

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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June 7, 2017

VIA EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
4488 Pineview Drive
Powder Springs, 30127

Re: Application of Municipal Communications, LLC to Rezone a 4.3± Acre Tract to accommodate a Telecommunications Tower (3215 New Macland Road) - No. PZ 17 - 008

Application of Municipal Communications, LLC for a Special Use Permit to accommodate a Telecommunications Tower (3215 New Macland Road) - No. PZ 17 - 009

Dear Ms. Garver:

As you know, this firm has been engaged by and represents Municipal Communications, LLC (“Applicant”) concerning the above-captioned Application for Rezoning and Application for Special Use Permit (“SUP”). In that regard, the Applications are scheduled to be heard and considered by the City of Powder Springs Planning Commission in a Work Session this week on Thursday, June 8, 2017; the Planning Commission at its regularly scheduled public hearing on June 26, 2017; the Mayor and City Council at their Work Session on July 12, 2017; and, scheduled to be heard and considered for final action by the Mayor and City Council on July 17, 2017.

The Applicant submitted its Rezoning and SUP Applications in order to allow for the construction and the ultimate operation and maintenance of a Wireless Telecommunications Tower and related antennae and equipment (collectively, the “Facility”) on the Subject Property. The Subject Property is owned by Money Management Consultants, LLC (“Owner”) and is commercially zoned in the NRC zoning district, with access located on the east side of New Macland Road north of its intersection with Macedonia Road. The totality of the property which surrounds the Subject Property is located within the City of Powder Springs within an existing Activity Center on the Future Land Use Map.

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The Applicant has acquired access rights to the Subject Property and the Facility pursuant to an access easement. The Facility site is located towards the northern boundary of the easement property thus placing the Facility in a position so that any potential effects upon surrounding properties has been diminished. The Facility is a permitted use for the Subject Property upon the approval of the requested Rezoning and the requested SUP.

The Facility will include telecommunications equipment designed to improve 4G coverage and data through-put for Verizon customers along New Macland Road, connecting to Powder Springs Road and Macland Road and all residential areas on both sides of New Macland Road. The Facility is also proposed to be designed as a capacity site to provide relief to existing telecommunication tower sites.

The Facility which the Applicant plans to construct will include a one hundred and seventy foot (170') in height, multi-tenant, monopole tower; ground-mounted communications equipment and associated minor improvements to facilitate the operations and maintenance of and access to the Facility on the Subject Property. The carrier located on the top of the tower shall be Verizon Wireless 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 under the City of Powder Springs' Unified Development Code ("UDC") as same is amended from time to time, as there will be tower space for five (5) wireless carriers.

As a result of communications which we have established with the City's professional staff and others, we have been authorized by the Applicant to submit this letter of agreeable stipulations which, if the Rezoning and the SUP applications, respectively, are approved, shall become conditions and a part of the grant of the requested applications 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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2. The Applicant seeks a Rezoning and a SUP for the Subject Property in order to allow the construction of a 170' multi-tenant, monopole tower and a wireless telecommunications facility. Both the Owner of the Subject Property and the Applicant agree that a Rezoning to the CRC classification will be conditional to the extent that only those uses permitted under the NRC classification (as the Subject Property is presently zoned) will be allowed.
3. The carrier located at the top of the telecommunications tower 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.
4. The requested Rezoning and SUP will allow the construction and ultimate operation and maintenance of a wireless telecommunications tower and related antennas and equipment on an approximate 0.2296 acre leased area (out of a 4.3 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 located within the Facility which will be accessed via an easement across the Owner's property with access/utility easement by way of New Macland Road.
6. The telecommunications tower will meet or exceed current standards of the Federal Aviation Administration ("FAA"), the Federal Communications Commission ("FCC") and all applicable agency requirements governing the construction and operation of telecommunication towers.¹

¹ The Applicant does not expect that the FAA will require the Facility to be lighted. Moreover, included as a part of the Applicant's submission of the Rezoning and SUP Applications, respectively, is an FAA 1-A Survey Certification.

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7. Once constructed, the Facility will be unmanned with only quarterly site visits by maintenance technicians.
8. The Facility will be an integral part of the Verizon Wireless network across the City of Powder Springs and unincorporated Cobb County and other areas as has been more particularly described in the Radio Frequency ("RF") Report and Analysis filed concurrently with the Rezoning and SUP Applications.

Attached 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 the proposed LTE coverage assuming approval of these Applications.

9. As a part of the Applications, the Applicant requests a concurrent variance so that the Mayor and City Council can waive the setback to residential from 300' requirement to 259.9'. The UDC gives the Mayor and City Council the discretion to waive the requirement upon a finding that the placement of the proposed tower at a different location on the Subject Property would not mitigate any potential effects of the proposed tower on adjoining parcels.
10. 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.

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Based upon the foregoing, the Applicant has produced more than sufficient information and documentation in order to allow the Staff, the Planning Commission and the Mayor and City Council to fully consider relevant factors and to demonstrate that the Rezoning and SUP Applications comply with all applicable requirements and are otherwise consistent with the policies reflected and the factors enumerated for consideration by the City of Powder Springs.

Nevertheless, please do not hesitate to contact me should you or your staff require additional information or documentation prior to the formulation of the Staff Analysis and Recommendations concerning both the Rezoning and SUP Applications. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



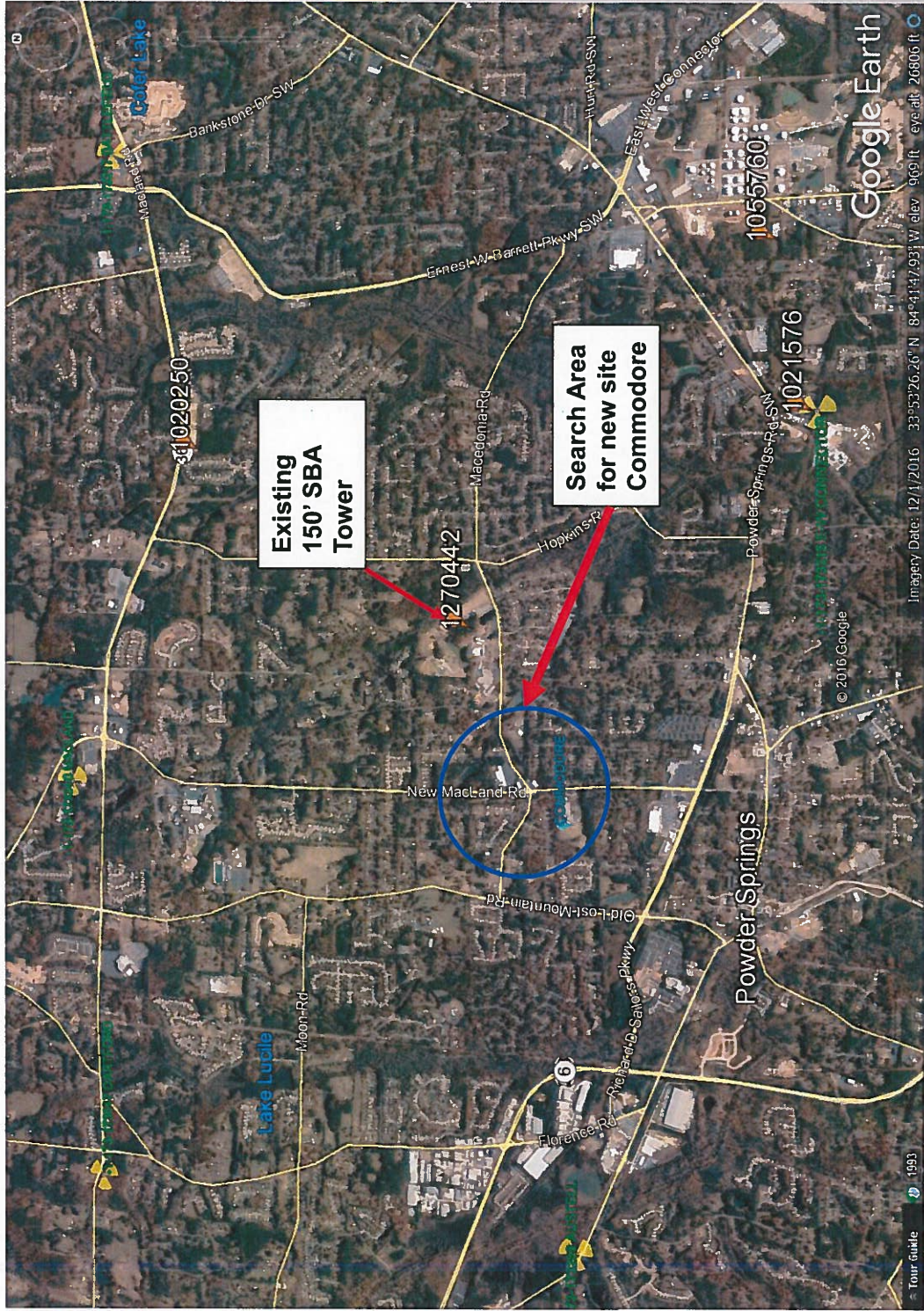
Garvis L. Sams, Jr.

gsams@slhb-law.com

GLS/klk
Attachments

cc: Honorable Al Thurman, Mayor (via email w/attachments)
Members, Powder Springs City Council (via email w/attachments)
Members, Powder Springs Planning Commission (via email w/attachments)
Richard Calhoun, Esq., City Attorney (via email w/attachments)
Ms. Pam Conner, City Manager (via email w/attachments)
Ms. Lisa Cameron, Zoning Administrator (via email w/attachments)
Ms. Kelly Axt, CMC, City Clerk (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)

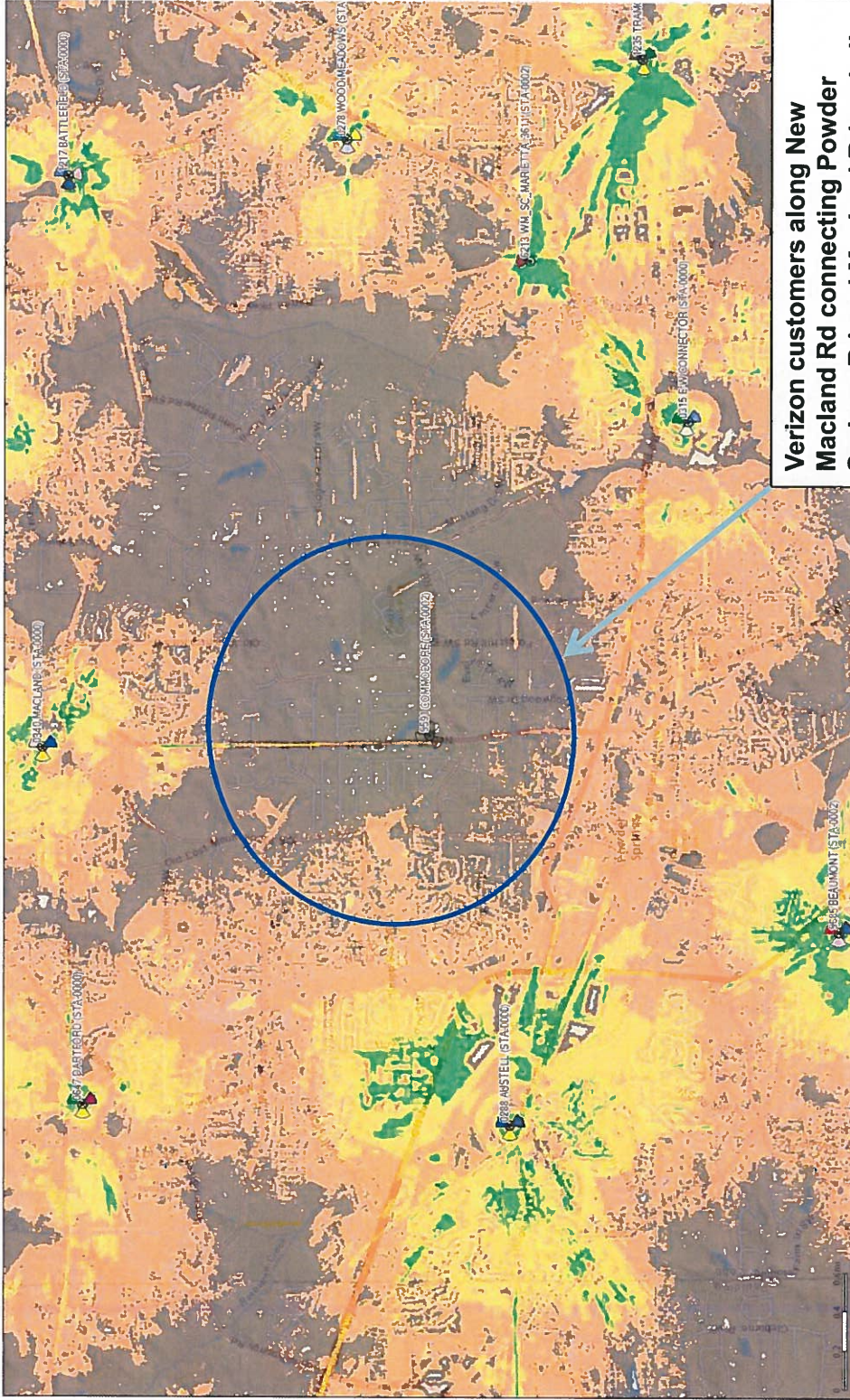
Google Earth Map – Proposed Commodore Site Location and Existing Verizon Cell Sites



Sites within the vicinity of proposed Commodore site

| Site Name | Antenna Height(ft) | Structure Type | Latitude | Longitude | Address | Status |
|-----------------------|--------------------|-----------------|---------------|---------------|---|----------|
| Commodore | 165 | Tower(Proposed) | 33-52-32.25 N | 84-40-32.64 W | 3215 New Macland Rd, Powder Springs, GA-30127 | Proposed |
| Macland | 158 | Monopole | 33-54-15.7 N | 84-40-34.03 W | 1966 Lost Mountain Rd, Powder Springs,GA,30127 | Existing |
| Dartford | 170 | Monopole | 33-54-7.2 N | 84-42-28.31 W | 5311 Macland Road, Powder Springs, GA, 30127 | Existing |
| Austell | 239 | Self-support | 33-52-13.24 N | 84-42-37.78 W | 5540 PS/Dallas Hwy SW, Powder Springs, GA-30127 | Existing |
| E-W Connector | 225 | Self-support | 33-51-21.58 N | 84-38-54 W | 1400 Industry Dr, Powder Springs, GA-30141 | Existing |
| Wood Meadows | 130 | Monopole | 33-52-51 N | 84-37-21.50 W | 2364 Powder Springs Rd, Marietta, GA, 30064 | Existing |
| Beaumont | 174 | Monopole | 33-50-44.59 N | 84-41-38.13 W | 4327 Brownsville Rd SW, Powder Springs, GA, 30127 | Existing |
| WM_SC_Marietta_383611 | 38 | Building | 33-52-3.09 N | 84-38-1.74 W | 6520 Ernest W Barrett Pkwy, Marietta, GA-30064 | Proposed |
| Battlefield | 130 | Monopole | 33-54-5.68 N | 84-37-31.38 W | 2480 Macland Rd, Marietta, GA-30064 | Existing |

Current Verizon 4G LTE Signal Level (without the proposed Commodore site)



Verizon customers along New Macland Rd connecting Powder Springs Rd and Macland Rd and all the residential areas on both sides of New Macland Rd experience weak coverage and slow data speeds.

Future Verizon 4G LTE Signal Level (with the proposed Commodore site @ 165' Rad Center)

