

TO: Mayor J.B. Lawrence and the Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: CUP 2007-02 Sprint - Amendment

APPLICANT: LCS Wireless, Inc.

DATE: February 14, 2017

### **REQUEST**

Sprint is requesting an amendment to conditional use permit No. 2007-02 to erect a temporary cell tower at 420 Chestnut Drive. Sprint currently has three alternative tower structures on top of the former Blowing Rock Hospital. With the impending demolition of the hospital building, the applicant is requesting the CUP amendment to allow a temporary cellular site for up to 6 months or more. The property is zoned CZ-R6M, Conditional Zoning R6M. The property is further identified by Watauga County PIN 2807-96-3492-000.

### **PURPOSE**

The lease between Sprint and Appalachian Regional Healthcare Service will expire near the end of February. With the demolition of the former clinic and hospital to begin in the next few days, the temporary solution for the Sprint antennas is placement of a cell on wheels (C.O.W.) on the property. The long term intention of Sprint is to place an alternative tower structure/antenna somewhere on the property that is hidden from public view. That process will be explored further in the coming months as details are worked out between Sprint and the new property owner, Chestnut Development Partners.

### **SITE PLAN**

The proposed temporary cell tower (C.O.W. – Cell on Wheels) is planned on the northeast corner of the property just adjacent to the lower parking area of the former Blowing Rock Medical Clinic. The proposed height is between 35 and 40 feet above the ground and is approximately the same height as a nearby utility pole. The location is out of the way of the demolition and site grading for the proposed Chestnut Development Partners condominium project.

### **ATTACHMENTS**

1. CUP 2007-04
2. Site/Aerial Map
3. Photos of proposed cell on wheels (C.O.W.)

Exhibit A

Sprint Alternative Tower Structure

Conditional Use Permit No. 2007-02

NORTH CAROLINA

WATAUGA COUNTY

**TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT**  
**Sprint Alternative Cellular Tower Structure**  
**CUP No. 2007-02**

On the date listed below, the Board of Commissioners of the Town of Blowing Rock met and held a public hearing to consider the following application:

Applicant: Sprint c/o Tony Stewart for Telecom Site Management, Inc.

Project Name: Sprint Alternative Tower Structure

Property Location: 366 Chestnut Drive - Blowing Rock Hospital roof

Tax Parcel Nos.: 2807-94-3492-000

Property Owners of Record: Blowing Rock Hospital

Proposed Use of Property: Erect three (3) 9-foot alternative cellular tower structures (chimneys) with three antennas each, and an equipment enclosure in the rear of the hospital (north side)

Current Zoning Classification of Property: HMC (Hospital/Medical Complex)

Meeting Date: July 10, 2007

Having heard all of the evidence and arguments presented at the above-referenced hearing, the Board finds that the application complies with all applicable requirements of the Code of Ordinances of the Town of Blowing Rock, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable conditions of the Land Use Code and the following additional conditions:

1. The Applicant shall complete the development of the subject property in accordance with the plans submitted and approved by this Board, which plans are originally dated February

2. 24, 2006 except as amended by the following conditions. Where said plans are in conflict with the provisions of the Land Use Code, the provisions of the Land Use Code shall prevail, except as specifically provided herein. Copies of said plans are made a part hereof as if fully rewritten herein, and shall be maintained in the Conditional Use Permit file in the Town Clerk's office. Any deviations from or changes in the plans must be pointed out to the Administrator in writing and specific written approval must be obtained from the Administrator.
3. The subject property is hereby approved to erect three (3) 9-foot (7-feet exposed above roof) alternative tower structures (ATS) on the building roof and an equipment enclosure on the north side of the hospital building. Each ATS enclosure is permitted to have three (3) antennas. The equipment enclosure shall be a brick wall to match the existing brick on the hospital building.
4. The alternative tower structures (ATS) must be made to look like a chimney and match the colors of the hospital building. The Zoning Administrator shall approve the final design of the chimney panels. The ATS must not be lit, nor have continuous or intermittent lights. The ATS must not emit noise, glare, nor require any signage, except as provided in Condition # 12 below. The ATS must be designed to withstand wind speeds of 120 mph and ½ inch solid radial ice.
5. The antennas and supporting brackets must be completely hidden from view.
6. The applicant must secure a lease agreement from the owner of the property prior to issuance of permits. A copy of the recorded lease agreement must be submitted to the Town of Blowing Rock. This lease agreement must allow the leaseholder to enter into leases with other cellular providers. The lease must specify that if the applicant/provider fails to remove the tower upon 180 days of its discontinued use, the responsibility for removal shall fall upon the landowner.
7. Because the property is currently developed and the proposed project will generate no additional storm water runoff, and in accordance with the recommendation of the Town Engineer, a waiver is hereby granted from the storm water detention requirements.
8. No building shall be constructed over any part of any utility easement.
9. Failure to comply with any provision herein shall subject the Applicant to forfeiture of the Permit and a stop work order on any further construction.
10. The Applicant must submit engineering specifications to the Town of Blowing Rock when antenna upgrades are conducted. Notifications that are customarily submitted to the FCC to ensure compliance with federal and IEEE standards shall also be submitted to the Town of Blowing Rock. Failure to meet these conditions will result in the ATS site being shut down until the antennas are brought into compliance.
11. The applicant shall comply with federal standards for radio frequency emissions. The applicant shall ensure that the tower/antennas will not cause localized interference with the reception of area television or radio broadcasts. If on review, the Town finds that the tower/antenna interferes with such reception, and if the interference is not corrected within 60 days, the Town may revoke or modify the Conditional Use Permit.
12. The ATS owner must provide the Administrator with proof of general liability insurance in the minimum amount of One Million Dollars (\$1,000,000).
13. A sign identifying the owner(s) and operator(s) of the ATS and an emergency telephone number shall be placed in a clearly visible location on the equipment enclosure.

- 14. Mobile or immobile equipment not used in direct support of an ATS facility shall not be stored or parked on the site, unless maintenance or repairs to the antennas are being made.
- 15. The antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate towers and antennas.
- 16. The antennas, chimney enclosures, and the lease area must be perpetually maintained.
- 17. The Applicant shall reimburse the Town for all required legal advertising and the cost of mailing notices to all adjoining property owners. Two site plan reviews are included in the basic permit fees. An additional amount of \$100.00 will be charged for each additional review of the same site plan. The review by the Town Engineer of the basic site plan is included in the basic permit fee structure. However, the Applicant shall reimburse the Town for the Engineer's design or review of storm water management plans, water supply plans, erosion control plans, grading plans, or other detailed plans. The Applicant shall also reimburse the Town for all on-site inspections conducted by the Town Engineer.
- 18. In the event it is determined by the Town that the Applicant is in violation of any condition of this Permit, thereby causing the Town to employ the Town Engineer to review and inspect the project, the Applicant shall be obligated to pay the Town Engineer for all time associated with his work on the project.
- 19. Before any building permit is issued, the Applicant shall submit a revised site plan, in such form as shall be required by the Zoning Officer, that incorporates the terms and conditions of this Conditional Use Permit.
- 20. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Permit shall be void and of no effect.

The Applicant has read and reviewed Article XVII (B) of the Blowing Rock Code of Ordinances, entitled "Telecommunications Towers". All terms and provisions of Article XVII (B), where applicable, are incorporated by reference into this Conditional Use Permit, and the Applicant specifically agrees to abide by all requirements and terms and provisions of Article XVII (B).

IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Conditional Use Permit, together with all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

By: \_\_\_\_\_  
J.B. Lawrence, Mayor

ATTEST: \_\_\_\_\_  
Sharon H. Greene, Town Clerk

APPLICANT:  
SPRINT, Inc.

BY: \_\_\_\_\_  
Tony Stewart for Telcom Site Management, Inc.

(CORPORATE SEAL)

OWNER:  
BLOWING ROCK HOSPITAL, INC.

BY: \_\_\_\_\_  
Timothy R. Ford, President

ATTEST: \_\_\_\_\_  
Marilyn Kline, Secretary

(CORPORATE SEAL)

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of said County and State, do hereby certify that Sharon H. Greene personally appeared before me and acknowledged that she is Town Clerk of the Town of Blowing Rock and that by authority duly given and as the act of the Corporation the foregoing instrument was signed in its name by its Mayor and sealed with its corporate seal, and attested by its Town Clerk.

WITNESS my hand and official seal this, the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

NOTARIAL SEAL:

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of said County and State, do hereby certify that Tony Stewart for Telcom Site Management, Inc. for Sprint, Inc. personally appeared before me this day and acknowledged the foregoing instrument.

WITNESS my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

NOTARIAL SEAL:

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of said County and State, do hereby certify that Marilyn Kline personally appeared before me this day and acknowledged that she is Secretary of Blowing Rock Hospital, Inc., a North Carolina Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by its Secretary.

WITNESS my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 2007.

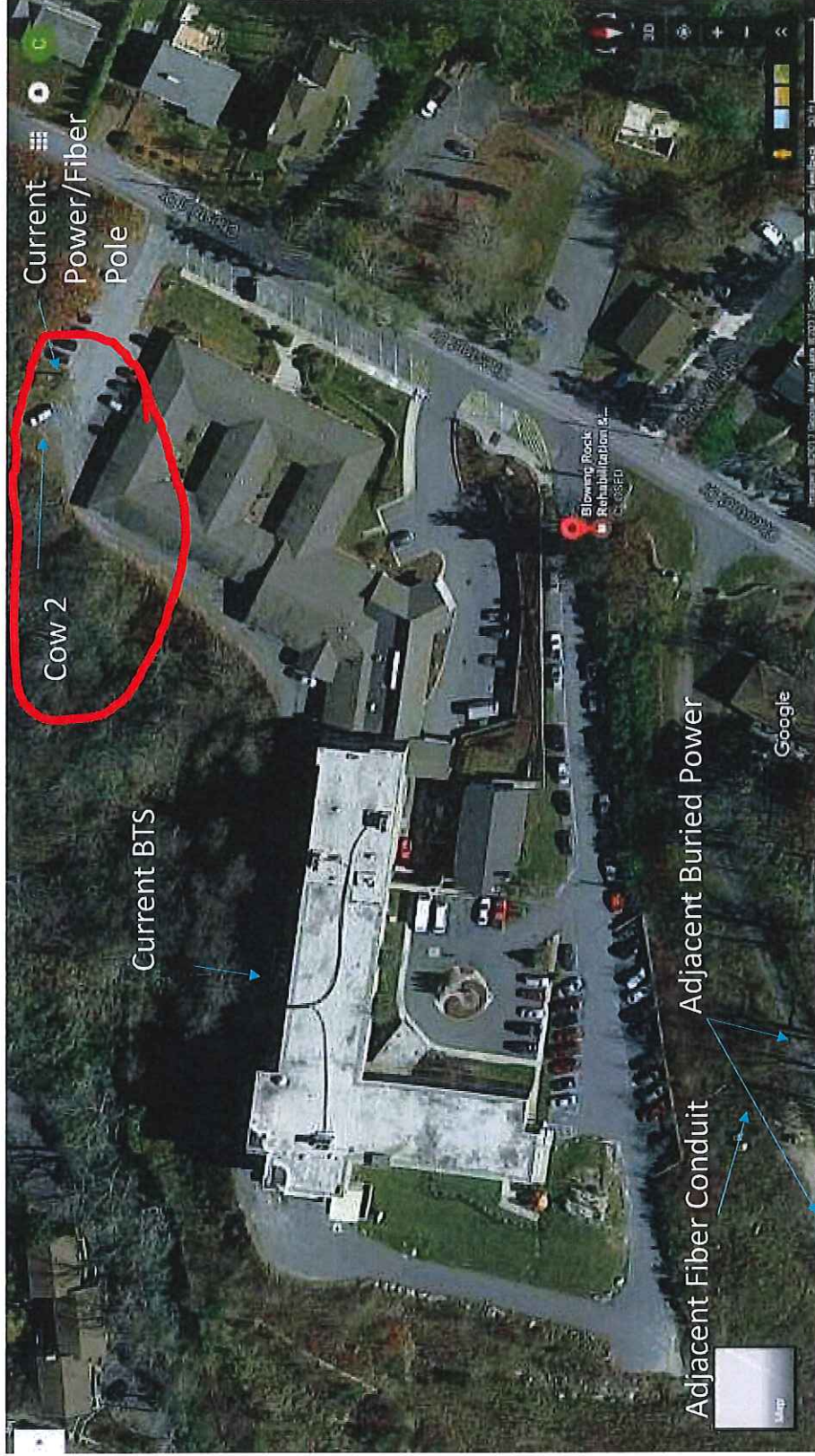
\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

NOTARIAL SEAL:

Blowing Rock Hospital COW Location Information for GB99XT820







# New Proposed Location for COW

**Location nearer street with Power & Fiber on the Pole**



**Pole is almost as high as our planned rad center**

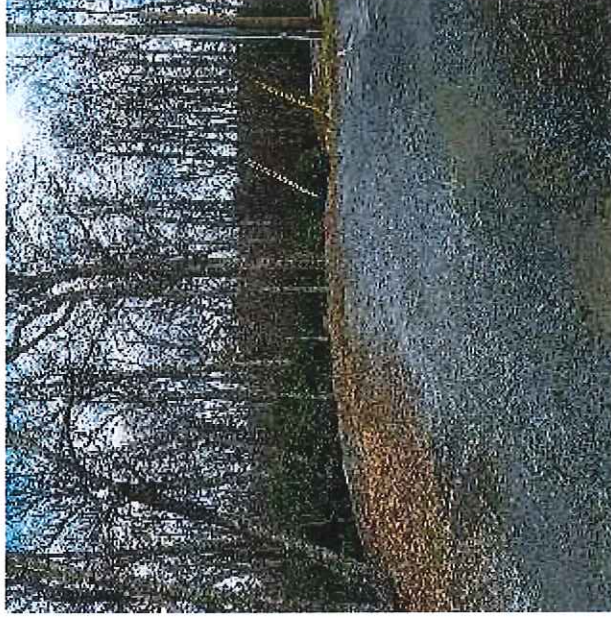


# Space around pole COW location

**Plenty of driving distance between pole/COW and building (@50')**



**Large gravel area to park COW off the blacktop parking/driving area**



# More photos of location COW

COW would still be over 150' from the public roadway



ATT and Blue Ridge Electric enter the ground trench here back to current BTS



Photo of proposed location for COW  
Approximately 35-40 feet above ground

