

## RESOLUTION

### CASE NO. SUP-26-03. JAMES CITY COUNTY COMMUNICATIONS TOWER -

#### JOLLY POND ROAD

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, communication towers over 35 feet in height are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 13, 2004, recommended approval of Case No. SUP-26-03 by a 7-0 vote to permit the construction and operation of a 380-foot-tall communication tower as part of the James City County 800-MHz trunked radio system at the James City County Landfill on 1204 Jolly Pond Road and further identified as Parcel No. (1-4) on James City County Real Estate Tax Map No. (30-1).

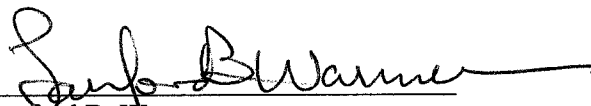
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 26-03 as described herein with the following conditions:

1. This special use permit shall be valid for a total of one tower. The maximum height of the tower shall not be greater than 380 feet. The property shall be developed generally in accordance with the site layout titled "Special Use Permit Plan for 380' Cellular Tower James City County Landfill" dated December 1, 2003, with minor changes approved by the Director of Planning.
2. The tower shall be located on the site in a manner that maximizes the buffering effects of the existing trees and minimizes tree clearing as determined by the Director of Planning. Access drives shall be designed in a manner that minimizes off-site view of the tower's base or related facilities as determined by the Director of Planning. A minimum existing tree buffer of 300 feet shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive, guy wires, and necessary utilities for the tower.
3. Final building design, location, orientation and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
4. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit or the permit shall become void.

5. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including number and type of antennas, which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
6. The tower shall have a finish that is gray in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
7. No advertising material or signs shall be placed on the tower.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

  
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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

  
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Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of February, 2004.

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