

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

R-27-17

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 August, 2017:

<u>Present:</u>	<u>Vote:</u>
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W. R. Davis, Jr.	Aye

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

**A RESOLUTION TO APPROVE CONDITIONAL USE PERMIT
APPLICATION CUP-04-17, PYRAMID NETWORK SERVICES LLC,
TO AUTHORIZE THE CONSTRUCTION OF A
WIRELESS COMMUNICATIONS TOWER
LOCATED ON A PORTION OF TAX MAP 37-13 (GPIN I29-0505-3387)**

WHEREAS, New Kent County (property owner) and representatives from Pyramid Network Services, LLC (applicant), have submitted a "Conditional Use Permit Application" dated June 9, 2017; and

WHEREAS, said application requests a conditional use permit to construct a wireless radio communications tower (as defined by the New Kent County Zoning Ordinance) on a portion of a parcel identified on the New Kent County digital map as GPIN #I29-0505-3387 (Tax Map and parcel 37-13); 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 on July 17, 2017 where they carefully considered the public comment received and voted 10:0:1 to forward a recommendation of approval to the Board of Supervisors; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on August 14, 2017, and carefully considered the comments received; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcel, which is Agricultural, the standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-745 (12) et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Board of Supervisors finds that approval of CUP-04-17 with the conditions stated herein is appropriate to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the Citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 14th day of August, 2017, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-04-17 submitted by New Kent County (property owner) and Pyramid Network Services, LLC (applicant), be, and it hereby is, approved, subject to the following conditions:

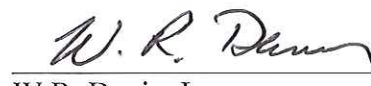
1. This Conditional Use Permit shall apply only to the application and supplemental application materials submitted as CUP-04-17 on June 9, 2017 to the Community Development Department.
2. A dedication of a ten-foot-by-ten-foot ground space shall be reserved to New Kent County for the purposes of possible construction of a communications tower shelter for tower equipment and any other purposes pertaining thereto.
3. From the date of approval of CUP-04-17, the applicant shall have one year to relocate equipment identified as "RAMIS" (two antenna dishes) from the communications tower located on Tax Map 27-6J to the proposed communications tower located at Tax Map 37-13.
4. A dedication at the highest operable position shall be reserved solely to New Kent County.
5. The applicant shall work towards, in a viable manner, to become further integrated with the New Kent County emergency services communications systems to create a more efficient and effective integration system.

BE IT FURTHER RESOLVED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Resolution recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

Attest:



Rodney A. Hathaway
County Administrator




W.R. Davis, Jr.
Chairman

COUNTY OF NEW KENT
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 15th day of August, 2017 by Rodney A. Hathaway, County Administrator and Clerk of the New Kent Board of Supervisors.

My commission expires: 12-31-2018
My Commission Number: 315272

Wanda Faye Watkins
Notary




COUNTY OF NEW KENT
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 17th day of August, 2017 by W.R. Davis, Jr., Chairman of the New Kent Board of Supervisors.

My commission expires: 12-31-2018
My Commission Number: 315272

Wanda Faye Watkins
Notary



INSTRUMENT 170002597
RECORDED IN THE CLERK'S OFFICE OF
NEW KENT COUNTY CIRCUIT COURT ON
August 22, 2017 AT 11:38 AM
AMY P. CRUMP, CLERK
RECORDED BY: KSM