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October 24, 2016

City of Johns Creek Community Development
ATTN: Courtney Lankford
12000 Findley Road, Ste. 400
Johns Creek, Georgia 30097

RE: Letter of Intent for Proposed "Old Medlock" Telecommunications Facility to be located at 10475 Medlock Bridge Road via Special Use Permit

Dear Ms. Lankford:

This Letter of Intent and accompanying material are submitted in support of the above-referenced Special Use Permit Application. Verizon Wireless will serve as the anchor tenant at this Facility. Skyway Towers respectfully requests approval of this permit to enable Verizon to serve existing and future customers in a manner consistent with the Telecommunications Act of 1996.

After several months of study in finding a suitable site, Skyway is proposing to have a new, unmanned communications facility constructed at 10475 Medlock Bridge Road (PID: 11-0920032511968.) This new Facility is needed because the existing Verizon network does not provide the coverage or capacity needed for current data demand of residents and traveling Verizon customers. This proposed facility will consist of a 76' monopine-style telecommunication tower (+4' lightning rod = 80' overall height), housed inside a 2,984 square foot fenced compound that will include corresponding ground equipment. Said compound will be surrounded by a wooden fence and 10' wide landscape buffer to effectively screen the ground equipment.

The demand for wireless communication continues to grow in this area and makes this an important location for Verizon. In addition to providing service to its customers, the additional infrastructure will provide needed capacity for coverage of 911 emergency calls, transfer of calls from subscribers of other systems, while reducing the need for additional towers in the immediate vicinity.

Approach to a Solution

Verizon is attempting to improve *coverage* and data for its customers along SR-141 (Medlock Bridge), in between SR-120 and States Bridge Road. The site will also serve as a *capacity* relief to Verizon's existing 'Abbotts Bridge' and 'Warsaw' sites—north and south of the proposed location—by offloading traffic currently handled by both sites. This can be seen in greater detail

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by reviewing Verizon RF Engineer's documentation in Tab 2.The search area is roughly centered near the intersection of SR-141 and Parsons Road (see Tab 1.)

Our first step is always to investigate existing structures for co-location. Unfortunately, there are no existing structures in the RF-designed search area. Johns Creek's Telecommunications Code was reviewed, as were a variety of maps (topography, parcel size, zoning, hydrology, floodplain, etc.) compiled and analyzed for potential candidate sites. The search ring was super-imposed on the various maps to aid in evaluation of options and concurrent evaluation of issues. FCC's database of communications facilities was reviewed to make sure we had not overlooked any options within or immediately adjacent to the search area. The closest existing tower is 0.7 miles from the proposed site, but it is too far south and east to meet this site's objectives.

The Area

The search area is a mix of office, commercial, AG-1 and Townhouse Residential land. The subject parcel is a 10.76 acre tract that houses an office park. It is zoned O-I and is abutted by C-1 to the north, AG-1 to the east, Wilson Road to the south and Medlock Bridge Rd to the west.

This Telecommunications Facility will be constructed with setbacks that exceed those required. The closest property line is 86 feet to the northwest, 120 feet to the east, 1,215 feet to the south, and 119 feet to the west. The closest Residential structure is approximately 421 feet northeast of the proposed telecommunications facility.

The Facility

The Facility will be constructed in accordance with the applicable FAA and FCC standards. The FCC TOAWIR Study (Tab 4) states FAA Registration is not required due to the proposed height and location. The FCC license can also be found in Tab 4.

The proposed Facility will comply with all County, State and Federal Laws and pose no environmental impacts as such. A Phase I Environmental Site Assessment was completed. The Executive Summary included in our application (Tab 6) states they found no recognized environmental condition (RECs) associated with the site and needs no additional investigation. Initially, a stream buffer variance [of 13.5'] was required for the proposed equipment cabinets and retaining wall, which constituted a business environmental risk (BERs), but the proposed design has since been adjusted so that the entire Facility will sit outside the 75' stream buffer, leaving no BERs associated with this project.

Once constructed, the facility will be unmanned and will have no distinguishable contribution to local traffic. Only monthly maintenance visits are anticipated—each lasting up to thirty

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minutes—barring any emergency. The facility will not have water or sewer services, nor will it generate any waste. The only utility connections required are electric and T-1 (telephone) services. The electricity demand it has will be similar to that of a single family residence. The facility will not create a significant demand for community services. In fact, it will provide a service to the community in the form of safe, reliable and uninterrupted PCS service for use by the general public, emergency services personnel and others in this portion of Johns Creek.

Section 19.2.4 – Special Use Permit Considerations [for Approval]

(1) Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the Mayor and City Council;

Wireless Telecommunication Facilities do not conflict with the Comprehensive Land Use Plan, as they are not prohibited in any district and the Plan does not specifically address them. Additionally, the site will be located in section 9—Medlock Bridge Rd (SR141) Corridor on the Future Development Map, arguable the most appropriate area for Towers due to the predominantly commercial design serving the larger residential community. This is exactly the type of area Verizon is trying to reach and improve upon.

(2) Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;

Existing land uses and districts are a mix of commercial, office and AG-1 (schools) that support the Townhouse Residential parcels as well as the extensive residential community that surrounds the RF-designed search ring. The subject parcel is zoned O-I and houses several office buildings, including the Chamber of Commerce. To the north lies a [currently] undeveloped commercial lot; Wilson Creek Elementary borders to the east; across Wilson Rd to the south lies a commercial shopping center and across SR-141 to the west is another commercial shopping center along with another O-I complex.

(3) Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;

The proposed use/application meets or exceeds all local, state and federal statutes, ordinances and regulations.

(4) The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;

Once the Facility is constructed, only monthly maintenance visits lasting 20-30 minutes will take place, barring any emergency, so the impact on traffic flow will not be noticeable.

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(5) The location and number of off-street parking spaces;

No parking is required for the proposed Facility, as maintenance technicians will simply use the proposed access drive (extending beyond the paved parking lot) to pull up to the compound gate.

(6) The amount and location of open space;

The proposed compound will only take up ~2,984 square feet of the 10.76 acre tract and will be located approximately 50' north of the property owner's future "Building 900", currently open space.

(7) Protective screening;

The compound will be screened by a wooded fence. Said fence will then be surrounded by a ten foot wide landscape buffer. Additionally, there is extensive foliage existing to the north of the compound that will act as additional screening. Please refer to Tab 3, sheet L-1 for details.

(8) Hours and manner of operation;

Monthly maintenance visits to the site will only occur from 7AM-7PM, barring an emergency and will not be noticeable. Otherwise, this will be an unmanned facility.

(9) Outdoor lighting; and

Please refer to Tab 4 in which the FCC TOWAIR study states no registration is required; therefore lighting is not required by federal law and will not be used. This can also be seen in Tab 4 on sheet C-4, which shows no lighting proposed on the tower elevation.

(10) Ingress and egress to the property.

Skyway Towers has secured a 30' wide Ingress-Egress easement off of Medlock Bridge Road (SR-141) that follows the paved parking lot north, then east to access the Facility's fenced compound.

Environmental Site Analysis (ESA) Form

Please refer to the Phase I ESA Report in Tab 6 and the NEPA Review in Tab 9 for additional details.

1. The proposed Facility does not conflict with the Comprehensive Land Use Plan. Its developmental impact is small based on the size of the compound (2,964 sq ft), lack of impact on utilities/services, service it will provide to the city's residents and visitors and the tower design is intended to help it blend into the surrounding wooded area.

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Additionally, the Plan does not speak to towers and they are not prohibited in any zoning district. Furthermore, the Facility will be located in section 9—Medlock Bridge Rd (SR141) Corridor, arguably the most appropriate area for Telecommunication towers due to the predominantly commercial design serving the larger residential communities. Verizon is attempting to meet the demand of the people at this intersection.

2. Environmental Impacts of the Proposed Project.
   a. The proposed Facility is not mapped within a **wetland** area. The closest wetland area depicted on the NWI map is a pond located approximately 800 feet southwest of the proposed access road.
   b. The proposed Facility will not be located in a 100-year **Floodplain**.
   c. The closest surface water as depicted on the applicable USGS topographical map is a stream located approximately 75 feet northwest of the proposed tower compound, but no wetland or **stream areas** are proposed for impact by the proposed construction.
   d. The proposed retaining wall related to the site's construction will reduce the existing 40% **grade** of the northern compound area to 10% or less, improving the natural runoff even with the introduction of impervious materials (concrete.)
   e. The compound area lies within the Eastern Temperate Forest ecoregion, where a **vegetation** canopy of oak, hickory and pine with a lower stratum of tree ferns, shrubs, and herbaceous plants exist.
   f. The Facility will not adversely affect listed, proposed threatened or **endangered species** or designated critical habitats. Native habitat for this region includes raccoon, whitetail deer, flying squirrels, opossums and ground rodents. Wild turkey and bobwhite are common birds, while the timber rattler and turtle are common reptiles.
   g. The Facility will not adversely affect districts, sites, buildings, structures or objects significant in American history, architecture, **archeology**, engineering or culture that are listed, or are eligible for listing, in the **National Register of Historic Places**.

3. Project Implementation Measures.
   a. Applicant will **protect environmentally sensitive areas** (floodplain, slopes exceeding 25%, river corridors) by reducing the existing, natural grade of 40% to 10% or less with the mitigating factor of the proposed retaining wall. Additionally, standard construction measures such as silt and tree protection fences will be used.
   b. Standard construction measures such as silt fencing, along with the proposed retaining wall will ensure no impact on the stream's **water quality**.

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c. The proposed Facility will not negatively impact **existing infrastructure** as its placement will not disrupt the existing storm sewer easements, nor will it impact traffic or utility infrastructure, as the only utility needed is the approximate equivalent of a single-family home's usage of electricity, along with T-1 (telephone) service.
d. As there are no **archeological/historically significant areas**, no mitigation is necessary.
e. As the proposed Facility is not located in an **environmentally stressed community**, so no mitigation is necessary.
f. The proposed Facility does not impact **open space** on the subject parcel, as it will be located in a heavily wooded area. Although some construction-related clearing will be required, there will be no impact on the stream (per the Phase I ESA.) Additionally, the proposed tower type is a mono*pine*, in an effort to blend into the existing surrounding wooded area. Finally, the compound will also be surrounded by a wooden fence as well as a 10 foot wide landscape buffer.
g. No **noise** will be heard by surrounding property owners and since the tower does not require **lighting**, no related mitigation is necessary.
h. The proposed 80' mono*pine* facility will not affect **parks and recreational green space** and the design will help it blend into the canopy.
i. The site will only take up 2,984 square feet and does not contain a wildlife preserve or wilderness area. Native habitat for this region includes raccoon, whitetail deer, flying squirrels, opossums and ground rodents. Wild turkey and bobwhite are common birds, while the timber rattler and turtle are common reptiles. None of these are expected to be negatively impacted as a result of this Facility.

Public Participation Plan

1. The City of Johns Creek will notify all property owners within a quarter mile of the site. What other groups do you intend on contacting?
   No additional notifications are proposed by the Applicant.

2. How do you plan to contact any interested parties, either before making application or after the city neighborhood meeting, regarding the rezoning/use permit application?
   Applicant intends to collect contact information from attendees of the neighborhood meeting for follow up.

3. In addition to the City of Johns Creek neighborhood meeting, do you plan to provide any other opportunities for discussion with interested parties before the PC and M*CC hearings?
   No additional, formal meeting is planned, but Applicant is happy to meet with anyone requesting information about the proposal.

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4. What is your schedule for completing the Public Participation Plan?
   The Applicant's schedule will mimic the City's, with the final report to be submitted 15 days prior to the Planning Commission hearing.

Conclusion

The applicant believes the application complies with the general goals of Johns Creek Government and the specific requirements of Article XIX in the Code of Ordinances, therefore, the Applicant hereby respectfully requests approval of this Application as submitted.
We anticipate a smooth review of our application, but raise necessary constitutional objections, because it is required under Georgia law to preserve our rights. I am happy to answer any questions or provide additional information that the City may have with regard to this application. Please feel free to contact me if I can be of further assistance.

Sincerely,

Kiersten Lurer, Zoning & Permitting Specialist
Authorized Agent for Skyway Towers
klurer@pmass.com
404.664.2718

This Zoning Application Binder Contains the following supporting documentation:

Binder Pocket - $500 SUP filing fee (ck#8377)

Tab 1 – SUP Application, Pre-application Form, RF-issued Search Ring & Letter of Intent

Tab 2 – RF Engineering Statement of Need and corresponding Propagation Maps

Tab 3 – Zoning Drawings (including Survey & Site Plan)

Tab 4 – FCC TOWAIR Study and Verizon's FCC applicable License

Tab 5 – Deed and Fully Executed Option & Lease Agreement

Tab 6 – Phase I Executive Report

Tab 7 – Tower & Foundation Drawings / Calculations

Tab 8 – Photo Simulations

Tab 9 – NEPA Review

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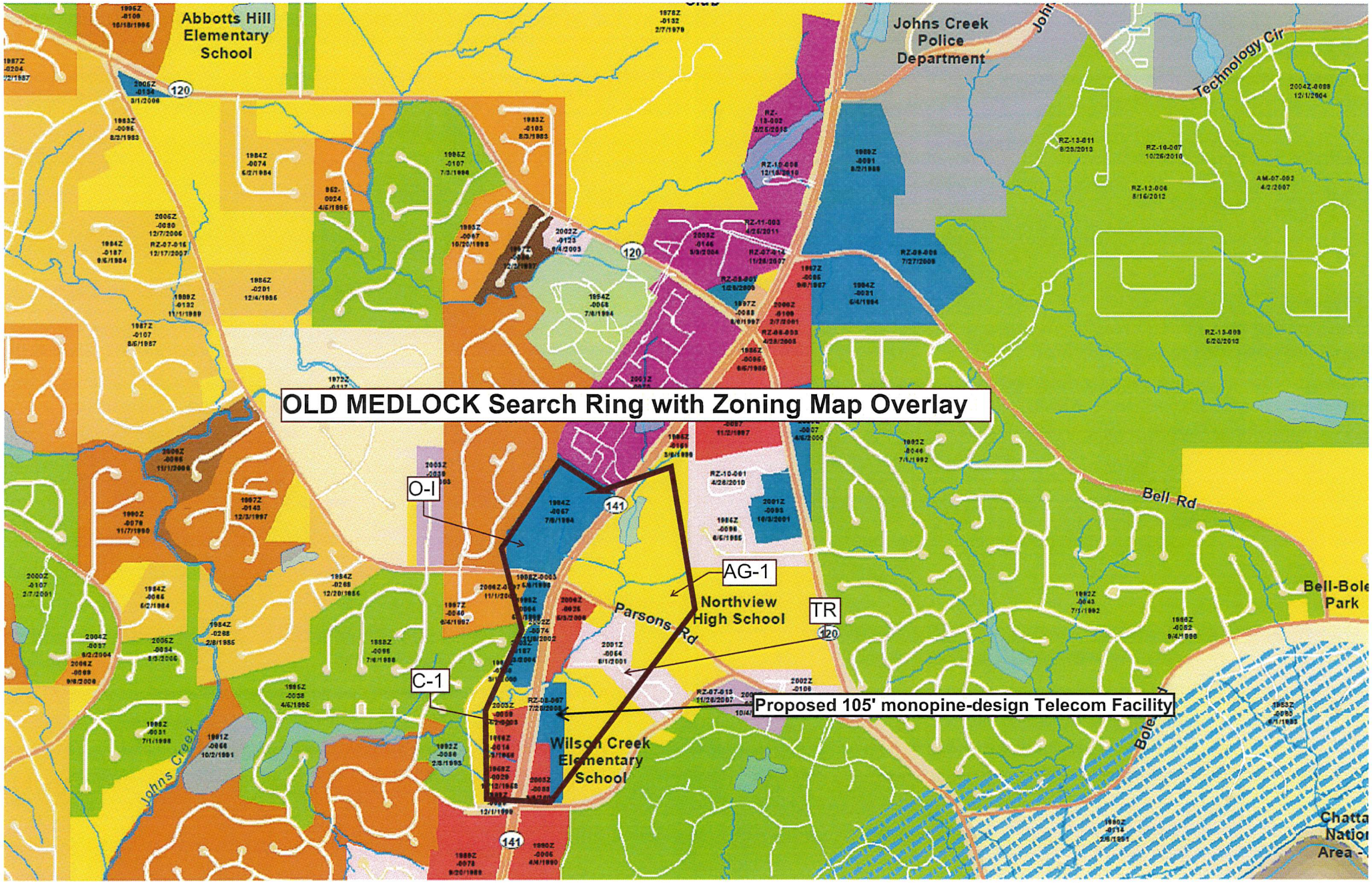
Notice of Potential Constitutional Challenge

Please understand that the following language is inserted into this Application for the sole purpose of preserving our legal remedies in the event of an adverse decision.

Denial of this Application may be considered arbitrary and capricious as between this Property Owner, Skyway Towers and Verizon Wireless, in relation to owners of similarly situated property and would constitute a taking without just compensation and without due process of law. Denial would prevent Verizon Wireless from constructing and operating facilities licensed by the FCC in the public interest and would prevent the implementation of licensing policies and objectives. Hence, such denial would be in violation of the Fifth and Fourteenth Amendments to the United States Constitution, and Sections 221 and 301 of the Federal Communications Act, and the Telecommunications Act of 1996.

Such an application of the Code of Ordinances for the City of Johns Creek, Georgia which does not allow a communications structure and related equipment shelters to be constructed on the property as requested by the Applicant, is unconstitutional, illegal, null and void, constitutes a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States Constitution, and other similar provisions of the Constitution of the State of Georgia of 1983, and denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

OLD MEDLOCK Search Ring
Cavell, Mertz & Associates
Old Medlock tower center
141
Bent Tree View
Old Medlock Bridge Rd
Wilson Rd
Kinderton Manor Dr
Bayhill Dr
Briton Park Ct
Branham Fields Rd
Abbotts Mill Ct
Gold Cove Ln
© 2015 Europa Technologies
© 2015 Google
34°02'40.50" N 84°11'51.


OLD MEDLOCK Search Ring with Zoning Map Overlay
Abbotts Hill Elementary School
Johns Creek Police Department
Technology Cir
Bell Rd
Bell-Bole Park
Parsons Rd
Northview High School
Wilson Creek Elementary School
Johns Creek
O-I
AG-1
TR
C-1
Proposed 105' monopine-design Telecom Facility
120
141