

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-02-11(R)

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 14th day of February, 2011:

Present:	Vote:
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Abstain

Motion was made by Mr. Burrell, which carried 4:0:1, to adopt the following resolution:

**A RESOLUTION TO APPROVE
CONDITIONAL USE PERMIT APPLICATION CUP-07-10
AUTHORIZING THE INSTALLATION & OPERATION OF A
COMMUNICATION TOWER NO GREATER THAN 250' IN HEIGHT
(EXCLUSIVE OF LIGHTING ROD & COUNTY ANTENNA)
IN THE A-1, AGRICULTURAL ZONING DISTRICT**

WHEREAS, C. H. Evelyn Piling Company, Inc. has submitted an Application for Conditional Use Permit dated 1 October 2010; and

WHEREAS, said application requests a Conditional Use Permit to install and operate a communication tower located on property identified on the New Kent County digital map as GPIN K11-3729-3895 and is identified on the New Kent County tax map as parcel 21-55; and

WHEREAS, this application was referred to and considered by the New Kent County Planning Commission ("the Commission"); and

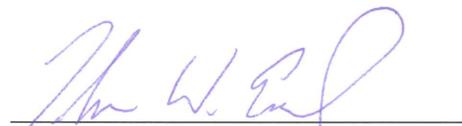
WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the Commission voted 9:0:1 to forward the subject application to the New Kent County Board of Supervisors (“the Board”) with a favorable recommendation; and

NOW THEREFORE BE IT RESOLVED by the New Kent County Board of Supervisors this, the 14th day of February, 2011, that Conditional Use Permit Application CUP-07-10 be and is hereby approved, subject to the following conditions:

1. The communication tower shall meet all applicable requirements set forth in New Kent County Code Section 98-873(m) – Standards for communication and broadcast towers: radio, television, cellular telephone, and microwave, and in New Kent County Code Section 98-745(b)(12) – Conditions for radio, television or communication stations and/or towers which exceed 50 feet in height in the conservation and agricultural zoning districts.
2. The communication tower erected on the site shall not exceed 250 feet in height exclusive of a lightning rod and antenna for New Kent County emergency services communication.
3. The FAA aeronautical study shall be completed and indicate no adverse findings.
4. An as-built survey shall be submitted to the Department of Community Development after the tower pad has been installed and before erection of the tower has commenced. Said survey will show the coordinates of the tower pad.
5. This Conditional Use Permit shall expire on the third anniversary of its approval if a building permit pertaining to the communication tower has not been issued.


G. Cabell Lawton, IV
County Administrator


Thomas W. Evelyn
Chairman