

RESOLUTION

CASE NO. SUP-0026-2009. CONSTANCE AVENUE

WIRELESS COMMUNICATIONS FACILITY

- 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 has applied on behalf of LeClairRyan for an SUP to allow for the construction of a wireless communications facility on a parcel of land zoned R-8, Rural Residential; and
- WHEREAS, the proposed development is shown on a plan prepared by GPD Associates, with a final revision date of June 10, 2010 (the "Master Plan"), listed as Site No. NF430C; and
- WHEREAS, the property is located at 115 Constance Avenue and can be further identified as James City County Real Estate Tax Map Parcel No. 4732500002; and
- WHEREAS, the Planning Commission, following its public hearing on March 3, 2010, voted 7-0, to recommend approval of this application; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0026-2009 as described herein with the following conditions:

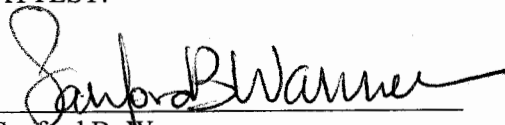
1. **Terms of Validity:** This SUP shall be valid for a total of one wireless communications facility at a total height of 114 feet above existing grade, including all appurtenances, on the property as depicted on the plans entitled, "AT&T, Site Name: Back River Lane, Site No.: NF430C, Site Address: 115 Constance Avenue, Williamsburg, VA 23185," prepared by GPD Associates, and last revised on June 10, 2010
2. **Time Limit:** A final Certificate of Occupancy (CO) shall be obtained from the James City County Codes Compliance Division within two years of approval of this SUP, or the permit shall become void.
3. **Structural and Safety Requirements:** Within 30 days of the issuance of a final CO 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.

4. **Tower Color:** The tower shall be a gray galvanized finish unless approved otherwise by Director of Planning, or his designee, prior to final site plan approval.
5. **Advertisements:** No advertising material or signs shall be placed on the tower.
6. **Additional User Accommodations:** 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. **Guy Wires:** The tower shall be freestanding and shall not use guy wires for support.
8. **Enclosure:** The fencing used to enclose the area shall be a board-on-board wood fence or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
9. **Tree Buffer:** A minimum buffer of 100 feet in width of existing mature trees shall be maintained on all sides of the tower facility as shown on Sheet C-1. This buffer shall remain undisturbed except for the access drive, required landscaping and necessary utilities for the tower as depicted on Sheet C-1 of the plans entitled, "AT&T, Site Name: Back River Lane, Site No.: NF430C, Site Address: 115 Constance Avenue, Williamsburg, VA 23185," prepared by GPD Associates, and last revised on June 10, 2010.
10. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

 James G. Kennedy
 Chairman, Board of Supervisors

ATTEST:



 Sanford B. Wanner
 Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of June, 2010.