

**RESOLUTION TO APPROVE
SP 2018-20 WVIR-TV REPLACEMENT
OF EXISTING TELEVISION BROADCASTING TOWER**

WHEREAS, Virginia Broadcasting, LLC submitted an application for a special use permit to replace an existing 314.25 foot tall guy-wired television broadcasting tower with a new 314.25 foot tall self-supporting television broadcasting tower in the same location on Tax Map Parcel 09100-00-00-02800, and the application is identified as Special Use Permit 2018-20 WVIR-TV Replacement of Existing Television Broadcasting Tower (“SP 2018-20”); and

WHEREAS, on March 5, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-20; and

WHEREAS, on May 1, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-20.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-20 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(6) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-20, subject to the applicable performance standards for personal wireless service facilities in Albemarle County Code § 18-5.1.40, and the conditions attached hereto.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____

**SP-2018-00020 WVIR-TV Replacement Of Existing Television Broadcasting Tower
Special Use Permit Conditions**

1. The development of the site, and any modifications, shall be in general accord with the conceptual plan, provided in this staff report as Attachment B, consisting of (a) a survey by Thomas B. Lincoln, dated October 17, 2018, last revised October 31, 2018, titled “*Exhibit Showing WVIR-TV Self Supporting Replacement Tower Lease Area*,” (b) a preliminary antenna design by Alan Dick Jampro Antennas, Inc, and (c) an aerial locator map depicting the site location (collectively, hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, including but not limited to all concealment elements and concealment technique, as shown and described on the Conceptual Plan and mentioned below:
 - a. The height of the tower may not exceed 240.25 feet and the top of any antenna may not exceed 314.25 feet above ground level. No equipment, with the exception of any FAA required flight safety lighting, may extend more than 50 feet above the top of any antenna.
 - b. The width of each side of the tower may not exceed 26 feet at its base, and 3.5 feet at the top.
 - c. The colors of the tower shall be red and white.
 - d. Antennas that support services other than television broadcasting may not be attached to the facility.
 - e. Only those satellite and microwave dishes that are necessary to support the transmission of television signal(s) shall be permitted on the tower or the television antenna.
 - f. No guy wires shall be permitted.
 - g. Notwithstanding the above conditions, additional facilities, including equipment, antennas, and microwave dishes necessary for emergency communications system(s), may be placed on this tower if the applicant and lessee of the tower enter into an agreement with the County to do so.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Albemarle County Zoning Ordinance.

2. Prior to the issuance of a building permit, the applicant shall submit, and Planning staff shall review, the final set of site drawings for construction of the facility to ensure compliance with all conditions of the special use permit.
3. The facility shall be disassembled and removed from the site within 90 days of the date its use for television transmission is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

The use, structure or activity for which this permit is issued shall commence no later than September 6, 2020. The term “Commence” shall mean commencement of the structure that is necessary for mounting the television antenna.