

RESOLUTION

CASE NO. SUP-1-06. CENTERVILLE ROAD TOWER RELOCATION

WHEREAS, Mr. John Abernathy, on behalf of AIG Baker Development, LLC, has applied for a Special Use Permit (SUP) to allow for the construction of a 405-foot-tall AM radio tower; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case SUP-1-06; and

WHEREAS, communication towers in excess of 35 feet in height are a specially permitted use in the A-1, General Agriculture, zoning district; and

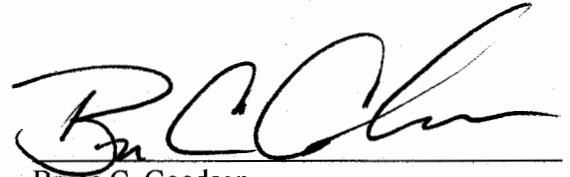
WHEREAS, the tower will be located on property currently zoned A-1, General Agriculture, and is further identified as Parcel Nos. (1-31) and (1-32) on James City County Real Estate Tax Map No. (36-2) (collectively, the "Property"); and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 3, 2006, recommended approval of Case No. SUP-1-06 by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Case No. SUP-1-06 as described herein with the following conditions:

1. This SUP shall be valid for a total of one guy wire tower on the Property. The maximum height of the tower shall not be greater than 405 feet. The Property shall be developed generally in accordance with the site layout titled "Master Plan Centerville Road Tower Relocation" dated January 27, 2006 (the "Master Plan"). Minor changes to the Master Plan may be approved by the Director of Planning.
2. 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.
3. Prior to final site plan approval, the applicant shall prepare a tree preservation and landscape plan (the "Landscape Plan") encompassing, at a minimum, all areas on the Property within 100 feet of the guy wire circle as depicted on the Master Plan. The Landscape Plan shall be approved by the Planning Director and shall provide for an evergreen buffer that effectively screens the tower base and related facilities from adjacent properties. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower.
4. A final Certificate of Occupancy (CO) from the James City County Code Compliance Division shall be obtained within 24 months of approval of this SUP, or the permit shall become void.

5. Within 30 days of the issuance of a final CO by the James City County Code 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 antennae 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. Any new exterior building lighting or lighting used to directly illuminate the building(s) at the base of the tower shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. There shall be no upward directed lighting on the property.
7. No additional lighting beyond the minimum required by the FAA or Federal Communications Commission (FCC) shall be allowed on the tower.
8. The tower shall have a finish that is similar to a light grey or light blue in color as approved by the Director of Planning.
9. No advertising material or signs shall be placed on the tower.
10. No subdivision of the Property shall be permitted while the tower remains in operation.
11. The tower shall be engineered to accommodate a minimum of six service provider antennae.
12. WMBG shall be responsible for the replacement or modification of all residential electronic equipment within 1,200 feet of the tower that is affected by interference. An independent tower engineer hired by the County and paid for by the applicant shall determine if the tower interference is the cause of the malfunction of this equipment.
13. If the tower ceases to regularly broadcast AM radio transmissions for a period of six months, the tower and associated accessories shall be removed from the property by its owners, within three months thereafter.
14. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wannier
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2006.

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