

59
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

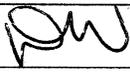
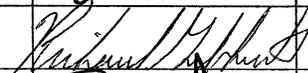
Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 2574 Council District: 4

For Meeting of April 26, 2010
 (Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM M-1/M-2C (INDUSTRIAL STANDARD-CONDITIONAL) FOR THE PURPOSE OF REMOVING A CONDITION ON THE EXISTING ZONING OF THE SUBJECT PROPERTY THAT STATES THAT PURSUANT TO THE WEST MESA INDUSTRIAL PARK DEVELOPMENT PLAN, COMMUNICATION STRUCTURES ARE LIMITED TO THE NORTHEAST QUADRANT OF THE INDUSTRIAL PARK. THE APPLICANT IS PROPOSING TO INSTALL A 120 FOOT TALL COMMUNICATION STRUCTURE. THE SUBJECT PROPERTY ENCOMPASSES 4.59 +/- ACRES, IS LOCATED WEST OF ARMORY ROAD AND NORTH OF INTERSTATE 10, AND IS NOT WITHIN THE PRESCRIBED BOUNDARIES OF THE WEST MESA INDUSTRIAL PARK OVERLAY ZONE. SUBMITTED BY SCOTT DUNHAM, RELIANT LAND SERVICES, ON BEHALF OF MICHAEL FLYNN & ELIZABETH MARRUFO, PROPERTY OWNERS (Z2810).

PURPOSE(S) OF ACTION: Approval of a zone change that will eliminate a condition on the subject property that states that pursuant to the West Mesa Industrial Park Development Plan, communication structures are limited to the northeast quadrant of the Industrial Park.

Name of Drafter: Adam Ochoa		Department: Community Development		Phone: 528-3204	
Department	Signature	Phone	Department	Signature	Phone
Community Development		528-3066	Budget		541-2300
			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The applicants, Michael Flynn & Elizabeth Marrufo, are requesting a zone change for the subject property that is located next to the West Mesa Industrial Park (WMIP) and is currently zoned M-1/M-2C (Industrial Standard-Conditional). The subject property is located west of Armory Road and north of Interstate 10 and encompasses 4.59 +/- acres. The subject property was sold by the City of Las Cruces in 1989 and was designated with the zoning designation of M-1/M-2C (Industrial Standard-Conditional) with the condition that it must follow the West Mesa Development Plan. The West Mesa Development Plan states that no communication structures are allowed anywhere in the WMIP except for the northeast quadrant of the Park where some structures already exist.

The applicant would like to construct a 2500 square foot fenced area that will contain a 276 square foot shelter and a 120 foot tall monopole communication tower. The applicant has stated that a preliminary Federal Aviation Administration (FAA) study has been completed and the study shows that the subject property would be able to accommodate a tower 182 feet in height. Further, an actual aeronautical study was conducted by the actual federal Aviation Administration (FAA) and it has determined that there is no hazard presented by the proposed 120 foot tower. Additionally, the FAA has determined that the proposed tower is not required to be illuminated, but the applicant has stated that the tower will be voluntarily illuminated as an extra precaution and will fully comply with the FAA installation & maintenance of lighting for the proposed tower.

City staff initially expressed some concerns with the proposed new communication tower that is also located within the Las Cruces International Airport Operations Overlay Zone District. There were concerns that the new communication tower may inhibit airport operations and jeopardize planned infrastructure and activities like the possible future expansion of runways and the actual airport itself. Subsequent conversations between the City's Airport Manager and the applicant have addressed these concerns and subsequent FAA approval of the proposed 120 foot tower solidified the support of this proposal by City staff with the following conditions on the proposed zone change: 1) The maximum height of the proposed new structure is limited to 120 ft; and, 2) the structure must be illuminated in accordance with FAA Advisory Circular 70/7460-1K.

The subject property is being proposed for a communication tower and its associated facilities. No parking stalls are required for the proposed use; however, an improved driving aisle shall be provided at a minimum width of eleven (11) feet and shall meet City Design Standards. A turn-around or loading area shall be provided having a minimum radius of 50 feet. A "T" or "Y" cul-de-sac meeting City Design Standards is also acceptable. Landscaping and screening (buffering) shall be required to meet the standards of the West Mesa Industrial Park and will be verified during the building permitting process.

The proposed zone change is supported by several Land Use Elements & Urban Design Goals found in the 1999 Comprehensive Plan as presented in the preceding findings. The proposed zone change will help the City of Las Cruces encourage the development of light industrial uses and parks in the West Mesa Industrial Park. Furthermore, the proposed zone change and communication structure will help focus development of light and standard industrial uses in an area with existing compatible industrial zoning.

On February 23, 2010, the Planning and Zoning Commission recommended approval with conditions for the zone change by a vote of 4-0-0 (two Commissioners absent, one Commissioner vacancy). The conditions placed upon the subject property are that the maximum height of the proposed new structure is limited to 120 feet and the structure must be illuminated in accordance with FAA Advisory Circular 70/7460-1K. Some public discussion took place for the proposed zone change on the issue of how the tower may impact the Las Cruces International Airport. A member from the public expressed concerns at the public meeting about the proposed tower being a hazard for low flying airplanes that utilize the airport

on a daily bases. The City Airport Manager stated that all conditions and requests made by the City Airport Manager were addressed by the applicant prior to the hearing of the case.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Ordinance
2. Exhibit "A"- Site Plan
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2810
5. Attachment "B"- Minutes from the February 23, 2010 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote **YES** to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for approval with conditions. The property located west of Armory Road and north of Interstate 10 will be rezoned from M-1/M-2C (Industrial Standard-Conditional) to remove the condition that states that pursuant to the West Mesa Industrial Park Development Plan, communication structures are limited to the northeast quadrant of the Industrial Park. The subject property will be allowed to be utilized for the construction of a new communication structure.
2. Vote **NO** to deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of M-1/M-2C (Industrial Standard-Conditional) and all conditions will remain and communication structures will continue to not be permitted on the subject property. The communication structure would not be allowed to be erected on the subject property.
3. Modify the Ordinance and vote **YES** to approve the modified Ordinance. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-045
ORDINANCE NO. 2574

AN ORDINANCE APPROVING A ZONE CHANGE FROM M-1/M-2C (INDUSTRIAL STANDARD-CONDITIONAL) FOR THE PURPOSE OF REMOVING A CONDITION ON THE EXISTING ZONING OF THE SUBJECT PROPERTY THAT STATES THAT PURSUANT TO THE WEST MESA INDUSTRIAL PARK DEVELOPMENT PLAN, COMMUNICATION STRUCTURES ARE LIMITED TO THE NORTHEAST QUADRANT OF THE INDUSTRIAL PARK. THE APPLICANT IS PROPOSING TO INSTALL A 120 FOOT TALL COMMUNICATION STRUCTURE. THE SUBJECT PROPERTY ENCOMPASSES 4.59 +/- ACRES, IS LOCATED WEST OF ARMORY ROAD AND NORTH OF INTERSTATE 10, AND IS NOT WITHIN THE PRESCRIBED BOUNDARIES OF THE WEST MESA INDUSTRIAL PARK OVERLAY ZONE. SUBMITTED BY SCOTT DUNHAM, RELIANT LAND SERVICES, ON BEHALF OF MICHAEL FLYNN & ELIZABETH MARRUFO, PROPERTY OWNERS (Z2810).

The City Council is informed that:

WHEREAS, Michael Flynn & Elizabeth Marrufo, the property owners, have submitted a request for a zone change from M-1/M-2C (Industrial Standard-Conditional) for the purpose of removing a condition on the existing zoning on the subject property that states that pursuant to the West Mesa Industrial Park Development Plan, communication structures are limited to the northeast quadrant of the Industrial Park for a property located west of Armory Road and north of Interstate 10; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on February 23, 2010, recommended that said zone change request be approved with conditions by a vote of 4-0-0 (two Commissioners absent, one Commissioner vacancy).

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned M-1/M-2C (Industrial Standard-Conditional) removing a condition on the existing zoning on the subject property that states that pursuant to the West Mesa Industrial Park Development Plan, communication structures are limited to the northeast quadrant of the Industrial Park for property located west of Armory Road and north of Interstate 10.

(II)

(II)

THAT the conditions be stipulated as follows:

- The maximum height of the proposed new structure is limited to 120 feet.
- The structure must be illuminated in accordance with FAA Advisory Circular 70/7460-1K.

(III)

THAT the zoning is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(IV)

THAT the zoning of said property be shown accordingly on the City Zoning Atlas.

(V)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 2010.

APPROVED:

Mayor

(SEAL)

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima: _____
 Councillor Silva: _____
 Councillor Connor: _____
 Councillor Pedroza: _____
 Councillor Small: _____
 Councillor Sorg: _____
 Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

Ibrahim 
City Attorney

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property is located inside the West Mesa Industrial Park (WMIP) west of Armory Road and north of Interstate 10 and encompasses 4.59 +/- acres.
2. The subject property is currently zoned M-1/M-2C (Industrial Standard-Conditional).
3. The condition placed upon the zoning of the subject property is that it must follow the West Mesa Development Plan.
4. The subject property is currently vacant.
5. The purpose of the zone change is to remove the regulation from the West Mesa Industrial Plan that does not allow communication structures on the subject property.
6. The FAA has determined that there is no hazard presented by the proposed 120 foot tower associated with this zone change.
7. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	M-1/M-2C	Industrial
South	Interstate 10	
East	Armory Road	
West	M-1/M-2C	Vacant

8. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policies

- 1.7.1. Light industrial uses shall be defined as those industrial uses which generate research, development, warehousing and manufacturing activities with minimal impact to the surrounding environment. Light industrial uses and parks shall be established according to the following criteria:
 - a. Uses shall be located on, or have direct access to, collector and arterial streets.
 - b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for light industrial uses and centers.

- c. Light industrial use and park development shall address the following urban design criteria: compatibility to adjacent uses in terms of architectural design, height/density, and provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards shall be established in the Comprehensive Plan Urban Design Element.
 - d. Adequate space for functional circulation shall be provided for loading areas.
 - e. The City shall encourage the development of light industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
 - f. The City shall encourage the development of light industrial uses and parks in the West Mesa Industrial Park and East Mesa areas.
- 1.7.2 Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:
- a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.
 - b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for standard industrial uses and centers.
 - c. Standard industrial development shall address the following urban design criteria: compatibility in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for standard industrial uses shall be established in the Comprehensive Plan Urban Design Element.
 - d. The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
- 1.7.7. The City shall encourage focusing development of light, standard, and heavy industrial uses in areas with existing compatible industrial zoning where these areas comply with industrial land use policies.



TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Acting Planner *AO*

DATE: February 23, 2010

SUBJECT: West Mesa Industrial Park Condition (Zone Change)

RECOMMENDATION: Approval – with conditions for zone change (Case Z2810)

CASE Z2810: A request for a zone change from M-1/M-2C (Industrial Standard-Conditional) for the purpose of removing a condition on the existing zoning on the subject property that states that communication towers are not allowed in this area of the West Mesa Industrial Park. The subject property encompasses 4.59 +/- acres and is located west of Armory Road and north on Interstate 10. Submitted by Scott Dunham, Reliant Land Services, on behalf of Michael Flynn & Elizabeth Marrufo, property owners.

BACKGROUND

The applicants, Michael Flynn & Elizabeth Marrufo, are requesting a zone change for the subject property that is located in the West Mesa Industrial Park (WMIP) and is currently zoned M-1/M-2C (Industrial Standard-Conditional). The zone change is being requested for the purpose of removing a condition placed upon the zoning of the subject property stipulating that communication towers are not allowed in this area of the WMIP. The subject property is located west of Armory Road and north of Interstate 10 and encompasses 4.59 +/- acres. The subject property was sold by the City of Las Cruces in 1989 and was designated with the zoning designation of M-1/M-2C (Industrial Standard-Conditional) with the condition that it must follow the West Mesa Development Plan. The West Mesa Development Plan states that no communication structures are allowed anywhere in the WMIP except for the northeast quadrant of the Park where some structures already exist. Additionally, communication towers in the northeast quadrant are limited to the maximum height of 65 feet.

The applicant is requesting the zone change to remove the regulation from the West Mesa Industrial Plan that does not allow communication structures on the subject property. The applicant would like to construct a 2500 square foot fenced area that will contain a 276 square foot shelter and a 120 foot tall monopole communication tower. The applicant has stated that a preliminary Federal Aviation Administration (FAA) study has been completed and the study shows that the subject property would be able to accommodate a tower 182 feet in height. Further, an actual aeronautical study was

conducted by the actual federal Aviation Administration (FAA) and it has determined that there is no hazard presented by the proposed 120 foot tower. Additionally, the FAA has determined that the proposed tower is not required to be illuminated, but the applicant has stated that the tower will be voluntarily illuminated as an extra precaution and will fully comply with the FAA installation & maintenance of lighting for the proposed tower.

City Staff initially expressed some concerns with the proposed new communication tower. There were concerns that the new communication tower may inhibit airport operations and jeopardize planned infrastructure and activates like the possible future expansion of runways and the actual airport itself. Subsequent conversations between the City's Airport Manager and the applicant have addressed these concerns and subsequent FAA approval of the proposed 120 foot tower solidified the support of this proposal by City Staff with the following conditions on the proposed zone change:

1) The maximum height of the proposed new structure is limited to 120 ft; and, 2) the structure must be illuminated in accordance with FAA Advisory Circular 70/7460-1K.

The subject property has frontage along Armory Road on the eastern side, and Frontage Road of Interstate 10 on the southern side. The Metropolitan Planning Organization (MPO) has classified both Armory Road and the Frontage Road as existing local roadways. There are no bus stops, or trails present within the general area.

PARKING, LANDSCAPING & SCREENING

The subject property is being proposed for a communication tower and its associated facilities. No parking stalls are required for the proposed use; however, a driving aisle shall be provided at a minimum width of eleven (11) feet and shall meet City Design Standards. A turn-around or loading area shall be provided having a minimum radius of 50 feet. A "T" or "Y" cul-de-sac meeting City Design Standards is acceptable.

Landscaping and screening (buffering) shall be required to meet the standards of the West Mesa Industrial Park and will be verified during the building permitting process.

FINDINGS

1. The subject property is located inside the West Mesa Industrial Park (WMIP) west of Armory Road and north of Interstate 10 and encompasses 4.59 +/- acres.
2. The subject property is currently zoned M-1/M-2C (Industrial Standard-Conditional).
3. The condition placed upon the zoning of the subject property is that it must follow the West Mesa Development Plan.
4. The subject property is currently vacant.

5. The purpose of the zone change is to remove the regulation from the West Mesa Industrial Plan that does not allow communication structures on the subject property.
6. The FAA has determined that there is no hazard presented by the proposed 120 foot tower associated with this zone change.
7. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	M-1/M-2C	Industrial
South	Interstate 10	
East	Armory Road	
West	M-1/M-2C	Vacant

8. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policies

- 1.7.1. Light industrial uses shall be defined as those industrial uses which generate research, development, warehousing and manufacturing activities with minimal impact to the surrounding environment. Light industrial uses and parks shall be established according to the following criteria:
 - a. Uses shall be located on, or have direct access to, collector and arterial streets.
 - b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for light industrial uses and centers.
 - c. Light industrial use and park development shall address the following urban design criteria: compatibility to adjacent uses in terms of architectural design, height/density, and provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards shall be established in the Comprehensive Plan Urban Design Element.
 - d. Adequate space for functional circulation shall be provided for loading areas.
 - e. The City shall encourage the development of light industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
 - f. The City shall encourage the development of light industrial uses and parks in the West Mesa Industrial Park and East Mesa areas.

- 1.7.2 Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:
- a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.
 - b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for standard industrial uses and centers.
 - c. Standard industrial development shall address the following urban design criteria: compatibility in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for standard industrial uses shall be established in the Comprehensive Plan Urban Design Element.
 - d. The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
- 1.7.7. The City shall encourage focusing development of light, standard, and heavy industrial uses in areas with existing compatible industrial zoning where these areas comply with industrial land use policies.

RECOMMENDATION

The proposed zone change is supported by several Land Use Elements & Urban Design Goals found in the 1999 Comprehensive Plan as presented in the preceding findings. The proposed zone change will help the City of Las Cruces encourage the development of light industrial uses and parks in the West Mesa Industrial Park. Furthermore, the proposed zone change and communication structure will help focus development of light, and standard industrial uses in an area with existing compatible industrial zoning.

Staff has reviewed this zone change and recommends approval with conditions, based on the preceding findings.

- The maximum height of the proposed new structure is limited to 120 feet.
- The structure must be illuminated in accordance with FAA Advisory Circular 70/7460-1K.

The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration.

OPTIONS

1. Approve the zone change request as recommended by staff for case Z2810.
2. Approve the zone change with additional conditions as determined appropriate by the Planning and Zoning Commission.
3. Deny the request.

ATTACHMENTS

1. Development Statement
2. Narrative from Applicant
3. Federal Aviation Administration (FAA) Determination
4. Airport Manager Comments
5. Site Plan
6. Vicinity Map

DEVELOPMENT STATEMENT for Zoning Applications
(Use for Zone Changes, SUP's and PUD's)
 Please type or print legibly

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission or City Council may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: MICHAEL FLYNN & ELIZABETH MARRUFO
 Contact Person: SCOTT DUNHAM
 Contact Phone Number: (915) 383-0200
 Contact e-mail Address: DunhamDSLinc@aol.com
 Web site address (if applicable): _____

Proposal Information

Assessors Parcel No. # 02-22299
 Location of Subject Property CORNER of ARMORY RD. & N. FRONTAGE RD.

(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: M-1 C
 Proposed Zoning: M-1

Acreage of Subject Property: APPROXIMATELY 7 ACRES

Detailed description of intended use of property. (Use separate sheet if necessary):

TO PLACE A CELLUR COMMUNICATIONS FACILITY INSIDE A
50' x 50' COMPOUND, WHICH WILL CONTAIN A 11'6" x 24' SHELTER &
120' MONOPOLE. THIS FACILITY WILL PROVIDE CELL PHONE COVERAGE
TO SECTION OF WEST MESA CURRENTLY NOT COVERED.

Proposed square footage and height of structures to be built (if applicable):

COMPOUND = 2,500 SQ. FT.; SHELTER = 276 SQ. FT.; TOWER = 120' TALL

Anticipated hours of operation (if proposal involves non-residential uses):

WILL OPERATE 24 HOURS/DAY, 7 DAYS/WEEK; UNMANNED.

Anticipated traffic generation 1 PER MONTH trips per day (if known).

TECHNICIAN WILL PERFORM ONLY OCCASSIONAL MAINTENANCE.

Anticipated development schedule: Work will commence on or about JUNE 1, 2010

and will take approximately ONE (1) MONTH to complete.

How will stormwater runoff be addressed (on-lot ponding, detention facility, etc.)?

ON-LOT PONDING

Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

NO LANDSCAPING IS PROPOSED AS THIS IS UNDEVELOPED LAND & CURRENTLY HAS NATURAL VEGETATION. IT IS OUR PLAN TO DISTURB THE AREA AS LITTLE AS POSSIBLE.

Attachments

Please attach the following: (* indicates optional item)

Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

ORIG.

Attachment #2

Zoning Change Application

Case Number: Z 2810

Assessors Parcel Number: 02-22299

Zone Change Request:

The parcel 02-22299 is presently zoned M-1 C, whereby the covenants attached to the parcel dictate that Microwave and Telecommunication facilities be located in the NE Quadrant of the West Mesa Industrial Park.

Verizon Wireless would like to place a wireless telecommunication facility on this parcel, but is prohibited from doing so as a result of the covenant listed above.

Michael Flynn and Elizabeth Marrufo are requesting that a zone change be considered whereby the restriction requiring all such wireless communication facilities to be located in the NE Quadrant of the West Mesa Industrial Park. In lifting this restriction on this parcel, the zoning on this parcel (only in relation to wireless telecommunication facilities) would revert to M-1 Light Industrial, which would permit a wireless tower up to 200' in height.

Michael Flynn and Elizabeth Marrufo have appointed Scott Dunham as their agent to act on their behalf in this matter, and a notarized letter granting said agency is attached.

Project Description:

If the zone change as described above is granted, then Verizon Wireless is proposing to build a wireless telecommunication facility on Parcel # 02-22299 which will consist of a 50' x 50' fenced compound (2,500 square foot compound). Inside this compound will be located a shelter and a monopole tower. The shelter will measure 11' 6" x 24' (276 square feet), and the monopole tower will be 120' in height.

Verizon Wireless has attached a copy of an Aerial Map, Zoning Map with an arrow pointing to the approximate location of the wireless communication facility, and a copy of the table which demonstrates maximum permitted heights (200') should the restriction in the covenants be lifted.

Verizon Wireless has already ran an FAA Study and have determined that a tower at this location cannot exceed 4.606' in elevation. Given the ground elevation of 4,424 at the proposed location, this means that the tower's maximum height as allowed by the FAA is 182' in height. As indicated above, Verizon Wireless is only proposing a height of 120' in height. A copy of the FAA Study is also attached to this application.

Back-Up Documentation:

As a means of providing the City of Las Cruces with proper documentation of why this facility is needed, Verizon Wireless has prepared some propagation maps which depict the existing coverage offered by Verizon Wireless; the proposed coverage if Verizon Wireless were to use existing towers either to the West or to the East of the proposed site; and lastly a map which shows the proposed coverage that will exist should the zone change be granted and Verizon Wireless is permitted to build the new Wireless Telecommunication Facility.

Index of Coverage Maps:

RED Indicates Excellent Coverage
BLUE Indicates Good Outdoor, but Moderate Indoor Coverage
GREEN Indicates Poor Outdoor, and NO Indoor Coverage

Map 1 / Verizon Wireless Coverage Objective:

This map shows Verizon Wireless existing coverage with the sites they already have in existence and On-Air today. The location of several towers are pinpointed on the map. Verizon Wireless already has a site named LSC Aden Hills to the West of the proposed site, and LSC Mesilla to the East of the proposed site. The site proposed by Verizon Wireless is designated as LSC Armory.

In addition, the map depicts 2 other towers, where that Verizon Wireless explored as candidates: Market Place and KGI. Verizon Wireless does not have antennas at either of these locations.

As you can see from the large area of green in the area of LSC Armory, the coverage is extremely poor in this area along Interstate 10. It is this whole in coverage that Verizon wants to address.

Map 2 / Verizon Wireless Coverage if Market Place were used:

This map indicates the coverage that would be gained if Verizon Wireless were to build facilities on the existing Market Place tower to the East. The problem with this tower is that it is very close to one of Verizon Wireless' existing sites named LSC Mesilla.

As a result of the Market Place tower being so close to the LSC Mesilla tower, there is very little in the way of improvement in coverage, and the very large "dead zone" in coverage shown in green still exists.

Map 3 / Verizon Wireless Coverage if KGI were used:

This map indicates the coverage that would be gained if Verizon Wireless were to build facilities on the existing KGI tower to the West.

Similarly, the coverage is improved, but the KGI tower is too close to the existing LSC Aden Hills tower that Verizon Wireless already occupies. While coverage is improved, it still leaves a whole in coverage centered at the proposed location of LSC Armory.

Map 4 / Verizon Wireless Coverage if LSC Armory is built:

This map indicates the coverage that would be gained if Verizon Wireless were to build facilities on the LSC Armory location (which is Parcel Number 02-22299), the subject parcel of this proposed zone change application.

NOTE: There is a dramatic increase in coverage and the whole in coverage that exists along Interstate 10 is closed completely, providing uninterrupted coverage leading all the way into Las Cruces.

Conclusion:

It is our belief that not only will the LSC Armory location close the whole in coverage along Interstate 10, but will also enhance the future development of the West Mesa Industrial Park as a successful development venture.

Years ago when the covenants were written, no one had guessed that cellular communications would be such a large part of our lives. For some families, their cell phones are their only means of communication; no longer having a home or business phone.

As such, if the West Mesa Industrial Park is too attract future development in the area, then providing wireless telecommunication facilities is a must.

We have already spoken to a number of businesses in the area that have expressed their extreme interest in a wireless telecommunication facility being built in the area. I will be seeking letters of endorsement from these businesses, and will be submitting those at the meeting on January 21, 2010.

Thank you for your time and attention in this matter, and we look forward to a positive outcome where we are granted the zone change requested so that the wireless communication needs of the community may be met.

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Michael Flynn and Elizabeth Marrufo
4011 Jamie Place
Las Cruces, NM 88007
(575) 527-1635

January 9, 2010

Planning & Development
City of Las Cruces
575 Alameda
Las Cruces, NM 88005

Re: Verizon Wireless Proposed Tower

To Whom It May Concern:

We, Michael Flynn and Elizabeth Marrufo, are the owners of the property located west of Las Cruces to the north of I-10, a parcel which borders on North Frontage Road and Armory Rd. This parcel is more precisely described as having Parcel ID Number 02-22299. It is our desire to seek a Zone Change for this property, lifting the restriction which requires all communication towers to be located in the NE Quadrant of the WMIP.

Upon being granted this zone change, it is then our desire to enter into a lease agreement with Verizon Wireless, whereby a new 120' cellular communications tower would be placed on the property.

We do hereby appoint Scott A. Dunham as our authorized agent in relation to the Zone Change Application, and any filings, hearings, or representations that need be made in order to facilitate this zone change.

Sincerely,



Michael Flynn



Elizabeth Marrufo

STATE OF NEW MEXICO)
)
) SS.
COUNTY OF DONA ANA)

On JANUARY 9, 2010 before me, ANITA HALL,
personally appeared Michael Flynn, personally know to me (or proved to me on the
basis of satisfactory evidence) to be the person(s) whose names are subscribed to the within instrument
and acknowledged to me that they executed the same in their authorized capacities, and that by their
signatures on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

WITNESS my hand and official seal.

Signature: Anita Hall

[Seal]

Commission Expires: 12/18/2010

STATE OF NEW MEXICO)
)
) SS.
COUNTY OF DONA ANA)

On JANUARY 9, 2010 before me, ANITA HALL,
personally appeared Elizabeth Marrufo, personally know to me (or proved to
me on the basis of satisfactory evidence) to be the person(s) whose names are subscribed to the within
instrument and acknowledged to me that they executed the same in their authorized capacities, and that by
their signatures on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

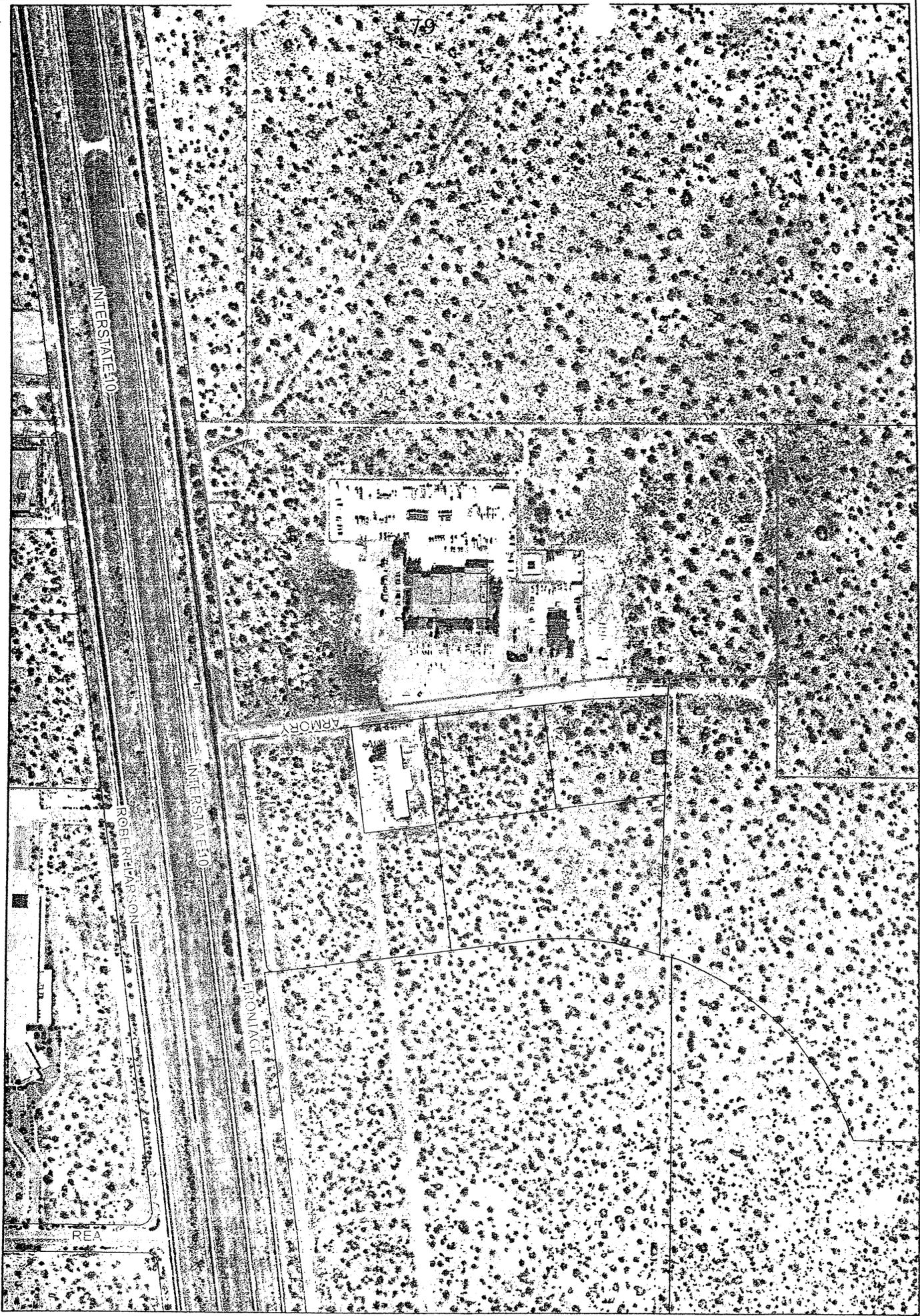
WITNESS my hand and official seal.

Signature: Anita Hall

[Seal]

Commission Expires: 12/18/2010

79



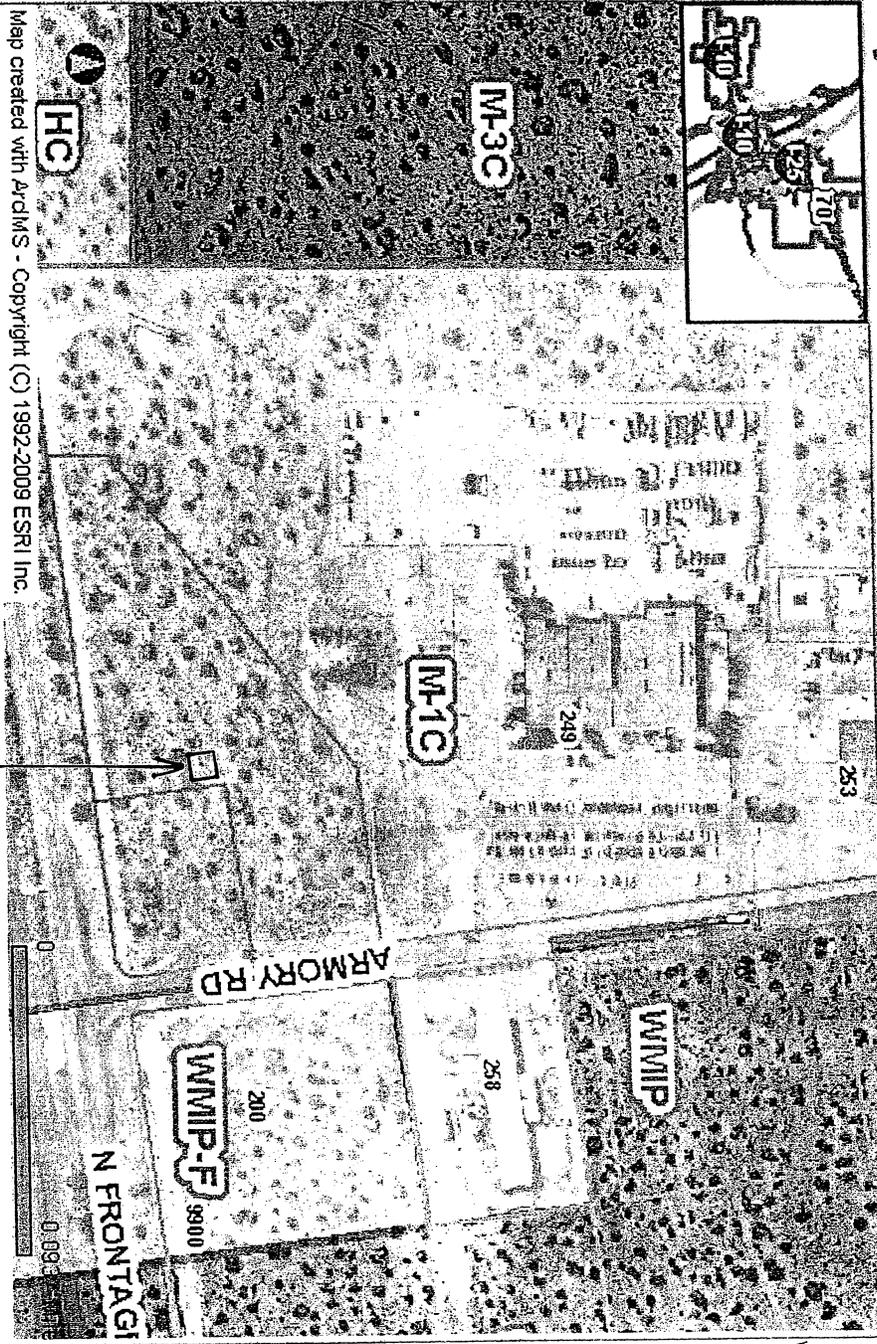
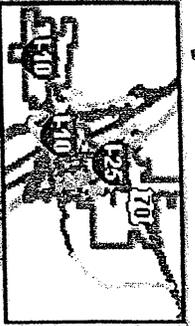
NO WARRANTY IS MADE BY INDIANA COUNTY
ENGINEERS OF THESE DATA. FOR INDIVIDUAL USE
OR APPROPRIATE USE WITH OTHER DATA. ORIGINAL
SPATIAL INFORMATION FROM VARIOUS SOURCES
MAP ACCURACY STANDARDS THIS INFORMATION
MAY BE UPDATED



David A. Jones County
Office of the Surveyor
101 N. Market Street
P.O. Box 1000
Tipton, IN 47470
Phone: (317) 832-1300 or (317) 832-1301
Fax: (317) 832-1302



City of Las Cruces Property & Zoning Information



Map created with ArcIMS - Copyright (C) 1992-2009 ESRI Inc.

*APPROX. LOCATION ON
PARCEL # 02-22299*

Street Names is now the Active Layer

- Layers**
- Visible Active
- Address
 - Street Names
 - CLC Council Districts
 - City Limits
 - Parcel
 - ZONING
 - 2004 Aerial

Refresh Map

Pan

Art. VI. Sec. 38-59

such length to provide access to the nearest public street or paved right-of-way. At least one parking stall shall be provided on the site and shall be 12' in width and 19' in length. Paved connection between the driving aisle and parking stall shall be provided.

- f. Antennas or other radiating/receiving devices are not required to have architectural treatments or other design features, such as painting and texturing, applied as required within this Code, as such treatments would interfere with the operation of the device. Such treatments are required of the supporting structure, including towers, and not the radiating/receiving device.

3. Residential Provisions:

- a. All private communication structures on residentially zoned property are encouraged to either be painted or treated the same color as the primary structure or the surface in which the structure is attached. This includes painting or screening roof-mounted communication structures.
- b. Screening and/or painting of roof-mounted structures is encouraged on all sides the residential property in which a communication structure is to be or is placed.

F. PLACEMENT PROVISIONS - Freestanding Communication Structures and other Vertical Structures.

TABLE 38-59-1: MAXIMUM PERMITTED HEIGHTS:

Zoning District	Towers	Other Communication Structures
FC	Prohibited	Prohibited
H, EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, O-1, O-2, CBD	65' For Non-Commercial Use Only**	65' For Non-Commercial Use Only**
C-1, C-2, C-3	65'	65'
M-T, M1/M2, M-3	200'	200'
UAC, ADM*	Maximum Building Height and Non-Commercial Use Only	Maximum Building Height and Non-Commercial Use Only
WMIP	Limited Placement @ 65'	Maximum Building Height

* Towers and communication structures are permitted for private purposes provided the structure is placed to the rear of the primary structure and is approved in accordance with the Overlay Zone for the University Avenue Corridor or the Avenida de Mesilla Corridor. Structures for commercial uses are prohibited within these Overlay Zones.

** Structures for commercial purposes will be permitted only in accordance with facial and roof mount, improvement integration, and urban design provisions of this Section.

Ken Patterson

Airspace Consulting, Inc.

www.airspace-ken.com

Study prepared for Reliant Land Services

November 11, 2009

LSC Armory Area Study
Las Cruces, New Mexico

1 NM Search Ring centered at Latitude: 32° 17' 17.8" Longitude: 106° 56' 11.1"
Site Elevation varies between 4,390' to 4,445' AMSL
Proposed Structure: 199' AGL

Part 77 of the Federal Air Regulations and Part 17 of the FCC Rules and Regulations were used as the primary reference for this study.

The closest public use or military landing surface is Runway 04 Proposed at Las Cruces International Airport. The distance from the search area center to the runway is 3,959' or 0.65 NM on a true bearing of 186.46° from the runway.

Notice Requirement: Notice to the FAA would be required for any site in the study area.

Recommendations: Propose a 199' AGL structure in the area south of the Conical Effect Arc as depicted on the attached chart. Do not exceed a sloping surface beginning at 4,606' AMSL at the Horizontal Arc and increasing to 4,644' AMSL at the Conical Effect Arc. Do not exceed 4,606' inside the Horizontal Arc. Do not exceed 4,534' AMSL in the green area. Avoid the area depicted in orange.

The FAA should approve the proposed structure without conducting an extended study. Marking and/or lighting should not be required.

Private use airports and AM broadcast stations are not a factor for this search ring. For additional information or questions about this study, contact my office anytime.

83

LAS CRUCES INTERNATIONAL AIRPORT

HM 4442

04467

4436

HM 4428

04576

AVOID

27
4606' AMSL

32 16 17.8 / 106 56 11/1

4534' AMSL

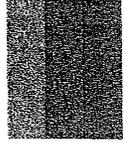
Horizontal Arc

Conical Effect Arc

Gravel Pit

199' AGL

Category C Circling Arc



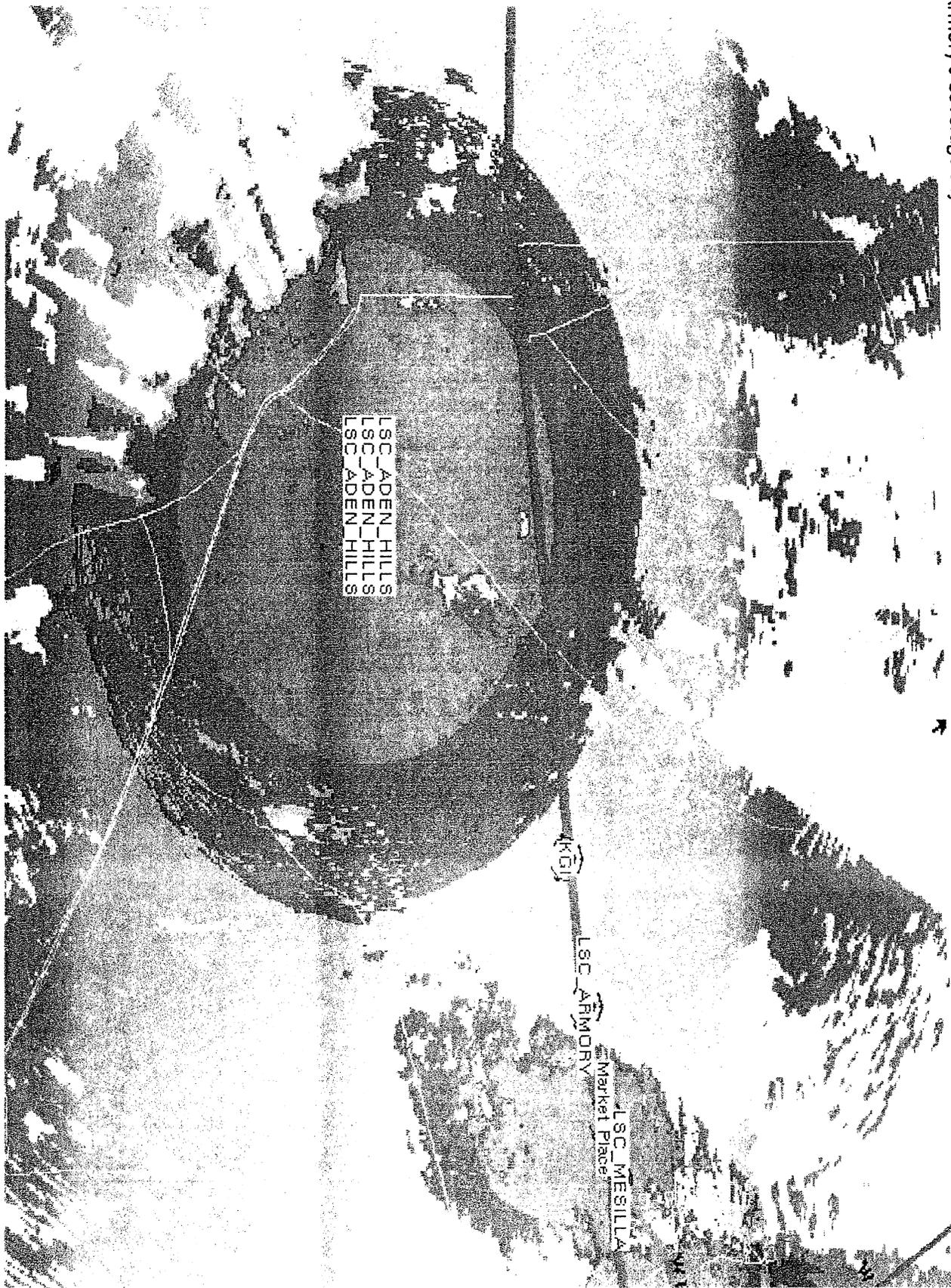
Coverage

Excellent

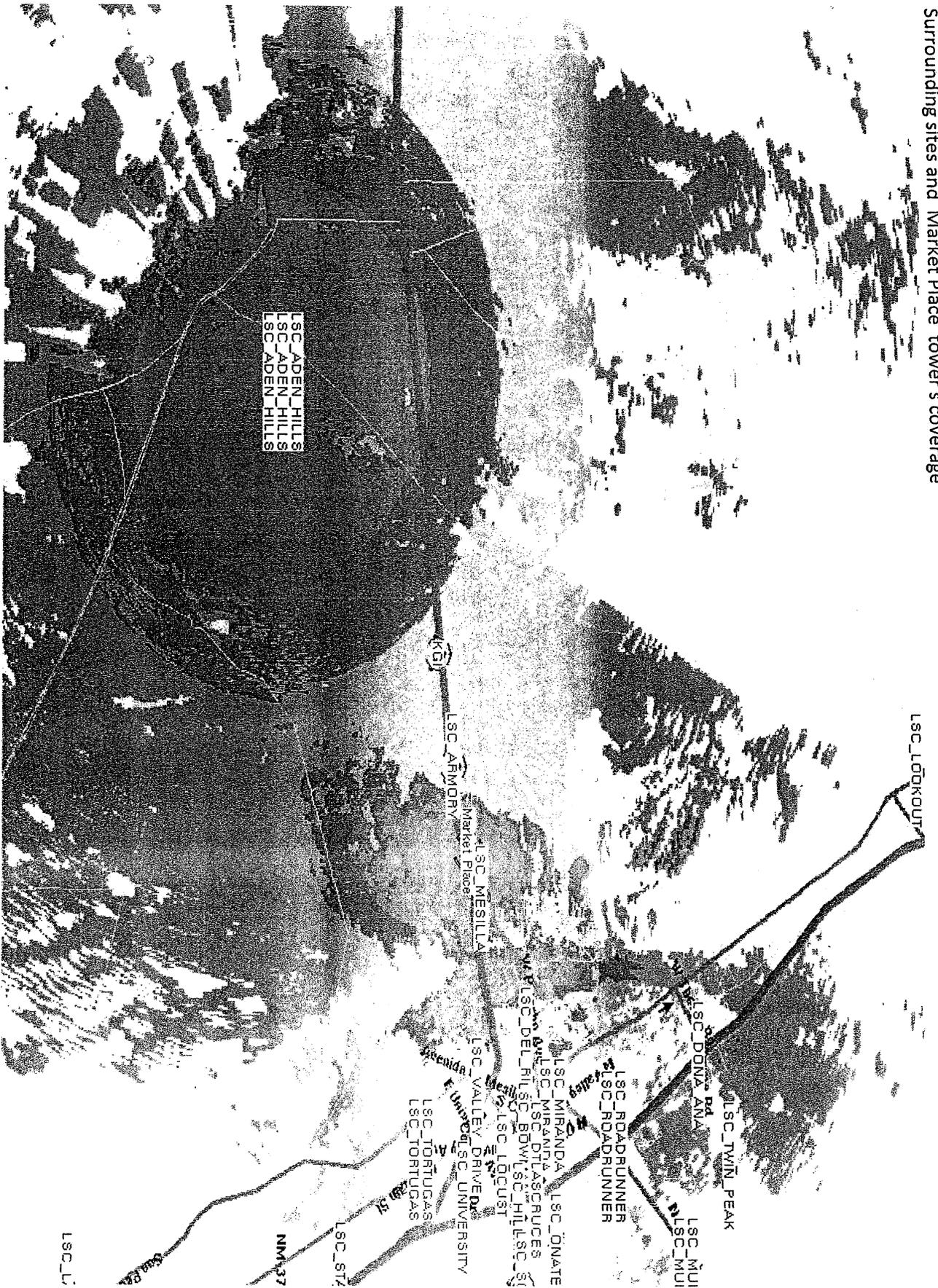
Good outdoor marginal indoor

Poor outdoor no indoor

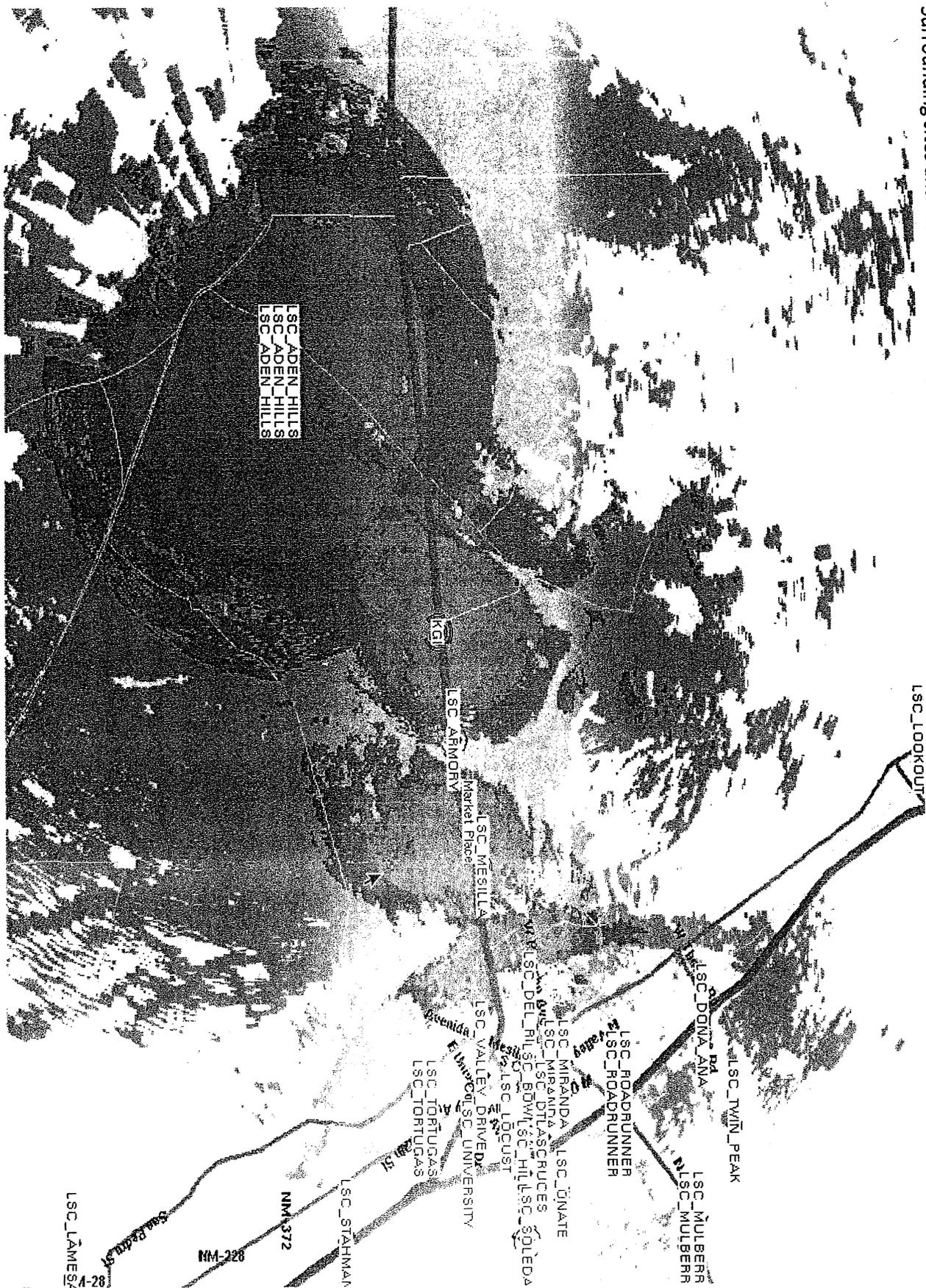
Armory's Coverage objective



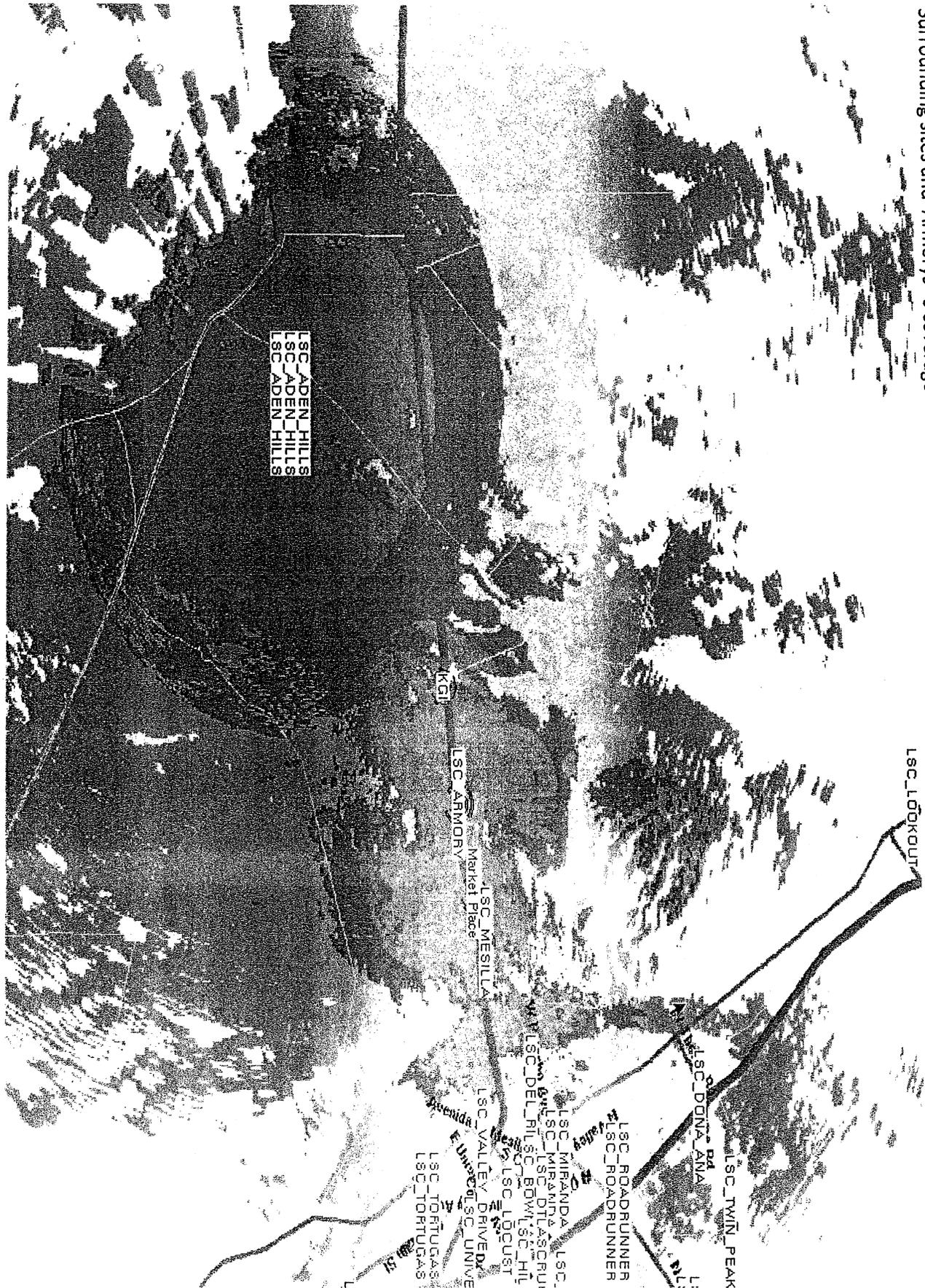
Surrounding sites and Market Place tower s coverage



Surrounding sites and KGI tower s coverage



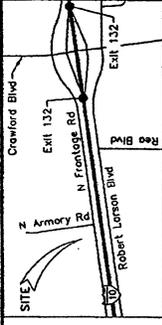
Surrounding sites and Armory's coverage



verizon wireless

LSC ARMORY

ASSESSOR'S PARCEL NO. # 02-22299
 LAS CRUCES, NEW MEXICO
 DONA ANA COUNTY
 120'-0" MONOPOLE
 RAW LAND COMMUNICATION SITE

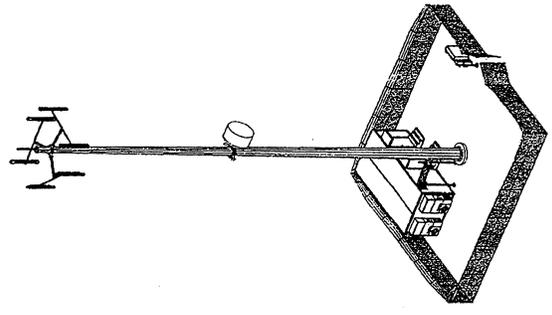


VICINITY MAP
 SCALE: N.T.S.
 NORTH

verizon wireless
 4821 EUBANK NE
 ALBUQUERQUE, NM 87111
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TOWERCOM TECHNOLOGIES
 ALBUQUERQUE, NM / PASO, TEXAS / LAS VEGAS, NEVADA
 TEL: 208-286-0266

APPROVED FOR LEASING/ZONING



NORTHEAST ISOMETRIC VIEW

REV	TITLE	DATE	BY	CHKD
0	12/03/09	RT		
0	12/09/09	RT		

PROJECT NAME	PROJECT ADDRESS	SHEET TITLE	TITLE SHEET
LSC ARMORY 120'-0" MONOPOLE RAW LAND COMM SITE	SW 1/4 SEC. 27, T23S, R1W, N.M.P.M., LAS CRUCES, NEW MEXICO		

REQUIRED/ALLOWED	PROVIDED	COMPLIANCE
NO	NO	YES
NO	YES, ALARMED BACK TO MARKET SWITCH FACILITY	YES
UP TO 50'	10'	YES
2	1	YES
UP TO 9,000 SQ. FT.	276 SQ. FT.	YES
N/A	UNOCCUPIED	YES
1	2	YES
1 HOUR	1 HOUR	YES
1 HOUR	1 HOUR	YES
N/A	N/A	YES
N/A	N/A	YES
CLASS B	CLASS B	YES
NONE	UNOCCUPIED, NO PLUMBING	YES
N/A	N/A	YES

GENERAL PROJECT NOTES:

- PRIOR TO SUBMITTING A BID, THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE SCOPE OF WORK AND THE SPECIFICATIONS AND CONDITIONS.
- CONTRACTOR SHALL VERIFY FIELD CONDITIONS AND DIMENSIONS OF THE JOB SITE AND CONFIRM THAT WORK AS INDICATED ON THESE CONSTRUCTION DOCUMENTS CAN BE ACCOMPLISHED AS SHOWN PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL FIELD MODIFICATIONS BEFORE DURING OR AFTER CONSTRUCTION SHALL BE APPROVED IN WRITING BY A VERIZON WIRELESS REPRESENTATIVE.
- INSTALL ALL EQUIPMENT AND MATERIALS PER THE MANUFACTURER'S RECOMMENDATIONS, UNLESS INDICATED OTHERWISE.
- NOTIFY VERIZON WIRELESS IN WRITING OF ANY MAJOR DISCREPANCIES REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS, AND DESIGN INTENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND ADJUSTING THE BID ACCORDINGLY.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF THE WORK UNDER THE CONTRACT. AND FINISHES THAT ARE TO REMAIN DURING THE CONSTRUCTION TO THE SATISFACTION OF A VERIZON WIRELESS REPRESENTATIVE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS TO ILLUSTRATE THE AS BUILT CONSTRUCTION PLANS TO ILLUSTRATE THE FINAL INSPECTION BY VERIZON WIRELESS. THE CONTRACTOR SHALL PROVIDE DRAWINGS WITH ONE COPY OF ALL RED-LINED DRAWINGS.
- VERIFY ALL FINAL EQUIPMENT WITH A VERIZON WIRELESS REPRESENTATIVE. ALL EQUIPMENT LAYOUT, SPECS, PERFORMANCE INSTALLATION AND THEIR FINAL LOCATION ARE TO BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS/HER WORK WITH THE WORK AND CLEARANCES REQUIRED BY OTHERS RELATED TO SMD INSTALLATIONS.

PROJECT INDEX:
APPLICANT: VERIZON WIRELESS 4821 EUBANK NE ALBUQUERQUE, NM 87111
CONTACT: JEFF DEWALT ENGINEER 505-530-0804
TOWERCOM TECHNOLOGIES LLC 4520 MONTGOMERY BLVD, NE, SUITE 5 ALBUQUERQUE, NM 87109
CONTACT: JASON DICKMAN, PE, SE PHONE: 505-232-4884
SURVEYOR: TOWERCOM TECHNOLOGIES 4821 EUBANK NE, SUITE 5 ALBUQUERQUE, NM 87109
CONTACT: DEAN VAN MATRE, RPLS PHONE: 915-474-2803
RELATANT LAND SERVICES 855 N. RESLER DR. SUITE 104-127 EL PASO, TEXAS 79912
CONTACT: SCOTT DUNHAM PHONE: 915-383-0200

SHEET INDEX:
TITLE SHEET
0
0
0
0
0
0
0
0
0

ABBREVIATED LEGAL DESCRIPTION:
 SITUATE WITHIN THE SOUTHWEST 1/4, SECTION 27, TOWNSHIP 23 SOUTH, RANGE 1 WEST, N.M.P.M., CITY OF LAS CRUCES, DONA ANA COUNTY, NM.

ADA COMPLIANCE:
 THIS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. LANDINGS AND EXITS SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES.

ADA COMPLIANCE:
 THIS FACILITY WILL NOT INTERFERE WITH OPERATION OF OTHER COMMUNICATION DEVICES.

DATE: 12/9/2008 4:47 PM
SHEET NUMBER: T1

DESIGNED BY:

verizonwireless

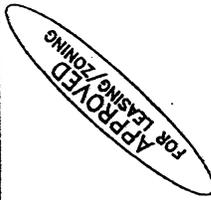
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ALBUQUERQUE, NM 87111

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INC.

REV	DESCRIPTION	DATE	BY	CHK
0	APPROVED FOR LEASING/ZONING	12/03/09	RT	GD
1	PRELIMINARY - FOR LEASING/ZONING	12/09/09	RT	GD

TOWERCOM TECHNOLOGIES
 ALBUQUERQUE / DAWN / PASO, LAS VEGAS,
 NEW MEXICO / STAFF / TEXAS / NEVADA
 TEL: 206-286-0266

DESIGNED BY:



PROJECT NAME:
LSC ARMOY
120'-0" MONOPOLE
RAW LAND COMM SITE

PROJECT ADDRESS:
SW1/4 SEC. 27, T23S,
R1W, N.M.P.M.,
LAS CRUCES, NEW MEXICO

SHEET TITLE:
PHOTO SHEET

SAVE DATE:
12/9/2008 4:28 PM

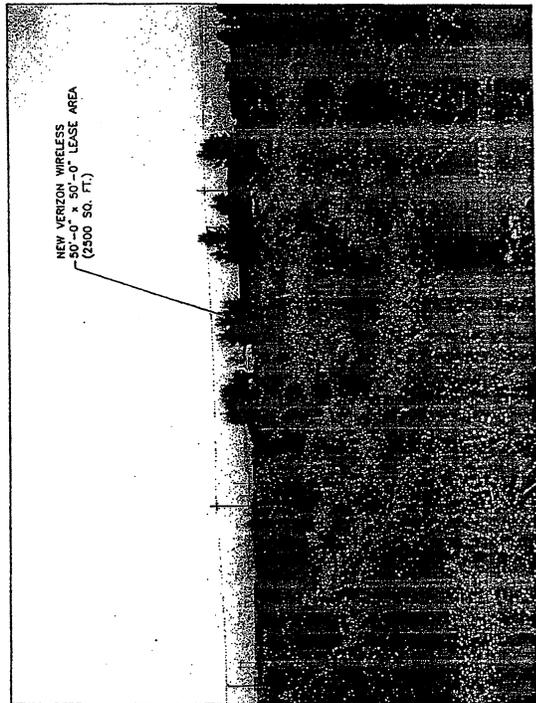
SHEET NUMBER:
PS1

LEGEND OF SYMBOLS:

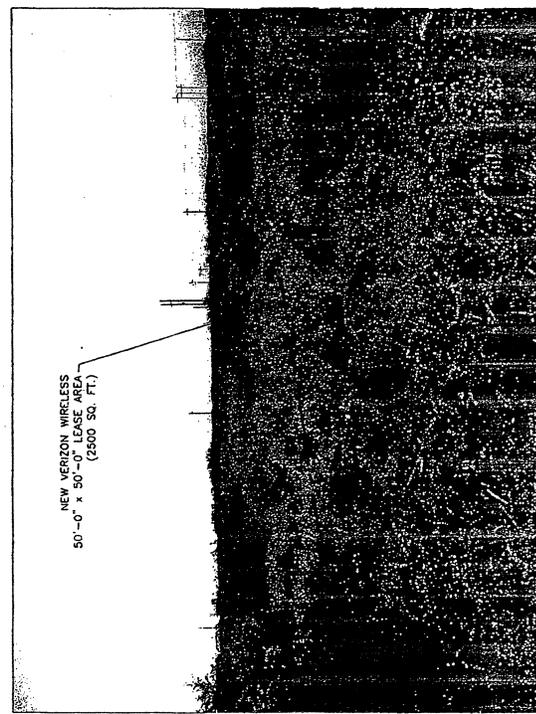
REFERENCE LETTER OR NUMBER
 SECTION OR DETAIL
 SHEET WHERE DRAWN
 SHEET WHERE TAKEN
 SECTION LETTER
 SHEET WHERE DRAWN
 SHEET WHERE TAKEN
 DETAIL NUMBER
 SHEET WHERE DRAWN
 SHEET WHERE TAKEN
 FOUND SURVEY MONUMENT
 "BASE" = SET 5/8" REBAR W/TCT ALUMINUM CAP
 SHOWN FOR REFERENCE... NOT DEFINED BY THIS SURVEY
 EQUIPMENT OR FIXTURE NUMBER
 KEYED NOTE
 I.C. 1631.33 SPOT ELEVATION
 F.L. 1531.00
 TOP OF WALL CONTROL OR DATUM POINT
 1639.00
 PROPERTY LINE
 EXISTING CONTOUR
 NEW CONTOUR
 CALCULATED CORNER (POINT NOT SET)
 SET REBAR WITH CAP OR (AS NOTED)

SYMBOLS AND ABBREVIATIONS:

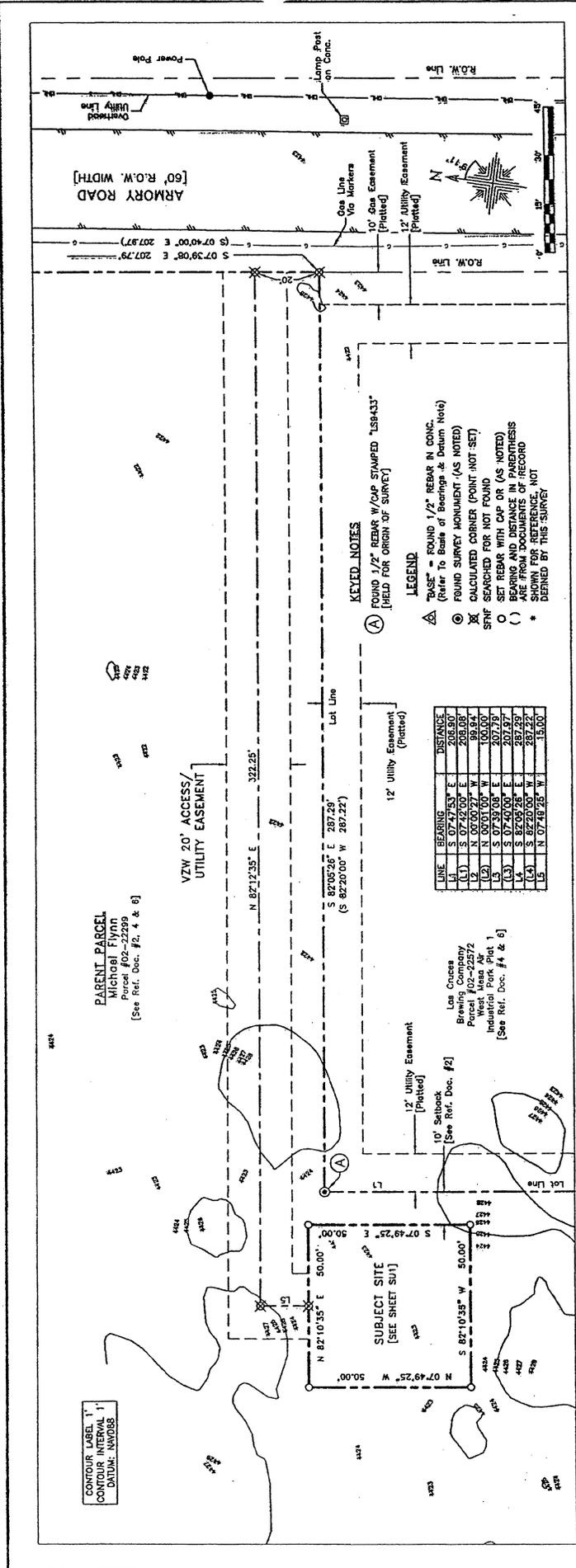
ANGLE
 CENTERLINE
 CHANNEL
 PENNY
 PERPENDICULAR
 ROUND/DIAMETER
 SQUARE
 APPROXIMATELY



VIEW OF PROPOSED VZW LEASE AREA (LOOKING NORTHWEST)



VIEW OF PROPOSED VZW LEASE AREA (LOOKING SOUTHWEST)



ENLARGED SITE OVERVIEW/LEASE AREA & ACCESS/UTILITY EASEMENT

verizon wireless

4821 Sibank NE
Albuquerque, New Mexico 87111

Towercom
TELECOMMUNICATIONS

4620 Montanney Blvd. NE, Suite 5
Albuquerque, NM 87109
Tel: 800-333-8864 Fax: 505-332-4888

ENLARGED SITE PLAN OVERVIEW
LEASE AREA & UTILITY
EASEMENT OVERVIEW
LEGAL DESCRIPTIONS

VZW LSC ARMORY
Sheet 2 of 2
SU2

DESCRIPTION TO BE APPLIED UPON APPROVAL OF LOCATION BY GOVERNING BODY

DESCRIPTION TO BE APPLIED UPON APPROVAL OF LOCATION BY GOVERNING BODY

ACCESS/UTILITY EASEMENT CENTERLINE DESCRIPTION

LEASE AREA LAND DESCRIPTION

DESIGNED FOR:

verizonwireless

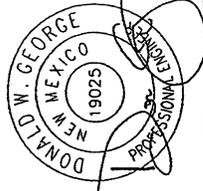
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LLC.

REV	DESCRIPTION	DATE	BY	CHK
0	APPROVED FOR LEASING/ZONING	12/03/09	RT	GSD
1	PRELIMINARY - FOR LEASING/ZONING	12/03/09	RT	GSD
2	APPROVED FOR LEASING/ZONING	12/09/09	RT	GSD



DESIGNED BY:

93



PROJECT NAME:

LSC ARMOY
120'-0" MONOPOLE
RAW LAND COMM SITE

PROJECT ADDRESS:

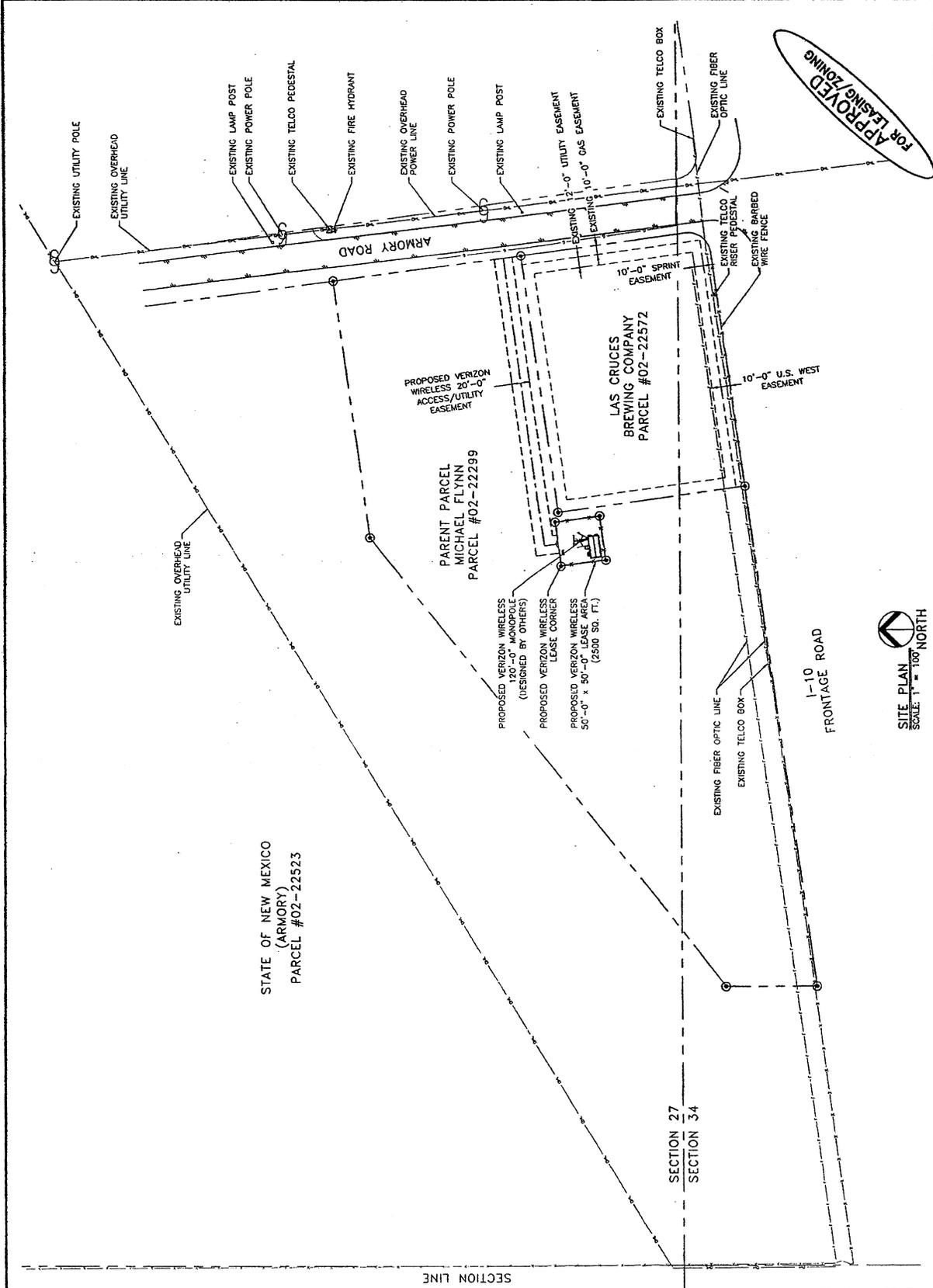
SW 1/4 SEC. 27, T23S,
R1W, N.M.P.M.
LAS CRUCES, NEW MEXICO

SHEET TITLE:

SITE PLAN

SAVE DATE: 12/9/2009 4:28 PM

SHEET NUMBER: Z1



SITE PLAN
SCALE: 1" = 100'
NORTH

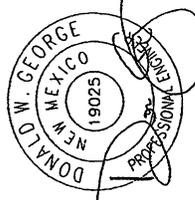
DESIGNED FOR:

verizonwireless

1821 EUBANK, NE
ALBUQUERQUE, NM 87111

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REV	DATE	BY	DESCRIPTION
0	12/03/09	RT	APPROVED FOR LEASING/ZONING
1	12/09/09	RT	APPROVED FOR LEASING/ZONING



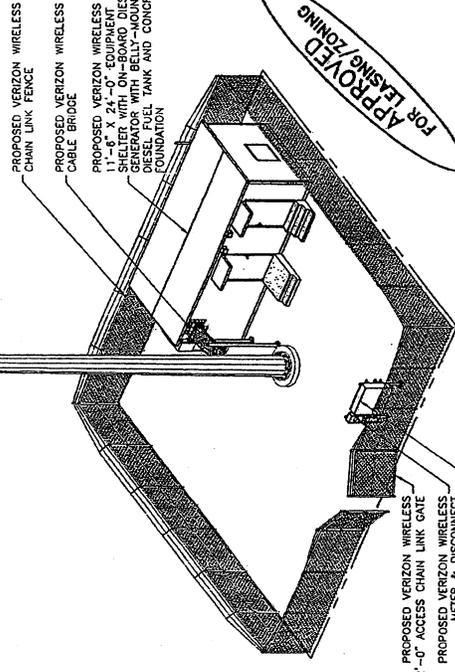
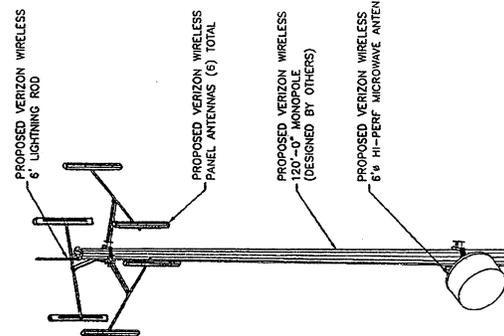
LSC ARMY
120'-0" MONOPOLE
RAW LAND COMM SITE

PROJECT ADDRESS:
**SW 1/4 SEC. 27, T2S5,
R1W, N.M.P.M.,
LAS CRUCES, NEW MEXICO**

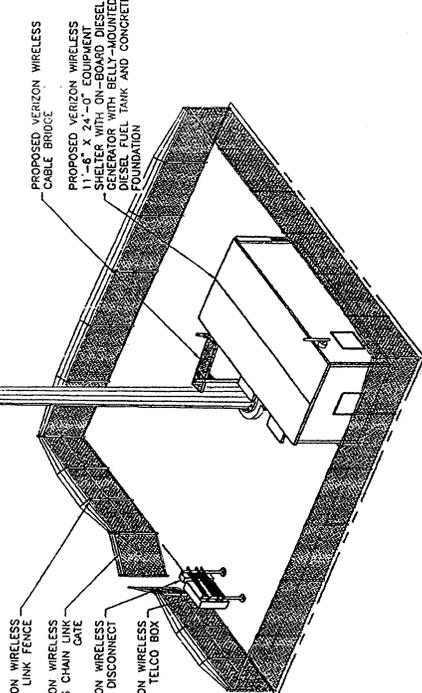
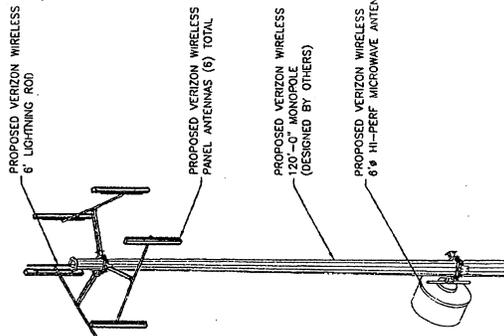
SHEET TITLE:
**VERIZON WIRELESS
ISOMETRIC VIEWS**

SCALE DATE: 12/9/2009 4:28 PM

SHEET NUMBER: 73



VERIZON WIRELESS ISOMETRIC VIEW (NORTHWEST)
SCALE: N.T.S.



VERIZON WIRELESS ISOMETRIC VIEW (SOUTHWEST)
SCALE: N.T.S.

verizonwireless
4821 EUBANK NE
ALBUQUERQUE, NM 87111

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NEW MEXICO / TEXAS / NEVADA
TEL: 208-286-0265

REV	DATE	BY	CHK	DESCRIPTION
0	12/03/09	RT	GD	PRELIMINARY - FOR LEASING/ZONING
1	12/09/09	RT	GD	APPROVED FOR LEASING/ZONING

PROJECT NAME:
LSC ARMORY
120'-0" MONOPOLE
RAW LAND COMM SITE

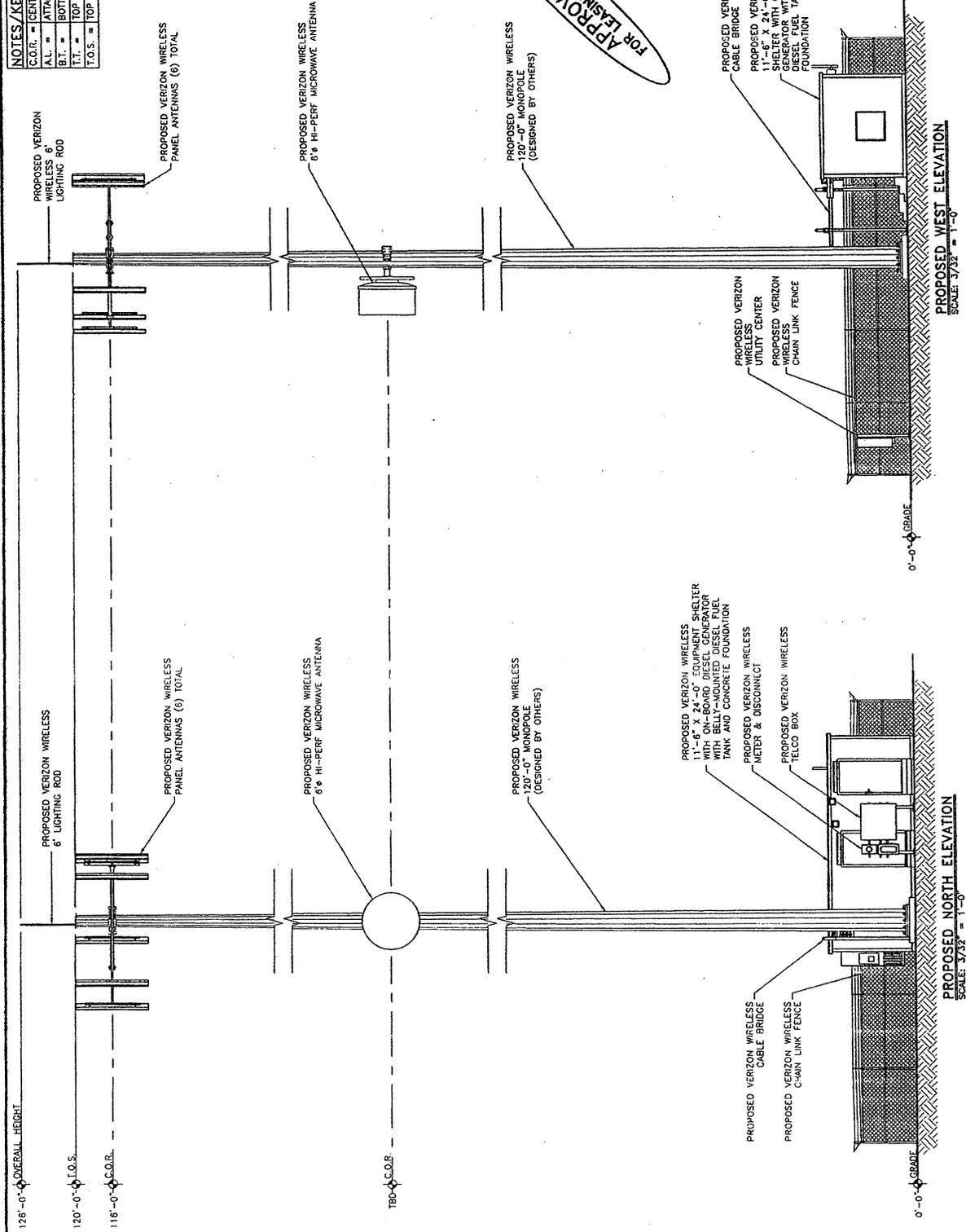
PROJECT ADDRESS:
SW 1/4 SEC. 27, T23S,
R1W, N.M.P.M., NEW MEXICO
LAS CRUCES, NEW MEXICO

SHEET TITLE:
ELEVATIONS

DATE: 12/19/2009 4:28 PM

SHEET NUMBER: Z 4

NOTES/KEYS:
C.O.R. = CENTER OF RADIATION
A.L. = ATTACHMENT LEVEL
B.T. = BOTTOM TIP LEVEL
T.T. = TOP TIP LEVEL
T.O.S. = TOP OF STRUCTURE



APPROVED FOR LEASING/ZONING



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Issued Date: 02/03/2010

Alice Silverthorn
Verizon Wireless (VAW) LLC - (ALS)
One Verizon Place (GA3B1REG)
Alpharetta, GA 30004-8511

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower ARMORY
Location: Fairacres, NM
Latitude: 32-16-17.59N NAD 83
Longitude: 106-56-11.55W
Heights: 126 feet above ground level (AGL)
4550 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 08/03/2011 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 838-1999. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-ASW-374-OE.

Signature Control No: 680472-122417014

(DNE)

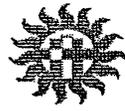
Debbie Cardenas
Technician

Attachment(s)
Frequency Data

cc: FCC

99
Frequency Data for ASN 2010-ASW-374-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W



City of Las Cruces®
FACILITIES DEPARTMENT
Las Cruces International Airport

TO: Christine Logan, Economic Development Administrator
Adam Ochoa, Associate Planner

FROM: Lisa Murphy, AICP, CM, Airport Manager *LM*

DATE: January 20, 2010

SUBJECT: Proposed Zone Change Request for Communications Tower

FILE NO.: A10-008

The Las Cruces International Airport objects strongly to Zone Change Request Z2810 to remove a condition that states that communication towers are limited to the northeast quadrant of the West Mesa Industrial Park.

1. I have received no communication from the applicant regarding this proposed tower and thus have not had adequate time to review the proposal for potential adverse impacts to the airport, nor has there been time to consult with airport users.
2. The applicant has provided a letter from an airspace consulting firm with a favorable determination regarding the tower location, but this does **not** constitute an actual Federal Aviation Administration (FAA) approval.
3. The applicant must submit a formal request to the FAA, as per CFR Title 14 Part 77.13 which states that any person/organization who intends to sponsor any of the following construction or alterations must notify the Administrator of the FAA:
 - any construction or alteration exceeding 200 ft above ground level
 - any construction or alteration:
 - within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft
 - within 10,000 ft of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft
 - within 5,000 ft of a public use heliport which exceeds a 25:1 surface
 - any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards

- when requested by the FAA
- any construction or alteration located on a public use airport or heliport regardless of height or location.

This proposed use does appear to meet some of the above conditions and thus notice to FAA is required.

4. I believe that the zone change request should be considered only **after** the applicant has filed for a Part 77 FAA Obstruction Evaluation as per Part 77.13 and received an official determination from the FAA, a process which can be done on-line and takes approximately 60-90 days. For information on how to submit an obstruction evaluation to FAA, go to http://www.faa.gov/airports/engineering/airspace_analysis/.

5. This project appears to be contained within the Las Cruces International Airport Operations Overlay Zoning district, or AOD. This zoning district provides for restrictions on land uses in the airport vicinity based on applicable Part 77 surfaces. See Las Cruces Municipal Code 38-46-1 for specific information regarding the AOD district.

6. As the City accepts FAA grant funding for airport improvement projects, it is obligated by the FAA Grant Assurances. These are obligations that require the airport owner to maintain and operate their facilities safely and efficiently, and in accordance with specified conditions. Grant Assurances 20 and 21 cover airspace hazards and compatible land uses and state, in part:

20. Hazard Removal and Mitigation. It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use. It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

For additional information regarding FAA Grant Assurances, go to http://www.faa.gov/airports/aip/grant_assurances/.

7. Until an official determination is received from the FAA regarding this proposed tower, the airport's position is that this proposed tower has a potential to limit the current and future uses of the airport by creating an obstruction that

may impact current and proposed runway approaches, and thus adversely impact the not only utility of said runways but also the safety of the aviating public.

Las Cruces International Airport is a thriving public use airport that serves general aviation, corporate traffic, military operations and also supports several aviation-related businesses including an air ambulance service. The FAA, New Mexico Department of Transportation Aviation Division and the City of Las Cruces have invested considerable funds towards capital improvements and maintenance of this airport. Locating a proposed obstruction so close to the airport without careful consideration, study, and concurrence from the FAA has the potential to be detrimental to this important community asset.

cc: Brian Denmark, Facilities Director
West Mesa Strategic Planning Committee
Mike Saupp, FAA Program Manager

103

Adam Ochoa

From: Lisa Murphy
Sent: Tuesday, February 16, 2010 8:38 AM
To: Adam Ochoa
Subject: Z2810
Attachments: Z2810 memo.pdf

Adam:

I have attached the memo as requested.

The FAA's favorable determination has alleviated most of the concerns set forth in this memo. However, I strongly urge that a condition of zoning be established requiring the tower to be lighted.

LM

=====>

Lisa L. Murphy, AICP, CM
Airport Manager, KLRU
City of Las Cruces Facilities Department
575-541-2471 (office)
575-635-9527 (mobile)

2/16/2010

Adam Ochoa

From: Lisa Murphy
Sent: Friday, February 12, 2010 9:08 AM
To: Adam Ochoa
Cc: Brian Denmark
Subject: Airport Advisory Board recommendation

Adam:

The Airport Advisory Board held their regularly scheduled meeting February 11, 2010 and made the following recommendation regarding case Z2810, request for change of conditions:

The Board's opinion is that the condition of zoning prohibiting communications towers at this location should remain in place and they recommend that the request be **denied**. However, if the request is approved and the tower is constructed the Board strongly recommends that the tower be lighted in order to mitigate hazards to air navigation.

LM

=====→

Lisa L. Murphy, AICP, CM
Airport Manager, KLRU
City of Las Cruces Facilities Department
575-541-2471 (office)
575-635-9527 (mobile)

Attachment #5

STATE OF NEW MEXICO
(ARMORY)
PARCEL #02-22523

105

PARENT PARCEL
MICHAEL FLYNN
PARCEL #02-22299

LAS CRUCES
BREWING COMPANY
PARCEL #02-22572

1-10
FRONTAGE ROAD

ARMORY ROAD

EXISTING FIBER OPTIC LINE
EXISTING TELCO BOX

PROPOSED VERIZON WIRELESS
120'-0" MONOPOLE
(DESIGNED BY OTHERS)
PROPOSED VERIZON WIRELESS
LEASE CORNER
PROPOSED VERIZON WIRELESS
50'-0" x 50'-0" LEASE AREA
(2500 SQ. FT.)

PROPOSED VERIZON
WIRELESS 20'-0"
ACCESS/UTILITY
EASEMENT

10'-0" U.S. WEST
EASEMENT

10'-0" SPRINT
EASEMENT

EXISTING TELCO
RISER PEDESTAL
EXISTING BARBED
WIRE FENCE

EXISTING 12'-0" UTILITY EASEMENT
EXISTING 10'-0" GAS EASEMENT

EXISTING LAMP POST
EXISTING POWER POLE
EXISTING OVERHEAD
POWER LINE
EXISTING FIRE HYDRANT
EXISTING TELCO PEDESTAL

EXISTING TELCO BOX
EXISTING FIBER
OPTIC LINE

SITE PLAN
SCALE: 1" = 100'
NORTH

APPROVED
FOR LEASING/ZONING



M-3C

Subject Parcel

M-1C

WMIP

WMIP-F

WMIP

HC

HC

110

110

ROBERT LARSON

ROBERT LARSON

FRONTAGE FRONTAGE

VICINITY MAP

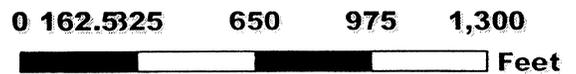
CASE NO. Z2810

PARCEL: 02-22299

OWNER: MICHAEL FLYNN

ADDRESS: WEST MESA

ZONING: M1-C TO M-1C



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.

Community Development Department
 575 S Alameda Blvd.
 Las Cruces, NM 88001
 (505) 528-3222

consent agenda, there are two right now, Case S-09-061 and Case Z2809. So if anyone wants to speak to S-09-061? No. Okay, that'll remain on the consent agenda. And then anyone want to speak to Case Z2809? All right. So the way the consent agenda works is that I ask for approval of the consent agenda and we get approval on that, we vote on it, and then those items are passed. All right, I'll entertain a motion to accept the consent agenda.

Bustos: So moved.

Scholz: Is there a second?

Beard: Seconded.

Scholz: Okay, it's been moved and seconded. All those in favor say aye.

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. All right the consent agenda is approved.

VI. OLD BUSINESS - NONE

VII. NEW BUSINESS

*1. **Case Z2810:** A request for a zone change from M-1/M-2C (Industrial Standard-Conditional) for the purpose of removing a condition on the existing zoning on the subject property that states that communication towers are not allowed in this area of the West Mesa Industrial Park. The subject property encompasses 4.59 +/- acres and is located west of Armory Road and north on Interstate 10. Submitted by Scott Dunham, Reliant Land Services, on behalf of Michael Flynn & Elizabeth Marrufo, property owners

Scholz: There is no old business as far as I can see, so that brings us to Case Z2810 which is the first item on new business. Now here's how the procedure works. We ask the City to present their case, then we ask the applicant to present their case, then we open it for public discussion, at which time you're free to come up, identify yourself at the microphone, and speak to this topic. And then we close public discussion, we have discussion among ourselves on the Commission, and then we take a vote. All right, Mr. Ochoa.

Ochoa: For the record Adam Ochoa, Development Services. First case tonight gentlemen is Z2810, apologies about the misprint there on the slide. It's a request for a zone change from M-1/M-2C which is industrial standard-conditional for the purpose of actually removing a condition on the existing zoning on the subject property that states that communication towers are

DRAFT

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not allowed in this area of the West Mesa Industrial Park. The subject property encompasses 4.59 acres and is located west of Armory Road and north of Interstate 10.

Here's a vicinity map of the subject property, as you can see it here highlighted in the purple. Like I said it is located on the corner of Armory and the frontage road for I-10. Like I said it is zoned M-1/M-2 Conditional and this is the West Mesa Industrial Park area. Subject property was sold by the City of Las Cruces in 1989 and was designated with the zoning designation of M-1/M-2C which is industrial standard-conditional with the condition that it must follow the West Mesa Development plan. The West Mesa Development plan states that no communication structures are allowed anywhere in the West Mesa Industrial Park except for the northeast quadrant of the park where some structures already exist. The applicant would like to construct a 2,500 square foot fenced in area that will contain a 276 square foot shelter and a 120-foot tall monopole communication tower. The applicant has stated that the preliminary Federal Aviation Administration or FAA study has been completed and the study shows that the subject would be able to accommodate a tower up to 182-feet in height. An actual aeronautical study was conducted by the actual FAA and it was determined that there are no hazards presented by the proposed 120-foot tall tower.

Additionally the FAA determined that the proposed tower is not required to be illuminated but the applicant has stated that the tower will be voluntarily illuminated as an extra precaution and will fully comply with the FAA installation and maintenance of lighting for the proposed tower. City staff initially expressed some concerns with the proposed communication tower. With subsequent conversations between the City's airport manager and the applicant, have addressed these concerns and the subsequent FAA approval of the proposed 120-foot tall tower solidified the support of this proposal by City staff with some conditions. Parking, landscaping, and screening shall be required to meet the standards of the West Mesa Industrial Park and will be verified during the building/permitting process.

Here's a site plan of the subject property located here with the actual leased area where the fenced in area with the monopole tower would be located at. Here's kind of a proposed site layout of what it would look like, again 120-foot tall tower and the fenced in area.

Staff recommendation for Case Z2810 is, staff has reviewed the zone change and recommends approval with conditions based on preceding findings. First condition is the maximum height of the proposed new communication structure is limited to 120-feet maximum. The structure must also be illuminated in accordance with the FAA Advisory Circular 70/7460-1K. The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration. Your options tonight gentlemen are; one to vote yes to approve the request as recommended by staff for Case Z2810; to vote yes and approve the

1 request with additional conditions as deemed appropriate by the
2 Commission; three to vote no and deny the request or four to postpone
3 and table the request and coordinate with staff appropriately. That
4 concludes my presentation. The applicant is here to answer any
5 questions as well as the airport manager as well. I stand for questions as
6 well.
7

8 Scholz: Okay. Questions for this gentleman. Commissioner Beard.

9
10 Beard: When that was incorporated, why was it stipulated that there wouldn't be
11 any towers out there?
12

13 Ochoa: To better answer that, I'll defer to Christine Logan. She might have a little
14 more better information for you for that.
15

16 Logan: Good evening. I'm Christine Logan. I'm the Economic Development
17 Administrator for the City and I'm responsible for development of the West
18 Mesa Industrial park. When the City acquired the land in the mid '80's
19 there were already communication structures on the ground and so we
20 allowed them in that area. At the time a communication structure was a
21 big 15-foot dish and that's why in development of the plan they were
22 limited to where they already existed so that they wouldn't ... more as kind
23 of an aesthetics issue as far as I can tell looking through the notes. That
24 in the plan you're allowed to have communications structures that are
25 located on a building currently in the park, but not a free standing one.
26 There is no building in this area. So it was mostly an aesthetics issue at
27 the time because they were apparently thinking of big, giant dishes more
28 than towers.
29

30 Beard: So there was no consideration for safety purposes then when you made
31 that decision?
32

33 Logan: In any location in the park it would be with FAA compliance. So, yes, that
34 is an issue, but there are areas of the park where the FAA does approve
35 of. But throughout the West Mesa Plan everything is with FAA compliance
36 if it would impact the airport at all.
37

38 Scholz: Okay, other questions? Any other questions for Mr. Ochoa? Okay, mine
39 was the same about the safety issue. Can we hear from the applicant
40 please?
41

42 Dunham: Yes, good evening. My name is Scott Dunham and I represent Verizon
43 Wireless and the applicant for this. Mr. Ochoa did an excellent job of
44 presenting our case. Basically, Verizon Wireless would like to place a
45 tower out here on the West Mesa because there's a large hole in coverage
46 presently as you leave Las Cruces headed out west on Interstate 10.

1 They already have towers both to the east and to the west of this tower
2 and currently because of the current zoning we can't build except for in the
3 northeast quadrant, would preclude from being able to close that hole in
4 coverage there along Interstate 10. One of the other reasons not only to
5 cover Interstate 10 but also the state armory that is there on Armory Road.
6 They too have a number of contracts with their Blackberries that they
7 attempt to use, however unfortunately since there is no tower in the
8 location they're fairly useless inside the armory, so that's another one of
9 the things we're trying to do, is satisfy the need for our services out there
10 to the businesses that already exist. Since the West Mesa Industrial Park
11 is there for purposes of expansion of business and as a means of helping
12 promote businesses to locate there in the industrial park, we only feel that
13 we would be an asset by enhancing the communications out there.

14
15 Scholz: All right, questions for this gentleman? Okay, thank you very much Mr.
16 Dunham.

17
18 Dunham: Thank you.

19
20 Scholz: You said the airport manager is here. Yes, there you are. Nice to see you
21 again.

22
23 Murphy: Good evening gentleman. I'm Lisa Murphy and I am the Las Cruces
24 International Airport Manager. While locating any type of tall structure
25 including a communications tower near an airport is never ideal, I must
26 say that in this case the applicant has met every single one of my requests
27 including to submit for an actual airspace study to the FAA prior to this
28 case coming forward to this body. And a favorable determination from the
29 FAA has been received in that they believe this tower will not pose a
30 hazard to air navigation. As mentioned, the applicant has voluntarily
31 agreed to light the tower which I very much appreciate on behalf of the
32 airport users as I believe it mitigates hazards to air navigation. However, I
33 would urge the Commission to add the two conditions of zoning as
34 recommended by staff in accordance with the FAA Advisory Circular as
35 recommended. But again, this puts me in an awkward position of
36 sounding like I support a communications tower near an airport which I
37 personally do not, but in terms of the applicant complying with all the
38 conditions that I asked them for and everything from an FAA regulatory
39 standpoint, they have in fact done so.

40
41 Scholz: Okay. Questions for Ms. Murphy? All right. Thank you very much. Okay,
42 we'll hear from the public. Yes, sir, come up to the microphone, state your
43 name and give us your opinion please.

44
45 Billstone: Thank you Mr. Chair. I'm Leon Billstone. I'm here as an officer and
46 director of the Experimental Aircraft Association, Chapter 555 located on

1 the airport. I have been kind of an airport bum for the last 17 years,
2 having been associated with the business, never having pilots license, but
3 I've always had my fingers in it. I served on the airport advisory board for
4 four years down at Santa Teresa and I've served on this airport board for
5 three different times. I'm asking you tonight to deny the zoning. Basically,
6 it's a hazard in navigation. And there's other ground close by, across the
7 interstate that'll get it out of the airport property area. The zoning was put
8 in place to protect that airport. That's what it was put in there for.
9 Because tall structures have no business around an airport. We've got a
10 water tank out there that is kind of the highlight of the whole thing and as a
11 matter of fact if you want why don't you hang an antennae on top of that?
12 You'd have excellent coverage. But, I'm just going to kind of plug away
13 here if I may. I have no formal presentation.

14 But before anything starts around an airport you file a part 77, then
15 you fill out a form 7460. Now somebody may have contacted the FAA and
16 the FAA sent a letter back signed by a technician in the FAA office
17 somewhere. I never have been able to buy technicians signing important
18 documents. The 7460 form would still be applicable to be filled out and
19 sent to the FAA. The FAA has kind of taken a hands off approach to this
20 thing because the basic thing that gets the FAA involved is the structure
21 over 200 feet. Second thing is, is it less than a mile from an operational
22 general aviation airport? It's not over 200 feet and I'm hoping we never
23 have anything that tall. But it is four thousand and some odd feet from an
24 operating general aviation airport. Now also this airport in addition to
25 some 50 or 60 odd aircraft that the EAA has out there with their
26 membership now totaling some 90 pilots.

27 There's also, I don't know how to put this, you also have a medivac
28 service, helicopters. It's their base of operation out there. And of course
29 there is one on duty all times. Now that's the one that takes off and jumps
30 the fence, whatever, they don't go out and taxi down the taxi lane and then
31 get on the end of the runway and request permission to take off. They
32 crank those things up and put them in the general direction they're
33 supposed to go, jump the fence and away they go. If that's necessary.
34 The PSL labs New Mexico State University always is also testing and
35 flying UAVs, unmanned aerial vehicles. They do it at all over the place.
36 They do it on runway 422. They do it on the McGregor range. They do it
37 everywhere. So you also have UAVs now that can be entered into that
38 airspace. It's legal. This tower I think is more suited for being in the
39 pattern. Now the pattern altitude is 500 feet, but tower is 120. What
40 happens if somebody comes in low in the pattern? Doesn't see it. Towers
41 are awfully hard to see from the air when you're flying alone. There's a
42 very very large antennae that was put up to the south and over off on the
43 bluff across the highway some time back. Even lighted this thing is hard
44 to see. So, this just all adds up. This whole deal is bad and I would
45 imagine we could keep going and keep digging stuff up.

1 But also I wanted to add that the FAA says oh no worry, you're in
2 the clear. You're not penetrating the transitional zones and you're too high
3 and all this jazz. But they also say that the airport manager or the sponsor
4 which is the City of Las Cruces has the right to say we don't think it's
5 suitable for our location. And you can get up on your hind feet and say
6 that. So, it's not just the FAA saying from Washington, yeah go ahead,
7 we're okay. You can do whatever you want. It's the fact that Ms. Murphy
8 as airport manager has the right to say I don't like it. And normally they
9 would take the word of the airport manager. She's the one that's around
10 that area all the time. She's the one that has to be responsible for it. So I
11 probably run over my time, anyhow, but anyway I just wanted to come
12 down and ask you to please turn it down. There's other land across the
13 road that can be used. Put it over there. Thank you for the time.

14
15 Scholz: Okay. Do you have questions for this gentleman? Commissioner Beard?

16
17 Beard: What were those forms again? The FAA forms that they're supposed to fill
18 out that you think they should fill out?

19
20 Billstone: Part 77 is the main article. That's the federal. The form that they will have
21 to submit is 7460 and that form is ... describes in detail where it is, how
22 high it is, what the size of it is, and it applies to trees even. Because trees
23 can be a hazard and if you were to plant a big tree on the airport you'd
24 have to fill out a form 7460 to get it approved.

25
26 Beard: So to your knowledge this form has not been filled out?

27
28 Billstone: I haven't seen a copy. Ms. Murphy showed me a letter from the FAA that
29 more or less said yeah we have no objections.

30
31 Beard: Okay.

32
33 Billstone: But that letter again was signed by a technician. And I don't buy that as I
34 stated. I believe the FAA requires the secretary to sign that. Secretary of
35 Transportation.

36
37 Beard: Thank you.

38
39 Scholz: Commissioner Crane you had a question.

40
41 Crane: Yes, a couple. Mr. Billstone do you officially represent any organization?
42 Perhaps do you officially represent the EAA squadron chapter?

43
44 Billstone: No, not before this. I've been associated, I think since '93 with the EAA
45 chapter here.

46

DRAFT

1 Crane: But you're here on your own behalf today?
2
3 Billstone: Pardon?
4
5 Crane: You're here on your own behalf today?
6
7 Billstone: I'm here on my own behalf.
8
9 Crane: Okay. The letter from the FAA does list the structure location, latitude,
10 longitude, and height and so evidentially FAA had that information in hand
11 and then in a latter paragraph it says it's required that FAA forms 7460-2
12 be completed and returned to this office any time the project is abandoned
13 or and there's an X in front of this, within five days after the construction
14 reaches it greatest height. So evidentially this form's not required before
15 the structure is built. It's required to confirm that it does meet the FAA
16 regulations. It seems to me that with this letter whether it's signed by a
17 technician or what, this may be a temporary matter, and with the
18 endorsement of the airport manager, the location and considering the
19 location is off the approach to any runway and also below the pattern
20 altitude, although I grant that I as a pilot if I were one, I don't have enough
21 hours right now, would be a little nervous. I'd be a lot more nervous about
22 that other one south of the freeway than about this 120 footer. You have a
23 comment on that?
24
25 Billstone: Well, let me back up just a minute. Ms. Murphy just showed me the back
26 half of the form 7460 which was filed so I'm in error there. Apologize for
27 that. I had read just pieces of the letter before. I had not really closely
28 examined it.
29
30 Crane: Thank you.
31
32 Scholz: Okay. Thank you Mr. Billstone.
33
34 Billstone: Thank you.
35
36 Scholz: Anyone else wish to speak to this? Mr. Dunham you want to add a
37 comment?
38
39 Dunham: Just to address one of the concerns that Mr. Billstone had expressed,
40 where he had talked about the zoning being put in place for safety. I don't
41 believe that is the case and I'll please defer to Adam or Christine Logan to
42 comment on that. But as the zoning standards right now as M-1C,
43 currently a 200-foot building can be built without any need to come before
44 the Planning and Zoning Commission on this property now. So it's just
45 that a telecommunications facility can't be put there. So basically it's not a
46 height limitation. If we were applying to put up a 200-foot building that is

1 permitted currently on this site. So it's not a height issue, it's purely
2 whether or not telecommunications can exist on this property. And again,
3 I'll defer to Adam or Christine to comment on that.
4

5 Scholz: Okay. Thank you for the additional information. Commissioner Beard.

6
7 Beard: I'd like to ask a question. Mr. Billstone brings up a good argument though,
8 why didn't you choose the water tower out there to erect that antennae?
9

10 Dunham: If I'm correct. I don't believe we're allowed to locate a commercial facility
11 on the airport property. Am I correct in that?
12

13 Scholz: Ms. Murphy.

14
15 Murphy: Mr. Chair, Commissioners, I don't know if that's correct. I don't know what
16 the requirements are. That water tower is property of the City of Las
17 Cruces Utilities Department. And I imagine it would take some sort of
18 special permission from them and there are commercial facilities located
19 on airport property. But I don't know. Go ahead Christine.
20

21 Scholz: Okay, we have someone who's going to comment on that. Christine.
22

23 Logan: Mr. Chairman, based on working with some other City utility sites and
24 trying to locate cell towers, the decision of the City is not to put them on
25 our utility structures. And so in some cases they can be on the ground
26 adjacent to it and utility structures, but that there are security issues and
27 access issues that we don't want to give a private company access to our
28 City water tower for maintenance and such. So that is not an option to
29 locate a communication structure, a private communication structure on
30 our City utility sites.
31

32 Scholz: Okay. Thank you. That clears that up.
33

34 Crane: Mr. Chairman.

35
36 Scholz: Commissioner Crane, yes.
37

38 Crane: I'm interested in how tall the water tower is. Does anybody know?
39

40 Logan: The water tower is approximately 120 feet tall.
41

42 Crane: Thank you.
43

44 Logan: And it is lit with obstruction lighting.
45

46 Crane: And real close to the east/west runway?

1
2 Logan: That is correct Commissioner.
3
4 Crane: About 100 yards south I think.
5
6 Logan: It is closer than this proposed Verizon tower would be. That's correct.
7
8 Crane: And bigger.
9
10 Scholz: Commissioner Beard.
11
12 Beard: But it's not at the end of the runways? I mean it's off to the side.
13
14 Logan: That's correct. It's not in an area in which planes would be descending for
15 approach.
16
17 Beard: I have another question. I've noticed that there are ultralights now
18 showing up out there, flying around. And they fly quite low. Are the
19 ultralights getting to be a popular flying device out there at the airport?
20
21 Logan: We've seen several. Yes. Yes, and like Mr. Billstone stated we do have a
22 UAV, unmanned aerial vehicle test facility there as well. But typically a
23 tower like this would be published and noted on an FAA sectional chart, so
24 any airmen should be aware of it.
25
26 Beard: But the ultralights, they're not required to ... I mean they don't chart. They
27 don't what do you call it ...
28
29 Scholz: They just flit, don't they?
30
31 Beard: Yes.
32
33 Scholz: I've seen them.
34
35 Logan: Well ultimately under FAR part 91 which governs the rules of flight. The
36 responsibility to see and avoid any sort of obstruction or hazard is the
37 responsibility of the pilot in command.
38
39 Scholz: Okay. Any other questions gentlemen? All right, anyone else from the
40 public who wanted to comment on this? I see we have a technician here
41 who's going to fix things. All right, I'm going to close this to public
42 discussion. I'll entertain a motion to approve with the conditions Case
43 Z2810. And the conditions are the maximum height of the proposed new
44 structure is limited to 120-feet, and the structure must be illuminated in
45 accordance with FAA Advisory Circular 70/7460-1K.
46

1 Crane: So moved.
2
3 Scholz: Okay, it's been moved. Is there a second?
4
5 Bustos: Second.
6
7 Scholz: Okay, it's been moved and seconded, I'll call the roll. Commissioner
8 Crane.
9
10 Crane: Aye findings and discussion.
11
12 Scholz: Commissioner Bustos.
13
14 Bustos: Aye findings and discussion.
15
16 Scholz: Commissioner Beard.
17
18 Beard: We weren't going to have a discussion between ourselves on this?
19
20 Scholz: I didn't hear any discussion, no. Was there discussion?
21
22 Beard: Well I'd sort of like to talk about it.
23
24 Scholz: All right, we'll withdraw the motion. Would you withdraw the motion?
25
26 Crane: The motion is withdrawn.
27
28 Scholz: Okay.
29
30 Beard: I do have concerns. My family's in aviation, background type family and
31 I've done quite a bit of flying and an ultralight, for our edification is ... you
32 can go out, you and I can go out and fly an ultralight. We don't need a
33 license. And you don't have to file for and I forget what you call it to go
34 from one place to another place.
35
36 Scholz: Flight plan.
37
38 Beard: Flight plan, there you go. And these guys I think they typically have to
39 stay below 1000 feet. So they're flying low to the ground a lot. Especially
40 when they get to an area where they're going to be landing or and where
41 they're taking off from. And having structures starting to pop up all over
42 the place in an airport vicinity to me raises a big concern. If somebody
43 can go and put a tower next to the water tower which is very obvious when
44 ... as a structure when you're flying as opposed to a small device that
45 sticking up 120-feet, it is a little bit hard to see that device standing up if
46 it's cable supported or whether it's self supported, but it's still small in

1 diameter. That water tower is out in a different area which airplanes don't
2 utilize. This tower that we're talking about now is more out towards the
3 end of the runway. It's not in the flight pattern but it is off to the side at the
4 end of the runway. I really don't like seeing things going up in those
5 areas. So I do have a concern myself, those towers going up. If this
6 tower goes up, somebody else can come in and say I want another tower
7 and pretty soon we have all kinds of towers out there. We're sort of ...
8 we're setting a precedence by putting this tower out there I think. And that
9 concerns me. One tower maybe in the next 30 years, that may not be a
10 problem, but who knows who wants to put out more towers. In 1980 as it
11 was indicated we didn't have these things and that was not a concern.
12 Twenty years from now we have all kinds of new electronic transmitting
13 devices and they require more towers. I really do believe that we should
14 limit what's being constructed out there. A 200-foot building was indicated
15 that if that could be put out there. I don't know whether that can. But you
16 obviously are going to see a building that's 200-feet as opposed to a
17 tower. So I really do ... I don't know how, that's my concern.

18
19 Scholz: Okay. Commissioner Crane.

20
21 Crane: You're talking on the ultralight about the flying lawnmower, right? It goes
22 20 miles an hour with a tail wind. I think those guys have got plenty of
23 time to see and they're right out in the open, to see something like an
24 antennae tower. I'm thinking that surrounding any large urban airport and
25 I don't know if ultralights can use it, probably not, but general aviation can
26 use it. You've got buildings of all sizes, obviously not the very largest right
27 down inside the airport, but there are plenty of hazards for the unwary pilot
28 who's not climbing out like a jet and I think the onus here belongs to the
29 pilot, is on the pilot to avoid the structures. You could argue the same way
30 about buildings going up in the neighborhood of the airport I think. If the
31 FAA is happy that the structure doesn't represent a hazard to aviation, I
32 think we should defer to them.

33
34 Scholz: Okay. Commissioner Beard.

35
36 Beard: There would be one other concern of mine too is that pilots often dead
37 reckoning and when they do they use like a highway. This highway leads
38 pilots from the west directly to the airport and that's exactly where this
39 tower's located is on the way to the airport down the I-10. I know pilots
40 are not supposed to be down that low, but that's another obstacle that's
41 going to be out there.

42
43 Scholz: Okay. I just have one comment. With regard to electronics, what we've
44 discovered is that electronics get more compact as we go along. If you
45 remember the ... I think Ms. Murphy was talking about or Christine was
46 talking about the three meter dish that was very popular in the '70's and

1 early '80's. Well now we have dishes that are what 36 inches in diameter
2 that we stick on the sides of our houses to receive the same television
3 signals that we used to use a three meter dish. Three meters by the way
4 for those of you who are not metric is about 10 feet across. It's a big thing.
5 And it seems to me that transmission towers have gotten shorter and
6 smaller and in a sense less intrusive and I think that's probably the case
7 here. I think that if the airport manager approves this and the FAA has
8 approved it because the forms have been filed and approved, then I can't
9 see that we have a chance or that we need to deny this. Anyway, I'll call
10 for a motion to approve if we are finished with discussion? Excuse me,
11 Mr. Ochoa.

12
13 Ochoa: If I could just interject gentlemen. By allowing this zone change basically
14 that you're removing the condition of ... which basically would allow this
15 one property to allow the communication tower. With that they could co-
16 locate as well so but any concerns that you may have of various different
17 towers going up in different locations, the applicant has made it clear that
18 they would be open to allowing co-location and so forth like that and the
19 City of Las Cruces Zoning Code does allow that as well.

20
21 Scholz: Okay.

22
23 Crane: Mr. Chairman.

24
25 Scholz: Yes, Commissioner Crane.

26
27 Crane: Co-location meaning other companies could put up towers very close to
28 that one, is that what you mean?

29
30 Ochoa: Mr. Chairman, Commissioner Crane, no, sir. It's basically located on the
31 same structure, just an additional arm if you will on the same structure.

32
33 Scholz: Yeah, it's commonly done in FM transmission, you'll have a television
34 tower, you'll have FM radio on the same transmitters on the same tower.
35 One up on A Mountain is done that way.

36
37 Crane: Apropos Mr. Beard's concern about multiple structures, if anybody else
38 wanted to put a tower around there they'd have to come back to us and
39 the FAA and to the airport and us permission?

40
41 Ochoa: Mr. Chairman, Commissioner Crane that is correct. They'd have to run
42 the same gauntlet if you will that the applicant had to do as well.

43
44 Crane: Thank you.

45

- 1 Scholz: Okay. All right if there's no additional discussion, once again I'll entertain
2 a motion to approve.
3
4 Crane: Once again I will move.
5
6 Bustos: I'll second.
7
8 Scholz: Okay. It's been moved and seconded. I'll call the roll. Commissioner
9 Crane.
10
11 Crane: Aye findings and discussion.
12
13 Scholz: Commissioner Bustos.
14
15 Bustos: Aye findings and discussion.
16
17 Scholz: Commissioner Beard.
18
19 Beard: Aye findings and discussions.
20
21 Scholz: And the chair votes aye for findings and discussion. All right, it's
22 approved. Thank you very much Ms. Murphy, Mr. Dunham.
23
24 2. **Case PUD-09-04:** A request for approval of a concept plan for a Planned
25 Unit Development (PUD) known as Villa Amador. The subject properties are
26 located south of Amador Avenue and west of Valley Drive. The subject
27 property encompasses 54.383 +/- acres and is zoned M-1/M-2 (Industrial
28 Standard) and PUD (Planned Unit Development). The proposed PUD will
29 entail three (3) parcels: Parcel 1 will encompass 7.311 +/- acres and is
30 proposed for Industrial Standard uses; Parcel 2 will encompass 18.263 +/-
31 acres and is also proposed for Industrial Standard uses; and, Parcel 3 which
32 will encompass 28.808 +/- acres and is proposed for a Mobile Home Park.
33 Submitted by Scanlon White, Inc. for IFL, LLC, property owner
34
35 Scholz: Okay, our next case is Case PUD-09-04, a request for approval of a
36 concept plan for a Planned Unit Development. And Mr. Ochoa I see
37 you're up again. What was the problem with the computer? Did it crash?
38
39 Ochoa: I guess it just decided to take some time off.
40
41 Scholz: Oh yes, I can understand that. I'm in favor of that myself.
42
43 Ochoa: Next case tonight gentlemen is PUD-09-04. It is a request for approval for
44 a concept plan for a Planned Unit Development or PUD known as Villa
45 Amador. You can see right here, this is the vicinity map here highlighted
46 in the light green line if you will which encompasses all parcels that would

120



M-3C

Subject Parcel

M-1C

WMIP

WMIP-F

WMIP

FRONTAGE FRONTAGE

110

110

ROBERT LARSON

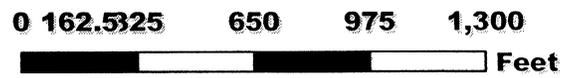
ROBERT LARSON

HC

HC

VICINITY MAP

CASE NO. Z2810
PARCEL: 02-22299
OWNER: MICHAEL FLYNN
ADDRESS: WEST MESA
ZONING: M1-C TO M-1C



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.

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