

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

R-21-10

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 10th day of May, 2010:

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

Motion was made by Mr. Burrell, which carried 5:0, to adopt the following resolution:

**A RESOLUTION RECOMMENDING APPROVAL OF
CONDITIONAL USE PERMIT APPLICATION CUP-05-10 AUTHORIZING
THE INSTALLATION & OPERATION OF A CELL TOWER
IN THE A-1, AGRICULTURAL ZONING DISTRICT**

WHEREAS, James L. and Verline H. Moody, Trustees have submitted an "Application for Conditional Use Permit" dated 09 March 2010; and

WHEREAS, said application requests a Conditional Use Permit to install and operate a cell tower located on property identified on the New Kent County digital map as GPIN J24-0891-1039 and is identified on the New Kent County tax map as parcel 25-40A; and

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

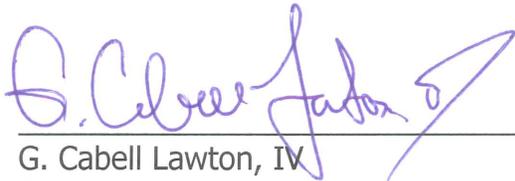
WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Commission scheduled and conducted a

formal and duly advertised public hearing, carefully considering the public comment received; and

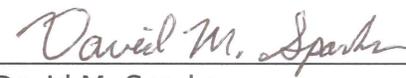
WHEREAS, the Commission voted 8:0:1 to forward the subject application to the New Kent County Board of Supervisors ("the Board") with a favorable recommendation; and

NOW THEREFORE BE IT RESOLVED by the Board this, the 10th day of May, 2010, that Conditional Use Permit Application CUP-05-10 be, and it hereby is, approved subject to the following conditions:

1. The cell 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. This Conditional Use Permit shall expire on the fifth anniversary of its approval if a building permit pertaining to the cell tower site has not been issued.



G. Cabell Lawton, IV
County Administrator



David M. Sparks
Chairman