





**PROPOSED 12' INGRESS-EGRESS & UTILITY EASEMENT**

TOGETHER WITH AN PROPOSED 12-FOOT WIDE INGRESS/EGRESS AND UTILITY EASEMENT LYING AND BEING IN LAND LOT 178, 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO THE POINT OF BEGINNING, COMMENCE AT THE CORNER CORNER TO EMANUEL, TUCKER, INC. (RECORDED IN DEED BOOK 6024, PAGE 387) AND EAVE MAE DANIEL (DEED BOOK 2095, PAGE 206). SAID CORNER BEING LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE, 25.37'02" EAST, 18.28' FEET TO A POINT; THENCE, 47°58'15" RUNNING ALONG SAID RIGHT-OF-WAY LINE, NORTH 35.70'02" EAST, 18.28' FEET TO A POINT; THENCE, 28°24'00" EAST, 28.74' FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, SOUTH 41°54'11" EAST, 168.06' FEET TO A POINT; THENCE, SOUTH 55°03'01" EAST, 80.21' FEET TO A POINT; THENCE, SOUTH 53°20'04" EAST, 39.15' FEET TO A POINT; THENCE, SOUTH 55°53'21" EAST, 34.88' FEET TO THE POINT OF BEGINNING.

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

JUL - 7 2016

## SITE INFORMATION

PROPOSED LEASE AREA = 1,500 SQUARE FEET (0.0344 ACRES)  
LATITUDE = 34°00'23.80" (NAD 83)  
LONGITUDE = -84°37'59.83" (NAD 83)  
AT CENTER PROPOSED TOWER  
ELEVATION AT CENTER OF PROPOSED TOWER = 1079.9' A.M.S.L.

**PROPOSED LEASE AREA**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 178, 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE CORNER COMMON TO EMANUEL, TEMPLE, INC. (RECORDED IN DEED BOOK 6074, PAGE 387) AND EVA MAE DANIEL (DEED BOOK 2995, PAGE 206), SAID CORNER BEING LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE MOUNTAIN ROAD HAVING A VARIABLE WIDTH OF 100 FEET, 100 FEET TO A POINT; THENCE, NORTH 53°05'21" EAST, 100 FEET TO A POINT; THENCE, NORTH 47°58'15" EAST, 28.74 FEET TO A POINT; THENCE, LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, SOUTH 41°54'11" EAST, 168.06 FEET TO A POINT; THENCE, SOUTH 53°01'00" EAST, 80.21 FEET TO A POINT; THENCE, SOUTH 55°22'04" EAST, 39.15 FEET TO A POINT; THENCE, SOUTH 55°32'31" EAST, 34.88 FEET TO A POINT; THENCE, NORTH 34°06'39" WEST, 6.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE, NORTH 34°06'39" WEST, 20.00 FEET TO A POINT; THENCE, SOUTH 34°06'39" WEST, 55.00 FEET TO A POINT; THENCE, NORTH 55°32'31" WEST, 40.00 FEET TO A POINT; THENCE, NORTH 34°06'39" WEST, 20.00 FEET TO A POINT; AND THE TRUE POINT OF BEGINNING.

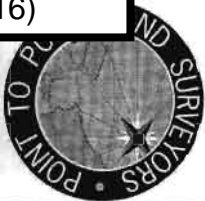
SAID TRACT CONTAINS 0.0344 ACRES (1,500 SQUARE FEET), MORE OR LESS.

[illegible]

## POINT TO POINT LAND SURVEYORS

30233 0 (t) 678.565.4497 survey.com

SLUP-12  
(2016)



EASEMENT SURVEY PREPARED FOR:

**Municipal**  
**Communications**  
LLC

**"ELLIS ROAD"**

LAND LOT 178, 20TH DISTRICT,  
2ND SECTION,  
COBB COUNTY, GEORGIA

|  |  |
|--|--|
| DRAWN BY: CLC/EAL<br>CHECKED BY: JKL<br>APPROVED: C. INER<br>DATE: JULY 05, 2016<br>P2P JOB #: G160354 | SHEET:<br><div style="font-size: 48pt; text-align: center;">2</div> OF 2 |
|--|--|

**APPLICANT:** Municipal Communications, LLC  
**PHONE#:** (404) 995-1890 **EMAIL:** pcorry@municipal.com  
**REPRESENTATIVE:** Garvis L. Sams, Jr.  
**PHONE#:** (770) 422-7016 **EMAIL:** gsams@slhb-law.com  
**TITLEHOLDER:** Emmanuel Temple of Cobb County, Inc

**PROPERTY LOCATION:** East side of Pine Mountain Road,  
northeast of Shillings Road, south of Ellis Road  
(2210 Pine Mountain Road)

**ACCESS TO PROPERTY:** Pine Mountain Road

**PHYSICAL CHARACTERISTICS TO SITE:** One story brick  
church building

#### CONTIGUOUS ZONING/DEVELOPMENT

**NORTH:** R-20/ Single-family residence  
**SOUTH:** R-20/ Single-family residence  
**EAST:** R-20/ Single-family residence  
**WEST:** R-20/ Single-family residence

**PETITION NO:** SLUP-12  
**HEARING DATE (PC):** 09-08-16  
**HEARING DATE (BOC):** 09-20-16  
**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Special Land  
Use Permit

**PROPOSED USE:** Wireless Telecommunications  
Tower and related Antenna and Equipment

**SIZE OF TRACT:** 1.205 acres

**DISTRICT:** 20

**LAND LOT(S):** 178

**PARCEL(S):** 27

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

**COMMISSION DISTRICT:** 1

#### *Adjacent Future Land Use:*

North: Low Density Residential (LDR)  
East: Low Density Residential (LDR)  
South: Low Density Residential (LDR)  
West: Low Density Residential (LDR)

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

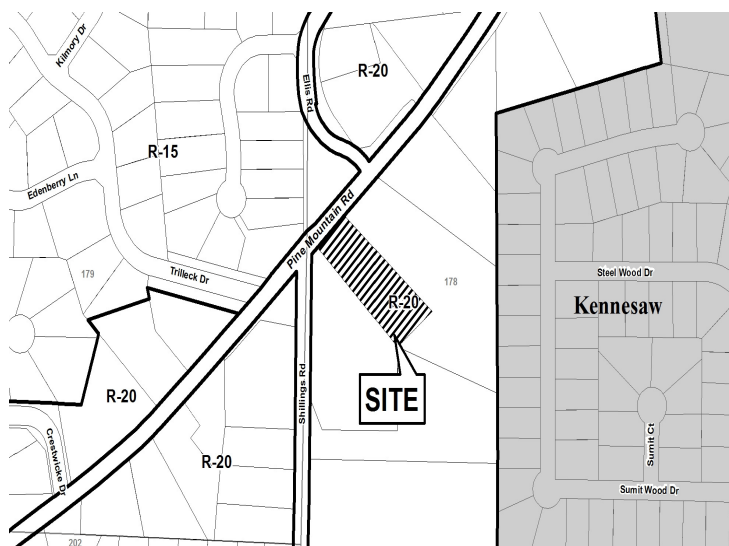
#### **PLANNING COMMISSION RECOMMENDATION**

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

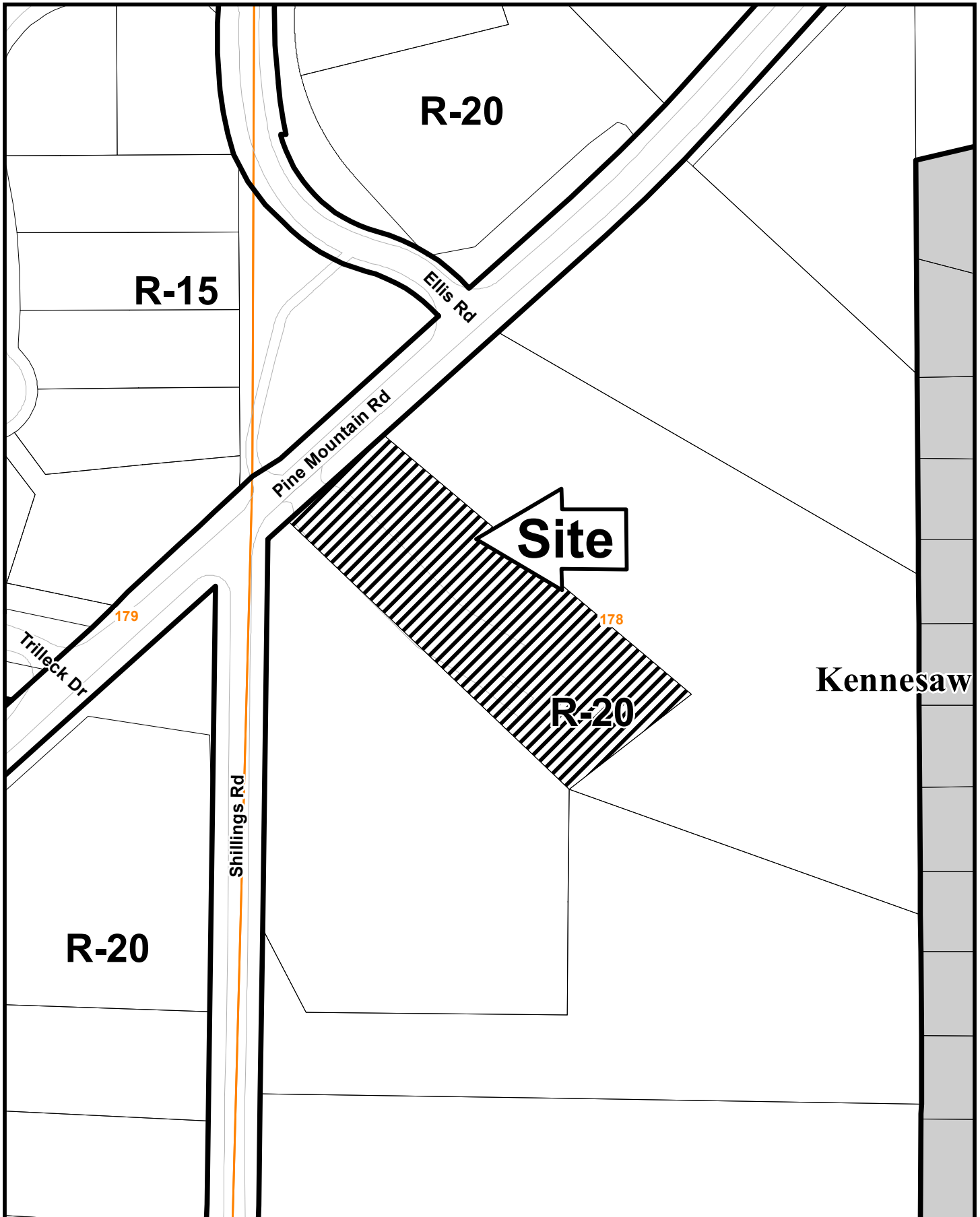
#### **BOARD OF COMMISSIONERS DECISION**

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

**STIPULATIONS:**



# SLUP-12-2016 GIS



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

0 100 200  
Feet

City Boundary  
Zoning Boundary

**APPLICANT:** Municipal Communications, LLC

**PETITION NO.:** SLUP-12

**PRESENT ZONING:** R-20

**PETITION FOR:** SLUP

\*\*\*\*\*

**ZONING COMMENTS:** Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Special Land Use Permit (SLUP) for the purpose of installation of a wireless communication tower and antennae as well as accompanying ground equipment. The tower is a proposed 130 foot tall “monopine” situated on a 0.034 lease area within the 1.21 acre site that currently contains Emmanuel Temple Church and related improvements. The tower will accommodate the intended applicant and four (4) additional antenna arrays of different users and will be enclosed by a six (6) foot chain-link fence topped with one (1) foot of barbed wire. Access to the site is from the church parking lot off of Pine Mountain Road.

The applicant’s proposal adheres to some of the requirements laid out in the Code section 134-237 including providing for at least three (3) users, utilizing a “stealth” type facility, and a six (6) foot fence plus barbed wire. Also, it is setback more than one-half of the tower’s height to any public right-of-way and has demonstrated FAA and FCC compliance. Yet, the tower, being on an improved parcel, is not located closer to the church’s structures than to the boundary of the parcel as it is less than 10 feet away from the southwest property line. Also, being located on a parcel zoned “R” or residential (although used for a church) and adjacent to other residential properties, the applicant is requesting a variance of the requirement that the tower be located no closer than the height of the proposed tower plus a safety factor of ten percent in relation to the boundary of the property. The 130 foot monopine tower is located less than 10 feet to the southwest property line, nearly 25 feet from the southeast property line, and more than 138 feet from the northeast property line. The applicant has stated that the tower’s site is meant to take advantage of lower elevation and existing trees and vegetation located thereon for screening rather than providing the Code-required 15 foot landscape screening buffer adjacent to residential neighbors.

Therefore, if approved, the request will require the following variances:

1. To allow a tower on or immediately adjacent to parcels zoned “R” or residential to be located closer to the boundary of such residential property than the height of the proposed tower plus a safety factor of ten percent;
2. To allow the tower to be located closer to the boundary of the parcel than the structure on an improved parcel; and
3. Waive the 15 foot landscape screening buffer between the tower and the surrounding residentially zoned property.

**Historic Preservation:** No comment.

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

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**WATER & SEWER COMMENTS:**

No comment. No utilities proposed.

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**APPLICANT:** Municipal Communications, LLC

**PETITION NO.:** SLUP-12

**PRESENT ZONING:** R-20

**PETITION FOR:** SLUP

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**TRAFFIC COMMENTS:**

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

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**FIRE COMMENTS:**

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

**APPLICANT: Municipal Communications, LLC**

**PETITION NO.: SLUP-12**

**PRESENT ZONING: R-20**

**PETITION FOR: SLUP**

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|                                       |
|---------------------------------------|
| <b>STORMWATER MANAGEMENT COMMENTS</b> |
|---------------------------------------|

Subject to Plan Review and possible installation of infiltration trench along downstream side of lease area.

## STAFF RECOMMENDATIONS

### SLUP-12      MUNICIPAL COMMUNICATIONS, LLC

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

- (1) *Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.* **The applicant's proposal meets much of the County Code's requirements to mitigate potential adverse effects upon neighbors. These measures include utilization of a stealth "monopine" tower. While a variance is required due to the setback not being equal to the tower's height plus ten percent, the proposed 130 foot tower is deemed justified by the County's consultant.**
- (2) *Whether or not the use is otherwise compatible with the neighborhood.* **The County's consultant has reviewed and agrees with the demonstrated need for the proposed tower in this area to provide adequate service to area users.**
- (3) *Whether or not the use proposed will result in a nuisance as defined under state law.* **The proposed tower will not result in a nuisance as defined under state law.**
- (4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.* **The proposed monopine tower will not adversely affect quiet enjoyment of surrounding property.**
- (5) *Whether or not property values of surrounding property will be adversely affected.* **The proposed tower will not adversely affect surrounding property values.**
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.* **Parking and traffic considerations are not applicable to this proposal.**
- (7) *Whether or not the site or intensity of the use is appropriate.* **Though zoned residential, the subject site is used for a church and associated parking, etc. providing a location for the proposed tower than will not result in further reduction in residential land in the area.**
- (8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.* **The County's consultant has reviewed and agrees with the demonstrated need for the proposed tower in this area to provide adequate service to area users.**
- (9) *Whether or not adequate provisions are made regarding hours of operation.* **The site will be in continuous operation with only infrequent visits from technicians and other maintenance crew.**
- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.* **There will be only infrequent visits from technicians and maintenance crew.**
- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition.* **The proposal does not include additional landscaping of the tower site, taking advantage of existing surrounding vegetation only. The tower site location and placement may be revisited within the confines of the site so as to provide space for the Code-required landscaping.**



**SLUP- 12    MUNICIPAL COMMUNICATIONS, LLC (Continued)**

- (12) *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected. The County's consultant has reviewed and agrees with the demonstrated need for the proposed tower in this area to provide adequate service to area users.*
- (13) *Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses. The applicant's proposal meets the Code requirements for providing for a stealth tower, fencing, and FAA and FCC requirements while requiring variances to setback to adjacent properties and waiver of landscape screening of the site.*
- (14) *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors. The applicant has provided all necessary documents to allow for a full consideration of all relevant factors.*
- (15) *In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county. Based upon the above analysis as well as the Site Review provided by the County consultant, CityScape, the applicant's proposed 130 foot stealth monopine meets certain Code requirements and, in order to serve the recognized need for coverage in the area, staff recommends APPROVAL subject to the following conditions:*
1. Tower height to be a maximum 130 feet;
  2. Tower to be of monopine type;
  3. Tower to be constructed for a minimum of three (3) users;
  4. Final site plan and landscape plan to be approved by District Commissioner with consideration to location and screening of compound site;
  5. County Arborist to approve the landscape screening plan;
  6. Provide the exact representation of the proposed monopine structure for approval by District Commissioner (all feed lines shall be within the structure and not visible and sealed to prevent access by birds and other wildlife);
  7. Provide a certified structure design;
  8. Provide satisfactory SHPO and NEPA documentation; and
  9. Provide FAA study.

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

SAMS, LARKIN, HUFF & BALLI

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GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

July 7, 2016

**VIA HAND DELIVERY**

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



Re: Application for Special Land Use Permit  
Applicant: Municipal Communications, LLC  
Property: 2210 Pine Mountain Road, Kennesaw, Cobb County, GA 30152

Dear John:

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

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

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

If the BOC's decision is to grant the Application, then there will be no significant adverse impact upon the neighborhoods or area in which the proposed Facility will be located. In this instance, the Facility will be located within the southeast quadrant of the subject property adjacent to the paved parking area which serves the Church utilizing the proposed tower's incorporation of a concealment system known as Stealth Pine. Moreover, the location of the Facility on the Site meets the "design, location and safety requirements" described in § 134-273(3) of the Zoning Ordinance which discourages the location of towers on strictly residentially utilized property or the utilization of platted lots within existing subdivisions. In this case, the Facility will be located on property that

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is not used for residential purposes. Accordingly, the BOC's approval of the Application will further the goals of the Zoning Ordinance and not significantly nor adversely affect the neighborhoods or surrounding area.

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

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

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

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

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

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

The BOC will preserve and help maintain the surrounding property owners' current levels of quiet enjoyment of their property if the BOC grants the Application. Once the proposed Facility is constructed and operational, the Applicant anticipates that there will

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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.**

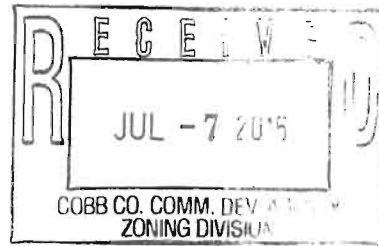
If the BOC grants the SLUP Application, the property values of the surrounding properties will not be adversely affected. Previously, the Applicant and others within the wireless industry commissioned property appraisal studies which were conducted by MAI, AICP, and Georgia Certified Appraisers regarding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

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

Once constructed, the Facility will be unmanned and the Applicant anticipates only 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 Church and the Facility uses. Accordingly, if the BOC grants the Application, there will be no negative impact upon parking or traffic in the area.

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

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

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

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

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

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

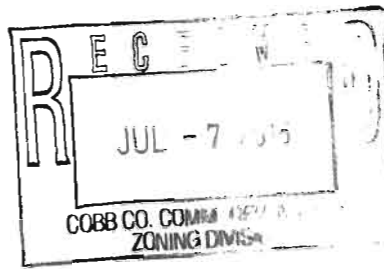
**10. Whether or not adequate controls and limits are placed on commercial and business deliveries.**

During the construction of the Facility, which is a two-three (2-3) week period, there will be some deliveries made to the property. However, thereafter, there will be infrequent visits and virtually no commercial or business deliveries to the site. Even taking into account the initial construction traffic coming to the Site, there will be less delivery traffic to the Facility than to the Church itself.

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

Given the location of the Facility adjacent to the Church's existing paved area, the landscaping shown on the site plan and elevation, in concert with the type of tower being utilized which incorporates a concealment system known as a Stealth Pine, is entirely appropriate.

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

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

**13. Whether the Application complies with any applicable specific requirements set forth in this chapter for Special Land Use Permits for particular types of uses.**

The Application complies with all specific requirements set forth in the Zoning Ordinance for SLUPs for telecommunications towers. Specifically, Zoning Ordinance § 134-273(3)(m)(l) identifies six (6) specific factors which the BOC is to consider with respect to the issuance of SLUPs for towers. In this instance, consideration of all of those factors weighs in support of granting this Application.

First, with respect to the proximity of the tower to off-site residential structures and areas, this Facility has the benefit of being within a property which is utilized for institutional uses.

Second, as discussed in Item 5 above, this Facility is not anticipated to have any adverse effect upon property owners or the purchasers of nearby or adjacent residentially zoned areas.

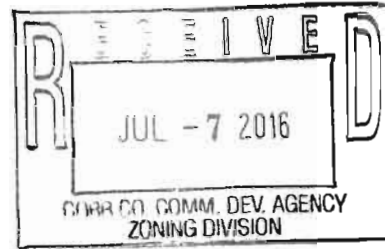
Third, although the property does have some trees and vegetation in the general location of the Facility, the nature of the proposed landscaping and the utilization of the tower to incorporate the aforementioned concealment system will enhance the positioning and the efficacy of this SLUP proposal.

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Fourth, the existing Church Facility will effectively block and screen all ground equipment, fencing and the like of the Site. The ground and accessory equipment of the Facility will be visible from some of the contiguous properties.

Fifth, the aesthetic design of the tower is a monopole tower which will incorporate a concealment system known as the Stealth Pine and will fit in nicely with existing trees adjacent to the Church. The tower will not have guy wires or a lattice system (both typically viewed as more visually intrusive) and it will be consistent with vegetation among which it is being placed.

Finally, given that the proposed tower will be located in an already improved area, there will be no interruption of the scenic view or the quality of the area. Instead, once constructed, this Facility will blend in with the institutional use on the subject property and with adjacent and surrounding residential uses 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, the Applicant has provided all of the information required by the Zoning Ordinance. The Applicant remains, however, willing to provide the BOC and the Zoning Division with any additional information which they may desire to allow for full consideration of the Application.

**15. In all applications for a Special Land Use Permit, the burden shall be on the Applicant(s) both to provide sufficient information to allow the County fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the County.**

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

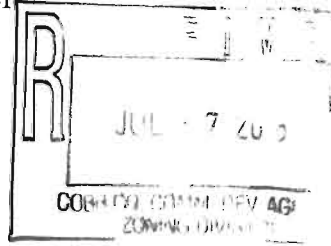
- a. RF Engineer's Affidavit dated June 30, 2016 and the Analysis, dated June 14, 2016 (Verizon Wireless.).

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- b. Documentation reflecting all of the towers within a three (3) mile radius of the proposed Facility in accordance with § 134-273(3)(m).

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

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

A handwritten signature, which appears to be 'L', is written inside a large, hand-drawn oval. Below the oval, the text 'Garvis L. Sams, Jr.' and the email address 'gsams@slhb-law.com' are printed.

GLS/klk

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



SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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

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ADAM J. ROZEN

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August 10, 2016

VIA EMAIL

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



Re: Application for a Special Land Use Permit by Municipal Communications, LLC  
(No. SLUP-12)

Dear John:

As you know, this firm has been engaged by and represents Municipal Communications, LLC ("Applicant") concerning the above-captioned Special Land Use Permit Application. In that regard, the Applicant submitted its Special Land Use Permit ("SLUP") Application on July 7, 2016 in order to allow for the construction and the ultimate operation and maintenance of a Wireless Telecommunications Tower and related antenna and equipment (collectively the "Facility") on the Subject Property, on an approximate two-thousand (2,000) square foot portion of the subject property ("Site"). The Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 8, 2016 and, thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 20, 2016.

The property at issue is owned by Emmanuel Temple of Cobb County, Inc. ("Owner") and is residentially zoned in the R-20 district with frontage on the east side of Pine Mountain Road, south of Ellis Road (2210 Pine Mountain Road). Currently, the Subject Property is improved and functions as Emmanuel Temple Church with related parking, building and improvements. Additionally, the church shares its facility with two other congregations. The property which surrounds and includes the Site is located in Unincorporated Cobb County; however, the Site is directly adjacent to Stilesboro Crossing Subdivision which is located to the east of the Site and located within the City Limits of Kennesaw.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
August 10, 2016  
Page 2

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The Owner has leased the Site to the Applicant, together with utility and ingress/egress easements. The Site, as noted on the Site Plan and other plans which have been submitted, is located in the southeast quadrant of the subject property, thus placing the Facility in a position so that any potential adverse effect upon surrounding properties has **been diminished** if not eliminated entirely. The Facility is a permitted use for the Site upon the issuance of the requested SLUP.

The Facility which the Applicant plans to construct will include a one-hundred, thirty foot (130') high (including the lightning rod) multi-tenant, monopole tower (incorporating a concealment system known as a Stealth Pine); ground-mounted communications equipment and associated minor Site improvements to facilitate the operations and maintenance of and access to the Facility on the Site.<sup>1</sup>

The carrier located on the top of the tower at the "rad center" (middle of the antennae center) height of one-hundred and twenty-five (125') is proposed to be Verizon Wireless ("Verizon") and there will be space for additional antenna arrays at heights approximately ten feet (10') apart. In that regard, the proposed Facility will comply with the design requirements of the Official Code of Cobb County, Georgia, as there is and will be tower space for at least three (3) additional carriers. Including the lightning rod, the tower will extend to approximately a total of 135' in height.

As a result of communications we have established with certain area residents and the dialogue which we have established with the County's professional staff, we have been authorized by the Applicant to submit this letter of agreeable stipulations which, if the SLUP Application is approved, shall become conditions and a part of the grant of the requested SLUP and binding upon the Subject Property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place concerning the Subject Property.

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<sup>1</sup> The Applicant was granted permission by Cobb County for a substantially similar stealth pine monopole tower and related communications equipment in 2014 for a site on property belonging to Hurt Road Baptist Church Road, Inc. (SLUP-14 of 2013, approved February 18, 2014).

SAMS, LARKIN, HUFF & BALLI

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Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
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Page 3

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2. The Applicant seeks a SLUP for the Subject Property in order to allow the construction of a 130' multi-tenant, monopole tower and a wireless telecommunications facility to provide wireless telecommunications services in this sub-area of Cobb County, the Pine Mountain Road Corridor and surrounding communities and neighborhoods, both in Unincorporated Cobb County and in the nearby City of Kennesaw.
3. The carrier located at the top of the tower at "rad center" (middle of the antennae center) is proposed to be Verizon Wireless ("Verizon") and there will be space for four (4) additional antenna arrays at heights approximately ten feet (10') apart. In that regard, the proposed facility will comply with the design requirements of Section 273(3)(b) of Chapter 134 of the Official Code of Cobb County, Georgia, as the same is amended from time to time, which requires tower space for at least three (3) carriers.
4. The requested SLUP will allow the construction and ultimate operation and maintenance of a wireless telecommunications tower and related antennas and equipment on an approximate 0.0344 acre leased area (out of a 1.205 acre overall tract) which constitutes a portion of the Subject Property which will be surrounded by a chain-link fence a minimum of seven feet (7') in height.
5. The tower structure shall be a monopole tower incorporating a concealment system known as a "stealth pine" (instead of a standard monopole design) as shown on the photograph being submitted concurrently herewith. This photograph was the end result of a SLUP approved for Municipal Communications by Cobb County concerning property belonging to Hurt Road Baptist Church, Inc. (SLUP-14 of 2013, approved February 18, 2014).
6. Access to the telecommunications tower and related facilities will be via the church's parking lot and access easement traversing the existing church property and pavement.
7. The telecommunications tower and related facility will meet or exceed current standards of the Federal Aviation Administration ("FAA"), the Federal Communications Commission ("FCC") and all applicable **agency** guidelines governing the construction and operation of such towers and facilities.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
August 10, 2016  
Page 4

8. Once constructed, the facility will be unmanned with only quarterly site visits by maintenance technicians.
9. The facility will be an integral part of the Verizon Wireless network across Cobb County and other portions of the greater Atlanta area as has been more particularly described in the Radio Frequency ("RF") Report and Analysis filed concurrently with the SLUP Application. Attached hereto and made a part hereof by reference is a map of existing towers within a three (3) mile radius per the FCC database and an accompanying data sheet describing the locations, heights and other vital information concerning those towers. Also attached is an exhibit which depicts existing LTE coverage and an exhibit which depicts proposed LTE coverage assuming approval of this SLUP Application.
10. Subject to the submitted Landscape and Tree Replacement/Presentation Plans and an agreement that all existing trees and vegetation adjacent to the proposed facilities and telecommunications tower site will be disturbed as little as possible in order to preserve the visual screening supplied by said trees and vegetation. The Site itself is located in a lower (topographically speaking) portion of the property which takes advantage of the existing trees and vegetation located thereon and which takes advantage of the trees and vegetation on adjacent properties as well.
11. As a part of the Application, the Applicant requests that the Cobb County Board of Commissioners waive the requirement which requires telecommunication towers to be setback a distance equal to the full height of the tower's height to any public right-of-way or property boundary pursuant to Section 134-273(3)(a)(2).<sup>2</sup> This same Code section does give the Board of Commissioners the discretion to waive the requirement upon a finding that the placement of the proposed tower at a different location on the parcel would mitigate any negative effects of the proposed tower upon adjoining parcels.

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<sup>2</sup> With respect to this Application, the location of the telecommunications tower and facilities is driven both by available space on the property but also in an effort to locate the facility and tower on the property in the most appropriate location which provides buffering and screening. Moreover, those homes and properties most affected are inhabited by the Pastor of the church, an individual who is in support of the Application and has worked as a community partner with the church, and a house which is unoccupied owing to the recent death of its owner.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
August 10, 2016  
Page 5

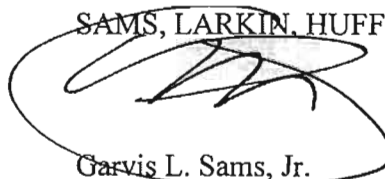
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12. The Applicant certifies that all of Verizon's equipment shall be installed and operated in keeping with applicable FAA and FCC rules and regulations and appropriate industry standards. The construction of the proposed tower, including Verizon's installation of the transmitter/receiver equipment, will not interfere with the usual and customary transmission or reception of radio, television and other such services enjoyed by adjacent properties and/or property owners.

Based upon the foregoing, the Applicant has produced more than sufficient information to allow the Staff, the County's independent consultant, the Planning Commission and the Board of Commissioners to fully consider relevant factors and to demonstrate that the SLUP Application complies with all applicable requirements and is otherwise consistent with the policies reflected and the factors enumerated for consideration by Cobb County. Nevertheless, please do not hesitate to contact me should you or the staff require additional information or documentation prior to the formulation of the Staff Analysis and Recommendations concerning this SLUP Application. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS/klk  
Attachments

cc: Listed on next page

**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL**

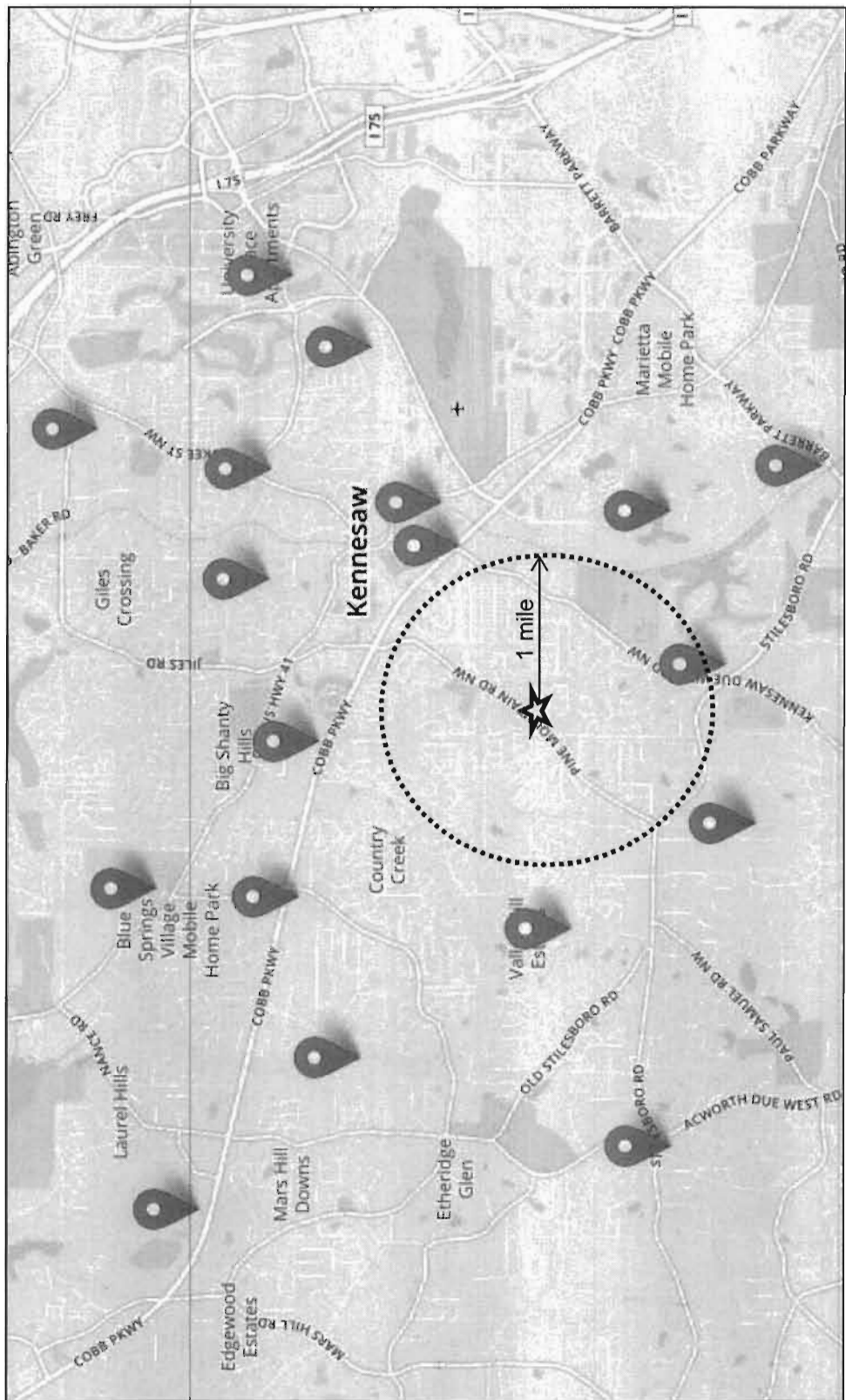
Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
August 10, 2016  
Page 6

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cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Members, Cobb County Planning Commission (via email w/attachments)  
Commission Assistants, Cobb County BOC (via email w/attachments)  
Debra Blair, Esq., Associate County Attorney (via email w/attachments)  
Mr. Dana Johnson, AICP, Director (via email w/attachments)  
Mr. Lee McClead, Deputy Director (via email w/attachments)  
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachments)  
Mr. Jason Campbell, Planner III (via email w/attachments)  
Mr. Terry Martin, Planner II (via email w/attachments)  
Ms. Kim Wakefield, Zoning Analyst (via email w/attachments)  
Mr. Donald Wells, Zoning Analyst (via email w/attachments)  
Ms. Pam Mabry, County Clerk (via email w/attachments)  
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)  
Ms. Robin Presley, Deputy County Clerk (via email w/attachments)  
Mr. David Breaden, P.E. (via email w/attachments)  
Ms. Ashley White, P.E., Cobb DOT (via email w/attachments)  
Mr. Tim Davidson, P.E., Plan Review Engineer (via email w/attachments)  
Ms. Linda Roche, Arranmore Subdivision (via email w/attachments)  
Ms. Jennifer Donahue, President, Arlington Pointe HOA (via email w/attachments)  
Mr. Jonathan N. Edwards, P.E. (via email w/attachments)  
Mr. Peter Corry, CEO, Municipal Communications, LLC (via email w/attachments)  
Mr. John Throckmorton, Vice President Municipal Communications, LLC (via email w/attachments)







Sitename: Ellis Road  
130' Monopine  
2010 Pine Mountain Road  
Kennesaw, GA

Cobb County

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





Sitename: Ellis Road

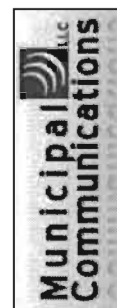
130' Monopine

2010 Pine Mountain Road

Kennesaw, GA

Cobb County

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



|    | ASR            | Owner  | Lat/Long                    | City         | Height (ft) |
|----|----------------|--|-----------------------------|--------------|-------------|
| 1  | <u>1018821</u> | Verizon Wireless (VAW) LLC                                     | 33-59-22.4N<br>084-38-36.8W | MARIETTA, GA | 116         |
| 2  | <u>1019778</u> | Prieto Broadcasting, Inc.                                      | 34-01-23.0N<br>084-40-03.0W | KENNESAW, GA | 205         |
| 3  | <u>1020251</u> | New Cingular Wireless PCS, LLC                                 | 34-00-52.6N<br>084-36-54.2W | KENNESAW, GA | 38          |
| 4  | <u>1025962</u> | American Towers, LLC   | 34-01-35.8N<br>084-38-06.2W | KENNESAW, GA | 233         |
| 5  | <u>1040369</u> | Crown Castle South LLC   | 33-59-48.2N<br>084-36-41.1W | KENNESAW, GA | 172         |
| 6  | <u>1049017</u> | SBA Towers, LLC  | 34-02-12.0N<br>084-40-56.0W | KENNESAW, GA | 264         |
| 7  | <u>1058513</u> | SBA Towers, LLC  | 33-59-48.0N<br>084-40-36.0W | DUE WEST, GA | 195         |
| 8  | <u>1059267</u> | SBA Towers, LLC  | 33-59-31.3N<br>084-37-38.0W | KENNESAW, GA | 173         |
| 9  | <u>1060982</u> | SpectraSite Communications, LLC                                | 34-01-42.0N<br>084-39-03.5W | KENNESAW, GA | 149         |
| 10 | <u>1205665</u> | CSX Transportation   | 34-00-58.4N<br>084-36-37.7W | KENNESAW, GA | 55          |
| 11 | <u>1211190</u> | SpectraSite Communications, LLC, through American Towers, LLC. | 34-02-44.2N                 | KENNESAW, GA | 117         |
| 12 | <u>1223461</u> | Southern Communications Services Inc dba Southern LINC         | 34-01-20.1N<br>084-35-40.4W | Kennesaw, GA | 166         |
| 13 | <u>1239055</u> | SBA Towers IX, LLC   | 33-59-02.4N<br>084-36-24.0W | Marietta, GA | 181         |
| 14 | <u>1253579</u> | SBA Monarch Towers I, LLC                                      | 34-01-43.9N<br>084-35-13.8W | Kennesaw, GA | 151         |
| 15 | <u>1264768</u> | SBA Monarch Towers II, LLC                                     | 34-02-25.6N<br>084-39-00.8W | Acworth, GA  | 161         |
| 16 | <u>1271789</u> | SBA Monarch Towers III, LLC                                    | 34-01-51.2N<br>084-37-06.1W | Kennesaw, GA | 157         |
| 17 | <u>1274416</u> | T-Mobile South LLC   | 34-00-18.4N<br>084-39-15.5W | Kennesaw, GA | 151         |
| 18 | <u>1294776</u> | Georgia Power Company  | 34-01-50.7N<br>084-36-25.8W | Kennesaw, GA | 69          |



# Proposed LTE Coverage with Ellis Rd Site



- Areas of weak coverage filled in with proposed Ellis Rd site. Thereby allowing coverage to the service area.
- Signal quality is improved.
- Propose 125' tower to provide acceptable "In-building" voice and data transmission speed to our customer.



# Existing LTE Coverage

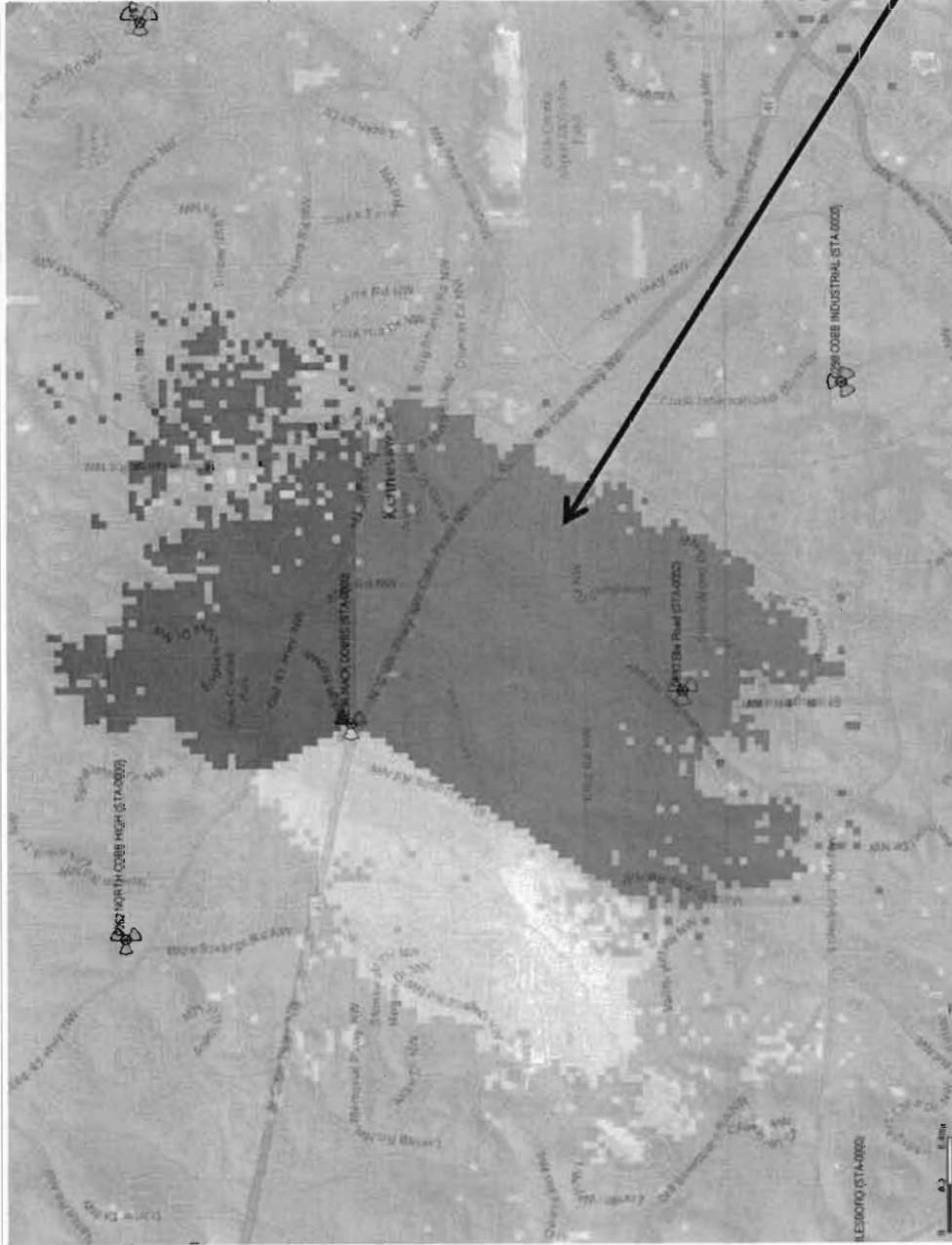


- Areas of weak coverage



# Existing area of need for capacity relief

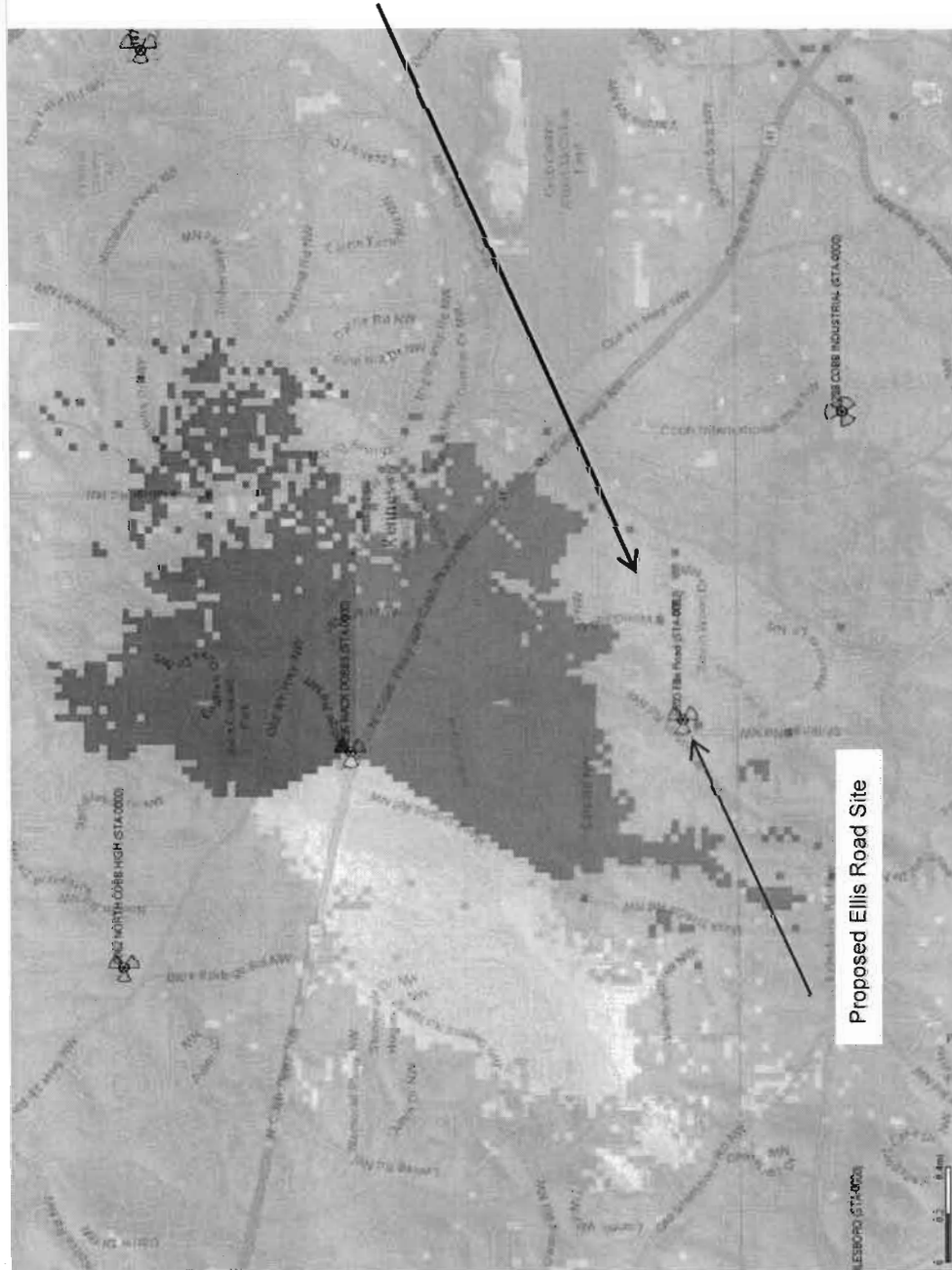
- Capacity issues exist in the area between existing Verizon Wireless sites due to a lack of cell density.
- Design goal of Ellis Road is to offload Mack Dobbs beta sector and improve coverage of the residential area along Pine Mountain Rd.
- Each cell site sector color represents the area where mobile user would be serviced.
- Mack Dobbs beta sector coverage area (color red)



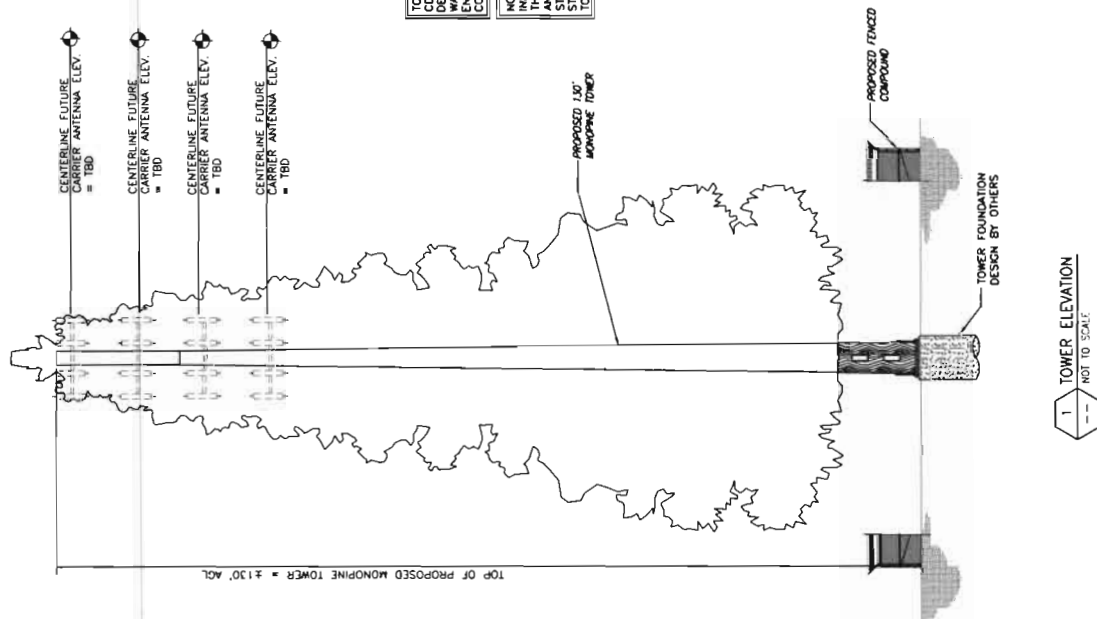


# Proposed capacity relief with Ellis Rd site

- Proposed Ellis Road site located at Pine Mountain Road provides offload to Mack Dobbs beta sector.
- Color green represents the area where the proposed Ellis Road site will be the best server.



|   |  |   |  |  |  |   |  |   |  |   |  |
|---|--|---|--|--|--|---|--|---|--|---|--|
| <b>INFINIGY8</b><br>FROM ZERO TO INFINIGY<br>The solutions are endless<br>2225 BOWLING GREEN BLVD. SUITE 100<br>ATLANTA, GA 30335<br>(404) 575-1100 |  | UNIVERSAL STATE OF GEORGIA<br>PROFESSIONAL ENGINEER<br>LICENSE NO. 125203<br>EXPIRATION DATE 12/31/2016 |  | REGISTERED PROFESSIONAL ENGINEER<br>NO. 125203<br>7-06-16<br>ENGINEER<br>J. WARREN |  | ELLIS ROAD<br>EMMAHURST, GA 30122<br>2715 MOUNTAIN ROAD<br>KENNESAW, GA 30142 |  | <b>Municipal Communications</b><br>1845 Peachtree Rd<br>Atlanta, GA 30305<br>(404) 444-1100<br>FAX (404) 444-1100 |  | Drawing Title<br>TOWER ELEVATION<br>Drawing Number<br>C05 |  |
|---|--|---|--|--|--|---|--|---|--|---|--|



TOWER ELEVATION SHOWN IS FOR CONCEPTUAL USE ONLY. ACTUAL TOWER DESIGN INFORMATION FOR THIS PROJECT WAS NOT AVAILABLE TO INFINIGY ENGINEERING DURING THE PREPARATION OF CONSTRUCTION DRAWINGS.

NOTE: INFINIGY ENGINEERING HAS NOT EVALUATED THE TOWER OR LOADING FOR THIS SITE, AND ASSUMES NO RESPONSIBILITY FOR ITS STRUCTURAL ANALYSIS BY OTHERS PRIOR TO ANY CONSTRUCTION.

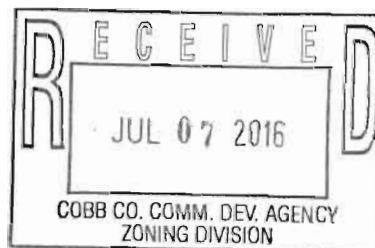
RECEIVED  
JUL 07 2016  
CBBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



10300 Old Alabama Connector Road  
Alpharetta, GA 30022-1117

June 30, 2016

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



**Re: Administrative Review of the Permitted Use of a 130-foot Telecommunications Facility to be located at 2210 Pine Mountain Road NW, Cobb County, Georgia**

To Whom It May Concern:

The primary need for the proposed telecommunications facility is to provide capacity relief to the existing Verizon Wireless site. The site is identified on the attached maps as "Mack Dobbs site". Verizon Wireless utilizes 3G CDMA and 4G LTE technologies that reuse spectrum on all cell sites, which is the most efficient wireless network operation. The existing tower is running at full capacity presently, with all Verizon-licensed FCC spectrum used in all directions. When an existing site requires more capacity than it is capable of delivering then a new point of service is required. On page 5 of the attached Propagation Maps the area in red demonstrates where capacity relief is required for the Mack Dobbs beta sector. The location of the proposed site is plotted in green on page 6 of the Propagation Maps to demonstrate the effectiveness of the capacity offload. As you can see, a significant portion on the south area of the existing Mack Dobbs site is positively impacted by the proposed Ellis Road site.

In addition to capacity relief, the proposed Ellis Road site will greatly improve existing LTE wireless service in the northern portion of Cobb County by adding geographical coverage with a new point of service. As shown on page 8 on the Propagation Map, this site will provide improved service between sites that are now stretching to serve customers in this area. Furthermore, it will improve customer experience in Kennesaw City. The In-Building and in-vehicle coverage will be better to the residents near Pine Mountain Rd.

The search area for this project is centered between Mack Dobbs Rd NW and Pine Mountain Rd with an approximate search radius of 0.5 mile. Verizon Wireless has made every reasonable attempt to utilize existing structures to meet the network design goals including evaluating existing tower sites that fell slightly outside of the search area. Upon thorough examination of the service area, Verizon Wireless did not identify any existing towers located



within the search area of the proposed tower location. The 3 closest existing towers are about 1.2 mile from the proposed site as shown on page 4 on the Propagation Map. These 3 towers are out of position to adequately offload Mack Dobbs beta sector and improve the residential area along Pine Mountain Rd.

The proposed tower height of 130' is the minimum height required to properly provide necessary capacity and coverage improvements set forth above. The proposed facility will allow Verizon Wireless to mount cellular antennas at this centerline. The location of this additional site is imperative to provide improved service for Verizon Wireless customers and the customers of other carriers collocating on the tower. This new telecommunications facility will be equipped with an emergency generator with extended runtime capability and will provide additional voice and data resources that would be needed in the event of an emergency or severe weather.

For the above mentioned reasons, the Verizon Wireless Network Team respectfully requests administrative approval of this permitted use to allow for the proposed 130-foot telecommunications facility, which will allow Verizon Wireless to continue to provide the most reliable wireless network to the citizens of Cobb County. Thank you for your thoughtful consideration of this request.

Sincerely,



Evelyn Rodelas  
RF Design Engineer  
Verizon Wireless – GA/AL Region



Notary Public 6/30/16





INFINIGY8

FROM ZERO TO INFINIGY8

THESE LOCATIONS ARE INDICATED

UNAPPROVED. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF ATLANTA'S ZONING ORDINANCE. ANY VIOLATION OF THE ZONING ORDINANCE IS A VIOLATION OF THE CITY OF ATLANTA'S ZONING ORDINANCE.

**REGISTERED PROFESSIONAL ENGINEER**

**CHRISTOPHER R. WARREN**

7-08-18

NO. 12278

ELLIS ROAD

EMMANUEL TEMPLE

2711 MOUNTAIN ROAD

ROSWELL, GA 30075

**Municipal Communications**

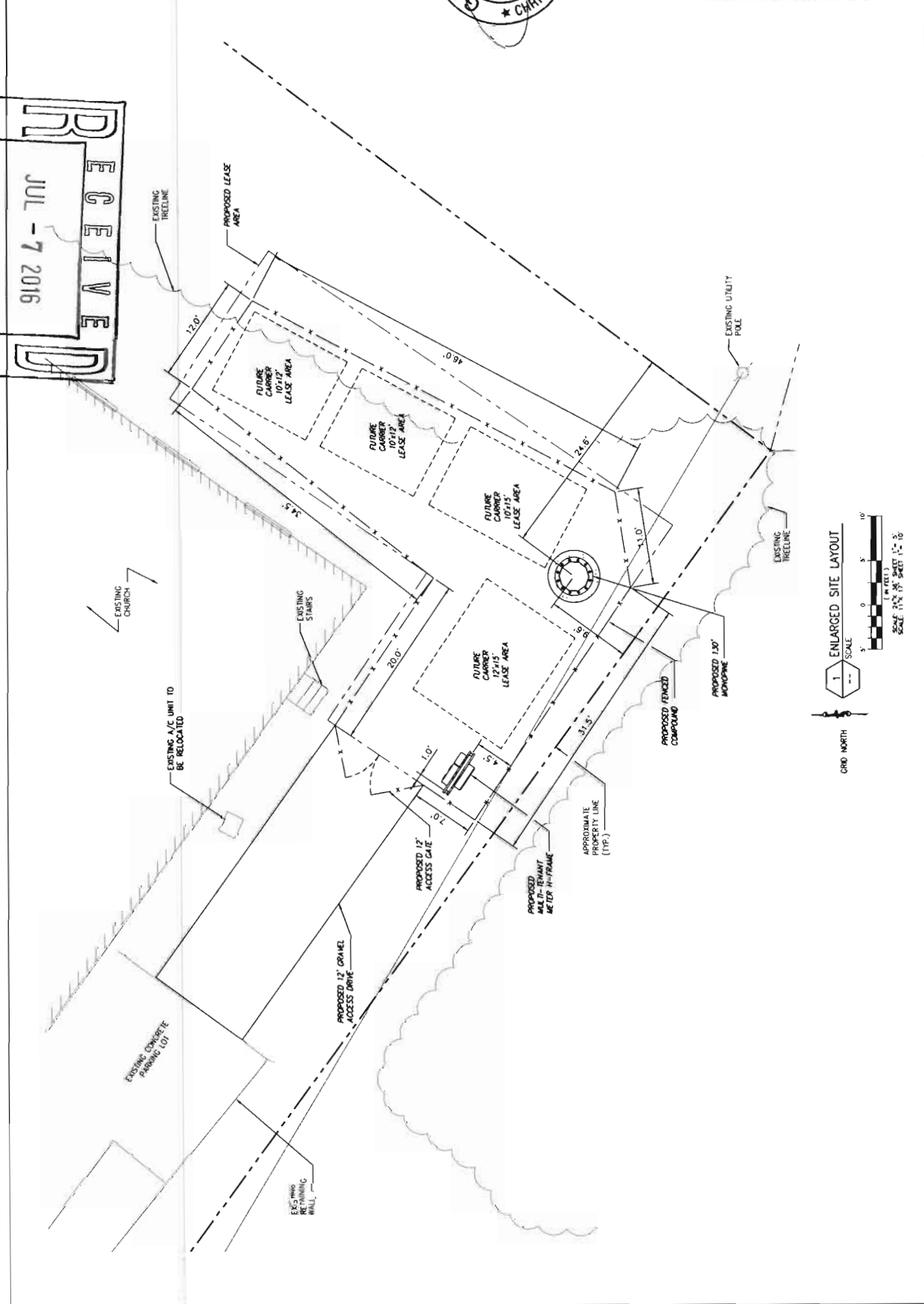
3495 Peachtree Rd

Atlanta, GA 30326

404.484.1880

ENLARGED SITE LAYOUT

**RECEIVED**  
 JUL - 7 2016  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



1" = 100' SCALE  
 ENLARGED SITE LAYOUT  
 SCALE 1/4" = 10' SHEET 12-2  
 GRID NORTH

**INFINIGY8**  
FROM ZERO TO INFINIGY  
the solutions are endless

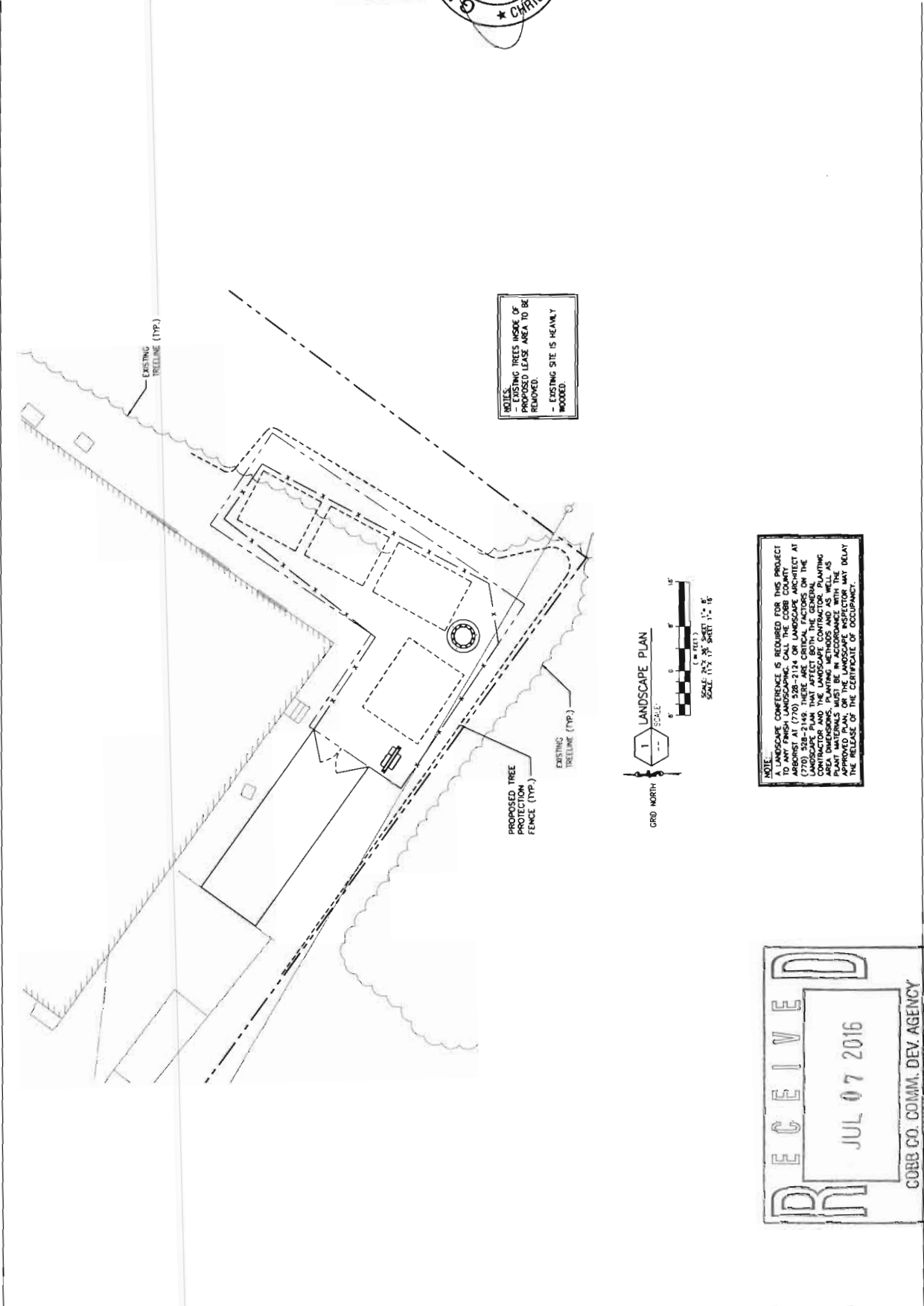
**REGISTERED PROFESSIONAL ENGINEER**  
No. PE27375  
7-08-18  
CHRISTOPHER A. WARREN

**Municipal Communications**  
Municipal Communications, LLC  
1415 Peachtree City, Georgia 30028  
Phone: 770.424.1234 Fax: 770.424.1235  
www.municipalcommunications.com

2025 SHELLS WILL BEAD BUTTE 150  
2025 SHELLS WILL BEAD BUTTE 150  
2025 SHELLS WILL BEAD BUTTE 150

ELLIS ROAD  
EMMANUEL TEMPLE  
2210 MOUNTAIN ROAD  
KENSINGTON, GA 30142

Drawing Scale:  
AS SHOWN  
Drawing Title:  
LANDSCAPE PROTECTION PLAN



**NOTE:**  
LANDSCAPE CONFERENCE IS REQUIRED FOR THIS PROJECT TO ANY FINISH LANDSCAPING. CALL THE COBB COUNTY ARBORIST AT (770) 528-2124 OR LANDSCAPE ARCHITECT AT (770) 528-2148. THERE ARE CRITICAL FACTORS ON THE PROJECT THAT THE LANDSCAPE CONTRACTOR, PLANTING CONTRACTOR AND THE LANDSCAPE CONTRACTOR PLANTING AREA DIMENSIONS, PLANTING METHODS AND AS WELL AS THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO DELAY THE RELEASE OF THE CERTIFICATE OF OCCUPANCY.

RECEIVED

JUL 07 2016

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

INFINIGY8 FROM ZERO TO INFINITY

2255 MARKET LANE, SUITE 100  
KANSAS CITY, MO 64114  
816.451.1111

REGISTERED PROFESSIONAL ENGINEER  
No. PE2795  
7-08-18  
C. W. WARREN

ELLIS ROAD  
FARMASIDE, TOWNSHIP 8  
2205 MOUNTAIN ROAD  
KANSAS CITY, MO 64114

Municipal Communications  
Attn: Planning & Zoning  
1000 Independence Ave., Suite 413  
Kansas City, MO 64114  
816.254.2200

Tree Protection and Replacement Plan & Notes

AS NOTED

**NOTES:**

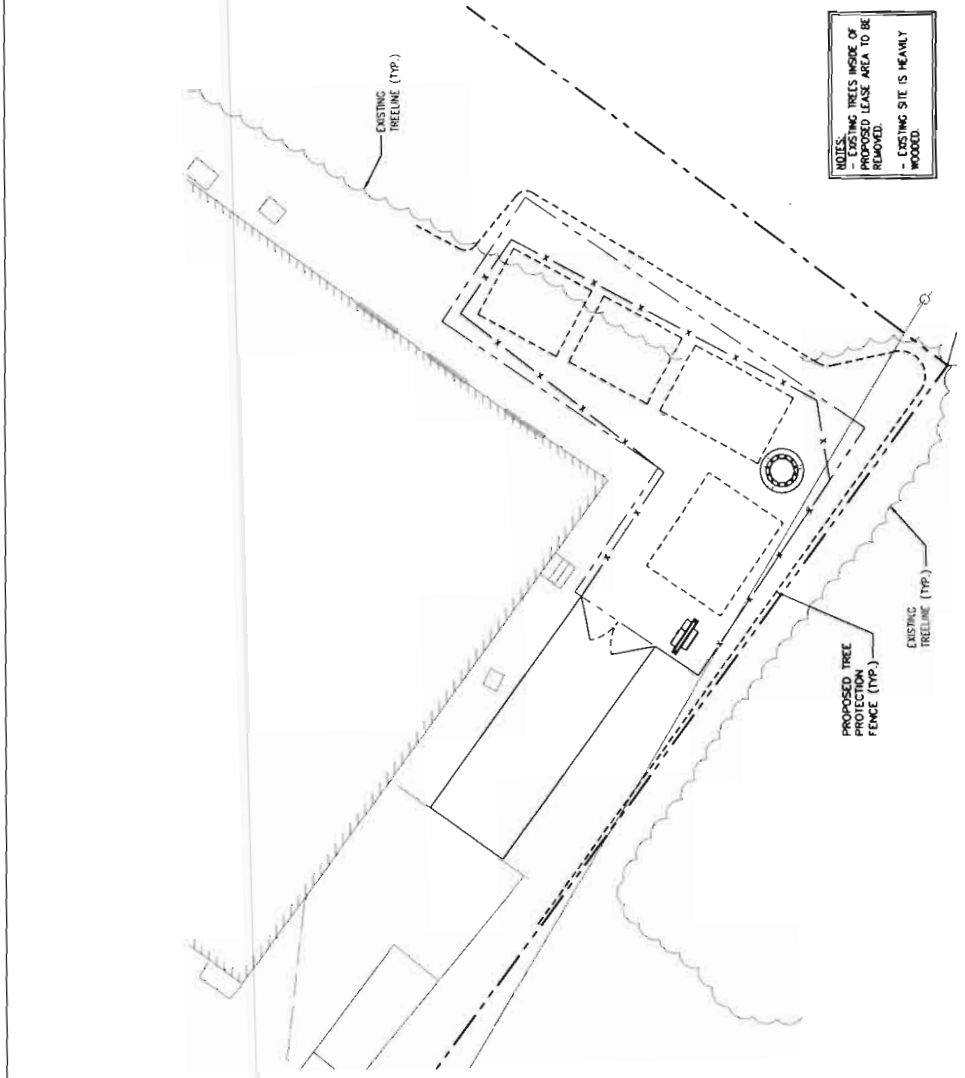
1. THE INSTALLATION OF THE IRRIGATION SYSTEM OR HOSE BIBS (AS SPECIFIED ON THIS PLAN) WILL BE VERIFIED BY THE COUNTY ARBORIST PRIOR TO THE RELEASE OF THIS PROJECT FOR A CERTIFICATE OF OCCUPANCY.
2. ALL ELECTRONIC LANDSCAPE IRRIGATION SYSTEMS INSTALLED AFTER JANUARY 1, 2005 MUST BE EQUIPPED WITH A RAIN SENSOR SHUT-OFF SWITCH IN ACCORDANCE WITH GEORGIA HB 1277.
3. A MAINTENANCE BOND, LETTER OF CREDIT OR ESCROW ACCOUNT IS REQUIRED FOR ALL MATERIALS PLANTED TO MEET OR EXCEED REQUIREMENTS OF THE COBB COUNTY LANDSCAPE IRRIGATION SYSTEM. THE MAINTENANCE BOND OR ESCROW ACCOUNT MUST BE IN FULL PAYMENT OF THE COST OF ALL REQUIRED PLANT MATERIALS AND THE COST OF THE INSTALLATION AND GUARANTEE OF THOSE MATERIALS. THE SURETY IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER OF THE PROJECT. IT MUST BE MAINTAINED FOR THE ENTIRE TERM OF THE PROJECT AND RELEASED ONLY BY THE LANDSCAPE INSPECTOR PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY (CO).
4. THE EXPIRATION DATE OF THE SURETY INSTRUMENT SHALL BE DETERMINED AS THIRTY (30) MONTHS FROM THE DATE OF THE SURETY. FOR ALL PLANT MATERIALS THAT WILL BE IRRIGATED BY AN AUTOMATED IRRIGATION SYSTEM, THE SURETY INSTRUMENT MUST BE MAINTAINED FOR THE ENTIRE TERM OF THE PROJECT AND RELEASED ONLY BY THE LANDSCAPE INSPECTOR PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY (CO).
5. TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO ANY CLEARING, GRUBBING OR GRADING.
6. A PRE-CONSTRUCTION CONFERENCE IS REQUIRED PRIOR TO THE ISSUANCE OF THE ON-SITE CONSTRUCTION PERMIT. CALL THE SITE INSPECTIONS SECTION AT (770) 528-2134 TO ARRANGE A MEETING AT THE SITE.
7. TREE PROTECTION AND REPLACEMENT SHALL BE ENFORCED ACCORDING TO COBB COUNTY STANDARDS. ANY FIELD ADJUSTMENTS TO TREE PROTECTION DEVICES TYPES OR LOCATIONS OR SUBSTITUTIONS OF PLANT MATERIALS SHOWN ON THIS PLAN ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE COBB COUNTY ARBORIST.
8. THE SITE CONTRACTOR SHALL COORDINATE SERVICE ROUTING OF ALL GAS, TELEPHONE, AND ELECTRICAL LINES WITH THE APPROPRIATE UTILITY COMPANY. ALL CONSTRUCTION MUST COMPLY WITH EACH UTILITY'S STANDARDS AND SPECIFICATIONS AND NOT INTERFERE WITH TREE PLANTING SITES OR EXISTING TREES TO BE PRESERVED.
9. THE DENSITY REQUIREMENTS SHOWN ON THE TREE PRESERVATION AND/OR REPLACEMENT PLAN MUST BE ADHERED TO. THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY (CO) IS CONTINGENT UPON THE COMPLETION OF THE TREE PRESERVATION AND REPLACEMENT PLAN. CALL THE DEVELOPMENT INSPECTIONS DIVISION AT (770) 528-2124 FOR AN INSPECTION. A PERFORMANCE BOND, LETTER OF CREDIT OR ESCROW ACCOUNT MUST BE IN FULL PAYMENT OF THE COST OF THE TREE PRESERVATION AND REPLACEMENT PLAN. THE SURETY IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER OF THE PROJECT. IT MUST BE MAINTAINED FOR THE ENTIRE TERM OF THE PROJECT AND RELEASED ONLY BY THE LANDSCAPE INSPECTOR PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY (CO).
10. PRE-CONSTRUCTION CONFERENCE FOR PLANTING TREES MUST BE IN PLACE PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY (CO). MAINTENANCE INSPECTION WILL BE PERFORMED PRIOR TO THE SCHEDULING OF THE RELEASE DATE OF THE POSTED FISCAL SURETY TO DETERMINE THE HEALTH OF THE TREES AND THE REQUIREMENTS OF THIS DOCUMENT, AS WELL AS ANY BUTTER PLANTINGS.
11. THE INSTALLATION OF EXISTING CONTROL DEVICES CAUSES HARM TO TREES. USE SIX FENCE ONLY AS NEEDED AND LOCATE IT AS FAR FROM TREE PROTECTION ZONES AS POSSIBLE.
12. WHEN DIGGING NEAR TREES, THE CONTRACTOR SHALL PRUNE ALL EXPOSED ROOTS ONE (1) INCH IN DIAMETER AND LARGER ON THE SIDE OF THE TRENCH ADJACENT TO THE TREES. PRUNING SHALL CONSIST OF MAKING A CLEAN CUT FLUSH WITH THE SIDE OF THE TRENCH TO PROMOTE NEW ROOT GROWTH.
13. PRUNING OF TREE LIMBS TO PROVIDE CLEARANCE FOR EQUIPMENT AND MATERIALS SHALL BE DONE ACCORDING TO STANDARD ARBORICULTURAL PRACTICE (SEE ANSI A300-1995).
14. PROTECT THE TRUNKS OF ANY TREES BEING PRESERVED WITHIN THE TEMPORARY OF PERMANENT UTILITY EASEMENTS WITH STRAPPED-ON PLANKING OR SIMILAR PROTECTIVE DEVICE.
15. INSTALLED TREES MUST BE ALLOWED TO GROW TO THEIR NATURAL SIZE AND SHAPE AND NOT BE PRUNED IN CONFLICT WITH ANSI A300 STANDARDS (NO TOPPING, LIMBING UP, LIMB TAILING, ETC.).
16. BUFFERS MUST BE PLANTED TO COBB COUNTY STANDARDS WHERE SPARSELY VEGETATED OR WHERE DISTURBED FOR APPROVED UTILITY OR ACCESS CROSSINGS.

**NOTE:**

A LANDSCAPE CONFERENCE IS REQUIRED FOR THE COBB COUNTY ARBORIST AT (770) 528-2124 OR LANDSCAPE ARCHITECT AT (770) 528-2148. THERE ARE CRITICAL PLANTING SITES AND TREES THAT MUST BE PROTECTED. THE CONTRACTOR AND THE LANDSCAPE ARCHITECT/ARBORIST MUST BE PRESENT FOR ALL PLANTING SITES AND WITH THE APPROVED PLANNING OF THE LANDSCAPE INSPECTOR MAY DELAY THE RELEASE OF THE CERTIFICATE OF OCCUPANCY.

IRRIGATION SYSTEM FOR LANDSCAPE BUFFER TO BE PERFORMED USING AN IRRIGATION TRUCK AS FOLLOWS:  
IMMEDIATELY FOLLOWING INSTALLATION FOR 30 MIN EACH THEN 2 X PER WEEK FOR 30 MIN EACH FOR FIRST MONTH THEN 1 X PER WEEK FOR 30 MIN EACH FOR NEXT 5 MONTHS

**NOTES:**  
- EXISTING TREES INSIDE OF PROPOSED LEASE AREA TO BE REMOVED.  
- EXISTING SITE IS HEAVILY WOODED



**RECEIVED**  
JUL 07 2016  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

1 TREE PROTECTION AND REPLACEMENT PLAN AND NOTES

SCALE: 1" = 10' 0"



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

Sitename: Ellis Road  
130' Monopine  
2010 Pine Mountain Road  
Kennesaw, GA  
Cobb County





Sitename: Ellis Road  
130' Monopine

2010 Pine Mountain Road

Kennesaw, GA Cobb County

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



**Municipal  
Communications**

RECEIVED  
JUL 07 2016

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

|    | ASR            | Owner  | Lat/Long                    | City         | Height (ft) |
|----|----------------|--|-----------------------------|--------------|-------------|
| 1  | <u>1018821</u> | Verizon Wireless (VAW) LLC                                     | 33-59-22.4N<br>084-38-36.8W | MARIETTA, GA | 116         |
| 2  | <u>1019778</u> | Prieto Broadcasting, Inc.                                      | 34-01-23.0N<br>084-40-03.0W | KENNESAW, GA | 205         |
| 3  | <u>1020251</u> | New Cingular Wireless PCS, LLC                                 | 34-00-52.6N<br>084-36-54.2W | KENNESAW, GA | 38          |
| 4  | <u>1025962</u> | American Towers, LLC   | 34-01-35.8N<br>084-38-06.2W | KENNESAW, GA | 233         |
| 5  | <u>1040369</u> | Crown Castle South LLC   | 33-59-48.2N<br>084-36-41.1W | KENNESAW, GA | 172         |
| 6  | <u>1049017</u> | SBA Towers, LLC  | 34-02-12.0N<br>084-40-59.0W | KENNESAW, GA | 264         |
| 7  | <u>1058513</u> | SBA Towers, LLC  | 33-59-48.0N<br>084-40-36.0W | DUE WEST, GA | 195         |
| 8  | <u>1059267</u> | SBA Towers, LLC  | 33-59-31.3N<br>084-37-38.0W | KENNESAW, GA | 173         |
| 9  | <u>1060982</u> | SpectraSite Communications, LLC                                | 34-01-42.0N<br>084-39-03.5W | KENNESAW, GA | 149         |
| 10 | <u>1205665</u> | CSX Transportation   | 34-00-58.4N<br>084-36-37.7W | KENNESAW, GA | 55          |
| 11 | <u>1211190</u> | SpectraSite Communications, LLC. through American Towers, LLC. | 34-02-44.2N<br>084-36-10.9W | KENNESAW, GA | 117         |
| 12 | <u>1223461</u> | Southern Communications Services Inc db/a Southern LINC        | 34-01-20.1N<br>084-35-40.4W | Kennesaw, GA | 166         |
| 13 | <u>1239055</u> | SBA Towers IX, LLC   | 33-59-02.4N<br>084-36-24.0W | Marietta, GA | 181         |
| 14 | <u>1253579</u> | SBA Monarch Towers I, LLC                                      | 34-01-43.9N<br>084-35-13.8W | Kennesaw, GA | 151         |
| 15 | <u>1264768</u> | SBA Monarch Towers II, LLC                                     | 34-02-25.6N<br>084-39-00.8W | Acworth, GA  | 161         |
| 16 | <u>1271789</u> | SBA Monarch Towers II, LLC                                     | 34-01-51.2N<br>084-37-06.1W | Kennesaw, GA | 157         |
| 17 | <u>1274416</u> | T-Mobile South LLC   | 34-00-18.4N<br>084-39-15.5W | Kennesaw, GA | 151         |
| 18 | <u>1294776</u> | Georgia Power Company  | 34-01-50.7N<br>084-36-25.8W | Kennesaw, GA | 69          |



# RF Propagation Maps for Ellis Road Site

## Design Objectives

## Technology Information

14 June 2016

**Evelyn Rodelas**  
Radio Frequency Engineer  
**Verizon Wireless**



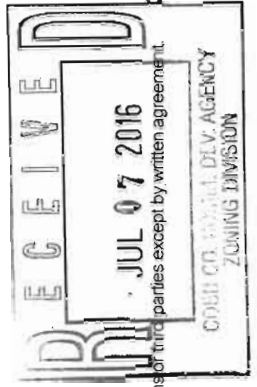
SLUP-12 (2016)  
RF Propagation  
Maps



## Service Area

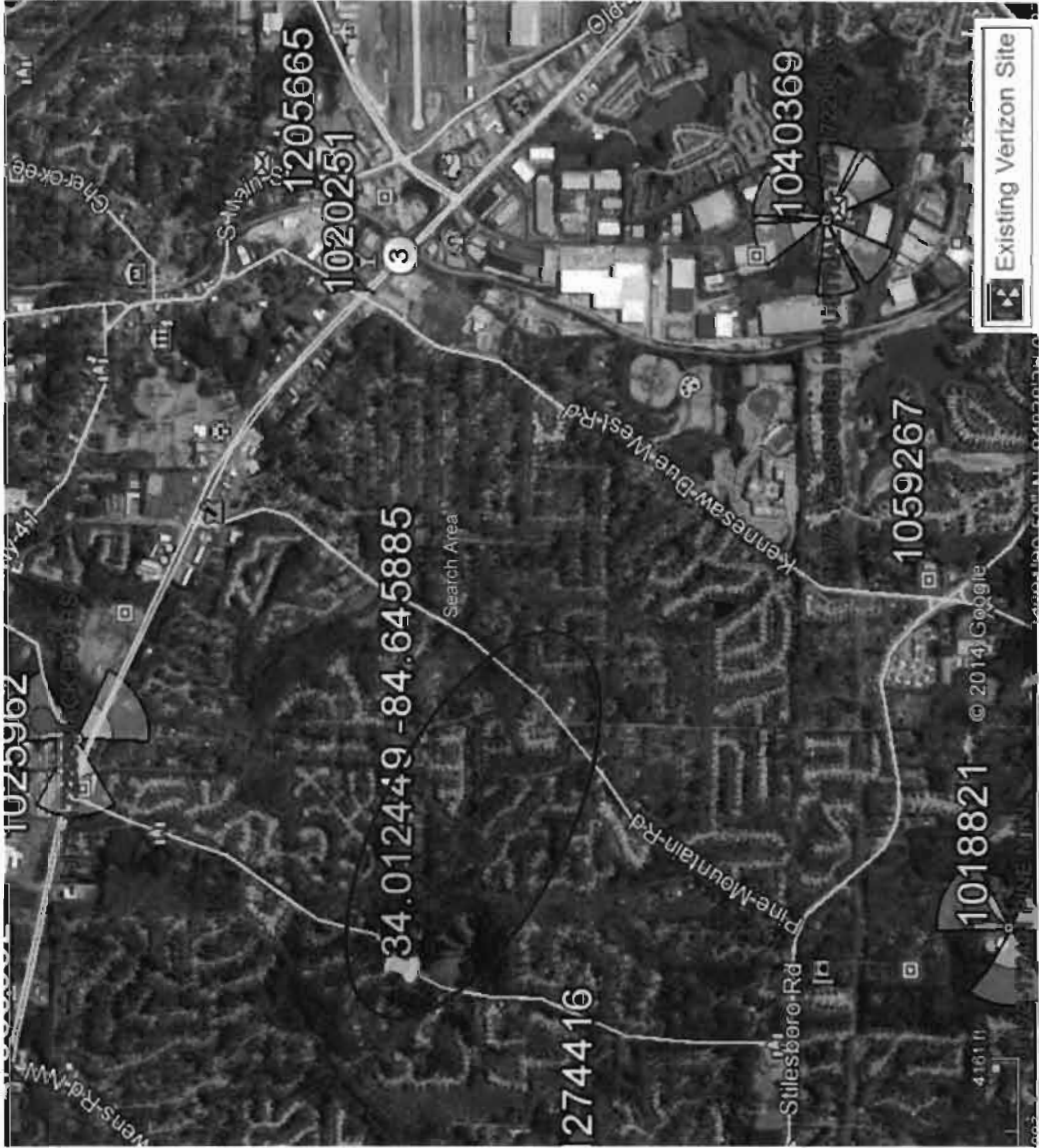


- Ellis Road is in FCC Market #
  - CMA017 for AWS A
  - BEA040 for AWS B
  - CMA017 for Cellular A
  - BTA024 for PCS C
  - REA002 for Upper 700 MHz
- It is located along Pine Mountain Rd which is in the south side of Hwy 3
- Location Coordinates
  - 34° 0'23.90"N, 84°37'59.78"W
- Service improvements targeted on the area as shown to the left.





# Ellis Road – Search Area



Design Objective:

- To offload traffic from the Mack Dobbs beta sector.
- To improve coverage along Pine Mountain Rd and nearby residential area.

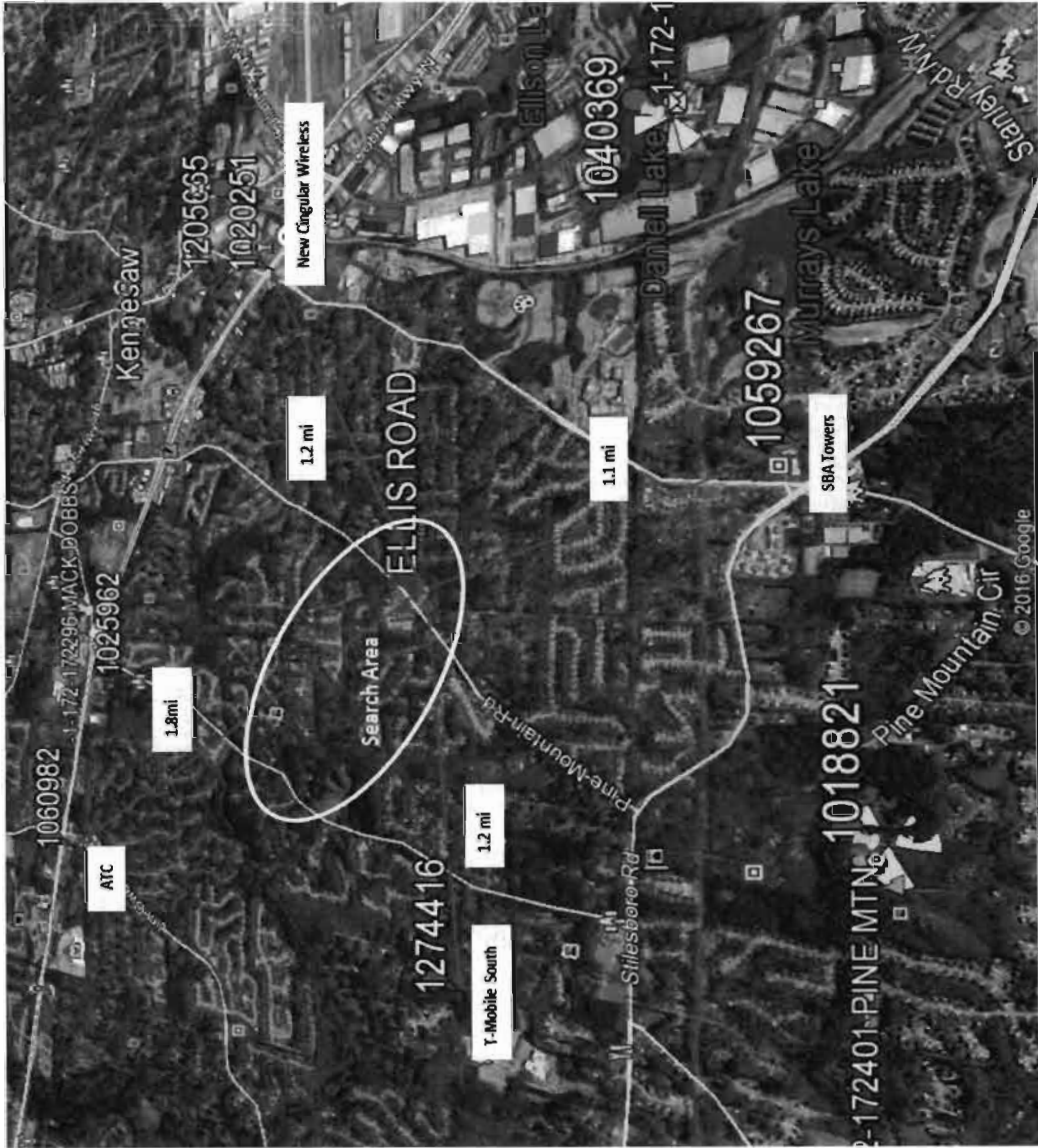






# Existing towers near desired location

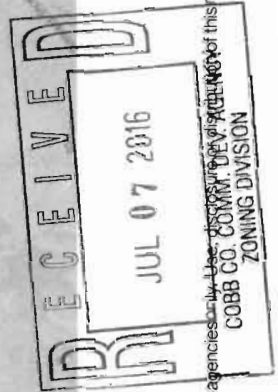
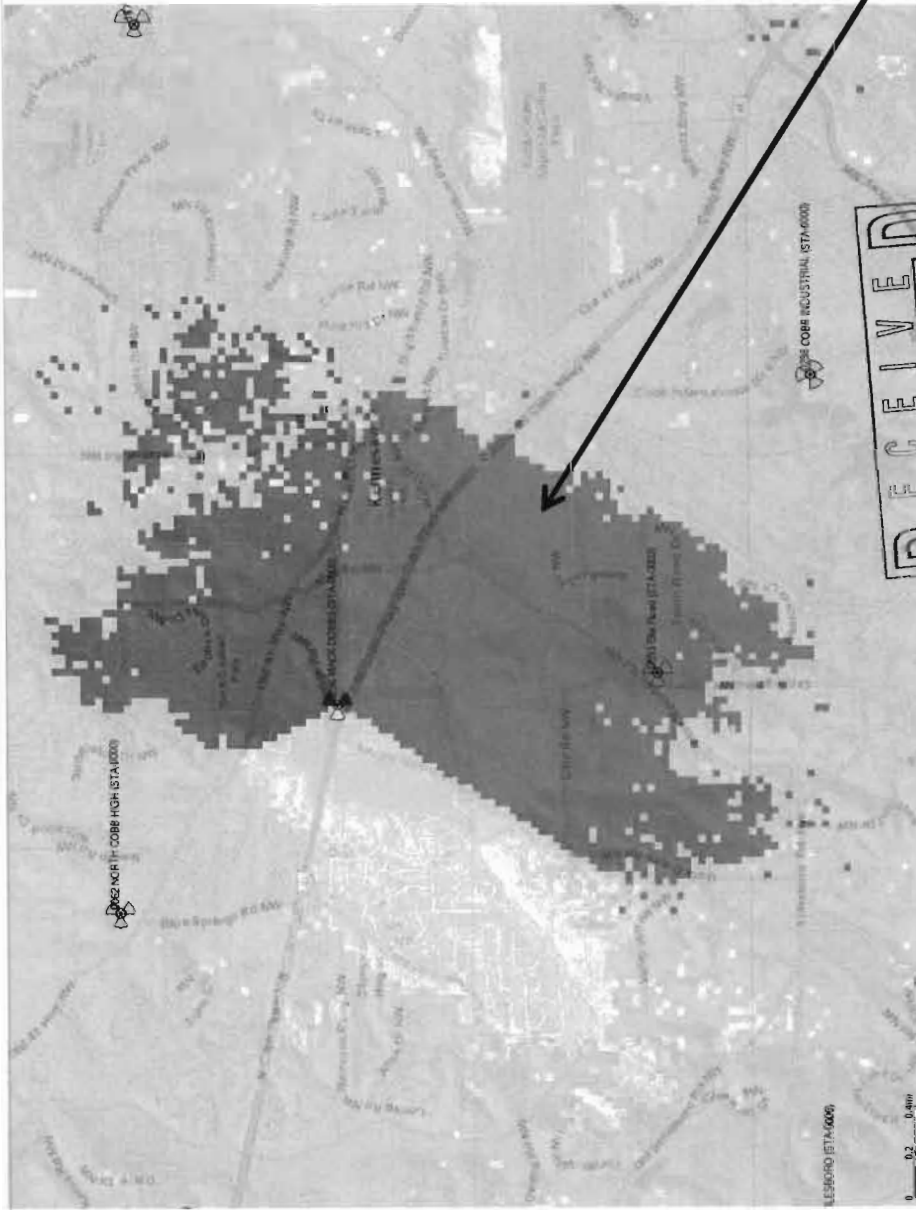
- There is no existing tower within the search area.
- SBA Towers (1059267), T-Mobile South (1274416), and New Cingular Wireless (1020251) are the closest towers which are about 1.2 mile from the proposed site.
- These 3 existing towers are out of position to adequately offload Mack Dobbs beta sector and improve coverage along Pine Mountain Rd.





# Existing area of need for capacity relief

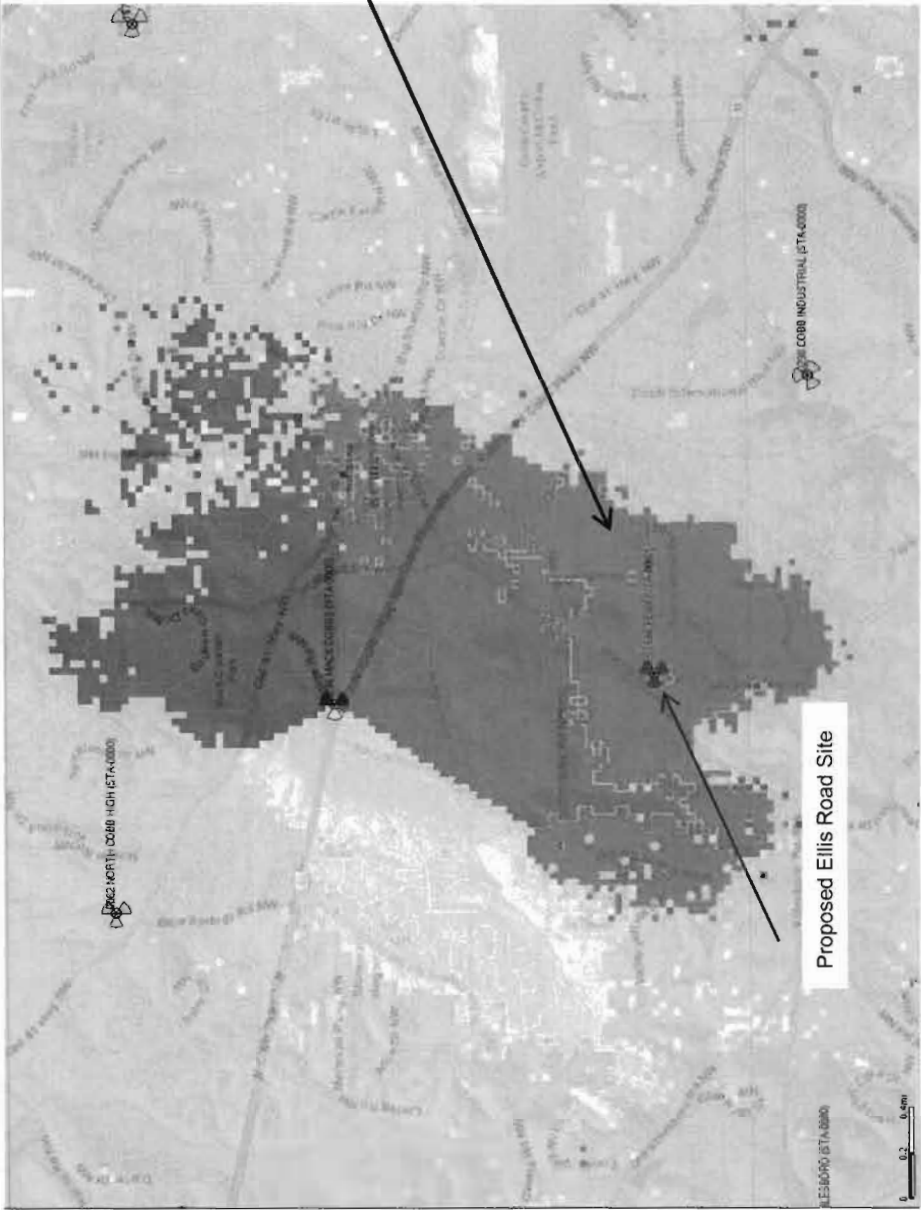
- Capacity issues exist in the area between existing Verizon Wireless sites due to a lack of cell density.
- Design goal of Ellis Road is to offload Mack Dobbs beta sector and improve coverage of the residential area along Pine Mountain Rd.
- Each cell site sector color represents the area where mobile user would be serviced.
- Mack Dobbs beta sector coverage area (color red)





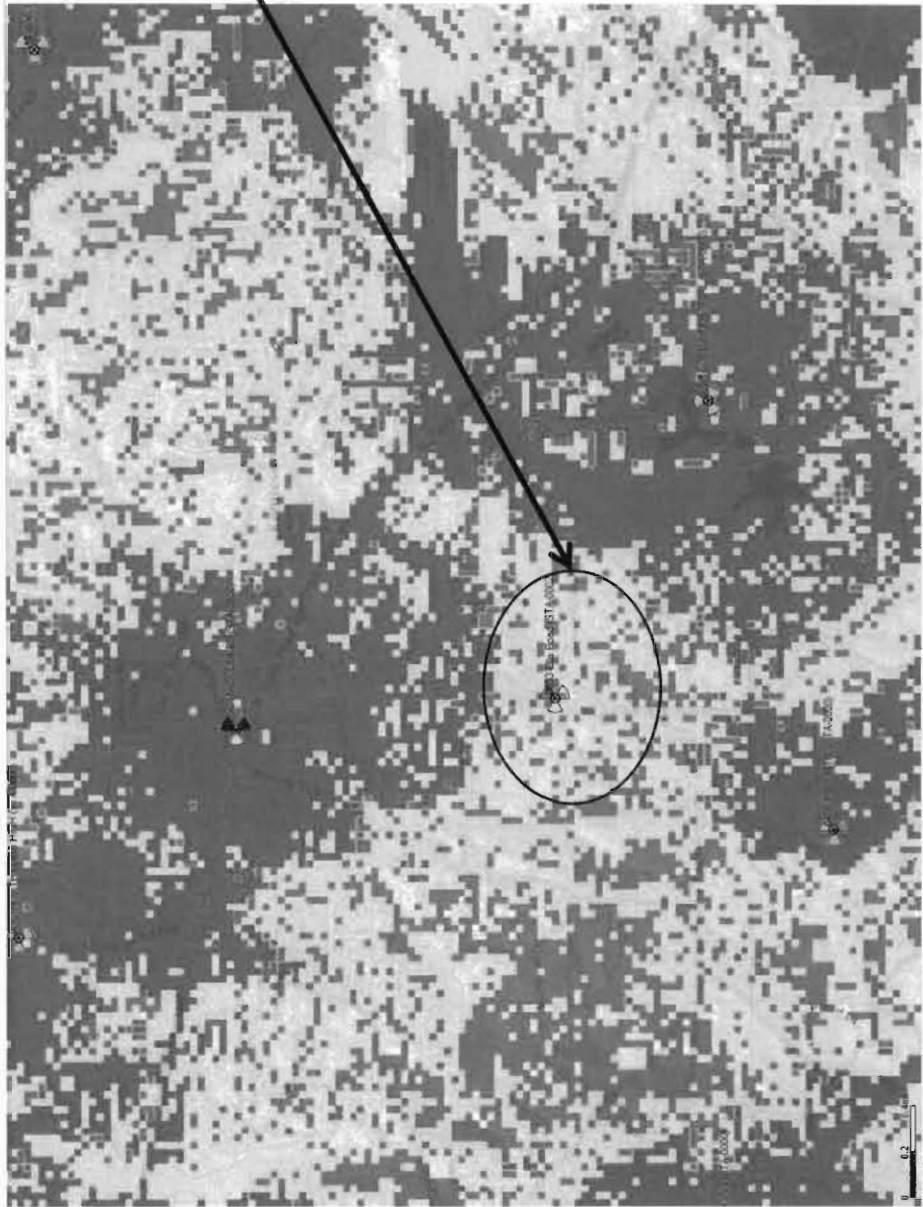
# Proposed capacity relief with Ellis Rd site

- Proposed Ellis Road site located at Pine Mountain Road provides offload to Mack Dobbs beta sector.
- Color green represents the area where the proposed Ellis Road site will be the best server.





# Existing LTE Coverage

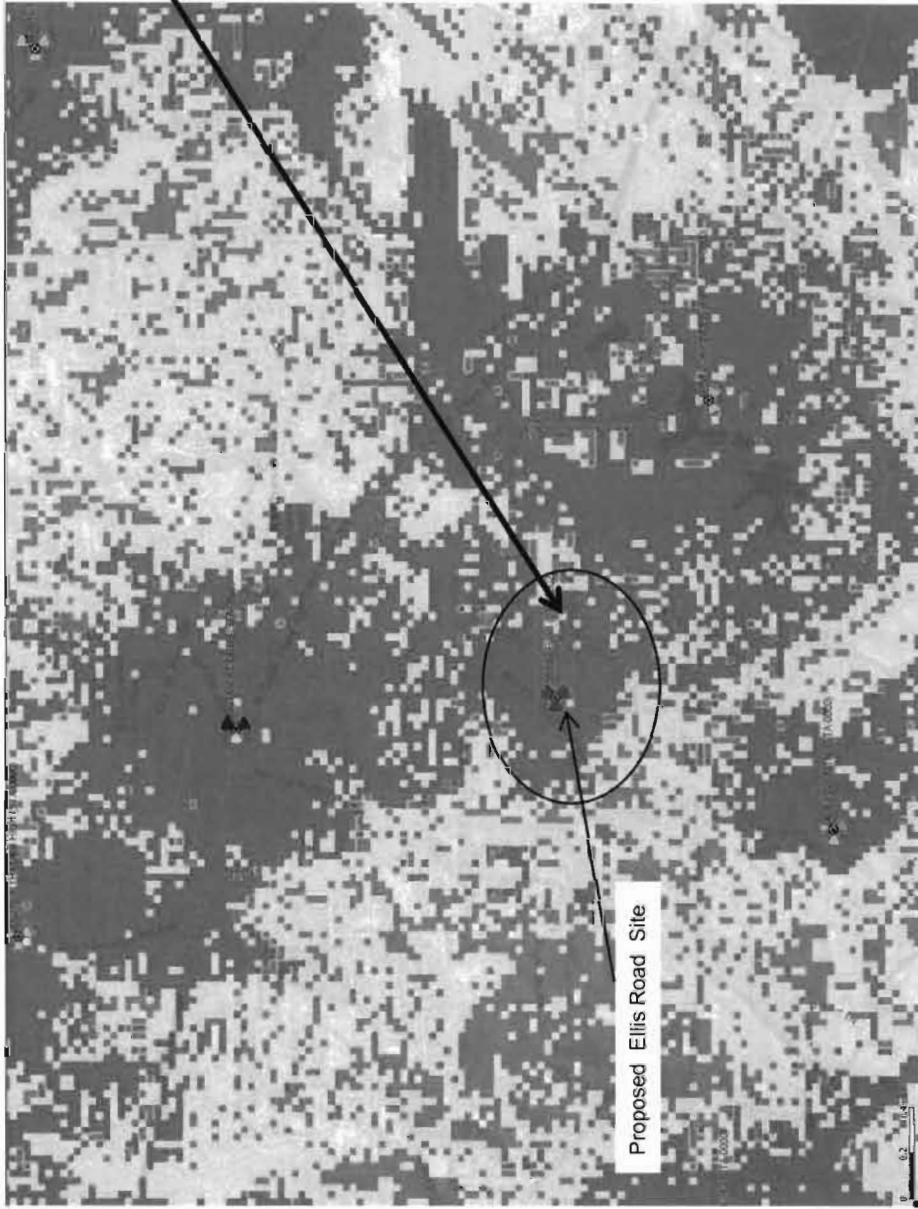


• Areas of weak coverage

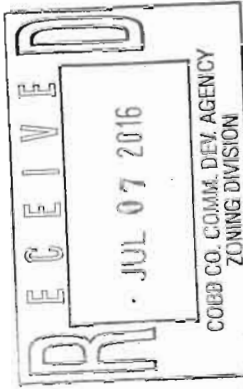




# Proposed LTE Coverage with Ellis Rd Site



- Areas of weak coverage filled in with proposed Ellis Rd site. Thereby allowing coverage to the service area.
- Signal quality is improved.
- Propose 125' tower to provide acceptable "In-building" voice and data transmission speed to our customer.

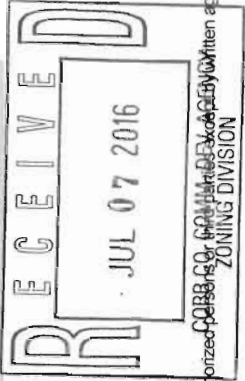




# Technology

The proposed site will use 4G LTE technology for wireless voice and data services. The frequency bands to be used at this site are:

| Frequency Band | Transmit Frequencies (MHz) | Receive Frequencies (MHz) |
|----------------|----------------------------|---------------------------|
| Future LTE     | 869-894                    | 824-849                   |
| PCS            | 1975-1985                  | 1895-1905                 |
| LTE            | 746-757                    | 776-787                   |
| AWS            | 2110-2130                  | 1710-1730                 |



SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

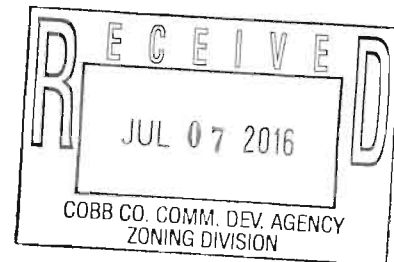
ADAM J. ROZEN

WWW.SLHB-LAW.COM

July 7, 2016

**VIA HAND DELIVERY**

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



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

Dear John:

This firm has been engaged by and will be representing Municipal Communications, LLC (the "Applicant") concerning the above-captioned Special Land Use Permit Application. In that regard, the Applicant respectfully submitted its Application, the approval of which will result in the County's issuance of a Special Land Use Permit ("SLUP") to allow for the construction and the ultimate operation and maintenance of a Wireless Telecommunications Tower and related antenna and equipment (collectively the "Facility") on an approximate two-thousand (2,000) square foot portion of the subject property ("Site").

**STATEMENT OF PROPOSED SITE IMPROVEMENTS**

**The Property and the Site**

The property, owned by Emmanuel Temple of Cobb County, Inc. ("Owner"), is residentially zoned in the R-20 district with frontage on the east side of Pine Mountain Road, south of Ellis Road (2210 Pine Mountain Road). Currently the property is improved and functions as Emmanuel Temple Church with related parking, building and improvements. All of the property which surrounds the Site is located in Unincorporated Cobb County; however, the Site is adjacent to Stilesboro Crossing subdivision, located to the east of the Site which is located within the City Limits of Kennesaw.

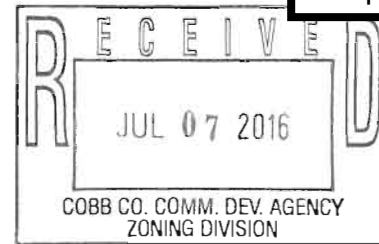


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## VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
July 7, 2013  
Page 2



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

### The Facility/Proposed SLUP

The Facility which the Applicant plans to construct will include a one-hundred, thirty foot (130') high (including the lightning rod) multi-tenant, monopole tower (incorporating a concealment system known as a Stealth Pine); ground-mounted communications equipment and associated minor Site improvements to facilitate the operations and maintenance of and access to the Facility on the Site.<sup>1</sup> The carrier located on the top of the tower at the "rad center" (middle of the antennae center) height of one-hundred and twenty-five (125') is proposed to be Verizon Wireless ("Verizon") and there will be space for additional antenna arrays at heights approximately ten feet (10') apart. In that regard, the proposed Facility will comply with the design requirements of §134-273(3)(b) of Chapter 134 of the Official Code of Cobb County, Georgia, as the same is amended from time to time, as there is and will be tower space for at least three (3) carriers. Including the lightning rod, the tower will extend to approximately a total of 135' in height.

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

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

---

<sup>1</sup> Municipal Communications was granted permission by the County for a substantially similar stealth pine monopole tower and related communications equipment in 2014 for a site on property belonging to Hurt Road Baptist Church Road, Inc. (SLUP-14 of 2013, approved February 18, 2014).



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### VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
July 7, 2013  
Page 3

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

The Facility will be an integral part of the Verizon's Network across Cobb County and other portions of the Greater Atlanta area as more particularly described in the Radio Frequency ("RF") Report and Analysis which is being submitted concurrently with this Statement.

### Concurrent Variance Requests

As a part of its SLUP, the Applicant requests that the Cobb County Board of Commissioners ("BOC") waive one (1) Zoning Ordinance requirement as set forth in §134-273(3)(a)(2) which requires towers to be set back a distance equal to one-half (1/2) of the tower's height to any public right-of-way or property boundary. However, this same section gives the BOC the discretion to waive this requirement upon a finding that the placement of the proposed tower at a different location on the parcel would mitigate any negative effects of the proposed tower upon the adjoining parcels. In this case, the location of the Facility is driven both by available space on the property but also in effort to locate the Facility on the property in the most appropriate location which provides buffering and screening of the proposed Facility. Accordingly, the Applicant respectfully requests a waiver of this requirement.

### Constitutional Statement

The Applicant hereby notifies Cobb County of its constitutional concerns. If the BOC denies the Application, in whole or in part, then the property does not have a reasonable economic use under the Zoning Ordinance without the SLUP. The Application meets the tests set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. If the BOC denies the Application, in whole or in part, such an action will deprive the Applicant and the Owner of the ability to use the property in accordance with its highest and best use. Similarly, if the BOC limits its approval of the SLUP by attaching conditions adversely

## SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
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affecting any portion of the property or the use thereof, either of such actions being taken without the Applicant's consent, then such action would deprive the Applicant and the Owner of all reasonable uses and development of the property. Any such action is unconstitutional and will result in a taking of property rights in violation of the Just Compensation Clause of the Constitution of the State of Georgia and the Just Compensation Clause of the Fifth Amendment to the United States Constitution.

To the extent that the Zoning Ordinance allows such an action by the BOC, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between the Applicant and Owner and the owners of similarly situated properties in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a denial or a conditional approval of the Application (with conditions not expressly approved by the Applicant) would constitute a gross abuse of discretion and an unconstitutional violation of the Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution and the Fifth and Fourteenth Amendments of the United States Constitution. The Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance for its lack of objective standards, guidelines or criteria limiting the BOC's discretion in deciding applications for SLUP(s).

Furthermore, the Telephone Communications Act of 1996, codified at 47 U.S.C. § 332(c) (the "1996 TCA"), as amended, was intended to "promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications for consumers and encourage the rapid deployment of new telecommunications technologies" (preamble to the 1996 TCA). The primary mechanisms used by the 1996 TCA to "promote competition and reduce regulation" are prohibitions against local regulations which (i) unreasonably discriminate among providers for functionally equivalent services" or (ii) "prohibit or have the effect of prohibiting the provisions of personal wireless services." 47 U.S.C. § 332(c)(7)(B). Also, § 253 of the 1996 TCA provides that "no state or local statute or regulation . . . may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telephone communications services." The BOC may violate the 1996 TCA on all three (3) grounds if it denies the Application. Nevertheless, the Applicant remains optimistic that the BOC's consideration of the Application will be conducted in a constitutional and legally permissible manner.

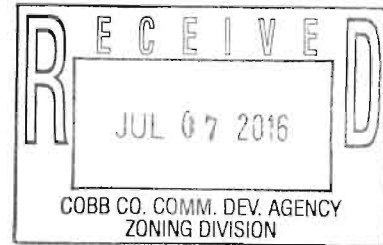
SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
July 7, 2013  
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**Zoning Requirements**

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

1. Application for Special Land Use Permit form(s), including original notarized signatures of the Owner and the Applicant's representatives.
2. A copy of the Quit Claim Deed reflecting the record Titleholder of the subject property.
3. A metes and bounds legal description of the Lease Area and Ingress-Egress Easement. The legal description of the overall tract is included in the Quit Claim Deed.
4. In view of the fact that the Church is exempt from the payment of ad valorem taxes, there is not a copy of the "paid tax receipt" for the property included with this submission.
5. Zoning Standards Analysis which addresses SLUP considerations.
6. The requisite number of copies of the site plan, survey and a set of the communication tower details.
7. RF Engineer's Affidavit dated June 30, 2016 and Analysis dated June 14, 2016 (Verizon Wireless).
8. Documentation of all towers within a three (3) mile radius of the proposed Facility in accordance with §134-273(3)(m).
9. A check made payable to Cobb County representing the application fee, consultant fees and the sign deposit and fees in the sum of Six-Thousand, Three-Hundred, Eighteen Dollars (\$6,318.00).

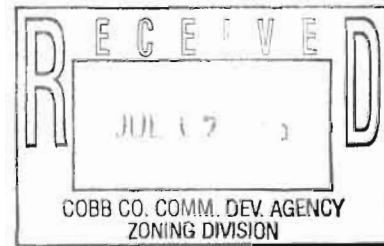
Upon the filing and in accordance with all deadlines, the Applicant will post notification signage on the property and will mail the requisite notices to property owners within one-thousand feet (1,000 feet) of the property.

**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
July 7, 2013  
Page 6



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

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

Very truly yours,

~~SAMS, LARKIN, HUFF & BALLI, LLP~~

A handwritten signature in black ink, appearing to be "Garvis L. Sams, Jr.", written over the crossed-out firm name.

Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS/klk  
Enclosures

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

# Cobb County, Georgia

## Telecommunications Site Review

### New Support Structure



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

August 18, 2016

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

**RE: Verizon Wireless – Ellis Road  
Cobb County - SLUP-12**

Dear Mr. Pederson,

At your request, on behalf of Cobb County, Georgia (“County”), CityScape Consultants, Inc. (“CityScape”) in its capacity as telecommunications consultant for the County, has considered the merits of the above referenced application submitted by Municipal Communications, on behalf of Verizon Wireless (“Applicant”) to construct a new wireless telecommunications support structure and associated ground compound at 2210 Mountain Road, Marietta, *see Figure 1*.

This application is proposed to provide capacity relief in the immediate area, mainly to the Verizon customers in the beta (southeast) sector of the nearby Mack Dobbs cell tower, which is located approximately improve 1.4 miles north of the proposed site. The immediate surrounding areas are residential and with no towers in the nearby area, increased users will cause capacity issues.

The proposal has been evaluated from the following perspectives:

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

In order for the wireless communications facility to be justified, its need, location and height have to be addressed. The application proposes to construct a new, one hundred thirty (130) foot *monopine* tower, *see Appendix, Exhibit A*. The proposed site is within the Applicant’s search ring.

---

## Ordinance Requirements

§134-273.3(2): SUP required

§134-273.3(3)(a)(1) & (2): Setbacks and Separation

The Applicant requested a variance of this section since the proposal does not meet the minimum distance to the nearest residential parcel boundary. The proposal appears to meet the full height separation to the nearest ROW, but not residential property boundary.

§134-273.3(3)(a)(3): Applicant provided map showing no existing towers within 1 mile (>4500 feet)

§134-273.3(3)(a)(4): Not Applicable

§134-273.3(3)(b): Proposed tower will accommodate three additional antenna arrays

§134-273.3(3)(c): County decision

§134-273.3(3)(d): Barbed wire fence proposed

§134-273.3(3)(e): Applicant complies with all FAA/FCC requirements

§134-273.3(3)(f): Structural analysis not provided (required at time of permitting)

§134-273.3(3)(g): No towers are located within usable distance for Applicant

§134-273.3(3)(h): Site is residential, but not a subdivision

§134-273.3(3)(i): Minimum height is justified in the Applicant's engineering statement

§134-273.3(3)(j): Proposed structure will be a concealed (stealth) monopine to minimize visual impact

§134-273.3(3)(k)(1): Applicable wireless carrier is Verizon

§134-273.3(3)(l): Determination of need provided in Applicant's engineering statement

§134-273.3(3)(l)(1-5): No towers are located within usable distance for Applicant

§134-273.3(3)(l)(6): Applicant's Engineering exhibits confirm capacity issue existing in the immediate area

§134-273.3(3)(l)(7): Applicant's engineering statement and site location confirmed by CityScape justifies height.

§134-273.3(3)(m): Site plan, scaled tower elevation drawing, engineering statement provided

§134-273.3(3)(m)(1): Proximity to offsite residential structures shown on site plan

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§134-273.3(3)(m)(2): Applicant provided statement that the proposal will have no adverse effect on property values

§134-273.3(3)(m)(3): Height and type of surrounding trees – provided in subsequent email

§134-273.3(3)(m)(4): Height of existing structures – provided in subsequent email

§134-273.3(3)(m)(5): Stealth pine proposed

§134-273.3(3)(m)(6): impact on scenic views and visual quality of area – addressed in statements (stealth pine)

§134-273.3(5): Applicant's proposed landscape buffer does not meet the requirements. A minimum 15-foot buffer is required towards residential properties. The approximate 3 to 5-foot spacing between the proposed fence and southwest property line is inadequate to allow the required 15-foot buffer. It does appear from the site plan that there is adequate distance along the southeast property line to permit a fifteen-foot buffet. In an email correspondence with the Applicant it was stated that landscaping plants will be installed along three sides of the six-sided compound. The locations of the plantings are not shown on the landscaping plan, but based on the email, landscaping will not be placed on the fence side facing the road (gate side), nor the two sides facing the church building in order to allow access between the church and fence.

§134-37(e): In addition to general district, the board of commissioners shall consider, at a minimum, 15 requirements in its determination of whether or not to grant a special land use permit. These items were all addressed in a statement provided by the Applicant.

## Conclusion

CityScape believes the Applicant has demonstrated the need for a new facility in the area and that the proposed height of 130 feet is justified. To meet the County's desire to limit the construction of additional towers, the lowest usable antenna level (100 feet in this case) should be considered. As this height is well above treetops, it should provide an adequate option for up to three future collocations.

There does not appear to be any other non-residential properties within the search ring. The Applicant requested a variance to the setback requirements with respect to the two nearest residential property lines. The application also does not meet the landscape requirements, which would require an additional variance. It does not appear one was requested, but the following comment was made in an email:

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“The compound is a six-sided L-shape, and we intend to plant screening plants on three of the six sides, although we may not be able to achieve a full 15’. Of the other three sides, one side faces the access/pavement and the other two sides face a walkway along the exterior of the church that the owners asked us to keep clear so that members can access the rear of the church from that side. We will provide a revised set of drawings that better illustrates the landscaping.”

The above mentioned drawings were never provided. CityScape corresponded via email multiple times with the Applicant to ensure all requirements met and the application was complete. Without these final drawings, CityScape made the assumption, as confirmed by the email, that the landscaping requirements were not met. The County may require a more formal variance request, regardless, it is noted herein that this section of the Ordinance is not met.

It is the County’s decision to grant or deny the requested setback variance and address the landscaping shortfall. Careful consideration should be made as to not set a precedence. Federal and State law approvals are permanent. If the landscaping requirement is waived, it cannot be enforced at a later date. Such an approval should have documented reasons, specific to this application, that justify such a variance. CityScape believes that landscape plantings should be installed on the gate side of the fencing to at least partially conceal the ground compound from the road. There are many existing, thick trees to the southeast, south and west of the site, but little in the direction of the road (northwest).

As proposed, the proximity to the southwest property line limits the ability to meet the County’s landscaping regulations. The Applicant may be able to comply with the landscaping regulations if the site were moved further behind the church building (to the northeast). Such a move could allow for the 15-foot landscaping between the compound and the southwest property line as well as better hide the compound from the road, as the building would entirely hide the compound. The Applicant will need to make the determination as to if such modifications could be made, as it would require a longer, rectangular ground compound than the “L-shaped” one currently proposed.

In summary, the County should weigh these questions and the variance request(s) with fact that very little, if any, other alternative locations appear feasible for a new tower, while meeting the Applicant’s coverage needs. Limitations such as these may be considered unique and specific, but it is clearly at the discretion of the County. The Applicant is proposing a stealth monopine, so the main concern of visibility is the ground compound. The proposal, if built as designed, should be sufficient to provide improved service to Verizon Wireless customers and other, future wireless collocations.

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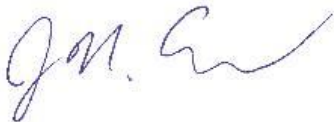


CityScape Consultants, as the wireless expert for the County, defers to the County for any and all variance approvals and questions above, but recommends this property location for a new wireless support structure with the following conditions:

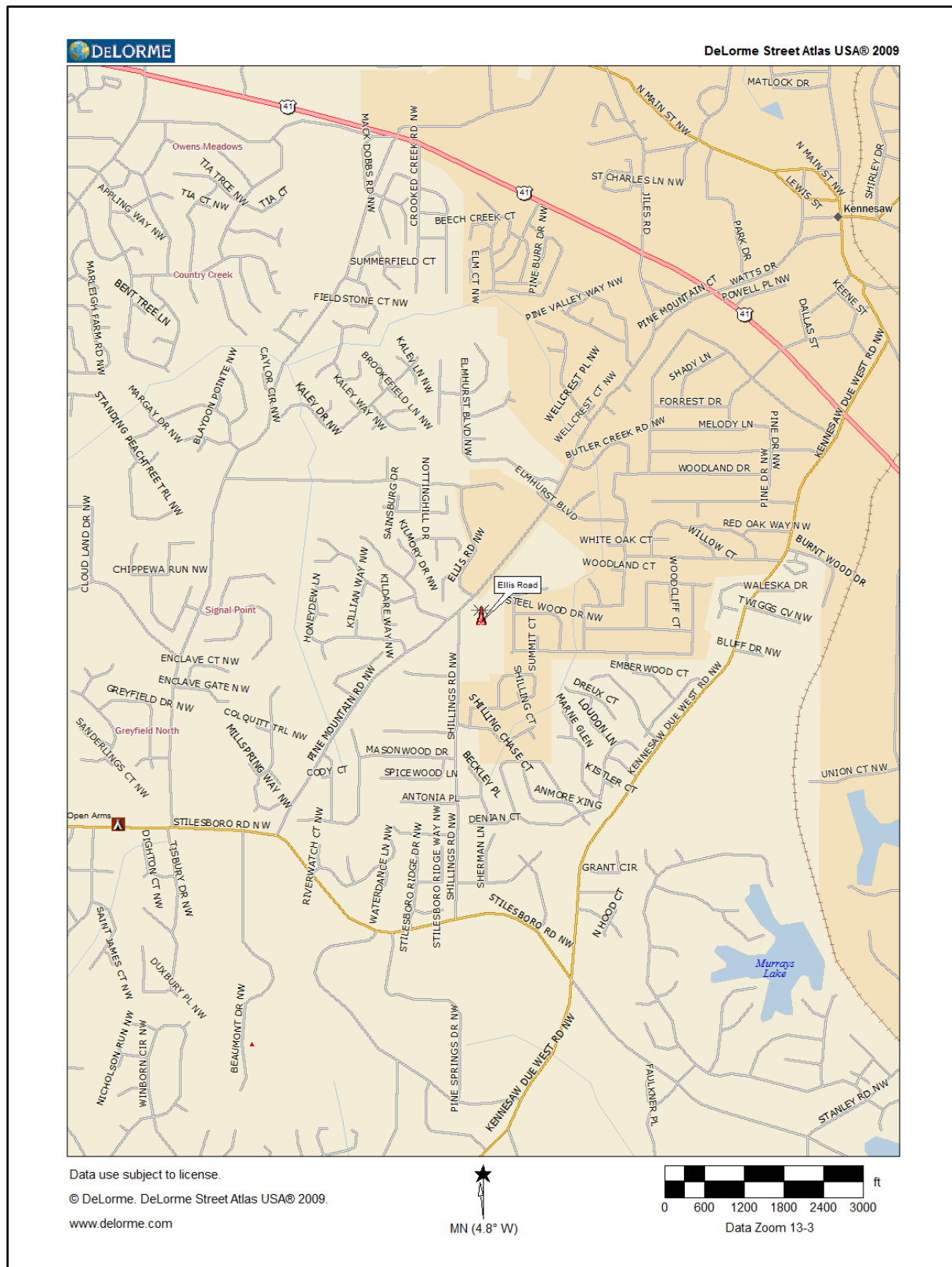
1. If the County deems necessary, Applicant shall formally request a variance of the landscaping requirements; and,
2. All feed lines shall be installed within the support structure and antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife; and,
3. Prior to permitting, the Applicant shall provide approval from SHPO/NEPA offices for the new structure; and,
4. At time of permitting, the Applicant shall provide a structural analysis for the proposed monopine with four total arrays of like design, based on ANSI-TIA-222-G (as amended) and sealed by a Georgia Professional Engineer; and,
5. The proposed structure shall not be lighted, unless required by the FAA; and,
6. Applicant shall provide statement(s) of compliance with all Federal Communications Commission (FCC) guidelines regarding Radio Frequency (RF) energy and exposure limits and RF interference with other radio services

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

Respectfully submitted,



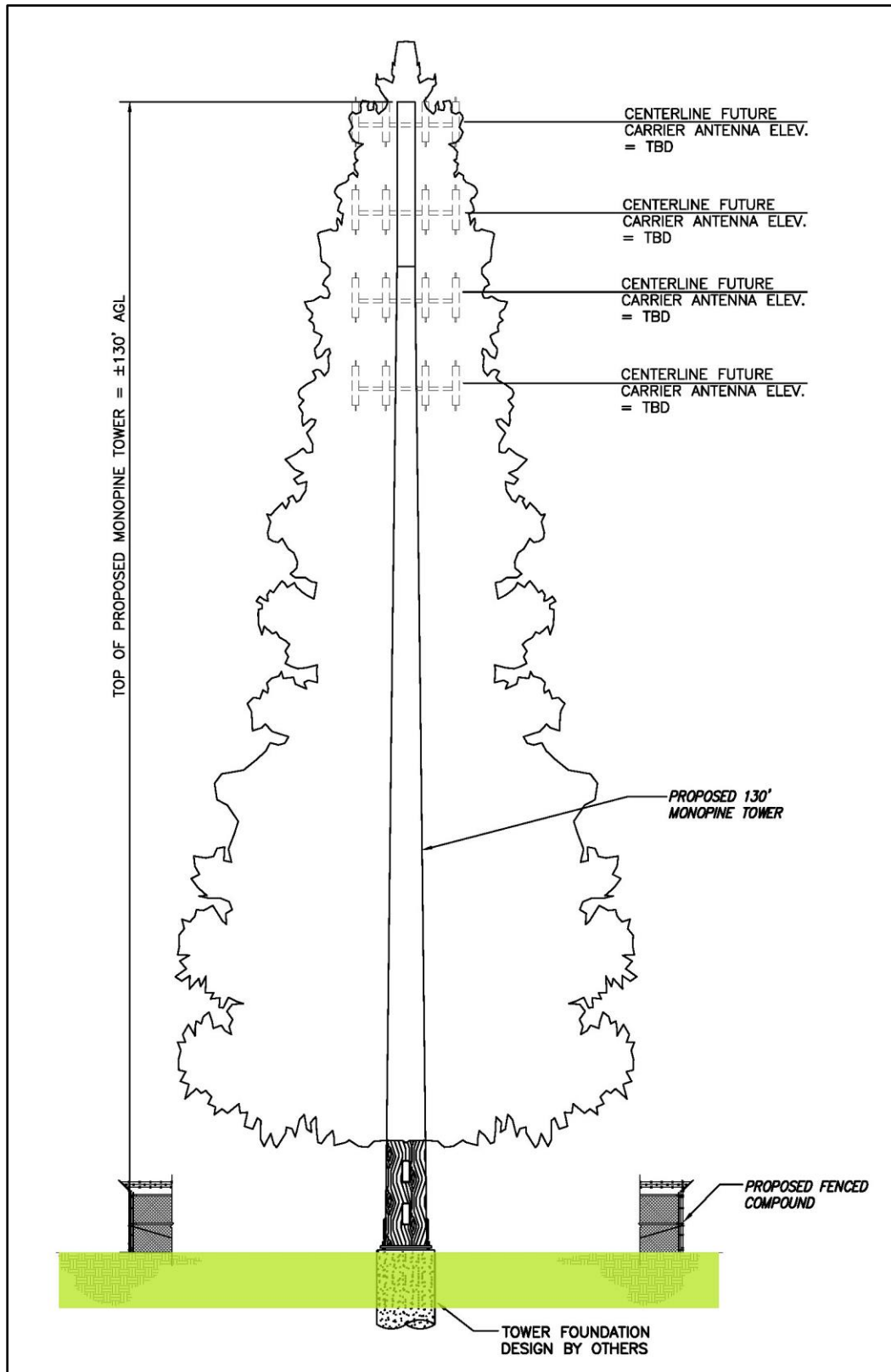
Jonathan N. Edwards, P.E.  
CityScape Consultants, Inc.



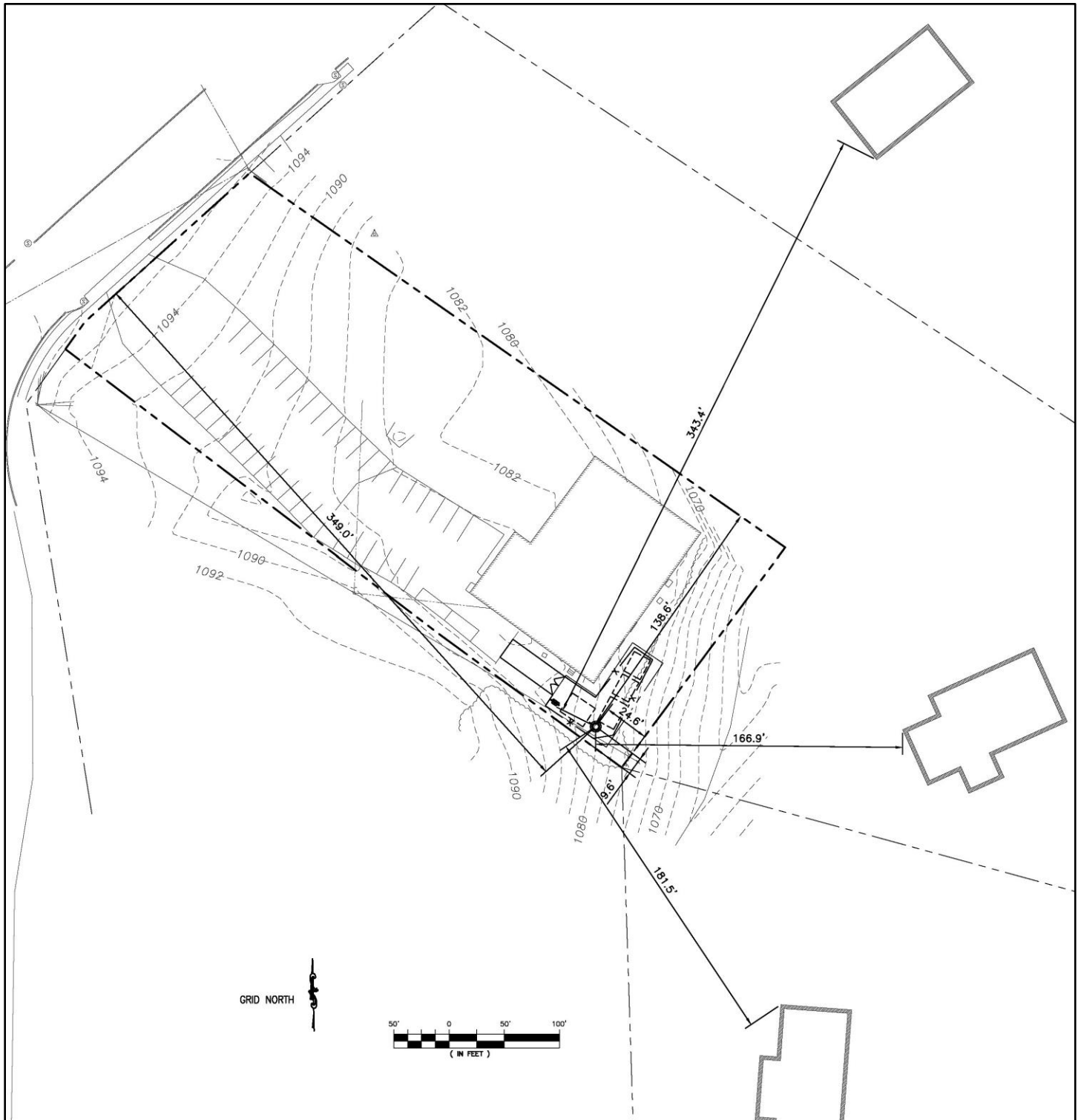
**Figure 1 – Site Location**

## **Appendix**

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**Exhibit A - Proposed Support Structure**



**Exhibit B – Proposed Ground Compound**