



## Change in Condition and

**CASE NUMBER:** CIC-2019-02 & TSP-2019-01  
**Date Received:** 11/25/19

Please type or print using BLACK ink

<b>Applicant:</b> TowerCom V, LLC	<b>Property Owner:</b> Mundo Investment LLC
<b>Address:</b> 3442 Francis Road, Suite 210	<b>Address:</b> 2821 Browns Bridge Road
<b>City, State &amp; Zip:</b> Alpharetta, GA 30004	<b>City, State &amp; Zip:</b> Gainesville, GA 30504-5635
<b>Contact Person:</b> Chip Bulloch, SVP	<b>Owner Contact:</b> Jinny Kim
<b>Business Phone:</b> 470-395-3774	<b>Business Phone:</b>
<b>Email:</b> CBulloch@TowerComEnterprises.com	<b>Email:</b> mundo.jinny@gmail.com
<b>Cell Phone:</b> 404-931-7328	<b>Cell Phone:</b> 678-580-7626

**APPLICANT IS THE**  Owner's Agent  Property Owner  Contract Purchaser

**ADDRESS OF PROPERTY:** 313 Luxomni Road, Lilburn, Georgia 30047

**LAND DISTRICT:** 6 **LAND LOT(S):** 150 **PARCEL(S):** R6150 004 **ACRE(S):** 4.06

**CURRENT ZONING:** CB **PROPOSED ZONING DISTRICT(S):** CB with SUP

**CHANGE IN CONDITION REQUESTED:** A change in the property attached to SUP-2019-01

Has Applicant filed or intend to file, any other variance, rezoning or waiver applications?  YES  NO.  
 If YES, please describe: Applicant filed a SUP Application in March that was subsequently approved. Because of a deed restriction, Applicant was not able to erect a telecommunications tower on the previously approved site.

**Please attach all REQUIRED documents. Refer to Rezoning, SUP and CIC Instructions for fees, deadlines and hearing schedule.**

- STANDARDS GOVERNING EXERCISE OF THE ZONING POWER (attached)
- CONFLICT OF INTEREST CERTIFICATION/DISCLOSURE OF CAMPAIGN CONTRIBUTIONS (attached)
- APPLICANT/PROPERTY OWNER NOTARIZED CERTIFICATIONS (attached)
- TYPED LEGAL DESCRIPTION OF PROPERTY
- TYPED LETTER OF INTENT – explain what is proposed
- SITE PLAN/ BOUNDARY SURVEY – 1 full size (to scale) copy and 5 reductions (8.5" x 11") or electronic file
- LIST OF ADJOINING PROPERTY OWNERS – names and mailing addresses

**\*\*\*For clarification, Applicant notes that the Special Use Permit Application pertains to 313 Luxomni Road, Lilburn, Georgia, owned by Mundo Investments LLC. The Change in Condition Application pertains to 306 Luxomni Road, Lilburn, Georgia, owned by Vernandez Vaz, Trading Company, LLC.**

**-8854**

## STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to Section 1702 of the 1985 Zoning Resolution, the Mayor and Council of the City of Lilburn find that the following standards are relevant in balancing interest in promoting the public health, safety, unrestricted use of property and shall govern the exercise of the zoning power.

- (A) Whether a proposed rezoning (or Special Use Permit) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

The proposed SUP (or TSP / conditional use) is compatible with adjacent uses which include billboards and commercial uses surrounding the property.

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- (B) Whether a proposed rezoning (or Special Use Permit) will adversely affect the existing use or usability of adjacent or nearby property:

The proposed permit will enhance the existing uses and usability of adjacent or nearby properties by ensuring the availability of wireless service in this geographic area, not only for T-Mobile customers, but with collocation

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opportunities for 4 other carriers in addition. This includes enhanced safety for area residents, businesses and the general community driving by or through this area.

- (C) Whether the property to be affected by a proposed rezoning (or Special Use Permit) has a reasonable economic use as currently zoned:

The property as currently zoned and used is vacant. Although it had a use permit to allow expansion of an automotive use, that development has not happened. Instead, the property has sat vacant for a number of years.

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- (D) Whether the proposed rezoning (or Special Use Permit) will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

The proposed wireless facility will not cause excessive or burdensome use of existing infrastructure. It will have no impact on schools, water or gas utilities. Once constructed, monthly visits for maintenance by one vehicle may be required. Electrical use is similar to a single family residence. So, significantly less burdensome than any other commercial project that could otherwise be built on the property.

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- (E) Whether the proposed rezoning (or Special Use Permit) is in conformity with the policy and intent of the Land Use Plan:

The wireless use is in conformance with the policy and intent of the land use plan, particularly because no rezoning is required for the use.

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- (F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning (or Special Use Permit):

The significant demand for wireless service not only in the area but throughout the City, County and nation is the most important change supporting the approval of Applicant's request. The majority of businesses and residents are using wireless instead of wire line for not only traditional telephone usage, but for data whether for business, education or personal use. This demand requires additional wireless infrastructure and the demand is increasing at exponential rates each year.

**CHAPTER 67A**  
**CONFLICT OF INTEREST IN ZONING ACTIONS**

**SECTION 36-37A-1: DEFINITIONS**

**SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS**

**SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

**SECTION 36-37A-4: PENALTIES**

Effective Date: This Chapter became effective July 1, 1984.

Cross References: Codes of ethics and conflicts of interest, T. 45, Ch. 10.

Code Commission Notes: Ga. L. 1986, p. 1269, Sec. 1 and Ga. L. 1986, p. 1496, Sec. 1, both enacted as Chapter 85 of Title 36. The chapter enacted by Ga. L. 1986, p. 1269, Sec. 1 was redesignated as Chapter 67A of Title 36 pursuant to Sec. 26-9-3.

**SECTION 36-37A-1: DEFINITIONS**

As used in this chapter, the term:

- (1) "Applicant" means any individual or business entity applying for rezoning action.
- (2) "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
- (3) "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
- (4) "Local government" means any County or municipality of this State.
- (5) "Local government official" means any member of the governing authority of a local government or any member of a planning or zoning commission.
- (6) "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a local government official.
- (7) "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
- (8) "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- (9) "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another. (Code 1981, Sec. 36-67A-1, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS**

A local government official who:

- (1) Has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote;
- (2) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; or
- (3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code Section shall immediately disclose the nature and extent of such interest, in writing of the governing authority of the local government in which the local government official is a member. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, Section 36-67A-2, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

- (A) When any applicant for rezoning action has made within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:
- (1) The name of the local government official to whom the campaign contribution or gift was made; and
  - (2) The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution; and
  - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (B) The disclosure required by subsection (1) of this Code section shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**SECTION 36-37A-4: PENALTIES**

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Section 36-67A-4, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

**CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS**

The undersigned below, making application for rezoning, 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 the required information on the forms provided.

  
\_\_\_\_\_  
Signature of Applicant, TowerCom V, LLC

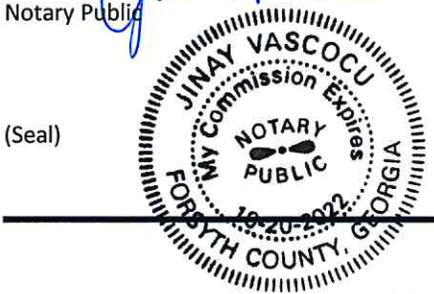
11-18-19  
\_\_\_\_\_  
Date

Chip Bulloch  
\_\_\_\_\_  
Type or Print Name

SVP  
\_\_\_\_\_  
Title

  
\_\_\_\_\_  
Notary Public

11-18-19  
\_\_\_\_\_  
Date



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions or gifts of an aggregate value that is \$250.00 or more to the Mayor and Council Members or a member of the Lilburn Planning Commission?  YES  NO. If the answer is YES, please complete the following section:

NAME OF OFFICIAL	CONTRIBUTION/GIFT	DESCRIPTION	DATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

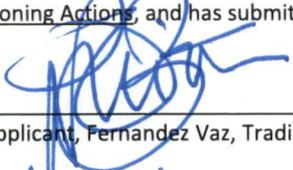
Attach additional sheets if necessary to disclose or describe all contributions and gifts.

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 \_\_\_\_\_  
 Signature of Applicant, Fernandez Vaz, Trading Company, LLC

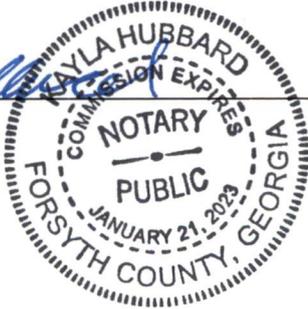
\_\_\_\_\_ 12/11/2019  
 Date

J.P. O'Brien  
 \_\_\_\_\_  
 Type or Print Name

OWNER  
 \_\_\_\_\_  
 Title

  
 \_\_\_\_\_  
 Notary Public

\_\_\_\_\_ 12/11/2019  
 Date



(Seal)

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS**

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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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 \_\_\_\_\_  
 Signature of Property Owner, Mundo Investment LLC

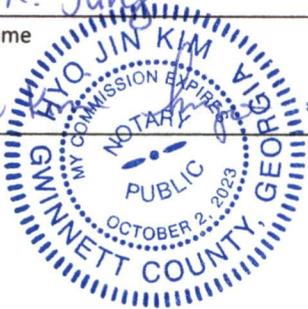
10/29/19  
 \_\_\_\_\_  
 Date

Paul K. Jung  
 \_\_\_\_\_  
 Type or Print Name

Sole member  
 \_\_\_\_\_  
 Title

Hyo Jin Kim  
 \_\_\_\_\_  
 Notary Public

10/29/2019  
 \_\_\_\_\_  
 Date



(Seal)

State of Georgia  
 County of Gwinnett  
 The foregoing instrument was acknowledged before me  
 this 29th day of October 2019

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS**

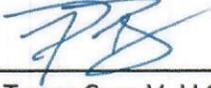
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NAME OF OFFICIAL	CONTRIBUTION/GIFT	DESCRIPTION	DATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Attach additional sheets if necessary to disclose or describe all contributions and gifts.

**APPLICANT CERTIFICATION**

The undersigned below is authorized to make this application and is aware that no application or reapplication affecting the same property shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

  
\_\_\_\_\_  
Signature of Applicant , TowerCom V, LLC

\_\_\_\_\_  
Date

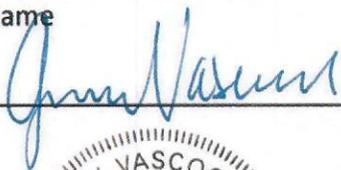
10-29-19

TowerCom V, LLC - Paul Bulloch, Jr.

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

  
\_\_\_\_\_  
Notary Public

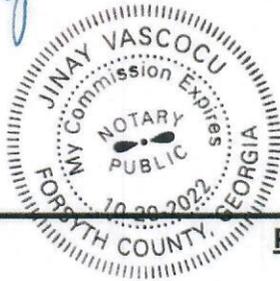
\_\_\_\_\_  
Date

10-29-19

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

(Seal)



**PROPERTY OWNER CERTIFICATION**

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied by the Mayor and Council, no application or reapplication affecting the same land shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

\_\_\_\_\_  
Signature of Owner, Mundo Investment LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

(Seal)

ADMINISTRATIVE USE ONLY			
TSP- 2019-01 &	CASE NUMBER: <u>CIC- 2019-02</u>	DATE COMPLETE: <u>11/25/19</u>	RECEIVED BY: <u>KA</u>
APPLICATION FEE: <u>\$400.00</u>	PAID BY/RECEIPT#: <u>474486</u>	HEARING DATES: PC <u>Ø</u>	CC <u>12/9/19</u>

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\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

(Seal)

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\_\_\_\_\_  
Signature of Owner

12/11/2019  
\_\_\_\_\_  
Date

Fernandez Vaz, Trading Company, LLC J.P. O'Brien

OWNER  
\_\_\_\_\_  
Title

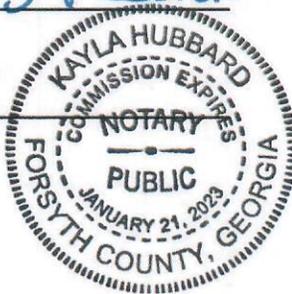
\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

Kayla Hubbard  
\_\_\_\_\_  
Notary Public

12/11/2019  
\_\_\_\_\_  
Date

(Seal)



ADMINISTRATIVE USE ONLY		
TSP-2019-01 & CASE NUMBER: <u>CIC-2019-02</u>	DATE COMPLETE: <u>11/25/19</u>	RECEIVED BY: <u>(KJ)</u>
APPLICATION FEE: <u>\$400.00</u>	PAID BY/RECEIPT#: <u>474486</u>	HEARING DATES: <u>PC</u> <input checked="" type="checkbox"/> <u>CC</u> <u>12/9/19</u>

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\_\_\_\_\_  
Signature of Applicant , TowerCom V, LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

(Seal)

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\_\_\_\_\_  
Signature of Owner, Mundo Investment LLC

10/29/19  
Date

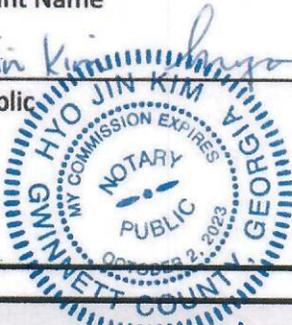
Paul K. Jung  
Type or Print Name

Sole member  
Title

Hyo Jin Kim  
Notary Public

10/29/2019  
Date

(Seal)



State of Georgia  
County of Gwinnett  
The foregoing instrument was acknowledged before me  
this 29th day of October 2019

ADMINISTRATIVE USE ONLY			
CASE NUMBER: <u>TSP-2019-01</u> *	DATE COMPLETE: <u>11/25/19</u>	RECEIVED BY: <u>(Signature)</u>	
CASE NUMBER: <u>CIC-2019-02</u>	PAID BY/RECEIPT#: <u>474486</u>	HEARING DATES: <u>PC</u>	<u>CC 12/9/19</u>
APPLICATION FEE: <u>\$400.00</u>			

## LEGAL DESCRIPTION

### **PARCEL 1:**

#### **Tract A:**

All that tract or parcel of land lying and being in Land Lot 150 of the 6th District of Gwinnett County, Georgia, as shown on a plat of survey by S.R. Fields, dated August 2, 1963 and more particularly described as follows:

COMMENCING at a point on the easterly right of way of Luxomni Road 149 feet southwesterly from its Intersection with the southwest right of way of U.S. Highway 29, which Is the TRUE POINT OF BEGINNING; running thence North 81 degrees 02 minutes East 192.1 feet to a point; running thence South 3 degrees 47 minutes East 45.3 feet; running thence South 79 degrees 19 minutes West along property now or formerly owned by Claude Jones, 220 feet to a point on the right of way of Luxomni Road; running thence North 14 degrees 19 minutes East 77.1 feet along said right of way to the point of BEGINNING.

#### **Tract B:**

All that tract or parcel of land lying and being in Land Lot 150 of the 6th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southeast side of the Luxomni Road with the southerly side of the right of way of U.S. Highway 29; thence in an easterly direction along the southerly side of the right of way of U.S. Highway 29 a distance of 142.1 feet to an iron pin corner; thence South 3 degrees 36 minutes East a distance of 137.4 feet to an iron pin corner; thence South 81 degrees 08 minutes West a distance of 192.1 feet to an iron pin corner located on the southeast side of the right of way of Luxomni Road; thence North 15 degrees 30 minutes East along said right of way a distance of 150 feet to the point of BEGINNING.

**LESS AND EXCEPT:** Property conveyed by Right of Way Deed recorded in Deed Book 1733, page 39, Gwinnett County records; and

**LESS AND EXCEPT:** Property conveyed by Condemnation CA# 93-A03492-4, recorded in Deed Book 11096, page 134, Gwinnett County records.

**(Legal description continues on the following two pages)**

**Tract C:**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 150 of the 6th District, Gwinnett County, Georgia, containing 0.010 acres and being designated as tract 2 according to that certain Final Plat for Luxomni Properties, LLC prepared by Precision Planning, Inc. by Randall W. Dixon (GRLS No. 1678), dated May 8, 2007, and being more particularly described according to said plat as follows:

To find the TRUE PLACE OR POINT OF BEGINNING, commence at a point located at the intersection of the southerly right-of-way line of U.S. Highway 29 (R/W Varies) and the southeasterly right-of-way line of Luxomni Road (60' R/W), run thence along the aforesaid right-of-way line of Luxomni Road South 20 degrees 42 minutes 20 second West a distance of 132.03 feet to a point; continue thence along the aforesaid right-of-way line South 13 degrees 53 minutes 38 seconds West a distance of 54.76 feet to a point; continue thence along the aforesaid right-of-way line South 13 degrees 53 minutes 38 seconds West 16.27 feet to a point marked by an iron pin set, said point being the TRUE PLACE OR POINT OF BEGINNING.

From the TRUE PLACE OR POINT OF BEGINNING, as thus established, leaving the aforesaid right-of-way line of Luxomni Road, run thence North 75 degrees 30 minutes 22 seconds East a distance of 222.59 feet to an iron pin found; run thence South 74 degrees 00 minutes 19 seconds West a distance of 154.86 feet to an iron pin set; run thence South 78 degrees 55 minutes 52 seconds West a distance of 67.90 feet to a point marked by an iron pin set, said point being located on the aforesaid right-of-way line of Luxomni Road and being the TRUE PLACE OR POINT OF BEGINNING.

**PARCEL 2:**

All that tract or parcel of land lying and being in Land Lot 150 of the 6th District, Gwinnett County, Georgia and being shown on that certain survey for T.G. Mitchell, Inc., Thomas A. Mitchell, Jr (sic), KeyWorth Bank and Chicago Title Insurance Company, dated February 19, 2015, prepared by Gary L. Cooper, G.R.L.S. No. 2606 of Adam & Lee Land Surveying and being more particularly described as follows:

COMMENCING at a point located at the intersection of the Southern right of way line of U.S. Highway 29 a/k/a/ Lawrenceville Highway and the Western right of way line of Luxomni Road (right of way varies), thence Southerly along the Western right of way line of Luxomni Road South 15° 56' 31" West, a distance of 114.76 feet to a point; thence South 14° 33' 29" West, a distance of 103.81 feet to an iron pin found (open top pipe) and the TRUE POINT OF BEGINNING.

**(Legal description continued from the preceding page)**

Thence running along the Western right of way line of Luxomni Road the following courses and distances. South 14° 26' 34" West, a distance of 100.02 feet to an iron pin set and thence South 14° 46' 59" West, a distance of 74.15 feet to an iron pin found (5/8 inch rebar). Thence leaving the right of way line of Luxomni Road run the following courses and distances South 68° 42' 26" West, a distance of 501.24 feet to an iron pin found (axle); thence South 68° 43' 32" West, a distance of 38.00 feet to an iron pin found (1/2" rebar); thence South 68° 36' 45" West, a distance of 165.28 feet to an iron pin found (1/2" rebar); thence North 31° 18' 28" West, a distance of 50.75 feet to a concrete monument found; thence North 07° 29' 55" East, a distance of 213.88 feet to an iron pin found (1/2" rebar); thence North 78° 03' 16" East, a distance of 184.76 feet to an iron pin found (1/2" rebar); thence North 06° 58' 59" East, a distance of 64.70 feet to an iron pin found (1/2" rebar); thence North 06° 43' 06" East, a distance of 31.69 feet to an iron pin found (1/2" rebar); thence South 86° 27' 04" East, a distance of 159.97 feet to an iron pin found (1/2" rebar); thence North 81° 35' 54" East, a distance of 110.06 feet to an iron pin found (1/2" rebar); thence North 07° 17' 51" East, a distance of 55.05 feet to an iron pin set; thence South 86° 39' 58" East, a distance of 72.43 feet to an iron pin set; thence South 07° 57' 06" West, a distance of 11.18 feet to an iron pin found (1/2" rebar); and thence South 86° 21' 06" East, a distance of 160.36 feet to an iron pin found (open top pipe) and the TRUE POINT OF BEGINNING.

Containing 3.791 acres as shown on survey described above and being known as 313 Luxomni Road, Lilburn, Georgia 30047, according to the present-day system of numbering in Gwinnett County, Georgia.



Ellen W. Smith  
*Partner*  
Telephone: 678.690.5720  
Direct Fax: 404.869.6972  
ellensmith@parkerpoe.com

Atlanta, GA  
Charleston, SC  
Charlotte, NC  
Columbia, SC  
Greenville, SC  
Raleigh, NC  
Spartanburg, SC  
Washington, DC

November 20, 2019

**Via Hand Delivery**

Ms. Joellen M. Wilson  
City Planner  
City of Lilburn Planning &  
Economic Development Department  
340 Main St.  
Lilburn, GA 30047

Re: Application for a Special Use Permit / Change in Condition (the “*Application*”)<sup>1</sup> by TowerCom V, LLC (“*Applicant*”) to allow a 175-foot tall monopole wireless telecommunications tower at 313 Luxomni Road, Lilburn, Georgia (the “*Property*”)

**LETTER OF INTENT**

Dear Joellen:

Applicant submits this letter of intent is submitted to the City of Lilburn (the “*City*”) in connection with and as support for the Application.

By way of background, earlier this year, Applicant applied for and received approval from the City on May 13, 2019 to construct and operate a 175-foot (179 feet overall including a 4 foot lightning rod) wireless telecommunications tower and related antennas and equipment (collectively, the “*Approved Facility*”) on property at 306 Luxomni Road, Lilburn, Georgia. *See* SUP-2019-01. Because of a deed restriction, Applicant is unable to erect the Approved Facility. Accordingly, Applicant is submitting this Application to move the Approved Facility from 306 Luxomni Road to the Property. If the City approves this Application, Applicant has included as part of this Application the 306 Luxomni Road property owner’s signature evidencing its agreement, together with Applicant’s agreement, that SUP-2019-01 will be terminated, void and

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<sup>1</sup> Pursuant to the use table in Section 602 of The Lilburn Zoning Ordinance (the “*Ordinance*”), communications towers are to be approved as conditional uses according to the Telecommunications Towers and Antennas Code, which is Chapter 117 of the City’s Code (the “*Tower Code*”). The Tower Code requires applicants to obtain administrative approvals (where available) or a Tall Structures Permit. Applicant’s proposal complies with all requirements of the Ordinance and the Tower Code. Because the City does not publish a conditional use or tall structures permit application form, Applicant has used the City’s Special Use Permit Application and intends for the term Special Use Permit or SUP to mean the conditional use or tall structures permit as allowed under the Ordinance and Code.

Ms. Joellen M. Wilson  
City Planner  
November 20, 2019  
Page 2

of no further force or effect. Applicant further agrees that the conditions enumerated in SUP-2019-01 will apply to the Application.

As initially described in the application submitted in connection with the Approved Facility at 306 Luxomni, Applicant proposes to construct and operate the Approved Facility as an integral part of the wireless network providing telecommunications services for T-Mobile and as the least obtrusive means to satisfy T-Mobile's (and other wireless carriers') radio frequency needs to for coverage and capacity.

### **Site Selection and The Property**

T-Mobile's radio frequency ("RF") engineers made a determination as to need for a new wireless facility in this general area to offload LTE traffic from adjacent T-Mobile sites, provide improved coverage and capacity for the Centre at Lilburn, surrounding residential and commercial, as well as service traffic along Lawrenceville Highway and Beaver Ruin Road. T-Mobile's existing network is shown on the RF propagation maps included with this Application.

Applicant has more than twenty years of experience in the wireless infrastructure industry including construction, operation and management of wireless towers throughout the southeast. T-Mobile engaged Applicant to help identify an opportunity (whether by collocation, new tower or otherwise) to fill the need identified by its RF engineers. As always in evaluating a carrier's needs, Applicant considered the following, in order of carrier preference:

- \*Collocation of the carrier's antennas on existing communication towers or structures that will meet the coverage objective and also be able to support the additional loading of the carrier's equipment.
- \*Pursue the construction of a new tower by administrative approval.
- \*If an existing structure is not available, and if the Ordinance and Code would not allow for the construction of a new tower by administrative approval, then pursue the construction of a new tower that meets the coverage objective and have the least amount of impact on the surrounding area by obtaining land use entitlements as may be needed (and, within this preference, avoid if possible rezoning or variance).

Using these preferences information and based on cross-references with several tower companies' inventories, and a physical assessment of the search area, no existing towers or structures were found in or near the search area. *See Code Sec. 117-10.*<sup>2</sup> Instead, Applicant was forced to search for properties that would allow for application to the City for conditional use for a tower.<sup>3</sup>

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<sup>2</sup> Per Code Section 117-7, Applicant confirms that it has no existing facilities within the City limits or within ¼ mile of the City limits. Existing T-Mobile facilities within the City and in the near vicinity of the Property are shown on the RF propagation maps submitted herewith. Upon request, Applicant and T-Mobile can provide an inventory of all T-Mobile facilities within the City and ¼ mile thereof.

<sup>3</sup> As noted in its application for the Approved Facility at 306 Luxomni, Applicant notes that pursuant to Section 117-19 and 117-21, there may be an opportunity for Applicant to obtain administrative approval of this request. Specifically, Section 117-21(1)

The Property is an approximately 4.06 acre parcel that behind the Arby's located on Lawrenceville Highway and across from Mavis Discount Tire. The Property is zoned CB and is entirely surrounded by properties zoned CB, Industrial Activity ("IA"), and Office Institutional ("O/I"). The Property is within the Lawrenceville Highway (U.S. 29) Corridor Overlay District. The Property is currently improved with a building and parking lot. Just like the original application by Applicant for the Approved Facility on the 306 Luxomni property, Applicant's proposal to locate the Approved Facility on the Property requires no rezoning or variance.

### **The Facility and Code Requirements**

Applicant seeks to construct the Approved Facility on the Property. In accordance with Code Section 117-9, the Approved Facility will be designed to accommodate five antenna arrays or providers' antennas. The Approved Facility will be designed to meet the aesthetic requirements of Code Section 117-11 including maintaining a galvanized steel finish and it will not be required to be lighted except in compliance with FAA requirements. The Approved Facility will meet the setbacks, including the tower separation setback of 1,500 feet from any other tower, as required by Code Section 117-12, and it will include the security fencing and landscaping as required by Code Sections 117-13 and 117-14.<sup>4</sup>

Applicant will meet or exceed all FAA, FCC and other governmental regulations with respect to the construction and operation of the Approved Facility, and shall maintain the Facility, if approved, in accordance with all applicable building codes and safety regulations. *See Code Sections 117-15 – 117-18.*

In support of its Application, Applicant files:

1. the Special Use Permit / Change in Condition Application;
2. the Standards Governing Exercise of the Zoning Power
3. Conflict of Interest Certification / Disclosure of Campaign Contributions;
4. Applicant / Property Owner Notarized Certifications
5. Typed Metes and Bounds Legal description of the Property;
6. this Letter of Intent;
7. Zoning Drawings (per Section 117-29), including site plan and boundary survey, tower elevations, and details regarding Facility, fencing and landscaping;

---

allows for administrative approval if an applicant adequately demonstrates that antenna collocation is not possible for a general geographic area and if properties are zoned in certain districts. The challenge is that the City has changed zoning district classifications since adoption of the Code. That said, it seems clear to Applicant that the CB zoning district is synonymous with the C-1 through C-3 districts and that an interpretation could be so made (or an amendment to the Code could be appropriate). Nevertheless, Applicant submits this Application and includes with this Application the condition and property owner's authorization to remove the SUP approval from the 306 Luxomni Property.

<sup>4</sup> Because the Property is located within the Lawrenceville Highway (U.S. 29) Corridor Overlay District, if the Department determines that Ordinance Section 501-10(6) applies, Applicant is happy to install an opaque fence that is brick, stone or wood around the perimeter of the Facility equipment compound (an area that is 60 feet x 60 feet as more particularly shown in the zoning drawings submitted herewith).

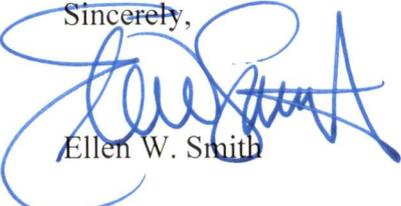
Ms. Joellen M. Wilson  
City Planner  
November 20, 2019  
Page 4

8. List of Adjoining Property Owners;
9. RF Support Documentation including engineered plots describing RF needs and Objectives; and
10. Application Fee in the amount of \$400.

The Ordinance and Code require the City consider various factors with respect to applications for change in condition applications. In this instance, consideration of those factors weigh in favor of approving the Application. In short, the Application and the accompanying documents support Applicant's request for approval of the Approved Facility.<sup>5</sup>

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

We are happy to answer any questions or provide any information that the Department or the City may have with regard to the Application.

Sincerely,  
  
Ellen W. Smith

---

<sup>5</sup> Applicant notifies the City of Lilburn (the "City") of its constitutional concerns. If the City denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. If the City 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 City limits its approval of the Application 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 the Ordinance allows such an action, the 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 or without approval of a variance or the SLUP required to construct the Facility) 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*).

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 City may violate the 1996 TCA on all three grounds if the Application is denied. Nevertheless, Applicant remains optimistic that the City's consideration of the Application will be conducted in a constitutional and legal manner.

APPLICANT:



SITE NAME:

# LITTLE BY LITTLE

PROJECT DESCRIPTION

## PROPOSED 175' MONOPOLE

OVERALL STRUCTURE HEIGHT INCLUDING APPURTENANCES - 179' AGL

CARRIER

## T-MOBILE

SITE: 9AT3298C

CONFIGURATION: 6772B\_R4\_U21-FRIJ

PREPARED FOR:



PREPARED BY:



ENGINEER SEAL:



DESIGN REVISION:

NO.	DATE	REVISIONS	BY
A	10/21/19	ISSUED FOR ZONING	JRC

NOT VALID WITHOUT SIGNATURE AND DATE

PROJECT ID:

### LITTLE BY LITTLE

PROJECT ADDRESS:

313 LUXOMNI RD  
LILBURN, GA 30047

PREPARED BY:

DRAWN BY: CAD

CHECKED BY: JRC

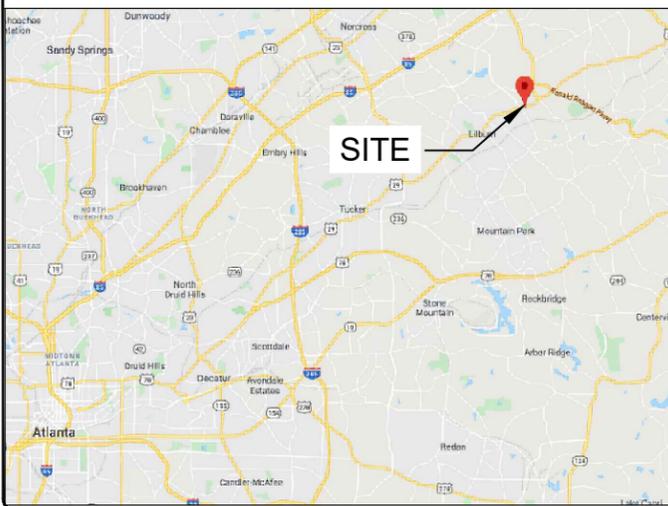
SHEET NAME:

PROJECT TITLE SHEET

SHEET NUMBER:

# T-1

### VICINITY MAP



### DRIVING DIRECTIONS

FROM ATLANTA, TAKE I-75/I-85 NORTH THEN MERGE ONTO I-85 NORTH. TAKE EXIT 102 AND TURN RIGHT ONTO GA-378E / BEAVER RUIN RD. AFTER 3.5 MI TURN LEFT ONTO US-29N. TRAVEL APPROX 0.3 MI THEN TURN RIGHT ONTO LUXOMNI RD. DRIVEWAY IS APPROX. 300 YDS ON RIGHT, SITE IS BEHIND AUTO AUCTION BUILDING.

### LOCATION MAP



### CODES/STANDARDS

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- INTERNATIONAL BUILDING CODE - 2012 EDITION WITH 2014, 2015, 2017 & 2018 GEORGIA STATE AMENDMENTS
- NATIONAL ELECTRICAL CODE - 2017 EDITION
- STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES - (TIA/EIA-222-G)
- GEORGIA EROSION AND SEDIMENTATION ACT OF 1975, (AMENDED IN 2003)

#### ACCESSIBILITY REQUIREMENTS:

FACILITY IS UNMANNED AND NOT FOR HUMAN OCCUPANCY. DISABLED ACCESS IS NOT REQUIRED IN ACCORDANCE WITH CURRENT CODE REGULATIONS.

### PROJECT SUMMARY

SITE ADDRESS: 313 LUXOMNI RD  
LILBURN, GA 30047

LATITUDE: 33° 54' 08.48"  
LONGITUDE: -84° 07' 07.21"

PARCEL ID: R6150 004

ZONING CLASSIFICATION: CB  
ZONING JURISDICTION: CITY OF LILBURN

LAND OWNER: THOMAS A. MITCHELL

APPLICANT: TOWERCOM  
3442 FRANCIS RD, SUITE 210  
ALPHARETTA, GA 30004  
JINAY VASCOCU  
(470) 395-3774

ENGINEER: TRIUMPH SOLUTIONS  
127 GALLERY CT  
ACWORTH, GA 30101  
JOHN CUNNINGHAM  
404-642-5210

### DRAWING INDEX

T-1 TITLE SHEET

1 SURVEY  
2 SURVEY  
3 SURVEY

C-1 OVERALL SITE PLAN  
C-2 COMPOUND PLAN AND TOWER ELEVATION

S-1 FENCE DETAILS

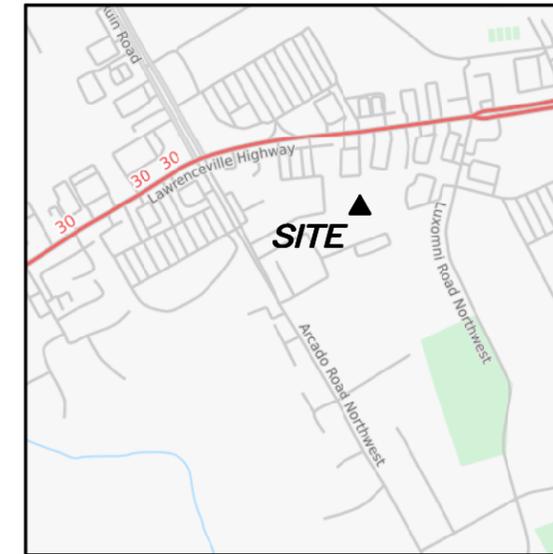
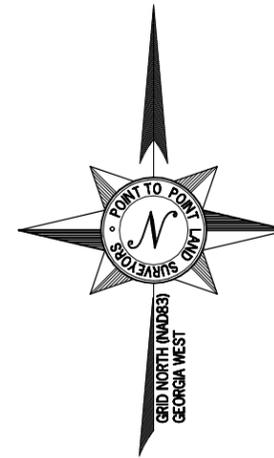
# PARENT PARCEL

OWNER: THOMAS A. MITCHELL  
 SITE ADDRESS: 313 LUXOMNI RD, LILBURN, GA 30047  
 PARCEL ID: R6150 004  
 AREA: 4.06 ACRES (PER TAX ASSESSOR)  
 ZONED: CB  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS  
 REFERENCE: DEED BOOK 53220 PAGE 503

## GPS NOTES

THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:

POSITIONAL ACCURACY: 0.02 FEET (HORZ) 0.19 FEET (VERT)  
 TYPE OF EQUIPMENT: GEOMAX ZENITH35 PRO BASE AND ROVER, DUAL FREQUENCY  
 TYPE OF GPS FIELD PROCEDURE: ONLINE POSITION USER INTERFACE  
 DATES OF SURVEY: 9/26/19  
 DATUM / EPOCH: NAD\_83(2011)(EPOCH:2010.0000)  
 PUBLISHED / FIXED CONTROL USE: N/A  
 GEOID MODEL: 18  
 COMBINED GRID FACTOR(S): 0.99986041 CENTERED ON THE GPS BASE POINT AS SHOWN HEREON.  
 CONVERGENCE ANGLE: 0.02779167°



VICINITY MAP  
 NOT TO SCALE

## GENERAL NOTES

THIS EXHIBIT SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS EXHIBIT SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF TOWERCOM V, LLC AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE PROPOSED LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.

THIS EXHIBIT SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35. (DATE OF LAST FIELD VISIT: 9/26/2019)

THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS EXHIBIT SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 0.5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS EXHIBIT SURVEY ARE BASED ON GRID NORTH (NAD 83) GEORGIA WEST ZONE.

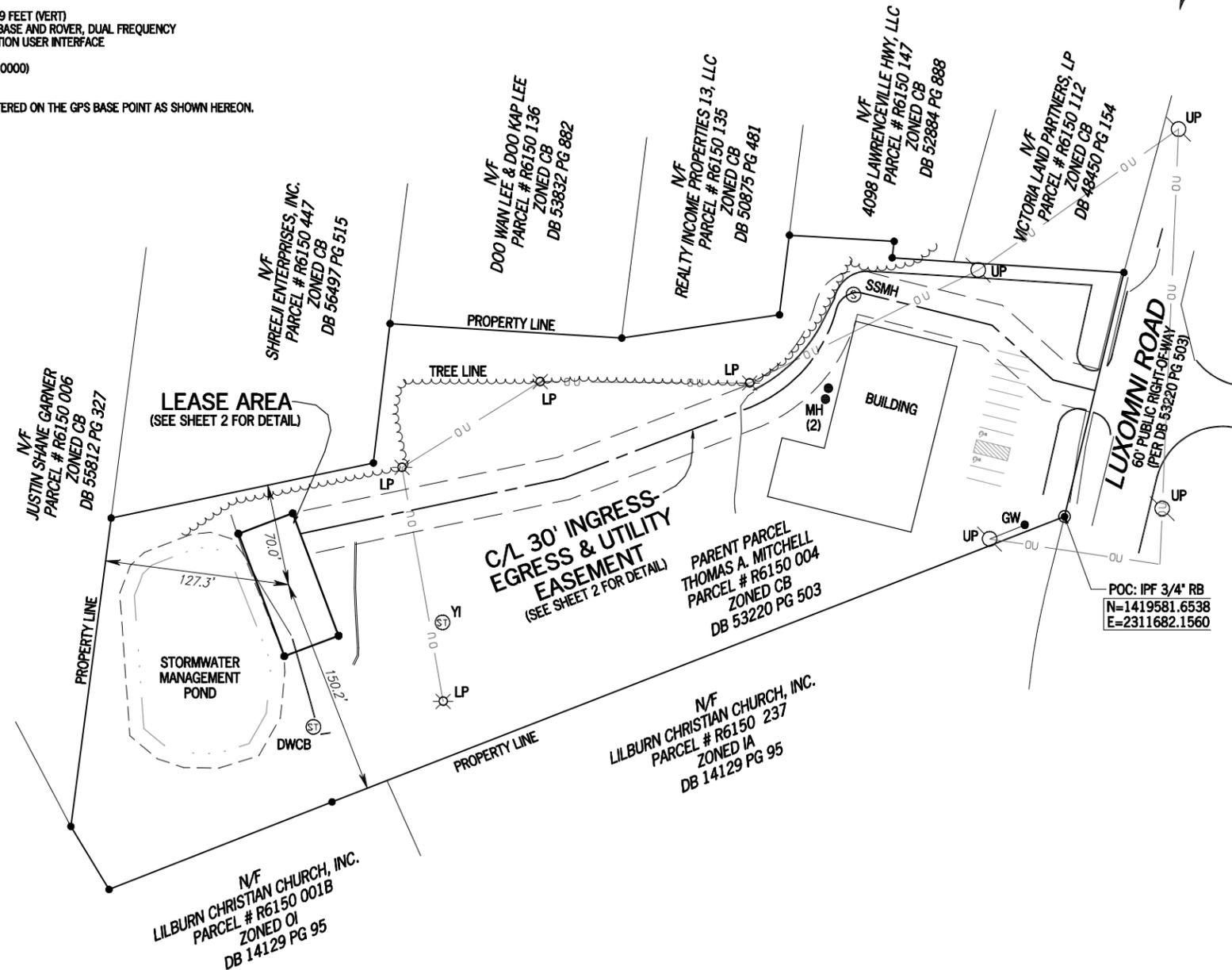
PER THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD). COMMUNITY PANEL NO. : 13135C0114F DATED: 09/29/2006

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS EXHIBIT SURVEY.

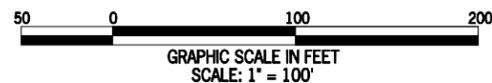
ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

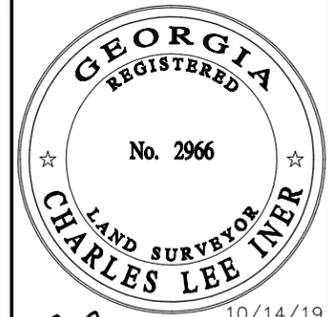
CERTIFICATE OF AUTHORIZATION: LSF000843



- LEGEND**
- POB POINT OF BEGINNING
  - POC POINT OF COMMENCEMENT
  - IPS IRON PIN SET
  - IPF IRON PIN FOUND
  - UP UTILITY POLE
  - LP LIGHT POLE
  - SSMH SANITARY SEWER MANHOLE
  - SDMH STORM DRAIN MANHOLE
  - MH MANHOLE
  - INV INVERT
  - FH FIRE HYDRANT
  - EP EDGE OF PAVEMENT
  - BC BACK OF CURB
  - OU OVERHEAD UTILITY
  - GW GUY WIRE ANCHOR
  - TR TRANSFORMER
  - SWCB SINGLE WING CATCH BASIN
  - DWCB DOUBLE WING CATCH BASIN
  - YI YARD INLET
  - CLF CHAIN LINK FENCE
  - WM WATER METER
  - GV GAS VALVE
  - N/F NOW OR FORMERLY
  - PL PROPERTY LINE
  - RB REBAR
  - C/L CENTERLINE



SURVEY NOT VALID WITHOUT SHEETS 2 & 3



10/14/19  
*Charles Lee Iner*

NO.	DATE	REVISION
1	10/14/2019	MOVED SITE -EAL

EXHIBIT SURVEY PREPARED BY:  
**POINT TO POINT LAND SURVEYORS**  
 100 Governors Trace, Ste. 103  
 Peachtree City, GA 30269  
 (p) 678.565.4440  
 (f) 678.565.4497  
 (w) pointtopointsurvey.com



EXHIBIT SURVEY PREPARED FOR:



3442 FRANCIS ROAD, SUITE 210  
 ALPHARETTA, GA 30004

LITTLE BY LITTLE

LAND LOT 150, 6TH DISTRICT  
 GWINNETT COUNTY, GEORGIA

DRAWN BY: EAL	SHEET:
CHECKED BY: JKL	<b>1</b>
APPROVED: D. MILLER	OF 3
DATE: OCTOBER 9, 2019	
P2P JOB #: 194371GA	

E:\Dropbox (Point To Point)\P2P Current Jobs\2019\194371GA.dwg by LIner\194371GA.dwg



# LEGAL DESCRIPTION SHEET

## 30' INGRESS-EGRESS & UTILITY EASEMENT

TOGETHER WITH A 30-FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT (LYING 15 FEET EACH SIDE OF CENTERLINE) LYING AND BEING IN LAND LOT 150 OF THE 6TH DISTRICT OF GWINNETT COUNTY, GEORGIA AND BEING A PORTION OF THE LANDS OF THOMAS A. MITCHELL AS RECORDED IN DEED BOOK 53220 PAGE 503, GWINNETT COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A ¾-INCH REBAR FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF LUXOMNI ROAD (HAVING A 60-FOOT RIGHT-OF-WAY), SAID REBAR MARKING THE SOUTHEAST CORNER OF SAID MITCHELL LANDS AND HAVING A GEORGIA GRID NORTH, NAD83 WEST ZONE VALUE OF N: 1419581.6538 E: 2311682.1560; THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE, NORTH 13°42'32" EAST, 89.22 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, NORTH 75°50'43" WEST, 30.00 FEET TO A POINT; THENCE, NORTH 48°09'09" WEST, 56.50 FEET TO A POINT; THENCE, NORTH 76°05'41" WEST, 91.89 FEET TO A POINT; THENCE, 23.41 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET AND BEING SCRIBED BY A CHORD BEARING, SOUTH 59°11'26" WEST, 21.11 FEET TO A POINT; THENCE, 93.25 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET AND BEING SCRIBED BY A CHORD BEARING, SOUTH 41°11'20" WEST, 89.91 FEET TO A POINT; THENCE, SOUTH 69°14'12" WEST, 138.05 FEET TO A POINT; THENCE, SOUTH 78°09'21" WEST, 185.54 FEET TO THE ENDING AT A POINT ON THE LEASE AREA, SAID POINT BEING NORTH 20°36'48" WEST, 75.00 FEET FROM THE SOUTHEAST CORNER OF THE LEASE AREA, SAID POINT HAVING A GEORGIA GRID NORTH NAD83, WEST ZONE VALUE OF N: 1419499.7618 E: 2311181.3261.

BEARINGS BASED ON GEORGIA GRID NORTH, NAD83, WEST ZONE.

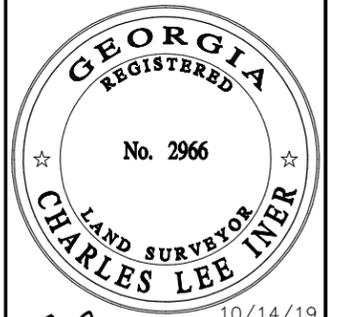
## LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 6TH DISTRICT OF GWINNETT COUNTY, GEORGIA AND BEING A PORTION OF THE LANDS OF THOMAS A. MITCHELL AS RECORDED IN DEED BOOK 53220 PAGE 503, GWINNETT COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A ¾-INCH REBAR FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF LUXOMNI ROAD (HAVING A 60-FOOT RIGHT-OF-WAY), SAID REBAR MARKING THE SOUTHEAST CORNER OF SAID MITCHELL LANDS AND HAVING A GEORGIA GRID NORTH, NAD83 WEST ZONE VALUE OF N: 1419581.6538 E: 2311682.1560; THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE, NORTH 13°42'32" EAST, 89.22 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, NORTH 75°50'43" WEST, 30.00 FEET TO A POINT; THENCE, NORTH 48°09'09" WEST, 56.50 FEET TO A POINT; THENCE, NORTH 76°05'41" WEST, 91.89 FEET TO A POINT; THENCE, 23.41 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET AND BEING SCRIBED BY A CHORD BEARING, SOUTH 59°11'26" WEST, 21.11 FEET TO A POINT; THENCE, 93.25 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET AND BEING SCRIBED BY A CHORD BEARING, SOUTH 41°11'20" WEST, 89.91 FEET TO A POINT; THENCE, SOUTH 69°14'12" WEST, 138.05 FEET TO A POINT; THENCE, SOUTH 78°09'21" WEST, 185.54 FEET TO A POINT ON THE LEASE AREA; THENCE RUNNING ALONG SAID LEASE AREA, SOUTH 20°36'48" EAST, 75.00 FEET TO A POINT HAVING A GEORGIA GRID NORTH, NAD83, WEST ZONE VALUE OF N: 1419499.7618 E: 2311181.3261 AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, SOUTH 69°23'12" WEST, 40.00 FEET TO A POINT; THENCE, NORTH 20°36'48" WEST, 90.00 FEET TO A POINT; THENCE, NORTH 69°23'12" EAST, 40.00 FEET TO A POINT; THENCE, SOUTH 20°36'48" EAST, 90.00 FEET TO A POINT AND THE POINT OF BEGINNING.

BEARINGS BASED ON GEORGIA GRID NORTH, NAD83, WEST ZONE.

SAID TRACT CONTAINS 0.0826 ACRES (3,600 SQUARE FEET), MORE OR LESS.



*Charles Lee Iner*  
10/14/19

NO.	DATE	REVISION
1	10/14/2019	MOVED SITE -EAL

EXHIBIT SURVEY PREPARED BY:

**POINT TO POINT LAND SURVEYORS**  
100 Governors Trace, Ste. 103  
Peachtree City, GA 30269  
(p) 678.565.4440  
(f) 678.565.4497  
(w) pointtopointsurvey.com



EXHIBIT SURVEY PREPARED FOR:



3442 FRANCIS ROAD, SUITE 210  
ALPHARETTA, GA 30004

**LITTLE BY LITTLE**

LAND LOT 150, 6TH DISTRICT  
GWINNETT COUNTY, GEORGIA

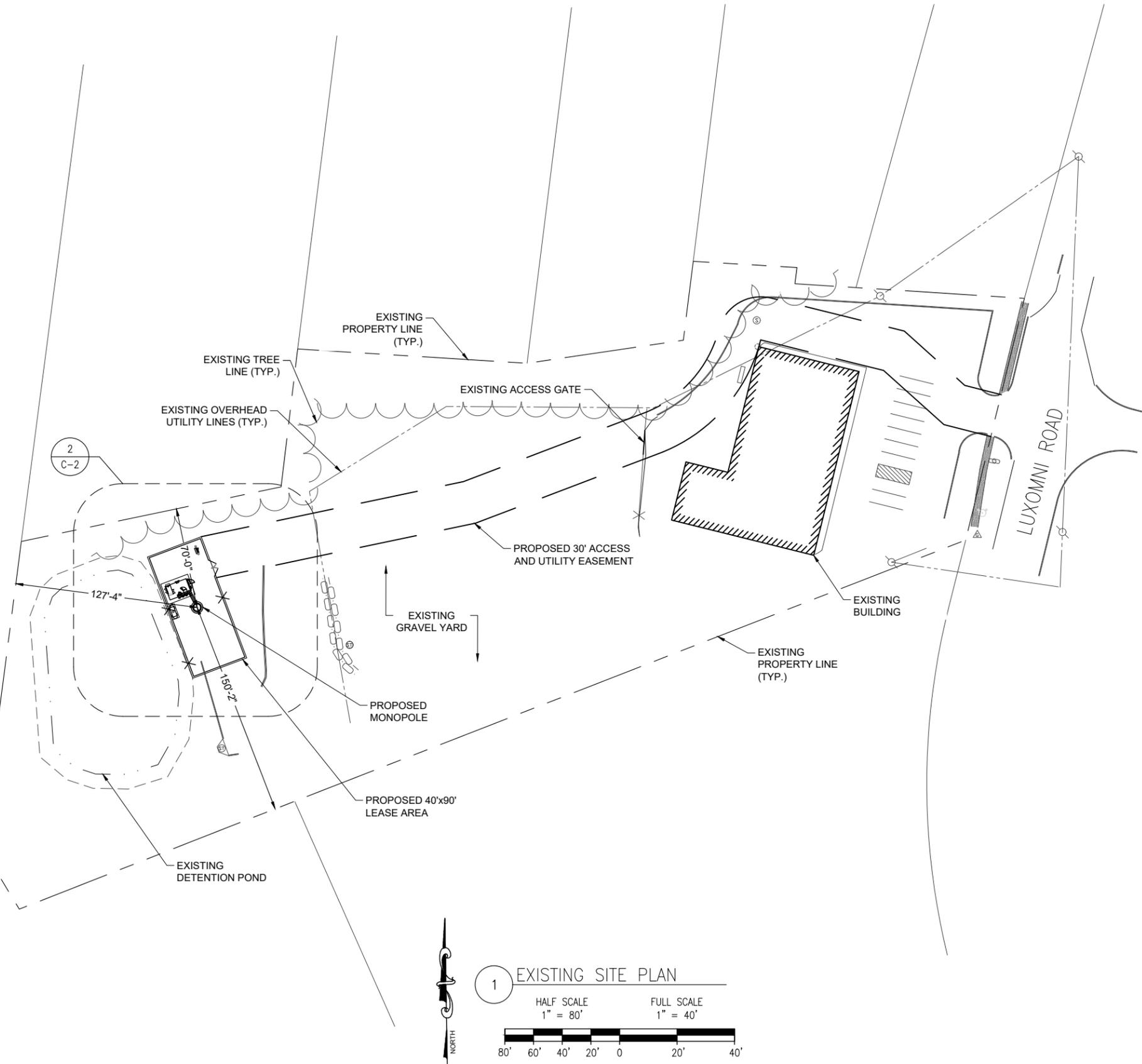
DRAWN BY: EAL	SHEET:
CHECKED BY: JKL	<b>3</b>
APPROVED: D. MILLER	
DATE: OCTOBER 9, 2019	
P2P JOB #: 194371GA	OF 3

SURVEY NOT VALID WITHOUT SHEETS 1 & 2

E:\Dropbox (Point To Point)\P2P Current Jobs\2019\194371GA\Title by Little's 194371GA.dwg

**GENERAL CONSTRUCTION NOTES:**

1. SEE SURVEY FOR LEASE AREA BOUNDARY, LEGAL DESCRIPTION, EXISTING CONTOURS, AND ADDITIONAL SITE INFORMATION.
2. DAMAGE TO ALL UTILITIES, LAND, ACCESS AREAS, AND PROPERTY OF OTHERS DISTURBED DURING CONSTRUCTION SHALL BE RETURNED TO THE ORIGINAL CONDITION AT THE COMPLETION OF THE WORK.
3. REMOVE ANY EXISTING VEGETATION AND ORGANIC MATERIALS FROM THE TOWER COMPOUND.
4. RE-GRADE AROUND THE EQUIPMENT SLAB AS REQUIRED TO ALLOW A MAXIMUM 4" OF PAD THICKNESS EXTENDING ABOVE THE FINISHED GRAVEL SURFACE. REPLACE GRAVEL AROUND SLAB AT COMPLETION OF INSTALLATION.
5. ALL WORK SHALL BE DONE IN A SATISFACTORY AND PROFESSIONAL WORKMANLIKE MANNER. ALL WORK SHALL BE SUBJECT TO INSPECTION DURING CONSTRUCTION AND FINAL APPROVAL BY THE CONSTRUCTION MANAGER.
6. ANY SUBSTITUTIONS OF MATERIALS, EQUIPMENT, OR DEVIATIONS FROM THE DESIGN PLANS OR SPECIFICATIONS SHALL BE COORDINATED AND APPROVED BY THE CONSTRUCTION MANAGER.
7. COLOR SELECTION FOR PAINTED ITEMS SHALL BE MADE BY THE CONSTRUCTION MANAGER.
8. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS SHOWN PRIOR TO BID SUBMITTAL. ANY CONFLICTS, DISCREPANCIES, ERRORS, AND/OR OMISSIONS SHALL BE BROUGHT TO THE ATTENTION OF THE CONSTRUCTION MANAGER.
9. CONTRACTOR SHALL CONTACT A SUBSURFACE UTILITIES LOCATOR FOR EXACT LOCATIONS OF ALL EXISTING UTILITIES WITHIN DISTURBED AREAS, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL VERIFY THE LOCATIONS OF EXISTING UTILITIES BY DIGGING A TEST PIT, AS NECESSARY. THE LOCATIONS OF EXISTING UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE AND ARE FOR PLANNING PURPOSES ONLY.
10. THE CONTRACTOR SHALL PROVIDE ANY NECESSARY PROTECTION FOR EXISTING UTILITIES DURING CONSTRUCTION.
11. THE CONTRACTOR SHALL MAINTAIN A CLEAN SET OF CONSTRUCTION DRAWINGS AT THE SITE FOR THE PURPOSE OF DOCUMENTING "AS-BUILT" CONDITIONS AND DEVIATIONS FROM THE ORIGINAL DESIGN. THE REDLINED DRAWINGS SHALL BE TURNED OVER TO THE CONSTRUCTION MANAGER AT THE COMPLETION OF THE PROJECT.
12. THE CONTRACTOR SHALL SECURE AND PAY FOR ALL NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENT AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR ABIDING BY ALL THE CONDITIONS AND REQUIREMENTS OF THE PERMITS.
13. THE CONTRACTOR SHALL PROTECT ALL SURVEY STATIONS AND CONTROL POINTS DURING CONSTRUCTION AND SHALL RE-ESTABLISH ANY DISTURBED CONTROL POINTS.
14. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE GOVERNING LOCAL BUILDING CODE AND ALL APPLICABLE AMENDMENTS. THE CONTRACTOR SHALL COORDINATE WITH THE LOCAL GOVERNING OFFICIAL FOR LOCAL BUILD CODE REQUIREMENTS.
15. THE CONTRACTOR SHALL VISIT THE PROJECT SITE AND FAMILIARIZE HIMSELF WITH ALL EXISTING CONDITIONS INCLUDING SITE ACCESS PRIOR TO BID SUBMITTAL. ANY CHANGES DURING CONSTRUCTION DUE TO AN EXISTING CONDITION WHICH IS VISUALLY ASCERTAINABLE PRIOR TO BID SUBMITTAL, CANNOT BE USED AS THE BASIS FOR A CHANGE ORDER.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL WASTE DEBRIS AND VEGETATION FROM THE SITE. BURIAL AND/OR BURNING OF WASTE MATERIALS IS NOT ACCEPTABLE.



1 EXISTING SITE PLAN  
 HALF SCALE 1" = 80'  
 FULL SCALE 1" = 40'

THE CONTRACTOR SHALL VISIT THE SITE BEFORE BIDDING ON THE WORK CONTAINED WITHIN THIS DESIGN PACKAGE. DISCREPANCIES AND OMISSIONS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO BIDDING.

PREPARED FOR:

PREPARED BY:

TRIUMPH SOLUTIONS, LLC  
 127 GALLERY CT, ACWORTH, GA 30101  
 TEL: 404-642-5210

ENGINEER SEAL:

DESIGN REVISION:

NO.	DATE	REVISIONS	BY
A	10/21/19	ISSUED FOR ZONING	JRC

NOT VALID WITHOUT SIGNATURE AND DATE

PROJECT ID:

**LITTLE BY LITTLE**

PROJECT ADDRESS:

313 LUXOMNI RD  
 LILBURN, GA 30047

PREPARED BY:

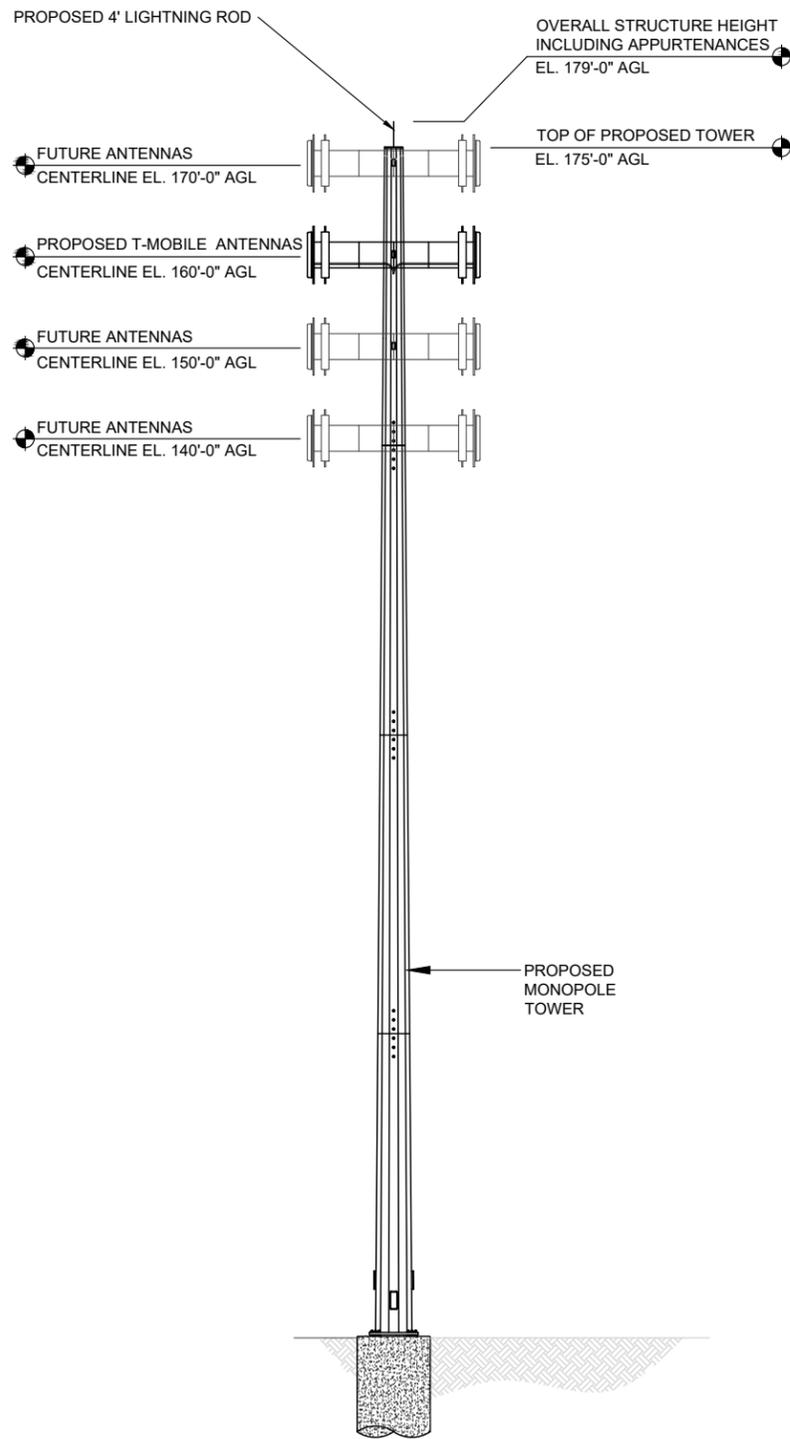
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 CHECKED BY: JRC

SHEET NAME:

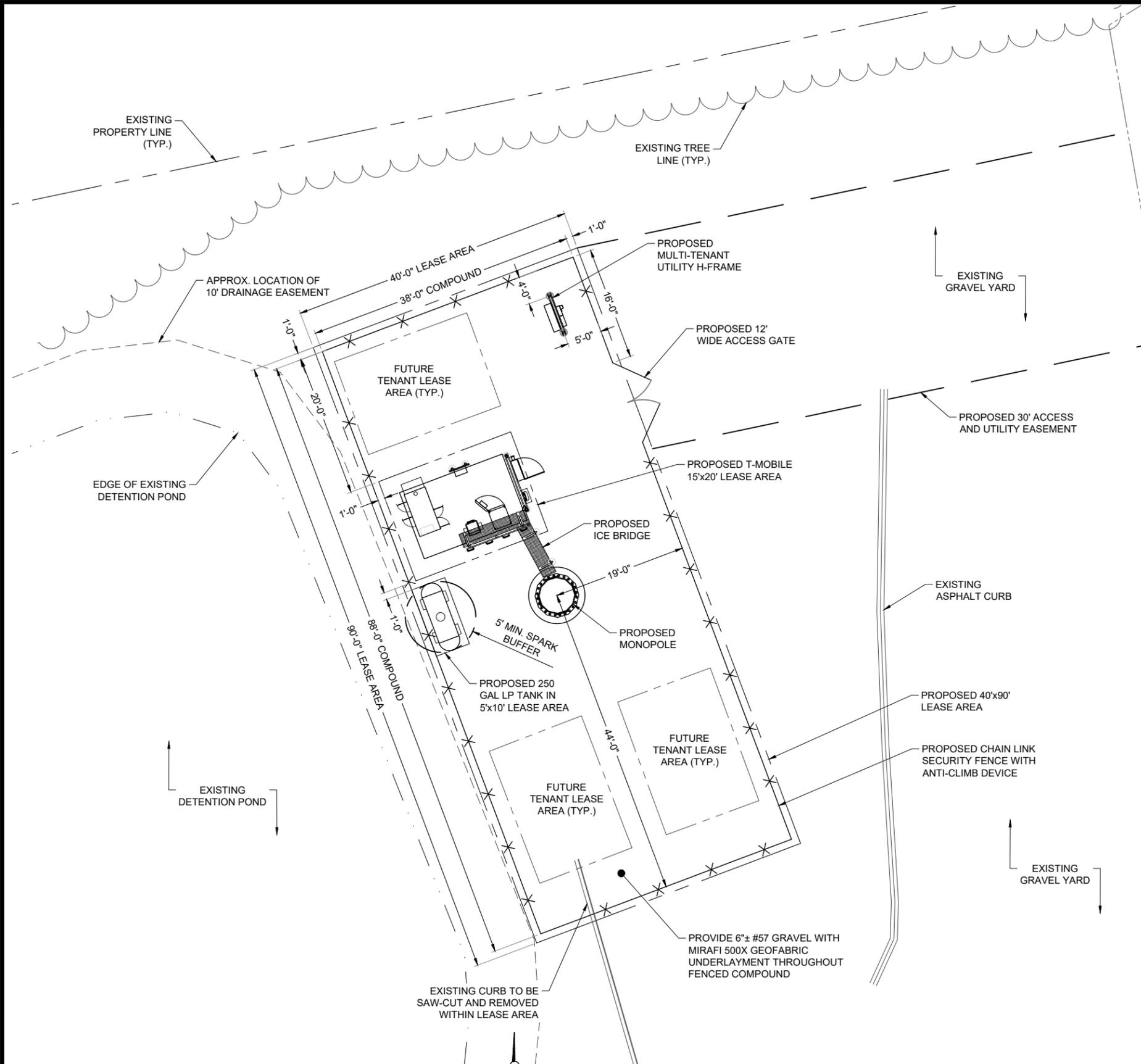
EXISTING SITE PLAN

SHEET NUMBER:

**C-1**



1 TOWER ELEVATION  
SCALE: NTS



2 COMPOUND LAYOUT PLAN  
FULL SIZE PLOT: SCALE: 1/8"= 1'-0"  
HALF SIZE PLOT: SCALE: 1/16"= 1'-0"  
0 4' 8' 16'

THE CONTRACTOR SHALL VISIT THE SITE BEFORE BIDDING ON THE WORK CONTAINED WITHIN THIS DESIGN PACKAGE. DISCREPANCIES AND OMISSIONS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO BIDDING.

PREPARED FOR:

PREPARED BY:

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127 GALLERY CT, ACWORTH, GA 30101  
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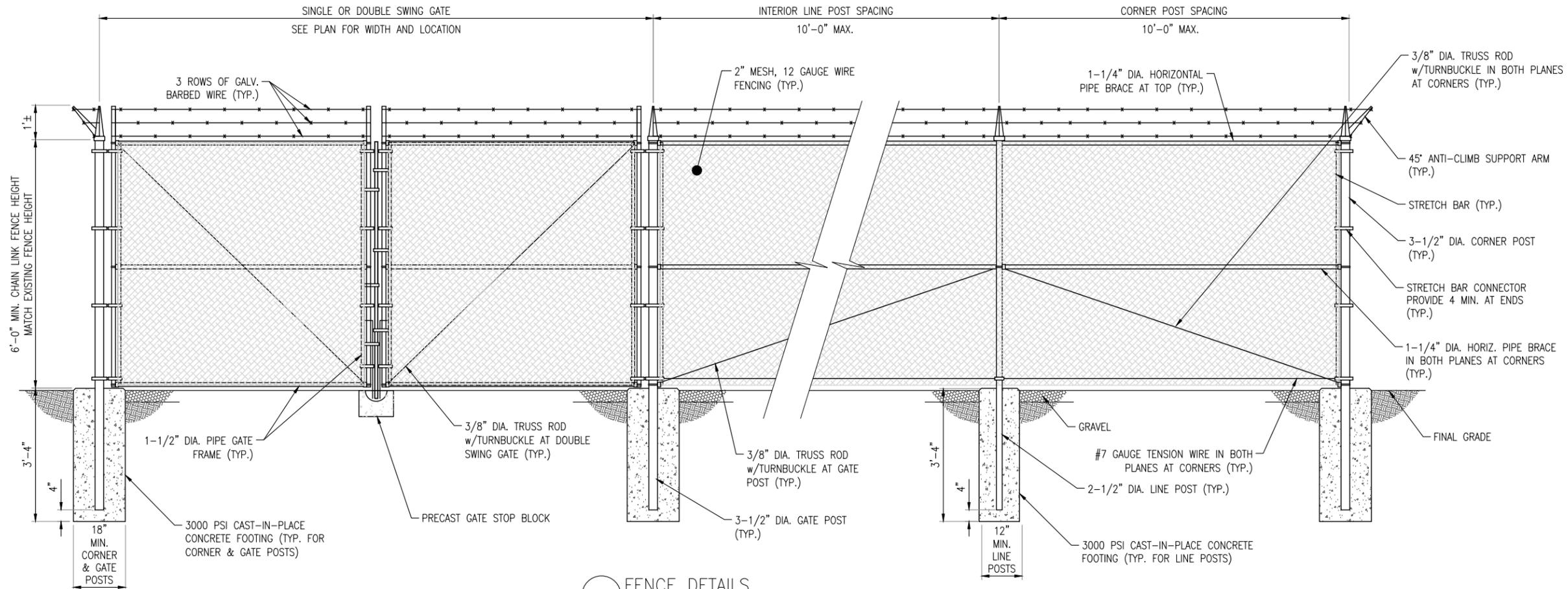
PROJECT ID:  
**LITTLE BY LITTLE**

PROJECT ADDRESS:  
313 LUXOMNI RD  
LILBURN, GA 30047

PREPARED BY:  
DRAWN BY: CAD  
CHECKED BY: JRC

SHEET NAME:  
COMPOUND LAYOUT AND TOWER ELEVATION

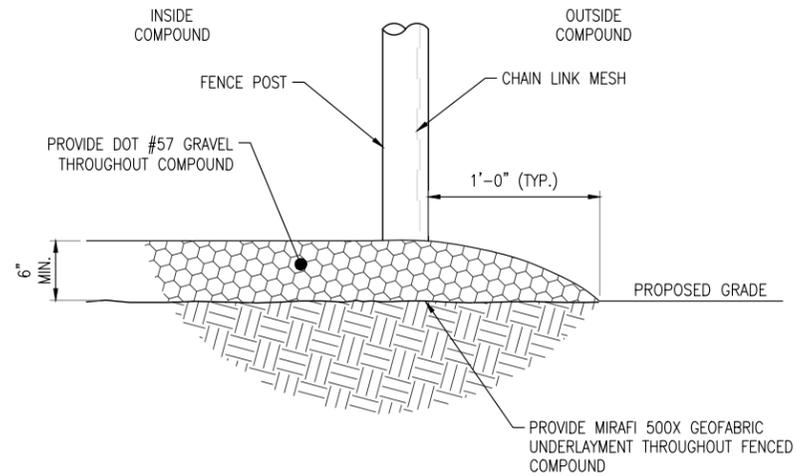
SHEET NUMBER:  
**C-2**



1 FENCE DETAILS  
SCALE: NOT TO SCALE

FENCE NOTES:

1. FENCING MATERIALS AND BARBED WIRE SHALL BE GALVANIZED STEEL.
2. POSTS, BRACES, AND GATE FRAMES SHALL BE SCHEDULE 40 PIPE. SIZES SPECIFIED ARE NOMINAL DIAMETER.
3. DOUBLE SWING GATE SHALL BE PROVIDED WITH TUBULAR PLUNGER BARS, 1 LOCK KEEPER, 1 LOCK KEEPER GUIDE, 2 LATCH FORKS, 2 FORK CATCHES, 1 CATCH FOR THE PLUNGER BAR, AND GATE STOPS PROVIDED FOR THE OPEN AND CLOSED POSITIONS LOCATED AS DIRECTED BY THE CONSTRUCTION MANAGER. COORDINATE LOCK TYPE AND KEY/COMBINATION WITH THE CONSTRUCTION MANAGER.
4. ALL POSTS, CAPS, AND OTHER NECESSARY FENCE FITTINGS AND HARDWARE SHALL BE AS MANUFACTURED BY THE FENCE MANUFACTURER OR EQUAL. HINGES SHALL BE GALVANIZED STEEL.
5. LINE POSTS SHALL BE SPACED EQUIDISTANT, BUT NOT MORE THAN 10'-0" ON CENTER.
6. FOUNDATIONS ARE DESIGNED TO EMBED INTO COMPACTED COARSE SAND, MEDIUM STIFF CLAY, OR HARD DENSE CLAY. THE SOIL TYPE SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. IF UNUSUAL CONDITIONS ARE FOUND, THE ENGINEER SHALL BE NOTIFIED PRIOR TO CONSTRUCTION.
7. FENCE DETAILS SHOWN ABOVE ARE TYPICAL AND SHALL APPLY TO SIMILAR CONSTRUCTION APPLICATIONS WHETHER SPECIFICALLY STATED OR NOT.



NOTES:

1. INSTALL MIRAFI GEOFABRIC WITH 18" MIN. LAP JOINTS ON FLAT, HORIZONTAL SURFACES OR PER THE MANUFACTURER'S SPECIFICATIONS FOR SLOPED SURFACES.
2. LEVEL AND COMPACT GRAVEL TO PREVENT SHIFTING.

2 EDGE DETAIL  
SCALE: NOT TO SCALE

PREPARED FOR:



PREPARED BY:



ENGINEER SEAL:



DESIGN REVISION:

A	10/21/19	ISSUED FOR ZONING	JRC
NO.	DATE	REVISIONS	BY
NOT VALID WITHOUT SIGNATURE AND DATE			

PROJECT ID:

**LITTLE BY LITTLE**

PROJECT ADDRESS:

313 LUXOMNI RD  
LILBURN, GA 30047

PREPARED BY:

DRAWN BY: CAD  
CHECKED BY: JRC

SHEET NAME:

SECURITY FENCE DETAILS

SHEET NUMBER:

**S-1**

Adjacent Property Owners List

No.	Property ID	Alternate ID	Property Address	Property Owner	Property Owner Address	Acreage
1	R6150-112	868132	4086 Lawrenceville Hwy	Victoria Land Partners LP	9171 Towne Center Drive, Suite 335, San Diego, CA 92122-1238	0.62
2	R6150-147	868370	4098 Lawrenceville Hwy	4098 Lawrenceville Hwy LLC	P.O. Box 70, Douglasville, GA 30133	0.65
3	R6150-135	868281	4104 Lawrenceville Hwy	Realty Income Properties 13 LLC	11995 El Camino Real, San Diego, CA 92130	0.6
4	R6150-136	868299	4120 Lawrenceville Hwy	Lee Doo Wan & Lee Doo Kap	4120 Lawrenceville Hwy. NW, Lilburn, GA 30047	0.93
5	R6150-447	33299048	4132 Lawrenceville Hwy	Shreeji Enterprises Inc.	4132 Lawrenceville Hwy. NW, Lilburn, GA 30047	1.29
6	R6150-006	867012	4140 Lawrenceville Hwy	Michael Lee Garner	3700 Market St., Suite D, Clarkston, GA 30021	3.11
7	R6150-00113	866911	263 Luxomni Rd.	Lilburn Christian Ch Inc.	314 Arcado Road NW, Lilburn, GA 30047	3.82
8	R6150-237	2900881	Arcado Road	Lilburn Christian Ch Inc.	314 Arcado Road NW, Lilburn, GA 30047	1.73



# Zoning Justification

## 9AT3298C – Gwinnett County

11/01/2019

**The intent of this letter is to confirm the necessity of T-Mobile installation of radio transceiver equipment on the proposed telecommunication tower and to provide supporting documentary evidence.**

**As part of the company's mandate to provide high quality service throughout the Atlanta market, the network density of wireless facilities must continue developing to meet the expectations of customers and communities alike, for both voice and data services.**

**The primary purpose for the installation of this facility is to improve the capacity and coverage for users in these commercial and residential areas. A coverage gap in this vicinity signifies an area where users may experience call connection or quality issues, especially in indoor locations and during busy hours. Capacity refers to how many customers can access the T-Mobile network, either for voice calls or data services. In areas of high customer usage, the network can experience congestion; i.e. customers not being able to access the network.**

**Because of the proposed location for the new tower, the quality and strength of the T-Mobile signal will increase, and provide a better user experience for customers and non-customers alike. In particular, indoor service levels in some of the aforementioned areas may be poor or non-existent. With the introduction of a new serving tower, these issues would essentially disappear. Signal and network access would improve, especially for being able to call 911 in buildings or in traffic in case of emergencies.**

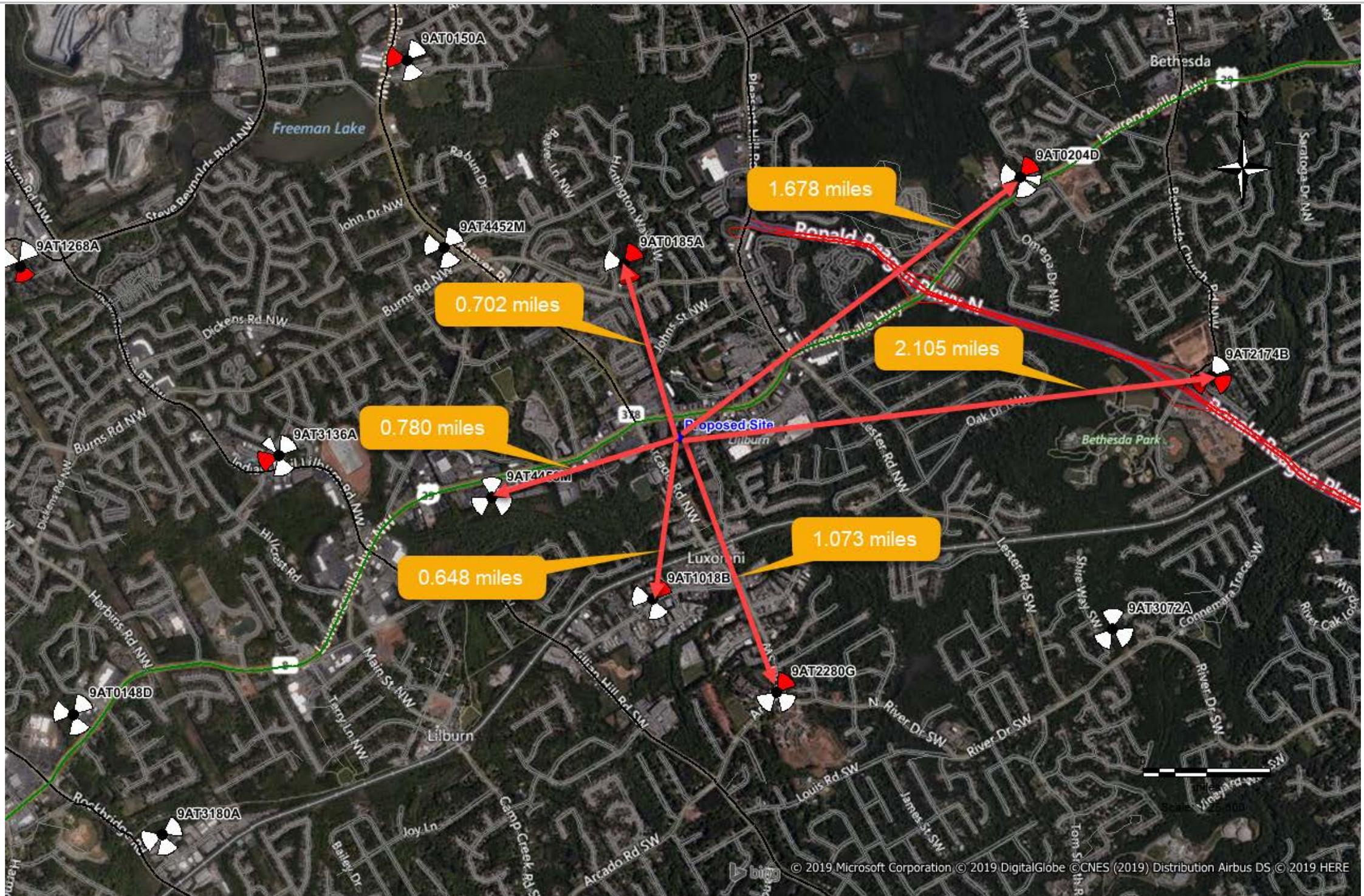
**A tower and structure search was performed for any tower or structure 150ft or higher to offload traffic from existing T-Mobile sites.**

**This area has a very high demand on mobile device usage, and the existing T-Mobile sites have reached to their limit and cannot provide sufficient capacity to the customers (Slide 5).**

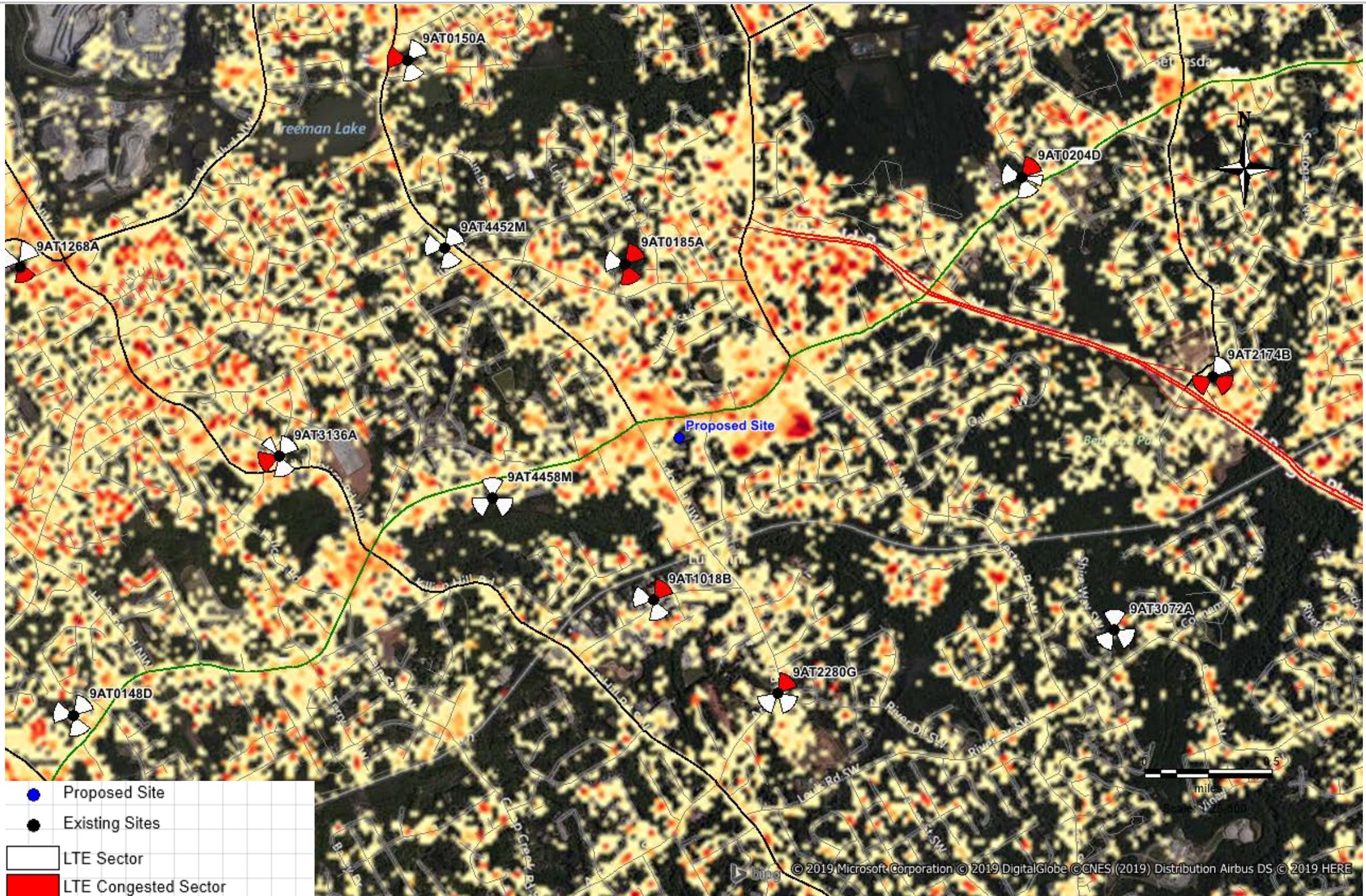
**The proposed site is designed to offload LTE cells 9AT0185A Beta and 9AT1018B Alpha. To increase VoLTE capacity and LTE throughput for POPS in the surrounding commercial and residential areas along Lawrenceville Hwy. (US HWY 29) between Beaver Ruin Road and Lester Road. Also this site will significantly improve in-building coverage on many residential buildings in the area.**

**The existing coverage map (without 9AT3298C) shows a gap in in-building residential and commercial coverage (slide 6). The new site at the proposed location will fill in the coverage gap as shown in slide 7.**

## Existing T-Mobile Sites – Distance from the New Site

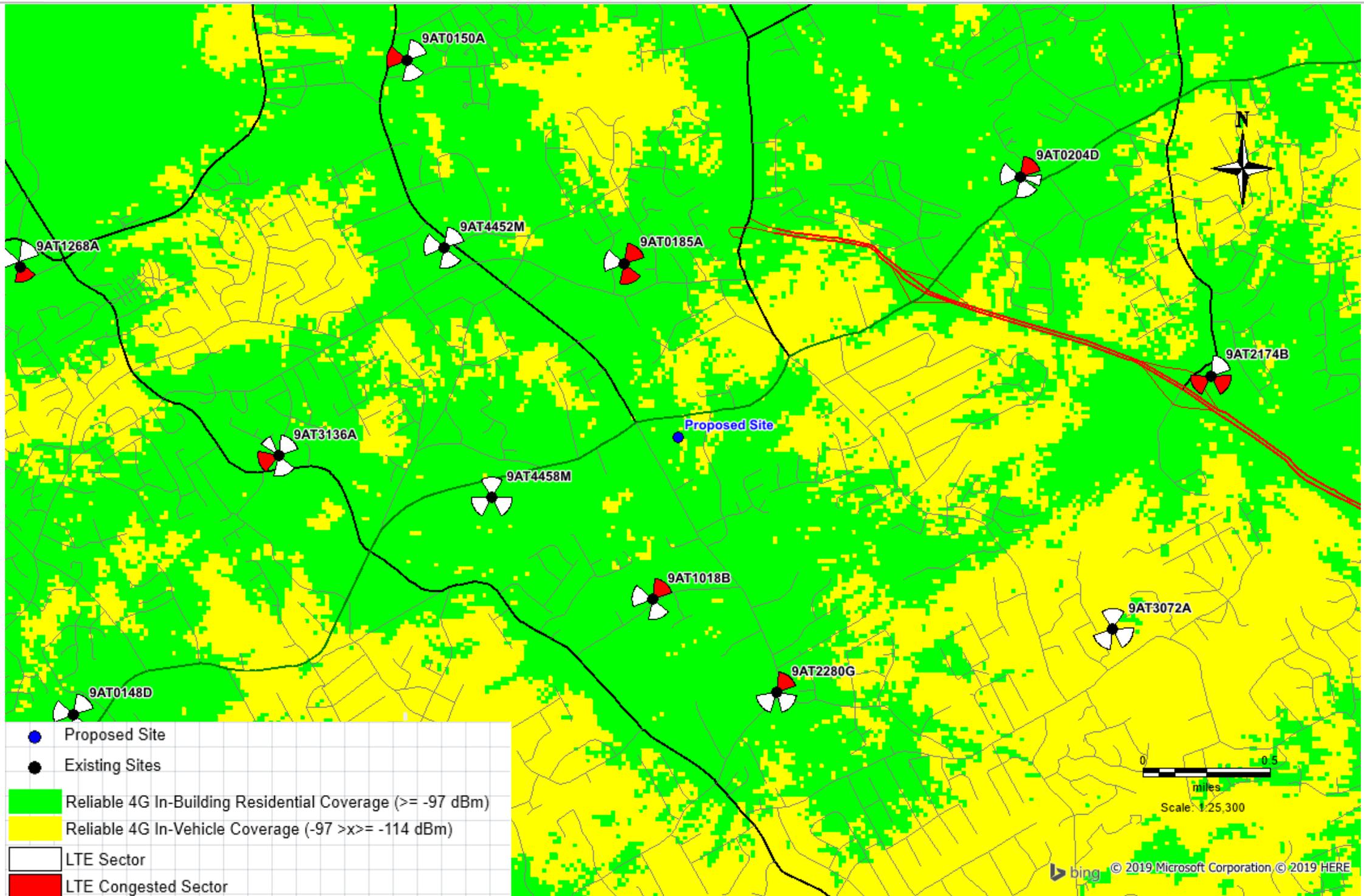


## Traffic Density (Red Dots = High Usage of Mobile devices)



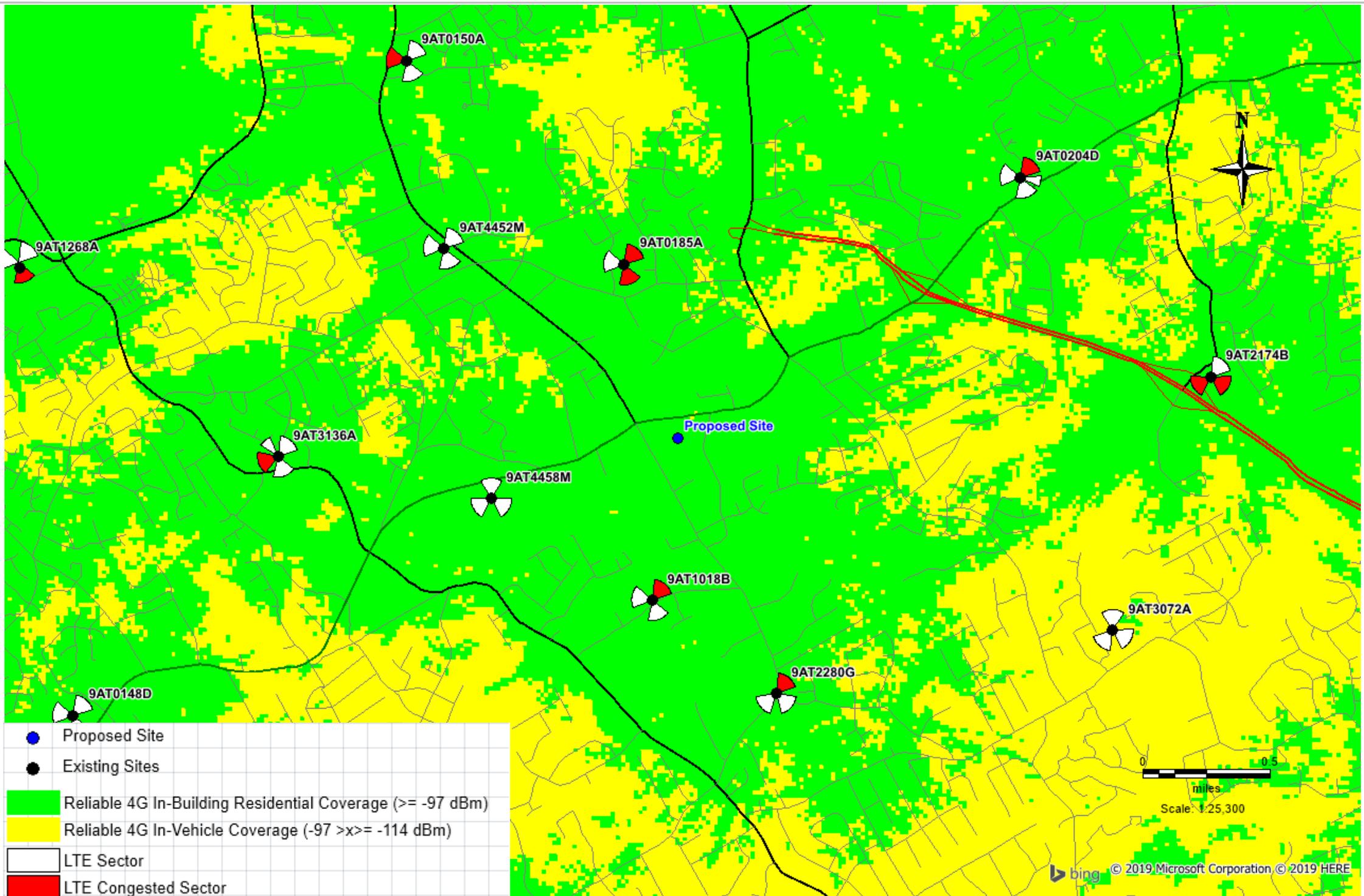
This plot show high usage of mobile devices around new proposed site.

## Existing 4G Service without the Proposed Site MID BAND (AWS-2100 MHz) LTE SERVICE MAP (RSRP)



This plot show a large gap in indoor residential coverage

## 4G Service with the Proposed Site @ 160' AGL MID BAND (AWS-2100 MHz) LTE SERVICE MAP (RSRP)



This plot show a better indoor residential coverage

Thank You