

RESOLUTION

CASE NO. SUP-0012-2013. HUMAN SERVICES BUILDING COMMUNICATIONS 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, Mr. Paul Knight has applied on behalf of David Media LLC for an SUP to allow for the construction of a 104-foot-tall communications tower on a parcel of land zoned PL, Public Land, located at 5249 Olde Towne Road; and

WHEREAS, the property can be further identified as James City County Real Estate Tax Map Parcel No. 3240100029A; and

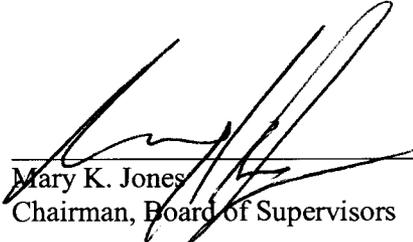
WHEREAS, the Planning Commission, following its public hearing on November 6, 2013, voted 5-0 to recommend approval of the application; and

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, hereby approves the issuance of SUP-0012-2013 as described herein with the following conditions:

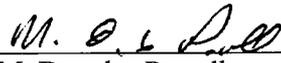
1. Term of Validity: This SUP shall be valid for one monopole communication tower at a total height of 104 feet including all appurtenances at the location shown in the application narrative titled "Davis Media Studio Microwave Tower" dated October 16, 2013.
2. Time Limit: Final building inspection shall be obtained within 24 months of approval of this SUP, or the permit shall become void.
3. 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.
4. Advertisements: No advertising material or signs shall be placed on the tower.
5. Guy Wires: The tower shall be freestanding and shall not use guy wires for support.
6. Removal: Prior to final site plan approval, the owner of the tower shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund the removal of an abandoned or unused tower or any disused portion thereof, and site restoration as approved by the County Attorney. This bond or other financial mechanism shall remain in effect throughout the life of the tower. The tower shall be considered abandoned or unused if it is not being utilized for the purpose of providing wireless communication service for a period of six months.

- 7. Enclosure: All equipment enclosures shall be screened from public view with fencing. Fencing materials shall be reviewed and approved by the Planning Director prior to final site plan approval.
- 8. Collapse Radius: The tower shall be set back from all property lines a minimum of 110 percent of the documented collapse radius.
- 9. Tree Buffer: To minimize disturbance of the tree canopy, the Planning Director shall approve any tree trimming or clearing plan prior to final site plan approval.
- 10. Lease Agreement: A leasing agreement shall be approved by the County Attorney prior to final site plan approval.
- 11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



 Mary K. Jones
 Chairman, Board of Supervisors

ATTEST:



 M. Douglas Powell
 Clerk to the Board

| | VOTES | | |
|-----------|------------|------------|----------------|
| | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> |
| KENNEDY | <u>X</u> | ___ | ___ |
| JONES | <u>X</u> | ___ | ___ |
| MCGLENNON | <u>X</u> | ___ | ___ |
| ONIZUK | <u>X</u> | ___ | ___ |
| HIPPLE | <u>X</u> | ___ | ___ |

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2014.

Sup-12-13HSBComTow_res