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Staff Analysis & Recommendation

Case #CIC-2019-02 and TSP-2019-01 (previously submitted as SUP-2019-01)
Conditional Approval of Telecommunications Tower and Tall Structure Permit

Date of Report: December 2, 2019

Report by: Joellen Wilson

Hearing Dates:

Mayor and Council December 9, 2019

GENERAL INFORMATION

Applicant: Chip Bulloch, TowerCom
Owner: Mundo Investment, LLC
Size: 3.8+ acres
Location: U. S. Highway 29 (PIN: 6150 004)
Existing Zoning: IA (Industrial Activity)
Proposed Use: New 175' Telecommunications Tower and ground level support facility

EXISTING LAND USES & ZONING DISTRICTS

To the North: Arby's/Autozone CB
To the East: Mavis Tire/Auto Dealership CB
To the South: Blackburn Trucking IA
To the West: Lilburn Christian Church OI

APPLICANT'S INTENT

May 13, 2019, City Council approved special use application (SUP-2019-01) processed as a Tall Structure Permit (TSP-2019-01) at 306 Luxomni Road (PIN#6150 443) according to city's Chapter 117- Telecommunication Towers and Antennas Ordinance. The land owners and applicant have agreed to relinquish those special use rights on that property through a Change in Conditions. Concurrently, the same applicant proposes CONDITIONAL APPROVAL of the same Cellular/Wireless Telecommunications Tower and Tall Structure Permit (TSP-2019-01) to be located at nearby 313 Luxomni Road (PIN#6150 004). TowerCom intends to erect a new 175' monopole facility (overall height 179' with lightning rod) within an approximate 3,600 square foot compound area. The tower will be an accessory use on the 3.8 acre site currently occupied by Autorama/AutoGallery, LLC. The proposed site plan includes 1 monopole tower designed with a neutral finish to minimize visual impacts and space for four (4) additional providers to collocate; limiting the need for additional towers in the service area. No artificial lighting or signage is proposed. (see applicant's letter of intent and site plans).

ZONING HISTORY

The site was developed for as an auto auction center in 2014, and re-zoned IA with conditions for auto and truck service/repair center with towing and impound lot with conditions in September, 2018 (Ord.# 2018-524). The parcel is surrounded by property zoned CB and IA occupied by commercial and light industrial businesses as well as a church

zoned OI. Zoning conditions require undisturbed perimeter buffers to remain vegetated. The site plan indicates shared access from Luxomni Road through the existing business parking lot to the gated overflow parking area.

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 enumerated sections of Chapter 117, and if collocation is not possible, to ensure the new tower is compatible with zoning, site, and design requirements, and other applicable codes and ordinances. No rezoning is required but Conditional Approval of the Tall Structure Permit (TSP) by City Council is required. Applicant 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 is likely to shift within the parcel to avoid conflicts with the existing BMP access easement.

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

The proposed tower is approximately more than 358 feet to the nearest residential district boundary and 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 (equivalent of C1/C1), IA (equivalent of M-1/M-2) and OI and used for commercial, light industrial, and religious uses.

(4) The surrounding topography;

The site topography is sloping to the southwest. The existing detention pond will be analyzed and improved if necessary to accommodate new impervious area and stormwater drainage associated with the facility.

(5) The surrounding tree coverage and foliage;

Significant required zoning buffers will screen the base of the tower facility from Lawrenceville Highway.

(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).

(7) The proposed ingress and egress;

The site plan indicates access from Luxomni Road to the compound from the private driveway of the existing Autorama business through the gate to a 12' wide gravel driveway.

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

The applicant provided 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+ mile to the west. No artificial lighting or signage on the tower is proposed.

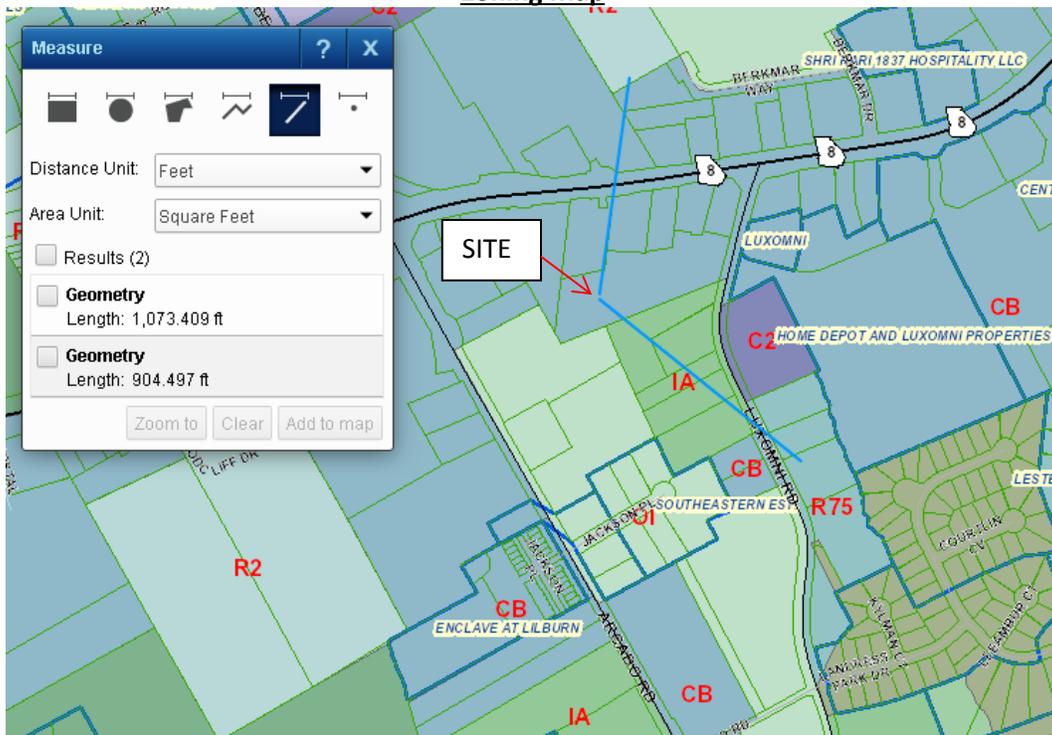
The application includes analysis of existing towers, distances to residential properties, and evidence that there are no other existing structures within the area that could meet T-Mobile's wireless infrastructure coverage needs through co-location. The facility site will be developed with adequate lot setbacks, existing vegetated buffers, and required security (chain link fencing) around the perimeter of the compound, and the structure itself is proposed to meet all criteria for

Conditional Approval of a new tower according to Sec. 117-32. Appropriate legal ad and public notices were initiated by the City and no objections to the Tall Structure Permit were received. The project meets the applicable criteria therefore, **Staff recommends APPROVAL of CIC-2019-02 to remove the special use approval of TSP-2019-01 from 306 Luxomni Road and provide CONDITIONAL APPROVAL of the TSP-2019-01 at 313 Luxomni Road.**

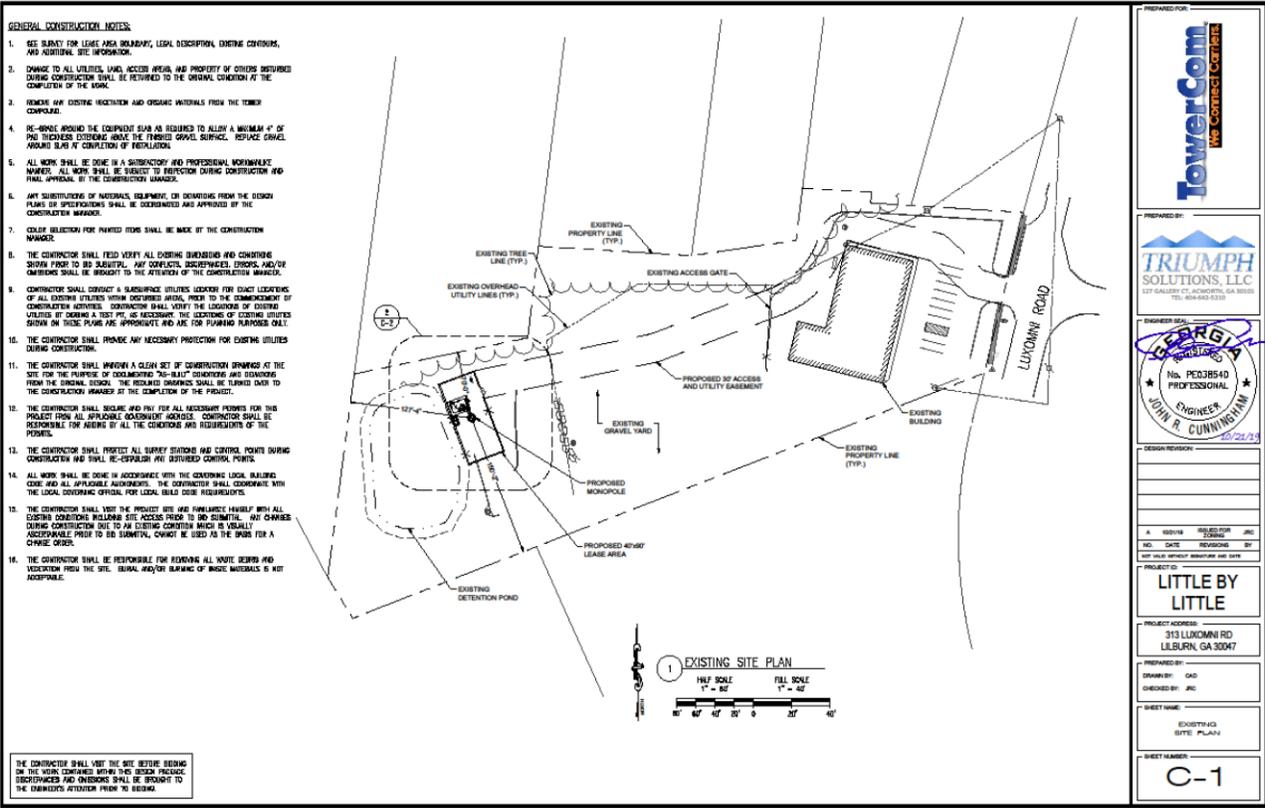
Tax Parcel Map – Distance to Closest Residential District



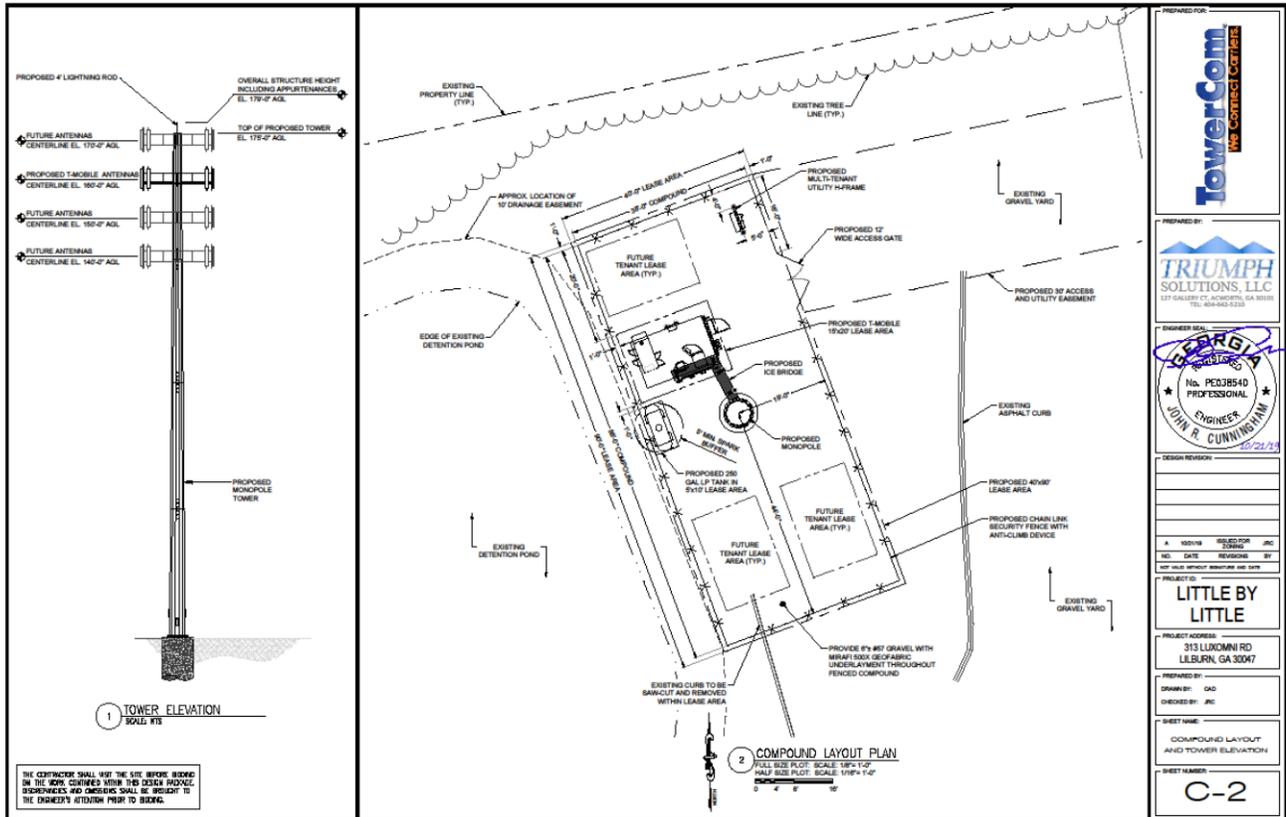
Zoning Map



Proposed Site Plan



Proposed Compound Layout and Tower Elevations



THE CONTRACTOR SHALL VISIT THE SITE BEFORE BIDDING ON THE WORK. CHANGES FROM THE EXISTING PROPOSED DIMENSIONS AND CONDITIONS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO BIDDING.