

APPROX. LOC. OF PROPOSED TOWER

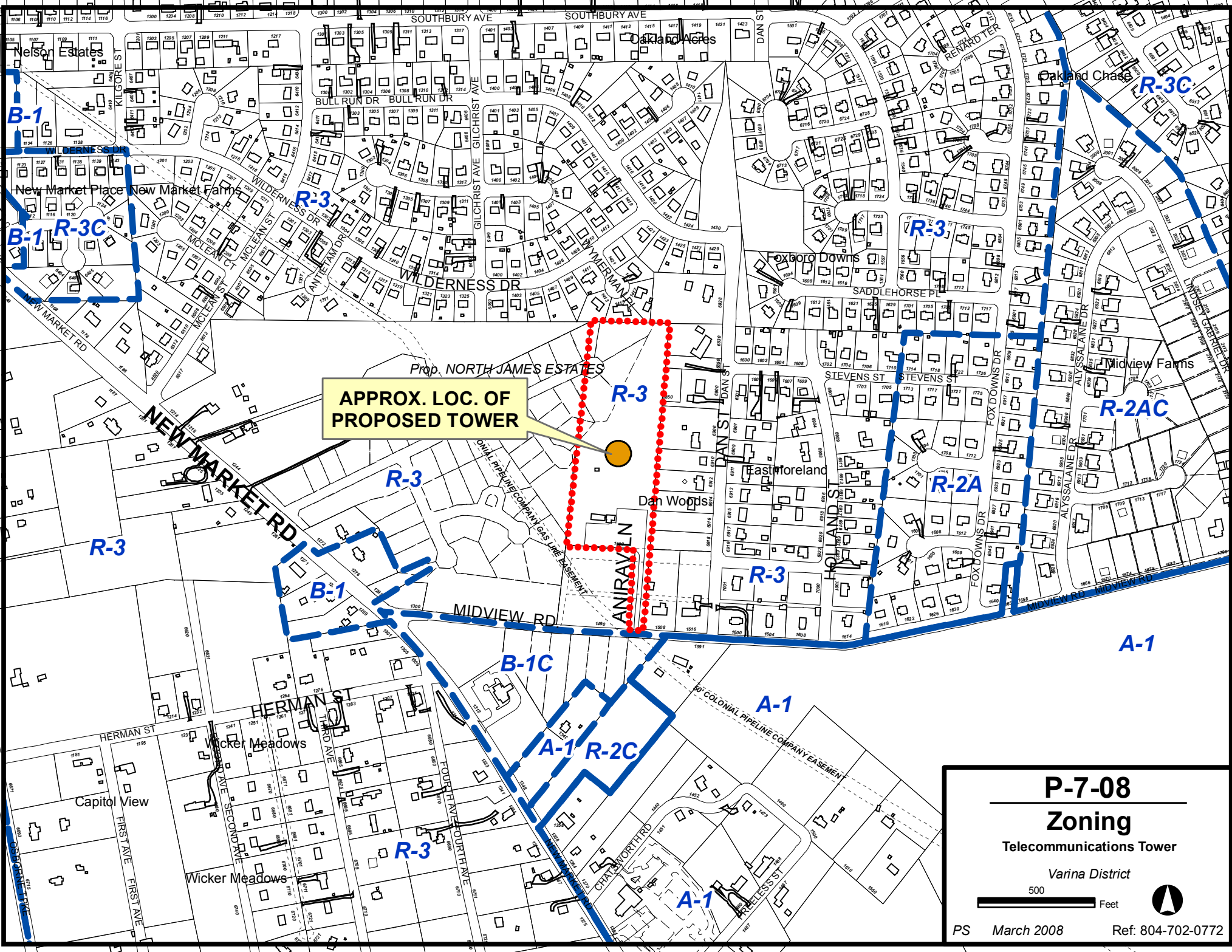


Prop. NORTH JAMES ESTATES

**P-7-08**  
**Zoning**  
Telecommunications Tower  
Varina District

500 Feet

PS March 2008 Ref. 804-702-0772





COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

February 17, 2009

Diamond Communications, LLC  
820 Morris Turnpike, Suite 104  
Short Hills, NJ 07078

Re: Provisional Use Permit P-7-08

Dear Mr. Maron:

The Board of Supervisors at its meeting on February 10, 2009, approved your request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 134' high monopole telecommunications tower and related equipment, on part of Parcel 804-702-0772, subject to the following conditions:

1. If the use of the tower for communication purposes is discontinued for 180 days, the tower and all related structures shall be removed from the site within ninety (90) days.
2. Within ten (10) business days after written request by the County, the owner of the tower shall provide the County with written confirmation of the status of the tower, the number of and identity of users on the tower, available co-location space on the tower, and such additional information as may be reasonably requested.
3. Application for a building permit to install the tower shall be made within one (1) year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
4. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting to the tower (i.e. red lighting, and orange and white striping). The applicant shall notify the Director of Planning prior to making any changes to the exterior finish of the tower not otherwise permitted by Condition 14.
5. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. Land disturbance of more than 2,500 square feet shall require that construction plans include a detailed drainage and erosion control plan prepared by a

professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.

6. If ownership of the lease is transferred to another provider, the owner shall submit a *Transfer of Provisional Use Permit*.
7. The height of the telecommunication tower shall not exceed 134'.
8. This permit shall apply only to the proposed 2,500 square foot lease area.
9. All antennas shall be concealed inside the monopole to reduce the visual profile of the tower.
10. The applicant shall allow the co-location of as many users as technically possible at this site, in accordance with the provisions of the "Letter of Intent to Permit Co-Location on Communications Tower" form which shall be submitted to the Planning Department prior to the issuance of a building permit for the tower.
11. Prior to the co-location of any additional antennas or expansion of ground lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
12. To provide visual and sound buffering, a landscaping plan (including tree save areas consistent with the agreement between Anirav Swim Club and Diamond Communications, dated January 15, 2009, contained in the case file) shall be submitted to the Planning Department for approval prior to the issuance of a building permit for the tower. The landscape plan shall also contain provisions for the planting of eighteen (18) Leyland Cypress or comparable evergreen trees a minimum of 8' in height as supplemental landscaping along the eastern portion of the subject property adjacent to portions of parcels 804-702-3540, 804-702-3757, 804-702-3748, and 804-702-3871 for a distance of approximately 250' with the objective of supplementing the existing trees in a manner that mitigates the view of the tower from the above referenced properties. The Director of Planning may waive the enforcement of this condition if it is deemed unnecessary.
13. Unless dead or diseased, the existing trees surrounding the proposed tower site shall be preserved and shall not be pruned to reduce their height.
14. In order to reduce the visual impact of the tower, portions of the tower extending above the existing tree line shall be wrapped with a vinyl wrap consistent in pattern and design as the exhibit in the case file. Should, in the determination of the Director of Planning, the wrap material become damaged or ineffective, the tower owner shall repair or replace the wrap within thirty (30) days of written notice by the Director of Planning. If, in the determination of the Director of Planning, the wrap material is not serving its intended purpose one (1) year after its installation, the

owner of the tower shall remove the wrap within sixty (60) days of written notice by the Director of Planning and return the tower to a standard galvanized finish.

The Planning Department has been advised of the action of the Board of Supervisors and requested to revise its records and to place a copy of this notification in the *Provisional Use Permit Index*.

Sincerely,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett". The signature is stylized and cursive.

For Virgil R. Hazelett, P.E.  
County Manager

pc: Ms. Selina Nichols  
Mr. Gregory S. Tully  
Gloria L. Freye, Esquire  
Director, Real Estate Assessment  
Provisional Use Permit Index