

RESOLUTION

CASE NO. SUP-0005-2008. JAMES CITY/WILLIAMSBURG COMMUNITY CENTER

(JCWCC) TOWER

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 (SUP) process; and

WHEREAS, Ms. Lisa Murphy of LeClaire Ryan has applied for an SUP to allow for a 138-foot wireless communications facility (WCF); and

WHEREAS, the proposed extension is shown on a preliminary site plan, entitled "Community Center Lightpole" prepared by Warren Williams and Associates, Inc. and dated March 17, 2008; and

WHEREAS, the property is located at 5301 Longhill Road on land zoned PL, Public Lands, and can be further identified as James City County Real Estate Tax Map/Parcel No. 3910100153; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2008, recommended approval of this application by a vote of 7-0; and

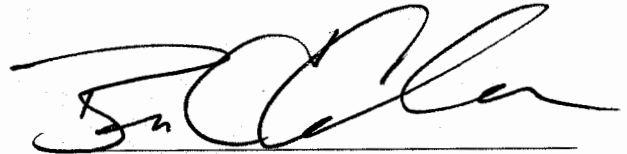
WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of Special Use Permit No. 0005-2008 as described herein with the following conditions:

1. A maximum of one tower shall be permitted at this site. The tower and supporting equipment shall be located as generally shown on the overall site layout plan, prepared by WW&A, titled "Community Center Light pole" and dated March 17, 2008 ("Master Plan").
2. The tower shall have a finish matching the other existing light poles in color as approved by the Planning Director. Lighting, beacons, and other similar devices, other than the athletic field lighting, shall be prohibited unless required by the FCC or FAA. When required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA), a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be provided to the County.
3. Maximum height of the tower shall not exceed 138 feet from existing grade.

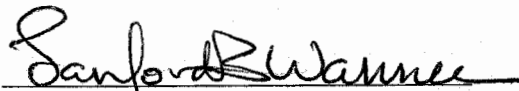
4. Within 30 days of the issuance of a final Certificate of Occupancy by the County Codes Compliance Division, certification by the manufacturer or an engineering report by a structural engineer licensed to practice in the Commonwealth of Virginia shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the tower, including the total number and type of antennas which may be accommodated on the tower, demonstrating to the satisfaction of the County 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.
5. Prior to final site plan approval for the improvements shown on the Master Plan, a copy of the report submitted to the Virginia Department of Historic Resources ("VDHR") in fulfillment of Section 106 of the Historic Preservation Act shall be submitted to the Planning Division. Evidence that the James City County Historical Commission has reviewed and approved the package must also be submitted prior to preliminary site plan approval. The Planning Director may require the implementation of any recommendations of VDHR and the Historical Commission prior to final site plan approval.
6. The tower shall be designed and constructed for at least two users and shall be certified to that effect by an engineering report prior to the site plan approval.
7. A statement from a registered engineer that NIER (Nonionizing Electromagnetic Radiation) emitted from any equipment on or serving the facility does not result in a ground-level exposure at any point outside such facility, which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. Government, or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
8. The tower shall be located at 5301 Longhill Road, further identified as James City County Real Estate Tax Map No. 3910100153 ("Property") in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities. A screening and landscaping plan shall be provided for approval by the Planning Director or his designee prior to final site plan approval.
9. A final Certificate of Occupancy shall be obtained from the James City County Codes Compliance Division within one year of approval of this SUP, or the permit shall become void.
10. The tower shall be freestanding and shall not use guy wires for support.
11. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material to that generally used on a single-family residence, including the use of a gable or shed roof and shall be approved by the Planning Director prior to final site plan approval.

- 12. The fencing used to enclose the lease area shall be "board on board" or vinyl-coated and shall be dark green or black in color if the vinyl-coated fence is used. Any fencing shall be reviewed and approved by the Planning Director prior to final site plan approval.
- 13. 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. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
ICENHOUR	AYE
MCGLENNON	AYE
JONES	AYE
KENNEDY	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2008.

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