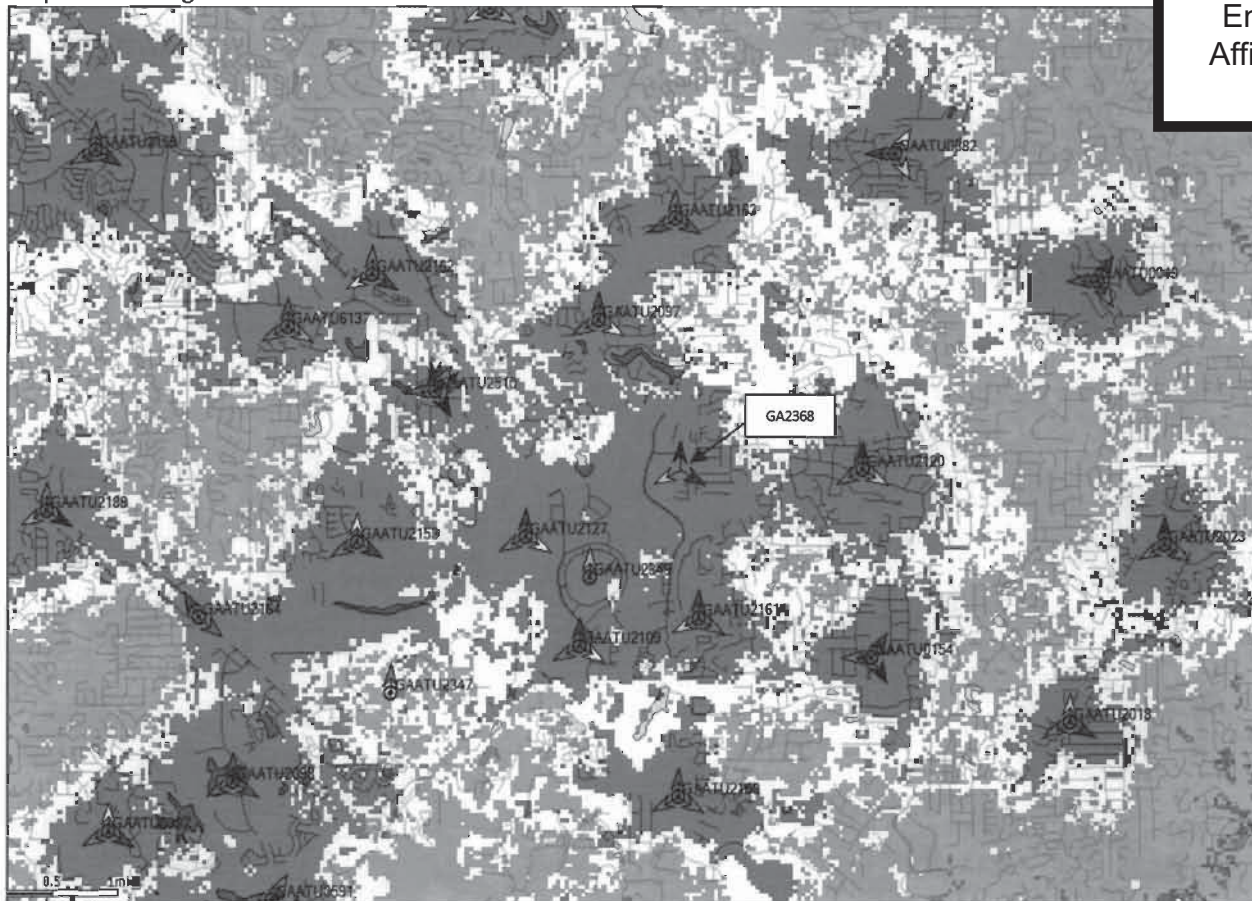
dB Level	Coverage Type
-75	Excellent Coverage with in-building Penetration
-85	Excellent Coverage with in-building Penetration but limited coverage in Basements and buildings with cement builds
-95	Minimal Coverage indoors but will provide coverage in vehicle and On-Street
-105	On-Street Coverage only with minimal and/or even poor Coverage inside
-115	Minimal to no Coverage

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Current Coverage



Proposed Coverage



The closest existing AT&T sites that would hand off to this proposed site are on average over 1.4 miles away from the needed coverage zone, and there are currently no existing collocation tower opportunities that we can collocate within 1.4 miles of the proposed tower location.

AT&T certifies that all of its equipment will be installed and operated in keeping with applicable FAA and FCC rules and regulations and appropriate industry standards. The construction of this tower, including AT&T's installation of transmitter/receiver equipment, will not interfere with the usual and customary transmission or reception of radio, television, etc service, enjoyed by adjacent properties.

AT&T further certifies that the proposed telecommunications facility shall be maintained in a safe manner, and in compliance with all conditions of the telecommunications permit, without exception, unless specifically granted relief by the Board of Commissioners of Cobb County in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations.

Should you need additional information, please contact me at the following number, 847-293-8230





AT&T Mobility  
12555 Cingular Way  
Suite 2400  
Alpharetta, GA 30004

Respectfully,

Lanre Ogun

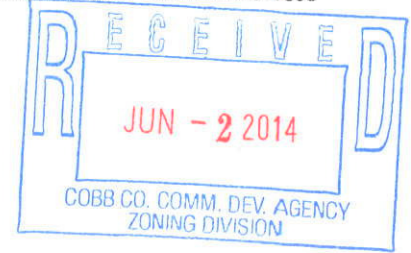
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Maps



**State of Georgia  
Telecommunications Site Review  
New Support Structure**



**Consultants, Inc.**  
7050 West Palmetto Park Road #15-652  
Boca Raton, FL 33433  
Tel: 877.438-2851 Fax: 877.220-4593



May 30, 2014

Mr. John Pederson  
Cobb County Zoning Division Manager  
191 Lawrence Street, Suite 300  
Marietta, GA 30060

**RE: Municipal Communications, LLC on behalf of AT&T Mobility  
Site: Big Shanty ~ GA2368**

Dear Mr. Pederson,

At your request on behalf of Cobb County, Georgia, CityScape Consultants, in its capacity as telecommunications consultant for the County, has considered the merits of an application submitted by Municipal Communications, LLC ("Applicant") on behalf of AT&T Mobility ("Carrier") to construct a new one hundred fifty (150) foot Concealed Monopine type support structure. The facility is intended to accommodate the antennas of up to four (4) wireless service providers, see *figure 1*. The proposed facility will be owned by Municipal Communications, LLC and is on property owned by Victoria A. Milam which is located at 287 Chastain Road in Cobb County, see *figure 2*. AT&T is the initial tenant for this proposed location which qualifies the application to be considered under the federal guidelines of the Telecommunications Act of 1996. AT&T proposes to include an emergency power generator.

The Carrier and most other wireless service providers intend to improve reliability of their general service and to upgrade their facilities for advancing technologies. While much of the proposed growth is to continue to meet the carrier mandates of providing emergency services to the public the unprecedented explosion of smartphones is a greater reason for the current level of growth. The fourth generation (4G) of personal wireless services is directed toward the Android, iPhone, iPad, Galaxy and other higher speed smartphone devices. The intent of this application, along with most future applications, is to begin penetration of service into neighborhoods and similar places of residence. The future growth in personal wireless services is directed toward the homes and apartments in populated neighborhoods. The initial wireless infrastructure has been constructed and now most service providers are adding sites between the initial sites. Wireless facilities that had an easier zoning path and most areas around traveled roadways and commercial areas have coverage, but many homes and apartments locations still do not have the necessary infrastructure which that will provide a quality service is now the target for growth. While there is some signal in many areas the number of subscribers is greater than previous and the number of cell phone users outnumbers the available amount of spectrum available. All carriers must reuse the same frequencies and with the subscribers outnumbering the available frequencies the only solution is adding sites. Technology has three services a) 2G (GSM), b) 3G (UTMS) and c) 4G (LTE) technologies requires the limited frequencies to be further shared.

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The industry is advancing technology to improve the data transfer speed to comparable to computer speeds. That is still in the future. Cobb County's current wireless infrastructure is growing but still is substantially below what will be needed to reach the high speeds and quality the public demands. Virtually all aspects of today's lifestyle are developing into fingertip applications via wireless networks. The providers do have some level of service present in most of Cobb County but not in the places people reside such a single family and apartment neighborhoods. The concentration of new facilities will be those particular areas.

The County requires all new towers to have justification. There are many methods used for that purpose starting with a qualified carrier's showing of need as described in the local ordinance and the federal and sometimes state codes. Cobb County requires an Applicant to provide the locations of surrounding facilities. The Applicant's submittals did list 26 facilities within 3 miles. Many already are used by the Carrier.

Justification of a new facility must start with a search ring which was provided and is also shown in *figure 3*. The site shown on the AT&T prepared Ring in *figure 3* shows the selected location within the Ring, but that location was rejected by the County so the Carrier has selected an alternative location located 0.2 miles northwest of the Ring and also shown in *figure 3*.

Making a qualified determination for proof of need for a new wireless facility requires an understanding of the current conditions along with the projected network deployment concepts and the County's obligations under law. From this information and experience CityScape can offer an opinion and recommendations as to the validity of this application. The federal government has mandated that personal wireless service providers such as AT&T, MetroPCS, Verizon, Sprint, T-Mobile and others must provide qualified service to the general public. It is anticipated that in less than 10 years there will no longer be wired telephone service anywhere, all communications will be wireless. Not only will telephone type of communications be wireless but the majority of what is commonly wired currently will no longer be available except via wireless services. The demand for wireless infrastructure is going to be greater, not reduced in the immediate future.

The Carrier provided signal propagation maps. In *figure 4* is a representation of the current service level by AT&T in the general area. Next in *figure 5* it is shown how the proposed new facility will provide improved service. The County should also note this will not be the final requirements in the area.

The Cobb County ordinance states a tower shall be located at a height above tree line no greater than necessary, and should have the structural capacity to add up to three (3) additional users in the future through pole extensions. The noble intent of this provision is to create the ability for collocations rather than requiring additional support structures. The height above tree tops most carriers find acceptable is twenty (20) feet. To construct a concealed facility in the manner as defined is impossible; it is possible with a standard tower. Cityscape recommends the monopine be designed for a total of four carriers with the lower being approximately 20 feet above tree top.

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The Applicant originally requested a concealed facility of one hundred fifty (150) feet. CityScape reviewed the submitted information and determined that a tower of that height would be excessive, and have a strong visual impact since the surrounding trees are 60 to 70 feet and the monopine would extend about 80 feet above 70 foot treetop. CityScape found the Applicant and Carrier could provide satisfactory service and meet the height language in the ordinance. There were discussion between the Applicant, the Carrier and CityScape to ascertain if the Carrier would accept the lower elevation. Following calculations and computer modeling AT&T did gracefully cooperate and reduced their antenna elevation from one hundred fifty (150) feet to one hundred twenty (120) feet. Being the support structure is planned as a monopine the total height would need to be one hundred thirty (130) feet to allow for the top section taper. An alternative would be a slick stick (flagpole without the flag) with a height of one hundred twenty (120) feet rather than a one hundred thirty (130) foot monopine; resulting in a ten (10) foot visibility reduction.

Applicant has requested a Variance regarding the southern setback of the tower. The County does allow breakpoint design as an alternative to adjust the design of the support structure to meet the fall zone setback. The Board has the right to grant this variance for specific reasons as defined in the ordinance. Under Part 704 of the Telecommunications Act of 1996 a local jurisdiction cannot discriminate between qualified service providers. Therefore such a variance should be carefully considered as it can affect future comparable applications; what is approved for one carrier must be approved for others. The decision for the variance remains completely with the County.

This facility will operate with various frequencies which could interfere with Public Safety radio operations and there is a concern the site should not exceed allowable standards for human exposure. The Carrier certified compliance with all rules, see *figure 6*.

CityScape Consultants as the wireless expert for the County has determined the applicant with the supporting documentation from the Carrier has met the threshold of evidence to support a new support structure and accommodating ground equipment and recommends approval with the following conditions:

1. The Applicant shall provide the County with an exact representation of the proposed monopine structure for approval; and,
2. The Applicant shall provide the County a certified structure design with breakpoint design; and,
3. The applicant shall provide satisfactory SHPO and NEPA documentation; and,
4. The emergency power generator noise shall not exceed 70dB at the property boundaries and testing is allowed only between 9AM and 4PM Monday through Friday; and,
5. All feed lines shall be contained within the support structure and not be visible; and,
6. All antenna and feed line ports are to be sealed to prevent access by birds and other wildlife.

Respectfully submitted,

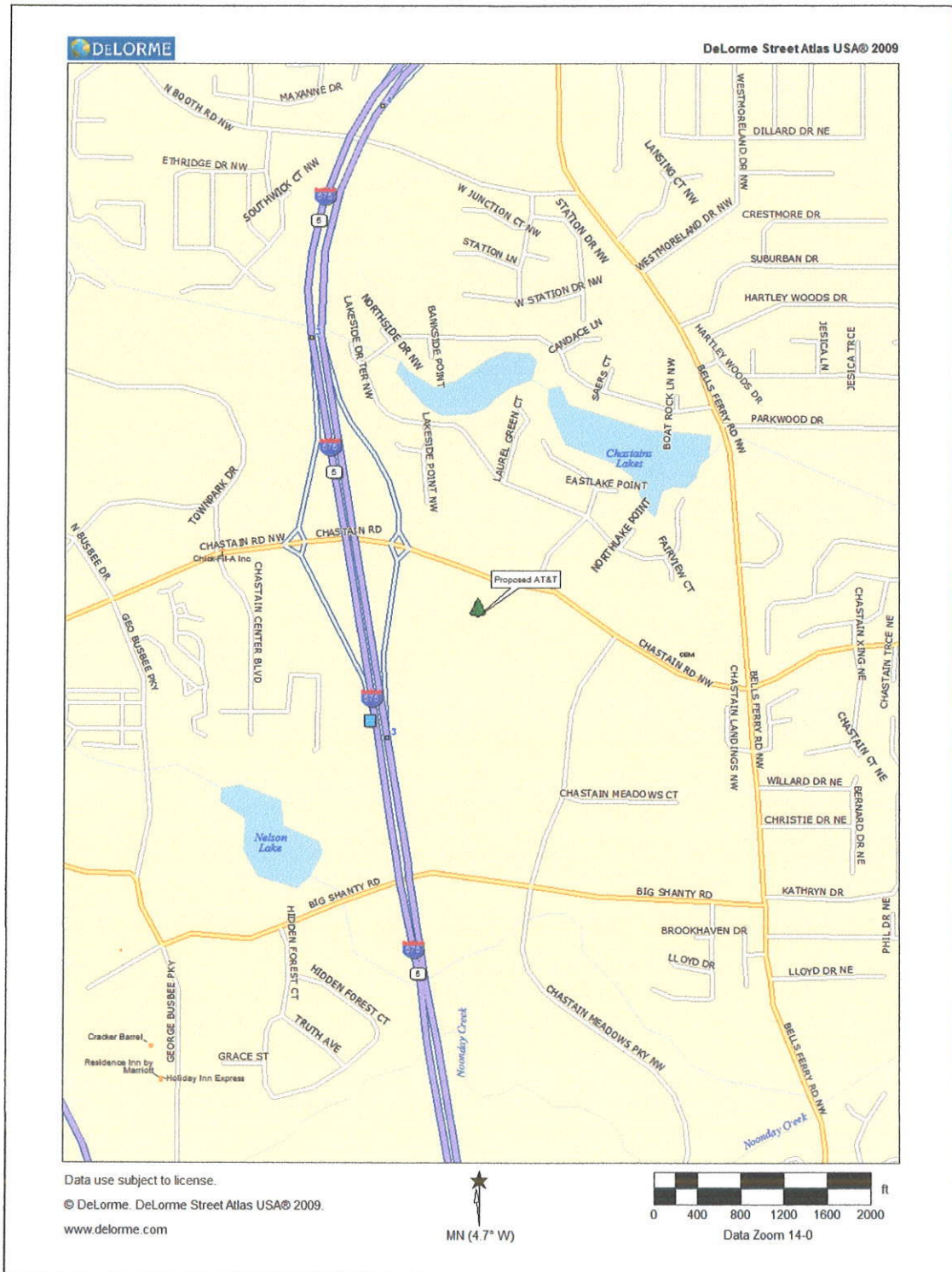


Richard L. Edwards  
FCC Licensed  
PCIA Certified  
CityScape Consultants, Inc.

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**Figure 1. Proposed Support Structure Simulation**



**Figure 2. Facility Location**

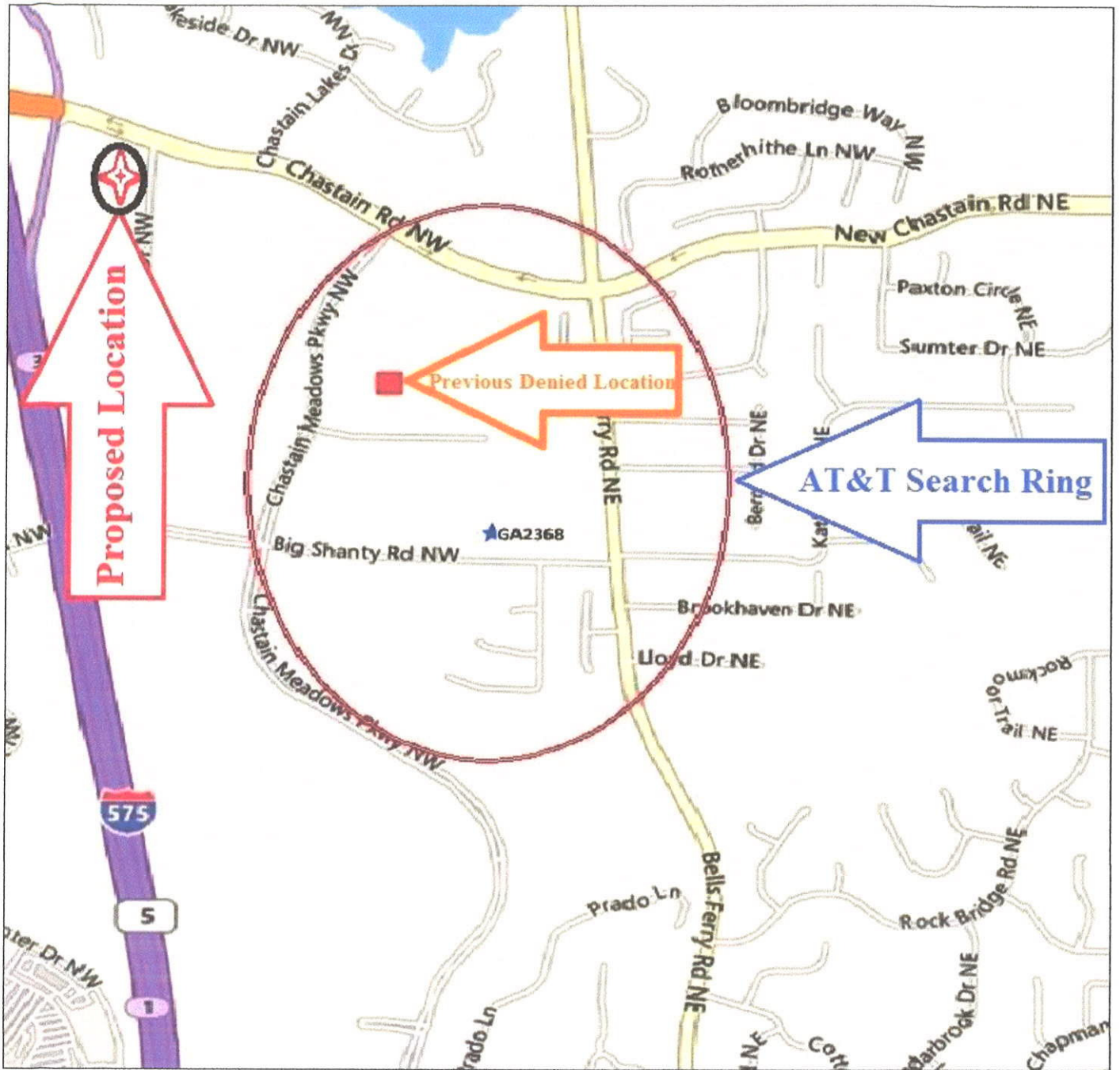
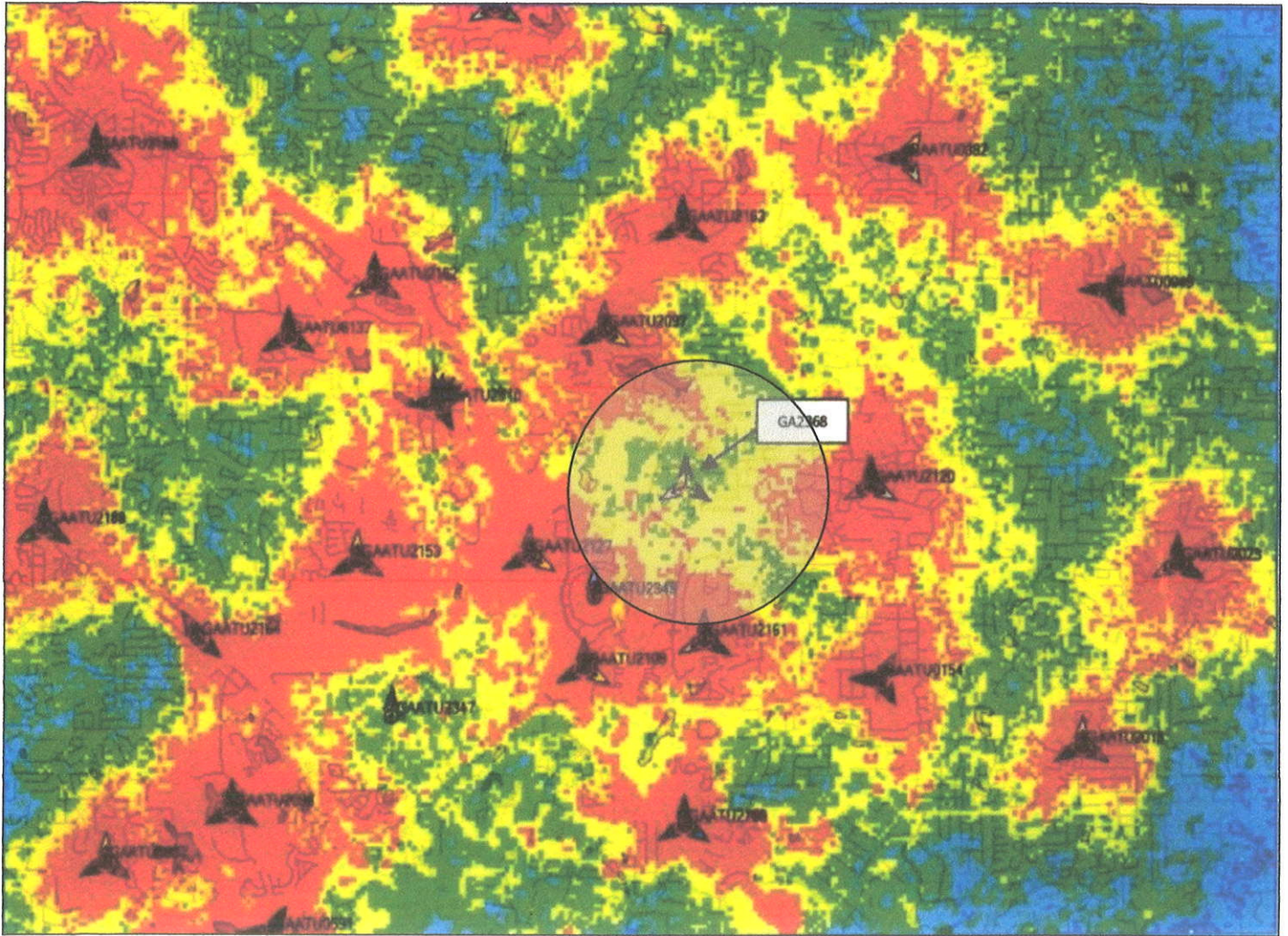
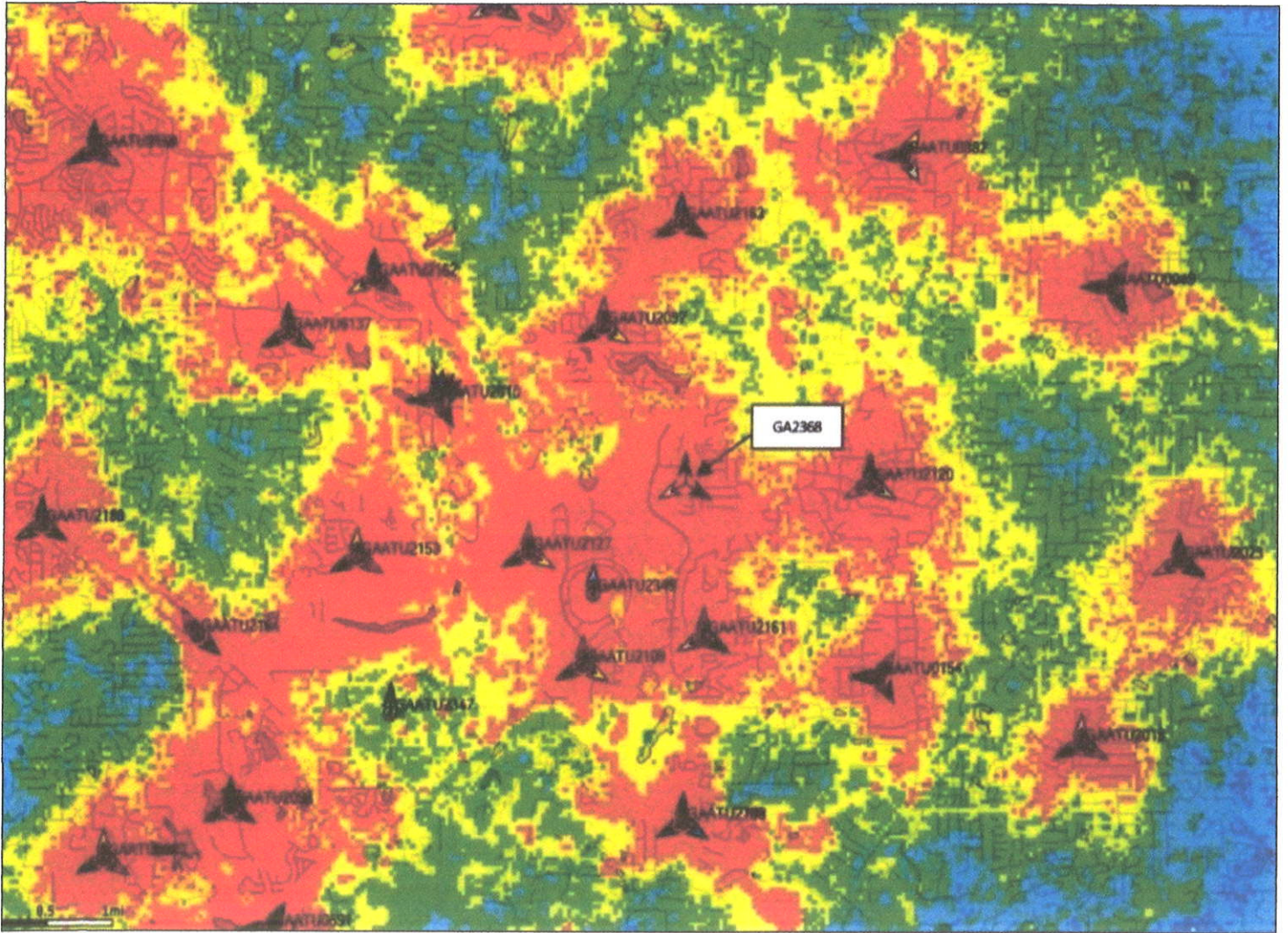


Figure 3. AT&T Search Ring



**Figure 4. Existing AT&T Service Area**  
(Target Shown in Grey)





**Figure 5. Proposed AT&T Propagation**



AT&T Mobility  
12555 Cingular Way  
Suite 2400  
Alpharetta, GA 30004

## RF Affidavit

Edited by CityScape for content

To: Whom it may concern  
From: Lanre Ogun  
Date: 3/3/2014  
Re: GA2368 Big Shanty

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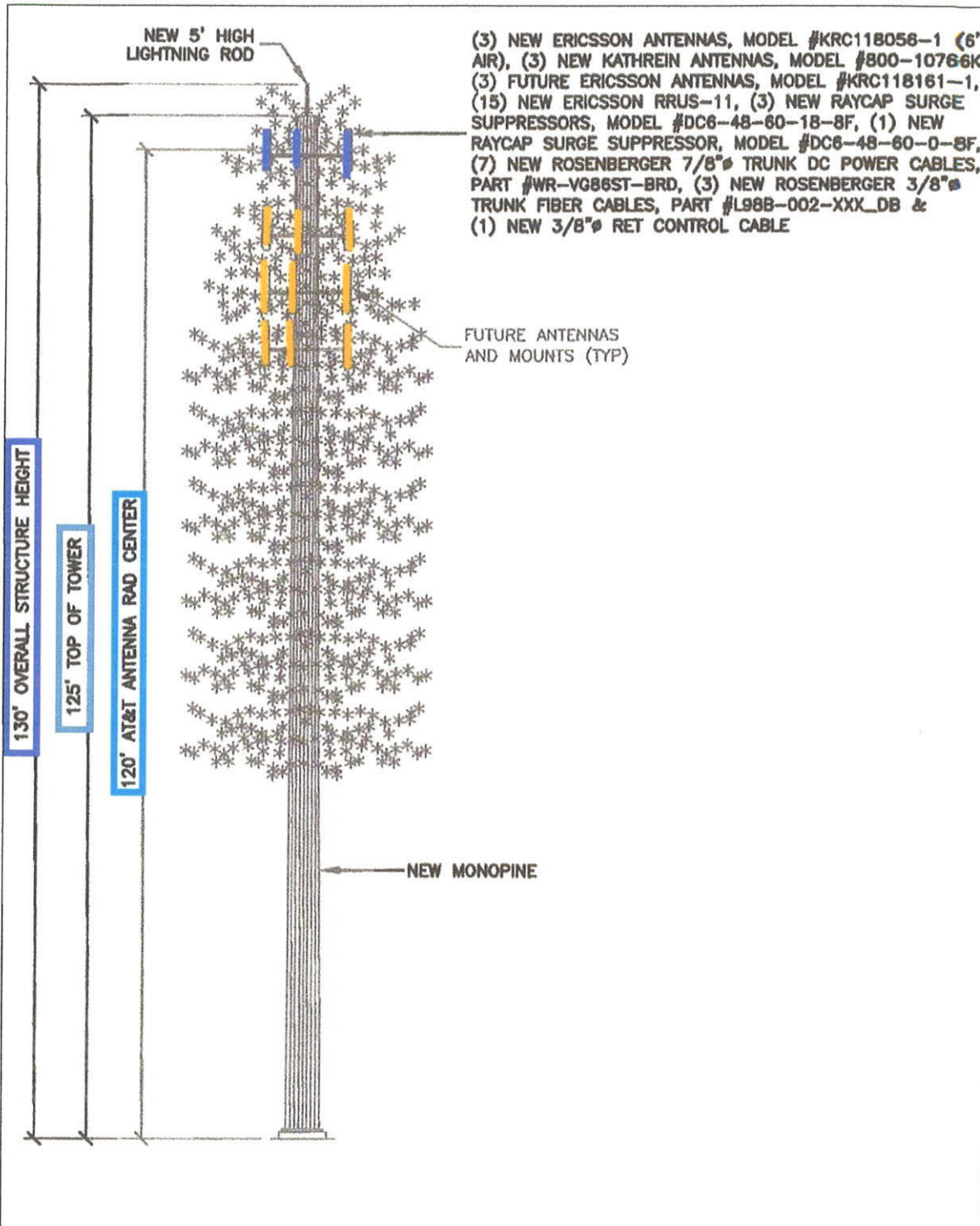
AT&T Mobility  
12555 Cingular Way  
Suite 2400  
Alpharetta, GA 30004

Respectfully,

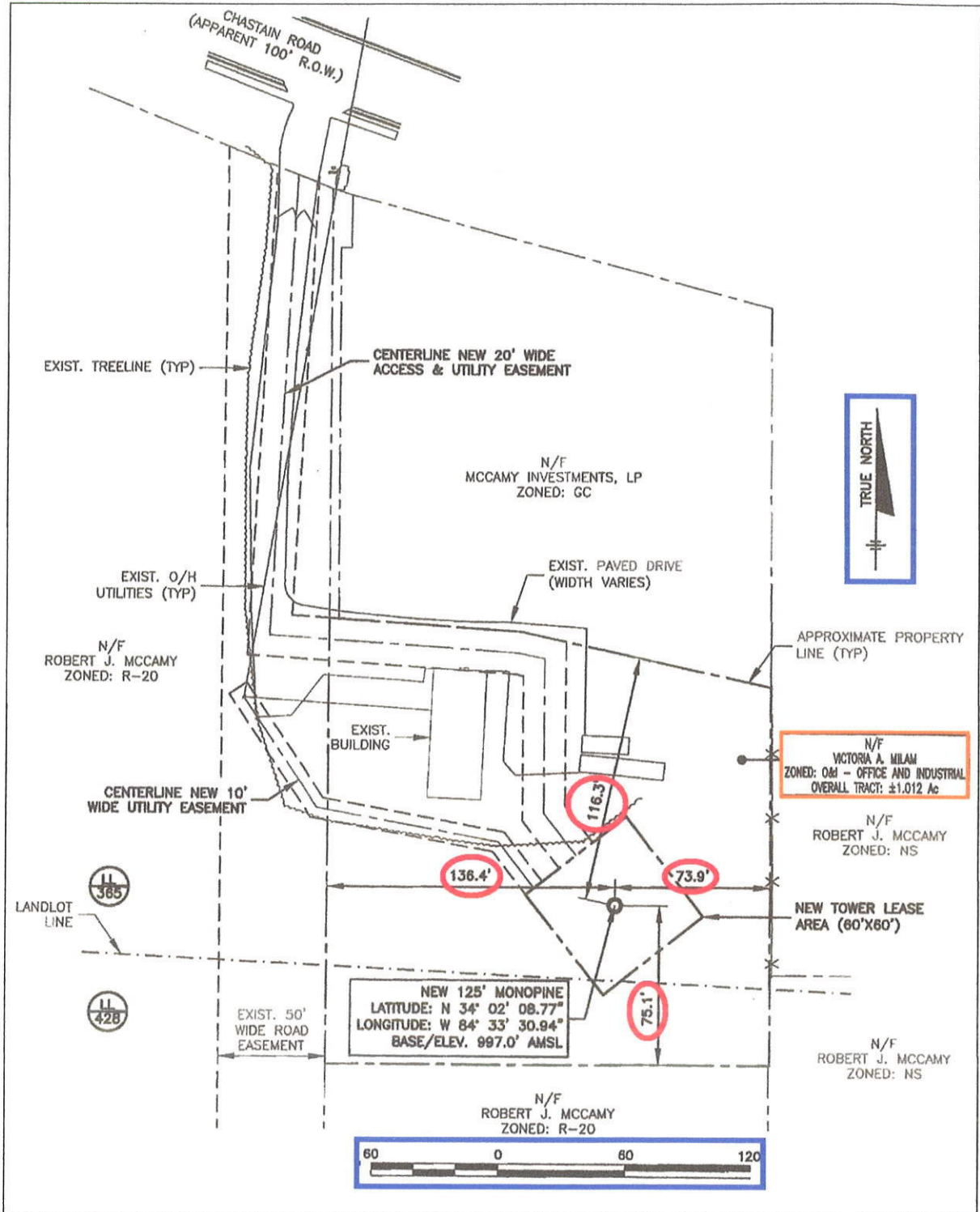
Lanre Ogun



Figure 6. Compliance Statement



**Exhibit A. Proposed Monopine Elevation**



**Exhibit B. Setbacks**

# HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

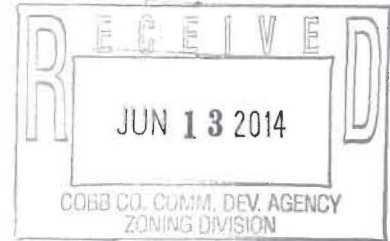
TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

SLUP-9 (2014)  
Supplement and  
Amendment to  
Application

James M. Ney  
e-mail [jney@hnzw.com](mailto:jney@hnzw.com)

Ellen W. Smith  
e-mail [esmith@hnzw.com](mailto:esmith@hnzw.com)

June 13, 2014



**BY HAND DELIVERY**

Mr. Jason Campbell  
Cobb County Community Development  
Zoning Division  
Cobb County, Georgia  
1150 Powder Springs Street, Suite 400  
Marietta, Georgia 30064

Re: Application for Special Land Use Permit No. SLUP-9 (the “*Application*”) of Municipal Communications, LLC relating to 287 Chastain Road (the “*Property*”) coming on for hearing before the Planning Commission on July 1, 2014, and before the Board of Commissioners on July 15, 2014

**SUPPLEMENT AND AMENDMENT TO APPLICATION**

Dear Mr. Campbell:

As you know, this law firm has the pleasure of representing Municipal Communications, LLC (“*Applicant*”) with respect to the referenced Application. The purpose of this letter is to supplement and amend the Application to reflect a shorter and alternatively designed Facility<sup>1</sup>, among other minor modifications.

Applicant held two separate balloon tests – one on January 23, 2014 and one on June 11, 2014 - in an effort to give adjoining and nearby community members an idea of the proposed height of the Facility and its minimal visual impact on other area properties. After conferring with the community in depth, particularly the Chastain Lakes Homeowners Association, in regard to this request, and after meeting with interested community members, Applicant has agreed to two significant changes to the Facility:

1. Applicant is proposing the reduction of the Facility height from 150 feet (154’ including lighting rod) to 130 feet (125-foot structure with a 5-foot lighting rod and tree canopy); and
2. The Facility will be designed as a “monopine” (tree-like structure) instead of a monopole. Specifically, Applicant proposes that the Facility be designed to resemble an evergreen pine tree in order to mitigate the visibility of the Facility by blending

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Application.

Mr. Jason Campbell  
Cobb County Community Development  
Zoning Division  
June 13, 2014  
Page 2

with the trees in the area surrounding the Property. For your review and consideration, please find enclosed a photographic example of a “monopine.”

These height and design changes are incorporated into the zoning drawings enclosed herewith (5 full sized copies; 2 copies measuring 8 ½ x 11). Please supplement the Application by filing these zoning drawings in lieu of the drawings that were initially submitted.

In contemplating the lowered height of the Facility, Applicant requested that AT&T’s radio frequency engineer consider the lower height. AT&T’s RF engineer hereby confirms that it agrees to the lowered height and hereby submits a revised RF statement in support of the Application. Applicant also hereby encloses AT&T’s RF Engineer’s resume and qualifications.

As a result of the Facility height reduction, the variances requested by Applicant are significantly reduced. Specifically, Applicant seeks variances along the western and southern Property lines where the contiguous parcels are zoned R-20 to reduce the tower setback of 110% of tower height from residential property lines (143 feet). Section 134-273(3)(a)(2). Accordingly, Applicant’s variance requests are hereby modified to be a variance of (i) 7 feet as to the western property line (a variance of less than 5%), and (ii) 68 feet from the southern property line (a variance of less than 48%).<sup>2</sup>

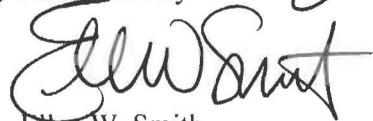
Finally, Applicant seeks to amend its Application by submittal of an updated Property/Financial Disclosure Report for Applicant’s attorney, James M. Ney. Please substitute the Disclosure Report included herewith in lieu of the one filed with the initial Application.

Please accept these modifications and amendments and thank you for your cooperation and assistance.

Sincerely,



James M. Ney



Ellen W. Smith

Counsel for Municipal Communications, LLC

JMN/sld

cc: Mr. Peter R. Corry  
Mr. Murray Jones  
Mr. Tom Holland

<sup>2</sup> We note that if the setback is measured from the top of the tower structure (excluding the non-structural, decorative tree branches and lightning rod at the top), then there is no variance requested from the western property line and only a 63-foot setback from the southern property line.