

RESOLUTION

CASE NO. SUP-0012-2007. VERIZON TOWER CO-LOCATION - BRICK BAT ROAD

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. Jessica Wright of Verizon Wireless has applied for an SUP to allow for a 14-foot extension to a 185-foot wireless communications facility; and

WHEREAS, the proposed extension is shown on a preliminary site plan, entitled "Brick Bat Co-Location Overall Site Layout," prepared by Kimley-Horn and Associates, Inc., and dated July 26, 2007; and

WHEREAS, the property is located at 3470 Brick Bat Road on land zoned A-1, General Agricultural, and can be further identified as James City County Real Estate Tax Map/Parcel No. 4420100018; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 12, 2007, 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 SUP No. 0012-2007 as described herein with the following conditions:

1. Verizon Wireless shall remove and dispose of all remaining James City County (the "County") communications equipment from the tower prior to issuance of a final Certificate of Occupancy. This equipment includes the two transmission lines going from the base of the tower to each of the antennas on top and the two antennas on top of the tower.
2. A maximum of two towers shall be permitted at this site. The towers and supporting equipment shall be located as generally shown on the overall site layout plan, prepared by Kimley-Horn and Associates, Inc., titled "Brick Bat Co-Location Overall Site Layout," and dated July 26, 2007 ("Master Plan").
3. All towers shall have a finish that is gray in color as approved by the Planning Director. Lighting, beacons, and other similar devices shall be prohibited unless required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). When required by the FCC or 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.

4. Maximum height of the tower labeled as “existing 185’ self-support tower (to be extended to 199’)” (“Tower”) on the Master Plan shall not exceed 199 feet from existing grade. Tower height shall include, but not be limited to, all antennas, lightning rods, or other accessories attached to the primary structure of the tower.
5. Maximum height of the tower, labeled “existing tower” (“Existing Tower”) and which is located furthest from Brick Bat Road on the Master Plan, shall not exceed 185 feet from existing grade.
6. Prior to 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 with the Planning Division 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.
7. Prior to preliminary site plan approval for the improvements shown on the Master Plan, a letter from the current owner of the Tower indicating permission to use the Tower for co-location and to extend the height of the Tower shall be submitted to the Planning Division.
8. Prior to preliminary 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.
9. Prior to the issuance of any Certificate of Occupancy for the Tower, all plantings in the existing landscape buffer along Brick Bat Road shall be pruned (including, but not limited to the removal of all dead wood and vines) to the satisfaction and approval of the Planning Director or his designee.
10. A buffer along the Property’s entire border with the adjacent parcel located at 3542 Brick Bat Road and further identified as James City County Real Estate Tax Map No. 3540100014B shall be provided and an approximately one acre area between the Existing Tower and the Property’s entire border with the parcel located at 2900 Monticello Avenue and further identified as James City County Real Estate Tax Map No. 4420100005 as shown on attached Exhibit A shall remain undisturbed and in its natural state with respect to natural leaf litter or other ground-covering vegetation, understory vegetation or shrub layer, and tree canopy, except as approved by the Development Review Committee.
11. All towers shall be designed and constructed for at least three users and shall be certified to that effect by an engineering report prior to the site plan approval.
12. 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.

13. Towers shall be located at 3470 Brick Bat Road, further identified as James City County Real Estate Tax Map No. 4420100018 ("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 minimum buffer of 100 feet in width shall be maintained around the tower. Where existing vegetation on the site is not of sufficient depth to provide this buffer, enhanced landscaping shall be provided within the 100-foot buffer area. A screening and landscaping plan for the enhanced buffer shall be provided for approval by the Planning Director or his designee prior to final site plan approval.
14. 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.
15. The towers shall be freestanding and shall not use guy wires for support.
16. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material to those 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.
17. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color. Any fencing shall be reviewed and approved by the Planning Director prior to final site plan approval.
18. 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:

William C. Porter, Jr.
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of October, 2007.

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