

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13

Ordinance/Resolution# 2624

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of October 3, 2011
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1B (SINGLE-FAMILY HIGH DENSITY) TO C-1C (COMMERCIAL LOW INTENSITY-CONDITIONAL) FOR 0.25 ± ACRE TRACT LOCATED SOUTH OF THE FUTURE EXTENSION OF SEDONA HILLS PARKWAY AND EAST OF PAGOSA HILLS AVENUE; PARCEL ID# 02-37615. SUBMITTED BY SONOMA RANCH SUBDIVISION LTD. CO. ON BEHALF OF AREA 51 LLC, PROPERTY OWNER (Z2837).

PURPOSE(S) OF ACTION:

A zone change request to limit the allowed land uses to only utility-related land uses (antennas, towers, communication structures and other vertical structures and public/private utility installations).

COUNCIL DISTRICT: 6		
<u>Drafter/Staff Contact:</u> Cheryl Rodriguez <i>[Signature]</i>	<u>Department/Section:</u> Community Development	<u>Phone:</u> 528-3207
<u>City Manager Signature:</u>	<i>[Signature]</i>	

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for 0.25 ± acres of land located within the Sonoma Ranch East II master planned area. The land is identified as zoning tract K1 within planning parcel A2 of the master plan. The subject area is located south of the future extension of Sedona Hills Parkway, east of Pagosa Hills Avenue, and immediately adjacent to the Jornada water tank site.

The property is currently zoned R-1b (Single-Family High Density). The applicant is requesting a zone change to C-1C (Commercial Low Intensity-Conditional) to facilitate the proposed use of a commercial freestanding communication structure. Commercial freestanding communication structures are not an allowed use in the R-1b zoning district. The applicant is requesting to limit the land uses allowed within the C-1 zoning district to utility-related land uses such as antennas, towers, communication structures and other vertical structures and public/private utility installations.

Please note that the zone change request does not constitute final approval for the new construction of a commercial freestanding communication structure. In order to facilitate development of a commercial freestanding communication structure, the applicant must apply

for a Special Use Permit (SUP), which must be considered by the Planning & Zoning Commission.

The proposed zone change is supported by several Land Use Elements within the 1999 Comprehensive Plan as noted in Exhibit "B" of this CAES packet. The subject property is located adjacent to a proposed Collector roadway where utility uses are allowed. Utility-related land uses are not a typical commercial use and will not generate any additional pedestrian, auto or bicycle traffic. The proposed utility use is adjacent to an existing utility structure, i.e., the Jornada water tank.

On May 24, 2011, the Planning and Zoning Commission (P&Z) recommended conditional approval for the proposed zone change by a vote of 5-0-0 (two Commissioners absent). The condition is as follows:

1. The land use is limited to utility-related land uses for antennas, towers, communication structures and other vertical structures and public/private utility installations.

Written public comments were received prior to the May 24, 2011 Planning & Zoning Commission meeting expressing concerns of the placement of a communication structure in their neighborhood (See Attachment "E"). However, no members of the public attended the Planning & Zoning Commission Meeting.

On July 5, 2011, the City Council considered final approval of the zone change request. Due to considerable public opposition to the zone change request as well as to the nature of questions regarding the placement of the freestanding commercial communication structure, City staff recommended that the zone change case be remanded to the Planning & Zoning Commission for re-consideration in conjunction with the development application for the SUP for the freestanding commercial communication structure. In addition, the City Council requested that the applicant hold a neighborhood meeting regarding the proposed communication structure prior to the Planning & Zoning meeting.

A neighborhood meeting was held on July 14, 2011. The Planning & Zoning Commission also reconsidered the zone change request at their July 26, 2011 and recommended conditional approval by a vote of 6-1. Please see Attachment "E" for comments pertaining to public opposition.

On July 27, 2011, City staff reviewed the July 26th Planning & Zoning meeting. Due to a technical error pertaining to the SUP application, staff recommended that the zone change request and the SUP could not go forward to City Council for final consideration.

On September 8, 2011, the Planning & Zoning Commission reconsidered the zone change request for a third time. The Planning & Zoning Commission recommended conditional approval by a vote of 5-0-0 (two Commissioners absent). Please see Attachment "E" for comments pertaining to public opposition.

SUPPORT INFORMATION:

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 Z2837.
5. Attachment "B", Minutes from the May 24, 2011 Planning and Zoning Commission meeting.
6. Attachment "C", Minutes from the July 26, 2011 Planning and Zoning Commission meeting.
7. Attachment "D", Draft minutes from the September 8, 2011 Planning and Zoning Commission meeting.
8. Attachment "E", Correspondence from the Public.
9. Attachment "F", Vicinity Map.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: in the amount of \$ _____ for FY__.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for conditional approval. The 0.25 ± acres will be rezoned from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional). The zone change will allow for utility-related uses to be developed on the subject property. Approval of the zone change does not constitute approval for placement of a freestanding commercial communication structure.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-1b (Single-Family High Density) will remain on the subject property. A commercial freestanding communication structure is not permitted within the R-1b zoning district.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance 2175
2. Ordinance 2543

COUNCIL BILL NO. 12-002
ORDINANCE NO. 2624

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1B (SINGLE-FAMILY HIGH DENSITY) TO C-1C (COMMERCIAL LOW INTENSITY-CONDITIONAL) FOR 0.25 ± ACRE TRACT LOCATED SOUTH OF THE FUTURE EXTENSION OF SEDONA HILLS PARKWAY AND EAST OF PAGOSA HILLS AVENUE; PARCEL ID# 02-37615. SUBMITTED BY SONOMA RANCH SUBDIVISION LTD. CO. ON BEHALF OF AREA 51 LLC, PROPERTY OWNER (Z2837).

The City Council is informed that:

WHEREAS, Area 51 LLC, the property owner, has submitted a request for a zone change from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional) for 0.25 ± acres of land (zoning tract K1 in Planning Parcel A2 of the Sonoma Ranch East II Master Plan) located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue, parcel identification number 02-37615; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on May 24, 2011, recommended that said zone change request be approved conditionally by a vote of 5-0-0 (two Commissioners absent); and

WHEREAS, on July 5, 2011, the City Council remanded the zone change request to the Planning and Zoning Commission for re-consideration; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on July 26, 2011, recommended that the said zone change request be approved conditionally by a vote of 6-1; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 9, 2011, agreed to re-consider the zone change request on September 8, 2011; and

WHEREAS, the Planning and Zoning Commission, after conducting a public

hearing on September 8, 2011, recommended that the said zone change request be approved conditionally by a vote of 5-0-0 (two Commissioners absent).

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 C-1C (Commercial Low Intensity-Conditional) for 0.25 ± acres (zoning tract K1 in Planning Parcel A2 of the Sonoma Ranch East II Master Plan) located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue, parcel identification number 02-37615.

(II)

THAT the condition be stipulated as follows:

- The land use is limited to utility-related land uses for antennas, towers, communication structures and other vertical structures and public/private utility installations.

(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 _____ 2011.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



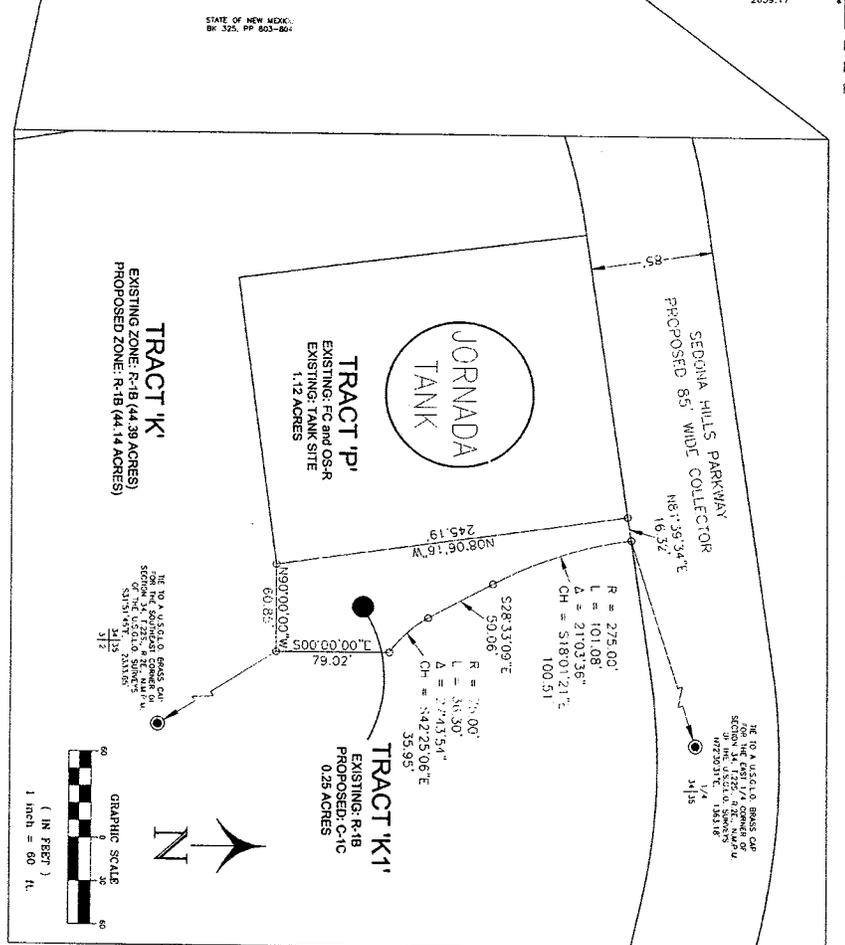
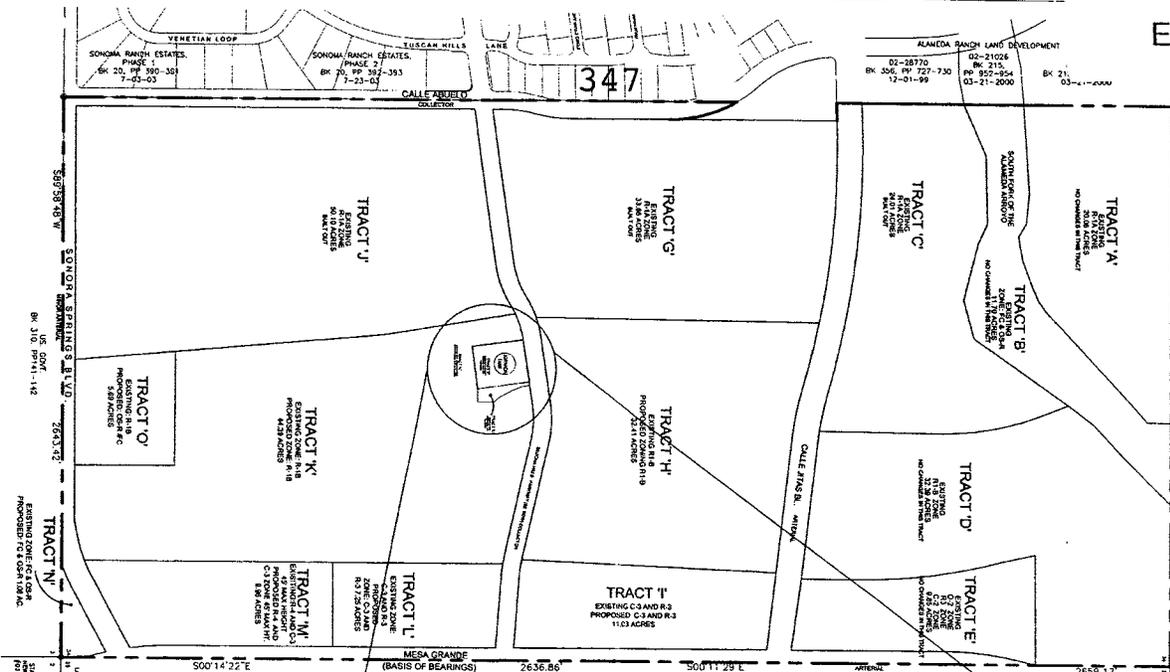
City Attorney

VOTE:

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

SONOMA RANCH EAST II PARTIAL REZONING OF TRACT K

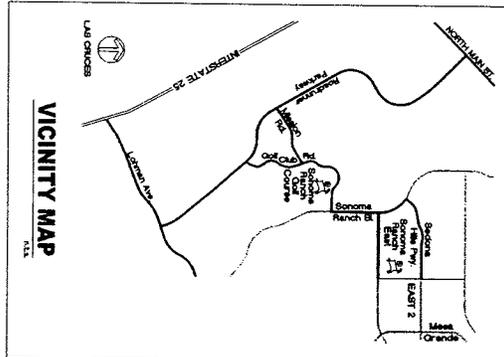
A MIXED LAND USE DEVELOPMENT
 320.98 ACRES LOCATED IN SECTION 34, T22S., R.2E N.M.P.M. OF THE U.S.G.L.O. SURVEYS
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 April, 2011



NOTES:

1. ALL MEASUREMENTS ARE GIVEN TO THE CENTER OF THE ROAD OR TO THE CENTER OF THE EXISTING OR PROPOSED STRUCTURE. THE CENTER OF THE ROAD OR STRUCTURE IS SHOWN ON THE RECORDED PLAT RECORD 21 PAGE 188.
2. TRACT 'K' IS INTENDED FOR MULTIFAMILY AND USES (APARTMENT TOWERS, COMMUNICATION STRUCTURES, AND OTHER USES) AS PER THE CITY OF LAS CRUCES ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.1, SECTION 10.1.01.01.

Tract	EXISTING ZONING	Proposed Zoning	Acreage
K	R-1B	C-1C	44.39
K1	R-1B	C-1C	0.25



JUSTIN W. MILLER, REGISTERED SURVEYOR
 DATE: _____

DESIGNER/REVISED BY	DATE
BPS	04/21/2011
DTS	05/02/2011

SONOMA RANCH EAST 2
 ZONING PLAT
 PARTIAL REZONE OF PARCEL K



SONOMA RANCH SUBDIVISIONS, INC.
 141 ROADRUNNER PARKWAY, SUITE 222 LAS CRUCES, NM 88011 (575)-525-1183

Z2837 COMP PLAN ANALYSIS

Land Use Element (Commercial) Goal 1

The history of Las Cruces shows the development of the City's street network in a north/south orientation. With few major east/west roads to create major intersections, commercial corridors became the only feasible way to meet the retail and service needs of our quickly growing City. Main, Solano, El Paseo, Lohman/Amador, and Picacho are the City's main commercial corridors. Policies to discourage commercial corridor patterns were not established until the adoption of the 1985 City Comprehensive Plan. By this time, commercial corridors were well established in the City.

Previous land use policy emphasized commercial node or center development patterns, discouraged strip commercial patterns, directed new commercial development to existing commercial areas, and promoted neighborhood commercial uses. While much of the contemporary commercial development has developed according to these policies, the City's commercial corridor patterns have been sustained by directing new commercial development to these existing commercial areas. The creation of new commercial land use policy, based on geography population and with a higher degree of distinction of land uses and development standards, will better serve the commercial needs of the City. Such policy will allow greater discretion in the application of commercial zoning based on existing and expected future demand.

Commercial development should take the form of nodes or centers wherever possible. Further strip commercial development should be discouraged, particularly in neighborhood areas. However, in the absence of major intersections and/or large lots, corridor or strip patterns, if properly designed, may be maintained in order to provide needed services to an area.

Commercial business zoning shall be categorized based on use, intensity, scale, and compatibility with its environment. In addition, those commercial uses less intensive in use may be placed in categories of higher intensity to encourage multi-use commercial nodes or centers.

Objective 5:

Establish land use policy, for the purposes of the Land Use Element, to serve commercial demand on a low intensity, medium intensity, high intensity, and regional commercial basis.

Policy 1.5.1. Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a convenience to adjacent neighborhoods which also include home occupations (home businesses). Low intensity commercial uses shall be established according to the following criteria.

b. Low intensity commercial uses

- i. A maximum of 1,500 gross square feet shall be permitted for low intensity commercial uses. Special uses are required for any business which is greater than 1,500 square feet, but may not exceed 2,000 square feet. Special uses to allow additional square footage are permitted for single uses only.
- iii. The location of low intensity commercial uses shall be considered on a case-by-case basis: criteria shall include location on a street of local capacity and above, accessibility, and consideration of the level of traffic and environmental impacts.
- iv. Low intensity commercial development areas shall generally not locate within one-quarter ($\frac{1}{4}$) mile of other commercial development areas.
- vi. Low intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping standards for low intensity commercial uses shall be established in the Comprehensive Plan Urban Design Element.
- vii. Adequate space for functional circulation shall be provided for parking and loading areas.

**City of Las Cruces****Community Development
Interoffice Memorandum**

To: Planning & Zoning Commission

From: Cheryl Rodriguez, Development Services Administrator *CR*

Subject: Case Z2837

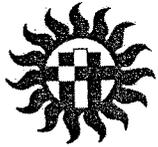
Date: July 20, 2011 M-11-155

On July 5, 2011, the Las Cruces City Council considered an ordinance approving a zone change request to rezone 0.25 ± acres from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity – Conditional) for property located south of the future extension of Sedona Hills Parkway, east of Pagosa Hills Avenue, and immediately adjacent to the existing water tank. The purpose of the zone change request was to facilitate the land use for future development of a freestanding commercial communication structure. Approval of the freestanding commercial communication structure is to be considered under a separate development application for a Special Use Permit (SUP).

At the City Council meeting, there was considerable public opposition to the zone change request. As part of the discussion by City Council, City Council had several questions about the development of a freestanding commercial communication structure. Based on the nature and magnitude of the questions, City staff recommended that the zone change case be remanded to the Planning & Zoning Commission for re-consideration in conjunction with the proposed SUP. The applicant for the zone change request also agreed.

As such, City Council voted 7-0 to remand Case Z2837 to the Planning & Zoning Commission. In addition, City Council requested that the applicant hold a neighborhood meeting regarding the proposed freestanding commercial communication structure prior to the Planning & Zoning Commission meeting. A neighborhood meeting was held by the applicant on July 14, 2011. The applicant will provide the specifics of this meeting at the July 26th Planning & Zoning Commission meeting.

The basis for City Council to remand this case to the Planning & Zoning Commission was to (1) allow the neighborhood additional time to learn about the proposed development plans and (2) allow for the zone change request and SUP come back to City Council for joint consideration.



Date: July 19, 2011

CASE # Z2837

PROJECT NAME: Zone Change Request – R-1b to C-1C

APPLICANT: Sonoma Ranch Subdivision Ltd. Co.

PROPERTY OWNER: Area 51 LLC

REQUEST: To rezone from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional)

PROPOSED USE: Private communication structure

SIZE: 0.25 ± acres

CURRENT ZONING: R-1b (Single-Family High Density)

LOCATION: Located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel ID# 02-37615

COUNCIL DISTRICT: 6

PLANNING COMMISSION DATE: July 26, 2011

PREPARED BY: Helen Revels, Associate Planner *HR*

STAFF RECOMMENDATION: Approval with Condition

PROPERTY INFORMATION

Address/Location: Located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel ID# 02-37615

Acreage: 0.25 ± acres

Current Zoning: R-1b (Single-Family High Density)

Current Land Use: Vacant, undeveloped

Proposed Zoning: C-1C (Commercial Low Intensity-Conditional)

Proposed Land Use: Private communication structure

Is the subject property located within an overlay district? Yes No
If yes which overlay district?

Table 1: Site Analysis

Development Standards for Existing Zoning of R-1b (Single-Family High Density)	
Minimum Lot Size	3,500 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/40 feet
Maximum Building Height	35 feet
Development Standards for Proposed Zoning of C-1C (Commercial Low Intensity Conditional)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	32,670
Minimum Lot Depth/ Width	70/60 feet
Maximum Building Height	35 feet*

*Towers and other communication structures are allowed to be a maximum height of 65 feet in a C-1 (Commercial Low Intensity) zoning district; a Special Use Permit (SUP) is required.

PHASING

Is phasing proposed? Yes No

If yes, how many phases?

Timeframe for implementation:

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Vacant, Undeveloped	R-1b	Single-Family High Density
Surrounding Properties	North	Vacant, Undeveloped	H	Holding
	South	Vacant, Undeveloped	H	Holding
	East	Vacant, Undeveloped	R-3, R-4, and C-3	Multi-Dwelling Medium Density, Multi-Dwelling High Density & Limited Retail and Office and Commercial High Intensity
	West	Single Family Residential and Public Utility (Jornada Water Tank)	R-1a, FC	Single-Family Medium Density, Flood Control

HISTORY

Previous applications? Yes No

Previous ordinance numbers? Ordinance 2175, 2543

Previous uses if applicable: Ordinance 2175 approved an initial zoning for an annexation 322.037 ± acres of land known as Sonoma Ranch East II on February 28, 2005; the applicant was Sonoma Ranch II, LLC.

Ordinance 2543 approved multiple zone changes as a corrective measure due to the new realignment of Mesa Grande Drive and surveying errors from the original master plan and zone change on October 26, 2009; the applicant was Sonoma Ranch Subdivision Ltd. Co.

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element - Office

1. Goal 1, Policy 1.5.1.b.i.
2. Goal 1, Policy 1.5.1.b.iii.
3. Goal 1, Policy 1.5.1.b.iv.
4. Goal 1, Policy 1.5.1.b.vi.
5. Goal 1, Policy 1.5.1.b.vii.

Analysis: This property is currently zoned R-1b and the application proposes C-1C to allow the use of communications towers and other vertical structures. It is located in an isolated corner of a much larger R-1b parcel along a proposed collector roadway, so the higher intensity use is not a problem. Vertical structures are not typical of commercial uses, which generate more pedestrian, auto or bicycle traffic. The application appears to meet the above mentioned policies stated in the Comprehensive Plan and staff supports the proposal.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

	low	med	high
Accessibility Issues			
Building Accessibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Secondary Site/Lot Accessibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fireflow/Hydrant Accessibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Type of building occupancy: S-1

Nearest Fire Station

Distance: 3 ± miles

Address: 2750 Northrise Boulevard

Adequate Capacity to Accommodate Proposal? Yes No

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Design Standards, Subdivision Code, Building Code, and/or Fire Code. Recommendation of approval.

Police Department:

Additional Comments: The police department did not review this application, since there is no new construction proposed at this time.

Engineering Services:

Flood Zone Designation: Zone X

Development Improvements:

Drainage calculation needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Drainage study needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Other drainage improvements needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Sidewalk extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Curb & gutter extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Paving extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
NMDOT permit needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

Additional Comments: The items checked above needs to be addressed when the planning parcels are subdivided. Site is currently undeveloped; any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Flood Zone Ordinance 1933 and City of Las Cruces Design Standards. Recommendation of approval with the following condition: On-lot ponding must be used per CLC Design Standards to maintain any increased runoff from this development.

MPO

Road classifications: Sedona Hills Parkway, Collector, 85' ROW required, adjacent to the north side of subject property.

Additional Comments: Recommendation of approval.

Public Transit

Where is the nearest bus stop (miles)? 1.8 ± miles

Is the developer proposing the construction of new bus stops/shelters? Yes No N/A

Explain: No new bus stops/ shelters are required at this time.

Traffic Engineering:

Is development adjacent to a State Highway System? Yes No N/A

If yes, please specify the reviewing comments by the New Mexico Department of Transportation:

Are road improvements necessary? Yes No N/A

If yes, please explain: An onsite driving aisle is required; the driving aisle shall be at least 12' in width and such length to provide access to the nearest public street or paved right-of-way.

Was a TIA required? Yes No N/A

If yes, summarize the findings:

Did City of Las Cruces Traffic Engineer Require a TIA? No

The proposed use *will* or *will not* adversely affect the surrounding road network.

Site Accessibility

Adequate driving aisle	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Adequate curb cut	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Intersection sight problems	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Off-street parking problems	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

On-Street Parking Impacts

None Low Medium High N/A

Explain: On street parking not required

Future Intersection Improvements

Yes If yes what intersection?
No If no, when (timeframe)?

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require conformance with the City of Las Cruces Curb Cut Ordinance 1250, the Design Standards and/ or Zoning Code. Recommendation of approval.

Water Availability and Capacity:

Source of water: CLC Other:
CLC water system capable of handling increased usage? Yes No N/A
If no, is additional service available? Yes No N/A

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all applicable City of Las Cruces requirements. Recommendation of approval.

Wastewater Availability and CapacityWastewater service type: CLC On-lot septic CLC wastewater service capable of handling increased usage? Yes No N/A If no, is additional service available? Yes No Potential problems with gravity wastewater system or system connection? Yes No N/A If yes, can potential problems be handled through development or building permit process?
Yes No

If development is being served by on-lot septic, please specify review comments by the New Mexico Environmental Department: N/A

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all applicable City of Las Cruces requirements. Recommendation of approval.

Gas Utilities

Gas Availability

Natural gas service available? Yes No N/A If yes, is the service capable of handling the increased load? Yes No N/A Need BTUH requirements? Yes No N/A Public Schools

Nearest Schools:

- | | |
|---|--------------------------|
| 1. Elementary: Sonoma Ranch Elementary | Distance (miles): 1.57 ± |
| Enrollment: 650 | |
| 2. Middle School: Camino Real Middle School | Distance (miles): 1.38 ± |
| Enrollment: 1,137 | |
| 3. High School: Onate High School | Distance (miles): 2.04 ± |
| Enrollment: 2,075 | |

Adequate capacity to accommodate proposal? Yes No N/A

Explain: No residential use is being proposed, therefore there will be no impact on public schools.

DESIGN STANDARDS ANALYSISParkingIs there existing parking on the site? Yes No N/A

If yes, how many parking spaces presently exist? How many are accessible?

If no, will parking be required for the proposed use? Yes No N/A

If yes, how many parking spaces will be required? One parking stall shall be required on site.

How many accessible? None

Is there existing bicycle parking on the site? Yes No N/A

If yes, describe:

Will bicycle parking be required for the proposed use? Yes No N/A

Comments: Antennas and communication structures do not require any bicycle parking stalls.

Landscaping and Buffering

Is there existing landscaping on the subject property? Yes No N/A

If yes, is the landscaping adequate to serve the proposed use? Yes No

If no, what landscaping will be required? Chapter 32, Article IV of the City of Las Cruces Design Standards requires a minimum area of 15% of the total parking area to be landscaped. When the tract of land with the proposed C-1C zoning is developed, the subject property shall comply with all landscaping requirements of the 2001 Zoning Code, as amended, and any other applicable City of Las Cruces requirements.

Are there existing buffers on the subject property? Yes No N/A

If yes, are the buffers adequate to serve the proposed use? Yes No

If no, what additional buffering will be required? Opaque buffering is required around the private communication structure and all associated equipment adjacent to any existing or future residential development.

Open Space, Parks, Recreation and Trails

Are there presently any existing open space areas, parks or trails on or near the subject property? Yes No N/A

If yes, how is connectivity being addressed? Explain:

Are open space areas, parks or trails a requirement of the proposed use? Yes No N/A

Are open space areas, parks or trails being proposed? Yes No N/A

Explain: Open space areas, parks or trails are not required for the proposed use.

Table 3: Special Characteristics

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	N/A
Medians/ Parkways Landscaping	No	N/A

Table 4: Project Chronology

Date	Action
04/27/2011	Application submitted to Development Services
04/27/2011	Case sent out for review to all reviewing departments
05/06/2011	All comments returned by all reviewing departments
05/03/2011	Staff reviews and recommends approval of the zone change
05/08/2011	Newspaper advertisement
05/10/2011	Public notice letter mailed to neighboring property owners
05/13/2011	Sign posted on property
05/24/2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

The proposed zone change will allow for utility-related land uses such as antennas, towers, communication structures and other vertical structures and public/private utility installations. The current zoning designation on the subject property is R-1b (Single-Family High Density). The subject property is located in the Sonoma Ranch East II master planned area. The applicant is proposing to rezone to C-1C (Commercial Low Intensity-Conditional) to facilitate the proposed use of a private communication structure. The condition of the zoning limits the allowed uses to antennas, towers, communication structures and other vertical structures for public/private utility installations only.

The property adjacent to the proposed site is zoned R-1b (Single-Family High Density). The 2001 Zoning Code, as amended, requires an opaque buffering for any freestanding tower, antenna, and other communication structure and all associated equipment adjacent to any existing or future residential development. An on-site driving aisle is required and it shall be at least 12 feet in width and such length to provide access to the nearest public street or paved right-of-way. One on-site parking stall is also required; the parking stall shall be 12 feet wide by 19 feet in length and there shall be a paved connection between the parking stall and the driving aisle. The 2001 Zoning Code, as amended, also requires towers to be set back one foot for each one foot in height plus 10% of the total height from any residential use on any adjacent or same parcel.

This zone change request does not constitute approval for the new construction of a private communication structure. In order to facilitate development of a private communication structure, the applicant must apply for a Special Use Permit (SUP), which must be considered by the Planning & Zoning Commission.

FINDINGS

1. The subject property is located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel ID# 02-37615 and encompasses 0.25 ± acres. The property is currently vacant and undeveloped.
2. The zone change request from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional) will allow for utility-related land uses - antennas, towers, communication structures and other vertical structures and public/private utility installations only.
3. A Special Use Permit (SUP) is required for antennas, towers, and all other communication structures.
4. The Zone Change request is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

STAFF RECOMMENDATION

Staff has reviewed the zone change and based on the preceding findings recommends approval with the following condition:

1. The land use is limited to utility-related land uses for antennas, towers, communication structures and other vertical structures and public/private utility installations.

DRC RECOMMENDATION

N/A

ATTACHMENTS

1. Development Statement
2. Site Plan
3. Comprehensive Plan Elements and Policies
4. Zoning Map
5. Vicinity Map

DEVELOPMENT STATEMENT for City Subdivision/Zoning Applications

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 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: SONOMA RANCH SUBDIVISIONS LTD
 Contact Person: BRIAN SOLEMAN
 Contact Phone Number: 575-525-1183
 Contact e-mail Address: bsoleman@sonomaranch.com
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: SONOMA RANCH EAST II PARTIAL REZONE OF TRACT 1K
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
COMMERCIAL

Location of Subject Property SEE ATTACHED
 (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)

Acreage of Subject Property: .25 ACRES

Detailed description of **current** use of property. Include type and number of buildings:
VACANT / UNDEVELOPED RESIDENTIAL ZONED R-1B. NO STRUCTURES WITHIN PROPOSED LOCATION.

Detailed description of **intended** use of property. (Use separate sheet if necessary):
REZONE FOR UTILITY LAND USES (Antenna, Towers Communication Structures and other vertical pole mount structures.

Zoning of Subject Property: R-1B

Proposed Zoning (If applicable): C-1C

Proposed number of lots _____, to be developed in _____ phase (s).

Proposed square footage range of homes to be built from _____ to _____

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

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

N/A
Anticipated traffic generation N/A trips per day.

Anticipated development schedule: work will commence on or about N/A
and will take N/A 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 into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional). ROCK WALLS MATCHING SURROUNDING WALLS, NATURAL ROBERT LANDSCAPE.

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No Explain: _____

Is there existing landscaping on the property? NO

Are there existing buffers on the property? N/A

Is there existing parking on the property? Yes ___ No

If yes, is it paved? Yes ___ No

How many spaces? _____ How many accessible? _____

Attachments

Please attach the following: (* indicates optional item)

Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

Z2837 COMP PLAN ANALYSIS

Land Use Element (Commercial) Goal 1

The history of Las Cruces shows the development of the City's street network in a north/south orientation. With few major east/west roads to create major intersections, commercial corridors became the only feasible way to meet the retail and service needs of our quickly growing City. Main, Solano, El Paseo, Lohman/Amador, and Picacho are the City's main commercial corridors. Policies to discourage commercial corridor patterns were not established until the adoption of the 1985 City Comprehensive Plan. By this time, commercial corridors were well established in the City.

Previous land use policy emphasized commercial node or center development patterns, discouraged strip commercial patterns, directed new commercial development to existing commercial areas, and promoted neighborhood commercial uses. While much of the contemporary commercial development has developed according to these policies, the City's commercial corridor patterns have been sustained by directing new commercial development to these existing commercial areas. The creation of new commercial land use policy, based on geography population and with a higher degree of distinction of land uses and development standards, will better serve the commercial needs of the City. Such policy will allow greater discretion in the application of commercial zoning based on existing and expected future demand.

Commercial development should take the form of nodes or centers wherever possible. Further strip commercial development should be discouraged, particularly in neighborhood areas. However, in the absence of major intersections and/or large lots, corridor or strip patterns, if properly designed, may be maintained in order to provide needed services to an area.

Commercial business zoning shall be categorized based on use, intensity, scale, and compatibility with its environment. In addition, those commercial uses less intensive in use may be placed in categories of higher intensity to encourage multi-use commercial nodes or centers.

Objective 5:

Establish land use policy, for the purposes of the Land Use Element, to serve commercial demand on a low intensity, medium intensity, high intensity, and regional commercial basis.

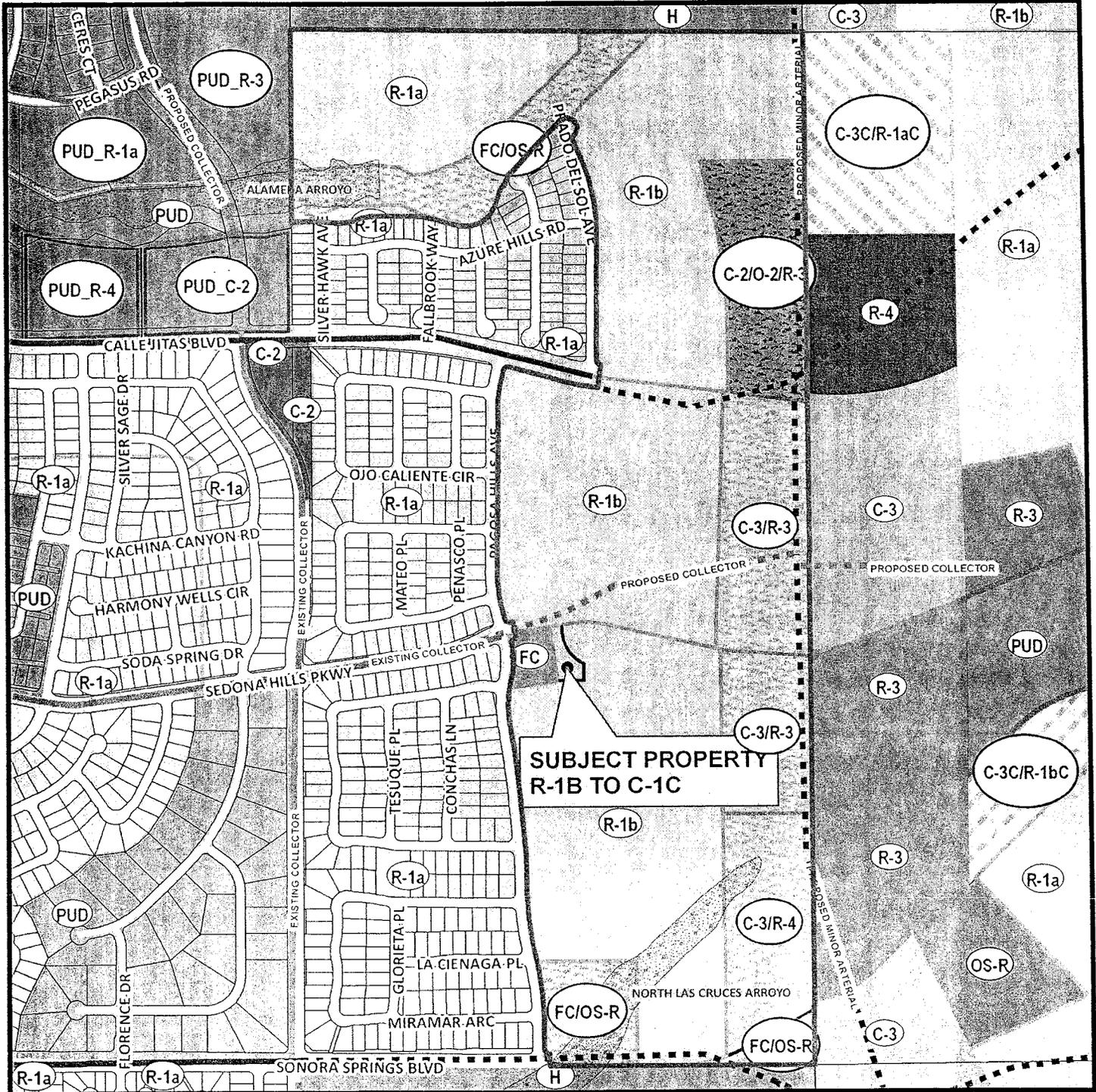
Policy 1.5.1. Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a convenience to adjacent neighborhoods which also include home occupations (home businesses). Low intensity commercial uses shall be established according to the following criteria.

- b. Low intensity commercial uses
- i. A maximum of 1,500 gross square feet shall be permitted for low intensity commercial uses. Special uses are required for any business which is greater than 1,500 square feet, but may not exceed 2,000 square feet. Special uses to allow additional square footage are permitted for single uses only.
 - iii. The location of low intensity commercial uses shall be considered on a case-by-case basis: criteria shall include location on a street of local capacity and above, accessibility, and consideration of the level of traffic and environmental impacts.
 - iv. Low intensity commercial development areas shall generally not locate within one-quarter ($\frac{1}{4}$) mile of other commercial development areas.
 - vi. Low intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping standards for low intensity commercial uses shall be established in the Comprehensive Plan Urban Design Element.
 - vii. Adequate space for functional circulation shall be provided for parking and loading areas.

Zone Map

ZONING: R-1b
OWNER: SONOMA RANCH SUBDIVISION LTD. CO.

PARCEL: 02-37615
DATE: 05/16/2011



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 City (575) 528-3043.

Legend	
	40 EXISTING LIMITED ACCESS
	EXISTING PRINCIPAL ARTERIAL
	EXISTING MINOR ARTERIAL
	EXISTING COLLECTOR
	PROPOSED LIMITED ACCESS
	PROPOSED PRINCIPAL ARTERIAL
	PROPOSED MINOR ARTERIAL
	PROPOSED COLLECTOR
	PROPOSED CORRIDOR
	Non Designated Trail
	Proposed Paved EBID
	Proposed Unpaved EBID
	City Parcel
	Interstates_Highway
	EBID Water System
	Railroad
	Rio Grande
	Arroyo



Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

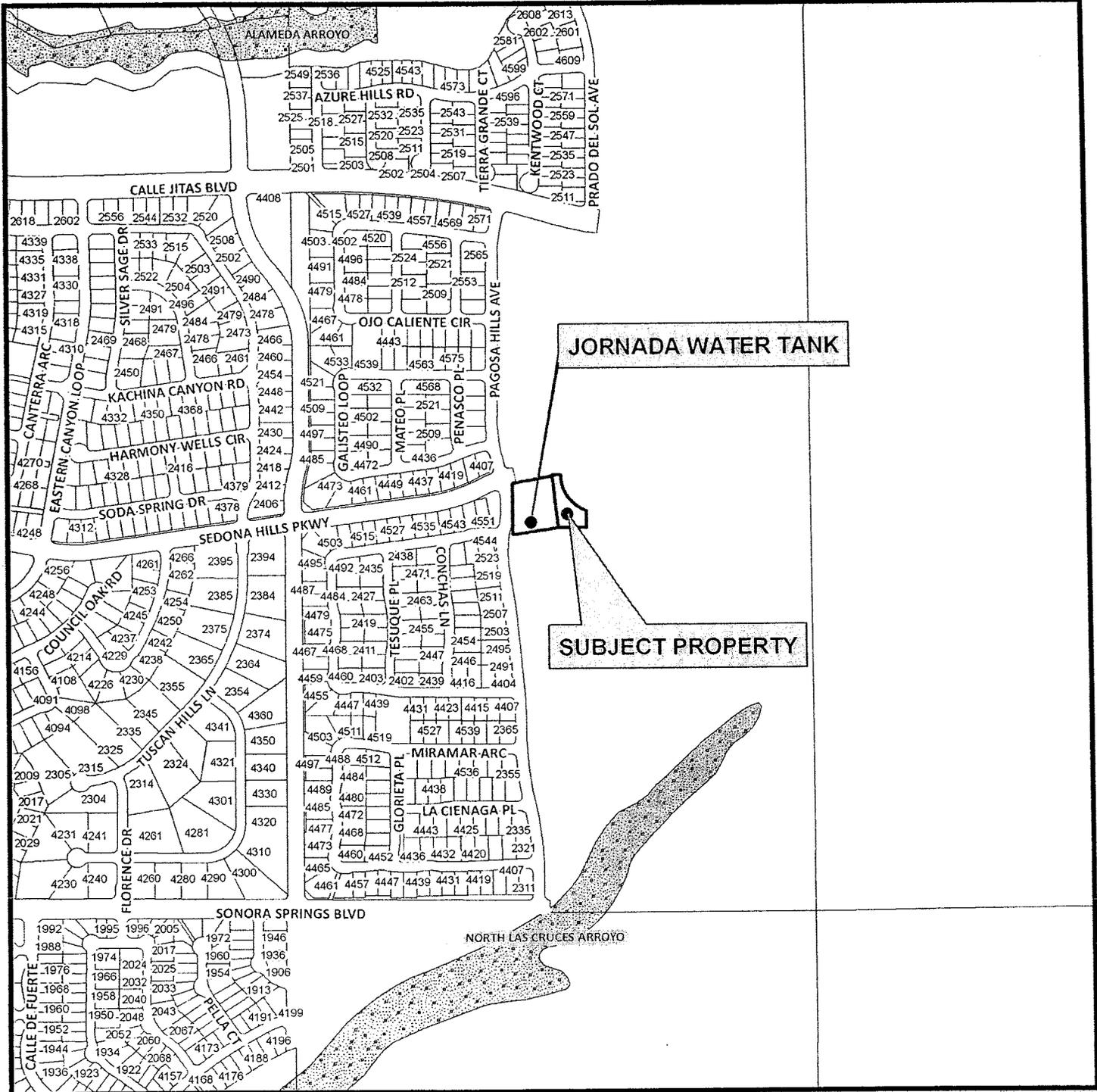
Location Vicinity Map

ZONING: R-1b

OWNER: SONOMA RANCH SUBDIVISION LTD. CO.

PARCEL: 02-37615

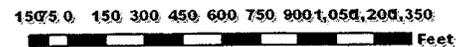
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Legend

- Point_Address
- Interstates_Highway
- Railroad
- Rio Grande
- City Parcels
- EBID Water System
- Arroyo



Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
May 24, 2011 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Vice Chair
Charles Beard, Secretary
Ray Shipley, Member
William Stowe, Member
Shawn Evans, Member

BOARD MEMBERS ABSENT:

Charles Scholz, Chairman
Donald Bustos, Member

STAFF PRESENT:

Cheryl Rodriguez, Development Services Administrator
Adam Ochoa, Acting Senior Planner
Helen Revels, Acting Planner
Mark Dubbin, Fire Department
Jared Abrams, CLC Legal Staff
Lora Dunlap, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Crane: Good evening everybody; it being six o'clock, welcome to the May 24, 2011 meeting of the Las Cruces Planning and Zoning Commission. I'm Godfrey Crane, Vice Chair; substituting for Charlie Scholz who cannot be with us tonight. We start by introducing the commissioners. On my far right is Commissioner Shipley who is the Mayor's representative and on his left is Commissioner Stowe who represents District 1 and next to him is Commissioner Evans, District 5 and Commissioner Beard, District 2 and I represent District 4.

II. APPROVAL OF MINUTES – April 26, 2011

Crane: Our first job is to approve the minutes, perhaps with some fixers, of our last meeting which was April 26th. Does any commissioner have anything to say? Yes, Commissioner Beard.

Beard: Page six, line 36; I believe the storage should actually be parcel.

- 1 Crane: Okay, "an actual storage unit facility" which is what it is and storage, I
2 don't see quite where that goes in.
3
- 4 Beard: Well, I think it should be parcel two and parcel three as opposed to
5 storage two.
6
- 7 Crane: Oh parcel, I get it, okay; and anything else?
8
- 9 Beard: Yes, page eight, I don't know if these are things that we actually correct.
10 Line eight, "outdoor firing range, permanent" and then it says "t" and
11 then "construction yard." I don't know what that t is.
12
- 13 Crane: You know, I think it just snuck in. Alright, should we take that out then?
14
- 15 Beard: Take it out and that's it.
16
- 17 Crane: Alright, any other commissioner? I have one also on page eight.
18 Actually it's my paragraph; lines 17 to 21, has a couple of inaudibles
19 and I've tried to figure out what I was saying. I think the first one is view
20 point; "I sympathize with the applicant's view point, with the public Miss
21 Underwood's and Mr. Moya's concerns" and then in line 19 I think it
22 reads better if after "they realized" is a comma; "they realized,
23 adequately" and then in the last line of that paragraph 21, I think the
24 inaudible part is "taken care of", "I think her suspicions are taken care of
25 by that." That's all I have, anybody else? Then I'll entertain a motion that
26 the minutes of the April 26th meeting be accepted as... be approved as
27 amended.
28
- 29 Beard: So moved.
30
- 31 Crane: I think Mr. Beard moves and a second?
32
- 33 Evans: Second.
34
- 35 Crane: Commissioner Evans seconds. All in favor, aye.
36
- 37 Members: Aye.
38
- 39 Crane: All opposed same sign; passed five-nothing, are there any abstentions?
40
- 41 Evans: One abstention.
42
- 43 Crane: One abstention; four-nothing and Commissioner Evans abstains. Thank
44 you.
45
- 46 **III. POSTPONEMENTS - None**

1
2 Crane: Mr. Ochoa, any postponements?

3
4 Ochoa: No sir, not tonight.

5
6 Crane: Or withdrawals?

7
8 Ochoa: Nothing tonight either sir.

9
10 Crane: And so we proceed to the consent agenda.

11
12 **IV. CONSENT AGENDA**

13
14 1. **Case Z2836:** Application of Borderland Engineers and Surveyors, LLC on
15 behalf of Resources for Children and Youth Inc. to rezone from C-2
16 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on a
17 0.27 ± acre tract of land located on the southwest corner of Solano Drive
18 and Idaho Avenue; a.k.a. 1300 S. Solano Drive; Parcel ID# 02-11799;
19 Proposed Use: Proposing to replat the subject property with the adjacent
20 property into one (1) new lot and develop a new ice and water dispensing
21 facility. Council District 4.

22
23 Crane: For those that may not know, the consent agenda is voted on as one
24 package; we only have one item on it at present but if anybody in the
25 public or the staff or on the commission would like to discuss this item,
26 Case Z2836, we'll take it off the consent agenda and put it in the new
27 business. Does anybody want to remove it? No; then we will proceed.
28 Do I have a motion that the consent agenda be approved?

29
30 Evans: So moved.

31
32 Crane: Commissioner Evans moves; second?

33
34 Shipley: Second.

35
36 Crane: Commissioner Shipley seconds; all in favor, aye.

37
38 Members: Aye

39
40 Crane: Any opposed; passes five-nothing.

41
42 **V. OLD BUSINESS – None**

43
44 **VI. NEW BUSINESS**

45

- 1 1. **Case Z2837:** Application of Sonoma Ranch Subdivision Ltd. Co. to rezone a
2 0.25 ± acre tract (K-1) within the Sonoma Ranch East II Master Plan from R-
3 1b (Single-Family High Density) to C-1C (Commercial Low Intensity-
4 Conditional) to allow for utility-related land uses - antennas, towers,
5 communication structures and other vertical structures and public/private
6 utility installations. The subject property is located south of the future
7 extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel
8 ID# 02-37615; Proposed Use: Communication Structure; Council District 6.
9

10 Crane: Now we proceed to our item of new business, Case Z2837 and you're
11 going to make a presentation Mr. Ochoa? Ms. Revels will make a
12 presentation.
13

14 Revels: Yes sir. Good evening; I'd like to know if you guys have any specific
15 questions or would you like to hear a full presentation?
16

17 Crane: Any commissioner wants the full presentation? Commissioner Beard.
18

19 Beard: No, but they keep talking about the antennas and towers but there's
20 nothing mentioned about the size of it. I just wanted to make sure that is
21 not part of it; we're just changing...?
22

23 Revels: Right now all we're doing is changing the zone; the zoning needs to be
24 changed to allow this use. Once the use is established then the
25 applicant will have to come forward with a special use permit and it will
26 have to come before Planning and Zoning for approval and that's where
27 we'll get all of the specifications for the antenna and what type of design
28 standards that will be put in place with that.
29

30 Beard: So the actual approval of tonight's proposal is in the future there is
31 going to be an antenna or something?
32

33 Revels: The zone change tonight will allow for the use of an antenna or
34 communication structure or a private or utility land uses.
35 (CORRECTION: Meant to say "public or private utility land use.") It
36 allows the land use but this does not in no way or form approve a
37 placement of a communication structure or tower or anything. It's just
38 the land use we are approving tonight.
39

40 Crane: Any other questions for Miss Revels? I have one; we have a couple of
41 letters as you no doubt know from people in the neighborhood. Do they
42 know, do they recognize that this is only stage one and that their
43 objections can be voiced later?
44

- 1 Revels: My letter did inform them that it was a zone change to allow the land
2 use but you know that it would have to be... there is a special use
3 permit process afterwards that has to be followed through on.
4
- 5 Crane: And their reaction was that they understood that? Well you just
6 reassured them?
7
- 8 Revels: Yes and I also notified the neighborhood association that's in this area.
9
- 10 Crane: Alright, thank you. Any input from the applicants? Alright, anything from
11 the commissioners? The public? Very well then we'll close to
12 discussion. In order to have a discussion we have to have a motion I
13 believe. Do I have a motion that Case Z2837 be approved?
14
- 15 Evans: Mr. Chairman, I move that we approve Case Z2837.
16
- 17 Crane: Thank you Commissioner Evans; a second?
18
19 *(Someone speaking away from microphone)*
20
- 21 Crane: Yes, we'll have to read the conditions.
22
- 23 Revels: Commissioner Crane, can I interrupt and read him the condition that
24 staff recommends for approval of this zone change? Staff recommends
25 that the land use is limited to utility related land uses for antennas,
26 towers, communications structures and any other vertical structures and
27 public or private utility installations only.
28
- 29 Crane: Very well, now we're moving that one did you say?
30
- 31 Revels: This is the condition for the zone change. It's only for these items I just
32 read off.
33
- 34 Crane: Okay; so that's part of the motion?
35
- 36 Revels: This is staff's recommendation that it be approved with this condition.
37
- 38 Crane: So Commissioner Evans, would you amend that by saying that the...
39 with the conditions that Miss Revels has brought up and that's in the
40 recommendation?
41
- 42 Evans: Mr. Chairman, I move that we approve Z2837 with the following
43 recommendation: the land use is limited to utility related use for antenna
44 towers, commercial structures and other vertical structures and public,
45 private utility installation.
46

- 1 Crane: Alright, thank you. Is there a...?
2
3 (Someone speaking away from microphone)
4
5 Revels: Correct, it's communication structures.
6
7 Evans: Excuse me, yeah...
8
9 Crane: Alright, let the record show that the motion includes the word
10 *communication* not *commercial*. Is there a second for the motion?
11
12 Shipley: Second.
13
14 Crane: Alright, Commissioner Shipley seconds; any further discussion
15 gentlemen? Alright then, take a vote; Commissioner Shipley.
16
17 Shipley: Aye; findings, discussion and site visit.
18
19 Crane: Commissioner Stowe.
20
21 Stowe: Aye; findings, site visit and discussions.
22
23 Crane: Commissioner Evans.
24
25 Evans: Aye; findings, discussion.
26
27 Crane: Commissioner Beard.
28
29 Beard: Aye; findings and discussions.
30
31 Crane: And the Chair votes aye; findings, discussion and site visit. Thank you, it
32 passes five-nothing.
33
34 **VII. OTHER BUSINESS - None**
35
36 Crane: Miss Revels, any other business?
37
38 Rodriguez: Mr. Chairman, just to remind the Commission that in the month of June
39 you will have a work session on an update on the Vision 2040 process
40 and then we'll also have a regular meeting at the end of June.
41
42 Crane: Thank you; do you have a date for that work session?
43
44 Rodriguez: Mr. Chairman, it will be the third Tuesday of the month.
45
46 Crane: Thank you.

1
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15

VIII. PUBLIC PARTICIPATION

IX. STAFF ANNOUNCEMENTS

X. ADJOURNMENT (6:11 pm)

Crane: Any other business? Then I declare the meeting adjourned at 6:11 which is probably a record. Thank you all.

Alvin B. Setz 6/28/11
Chairman

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
July 26, 2011 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
Ray Shipley, Member
William Stowe, Member
Donald Bustos, Member
Shawn Evans, Member

BOARD MEMBERS ABSENT: NONE

STAFF PRESENT:

Cheryl Rodriguez, Development Services Administrator
Paul Michaud, Senior Planner
Adam Ochoa, Acting Senior Planner
Helen Revels, Planner
Lorenzo Vigil, Acting Assistant Planner
Billy Chaires, Fire Department
Mark Dubbin, Fire Department
Jared Abrams, CLC Legal Staff
Bonnie Ennis, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Scholz: Good evening. Welcome to the Planning and Zoning Commission for July 26, 2011. My name is Charlie Scholz. I'm the Chair. I'll introduce the members of the Commission in just a moment. No, I'll introduce them right now, as a matter of fact. On my far right, Commissioner Shipley; he's the Mayor's appointee. Next to him, Commissioner Crane. Commissioner Crane represents District 4. Next to him, Commissioner Stowe, who represents District 1; then Commissioner Evans who is representing District 5. Is that right, Commissioner Evans? Yes, thank you. Commissioner Bustos represents District 2...3, sorry. I'm skipping over here. Commissioner Beard is representing District 2 and I'm in Council District 6.

II. APPROVAL OF MINUTES – June 28, 2011

Scholz: The first order of business is the approval of the minutes of June 28th. Are there any additions or corrections to the minutes? Commissioner

- 1
2 Bustos: Aye, discussion.
3
4 Scholz: Commissioner Beard.
5
6 Beard: Aye.
7
8 Scholz: And the Chair votes aye for findings, discussion and the sense of relief
9 that we're pretty close to the end of this. (all laughing) Well, I've been
10 on this for four years, too, so All right, thank you again, Mr.
11 Michaud. Appreciate it.
12
13 2. **Case Z2837:** Application of Area 51 LLC to rezone a 0.25 ± acre tract
14 (K-1) within the Sonoma Ranch East II Master Plan from R-1b (Single-
15 Family High Density) to C-1C (Commercial Low Intensity-Conditional) to
16 allow for utility-related land uses - antennas, towers, communication
17 structures and other vertical structures and public/private utility
18 installations. The subject property is located south of the future
19 extension of Sedona Hills Parkway and east of Pagosa Hills Avenue;
20 Parcel ID# 02-37615; Proposed Use: Private Communication Structure;
21 Council District 6. **APPROVED 6-1**
22
23 Scholz: Okay, our next item of business is case Z2837 and, Ms. Rodriguez;
24 you're going to present this, are you?
25
26 Rodriguez: Yes, sir.
27
28 Scholz: Before you start, I have a question for you: this came before us a
29 couple months ago didn't it?
30
31 Rodriguez: Yes, it did.
32
33 Scholz: Okay, and at that time were there anybody...did you receive any letters
34 of protest or...as I recall there was one letter of protest?
35
36 Rodriguez: Mr. Chairman, that is correct. Staff had received one letter of protest
37 but at that Planning and Zoning Commission meeting we had nobody
38 in attendance.
39
40 Scholz: Oh, okay. So none of the people who live in the neighborhood or who
41 were concerned about it came to that hearing.
42
43 Rodriguez: Mr. Chairman, that is correct.
44
45 Scholz: Okay...and so why did the City Council kick this back to us?
46

- 1 Rodriguez: Mr. Chairman, when we brought the Ordinance to City Council for
2 consideration, during that component there was again public
3 notification process ...
4
- 5 Scholz: Sure.
6
- 7 Rodriguez: ...and it was during the City Council meeting that at that time staff
8 started to receive inquiries into the zone change request and then staff
9 started receiving comments for opposition. Council, collectively, each
10 Councillor was also receiving comments about the case. There was
11 considerable public participation at the City Council meeting. There
12 were a lot of questions about not only the zone change to change the
13 respective land uses on the property but also questions about the
14 Special Use Permit for the proposed free-standing commercial
15 structure. So at that time Council decided, "Let's remand this back to
16 the Planning and Zoning Commission so we can hear the zone change
17 again from a land use perspective as well as consider the merits of the
18 Special Use Permit and then have those forwarded back to City
19 Council with a recommendation back from this body."
20
- 21 Scholz: Okay. So we would put both of those forward together again...that's
22 the idea.
23
- 24 Rodriguez: Mr. Chairman, that is correct. What I'm going to ask is we can
25 suspend the rules and hear the zone change request for case Z2837
26 as well as the Special Use Permit SUP-11-01 together and then what
27 we'll do is we'll unsuspend the rules and then vote on them separately.
28
- 29 Scholz: Right.
30
- 31 Rodriguez: Typically with a Special Use Permit as it's codified the Planning and
32 Zoning Commission has final authority on Special Use Permits. Zone
33 changes, as you are aware and for the benefit of the public here, a
34 zone change request before the Planning and Zoning Commission is a
35 recommendation to City Council.
36
- 37 Scholz: Right.
38
- 39 Rodriguez: Because of the nature of these two cases combined staff is going to
40 recommend to you, as part of the decision tonight, to recommend that
41 the Special Use Permit, that the final consideration, the final authority
42 be rested with City Council tonight. So when I go through the case
43 specifics and when we get to the recommendations staff has already
44 put that into the SUP recommendation; but at the end of this it will be
45 your decision whether or not you want to retain final authority on the
46 SUP. If that's the case then what would happen is, to get to City

- 1 Council, if there is an aggrieved party on the SUP they can appeal that
 2 to City Council or you can just say, "You know what? We'll go ahead
 3 and make a recommendation up to City Council and City Council. You
 4 may hear the zone change and SUP together and please make it final
 5 decision."
 6
- 7 Scholz: Okay. Good. That gives us some options then. All right, so you want
 8 to move to suspend the rules?
 9
- 10 Rodriguez: Yes, sir.
- 11 Scholz: Yes. Is there a motion to suspend the rules?
 12
 13
- 14 Evans and Shipley: So moved.
- 15 Scholz: It's a tie between Evans and Shipley. Thank you, Commissioners. Is
 16 there a second?
 17
- 18 Stowe: Second.
- 19 Scholz: Okay. All those in favor of suspending the rules please say aye.
 20
 21
- 22 All: Aye.
- 23 Scholz: Those opposed same sign. Okay, the rules are suspended. Ms.
 24 Rodriguez, take it.
 25
 26
- 27
- 28 3. **Case SUP-11-01:** Application of Verticom on behalf of Area 51 LLC for
 29 a Special Use Permit (SUP) for the construction of a new private
 30 communication structure on property located south of the future
 31 extension of Sedona Hills Parkway and east of Pagosa Hills Avenue
 32 directly adjacent to the Jornada water tank site; Parcel ID# 02-37615;
 33 Proposed Use: A 65-foot tall disguised commercial communication
 34 structure; Council District 6. **APPROVED 5-2**
 35
- 36 Rodriguez: Mr. Chairman, just a few housekeeping before we get started. I have
 37 my staff presentation in which I'm going to talk about the merits of both
 38 development applications together in this PowerPoint and I will try to
 39 separate them as best as I can. The applicants for the zone change
 40 request and the Special Use Permit are present here so they can
 41 answer any specific questions that you may have on the development
 42 application. I can answer any questions that you are going to have
 43 relating to land use and applicability of the Zoning Code, etc. and then
 44 the public is also in attendance. They are requesting to speak before
 45 you. There is a presentation and I believe each of you has received a
 46 copy of the petition in opposition to the zone change request.

1
2 Scholz: Yes, I believe we did.

3
4 Rodriguez: Okay, thank you. So on that note, I would like to go ahead and get
5 started on my presentation. Before you this evening is a zone change
6 request and a Special Use Permit Request for 0.25 acres of land that
7 is located within the Sonoma Ranch East II Master Planned area. The
8 property in question is located just east of an existing single-family
9 residential neighborhood east of Pagosa Hills, which is a Minor Local
10 roadway and it's located just south of the future extension of Sedona
11 Hills Parkway, which is classified on the MPO Thoroughfare as a Major
12 Thoroughfare. The lease area for the Special Use Permit is 0.25
13 acres. The zone change request is for 0.25 acres. What it is
14 proposing is to alter the zoning boundary from R1-b to C-1C, which is
15 Commercial Low Intensity-Conditional and there are conditions that are
16 being proposed on the zone change request.

17 The area in question is not part of a platted subdivision so there
18 are no specific points of lots to refer to. You are looking at a lease
19 area within a larger boundary, a larger parcel of land. The property in
20 question is located immediately adjacent and east of an existing water
21 tank site that is owned by the City of Las Cruces. There is a
22 subdivision application going forward right now between the owners of
23 Sonoma Ranch Property and the City of Las Cruces to create a lot for
24 the water tank site but that is not germane to this evening's
25 presentation regarding the zone change request or the SUP.

26 As I stated, the zone change request is to Commercial Low
27 Intensity and the Special Use Permit is to allow the construction of a
28 65-foot tall, free-standing, commercial communication structure. The
29 zone change request is for Commercial Low Intensity zoning district.
30 Commercial Low Intensity a neighborhood commercial zoning district.
31 The condition that is attached to the proposed zone change is to
32 restrict all of the commercial land uses in there so you will not have
33 commercial activity with the exception of allowing for utility-related land
34 uses as we, the staff, define those in the Zoning Code to antennas,
35 towers, communication structures and other vertical structures in
36 public, private utility installations only. So what that means is that 0.25
37 acres of land is proposed to be rezoned to a Commercial Zoning
38 District that would only allow for the construction of antennas, towers,
39 communication structures and other vertical structures.

40 The proposed zone change does not constitute approval for the
41 communication structure. It establishes a land use for the ability to
42 move forward for a Special Use Permit. The Special Use Permit is
43 what would allow for the actual physical construction of the tower. Any
44 development that would occur on the 0.25 acres, of course, would
45 have to comply with the 2001 Zoning Code with all of our development
46 requirements.

1 This is a zoning plat of the subject property. As I stated it is in
2 the Sonoma Ranch East II Master Planned area. The zoning boundary
3 for our reference is, for record keeping for this area, is called Tract "K-
4 1" and Tract K in the original Master Plan identifies the property to be
5 R1-b, which is Single-Family High Density residential land use and
6 they're proposing that 0.25 acres be identified for C-1C Limited Uses
7 immediately adjacent to Tract "P" which is the Jornada Tank that has a
8 Flood Control and Open Space use designation for the utility purpose.

9 The Special Use permit: the 2001 Zoning Code has an entire
10 section designated for uses such as this and that's Section 38-59,
11 which is the antennas, towers and communication structures. Now it's
12 going to talk about your use provisions as well as your placement
13 provisions for the Special Use Permit. When we talk about use one of
14 the things that the Zoning Code recommends first and foremost is to
15 co-locate on towers, existing towers. If that is not deemed feasible by
16 the applicant then an applicant may choose to go forward with a new
17 construction of a new tower. This is what the applicant has proposed
18 to do. For the specifics of co-location and the ability to do that I would
19 ask that you defer to the applicant to explain that.

20 When you have to construct a new tower our Code is very
21 specific. It says you have to use a Special Use Permit and what that
22 does, basically, if you are in a commercial zoning district, hence the
23 reason for the zone change request then there are placement
24 provisions to compensate for the existing or future residential
25 development. Now do you have a 50-foot Local roadway and a water
26 tank that separates placement provisions from the existing residential
27 development; but you have future residential development that may
28 occur to the north, south and east of the proposed communication
29 tower.

30 When that's taken into consideration there are placement
31 provisions for set back requirements and height requirements. For
32 new communication towers the maximum height allowed is 65-feet.
33 Placement provisions are, in terms here basically, your fall back area
34 so if a tower was to fall back it won't hit any other existing building.
35 This has been taken into consideration for the water tank site because
36 you do have an existing facility. We've looked at the radius for that
37 and placement of the subject proposed tower on the proposed leased
38 area would not negatively impact the existing water tank and then
39 future development to the east or immediately south of the subject
40 property, there've been provisions taken into account for that for future
41 development. Staff would have to regulate where when you come in to
42 do a preliminary plat or whatnot for future development we would have
43 to take that into consideration if the proposed tower is there when
44 future development occurs. So I wanted to clarify that.

45 Set back and placement provisions, as I was going through for
46 communication structures, you look at primary buildable area for the

1 parcel-specific zoning district. In this case there's not a parcel, there's
2 a zoning boundary for the lease area which is acceptable. "Structures
3 shall be set back at least one foot for each foot in height from any
4 residential dwelling structure on any adjacent parcel." This would have
5 to be taken into consideration for future development because today
6 immediately south and immediately east there're nine existing
7 dwellings. So all staff can do is anticipate that with the future
8 developer when we look at future development we'll have to take that
9 into consideration. "Any equipment and accessory buildings shall
10 conform to building and accessory maximum heights, minimum set
11 backs." For placement restrictions for the tower itself, as I stated, one
12 foot for each one foot in height plus ten percent. "Set back from any
13 residential use on any adjacent or same parcel:" that is being taken
14 into consideration with the lease area. The third provision, basically, is
15 why we're here this evening is: "Towers shall not be constructed on
16 lots adjacent to property zoned R1-c, basically all of the Single-Family
17 Residential use Zoning Districts, unless approved through the Special
18 Use Permits."

19 This is the site plan that staff has received regarding the tower,
20 the placement of the tower itself. You see Tract "K" here, the water
21 tank site and the proposed lease area. You are getting closer in where
22 you see the accessory buildings and the placement of the tower and
23 then another zoomed in placement of that. In addition there are driving
24 aisle requirements for when you have structures, communication
25 structures, there's a driving aisle minimum of 12-feet with one parking
26 space. This is being factored in with the site plan. The site plan does
27 account for a 12-foot minimum improved driving aisle that will run from
28 the subject property into what is the future extension of Sedona Hills
29 and then tie back into the existing public right-of-way.

30 The applicant is proposing to do what we call a "stealth tower,"
31 and what they're proposing is to do is a palm tree so you don't have
32 your typical tower. It gives the impression that it was a palm tree but
33 it's still a communication structure. This shows all of the accessory
34 buildings. There are Urban Design criteria but for the accessory
35 structures they have to be compatible with the color, etc. of the existing
36 or proposed development. Since there is existing development in the
37 area that accessory building will have to be in the same color scheme
38 as that; and then the pole itself up to 20-feet it has to also take into that
39 Urban Design so the monopole will be colored, as well, to help blend
40 in.

41 Here's an aerial map of the subject property. You can see there
42 is a single-family residential development to the west, Pagosa Hills, a
43 Minor Local roadway, the existing tank site and then the proposed
44 tower itself is in this general area where my cursor is located.

45 A Zoning and MPO Thoroughfare map combined: you see the
46 master planned area where you have single-family residential

1 development, you have Sedona Hills Parkway, a proposed Collector
2 that will eventually intersect with the future extension of Mesa Grande
3 and then Sedona Hills Parkway will continue on further eastward.

4 Findings for case Z2837: this is where I'll separate the two
5 cases for looking at for the zone case request to establish the change
6 in land uses. The findings specify the location of the subject property
7 south of the future extension of Sedona Hills and east of Pagosa Hills
8 encompassing 0.25 acres of land, which land is currently vacant and
9 undeveloped. The zone change request is from R1-b to C1-C to
10 condition it to restrict it to utility-related land uses only and then a
11 Special Use Permit is required for any antenna, a tower and all other
12 communications structures and the zone change is consistent with the
13 City's Comprehensive Plan.

14 Recommendation for the zone change request is: staff is
15 recommending approval of the zone change request with the following
16 condition: that the land use be limited to utility-related land uses for
17 antennas, towers, communication structures and other vertical
18 structures and other public-private utility installations.

19 Now we go over the findings for the Special Use Permit.
20 Basically, we reiterate some information for the zone change request:
21 "a Special Use Permit does allow for the construction of a free-
22 standing commercial communication structure." A free-standing is
23 important to note for the Special Use Permit that a free-standing
24 commercial communication structure is not allowed in the R1-b Zoning
25 District but it is allowed in the C1 and the Commercial Zoning District.
26 Any of your commercial zoning districts, this type of structure is
27 allowed. A Special Use Permit is consistent with Section 38-59 of the
28 2001 Zoning Code as well as the City's Design Standards and
29 Stormwater Management Plan.

30 Staff is recommending approval of the Special Use Permit with
31 a myriad of conditions and I would like to go ahead and read those into
32 the record, please. Staff recommendation of approval is with the
33 Special Use Permit being considered by the City Council for final
34 approval pending the final decision of the zone change request for the
35 subject property by case Z2837 by the City Council. The next series of
36 conditions are development-related conditions: that the communication
37 structure shall be measured from the lowest adjacent ground level
38 vertically to the highest point of all structures, whether attached to the
39 ground, the building or other structure. Other structures shall be
40 constructed and installed to the manufacturer's specification and
41 constructed to withstand a minimum of a 75-mile-an-hour wind or the
42 minimum wind speed as required by the City's adopted...this should be
43 not the Uniform Building Code but the City's Building Code which is
44 now the International Building Code. The structure shall be permitted
45 and constructed to meet current adopted City of Las Cruces Building
46 Code Requirements. The structure shall conform to the Federal

1 Communication Commission and/or Federal Aviation Administration
 2 regulations, if applicable. A business registration is required for the
 3 free-standing commercial communication structure. No chain link
 4 fencing around the communication structure is allowed along Sedona
 5 Hills Parkway. The equipment building associated with the
 6 communication structure shall follow an architecture style, construction
 7 materials and colors similar to existing buildings within the
 8 neighborhood. That is building facades for tower accessory buildings
 9 and the first 20-feet of tower shall be painted earth-tones or similar
 10 colors to existing structures within the neighborhood and constructed
 11 of similar building materials. Improvements to the access must not
 12 cover water, valves or vaults. If the grid is raised the developer must
 13 raise the valves and/or vaults also. This is a Utility development
 14 condition because of the existing water tank's site.

15 Your options this evening when you un-suspend the rules and
 16 consider each case independently: for case Z2837 is that you approve
 17 the zone change request as recommended by staff; Planning and
 18 Zoning Commission may approve the zone change request with other
 19 conditions as determined appropriate; Planning and Zoning
 20 Commission may recommend denial of the case; or you may table and
 21 postpone this case and direct staff accordingly.

22 For the Special Use Permit: approving the Special Use Permit
 23 as recommended by staff, which is essentially, instead of you retaining
 24 final authority you are going to be a Recommending Body to City
 25 Council and; and approve Special Use Permit with additional
 26 conditions as determined appropriate; you may deny the Special Use
 27 Permit; or you may table and postpone this permit and direct staff
 28 accordingly.

29 This concludes my presentation. I'll be more than happy to
 30 answer any questions you have related regarding land use and
 31 requirements as set forth in our Zoning Code. The applicant is here to
 32 talk about specific development proposal for the zone change request
 33 and Special Use Permit and can answer any specific questions
 34 regarding the tower itself and then, of course, as I stated, we do have
 35 members of the public who would like to address the Commission as
 36 well. Thank you.

37
 38 Scholz: Thank you, Ms. Rodriguez. Are there questions for her? Yes,
 39 Commissioner Crane.

40
 41 Crane: Mr. Chairman, two points: first, no chain link fence is to be set up
 42 along Sedona Hills Parkway. What then is going to be the means of
 43 securing this location from that direction? You don't want children
 44 running around in there, right?
 45

- 1 Rodriguez: Mr. Chairman, Commissioner Crane, there're other types of walls that
2 can be erected, specifically the Zoning Code prohibits chain link fences
3 as a typical design feature for development.
- 4
- 5 Crane: Okay...and a much more important point: if this Commission votes
6 against Z2837 or the SUP or both what is the impact on this project?
7 Does it stop dead?
- 8
- 9 Rodriguez: Mr. Chairman, Commissioner Crane, if the Planning and Zoning
10 Commission recommends denial of the case and City Council upholds
11 that recommendation, essentially this tower cannot be built. The land
12 use as established for Single-Family Residential, High Density
13 Residential stays, R1-b Zoning District stays and a free-standing
14 commercial communication structure cannot be built in an R1-b Zoning
15 District. So if they wanted to continue with the free-standing
16 commercial communication structure they would have to find an
17 alternative location with a zoning designation that would support such
18 a use.
- 19
- 20 Crane: Thank you.
- 21
- 22 Scholz: All right, other questions? I just have one, Ms. Rodriguez. Do you
23 know how tall the water tank is?
- 24
- 25 Rodriguez: Mr. Chairman, I believe our Utilities staff said that water tank site is
26 approximately 37-feet in height.
- 27
- 28 Scholz: 37-feet, thank you. All right, may we hear from the applicant, please?
- 29
- 30 Soleman: Good afternoon, Mr. Chair, Members of the Commission. My name is
31 Brian Soleman with Sonoma Ranch. I do have a brief presentation.
32 After this particular project was taken to Council and remanded back to
33 P & Z, Sonoma Ranch did organize a meeting with the members of the
34 neighborhood association to answer any questions, any concerns that
35 they have and also provide some illustrations of this particular location.
36 Again, this is the zoning request for the land use at Sonoma
37 Ranch, as requested. This is an aerial which, I believe, was shown in
38 the last presentation. This would be the location of the tower. The set
39 back locations: this is just an illustration to show a possible layout of
40 the surrounding community with a Minor Local here a Major
41 Thoroughfare there and a Major Local on this side; meeting the set
42 back requirement for any potential issues with that. In this particular
43 slide what we did was we went out and took a picture along a few
44 locations, this one looking in an easterly direction, and one of the
45 photos presented at Council was provided by one of the neighborhood
46 associations as shown here. We took an actual tower, a

1 communication tower, it is a stealth tower and we placed it to scale in
2 the location. Another photo that was taken was just directly opposite in
3 this direction. This was the picture provided by one of the
4 neighborhood members and this is a picture provided by us with a
5 rendering. Another location was up off of Sedona Hills Parkway and
6 Pagosa Springs looking southeast. That is the picture. Another
7 location is south of the proposed site and that was the picture.

8 We did hold a neighborhood meeting following Council. We had
9 approximately eighteen residents from the neighborhood association,
10 members of Sonoma Ranch and members of Verticom. So, at this
11 time I'll be happy to answer any questions that you may have.

12
13 Scholz: All right, questions for this gentleman. Commissioner Beard.

14
15 Beard: You showed your antenna location from looking above down closer to
16 the tank than the picture that we have.

17
18 Soleman: This particular one?

19
20 Beard: Yes. Your tower looks like it's sitting over to the left property line. On
21 the drawing that we have it's sitting in the middle.

22
23 Soleman: Sure.

24
25 Beard: And I don't know that you would meet the set back requirements if you
26 were sitting on the... yeah, right there.

27
28 Soleman: This particular drawing....and I believe that that's where a lot of the
29 confusion has taken place. This is a zoning map and the circle
30 designates a leader line showing that that's the particular tract that
31 we're rezoning. That's not the location of the tower. So, I think that
32 that may have caused some confusion in the past with some of the
33 residents; but this particular dot is just a leader line designating that
34 that's the tract that we're rezoning.

35
36 Beard: With the tower sitting on the property line does it meet the set back
37 requirements from the tank?

38
39 Soleman: Yes, sir. It does.

40
41 Beard: Okay.

42
43 Soleman: We did work with Verticom. Originally the tower was located on the
44 north side. We did have them relocate it on the south so we could
45 meet the height requirements plus the ten percent set back.

46

- 1 Scholz: All right, any other questions for this gentleman? Okay, thank you very
2 much, sir. I will now open this to public discussion. Now we have a
3 large number of people from the public here who, I think, wish to speak
4 and I understand there is a presentation. I assume it's a slide show.
5 Okay. So, sir, would you come down and identify yourself and why
6 don't you run this for us?
7
- 8 Soleman: Mr. Chair?
9
- 10 Scholz: Yes.
11
- 12 Soleman: May I have the applicant for the SUP come up and I believe they have
13 a presentation here for you.
14
- 15 Scholz: Oh, I'm sorry. I thought we were combining this but, of course, we're
16 not. Yes, I would like to hear the applicant for the SUP. Thank you
17 very much.
18
- 19 Cardinal: Good evening, gentlemen. Denise Cardinal with Verticom on behalf of
20 Verizon and I think everything here has been presented and I don't
21 really have any additional documentation other than what's shown but I
22 can certainly answer any of your questions.
23
- 24 Scholz: All right, any questions for this lady? Commissioner Shipley.
25
- 26 Shipley: I had one question about the addition on the pole of the one antennae,
27 I believe, that was a microwave at the bottom, underneath the...there.
28
- 29 Cardinal: Yes.
30
- 31 Shipley: Is that absolutely necessary to be there? To me that takes away from
32 the...if you're going to have a palm tree it doesn't have a 3-foot
33 antenna stuck there underneath it.
34
- 35 Cardinal: Right and Verizon would like to use Fiber 021, if available, and will.
36
- 37 Shipley: As opposed to that?
38
- 39 Cardinal: As opposed to microwave, yes.
40
- 41 Shipley: So do I understand you to say that that will come off?
42
- 43 Cardinal: Yes, if a Fiber 021 is available at this location the microwave will not be
44 used.
45
- 46 Shipley: So if...is the operative word. Okay. Thank you.

1
2 Scholz: Any other questions? Yes, Commissioner Stowe?
3
4 Stowe: Why is this location the best location from a technical point of view?
5
6 Cardinal: I have a Radio Frequency Engineer on hand from Verizon to speak to
7 that.
8
9 Scholz: All right.
10
11 Alaaldin: Good evening. My name is Hamdi Alaaldin. I'm the RFE for Verizon.
12 This particular location that was determined is based on all the existing
13 sites in the city and the way the capacities are getting to each tower.
14 We have to propagate that capacity to 2011, 2012, 2013 and figure out
15 which areas in the city that meet capacity by the time down in the
16 future and we plan based on the locations out of that.
17 So currently, our towers that support the area, by the year 2012
18 will not be able to support that area's capacity and it's mainly because
19 of the growth. There're two reasons: mainly one is growth, more
20 people are using the phones and number two is because of the Smart
21 Phones. The current Smart Phones need a lot more capacity than the
22 traditional phones. We're not able to support it without adding other
23 towers. Unfortunately, all the frequencies that Verizon has in this
24 market consists of eight CDMA carriers, three CDMAPCS carriers, are
25 all going to be capped out by the end of 2012. We have no other
26 choice to support the phones here but split the cell sites and that's why
27 it comes to that spot.
28 I hope I answered you. I think so. If this site is not used and for
29 some reason you cannot go forward with this site...does Verizon not
30 provide service to Las Cruces? If this site does not happen in that
31 area by the year 2012, somewhere in the neighborhood of mid-to-end,
32 if you are making a voice call during the busy hours and you are the
33 number 61 call, you will get the message of, "There is no service
34 available for you." If you are a daily user we cannot provide you with
35 the speed that we are supposed to by the FCC to provide.
36
37 Stowe: And the location is geographically precise...or are there other locations
38 further to the east or....that would serve the purpose?
39
40 Alaaldin: We opened the area for locations that can take the amount of traffic
41 out of the area that the capacity usage was in that range. So we
42 opened a radius and said, "Within this radius we need to put another
43 tower or we are not going to be able to support the folks in that area."
44 We look at future planning as they show there's going to be roads and
45 folks in the other side and, hopefully, this site will provide to them, as
46 well, in the future. They go out and they search that area and they

1 come up with locations. We take that location, we took it into our
2 planning and then we run propagation maps on all the sites that we
3 have and the site that they brought in, the location, the latitude and
4 longitude, geographical location, and we run propagation maps on that
5 and that's how we determine this is a final location for it.
6
7 Stowe: Thank you.
8
9 Scholz: Commissioner Beard.
10
11 Beard: Out of curiosity, what kind of band width are we talking about? Is it the
12 G3 type of equivalent or G4?
13
14 Alaaldin: The band width we are talking about is 800, 850 CDMA Megahertz and
15 1900 PCS and it's for 4G and 3G phones (*inaudible*).
16
17 Beard: 4G, 4G...Okay, I just wanted to know if the antenna sizes or
18 configuration were going to change in the future when you increase the
19 band width.
20
21 Alaaldin: Now, the future planning that we have and other technology called LTE
22 is Long Term Evolution. We already have plans for all that stuff with
23 the current futures that we put in so anything that comes in it will be
24 supported by this structure and the antennas that will go on this tower;
25 unless technology changes, which...
26
27 Scholz: Which it sometimes does, yes.
28
29 Alaaldin: But with the technology that we have today and down the road that's
30 coming, which we have nobody...well, I can't say anybody...but there
31 are forms out there for the LTE and all that stuff. We've already
32 included all those in there and we also included that into our planning
33 and that's why we pick specific locations. Even adding those
34 frequencies this area will be out of capacity and we will come here
35 probably again asking for more sites. It mostly has to do with the two
36 reasons that I mentioned: this area is growing and then the folks are
37 buying more and more of these Smart Phones and they need...and
38 originally when we launched these networks it was more like a bus.
39 You wanted to put in as many people as you want. Today everybody
40 wants to have a Corvette and go as fast as they want and that's why
41 we have to support that.
42
43 Beard: Thank you.
44
45 Scholz: All right, another question. Commissioner Shipley.
46

1 Shipley: On the diagram you show there's going to be nine antennas on the top
2 now and you are reserving three more and I assume that's because
3 you'll readjust the antennas when the growth to the east takes place?
4
5 Alaaldin: Exactly.
6
7 Shipley: So that'll cover four directions instead of three quadrants.
8
9 Alaaldin: Exactly. When that area is developed we will take one of the
10 sectors...it is divided into three sectors. Each sector has three
11 antennas. Each antenna serves a purpose: one is for 801, is 1901
12 LTE. We'll take that sector that's facing the west and directly face it
13 east and, obviously, we'll maintain the environmental look of the
14 structure, of the tower.
15
16 Scholz: Okay. Any other questions? Commissioner Crane.
17
18 Crane: Perhaps I haven't done my homework but is this antenna exclusively
19 for Verizon?
20
21 Alaaldin: These nine antennas, yes. If anybody wants to go on that they have to
22 go below that structure and put their antennas....
23
24 Crane: So, bang goes the palm tree again. Right?
25
26 Alaaldin: Yes.
27
28 Crane: So you're gonna have an earth-toned microwave antenna bearing
29 palm tree with additional antennas. How about a pine tree? I mean,
30 it's not indigenous there but at least it would cover more antennas,
31 won't it? (general laughter from the Commissioners and audience)
32
33 Alaaldin: Right. If it would fit the environment; why not?
34
35 Crane: Cottonwood.
36
37 Scholz: All right, anything else, gentlemen? Thank you very much, sir.
38 Okay...and you want to make a presentation. Yeah, go ahead. Just
39 come up and identify yourself, please.
40
41 Cobb: My name is Mark Cobb. I am the President of the MIRMAR
42 Neighborhood Association, which is next to where the proposed tower
43 would be.
44
45 Scholz: How do you spell your last name, sir?
46

- 1 Cobb: C-o-b-b.
2
- 3 Scholz: Thank you.
4
- 5 Cobb: But before I begin our presentation I would like to comment on why
6 we're here. I think I heard a comment that why wasn't this resolved a
7 couple months ago. A couple months ago, I believe, the City
8 Commission found that the notification was flawed. As the President I
9 didn't receive notice of when the meeting was to communicate that
10 with the members. I have an e-mail to the City Councillor. I don't
11 remember her name asking her for that date. I never did receive it.
12
- 13 Scholz: Would you stay on mike, please?
14
- 15 Cobb: On mike, okay. And secondly, the notification of signs...no one in our
16 neighborhood that we know of saw those. So I think that's why we are
17 here tonight. But what I would like to do tonight would be to present
18 what our neighborhood looks like now and what we envision that it
19 could look like with the tower in the future; and then to recommend a
20 vote against this tonight along with the 160 residents that have signed
21 a petition against this action. I'm not familiar with your equipment...
22
- 23 Scholz: Ms. Revels, would you help him out, please? Thank you.
24
- 25 Cobb: Our presentation is going to be brief but we'd like to cover our
26 community and the concerns we have in the process, the questionable
27 need, the result and the future. We represent the MIRMAR
28 Neighborhood and 120 families. We stress our community pride and
29 civic pride in a number of ways. Residents selected Sonoma Ranch as
30 a premier address to retire or raise a family. The neighborhood is
31 involved with their community: the Great American Clean Up,
32 impeccably maintained recreational parks and the Neighborhood
33 Watch. We only have one detraction in our neighborhood with the
34 rusting out water tank surrounded by the "prison" fence and we just
35 don't feel we deserve to have another one at this point. It wouldn't be
36 fair to the neighborhood.
37 As you could see it would be a double whammy because it's
38 going to be twice as tall as the current water tank. A list of probable
39 negative consequences would be: the home values being negatively
40 affected; more obstructed view of the Organ Mountains; a detraction
41 from the natural beauty of the area; and the adjacent lots would not be
42 sold. Even one lot that's not sold would offset the revenue gain. So
43 we ask: is this consideration compatible with the Vision 2040
44 statement for our area? Would you want this in your back yard? We
45 live in a golfing paradise, not in an industrial park.

1 We'd like to point out that we feel the zoning application is
2 defective and should be rejected. The property owners did not sign the
3 application. It's required that the application be signed by all property
4 owners. The application has been corrected to show Area 51 LLC as
5 the property owner but without signature. Mr. Matthew Holt is the only
6 listed agent and officer of Area 51 LLC and he did not sign the
7 application. A person who has a power of attorney could do that but,
8 according to the County Clerk's Office records we could not find a
9 power of attorney for that. Mr. George Rawson signed the affidavit on
10 May the 24th stating that he is the applicant for the zone change while
11 page 4 the development statement states that the applicant is Sonoma
12 Ranch Subdivisions LTD.

13 Further, no request for waivers or variances for the following two
14 items exist: a proposed lot size does not meet development standards
15 for C-1C. There's a requirement that it be 60-feet wide. The northern
16 end is, I think, 16-feet wide. Secondly, the proposed cell tower is 65-
17 feet high. The property is zoned R1. There's an improper set back; it
18 requires a 71-foot set back. But the maximum width of the proposed
19 zoning is only 61-feet, thereby precluding the required set back.
20 Additionally, many of the residents feel that the tower would be a
21 nuisance even if it were to hit the fence around the tank because it's
22 possible it could ricochet into the tank and cause a catastrophic failure.

23 Zoning is a method used by cities to promote compatibility of
24 land and the purpose of the City Zoning Code is to achieve an urban
25 form which supports and enhances a unique environment. The Code
26 is to encourage the most appropriate use of land for the purpose of
27 improving each citizen's quality of life. Low Density Commercial
28 defined uses: generates service activities as a convenience to adjacent
29 neighborhoods, not as a convenience to commercial endeavors. The
30 zoning does not meet the intent of the City Zoning Code. The change
31 will allow for utility-related land uses such as antennas, towers and
32 other vertical structures, not just a cell tower; and the applicant is not
33 bound to the details in the development statement nor is the City
34 responsible for requiring the applicant to abide by the statement. The
35 applicant has already stated that they would allow co-location of other
36 carriers on the antenna. No subdivision plat or building elevations nor
37 renderings were submitted up to this point. The purpose of rezoning is
38 for the installation of a cell tower which is simply not needed.

39 Excellent coverage already exists per data taken from Verizon
40 web sites. There's an average rating of 4.6 out of 5: very few dropped
41 calls, if any. And this slide depicts coverage in the regional area also
42 showing as very excellent. This slide shows the other three Verizon
43 towers in the area so Verizon has room for expansion. They could
44 lease from other towers or they could put more antennas on their
45 current towers. Some data that we have received say you could have

1 up to 18 or they could choose an alternate site that does not require
2 rezoning.

3 So we have to ask: is this what we want? This is what Sonoma
4 Ranch could look like in the future. It's just a matter of time. To
5 reinforce our sentiments, again, consider the present and then this is
6 what Sonoma Ranch could look like in the future if this application is
7 not rejected.

8 So this together lists sound application of the City Zoning Code.
9 The intent of the Code is to promote general welfare of community for
10 the purpose of improving each citizen's quality of life. The proposed
11 rezoning does not meet the intent. So please vote no as it's not
12 consistent with the City's Design Standards. It's not needed. It's not
13 the most appropriate use of land. It does not promote and preserve
14 visually attractive and pleasing surroundings and it does not improve
15 each citizen's quality of life. Why lose the ideal community? Stand
16 with the 160 of us that signed the petition against this rezoning. Thank
17 you.

18
19 Scholz: All right, some questions for this gentleman? Commissioner Crane.

20
21 Crane: Mr. Cobb, we had the engineer say that the current system for Verizon,
22 which presumably has those three antennas that you showed along I-
23 25, is going to be overloaded fairly soon and the development you're in
24 is scheduled over years to move, to fill in to the east as it will be all
25 residential, except for occasional commercial. How then do you
26 suggest that people in that area get satisfactory cell phone coverage?
27

28 Cobb: Well, we feel that the current antennas can be added on to. We're not
29 really technicians and we can't say how but we think that's an option or
30 that another site within 700-feet is commercially zoned already, just
31 east of that location. Maybe that could be looked at in the future, too,
32 but I think we would have the same problems that our neighborhood
33 has with that.
34

35 Crane: And what everybody's going to say, "Not in my back yard."
36

37 Cobb: Well, it's possible but I think we have to look at all alternatives and
38 you'll have some true data that shows that the system is saturated,
39 some objective data.
40

41 Crane: Thank you.
42

43 Schulz: Someone else? I'm curious: is there anyone in the room who does
44 not have a cell phone? Ah, there are a couple of holdouts, I see.
45 Thank you very much. I just wanted to check that. How many of you
46 are with Verizon right now? Can I see hands? Okay, that's about half.

- 1 Thank you very much, Mr. Cobb. I have a question for staff. Are you
2 presenting on this? Oh, no, I'm sorry. It was Ms. Rodriguez, wasn't it?
3 Do you have a copy of their presentation, Ms. Rodriguez?
4
- 5 Rodriguez: Mr. Chairman, yes, I do.
6
- 7 Scholz: Would you check it...he pointed out some things on page 10 and they
8 were with regard to..."Property owners did not sign the application.
9 There were different applicants," and then there was, "Their proposed
10 lot size doesn't meet requirements." I don't know if you spoke to those
11 things at the beginning but I'd like to hear your explanations.
12
- 13 Rodriguez: Mr. Chairman, if you could give me a moment to look at the
14 application, please.
15
- 16 Scholz: Certainly. It was their slide 10.
17
- 18 Rodriguez: Mr. Chairman, we do have an affidavit, a notarized affidavit by Mr.
19 George Rawson, on behalf of Sonoma Ranch Area 51 LLC, which was
20 originally Sonoma Ranch Subdivision LTLTD Company and then it
21 became Area 51 LLC. Any change between Sonoma Ranch
22 Subdivision LLTD Company and Area 51 LLC, I'd like for the applicant
23 or Mr. Rawson to address the property ownership between those two
24 companies.
25
- 26 Scholz: Okay.
27
- 28 Rodriguez: In returns for the Special Use Permit we have a signature for the Chief
29 Financial Officer on behalf of the LLC for Sonoma Ranch East II as
30 well as a signed signature from Verticom on behalf of Verizon
31 Wireless.
32
- 33 Scholz: Okay. What about the variances, the proposed lot size?
34
- 35 Rodriguez: Mr. Chairman, as I addressed in the beginning of my presentation
36 there is not a platted lot. This is a zoning boundary. So, in terms for
37 the set back radius for the adjacent structure, which would be the
38 water tank site, that has been accounted for since there's currently
39 raw, undeveloped land located immediately east or south we can't take
40 right now into consideration the exact set back provision. But when
41 that will have to happen is when future development comes in for
42 single-family residential development and they go through the
43 preliminary plat process. When we're looking at adjacent land uses we
44 will have staff work with the developer at that time to make sure there
45 is appropriate separation and set back provisions for that.
46

1 Scholz: Okay. Thank you. Question?

2
3 Shipley: Yes. Just to address that. So that's just basically a taking of someone
4 else's property? In other words if there's a 60...71-foot obstruction, in
5 other words you have to have that radius for the tower to fall. That
6 means that the land that's owned now that abuts that property is being
7 taken without someone's knowledge?

8
9 Rodriguez: Mr. Chairman, Commissioner Shipley, Sonoma Ranch, that entity, is
10 leasing the area to Verizon. They control the property north, east and
11 south so if they sell that property in its entirety or subdivide it off, it's
12 zoned R1-b so any future development will have to go through the
13 preliminary plat process. So it'll be a single, essentially, a sole person
14 owner or an entity that owns it at that time. You can't convey land so
15 there won't be a taking. So when we go through the designing of that
16 subdivision existing development will have to be taken into
17 consideration. You also have an adjacent water tank. There're water
18 easements, etc. that are going to be in there that are going to affect the
19 future development and how that subdivision is going to be laid out.
20 So looking at all those factors will be taken into consideration if and
21 when future development occurs.

22
23 Scholz: All right, thank you. You said the applicant, Mr. Rawson, is here to
24 speak to us?

25
26 Rodriguez: Yes, I'd like for them to address any ownership with regard to their
27 corporate entities.

28
29 Scholz: Thank you.

30
31 Rawson: Good evening, Commissioners. I'm George Rawson with Sonoma
32 Ranch. Sonoma Ranch East II, the parent company that bought this
33 piece of land from the State Land Office approximately six years ago
34 and, as many of you know who are in business you understand that we
35 create limited liability companies to limit our liability as well as to do
36 financing with local banks. This entire piece of property is 320 acres of
37 land and we have three companies. I'm the owner, Dave Steinborn's
38 an owner, Dale Schueller is an owner of all of the companies. There is
39 no shares ownership; we own it all. Currently it is in Area 51. The
40 application was made in Area 51.

41 You know, I'm sorry that not quite everybody understands that
42 when you do business and you create an LLC you hire an attorney and
43 the attorney goes to the State Secretary and she provides the data for
44 your LLC; comes back Area 51 and that Holt registered us and is the
45 registering person within the Secretary of State's Office, he is
46 considered the Register and then all of the rest of the paper is filed

1 after that. Unfortunately, it would fill up the data bank for the Doña Ana
2 County database putting everybody's 15 to 20 pages of articles of
3 incorporation, officers, etc. but you can go to the State Secretary of
4 State's Office on their web site and you will find the ownership. So we
5 are Area 51. We are the same ownership. We have been the same
6 ownership for six years.

7 We very, very carefully calculated the location of this tower to
8 the best of our abilities to give the community cell phone service. I will
9 tell you that cell phone service, when you get over to that little area
10 below this, what you may not realize, and I suppose most of you have
11 been there, is this is the highest site in the area. What everybody's
12 failed to say is that this is the highest site. It's why there's towers on
13 Encanto. That's why there's towers on Telshor Boulevard on the old
14 Pioneer Bank Building. They take the highest site. When you drop off
15 this site over the back this sets on a ridge; so everybody below this
16 tank going east will have zero cell phone connection because it's not
17 going over a 60-foot ridge. So that's why this site was chosen. I will
18 tell you that Verizon came to us. We did not call Verizon and say,
19 "Hey, we have the place for you."

20 Some more information for you: four years ago we approached
21 the City Council to paint the water tank and we were rebuffed. There
22 was too many people that had to decide what was gonna go on the
23 tank, what color it was gonna be, the logo we wanted to put on the tank
24 was simply a Sonoma Ranch logo. It would have made the tank look
25 great. It would have cost us \$25,000. Well, the rules have changed
26 now and now it's a \$100,000 paint job. And I completely understand
27 what the neighbors are talking about the tank. I am not allowed to
28 build a chain link fence around anything that I own. This site that
29 Verizon will have will be a rockwall fence. You won't be able to see
30 through it. We'll have a wrought iron gate that'll be completely covered
31 so you can't see in the cell tower area.

32 Now you'll notice if you've watched very carefully that Brian
33 Soleman, our lead engineer, showed you that we were building a street
34 next to this. All city Minor streets are 50-foot in width so if you take the
35 set back and the tower goes east it's in the city right-of-way. It doesn't
36 hit anybody else. We also know that we are encumbering ourselves
37 with the houses below. If we build houses we'll have to do a buffered
38 area, probably because of the way the city tank sits now their draining
39 their excess water out of their tank on our property so we'll have to
40 create a buffer area below the tank for them to store their water and for
41 us to buffer any construction.

42 I will tell you that my partners and I have worked on Sonoma
43 Ranch since 1996 and I think we've done a great job of creating the
44 neighborhood. Why would we not think about this tower? I mean,
45 we've put an awful lot of effort into it. This is the best location for the

1 City of Las Cruces and for the citizens of Las Cruces and we don't
2 want it to look ugly. Thank you very much.

3
4 Scholz: Thank you. Any questions for Mr. Rawson? Thank you very much.
5 Okay, we're still open for public discussion. Now what I'd like to do is,
6 in the interest of time because I know you have all been sitting here a
7 long time and so have we, I would like to limit your presentations from
8 the public to three minutes. Okay? Most of you can speak for three
9 minutes. I know I can and I'm going to have Secretary Beard be the
10 timekeeper here and when he lights up his microphone, there'll be a
11 red light on, then you have about five seconds to finish up. Okay?
12 And, I would ask you that if you have additional information to add to
13 this, then by all means speak. If you are simply going to repeat
14 something that someone else says, well, I wish you'd hold that in; but
15 we'll let you go. Okay, who would like to be first? Come on down. Be
16 sure and give your name and tell us where you live. Excuse me, are
17 you signing autographs, Mr. Binns? Okay, go ahead.

18
19 Binns: My name is Eddie Binns and occasionally we do a little building, a little
20 development. The tower is something that is needed and will parallel
21 one that we installed ourselves and that is on Missouri next to the
22 water tank. Most people never know it's there because it looks like a
23 big pine tree and it does a good job of concealing that tower with
24 multiple antennas in it and it is something that I can ask you to look at,
25 review and show that a tower can go in a neighborhood that is not
26 obnoxious, that it can blend into the appearance of the neighborhood
27 itself.

28 On another subject: we have run surveys trying to figure out
29 what to do in the future in our land development programs. The Qwest
30 telephone delivery people have gone to a cost basis to install
31 telephone lines in subdivisions which, in turn, are passed on to
32 consumer; and in running some analyses of surveys of existing
33 neighborhoods we found that fifty percent of the neighborhood uses
34 cell phone for their communication and not Qwest land lines at this
35 time. I see a trend continuing to move in that direction and we are
36 thinking real seriously whether to put Qwest lines in the streets and
37 charge the consumer for them as compared to servicing them with cell
38 purposes.

39 The nature of phones is kind of interesting. You've heard the
40 conversation that, "You don't need one 'cause we've got it there." The
41 antenna that's on Missouri is close to the medical facility and it was
42 necessary to get additional cell service available for the medical
43 personnel that were working at Memorial Medical and the doctors'
44 offices in that area. We had good coverage but additional coverage
45 was needed and this is something that is there and it's real. For the
46 benefit of the community sometimes compromises are made and if we

- 1 don't like palm trees think about a nice, good-looking pine tree that
2 goes up and down. Thank you.
3
- 4 Scholz: Thank you. Who would like to be next? Yes, the gentleman in the
5 front here.
6
- 7 Hancock: I'd like to, Mr. Chairman...
8
- 9 Scholz: Your name, sir.
10
- 11 Hancock: Members, my name is Wayne Hancock. I live three houses down from
12 where the tower's going to go in.
13
- 14 Scholz: Okay.
15
- 16 Hancock: I just bought my house and closed on it May 31st and now I'm going to
17 have a tower to look at, it looks like, and it's going to block a million
18 dollar view. I respect what the other gentleman said about the pine
19 tree. There are other pine trees around that pine tree so it doesn't
20 show up so much but you stick a palm tree out in the middle of the
21 Organ Mountains and you're going to see it. It's going to be twice as
22 tall as the tower is now and I'd like to also draw your attention to the
23 fact that the applications still were not signed by the owners. The
24 gentleman, Mr. Rawson, mentioned who the three owners are. The
25 three owners did not sign the applications.
26 It also says in your Code that the SUP, I believe it's called, will
27 have a comprehensive statement and justification for the proposed
28 structure, location and site. It also says that a communication
29 coverage pattern calculation for the proposed site will be provided
30 along with the application. That was not done. It also states that
31 analytical evidence demonstrating that no other location will suffice
32 was supposed to be submitted with the SUP also was not done. It also
33 states in the procedure that a technical analysis prepared by a
34 professional engineer for the proposed site is required and that will be
35 done and it will be included with the SUP. That was not done. We've
36 had people standing up here saying this about coverage and that
37 about coverage. What we need is facts. That's all I have to say about
38 it.
39
- 40 Scholz: Okay. Thank you. Someone else?
41
- 42 Lewis: Good evening. I'm Candace Lewis. I live in Sonoma Ranch East and
43 I'm a cell phone aficionado myself. I know that coverage is important.
44 I understand about Smart Phones. However, the location of this tower
45 is strongly a question in my mind, especially since I live in that
46 neighborhood. He mentioned the frequency. The representative

1 mentioned a radius but he didn't say what the radius was. He
2 mentioned a lat and long but he didn't mention what the lat and long
3 was so I think that there are potentially more sites for this tower. There
4 is commercial zoned land a little bit east. Someone said 700 yards
5 east. Yes, the land immediately to the east, a tower goes down, but as
6 you walk toward the other tank it goes up so this may not necessarily
7 be the highest point available. There's also another cell phone tower
8 about three-quarters of a mile west, a very substantial structure, could
9 be piggy-backed on. There are some other options potentially for this
10 tower rather than having it affecting the livability of the neighborhood
11 that exists now and the future neighborhood that's planned to be right
12 where this tower is right around there. Thank you.

13
14 Scholz: All right. Someone else.

15
16 Shriver: Chairman, Members of the Commission, my name is Monty Shriver. I
17 am speaking in opposition to the request. I think the question is: does
18 your staff follow the rules or do they not on what their Code requires?
19 You state that the...this is on the SUP application: "property owners of
20 record...it states Sonoma Ranch East II LLC." Per the tax records it is
21 a different owner. It is Area 51 LLC. Now is it important you have the
22 correct owner on the application? I think it is. As been mentioned
23 previously you are supposed to...the owners are supposed to sign so
24 what do we have on the owners' page for the SUP? Sonoma Ranch
25 East II LLC. I can't read the writing. It's sort of like mine but it says
26 CFO so I assume that's Mr. Zaldo. He is not an officer or an owner; or
27 rather, he is not an owner of Sonoma Ranch LLC and at the County
28 Clerk's Office I could not find where he had a special power of attorney
29 that had been recorded there authorizing him to sign for Area 51 LLC.
30 So the question is: does the City staff really look at these applications
31 and see if they're following what their own requirements state? Thank
32 you.

33
34 Scholz: Thank you. Anyone else wishes to speak with additional information?
35 Yes, I want to go back to the technical gentleman from Verizon in a few
36 minutes but...go ahead, sir.

37
38 Murray: Good evening. My name's Allen Murray. I live in Sonoma Ranch
39 East. I just have a question...

40
41 Scholz: Your last name, sir?

42
43 Murray: Murray, M-u-r-r-a-y.

44
45 Scholz: Thank you.

46

1 Murray: I just have a question and it was brought up a couple times by Verizon,
2 the gentleman from Sonoma Ranch and them about the location. I
3 know at this point there's a new state police headquarters being built
4 out on Sonoma Ranch. I would assume, and assuming gets you in
5 trouble, but that they will probably have to have a tower there for
6 communications since it's going to be a statewide police barracks or
7 some kind of office. I would assume that they would have a tower
8 there. It must be zoned for that type of building or structure and that is
9 also at a high point. You are going up Sonoma Ranch at that point so I
10 don't understand how just a mile or less, from where they're talking, to
11 that same area where the new headquarters is going to be for the state
12 police; if that is already zoned for that kind of structure, would it not be
13 better just to try and build something out there? It's just a question.
14

15 Scholz: Okay. Thank you. Anyone else? Yeah, I want to finish with the public,
16 sir, before we go back to you and talk about technical stuff. You're
17 doing great on the time, by the way, folks. Thank you.
18

19 Martino: Good evening. My name is Fred Martino and I live in the community.
20 First off there is a confusion here evident in terms of what this
21 application is for. It's not for cell phone service. It is for commercial
22 zoning and for the cell phone service of one provider. That is a
23 commercial interest. This is a zoning decision.

24 I live in the community but, you know, I'm speaking about this in
25 a public policy manner tonight. This area is restricted by covenants.
26 The people who bought homes here had to sign covenants. They are
27 legally responsible to live by the covenants and any future owner is.
28 Not only can a ham operator not buy one of these homes and build a
29 tower on their property they are restricted on the color of the home.
30 They are restricted on putting a travel trailer in the driveway and we're
31 talking about building a 65-foot commercial structure. So you would
32 have this in this neighborhood where the residents are restricted even
33 from the color of the home that they have.

34 It's a community where there have been three spec homes built
35 in the last year. How many communities in this area have that? There
36 have been about a dozen custom built homes built in the last eighteen
37 months just south of where this community is. There are high-voltage
38 power lines that you saw at the end of this presentation. There have
39 been no homes built near those power lines...none...it's a bunch of
40 vacant land creating dust in the community...very clear about what
41 commercial structures do in the community. This area, the City will not
42 permit above ground utilities so if this Board were to approve this
43 tonight you would be saying that cell phone towers are permitted in an
44 area where required utilities, such as electric lines, would not be
45 permitted. So a commercial interest of one company would go above

1 the community interest and would go above the interest of a required
2 utility.
3
4 Scholz: You have five seconds.
5
6 Martino: This is absolutely clear and it is extremely upsetting and it said it all at
7 the end of this presentation to have someone come up and say that a
8 chain link fence would not be allowed where there's chain link fence
9 around the water tank right now.
10
11 Scholz: Sir.
12
13 Martino: That says it all.
14
15 Scholz: Sir, your time is up.
16
17 Martino: Absolutely.
18
19 Scholz: Thank you very much. Okay, anyone else in the public? Okay, can we
20 hear from the technician again, please?
21
22 Alaaldin: Mr. Chairman, gentlemen, I just want to answer a couple of quick
23 questions that came about. First of all, by adding additional antennas
24 to any tower does not give you anything. We already have enough
25 antennas on all the towers. With an antenna there is no limitation on
26 how much you put into an antenna. Adding an antenna is not going to
27 buy us anything. Number 2 is...
28
29 Scholz: Excuse me, sir. You're suggesting that the location is key?
30
31 Alaaldin: Yes. The location is key but also I want to clarify one point: that
32 although coverage was very important in the early days we're facing a
33 different issue now. We're facing capacity. Coverage is great. There
34 are two types of coverages: outdoor coverage and indoor coverage.
35 What this cell site will provide is more indoor coverage in the area but
36 that is not our prime purpose. That would be our prime purpose for the
37 folks that are going to be there on the east side of the road; but for
38 right now we are looking into capacity and capacity is defined as a
39 fixed number. That number is 60 cell phone calls, which is measured
40 in air language, which is one minute of continuous call on each carrier.
41 When that 61st person comes in there's no capacity for them and this
42 cell site that was presented to you going forward is for capacity.
43 It's true that this gentleman that showed the map of
44 Verizon...we do have coverage but from now on coverage is not an
45 issue. It will be more of capacity, providing more people coming on the
46 network to give them their resources that they need. Obviously we do

1 have the community's interest in mind. That's why we presented this
2 as the best possible solution and also we want to make sure that the
3 reason that we're there is because the community is growing and they
4 do need this. We want to make sure that not one person is down and
5 everyone has the right resources to be able to make that call. Thank
6 you very much.
7

8 Scholz: All right.
9

10 Crane: Mr. Chairman, if I may.
11

12 Scholz: Yes, go ahead, Commissioner Crane.
13

14 Crane: Then the solution to the capacity problem is more towers?
15

16 Alaaldin: There are two possible solutions to capacity: buy more frequencies –
17 not available, split the towers into two. Instead of having one tower in
18 the area you take that tower and build another tower adjacent and you
19 redistribute the traffic into two towers instead of having one tower so
20 it's called cell splitting, essentially, you have split your cell into two.
21 For example, a cell site covers five miles. Essentially for what you are
22 doing the best design would be to have another tower to cover two-
23 and-a-half miles and the other would cover the rest of the two-and-a-
24 half miles within the five-mile area.
25

26 Crane: And each would take the same...each would have the same capacity?
27

28 Alaaldin: No, they will not. The studies that we have done are: anywhere in the
29 neighborhood of close to forty percent, just because the RF acts that
30 way. That's why we do antennas. We "down calc" them, we put calcs
31 on them, we narrow beam them, we do all that stuff to try to take more
32 capacity on that tower. But, unfortunately, the best solution would be
33 frequency, which is not available; second solution would be cell
34 splitting. That's why we're doing it.
35

36 Crane: So the future is not good for the East Mesa if it doesn't get more
37 towers?
38

39 Alaaldin: Exactly.
40

41 Crane: Okay. Thank you.
42

43 Scholz: Commissioner Shipley.
44

45 Shipley: You said the coverage is five miles. Is that radius?
46

- 1 Alaaldin: It depends all on where the towers...every tower has its own sort of
2 identity...
- 3
- 4 Shipley: Propagation.
- 5
- 6 Alaaldin: Exactly! Propagation. If it's on the top of a mountain it can cover as
7 far as the eyes can see but if it's in a residential or a downtown area
8 it's about a quarter-to-half-a-mile at the most and it all depends on the
9 clutter and how the RF gets blocked. Each cell phone talks to the
10 tower at 800 times per second. It has to have a... the more you put on
11 a cell tower the less that radius becomes. So if you have one person
12 on one tower you might cover fifty miles; but if you have 50-60 on that
13 tower that shrinks down to about twenty miles because it's all power
14 allocation. The more you give power to a user the less power you
15 have to give to the next user.
- 16
- 17 Shipley: Thank you.
- 18
- 19 Scholz: All right, any other questions for this gentleman? Thank you very
20 much. All right, I'm going to close this to public discussion and,
21 gentlemen, what is your pleasure?
- 22
- 23 Crane: Mr. Chairman, if we move that this be approved then we can have a
24 discussion among ourselves, can we not?
- 25
- 26 Scholz: Well, yes, that's the intent. Obviously, in order to vote on this we have
27 to reinstate the rules.
- 28
- 29 Crane: Correct.
- 30
- 31 Scholz: But we're not at that point yet.
- 32
- 33 Crane: Right. Well, I'm disconcerted by a couple of things. One is this...I
34 forget who the member of the public was that brought it up but he was
35 quoting it as an official document to the effect that we were supposed
36 to have had an adversary kind of relationship on the technical
37 questions and that we, the Commission, were not provided with that or
38 the public was not provided with it and there were several points, I
39 think he made three areas in which this information was lacking.
40 Secondly, the pictures we were shown of the nice green,
41 fronded palm tree atop its earth-colored pole didn't look to me to be too
42 bad. I wouldn't welcome it in my neighborhood but I've got a red and
43 white "squarish" microwave tower in my neighborhood, which is down
44 near where Comcast is and it attracts lightning nicely. I don't like it but
45 I recognize that it's got to be there.

1 But if that antenna grows to have co-located antennas on it of
2 other companies on it below the fronds of the palm tree then the palm
3 tree isn't going to work as a disguise. You could end up with a truly
4 ugly device like the one, which we've seen pictures of which has the
5 microwave antenna on it, which we've been told will probably or
6 certainly not really be there.

7 And I wonder where there's part of this we couldn't require of
8 Verizon, if it does put this in, to obscure everything below within the
9 palm fronds. In other words: not co-locate for any other companies.
10 Now, other companies will come along and say, "We need a tower,
11 too," and I certainly would not be happy to see another one go up
12 there. I'm not quite sure how to get out of this dilemma but right now
13 we are talking about the Verizon application. So that is on my mind
14 tonight and I would like to, perhaps, see that made a condition: that
15 the antenna be relatively simple and the palm tree...so the palm tree
16 that services is disguised. Thank you.

17
18 Scholz: All right, someone else. Commissioner Shipley.

19
20 Shipley: Well, there's a couple things: number one there was the talk about a
21 pine tree would be more appropriate and I haven't seen anything to
22 that effect but maybe that's something that could be explored if the
23 palm tree is not reasonable because it's pretty much a single column
24 and maybe the palm tree would work...or excuse me, a pine tree...

25
26 Scholz: Pine tree.

27
28 Shipley:would work better. Secondly, I just want to highlight the fact that in
29 the presentation there was a couple of times it was alluded about the
30 City's process and it talked about, "...for the purpose of improving each
31 citizen's quality of life."

32 I think the most important thing is to promote the health and
33 safety of the citizens of this community and a cell tower does that
34 because the fact that if you need to make a 911 call the number one
35 thing you want to do, certainly, is that when you pull your phone out for
36 some reason to save someone's life it works. It doesn't do you a bit of
37 good if you can't use your phone throughout the community. So
38 improving the view is important to all of us. That's why we have
39 Design Standards and that's why we follow those. That's why we are
40 having this debate tonight. But the most important thing is safety, not
41 necessarily someone's view. That palm tree in a matter of months will
42 be just like everything else. Nobody spends much time out sitting on
43 their front porch; they're out in the back yard looking in the other
44 direction for most of the people and I don't see that as a deterrent.

45 I think if there's a better option, if maybe we should question
46 whether or not we could some other means to do that. I do know from

1 a former job that I had working in this cellular business that
2 propagation is important and it doesn't have to be the ultimately the
3 tallest place; but the height is important to get the signal, for that
4 antenna to be able to receive and transmit and they do overlap things
5 and they do these propagation studies. Why they're not presented I
6 don't know. Maybe we would be able to table this...that's one thought
7 and bring those back so we can show the public what kinds of studies
8 were done and what the location options are. That could also be done.
9 But over and all I think, you know, it's something that needs to be
10 resolved and we need to decide how we want to handle it.

11
12 Scholz: All right, someone else? Commissioner Beard:

13
14 Beard: I have mixed feelings about this. If we don't approve the antenna I can
15 see in the future that people are going to start getting upset about
16 losing or being dropped on their calls. I have a service in my part of
17 town and I get dropped on occasion in my house and it bothers me a
18 lot. Now I don't have an antenna sitting next to me but I think I'd rather
19 have that antenna in sight than to be dropped.

20 The other thing is, and I concur with the safety issue there: I
21 don't know enough technically if there's another location that can serve
22 the same purpose. You have to sort of go by Verizon saying that,
23 "This is the spot." Whether it is the only spot I do not know. I didn't get
24 that out of this conversation. The thing that's really hard and why it
25 becomes a two-way thing is that there are 60 applicants that have
26 signed this petition to oppose this antenna. How many? ...160, I'm
27 sorry. And we usually listen to the people when they say they don't
28 want something or they do want it we usually listen to them and it's
29 hard to believe that so many people are opposing this antenna to me.
30 It really does...I think it's a big issue. That's all I have.

31
32 Scholz: All right, anyone else? I would point out there was one misconception,
33 I think, voiced in the public's presentation and that was that the tower
34 would be twice as high as the water tank. Actually the water tank's 37-
35 feet high so that's 65... that's what? 28-feet, something like that? 30-
36 feet? Okay. Not quite the same. All right. Minor point. Any other
37 discussion? Yes, Commissioner Evans.

38
39 Evans: Yes, Chairman Scholz. I really sympathize with the public and the
40 efforts that they went through to consolidate a well thought-out plan for
41 opposition to this effort; but I think Sonoma Ranch, as a general rule,
42 you know, they have underground utilities for electricity and that sort of
43 thing which is a really nice benefit to their community. Unlike my area
44 in Four Hills, you know, we have them above the ground and it's not as
45 pleasant to look at. I also happen to be the owner of a piece of
46 property with two towers directly in the back yard. As much as I don't

- 1 like them I think they are a benefit to the community and they need it;
2 but I do understand and recognize your concern. Thank you.
3
- 4 Scholz: Thank you. Anyone else? All right, I'm going to entertain a motion to
5 approve.
6
- 7 Shipley: No, we need to reinstitute the rules...
8
- 9 Scholz: I'm sorry. We have to...let's see....where are we here? We must rise
10 from the suspension of the rules.
11
- 12 Shipley: I so move to reinstate the rules.
13
- 14 Scholz: All right, is there a second?
15
- 16 Beard: Second.
17
- 18 Scholz: All right, it's been moved and seconded. All those in favor say aye.
19
- 20 All: All.
21
- 22 Scholz: Those opposed same sign. Okay, we have risen from the suspension
23 of the rules. That means that the first item we vote on is case Z2837.
24 Is there a motion to approve?
25
- 26 Crane: A point of information, Mr. Chairman.
27
- 28 Scholz: Yes.
29
- 30 Crane: I would like to move that this matter be tabled rather than approved.
31 May I make that motion?
32
- 33 Scholz: Yes, you can.
34
- 35 Crane: I move that case Z2837 be tabled until the applicant can come up with
36 the technical information to assure us that this is the only practicable
37 site for the location of the cell phone tower.
38
- 39 Scholz: All right, and I see our gentleman from Legal is coming to tell us
40 something. As I recall, Commissioner Crane, we have to have the
41 permission of the applicant to table an item like this. Ms. Rodriguez.
42
- 43 Rodriguez: For due process rights to the applicant, because there's a motion to
44 table we'd like the applicant to have a say on this...
45
- 46 Scholz: Certainly.

1
2 Rodriguez: ...for their due process.
3
4 Scholz: All right.
5
6 Rawson: I'm George Rawson from Area 51, signed on that sheet of paper. I've
7 done everything you've asked me to do. We went to City Council; at
8 City Council we made the same presentation. They basically asked us
9 to go back and have a meeting with the members of the neighborhood
10 so that no matter what everybody was included. I would tell you that I
11 think that 166 signatures probably represents about 60 households out
12 of 225 lots out there. So I would rather...we are not interested in a
13 table.
14
15 Scholz: Okay.
16
17 Rawson: We've been in this process for eight months, keep giving more
18 information, more information and we need to know where to go.
19 Thank you.
20
21 Scholz: Thank you. Excuse me, Commissioner Crane, was there a second to
22 your motion?
23
24 Crane: You didn't ask for one, Mr. Chairman.
25
26 Scholz: Pardon me?
27
28 Crane: You didn't ask for one.
29
30 Scholz: Well, is there a...*(several people speaking at the same time)*
31
32 Beard: I second it.
33
34 Rodriguez: Mr. Chairman, since there's a motion on the table and it's been
35 seconded you'll have to vote on that motion.
36
37 Scholz: Yes, I understand.
38
39 Rodriguez: Thank you.
40
41 Scholz: Okay. I'm going to call the role. Commissioner Shipley.
42
43 Crane: Point of order, sir. Didn't we just hear that the applicant has the right to
44 quash a request to table?
45

- 1 Rodriguez: Mr. Chairman, that is correct. The applicant has weighed in on their
2 due process rights. They have indicated to you that they would like to
3 move forward so, since there is a motion on the table you will have to
4 take that into consideration when you're voting on this motion.
5
- 6 Crane: So it remains that we may vote on this issue?
7
- 8 Scholz: Yes?
9
- 10 Crane: Yes, and table it.
11
- 12 Abrams: If I may make a suggestion, gentlemen. The applicant has indicated
13 he's not interested in tabling this so what we'll have to do now is just
14 vote up or down. So rather than vote to table the item, let's just vote
15 on the main motion.
16
- 17 Scholz: All right. I'll take that as a legal opinion. Thank you very much. Okay,
18 so the motion to table is, in effect, null and void because they're not
19 interested in doing that. So what we have to do now is vote yea or nay
20 on this issue. We've had this situation before, if I recall so it's not
21 unusual. Yes, Commissioner Shipley?
22
- 23 Shipley: I just have a question before we do another motion: but we said
24 something about a pine tree versus a palm tree. Would the residents
25 that live there appreciate a pine tree over a palm tree?
26
- 27 Scholz: I don't know and
28
- 29 Shipley: Can we not ask for a show of hands?
30
- 31 Scholz: Frankly, I think that would confuse the issue. I think the Community
32 Development people could negotiate with the applicant if, in fact, this is
33 approved to get something that disguises, you know, the antenna in
34 the best possible way. But I don't think that's within our purview right
35 now.
36
- 37 Shipley: We could make that a condition.
38
- 39 Scholz: Yes, you could make that a condition.
40
- 41 Shipley: That's why I'm asking it for input.
42
- 43 Rodriguez: Mr. Chairman, that is correct. For the Special Use Permit the motion is
44 always in the affirmative. If you want to add the condition that an
45 "and/or" option for the pine tree that that allows some flexibility for
46 design criteria for the applicant.

1
2 Scholz: Right. At the moment, though, we're not voting on the Special Use
3 Permit. We're voting on...
4
5 Rodriguez: Case Z2837...
6
7 Scholz: Excuse me, case Z2837. Commissioner Crane, your light is still on.
8
9 Crane: Yes. I still want to clear up this matter of this apparently missing
10 technical information. We had a member of the public insist that this
11 information should have been provided and he seemed to be quoting a
12 City document. What is the Planning Department's view of that?
13
14 Rodriguez: Mr. Chairman, the site plan should have had that information on there
15 for the technical evidence but the licensed professional engineer for
16 the applicant has testified this evening on analytical evidence so he's
17 verbally testified. The written document in reviewing the file is absent
18 but between the neighborhood meeting and tonight's public hearing the
19 technical evidence has been discussed by a licensed professional
20 engineer.
21
22 Scholz: So you're suggesting that the staff accepts this as the evidence?
23
24 Rodriguez: Mr. Chairman, at this point staff would accept that as the evidence in
25 light of Commissioner Shipley's comment about safety and welfare.
26
27 Scholz: Thank you very much.
28
29 Crane: But the licensed engineer we heard from, the gentleman who spoke
30 again recently, is an employee of Verizon and hardly in a position to
31 make a disinterested presentation.
32
33 Rodriguez: Mr. Chairman, Commissioner Crane, that is correct but I do not have a
34 licensed professional engineer on staff who could dispute or refute
35 information. That is going to have to be in concert with the FCC,
36 essentially.
37
38 Crane: Thank you.
39
40 Scholz: All right, I'll entertain a motion to approve case Z2837. Commissioner
41 Stowe.
42
43 Stowe: So moved to approve the zone change with the limitation or the
44 condition that the land use is limited to utility-related land uses for
45 antennas, towers, communication structures and other vertical
46 structures and public-private utility installations.

1
2 Scholz: Thank you. Is there a second?
3
4 Evans: I second.
5
6 Scholz: Okay, it's been moved by Stowe and seconded by Evans. I am going
7 to call the role. Commissioner Shipley.
8
9 Shipley: Aye, findings, discussion and site visit.
10
11 Scholz: Commissioner Crane.
12
13 Crane: Aye, findings, discussion and site visit.
14
15 Scholz: Commissioner Stowe.
16
17 Stowe: Aye, based on findings, discussion and site visit.
18
19 Scholz: Commissioner Evans.
20
21 Evans: Aye, findings, discussion.
22
23 Scholz: Commissioner Bustos.
24
25 Bustos: Aye, findings, discussion and site visit.
26
27 Scholz: Commissioner Beard.
28
29 Beard: No, findings, site visit.
30
31 Scholz: And the Chair votes aye for findings and discussion. So the final count
32 is 6 to 1 approved. We'll go to the second item which is the Special
33 Use Permit. Now you understand if we vote the approval of this with
34 conditions then what we're doing is sending this to the City Council for
35 their final approval. Okay? Normally the Special Use Permits would
36 be approved by us but staff has recommend that we put this all
37 together in a package and give it back to the Council, much as they
38 gave to us. All right, additional discussion on the SUP-11-01. Did you
39 want to include....
40
41 Shipley: Yes, I'm just looking for the conditions that were here already...there
42 we go.
43
44 Rodriguez: Mr. Chairman, if there are additional conditions that the Commission
45 would like we can read those into the record in light of reading all of
46 these again into the record. I've already read them into the record so

1 you can make the motion as the conditions that staff has previously
2 read into the record.
3
4 Scholz: Thank you.
5
6 Crane: Mr. Chairman? *(several voices at the same time)*
7
8 Shipley: I move to approve SUP-11-01 with the additional condition that the
9 option be given for either a palm tree or a pine tree based upon input
10 from the citizens.
11
12 Scholz: All right.
13
14 Crane: Mr. Chairman!
15
16 Scholz: Yes.
17
18 Crane: Point of order...I would like a somewhat related but somewhat different
19 condition. How would we handle that?
20
21 Scholz: Well, actually we have to vote on this condition first.
22
23 Shipley: *(inaudible- microphone not turned on)*
24
25 Scholz: Right.
26
27 Crane: Well, we've got yours on the...
28
29 Shipley: I'm just saying that if you've got a different condition that relates to
30 this?
31
32 Crane: Yes.
33
34 Shipley: Then that... *(several people speaking at the same time)* All right, let's
35 hear it so we can modify....
36
37 Crane: Okay. Okay. My condition would be that whatever hangs on that
38 tower, whatever antennas on that tower would be concealed by the
39 palm tree structure...period. In other words, they can't put anything on
40 it that would have to be covered by a pine tree...no antennas below
41 the first tier so that the pine tree is circular, roughly spherical. A palm
42 tree structure would conceal all the antennas for the future. That's the
43 idea I have now mixed with yours so we have a problem with
44 conditions.
45

- 1 Shipley: Are you giving these people a choice or are you telling them what they
2 have to have?
3
- 4 Crane: I believe Mr. Shipley wants to give them a choice and I don't...
5 (audience laughing)...so we've, as I say, we have conflicting
6 conditions.
7
- 8 Rodriguez: Mr. Chairman, if I may. From what I'm hearing is: Commissioner
9 Shipley is looking at design for either a mono-palm or the mono-tree.
10 Commissioner Crane, what you're saying is: all antennas, regardless
11 of it's in a palm tree or in a pine tree, need to be concealed. It's based
12 off of testimony presented earlier, you have a palm tree at the top and
13 if you want to co-locate by additional providers they would be below
14 that. So what you're asking is for all antennas to be concealed. Is that
15 correct?
16
- 17 Crane: Right. In other words I would like to kill the co-location. I think a pine
18 tree disguise is acceptable, marginally, and it's a compromise; but that
19 a pine tree...if a pine became necessary because there are more
20 antennas that's to be built onto an antennas practically at the ground
21 level and I think that would be an eyesore.
22
- 23 Scholz: Commissioner Crane, I'm thinking that what you've just said is in
24 conflict with what Ms. Rodriguez just said. What she suggested was
25 that you were thinking that the antennas would be concealed by some
26 structure, a pine or fronds or something like that; and now you're
27 saying we can't have co-location. Well, I don't believe that's an issue.
28 If you want to say they can't co-locate on that tower that's another
29 condition.
30
- 31 Crane: My understanding was if they co-located the other companies'
32 antennas would be lower down and, therefore, would not be concealed
33 by the palm tree.
34
- 35 Scholz: Well, then my suggestion is that you say that all antennas be
36 concealed. That simplifies it.
37
- 38 Crane: Very well. I vote for that.
39
- 40 Scholz: Let's not put in things that we don't need to put in.
41
- 42 Rodriguez: Mr. Chairman, just to let you know, the Zoning Code does state if you
43 do co-locate it has to be integrated into the architectural feature.
44
- 45 Scholz: Well, there you go. So I don't think this amendment is actually
46 necessary...or this condition is necessary.

1
2 Crane: Yes, but the architectural feature could be, with Commissioner
3 Shipley's arrangement, a pine tree. Could it not?
4
5 Beard: Could I make a comment?
6
7 Scholz: Yes.
8
9 Beard: When that neighborhood is developed it is less likely to be a pine tree.
10 It is more likely to be palm trees that are going to be in that
11 neighborhood when it's developed so I don't think that we want to put a
12 stipulation that it has to be a pine tree.
13
14 Crane: Agreed.
15
16 Shipley: Oh, okay.
17
18 Crane: I want a palm tree but
19
20 Scholz: Well, yes, and I think that since the Code requires that it's going to
21 be...what did you say, Ms. Rodriguez?
22
23 Rodriguez: In order for future co-location, if that was to happen, it has to be
24 integrated into the existing architectural feature.
25
26 Scholz: There we go. Yeah. Okay. Does that satisfy anyone?
27
28 *Commissioner Crane and other speaking at the same time.*
29
30 Crane: No, not quite, because if the...
31
32 Scholz: Excuse me, Commissioner Crane. Commissioner Evans.
33
34 Evans: I'd like to move that we approve the case as stated without additional
35 recommendations and then vote on that and see what happens.
36
37 Scholz: Let the chips fall where they may or the palm fronds falling where they
38 may.
39
40 Evans: *(inaudible – microphone turned off)*
41
42 Scholz: I'm sure it's not. All right, Commissioner Shipley.
43
44 Shipley: Since I made a motion and it didn't get seconded; but the point is we
45 have discussion of that motion so let me just state I agree that
46 whatever is on the palm tree has to be concealed. The microwave

1 tower below that decorative part shouldn't be there. Okay? So I'm
2 okay with saying whatever they want. What I was trying to say is that if
3 a palm tree is out of character for that neighborhood and a pine tree
4 would be better, it has to still conceal the antennas.
5
6 Scholz: Yes, it does.
7
8 Shipley: And that's all I really want to say.
9
10 Scholz: Okay, so is there a second to your motion...or are you going to make a
11 motion now, Commissioner Evans.
12
13 Evans: I believe I just did.
14
15 Scholz: You moved the approval of SUP-11-01 as...
16
17 Evans: With the conditions as stated by Ms. Rodriguez earlier.
18
19 Scholz: Previously stated. Okay. Is there a second for that?
20
21 Bustos: Second.
22
23 Scholz: Okay, it's been moved...
24
25 Crane: Excuse me, sir. I didn't hear the conditions.
26
27 Scholz: Excuse me, sir. It's been moved by Evans and seconded by Bustos.
28
29 Crane: I didn't hear his conditions.
30
31 Scholz: Oh, it's with the previous stated conditions, the ones that Ms.
32 Rodriguez read into record.
33
34 Crane: All right, the ones that were read into the record...got that.
35
36 Scholz: I'm going to call the role. Commissioner Shipley.
37
38 Shipley: Aye, findings, discussion and site visit.
39
40 Scholz: Commissioner Crane.
41
42 Crane: Nay, findings, discussion and site visit.
43
44 Scholz: Commissioner Stowe.
45
46 Stowe: Aye, site visit, discussions, findings.

- 1
2 Scholz: Commissioner Evans.
3
4 Evans: Aye, findings, discussion.
5
6 Scholz: Commissioner Bustos.
7
8 Bustos: Aye, findings, discussion and site visit.
9
10 Scholz: Commissioner Beard.
11
12 Beard: Nay, findings, discussion and site visit.
13
14 Scholz: And the Chair votes aye for findings, discussion and site visit. So it
15 passes 5 to 2. All right, so this goes to City Council then for the final
16 approval.
17
18 Rodriguez: Mr. Chairman, that is correct. I don't have the tentative dates before
19 me but what will happen is: I will have to look, for the benefit of the
20 public here, before they leave is that what will happen is we will look at
21 a first reading of the Ordinance. There is no public notification for that;
22 but what we can do...there're no certified letters that go out for that;
23 but what staff can do for the first read is notify the neighborhood
24 association electronically and they can disperse it to their
25 representatives.
26
27 Scholz: Certainly, I was hoping you would do that.
28
29 Rodriguez: Actually, what happens at a first read is there's really no public
30 discussion etc. It's basically Council saying, "Bring an Ordinance
31 forward." When we're actually at the final decision for the Ordinance,
32 for the benefit of the public, you will again receive certified mailings out
33 to the property owners consistent with our notification as adopted in
34 the 2001 Zoning Code and we will also electronically notify the
35 neighborhood association so they, too, can get to a broader audience
36 as the purpose of the neighborhood association is.
37
38 Scholz: Thank you very much. I'm going to call a ten-minute recess so we will
39 reconvene at a quarter-to-nine.
40
41 **(TEN MINUTE BREAK)**
42
43 4. **Case Z2839:** Application of Manuel and Martha Moreno and Rafael E.
44 Marquez to rezone a 6.37 ± acre lot and a 0.737 ± acre lot from C-2
45 (Commercial Medium Intensity) to C-3 (Commercial High Intensity). The
46 subject properties are located east of Morningside Drive and north of

- 1 Crane: Aye, findings, discussion and site visit.
- 2
- 3 Scholz: Commissioner Stowe.
- 4
- 5 Stowe: Aye, findings, discussion and site visit.
- 6
- 7 Scholz: Commissioner Evans.
- 8
- 9 Evans: Aye, findings, discussion.
- 10
- 11 Scholz: Commissioner Bustos.
- 12
- 13 Bustos: Findings, discussion, aye.
- 14
- 15 Scholz: Commissioner Beard.
- 16
- 17 Beard: Aye, findings, discussions and site visit.
- 18
- 19 Scholz: And the Chair votes aye for findings, discussion and site visit so it
- 20 passes 7-0.
- 21

VII. OTHER BUSINESS

- 22
- 23
- 24 Scholz: Looking at our schedule we have Other Business. Is there any Other
- 25 Business before us?
- 26
- 27 Ochoa: No, sir.
- 28

VIII. PUBLIC PARTICIPATION

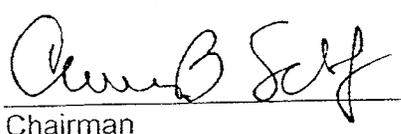
- 29
- 30
- 31 Scholz: Any other public participation? Mr. Binns has already left, I guess.
- 32

IX. STAFF ANNOUNCEMENTS

- 33
- 34
- 35 Scholz: Any staff announcements?
- 36
- 37 Ochoa: No, sir, nothing there.
- 38

X. ADJOURNMENT (9:43 pm)

- 39
- 40
- 41 Scholz: All right, thank you very much folks. We are adjourned at 9:43. Thank
- 42 you.

43  @/23/11

44

45

46 Chairman Date

47

**SPECIAL MEETING OF PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
Conference Rooms 2007-A & B
September 8, 2011 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
Ray Shipley, Member
William Stowe, Member

BOARD MEMBERS ABSENT:

Shawn Evans, Member
Donald Bustos, Member

STAFF PRESENT:

David Weir, Director, Community Development
Cheryl Rodriguez, Development Services Administrator
Adam Ochoa, Planner
Helen Revels, Planner
Lorenzo Vigil, Acting Associate Planner
Harry "Pete" Connelly, CLC Legal Staff
Bonnie Ennis, Recording

I. CALL TO ORDER (6:00 pm)

Scholz: Good evening and welcome to the Special Meeting of the Planning and Zoning Commission. Today we're going to discuss three cases and one of these is a hold over from...I believe, let's see...we had tabled this...when was it?

Rodriguez: August 9th.

Scholz: On August 9th, right. Okay. The first thing I'll do is introduce the Members of the Commission who are here. I'm expecting Commissioner Shipley who will sit on the end. Next to him is Commissioner Crane. He's our Vice-Chair and Commissioner Stowe, Commissioner Beard, who's our Secretary and I'm Commissioner Scholz and I'm the Chair of the Commission.

II. APPROVAL OF MINUTES – August 9, 2011

Scholz: We need the approval of the minutes of the last Special Meeting which was held on August 9th. Are there any amendments or additions to the

minutes? Okay. I only see one and that is under 2, Commissioner Evans "motioned to reconsider." I think it should be "moved to reconsider," and I think that error was repeated in the next paragraph as well. All right, I'll entertain a motion to accept the minutes as amended.

Beard: So moved.

Scholz: Okay, it's been moved. Is there a second?

Stowe: I second it.

Scholz: Okay, all those in favor say aye.

All: Aye

Scholz: Those opposed, same sign. All right, the minutes are approved.

III. NEW BUSINESS

Scholz: Okay, our next order of business is entitled New Business. I suspect, though, this is not really New Business. We've seen this twice, haven't we, Ms. Rodriguez?

Rodriguez: Yes, sir.

Scholz: Once we sent this to the City Council and they tossed it back and then we passed this again... when was it... in the July meeting, wasn't it?

Rodriguez: The regular meeting of July 26th

Scholz: July 26th, okay, and now it's before us again.

1. **Case Z2837:** Application of Area 51 LLC to rezone a 0.25 ± acre tract (K-1) within the Sonoma Ranch East II Master Plan from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional) to allow for utility-related land uses - antennas, towers, communication structures and other vertical structures and public/private utility installations. The subject property is located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel ID# 02-37615; Proposed Use: Private Communication Structure; Council District 6.

2. **Case SUP-11-01:** Application of Verticom on behalf of Area 51 LLC for a Special Use Permit (SUP) for the construction of a new private communication structure on property located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue directly adjacent to the Jornada water tank site;

1 Parcel ID# 02-37615; Proposed Use: A 65-foot tall disguised commercial
2 communication structure; Council District 6.

3
4 Scholz: All right, Ms. Rodriguez, you're going to present?

5
6 Rodriguez: Yes, sir.

7
8 Scholz: Go ahead.

9
10 Rodriguez: Mr. Chairman, is it the Commission's desire for me to do a full presentation
11 or would you like me to pick up regarding the technical analysis? On July
12 26th you heard the full case...

13
14 Scholz: Yes.

15
16 Rodriguez: ...and July 27th staff reviewed the meeting from July 26th. It was
17 determined that the technical analysis from Verizon was indeed lacking
18 from the official record. Verizon has submitted a technical analysis for the
19 Commission's review. A qualified expert was hired by the City of Las
20 Cruces to review the technical analysis and provide a written
21 recommendation pursuant to Section 38-59 of the Zoning Code. In your
22 packet you do have the technical analysis...

23
24 Scholz: Yes.

25
26 Rodriguez: ...you have the proposal by Greg Best Consulting, Inc., who reviewed the
27 technical analysis and then you have two written recommendations. The
28 first written recommendation provided by Mr. Best is in your packet and
29 then the amended written recommendation was also e-mailed to you
30 electronically and a printed version is there for your review as well.

31
32 Scholz: Right. Thank you. Okay. So, yes, start with the technical. I think we've
33 heard the rest.

34
35 Rodriguez: As I stated, pursuant to Section 38-59 of the Zoning Code a technical
36 analysis was submitted by Verticom representing Verizon. They provided
37 the Statement of Justification for the cell location. That Statement of
38 Justification is included in your staff report. As part of that technical
39 analysis they included some graphs and maps for the coverage area.
40 Regarding the details and nature of these graphs and maps I will ask that
41 the Commission please direct any questions to the representatives of
42 Verticom and Verizon, please.

43 During the review of the technical analysis an additional location
44 coverage map was provided to Mr. Best at the request of Mr. Best and this
45 was furnished to the City of Las Cruces. It was the Indoor and Outdoor
46 Coverage Location Map. There is an e-mail regarding the correspondence

1 between Verticom and Mr. Best in which City staff was copied, which
2 included this map and I've included it in your staff report.

3 Now I did not put on the screen the actual written recommendation
4 narratives; however, what I did include was a colored copy of the maps.
5 Unfortunately, we could not print colored copies of all of the maps because
6 we've had some technical difficulties with our color printer but they are up
7 here for your review. The first written recommendation included three
8 maps that Mr. Best provided and it was the analysis for the lowest height,
9 mid-point and maximum height and those are the next three slides for your
10 review. If you need to refer to any of these I also ask that you please direct
11 your questions to Verizon and Verticom.

12 Then in your amended written recommendation, of which a printed
13 copy has been placed at your seat, an electronic copy was sent to you. It
14 included two exhibits, Exhibit 1 and 2, and I've included those two maps for
15 your review. Essentially, Mr. Best's written recommendation, as you are
16 aware of in reviewing the analysis provided by him, is that the site, the
17 location on Sedona Hills and Pagosa adjacent to the water tank site, is the
18 best location.

19 Staff's recommendation for the zone change case stands as a
20 recommendation of approval. The technical analysis was a requirement for
21 the Special Use Permit, not the zone change request, and staff's
22 recommendation for approval of the Special Use Permit stands as well. In
23 your options tonight: the zone change always goes as a recommendation
24 to the Las Cruces City Council so you can recommend to approve. This is
25 a zone change from R-1b to C-1C with limiting all other commercial uses
26 but allowing the utility-related land uses; which essentially would allow
27 utility-related structures such as public and private utility installations, as
28 well as antenna towers. It does not, by doing conditional zoning, it does
29 not preclude the fact that our Code still mandates that you still are required
30 a Special Use Permit for a cell tower; hence, the reason why you need to
31 make a decision for the Special Use Permit.

32 Typically, a Special Use Permit, the Planning and Zoning
33 Commission has final authority on an SUP. If an SUP is approved or
34 denied by this Body any aggrieved person could appeal that decision to
35 Las Cruces City Council and, of course, Las Cruces City Council's decision
36 can always be appealed to District Court. However, due to the nature of
37 the fact that the zone change case was remanded back to you in July by
38 the Las Cruces City Council, it is apparent that Las Cruces City Council
39 would like to hear the zone change and the Special Use Permit.

40 So the Planning and Zoning Commission tonight can do one of two
41 things: you can make a final recommendation and then that can be
42 appealed to a final approval and that can be appealed to Council; or you
43 can recommend that Las Cruces City Council be the final authority on the
44 SUP. I'll be happy to answer any questions that you have regarding land
45 use and code-related requirements for the SUP or the zone change. Any
46 technical questions that you may have regarding the Special Use Permit I

1 ask that you please direct that to Verticom and then the applicant for the
 2 zone change request is also here and, I believe, both parties are available
 3 to answer any immediate questions. I will stand for questions right now.

4
 5 Scholz: All right, are there questions for this person? All right, hearing none may
 6 we hear from the applicant, please?

7
 8 Cardinal: Hello. Denise Cardinal, Verticom on behalf of Verizon. I just wanted to
 9 make mention that there would be space available on the communication
 10 tower for public safety communications if that's a need in the future. I don't
 11 have anything to add but I will take some questions as to site selection but
 12 if you have any questions for technical purposes I'll have to call the Verizon
 13 engineer up.

14
 15 Scholz: All right, questions for this lady? Yes, Commissioner Crane.

16
 17 Crane: One of the concerns of the public seems to be that we'll be putting the thin
 18 end of a wedge into the lid of Pandora's box here that if we let Verizon
 19 have this 65-foot tower with one rank of antennas on it; it's concealed,
 20 perhaps, by the palm fronds, nothing is to prevent other people using that
 21 precedent or putting up other towers there or to prevent Verizon from
 22 collocating other providers' antennas on the same tower and building them
 23 downwards from the palm area making, therefore, an antenna from or at
 24 least one very ugly palm tree. You are in a position to say that Verizon is
 25 going to be the only outfit that ever uses this tower and if it puts a tower on
 26 that hill and if it is that it's only going to have one rank, one set, one level of
 27 antennas that will be obscured all the time?

28
 29 Cardinal: I would not be in a position to say that. If someone wanted to use the
 30 tower they would have to make an application to Verizon and Verizon
 31 would have to make an application to the City, be it for zoning or permitting,
 32 so it would come back for co-compliance. So if a condition of approval of
 33 the zoning was for staff, then it would be a condition of other users on that
 34 tower.

35
 36 Crane: So...

37
 38 Cardinal: I mean, you can camouflage stuff.

39
 40 Crane: Yeah. So say they would like to partner up on your tower and you would
 41 come to the City and say, "We now need to put another set lower down of
 42 antennas," and we would vote on that? Is that your understanding?

43
 44 Cardinal: The question again?

45

- 1 Crane: If somebody comes to you, some other company, and says they would like
2 to collocate their antennas on your tower, I think you said that you would
3 have to ask the City if this may be done.
4
- 5 Cardinal: Well, it would have to go through your zoning and/or your permitting
6 process to be in compliance with your zoning and permitting as written. So
7 also on the palm tree you can put canisters inside so that future collocators
8 would be inside the tower. Do you see what I'm saying? So they wouldn't
9 necessarily be covered with fronds. Since Verizon's at the top they're going
10 to be covered by the fronds but their canisters can be placed inside so
11 future users might be able to use inside mounts instead of outside mounts.
12 But that would have to be done in the future and whoever wanted to
13 collocate would have to go through the city process. I wouldn't be part of
14 that process. I couldn't answer that question.
15
- 16 Crane: Thank you.
- 17
- 18 Scholz: I have a question then for Ms. Rodriguez with regard to that: would a
19 collocator need another Special Use Permit?
20
- 21 Rodriguez: Mr. Chairman, the answer for the Special Use Permit for collocating is "no."
22 The City of Las Cruces Zoning Code encourages collocation. You can
23 collocate on a tower as long as you do not exceed...when you collate you
24 cannot exceed the maximum allowable height of that tower. So if this
25 tower is built to a maximum height collation cannot exceed it. If the existing
26 tower is built, whether it's stuffed, camouflaged, any collocating will have to
27 mirror that exactly. If there are any additional new towers to be placed on
28 this property or in the vicinity they will be required to go through the Special
29 Use Permit process for any new towers.
30
- 31 Scholz: Okay, thank you. Yes, Commissioner Beard.
- 32
- 33 Beard: I would like to review this graph called the "Sector capacitor projection
34 based on the 24-month existing data." I don't totally understand all this.
35
- 36 Cardinal: Okay, I'm going to ask RF engineer from Verizon to come up and speak to
37 that.
38
- 39 Alaaldin: Good evening. My name's Hamdi Alaaldin and I'm the RF Engineer for
40 Verizon.
41
- 42 Beard: Would you go through the graph...or there were two graphs. I don't
43 understand exactly all of that, what it means. Along the base there's nine
44 numbers. Could you refer to those nine numbers what they do represent?
45
- 46 Scholz: Commissioner Beard, is this the voice capacity for each sector?

1
2 Beard: Right. You have it. (*inaudible*) I saw it in color while ago.
3
4 Shipley: Yeah, it was in color.
5
6 Beard: Ours is in black and white.
7
8 Shipley: That's the reason you can't tell. Right there!
9
10 Beard: Yeah, see the very top one and the second one.
11
12 Alaaldin: The graph represents the traffic of the sectors that point to that area.
13
14 Beard: And where are the sectors located?
15
16 Alaaldin: The sectors are located right around Sonoma Ranch area so there's one...
17
18 Beard: And we don't know where they are, though, in this...
19
20 Alaaldin: Yeah, the map that we provided has all those sites on it.
21
22 Beard: Oh, okay.
23
24 Alaaldin: And this is based on...we take it every day. We take four data-points and
25 we drop the top, we drop the bottom and we average the middle two and
26 every day every month we take four of those, we drop the bottom and we
27 drop the top and we do that for twenty-four months and we draft the data
28 and see how those sectors that provide coverage for folks that live in the
29 area are growing. When that growth hits the limit, which this is the limit,
30 then we know there's no more we can support so we have to come up with
31 a solution and this site is a solution to that.
32
33 Beard: And the blue represents the maximum?
34
35 Alaaldin: The blue...which blue? On the graphs?
36
37 Beard: Yes.
38
39 Alaaldin: The blue is, I believe...
40
41 Beard: No, no, up on the top. (*two people talking at the same time – cannot
42 transcribe*) We're still on the graph, right?
43
44 Shipley: On the bottom graph.
45

- 1 Alaaldin: On the one where she's pointing at: one is for 2012, one is 2013 and the
2 green is the limit.
3
- 4 Beard: And the limit is what?
- 5
- 6 Alaaldin: The limit is based on what that (*inaudible*) can handle.
7
- 8 Beard: Okay. Are these the number of calls? In other words, this is 300 calls?
9
- 10 Alaaldin: There's two limits that we deal with: one is voice.
11
- 12 Beard: Right.
- 13
- 14 Alaaldin: The voice limit is 60 calls per carrier per sector. Each sector per site can
15 take 60 calls at each right at the same point of time so simultaneously we
16 could take 60 calls at each sector of each site, which we have eight
17 carriers. So the other limits are, and I've got to mention that one as well, is
18
19
- 20 Scholz: Please stay on the mike, sir.
21
- 22 Alaaldin:data we can only support 31 continuous connections on each sector of
23 each site on each carrier. So when that limitation hits the number 61 voice
24 call they will get the voice mail that says, "The network is busy. Please try
25 your call later."
26
- 27 Beard: Well, is there a 2011? Is there a...
28
- 29 Alaaldin: The 2011 is the actual data we have for you.
30
- 31 Beard: Where is it, though?
32
- 33 Alaaldin: We did not put the 2011, sorry, because our limits are already up so there's
34 no use for that but we could print it out for you, if you'd like to see the
35 numbers. So these are the limits we have to deal with. We're already past
36 the limits and those are the future: 2012 and 2013. The limits are fixed
37 numbers. We know exactly what they are.
38
- 39 Beard: Okay, so the limit is what is happening right now in those sectors?
40
- 41 Alaaldin: Yes. Right.
42
- 43 Beard: And then the 2012 and 2013 are what you're projecting what it'll be in those
44 sectors...
45

- 1 Alaaldin: If we continue on the same path we are today, on the same path of the 24
2 data points that we collected for each month.
3
- 4 Beard: And what do you use for that projection, I mean, the growth rate?
5
- 6 Alaaldin: Right! We use actual data that we collected from each sector of each cell
7 site of each call. We collect all that data every day and crunch those
8 numbers. We add all the promotions and marketing and seasonality
9 dressing 'cause each market is different, which is not really a big portion of
10 it, it's a small percentage; so we can get to, let's say in the Las Cruces
11 area, Las Cruces will grow by 7-8% next year and we estimate how much
12 of that 7-8% of people moving that are moving to Las Cruces would buy
13 Verizon phones and we inject that number into it and we add all those
14 numbers together, crunch those numbers and we get a slope one. That
15 slope is what we shall predict. It's a very complicated number crunching.
16
- 17 Beard: Okay, and the limit, now, the limit is based on what's going on right now...
18
- 19 Alaaldin: Yes...
20
- 21 Beard: ...but you're not overloaded, right?
22
- 23 Alaaldin: Oh, on some of the sites we are.
24
- 25 Beard: Where do we see that?
26
- 27 Shipley: Every one of these site is a re-display.
28
- 29 Alaaldin: Yes, but.
30
- 31 Crane: We don't see on these graphs...
32
- 33 Scholz: Gentlemen, would you please identify yourselves before you speak and let
34 Commissioner Beard finish? Thank you.
35
- 36 Alaaldin: As you can see, some of the limits are different. They are not exactly the
37 same because the limit is dictated based on hardware, RF environment,
38 blocking, the cell coverage area, all that stuff comes up as a limit. The
39 average limit is what I told you about with 60 calls and all that stuff.
40
- 41 Beard: Yeah.
42
- 43 Alaaldin: But a lot or sites today in Las Cruces are already hitting the limit...
44
- 45 Beard: So you actually have dropouts?
46

- 1 Alaaldin: Yes, we have some drops. We have blocked calls, people calling, they're
2 called "blocks."
3
- 4 Beard: And which sectors are being blocked out?
5
- 6 Alaaldin: I could tell you the one that's called Downtown Las Cruces, which is on the
7 highway. I can show it to you to on the map. It's already blocking. We
8 have the data from that.
9
- 10 Beard: Isn't this antenna just good for about two miles?
11
- 12 Alaaldin: It depends, again, on the RF in line. If you are on the top of a mountain
13 and you can see forever, it'll go forever. If you are in the middle of a city,
14 like in downtown Phoenix, you can't go over a quarter-of-a-mile before it
15 dies because it gets blocked; same thing with downtown El Paso. It get's
16 blocked because of buildings, trees, if we have high trees it gets blocked.
17 In the winter time and summer time it changes because the trees have
18 leaves, the leaves drop and the RF gets bigger and smaller and when more
19 people go on the site it shrinks. It "breezes," shrinks and gets big and
20 small.
21
- 22 Beard: Okay. Somehow I was thinking that this was sort of around the two-mile
23 radius area of this antenna.
24
- 25 Alaaldin: No, it's a lot more complicated.
26
- 27 Beard: So this antenna could actually go some other places then?
28
- 29 Alaaldin: Oh, yeah. Let's say if you have a site on "20" and we put a sector up on
30 that highway going up it goes about seventeen miles but there's not a lot of
31 people out there so we're okay with it. When we have a site in downtown
32 by the University it doesn't go much because there are too many people on
33 it.
34
- 35 Beard: Okay. When I visited this site...
36
- 37 Alaaldin: Uh-huh.
38
- 39 Beard: ...there was a location maybe 400-feet to the north and it looked higher
40 than the site that's being proposed. It's all vacant, directly north and I was
41 wondering why you didn't pick that site, which is vacant.
42
- 43 Alaaldin: Directly north... *(to Denise Cardinal)* Denise, are you familiar with that
44 location?
45
- 46 Cardinal: *(inaudible)*

1
2 Schueller: I am Dale Schueller. I am one of the developers of Sonoma Ranch and I
3 am also a homeowner out there. I can speak to that. The reason that the
4 site the developer picked it is because it is right in the middle of a planned
5 subdivision that we have been planning on for the last two-and-a-half
6 years, which will be housing. And since I'm here I might as well...I'd like to
7 digress just a little bit and go back in time our *(inaudible- moved away from*
8 *the microphone)*... Adolph Zubia was there. He was the Fire Chief...how
9 long has he been gone? *(inaudible - moving away from microphone)*

10
11 Scholz: Stay on mike, sir, please.

12
13 Schueller: How long has been gone?

14
15 Dubbin: About two years.

16
17 Schueller: Okay, two years. We were in negotiations with the City of Las Cruces and
18 the Fire Department. Robert Garza was involved in it, I'm not sure if you
19 were there, Mr. Dubbin, or not; but we had Mr. Brown and Mr. Zubia were
20 there and we had gone out there and we were talking about sites for public
21 safety buildings and that sort of thing: fire department, police department,
22 that sort of thing.

23 This site was on the map four years ago when we talked to the Fire
24 Department and it was a site that was selected by the Fire Department for
25 the communication tower, the Fire Department and a public safety
26 building four years ago. Okay. So the City had come to us and we had
27 come to them and we were trying to work out a partnership in which we
28 could get this building done and the tower built out there because they
29 realized that this site at its height and location could cover a very large area
30 on the East Mesa without having another cell tower out there for quite
31 some distance, because it's line of sight, as I understand it's how these
32 towers work. It's not just the two-mile thing. So it's about as far as you can
33 see is about as far as it can go as long as you have the capacity on it to
34 handle the number of calls. So when the police or the Fire Department use
35 their cell phones and they are out there and if something were to happen,
36 well, say the other system is jammed up or whatever, then they drop calls,
37 just like I drop calls now from my house which is about a block-and-a-half
38 away from where this is. My son, who lives across the street from where
39 this site will be built, is probably the closest person of anybody in the room
40 living out there, he's the closest one. He loses communication from time to
41 time because the cell tower will drop because you don't have the signal
42 strength that you need in order to maintain communication. Anyway, I
43 answered the original question, which was: the subdivision where we were
44 talking about and whether or not...sir? Okay.

45

- 1 Shipley: The question that was asked is: this is where the cell tower will be located
2 in this area here is the plan for housing, all right? It's already been planned
3 for two-and-a-half years (*inaudible – sitting away from the microphone*)
4
- 5 Schueller: We have not dropped the hammer in doing it but we've gotten most of our
6 engineering questions and those kinds of things answered out there.
7
- 8 Scholz: Okay, thank you very much. That answers your question, I assume, why
9 it's not 400-feet further north. All right, any other technical questions?
10 Yeah, Commissioner Shipley.
11
- 12 Shipley: I'd like the same gentleman to come back to the mike; not Mr. Schueller but
13 the...you, sir. Okay. I want to kind of go through this because I would like
14 to make sure I understand it. You're saying that in this chart that you gave
15 us, the graph, bar graph...
16
- 17 Alaaldin: Okay.
18
- 19 Shipley: The sector capacity is based upon 20,000 calls, for example. That's the
20 number of calls.
21
- 22 Alaaldin: Right.
23
- 24 Shipley: And that's over a two-year period.
25
- 26 Alaaldin: Yes. Twenty-four months. Yes.
27
- 28 Shipley: All right. And the limit, though, I was having the same problem that he was
29 having understanding the limit. In every one of these sectors of the eight
30 sectors there's only one that the limit is actually above the capacity.
31
- 32 Alaaldin: Yeah, that one you don't need and answer for that because of the eight
33 sectors.
34
- 35 Shipley: I understand that.
36
- 37 Alaaldin: Okay.
38
- 39 Shipley: Okay. But you're basically projecting where it's going to be in '12 and '13.
40 Okay.
41
- 42 Alaaldin: One of the reasons that we don't put our current data is that it takes an
43 average of eighteen months to build a site so it's no good for us to put
44 current data on.
45

1 Shipley: Okay. And then at the same time, though, you also have the capacity to do
2 the data...

3
4 Alaaldin: Right.

5
6 Shipley: ...at the same site, but it's a lot lower number. Is that because the duration
7 is a shorter duration?

8
9 Alaaldin: Well, the duration is not... we count based on connections. We're actually
10 hurting a lot more on the data side because of the Smartphones these
11 days. Smartphones take a lot more band width than a regular voice call. A
12 regular voice call can take 9.6 kilohertz and they'll be fine but with data we
13 are looking at 3-4 megabytes per second these days and that needs a lot
14 more capacity; and that's part of the reason we're adding a lot more sites,
15 almost doubling sites in major cities: El Paso, Phoenix, the major cities.

16 Here in Las Cruces we'll probably have to put five-to-ten new sites in
17 the next two years just to deal with the capacity and that's just to provide
18 folks with the coverage they need; because the way we are looking at the
19 Smartphone today, they were just "4s" yesterday, tomorrow every phone is
20 projected to be IP-based. That means your refrigerator, you can dial it from
21 there; your garage door is it closed or open, you can check from your
22 phone. You can watch every birthday party with your grandkids, everything
23 directly from your phone in a couple of years down the road. We are
24 planning all that stuff. All your medical, your credit cards, everything will go
25 on your phone so we have to make all that into effect.

26
27 Shipley: Thank you.

28
29 Scholz: All right. Commissioner Crane.

30
31 Crane: What would these limit bars look like if you got the new tower that you
32 want?

33
34 Alaaldin: We are hoping to take a lot of that away from the other sites around it. We
35 know we could take at least 20-30% on each sector of those...I believe
36 there were nine sectors that come into that area and then if that's not
37 enough then we have to come back to you and ask for another one
38 because there's more folks there to make the calls.

39
40 Crane: Does the limit bar there go up when you get the new tower?

41
42 Alaaldin: Actually, the limits will stay the same but the projections will go down.

43
44 Crane: And they will go down below the limit, you hope.

45

- 1 Alaaldin: Hopefully, yes. We hope to do that. If we get a good design then that's
2 what happens. If we get a bad design the effect is minimal and we have to
3 find another solution and that's why we're really specific on the location to
4 be able to take as much possible as we can on the surrounding sectors.
5
- 6 Crane: How many cell phone providers are there in this area?
7
- 8 Alaaldin: I couldn't answer that question but I can find out for you.
9
- 10 Crane: Would you at least say five?
11
- 12 Alaaldin: Cell phone providers? I don't know. I know there's AT&T, Sprint, Verizon,
13 T-Mobile, Cricket...who else is out here? *(several people speaking in the*
14 *background)*
15
- 16 Crane: Okay. Well, my question is: are they all having the same problem that
17 you're having as far as you know?
18
- 19 Alaaldin: We estimate that half of the customers are Verizon customers in this area
20 so the other of the customers, I'm sure they have problems. I've talked to
21 other colleagues from AT&T and they're doing pretty much the same thing
22 that we do. I won't be surprised if they come ask for new towers for their
23 calls.
24
- 25 Crane: One minor little point: what is an LSC?
26
- 27 Alaaldin: That is Las Cruces
28
- 29 Crane: I see. Okay. Thank you.
30
- 31 Scholz: All right, any other questions for this gentleman for the technical part? Yes,
32 Commissioner Stowe.
33
- 34 Stowe: The zoning request allows a tower 65-feet high if it's approved. What
35 would be the problems or opportunities if the tower was limited to, say, 54-
36 feet?
37
- 38 Alaaldin: Actually, the tower is going to be 65 but we cannot put our antennas
39 higher. We have to put our antennas at 56-feet because of the stealth and
40 the nature of the stealth tower. If we wanted branches to cover the
41 antennas we have to bring it lower so that the branches have enough room
42 to cover them up. So, in a sense, we're really not up. We are really down
43 at the 56 mark. If we were able to do a normal tower we could have used a
44 56-foot and have the tower lower. It would be a little bit less money, in fact,
45 but we wanted to give the folks out there the best site that we have that's

- 1 cosmetically more pleasing than any other site. That's why we selected
2 that even though we are losing height, but it's more cosmetically pleasing.
3
- 4 Stowe: I understand that, but the impact on the public...the complaints that we're
5 getting about this issue is the visual impact. If you built the tower limited to,
6 let's say, 54 or 55-feet high the array of antennas would be slightly lower
7 than that.
8
- 9 Alaaldin: They would be 9-feet lower.
- 10
11 Stowe: 9-feet lower...does the problem then become one of the shadow (*inaudible*)
12 the transmission?
13
- 14 Alaaldin: Yes. We plotted the site at 35, 45, 55 and 56 was the highest we could go
15 and we looked at the effect of the coverage and how much capacity it
16 would take for the existing sectors that are coming in and, unfortunately,
17 we couldn't do much. When we presented the data to the independent, he
18 asked for all the questions. We gave him all that stuff. They had to look at
19 all that as well and we couldn't really do it at the lower height. Otherwise,
20 we would have given the fact that 56...normally our tower heights average
21 about 70-feet tall.
22
- 23 Stowe: The reason that a tower less tall would not work is what again?
- 24
25 Alaaldin: It's because...let's say you have four, five, six, seven different rows of
26 houses and this tower has to be able to penetrate at the fifth tier, sixth tier
27 or seventh tier and the only way it can do it is from the roof down. A lot of
28 times you have to go to...if you go to the fourth tier that means you have to
29 penetrate through eight walls in order to get to the inside of the folks' home.
30 There is no way that RF can penetrate that many walls to get in; but it's
31 much easier to penetrate from the roof because the roof is typically...what
32 is the roof here... shingle or tile? It is much less material to go through.
33
- 34 Stowe: Right. I was trying to find a compromise position relative to the height of the
35 tower. It would have less visual impact on the neighborhood.
36
- 37 Alaaldin: Yes, and we appreciate that and, believe me, we tried at every possible
38 height to do this and we would have done it if it was lower. We would have
39 gone for but it is just not...the limitation from us is technical. We cannot
40 change what any of the existing technical capabilities are.
41
- 42 Stowe: Thank you.
- 43
44 Scholz: All right, any other questions for this gentleman? Okay...did you want to
45 finish this presentation? Yes, go ahead.
46

- 1 Cardinal: I just wanted to add that if this went to the approved SUP we could place a
2 condition on it that we build a regular monopole and instead of the stealth,
3 mono-palm, if that would be more pleasing then just paint it a desert color
4 and then it would blend in and then if we could go with the top of it with the
5 antennas then, perhaps the tower height could be a little bit lower if that
6 would please the public.
7
- 8 Scholz: Okay, thank you, ma'am. Commissioner Stowe...it's Commissioner Crane,
9 sorry.
10
- 11 Crane: I just recall that I have seen, I think, arrays of antennas mounted on the
12 fringe, the outside, of water tanks. Is there any possibility you could do
13 that?
14
- 15 Cardinal: The water tower's only 37-foot in height so that was not an option.
16
- 17 Crane: Okay.
18
- 19 Scholz: It seems to me, also, if you remember from the analysis and I think this was
20 the...I'm going to say the "hired gun," the person we asked from outside to
21 analyze this. He suggested that the water tower location is not a good idea
22 partly because of movement of the water tower and, secondly, because if
23 the water tower needs to be painted then you have to take the antennas
24 down and so on.
25
- 26 Crane: Yeah, I really had in mind that he was thinking of a tower on top of the
27 water tank but I see what you mean.
28
- 29 Scholz: Okay. Any other questions? All right, thank you very much...oh, one
30 more. Commissioner Beard.
31
- 32 Beard: When you didn't know which façade that you wanted to put on the tower. I
33 don't think that would be really up to us. That'd be up to the Sonoma
34 Ranch people.
35
- 36 Cardinal: Well, I think that the developers would support a regular monopole if it were
37 more pleasing to the community. Am I correct? We could paint it the
38 desert color much like the water tower so it would be hardly noticeable but
39 you would see the antennas.
40
- 41 *(someone in the audience speaking loudly – inaudible)*
42
- 43 Scholz: I'm sure we'll have time for that, sir. Just hang on. Okay? Anything else
44 or other questions this...?
45

1 Beard: One follow up for Ms. Cardinal: you're saying then there's a school of
2 thought that a plain, unadorned monopole with antennas visible at the top
3 is, in the eyes of some people, preferable to a disguised one with a, say, a
4 palm tree?

5
6 Cardinal: Some people would prefer that, yes. But the antennas could also be
7 painted that color, too. Not everybody would go with that option; but, yes,
8 some people do prefer that.

9
10 Beard: All right. Thank you.

11
12 Cardinal: Any other questions?

13
14 Scholz: I don't think so, no. Thank you very much.

15
16 *(Same person speaking loudly from the audience – inaudible)*

17
18 Scholz: Yes, we'll have time for public discussion in just a minute.

19
20 *(Same person still speaking loudly from the audience – demanding to ask a question)*

21
22 Scholz: Yes, we will have time for public discussion and questions in just a
23 moment. Please. Thank you. Now, I understand there is a presentation
24 from the Homeowner's Association. Is that right? May we see that
25 presentation, please?

26
27 Cobb: I'm Mark Cobb. I'm the president of the most adjacent neighborhood, the
28 Mir/Mar Neighborhood Association and I have to ask why we are here
29 again tonight. *(referring to a PowerPoint presentation)* In the previous
30 meeting our neighborhood presented characteristics of itself that
31 distinguishes itself from other neighborhoods: the positive characteristics
32 or the community pride that we share in involvement we clean up
33 throughout the neighborhoods and other civic pride activities, in our
34 pristine, unobstructed views of the Organ Mountains and a premiere
35 address to reside in here in our fair city.

36 We also, at that time, illustrated some of the negative characteristics
37 that an affirmative vote would bring, such as possible lower property
38 values, which have been substantiated in several reports. I believe we did
39 give some data on that. And then, of course, the obstruction of view and
40 then the harvesting of an antenna farm, which is one of our prime concerns
41 and we're so glad that you brought that up tonight because our unsightly
42 concern is a farm of antennas there, which would be most likely in most
43 instances when the competitors to Verizon say they are being treated
44 unjustly if they can't put one there.

45 The questions we have tonight is, of course, eliminating conflicts of
46 interest, at first, for anyone who's going to be voting on the matter to make

1 sure they don't have more than a modest investment in Verizon or family
2 members working for Verizon or Verticom or any other known incentives for
3 voting one way or the other.

4 The second point I would like to make tonight is that at the
5 conclusion of the prior meeting some inaccurate information was provided
6 by one of the Area 51...I think it was Mr. Rawson, and that the petition we
7 brought was more of a minority of the residents, which is very erroneous.
8 We represent 91 of 108 occupied residences in our neighborhood and 160
9 signatures from 105 residences total, including the adjacent phase next to
10 us. So our question is: are you prepared to vote against the will of the
11 people?

12 The third point I would like to make is that the Committee recognize
13 that the future antenna farm that will be created by allowing this vote will
14 allow others to follow. This is not a vote on the municipal structure but a
15 small market share sliver, way less than 50%, for a company in a
16 developing industry. This is not a vote for health and safety as emergency
17 calls can always roam. In addition, anyone with a cell phone that has
18 Vonage service or some of the other internet services can use them for a
19 back up for emergency. Myself, I was given a half-price with Vonage for
20 the promise of keeping them for a back up service. As far as I'm
21 concerned, their service is better than of my Bell service I've ever used and
22 it's very economical. So, I think we need to get away from the safety and
23 health issue on this one particular industrial issue, approval issue.

24 Now per a testimony of record our organization has already
25 identified both technical and legal reasons why the proposal should be
26 rejected. They are recorded in record.

27 The City Zoning Code references that approvals should be
28 contingent on analytical evidence that no other site will suffice, 38-59, I
29 believe, so we're asking: where is that evidence that the other sites have
30 been examined and they won't work.

31 And then at least our final question is: what is the quantitative
32 standard for the number of Code conflicts and variances of established
33 procedures to occur before an objectionable proposal is finally manifested?

34 Directly following my presentation, fellow residents Monte Shriver
35 and Wayne Hancock will detail those instances and provide additional
36 information why the deliberation on this critical issue should end with
37 tonight's considerations. Thank you for your time.

38
39 Scholz: All right, any questions for this gentleman? Yes, Commissioner Beard.

40
41 Beard: The signatures: is this a new signature list or is it the old one?

42
43 Cobb: It must be the old one because we concluded that prior to our last meeting.

44
45 Beard: Okay. And it says that when the people signed this they were signed the
46 rezoning not the tower.

- 1
2 Cobb: It was explained to them that it would be rezoned and if the rezoning were
3 approved that there would be a Special Use Permit to allow the tower.
4
5 Beard: But that's not stated on the signature list.
6
7 Cobb: The person who created it says that it was.
8
9 *(someone speaking from the audience – inaudible)*
10
11 Beard: No, it just says it's the rezoning request here.
12
13 Scholz: Quiet, please. You'll have a chance to comment later. Thank you.
14
15 Cobb: Well, what I understand is that you cannot approve this without both being
16 approved.
17
18 Beard: Well, I could see if it was for the tower then you'd have to rezone; but if you
19 were going to rezone you don't have to put a tower on it.
20
21 Cobb: Well, it probably depends on what you're rezoning for, I guess.
22
23 Beard: It is, yes, but it didn't state it on there.
24
25 Scholz: Other questions for this gentleman? Commissioner Crane.
26
27 Crane: The tank...I have two points: one, the tank is also ugly but it was probably
28 there some time before the houses were built. Has anybody in your
29 neighborhood association spoken against the water tank and said that they
30 wish it weren't there?
31
32 Cobb: Over a year ago...maybe two years ago...two-and-a-half, I had
33 conversations and e-mails with Mark Johnson with the City explaining our
34 dismay that the tower was not painted and he, at that time, gave us future
35 plans or visions for the painting of the tower and for a park to be right next
36 to the tower. Since that time that has changed. I believe a new location for
37 the park is going to be at the intersection of Pagosa and Sonora Springs
38 and, of course, the economy's changed drastically since I talked to him and
39 everything's kind of on hold. But there were several e-mails and
40 conversations I did have with him regarding that and the neighbors closest
41 to it, including Mr. Schueller's son and myself, we are probably the ones
42 that would be affected the most because we can always see it from our
43 yard and that's probably why, maybe, some of the neighbors like myself
44 that were closest to it might have addressed the issue; out of sight, out of
45 mind, I guess. We're hoping to get that tank painted but I think testimony in
46 the last hearing said that the price had gone up from \$25,000 to \$100,000

- 1 to do it in this depressed economy. I don't understand why but, you know,
2 perhaps we need to look at someone else doing it for a lesser price,
3 perhaps, or the City needs to.
4
- 5 Scholz: Okay. Did you have a second question?
6
- 7 Crane: Yes, sir. We're hearing from the technical people that cell phone service is
8 on the edge of, to use a gross word, collapse at this point and will get
9 worse in the future if this tower isn't built. Do you personally know of any
10 people in your organization that complain about the cell phone service at
11 present or do they find it satisfactory and assume it's going to continue that
12 way if the tower's not built?
13
- 14 Cobb: Many of the personal friends... I have not used Verizon. I use Sprint. I live
15 as close to the tower as Mr. Schueller's son and in four-and-a-half years,
16 maybe, I've had one dropped call with Sprint; but that's comparing apples
17 to oranges. I would really need to talk, probably with someone with
18 Verizon service to get an appropriate answer to that. But I do think
19 consideration needs to be given to whether that extra bandwidth should be
20 considered a safety issue along with cell basic voice service to the dismay
21 of residents that might be facing an antenna farm; because I'm sure that
22 the data transmission from the Smartphones is in multiples of what is
23 required from just a regular voice service. So I think that's a question that
24 probably needs to be examined in the future is: what level of priority that
25 should have over the neighbors' wishes.
26
- 27 Crane: Thank you.
28
- 29 Cobb: You're welcome.
30
- 31 Scholz: Okay. I have a comment and a question: I noticed when I was out there
32 this morning the east side of Pagosa Hills Avenue is higher than the
33 majority of your neighborhood and that's zoned R-1b, which means a
34 residential. Now, when people build houses there, as I assume they're
35 going to build houses there eventually, won't that block your view of the
36 mountains?
37
- 38 Cobb: In our neighborhood it's required that the structures are one-story...
39
- 40 Scholz: Yes.
41
- 42 Cobb: ...and that will, in most cases, prevent blockage of view; but if you were to
43 look at the current tower, I think the height is 37-feet, I believe I
44 heard...that's less than a normal residential home would be.
45
- 46 Scholz: You're talking about the water tank, sir.

1
2 Cobb: Uh-huh.
3
4 Scholz: Okay, that's not a tower. That's a tank.
5
6 Cobb: I'm sorry...a tank.
7
8 Scholz: That's all right. Okay.
9
10 Cobb: A tank...and that's a 37-foot, I believe, and so the structures would be not
11 quite as tall as that and I think there's some grading that has to be done on
12 that hill to be able to do any residential construction; which brings up
13 another point. All around where that tank is, is zoned for residential...
14
15 Scholz: Yes, it is.
16
17 Cobb: ...so you're talking about putting an antenna... a potential antenna farm
18 right in the middle of a residential area.
19
20 Scholz: Yeah, I think the developers' aware of that. I think they spoke to that at the
21 last meeting. The other... your point was that...let's see. It's the next to the
22 last bullet. You said, "It should be contingent on analytical evidence that no
23 other site would suffice." Well, we just had testimony to that and, as a
24 matter of fact, I don't know if you have access to the packet, but I can give
25 you the packet of information from the expert, you know, the outsider, the
26 fellow who came from Kansas, I believe, and checked it out and that's what
27 he said. He said, "This is the ideal site."
28
29 Cobb: Well, some of us have a different understanding. Some of us had the
30 understanding that some of the alternative sites were not tested as our site
31 was but I would prefer to have Mr. Wayne Hancock address that next if
32 that's agreeable.
33
34 Scholz: Okay. Sure, go ahead.
35
36 Cobb: Monte Shriver will be up next and then we will follow with Wayne.
37
38 Scholz: Okay.
39
40 Cobb: Are there any other questions, though?
41
42 Scholz: I don't think so, no.
43
44 Cobb: Oh, okay.
45
46 Scholz: Mr. Shriver.

- 1
2 Shriver: My name is Monte Shriver. Prior to making my presentation I do have a
3 request: I have observed or we have observed in hearings before this
4 Commission and for the City Council that staff and applicants get unlimited
5 time to present their case and they can come back numerous times to
6 rebut anything we might say. We request that same privilege. In other
7 words, they will put on their case and (*inaudible*), and they basically have,
8 and we will put ours on. They undoubtedly will come back to rebut what we
9 say. We believe we should have the opportunity to comment on those
10 items. I think you talk about due process. I believe due process requires
11 us the opportunity to respond.
12
- 13 Scholz: Okay, this is how I'm going to rule on that, sir: I'm going to suggest that
14 you will have equal time with the City and the presenter and that means
15 you have about ten more minutes.
16
- 17 Shriver: The presenter and the City didn't stop 'til 6:35
18
- 19 Scholz: 6:35?
20
- 21 Shriver: That's thirty-five minutes.
22
- 23 Scholz: Okay, fine. You'll have until ten-after-seven.
24
- 25 Shriver: Thank you. I don't hope that takes that time (*inaudible*).
26
- 27 Scholz: I hope not either but...
28
- 29 Shriver: Okay, next item, please. I have reviewed several sections of the P & Z
30 Code and I believe there are conflicts in there stating whether or not this
31 tower could be built here. I looked specifically at Section 38-10, Planning
32 and Zoning Commission. Section 38-10 has two specific sections: G and H
33 to deal with zoning district changes. I found nothing in 38-33.J, 38-53, 38-
34 54 or 38-59 that dealt specifically with zoning changes. They all seem to
35 deal with initial zoning so there must be a reason why you have G, Zoning
36 District Changes without Conditions and Zoning District Changes with
37 Conditions. Quoting Section G as quoted in part as follows: "No condition
38 that restricts the use of a land beyond that otherwise provided by district
39 provisions shall be currently imposed at the approval of a zoning change,
40 except as outlined in Section 38-10-H." In 38-10-H, H.4 has, "limitation on
41 using conditional zoning, which states, "Any use or structure that requires a
42 Special Use Permit under Section 38-54, Special Use Permits, shall not be
43 permitted by using conditional zoning."
44 Now, the way I read that, my clear reading of it is: you can't put a
45 cell tower there under conditional zoning. I don't know how else you
46 interpret that. I suspect there are people here tonight who will contradict

1 that but, nevertheless, that's my clear reading of that and, as I said, I
2 reviewed all the other sections. They deal with initial zoning. They don't
3 deal with zoning district changes so I believe that's one thing. I have some
4 other points I want to cover about your Code. Could we go to the next one,
5 please?

6 I'd like to keep this map up...and could you point down where the
7 cell tower is, please? Go down to the left right there. I want you to observe
8 it is being placed in the center of residential areas. To the left, I believe, it
9 is zoned R-1a on both sides to the left. To the right it's zoned R-1b both
10 sides. Now if you could keep your eye on that while I talk about your Land
11 Development Code Section 38-10-H, Zoning District Changes with
12 Conditions: "Purpose and Intent: A rezoning subject to a condition is to be
13 used only in circumstances where the proposed change of district is
14 appropriate to allow certain uses which are in accordance with the
15 Comprehensive Plan and which are not incompatible with the surrounding
16 neighborhood."

17 The question is: is a cell tower incompatible with the surrounding
18 neighborhood? I believe that Ms. Rodriguez in her presentation before you
19 gentlemen in your last meeting I believe covered that and I tried to get her
20 quote as carefully as I can. I watched the DVD two or three times and I've
21 also taped it to make sure I got the right wording. So I am quoting, "It is
22 important to note for the Special Use Permit that a free-standing,
23 commercial communications structure is not allowed in the R-1b zoning
24 district," and here you have it right in the center of an R-1b zoning district.
25 So what are they doing here? They are doing indirectly what they can't do
26 directly. They are violating the Code in the sense they're saying, "Well, if
27 we can't have it R-1b we'll just change it to C-1C." Well, look at it. You're
28 still surrounded by residential and the intent is you don't want a free-
29 standing, commercial structure allowed in an R-1b zoning district. "So,
30 fine! All we'll do, we'll just change the zoning. No problem." Well, that's
31 the question: what good is the zoning if you can make those kinds of
32 changes? There's a line from "The Man from La Mancha" where the song
33 goes, "If the rock hits the bottle or the bottle hits the rock the effect on the
34 bottle is the same," and we've got the same thing here. Change it to C-1C
35 and you still have a communications tower in the center of residential
36 zoning. Now, the developer apparently doesn't care; but we're the
37 residents. We bought there when it was all zoned R-1b or R-1a and we
38 thought we knew what to expect.

39 So this reason, I believe it should not be approved; and, again, I do
40 not believe you can use safety as an issue. Number one, Verizon is not
41 the only carrier in the area. When people pick a carrier you have several
42 choices. You can have a land line, which basically guarantees you dial
43 tone anytime. There's several other carriers. I have Sprint also. I have
44 never had a call dropped. The statement was made in the last meeting
45 that if you go downhill to the right from the tower they said, "There's no
46 coverage there." Well, two of us walked it: one with an AT&T phone and I

1 with my Sprint phone. We walked southeast about a quarter-of-a mile
2 where it drops down. We continued to have coverage and then we walked
3 back up the hill to the power line and we never lost coverage.

4 If you want to talk about another site the other water tank is about a
5 mile from this site. Straight east is a hundred-feet higher. If you put a 65-
6 foot tower there that's your equivalent of a 165-foot tower at this site. That
7 site was certainly not evaluated. So I believe they're really violating the
8 intent of the Zoning Code by making a zoning change just so you can do
9 something that would not be allowed otherwise.

10 I'm going to go over two things. Okay, this is the mention: I wanted
11 to do it again. The Ordinance states the proposed zone change will allow
12 for utility-related land uses, such as antennas, towers, communication, etc.
13 That is plural. If this SUP is approved how could P & Z deny approval of
14 other communications towers? All they would have to do is come in with a
15 Special Use Permit, as I understand it, and how could you turn AT&T or
16 Sprint down if you've already approved Verizon for this?

17 On the next page I have a picture. this is on Highway 70. You
18 notice between the two towers, per my measurement, that's why I put
19 approximately, 60-feet apart. I think one of those is a Verizon tower. It
20 could be the one on the left. Now I thought they were supposed to be as
21 far from other structures that if they were to fall they wouldn't hit anything.
22 I'm not sure that quite fits but that's really not my point. The point I want
23 to make is: this piece of property is, I think, 240-feet wide on one end, up and
24 down, and about 60-some-feet wide on the south end. So I think there
25 would be adequate area there to put in another cell phone tower if
26 someone approved and I don't know how you could deny it since you've
27 already approved land.

28 This one I would like to talk about is: when does "minimum" not
29 mean "minimum?" So I thought I would put in the definition of "minimum"
30 from Webster's Dictionary: "the smallest quantity, number or degree
31 possible or permissible." I'm not talking about setbacks now: I'm talking
32 about the standards for C-1C, Commercial Zoning. I called the staff and
33 made sure I understood what the requirements are for C-1C zoning and
34 you have the Development Standards for Proposed Zoning of C-1C,
35 Commercial, Low-Intensity, Conditional. The measurements: minimum
36 size, 5,000 square feet. I estimate this proposed tract of land is around
37 11,000 square feet so it meets that with no problem. Minimum lot depth
38 and width: well, one side it is 200-and-some-feet, up and down; and this
39 says the minimum width is 60-feet. So I said to the staff person, "You
40 mean that's a...you can't have anything smaller than that?" "Oh, no. The
41 way we interpret it you can have it smaller than 60-feet as long as
42 somewhere you've got a 60-foot width." That turns the definition of
43 "minimum" on its head. I can't believe you can make that interpretation.
44 The reason I bring that up is that the north end of this portion of lot is only
45 16.3-feet wide. Now, how that meets minimum definition of 60-feet
46 escapes my logic...and for a definition, out of 38-20: "a lot can be a lot, a

1 tract or a parcel of land.” So I think this could be considered a lot, a tract or
 2 a parcel of land. So I don’t believe, unless the staff has a brand new
 3 definition of “minimum,” and if you don’t mean 60-feet, for goodness sakes,
 4 change the regulations. Say there’s no minimum size width required.

5 What we’re trying to do is read the rules and try and understand
 6 them. And I do want to mention one thing about the rules. I think we all
 7 understand now that Misters Schueller, Rawson and Steinborn own all of
 8 this property. There’s no doubt about that; in fact, in the presentation
 9 before the City Council I said that was a distinction without a difference.

10 But we’ve pointed out in the hearing several contradictions that no
 11 one caught or cared about. We’ve pointed out that the wrong name was on
 12 the application: it was not Area 51, LLC. But they showed Sonoma Ranch
 13 Development. No owner signed it; yet Mr. Rawson did, on the day of your
 14 hearing, sign an affidavit saying that he was the applicant but there no
 15 owners’ signatures on the request for the rezoning. On the request for the
 16 Special Use Permit there no signatures. We brought that up. The only
 17 signature was Mr. Zaldo and I noted this before you gentlemen before and I
 18 believe Ms. Rodriguez said, “Well, he’s authorized to sign.” Well, per your
 19 own Code you have to have a power-of-attorney recorded at the County
 20 Clerk’s Office to sign for someone. As of the last hearing Mr. Zaldo did not
 21 have this power-of-attorney. Yet you folks accepted it so our question is:
 22 do you have special rules for big developers? For small developers do
 23 people not have to follow that rules? Well, what are the rules? I think we
 24 really need to know that. We’re trying to follow them. I would like to
 25 comment that Mr. Hancock will follow me.

26 I suspect that the other folks will want to rebut what we’re doing. We
 27 request, in the terms of continuity, that we then be allowed to have any
 28 response to their comments that we want to make and then open it up for
 29 the public. So I thank you for your attention and I’m open for questions.

30
 31 Scholz: All right, any questions for this gentleman? Okay, hearing none...who was
 32 the other speaker, sir?

33
 34 Shriver: Mr. Hancock.

35
 36 Scholz: Okay. Okay, Mr. Hancock, you’ll have six minutes.

37
 38 Hancock: Six minutes.

39
 40 Scholz: Yup.

41
 42 Hancock: First of all, I’m a little nervous so please bear with me. It’s been a long time
 43 since I’ve done public speaking. My name is Wayne Hancock. I serve on
 44 the Parks and Recreation Board in District 6 so I can appreciate what you
 45 guys are going through. It’s not an easy job and there’s certainly no thanks
 46 for what you do, but I recognize what you’re doing.

1 I'm a retired telecommunications engineer. I was a CEO of several
2 telecommunications companies. I've built long-distance telephone
3 companies in Florida and in Mexico. I've built thirteen telecommunications
4 sites in Mexico in thirteen different cities. I've worked with... I've hired and
5 fired a lot of RF engineers and a lot of different kinds of engineers. It's not
6 an easy task building a telecommunications company. So I've got some
7 familiarity with what's been going on. I've had a long conversation with the
8 consultant, Mr. Best. I had a lot of trepidation at the beginning thinking that
9 he was a "shoo-in" by Verizon but, fortunately, I learned that he's done a lot
10 of work for public TV here in Las Cruces for the University and done work
11 for the radio. He's a respected engineer and after my conversation with
12 him I recognize him as a very good engineer and he knows his business.

13 There were some issues, though, in our discussion that we both
14 agreed on. First thing I need to do is on the slide I want to cover the Code.
15 This is the Code that we're dealing with about the antennas and there's
16 some really important points here because they weren't done well enough
17 for the engineer to give you the kind of information that you need. He gave
18 you a report and he gave you a recommendation but it was based upon a
19 biased question. When you ask an engineer a question; he's going to
20 answer based upon the question. You ask him a different question; you'll
21 get a different answer. So the Code calls for, in F-6-a, it calls for: "a
22 complete description of the commercial communications service to be
23 provided or received and the proposed service area for commercial
24 purposes."

25 The Statement of Justification page provided by Verizon does not
26 describe the communication services to be provided. You've heard a lot of
27 testimony here about voice and data and Smartphones and a lot of
28 different things but it was never stated in the document. That astounded
29 me. It appears, based on the document, that they are going to cover all of
30 Las Cruces. You just heard testimony that, yes, all of Las Cruces is
31 affected but then it changed to only Sonoma. So we don't know because it
32 wasn't in the Statement of Justification. F-5b: "a technical analysis
33 prepared by a professional engineer for the proposed site." This one was a
34 little surprising to me. The Verizon engineer, Mr. Hamdi Alaaldin, I believe
35 you heard from him; I believe he wrote the Statement because he quoted it
36 fairly accurately. You'd have to ask him if he really wrote it. It says that he
37 was supposed to write it. I couldn't find him listed in the state professional
38 licensing for engineers in New Mexico and I believe the Code requires that
39 the professional engineer, and I'm sure that that means a professional
40 engineer from New Mexico or authorized to work in New Mexico, like Mr.
41 Best, he is authorized. But I couldn't find anything for Mr. Hamdi. So I
42 don't know: you'll need to ask that question.

43 It also provides, in 6-3b: "analytical evidence demonstrating that no
44 other location or height exists whereby the commercial communication
45 service, including sale or similar communication services." I can tell
46 already that there's confusion on the Board about what was presented.

1 There was analytical evidence presented but only for the one, single site.
2 The engineer, Mr. Best, took it upon himself to analyze, by the proper
3 spectrometer, the Doña Ana Community College site. It wasn't on the list
4 and it wasn't in the Statement of Justification; but he did it on his own. So in
5 his document there were ... Mr. Best's document, there were references to
6 other information that was received but that information is not in the
7 Statement of Justification. It's not in the public record anywhere.

8 Based upon everything that I've just said we come back to the issue:
9 how many violations of the Code does it take before it becomes worthless?
10 If the Code isn't good for what's in the Code then we don't need a Code.
11 Clearly, we've seen the public staff is not the keeper of the Code. It is up
12 to the P & Z Board and/or the City Council to uphold the 2001 Zoning Code
13 as it is on the books. Our economic and social structure depends upon
14 compliance with our laws. We need that.

15 If any one of the items is a failing you need to deny this request,
16 both of them. Number one: not all owners signed the applications. That is
17 required in the Code. They didn't. The applicant name was not the owner.
18 One of the owners signed an affidavit purporting to be the sole owner, or so
19 it seemed, and later testified that there were two other owners. The lot size
20 of the property, as we've mentioned does not meet the minimum size. The
21 Statement of Justification document submitted by Verizon does not provide
22 complete description of the commercial communications service to be
23 provided nor does it describe the proposed service area. We've heard
24 Verizon testify that Sonoma Ranch somehow is a service area but it's
25 gonna affect all of Las Cruces. It's supposed to state exactly what it is.
26 You can't analyze something if you don't know what it is. So it was never
27 really analyzed. The analysis did not include analytical evidence
28 demonstrating that no other location or height exists to provide commercial
29 communications service that was not described. It wasn't described in the
30 document, in the Statement of Justification and it was not described
31 anywhere else. The engineer, Mr. Best, did a fine job but he didn't have all
32 of the other information and it was because Verizon never supplied the
33 search rings for all of the possibilities. All they did was provided to him
34 three-tenths of a mile from the point that they're requesting. That's it. No
35 more.

36
37 Scholz: Sir. Your time is up.

38
39 Hancock: Could I have somebody else come up and yield some time to me?

40
41 Scholz: Well, I think we can read the rest, you know, 'cause that's what you've
42 been doing to us even with the PowerPoint.

43
44 Hancock: Any questions?

45
46 Scholz: Yeah, that's what I want to hold it for.

1
2 Hancock: Okay.
3
4 Scholz: Yes. Commissioner Shipley.
5
6 Shipley: You skipped number two: all owners were not present at all meetings.
7
8 Hancock: Yes, I...
9
10 Shipley: How was that...
11
12 Hancock: There was some debate about that...so I pulled it out of my notes. I read it
13 to be: "all owners should be present" but it also states that their
14 representative is present so I took it out myself. Excuse that.
15
16 Shipley: It would have really been nice to have stated that.
17
18 Scholz: Okay. Other questions for this gentleman? Okay, I want to hear from
19 Legal on this. Mr. Connelly?
20
21 Man in audience: Shall I stand aside or raise my hand or something?
22
23 Scholz: We're going to open it for public discussion in just a moment, sir.
24
25 Connelly: My name is Pete Connelly. I'm the City Attorney and I'm speaking on the
26 matter of the various Zoning Ordinances that are basically cited and what
27 I've got to say is: I'll try to be very brief. That's odd for a lawyer but I will
28 try.
29 You cannot read these Ordinances literally without reading all of
30 them together. So when you talk about 38-10 saying, "You shall not do
31 that;" then you have to wander up to Section 38-54-b, and Section 38-54-b
32 enumerates the special uses that are permitted; and then when you go to
33 the Planning and Zoning area it says, "...when deemed necessary in these
34 various zones you can impose conditions as you deem necessary." If you
35 read 38-10-4 there would be no need for 38-54 because 38-54, in essence,
36 read together says, "You may add special conditions." So there is no
37 problem there. Then you go up to 38-59 and you read in 38-59, if you roll
38 the graph (*in the PowerPoint*): it shows you that you may have the tower in
39 C-1, C-2, C-3 area a total of 65-feet. So there's no problem there. Then
40 when you read what is to be submitted: for an example, every possible,
41 conceivable thing. It sort of reminds me of, "I guarantee you the view
42 forever but my problem is I don't own the land that you're looking over to
43 see." So in this case, how can you possibly go on property you don't own,
44 say that you can get on it and it's a site when the owner says, "Stay off."
45 So I think when you have to look at it, it's this site that's presented, not

1 every conceivable site that someone says, "Oh, that's a higher space. You
2 can get it."

3 The other portion of the matters as to the zoning and so forth: the
4 staff is, when somebody walks in and says, "I own the property," the staff
5 takes it as meaning they own the property. If somebody says, "I own the
6 property," we don't believe that it's our duty to go out and basically say the
7 person is telling us an untruth. If there is evidence on the record or
8 somebody could obtain it and staff would see it we would take it into
9 consideration. But when an owner says, "I'm the owner," or a member of a
10 company, for an example, you don't have to have every stockholder. You
11 have the partner or the president or whoever signs it and that's the entity.

12 So I don't see why all this is so technical because, again, the purpose of
13 the zoning is to provide for land use. We have an owner who has applied,
14 staff has looked into it and staff has basically said that it complies with the
15 various matters.

16 Again, in summary, to read everything by itself would not be proper.
17 You have to read it altogether to make it work and this is pretty clear to me
18 that it works on the basis of reading 38-54 refers you to 33-J. 33-J on
19 antennas says, "...go look at 38-59" which is the permitted use. 38-59
20 says, "You can do it. You can have this antenna." Then when you go back
21 to 38-54, 38-54 says, "You can add special conditions or conditions as you
22 deem necessary." So, if there's anything more than you need in that
23 please let me know and I'll try to explain it to answer any questions.
24

25 Scholz: Okay. Questions for this gentleman? I did want to mention that, of course,
26 the staff has always told us that we can act to approve, act to amend, act to
27 add special conditions as a P & Z Body. Yes, right. Yeah. We've always
28 had that.

29
30 Connelly: There's just one other thing that I wanted to mention: everybody's
31 concerned about lots. When you look at 38-59 it talks in terms of the
32 primary buildable area. It talks in terms of the structure site. It does not
33 use the word "subdivided lot" or does it use "lots," and so, again, taking all
34 this into consideration this is not a subdivided area. This is a master
35 planned area where you do not have lots. You have a zoning parcel and
36 what staff has shown is this structure will be within a primary building area,
37 which is within the zoning plot, not a subdivided lot; because there are no
38 lots. So you've also got to look at that and the terms have to be read in
39 context of what you're being asked to do and apply it to what they've
40 applied for.

41
42 Scholz: Okay. Any other questions, comments?

43
44 Hancock: May I? I'd also like to ask some questions.

45
46 Scholz: Certainly.

1
2 Hancock: You hear me address the issues about analytical evidence. Do you agree
3 that that analytical evidence needs to be presented that no other site is
4 possible?
5
6 Connelly: I think I did.
7
8 Hancock: Okay. I appreciate that. Okay. That's good.
9
10 Scholz: Okay, what I'd like to do is...yes, go ahead, Mr. Connelly.
11
12 Connelly: I addressed the issue of the Ordinance has to mean the site which you can
13 obtain, not every possible site that you cannot obtain. If Verizon has come
14 to this particular place and has acquired this particular piece of land,
15 Verizon can't go on somebody else's land and say, "This is a better site,"
16 even though it may be. So it would have to be read in context of where it is
17 in relation to what they want.
18
19 Scholz: Okay, thank you. No, I don't think, Mr. Hancock, I don't believe he spoke to
20 the technical qualifications of the report. No. What he was speaking to
21 was the fact that...
22
23 Hancock: *(inaudible- away from microphone)*
24
25 Scholz: Yeah. Exactly! Who owns what and further, I think his intention was to
26 show that, in fact, this has been done legally.
27
28 Hancock: Well, I hear that and I can understand what he's saying. I was left with the
29 impression when I asked the question about analytical evidence for the
30 placement of the tower that he led me to believe that because they own the
31 property they have the right to do that. They don't own the property.
32 They're leasing the property. So the point of that is that the Special Use
33 Permit is for, and it specifically states, that no other sites are useable.
34 There's no analytical evidence to that effect.
35
36 Scholz: I don't believe Mr. Connelly was speaking to that, sir.
37
38 Hancock: Okay. Thank you, though.
39
40 Scholz: All right, I'm going to open this to the public but because of...thank you
41 very much, sir. *(speaking to someone to the side of the area)* Please do.
42 Yes. Okay, how many would like to speak to this that have new
43 information, information that we haven't heard before? Can I see hands? I
44 see one, two. Okay, good. Why don't you come up in order then...the
45 stand-up person first.
46

1 Soleman: Good evening. My name is Brian Soleman with Sonoma Ranch. I am an
2 engineer.

3
4 Scholz: Would you give your last name again, please?

5
6 Soleman: Soleman.

7
8 Scholz: Thank you.

9
10 (unknown): Spell it, please.

11
12 Soleman: Pardon?

13
14 (Unknown): Spell it, please.

15
16 Soleman: S-o-l-e-m-a-n. I'm going to give you a brief presentation which you have
17 seen in the last meeting when we were here before you; just to give you a
18 visual, again, of what we're looking at and kind of take a look at some of
19 the points that were brought up by the residents and, hopefully, we can
20 make some clarification.

21 The date on here is the original date when we were before you with
22 this presentation. Again, this is the zoning plat that was submitted. This is
23 an aerial of the location. This is East 2, Phase 1 where, I believe, most of
24 the majority of the residents are here tonight, but...

25 We went out again and we took a photograph in this direction to
26 kind of get a representation of what was presented before us. This was
27 presented by the residents and this was an actual simulation that we put in
28 place to show a more real visualization. In reference to there was some
29 talk about housing that will be in the future constructed along the tank; the
30 tank is approximately 34-to-36-feet. As we go along you can see that if you
31 project it along down the roadway we're going to have some obstructions of
32 the views anyway. We went and took another picture on the other side of
33 the street and this is what was presented: a little deceiving, things are a
34 little larger, you've got a light pole that's in place and this is the location that
35 was presented as the area that's most affected by the tower...very little
36 obstruction. There's more obstruction from the street light than there is in
37 the tower...and then we took another picture down the corner of Sedona
38 Hills Parkway and Pagosa, looking in the direction and based on the angles
39 and the elevations, most likely very hard to see the top of the structure.
40 We did take one more picture that we saw at this location and no
41 obstructions and the majority of...as we continue to develop in this area the
42 tower will be invisible.

43 I did go through and look at the FCC site and approximately 70% of
44 the 911 calls are placed by cell phones and I've heard tonight that safety is
45 an issue. Safety is an issue and as we place this and work with Verizon
46 safety is always an issue and I've heard tonight you're prepared to vote

1 against the will of the people. I would say are you prepared to vote against
2 the person who's out there trying to make a 911 call and it's dropped
3 because we don't have capacity? As the advancements in communication
4 and cell towers continue, my understanding (*inaudible – moving away from*
5 *the microphone*), with the RF engineer from Verizon can speak on his
6 behalf but location is becoming more apparent: longitude and latitude
7 based on these calls from these bouncing towers. So I believe safety is an
8 important issue out there and you need to take that into consideration. At
9 this time I'll stand for any questions.

10
11 Scholz: Okay. Any questions for this gentleman? All right, thank you, Mr.
12 Soleman. Okay, I saw another member of the public who had raised his or
13 her hand. There we go.

14
15 (*Mr. Hancock speaking from the audience saying he had taken the sign-in sheet by*
16 *accident and would bring it back to the podium*)

17
18 Martino: Good evening, gentlemen. I'm Fred Martino, live in the community and do
19 have a few things to go over; but before I do I have a question, which I
20 wasn't permitted to ask earlier. Verticom mentioned, you know,
21 presentation to neighbors and also tonight about the ability to place
22 transmitting inside of a pole.

23
24 Scholz: Um-hmm.

25
26 Martino: About a few blocks from this site there is a flagpole transmitter, which most
27 people would not recognize as a cell phone tower. This was mentioned to
28 us and I would ask in the analysis you mentioned that that type of a pole
29 wouldn't be able to be used. When you did the analysis what would be the
30 reduction in service by using that type of device? 10%? 20, 30...I mean,
31 how much less coverage do you get from using a truly stealth tower when
32 you did your analysis, because we were told that, you know, it was
33 analyzed and that was unable to be used?

34
35 Alaaldin: Because you are going to have put your antennas so much lower so you
36 can get a stealth tower you are going from 65-top to 56...

37
38 Martino: (*inaudible*)

39
40 Alaaldin: I know. So if you take the stealth out, depending on what size of antennas
41 you are using...

42
43 Martino: I'm not talking about that. I'm talking about what's inside the pole.

44
45 Scholz: Sir, you're going to have to share the microphone here. Otherwise, we're
46 not going to be able to record you.

- 1
2 Martino: I'm talking about when you have a tower where the transmitters are inside
3 the pole. We were told by the Verticom representative at a neighborhood
4 meeting that that type of a tower, which is a few blocks from this site, was
5 analyzed and it was not able to be used; but we were never told why. In
6 other words, is it a 10% reduction in coverage with that, a 20? And when
7 you did your analysis and decided a flagpole tower can't be used how
8 much less service does that provide?
9
- 10 Alaaldin: We could go down to 56...since we are going to be a 56-plus three feet so
11 we can go to 60-feet. The height of the tower would decrease to 60-feet
12 and you can do it without a stealth tower...with changing the way we
13 presented today. I mean, we don't have denigrate any coverage. It'll be
14 the same.
15
- 16 Martino: Just so I understand...the actual information is that if you used a flagpole-
17 style tower where the transmitters are inside the pole you can still get the
18 coverage as long as it's the proper height.
19
- 20 Alaaldin: Yes, you'll get...but you'll need two flagpoles to do what this site will do.
21
- 22 Martino: Okay.
23
- 24 Alaaldin: We could do 60-feet.
25
- 26 Scholz: Yes, Commissioner Shipley: a question for the engineer...for both of you.
27
- 28 Shipley: Okay. First of all, you're misleading. The transmitters are not in the pole.
29 The antennas are in the pole. Transmitters are in the little square box on
30 the ground and then you send the electronic signal up to the antenna and
31 the antenna disperses the signal. Okay? That's number one. So you're
32 not talking about the same thing. So what he's telling you is that you're
33 going to have to put antennas on the outside of that pole just like you see
34 around here. Is that correct?
35
- 36 Alaaldin: There's three possibilities: one is what we presented; two is do a flagpole;
37 three is a regular pole. On a regular pole we will need one pole at 60-feet
38 tall. On a flagpole...
39
- 40 Shipley: I'm not talking height. What do you need for antennas? What am I going
41 to look at?
42
- 43 Alaaldin: You are looking at nine antennas.
44
- 45 Shipley: All right, and what are you going to look at on a flagpole? They're all...
46

1 Alaaldin: On a flagpole, you got the two flagpoles all inside. You won't see any
2 antennas.

3
4 Shipley: Okay.

5
6 Alaaldin: Because you can not fit nine antennas into one flagpole.

7
8 Shipley: Okay. But height is not...

9
10 Martino: I just want to make it clear I only asked that question because it wasn't
11 answered when we were told...

12
13 Scholz: Yes, yes. That's fine.

14
15 Martino: Just to make that clear.

16
17 Scholz: This is the time...

18
19 Martino: So it is usable. It just requires, apparently, two flagpoles as opposed to
20 having a pole that has antennas on it. You know, obviously, the other
21 neighbors have already talked about why this doesn't meet the Code and,
22 you know, I'm not going to get into that. That was already covered,
23 although I will draw your attention, if you are curious about what the staff
24 says about this to the staff report page 9 of 10 under Summary and
25 Conclusions. That basically talks about what the neighbors talked about
26 but it's the staff saying it, explaining that this doesn't meet the Code.
27 That's, you know, fact number one.

28 Fact number two is that the city plans for this area require
29 underground utilities within the neighborhood. To allow above ground
30 utilities for one provider would be, really, contrary to the most basic public
31 policy. There was good reason for requiring underground utilities in the
32 development. I know some of you have visited the development and you
33 know that we are surrounded on all sides by high power lines so we
34 already have on the outskirts of the development a lot of towers. The idea
35 of placing one in the center of the development, which would be involving
36 changing Code to people who have made an investment in a home, a
37 higher investment than they would have in other areas, would be, again,
38 contrary to public policy.

39 We would never have purchased in this community without these
40 requirements. It was mentioned already but I want to make this clear what
41 this is about: that one-story homes are only allowed in Sonoma Ranch
42 East. It's not an opinion or a request. It's a covenant you sign at
43 settlement. So we were assured when we bought our home that part of
44 preserving the home value and our community would be having a view,
45 because we purchased at a higher price our homes with the idea that it's a
46 one-story community. This, on its own should, before you tonight make

1 you understand that it's no fault of yours or the City's. This should have
 2 never even been brought before you. The developers, who require one-
 3 story homes and many other requirements for visual attractiveness are
 4 asking to put a 65-foot tower and there was a plan for a palm tree, as if that
 5 would change it, without any question to the community: would that please
 6 you? I mean, just not acceptable.

7 Finally, and this is also incredibly important from a public policy
 8 standpoint. Many of you visited the area and you may have noticed that
 9 there are many homes that are being built right now or have been built in
 10 the last year or two...not only custom homes. There are spec homes being
 11 built directly adjacent to this area. This speaks to the need for in Las
 12 Cruces the ability to have affordable communities where there isn't
 13 adjacent commercial or multi-family zoning. People purchased in particular
 14 and paid a higher price for their homes for this very reason and they're still
 15 building homes in the midst of the worst recession since the Great
 16 Depression. They're still building in this area, which is unique not only for
 17 our area, but unique for the country. If you go a few blocks to the south
 18 there's another new development where high power lines are directly
 19 adjacent to the lots. In the last few years not one home has been built in
 20 those lots that are within a few blocks of those high power lines.

21 That is another fact that speaks very clearly to what we're talking
 22 about tonight and that is a public policy issue to provide housing that is
 23 attractive and that people will purchase. It also reduces the tax base to
 24 have empty lots and it creates a dust problem, which I know the City
 25 Council is working on a Dust Ordinance to deal with it. It creates a huge
 26 dust problem to have all those empty lots.

27 Basically, in summary... I mean, those points and the points about
 28 the zoning get to the very heart of this: that these are all facts that we're
 29 dealing with. No one denies the opinions, the opinion that folks want to
 30 make money on their land. No one denies the other opinion that the idea
 31 that you may want to provide cell service to one company; but that doesn't
 32 negate or stand above all of these other facts. Also, I want to make very
 33 clear on this public safety issue: we're talking about Verizon here coming
 34 before you along with Sonoma Ranch. There are many other cell providers
 35 and if someone is a Verizon provider they can roam, as was mentioned in
 36 the earlier presentation so they can still make a call using the roaming in
 37 addition to other technologies. Any questions?
 38

39 Scholz: Yes, Commissioner Beard.

40
 41 Beard: Assuming that there isn't another site in your judgment would it degrade
 42 your area by not having good cell service versus having a 65-foot palm
 43 tree? Which do you consider being the worst of the two evils?
 44

45 Martino: Well, first, again, this is about Verizon service. It's not about cell phone
 46 service: it's about Verizon service. So there's many different providers. In

1 fact, the question was raised earlier about how many providers in Las
2 Cruces. There actually are many more than the ones listed. There're the
3 pre-paid providers that use other networks: Verizon, Sprint, etc. and so, in
4 terms of this issue there are many different cell phone providers.

5 Also, in addition to cell phones, there are land lines and what is
6 called Voice Over Internet Protocol, VOIP. One of the other neighbors, I
7 believe, mentioned that. I just recently switched to VOIP and I know you
8 may be concerned about affordability, you know, some folks might not have
9 the ability to pay a cell phone bill and another bill to have a back up. In
10 fact, I just switched to a service called UMA and UMA all you pay is the 911
11 fee and a universal fee, in this area it's \$3.42 a month. You purchase the
12 UMA hardware, which is \$200. After you buy that the monthly fee is \$3.42
13 so you have an affordable back up to your cell phone...

14
15 Beard: Okay, I'm not saying that there isn't another back up. Let's say that we
16 don't provide any new cell service anywhere in the city where there are
17 residences.

18
19 Martino: I think that would be a poor decision. If you are talking about changing
20 zoning that's another matter, I mean, there are many areas surrounding our
21 community where there's already commercial zoning where cell phone
22 towers could be placed. There are also areas where cell phone towers
23 already exist. Now, it may not provide the exact coverage of this site; but,
24 you know, the zoning decisions aren't made on saving money for a multi-
25 billion dollar company. Zoning decisions are made on, of course, a variety
26 of things and, most importantly, facts before opinions. I respect the fact
27 that there are opinions about those two issues: making money and
28 providing cell service for one company. I respect that. Those are opinions
29 and those are valid. But there are many facts as well and the facts haven't
30 been met.

31
32 Scholz: Okay. Thank you very much. Anyone else from the public with new
33 information about this? Yes, sir, you have new information? Yes, I'm
34 pointing at you. Um-hmm. Please bring it to the microphone.

35
36 Andrews: Yeah, my name is Gary Andrews and I live out here in Sonoma Ranch, a
37 couple blocks there off of Sedona Hills and all I want to say is: I built my
38 house last year. I haven't even been there a year. If I knew they was
39 going to put up a tower I wouldn't have built there. I don't want a bunch of
40 towers up around my property but if any of you guys can look me in the eye
41 and say you wouldn't mind a tower out in your back yard; well, let them put
42 it up in your back yard, you know. But they never told me anything about it
43 when I spent a quarter-of-a-million-dollars putting up a house. I don't know
44 about you but it took me a long time to make that and I'm still working on it.
45 That's all I wanted to say but most of the people I've talked to...in fact, all

1 the people I've talked to in my neighborhood there's nobody for this tower,
2 you know, what's the deal?
3

4 Scholz: Okay. Questions for this gentleman? Okay, I'm going to close it to public
5 discussion. We're going to take a 10-minute break and then we'll be back
6 at five minutes to eight.
7

8 **TEN MINUTE BREAK**

9
10 Scholz: All right, we're going to come back to order. All right, gentlemen, if you can
11 hold it down, please. Thank you. So, gentlemen, what is your pleasure?
12 One of you said we have to discuss this. Yes, absolutely! Let's discuss it.
13

14 Crane: Also, have the rules been suspended so we can discuss these two matters
15 simultaneously?
16

17 Scholz: No, we haven't suspended the rules. We should probably do that, though,
18 shouldn't we? I'll entertain a motion to entertain to suspend the rules.
19

20 Crane: So moved.
21

22 Scholz: Is there a second?
23

24 Shipley: Second.
25

26 Scholz: Okay. Crane moved. Shipley seconded to suspend the rules. All those in
27 favor say aye.
28

29 All: Aye.
30

31 Scholz: Those opposed same sign. All right, the rules are suspended. We can
32 discuss both of these at the same time. What is your pleasure, gentlemen?
33

34 Crane: Well...
35

36 Scholz: Well, jump right in.
37

38 Crane: I'm probably not the only one of the Commissioners that's frustrated by this
39 issue. On one hand we have technical evidence which I find reasonable
40 satisfactory that good cell phone service in the near future for this area,
41 Sonoma Ranch, depends on the positioning of the tower in the place where
42 they've asked for it. I wish we knew whether Verizon had looked at that
43 other site a mile to the east where there's another tank that's at a higher
44 altitude; but let's assume that they did look at that and found out that the
45 land owner wouldn't permit them to put a tower there. On one hand good

1 service requires expansion. I'm quite convinced of that and if the technical
2 people, like Verizon, think that a tower should go there I accept it.

3 On the other hand we have vociferous neighborhood opposition to it
4 and I've some sympathy, substantial sympathy, for that because I think that
5 regardless of whether a single tower disguised as a palm tree goes in now
6 or next year, it's going to be followed by others because I don't know how
7 the city can stop other people, other vendors, from putting their towers up
8 on the same plot or collocating on the original tower and spoiling the look of
9 it. My present feeling is: I will vote against both of these matters of putting
10 the matter, as far I am concerned, putting the laps of the local residents
11 and hoping it works out for them. But I am reluctant to approve this if the
12 people in the locality who would benefit from it are not in favor it.

13
14 Scholz: All right. Someone else. Commissioner Beard.

15
16 Beard: Well, Commissioner Shipley was talking about why we couldn't put it,
17 maybe, somewhere else and I would like you to address that particular
18 point.

19
20 Shipley: The point is, I guess, is that in the cellular business and I'm not an expert. I
21 did this for some years in California, in Los Angeles, San Diego, Seattle,
22 Washington and in San Francisco. I was the real estate person who
23 managed all the sites and you go to downtown Los Angeles and you put a
24 cell tower every three or four blocks because you've got high buildings and
25 you've got steel and concrete and you don't get reception. If you've got a
26 satellite then you have a thing but the cost of a satellite phone is
27 astronomical and nobody can afford those right now.

28 But the point is this: we're looking...as a Planning Commission
29 we're not looking at this one site. We are looking, trying to say, "We need
30 coverage for the citizens of this community all around," and that's on the
31 West Mesa, that's on the East Mesa, etc. We don't get a plan that comes
32 in and says, "You're going to have 54 cell sites in here to support 100,000
33 people." You know and I know...I live in Sonoma Ranch and I know that
34 they are going to double the size of this community by what's proposed to
35 be built out there. There's going to be another 100,000 homes that are
36 going to be built on the East Mesa. So your homes are just the beginning,
37 you know, where you live now; and as you go farther out there's going to
38 be new homes added year after year after year and we're not talking about
39 in the next six months. We are not talking about in the next two years.
40 We're talking about the next fifty years and it's going to take, you know,
41 ten, twenty, thirty years depending, obviously, the economy, how people
42 are doing, jobs, the things that we are trying to create. *(someone speaking*
43 *from the audience)* Exactly, water is a good point as well.

44 But the point I am trying to make is this: we are talking about a
45 single cell site right now and we're trying to do what is best for the
46 community not just right now but also in two or three years from now and if

1 there are 500 homes built east of you and there's no coverage then we
2 have not done the service that we are supposed to do. So it's out job to
3 kind of fiddle with all this emotion and fiddle with the facts and I like this
4 young man saying, you know, "Facts over emotion," because you're not
5 always given facts. You don't always have the authority to go to
6 somebody's property and say, "I want to put a site here." You know, I'm not
7 going to rent that to you or I'm not going to sell that to you. You have the
8 right to do with what you do on your home. You built your \$250,000 home
9 but that's yours. Nobody can take that away from you unless you don't pay
10 your taxes or you commit a crime or you do something else.

11 The point is: the people that own the site right now, if they want to
12 change the use of that, they have the right to do that and you voted on
13 giving them that right; and so, if they come to us and they say, "This is what
14 we want to do with our land. We want to change the zoning and there is
15 means to do that," then we have the right to support that. So that's
16 basically what we're sitting up here as a panel of citizens volunteers, to
17 listen to facts but also to try to say, "Here's how the plan's supposed to
18 work and here's where we're going to go," and, you know, we're not always
19 going to make the best decision. Sometimes we make decisions that we
20 don't like but we're doing them for the right reason. We're not doing them
21 to give one company something over another company. That's not why
22 we're here. It's not about companies: it's about what is best for a
23 community and a community as a whole and that doesn't represent five
24 people. That means 90,000 or 92,000 that we have now.

25 So we heard today about "linear" and it's important that you
26 understand that. Line-of-sight is communications. Why do you think that
27 when you drive around all around this area every place on the mountains
28 you see if it's owned by the government, you see antennas up there? It's
29 because they can get a long line-of-sight. Now, if I'm looking at you, sir,
30 and this gentleman comes in between me and I can't see you, I can't talk to
31 you because it's a direct line-of-sight and that's what they talked about
32 "shadowing" is that if something gets in between there it will penetrate
33 some things. It will penetrate walls. It will penetrate roofs but it will only
34 penetrate so many and then it starts to fall off so that's the reason you have
35 to have the height is to get the angle down. You can't go low to the ground
36 and make any headway. So that's what we're dealing with.

37 The other thing that's important to realize here is that we're all
38 saying, "Yes. You can get emergency services from some other network,"
39 but it's not about networks. It's about the fact that you've still got have
40 antennas for all those networks and, yes, they tend to collocate together
41 because it's easier to do that.

42 Secondly, it's generally when somebody picks a site they pick the
43 best site. They pick the best site because it gives them, you know, it does
44 what they say they are going to do. If they tell you they're not going to drop
45 calls they're not going to put their antenna down in some hollow where they
46 do drop calls. That would be a poor business decision and you wouldn't

1 want them to do that. You wouldn't want them to be your phone company
2 if they were doing those kinds of things.

3 So, the point of what we're talking about here today is that we've got
4 something before us to decide. We've said to the citizens, "We want input."
5 We always want your input but we also want you to be open-minded
6 enough to realize that one palm tree or one two-poles or something, if that
7 will make you happier, we'll try to work with you to do that; but what are we
8 trying to do? We are trying to provide a service to this community and that
9 sometimes doesn't please everybody. Nobody wants to have a fire station
10 next door where every day they go out and start the sirens and you have to
11 listen to that and we're getting ready to move the police station, the State
12 Troopers, down from the University up into the middle of Sonoma Ranch
13 and every day before those guys go on shift what do you think they do?
14 They go out and turn on all their emergency lights and on all their sirens
15 and that's the price of living close to a police station.

16 So there are pluses and minuses in what we do and where we live
17 and we sometimes have wonderful things happen to us and sometimes not
18 so wonderful. A little visual sight and a little pole and you might look at it
19 once or twice a month, 'cause most people pull out of their garage are so
20 busy driving they're not sitting there looking at a pole or a light pole. If they
21 function, they're working, they're okay. If they don't function then you're
22 upset.

23 So, I'm not taking this lightly. It's a very important decision we're
24 about to make and we're happy to be making this decision and going
25 forward and you all have the right, if you don't agree with our decision, to
26 take it to the next level. That's why we do it this way.

27
28 Scholz: Thank you, Commissioner Shipley. Someone else? Commissioner Beard.

29
30 Beard: Thank you. You said a lot of what I think. A lot of things that are presented
31 to this Board is the view of the mountains. Somebody buys property and
32 then they find out that a fire station or church, which the property's already
33 been purchased, they're actually going to construct something and it's
34 going to take a little bit of the view away from the residential area. We see
35 this all the time and it's a hard decision as to, like you say, Commissioner
36 Shipley, to weigh the pros and cons of that view versus the need for that
37 item that's being requested. Then in our society where we're always
38 advancing you've got to believe that technology and safety are going to be
39 inconvenient in some ways to a certain amount of the residents of this
40 community. My personal opinion of a 65-foot palm tree behind a tower is
41 not...to me, it doesn't seem to be that bad of an issue, to tell you the truth.
42 I don't think it takes away too much of a view, especially when the houses
43 and other things are going to be erected further to the east there, is
44 probably going to take away more from the view than this tower would. I
45 think the benefit of a tower outweighs the sight of a tower.
46

- 1 Scholz: All right. Thank you, Commissioner Beard. Someone else. Commissioner
2 Stowe?
3
- 4 Stowe: It's...the issues have to balance: safety versus the visual impact of a pole
5 as you look at the mountains. I tend to go along with what's been said
6 here. I'm persuaded by the technical aspects of it; that this is the best site
7 available, not the best site possible, but the best site available.
8
- 9 Scholz: Okay. Thank you, Commissioner. Three comments: one is, we're not
10 talking about coverage, we're talking about capacity and I think the
11 engineer made this clear in both of his presentations, the one in July and
12 the one we just heard. The concern that Verizon has run into is that they're
13 going to be out of capacity because the cell phones, the Smartphones,
14 particularly, take much more bandwidth and that's a problem. In terms of
15 growth, the projections I've seen just recently suggest that we will grow as
16 much in the next ten years as we've grown in the last ten years, which
17 means another 25,000 - 30,000 people here. That's sizable and I suspect
18 a lot of them will be building or buying on the East Mesa.
19 I have a cell tower two blocks from my house. It's disguised as a
20 pine tree and it's on the edge of a park and back of a fire station off of
21 Missouri. I didn't know it was there until someone pointed it out to me. I
22 get good coverage, of course, but I don't know who owns the cell tower,
23 what company it is, but it's virtually invisible and, in fact, with the trees that
24 have grown up around it, it's been there, I guess, 5-6 years, I think it's
25 almost unnoticeable. All right, any other comments, questions, or
26 concerns?
27 Okay. I'm going to close this then, gentlemen, and we're going to
28 rise from our suspension of the rules. I'll entertain a motion to un-suspend
29 the rules.
30
- 31 Stowe: So moved.
32
- 33 Scholz: Is there a second?
34
- 35 Shipley: I'll second it.
36
- 37 Scholz: Okay. So Stowe moved and Shipley seconded to un-suspend the rules.
38 All those in favor say aye.
39
- 40 All: Aye.
41
- 42 Scholz: Okay. Those opposed same sign. Now we can vote and, Ms. Rodriguez,
43 you have some instructions for us?
44
- 45 Rodriguez: Yes, Mr. Chairman, I do.
46

1 Scholz: Thank you.

2

3 Rodriguez: For case Z2837 recommendations are: to approve the zone change
4 request as recommended by staff with the condition being that the land use
5 is limited to utility-related land uses for antennas, towers, communication
6 structures and other vertical structures and public/private utility
7 installations. The Commission may choose to approve the zone change
8 request with additional conditions deemed appropriate by the Commission;
9 recommend to deny the zone change request, or, again; table or postpone
10 the zone change request.

11

12 Scholz: Okay. I'll entertain a motion to approve the zone change request with
13 conditions as they were read. Is there a motion to do this?

14

15 Beard: So moved.

16

17 Scholz: So moved. Is there a second?

18

19 Shipley: Second.

20

21 Scholz: All right, I'll call the role. I'm sorry, Beard moved, Shipley seconded.
22 Commissioner Shipley.

23

24 Shipley: Aye findings, discussion and site visit.

25

26 Scholz: Commissioner Crane.

27

28 Crane: My fellow Commissioners have persuaded me that on balance that it's
29 irresponsible for me to oppose this and because it does impinge on the
30 quality of life for people who are going to be buying houses, building
31 houses, in that neighborhood. So, with some reluctance, I am going to
32 vote aye based on findings, discussion and site visit.

33

34 Scholz: Commissioner Stowe.

35

36 Stowe: Aye based on findings, discussions and site visits.

37

38 Scholz: Commissioner Beard.

39

40 Beard: Aye findings, discussions and site visit.

41

42 Scholz: And the Chair votes aye findings, discussions and site visits. Now for SUP-
43 11-01 and, Ms. Rodriguez...

44

45 Rodriguez: Mr. Chairman, your options this evening is to approve the Special Use
46 Permit as recommended by staff and in the staff report for the SUP there

1 are nine recommended conditions. Would you like me to read those nine
2 into the record?

3
4 Scholz: Please.

5
6 Rodriguez: Condition number one: the Special Use Permit be considered by the City
7 Council for final approval pending the final decision of the zone change
8 request for the subject property of case Z2837 by the City Council. Number two:
9 the communication structure shall be measured from the lowest adjacent ground level
10 vertically to the highest point of all structures, whether attached to the ground,
11 a building or a structure. Number three: the structure shall be constructed and
12 installed to manufacturer's specifications and constructed to withstand a minimum
13 75-mile-an-hour wind or the minimum wind speed as required by the City's Building
14 Code. Number four: the structure shall be permitted and constructed to meet
15 current adopted City of Las Cruces Building Code Requirements. Number five:
16 the structure shall conform to Federal Communication Commission and/or Federal
17 Aviation Administration regulations, if applicable. Number six: a business
18 registration is required for the free-standing commercial communication structure.
19 Number seven: no chain link fencing around the communication structure is allowed
20 along Sedona Hills Parkway. Number eight: the equipment building associated with
21 the communication structure shall follow an architectural style, construction
22 materials and colors similar to existing buildings within the neighborhood, that
23 is building facades for tower accessory buildings and the first 20-feet of the
24 tower shall be painted earth tone or similar colors to existing structures within
25 the neighborhood and constructed of similar materials. Number nine: improvements
26 to the access must not cover water valves or vaults. If the grade is raised, the
27 developer must raise the valves and/or vaults as well.

28
29
30
31 Scholz: Thank you. I'll entertain a motion to accept SUP-11-01.

32
33 Crane: So moved.

34
35 Scholz: That was Crane moved...

36
37 Beard: Second.

38
39 Scholz: ...and Beard seconded. All right, I'll call the role. Commissioner Shipley.

40
41 Shipley: Aye findings, discussion and site visit.

42
43 Scholz: Commissioner Crane.

44
45 Crane: Aye findings, discussion and site visit.

46

1 Scholz: Commissioner Stowe>

2
3 Stowe: Aye discussions, findings and site visits.

4
5 Scholz: Commissioner Beard.

6
7 Beard: Aye findings, discussions and site visit.

8
9 Scholz: And the Chair votes aye for findings, discussions and site visits. So that
10 passes. Thank you very much, gentlemen. Thank you, folks.

11
12 3. **Case S-11-006:** Application of Borderland Engineers and Surveyors, LLC on
13 behalf of Troy & Cecilia Pitcher, property owners, to approve a final plat for 5.203
14 ± acres known as the Mesa Grande Addition Subdivision, Plat No.1, Replat No.1.
15 The final plat proposes to replat one (1) existing tract of land into two (2) new
16 parcels. The subject property is located on the north side of Bataan Memorial
17 West, 0.165 ± miles east of its intersection with Mesa Grande Avenue; a.k.a. 5195
18 Bataan Memorial West; Parcel ID# 02-19666; Proposed Use: Existing single-
19 family residence and undetermined commercial high intensity uses; Council
20 District 5.

21
22 Scholz: All right, our next case is S-11-006. Is that right?

23
24 Ochoa: Yes, sir.

25
26 Scholz: Okay.

27
28 Ochoa: For the record, Adam Ochoa, Development Services. I'd like to ask the
29 Commission whether you'd like a full presentation or would you just like to
30 ask questions of me or of the applicant for this particular case.

31
32 Scholz: Commissioners, what's your pleasure on this? They're still reading very
33 hastily here.

34
35 Shipley: I think it needs to be covered.

36
37 Scholz: Yes, go ahead and give us the complete case.

38
39 Ochoa: Okay. The next case for tonight is S-11-006. It is a request for approval of
40 a final plat known as Mesa Grande Subdivision, Plat number one, Replat
41 number 1. As you can see on the vicinity map it is located with frontage
42 along Bataan Memorial West and Cortez Drive; Cortez Drive being
43 designated as a Local road and Bataan Memorial West as a Minor Arterial
44 roadway.

45 It is located on the north side of Bataan Memorial West
46 approximately 1.65 miles east of the intersection of Mesa Grande Avenue.

459

Cheryl Rodriguez

From: Cheryl Rodriguez
Sent: Sunday, September 04, 2011 11:15 PM
To: JMarkCobb@Gmail.com
Subject: RE: September 8 Special P&Z meeting

I will get you a complete copy on Tuesday morning.

-----Original Message-----

From: J Mark Cobb [<mailto:jmarkcobb@gmail.com>]
Sent: Sun 9/4/2011 8:58 PM
To: Cheryl Rodriguez
Subject: Re: September 8 Special P&Z meeting

Cheryl,

I had requested the staff report for this matter from Helen Revels a couple weeks ago. Is this something you can get for us? I have not received it.

On 9/2/2011 5:04 PM, Cheryl Rodriguez wrote:

>
> Good Afternoon,
>
> Attached is (1) the technical analysis prepared by Verizon; (2) the
> proposal by Greg Best Consulting, Inc; and (3) the written
> recommendation prepared by Greg Best Consulting Inc.
>
> If you have any questions, please do not hesitate to contact me. As
> always, this information will be available in the file for public
> review in the Community Development Department.
>
> Respectfully,
>
> Cheryl Rodriguez
>
> Development Services Administrator
>

Cheryl Rodriguez

From: fred martino [fredmartino@yahoo.com]
Sent: Sunday, September 04, 2011 12:20 PM
To: Development Services
Subject: Include in packet for Case Z2837

Please note:

I would also like to be placed on the agenda for Thursday's meeting to take any questions regarding the information below.

Fred Martino, MPA

TO: Las Cruces Planning and Zoning Commission

FROM: Fred Martino, MPA

DATE: September 4, 2011

SUBJECT: Case Z2837

In regard to Case Z2837, the MirMar Neighborhood Association looks forward to your September 8, 2001, meeting to correct the previous vote approving a zoning change in our neighborhood.

I appreciate your service to the city and I understand that you have not been given full advisement regarding this case by city officials. As such, I have taken the opportunity to detail two core reasons why this zoning change request must be rejected if you are to follow city policies:

1. City instructions on zoning changes do not specify placing changes for a commercial purpose involving one entity above all other parties of interest. In this case, the entity is Verizon Wireless. The only rationale given in the previous meeting for approving the zoning change involved providing mobile phone service. However, this is NOT a municipal project allowing mobile phone service by a variety of providers. This is a request by one entity.

2. Even if the Planning and Zoning Commission chose to place one entity's commercial interests over a myriad of other interests, it is prohibited by standards stated right on the city's website:

The City wishes to promote and preserve visually attractive and pleasing surroundings, reduce erosion and runoff, and improve the quality of the environment. The City's Design Standards provides the minimum acceptable standards for landscaping requirements. All forms of development are required to provide separation (buffer) and landscaping requirements when a proposed use is located next to differing adjacent land uses or zoning districts. Chapter 32, Section 270 contains more information pertaining to screens and buffers.

Clearly, there is no way to "buffer" a tower of more than 60 feet. Furthermore, there is no one contending that this proposal preserves the environment. In fact, it is implicit in the request that the environment is being damaged: The proposed requirements call for trying to "mask" the appearance of the proposed cell tower by creating a fake palm tree, a proposal that has been roundly rejected by the people who are being asked to look at this area every day, in some cases, outside their windows.

The reasons above require the Zoning and Planning Commission to reject the proposal if it chooses to follow city guidelines. However, in the interest of helping the commission, city officials, developers, and any commercial entities wishing to change other city plans for Sonoma Ranch East, I have listed some important information below:

1. City plans require underground utilities within the neighborhood. To allow above ground utilities for one provider would be contrary to the most basic public policy.
2. There was good reason for requiring underground utilities in the development. Sonoma Ranch East is surrounded by high voltage power lines and commercial properties in all directions. There are plenty of other places to site cell towers. In fact, there are already other cell towers on adjacent lands nearby. These lands may not be the most efficient for Verizon Wireless, and more than one tower may be needed to provide the same coverage. However, planning and zoning decisions are NOT made to provide efficiency above the overall needs and desires of the community and the plans put forth by the city.
3. To preserve views and the appearance of the community, Sonoma Ranch East REQUIRES one-story homes ONLY. Of course, with this knowledge, you are now aware that this proposal should never have been brought before this commission. You are being asked to approve a structure far beyond the height of what the developer requires in BINDING covenants in the community.
4. Properties were purchased in Sonoma Ranch East with the city plans in place for single-family zoning and restrictive covenants. Many individuals purchased properties in this community for these reasons. It is one of the only new communities in Las Cruces where there is at least some distance between the single family zoning and other zoning types.
5. If you visit Sonoma Ranch East, you will see many new homes that have been built in the last year. There are also many custom and spec homes that are being built right now. In contrast, the adjacent development to the south, where high voltage lines are located, has not seen any new homes built in the last few years. In addition to creating dust problems and an eyesore, this reduces the city tax base. Clearly, people appreciate the views and current city planning in Sonoma Ranch East and are choosing to build here even in the midst of one of the worst economic downturns in the nation's history. This is rare indeed, both locally and nationally.

Thank you again for your service and for your efforts to correct the previous vote.

While I live in Sonoma Ranch East, my reason for this letter also reflects my desire to ensure that Las Cruces does not set bad precedent by disregarding the most basic tenants of public policy.

As someone with a graduate degree in public administration, I cringe when people make blanket criticisms of public regulation. We should never give those people ammunition for their arguments.

Sincerely,
Fred Martino, MPA

Cheryl Rodriguez

From: Cheryl Rodriguez
Sent: Sunday, September 04, 2011 7:50 PM
To: fred martino
Cc: J Mark Cobb; David Weir
Subject: RE: Thursday meeting

Mr. Martino,

Unfortunately, the meeting had to be moved due to a scheduling conflict with a lecture on sustainability.

Staff is working to ensure that the new meeting location can accommodate the public that is expected to attend.

Thank you for stating your concerns.

Cheryl Rodriguez
Development Services Administrator

-----Original Message-----

From: fred martino [<mailto:fredmartino@yahoo.com>]
Sent: Sun 9/4/2011 11:04 AM
To: Cheryl Rodriguez
Cc: J Mark Cobb
Subject: Thursday meeting

Ms. Rodriguez:

The city manager's letter lists city council chambers as the location for the Thursday zoning meeting.

I assume this means the chambers are not being used by another party.

Is there a reason the zoning meeting was moved to the second floor?

The last time we had a meeting upstairs, there were not enough chairs for the audience.

Fred

Cheryl Rodriguez

From: Cheryl Rodriguez
Sent: Tuesday, September 06, 2011 9:44 AM
To: 'JMarkCobb@Gmail.com'
Cc: latwood49@gmail.com; David Weir
Subject: RE: September 8 Special P&Z meeting

Mr. Cobb,

I do not have a "better copy" of the technical data report.

Cheryl Rodriguez

From: J Mark Cobb [<mailto:jmarkcobb@gmail.com>]
Sent: Friday, September 02, 2011 10:58 PM
To: Cheryl Rodriguez
Cc: latwood49@gmail.com; David Weir
Subject: Re: September 8 Special P&Z meeting

Hi Cheryl,

Thanks so much for the data. However, our engineer(s) would like to receive a better copy of the technical data report (I believe the 1st) so they are fair and make no mistake in utilizing Verizon's data in their analysis. I believe the pages are 3-7, but in particular pages 3 & 4, voice usage. One cannot make out which bar is what color and it would be easy to error without knowing for sure. I may need to come back with another issue/question but for now that should suffice.

Thanks, Mark

On 9/2/2011 5:04 PM, Cheryl Rodriguez wrote:
Good Afternoon,

Attached is (1) the technical analysis prepared by Verizon; (2) the proposal by Greg Best Consulting, Inc; and (3) the written recommendation prepared by Greg Best Consulting Inc.

If you have any questions, please do not hesitate to contact me. As always, this information will be available in the file for public review in the Community Development Department.

Respectfully,

Cheryl Rodriguez
Development Services Administrator

Cheryl Rodriguez

From: Cheryl Rodriguez
Sent: Thursday, September 01, 2011 4:19 PM
To: 'JMarkCobb@Gmail.com'
Cc: David Weir
Subject: RE: FW: Special P&Z Meeting - September 8 at 6pm

Mr. Cobb,

Mr. Best was "hired" as a qualified expert to review and provide a written recommendation to the Planning and Zoning Commission of the technical information submitted by Verizon (see Section 38-59 of the Zoning Code). Mr. Best's work will be complete with the written recommendation. The written recommendation will be reviewed by the Planning & Zoning Commission on September 8th and the written recommendation may be subject to discussion at the meeting. Mr. Best will not be in attendance.

Respectfully,

Cheryl Rodriguez

From: J Mark Cobb [<mailto:jmarkcobb@gmail.com>]
Sent: Thursday, September 01, 2011 3:57 PM
To: Cheryl Rodriguez
Subject: Re: FW: Special P&Z Meeting - September 8 at 6pm

Cheryl,

Thanks for the update. Will the consultant be at the meeting, and will we be able to ask him questions? Can you at this time tell me what the consultant was hired to determine?

Thanks, Mark

On 9/1/2011 10:48 AM, Cheryl Rodriguez wrote:
 Mr. Cobb,

Thank you for your inquiry into the process of selecting a person to review the technical report submitted by Verizon. However, your questions regarding an RFP are not relevant to Section 38-59 of the Zoning Code. Though, a qualified expert is to be "hired" by the City, the services are to be paid by the applicant for the SUP. In consultation with the City's Purchasing Manager, the type of service needed under Section 38-59 are not within the jurisdiction of the City's Purchasing Code.

I have attached the bio of the professional that is reviewing the technical report. As always, the files are available for public review within our department. As soon as the written recommendation is submitted to our office, I will forward you an electronic copy.

Please advise if I may be of any further assistance.

Respectfully,

Cheryl Rodriguez

From: J Mark Cobb [<mailto:jmarkcobb@gmail.com>]
Sent: Wednesday, August 31, 2011 8:24 PM
To: Cheryl Rodriguez
Cc: David Weir
Subject: Re: FW: Special P&Z Meeting - September 8 at 6pm

Good evening Ms. Rodriguez,

This is just to follow up on my earlier request to receive a copy of the RFP. Would you also be so kind as to let us know:

When was it developed and who developed it?

When was it sent out for distribution and who was on the distribution list?

Where was it published for all to see and what was the length of time allow for viewing?

How many responses did you receive?

Who reviewed the responses and who made the final decision on the contractor?

What were the qualifications of the contract selected? May we see his/her bio?

Thanks Cheryl, This will certainly help all of us with the RFP process.

Cordially,

Mark Cobb
President, MirMar Neighborhood Association

On 8/31/2011 10:20 AM, Cheryl Rodriguez wrote:
Good Morning,

Attached is the agenda for the P&Z meeting. Please advise if you have any additional questions.

Thank you,

Cheryl Rodriguez

From: Cheryl Rodriguez
Sent: Tuesday, August 30, 2011 8:37 AM
To: 'jmarkcobb@gmail.com'; 'latwood49@gmail.com'

Subject: Special P&Z Meeting - September 8 at 6pm
Importance: High

Good Morning Miramar/Maricopa Neighborhood Association,

As you may be aware from the special Planning & Zoning Commission meeting held on August 9th, the Commissioners voted to reconsider the zone change request and special use permit request to Thursday, September 8 at 6pm.

Public notification letters were mailed to property owners on or near August 24th. All other public notification requirements were also met. **Please be advised that the meeting location has been changed from Council Chambers to Conference Room A & B located on the 2nd floor of City Hall. Staff will be available to assist the public who will be attending this meeting.**

A written recommendation from the a private consultant is expected to be submitted to the Community Development Department on Friday, September 2nd. As soon as this information is made available to my office, I will forward you a complete copy of the technical report and written recommendation from the private consultant. Meanwhile, the file is always available for public review within the Community Development Department.

If you have any questions, please do not hesitate to contact me via email or directly at my office at 528-3207.

Respectfully,

Cheryl Rodriguez
Development Services Administrator

Cheryl Rodriguez

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Importance: High

Good Morning Miramar/Maricopa Neighborhood Association,

As you may be aware from the special Planning & Zoning Commission meeting held on August 9th, the Commissioners voted to reconsider the zone change request and special use permit request to Thursday, September 8 at 6pm.

Public notification letters were mailed to property owners on or near August 24th. All other public notification requirements were also met. **Please be advised that the meeting location has been changed from Council Chambers to Conference Room A & B located on the 2nd floor of City Hall. Staff will be available to assist the public who will be attending this meeting.**

A written recommendation from the a private consultant is expected to be submitted to the Community Development Department on Friday, September 2nd. As soon as this information is made available to my office, I will forward you a complete copy of the technical report and written recommendation from the private consultant. Meanwhile, the file is always available for public review within the Community Development Department.

If you have any questions, please do not hesitate to contact me via email or directly at my office at 528-3207.

Respectfully,

Cheryl Rodriguez
Development Services Administrator

Cheryl Rodriguez

From: Cheryl Rodriguez
Sent: Wednesday, August 31, 2011 10:20 AM
To: 'jmarkcobb@gmail.com'; 'latwood49@gmail.com'
Subject: FW: Special P&Z Meeting - September 8 at 6pm
Attachments: 09-08-11 Special P&Z Agenda - Amended.pdf

Importance: High

Good Morning,

Attached is the agenda for the P&Z meeting. Please advise if you have any additional questions.

Thank you,

Cheryl Rodriguez

From: Cheryl Rodriguez
Sent: Tuesday, August 30, 2011 8:37 AM
To: 'jmarkcobb@gmail.com'; 'latwood49@gmail.com'
Subject: Special P&Z Meeting - September 8 at 6pm
Importance: High

Good Morning Miramar/Maricopa Neighborhood Association,

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If you have any questions, please do not hesitate to contact me via email or directly at my office at 528-3207.

Respectfully,

Cheryl Rodriguez
 Development Services Administrator

Cheryl Rodriguez

From: Linda Atwood [latwood49@gmail.com]
Sent: Tuesday, August 30, 2011 9:13 AM
To: Cheryl Rodriguez
Subject: Re: Special P&Z Meeting - September 8 at 6pm

Thank you for this information Cheryl. I'll send it out to the MirMar Neighborhood Organization.

Linda Atwood
LAtwood49@gmail.com
575-522-3107

On Tue, Aug 30, 2011 at 8:37 AM, Cheryl Rodriguez <CRodriguez@las-cruces.org> wrote:

Good Morning Miramar/Maricopa Neighborhood Association,

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Respectfully,

Cheryl Rodriguez

Development Services Administrator

Cheryl Rodriguez

From: J Mark Cobb [jmarkcobb@gmail.com]
Sent: Tuesday, August 30, 2011 8:43 PM
To: Cheryl Rodriguez
Cc: latwood49@gmail.com
Subject: Re: Special P&Z Meeting - September 8 at 6pm

Hi Cheryl,

Thanks so much for the update. However, there is one item I would like to request; could you please send me a copy of the RFP for hiring the consultant? I would like to examine the criteria upon which he/she was chosen just to ensure there are no conflicts of interest. I don't think we want to hear this case a third time, huh? You can send it via reply to this email if you wish; I check it at least a couple times a day.

See you at the meeting on the 8th.

Regards,

J Mark Cobb

President, MirMar Neighborhood Association

On 8/30/2011 8:37 AM, Cheryl Rodriguez wrote:
Good Morning Miramar/Maricopa Neighborhood Association,

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Respectfully,

Cheryl Rodriguez
Development Services Administrator

elen Revels

From: Jeri [Jerioliver@comcast.net]
Sent: Tuesday, May 24, 2011 12:07 PM
To: Helen Revels
Subject: Case Z2837

I have a couple objections to the proposed rezoning of that particular parcel of land.

First, I am concerned that the notification reached the entire community. I talked with a couple of my neighbors and they did not receive the notice. One of these persons is currently out of town and I have been collecting their mail since the end of April and can attest to the fact that, while I did get the notice, they definitely did not. Therefore I'm unsure the entire community is aware of this proposed rezoning.

Secondly, my major objection is to placing communication towers so close to an existing neighborhood. Many of these are newer properties, built on selected lots assuming there would be no such eye-sores in their neighborhoods. The application is sufficiently vague as to the exact nature of the tower types, however, I would voice a strong objection in the event it looks like either the towers behind the Jornada West location (2399 Saturn Circle @ N. Main) or near the water tower located past Sonoma Ranch Blvd if Mohman Boulevard continued to the east. Even though I am aware of conflicting studies regarding microwaves, erring on the side of caution would suggest it inappropriate to subject existing households to a possible danger posed within a close proximity of microwave towers after the fact of choosing their home sites.

Thank you for your consideration of rejecting this particular zoning application.

Regards,

Jeri L. Oliver
575-652-3415

PETITION TO OPPOSE THE REZONING OF R-1b TO COMMERCIAL

We, the undersigned residents of Sonoma Ranch East II, oppose the rezoning of the subject property presently zoned R -1b as proposed in Ordinance 2624. We believe that to maintain the character of our neighborhood as a premier residential area the zoning request must be denied.

Name (print)	Signature	Address
Monte Striver	<i>Monte Striver</i>	4523 Maricopa Circle
Phyllis Striver	<i>Phyllis Striver</i>	4523 Maricopa Circle
Lydia Jacques	<i>Lydia Jacques</i>	4519 Maricopa Circle
FRANK BORRA	<i>Frank Borra</i>	4519 Maricopa Circle
MARYN D. CARSENTINO	<i>Maryn D. Carsentino</i>	4515 Maricopa Circle
NICHOLAS C. CARSENTINO	<i>Nicholas Carsentino</i>	4515 Maricopa Circle
NORMA LANDIN	<i>Norma Landin</i>	4492 Maricopa Cir.
TERRY Mosley	<i>Terry L. Mosley</i>	4471 Maricopa Circle
TERRY Mosley	<i>Terry L. Mosley</i>	4475 Maricopa Circle
Terry Mosley	<i>Terry L. Mosley</i>	4511 Maricopa Circle
Emilia Gallegos	<i>Emilia Gallegos</i>	4503 Maricopa Cir.
Steve Jeter	<i>Steve Jeter</i>	4480 Maricopa Cir.
Dan Frechette	<i>Dan Frechette</i>	4488 Maricopa Circle
Paul Frechette	<i>Paul Frechette</i>	4488 Maricopa Cir.
John Sellinger	<i>John Sellinger</i>	4507 Maricopa Cir.
Rikki Sellinger	<i>Rikki Sellinger</i>	same as ab
Dean Alvares do	<i>Dean Alvares do</i>	4535 Maricopa Cir.
Refugio Nanez	<i>Refugio Nanez</i>	4535 Maricopa Cir.
Jasmine Nanez	<i>Jasmine Nanez</i>	4535 Maricopa Cir.
Clark Duff	<i>Clark Duff</i>	4540 Maricopa Cir.
Keslie Kay Duff	<i>Keslie Kay Duff</i>	4540 Maricopa Circle
MARC Beauchemin	<i>Marc Beauchemin</i>	4536 Maricopa Circle
23 Isabelle Beauchemin	<i>Isabelle Beauchemin</i>	4536 Maricopa Circle

PETITION TO OPPOSE THE REZONING OF R-1b TO COMMERCIAL

We, the undersigned residents of Sonoma Ranch East II, oppose the rezoning of the subject property presently zoned R -1b as proposed in Ordinance 2624. We believe that to maintain the character of our neighborhood as a premier residential area the zoning request must be denied.

Name (print)	Signature	Address
Bill Gutierrez	[Signature]	4415 Maricopa Circle
Terese Ten Quimpo	[Signature]	4415 Maricopa Cir
Louis K. McQuarrie	[Signature]	4404 " "
Linda Atwood	[Signature]	2431 Tesuque Pl
Jodie Hase	[Signature]	2419 Tesuque Pl
James C. Pae	[Signature]	2419 Tesuque Pl
Janet S. Rodriguez	[Signature]	4443 Maricopa Circle
Fred A. Rodriguez	[Signature]	4443 Maricopa Circle
Linda Myers	Per telephone msg	2430 Tesuque Pl
Clarence Myers	H H H	" " "
Ruben Rodriguez Jr.	[Signature]	2475 Conchas Lane
Terese Rodriguez	[Signature]	2475 Conchas Lane
Jared Lopez	[Signature]	2472 Conchas Lane
Andrey Hoppe	[Signature]	2454 Conchas Lane
Nicolas Sanders	[Signature]	2454 Conchas Lane
Alfonso Pelaez	[Signature]	2450 Conchas Ln.
Alicia Rueler	[Signature]	2446 Conchas Ln.
Sandy A. Saenz	[Signature]	4408 Maricopa Cir.
WILL WATSON	[Signature]	4464 Maricopa Cir.
Weldon S. Perkola	WELDON S PERKOLA	2435 TESUQUE PL.
Barbara Perkola	BARBARA PERKOLA	2435 TESUQUE PL.
Cynthia Herrera	Cynthia Herrera	2418 Tesuque Pl.

4091
4020

22

PETITION TO OPPOSE THE REZONING OF R-1b TO COMMERCIAL

We, the undersigned residents of Sonoma Ranch East II, oppose the rezoning of the subject property presently zoned R -1b as proposed in Ordinance 2624. We believe that to maintain the character of our neighborhood as a premier residential area the zoning request must be denied.

Name (print)	Signature	Address
KIM LEE	<i>[Signature]</i>	2427 TESUQUE PL
Yoko Lee	<i>[Signature]</i>	2427 TESUQUE PL
VIERLE CONN	<i>[Signature]</i>	2426 Tesuque Pl
Judith Conn	<i>[Signature]</i>	2426 Tesuque Pl
CANDACE LEWIS	<i>[Signature]</i>	2423 TESUQUE PL
PAUL LEWIS	<i>[Signature]</i>	2423 TESUQUE PL
Amy Garcia	<i>[Signature]</i>	2414 Tesuque Place
Ruben Garcia	<i>[Signature]</i>	2414 Tesuque Place
Melvin W Smith	<i>[Signature]</i>	2410 Tesuque Place
Virginia J Smith	<i>[Signature]</i>	2410 Tesuque Place
Sue Carter	<i>[Signature]</i>	2406 TESUQUE PL
David Carter	<i>[Signature]</i>	2406 Tesuque Pl.
Monica Armenta	<i>[Signature]</i>	2402 Tesuque PL
Oscar Armenta	<i>[Signature]</i>	2402 Tesuque PL
Cindy Peterson	<i>[Signature]</i>	4451 Maricopa Cr.
Randall Peterson	<i>[Signature]</i>	4451 Maricopa Cr.
MAUR ARRESTA	<i>[Signature]</i>	4460 MARICOPA CIRCE
Nia Arresta	<i>[Signature]</i>	4460 Maricopa Cir.
Michael Meredith	<i>[Signature]</i>	4463 Maricopa Cir
Cheryl Meredith	<i>[Signature]</i>	" "
Alyce Walker	<i>[Signature]</i>	4419 Maricopa
Donald STRAETZ	<i>[Signature]</i>	4416 maricopa
Susan Straetz	<i>[Signature]</i>	4416 MARICOPA

SUSAN STRAETZ

483
PETITION TO OPPOSE THE REZONING OF R-1b TO COMMERCIAL

We, the undersigned residents of Sonoma Ranch East II, oppose the rezoning of the subject property presently zoned R -1b as proposed in Ordinance 2624. We believe that to maintain the character of our neighborhood as a premier residential area the zoning request must be denied.

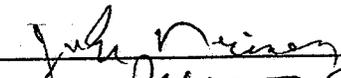
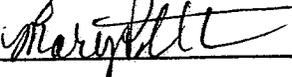
Name (print)	Signature	Address
Melinda Landis	Melinda Landis	2339 Glorietta Pl.
Yona Valencia		2327 " "
Gerardo Valencia		2327 Glorietta Pl LC, NM 88011
Fred Martino		2335 Glorietta Place LC, NM 88011
LD Landis		2339 Glorietta
T n Powers	T n Powers	2331 Glorietta Pl.
BARBARA POWERS	Barbara Powers	2331 Glorietta Pl. LC
Nancy Parker		2251 Glorietta PL
Armando Martinez		2351 Glorietta Pl.
Andrea Carpenter	Andrea Carpenter	4501 Miramar Arc
Bill R. Carpenter	Bill R. Carpenter	4501 Miramar Arc
Lori Edwards	Lori Edwards	4493 Miramar Arc
Nancy Seigler	Nancy Seigler	4465 Miramar Arc
BRAD VERMEER	Brad Vermeer	4457 " "
Connie VERMEER	Connie Vermeer	4457 " "
John Coker	John Coker	4447 Miramar Arc
John Coker	John Coker	4447 Miramar Arc
JACOB SAIZ		4503 Miramar Arc
GENIL PALLEMONI		4480 Miramar Arc
Deepthy PALLEMONI	Deepthy Pallemoni	4480 Miramar Arc
Costleigh Salas	Costleigh Salas	4485 Miramar Arc
Kerry Caldwell	Kerry Caldwell	4485 Miramar Arc

23

485

PETITION TO OPPOSE THE REZONING OF R-1b TO COMMERCIAL

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Name (print)	Signature	Address
John Nicewisser		4467 Galisteo Loop
Mary Peschka		4473 Galisteo Loop

PLANNING & ZONING COMMISSION

CITY OF LAS CRUCES

Sonoma Ranch East II Rezone

From R1 - B to C1-C

**Construction of a new private
communication structure**

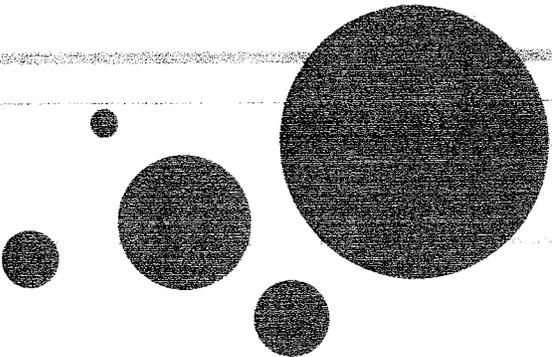
Current Zoning: R-1b Single-Family High Density

OPPOSITION TO

**Rezoning request by Area 51
and**

**Application of Verticom on behalf
of Area 51 LLC**

**Special Use Permit
SUP**

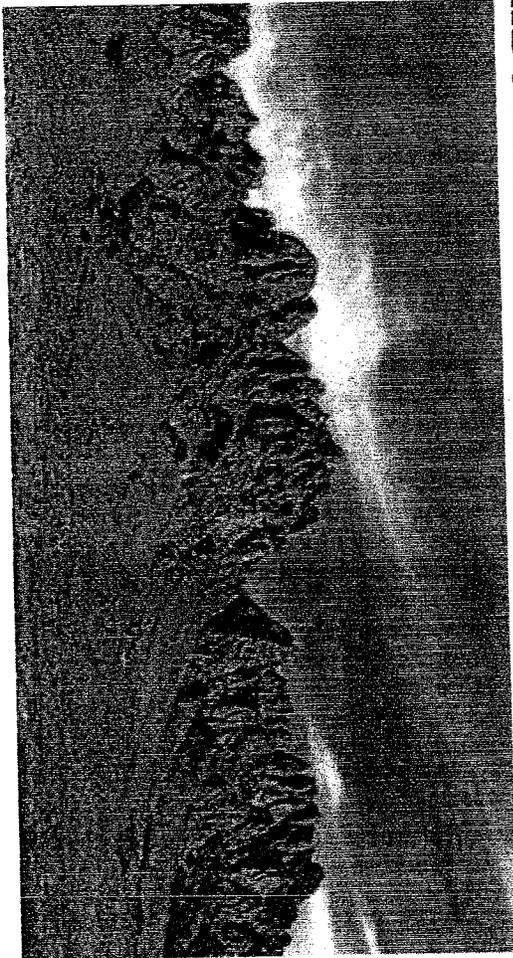


CONTENTS

- o Our Community
- o Our Concerns
- o The Process
- o The Questionable Need
- o The Result
- o The Future



MIRMAR NEIGHBORHOOD ASSOCIATION OUR NEIGHBORHOOD



Las Cruces, New Mexico

o **Overlooking the Organ Mountains**

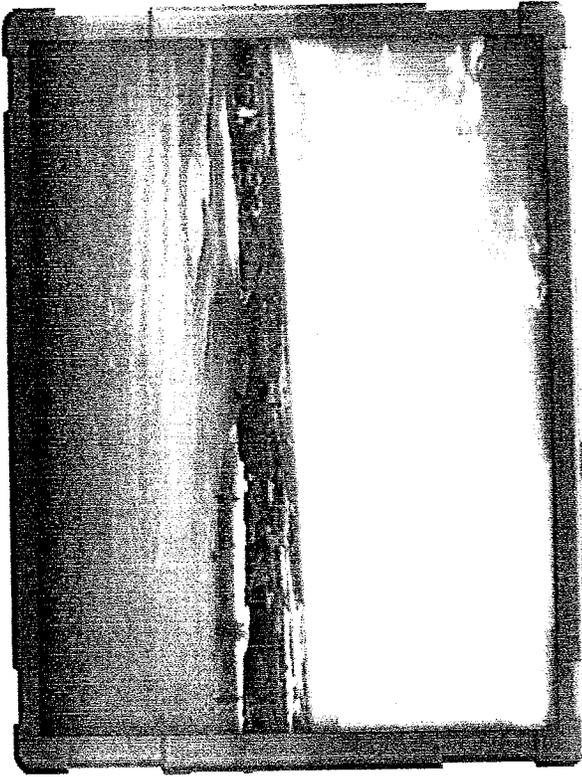


Community Pride, Civic Pride

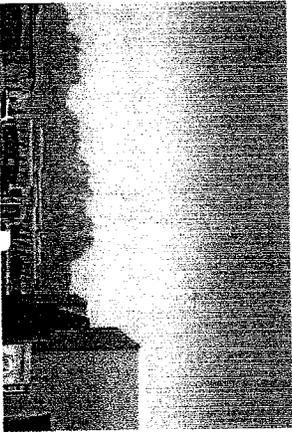
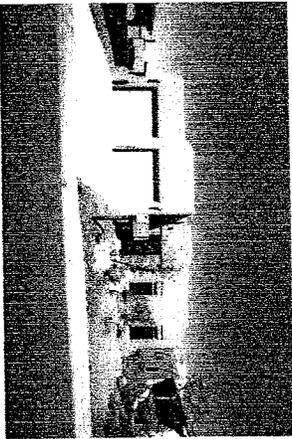
THE VIEW OF AN IDEAL COMMUNITY

SONOMA RANCH EAST 2

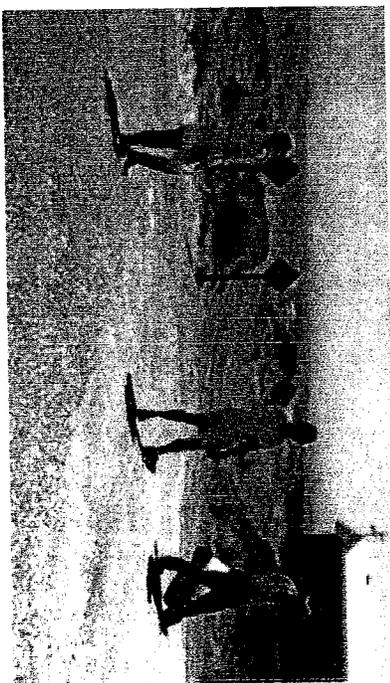
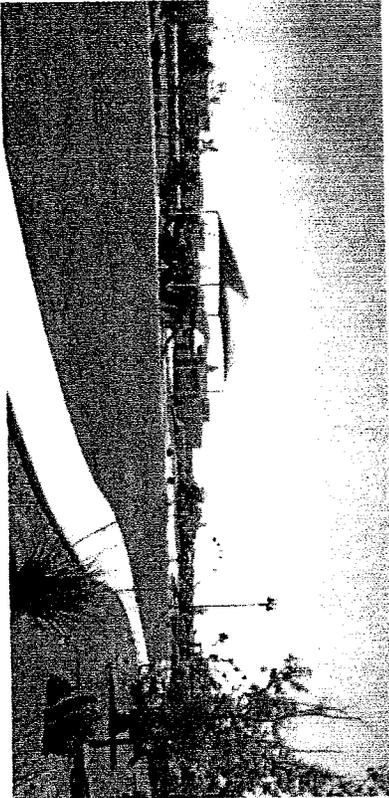
UNSURPASSED ARCHITECTURE



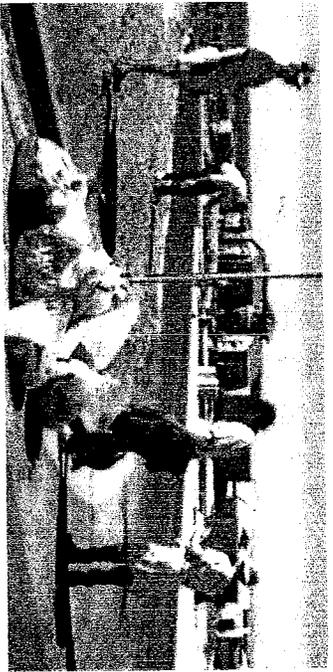
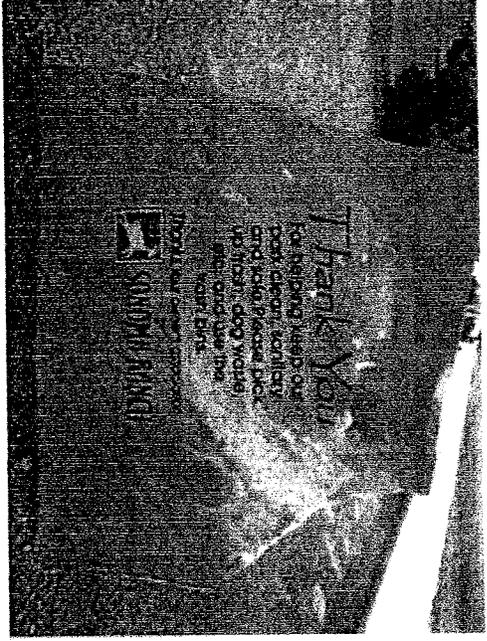
Beautiful Homes, Beautiful View



MIR/MAR BEAUTIFICATION
MIR/MAR WEB PAGE
[HTTP://WWW.CEPA2000.ORG/SRNEWSGAC.HTML](http://www.cepa2000.org/srnewsGAC.html)



Great American Clean-up



**Mir/Mar Neighborhood
Team**

ENCROACHING ON OUR NEIGHBORHOOD WITH ANOTHER DETRACTION

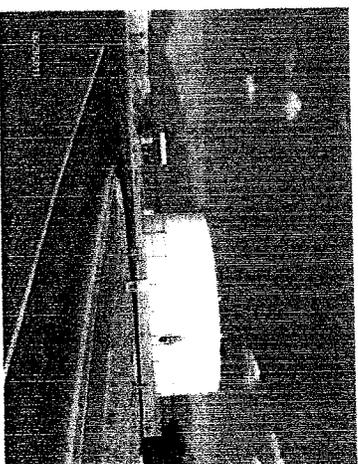
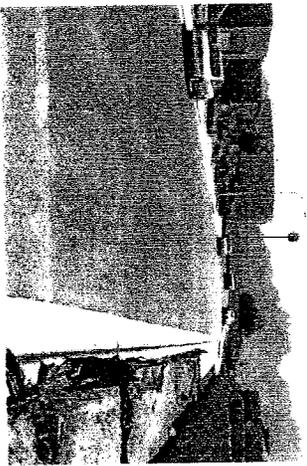
Jornada Water Tank

Verizon

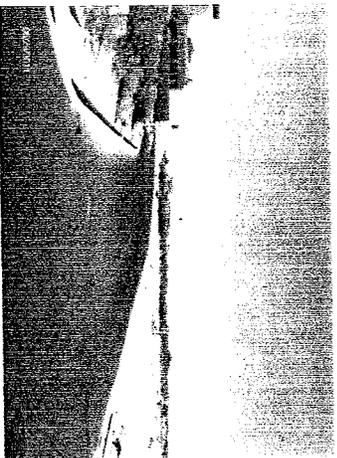
Special Use Permit
(SUP)

Application
on behalf of Area 51 LLC

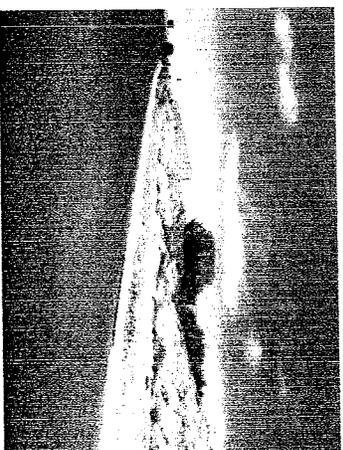
Community Development



View from
Maricopa Circle



View from Sedona
Hills Pkwy



Pagosa Hills Ave

Planning & Rezoning
Cell Tower

Pagosa Hills Ave

HOMIE VALUES AFFECTED?

ENCROACHING ON OUR NEIGHBORHOOD WITH ANOTHER DETRACTION CONT....

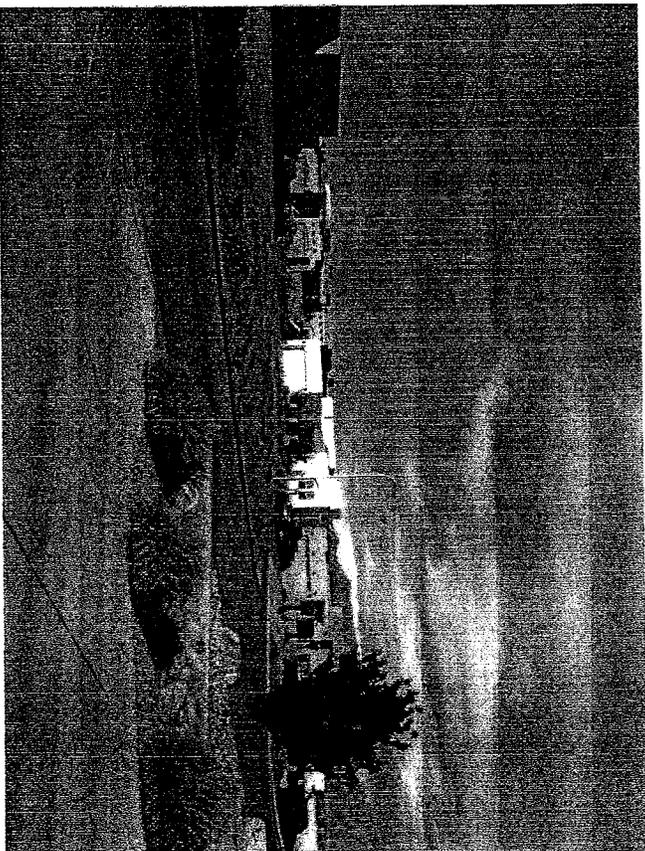


Double the Height: “Two to One”

MIRMAR RESIDENT CONCERNS

Vision 2040

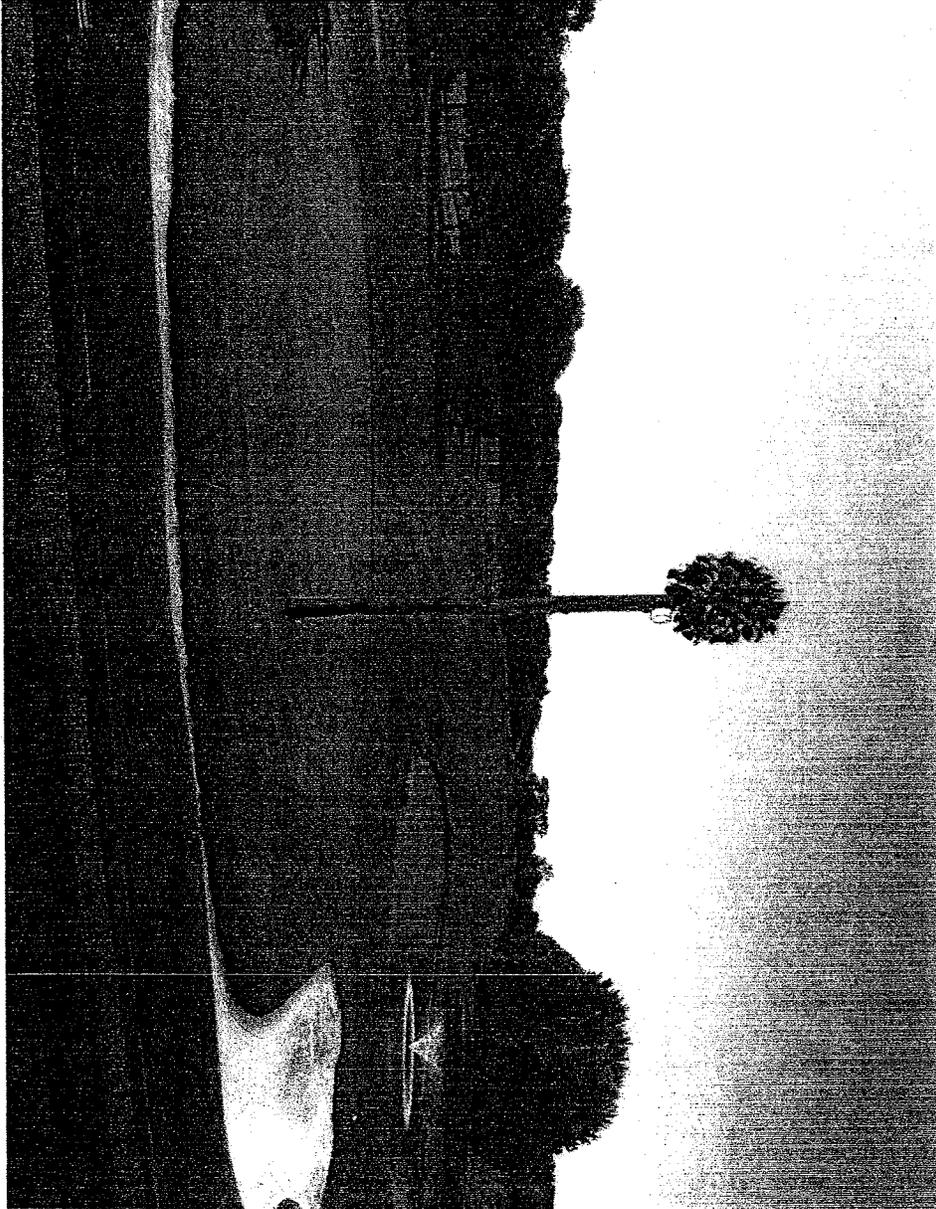
- o Home values will be negatively affected
- o Obstructed view of Organ Mountains
- o Detracts from natural beauty of area
- o Built/purchased when area did not have a cell tower
- o Adjacent lots won't be sold



Save Unobstructed View

Zoning is about providing a good environment...NOT about generating revenue.

WOULD YOU WANT THIS IN YOUR BACKYARD?



ZONING APPLICATION (CASE # Z2837) IS DEFECTIVE AND SHOULD BE REJECTED

- o Property owners did not sign application: Section 38-10 C.8) a. requires application signed by all property owners. Application has been corrected to show Area 51 LLC as the property owner but without signature.
- o Mr. Matthew Holt is the only listed agent and officer of Area 51 LLC (NM PRC records.) He did not sign application. A person who has a specific "Power of Attorney" for subject property could sign for the owner but no such power of attorney has been recorded at County Clerk's Office that could be found.
- o Different Applicants: Mr. George B. Rawson signed an affidavit on May 24, 2011 stating that he is the applicant for the Zone change while page 4 of the Development Statement states that the applicant is Sonoma Ranch Subdivisions LTD.
- o No requests for waivers or variances for the following two items:
 - (1) Proposed lot size does not meet development standards for C-1C (Commercial Low Intensity Conditional). Minimum lot width – 60 feet. Proposed North boundary is only 16 feet wide.
 - (2) Proposed cell tower is 65 feet high. Adjacent property is zoned R-1b, Section 38-59 F.2.B2 would require a 71 foot set-back, but the maximum width of the proposed rezoning is only 61 + feet thereby, precluding the required set-back.

REZONING DOES NOT MEET THE INTENT OF THE CITY'S ZONING CODE

- o Zoning is a method used by cities to promote the compatibility of land uses by dividing land into different districts or zones. The purpose of the City's Zoning Code (Chapter 38 of the LCMC) is to achieve an urban form which supports and enhances our unique environment. The intent of the City's Zoning Code is to encourage the most appropriate use of land and to promote health, safety, and general welfare of the community for the purpose of improving each citizen's quality of life.
- o Policy 1.5.1 "...Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a **CONVENIENCE** to adjacent neighborhoods..." ***Not as a convenience to commercial endeavors.***

REZONING DOES NOT MEET THE INTENT OF THE CITY'S ZONING CODE

- o Ordinance 2624 - "...The proposed zone change will allow for utility-related land uses such as antennas, towers, communication structures and other vertical structures and public/private utility installations...". NOT JUST A CELL TOWER. Further, the City Development statement states "...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 applicant has already stated that they would ALLOW CO-LOCATION OF OTHER CARRIERS' ANTENNAS.*
- o NO Subdivision Plat, building elevations nor renderings were submitted.

NO NEED FOR RE-ZONING

- The purpose of re-zoning is for the installation of a **Cell Tower which is not needed.**
- While the re-zoning is a stand alone issue the information contained in the **Special Use Permit (case#SUP-11-01) does not support the need for the re-zoning.**
- Beyond the fact that the SUP should not have been accepted because the application was NOT executed with owners signatures, the **application omitted ALL of the required technical information to prove the need (Sec.38-59,F6 a,b,c).**
- P&Z failed to hire a **qualified expert to review and provide written recommendation to the P&Z of the technical information as a part of the application.**
- Our **evaluation of the facts that are available are as follows:**

VERIZON CELL PHONE COVERAGE SONOMA RANCH AREA

Saturated



Not Exhausted

o Roadrunner
Pkwy/Golf Course
Road

o Average Rating 4.6
out of 5.0

o General Comments:

- Excellent reception, no dropped calls
- Only an occasional dropped call. Good reception all over town.

Digital Reception: Nationwide

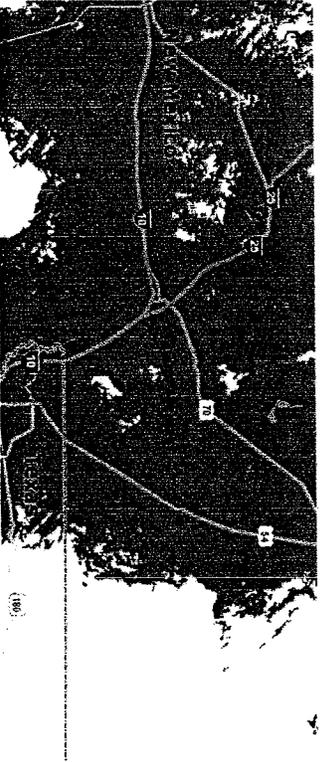
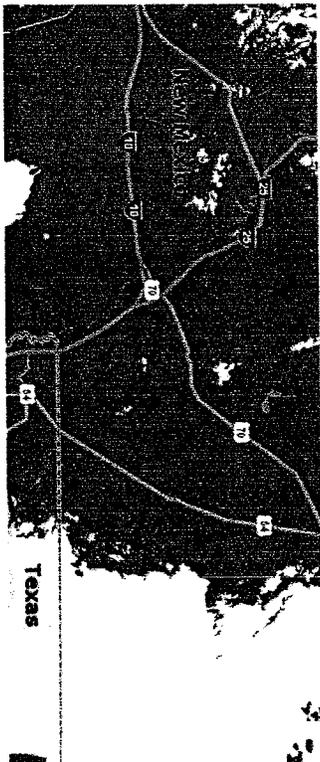
Coverage locator depictions apply to:

- Nationwide calling plans
- America's Choice
- Mobile broadband & Pre-Paid

EXCELLENT COVERAGE ALREADY EXISTS

VERIZON CELL PHONE COVERAGE LOCAL AND REGIONAL AREAS

Saturated Coverage



VOICE LAS CRUCES

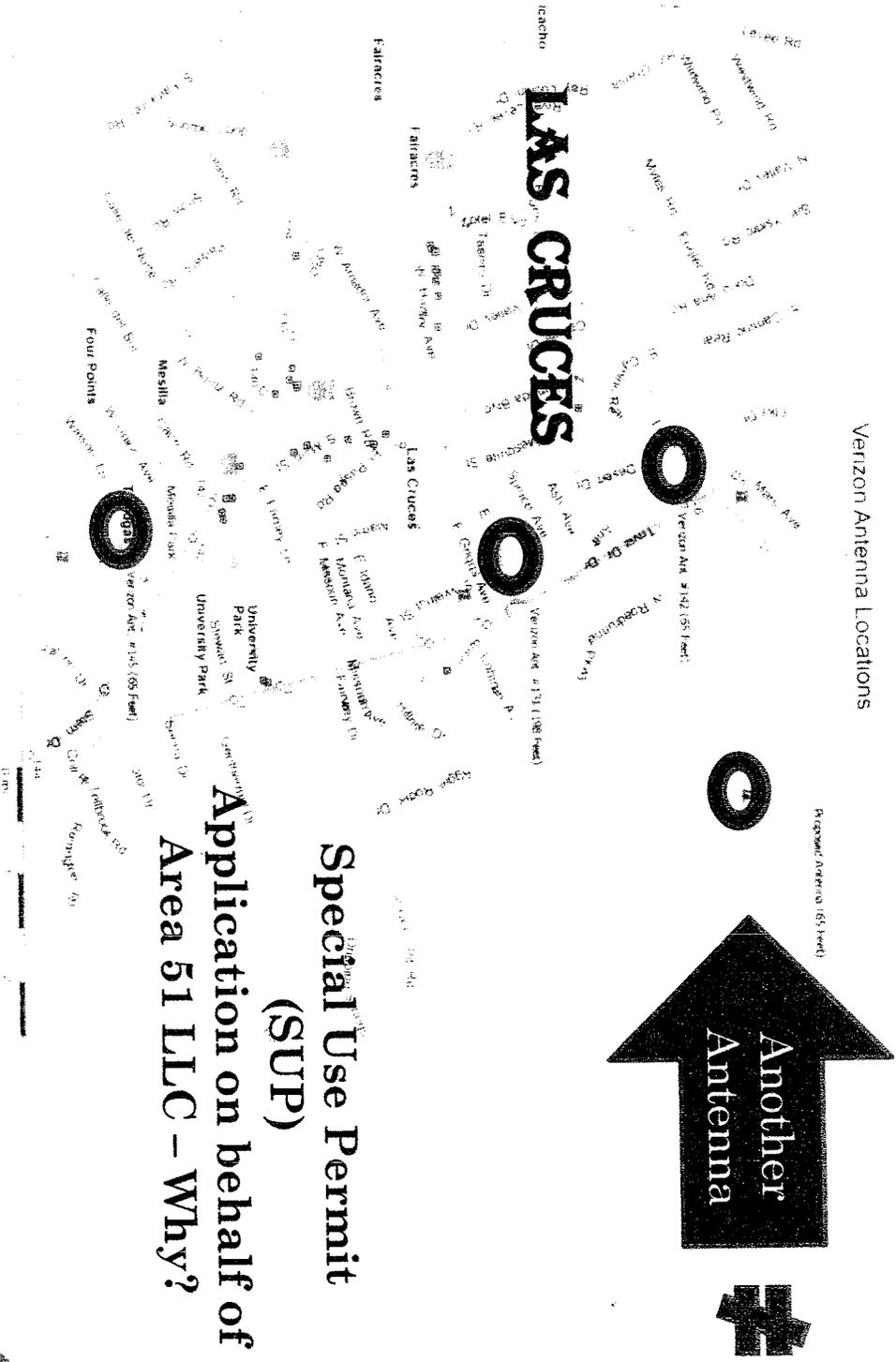
VOICE REGIONAL

DATA REGIONAL

EXCELLENT COVERAGE ALREADY EXISTS

VERIZON ANTENNA LOCATIONS

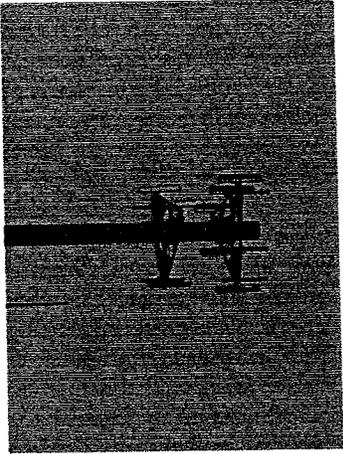
Verizon Antenna Locations



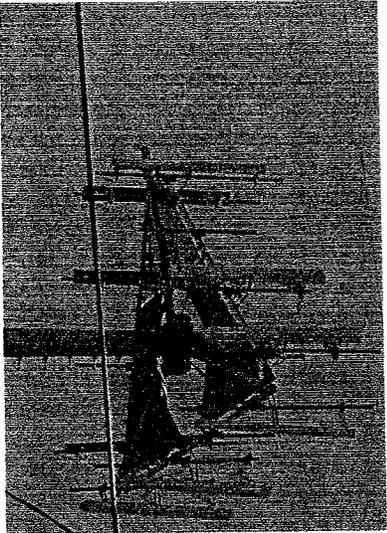
Special Use Permit (SUP)
Application on behalf of Area 51 LLC – Why?

Saturation will occur at end of 2011 – Not Signal Strength

EXISTING VERIZON TOWERS HAVE ROOM FOR EXPANSION



Verizon
Antenna
142



Verizon
Antenna
145

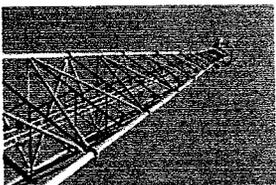
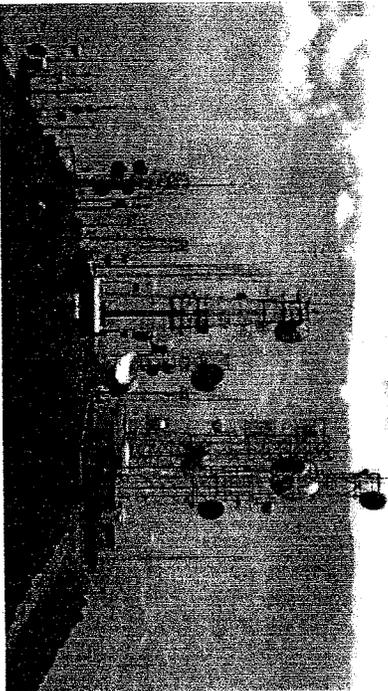
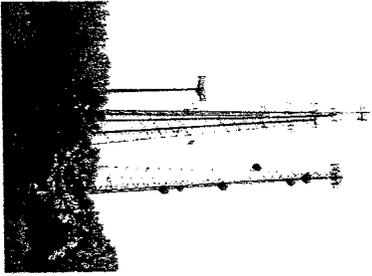
Room for Growth

- Verizon could lease from other towers
- Carriers will typically use multiple antennas on the tower.
- Verizon to use Alternate Site not requiring rezoning

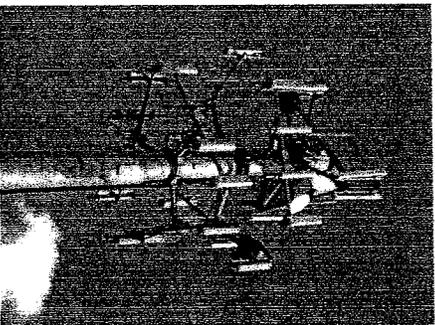
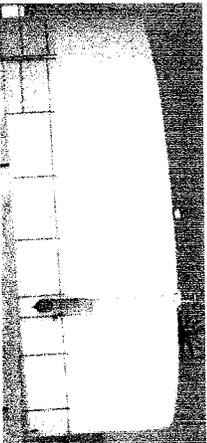
IS THIS WHAT WE WANT?

Multiple Antennas Permitted
—Revenue Stream Increased—

Area 51 LLC



It's just a matter of time!

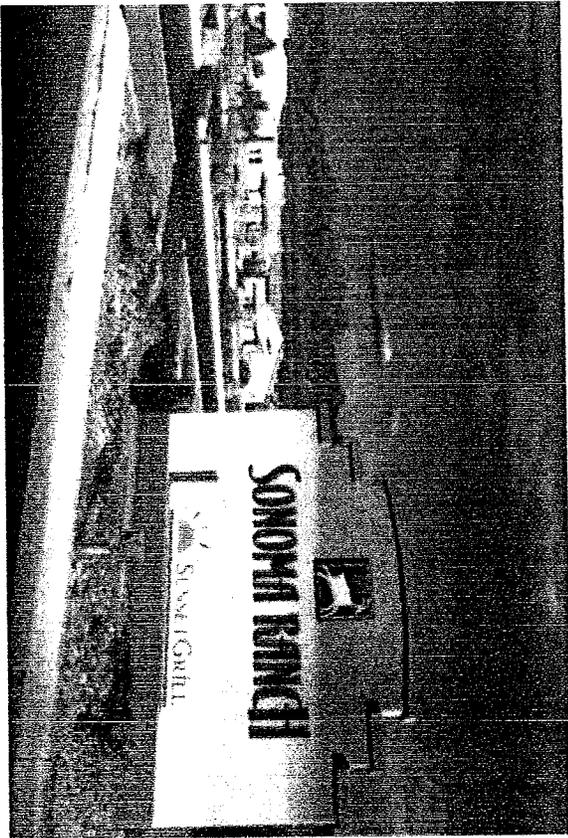
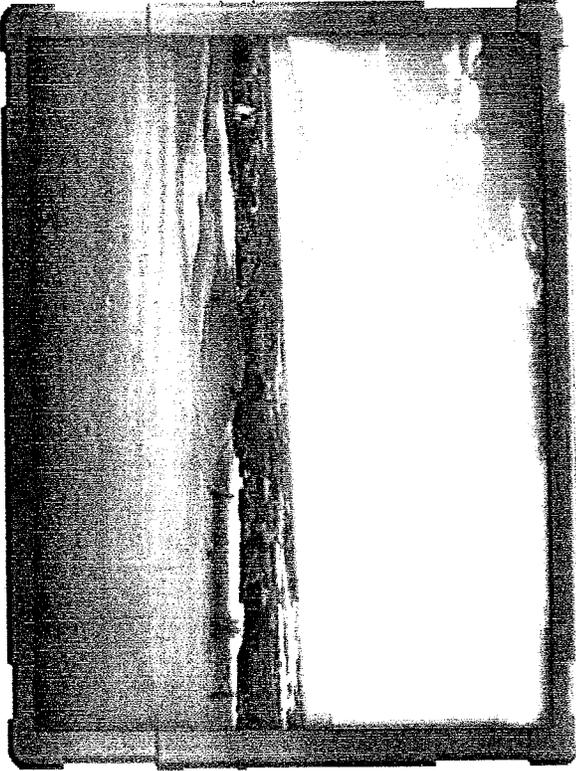


Area 51 LLC Benefits – But Community Degraded

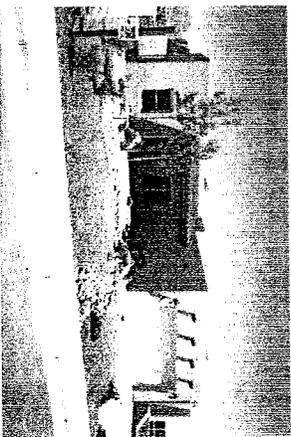
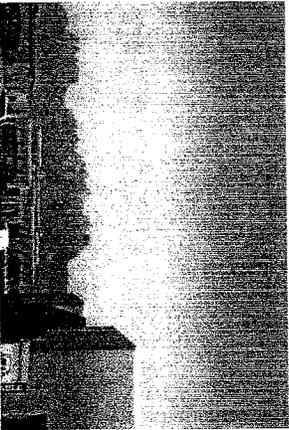
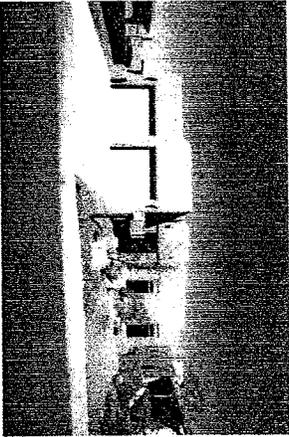
THE PRESENT

SONOMA RANCH
EAST 2

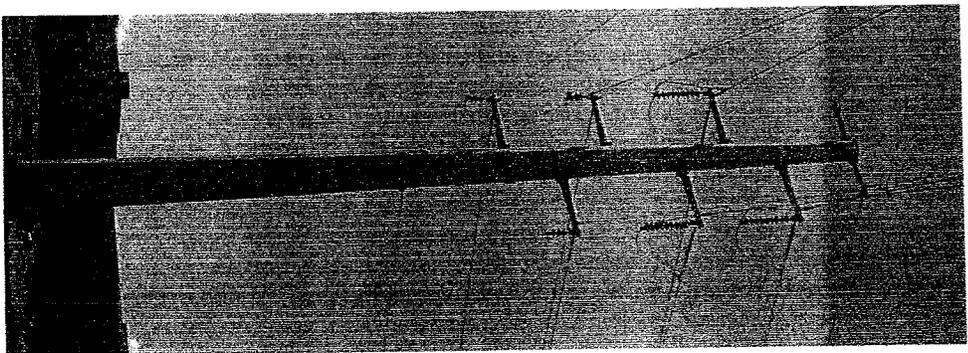
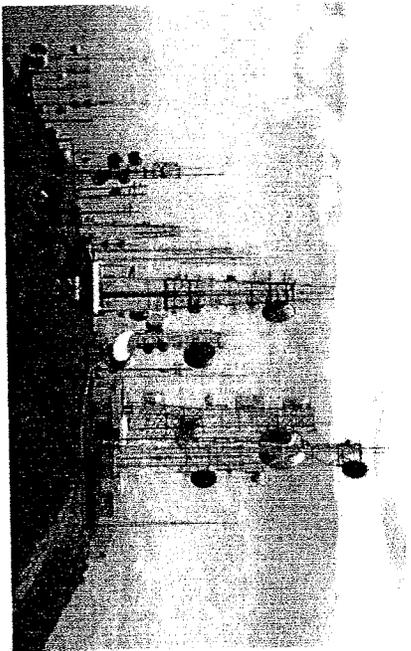
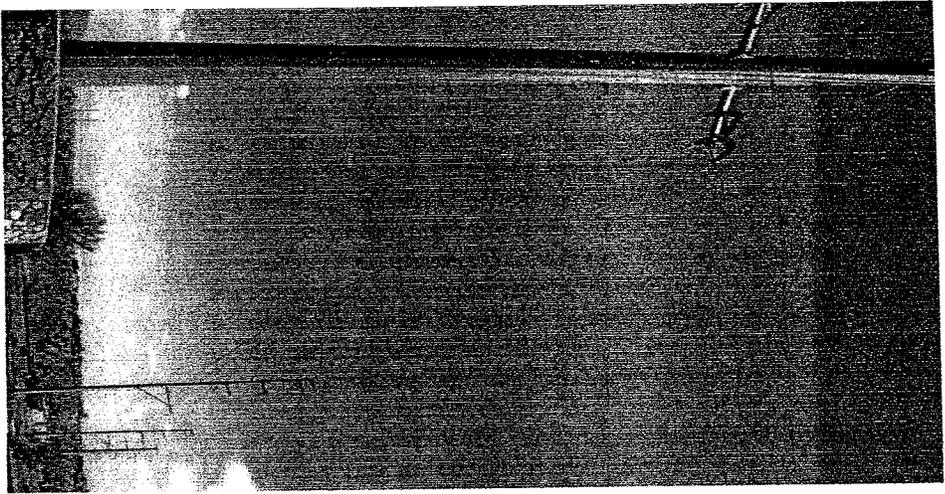
UNSURPASSED
ARCHITECTURE



Beautiful Homes, Beautiful View



ENVISION THE FUTURE



- Existing natural beauty gone
- A fake “Palm Tree” fools no one

NO TO THE REZONING!

CITY'S ZONING CODE

The intent of the City's Zoning Code is to encourage the most appropriate use of land and to promote health, safety, and general welfare of the community for the purpose of improving each citizen's quality of life.

The purposed rezoning does not meet the
intent

SAY NO TO AREA 51 REZONING

KEEP THE CELL TOWER OUT!

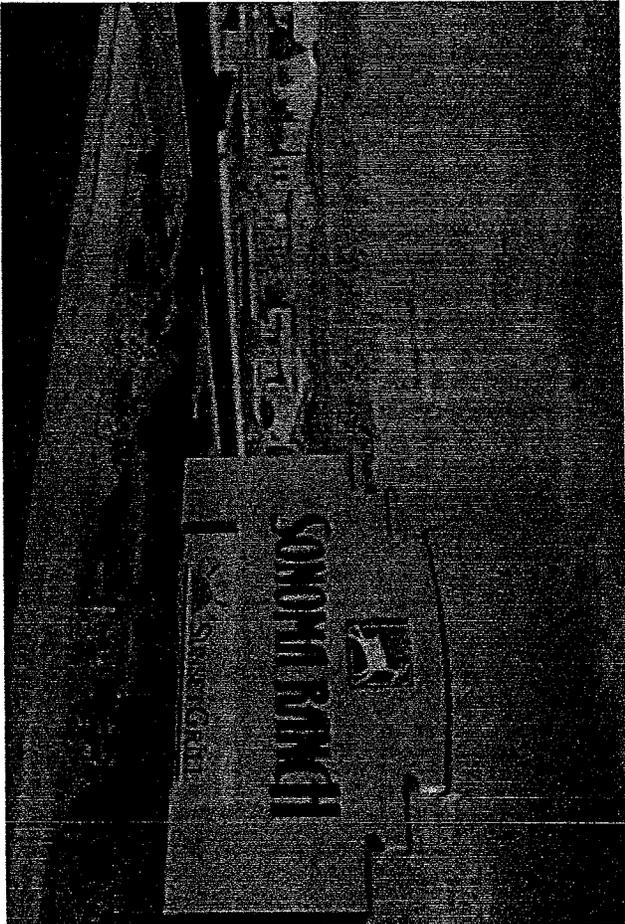
PLEASE VOTE NO

It is our firm belief that this Re-Zoning request is:

- o NOT consistent with the City's Design Standards
- o Not Needed
- o Not The most appropriate use of land
- o Does Not promote and preserve visually attractive and pleasing surroundings
- o Does Not improve each citizen's quality of life

Thank you for your consideration !

MIRMAR NEIGHBORHOOD CITY OF LAS CRUCES



- Verizon can use alternate site
- Rezoning not required w/Alternate Site
- Vote NO to a Rezoning Proposal

NEIGHBORS FIRST!

4407 La Cienaga Place
Las Cruces, New Mexico 88011-1741

August 2, 2011

Mr. Robert Garza
Las Cruces City Manager
700 North Main Street
Las Cruces, New Mexico 88001

RECEIVED

AUG 04 2011

CITY OF LAS CRUCES
CITY MANAGER'S OFFICE

PC: Brian Donmar
Dave Weir

Dear Mr. Garza:

This letter is to voice my opposition to the proposed installation of a cell phone tower near my residence in the Sonoma Ranch East II Subdivision. My primary concerns relate to the cell tower installation negatively affecting my property value, the developer's disregard of existing covenants that preclude the installation of any antennas or towers in the Subdivision, and a doubtful statement made by the rezoning applicant at the July 26 Planning & Zoning Commission public meeting. Details follow:

I believe my property value will be negatively affected. To support this -- prior to relocating to my residence in Sonoma Ranch four years ago from Sarasota, Florida -- it took nearly one year to sell my house because it was located 100 yards from power lines and support towers. Six very-interested buyers said they would have purchased/or made an offer to buy but did not because of the proximity of the power lines and towers. As a result I reduced the asking price several times until a willing buyer was identified. However, the sale was made at an appreciably lower price because of the existing power lines and towers. Consequently, I fear the same effect at my current residence, if the proposed cell phone tower was installed.

Prior to relocating to Las Cruces I was determined not to locate near towers, power lines or similar structures. After considering several neighborhoods for my residence I selected the neighborhood in Sonoma Ranch where I currently reside. Although the Jornada water tank, which is located next to the site of the proposed cell phone tower, was at first a negative factor, the realtor told me that it would be painted similar to the other water tanks throughout the community, thereby, for me, turning the water tank into, at least, a neutral factor. Had a cell tower then existed at the proposed location, my decision would have been not to complete the purchase and look elsewhere. The realtor also told me that the undeveloped area to the East was plated as residential for future development.

I intentionally selected the Sonoma Ranch area because of the covenants that control the type and appearance of structures and the use restrictions. The covenants of Sonoma Ranch East II Subdivision prohibit the construction of any structure exceeding "one story above grade with a maximum height of twenty-three (23) feet above the highest finished grade on the lot. . . ." yet the developer is now asking my neighbors and me to accept the installation of a 65-foot cell phone tower near our homes. This is a double standard solely for the developer's benefit at the expense of residents concerns. Should these rules apply to both residents and developer? Yes, I think so.

Mr. Robert Garza
August 2, 2011
Page 2

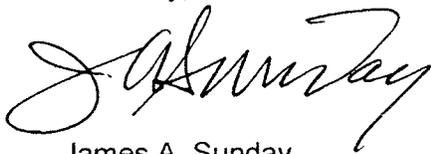
The covenants also prohibit transmission towers and antennas and the mounting of satellite dishes that exceed 39 inches. Satellite dishes that meet the restriction must be mounted, in accordance with the covenants, so they are not visible from the street, presumably to preserve the aesthetic appearance of the neighborhood. Again, the proposed tower installation is in direct conflict with the covenants.

The rezoning applicant, Mr. George Rawson, while speaking at the July 26 Planning & Zoning Commission meeting, stated that their proposed cell tower location is, using his word, the "best" because it is the highest point in this area. Actually, the selected location is not the highest point in this area. The elevation of the proposed tower is 4,340 feet above sea level. I reviewed topographical maps of the area and found that three-quarters of a mile East of the proposed tower location the elevation on a North/South plane rises to 4,400 and continues to rise to the East at the same inclination. Therefore, 4,000 feet to the East of the proposed tower location the elevation is 60 feet higher than what Mr. Rawson affirmed is the highest location in the area.

Mr. Rawson also stated that the petition opposing the rezoning presented at the meeting represented 65 of 225 households. With due respect to Mr. Lawson, he is misinformed or is including empty lots and unoccupied houses. In my immediate community, the MirMar neighborhood, the petition was signed by 141 residents representing 91 of 112 households, or 81 percent of occupied houses. Four households contacted elected not to sign. Some households were not contacted because residents were away for an extended period. For the record, of the total of 160 signatures included on the petition, 19 were from households immediately to the North of Sedona Hills Parkway adjacent to the proposed cell tower location.

The construction of a 65-foot cell phone tower directly next to my community is not necessary, considering the availability of many other suitable, higher-elevation sites in undeveloped areas 4,000 feet to the East of the proposed site. I ask you, as City Manager, to take note of my complaint and those of others opposed to the rezoning and act in our behalf.

Sincerely,



James A. Sunday

Helen Revels

From: Sharon K. Thomas
Sent: Thursday, June 30, 2011 5:23 PM
To: Helen Revels; monte_15@msn.com
Cc: latwood49@gmail.com; David Weir; Brian Denmark
Subject: RE: Zoning Change

Monte,

I am forwarding your email to Helen Revels for more information.

I understand that this item will be on the agenda on Monday, July 5th. The meeting starts at 1pm, but the item is third on the Discussion part of the agenda.

Sherry

Sharon Thomas
Mayor Pro Tem
City Councilor District 6
Las Cruces, NM

From: monte_15@msn.com
To: latwood49@gmail.com; skthomas_10@msn.com
Subject: Zoning Change
Date: Wed, 29 Jun 2011 08:01:59 -0600

My sisiter, who lives in Hawaii, owns a home on Miramar Arc. She just received a certified letter from a city planner advising her that on July 5, 2011 at 1:00 pm there would be a meeteing at the city council chambers to discuss a zoning change request from Sonoma Ranch Subdivision, Ltd to rezone .25 acres from R-1B to C-1 commercial for the purpose of constructing a cell phone tower. I understood the location to be just east of Pagosa Hills in the area where the water tank is located. This is information I received via a phone converstion and may not be totally accurate. Be that as it may, I never received any notice and I am not aware of anyone who has because everyone living in the Sonoma Ranch East II, Phase 1 and 2 will certainly be affected by the zoning change and need the opportunity to heard at the hearing. The planners name was something Helen Revels (?)

Monte Shriver
522-4908

512

Helen Revels

From: MONTE SHRIVER [monte_15@msn.com]
Sent: Thursday, June 30, 2011 5:39 PM
To: Sharon K. Thomas; Helen Revels
Cc: Linda Atwood; David Weir; Brian Denmark
Subject: RE: Zoning Change

Sherry,

Thanks for your response. I talked to Helen today and have a better understanding of how the distribution of zoning change notifications are sent to the affected parties. I don't agree with the process but as best as I can determine the notices sent out seem to comply with Section 38-10 (D) 4; however, many of us most directly affected by the change never received any notice

Hope to be at the Meeting.

Monte

> Subject: RE: Zoning Change
 > Date: Thu, 30 Jun 2011 17:22:39 -0600
 > From: sthomas@las-cruces.org
 > To: helenr@las-cruces.org; monte_15@msn.com
 > CC: latwood49@gmail.com; dweir@las-cruces.org; briand@las-cruces.org
 >
 >
 > Monte,
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 > Sherry
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 > Mayor Pro Tem
 > City Councilor District 6
 > Las Cruces, NM
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 > _____
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 >
 > Monte Shriver
 > 522-4908
 >
 >
 >
 >

7/1/2011

Helen Revels

513

From: J Mark Cobb [jmarkcobb@gmail.com]
Sent: Friday, May 13, 2011 10:06 PM
To: Helen Revels
Subject: Re:
Follow Up Flag: Follow up
Flag Status: Red

Perhaps I was left off of the original note as we do elect new officers each year. (I did hear of it from others, though)I would like to send out an email to all residents advising them of the date of the hearing so all interested can attend. Perhaps the tower will divert some of the attention from the eyesore water tank that is rusting and has a prison fence around it. Can you please advise of the date/time of hearing so we may have an abundant presence at the meeting? Any details regarding the cosmetic appearance of it would help also. We would like to fully scrutinize the advantages and disadvantage of granting a variance.

Regards,
 J Mark Cobb
 President, MirMar Neighborhood Association

On 5/13/2011 3:50 PM, Helen Revels wrote:

Attn: Miramar and Maricopa Neighborhood Assn.

I would like to inform you that an application has been submitted to City's Community Development Department for a zone change from R-1b to C-1C for a communication structure. You were notified last month regarding the Special Use Permit application that was submitted for the same communication structure. The zone change request must be publicly heard at a regularly scheduled Planning & Zoning Commission meeting. The case number is Z2837 and it involves a property located east of the terminus of Sedona Hills Parkway and Pagosa Hills Avenue.

The subject property is near the Miramar and Maricopa Neighborhood and our office is providing you notice of this submittal. Please feel free to contact me by email at helenr@las-cruces.org or by telephone 528-3085 if you have any further questions.

Thanks,

Helen Revels
 Associate Planner
 City of Las Cruces
 (575) 528-3085

--
 "Under no circumstances will I ever purchase anything offered to me as the result of an unsolicited e-mail message. Nor will I forward chain letters, petitions, mass mailings, or virus warnings to large numbers of others. This is my contribution to the survival of the on-line community." (The Boulder Pledge by Roger Ebert – please feel free to use it!) Remember If you forward this Email PLEASE REMOVE all Email addresses before you send it on. AND, when forwarding to more than one person put all the addresses in the BLIND CARBON COPY area to keep each one private! "Be kind to your e-mail buddies"

7/1/2011

Helen Revels

514

From: MONTE SHRIVER [monte_15@msn.com]
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To: Sharon K. Thomas; Helen Revels
Cc: Linda Atwood; David Weir; Brian Denmark
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 >
 > Monte Shriver
 > 522-4908
 >
 >
 >
 >

7/5/2011

Z 2837
Ordinance 2624

1. DEFECTIVE NOTICE:

- A. Posted in a conspicuous site
- B. P&Z meeting (5/24/11) No public in attendance, only 2 protest letters.
- C. Reason for petition and protests not indicative of proper notice
- D. Map showing skewed distribution of notice.

2. LOT SIZE DOES NOT APPEAR TO MEET DEVELOPMENT STANDARDS FOR ZONING C-1C COMMERCIAL LOW INTENSITY CONDITIONAL

- A. Minimum lot depth/width 70/60 feet (page 162)
- B. See second attachment. Page 158, Exhibit 8
- C. Special Use Permit

3. Page 160 b. iv: LOW INTENSITY COMMERCIAL DEVELOPMENT SHALL GENERALLY NOT LOCATE WITHIN ONE-QUARTER MILE (1320 FEET) OF OTHER COMMERCIAL DEVELOPMENTS

See third attachment Zone Map, Page 175, Attachment 4

Ownership

4. Page 159: "Policy 1.5.1. "...LOW INTENSITY COMMERCIAL USES SHALL BE DEFINED AS THOSE COMMERCIAL USES WHICH GENERATE SMALL SCALE RETAIL AND SERVICE ACTIVITIES AS A CONVENIENCE TO ADJACENT NEIGHBORHOODS...".

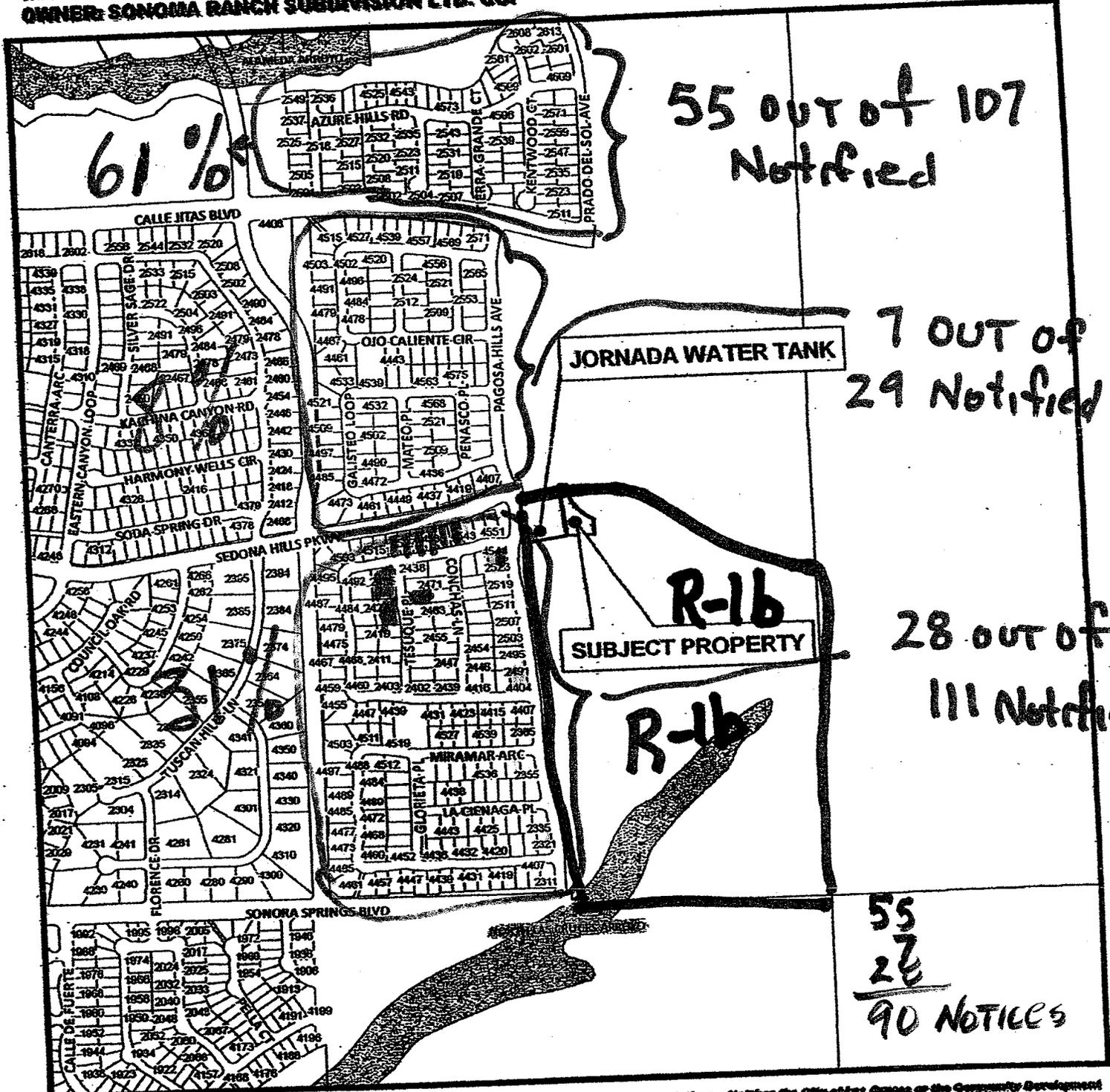
5. AMBIGUITY: NOT JUST A CELL TOWER BUT "...LIMITED TO...ANTENNAS, TOWERS, COMMUNICATION STRUCTURES...".

Page of 170 Development statement "...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...".

6. Pictures.

ZONING: R-1B

OWNER: SONOMA RANCH SUBDIVISION LTD. CO.



55 OUT OF 107 Notified

61%

7 OUT OF 29 Notified

JORNADA WATER TANK

28 OUT OF 111 Notified

R-1b SUBJECT PROPERTY

R-1b

55
26
90 NOTICES

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 responsibility for the information contained in this map. Users acting in error or omissions are encouraged to contact the City (505) 625-3045.

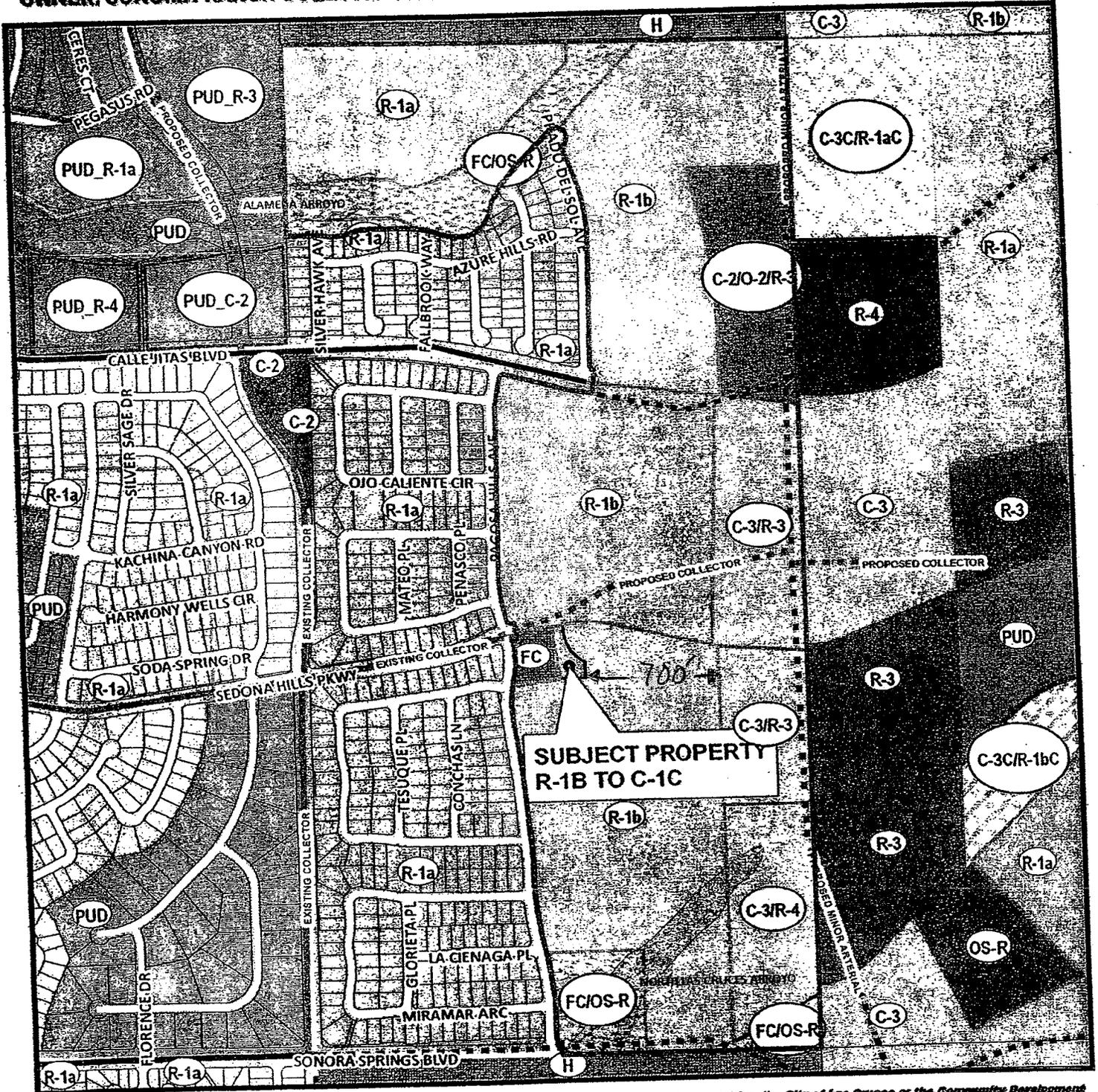


Legend

- Point Address
- City Parcels
- Interstates_Highway
- EBID Water System
- Railroad
- Arroyo
- Rio Grande

15000 0 100 200 300 400 500 600 700 800 900 1000 Feet

Community Development Department
700 N. Main St
Las Cruces, NM 88001
(505) 625-3022



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 City (575) 528-3063.

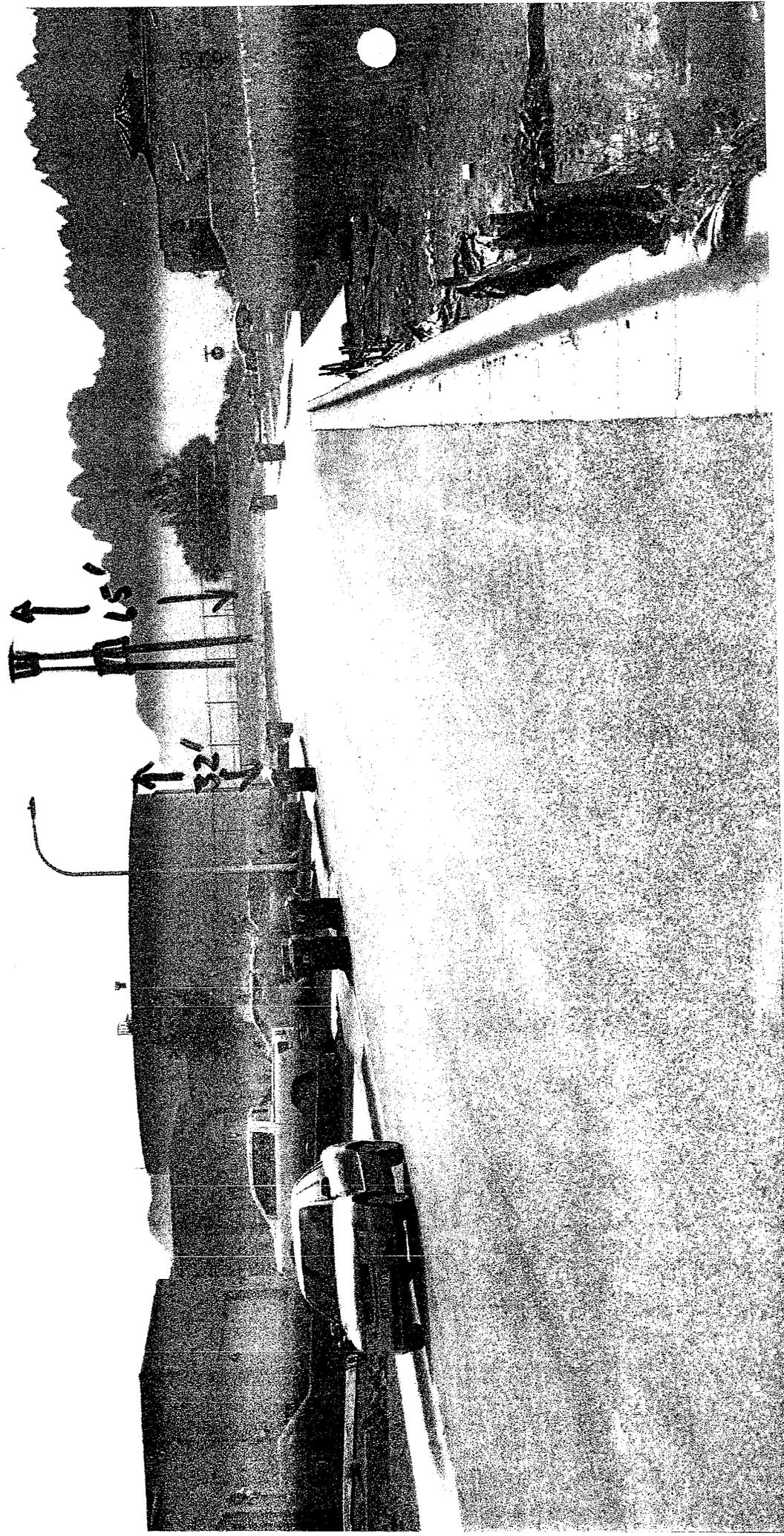
Legend	
TP	EXISTING LIMITED ACCESS
90	EXISTING PRINCIPAL ARTERIAL
80	EXISTING MINOR ARTERIAL
70	EXISTING COLLECTOR
60	PROPOSED LIMITED ACCESS
50	PROPOSED PRINCIPAL ARTERIAL
	PROPOSED MINOR ARTERIAL
	PROPOSED COLLECTOR
	PROPOSED CORRIDOR
	PROPOSED INTERCHANGE/UNDERPASS
	Non Designated Trail
	Proposed Paved EBID
	Proposed Unpaved EBID
	City Parcel
	Interstates, Highway
	EBID Water System
	Railroad
	Rio Grande
	Arroyo

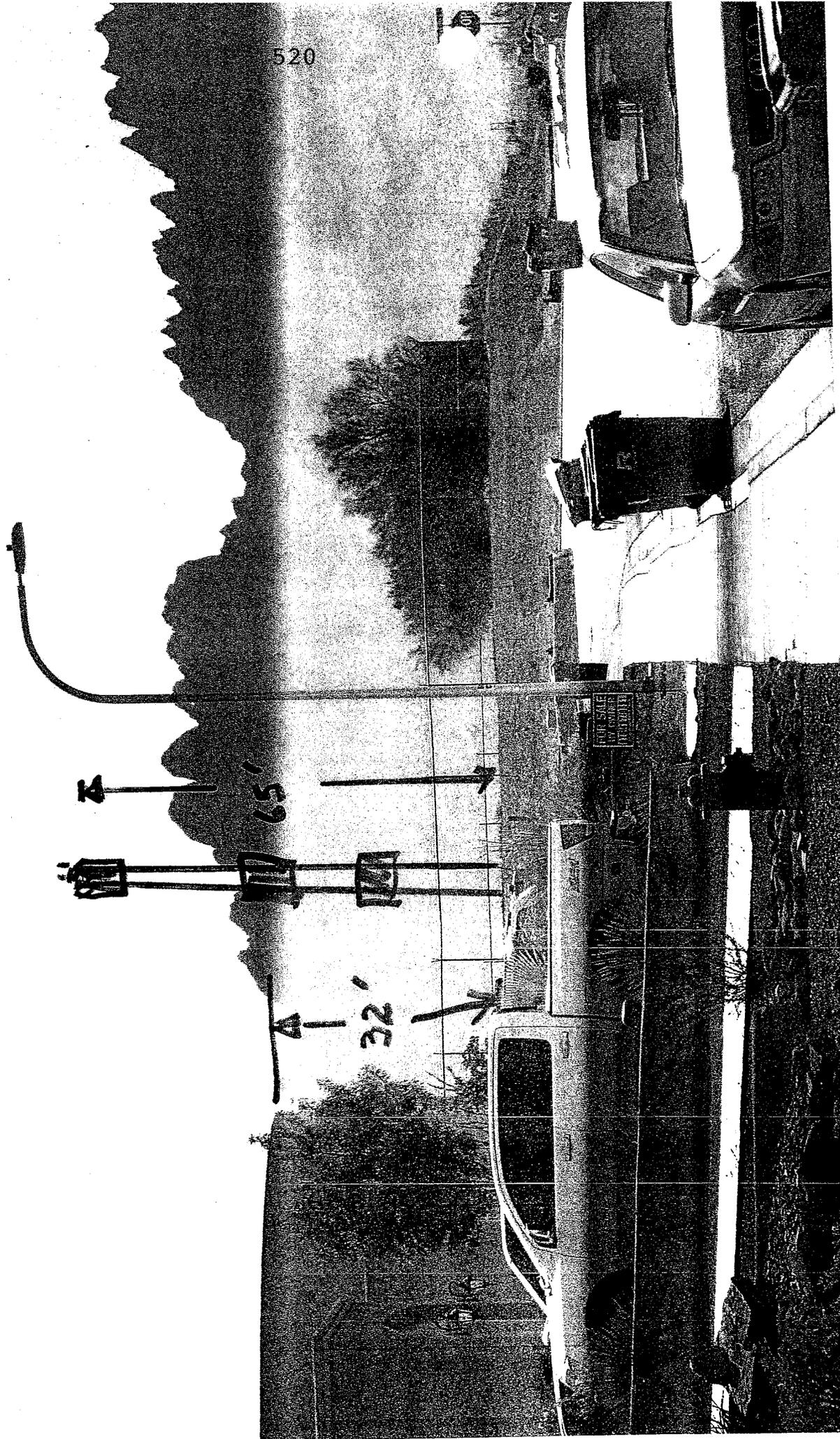
1,200 1,350

1500 0 150 300 450 600 750 900 1,050 1,200 1,350 Feet

Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

5280
4
= 1320'





To: Councilor District 6 (Sharon Thomas), City Council ,
City Manager , Mayor , and Ass't City Manager

Subject: *Vote to Table*
Letter: Greetings Councilor,

Please Vote to Table Council Bill # 12-002 Ordinance 2624 on July 5,2011.

We the effected home owners urge the City Council to "Vote to Table"
Council Bill # 12-002 Ordinance 2624.

While the Planning and Zoning Commission has recommended approval, we
believe there are numerous other critical issues that are beyond their
purview.

We would like more time to present to the Council facts that pertain to
Health issues, decreased property values, public safety, noise
pollution, fire hazard, court cases and actual need.

Signed By:

Name	Location	Date
Wayne Hancock	4527 Maricopa Cir Las Cruces, NM 88011	07/01/2011
Linda Atwood	2431 Tesuque Pl Las Cruces, NM 88011	07/01/2011
Sue Carter	2406 Tesuque Pl Las Cruces, NM 88011	07/01/2011
Roni Spetalnick	4479 Maricopa Cir Las cruces, NM 88011	07/01/2011
Monte and Phyllis Shriver	4523 Maricopa Cir Las Cruces, NM 88011	07/01/2011
James Sunday	4407 La Cienega Pl Las Cruces, NM	07/01/2011
Bruce Lewis	2467 Conchas Ln Las Cruces, NM 88011	07/01/2011
Jodie Page	2419 Tesuque Pl Las Cruces, NM 88011	07/01/2011
cindy wright	4468 Miramar Arc Las Cruces, NM 88011	07/01/2011
Jim & Peggy Albertson	4411 Miramar Arc Las Cruces, NM 88011	07/01/2011
Cheryl Meredith	4463 Maricopa Cir Las Cruces, NM 88011	07/01/2011
William Quitmeyer	4415 Maricopa Cir LAs Cruces, NM 88011	07/01/2011
David Carter	2406 Tesuque Pl Las Cruces, NM 88011	07/02/2011
Lydia Jacquez	4519 Maricopa Cir Las Cruces, NM 88011	07/02/2011
Frank Ibarra	4519 Maricopa Cir Las Cruces, NM 88011	07/02/2011

Steven George 4473 Miramar Arc Las Cruces, NM 88011 07/02/2011
James Cobb 4543 Maricopa Cir Las Cruces, NM 88011 07/02/2011
James Page 2419 Tesuque Pl Las cruces, NM 88011 07/02/2011
June kim 4408 La Cienega Pl Las cruces, NM 88011 07/02/2011
Carrie Workman 4515 Miramar Arc Las Cruces, NM 88011 07/03/2011
Fred Rodriguez 4443 Maricopa Cir Las Cruces, NM 88011 07/03/2011
Yoona Valencia 2327 Glorietta Pl Las Cruces, NM 88011 07/03/2011
Linda Myers 2430 Tesuque Pl Las Cruces, NM 88011 07/03/2011
Judith Conn 2426 Tesuque Pl Las Cruces, NM 88011 07/03/2011
Norma Landin 4492 Maricopa Cir Las Cruces, NM 88011 07/04/2011
DEEPTHY PALLEMONI 4480 Miramar Arc Las Cruces, NM 88011 07/04/2011
Janet Rodriguez 4443 Maricopa Cir Las Cruces, NM 88011 07/04/2011
Nancy Sullivan 2499 Pagosa Hills Las Cruces, NM 88011 07/04/2011

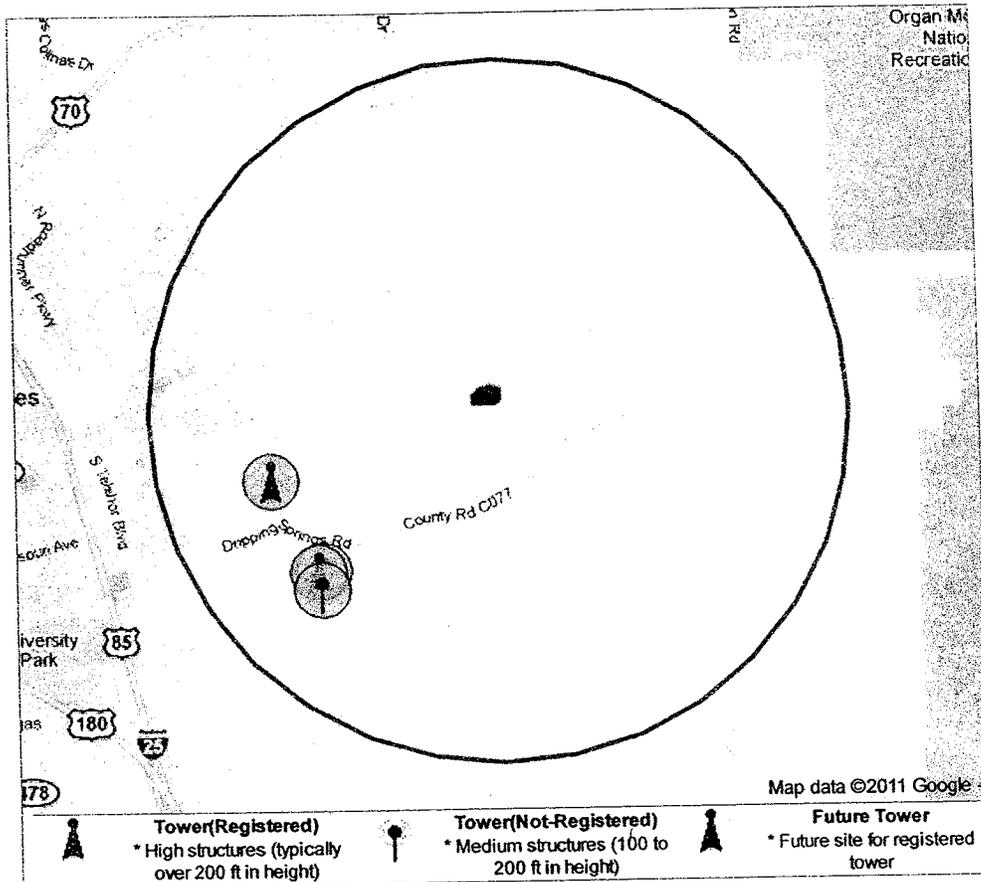
Boost Cellular Signal Building, Home, and Vehicle Cell Phone Boosters. Best Price Guarantee www.cellularsolutions.com

Cash for Your Cell Site Highest Payouts, Immediate Close, Direct Buyer, No Funding Limits www.apwip.com

Cellular Tower Lease? Approached For A Cell Tower? Wonder What A Fair Lease Rate Is? www.SteeInTheAir.com

AdChoices ▶

• **Tower Structures - (88011, New Mexico, United States)**



Tower Search Results!

Alert! 4 Towers (2 Registered, 2 Not Registered) found within 4.00 miles of 88011, New Mexico, United States.

Info! The NEAREST Tower is 2.70 miles away and is owned by Pinnacle Towers Llc.

Ok! No Applications for Future Towers detected as of 07/01/11.

Tower Type	ID Num	Site Owner	Height	Dist
Registered	(1)	<u>Regents Of New Mexico State University</u>	199 feet	2.75 miles
	(2)	<u>Mobilite Investments li, Llc</u>	130 feet	2.88 miles
Not Registered	(1)	<u>Pinnacle Towers Llc</u>	70 feet	2.70 miles
	(2)		338 feet	2.84 miles
Future	(No Towers Detected)			

Check if T-Mobile coverage is right for you with Personal Coverage Check

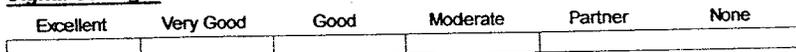
Street Intersection ex: Broadway and W 148th Street
 City State Zip 88011

Voice Coverage | Data Coverage

Prepaid and FlexPay coverage map >

Learn more about T-Mobile's expanded coverage >

Signal Strength

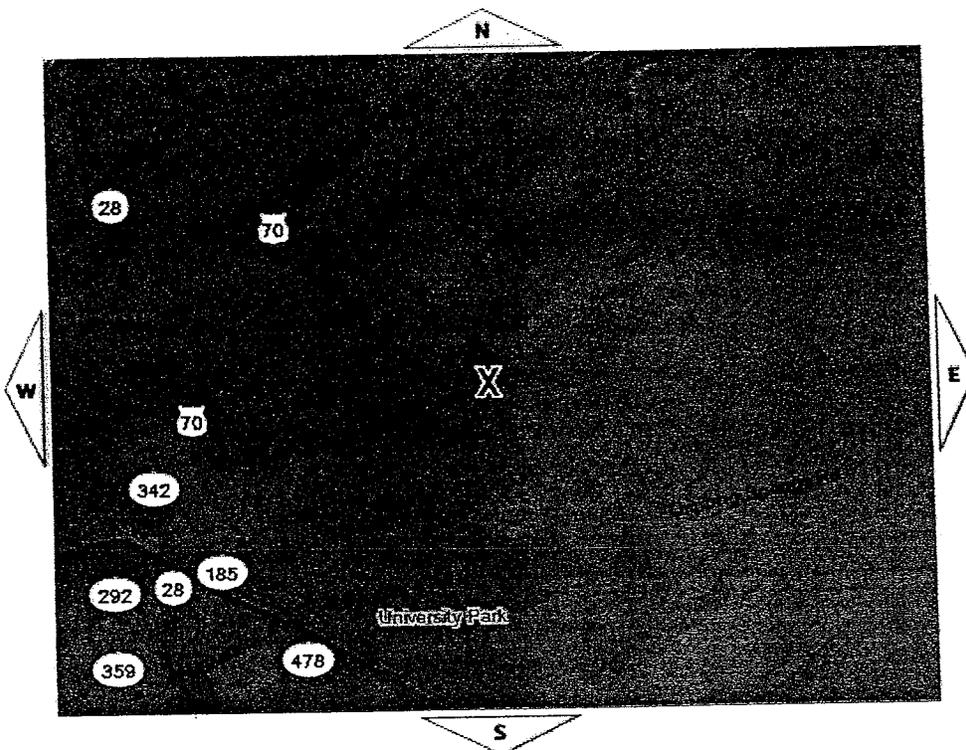


Based on outdoor coverage - indoor and in-car coverage can vary. [Click here for detailed descriptions.](#)

Zoom In



Zoom Out



Please zoom in to see street level coverage details for the areas where you live, work, and play.

Print

Map Legend

- X Address Location
 - T-Mobile HotSpot Display
 - ◆ Roaming HotSpot (Additional charges apply)
- [Find a T-Mobile HotSpot >](#)

Order Now
Call 800-922-5159
or Click to Chat

activate top-up send text en español

coverage maps

find a store

email signup

search mycricket.com

go



items in cart: 0

wireless nationwide coverage maps

your location: las cruces, nm 88011 (change)

shop now

search cricket coverage

Talk & Text Broadband & Data

Not on a plan with Nationwide Talk & Text or PAYGo \$2/day and up [Click Here](#)

My home zip code: 88011 (Change)

Check coverage for a specific location:

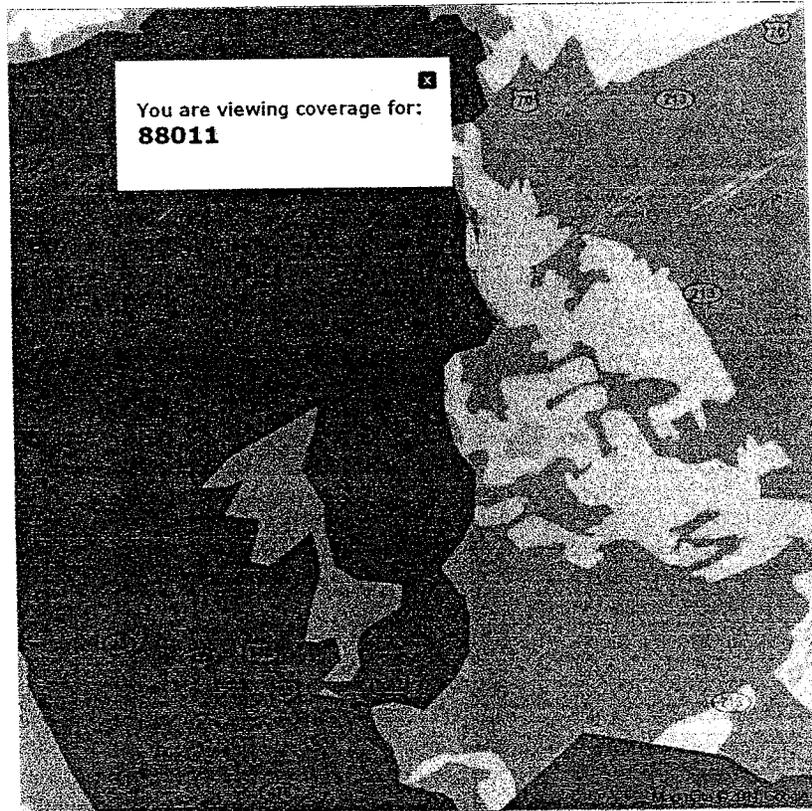
Street:

City:

State: Zip:

NM 88011

[show coverage](#)



coverage map legend

[print map](#)

Wireless and Cricket PAYGo (\$2/day and up)

- Nationwide Talk & Text Coverage
- Nationwide Talk & Text Partner Coverage
- Roaming
- Pattern indicates the need for Tri-band phone
- No Coverage

frequently asked questions

- [+] Am I covered when I travel?
- [+] Can I call anyone in the US?
- [+] Where can I use all of my rate plan features?
- [+] How do I know if I am roaming?

[Coverage FAQs](#)

Please review the coverage map, which shows the scope of your service area. Map depicts an approximation of service coverage. Actual coverage area may differ substantially from map graphics and may be affected by such things as terrain, weather, foliage, buildings, signal strength, customer equipment and other factors. Coverage indoors may also vary. Cricket does not guarantee availability of wireless network. We may limit or terminate your Service without prior notice if you no longer reside and have a mailing address in a Cricket-owned network coverage area or if a majority of your voice and/or data usage is on a Partner network during the previous month. Data is copyrighted by American Roamer, LLC. ©2011 Cricket Communications, Inc.

Cricket Wireless offers affordable wireless plans with nationwide coverage. Get unlimited nationwide talk with every cell phone plan, plus unlimited nationwide text with select plans or as an add-on to any plan. Take a look at how our wireless coverage compares to the competition and you'll find that there is no comparison.

email signup

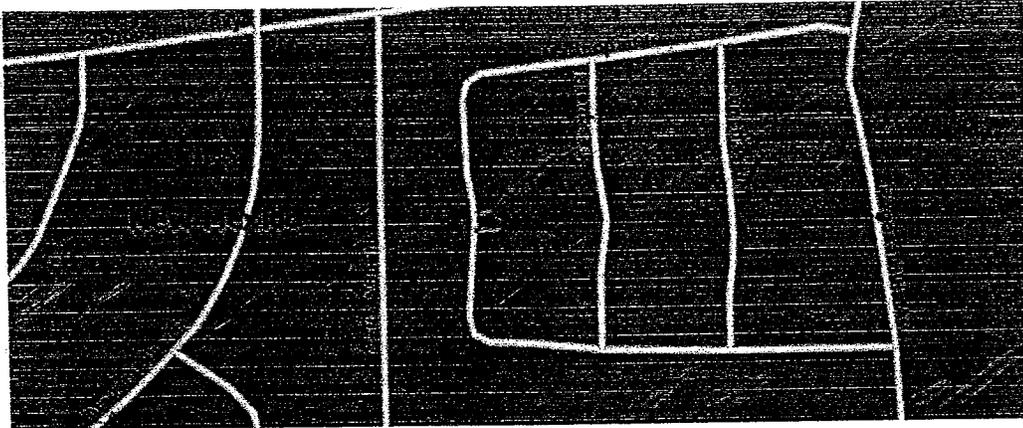
enter email address

sign up

[learn more](#)



Verizon Wireless-Printer Friendly Coverage Map



Mapped Coverage
Voice and Messaging

Mapped Location
Maricopa Cir
Las Cruces, NM
88011

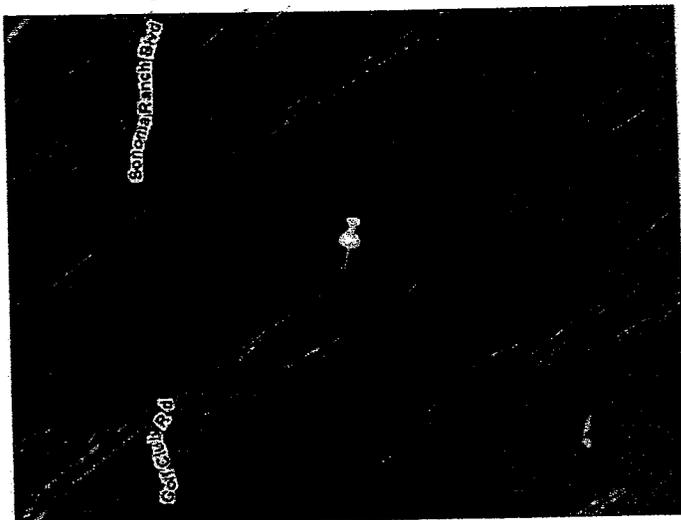
- Map Legend**
-  Digital Coverage
 -  No Coverage
 -  VZW Store

These Coverage Locator depictions apply to the following calling plans:
Nationwide Calling Plans, America's Choice initiated (activated) on or after 2/21/2005, Mobile Broadband and Prepaid.
 Roaming charges will apply in the Canada Coverage area unless you subscribe to the Nationwide Plus Canada Plan.
 Roaming charges will apply in the Mexico Coverage area unless you subscribe to the Nationwide Plus Mexico Plan.
 These Coverage Locator maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers, the coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.

Your Sprint Coverage Map  Print map

Sprint

Data Coverage - Nextel Devices



0 1/2 mi.
Coverage updated on: 6/28/11

 Recent towers  Future towers

Coverage details for:

4527 MARICOPA CIR, LAS CRUCES, NM 88011

Data coverage:

View Nextel data services.

Nextel coverage

No Coverage

The Sprint all-digital wireless network gives you voice coverage and access to innovative services like Sprint TV®, text messaging and Web browsing. Please note that certain data services, such as Sprint Music Store, are not available throughout the entire Nationwide Sprint® Network. Need help? Contact us at 888-211-4727.

Our coverage maps provide high-level estimates of our coverage areas when using your device outdoors under optimal conditions. Coverage isn't available everywhere. Estimating wireless coverage and signal strength is not an exact science.

There are gaps in coverage within our estimated coverage areas that, along with other factors both within and beyond our control (network problems, software, signal strength, your wireless device, structures, buildings, weather, geography, topography, etc.), will result in dropped and blocked connections, slower data speeds, or otherwise impact the quality of services.

Services that rely on location information, such as E911 and GPS navigation, depend on your device's ability to acquire satellite signals (typically not available indoors) and network coverage. E911 services also depend on local emergency service provider systems/support. Estimated future coverage subject to change.

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Helen Revels

529

From: Jeri [Jerioliver@comcast.net]
Sent: Tuesday, May 24, 2011 12:07 PM
To: Helen Revels
Subject: Case Z2837

I have a couple objections to the proposed rezoning of that particular parcel of land.

First, I am concerned that the notification reached the entire community. I talked with a couple of my neighbors and they did not receive the notice. One of these persons is currently out of town and I have been collecting their mail since the end of April and can attest to the fact that, while I did get the notice, they definitely did not. Therefore I'm unsure the entire community is aware of this proposed rezoning.

Secondly, my major objection is to placing communication towers so close to an existing neighborhood. Many of these are newer properties, built on selected lots assuming there would be no such eye-sores in their neighborhoods. The application is sufficiently vague as to the exact nature of the tower types, however, I would voice a strong objection in the event it looks like either the towers behind the Jornada Vet location (2399 Saturn Circle @ N. Main) or near the water tower located past Sonoma Ranch Blvd if Lohman Boulevard continued to the east. Even though I am aware of conflicting studies regarding microwaves, erring on the side of caution would suggest it inappropriate to subject existing households to a possible danger posed within a close proximity of microwave towers after the fact of choosing their home sites.

Thank you for your consideration of rejecting this particular zoning application.

Regards,

Jeri L. Oliver
575-652-3415

530

Helen Revels

From: Jeri [Jerioliver@comcast.net]
Sent: Tuesday, May 24, 2011 12:07 PM
To: Helen Revels
Subject: Case Z2837

I have a couple objections to the proposed rezoning of that particular parcel of land.

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Thank you for your consideration of rejecting this particular zoning application.

Regards,

Jeri L. Oliver
75-652-3415

Helen Revels

From: Helen Revels
Sent: Friday, May 20, 2011 3:48 PM
To: 'ljacquez@nmsu.edu'
Subject: RE: communication structure

This case is just for the zone change to allow the land use of communication structures. The Special Use Permit for the communication structure will go forward to Planning & Zoning Commission if the zone change is approved by Planning & Zoning and by City Council. The proposed tower will be located next to the water tank and the proposed site will have to be developed according to the 2001, Zoning Code, as amended. The zone change will be heard by Planning & Zoning Commission on May 24, 2011; they will make a recommendation to City Council who has the final authority on zone changes. If you have any other questions, please feel free to contact me.

Thanks,

Helen Revels
Associate Planner
City of Las Cruces
(575) 528-3085

-----Original Message-----

From: ljacquez@nmsu.edu [mailto:ljacquez@nmsu.edu]
Sent: Sunday, May 15, 2011 5:07 PM
To: Helen Revels
Subject: communication structure

Helen,

I live in the Maricopa neighborhood where a communication structure is being proposed. What exactly is this communication structure and how will it affect this neighborhood?

Lydia Jacquez
ljacquez@nmsu.edu

Helen Revels

From: Jeri [Jerioliver@comcast.net]
Sent: Tuesday, May 24, 2011 12:07 PM
To: Helen Revels
Subject: Case Z2837

I have a couple objections to the proposed rezoning of that particular parcel of land.

First, I am concerned that the notification reached the entire community. I talked with a couple of my neighbors and they did not receive the notice. One of these persons is currently out of town and I have been collecting their mail since the end of April and can attest to the fact that, while I did get the notice, they definitely did not. Therefore I'm unsure the entire community is aware of this proposed rezoning.

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Thank you for your consideration of rejecting this particular zoning application.

Regards,

Jeri L. Oliver
75-652-3415

Helen Revels533

From: Les VW [lesvw@comcast.net]
Sent: Tuesday, May 24, 2011 12:35 PM
To: Helen Revels
Subject: Sonoma Ranch re-zoning application

After receiving the fact sheet Cases: Z2837, Dated May 9, 20011, I strongly object to the tower being erected in my neighborhood citing health concerns and affecting property value I would not have chosen this part of Las Cruces to live in. If the city knew this then the city should have disclosed this information to the developers and to prospective buyers so we could have made a fully informed decision in selecting a home site. I request that you reject this application.

Thank you for your consideration regarding this mater,

Les Van Winkle

5/24/2011

Location Vicinity Map

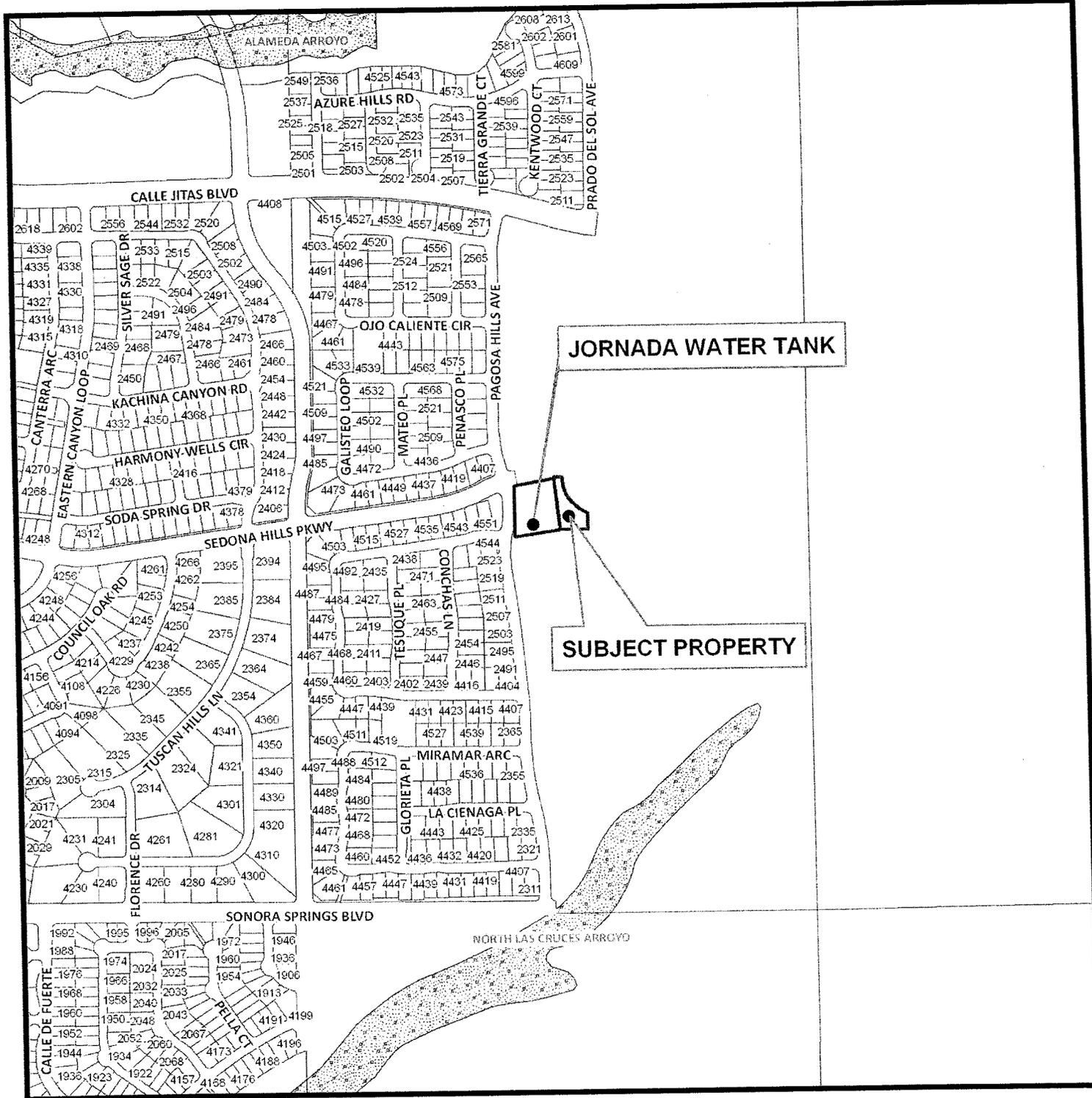
534

ZONING: R-1b

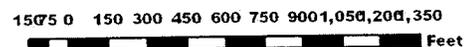
OWNER: SONOMA RANCH SUBDIVISION LTD. CO.

PARCEL: UZ-37615

DATE: 05/16/2011



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 City (575) 528-3043.



Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

Legend

- Point_Address
- Interstates_Highway
- Railroad
- Rio Grande
- City Parcels
- EBID Water System
- Arroyo