

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

R-33-09

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 August, 2009:

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

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

**A RESOLUTION TO APPROVE
CONDITIONAL USE PERMIT APPLICATION CUP-04-09
AUTHORIZING THE INSTALLATION & OPERATION OF A CELL TOWER
IN THE A-1, AGRICULTURAL ZONING DISTRICT**

WHEREAS, Ada Isabel White has submitted an "Application for Conditional Use Permit" dated 01 June, 2009; 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 H31-4020-4444 and is identified on the New Kent County tax map as parcel 38-15; and

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

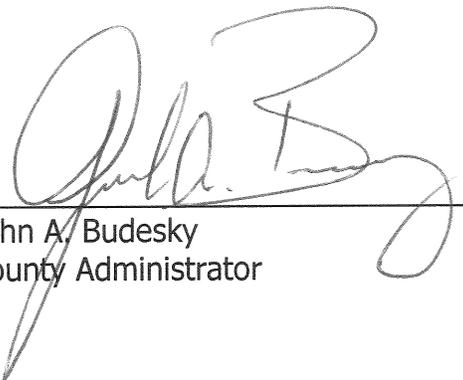
WHEREAS, the Planning Commission voted 9:0:1 to forward the subject application to the New Kent County Board of Supervisors ("the Board of Supervisors") with a favorable recommendation; and

WHEREAS, this application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

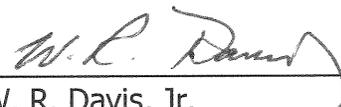
WHEREAS, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board of Supervisors that the public purpose for this Resolution is to further public necessity, convenience, general welfare and good zoning practices in the County of New Kent and that its approval will further these public purposes; and

NOW THEREFORE BE IT RESOLVED this, the 10th day of August, 2009, by the New Kent County Board of Supervisors that application CUP-04-09 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.



John A. Budesky
County Administrator



W. R. Davis, Jr.
Chairman