



Planning and Zoning Department  
2116 Stallings Street, NW  
Covington, Georgia 30014  
Phone: (770) 385-2020  
Fax: (770) 385-2170

June 2008  
**APPLICATION FOR  
TELECOMMUNICATIONS SUPPORT  
STRUCTURES**  
(Code Section 16.56.050)

**RECEIVED**

APR 15 2014

TSS# CPC #4(2014)

EXPIRATION DATE \_\_\_\_\_

All applications for telecommunications support structures are reviewed by the Planning and Zoning Department for completeness prior to being processed. **Incomplete applications will not be accepted.** Prior to submitting an application, applicants are strongly encouraged to consult with the Planning and Zoning Director and review the City's inventory of potentially available sites for co-location. Please refer to Chapter 16.56 of the zoning ordinance for all guidelines and requirements for the siting of telecommunications support structures and antennas.

**I. PROPERTY OWNER**

Name (Applicant or Individual): Sugar Hill Storage, LLC c/o Steve Kennon	
Mailing Address: (Street, City, State, Zip Code) P.O. Box 397, Phenix City, Alabama 36868	
Daytime Telephone: 770.786.9565	Fax:
Email: Kenn9565@bellsouth.net	

**II. APPLICANT**

Name (Applicant or Individual): TowerCom V, LLC c/o Ellen W. Smith, Esq.	
Mailing Address: Holt Ney Zatcoff & Wasserman, LLP (Street, City, State, Zip Code) 100 Galleria Pkwy., Ste 1800, Atlanta, GA 30339	
Daytime Telephone: 770.661.1216	Fax: 770.956.1490
Email: esmith@hnzw.com	

**III. PROPERTY INFORMATION**

Property Address: 6163 Monticello Street, Covington, GA	
Tax ID/Parcel Number(s): C0160-00010-07-A00	Parcel Size (Acres): +/- 6.04 Acres
Existing Land Use: Self storage facility and associated office	
Existing Zoning District: CM (Corridor Mixed Use)	

**IV. TELECOMMUNICATIONS SUPPORT STRUCTURES APPLICATION REQUIRED ITEMS:** *The following items must be submitted as concurrent attachments to the application.*

- ☒ Application fee made payable to the City of Covington, as follows:
- |  |         |
|--|---------|
| Administrative Approvals   | \$500   |
| Construction of New Support Structure up to 100 feet   | \$1,000 |
| Construction of New Support Structure Greater than 100 feet                                      | \$3,000 |
| Special Use Permit for Location of Antenna on Support Structure or Alternative Support Structure | \$500   |
| All Other Applications   | \$500   |
- ☒ One (1) original signed application and twelve copies
- ☒ Two (2) copies of a survey, sealed by a State of Georgia registered surveyor, showing the location of lot lines, leased areas, easements, access points, structures, screening and landscaping existing on site
- ☒ Two (2) copies of a site plan(s) to scale, specifying the location of the telecommunications facilities, transmission buildings and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses
- ☒ One (1) copy of scaled elevations showing the impact of the proposed support structure or antenna.
- ☒ One (1) copy of a paper location map
- ☒ One (1) copy of a landscaped plan to scale indicating size, spacing and type of plantings
- ☒ One (1) copy of a full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.
- ☒ A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.
- ☒ Information and drawings showing that the proposed facility and support structure satisfy the aesthetic requirements of 16.56.040.E.
- ☒ One (1) copy of a digitized location map (in a form compatible with GIS software currently utilized by the City of Covington)
- ☒ Two (2) copies of a site plan(s) specifying the location of the telecommunications facilities, transmission buildings and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses
- ☒ Report from a professional qualified engineer licensed in the State of Georgia, or other appropriate qualified industry expert, documenting the following:
1. Support structure or antenna type, height, and design;
  2. Engineering, economic, and other pertinent factors governing selection of the proposed design;
  3. Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;



**IV. TELECOMMUNICATIONS SUPPORT STRUCTURES APPLICATION REQUIRED ITEMS (cont.).**

4. Evidence of structural integrity of the support structure or alternative support structure;
5. Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris; and
6. Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.

☐ If the proposed site is in a residential district, applicant must describe why an alternative non-residential site was not proposed by identifying:

- ☐ What good faith efforts and measures were taken to secure such an alternate site and why such efforts were unsuccessful;
- ☐ Why such an alternate site was not technologically, legally or economically feasible; and
- ☐ How and why the proposed site is essential to meet service demands for the geographic service area.

☒ One (1) copy of a utility inventory showing the locations of all water, sewage, drainage and power line easements impacting the proposed support structure site

☒ One (1) copy of any lease agreements

☐ If the proposed height exceeds limitations in Section 16.56.080, the applicant must describe why an antenna complying with that height standard is not feasible by showing:

- ☐ What good faith efforts were undertaken to secure such an alternative site and why those efforts were not successful
- ☐ Why such an alternative site was not technologically, legally or economically feasible
- ☐ How and why the proposed height is essential to meet service demands for the geographic service area
- ☐ How and why the necessary service cannot be provided with more antennas at a conforming height

☒ One (1) copy of a proposed five-year plan as required by Section 16.56.040.B.

☒ One (1) copy of an inventory of existing support and alternative support structures required by Section 16.56.040 D.

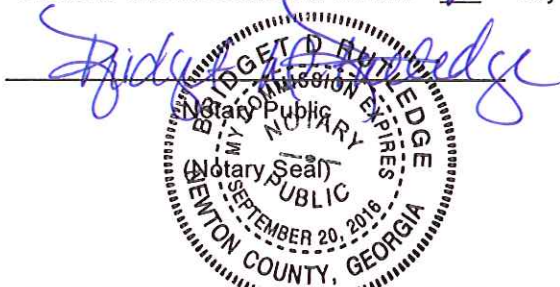
☒ Evidence demonstrating specifically that no existing support or alternative support structure can accommodate the proposed antenna, under section 16.56.040.D.



**VIII. AUTHORIZATION FOR OWNER'S APPLICANT(S)/REPRESENTATIVES:** *If Applicant is not the property owner, this section must be completed and notarized by a Notary Public.*

I, <u>Donald S. K...</u> , Manager of Sugar Hill Storage, LLC owner of the subject property identified in this application, do hereby authorize TowerCom V, LLC, through Paul M. Bulloch, Jr., & Ellen W. Smith, Esq. to act as my applicant/representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project according to the terms and conditions set forth by the City of Covington. I agree to be bound by all representatives and agreements made by my designated representative.	
Signature of current property owner: <u>Donald S. K...</u>	Date: <u>4-4-14</u>

Sworn to and subscribed to me this 4th day of April, 20 14



**IX. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:** O.C.G.A., Section 36-67A-3, requires that applicants shall submit all disclosures of campaign contributions.

Has property owner or applicant, within the two years preceding the date of this application, made campaign contributions or gifts aggregating \$250.00 or more, to a member of City Council, or a member of the Planning Commission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, please provide the following information: N/A		
Name and Official Position of Government Official	Contribution Amounts (list all which total to \$250.00 or more)	Date Contribution(s) Was Made

Sworn to and subscribed to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public

(Notary Seal)



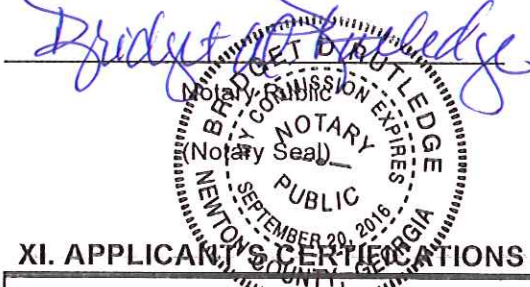
## X. CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making an application for a telecommunications support structure, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached required information on the forms provided. Title 36 relates to the disclosure of financial interests, campaign contributions, and penalties for violating the Official Code of Georgia.

Signature of property owner: <u>Ronald S. [Signature]</u>	Date: <u>4/4/14</u>
Type or print name and title: Sugar Hill Storage, LLC, Manager	
Signature of applicant or owner's representative(s): <u>[Signature]</u>	Date: <u>4/15/14</u>
Type or print name and title: Ellen W. Smith, Esq.	

Attorney for Applicant

Sworn to and subscribed to me this 4th day of April, 20 14



## XI. APPLICANT'S CERTIFICATIONS

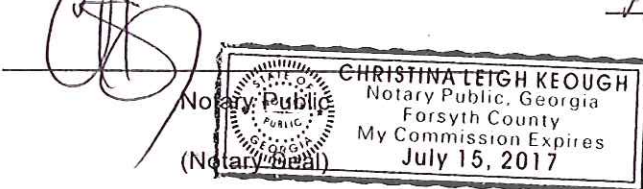
I, Paul M. Bulloch, Jr., the owner or authorized representative of owner, have read and understand the contents of this application. I further certify that the following are true:

- ☒ All information contained herein, including attachments and all other supporting information, is complete and true, to the best of my knowledge and belief;
- ☒ The proposed structure and all related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.

best of my knowledge and belief.

Signature of applicant or owner's authorized representative: <u>[Signature]</u>	Date: _____
By: <u>Paul M. Bulloch, Jr.</u>	TowerCom V, LLC

Sworn to and subscribed to me this 11 day of April, 20 14



**\*\*\*FOR OFFICE USE ONLY\*\*\***

<b>PLANNING AND ZONING</b>		<b>File #</b>		<b>Application Fee Received Amount</b> \$ _____
<b>Approved:</b>	<input type="checkbox"/>	<b>Approved with Conditions:</b> <input type="checkbox"/>		
<b>Denied:</b>	<input type="checkbox"/>			
<b>BOARD OF APPEALS</b>		<b>Hearing Date:</b>		
<b>Approved:</b>	<input type="checkbox"/>	<b>Approved with Conditions:</b> <input type="checkbox"/>		
<b>Denied:</b>	<input type="checkbox"/>			
<b>Denied:</b>	<input type="checkbox"/>			
<b>SPECIAL USE PERMIT</b>		<b>SUP#</b>		<b>SUP Date:</b>
<b>Approved:</b>	<input type="checkbox"/>	<b>Approved with Conditions:</b> <input type="checkbox"/>		
<b>Denied:</b>	<input type="checkbox"/>			
<b>EXPERT REVIEW</b>		<b>Contact Name:</b>		
<b>Approved:</b>	<input type="checkbox"/>	<b>Approved with Conditions:</b> <input type="checkbox"/>		
<b>Denied:</b>	<input type="checkbox"/>			
<b>MAYOR AND COUNCIL</b>		<b>Hearing Date:</b>		
<b>Approved:</b>	<input type="checkbox"/>	<b>Approved with Remarks:</b> <input type="checkbox"/>		
<b>Denied:</b>	<input type="checkbox"/>			
<b>Denied:</b>	<input type="checkbox"/>			

# HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

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

**Re: Application For Telecommunications Support Structure Special Use Permit**

**Applicant: TowerCom V, LLC**

**Property: 6163 Monticello Street, Covington, Georgia**

## **ANALYSIS OF SUP FACTORS IN SUPPORT OF TOWERCOM V, LLC'S SUP APPLICATION**

Section 16-56.070.F of the Zoning Ordinance<sup>1</sup> requires the Mayor and Council to consider fourteen guideposts, at a minimum, when deciding whether to grant or deny a SUP application for a telecommunications support structure. Applying these fourteen guideposts to the Application shows that the Mayor and City Council should GRANT the Application.

(1) **The height and setbacks of the proposed support structure or antenna(s).** The proposed height of the Facility is 195 feet (199 feet including the lightning rod and antennas that will be taller than the monopole steel support structure). At this height, the FAA will not require lighting (a mitigation of the visual impact of the Facility). Similarly, this height will allow for a maximum number of collocations, thereby maximizing the viability of the Facility as a support structure for all wireless carriers in today's market, and mitigating the need for additional support structures in the immediate vicinity of the Property. Furthermore, as described in the Letter of Intent, the Facility meets all setbacks, save the northern Property line setback. Applicant has submitted evidence from a licensed engineer in the State of Georgia supporting its request for a reduction of that setback requirement of 25 feet (or a 13% reduction in the requirement) based on the structural integrity of the Facility and the fact that it is designed to fall within an 80 foot radius of the base of the tower (well within the Property).

(2) **The proximity of the support structure or antenna(s) to residential structures and residential district boundaries.** As described in the Letter of Intent and response to number 1 above, the proposed Facility is set back sufficiently far from any existing residential structures and district boundaries to minimize any negative impact on the same by virtue of the location of the Facility on the Site. Given the Property's primarily commercial nature and frontage on a major City thoroughfare, the Facility will fit neatly within the existing framework of development in and is compatible to the area.

(3) **The surrounding topography.** Topography, with other factors, dictates Facility height as it can impact signal strength. If Facility were to be located across Monticello Street, a proposed facility might be shorter but the trade off would be that the Facility would be closer to residential uses and not located in an otherwise light-industrial like area.

(4) **The surrounding tree coverage and foliage.** Similar to topography, tree coverage and foliage can impact signal strength and, accordingly, can along with other factors, dictate the height of a tower. Also, depending on a site, surrounding tree coverage and foliage can be serve as a screen for ground equipment. In this instance, the Property has few trees and is generally entirely improved with the self storage facility, however, nearby properties do have mature trees and, if the Facility were required to be significantly shorter, those trees could adversely impact the signal from the Facility. Also, here, the

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<sup>1</sup>Capitalized terms not otherwise defined in this Analysis shall have the meanings ascribed to them in the Letter of Intent submitted by TowerCom V, LLC with its Application.



landscaping shown on the zoning drawings submitted with the Application serve as a screen (together with the existing storage facilities) shielding the view of the ground equipment and base of the Facility from street and neighboring property views.

(5) **The design of the support structure or antenna(s), with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, such as a monopole or alternative support structure.** The Facility is designed to reduce visual obtrusiveness through its monopole design and height under 200 feet (eliminating a lighting requirement by the FAA). As shown in the zoning drawings submitted herewith, the ground equipment and tower base will be screened by a landscaping buffer and fencing. Perhaps most importantly, the Facility is designed to accommodate multiple carriers, reducing the need for additional new support structures in this area.

(6) **The proposed ingress and egress.** As shown on the zoning drawings submitted herewith, access to the Site will be via existing curb cuts from Monticello Street. Furthermore, after completion of construction of the Facility, the Facility will be unmanned, and Applicant anticipates only monthly visits by a maintenance technician to the Facility plus some additional periodic (but not intense) construction as additional carriers collocate on the Facility (designed for up to 3 antenna arrays). These visits most typically occur at off-peak traffic times, generally not creating an overlap between Applicant's (and its carrier tenants') maintenance and use of the Facility and Owner's use of the Property.

(7) **The availability of suitable existing support structures or other structures for antenna collocation; and whether the applicant has demonstrated adequately that no collocation is possible.** As more particularly described in the Letter of Intent and the T-Mobile RF Analysis, there are no suitable existing support structures or other structures suitable for collocation for T-Mobile. The same is true for AT&T. Applicant further discusses this factor in its Letter of Intent.

(8) **The impact of the proposed support structure or antenna(s) upon scenic views, historic districts or properties, and visual quality of the surrounding area.** Applicant has included with its application materials photograph simulations to show the minimal visual impact the Facility will have on the visual quality of the surrounding area. Generally speaking, as the photo simulations demonstrate, there will be little visual impact by locating the Facility on Property already improved with a self storage and U-Haul rental facility.

(9) **The needs of the applicant as balanced against the detrimental effects on surrounding properties.** If the Mayor and Council decide to reject the Application, Applicant will be forced to renew its search for property on which it may locate the proposed Facility to satisfy both T-Mobile and AT&T RF requirements. Many of the nearby properties are either too small to allow the location of a wireless facility thereon and still meet setbacks or are zoned residentially and not suitable for the Facility. Of those that have sufficient room to meet setbacks and have appropriate zoning, landowners may not be willing to lease a site to Applicant. Similarly, Applicant's inability to locate the Facility on the Site may force Applicant to construct more than one tower in the area to allow it to provide the same coverage to T-Mobile and AT&T as it could achieve with the proposed Facility. Multiple towers would be adverse to the stated goals of the Zoning Ordinance and would have more of an impact on the surrounding area than if the Mayor and Council granted the Application.

(10) **The impact of the proposed support structure or antenna(s) on adjacent and nearby properties.** The impact the proposed Facility will have on adjacent and nearby properties is significantly

Analysis of SUP Factors in Support of  
TowerCom V, LLC's SUP Application  
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increased wireless coverage and capacity for data transmission. Additionally, one impact with which many local jurisdictions are concerned is property value. If the Mayor and Council grant the Application, the property values of surrounding properties will not be adversely affected. Previously, Applicant and others in the wireless industry have commissioned property appraisal studies to be conducted by MAI, AICP, Georgia Certified Appraisers regarding the impact of wireless telecommunications towers on surrounding properties and areas of Georgia, similar to the area surrounding the proposed Site. These studies confirm that there is no negative or adverse impact on either the property's value or marketability. Instead, the studies conclude that viewing towers presents no problem to buyers or prospects and has no influence on the sales price or marketability of the nearby residences. By analogy, Applicant's proposed and similarly situated tower likewise will have no adverse effect to the surrounding neighborhoods, property values or marketability.

Instead, given the increased use of wireless devices to the exclusion of hard-line telephone systems, there is evidence that value of properties which do not have wireless coverage or which have poor wireless coverage is lower than properties with adequate and reliable wireless coverage. (The Centers for Disease Control report issued earlier this year reports an estimated 45% of the nation's children now are in "wireless" households.)

**(11) Whether the applicant has demonstrated with clear and convincing evidence that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.** Applicant reiterates the facts set forth in the T-Mobile RF Analysis and its Letter of Intent filed in support of this Application.

**(12) Whether the applicant has complied with, and satisfactorily demonstrated compliance with, all requirements of this chapter.** In support of its Application, Applicant has provided all information required by the Zoning Ordinance (including the structural information required to request the reduction of the northern Property line setback). Applicant remains willing to provide to the Department and the Mayor and City Council any additional information that it may desire to allow for a full consideration of the Application.

**(13) Whether the applicant has satisfied the aesthetic requirements of Section 16.56.040(E).** This section deals generally with the aesthetics and design of the Facility (including access thereto). In response to this factor, Applicant incorporates its Letter of Intent, zoning drawings and responses to items 1, 5, 6, and 8 hereof, as well as the photo simulations enclosed with the Application.

**(14) If the applicant has previously filed a five-year plan pursuant to Section 16.56.040(B), whether the proposed facility complies with that plan, and if not, whether the applicant has valid reasons for deviating from its plan.** Applicant has not previously filed a plan; accordingly, there is no deviation from a plan. Given the ever-changing nature of the wireless industry in terms of equipment, demand, and technology, this factor simply is not relevant to the proposed location of the Facility.

Based on all of these factors, Applicant has produced sufficient information to allow the Mayor and Council fully to consider all relevant factors and to demonstrate that the Application complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in Chapter 16-56 for consideration by the Mayor and Council. The Mayor and Council should APPROVE the Application.



**SRPURPLE**  
Jackson Hwy, Covington, GA  
**195ft. Monopole**  
**Simulation**  
View from Jackson Highway  
approximately 450ft. southwest of site





**SRPURPLE**  
Jackson Hwy, Covington, GA  
**195ft. Monopole**  
**Simulation**  
View from Jackson Highway  
approximately 580ft. northwest of site

**HOLT NEY ZATCOFF & WASSERMAN, LLP**

ATTORNEYS AT LAW

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TELEPHONE 770-956-9600

FACSIMILE 770-956-1490

**Ellen W. Smith**

April 15, 2014

**BY HAND DELIVERY**

Mr. Scott Gaither

Senior Planner

City of Covington

Planning and Zoning Department

2116 Stallings Street NW

Covington, Georgia 30014

Re: Application for Telecommunications Support Structure Special Use Permit (the "*Application*") by TowerCom V, LLC, to be located at 6163 Monticello Street, Covington, Georgia 30014 (the "*Property*")

**LETTER OF INTENT**

Ladies and Gentlemen:

This law firm has the pleasure of representing TowerCom V, LLC ("*Applicant*"), with respect to the Application. Applicant respectfully submits for your consideration the Application, the approval of which will result in the County's issuance of a special use permit ("*SUP*") to allow the construction, operation and maintenance of a 195-foot (199-feet including 4' lighting rod) monopole tower and related antennas and equipment (collectively, the "*Facility*") on a 3,575 square foot portion (the "*Site*") of the Property.

**Background - The Property and the Site**

The Property, owned by Sugar Hill Storage, LLC ("*Owner*"), is a multi-parcel, assemblage that is zoned CM (Corridor Mixed Use) and fronting on Highway 36 (also known as Monticello Street). The Property is improved with several existing buildings and is primarily used as a self-storage and U-Haul rental facility. The survey submitted herewith identifies the Property as Tracts I and II. Other properties nearby fronting on Monticello Street are zoned NM and CM; properties to the east (or the rear) of the Property are zoned NR-2. Additionally, Owner currently rents the parcel identified as "Tract III" on the survey and has it under contract to purchase. Tract III is improved with the administrative offices of the self-storage business on the Property. The Property, together with Tract III, is approximately 6.53 acres.

Owner has leased the Site, together with utility and ingress/egress easements, to Applicant. The Site is proposed to be located in Tract I as shown on the survey and site plans submitted herewith, with access through an existing curb cut and parking lot serving the Property. The proposed Facility is a permitted use, upon issuance of the requested SUP.

**HOLT NEY ZATCOFF & WASSERMAN, LLP**

Mr. Scott Gaither, Senior Planner  
City of Covington  
Planning and Zoning Department  
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**The Facility / Proposed SUP**

The Facility which Applicant plans to construct will include a one hundred ninety-five foot (190') high monopole tower (overall height with lightning rod, 199'), ground-mounted communications equipment, and associated minor site improvements to facilitate operations and maintenance of and access to the Facility on the Site. This use will be an accessory use to the existing self-storage facility, and is designed to be the least obtrusive means to meet the coverage and capacity requirements of T-Mobile and AT&T.

Section 16-56.040.B. of the Covington Zoning Ordinance, as the same is amended from time to time (the "***Zoning Ordinance***"), requires applicants to submit a "Five Year Plan" and an "Inventory of Sites." Applicant owns no other support structures within the City of Covington or within Newton County, and at the current time, Applicant does not anticipate constructing any new support structures, other than the Facility, within the City. Accordingly, Applicant does not have a "Five Year Plan" per se. However, Applicant notes that Exhibit D to the radio frequency ("***RF***") affidavit of Mark Robinette on behalf of T-Mobile South, LLC includes an inventory of T-Mobile's existing sites within the City limits. Moreover, Applicant notes that T-Mobile, AT&T and most other service providers intend to improve the reliability of their general service and to upgrade their facilities for advancing technologies. Although much of this proposed growth is to continue to meet carrier mandates of providing emergency services to the public, the unprecedented explosion of data usage and smart-phone use is the greater reason for the current level of growth. The fourth generation (4G) of personal wireless services is directed toward the Android, iPhone, and other wireless devices that demand high speed capacity. As wireless coverage has increased exponentially over the past five (5) years due to the rise in smart-phone and other wireless devices, it is safe to say that there will be many more sites needed in the future, for T-Mobile, AT&T and others. To that end, it is important to note that this Facility has two carriers, with the capacity for three additional users, to ensure maximum use (exceeding the requirements of Zoning Ordinance Section 16-56.040.C.3).

T-Mobile is proposed to be the carrier located at the top of the Facility at a "rad center" (e.g., middle of antenna center) height of 195 feet. In addition to T-Mobile, AT&T has leased space on the Facility at a rad center height of 185 feet. The Facility is structurally capable of supporting up to three additional carriers. See *Zoning Ordinance § 16-56.040.C.3*. The availability of colocation or alternative suitable existing structures is addressed in the RF affidavit and reports included herewith. *Id. § 16-56.040.D*.

The Facility will maintain a galvanized steel finish. Given that the Facility will be located in the midst of self-storage buildings on the Property, its design will match the existing uses of the Property. The equipment and other associated site improvements are shown on the



**HOLT NEY ZATCOFF & WASSERMAN, LLP**

Mr. Scott Gaither, Senior Planner  
City of Covington  
Planning and Zoning Department  
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plans submitted herewith and are limited to those uses associated with the operation of the antenna or towers and are appropriate in scale and intensity. Applicant does not expect that the FAA will require the Facility to be lighted and the Facility will have no signage or other advertising except as required by respective governmental agencies. Existing curb cuts will be used to access the Site from Monticello Street.

The Facility in the proposed Site on the Property meets the setback requirements set forth in Sections 16-56.040.F.1 and 3 of Chapter 16-56 of the Zoning Ordinance, with the exception of the northern Property line setback. Although the Zoning Ordinance requires support structures be setback a distance equal to the height of the support structure to any property line, the proposed Facility will be 172.2 feet (not 199 feet) away from the northern Property line. In accordance with Section 16-56.040.F.4 of the Zoning Ordinance, Applicant requests that this setback requirement be reduced to 170 feet. In support of this request, Applicant submits the March 7, 2014 report from Sabre Industries demonstrating that, due to the structural failure characteristics of the Facility, the required setbacks are excessive and unduly burdensome and that, in any event of failure (which is highly unlikely), the Facility is designed to fall within an 80-foot radius of the center line of the support structure. Additionally, the Facility is not closer than 2,000 feet from any existing support structure. *Zoning Ordinance § 16-56.040.F.3.*

The entirety of the Site will be enclosed with a six foot (6') high chain link fence with three strands of barbed wire, as more particularly shown on the enclosed plans. Additional details relating to the Site and the Facility are set forth in the plans submitted herewith, expressly including the proposed Landscape Plan that is included as pages L1 and L2 of the zoning drawings. Applicant confirms that the Facility will meet or exceed current standards of the Federal Aviation Administration, the Federal Communications Commission, and any applicable agency guidelines governing the construction and operation of such a telecommunications tower. *Zoning Ordinance §§ 16-56.040.G, H, and K.*

Once constructed, the Facility will be unmanned. Only monthly site visits by carriers' maintenance technicians are anticipated. The Facility will not have water and sewer services, and it will not generate any waste. Again, 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 safe, reliable and uninterrupted wireless service for use by the general public, emergency services personnel and others in this area of the City of Covington.

**HOLT NEY ZATCOFF & WASSERMAN, LLP**

Mr. Scott Gaither, Senior Planner  
City of Covington  
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The Facility will be an integral part of the T-Mobile and AT&T wireless networks across the City of Covington and Newton County, as more particularly described in the radio frequency affidavit and reports included with this Letter of Intent.

**Zoning Requirements**

Chapter 16-56 of the Zoning Ordinance, and specifically, Sections 16-56.040 and .070 thereof, sets forth the zoning requirements applicable to the placement of tower support structures and antennas on property within the City. Applicant met with City Staff for a pre-application consultation on Tuesday, April 8, 2014. *Zoning Ordinance § 16-56.050.A.*

Additionally, Applicant submits the following documents in support of the Application:

1. Application Fee of \$3,000 (check No. 463 payable to City of Covington);
2. Application for Telecommunications Support Structures, including original notarized signature of Owner and Applicant's representatives (and identifying the Community Liaison Officer for the Facility) (1 original; 12 copies);
3. Zoning Drawings (2 copies including survey [and all utilities serving the Property including easements], site plans, elevations, paper map location, landscaping plans, structural design) (*Zoning Ordinance §§ 16-56.050.B.1- 4; 16-56.050.B.8*);
4. this Letter of Intent (describing surrounding environment; anticipated maintenance; aesthetic and structural design of Facility);
5. Digitized map and plans (submitted on CD, together with Word version of metes and bounds legal descriptions of Property, Site and easements supporting tower);
6. RF Engineer's Analysis from T-Mobile demonstrating the lack of availability of any existing support structure or alternative support structure, documenting the factors governing the design selection, and including requisite performance compliance (*Zoning Ordinance §§ 16-56.040.D and F.3, and 16-56.050.B.8 and 9*);
7. Sabre Industries March 7, 2014 Structural Integrity Letter;
8. Analysis of SUP Considerations (*Zoning Ordinance §§ 16-56-070.F*);
9. Redacted copy of Option and Ground Lease; and
10. Photograph simulations demonstrating the minimal visual impact of the Facility on the surrounding area.

The Application and the accompanying documents support Applicant's request for the Facility SUP and comply with all City of Covington zoning requirements.<sup>1</sup> Owner and Applicant

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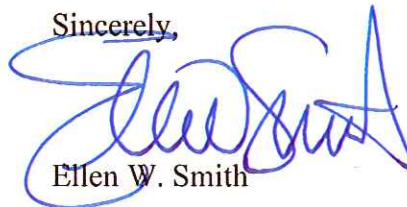
<sup>1</sup> Applicant notifies the City of Covington ("City") of its constitutional concerns. If the Council denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. The Application meets the test set out by the Georgia Supreme Court to be used in establishing the

**HOLT NEY ZATCOFF & WASSERMAN, LLP**

Mr. Scott Gaither, Senior Planner  
City of Covington  
Planning and Zoning Department  
April 15, 2014  
Page 5

respectfully request that the Department recommend the approval of the Application to the Mayor and City Council for consideration at the next available public hearing.

We are happy to answer any questions or provide any information that the Department, its consultant or the Council may have with regard to the Application.

Sincerely,  
  
Ellen W. Smith

EWS/ews

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constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See *Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Council denies the Application in whole or in part, such an action will deprive Applicant and Owner of the ability to use the Property in accordance with its highest and best use. Similarly, if the Council limits its approval of the SUP by attaching conditions thereto affecting any portion of the Property or the use thereof, either of such actions being taken without Applicant's consent, then such action would deprive Applicant and Owner of any reasonable use 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 (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Council, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and Owner and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 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 Applicant) would constitute a gross abuse of discretion and an unconstitutional violation Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance for lack of objective standards, guidelines or criteria limiting the Council's discretion in deciding applications for SUP.

Furthermore, the Telecommunications Act of 1996, codified at 47 U.S.C. § 332(c) (the "1996 TCA") was intended to "promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies." *Preamble to 1996 TCA*. The primary mechanisms used by the 1996 TCA to "promote competition and reduce regulation" are prohibitions against local regulations that (i) "unreasonably discriminate among providers of functionally equivalent services" or (ii) "prohibit or have the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B). Also, section 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 telecommunications service." The Council may violate the 1996 TCA on all three grounds if it denies the Application. Nevertheless, Applicant remains optimistic that the Council's consideration of the Application will be conducted in a constitutional and legal manner.



March 7, 2014

Mr. Chip Bulloch  
TowerCom  
101 Colony Park Drive, Suite 400A  
Cumming, GA 30040

RE: Proposed 195' Monopole for SRPURPLE, GA

Dear Mr. Bulloch,

Upon receipt of order, we propose to design and supply the above referenced monopole for a Basic Wind Speed of 90 mph with no ice and 30 mph with 3/4" radial ice, Structure Class II, Exposure Category B, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing on itself. ***Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles.*** In the unlikely event of total separation, this, in turn, would result in collapse of the section above, within a radius equal to 80 feet.

Sincerely,

Amy R. Herbst, P.E.  
Senior Design Engineer



City of Covington  
Newton County, Georgia  
Application for Approval of Telecommunications Tower  
Site Location: 6163 Monticello Street, Covington, GA

RADIO FREQUENCY ANALYSIS

STATE OF GEORGIA  
COUNTY OF FULTON

Personally appeared before me, the undersigned officer, duly authorized to administer oaths, MARK ROBINETTE, who after being duly sworn, states as follows:

1. My name is Mark Robinette. I am over the age of 21 and am competent in all respects to testify to the matters stated herein. Unless otherwise indicated, the statements in this Affidavit are based upon my personal knowledge.
2. I am a Senior Radio Frequency (RF) Engineer with T-Mobile. I have been working in the field of RF planning, performance and optimization of wireless networks for the past 18 years. I have provided RF services to T-Mobile, and I have been accepted and testified as an RF expert in various counties of Georgia and Tennessee. I have a Bachelors of Science Degree in Electrical Engineering from Virginia Polytechnic Institute and State University.
3. I have prepared this document, which contains a radio frequency analysis performed on January 23<sup>rd</sup>, 2014 by T-Mobile US (Atlanta market) to determine the most effective way to provide wireless 2G GSM, 3G WCDMA and 4G LTE indoor coverage to the primarily residential and commercial areas along Highway 36 / Jacksonville Highway SW / Monticello Street, where T-Mobile currently has poor voice and data coverage due to high use and lack of suitable facilities, as well as being affected by surrounding foliage and terrain. This area has been the source of many customer complaints, and is a concern for residents who may need to use E911 services.
4. Attached (as Exhibits "A" and "B", 2G and 3G/4G coverage respectively) are propagation maps which I prepared reflecting the large gap in T-Mobile's existing coverage of this area (the gap is reflected by the areas in yellow and grey; the green indicates good indoor coverage). The primary areas of concern are the residential (as well as commercial) areas within approximately a 1-mile radius in all directions from 6163 Monticello Street (the proposed TowerCom site).
5. The proposed location for the tower was selected based upon a comprehensive analysis of the search ring included (as Exhibit "C"). The search ring depicts, on a map, the desired center point and the 0.25 mile radius in which the proposed facility should be located in order to meet defined coverage objectives required by T-Mobile's network. In analyzing the search ring to select the proposed Site, we assessed the following factors for each candidate considered:

- Aesthetic impact



- Compatibility with existing land use
- Site constructability
- Suitability to meet RF propagation objectives
- Willingness of landowner to lease land

6. As a general rule, T-Mobile first looks to determine whether there are existing structures on which it may collocate its facilities. In this 0.25 mile search ring, there were no usable communications towers, and no towers within one mile of the search area target will provide adequate coverage for T-Mobile. We were unable to find any viable tall structures on which to locate, such as water tanks or existing buildings.

7. There are no existing towers within the 0.25-mile search ring on which T-Mobile could collocate its antennas. To the extent possible (based on structural soundness, height availability for antennas and a variety of other factors), T-Mobile collocates on existing towers. An inventory of T-Mobile's existing facilities within the City of Covington and Newton County is attached as Exhibit "D".

8. There is no existing tower within 2,000 feet of the proposed site location. Similarly, there is no existing tower within a one-half mile radius of the proposed site location.

9. Further analysis revealed that the best choice for the location of the facility is the proposed Site at 6163 Monticello Street, which meets RF propagation, and provides a location compatible with surrounding land use. Exhibits "E" and "F" are propagation maps for 2G and 3G/4G coverage respectively, depicting the coverage to be provided by a proposed TowerCom Site at 6163 Monticello Street. These exhibits clearly illustrate that the proposed TowerCom Site will alleviate existing coverage deficiencies, allowing T-Mobile to meet market demand for basic coverage and provide solid E911 services to this busy area (on the map, green indicates good coverage).

10. T-Mobile believes that wireless service in this portion of Covington will be in effect prohibited if TowerCom is restricted from placing a 195-foot tower structure in this area.

11. All of the propagation maps that are attached to this Affidavit and to the Analysis were generated with a computer modeling program called Asset. It takes into account number of variables including terrain, type of clutter (e.g. physical characteristics of an area that can impact and cause significant propagation losses in signal strength such as houses, structures, vegetation, trees and terrain), antenna height, available radio frequency and wireless equipment characteristics, before creating propagation prediction. In addition to the factors that are not shown on the plot, I reviewed the ability of a wireless communications facility at the location to handle the required call capacity or volume of calls and to provide the extent of data and other services required by T-Mobile customers. Coverage levels are set to ensure that greater than 95% of the locations in the coverage objective can expect signal strength sufficient to meet the design requirements. In other words, the design for this wireless communications facility is to ensure that 95% of the residential structures in the coverage objective area will receive T-Mobile service indoors. Lower antenna heights were considered, but did not adequately meet the coverage objectives. Further analysis revealed that the best choice for the location of the




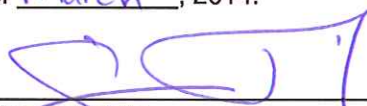
wireless communications facility is the proposed site location, which meets RF propagation objectives, and provides a location compatible with surrounding land uses.

12. I hereby certify that all antennas and related equipment placed upon the proposed site location by T-Mobile shall comply with all current regulations of the FAA, the FCC (expressly including FCC regulations governing non-ionizing electromagnetic radiation (NIER), and any other agency of the federal government with the authority to regulate such support structures and antennas. T-Mobile will ensure that its antennas and equipment are maintained in compliance with standards contained in applicable local building codes and the applicable standards for support structures that are published by the Electronic Industries Association, as amended from time to time. I hereby certify that the RF levels will meet or be exempt from the American National Standards institute (ANSI) guidelines for public safety.

FURTHER AFFIANT SAITH NOT.

Sworn to and subscribed  
before me, this 28<sup>th</sup> day  
of March, 2014.

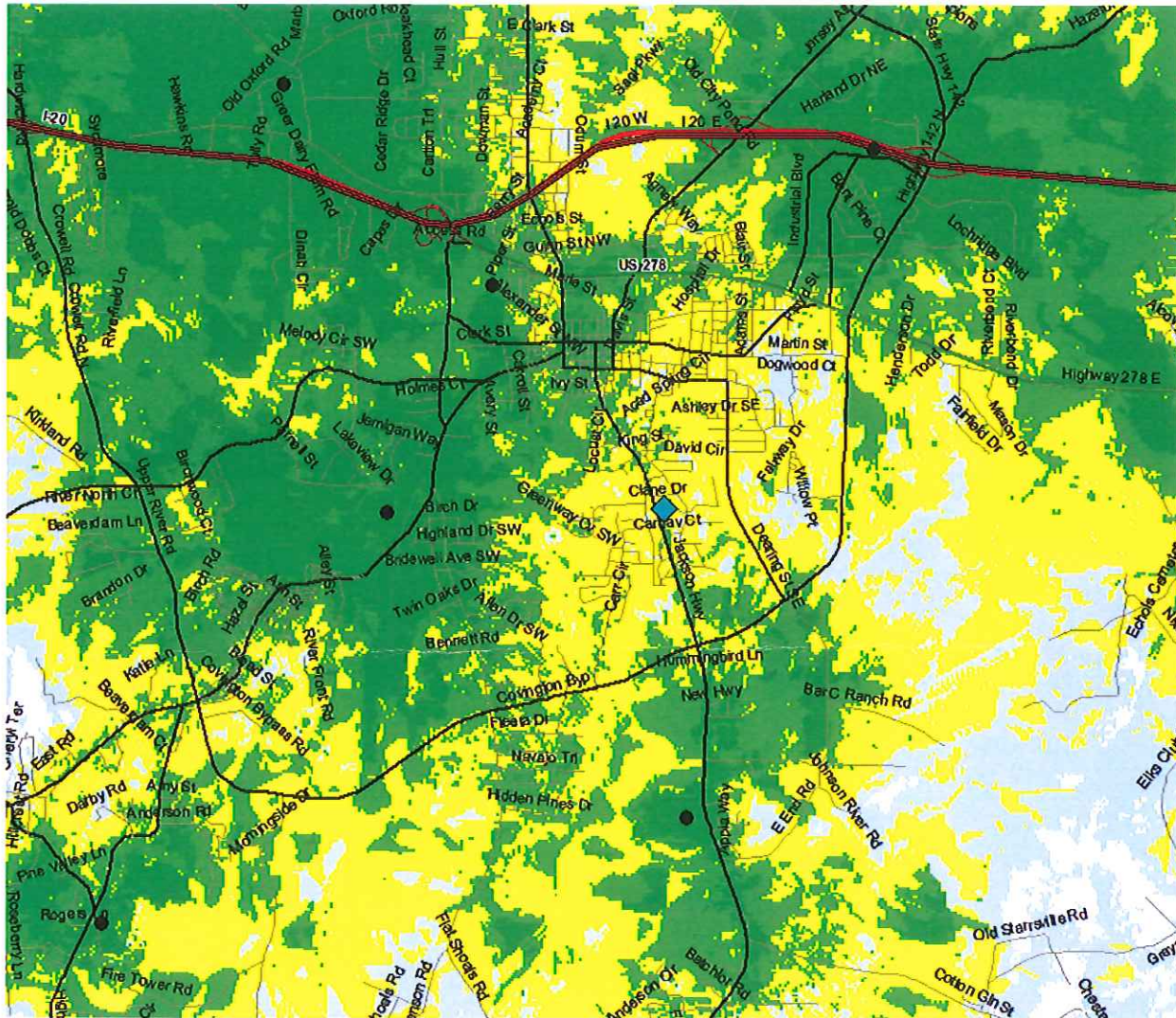
  
\_\_\_\_\_  
MARK ROBINETTE

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 1/10/2015





## Exhibit "A"





### Existing 2G T-Mobile Coverage Without Proposed Site



#### Site Legend

-  Proposed Site
-  Existing TMO Sites

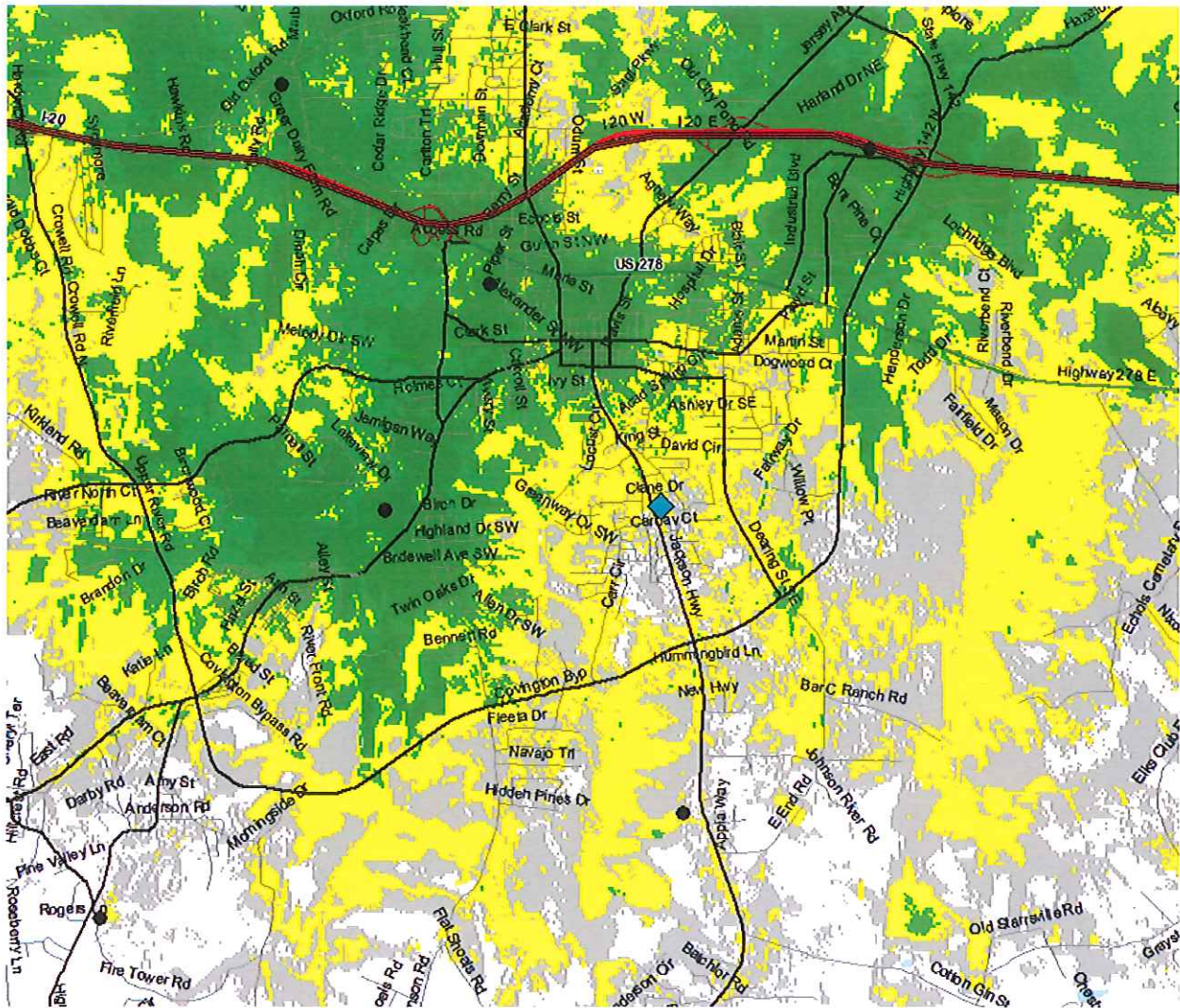
#### 2G Signal Legend

-  Indoor Commercial
-  Indoor Residential
-  Outdoor
-  In-Vehicle



## Exhibit "B"

### Existing 3G/4G T-Mobile Coverage Without Proposed Site



#### Site Legend

- ◆ Proposed Site
- Existing TMO Sites

#### 2G Signal Legend

- Indoor Commercial
- Indoor Residential
- Outdoor
- In-Vehicle



## Exhibit "C"

### Search Area 0.25mi Ring on Top of Terrain Elevation Map

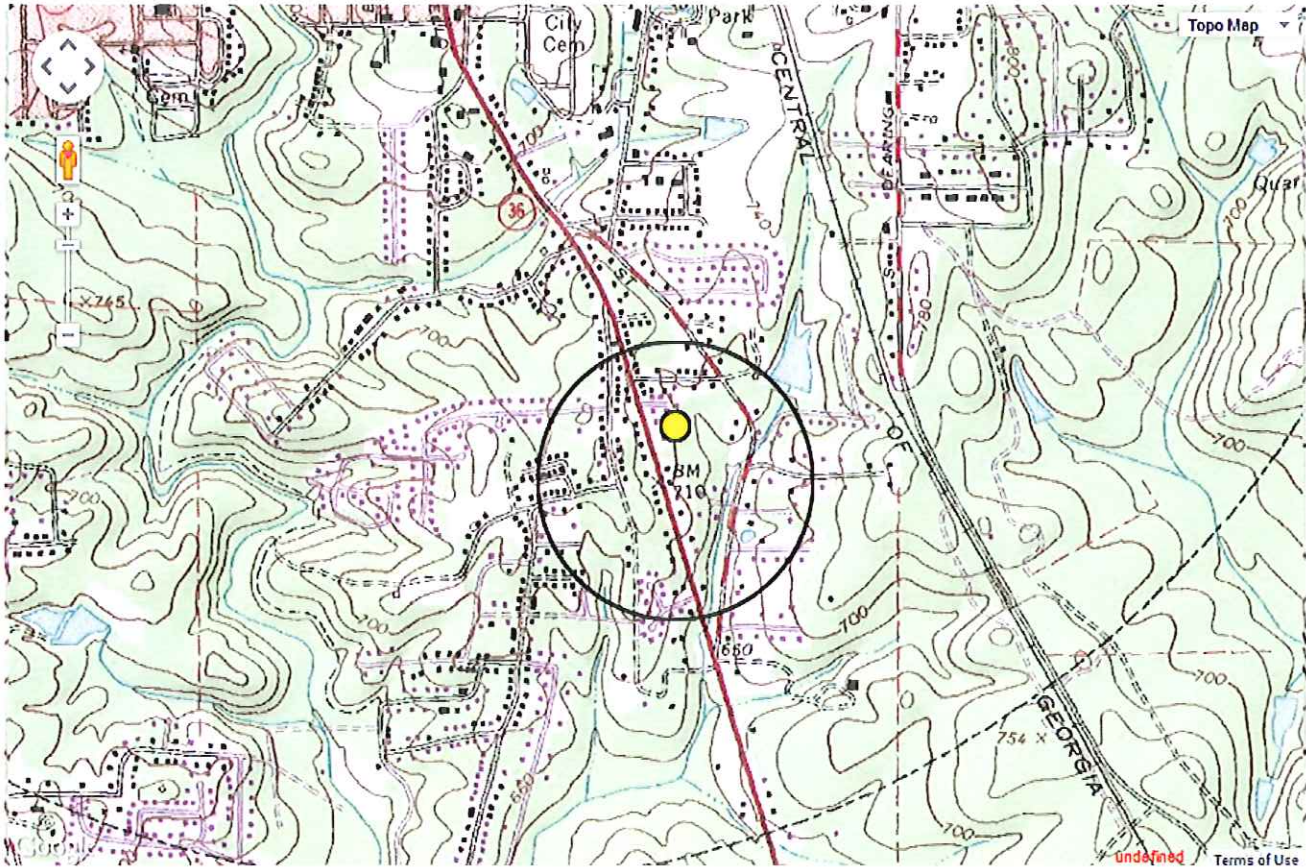


Exhibit "D"

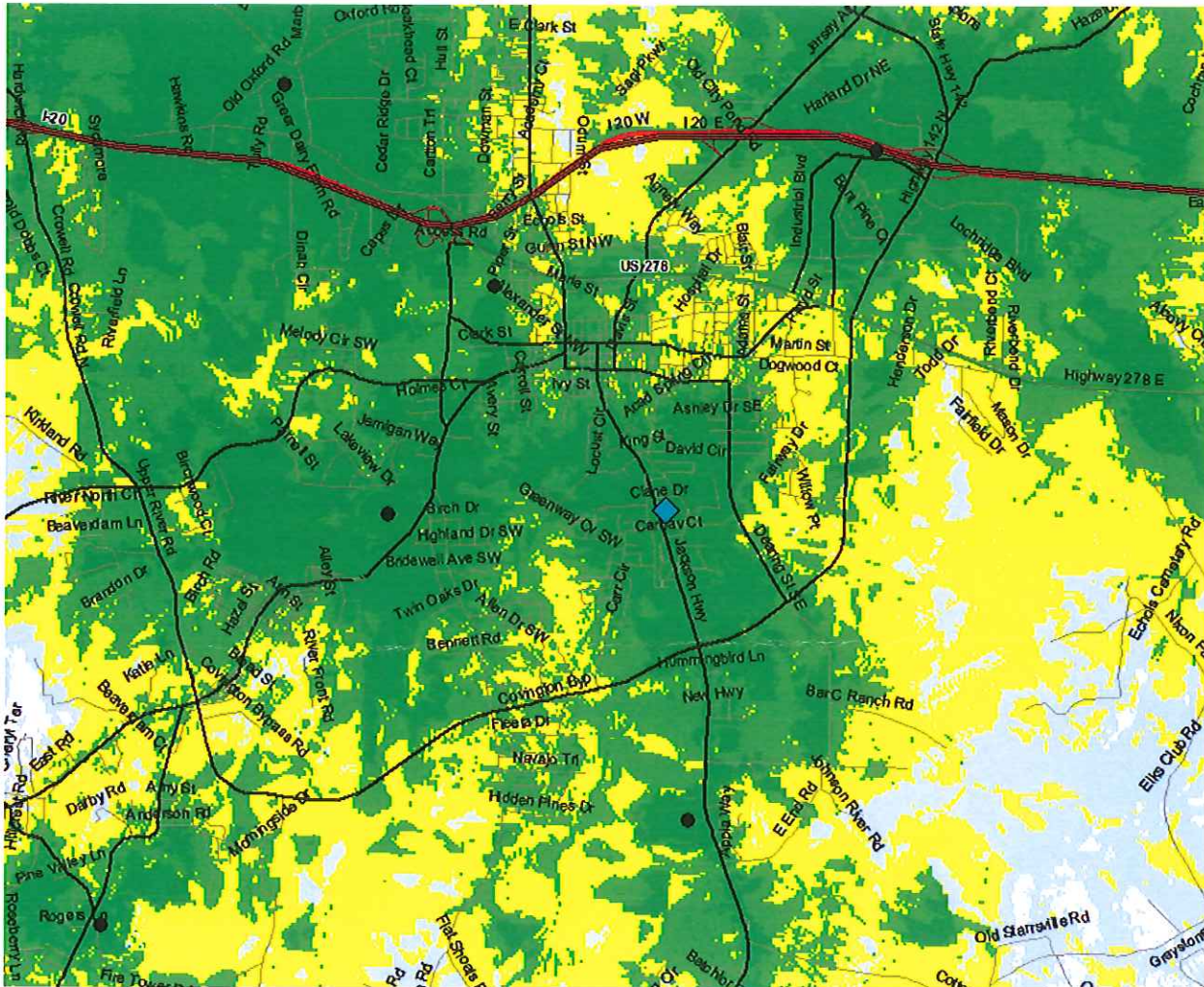
Site Inventory in Newton Co.

Property_ID	Abs_Longitude	Abs_Latitude
9AT0377A	-83.8933333	33.61944444
9AT0378D	-83.8311111	33.61388889
9AT0379A	-83.740278	33.610556
9AT0462D	-83.850833	33.555473
9AT1233A	-84.0127828	33.55388716
9AT1246A	-83.9453	33.59383
9AT1247A	-83.8823319	33.58208291
9AT1466B	-83.9124167	33.54622222
9AT2194A	-83.847222	33.687222
9AT2270A	-83.8433889	33.65475
9AT2405A	-84.0364717	33.52642075
9AT2433A	-83.963999	33.57508267
9AT2456C	-83.9752778	33.5925
9AT2457B	-83.9570917	33.51645833
9AT2499A	-83.7957778	33.59038888
9AT4303A	-83.8713333	33.60197222



## Exhibit "E"

### Existing 2G Coverage with Proposed TowerCom Site



#### Site Legend

- ◆ Proposed Site
- Existing TMO Sites

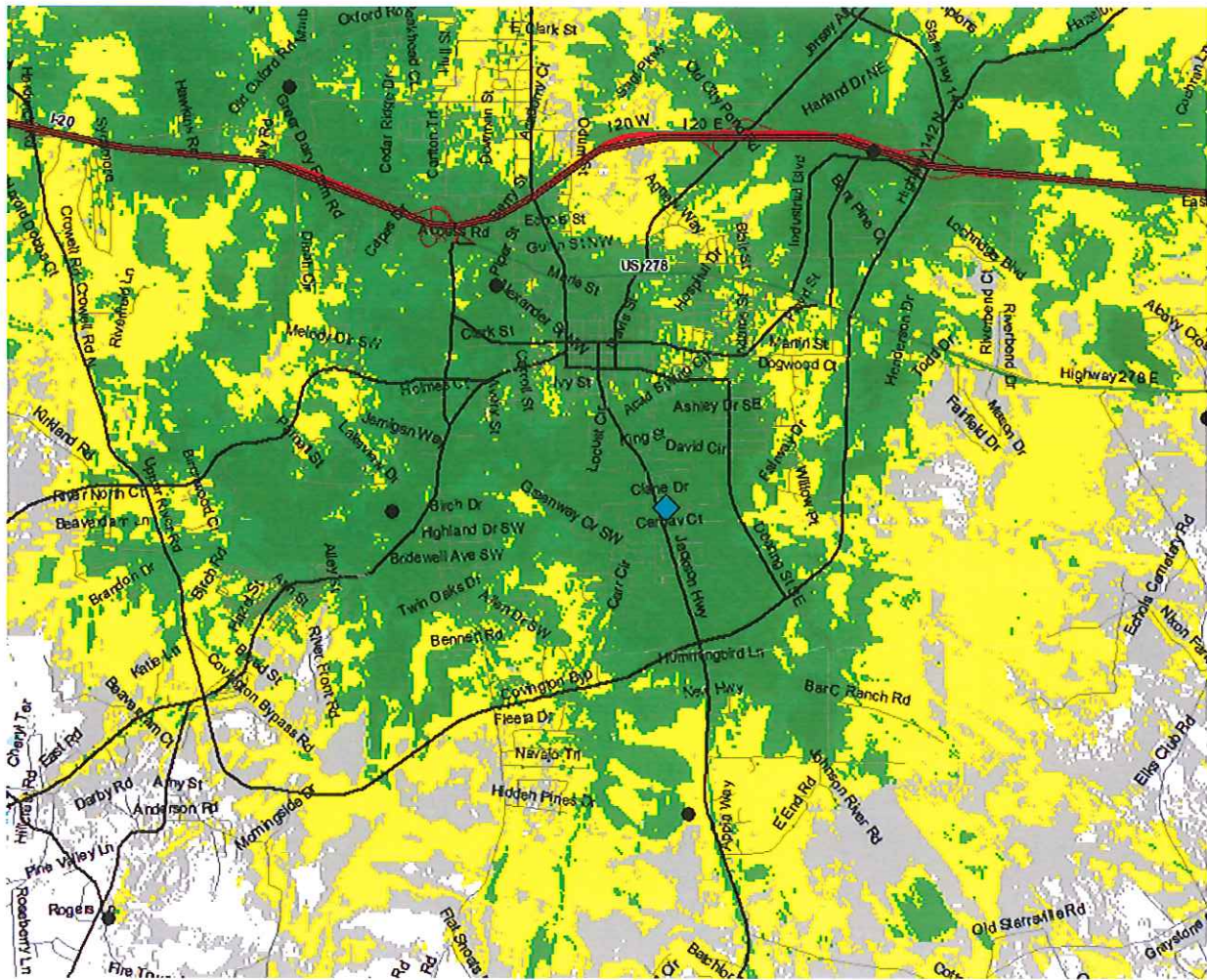
#### 2G Signal Legend

- Indoor Commercial
- Indoor Residential
- Outdoor
- In-Vehicle





## Exhibit "F"





### Existing 3G/4G Coverage with Proposed TowerCom Site



#### Site Legend

-  Proposed Site
-  Existing TMO Sites

#### 2G Signal Legend

-  Indoor Commercial
-  Indoor Residential
-  Outdoor
-  In-Vehicle