



Town of Blowing Rock

Special Meeting

Date: *Tuesday, July 23, 2024, 6:00 p.m.*

Location: *1036 Main Street, Blowing Rock, NC 28605*

Agenda

Item		Presenter and Participants
I.	CALL TO ORDER – ROLL CALL FOR ATTENDANCE	Mayor Charles Sellers
II.	PLEDGE OF ALLEGIANCE	Mayor Charles Sellers
III.	REGULAR AGENDA ADOPTION	Mayor & Council Mayor & Council
IV.	UPDATE: 1. Stage 1 Water Conservation - Update	Town Manager Shane Fox
V.	PUBLIC HEARING 1. Conditional Rezoning (R-15 to CZ-R-15) – Town of Blowing Rock Communications	Planning Director Kevin Rothrock Town Manager Shane Fox
VI.	ADJOURNMENT/RECESS...<i>Mayor Charles Sellers entertains a motion and second to adjourn or recess the meeting.</i>	

TO: Mayor Charlie Sellers and the Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: CZ 2024-01 Conditional Rezoning from R-15 to CZ-R-15

APPLICANT: Town of Blowing Rock

DATE: July 23, 2024

REQUEST

The Town of Blowing Rock is requesting a conditional rezoning of Town property from R-15, Single-Family to Conditional Zoning – R-15, Single-Family (CZ-R-15) to erect an 80-foot utility pole for Town public communications. The 0.71-acre property is located at the Town water tank on Green Hill Circle. The property is further identified by Watauga County PINs 2817-54-7110-000.

General

The Town is seeking conditional rezoning to install an 80-foot utility pole to be used as a mounting structure for the Town’s public communications for Blowing Rock Fire Department, Police Department, and Public Works. The radio antennas for these departments and agencies are currently mounted on two wooden utility poles at the Green Hill Water Tank property. The tallest existing pole with the primary antennas is approximately 57 feet above grade.

The Land Use Code states that the erection of any non-commercial utility pole or tower greater than 20 feet in height requires a Special Use Permit, or the property can be rezoned to allow the public utility pole. The Town chose to pursue the conditional rezoning process to allow for broader public input.

Definitions

Telecommunication Tower or Tower. A monopole, guyed, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure, or equipment, that contains one or more antennas intended to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. This definition shall not include any structures erected solely for a non-commercial individual use such as residential television antennas, satellite dishes, and ham radio antennas.

Applicant Proposed Conditions – Summarized as Exhibit B

1. The new utility pole will be no taller than 80 feet above grade level.
2. Communications antennas may extend above the top of pole, not to exceed 10 feet above the pole.

3. No commercial telecommunications provider antennas will be located on the proposed utility pole.
4. No healthy trees will be removed from the property unless said trees could potentially damage the proposed utility pole, existing buildings, or the water tank.
5. Any gaps in the existing vegetated opaque buffer will be supplemented to a height of at least 10 feet above grade.

PLANNING BOARD RECOMMENDATION

At a special meeting on June 11, 2024, the Planning Board reviewed the application and made a recommendation to approve the rezoning with a condition that the Town Council require a study be completed to explore alternatives for a viable option for locating town communications equipment.

ATTACHMENTS

1. Application for conditional rezoning
2. Letter from Town Manager Shane Fox
3. Draft Ordinance
4. Exhibit B
5. Aerial site plan – Exhibit A
6. Survey of site
7. Before and After Photo Simulation of Proposed Pole
8. Photo of galvanized pole at stock yard



TOWN OF BLOWING ROCK CONDITIONAL ZONING DISTRICT APPLICATION

Department of Planning and Inspections
PO Box 47, Blowing Rock, North Carolina 28605
828-295-5240 Fax 828-295-0357
www.townofblowingrocknc.gov email: planning@toibr.us

A. Applicant/Owner Representative Information

1. Applicant: TOWN OF BLOWING ROCK
- Address: PO BOX 47
- Phone (w) (828) 295-5200 (h) _____ (m) _____
2. Property Owner (If not applicant) _____
- Address: _____
- Phone (w) _____ (h) _____ (m) _____

B. Request Information

1. Present zoning classification(s): R-15, Single-Family
2. Requested conditional rezoning classification (s): CZ- R-15, Conditional Zoning Single-Family
3. Describe the purpose of the conditional rezoning request: To erect an 80' utility pole for the purpose of installing antennas for town public communications for improved interoperability.

C. Property Identification, Location, and Site Information

1. Tax Map # 2817.54.7110-000 Deed Book 165 Page 458
- A copy of the most recently recorded deed(s) and tax map identifying the above noted tax parcels must accompany this application, or the application will be considered incomplete and will be returned.
2. This conditional rezoning request includes an entire parcel and/or recorded platted lots.
 This conditional rezoning request includes a portion(s) of an existing parcel(s). A written legal description along with a map identifying that portion of the parcel is attached.
3. Geographic location and address of site: Town Water tank site - Green Hill Circle
4. Total acreage (square footage if less than one acre) of subject property: 0.71 Acres

E. Signatures

When the applicant is someone other than the current property owner, the signatures of both the current property owner and the applicant shall be provided unless a power of attorney authorization is in effect. If a power of attorney is in effect, a properly executed copy is required to be submitted with this application.

Signature of Property Owner(s)

I/WE the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge, and do hereby request the Blowing Rock Town Council to take action as by this application.

1)	<u>Town of Blowing Rock</u> (Owner Print Name)	<u></u> (Owner Signature)	<u>6/6/24</u> (Date)
2)	_____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)
3)	_____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)
4)	_____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)
5)	_____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)
6)	_____ (Owner Print Name)	_____ (Owner Signature)	_____ (Date)

Note: If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures.

Corporations, Partnerships or other similar entities please include notarized official corporation certification authorizing representatives to sign on behalf of the corporation.

STAFF USE ONLY			
Received by: <u>KR</u>	Date: <u>6-6-24</u>	Fee: <u>N/A</u>	File# <u>C2 2024-01</u>
<u>R-15 to C2-R-15</u>			



Town of Blowing Rock

1036 Main Street ★ Post Office Box 47 ★ Blowing Rock, North Carolina 28605

June 5, 2024

Town of Blowing Rock – Planning Department
1036 Main Street
Blowing Rock, NC 28605

RE: Green Hill Utility Pole – CZ Request

Mr. Rothrock,

Please include this letter with the application as a formal request for the Town Council to consider conditional rezoning of the Town owned property located at Watauga County PIN 2817-54-7110-000, otherwise known as the Town's Water Tank property on Green Hill Circle. Currently the property is zoned R-15 and is being utilized for Town internal communication purposes and is also home to the Town's 3-Million-gallon water tank. The request comes as the Town is proposing replacing an existing 57' utility pole and erecting a new 80-foot utility pole on the site for Town Public Communication purposes.

The request for CZ consideration versus SUP is to allow for more public involvement, and transparency and eliminate the nature of the SUP with regards to the quasi-judicial process and the Town being the applicant, judge, and jury.

Background

The history of Green Hill site as home to the town's water storage tank and as the communication hub for the Town extends beyond the past 50 years. The Green Hill site has served as the "nucleus" of the Town's VHF radio communications since the 1960's for the Fire, Police, and Public Works Departments. The Green Hill site is the primary site for all communications for the Town's VHF radios and is the base station for the repeaters for the VHF signals. The Green Hill site was chosen by the Town's forefathers because the site is at the highest point in town, same as the reasoning behind the water tank being located there. The repeaters were located at the same site because of the same reason, the height within the Town limits. Repeater, and their antenna are located at the highest point possible to allow for a clear line of site between point a and point b, in our case our VHF two-way radio system. The Town has been in the process of upgrading the radio equipment over the past several months with a new building, generator, and new repeaters. The utility pole that is utilized for VHF radio



Town of Blowing Rock

1036 Main Street ★ Post Office Box 47 ★ Blowing Rock, North Carolina 28605

purposes is currently 57' above grade not including the antenna, making the total height above grade of both the pole and antenna at 65'. Over the past several decades the tree canopy around the site has grown to a point at which our VHF radio communication signals are now being weakened. The Towns respect for the surrounding properties has allowed for the current tree canopy and buffer to remain naturally versus removing the trees and exposing the Town's 3-million-gallon water tank. The approximate height of the tree canopy is 50'+ feet and the need has come to raise the height of the utility pole above the canopy to increase signal strength and overall communications.

Request

For the Town Council to consider rezoning the property from R-15 to CZ-R-15 to allow for the Town to erect an 80' utility pole to serve the Town's Police, Fire, and Public Works communication system. The purpose of the 80' pole is to allow for improved signal strength to operate the Town's radio system to provide adequate service for our Police, Fire, and Public Works department. The health, safety, and welfare of our citizens and stakeholders require effective and efficient communication among our Police, Fire, and Public Works department and the consideration and approval of this request is paramount in accomplishing our duties as a Town.

Summary

CZ from R-15 to CZ-R-15 to allow for the town to replace an existing 57' utility pole with an 80' utility pole for Town communication purposes.

This request for CZ is only for the additional height of the utility pole for internal communication purposes, it is NOT for external communication purposes, i.e. VIPER, or cellular technology. This site is to be used for internal communications purposes only, just as it has been for the past 50+ years. The Town has not been and is not in communication with any outside agencies regarding the Green Hill site.

Thank you for your consideration.

Sincerely,

Shane Fox, Town Manager

ORDINANCE NO. 2024-XX

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE TOWN OF BLOWING ROCK;
CREATING THE TOWN COMMUNICATIONS POLE/GREEN HILL SITE
CONDITIONAL ZONING DISTRICT (CZ-GB)**

WHEREAS, the Town of Blowing Rock has the authority, pursuant to Chapter 160D-703 of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, this Ordinance is consistent with NC General Statutes 160D-703, establishing conditional zoning districts in local zoning jurisdictions; and

WHEREAS, this Ordinance is consistent with the Town’s 2024 Comprehensive Plan Update for the reasons set out herein; and

WHEREAS, the Town of Blowing Rock has reviewed the proposed ordinance and recommends its enactment by the Board of Commissioners;

NOW, THEREFORE, THE TOWN OF BLOWING ROCK BOARD OF COMMISSIONERS, MEETING IN SPECIAL SESSION AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING.

Section One. Upon petition of the Town of Blowing Rock Administration the Official Zoning Map of the Town of Blowing Rock is hereby amended to create the Town Communications Pole/Green Hill Site Conditional Zoning District (CZ-R-15) as more particularly set forth herein.

Section Two. This Ordinance is found to be consistent with the Town of Blowing Rock 2024 Comprehensive Plan Update, particularly with the Municipal Services Objective to provide high quality public services to the Blowing Rock community. These public safety services include, police response, fire and rescue services, and public works department attention to streets, storm water, and water and sewer utility service calls.

Section Three. The zoning classification of that certain real property shown on the aerial photo map, attached hereto as **Exhibit A** and made a part hereof, is hereby changed from R-15, Single-Family to CZ-R-15, Single-Family. Said property is also identified on Watauga County PINs 2817-54-7110-000.

Section Four. The Town Communications Pole/Green Hill Site Conditional Zoning District is a conditional zoning district established pursuant to the Land Use Ordinance of the Town of Blowing

Rock by means of authority granted by the North Carolina General Statutes. Future development and use of lands situated within this Conditional Zoning District, and the processing of applications to develop and use such lands, shall comply with the conditions set forth on the document entitled, Town Communications Pole/Green Hill Site Conditional Zoning District: List of Standards & Conditions, which is attached to this ordinance as **Exhibit B** and incorporated herein. The aforementioned List of Standards & Conditions, made a part thereof, shall run with the land and shall be binding on the Town of Blowing Rock, its heirs and assigns.

Section Five. Pursuant to Section 16-9.6 of the Town of Blowing Rock Land Use Ordinance, the Master Plan replaces all conflicting development regulations set forth in the Land Development Standards, and such development regulations are varied to the extent they conflict with the Master Plan and List of Standards & Conditions. The Master Plan specifically includes the architectural plans and civil engineering and site plans submitted to Town Council and subsequent construction drawings revised as a result of additional conditions imposed by Town Council after the (insert date) public hearing. Construction drawings include at a minimum: site plan, utility plan, grading plan, and landscape plan. Any substantial change to the Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Town Council as an amended conditional zoning district.

- (a) Land area being added or removed from the conditional district.
- (b) Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
- (c) A change in land use or development type beyond that permitted by the approved master plan.
- (d) When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

All other changes to the Master plan shall receive approval by the Administrator. However, if in the judgment of the Administrator, the requested changes alter the basic development concept of the Conditional Zoning District, the Administrator may require concurrent approval by the Town Council.

Section Six. Enactment of this Ordinance constitutes the approval of a site-specific development plan resulting in the establishment of a vested right, pursuant to N.C.G.S. 160D-108, to undertake and complete the development and use of the property under the terms and conditions specified in the Master Plan and the List of Standards & Conditions. Such vested right shall have a term of two years from the date of adoption of this Ordinance.

Section Seven. The Office of the Zoning Administrator is hereby authorized and directed to modify the Town's Official Zoning Map consistent with this Ordinance.

Section Eight. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Nine. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section Ten. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this ____ day of _____, 2024.

Mayor

ATTEST:

Town Clerk

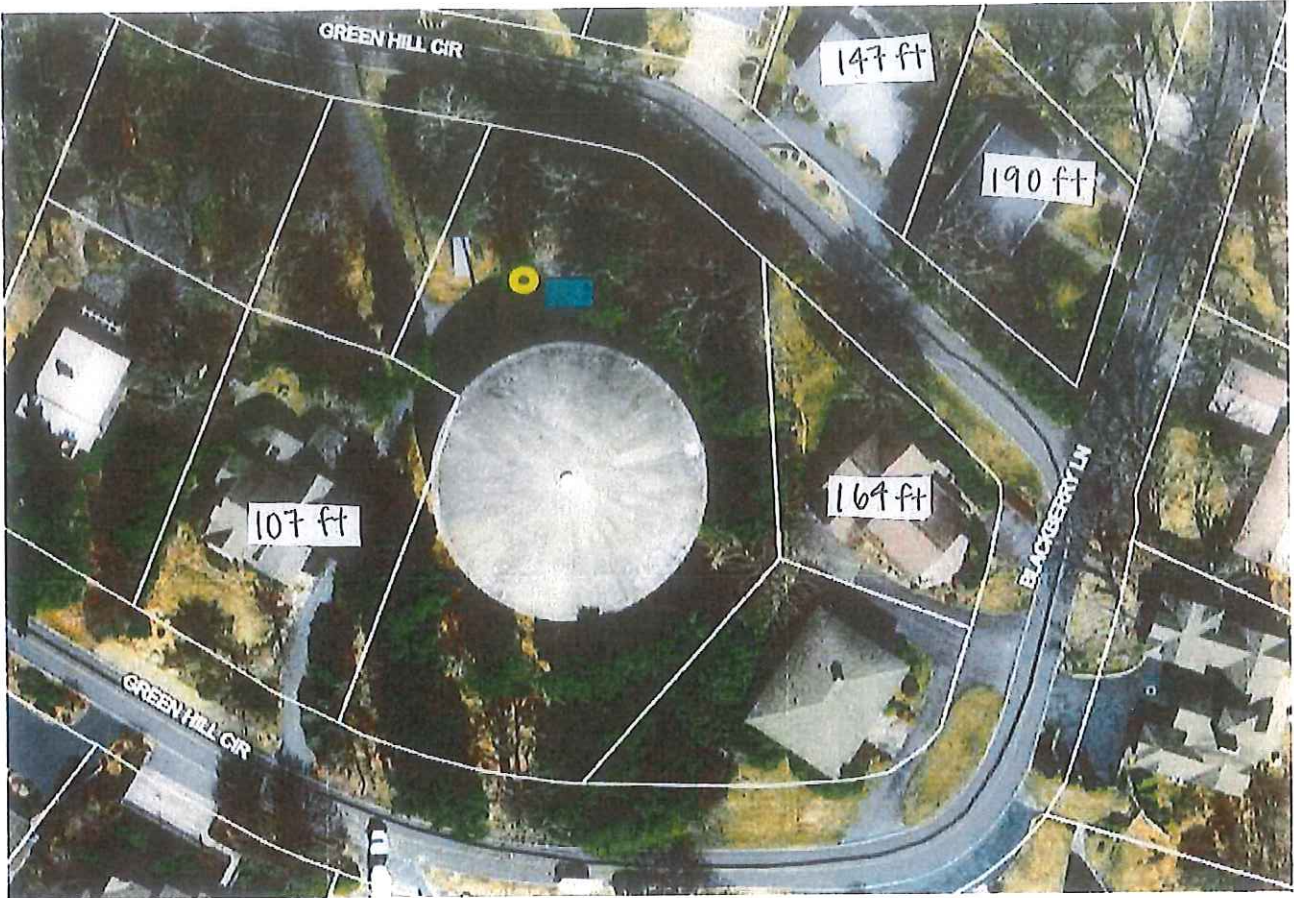
Exhibit B

Ord No. 2024-XX
Town Communications Pole-Green Hill Site Conditional Zoning District
Conditional Zoning – R-15
PINs 2817-54-7110-000
557 Green Hill Circle

List of Standards & Conditions

1. The new utility pole will be no taller than 80 feet above grade level.
2. Communications antennas may extend above the top of pole, not to exceed 10 feet above the pole.
3. No commercial telecommunications provider antennas will be located on the proposed utility pole.
4. No healthy trees will be removed from the property unless said trees could potentially damage the proposed utility pole, existing buildings, or the water tank.
5. Any gaps in the existing vegetated opaque buffer will be supplemented to a height of at least 10 feet above grade.

Green Hill Public Communications Utility Pole
Aerial Site Plan



New Communications Bldg

126

Distance from base of pole to structure



Proposed 80 ft Utility Pole



N

B.T. W.



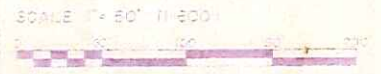
NORTH CAROLINA WATAUGA COUNTY

FRANK LEE HAYS, SURVEYOR

BEFORE ME, the undersigned authority, on this 13th day of August, 1955, personally appeared *Frank Lee Hays*, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

WITNESSED my hand and the seal of said office at Watauga, North Carolina, this 13th day of August, 1955.

FRANK LEE HAYS, SURVEYOR



PROPERTY OF

THE TOWN OF

BLOWING ROCK

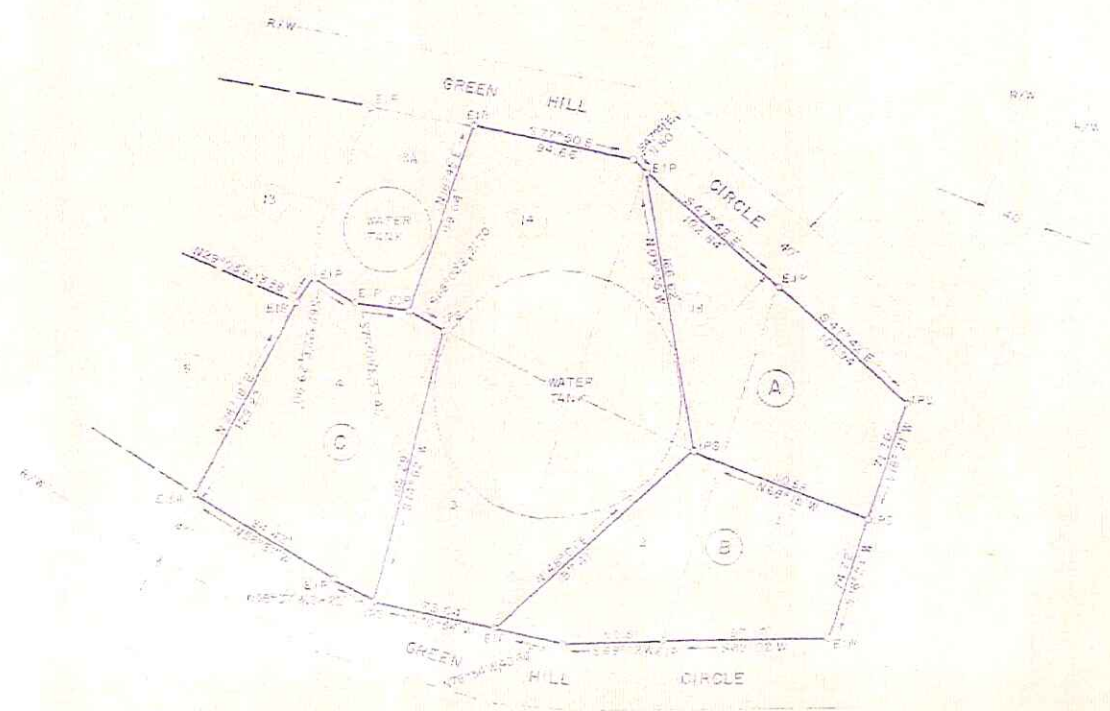
TOWN OF BLOWING ROCK

BLOWING ROCK TOWNSHIP

WATAUGA COUNTY

NORTH CAROLINA

APPROVED AND PROVIDED



NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

2. ALL BEARINGS ARE TRUE BEARINGS.

3. ALL CORNERS ARE TO BE MARKED WITH IRON PIPES OR STEEL PIPES.

4. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTER LINE OF THE ROAD OR HIGHWAY.

5. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTER LINE OF THE ROAD OR HIGHWAY.

6. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTER LINE OF THE ROAD OR HIGHWAY.

B.T. W.

