

RESOLUTION

CASE NO. SUP-25-92. MERSHON PROPERTIES

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, voted 4-3 to recommend approval of Case No. SUP-25-92 to permit a 250-foot communications tower in the M-1, Limited Industrial District, on property identified as Parcel 1-3B on James City County Real Estate Tax Map No. 38-4; and

WHEREAS, the applicant has requested a height limitation waiver and a waiver of the required setbacks as part of this application.

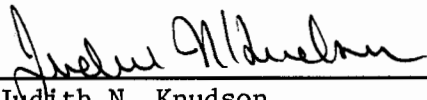
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby grant a height limitation waiver to allow for the construction of a 250-foot communications tower.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby grant a waiver of the required side and rear setbacks in the amount of 67.5 feet.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-25-92 as described herein with the following conditions.

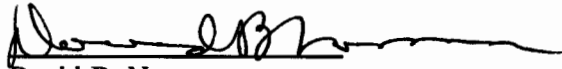
1. The operation of the communication tower shall not interfere with operation of the County's communication system. The applicant shall be responsible for assuring that the signal(s) for this equipment shall not interfere with the County's radio communication system. Upon notice from the County that interference is being received, the applicant shall terminate such interference immediately.
2. If construction of the tower has not begun within 12 months of the date of issuance of the special use permit, the permit shall be void.
3. Prior to the placement of additional equipment on the tower, the applicant shall submit to the Director of Planning a certification from a professional engineer, licensed by the Commonwealth of Virginia which indicates that the tower can safely support the loads caused by the placement of additional equipment on the tower. The applicant shall secure all necessary permits prior to altering, constructing, or modifying any portion of the tower.
4. The applicant shall secure all required permits and approvals from State and Federal Agencies and shall submit copies to the Director of Planning prior to construction of the facility.
5. The tower shall not exceed 250 feet above grade.
6. A landscaping and screening plan shall be prepared along with a site plan for this project for review by the Development Review Committee.
7. Lighting on the tower shall be limited to red beacon lighting at night and white strobe lighting during the day.

8. Prior to the construction of the tower, the applicant shall provide all relevant information concerning the structural safety of the tower to the Director of Planning.



Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| DEPUE | AYE |
| TAYLOR | AYE |
| EDWARDS | NAY |
| SISK | AYE |
| KNUDSON | NAY |

Adopted by the Board of Supervisors of James City County, Virginia, this 4th day of January, 1993.

SUP25-92.res