



SPECIAL LAND USE PERMIT APPLICATION ANALYSIS

ZONING CASE #: Z2013-15 **LEGISTAR #:** 20130365

LANDOWNERS: **FSOP JAMM, LLC**
Judy A. Miller, Registered Agent
995 Oakhaven Drive
Roswell, GA 30075

APPLICANT: **TowerCom V, LLC**
David C. Kirk
Troutman, Sanders LLP
5200 Bank of America Plaza
600 Peachtree Street, N. E.
Atlanta, GA 30308

PROPERTY ADDRESS: **2141 Kingston Court**

PARCEL DESCRIPTION: **Land Lot 07260, District 17, Parcel 0140**

AREA: **1.1176 ac.** **COUNCIL WARD:** **7**

EXISTING ZONING: **LI (Light Industrial)**

REQUEST: **Special Land Use Permit (SLUP) for a new telecommunication tower**

FUTURE LAND USE MAP RECOMMENDATION: **RAC (Regional Activity Center)**

REASON FOR REQUEST: **The applicant is requesting a Special Land Use Permit for the property located at 2141 Kingston Court in order to construct a new telecommunication tower.**

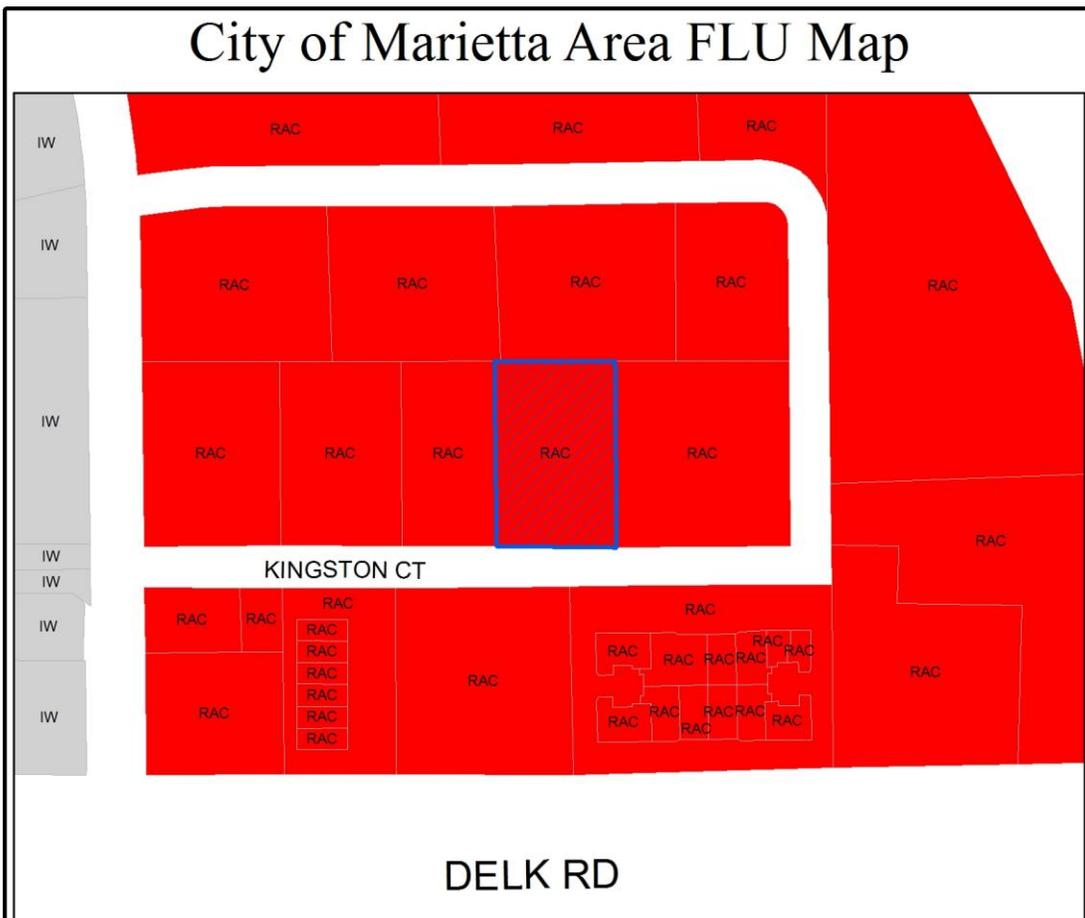
PLANNING COMMISSION HEARING: **Thursday, May 2, 2013 – 6:00 p.m.**

CITY COUNCIL HEARING: **Wednesday, May 8, 2013 – 7:00 p.m.**

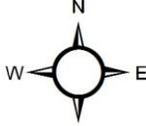
MAPS



City of Marietta Area FLU Map



Future Land Use		District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR	Low Density Residential	17	07260	0140	RAC	N/A
MDR	Medium Density Residential					
HDR	High Density Residential					
NAC	Neighborhood Activity					
CAC	Community Activity Center					
RAC	Regional Activity Center					
CBD	Central Business District					
IM	Industrial - Manufacturing					
IW	Industrial - Warehousing					
OSC	Open Space/Conservation					
PR	Parks & Recreation					
CSI	Community Service & Institutional					
TCU	Transportation, Communication & Utilities					
MXD	Mixed Use					

<i>Comments:</i> 2141 Kingston Ct		 1" = 200'	
<i>Date:</i> 4/2/2013	Planning & Zoning Department		

PICTURES OF PROPERTY



2141 Kingston Court



Location of proposed tower and Metro PCS equipment area

STAFF ANALYSIS

Location Compatibility

David Kirk, representing TowerCom V, LLC, is requesting a Special Land Use Permit for the property located at 2141 Kingston Court in order to construct a new telecommunication (cell) tower. The subject property, as well as all adjacent properties, is zoned Light Industrial (LI) and contains an industrial/office building. The site is located near the Delk Road / I-75 interchange and is accessed off of Franklin Road.

The proposal includes the construction of a monopole telecommunication tower in a planter island at the northeastern corner of the building. The tower will be one hundred fifty (150) feet tall and contain locations for five antennas, one of which will be for Metro PCS. Five lease areas, one for each possible user, will be provided on the ground to accommodate the equipment serving each antenna. Four lease areas will be housed inside the building while the lease area for Metro PCS will be outside, next to the base of the monopole tower. All structures located outside will be enclosed by a six (6) foot tall wooden fence with a lockable gate.

Use Potential and Impacts

The applicant is making this request in order to reduce the burden of nearby Metro PCS antennas that are at- or over-capacity, resulting in intermittent service provision for users. The Radio Frequency Analysis submitted with the application states that, despite three (3) antennas being located within a one (1) mile radius of the subject property, they are overburdened and unable to provide consistent service to the area around the Delk Road / I-75 / Franklin Road intersections. The report also states that there are no available locations on existing towers or tall structures that would improve coverage to this area. The construction of a new tower at the subject property would restore consistent services to users needing cell and data coverage when in this area.

Sections 712.07 (A) and (B) list the factors and standards when considering a Special Land Use Permit for a new telecommunication tower and include:

1. The proposed height of the tower

The request is to build a tower one hundred fifty (150) feet tall, which is the maximum height allowed for a tower in LI and containing more than four (4) users.

2. Proximity to residential structures and residential district boundaries

The nearest residential district to the subject property is the Autumn View Apartments located approximately six hundred feet to the north, property line to property line. The standard specified under Section 712.07 (B)(1) requires that “*all towers be setback a distance of twice (2x) the full height of the tower from any residentially zoned property or structure used for residential purposes.*” The proposal complies with this standard.

3. Nature of uses on adjacent and nearby properties

The subject property and proposed tower location is centrally located within the Kingston Court Business Park, which contains mostly professional, administrative, and sales offices.

4. Surrounding topography, tree coverage, and foliage

The topography of the property is relatively flat. There is a line of mature pine trees along the eastern property line and deciduous trees along the northern property line which will partially obscure the base of the tower and mechanical equipment. However, these trees do not appear to be located on the subject property. It is also doubtful that any trees in the area will grow to a height that will block visibility of a 150' tower.

5. Design of the tower, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness.

The applicant states that the tower will have a galvanized steel finish. The standards specified under Section 712.07 (B) state:

3. *All new self-supporting towers which do not incorporate approved alternative design features must be designed and built in a manner that allows at least two other entities to co-locate on the structure.*
4. *All towers and their related structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment. Towers shall be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the Federal Aviation Administration (FAA).*

Staff is unaware of any “approved alternative design features” but is aware of creative design approaches that try and make towers less obtrusive. Examples include towers designed to look trees, bell towers, steeples, flag poles, or artistic sculptures. Since the structure is intended to accommodate five users, no alternative design features are required.

The standards specified under Section 712.07 (B) will also require the following:

- Towers shall be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the Federal Aviation Administrative (FAA).
- All towers must meet or exceed current standards and regulations of the Federal Communications Commission (FCC) and FAA.
- Subsequent to Council approval but prior to the issuance of any building permits, compliance with Section 106 of the Natural Historic Preservation Act shall be demonstrated.

These standards also require at least one thousand (1,000) feet between towers. An antenna was formerly located on top of the building at 2168 Kingston Court (the former Holiday Inn), but has since been removed.

This property has been classified as Regional Activity Center (RAC) by the City's Future Land Use Map. Regional Activity Centers are identified in the Comprehensive Plan as areas appropriate for medium- to high-intensity uses. Appropriate areas for the construction of telecommunication (cell) towers are not explicitly covered in the Comprehensive Plan, so it is unclear whether this request is compatible. However, it is a reasonable assumption that more stable telecommunication coverage will help encourage the area to increase intensity in line with the goals specified under the plan. As a result, this request appears to be compatible with the City's Comprehensive Plan.

Environmental Impacts

There is no indication of any streams, wetlands, floodplains, or endangered species on the property.

The proposal includes the removal of a large tree within a tree island for the tower and Metro PCS ancillary equipment. Although the information was not included in the construction plans, calculations by staff show that the site is currently 88% impervious (approximately), despite current regulations limiting impervious surface coverage in LI districts to 75%. The removal of this tree island will cause the site to become more nonconforming than it is currently, and will require the following variance:

- Variance to increase the allowable impervious surface coverage by 434 s.f. for the removal of an existing tree island. [§708.26 (H)]

The construction area contains a large deciduous tree – one of only four on the property (one at each building corner) – that is marked for removal. It is likely that the property does not meet the required tree density units; removal of this tree will cause the site to increase its nonconformity with respect to tree units in addition to removing a tree within a required planter island.

As a result, the following variances would be necessary in order to implement the plans as submitted:

- Variance to reduce the existing tree density on the site in order to remove the existing tree in the northeastern tree island. [§712.08 (D)(4)]
- Variance to eliminate the northeastern tree island. [§712.08 (D)(4)]

There are alternatives to issuing variances for the removal of the tree. Equal units to those removed could be replanted elsewhere on the site in order to offset the loss. Payment into the Tree Replacement Fund is also an option.



Economic Functionality

Although the building does not appear to be at capacity, the subject property is currently functioning as zoned as indicated by the occupied tenant suites.

Infrastructure

The installation of a new telecommunications tower should have minimal impact on transportation, education, water, and sewer systems. The tower will clearly use more electricity than is currently being provided to the property. Marietta Power services this site.

History of Property

There is no history of variances, rezonings, or Special Land Use Permits previously granted for this property.

ANALYSIS & CONCLUSION

David Kirk, representing TowerCom V, LLC, is requesting a Special Land Use Permit for the property located at 2141 Kingston Court in order to construct a telecommunication (cell) tower. The subject property, as well as all adjacent properties, is zoned Light Industrial (LI) and contains an industrial/office building. The proposal includes the construction of a monopole telecommunication tower that will be one hundred fifty (150) feet tall and contain locations for five antennas. Five lease areas, one for each possible user, will be provided on the ground to accommodate the equipment serving each antenna. All structures located outside will be enclosed by a six (6) foot tall wooden fence with a lockable gate.

The applicant is making this request in order to improve service to Metro PCS users in this area. According to the applicant, all of the nearby Metro PCS antennas are overburdened, resulting in intermittent service provision for users. The Radio Frequency Analysis also states that there are no available locations on existing towers or tall structures in this area. The construction of a new tower at the subject property would restore consistent services to users needing cell and data coverage when in this area.

The application meets the standards listed within Section 712.07 for the consideration of a Special Land Use Permit for a new telecommunication tower, which includes restrictions on height, distance from residential districts, distance from other towers, design, and screening. The ordinance also requires the tower adhere to regulations issued by the FAA, FCC, and Section 106 of the Natural Historic Preservation Act.

If this application is approved as submitted, the following variances would be necessary:

1. Variance to increase the allowable impervious surface coverage by 434 s.f. for the removal of an existing tree island. [§708.26 (H)]
2. Variance to reduce the existing tree density on the site in order to remove the existing tree in the northeastern tree island. [§712.08 (D)(4)]
3. Variance to eliminate the northeastern tree island. [§712.08 (D)(4)]

This future land use of this property has been classified as Regional Activity Center (RAC), which is identified in the Comprehensive Plan as an area appropriate for medium- to high-intensity uses. Appropriate areas for the construction of telecommunication (cell) towers are not explicitly covered in the Comprehensive Plan, so it is unclear whether this request is compatible. However, it is a reasonable assumption that more stable telecommunication coverage will help encourage the area to increase intensity in line with the goals specified under the plan. As a result, this request appears to be compatible with the City's Comprehensive Plan.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	-----
Size of the water line?	8-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	-----
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	-----
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are the storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Transportation

What is the road effected by the proposed change?	Kingston Court, Delk Road
What is the classification of the road?	Kingston Court: Local Delk Road (GA DOT): Arterial
What is the traffic count for the road?	36,320 AADT
Estimated number of cars generated by the proposed development?	---
Estimated number of trips generated by the proposed development?	---
Do sidewalks exist in the area?	No
Transportation improvements in the area?	Yes
If yes, what are they?	Franklin Road turn lanes to Delk Road



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	1160 Franklin Road
Distance of the nearest station?	0.5 miles
Most likely station for 1 st response?	1160 Franklin Road
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes _____ No _____

If not, can this site be served? Yes _____ No _____

What special conditions would be involved in serving this site?

Additional comments: