

RESOLUTION

CASE NO. SUP-0012-2011. NTELOS, ROUTE 199 WIRELESS COMMUNICATION 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. Gloria Freye has applied on behalf of nTelos for an SUP to allow for the construction of a wireless communications facility on a parcel of land zoned R-4, Residential Planned Community; and

WHEREAS, the property can be identified as James City County Real Estate Tax Map Parcel No. 3820100005; and

WHEREAS, the Planning Commission, following its public hearing on July 11, 2012, voted 4-3, to recommend denial of a 172' tower at this location due to its high visibility from Route 199, a Community Character Corridor; and

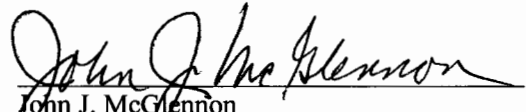
WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0012-2011 as described herein with the following conditions:

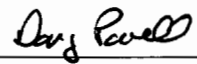
1. **Term of Validity:** This SUP shall be valid for a total of one slick-stick monopole wireless communications facility at a tower height of 135 feet from natural grade in addition to a two foot tall lighting rod. No external arrays are permitted.
2. **Time Limit:** Final approval shall be obtained within two (2) years of approval of this SUP, or the permit shall become void.
3. **Structural and Safety Requirements:** Before final building approval, 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 color shall be gray. Any alternative color used shall be approved by the Planning Director, 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 three (3) 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 vinyl-coated and shall be dark green or black in color, 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 between the tower, adjacent contiguous parcels and Route 199. This buffer shall remain undisturbed except for the access drive and necessary utilities that accompany the operation of the tower.
- 10. **Access:** Access to the site shall be from Route 199 per the Limited Access Control Change approved by the Commonwealth Transportation Board on July 20, 2011. The access shall be designed and constructed to the commercial entrance standards in Appendix F of the Road Design Manual.
- 11. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.


 John J. McGlennon
 Chairman, Board of Supervisors

ATTEST:



 Doug Powell
 Deputy Clerk to the Board

VOTES

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MCGLENNON	<u>X</u>	___	___	___
JONES	___	<u>X</u>	___	___
KENNEDY	___	___	___	<u>X</u>
ICENHOUR	<u>X</u>	___	___	___
KALE	<u>X</u>	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of October, 2012.

SUP-12-11inTelos-App_res