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Staff Analysis & Recommendation

Zoning Case #TSP-2019-01 (previously SUP-2019-01)

Conditional Approval of New Telecommunications Tower and Tall Structure Permit

Date of Report: May 6, 2019

Report by: Joellen Wilson

Hearing Dates:

Mayor and Council

May 13, 2019

GENERAL INFORMATION

Applicant:	Chip Bulloch, TowerCom
Owner:	Fernandez Vaz Trading Company, LLC
Size:	1.34+/- acres
Location:	U. S. Highway 29 (PIN: 6150 443)
Existing Zoning:	CB (Commercial Business)
Proposed Use:	New 175' Telecommunications Tower and ground level support facility

EXISTING LAND USES & ZONING DISTRICTS

To the North:	GA Cabinet Co./Amigo Auto Mechanic	CB
To the East:	Ultra Car Wash	CB
To the South:	Home Depot	CB
To the West:	Mavis Tire/Auto Dealership	CB

APPLICANT'S INTENT

The Applicant is requesting CONDITIONAL approval of a new Cellular/Wireless Telecommunications Tower which requires a Tall Structure Permit. The applicant intends to erect a new 175' monopole facility (overall height 179' with lightning rod) within an approximate 60' X 60' compound area. The tower may be either a principal or accessory use, as there is potential for subdivision to allow other commercial uses on the same parcel through subdivision or lease (see applicant's letter of intent).

ZONING HISTORY

The subject property is currently zoned CB, Commercial Business, within the US29 Overlay District but was not part of the Home Depot annexation and rezoning. It is an unimproved outparcel with access along a private easement through the Centre @ Lilburn shopping center. The property was most recently approved in 2014 for expansion of an Auto Dealership with SUP-2014-01 but was never developed.

ANALYSIS OF REQUEST

As part of the Conditional Approval process described in *Chapter 117 - Telecommunications Towers and Antennas Ordinance*, the Applicant; the Planning Staff, and the Mayor and City Council of the City of Lilburn are to analyze the application with respect to each enumerated section of Chapter 117, and if collocation is not possible, to ensure a new

tower is compatible with zoning, site, and design requirements, and other applicable codes and ordinances. The application was submitted for processing as Special Use Permit to allow for City Council approval, but no rezoning and only Conditional approval of TSP by City Council is required. Applicant also submitted the necessary inventory and analysis for review with regard to the 1997 code sections:

Section 117-10. – Collocation; availability of suitable existing structures.

No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the department and mayor and council that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

- (1) That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.*
- (2) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.*
- (3) That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.*
- (4) That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.*
- (5) That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.*
- (6) That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.*

(Ord. of 11-10-1997, § 403)

Sec. 117-21. - Permitted uses.

If it is adequately demonstrated that antenna collocation, as required in this chapter, is not possible for a given geographic antenna placement area, the following uses are permitted:

- (1) Constructing a new tower, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the following zoning districts:*

- a. C-1 (Neighborhood Business District)*
- b. C-2 (General Business District)*
- c. C-3 (Highway Business District)*
- d. O-1 (Office-Institutional District)*
- e. OBP (Office-Business Park District)*
- f. M-1 (Light Industry District)*
- g. M-2 (Heavy Industry District)*

- (2) All structures shall meet the setback, screening and buffer requirements contained herein, and are located a minimum distance of two times the height of the tower from any residentially-zoned property.*

(Ord. of 11-10-1997, § 403)

Sec. 117-32 – Considerations in approval or denial of a tall structure permit.

...The governing authority shall consider the following factors in acting upon a tall structure permit application under the provisions of this chapter:

Applicant's response to the criteria is attached as supplement to the application and staff response is provided in italics below:

(1) The height and setbacks of the proposed tower;

The proposed maximum tower height is 179' which does not exceed the allowable height of 180'. The proposed 60-foot setback from all property lines meets the minimum one third the height of the tower, although the exact location of the tower could shift within the parcel.

(2) The proximity of the tower to residential structures and residential district boundaries;

The proposed tower is approximately 420+ feet from the nearest residential district boundary and more than 450 feet from the nearest residential structure, which exceeds two times the height of the tower (358').

(3) The nature of uses on adjacent and nearby properties;

All adjacent uses are zoned CB and actively used for commercial business, and include various heavy commercial uses listed above.

(4) The surrounding topography;

The site is relatively flat and topography is gently sloping to the south from Lawrenceville Highway.

(5) The surrounding tree coverage and foliage;

The surrounding sites have developed as commercial and service retail uses, thus most surrounding trees were planted as part of required landscaping. They consist of shade trees planted within side landscape strips and parking lot islands. There are no undisturbed or vegetated buffers required between CB zoned properties. The proposal includes a 10' landscape strip surrounding the compound and any additional commercial development on the property would be subject to landscape ordinance planting requirements.

(6) The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

In accordance with Sec. 117-11, 117-13 and 117-14, the tower is designed as a monopole, in a neutral color, surrounded by 6' high chain link fence (with anti-climbing devices) and a 10' landscape strip outside the fenced perimeter. With opaque wood fencing or screening of the chain link fence with appropriate evergreen landscaping, the proposal will not adversely affect the use of surrounding properties.

(7) The proposed ingress and egress;

The site plan indicates a 12' wide gravel driveway to provide ingress/egress to the compound from the private access easement through Lilburn Square, which connects to Luxomni Road and Lester Road.

(8) The availability of suitable existing towers or other structures for antenna collocation; and

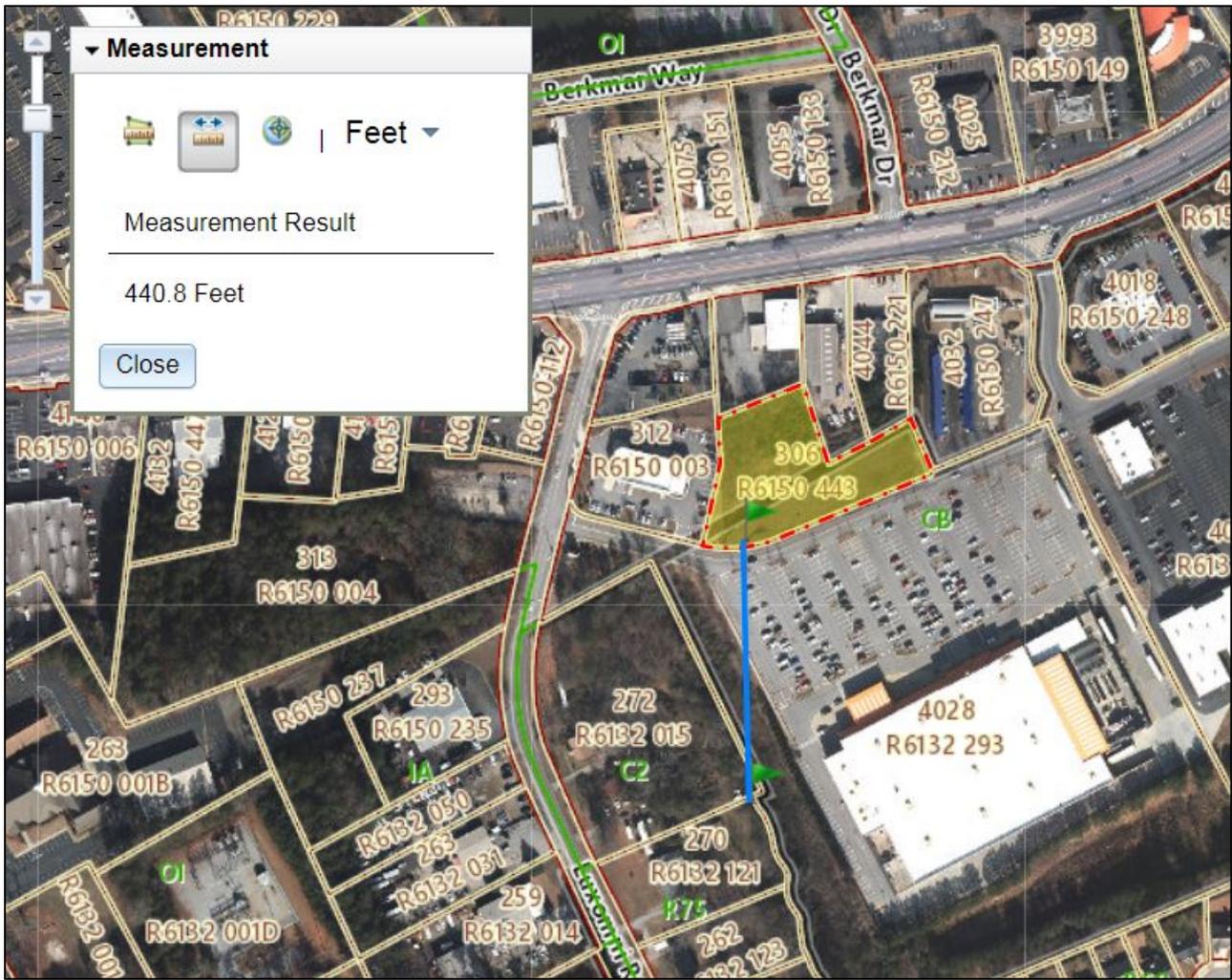
The applicant provided appropriate analyses that indicate no other existing structures can accommodate the antenna being proposed, and the proposed location is not located closer than 1,500 feet from any other tower

over 150 feet in height. The proposed monopole will be designed for collocation of additional four (4) providers, in accordance with Sec. 117-9 of the ordinance.

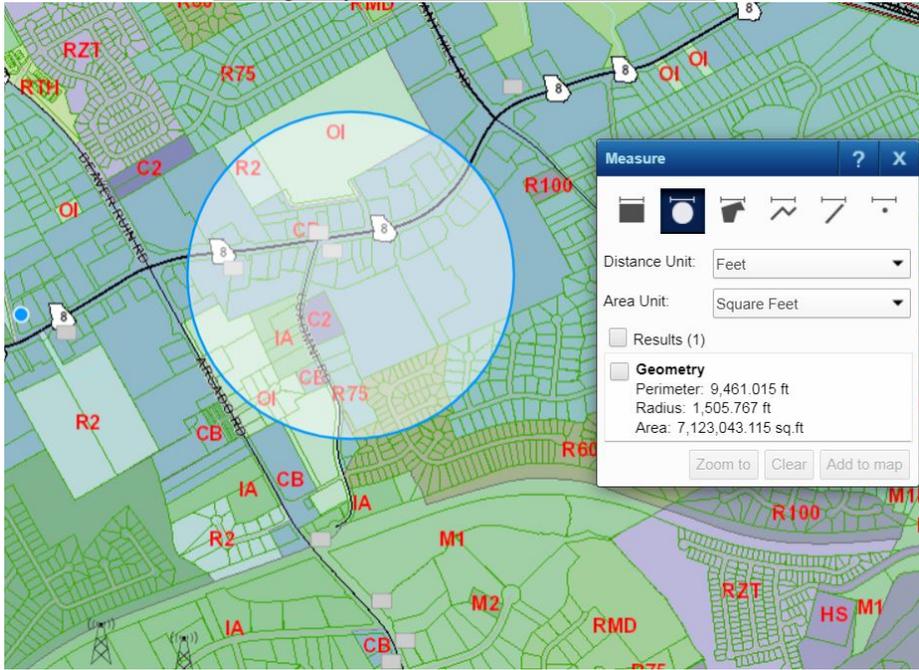
(9) The impact of the proposed tower upon scenic views and visual quality of the surrounding area.
There are other visual obstructions that exist in the immediate area including billboards, flagpoles and overhead utilities. There are no identified viewsheds in the area and the only historic structure in the area, the Wynne Russell House is 1.25 miles to the west. No artificial lighting or signage on the tower is proposed.

Appropriate legal ad and public notices were initiated by the City and no objections to the Tall Structure Permit were received. The project meets all the criteria set forth in Chapter 117 - Telecommunication Towers and Antennas; therefore, Staff recommends **CONDITIONAL APPROVAL** of the request as submitted.

Tax Parcel Map – Distance to Closest Residential District (R75)



Zoning Map – 1,500 foot Radius from Site



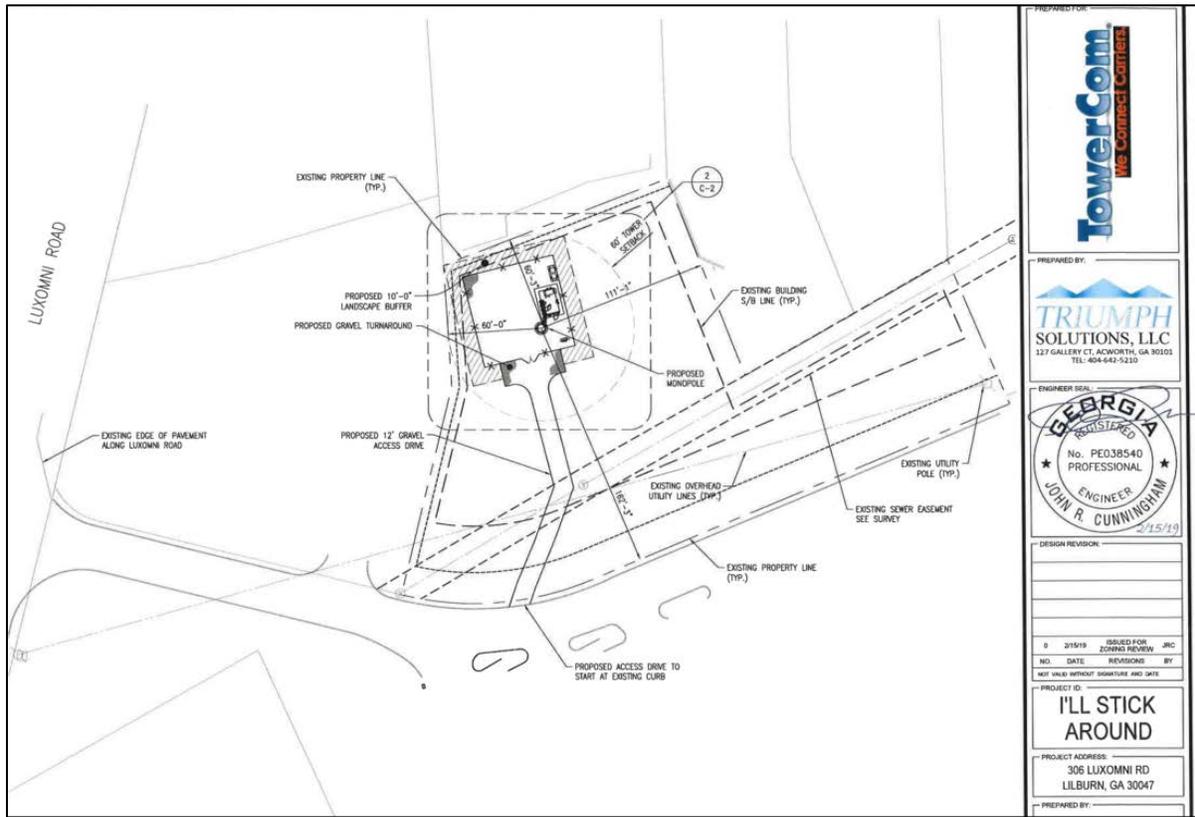
Site Photograph – view north from Access Drive to US 29



Site Photograph – view southwest to Nearest Residential Structure



Proposed Site Plan



Proposed Compound Layout and Tower Elevations

