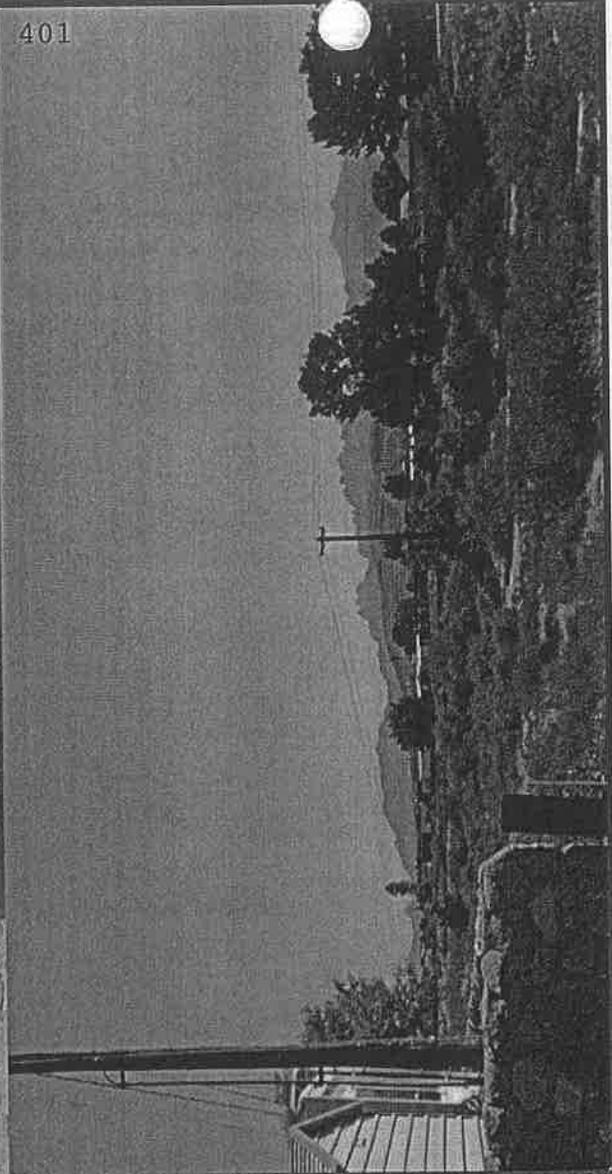


Vista Cuesta



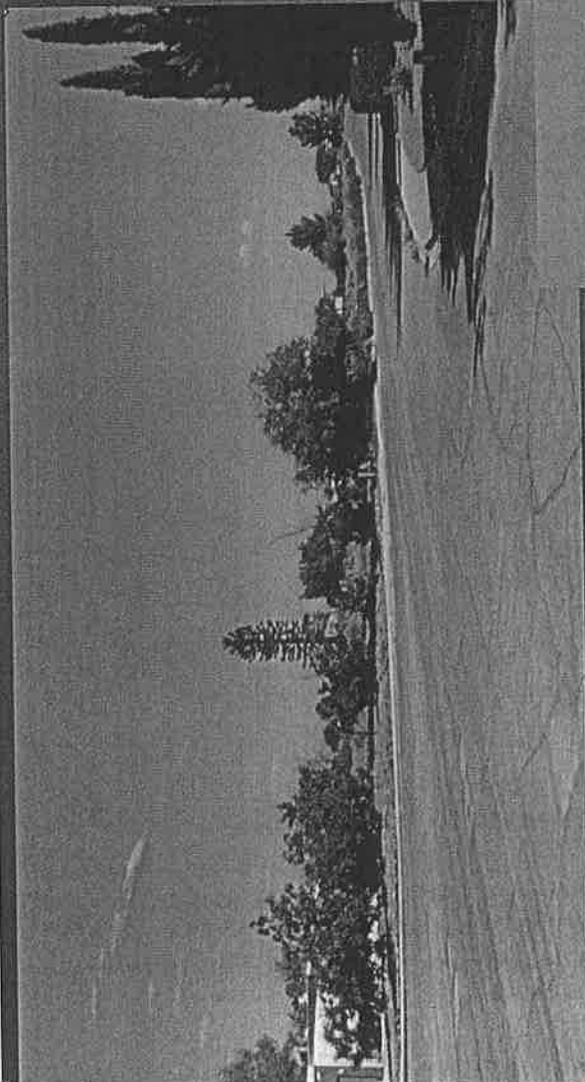
401



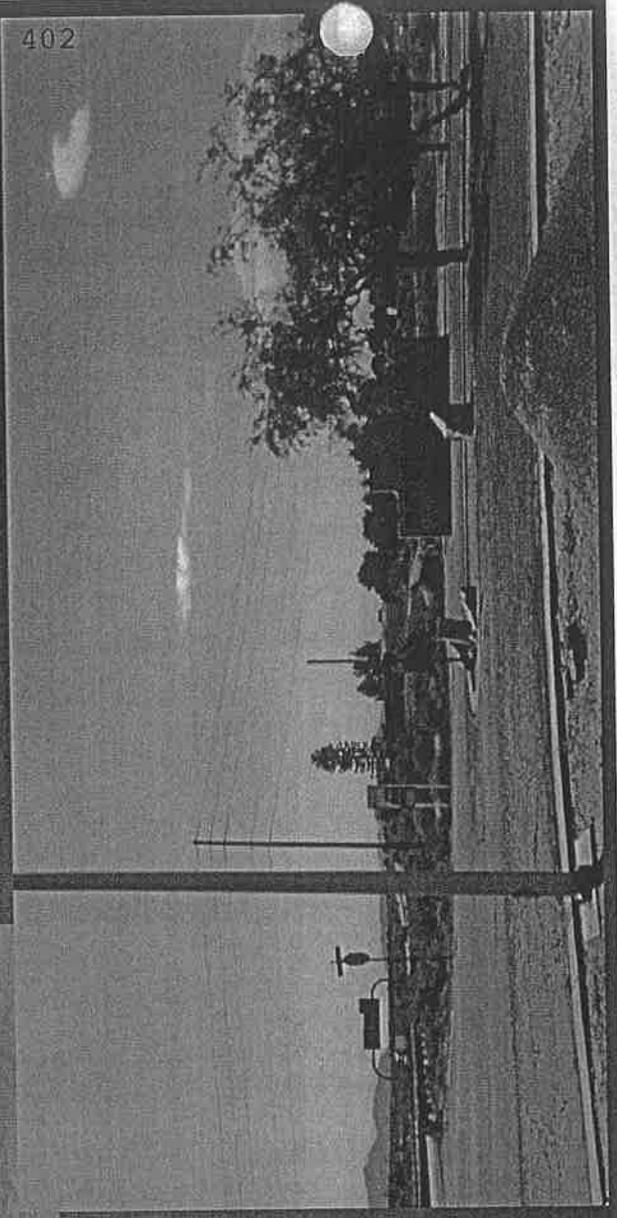
O'Hair

Surrounding Views

Agave Dr. & Agave Pl.

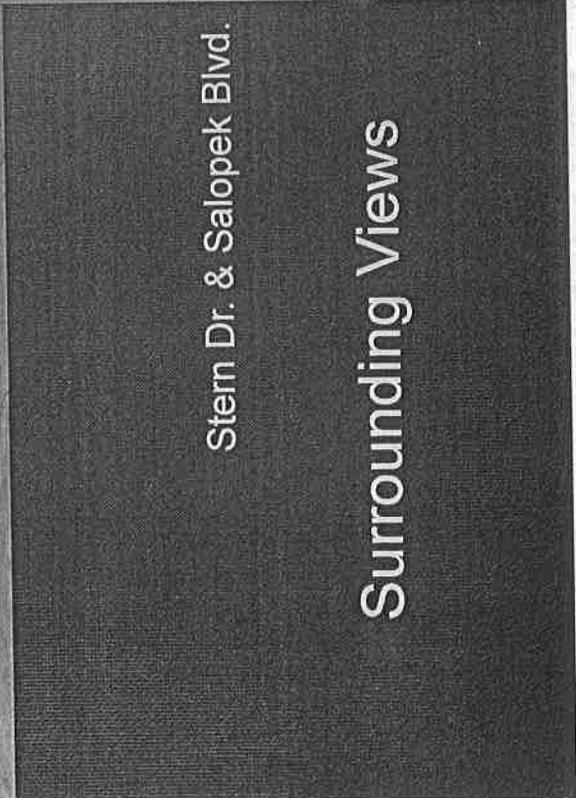


402



Stern Dr. & Salopek Blvd.

Surrounding Views



Analysis

- ▶ Analysis was prepared for the proposed new facility
- ▶ Greg Best Consulting, Inc. reviewed the analysis and provided a written recommendation on June 23, 2015
- ▶ Concurrs with the analysis of the applicant that the proposed new wireless communication facility site at 4790 Stern Drive is the best available site

Staff Recommendation

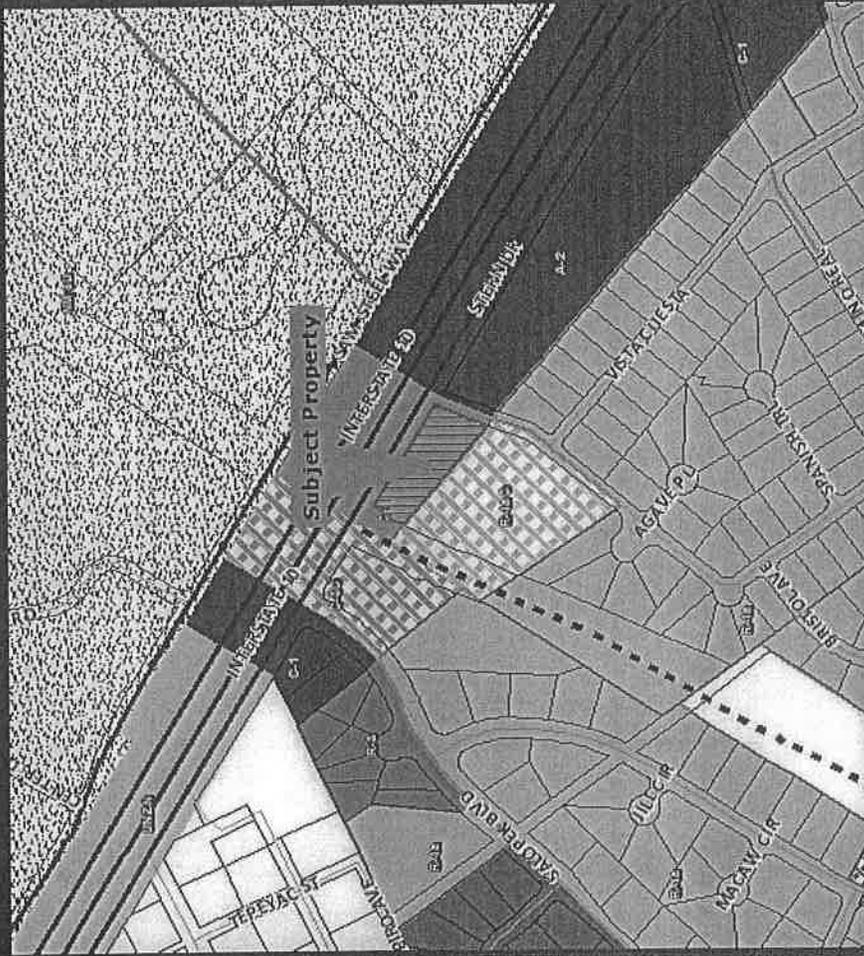
- ▶ Staff has reviewed the proposed Special Use Permit and based on the review by Staff and all other reviewing departments in the City of Las Cruces and the New Mexico Department of Transportation, the written recommendation from the independent expert consultant, the new information submitted by the applicant and the findings found in the staff report, staff recommends approval for the proposed SUP

Staff's Findings

- ▶ The subject property encompasses 1.552 ± acres, is zoned C-3 and currently contains vacant commercial buildings
- ▶ An independent expert consultant has reviewed the analysis from the applicant and concurs that 4790 Stern Drive is the best available site for a new wireless communication facility with a 65-foot tall wireless communication tower in the area. (2001 Zoning Code, Article 6, Section 38-59 F6)
- ▶ The proposed new wireless communication facility follows all of the requirements for a Special Use Permit (SUP) and all standards of Section 38-59 of the 2001 Zoning Code, as amended

Options

- ▶ Vote YES as recommended by staff
- ▶ Vote YES with Conditions
- ▶ Vote NO
- ▶ Vote to TABLE/POSTPONE and direct Staff and the applicant accordingly



Location / Zoning Map

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
September 22, 2015 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Joanne Ferrary, Member
Harvey Gordon, Member

BOARD MEMBERS ABSENT:

Charles Beard, Secretary
Ruben Alvarado, Member
Kirk Clifton, Member

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Sara Gonzales, Planner, CLC
Mark Dubbin, CLC Fire Department
Chris Mount, CLC Fire Department
Robert Cabello, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00 p.m.)

Crane: Good evening ladies and gentlemen. The Planning and Zoning Commission meeting for the 22nd of September is called to order. Let me start as we usually do by introducing the Commissioners present; on my far right Commissioner Gordon is the Mayor's Appointee; on his left Commissioner Stowe is, represents District 1 and is also our Vice Chairman; then Commissioner Ferrary represents District 5. I'm Godfrey Crane the Chair, and I represent District 4.

II. CONFLICT OF INTEREST

At the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda.

Crane: Let me ask at this point if any Members of the Commission or any Community Development people have any conflict of interest with any item on tonight's agenda? No one so indicates. It's appropriate for me to say at this point that for those of you who were present when we discussed the case now on Old Business SUP-15-01 at our last meeting I

1 recused myself because I had a friend who was not present who I thought
 2 would be very opposed to the, the proposal. It turned out that shortly after
 3 that meeting I ran into her and she said she had nothing against it. She is
 4 essentially neutral on the matter and so I don't feel that I am under any
 5 pressure to make a decision one way or the other, any outside pressure.
 6 So I will not recuse myself for that.

8 **III. APPROVAL OF MINUTES**

9 1. August 25, 2015 - Regular Meeting

10 Crane: Next item is the Approval of the Minutes for the last regular meeting, 25th
 11 of August. Does any Commissioner have any adjustments?
 12 Commissioner Gordon? No. Commissioner Stowe, Commissioner
 13 Ferrary, and I don't either.

14 Gordon: So I make a motion that we accept the minutes.

15 Crane: Mr. Gordon ...

16 Ferrary: I'll second.

17 Crane: Moves and Ms. Ferrary seconds that we approve the minutes of the last
 18 meeting. All in favor "aye."

19 **MOTION PASSED UNANIMOUSLY.**

20 Crane: Opposed? None. Is anybody abstaining? No abstentions. So it passes
 21 four/nothing.

22 **IV. CONSENT AGENDA - NONE**

23 1. **Case IDP-15-02:** An Infill Development Process (IDP) application by Fabian
 24 Erives on behalf of Leo Guzman, property owner, for a studio apartment
 25 complex located at 1311 Alamo St. and zoned R-1a (Single-Family Medium
 26 Density). The IDP proposes to utilize R-4 (Multi-dwelling High Density &
 27 Limited Retail and Office) standards and requests a variance from the
 28 minimum required parking spaces. The 0.31 +/- acre property is located at
 29 the southeast intersection of Idaho Ave. and Alamo St. and is further
 30 identified by Parcel ID # 02-26041. Proposed use: Multifamily residential.
 31 Council District 3 (Councilor Pedroza).

32 2. **Case CPB-15-03:** A request to recommend approval of amendments to the
 33 Community Planning Blueprint Initiative Process. The citywide planning area
 34 consists of all Council Districts.

1 Crane: The next items on the agenda are the Consent Agenda. Let me explain
 2 how we handle this. These two items are items which the Community
 3 Planning Department has decided are probably noncontroversial so
 4 they're put together in the Consent Agenda and we, the Commission will
 5 take a vote on them without any debate. However, if any member of the
 6 Commission, any Community Development person, or any member of the
 7 public wishes to discuss either one of these, then we will pull it off the
 8 Consent Agenda and put it at the top of New Business. Does anybody
 9 wish to discuss any, either the two items: IDP-15-02 or CPB-15-03? No
 10 one so indicates, so I'll hear a motion that the Consent Agenda be
 11 approved.

12
 13 Ferrary: I so move.

14
 15 Crane: Commissioner Ferrary moves. Do we have a second?

16
 17 Gordon: I'll, I'll second.

18
 19 Crane: Commissioner Gordon seconds. All in favor "aye."

20
 21 MOTION PASSED UNANIMOUSLY.

22
 23 Crane: Opposed? None. So that passes four/nothing.

24
 25 **V. OLD BUSINESS - NONE**

- 26
 27 1. **Case SUP-15-01:** Application of Verizon Wireless/Tectonic Engineering on
 28 behalf of A & E Enterprises Inc., property owner, to construct a new stealth
 29 wireless communication facility on a property encompassing 1.552 +/- acres,
 30 zoned C-3 (Commercial High Intensity) and located on the southwest corner
 31 of Stern Drive and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID # 02-
 32 22899; Proposed use: 65-foot tall stealth wireless communication structures
 33 and associated accessory structures. Council District 2 (Councilor Smith).

34
 35 Crane: So over the page to Case SUP-15-01, application of Verizon Wireless to
 36 put up a tower at Stern Drive and Agave Drive and I, I have to tell anybody
 37 here that we discussed this issue last time and we asked the, Verizon to
 38 check out a couple of things and come back to us with, if at all possible an
 39 alternative proposal. Mr. Ochoa's going to talk to us about it. Mr. Ochoa.

40
 41 Ochoa: Thank you Mr. Chairman. Adam Ochoa, Development Services for the
 42 record. Case, first case tonight we're looking at is Case SUP-15-01. It is
 43 a proposed Special Use Permit for a new wireless communication
 44 structure or facility, excuse me, at 4790 Stern Drive. Just to remind you
 45 where the subject property is located, here in the hash marks about, south

1 of Interstate 10 and Stern Drive south of the NMSU property, Agave Drive
2 running along the south side of that property.

3 At the last meeting of the July, well not the last meeting, pardon
4 me, but at the July 28th, 2015 P&Z meeting this case was postponed by
5 the Planning and Zoning Commission. The P&Z at that time directed the
6 applicant to seek alternate locations for the proposed communication
7 structure, just naming a couple; one being NMSU being the most, I guess
8 the, the most viable as stated by the P&Z and surrounding property
9 owners and possibly a, a nearby pecan orchard. The applicant did do
10 these and as you see in your staff report they did provide an e-mail from
11 NMSU stating that they are no interested in, in providing space on NMSU
12 property for a new wireless communication structure and the applicant has
13 also shown that the proposed, the closest proposed pecan orchard would
14 not meet their needs for the proposed new tower considering it's a little too
15 far away for them to be able to have the service that they want provide in
16 that area.

17 With that the applicant did resubmit for final action by the P&Z for
18 the proposed Special Use Permit. The subject property is located on the
19 corner of Stern Drive and Agave Drive and currently encompasses
20 approximately 1.5 acres. It is currently zoned C-3, Commercial High
21 Intensity, and currently consists of a variety of vacant commercial
22 buildings. Shown here on the aerial map those vacant commercial
23 buildings and Interstate 10 here just to give another quick reference where
24 this is at. The Code sections we are looking at is under Section 38-59F of
25 the 2001 Zoning Code where it, it states that new communication
26 structures adjacent to R-1a properties or single-family zoned properties
27 are not permitted to have a new communication or, new communication
28 structures are not permitted on properties adjacent to these zoning
29 designations unless approved through the Special Use Permit process.
30 Through this process the applicant was required to pay all expenses
31 associated with the City actually hiring a qualified expert, outside expert to
32 review the, and provide written recommendation to the P&Z of the
33 technical information submitted as part of the application by the applicant.

34 The proposal has changed from the first time we did see this.
35 Originally the applicant was proposing a new wireless communication
36 facility with a 75-foot tall wireless communication tower. That has
37 changed now to a 65-foot tall wireless communication structure as well as
38 that first tower was just to be a standard tower that you could see, metal
39 towers. The new tower is actually proposed to be a stealth tower, that'll be
40 disguised to look like either a Cyprus tree or a pine tree and I have some
41 pictures kinda show you what the applicant has in mind. The, the subject
42 property is adjacent to an R-1aC property which is what is requiring this
43 Special Use Permit. The applicant is proposing to locate the new tower
44 and facility to the rear of the subject property. And in your staff report
45 you've seen all their development plans and building plans and all those
46 do seem to meet all requirements, all the requirements of Section 38-59 of

1 the 2001 Zoning Code including all the required setbacks which also
2 includes the required setback from the adjacent residential lot.

3 Shown here just a site plan of that subject property. Shown here
4 that new facility where that would be located. And of course the setbacks
5 that they easily meet all required setbacks from the front, secondary front,
6 rear, and side of that property. Again this is just an old site plan showing
7 that, where that pole would be going. Of course this is not what the
8 applicant is proposing now, they are proposing a stealth pole to look like
9 either, like I said either a Cyprus tree or a pine tree, but here are some site
10 photos of roughly where that new facility would be located at.

11 The applicant also submitted a variety of pictures for your reviewing
12 pleasure if you will. That, at that meeting at, on July 28th a number of
13 surrounding property owners had issues with their views and so forth like
14 that and the applicant did provide these pictures just to show you roughly
15 where, they took, they took pictures in the surrounding areas to show what
16 that tower, what effects that tower would take on the view of the
17 surrounding properties. The applicant did also bring up that there is
18 actually a large major power line running through the rear and they are
19 trying to do something nicer looking than that with their proposed new
20 communication structure. First picture on the top left and corner is, was
21 taken off of Vista Cuesta, you can see here this is the wireless
22 communication structure if it looked like a pine tree. Down here on the
23 bottom corner is, this, this picture was taken off of O'Hair, again here you
24 can see that pine tree/monopole proposed for the wireless communication
25 tower. This picture was taken off of the corner of Agave Drive and Agave
26 Place, again the pine tree located here is what that communication
27 structure would look like. And another picture off of Stern Drive and
28 Salopeck Boulevard look, looking south towards the property. And here is
29 that tower again giving you an artists' rendition of what that tower would
30 look like.

31 As I stated before the, the City did hire a consultant to analyze and
32 prepare recommendation for the proposed new facility. That analysis and
33 recommendation was completed by Greg Best Consulting Incorporated on
34 June 23rd, 2015. And the consultant did concur with the analysis of the
35 applicant that this proposed new wireless communication facility site, the
36 actual site itself at 4790 Stern Drive is the best available location in this
37 area for a new wireless communication structure from a, I guess from a
38 zoning standpoint, from a, and also from a, a I guess, it's usability if you
39 will. With that staff has reviewed the proposed Special Use Permit and
40 based on the review by staff and all reviewing departments of the City of
41 Las Cruces and NMDOT who did review this as well, as well as based on
42 the written recommendation from the independent consultant and the new
43 information submitted by the applicant, and of course those findings found
44 in your original staff report, staff recommends approval for the proposed
45 Special Use Permit. These are the findings that are, that staff is basing
46 their recommendation on, our findings of fact for approval.

1 Your options tonight ladies and gentlemen is 1) to vote "yes" to
 2 approve the proposed Special Use Permit as recommended by staff; 2) to
 3 vote "yes" to recommend approval, to vote "yes" to approve the proposed
 4 Special Use Permit with any conditions deemed appropriate by the P&Z;
 5 3) to vote "no" and deny the proposed Special Use Permit; or 4) vote to
 6 table/postpone the proposed Special Use Permit and direct staff and the
 7 applicant accordingly. The staff did receive an additional e-mail from a
 8 adjacent property owner, I believe you all have a, received a copy of that
 9 in front of you. He does have pictures and so forth like that for you to
 10 review for, for his I guess why he is against the proposed Special Use
 11 Permit. That is the conclusion of my presentation. The applicant is here if
 12 you have any questions for them. And I stand for questions as well.

13
 14 Crane: Thank you Mr. Ochoa. Commission, oh before we get into that. There's
 15 probably some people here from the public who may not have been at a
 16 P&Z meeting before. The Old Business and the New Business as
 17 opposed to the Consent Agenda are handled a little bit differently. As you
 18 see we have first a presentation from Community Development person.
 19 Commissioners can then ask questions of that person. Then we invite the
 20 applicant or the applicant's spokesperson to come up and make a
 21 presentation, again we can ask questions. Finally we ask members of the
 22 public who have an interest to come up and give their views, and we may
 23 ask some questions of them. There's no limit set on what Community
 24 Development or the applicant can spend by way of time, though I think we
 25 all appreciate if it's kept to a reasonable level, however when it comes to
 26 members of the public we customarily have a three-minute limit. We have
 27 a timer up here which I will set and reset as people come up. Please
 28 observe the limit because otherwise you'll be eating in other people's time
 29 and quite possibly their patience. Can I see a show of hands please of the
 30 number of people who right now think they would like to come up and
 31 make a presentation? One. One person. Two, three, four, five, six. All
 32 right that seems manageable. Sometimes we've had, actually once a
 33 hundred. I remember it well. So, let's, Commissioners, Commissioner
 34 Gordon do have a question for Mr. Ochoa?

35
 36 Gordon: Yes, a, Adam do me a favor, will you go back to the, to the pictures on
 37 your presentation for the last one shown, oops, go back to one, here it is.
 38 How far is Stern Drive and, what is that, Salopek Boulevard?

39
 40 Ochoa: Salopeck.

41
 42 Gordon: From this site, do you know?

43
 44 Ochoa: I do not know that off the top of my head sir but I will go ahead and scale
 45 that out and see what I can, if I can get you that.
 46

1 Gordon: The reason I asked is because this also on Stern Drive and I'm just
2 wondering how close it is in terms of this picture.
3

4 AUDIENCE MEMBER SPEAKING OUT, NOT AT THE MICROPHONE.
5

6 Ochoa: Mr. Chairman. You're looking at, the subject property's here. Where that
7 picture was taken was here on Stern and, and Salopek. I'll, I'll go to
8 measure that out and get you an, get you an answer for that sir.
9

10 Gordon: That's fine, I mean that's pretty close.
11

12 Ochoa: Yes sir.
13

14 Gordon: Can I ask a question from someone who has engineering knowledge from
15 Verizon other than a, an administrative person? Is there someone here?
16

17 Ochoa: Yes sir I believe they are here. They could, they could answer your
18 questions.
19

20 Gordon: Okay. I'd like to do that.
21

22 Crane: Any other Commissioner have a question for Mr. Ochoa? Then the
23 applicant or the applicant's representative come up and if you'll identify
24 yourself sir I will swear you in.
25

26 Gutierrez: Yes Commissioner Crane. My name is Les Gutierrez and I'm an agent
27 from Verizon wireless.
28

29 Crane: Okay Mr. Gutierrez do you swear or affirm that the testimony you are
30 about to give is the truth and nothing but the truth under penalty of law?
31

32 Gutierrez: I do sir.
33

34 Crane: Carry on please.
35

36 Gutierrez: Yes, once again it's a pleasure to see all of you folks again. We're here
37 today to answer any additional questions you might have about what
38 we've resubmitted and I also have with me some folks from Verizon, our
39 real estate manager and just observing, our legal council from Verizon,
40 Christian Henderson, he's from Denver. But hopefully I can answer
41 whatever questions you might have today. We concur with all of staff's
42 recommendations. We, we once again reiterate, unfortunately Mr. Hamdi
43 Alaaldin isn't here, he was the RF engineer. But the main reason that
44 we're tonight is that we have a gap in capacity coverage between existing
45 sites, and Verizon is planning ahead in order to make sure that not only all
46 the traffic on that road, but this neighborhood in the next year or so has

1 great wireless coverage. You may not be aware of this or not but about
2 40% of the homes in America now have wireless coverage and Verizon is
3 about in 120 million homes so we're in about every one to three homes.
4 So the, the focus here that we're trying to do is agree with staff's findings,
5 we agreed with the consultant that prepared the finding that this was the
6 best location. And I'm here to answer any questions that I might help
7 make things clearer for you.

8
9 Crane: Thank you sir. Commissioners. Commissioner Gordon.

10
11 Gordon: If, if this other tower is, is relatively close I, I heard some gentleman speak
12 out 100 yards, is that, is that correct, someone say that?

13
14 AUDIENCE MEMBER SPEAKING, NOT AT THE MICROPHONE.

15
16 Gordon: Okay a 100 yards. Why is it necessary to build this one?

17
18 Gutierrez: I, I'm not familiar with a tower that's close to 100 yards. I'm sorry.

19
20 Ochoa: Mr. Chairman, Commissioner Gordon. The subject property where they
21 took the picture, pardon me, I'm sorry. This picture here off the corner of
22 Stern Drive and Salopek is about, about a 100 yards away. The other
23 tower that you're speaking about off of Union Avenue is actually a fair
24 more distance to the north. It's off of Union and, and Stern Drive right next
25 to the Whiskey Dicks, so that property is actually a fair decent distance
26 away from the subject property.

27
28 Gordon: All, all right I misunderstood. I thought there was one here at this, at this
29 particular address. This is just where the photo was taken.

30
31 Ochoa: Yes sir, that is correct.

32
33 Gordon: Okay.

34
35 Ochoa: This is just to give you a perspective as to what the view is from the
36 subject property here.

37
38 Gordon: Now, now what happens, my, my next, my next question is what happens
39 if, what does Verizon do if this is not approved? Just walk away from this
40 project?

41
42 Gutierrez: Well Commissioner we'll, we'll probably come back and try to reopen this
43 case and we, we do need this site and I'd like to maybe back up a little bit.
44 The site that he was talking about, Verizon is already at that location at, at
45 Whiskey Dicks location. This is a, a, infill gap between Whiskey Dicks and
46 we just built a new site in the County that's about I guess a mile up the

1 road called Quality Wood Yard. So, we'll, we'll be back. We, we need to
2 have this site. It's a capacity site and it's, it's necessary for us sir.

3
4 Gordon: Again I don't believe you answered my question. What happens, in other
5 words you, you plan to come back before the Planning and Zoning
6 Commission again with the same proposal?

7
8 Gutierrez: Well we, we think we've offered some good alternatives and maybe we will
9 look at another alternative if we have to, but at this point this is the best
10 alternative for Verizon's network. We've met all the requirements required
11 by law and we met the setbacks and we're, we want to be a good citizen,
12 we want to design something that will work for the neighbors which will be
13 to their benefit long term so we're having a difficult time understanding
14 why it may not be approved.

15
16 Gordon: I haven't said that. I'm not trying to argue with you either, it's just that
17 you've just, a moment ago said we would look at other alternatives. Are
18 there other alternatives?

19
20 Gutierrez: Well we'd look at alternatives in terms of design. We've, we've already
21 vetted out the process. We've looked at NMSU as you requested. We
22 talked to that director and they weren't interested in, in that large 16-acre
23 parcel that's going across the street. That's gonna a five-megawatt solar
24 plant. I'm not sure what that's gonna look like. We've also looked at the
25 orchard that you asked us to look at and that was about 2,400 feet away
26 and it would not work for Verizon's network. We had additional sites that
27 Greg Best reviewed and those did not work so this, this is actually the best
28 site. If it's not approved what will happen in a period of time is that while
29 your phone may show four or five bars as a signal level, it's still not gonna
30 connect because we don't have the capacity for that. And Verizon doesn't
31 randomly design a system and spend hundreds of thousands of dollars
32 until we know that the network is gonna work and that's the best answer I
33 can give you at this point Mr. Gordon.

34
35 Gordon: I do appreciate the effort that you made upon my request to go back to
36 New Mexico State and the pecan farm and, and see if there was some
37 other place to put this. There are some efforts I can see in our packet
38 material to mitigate perhaps some of the concerns of the residents but I
39 think at this point before I, let me go (*inaudible*) and I really want to hear
40 what they have to say also.

41
42 Gutierrez: Certainly.

43
44 Crane: Ms. Harrison-Rogers do you have a question or an illumination?
45

- 1 H-Rogers: I, I do. Just in terms of process about next steps. If, if that indeed was
2 part of your question Chairman Gordon, excuse me Commissioner
3 Gordon, the applicant has the option if this evening the decision is denied,
4 to appeal it to City Council, in which case City Council would make a final
5 decision.
6
- 7 Gordon: Thank you.
8
- 9 Crane: Commissioner Ferrary.
10
- 11 Ferrary: Yes I was just wanting to make sure that it will be the monopole and 65-
12 foot would be the maximum height, is that right?
13
- 14 Gutierrez: Yes Commissioner Ferrary. Sixty-five feet would be the maximum height
15 we would go and we do prefer the monopole design but if this Commission
16 or the public would prefer a stealth design we are open to that also.
17
- 18 Ferrary: And how is the stealth design different?
19
- 20 Gutierrez: Well a monopole is just a, a single pole that goes up and antennas are,
21 are mounted right directly to that and we would paint that. That was the
22 original proposal. The stealth design would be the tree, the 65-foot tree
23 that is capable of holding Verizon's antennas as well as one other carrier
24 for the future.
25
- 26 Ferrary: Okay. Thank you.
27
- 28 Gutierrez: Yes ma'am.
29
- 30 Crane: Commissioner Stowe.
31
- 32 Stowe: I'm looking through the materials here provided previously and again for
33 tonight, are there some pictures you can point out to me that show the
34 view of the mountains in the background. I find no pictures that show a
35 view either with the cell tower or without but having mountains.
36
- 37 Gutierrez: Okay.
38
- 39 Stowe: The O'Hair picture.
40
- 41 Ochoa: Mr. Chairman, Commissioner Stowe. As you can see there on O'Hair
42 Drive there's one with the mountains.
43
- 44 Gordon: Ask them how (*inaudible*) view from this property.
45
- 46 AUDIENCE MEMBER SPEAKING, NOT AT THE MICROPHONE.

- 1
2 Gordon: The view from this property that they want to put in.
3
4 Stowe: Yeah, what, what is the view of this property.
5
6 Gutierrez: The view. Yes Commissioner Stowe. The view from that location, the
7 picture up at the top is showing the, the monopine tree, a 65-foot
8 monopine tree. The picture down below is from a different location on, I'm
9 sorry the first one was on Vista Cuesta.
10
11 Stowe: Right.
12
13 Gutierrez: And the other O'Hair is showing the pine tree to the far left and it looks like
14 it's very, very negligible and it looks like it's way far northeast of the
15 mountains from what I can see here sir.
16
17 Stowe: All right.
18
19 Gutierrez: I, I might point out we've, we've had an opportunity to, to drive the
20 neighborhood, it's a very, very nice neighborhood. One of the unique
21 features about this neighborhood is has a lot of landscaping. It has a lot of
22 mature trees, some of them look 25 or 30 feet. And as we drove through
23 the neighborhood it looked to me that a lot of the areas would block the
24 view of this cell phone tower. There are some gaps where you can, you
25 might be able to see it or discern it but because of the elevation from
26 where the tower is and it goes into the neighborhood, it drops I would
27 venture to say that most of the areas would block the view of that cell
28 phone tower.
29
30 Stowe: I see that. Very well. Thank you.
31
32 Crane: Any other questions? Okay thank you sir. Members of the public. You
33 first sir. Please come up, identify yourself and don't be offended when I
34 put up a three-minute timer.
35
36 Brooks: Okay, good evening. My name is Larry Brooks. I'm at 318 O'Hair Drive. I
37 did speak to you at the last meeting in July, and I'd like to just preface my
38 remarks with a little outrage over the underhanded way that indefinite
39 tabling of this proposal has been shown. Yes.
40
41 Crane: Let me log you in, swear you in. Okay. Do you swear or affirm Mr. Brooks
42 that the testimony you are about to give is the truth and nothing but the
43 truth under penalty of law?
44
45 Brooks: I do.
46

1 Crane: Go ahead please.

2
3 Brooks: Okay, again there's a little outrage going on here because the only sign
4 that told us that this was going to be on the agenda again was on the sign
5 that was on the site that was not changed, just the dates were changed on
6 the sign. The original proposal was actually put on a flyer and put on our
7 doorways. I live on O'Hair and, so we were notified about the original
8 meeting in July. Then we were told in the July meeting this was
9 indefinitely tabled, so we said "Okay, fine we don't have to worry about it
10 until we get notified again." There was no notification, just they changed
11 one line on the sign on the site and one person in the community saw that
12 and was able to alert us to enable us to kind of mobilize about this
13 proposal and tell you what we think about it. So I'm, I'm a little bit
14 distraught about that, about the integrity of this process if we were not
15 notified about this meeting tonight and we were not. The whole entire
16 community. And I can tell you that because I have 17 signatures from
17 University Mesa which I will provide to the committee this evening and
18 you're welcome to take this. These are all homeowners in the, they're
19 licensed, not licensed, but registered voters. We went around to the
20 community. None of them knew about this re-tabling of this motion to
21 pass this and again they were all kind of distraught about it because we
22 had told them what had happened at the last meeting and that we were
23 going back. So let me just preface my remarks with that. I don't know if
24 that helps you or not with, with what Verizon's doing here.

25 Okay, on top of that this tower is not just blocking the view of the, of
26 the mountains for a lot of the homeowners, but it's also at the gateway to
27 two communities; University Mesa and the next community over. And I'm
28 not sure if they have a proposal here tonight or proposal or a petition here
29 tonight but there was somebody else in the other community that was
30 hopefully going around with a, a petition. Is there, hopefully he'll come up
31 and talk also. But again it's not just that the tower does block the view of
32 the mountains and it does from backyard, it absolutely does cause I'm on
33 O'Hair Drive. I'm a little it further down on O'Hair Drive from Stern but it, it's
34 right at the entrance to these two communities and they're unsightly.
35 There is no doubt in my mind that this stealth proposal is not something
36 that, that is going to be easily camouflaged. If you'd like I can show you a
37 picture of the Whiskey Dick tower. May I take this up and give you a
38 picture of this? This is a photograph of the Whiskey Dick tower at Union
39 and Stern.

40
41 Crane: You know you're running short of time Mr. Brooks?

42
43 Brooks: I understand. I'm trying to talk as fast I can here.

44
45 Crane: Okay.

46

1 Brooks:

2 But the Whiskey Dick tower you know has a lot of stuff hanging off of it.
3 We've also heard from Verizon that they will hang other, other cell
4 providers material off of that tower, so we're not talking about just their
5 "stealth tower," we're talking about somebody else coming on and hanging
6 a bunch of other things off of this and creating a huge unsightly, I, I call it a
7 mess, hanging in the air. Now there is one at Whiskey Dicks 1.2 miles
8 away from the proposed location and another one a mile south. Now I
9 have contacted Tortugas. Tortugas was never contacted as the possibility
10 of locating this tower on tribal land. Tortugas is probably less than a
11 quarter mile away from where this is proposed. We also contacted
12 Arrowhead Corporation which is not the NMSU people. The NMSU real
13 estate people which I contacted which is Scott Eschenbrenner said he
14 was never contacted by Verizon, so contrary to this realtors proposed
15 contact of NMSU and their reneging of that, he said that they proposed
16 that they take the Cricket tower that's right by their soccer field and use
17 that. They said that was too close to the towers that were at NMSU's
18 football stadium. But he never did contact the Arrowhead Corporation
19 which are the people that control that, that piece of parcel of land that's
20 between I-25 and I-10. So he contacted the wrong person. He never
21 contacted Arrowhead. I have contacts for him if, if he wants. I can give
22 him a card of the realtor that, that, oh the realtor, the, the gentleman that
23 works for Arrowhead Corporation that would control that land.

24 Also Tortugas was supposed to have a representative here tonight.
25 Is he here? There is a representative from the Council. They met
26 Saturday. I talked to a gentleman who is the president of the Council, I'm
27 not sure his last name, Dominic and he said that he had never been
28 contacted by Verizon to hosting that tower on tribal land. Tortugas, it can
29 use that money for a numerous bunch of projects that they have, they
30 have museums coming up, they have a, a baseball field for their kids that
31 are, are dirt, that are totally dirt. There's no grass on them at all. Tons of
32 stuff that he can do with, with an income stream from a Verizon tower that
33 would take this away from the community. There's also Triple A storage
34 that's about a half mile down the road that said they would love to host
35 that tower which is out of the community which is aware from any of these
36 properties there. So again there is a bunch, a host of other avenues to put
37 this tower that were never conceive or a, addressed by the Verizon
38 representative here tonight. So I believe that we're being kind of
39 "railroaded" into this location as being the only one. Also his RF engineer
40 is not here but after the last meeting we spoke to his RF engineer and he
41 said they can actually tune their towers so they don't conflict, so if one's a
42 little closer to another one they can actually I guess it's, it's like aiming
43 those, the new receptors so they don't interfere with each other. So there
44 are ways of doing, of, of putting these towers maybe a little closer
45 together, maybe not "optimum" to where they'd like to have it, but to make
46 it work. And if he had known that the community was that against it he
might've not proposed this as being the optimum site. So I think there's a

1 lot of things that are still left on the table here that need to be addressed.
2 I'd like to, to give you these petitions of 17 home owners in University
3 Mesa and hopefully somebody else will come up and have a petition from
4 the other subdivision that's right next to us and show you that this is not
5 just a, you know that we're opposed to technology or Verizon coming in,
6 we want the service. We understand that the need for this, all that traffic
7 down I-10 and I-25, I'm sure there's gonna be all kinds of data that's
8 coming off the vehicles coming through there, but there are better
9 locations for this that will not affect the community. So thank you very
10 much for your time and I'll give you this partition.

11
12 Crane: We won't be taking this home with us so you can pick it up afterwards.

13
14 Brooks: I don't need it.

15
16 Crane: If you don't. Okay. Yes Mr. Brooks went on for a while. I let him do it
17 because I think that he covered so many points that it may help many of
18 you to keep your presentations shorter because you can just say that you
19 endorse what Mr. Brooks said, something like that. In spite of the fact that
20 he went on, I want to hold you to three minutes. Before we get to the next
21 person I have a couple of questions, a question about the notice. Does
22 Community Development have anything to say about the notice on this
23 second time this has come up? And also on the question of notifying
24 Tortugas.

25
26 Ochoa: Mr. Chairman. We did notify. We used standard City requirement of 500
27 feet out from the subject property as well as additional more feet because
28 of the right-of-way adjacent I-10 to go out further out to NMSU. We used
29 the same notification we used this time as, as we did at the last meeting.
30 If there were flyers or something hang, hung on people's doors, that might
31 have been just a prior, an adjacent property owner who did that but we do
32 not do that. Sir we did send out a regular mail requirements that are
33 certified mail requirements as well, as well as we did advertise in the El
34 Paso, sorry Las Cruces Sun News and the sign was updated, changing
35 the date and the actual proposal as well.

36
37 Crane: So regarding Tortugas did they, you said they got mail notifications?

38
39 Ochoa: Mr. Chairman. I believe Tortugas is not close enough to get a, a letter for
40 this sir.

41
42 Crane: They're not close enough.

43
44 Ochoa: No sir.

45

1 Crane: Okay. And regarding the close people, you said they did get a notification
2 by mail of the, of the second meeting, today's meeting?
3

4 Ochoa: Yes sir. As I stated before we did send out the same number of letters as
5 we did for the first meeting, for the second one, or this one presently.
6

7 Crane: Thank you.
8

9 Gordon: Mr. Chair.
10

11 Crane: Commissioner Gordon.
12

13 Gordon: Your name is Mr. Brooks? Right. Well the information that Mr. Brooks
14 just gave us is very disturbing to me. I tried to go back in my mind to the
15 last meeting and I don't remember that I heard anything in the nature of
16 what you brought up about other places specific to what you mentioned
17 tonight. I, I, am I correct?
18

19 AUDIENCE MEMBER SPEAKING, NOT AT THE MICROPHONE.
20

21 Crane: Mr. Brooks is coming up to the mic again.
22

23 Brooks: At that time we had asked that other locations be considered, the area
24 between I-10 and 25. We didn't know that was Arrowhead Corporation
25 that did that. And we asked if Tortugas had been approached and they
26 said "No Tortugas has not been approached." And again I talked to the
27 realtor at NMSU and he said he had not been approached and he is not
28 the right person. It's Arrowhead Corporation so.
29

30 Gordon: Okay. I remember at the last meeting I did ask Verizon to make an effort
31 to go back and that was the reason we postponed the issue to try to work
32 out something with them which we thought would be a better site to put
33 this. Now apparently there are other places where this can go. Now you
34 also brought up a point about, you spoke to the engineer who said that
35 perhaps if these towers were just a little bit in a different place close to
36 where it's been proposed a little tweaking of the antennas or turning of the,
37 of the dishes or whatever that day, I'm not technically you know, that it's
38 possible that that's also a situation. If that's the case I think that we're not
39 having enough information to make a decision here. I think that, you're
40 absolutely right, if this is a place where Verizon now has other
41 opportunities I'm, I'm looking for every possible area that we can put this
42 that will put the least impact on a neighborhood. Now if it's possible and
43 that it can go there, I, I see no reason why we can't postpone this again
44 and go back ...
45

- 1 Crane: I, I want to call up the gentleman who's name I wrote on a piece of paper
2 that is not in front of me at this minute who presented from Verizon
3 because we, let's get some answers from him so we don't spend any time
4 debating a, what might be a non-issue. Okay Mr. Brooks.
5
- 6 Brooks: I, I did want just mention that there is a representative of the Tortugas
7 Council here tonight of the Tortugas tribe cause we had contacted them
8 and they said they had never been contacted by Verizon.
9
- 10 Crane: Okay. He's free to ...
11
- 12 Brooks: And they're less than a quarter mile away from this location.
13
- 14 Crane: He's free to come up.
15
- 16 Brooks: Excellent. Thank you.
17
- 18 Crane: If he wishes. Sir we have Mr. Gordon's question and let me give you mine
19 too at this point. But answer his, well go ahead answer his first please.
20
- 21 Gutierrez: Chairman, Commissioner Gordon. Your question about why we didn't
22 look at these other locations. We did look at these other locations. The
23 location picked was because it was the center between two existing sites.
24 The location that the Tortugas tribe area and San Francisco area was too
25 close to Whiskey Dicks which we already have a current site. So that,
26 those sites would not work for us and I think that's addressed maybe in
27 Greg Best's report. The Tortugas tribe might work. You still have County
28 to deal there, there's residences around there. You have the same zoning
29 issues that you might have with this so that really doesn't affect us. But
30 electrically Mr. Alaalain isn't here but it's probably in the last minutes that
31 this site was selected because it provided the best coverage for that
32 neighborhood.
33
- 34 Crane: What about this matter of the tunability of the antenna, is that feasible?
35
- 36 Gutierrez: Well Chairman, Commissioners, I'm not an engineer. Verizon is regulated
37 by the FCC. Their transmitters go out at 40 watts and they're, they have
38 to comply with those. I could not answer that but I, I don't believe that
39 Verizon would tweak it's antennas unless there was a severe interference
40 that was required to be corrected by the FCC so that's as far as I know.
41
- 42 Crane: My previous question was you've shown the mast type antenna, the
43 monopole with the array of antennas around it. Does that array get
44 covered by this spruce or spine tree?
45

1 Gutierrez: Yes. And we would be happy to provide closer photo simulations. I'm, I
2 didn't have a chance to look at that but I, I went by the Whiskey pole,
3 that's a three-carrier monopole. That's been there for a number of years.
4 AT&T is there, Verizon's there, and I believe Sprint is there. The, the
5 design that we're looking at is the antennas would be hidden in the
6 branches, it would not be exposed and they would be painted to match. If
7 you look closely and you drive by you'd, you'd have to be close, you would
8 probably see the antennas in there but from a distance the branches
9 would cover those antennas.
10
11 Crane: Thank you. Is your question answered Mr. Gordon? Yes, Ms. Ferrary.
12
13 Ferrary: With the spruce or pine tree and you mentioned that you might have
14 additional from other businesses added on would they also be disguised
15 within this tree-like camouflage?
16
17 Gutierrez: Yes. Mr. Chairman, Commissioner Ferrary. The City of, of Las Cruces
18 would regulate that. It's required to remain stealth. So we're not certain
19 that another carrier would go on that, they still have to apply through the
20 City and they would have to provide them documentation to show that
21 they're disguised also. It, it has to remain in its stealth character.
22
23 Ferrary: Okay. Thank you.
24
25 Gutierrez: Yes ma'am.
26
27 Crane: Thank you sir.
28
29 Gutierrez: Thank you.
30
31 Crane: Another member of the public. Yes sir. Tell us who you are please?
32
33 Smith: My name's William Smith.
34
35 Crane: Mr. Smith do you swear or affirm that the testimony you are about to give
36 is the truth and nothing but the truth under penalty of law?
37
38 Smith: Yes sir I do.
39
40 Crane: Okay, let me start this.
41
42 Smith: I'll be brief. First I would like to say thank you. I do appreciate that you
43 listen to us, we're the citizens. I agree 100% with my neighbor. I'm on the
44 other side so I'm on Agave Place. This is directly coming into our house.
45 From my backyard I promise you, you can see a 65-foot tower. Stealth by
46 definition implies blending in. It's a flat piece. I appreciate the angles and

1 distances of which those photos that you're seeing there. I sent Mr.
 2 Ochoa some photos as well and I, with the Whiskey Dicks tower. Whiskey
 3 Dicks tower doesn't seem obtrusive because it's tucked away. Verizon
 4 has a, a huge tower on Lohman. It's in the middle of a commercial
 5 corridor. It's tucked away so it's not intrusive. We live in an area where
 6 we don't even have overhead electric. We have walking trails. It's, it's a
 7 very low profile area. I would just submit to you out of just a gut check or
 8 pure logic this is nearly a seven-story structure is what they're proposing
 9 and I promise you from numerous neighborhood backyards, having a bar-
 10 b-que, or, or even time with, with family with an obtrusive tree that's totally
 11 out of place, I would ask you to juxtapose that with respect to the
 12 surrounding area. It does affect and obstruct the views as well as the, the,
 13 the fact of, the, the neighborhood values. We're not Verizon. We're not
 14 wealthy. We work very hard. This is, this is our homes and so Verizon
 15 has the wherewithal to relocate to another place. We can't sell all of our
 16 properties and up and relocate. We worked very hard. There's pride in
 17 our neighborhood. And certainly no deference to, to technology and to
 18 Verizon but I certainly think that there are other locations where they do
 19 not have to have something that is this obtrusive. And lastly I would, I, I
 20 noticed all of my neighbors. There's a whole bunch of people this is, that
 21 this is going to affect and as I said we, we don't have a lot so we just
 22 simply want to enjoy what we have and, and, and that's all I can say. So
 23 again I don't see us ... stealth sounds nice, but please use the common
 24 sense of juxtapose that to this flat area. And lastly there are, I sent a tree.
 25 I, I sent a, a disguised tree as a photo to Mr. Ochoa and he assured me
 26 that that was forwarded to you all as well. So I can show you pictures,
 27 Verizon can show you pictures, irrespective, spruce or pine, put it where it
 28 is, you're nearly a seven-story structure and that's the only entrance into
 29 our neighborhood or there's only one other entrance and that's into the
 30 adjoining neighborhood. That's it, we have two entrance and exits. That's
 31 it. So we can't sell our homes with a pine tree or a spruce tree that
 32 doesn't belong. Thank you very much for your time.

33
 34 Crane: Thank you Mr. Smith. Rebuttal. Please keep it short Mr. Gutierrez, okay.

35
 36 Gutierrez: Yes sir.

37
 38 Crane: Confine it to rebuttal of fact, okay?

39
 40 Gutierrez: Yes. We appreciate the gentleman's concern about the design of that
 41 pole or the structure. We do want to remind the Commission that there is
 42 a 75-foot power line easement within that subdivision. Those power poles
 43 to me look they affect about half of the subdivision and they're about 90
 44 feet tall. They've been there for a number of years and it appears to me
 45 that from the backside of that subdivision, you will see those first before

1 you actually see the Verizon pole. It was on a previous slide by Mr.
2 Ochoa. Thank you.
3
4 Crane: Thank you. Another member of the public? Mr. Smith. All right. Quickly.
5
6 Smith: The line he's speaking of is down where the pecan orchards are.
7
8 Crane: Sorry, start at the beginning.
9
10 Smith: This is, no sir.
11
12 Crane: You're, you're off the mic sir.
13
14 Smith: The, the, the, the huge utility poles that he's speaking of are not where we
15 are at, it's in the back by those pecan orchards that they apparently are
16 not able to work something out or choose not to work something out to put
17 their, their spruce tree or pine tree in the middle of pecan orchards which
18 I'm sorry that just makes sense to me but they're not, they are not on our
19 property sir. They are not.
20
21 Crane: Thank you. Another member of the public. Gentleman in the green shirt.
22 Tell us who you are please. Who are you?
23
24 Braker: Philip Braker.
25
26 Crane: Draker?
27
28 Braker: Braker. B R A K E R. Yes.
29
30 Crane: Mr. Braker do you swear or affirm that the testimony you are about to give
31 is the truth and nothing but the truth under penalty of law?
32
33 Braker: Yes I do.
34
35 Crane: Go ahead please.
36
37 Braker: I would like to take to task the Verizon future plans. The, there is a tower
38 a mile south, a tower a mile, within two miles or two and a half miles
39 there's already two towers and we have to put one right in between. At
40 what point are they gonna need to put one in between there? I, I guess I
41 really am questioning ... technology's changing. I work for the College of
42 Engineering. I see it every day. Technology is changing. A couple years
43 ago we had 3G, now we have 4G. I am strongly supporting that if this
44 tower doesn't go in Verizon will find another way to supply the needs of
45 the customers. This may be a cheaper way for them but they will find
46 another way if this tower doesn't go in. So the answer to the question

1 here, if it doesn't go in what happens, well they'll keep coming back trying
2 to find a cheaper way but there is other ways to do it, and they don't have
3 to build towers every mile. You start putting a grid of towers every mile
4 and pretty soon we're gonna have a really, really busy intersection and
5 you're gonna have it yours and they're gonna have it in theirs, there's
6 other was to do this and I would recommend that if this is turned down
7 permanently they will find another way to continue to service their
8 customers because they make *(inaudible)*. So thank you.
9

10 Crane: Thank you Mr. Braker. Anyone else? Gentleman from Tortugas did you
11 have something to say? Please bear in mind for a moment sir that the
12 City says that Tortugas is not close enough to get a notification so you
13 might want to address that. Tell us who you are.
14

15 Jimenez: *(inaudible)*. My name's Laurence Jimenez and I'm currently, hold the
16 position of secretary for Los Indigenes de Nuestra Senora de Guadalupe
17 in Tortugas.
18

19 Crane: Okay sir let me ... Mr. Jimenez do you swear or affirm that the testimony
20 you are about to give is the truth and nothing but the truth under penalty of
21 law?
22

23 Jimenez: I sure do.
24

25 Crane: Go ahead.
26

27 Jimenez: I understand the notification might have been a problem being that our
28 address is centrally located in the little, in the little skirt of Tortugas and I
29 know it may have not been a concerned issue being that it's a little off from
30 the area that we're discussing at the current moment. But also hearing the
31 testimony from Verizon that there was only one location considered on our
32 area of land-age that we own. But there are also if I could notify, we also
33 have about nine other pieces of property that I'm not too sure that within
34 triangulation it would benefit Verizon but as earlier stated we have not
35 been contacted. The representative that Mr. Brooks was speaking to was
36 Dominic Fierro, our corporation's president and its four years that he's
37 been in president, he's never been notified. So just to state that for the
38 record. But now that we just found out about this and heard that we're
39 willing to, to work with Verizon in that nature if they're willing to go and,
40 and observe the new areas that we could propose for them. I don't know
41 how the straight angle of tower-to-tower would be or if they could
42 triangulate. I don't know the radius of every tower and how it incorporates,
43 what's the range of each tower proposed, but I would say give or take
44 being just off of Stern Drive a new location could be proposed that it's not
45 even 100 yards off of Stern. Where as this location might be 25 yards 30
46 yards off of Stern, so I don't know how significant that would impact

- 1 Verizon's decisions on building the tower on this location as to proposed to
2 any other locations that we do have in our 40 acres of land that we do
3 maintain.
4
- 5 Crane: Thank you sir. Anyone else from the public? In that case I will close this
6 to further input from the public and Mr. Ochoa do you want to say anything
7 about the Tortugas matter? Any rebuttal? If you don't that's fine.
8
- 9 Ochoa: Mr. Chairman I just wanted to state Tortugas is actually located in the
10 County so essentially the Verizon applicant would have to run through
11 their process making sure that the zoning allows the tower, basically what
12 they did with us. Making sure they find a piece of property that's zoned for
13 it and that they meet all the requirements for a tower would have to go
14 through the County essentially sir.
15
- 16 Crane: Thank you. So Commissioners any discussion before we take a vote?
17 Mr. Gordon.
18
- 19 Gordon: I think I would've like to have heard more from a technical standpoint.
20 What we're getting now is arguments based on esthetics you know how
21 it's gonna look, what it's gonna, people are gonna see and now that I hear
22 about this other additional land be it not on City property but on County
23 property apparently this might be another option for Verizon. I'm very
24 concerned about the fact that I don't really think that there's been enough
25 investigation to, to come up with a, a decision as to whether or not we
26 should allow this. I think, I think it should've been more, perhaps the
27 gentleman was right some more notification should've been given to areas
28 even though they're not required by law or maybe Verizon should've
29 investigated further other than what they thought would be the ideal place
30 or the easiest place for them at this point to put this, but I think that, I just, I
31 did believe I would've liked to have heard more from a technical standpoint
32 than I am from how personal feelings are.
33
- 34 Crane: Thank you. Commissioner Ferrary.
35
- 36 Ferrary: I tend to agree that I think with all of the neighborhoods that would be
37 impacted without knowledge that Verizon could not find another place that
38 would be suitable, that they, we can't approve this right now.
39
- 40 Gordon: One, one other thing.
41
- 42 Crane: Mr. Gordon.
43
- 44 Gordon: That I just thought of. If, if they were to go a mile or so down the road and
45 put up a tower and in order to perhaps create an ideal triangulation that
46 they could then, then put another tower someplace else that would be not

1 obtrusive or interfere with people's, again aesthetics, (*inaudible*) a little
2 more money. I'm not, I'm not gonna have to pass the hat for Verizon, I'm
3 sure they have enough money to do this but perhaps that would be
4 inevitable solution that not, only one tower could be built that would be the
5 solution to their maintaining coverage of the area in which that they want
6 to maintain. So by moving this to another place perhaps they would have
7 to build another tower like that gentleman said in some area close to that
8 that would solve this problem. Again I think they're just perhaps other
9 areas that have to be researched.

10
11 Crane: Thank you. Commissioner Stowe.

12
13 Stowe: Do, do any of the people from Verizon have a comment on the timeliness
14 of this issue, whether it's, you are able to proceed, let us proceed by more
15 information ...

16
17 Crane: Commissioner I'm not gonna allow that because we've closed to external
18 input now.

19
20 Stowe: Right.

21
22 Crane: Thanks.

23
24 Ochoa: Mr. Chairman if I may interject. This SUP update was submitted by the
25 applicant for final action so they would like a final action vote of "yes" or
26 "no" on this sir.

27
28 Crane: Thank you. If there's no further input from Commissioners we can
29 proceed to a vote. I'll, we have before us the matter SUP-15-01 with
30 recommendation for approval by the communication, the Community
31 Development Department. Do I have somebody to move this? Mr. Stowe
32 moves.

33
34 Stowe: Are we moving ... are we moving ...

35
36 Crane: Second.

37
38 Stowe: Are we moving to table this for further study or are we ...

39
40 Crane: No sir we are moving, unless, well if nobody moves that we vote on this
41 motion then you can make another motion, but let's see if we find anybody
42 to move on this.

43
44 Ferrary: I'll second it.

45

1 Crane: Uh well it's, I need you to move. We don't, we don't have a, a, we haven't
2 got a motion yet. Do you want to move it? Maybe somebody will second.
3 Mr. Gordon.
4
5 Gordon: All right I make a motion that we vote on Case SUP-15-01.
6
7 Crane: All right can I record it, can I record a second from you Ms. Ferrary?
8
9 Ferrary: Yes I'll second.
10
11 Crane: Okay. So we'll vote. Mr. Gordon.
12
13 Gordon: Before we vote, before we vote we only have four people, we need a
14 majority of three.
15
16 Ochoa: Mister.
17
18 Crane: I can never remember. Do we need a majority of the Commissioners
19 present do we not?
20
21 Ochoa: Mr. Chairman, Commissioner Gordon.
22
23 Crane: Yes.
24
25 Ochoa: To answer that question, yes it's just be a, a to either approve this or
26 whatever it is that we'd need a majority of the four, so three out of the four
27 to, to approve this.
28
29 Crane: And a two/two vote would be a nay vote, correct?
30
31 Ochoa: Correct sir and it would still be a no, essentially no contest, gonna be a no
32 essentially.
33
34 Crane: Okay. So Mr. Gordon your vote and the basis for it.
35
36 Gordon: Well based on findings and discussions and what I've said and what I've
37 heard I vote no.
38
39 Crane: Okay. Commissioner Stowe.
40
41 Stowe: Based on findings and discussions here I vote no.
42
43 Crane: Commissioner Ferrary.
44
45 Ferrary: I vote no based on findings and discussions.
46

1 Crane: And the Chair votes yes based on findings, discussion, and site visit. So
2 the motion fails three to one. Thank you for that.
3

4 **VI. NEW BUSINESS**
5

- 6 1. **Case A1735:** A variance application of Frank X. Benavidez, property owner,
7 to vary fifteen (15) feet from the minimum required fifteen (15) foot secondary
8 front yard setback for an accessory structure resulting in a zero (0) foot
9 secondary front yard setback. The purpose of the variance is to legalize the
10 existing accessory structure on the subject property zoned R-1a (Single-
11 Family Medium Density) and located on the northeast corner of Missouri
12 Avenue and Baldwin Drive; a.k.a. 1905 Missouri Avenue; Parcel ID # 02-
13 12827. Council District 3 (Councilor Pedroza).
14

15 Crane: The next item on the agenda is A1735, a variance application by Mr.
16 Benavidez regarding a setback property at 1905 Missouri Avenue. Mr.
17 Ochoa's gonna present.
18

19 Ochoa: Yes sir, next, next case tonight, for tonight is Case A1735, it is a request
20 for a variance from the minimum required secondary front yard setback for
21 an accessory structure located at 1905 Missouri Avenue. Shown here in
22 the hash mark area as you can see in the sea of R-1a zoning district here
23 north of Missouri, east of what is Baldwin Drive. The actual specific
24 section we're looking under the code is under 2001 Zoning Code, Section
25 38-51 D1 which essentially states no accessory structure where a building
26 permit is required or not shall be permitted within the setback of the
27 required front yards primary or secondary. With that as I stated before
28 property located on the northeast corner of Missouri Avenue and Baldwin
29 Drive is zoned R-1a, Single-Family Medium Density and currently consists
30 of a single-family residence with accessory structures. The applicant
31 tonight is seeking a 15-foot variance to the required, to the required 15-
32 foot secondary front yard setback for an existing accessory structure
33 which currently encompass, measures approximately 248 square feet in
34 size.

35 Just to give you a little background that accessory structure has
36 essentially been existing on the property prior to the current property
37 owner owning it. The staff and the applicant has done some research and
38 we found that that structure has been existing on that property since the
39 1960s and it was originally an enclosed workshop for the original property
40 owner. The Zoning Code at that time actually did not allow structures
41 within the required front yard, so essentially the structure was constructed
42 illegally at that time within the required secondary front yard setback.
43 What is, why this case is now before you is the applicant, the current
44 property owner and applicant submitted for a building permit for an
45 addition to the rear of the existing primary structure on the property and
46 during an inspection by one of our building inspectors it was seen that

147534

TECTONIC ENGINEERING & SURVEYING CONSULTANTS, P.C.

P.O. BOX 37, 70 PLEASANT HILL ROAD
MOUNTAINVILLE, NY 10953
PHONE: (845) 534-5959



CHASE JP MORGAN CHASE BANK, N.A.
NEW YORK, NY

1-2/210

CHECK DATE
October 1, 2015

PAY Two Hundred and 00/100 Dollars

TO City of Las Cruces

AMOUNT 200.00



TRUE WATERMARK PAPER - HOLD TO LIGHT TO VIEW PAPER CONTAINS TONER (ADHESION PROPERTIES) HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT

⑈ 147534⑈ ⑆ 021000021⑆ 6801970107⑈

TECTONIC ENGINEERING & SURVEYING CONSULTANTS, P.C.

147534

Check Date: 10/1/2015

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
6022.blackhawk	9/28/2015	000000180669	200.00			200.00
City of Las Cruces		TOTAL	200.00			200.00
Cash Checking - JP Morgan 5 Chase		CITY OF LAS CRUCES				

VZW APPEAL SUP-15-01

TAB 8



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

INTER-DEPARTMENTAL MEMORANDUM

TO: Planning and Zoning Commission

FROM: Adam Ochoa, CZO, Planner *AO*

DATE: September 10, 2015 **FILE NO.** M-15-193

SUBJECT: Update for Case SUP-15-01

This is a formal resubmittal of Case SUP-15-01:

Application of Verizon Wireless/Tectonic Engineering on behalf of A & E Enterprises, Inc., property owner, to construct a new wireless communication facility on a property encompassing 1.552 + acres, zoned C-3 (Commercial High Intensity) and located on the southwest corner of Stern Drive and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID#: 02-22899; Proposed Use: The applicant is seeking to construct a new 75-foot tall wireless communication structure and associated accessory structures on the subject property. Council District 2 (Councillor Smith).

This case was postponed at the July 28, 2015 Planning & Zoning Commission (P & Z) meeting. At the meeting the P & Z directed the applicant to seek other locations to potentially locate the proposed new wireless communication structure. The applicant has resubmitted for your review an update to the proposed Special Use Permit. The applicant includes a cover letter, with attachments showing: 1) Confirmation from NMSU that the university is not interested in any lease negotiations with Verizon Wireless; 2) Proof that the pecan orchard mentioned at the meeting will not meet the needs for Verizon Wireless; 3) Maps and photos addressing the view and projection issues from adjacent property owners.

The applicant is also proposing to modify the proposed wireless communication facility by lowering the height of the tower from 75 feet to 65 feet as well as proposing to make the tower a stealth tower designed to appear as either a cypress tree or a pine tree. The applicant believes that these changes will help mitigate the issues with the surrounding property owners and their views.

Attachments

1. Applicant's updated application submittal
2. Original Staff Report for Case SUP-15-01 from the July 28, 2015 P & Z Meeting
3. Minutes from the July 28, 2015 P & Z Meeting
4. Additional Letter from Adjacent Property Owner

Cc: Robert Kyle, AICP, CBO, Building & Development Services Administrator *RK*
 Katherine Harrison-Rogers, Senior Planner *KHR*

ATTACHMENT #1



Verizon Wireless
126 W. Gemini Dr.
Tempe, Arizona 8528

August 28, 2015

Mr. Adam Ochoa, Senior Planner
Community Development
City of Las Cruces
Las Cruces, NM

RE: Verizon LSC BLACKHAWK (4790 Stern Drive) Case SUP-15-01

Dear Mr. Ochoa:

Based on the hearing and minutes provided for the July 28th hearing, we are requesting that our tabled motion be re-opened for the September 22nd P&Z Meeting.

According to the minutes and comments by Commissioner Gordon. The majority of the concerns were over the design of our proposed 75' monopole and blockage of the view corridor for the Organ Mountains. In addition, Commissioner Gordon asked the we explore the possibility of moving our site across the Freeway on to NMSU Property and investigate the pecan orchards to the west of the proposed site.

New Possible Locations:

1. NMSU. Please see email correspondence on August 4th, 2015 from Scott Eschenbrenner, Real Estate Manager and Special Assistant to the President of NMSU. This email states that the property across from our proposed site, approximately 16 acres, is currently under negotiation with El Paso Electric for a 5 megawatt solar farm and the University would not be interested in any lease negotiations with Verizon Wireless.
2. The Pecan Orchard mentioned in the July 28th hearing is just under ½ mile from the designed site at 4790 Stern. This location will not provide Verizon's necessary RF and date coverage. As per the City's consultant's report and recommendation to the City, the proposed site at 4790 Stern is the best available site in the area.

View and Design Issues: (See Plat and Aerial Views provided by Nava Tech)

1. View Projection for Existing Residences as stated in the July 28th meeting minutes.

This was prepared by Nava Tech Associates of Las Cruces. As shown in the diagram the direct views from the various addresses show a straight line from the residences to the proposed Verizon telecom facility. VP 1-4 show some minor view shadowing to the far north east area of the Organ Mountains. VP 5-6 the views NW show none.

2. Photo-Simulations showing a new lower design of 65' maximum using a Mono-pine design and Mono-Cypress.
 - A) Photo Log. Shows projected views from 4 locations, to include the major high power transmission line running through the center of the development.
 - B) P1, S1a & Sb. Show views from behind 4851 Vista Cuesta area before and after with both a mono-cypress and mono-pine design. There are no views from this location of the Organ Mountains.
 - C) P2, S2a & S2b. Show views from behind O'Hair area before and after with a mono-cypress and mono-pine design. There is a slight view of the mountains, not sure these are the Organ Mountains.
 - D) P3, S3a & S3b. Shows views from the intersection of Agave Drive and Agave Place area before and after with a mono-cypress and mono-pine design. There are no views of any mountains in the background.
 - E) P4, S4a & S4b. Shows the views south as you enter into University Mesa Subdivision on to Salopek. View show new mono-cypress and mono-pine design. Note tall power lines in front of proposed design.
 - F) P4. Looking Southwest from O'Hair Drive. 100' Transmission lines running north and South through the subdivision.

In conclusion, Verizon believes that the new lowered design in the location proposed and recommended by the City consultant will provide the best possible voice and data service.

As a compromise Verizon is willing to change the existing 75' monopole design to a lower 65' new design of either a mono-cypress or mono-pine (preferred). We feel the new designs are not objectionable from the surrounding area views. It does not block the direct views of the Organ Mountains and there are existing major power-lines within the subdivision with much higher structures.

Therefore was ask that the City of Las Cruces Planning and Zoning Board approve our request.

Sincerely,



Les F. Gutierrez, Senior Site Acquisition Specialist
Tectonic Engineering, Agent for Verizon Wireless.

Gutierrez, Les

From: Scott Eschenbrenner <sbrenner@ad.nmsu.edu>
Sent: Tuesday, August 04, 2015 3:51 PM
To: Gutierrez, Les
Cc: Carolyn Aragon
Subject: RE: Verizon Site at 4790 Stern Drive. LSC BLACKHAWK

Mr. Gutierrez,

It was a pleasure visiting with you earlier today regarding your plans for a new monopole structure in the NMSU vicinity. Based on our conversation, it appears that Verizon was looking to ground lease some property from NMSU in the vicinity of the NMSU Photovoltaic Research Facility. It appears that this land is currently being considered as a 5 megawatt solar farm facility for EL Paso Electric Company and the land that was being considered for a monopole will be within the confines of the area being considered by EPEC. I appreciate your reaching out to us but at this time we will have to pass on further negotiations for this ground lease.

Respectfully,

Scott Eschenbrenner
Special Assistant to the President
MSC SVP
New Mexico State University
88003-8001
575-646-2356

From: Gutierrez, Les [mailto:LGutierrez@tectonicengineering.com]
Sent: Tuesday, August 04, 2015 3:38 PM
To: Scott Eschenbrenner
Subject: Verizon Site at 4790 Stern Drive. LSC BLACKHAWK

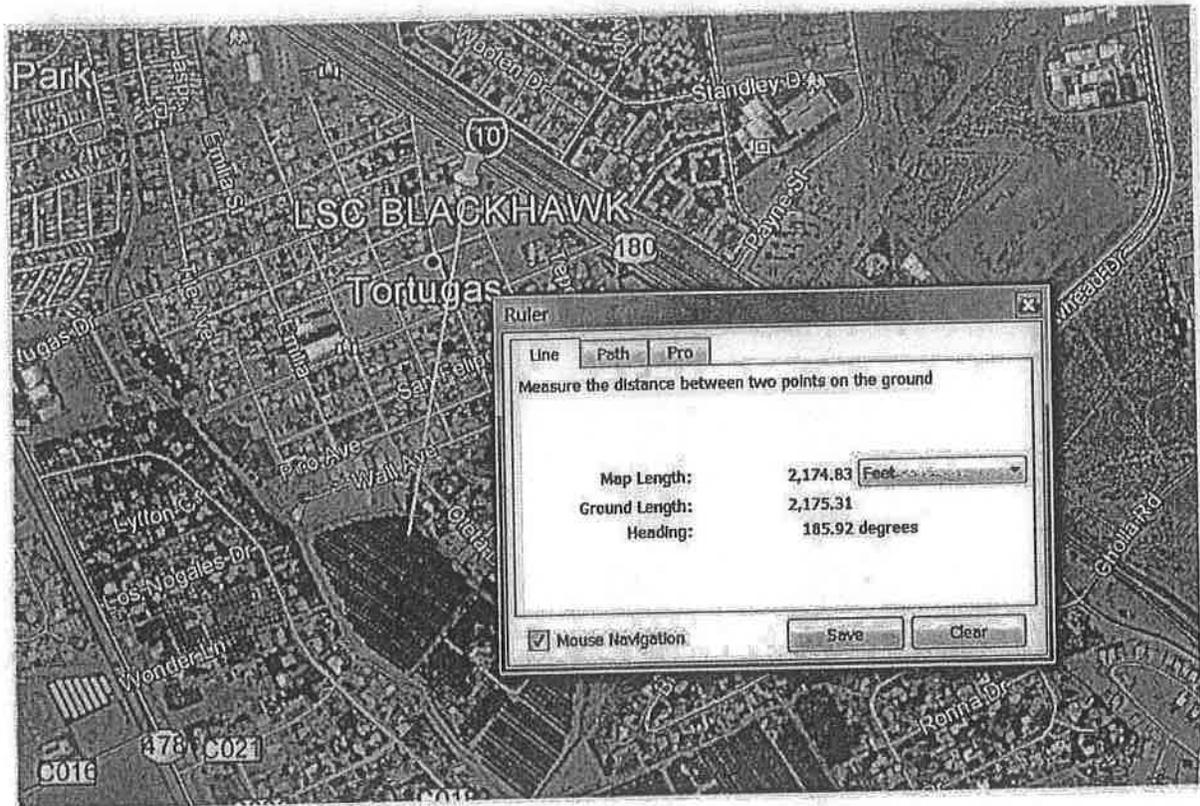
Dear Mr. Eschenbrenner.

Thank you for returning my call today. As per our visit Verizon Wireless is in the zoning process with the City of Las Cruces to approve a new 65-75 monopole at 4790 Stern Drive.

Prior to you becoming the Real Estate Director for NMSU, we approached NMSU about the possibility of constructing a new monopole in the general area in the attachment there was no interest at that time. Would you mind getting back to me if that has changed?

Thank you sir.

Les



New location proposed by Objecting Homeowner. Pecan Orchard. Almost 2,200' away.

**GREG BEST
CONSULTING, INC.**

9223 N. Manning Ave.
Kansas City, MO 64157
816-792-2913

June 23, 2015

CITY OF LAS CRUCES**ANALYSIS OF PROPOSED VERIZON BLACKHAWK SITE****INTRODUCTION**

This report provides an evaluation according to the City of Las Cruces Zoning requirements regarding the proposed Verizon to expand communications services in the area near the New Mexico State University Campus (NMSU) within the City of Las Cruces.

EXECUTIVE SUMMARY OF REPORT

The results of the engineering analysis concur that the site proposed by Verizon is the best available site for expansion of service to increase data capacity and to provide more uniform service. This is based upon the confirmation of the signal coverage analysis generated and by independent research for various sites in the general vicinity of the site area.

DETAILED ANALYSIS AND SUMMARY OF FINDINGS**SITE ANALYSIS**

The target coordinates and radius to be studied were obtained from the Tectonic Engineering. A list of 3 specific potential sites was found by looking at the area in question and attempting to evaluate signal propagation from each site. These sites include the proposed Blackhawk Site, a southern site (South) located approximately at Ringneck Dr near I-10, and an eastern site (East) located near Tamarisk Road and I-25. Both the East Site and the Blackhawk site provide excellent coverage of the desired area. A Google Earth exhibit is attached that exhibits the search ring center, showing the alternate sites (East & South), and showing two other existing sites (NMSU & Knox).

The main purpose of the new site is to off-load some traffic from a Verizon site near NMSU and another Verizon site near Union Avenue and I-10 (Knox). The primary issue is not of signal strength from the existing sites but the data traffic capacity. So the key is to find a site that would be close enough to off load some traffic from the existing sites, and provide additional data capacity close to the existing sites without causing interference from its site to the existing sites.

An ideal site was identified or chosen to provide the best compromise of capacity enhancement, signal coverage, and ability to transfer (or off-load) some data from existing sites to this new site. The search center is identified on the attached map. From there, other feasible sites where Verizon could establish operation were evaluated. The ideal site is actually is not located within the city and is zoned residential so the search radius for a suitable site had to be expanded. In order to provide the best coverage and also to increase the data handling capability, there were three sites that appear to meet this criteria. One was effectively the proposed Blackhawk location, and the others were the South Site and East Site. Each site consists of 3 antennas that can be aimed in different directions so as achieve the desired objective of increased data traffic while minimizing interference to other sites.

The interference issue is a significant one. Adding each new site requires some adjustment of the existing site equipment and operational technical parameters. The matter is similar to paint over-spray near the edges of the desired spraying area. If you get the paint sprayer to far from the area being sprayed, the width of the paint spray goes out wider and can cause a new color to

June 23, 2015

overlap an existing color. This overlap is analogous to the interference from one site to another. Likewise, if you get the paint sprayer too close to the area, then it does not cover the area to be painted adequately. So choosing the site involves more than just getting significant signal coverage over the area of interest.

In looking at the East site, its elevation is higher and provides very good coverage. In fact, the East site is actually too high at the maximum allowed height permitted by the zoning district. Like the paint spray analogy, its signal is too high near the NMSU area and can actually reduce the capacity of the NMSU site because the East site signal appears as noise or interference to the NMSU site. The proposed site, which is west of I-25, is also on NMSU owned property so a lease may not be possible or if NMSU decides the property is needed for another use at a later date, then service would suffer. If the tower site is located on the east side of I-25, that property is zoned residential and the City would not permit a cell tower site there.

The South site provides reasonable coverage but it is located so far south that very little data or voice traffic from the Knox site can be offloaded and thus does not provide the capacity enhancement needed. The South site location appears to be within some commercial zoning but it has not been significantly investigated since the data traffic capacity enhancement was not as substantial as the East site.

The Blackhawk site appears to be a good choice because of its proximity to the Knox and the NMSU sites to add data capacity enhancement while far enough away to be able to steer the antenna beams in such a way it does not cause interference to the other sites. In addition, the property area is city owned and zoned for the capability to allow Verizon to establish long-term operation.

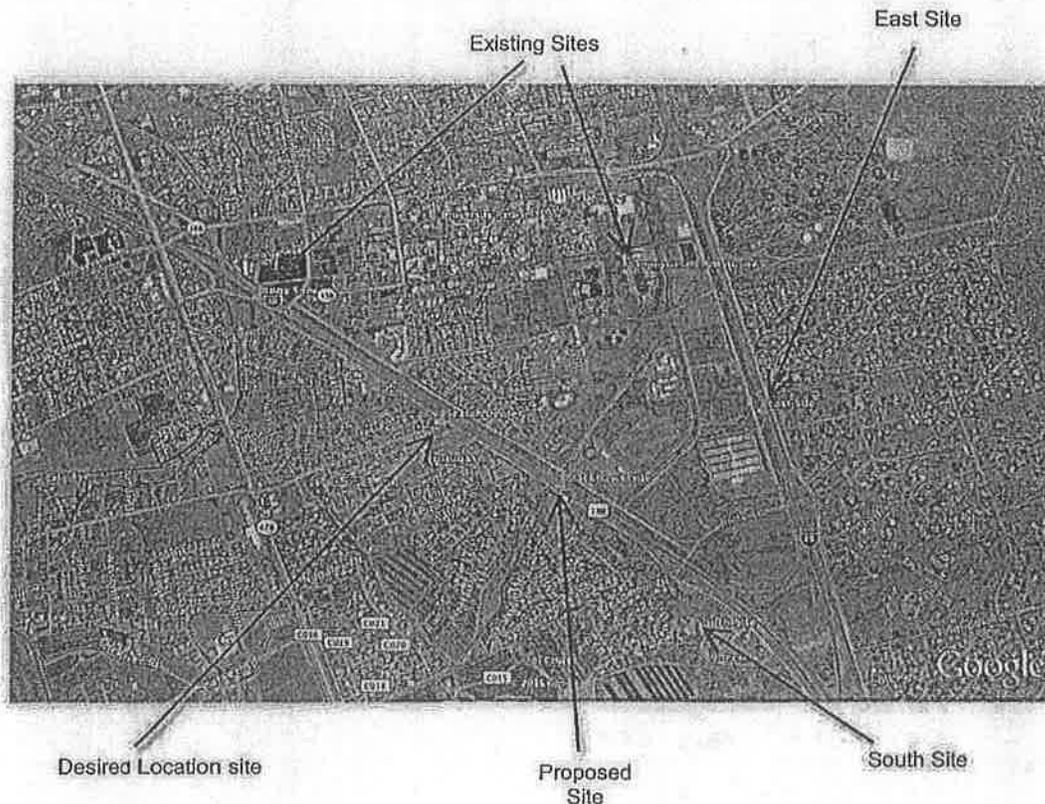
So in summary, the best site is the proposed Blackhawk site.

In addition to the proposed Blackhawk site, Verizon will be modifying the NMSU site in order to provide more uniform and consistent signal coverage (and thus more data connection capacity) over the NMSU area. This is an independent effort and will not take the place of adding the Blackhawk site.

HEIGHT ABOVE GROUND EVALUATION

In addition to the site selection, Verizon has also proposed that the antenna center be located at 70 feet above ground, and the total structure height is proposed to be 75 feet above ground level. This is above the 65 ft maximum height restriction for this area. Thus an analysis has been undertaken to try to quantify whether the additional height is justified. The analysis has evaluated the coverage at the proposed height, the maximum allowable height according to the zoning, and at the midpoint of the two heights. In this case, the difference is only 5 feet so analyses have been carried out at radiation center levels of 70 feet, 65 feet, and 67.5 feet. There are only slight differences between the proposed heights from the evaluation with the 70 feet height providing the best coverage. In the consultant's opinion, probably anyone of the three heights could work. However, the 70 foot height is judged to be the best for two reasons. One is that as the signal coverage goes a little farther and the second is because it is expected that there would be less modifications to the existing sites meaning less interruption in the service (fewer dropped calls or data re-connection occurrences) during system installation and optimization.

EXHIBIT INDICATING POTENTIAL AND PROPOSED SITES IN THE LAS CRUCES AREA



It has been my pleasure to assist with this important project and I will be happy to answer any questions regarding this report.

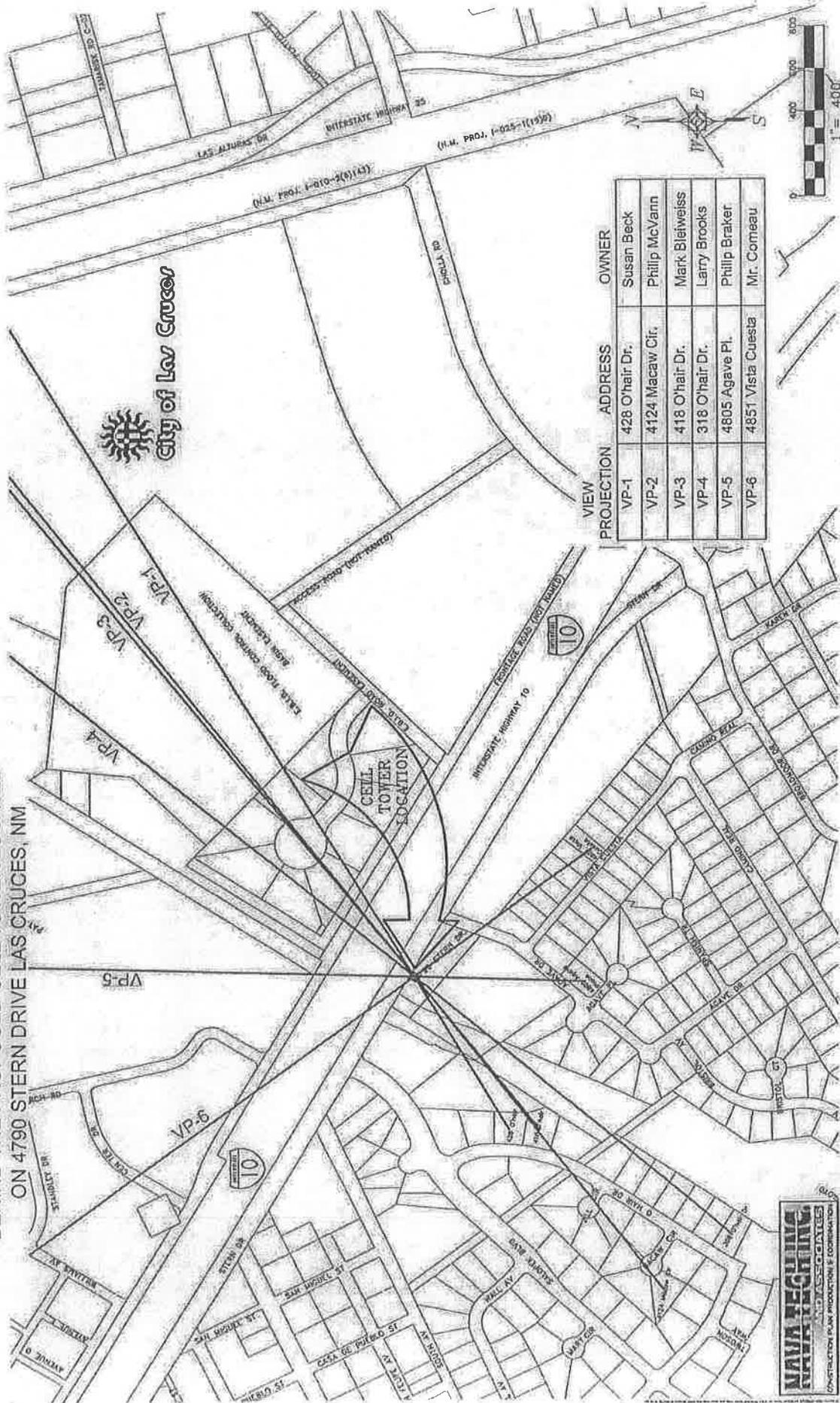
Respectfully submitted,

Margaret Best, PE

President

Attachments

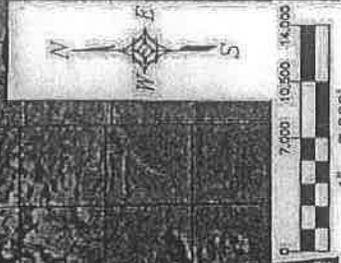
**VIEW PROJECTION OF EXISTING RESIDENCES
BEHIND THE PROPOSED CELL TOWER LOCATED
ON 4790 STERN DRIVE LAS CRUCES, NM**



VIEW PROJECTION	ADDRESS	OWNER
VP-1	428 O'hair Dr.	Susan Beck
VP-2	4124 Macaw Cir.	Philip McVann
VP-3	418 O'hair Dr.	Mark Bleiweis
VP-4	318 O'hair Dr.	Larry Brooks
VP-5	4805 Agave Pl.	Philip Braker
VP-6	4851 Vista Cuesta	Mr. Comeau

NAVA TECH INC.
 A DIVISION OF
NAVA ASSOCIATES
 CONSULTING PLANNING PRODUCTION & COORDINATION
 1105 S. SAN ANTONIO
 LAS CRUCES, NM 87801
 PHONE: (505) 783-1100

AERIAL



VIEW PROJECTION OF EXISTING RESIDENCES
BEHIND THE PROPOSED CELL TOWER LOCATED
ON 4790 STERN DRIVE LAS CRUCES, NM



NAVATECH INC.
AND ASSOCIATES
CONSTRUCTION PLANNING PRODUCTION & COORDINATION

Project No. 10-0001
Phase 1: 10/01/00 - 10/01/00

Map 4: 10/01/00
Map 5: 10/01/00
Map 6: 10/01/00
Map 7: 10/01/00



PHOTO
LOG

6022.Blackhawk

LSC Blackhawk
4790 Stern Drive
Las Cruces, New Mexico 88005

TECTONIC
Practical Solutions, Exceptional Service



Looking northwest from behind 4851 Vista Cuesta.
Proposed structure will be visible from this location.

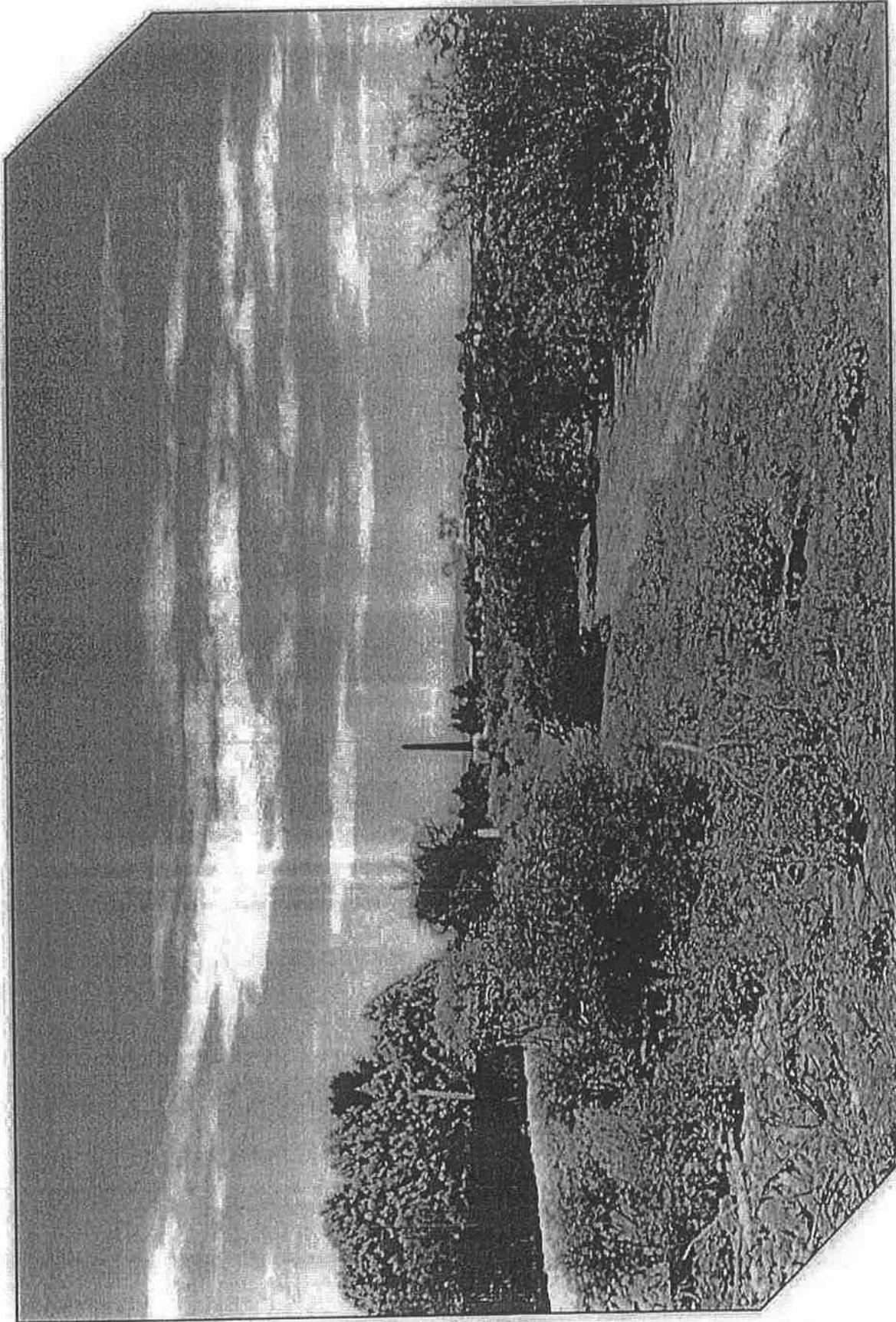
NOT TO SCALE - RENDERINGS ARE FOR DISCUSSION PURPOSES ONLY

P-1

6022.Blackhawk

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Looking northwest from behind 4851 Vista Cuesta.
Proposed monocypriss is visible from this location.

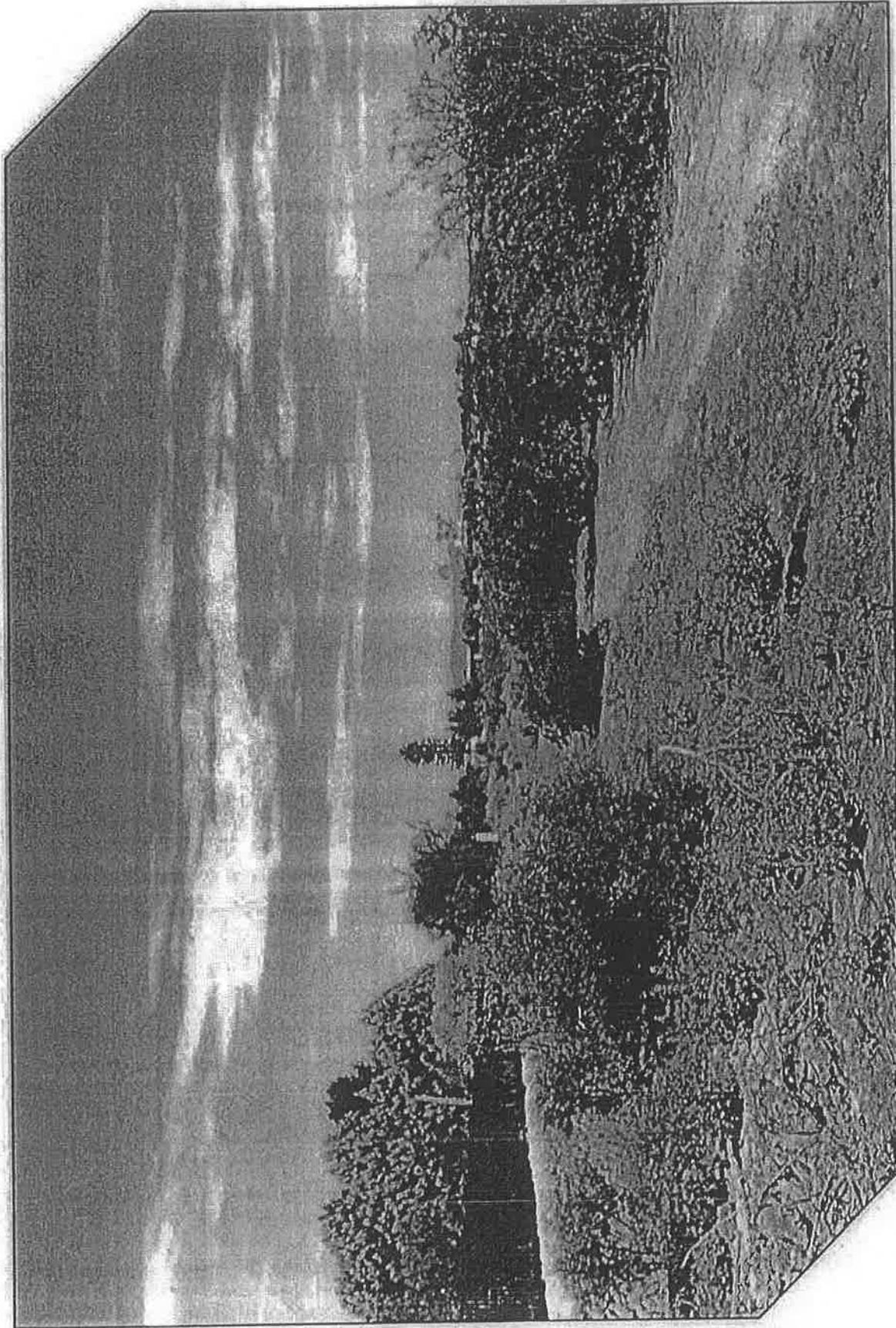
NOT TO SCALE - RENDERINGS ARE FOR DISCUSSION PURPOSES ONLY

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S-1a

6022 Blackhawk



Looking northwest from behind 4851 Vista Cuesta.
Proposed monopine is visible from this location.

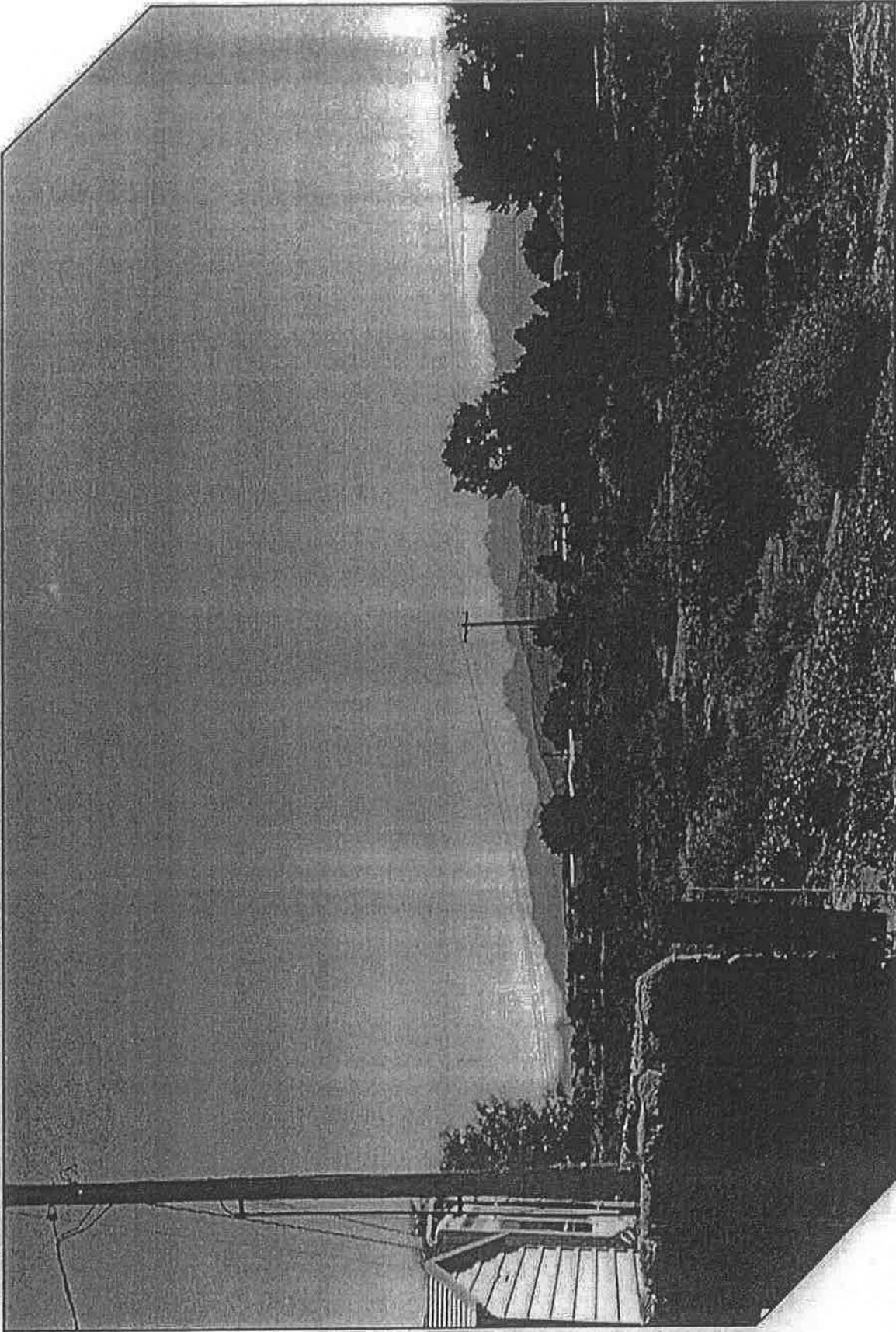
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S-1b

6022.Blackhawk

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Looking northeast from behind 318 O'Hair Drive.
Proposed structure will be visible from this location.

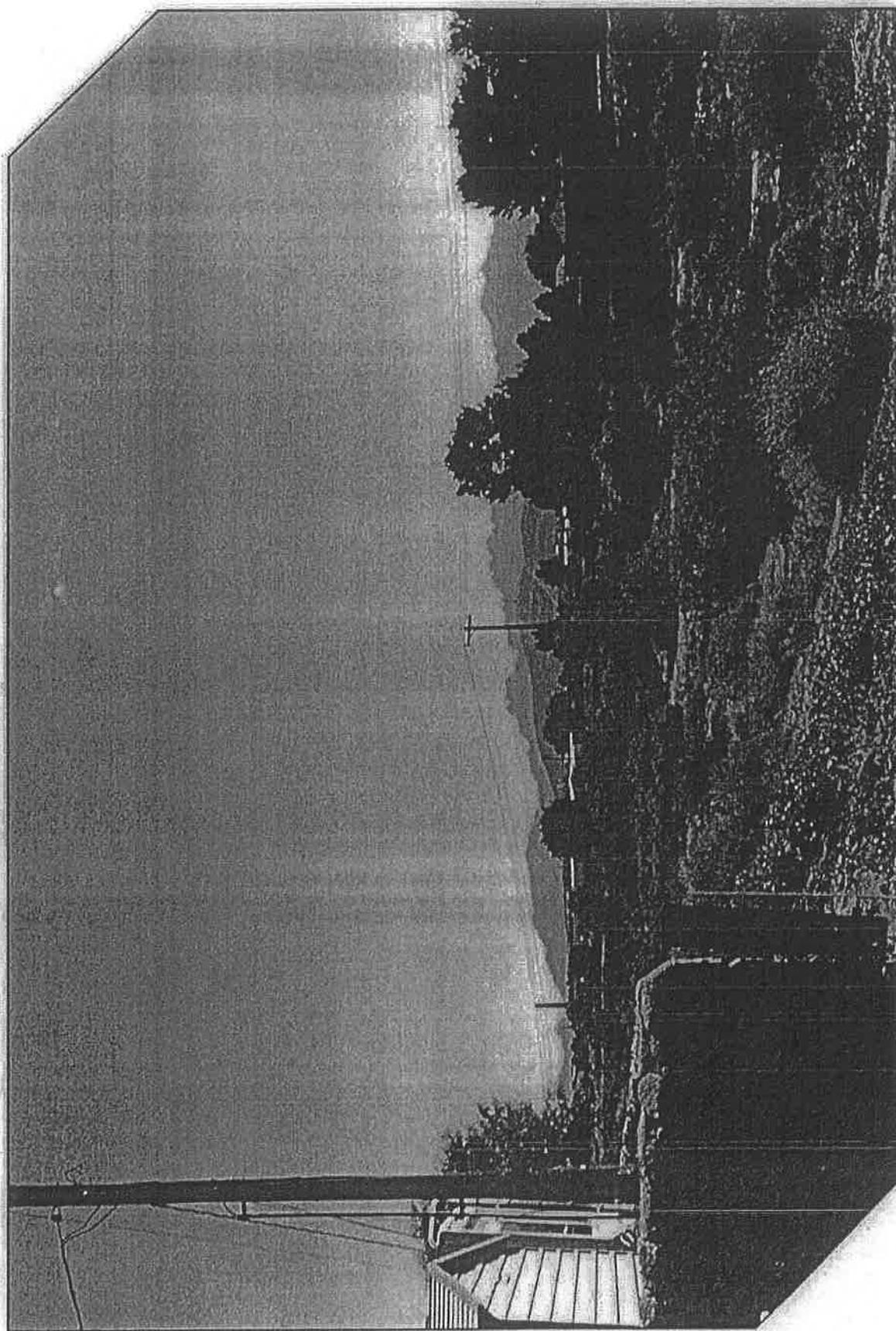
NOT TO SCALE - RENDERINGS ARE FOR DISCUSSION PURPOSES ONLY

P-2

6022.Blackhawk

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Looking northeast from behind 318 O'Hair Drive.
Proposed monocypress is visible from this location.

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S-2a

6022 Blackhawk



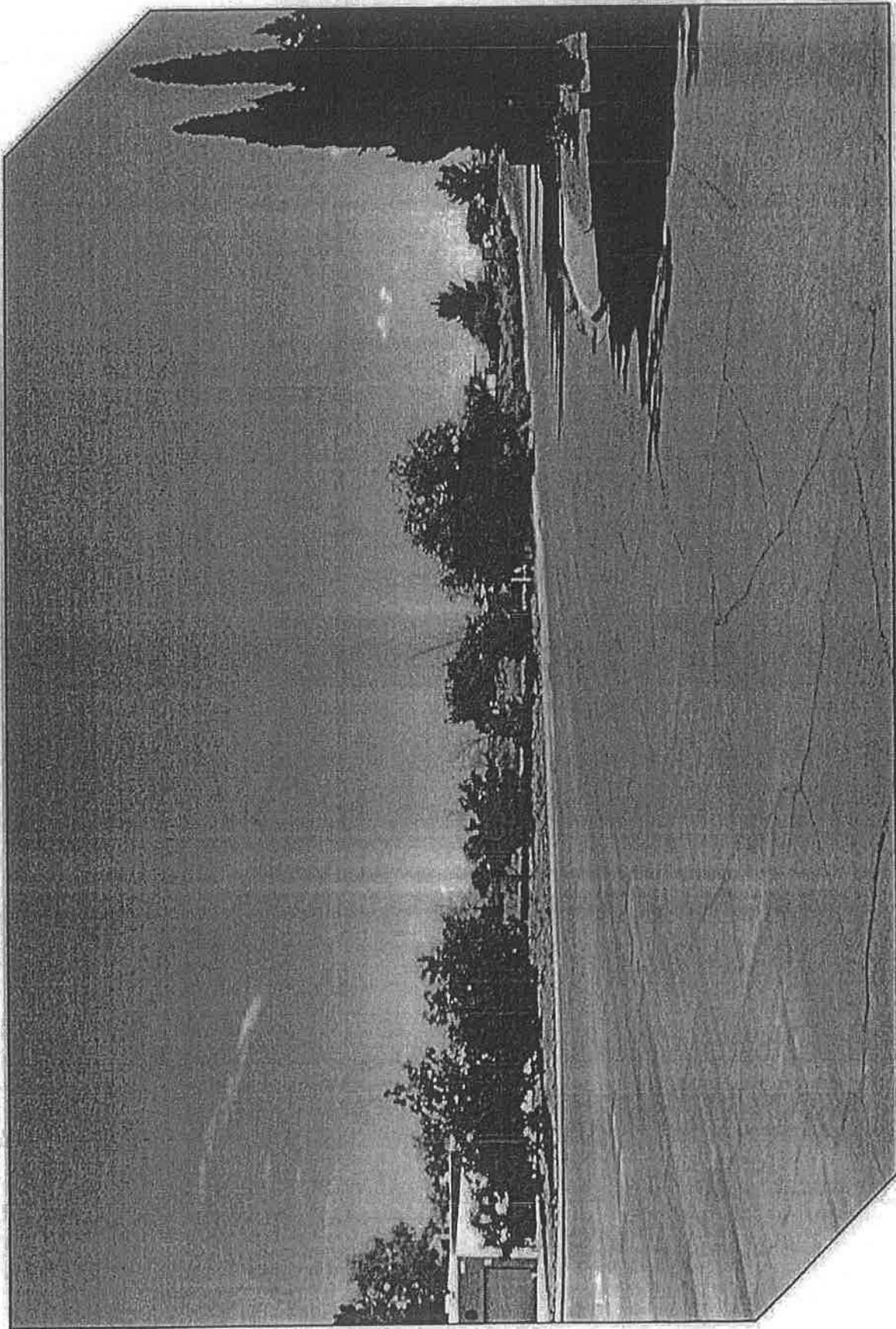
TECTONIC
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Looking northeast from behind 318 O'Hair Drive.
Proposed monopine is visible from this location.

NOT TO SCALE -- RENDERINGS ARE FOR DISCUSSION PURPOSES ONLY

S-2b

6022 Blackhawk



Looking north from the intersection of Agave Drive & Agave Place.
Proposed structure will be visible from this location.

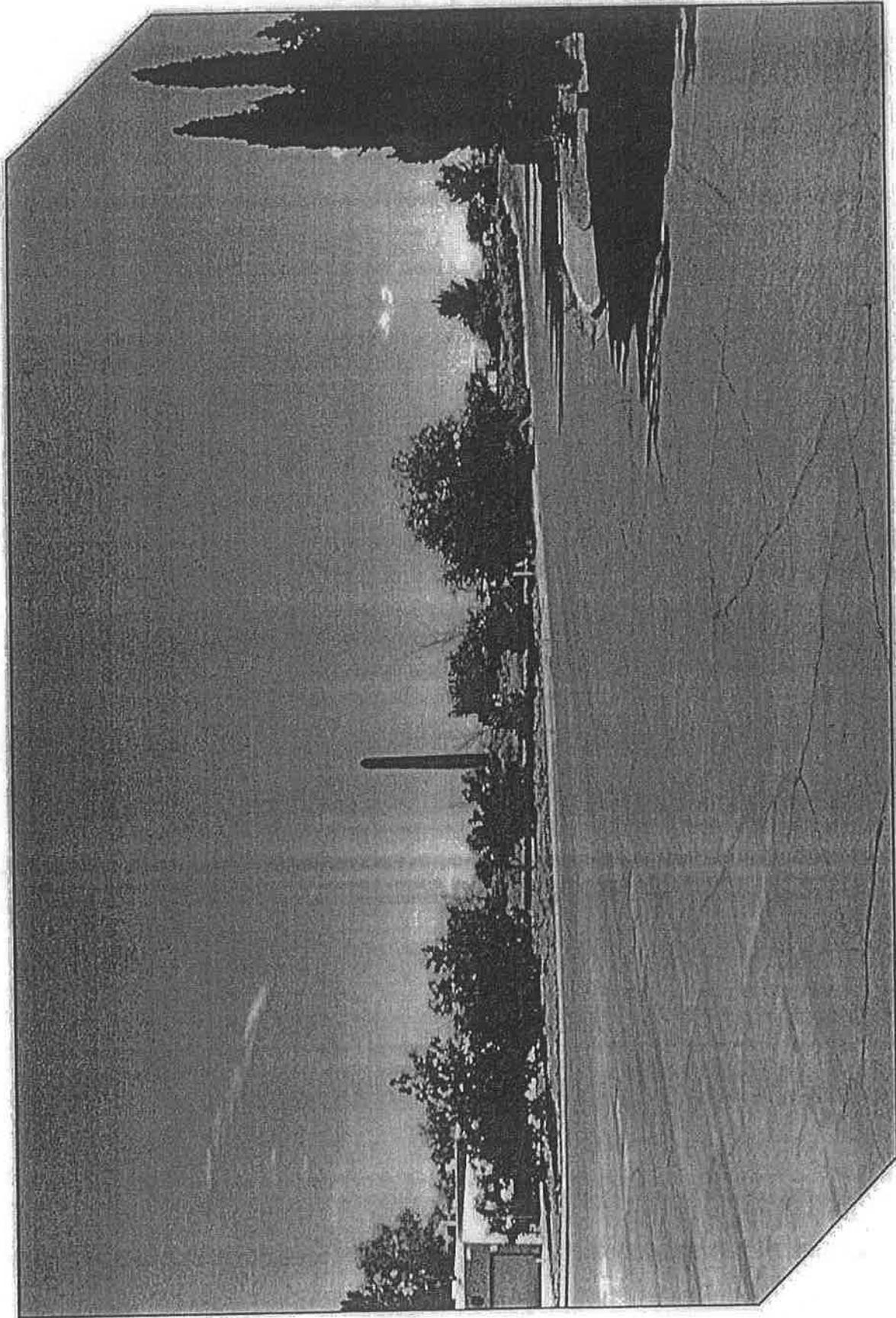
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P-3

6022.Blackhawk

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TECTONIC

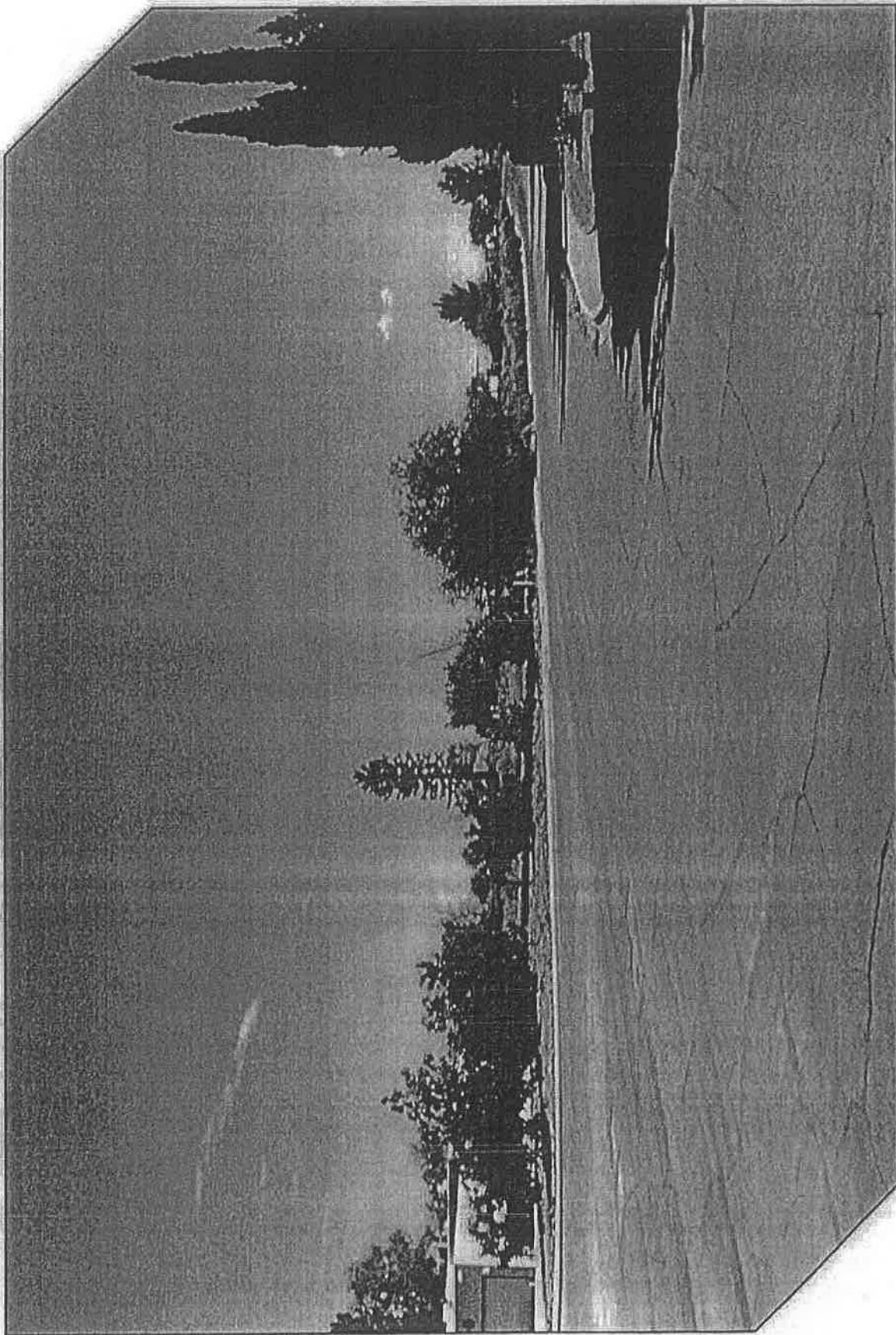
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Looking north from the intersection of Agave Drive & Agave Place.
Proposed monocyprress is visible from this location.

NOT TO SCALE - RENDERINGS ARE FOR DISCUSSION PURPOSES ONLY

S-3a

6022.Blackhawk



Looking north from the intersection of Agave Drive & Agave Place.
Proposed monopine is visible from this location.

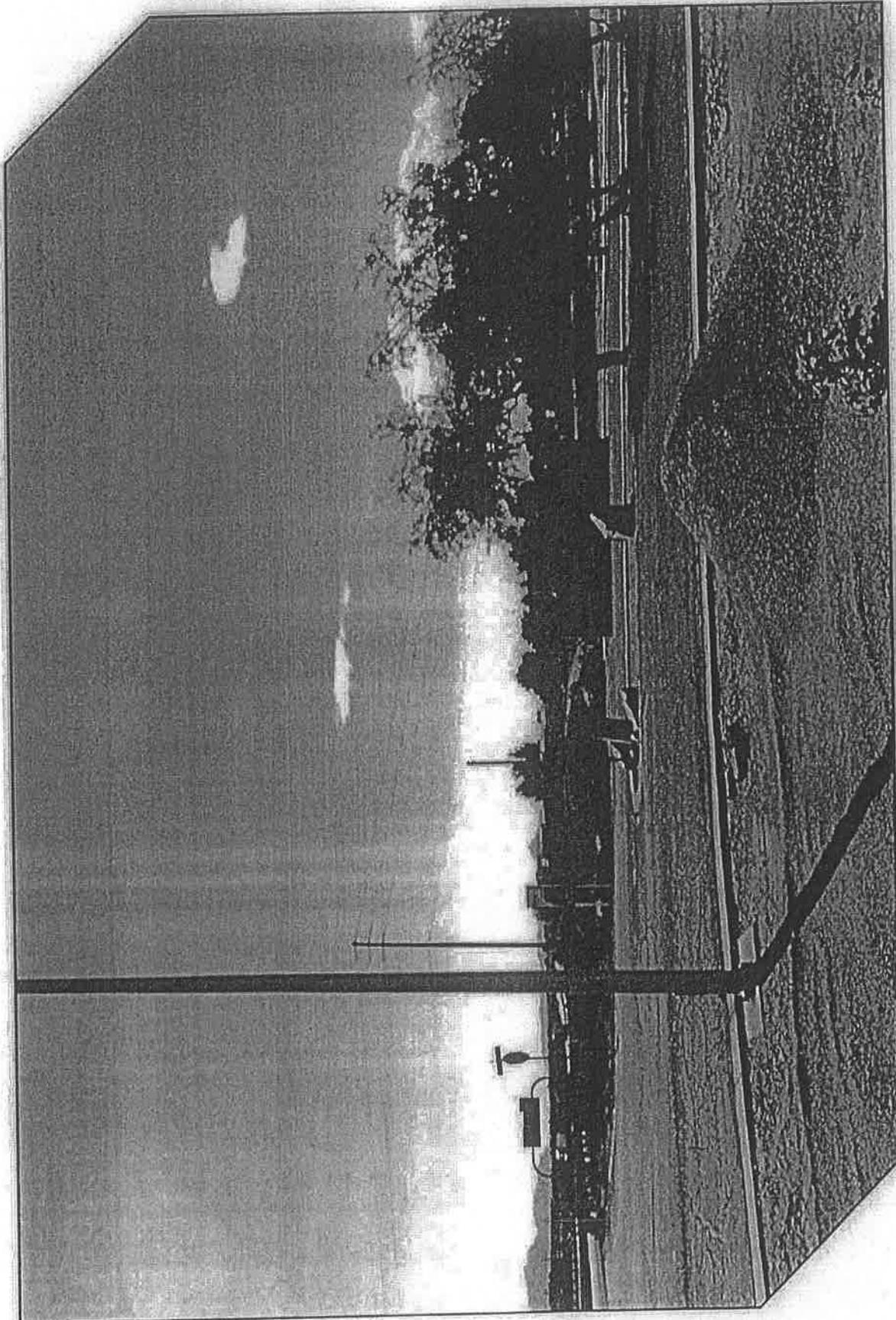
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S-3b

6022.Blackhawk

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Looking southeast from the intersection of Stern Drive & Salopek Boulevard.
Proposed structure will be visible from this location.

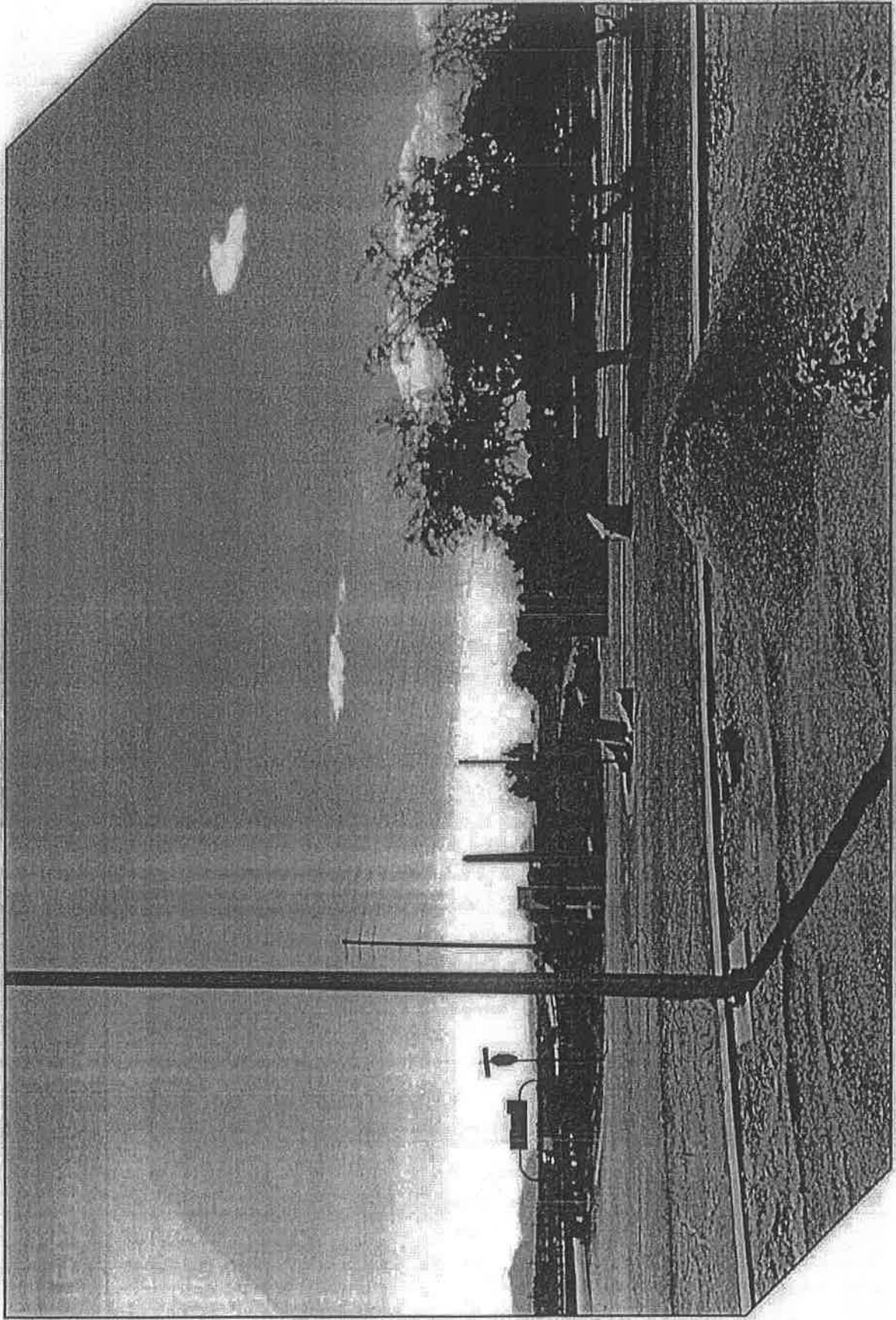
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P-4

6022 Blackhawk



Looking southeast from the intersection of Stern Drive & Salopek Boulevard.
 Proposed monocyress is visible from this location.

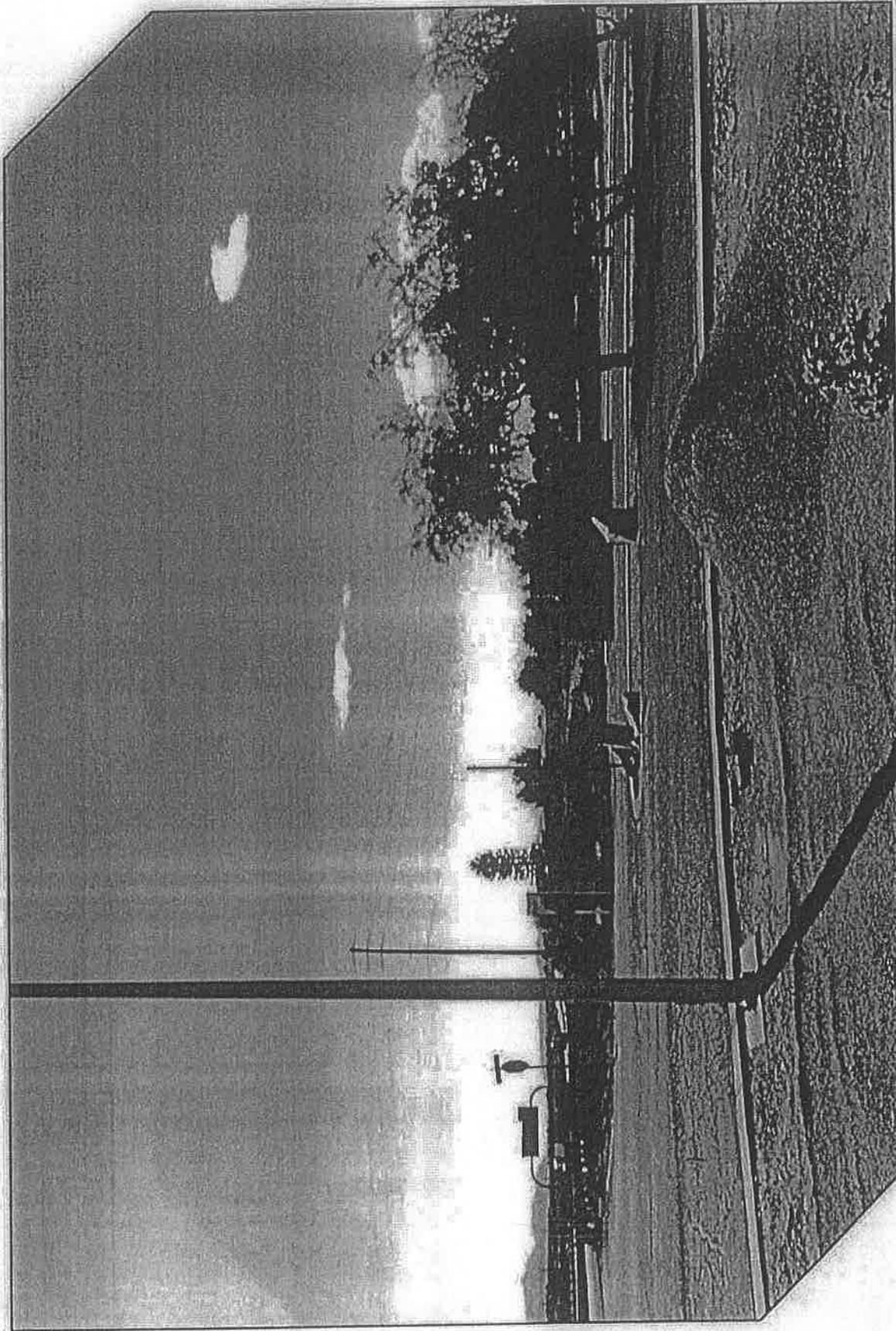
NOT TO SCALE - RENDERINGS ARE FOR DISCUSSION PURPOSES ONLY

S-4a

6022 Blackhawk

TECTONIC

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Looking southeast from the intersection of Stern Drive & Salopek Boulevard.
Proposed monopine is visible from this location.

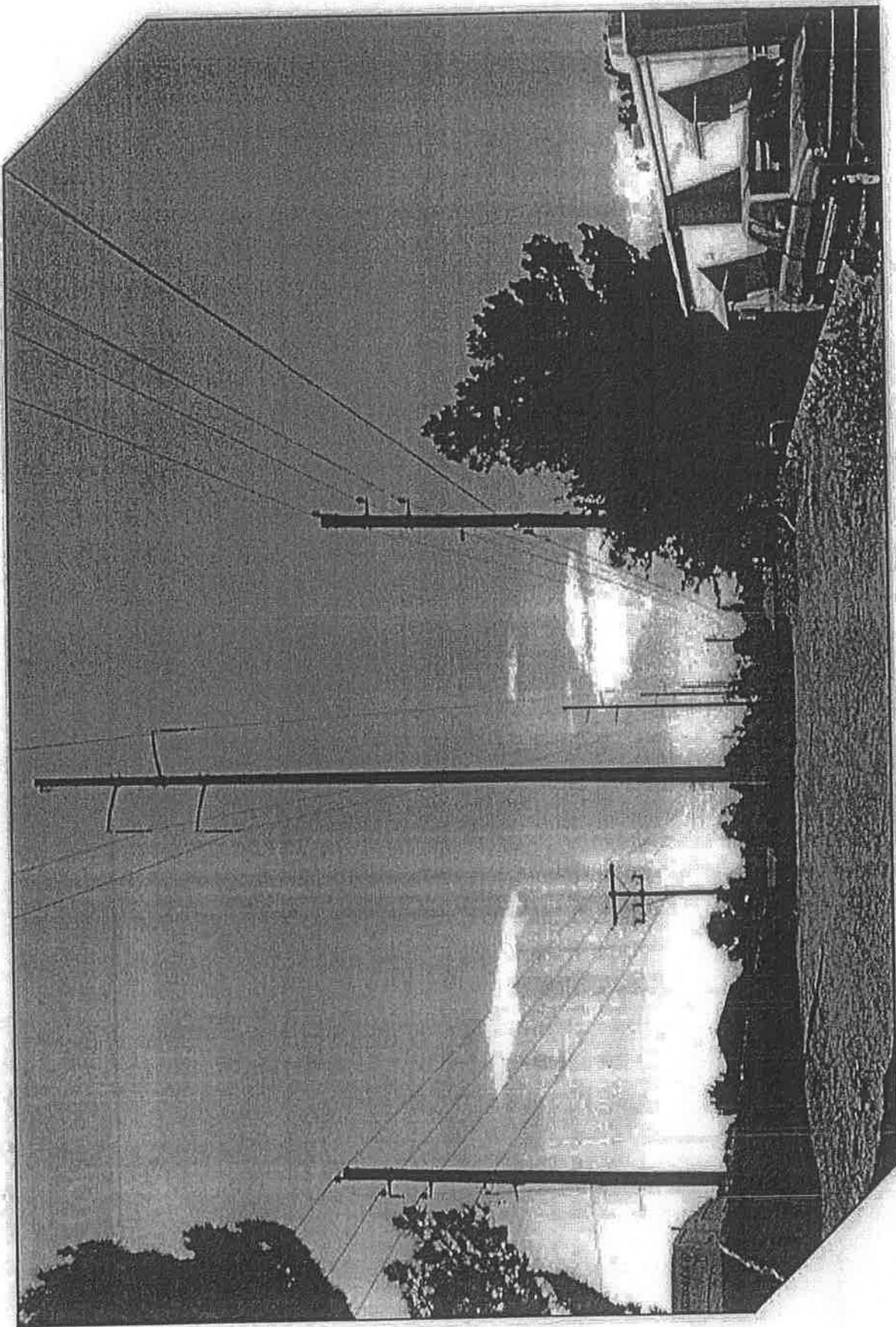
NOT TO SCALE - RENDERINGS ARE FOR DISCUSSION PURPOSES ONLY

S-4b

6022 Blackhawk

TECTONIC

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Looking southeast from O'Hair Drive.
Major power lines are visible through this location.

NOT TO SCALE - RENDERINGS ARE FOR DISCUSSION PURPOSES ONLY

P-4

6022 Blackhawk

TECTONIC

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**Planning & Zoning
Commission
Staff Report**

Meeting Date: July 28, 2015
Drafted by: Adam Ochoa, Planner/D

CASE #	SUP-15-01	PROJECT NAME:	4790 Stern Drive (New Wireless Communication Structure Special Use Permit)
APPLICANT/ REPRESENTATIVE:	Verizon Wireless/ Tectonic Engineering	PROPERTY OWNER:	A & E Enterprises, Inc.
LOCATION:	The southwest corner of Stern Drive & Agave Drive	COUNCIL DISTRICT:	2 (Councillor Smith)
SIZE:	1.552 ± acres	EXISTING ZONING/ OVERLAY:	C-3 (Commercial High Intensity)
REQUEST/ APPLICATION TYPE:	Special Use Permit (SUP) application to allow the construction of a new wireless communication facility		
EXISTING USE:	Commercial property with vacant commercial buildings		
PROPOSED USE:	Commercial property with vacant commercial buildings and a new wireless communication facility		
STAFF RECOMMENDATION:	Approval without conditions based on findings		

TABLE 1: CASE CHRONOLOGY

Date	Action
May 18, 2015	Application submitted to Development Services
May 18, 2015	Case sent out for review to all reviewing departments
May 26, 2015	Comments returned by all reviewing departments
June 30, 2015	Final written recommendation of a qualified professional engineer
July 1, 2015	Staff reviews and recommends approval of the proposed SUP
July 12, 2015	Newspaper advertisement
July 10, 2015	Public notice letter mailed to neighboring property owners
July 10, 2015	Sign posted on property
July 28, 2015	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is proposing to construct a new wireless communication facility on the subject property located at 4790 Stern Drive. The facility will include a 75-foot tall wireless communication tower and various associated accessory buildings and equipment that will be enclosed within an opaque rock wall. The proposed facility is adjacent to a single-family zoning district requiring the applicant to seek a Special Use Permit (SUP) to allow the new facility on the C-3 (Commercial High Intensity) zoned property. Along with the SUP is a request to allow the new tower at a maximum height of 75-feet, 10-feet taller than the maximum permitted height of 65-feet for a wireless communication tower in the C-3 zoning district. The proposed wireless communication facility will be required to follow all requirements of Section 38-59 of the 2001 Zoning Code, as amended.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Zoning Code Req.
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	N/A	40 dwelling units per acre
Lot Area	1.552 ± acres	No change	0.5 acres minimum/ no maximum
Lot Width	400 ± feet	No change	60 feet minimum
Lot Depth	155 ± feet	No change	70 feet minimum
Setbacks			
Front	20 ± feet (Existing gas pump canopy)	26 ± feet (Proposed wireless communication facility)	15 feet minimum
Secondary Front	25 ± feet (Existing gas pump canopy)	291 ± feet (Proposed wireless communication facility)	15 feet minimum
Side	178 ± feet (Existing vacant commercial building)	153 ± feet (Proposed wireless communication facility)	5 feet minimum
Rear	24 ± feet (Existing vacant commercial building)	93 ± feet (Proposed wireless communication facility)	Tower shall be setback 1 foot for each 1 foot in height of the tower plus 10% of the total height from any adjacent residential use or property (82.5 feet)
Accessory Structure	N/A	N/A	N/A
Parking			
Vehicular	13 parking stalls for the existing vacant commercial buildings	14 parking stalls (1 additional parking stall for the proposed new wireless communication facility)	14 parking stalls minimum (13 for the existing commercial buildings & 1 for the proposed new wireless communication facility)
Bicycle	0 bicycle stalls	0 bicycle stalls	N/A for the wireless communication facility.

TABLE 3: SPECIAL CHARACTERISTICS

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant commercial buildings	N/A	C-3 (Commercial High Intensity)
North	Interstate 10		
South	Single-family residences	N/A	R-1aC (Single-Family Medium Density-Conditional)
East	Vacant/undeveloped	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
West	Vacant/undeveloped	N/A	C-3C (Commercial High Intensity-Conditional)

TABLE 5: PARCEL HISTORY

Number	Status
Permits # 47803	Permit for a commercial alteration of car wash bays into storage units; permit has expired
Ordinance # 2629	Zone Change from C-2 to C-3; approved in August 2011
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	Yes: Approved based on the written recommendation of the qualified expert professional engineer
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Land Management	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No
New Mexico Department of Transportation (NMDOT)	Yes	Yes: The property owner is required to apply for an access permit with NMDOT for access to Stern Drive

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria

A Special Use is a use that is not permitted by right in a zoning district. A Special Use requires review and approval by the Planning and Zoning Commission to determine impacts on the surrounding area. A Special Use is required to follow all procedures as required by Section 38-54A of the 2001 Zoning Code, as amended.

Section 38-59F of the 2001 Zoning Code, as amended, states that new towers and other communication structures in the C-3 (Commercial High Intensity) zoning district adjacent to property zoned R-1c, R-1a, R-1b, R-1cM, R-1aM or R-1bM are not permitted unless approved through the special use permit process. A special use permit may also be granted to permit tower heights greater than what is allowed by the zoning district. All special use permit requests for any type of commercial communication structure shall follow submittal requirements as required within the Special Use Permit Section of the 2001 Zoning Code, as amended, including the established fee and within the established submittal deadlines. Additional provisions for all commercial communication structures are as follows:

1. A complete description of the commercial communication service to be provided or received and the proposed service area for commercial purposes.
2. A technical analysis prepared by a professional engineer for the proposed site. The analysis shall include:
 - a. A comprehensive statement and justification for the proposed structure location and site.
 - b. A communication coverage pattern calculation for the proposed structure location at:
 - i. The maximum height allowed for the respective zoning district for the site.
 - ii. The proposed height.
 - iii. At a mid-point height between the proposed height and the maximum height allowed for the zoning district of the site.
 - c. Analytical evidence demonstrating that no other location or height exists to provide the commercial communication service including cellular or similar communication service.
3. As part of the review of the special use permit application for commercial communication structures, the applicant is required to pay the established special use permit fee and all expenses associated with the city hiring a qualified expert to review and provide written recommendation to the Planning and Zoning Commission of the technical information submitted as part of the application.

Analysis

The proposed new wireless communication facility on the subject property located at 4790 Stern Drive is adjacent to an R-1aC (Single-Family Medium Density-Conditional) zoned property to the south requiring the applicant to seek approval for the new facility through the Special Use Permit (SUP) process. The current C-3 (Commercial High Intensity) zoning designation allows a wireless communication tower up to 65-feet in height. An SUP may be granted to permit a tower height greater than what is allowed by the C-3 zoning district. The applicant is proposing the wireless communication facility to include a 75-foot tall tower, 10-feet taller than what is permitted by the C-3 zoning district, and other associated accessory buildings and equipment that are to be contained within an opaque walled-off area. The proposed new facility will be required to meet all development and design requirements of Section 38-59 of 2001 Zoning Code, as amended.

The proposed SUP also requires the applicant to provide a technical analysis prepared by a professional engineer for the new facility that includes all of the information as required by Section 38-59F of the 2001 Zoning Code, as amended. The analysis is then required to be reviewed by an independent qualified expert consultant who then gives his or her written recommendation to the Planning and Zoning Commission. A technical analysis was prepared for the proposed new facility and the City of Las Cruces

hired Greg Best Consulting, Inc. to review the analysis and provide a written recommendation. The final written recommendation from the consultant was completed on June 23, 2015. The consultant concurs with the analysis of the applicant that the proposed new wireless communication facility site at 4790 Stern Drive is the best available site. The consultant also concurs with the applicant with the proposed height of the new wireless communication tower. Please see Attachment # 5 for the detailed recommendation from the consultant.

Conclusion

The location selected for the tower is on and adjacent to commercial development and zoning to the northwest and is bounded by Stern Drive, a major arterial, which is also adjacent to Interstate 25, to the northeast. The site is also adjacent to New Mexico Transportation Department right of way (zoned A-2) to the southeast. Based upon the character of the surrounding development, the site is suitable for a use such as this. Furthermore, the Applicant's technical analysis and independent review by an outside consultant determined that no other location or height exists to provide commercial communication service for this area. No input from area residents has been received regarding the proposal at this time. Based upon review of the proposal by Development Services Staff and all other reviewing departments in the City of Las Cruces and the New Mexico Department of Transportation and the written recommendation from the independent expert consultant, staff recommends approval for the proposed SUP.

DRC RECOMMENDATION

The proposal did not require review and recommendation by the Development Review Committee.

STAFF RECOMMENDATION

Staff has reviewed the proposed Special Use Permit (SUP) and based on the following findings recommends approval.

FINDINGS FOR APPROVAL

1. The subject property encompasses 1.552 ± acres, is zoned C-3 (Commercial High Intensity) and currently contains vacant commercial buildings.
2. An independent expert consultant has reviewed the analysis from the applicant and concurs that 4790 Stern Drive is the best available site for a new wireless communication facility with a 75-foot tall wireless communication tower in the area. (2001 Zoning Code, Article 6, Section 38-59 F6)
3. The proposed new wireless communication facility follows all of the requirements for a Special Use Permit (SUP) and all standards of Section 38-59 of the 2001 Zoning Code, as amended.

ATTACHMENTS

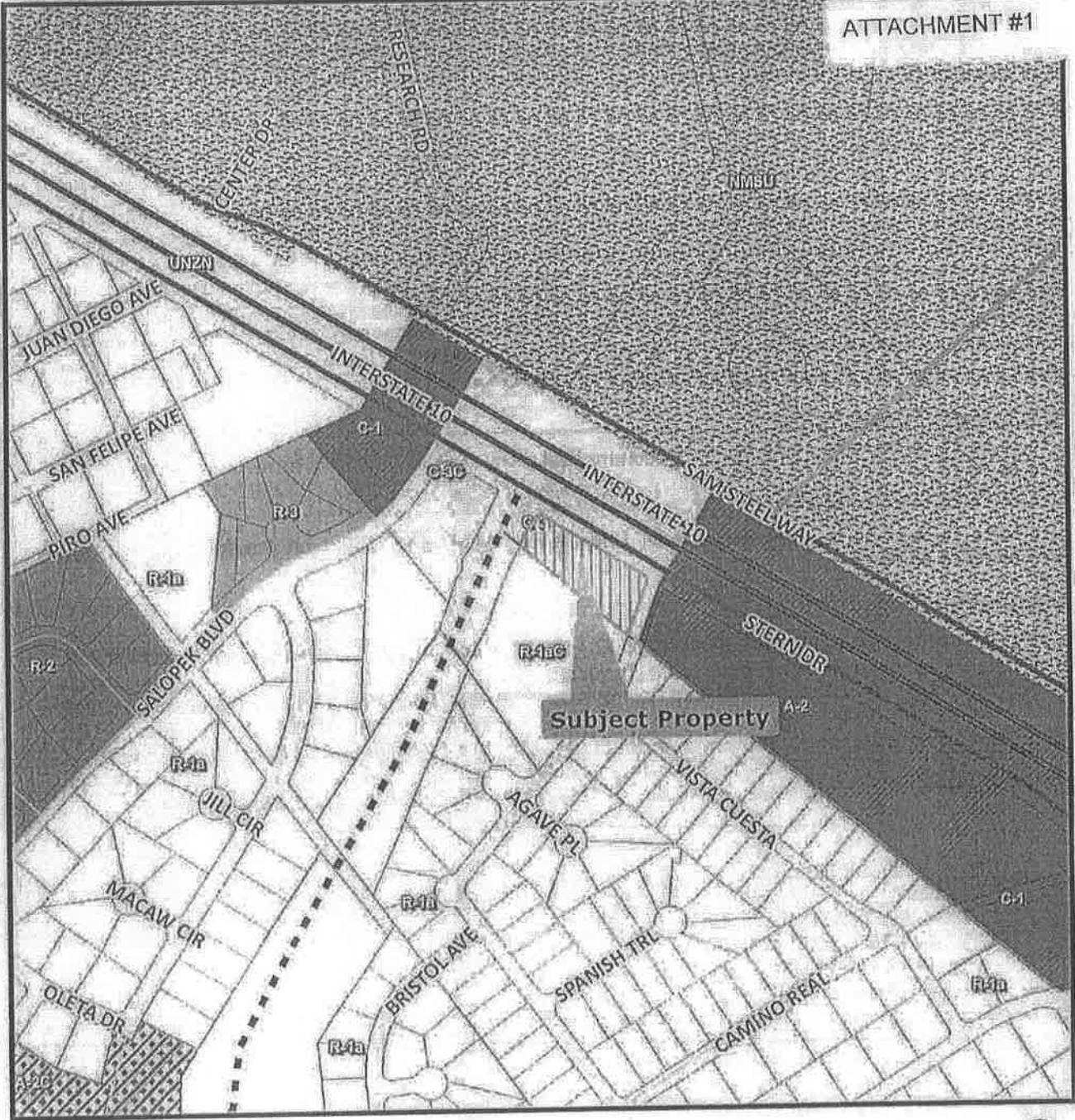
1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Applicant's Technical Analysis
5. Written Recommendation from the Consultant
6. Proposed Development Plans

ZONING: C-3
OWNER: A & E ENTERPRISES, INC.

VICINITY MAP

PARCEL: 02-22899
DATE: 05/18/2015

ATTACHMENT #1



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

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.

ZONING: C-3
OWNER: A & E ENTERPRISES, INC.

AERIAL MAP

PARCEL: 02-22899
DATE: 05/18/2015

ATTACHMENT #2



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

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) 528-3045.

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: Verizon Wireless / TECTUMC ENGINEERS
Contact Person: Les. F. Gutierrez
Contact Phone Number: 505-288-7195
Contact e-mail Address: LGUTIERVZ@TECTUMCENGINEERING.COM
Web site address (if applicable): N/A

Proposal Information

Name of Proposal: Verizon New Telecom Facility @ 4790 Stern Drive (LSC. BLACKHAWK)

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
NEW TELECOM FACILITY

Location of Subject Property 4790 STERN DRIVE, LAS CRUCES, NM.

(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: 1.552 ACRES.

Detailed description of current use of property. Include type and number of buildings:
SERVICE STATION / CONVENIENCE STORE - SELF STORAGE.

Detailed description of intended use of property. (Use separate sheet if necessary):
INSTALL A NEW TELECOM FACILITY ON AN EXISTING C1 LOT.

Zoning of Subject Property: C1

Proposed Zoning (If applicable): C1

Proposed number of lots N/A, to be developed in N/A phase (s).

Proposed square footage range of homes to be built from N/A to N/A

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

1,150 SQUARE FEET + A 75' MOUND POLE

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

ATELLECOM FACTORY IS A 24 hr. OPERATION

Anticipated traffic generation 1 trips per day MONTH

Anticipated development schedule: work will commence on or about 6 MONTHS FROM ^{R.P. APPROVAL} and will take 30 days to complete.

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

NA

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).

TUNNELS EXCEPT WILL BE CONCEALED BY A DESERT COLORED ROCK WALL, THE TUNNEL WILL BE PAINTED DESERT TAN. TREES WILL BE PLANTED ALONG THE SOUTH WALL TO HELP BUFFER

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

Is there existing landscaping on the property? DESERT LANDSCAPE SOME TREES.

Are there existing buffers on the property? BLDG, TREES.

Is there existing parking on the property? Yes ✓ No ___

If yes, is it paved? Yes ✓ No ___

How many spaces? NOT MARKED 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 (TUNNEL DESIGN)

ATTACHMENT #4

The Verizon Wireless logo, featuring a checkmark symbol above the text "verizon wireless".

Verizon Wireless
126 W. Gemini Dr.
Tempe, Arizona 8528

May 12, 2015

Mr. Adam Ochoa, Senior Planner
Community Development
City of Las Cruces
Las Cruces, NM

RE: Verizon LSC BLACKHAWK (4790 Stern Drive)

Dear Mr. Ochoa:

As per our previous emails and conversations regarding Verizon's new telecom facility to be located at 4790 Stern Drive.

The Site plan, page Z-1 shows the required setbacks, driveway access and parking stall. We will also plant trees on the SW side of the walled area to add a buffer to the R zone to the South. Currently there is only one residence adjacent to this property.

The walled area surrounding Verizon's equipment will be painted a desert tan/earth tone color as well as the monopole.

We have placed the tower in the proposed location to meet the required setbacks. The landlord has requested this location as to not impede on any future expansion of the existing structure to the rear.

We understand that our 75' request will be part of a Special User Permit. The tower height is needed to provide coverage as per the attached RF study. The monopole will be also capable of holding additional carriers in the future.

This new telecom facility is necessary to provide capacity coverage for existing sites: LSC TORTUGAS, LSC KNOX, LSC UNIVERISTY and LSC TELLBROOK. See RF Study, attached.

Also attached is the Special Use Application as well as the required Supplemental Application Form for Antenna, Towers, & Communication Structures. Photo-Simulations and fee for the SUP. After you have looked this over, Adam please let me know if you need any clarification or additional information.

Sincerely,



Les F. Gutierrez, Senior Site Acquisition Specialist, Agents for

Verizon Wireless



Verizon Wireless
126 W. Gemini Dr.
Tempe, Arizona 8528

May 4, 2015

Mr. Adam Ochoa, Senior Planner
Community Development
City of Las Cruces
Las Cruces, NM

RE: Verizon LSC BLACKHAWK (4790 Stern Drive)

Dear Mr. Ochoa:

Las Cruces has one of the highest demands for 4G LTE wireless data and we are making every effort to provide the data speed required for all of its customers. Verizon Wireless requires a site at 4790 Stern Drive to provide coverage necessary as shown in our Final Design, attached.

This newly designed site will be centered between Verizon sites: LSC KNOX, LSC TORTUGAS and LSC TELBROOK.

Currently LSC UNIVERSITY is experiencing huge demand for capacity through the campus and residences in this area. Data usage is on the rise at a much more rapid rate than our current network there can sustain. This rise is primarily due to the increased numbers of smart devices such as Android and Apple phones, laptops and tablets all supporting applications (Netflix, Social Media, web browsing) that require high speed connections.

To accommodate the entire user base in University area, we are adding several small cells and a (Distributed Antenna System) throughout the University area to handle current and future needs.

Attached RF Study:

LSC BLACKHAWK: Current LTE Coverage in the area with the LSC UNIVERSITY Site.
Areas in Blue are Excellent Coverage Green Good coverage, Pink...no indoor and OK outdoor.
Note gaps of Blue between existing Verizon sites: LSC KNOX, LSC UNIVERSITY, LSC TORTUGAS and LSC TELBROOK.

LSC BLACKHAWK: Current LTE Coverage UNIVERSITY SITE converted to Small Cells and DAS due to excessive capacity at NMSU during games and high usage. Areas in Blue are Excellent Coverage Green Good coverage, Pink...no indoor and OK outdoor. Note gaps of Blue low coverage increase also due to the capacity demand. Between existing Verizon sites decrease substantially and areas of Pink...

LSC BLACKHAWK. Final Design with the addition of new site at 70' added along with small cell and DAS capacity at NMSU. Note: Significantly improved areas of Blue and Green to provide excellent coverage during peak times and NMSU games.

The new LSC BLACKHAWK will provide added capacity coverage to the University site as well as coverage and capacity between Verizon's existing sites shown in the final design.

Upon its initial search there were not existing structures or towers within this area that Verizon could utilize.

Traditional cellular towers were designed to provide voice and low speed data. Imagine a one lane highway, with our previous generation sites represented by a bus and our current generation sites (LTE) represented by a sports car. The bus can accommodate many passengers at the expense of the longer duration in time in reaching its destination compared to a corvette which can reach the destination in a much shorter time at the expense of only accommodating a single passenger. Voice and low data sites take much longer to run out of capacity. With more users added to the network, the speed will also get impacted exponentially. In addition to providing high speed data VZW will be offering voice service on our LTE network reducing the amount of resources available for our data services thus driving the need for solutions to maintain our marketed data speed.

In summary, the majority of new sites will be LTE high speed data sites. As more and more devices and different applications are added to the network, more and more resources are needed to support this network. Unfortunately, there are no other viable solutions other than to add more sites to handle data growth and the desired speeds.

This phenomenon is mostly due to the nature of the service and technology limitations that comes with it. Traditionally, we could support areas like a small town and connecting routes with one site. However, now we need one site in the center of the town and two or more for the supporting highways and the roads to connect the small communities to the rest of the network (see graph).

Cell 602-390-1884

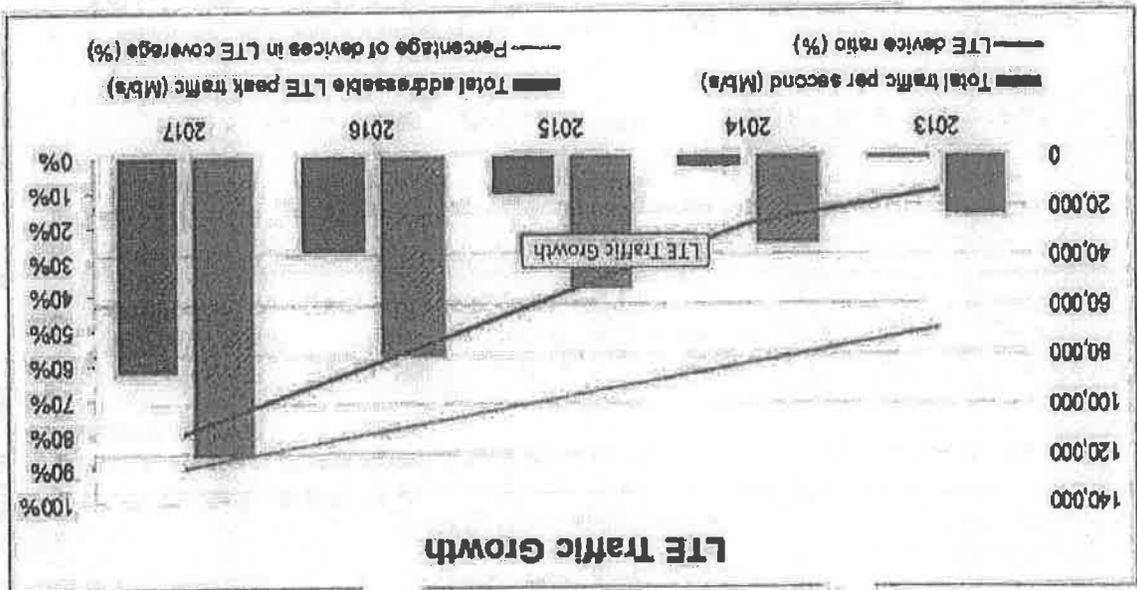
Hamdi.alaidin@verizonwireless.com

Verizon Wireless

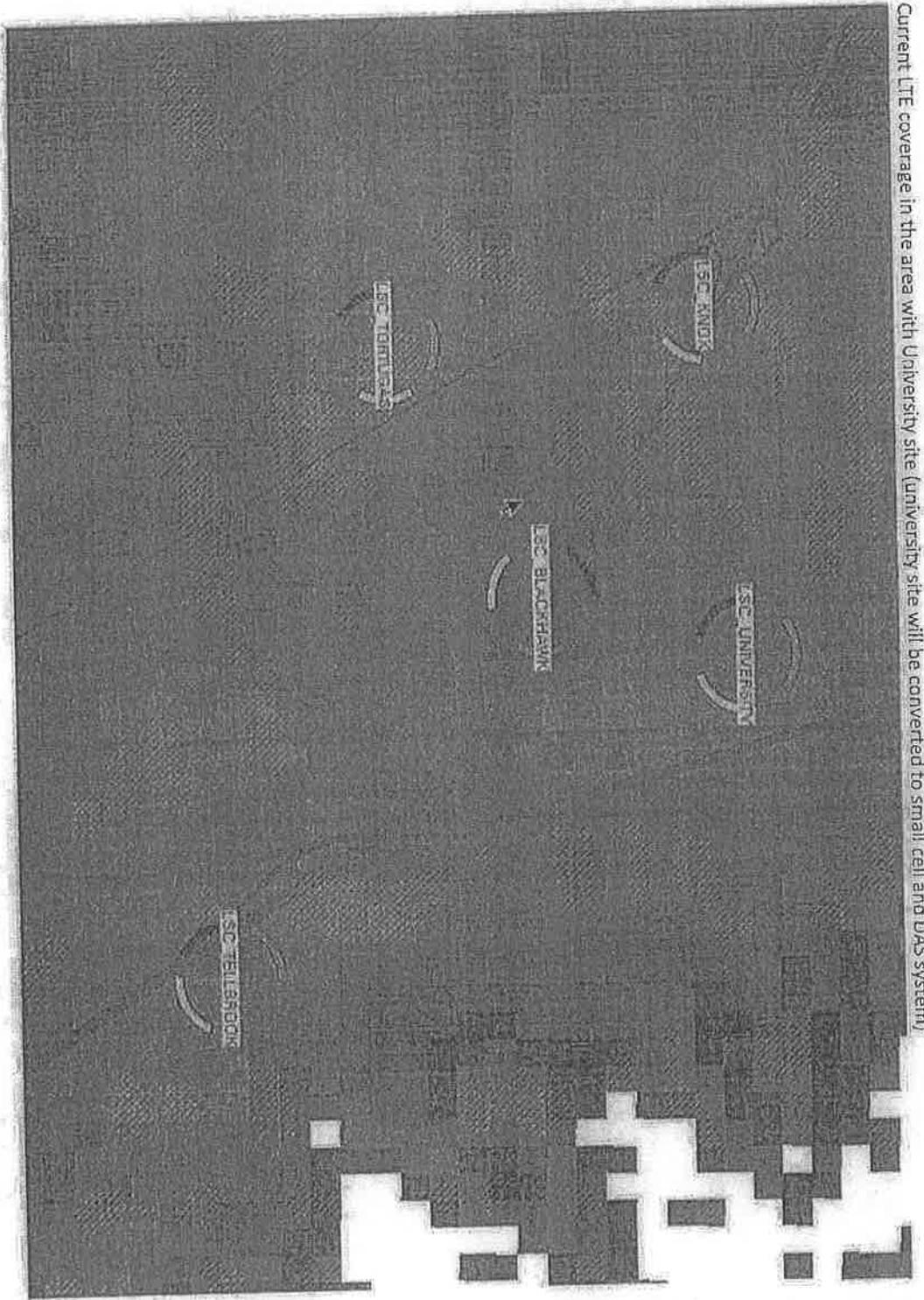
Hamdi Alaidin, Senior RF Engineer

Sincerely,

The proposed 75' painted monopole will provide Verizon with the necessary capacity to serve our customer base as well as emergency 911 users. The monopole will be designed to accommodate additional users. We respectfully ask that you grant our request our zoning approval request for this site.

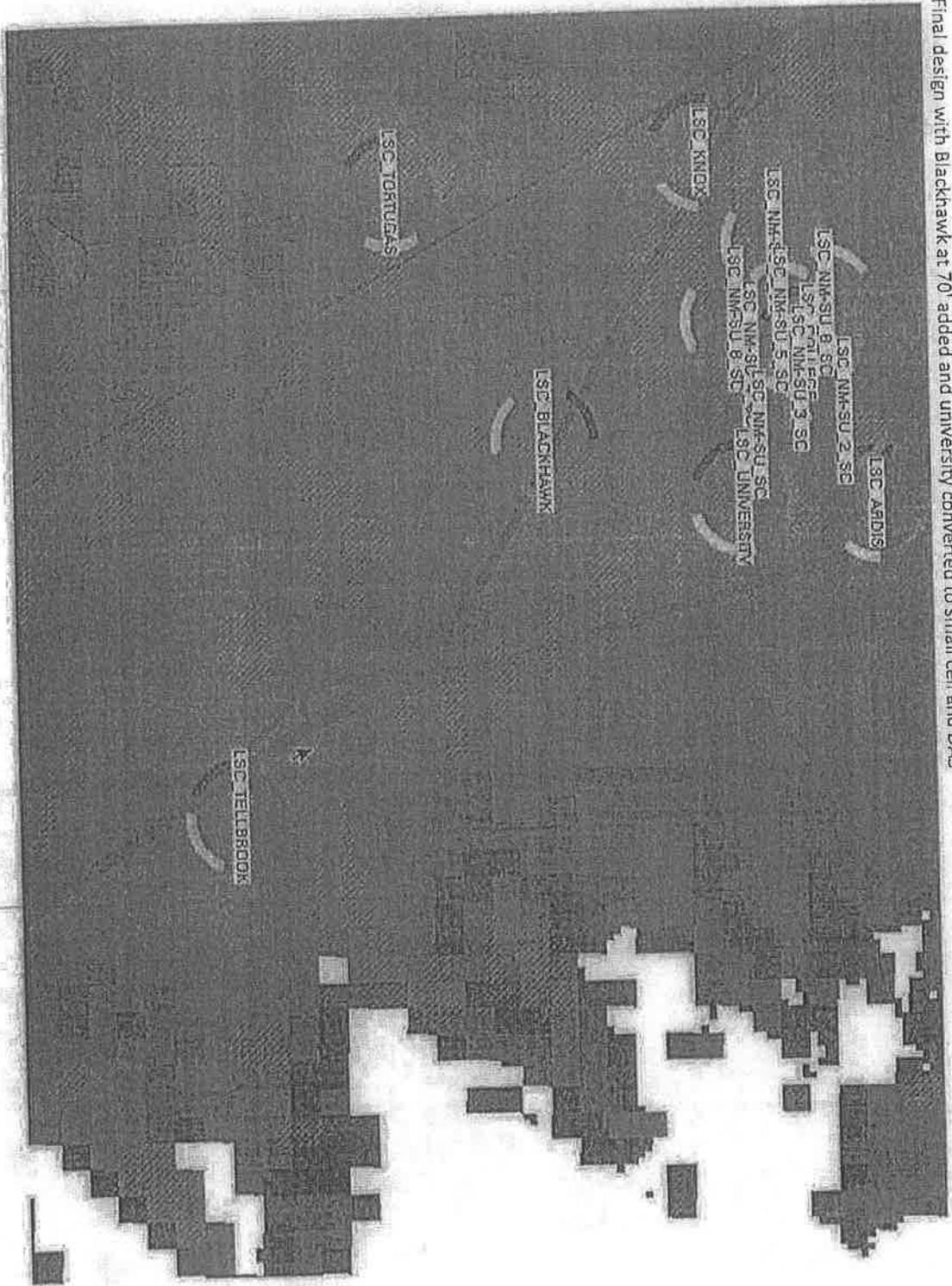


Current LTE coverage in the area with University site (University site will be converted to small cell and DAS system)



Vertical text on the left side of the page, likely a title or reference information, is mostly illegible due to the image's orientation and low resolution.

Final design with Blackhawk at 70° added and university converted to small cell and DAS



Coverage legend

Excellent indoor & Outdoor
Good indoor & Outdoor
No indoor & Ok Outdoor

Signal strength

LTE RSRP
LTE1

Ctr. RSRP (dBm)

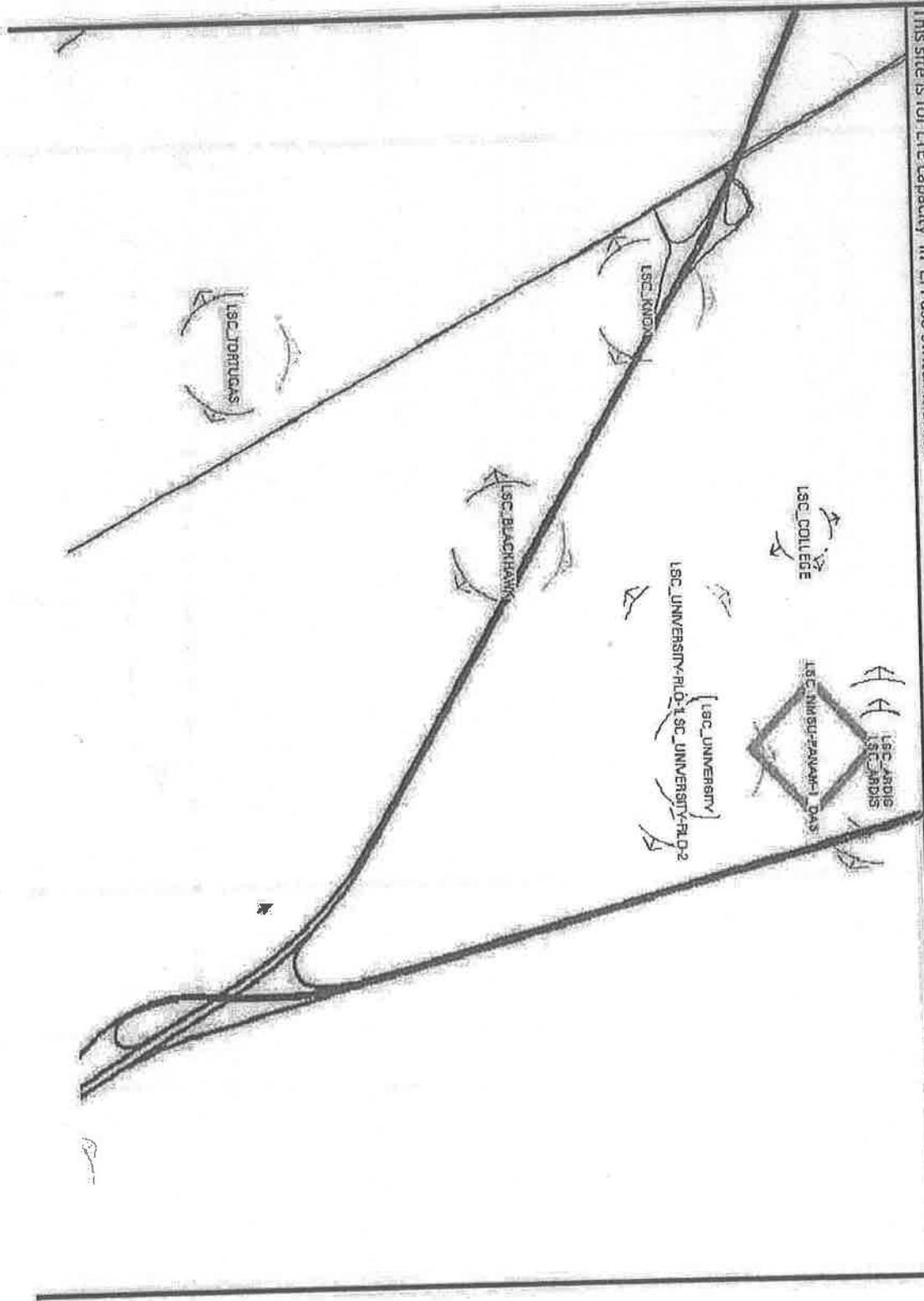
LTE RLOPL

■	>= -75
■	>= -85
■	>= -90
■	>= -95



Small vertical text on the left margin, possibly a page number or reference code.

This site is for LTE capacity in El Paso switch market.





SARF

Project Name : LSC_BLACKHAWK - New Build	Task Submitted On : 01/17/2014
Task Submitted By : Hamdi Alaaldin	

Site Acquisition Request Form (SARF)

GeoPlan Market: Albuquerque Location Name: LSC_BLACKHAWK
 Area: West Region: Southwest Market: El Paso

Issue Date: 01/17/2014 Site Name: LSC_BLACKHAWK
 From: Hamdi Alaaldin Type: RSA
 Request Type: New Search Area

Project Title: LSC_BLACKHAWK - New Build Budget: .22
 Desired In-Service Date: 08/21/2014 Site Location Type: Permanent
 Project Manager: Connie Woodward Acquisition: Site Acq Only

Priority: A

Coverage Objective:

Capacity site for LSC_knox-2

Further Explanation:

Special Instructions:

Type of Site

700

Preferred Location: Whatever is Available

Center of Search Ring	Street Address: 11 unknown st
Latitude: 32-16-16.45 N	Search Ring Center City: Las Cruces
Longitude: 106-45-08.26 W	Search Ring Center County: Dona Ana
Datum: NAD83	Search Ring Center State: NM
Radius of Search Ring (m): 0.22	Search Ring Center Zip Code: 88001

Voltage (V):	Donor Site Name:
Amperage (A):	Donor Site Sector:
Phase:	

Antenna Center Line (ft AGL): 65.00	Min Center Line (ft AGL): 60.00
Building Height Req.:	Max Center Line (ft AGL): 80.00

Generator?:

Equipment Requirements

Number of Sectors

Whip:

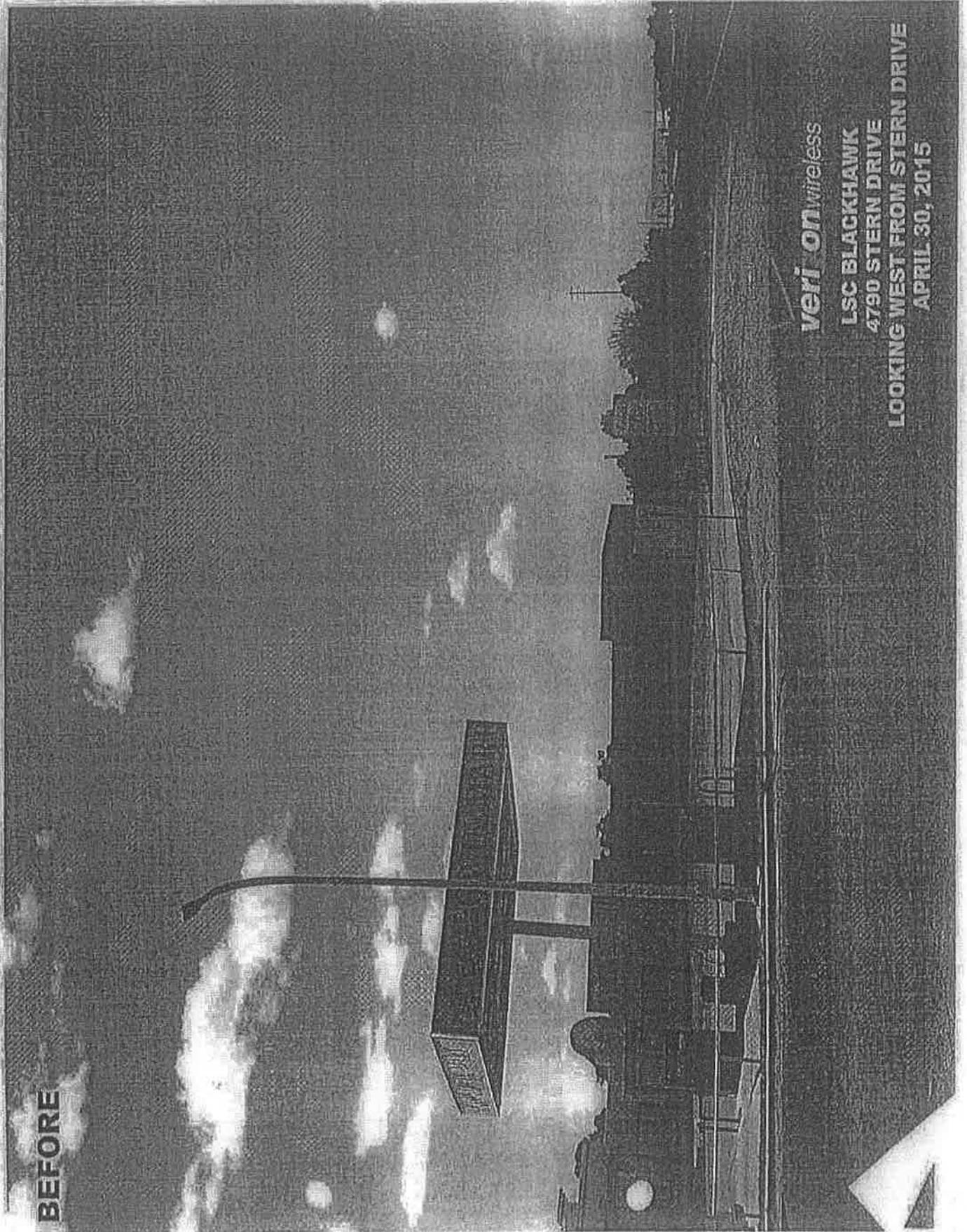
Panel: 3

Link:

Current	Quantity	Size	Future	Quantity	Size
Whip:			Whip:		
Panel:	12	9.00	Panel:		
Link:			Link:		

BEFORE

verizon wireless
LSC BLACKHAWK
4790 STERN DRIVE
LOOKING WEST FROM STERN DRIVE
APRIL 30, 2015



AFTER

PROPOSED 75' MONORAIL

verizon wireless

**LSC BLACKHAWK PHOTO SIMULATION
4790 STERN DRIVE
LOOKING WEST FROM STERN DRIVE
APRIL 30, 2015**



BEFORE



veri on wireless

LSC BLACKHAWK
4790 STERN DRIVE
LOOKING NORTH FROM AGAVE DRIVE
APRIL 30, 2015



AFTER

PROPOSED 75' MONOPOLE

verizon wireless

LSC BLACKHAWK PHOTO SIMULATION
4790 STERN DRIVE
LOOKING NORTH FROM AGAVE DRIVE
APRIL 30, 2015

**GREG BEST
CONSULTING, INC.**

9223 N. Manning Ave.
Kansas City, MO 64157
816-792-2913

June 23, 2015

CITY OF LAS CRUCES

ANALYSIS OF PROPOSED VERIZON BLACKHAWK SITE

INTRODUCTION

This report provides an evaluation according to the City of Las Cruces Zoning requirements regarding the proposed Verizon to expand communications services in the area near the New Mexico State University Campus (NMSU) within the City of Las Cruces.

EXECUTIVE SUMMARY OF REPORT

The results of the engineering analysis concur that the site proposed by Verizon is the best available site for expansion of service to increase data capacity and to provide more uniform service. This is based upon the confirmation of the signal coverage analysis generated and by independent research for various sites in the general vicinity of the site area.

DETAILED ANALYSIS AND SUMMARY OF FINDINGS

SITE ANALYSIS

The target coordinates and radius to be studied were obtained from the Tectonic Engineering. A list of 3 specific potential sites was found by looking at the area in question and attempting to evaluate signal propagation from each site. These sites include the proposed Blackhawk Site, a southern site (South) located approximately at Ringneck Dr near I-10, and an eastern site (East) located near Tamarisk Road and I-25. Both the East Site and the Blackhawk site provide excellent coverage of the desired area. A Google Earth exhibit is attached that exhibits the search ring center, showing the alternate sites (East & South), and showing two other existing sites (NMSU & Knox).

The main purpose of the new site is to off-load some traffic from a Verizon site near NMSU and another Verizon site near Union Avenue and I-10 (Knox). The primary issue is not of signal strength from the existing sites but the data traffic capacity. So the key is to find a site that would be close enough to off load some traffic from the existing sites, and provide additional data capacity close to the existing sites without causing interference from its site to the existing sites.

An ideal site was identified or chosen to provide the best compromise of capacity enhancement, signal coverage, and ability to transfer (or off-load) some data from existing sites to this new site. The search center is identified on the attached map. From there, other feasible sites where Verizon could establish operation were evaluated. The ideal site is actually is not located within the city and is zoned residential so the search radius for a suitable site had to be expanded. In order to provide the best coverage and also to increase the data handling capability, there were three sites that appear to meet this criteria. One was effectively the proposed Blackhawk location, and the others were the South Site and East Site. Each site consists of 3 antennas that can be aimed in different directions so as achieve the desired objective of increased data traffic while minimizing interference to other sites.

The interference issue is a significant one. Adding each new site requires some adjustment of the existing site equipment and operational technical parameters. The matter is similar to paint over-spray near the edges of the desired spraying area. If you get the paint sprayer too far from the area being sprayed, the width of the paint spray goes out wider and can cause a new color to

June 23, 2015

overlap an existing color. This overlap is analogous to the interference from one site to another. Likewise, if you get the paint sprayer too close to the area, then it does not cover the area to be painted adequately. So choosing the site involves more than just getting significant signal coverage over the area of interest.

In looking at the East site, its elevation is higher and provides very good coverage. In fact, the East site is actually too high at the maximum allowed height permitted by the zoning district. Like the paint spray analogy, its signal is too high near the NMSU area and can actually reduce the capacity of the NMSU site because the East site signal appears as noise or interference to the NMSU site. The proposed site, which is west of I-25, is also on NMSU owned property so a lease may not be possible or if NMSU decides the property is needed for another use at a later date, then service would suffer. If the tower site is located on the east side of I-25, that property is zoned residential and the City would not permit a cell tower site there.

The South site provides reasonable coverage but it is located so far south that very little data or voice traffic from the Knox site can be offloaded and thus does not provide the capacity enhancement needed. The South site location appears to be within some commercial zoning but it has not been significantly investigated since the data traffic capacity enhancement was not as substantial as the East site.

The Blackhawk site appears to be a good choice because of its proximity to the Knox and the NMSU sites to add data capacity enhancement while far enough away to be able to steer the antenna beams in such a way it does not cause interference to the other sites. In addition, the property area is city owned and zoned for the capability to allow Verizon to establish long-term operation.

So in summary, the best site is the proposed Blackhawk site.

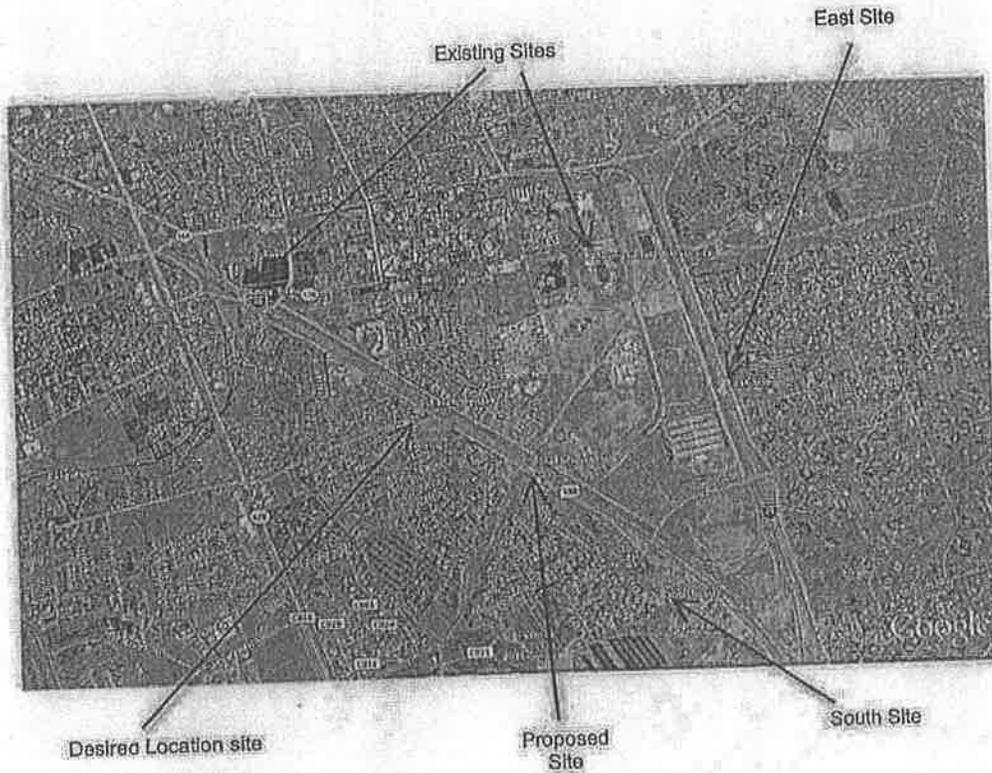
In addition to the proposed Blackhawk site, Verizon will be modifying the NMSU site in order to provide more uniform and consistent signal coverage (and thus more data connection capacity) over the NMSU area. This is an independent effort and will not take the place of adding the Blackhawk site.

HEIGHT ABOVE GROUND EVALUATION

In addition to the site selection, Verizon has also proposed that the antenna center be located at 70 feet above ground, and the total structure height is proposed to be 75 feet above ground level. This is above the 65 ft maximum height restriction for this area. Thus an analysis has been undertaken to try to quantify whether the additional height is justified. The analysis has evaluated the coverage at the proposed height, the maximum allowable height according to the zoning, and at the midpoint of the two heights. In this case, the difference is only 5 feet so analyses have been carried out at radiation center levels of 70 feet, 65 feet, and 67.5 feet. There are only slight differences between the proposed heights from the evaluation with the 70 foot height providing the best coverage. In the consultant's opinion, probably anyone of the three heights could work. However, the 70 foot height is judged to be the best for two reasons. One is that as the signal coverage goes a little farther and the second is because it is expected that there would be less modifications to the existing sites meaning less interruption in the service (fewer dropped calls or data re-connection occurrences) during system installation and optimization.

June 23, 2015

EXHIBIT INDICATING POTENTIAL AND PROPOSED SITES IN THE LAS CRUCES AREA



It has been my pleasure to assist with this important project and I will be happy to answer any questions regarding this report.

Respectfully submitted,

President

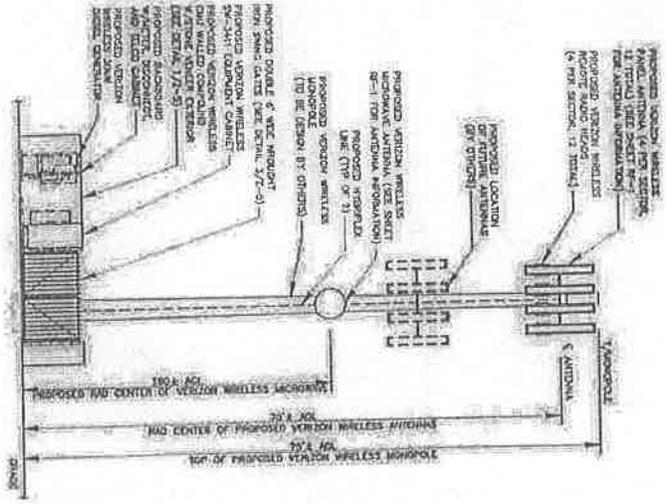
Attachments

D:\C:\Users\jose.ama\appdata\local\temp\k4c\p100n_3852\6023 Dedicat 20, Plotted: 5/29/15 at 3:27 PM, R:\2014 Anna, Cell Tower\Blackhawk.dwg

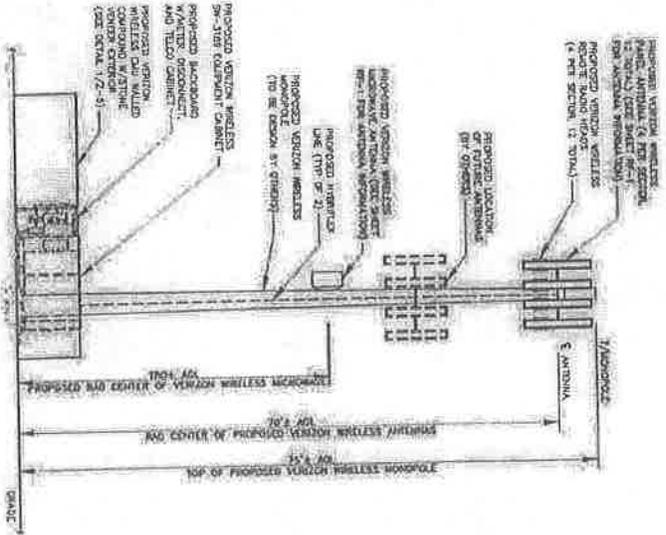
STRUCTURAL NOTE
 SEE FOR STRUCTURAL REVISIONS AND NOTES. ALL STRUCTURAL REVISIONS SHALL BE MADE IN ACCORDANCE WITH THE LATEST EDITION OF THE AISC STEEL CONSTRUCTION MANUAL. ALL REVISIONS SHALL BE MADE IN ACCORDANCE WITH THE LATEST EDITION OF THE AISC STEEL CONSTRUCTION MANUAL.

PAINT NOTE
 PROPOSED STRUCTURAL STEEL SHALL BE PAINTED WITH A RUST-INHIBITING PRIMER AND A FINISH COAT OF PAINT. ALL OTHER SURFACES SHALL BE PAINTED WITH A FINISH COAT OF PAINT.

1. PROPOSED SOUTH ELEVATION
 SCALE: 1" = 8'-0"



2. PROPOSED NORTH ELEVATION
 SCALE: 1" = 8'-0"



PROJECT: VERIZON WIRELESS PROJECT #20141032586 SHEET NUMBER: Z-3		DATE: 5/11/15 PER: COMADITS DRAWN BY: [Name] CHECKED BY: [Name]	
SITE INFORMATION: LSC BLACKHAWK RAVENLAND 4790 STERN DRIVE DONA ANA COUNTY LAS CRUCES, NM 88005 VZW PROJ# 20141032586		DRAWING REVISIONS: NO. DATE BY 0 5/11/15 [Name] 1 5/15/15 PER COMADITS 2 6/22/15 [Name] 3 5/28/15 [Name]	
ELEVATIONS		UNAUTHORIZED ALTERATION OR ADDITION TO A PLAN REPAIRING THE EXISTING STRUCTURE OR ANY PART THEREOF SHALL BE CONSIDERED A VIOLATION OF THE STATE ENGINEERING REGULATIONS.	
SHEET TITLE: ELEVATIONS		SCALE: 1" = 8'-0"	

File: C:\Users\jose.ama\appdata\local\temp\VP000001_1911\6022\Blackhawk 2D.dwg, Plotted: 5/21/15 at 3:24pm By: Jose Amador, LSC Server By: Marko Linka

GENERAL NOTES

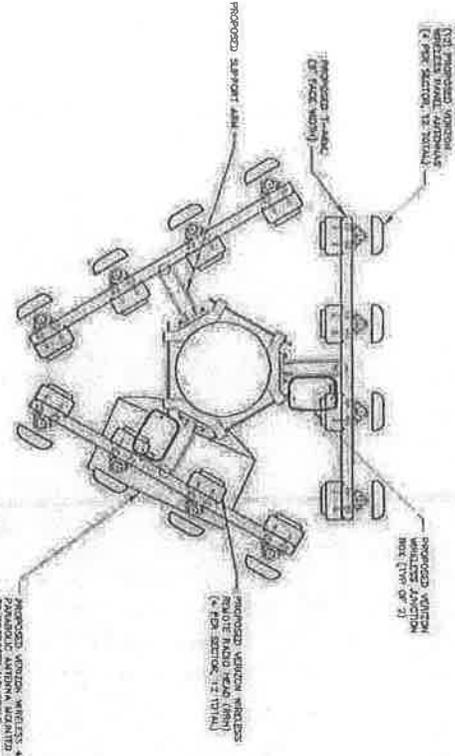
1. Labeled items on this plan are provided from manufacturer.
2. Labels and sizes of the antenna cables are based on the manufacturer's specifications for year. All actual labels and sizes of the antenna cables are to be confirmed by manufacturer or seller of cables.
3. Contractors to provide all items for the antenna or cables, upon completion of installation.
4. Contractors to provide final cable lengths and proper connector for cable.
5. All antenna cables shall be labeled with their length and color. The length and color shall be confirmed by the manufacturer's specifications.

NEW VERIZON WIRELESS ANTENNA SCHEDULE

Antenna Label	Antenna Type	Quantity	Mount	Goal Quantity	Estimated Cost
100	700	4	4	4	1200.00
101	700	4	4	4	1200.00
102	700	4	4	4	1200.00
103	700	4	4	4	1200.00
104	700	4	4	4	1200.00
105	700	4	4	4	1200.00
106	700	4	4	4	1200.00
107	700	4	4	4	1200.00
108	700	4	4	4	1200.00
109	700	4	4	4	1200.00
110	700	4	4	4	1200.00
111	700	4	4	4	1200.00
112	700	4	4	4	1200.00
113	700	4	4	4	1200.00
114	700	4	4	4	1200.00
115	700	4	4	4	1200.00
116	700	4	4	4	1200.00
117	700	4	4	4	1200.00
118	700	4	4	4	1200.00
119	700	4	4	4	1200.00
120	700	4	4	4	1200.00

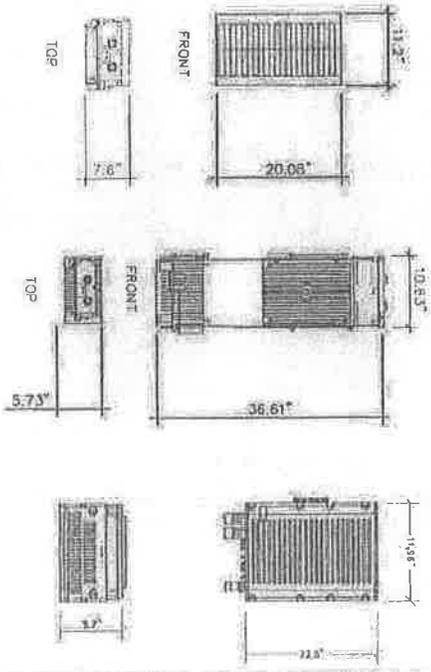
ALL NEW ANTENNA SCHEDULES TO BE PROVIDED TO THE REMOTE PROVIDER FOR INSTALLATION.

LANDING SURF SPACING SHALL BE VERIFIED WITH THE REMOTE PROVIDER. THE REMOTE PROVIDER SHALL BE RESPONSIBLE FOR PROVIDING THE LANDING SURF SPACING. THE REMOTE PROVIDER SHALL BE RESPONSIBLE FOR PROVIDING THE LANDING SURF SPACING. THE REMOTE PROVIDER SHALL BE RESPONSIBLE FOR PROVIDING THE LANDING SURF SPACING.

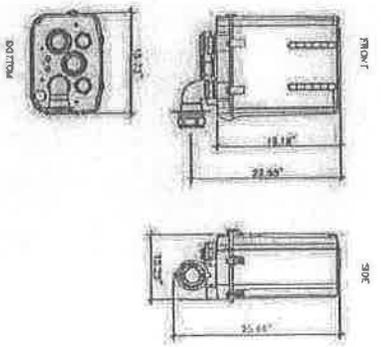


PROPOSED ANTENNA ORIENTATION @ 70°

NEW REMOTE RADIO HEAD(S)



NEMA J-BOX



Verizon Wireless
4471 JENNIFER DR. SUITE 100
DALLAS, TEXAS 75244

DATE 5/21/15
ISSUE PER COMMENTS
DATE 5/27/15
ISSUE PER COMMENTS
DATE 5/29/15
ISSUE REMOVE LEADING ZEROS

PROJECT NUMBER 20141032585
OWNER LSC
DESIGNER VERIZON WIRELESS

QUALIFIED INSTALLATION ON ANTENNA TO A PLAN DRAWING THE USER SHALL OBTAIN VERIFICATION OF THE STATES LICENSING REGULATIONS. CONSIDERED "WAD" CHANGES.

COPIES OF THIS DOCUMENT WITHOUT A FACSIMILE OF THE SIGNATURE AND AN ORIGINAL DATED SEAL ON THE LINE OF THE PROFESSIONAL ENGINEER OR LAND SURVEYOR SHALL NOT BE CONSIDERED "WAD" CHANGES.

SITE INFORMATION
LSC BLACKHAWK
RAWLAND
4790 STERN DRIVE
DONA ANA COUNTY
LAS CRUCES, NM 88005
VZW PROJ# 20141032585

ANTENNA INFORMATION
SHEET NUMBER
RF-1

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
July 28, 2015 at 6:00 p.m.**

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BOARD MEMBERS PRESENT:

- Godfrey Crane, Chairman
- William Stowe, Vice-Chair
- Ruben Alvarado, Member
- Kirk Clifton, Member
- Harvey Gordon, Member

BOARD MEMBERS ABSENT:

- Charles Beard, Secretary
- Joanne Ferrary, Member

STAFF PRESENT:

- Katherine Harrison- Rogers, Senior Planner, CLC
- Adam Ochoa, Planner, CLC
- Mark Dubbin, CLC Fire Department
- Pete Connelly, CLC Deputy City Attorney
- Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00 p.m.)

Crane: Good evening ladies and gentleman. Welcome to the Planning and Zoning Commission meeting for Tuesday, July 28th. Let me start as we usually do by introducing the Commissioners present. On my far right is Commissioner Clifton who is the Mayor's appointee. Correction, he is not, he is, who's the appointee of you Mr. Clifton?

Clifton: Levatino.

Crane: Who?

Clifton: Levatino.

Crane: Five.

Ochoa: District 6.

Crane: District 6. Thank you. And then Mr. Gordon who is the Mayor's appointee. Mr. Stowe is our Vice Chairman and he is, represents District 1. Mr. Alvarado represents District, District 3. And I'm Godfrey Crane, the

1 Chair, and I represent District 4. Commissioners Ferrary and Beard
2 cannot be with us tonight.

3
4 **II. CONFLICT OF INTEREST**

5 *At the opening of each meeting, the chairperson shall ask if any member on the*
6 *Commission or City staff has any known conflict of interest with any item on the*
7 *agenda.*

8
9 Crane: The next thing is for me to ask the Commissioners present and the City
10 people present whether anyone has a conflict of interest in relation to this
11 item, any of the items on the agenda tonight? No one so indicates. I do
12 have a problem which I'll enlarge on in just a moment.

13
14 **III. APPROVAL OF MINUTES**

15
16 1. June 23, 2015 - Regular Meeting

17
18 Crane: The next item is approval of minutes for the last meeting which was the
19 June 23rd. Does any Commissioner have any notes on the minutes of the
20 last meeting? Okay, I have three; page 13, line 19 "Mr. Fishback did you
21 attend the Planning and Zoning meeting 'at' which" I believe I probably
22 said. Second one, page 30, line 37, I've been thinking about this but I
23 believe that in the, in that line I said "that would require this road to be built
24 according to modified specs." That makes more sense in the context.
25 And finally, page 36, line 16, I think I said "just traffic director." Rather
26 than 'this.' Anyone else gentlemen? That seems to be it. I'll entertain a
27 motion that the minutes be accepted as modified.

28
29 Gordon: So moved.

30
31 Crane: Moved by Mr. Gordon.

32
33 Clifton: Second.

34
35 Crane: Seconded by Mr. Clifton. All in favor "aye."

36
37 MOTION PASSED UNANIMOUSLY.

38
39 Crane: Opposed? Abstentions? Passes five to zero. Thank you.

40
41 **IV. CONSENT AGENDA**

- 42
43 1. **Case IDP-15-01:** An application of Grey Handy, managing member, for an
44 Infill Development Proposal (IDP) for the expansion of the Adobe Assisted
45 Living Facility into two adjacent vacant single-family dwellings. The IDP
46 seeks a waiver from the required road classification for the expanded use.

1 The variances from existing non-conforming setbacks, and variances from
 2 onsite parking requirements. The properties are located on the east side of
 3 the intersection of E. Mountain Ave. and N. Virginia St. at 540 N. Virginia,
 4 Parcel ID # 02-05321, 600 N. Virginia St., Parcel ID # 02-05355, and 1111 E.
 5 Mountain Ave., Parcel ID # 02-05387. Proposed Use: Assisted Living
 6 Facility. Council District 1 (Councilor Silva).

7
 8 **2. Case SUP-15-01: - MOVED TO NEW BUSINESS - PAGES 5-30.**

9
 10 Crane: Now we go onto the consent agenda. Let me explain what this is, there's
 11 two items on there, IDP-15-01 and SUP-15-01. These items which the
 12 City Community Planning Department has decided they're probably not
 13 controversial and therefore will not generate any debate so they are
 14 lumped together, two of them in this case, to be voted on as a block
 15 without any discussion by us or the public. The vote would be up or down
 16 for the two, for the whole of the consent agenda. However, if any
 17 Commissioner, or any member of the public would like to do, to have
 18 some debate on either of these two issues, we will pull them off the
 19 consent agenda and put them at the beginning of the new business.
 20 Commissioners, any body want to take anything off the consent agenda?
 21 Any member of the public wish to take either of these items? This
 22 gentleman standing up. You do sir.

23
 24 **MEMBER OF THE PUBLIC SPEAKING, NOT AT THE MICROPHONE.**

25
 26 Crane: Okay, thank you that's all I need to hear right now. So we have a member
 27 of the public who would like to discuss this so we will move item number
 28 two, Case SUP-15-01 about the cell phone tower to new business and it
 29 will be item number one of new business. May I see a show of hands as
 30 to, for my guidance, who else in the room is interested in that case SUP-
 31 15-01 on the tower? Okay. And how many of you, keep your hands up if
 32 this applies to you, how many of you would like to come and talk at the
 33 microphone for typically three minutes? One, two, three. I see three at
 34 the moment. Okay sometimes that increases slightly. That helps us plan
 35 how exactly to move the traffic along.

36 So, since I'm talking about procedure, let me jump forward for a
 37 moment to how we handle new business. These are items on which there
 38 are, we do expect there to be some discussion, so first a member of the
 39 Community Planning Department will make a presentation, there might be
 40 for example Mr. Ochoa, Commissioners might have some questions for
 41 him. Then the applicant if present or the applicant's designated speaker
 42 gets to make a presentation if they wish to, again we may have some
 43 questions. And finally members of the public get to come up, identify
 44 themselves, be sworn in very briefly, and to state their, their views and the
 45 customary limit is three minutes apiece and we ask you not to repeat too
 46 much of what other people have said. It's okay to say that you agree

1 entirely with the previous speaker or something like that. When all the
2 members of the public have spoken we close the discussion to further
3 public input, the Commissioners will have a discussion among themselves
4 and when they've all had their say we will take a vote.

5 One further item, I am going to recuse myself during the debate
6 about SUP-15-01, reason being, although it does not affect me directly as
7 a resident in the neighborhood, my wife and I have a close friend of 20
8 years who does live there. I don't see her present tonight and she may
9 not even be aware of this matter, but I know she would be mortified if I
10 participated in debate, let alone how I vote. So since we have a quorum I
11 do not need to be present to make this proceed and our Vice Chairman,
12 Mr. Stowe will chair the meeting during that period and I will probably sit
13 down there somewhere. So does anybody have any questions about
14 procedure? Have I made myself clear?

15 All right. In that case we have one item on the consent agenda,
16 IDP-15-01 on the assisted living facility and the variances. I didn't ask
17 specifically about this so let's make sure we have no problems here.
18 Does anybody here wish to take item number one off the consent agenda
19 regarding the assisted living facility? Yes Ms. Harrison-Rogers.

20
21 H-Rogers: Just a point of order that there will need to be a vote first on moving the
22 item off the consent agenda and voting on the consent agenda, and then
23 voting either "yeah" or "nay" to what's remaining on the consent agenda.
24 So sort of a two-part vote.

25
26 Crane: So what are you recommending at the moment?

27
28 H-Rogers: I'm, I'm just simply recommending that if the first item remain on the
29 consent agenda there needs to be a motion, a vote on basically removing
30 item number two, leaving item number one, and then there needs to be a
31 vote on whether the consent agenda is voted "yeah" or "nay." Do you ...
32 is that clear?

33
34 Crane: Okay. I understand. Commissioners, do I need a motion on that or, with a
35 second or? Yes, okay. I'll entertain a motion that item two, SUP-15-01 be
36 removed from the consent agenda, put on new business.

37
38 Clifton: So moved.

39
40 Crane: Moved by Mr. Clifton.

41
42 Gordon: Second.

43
44 Crane: Second by Mr. Gordon. All in favor "aye."

45
46 MOTION PASSED UNANIMOUSLY.

1
2 Crane: Opposed, "nay." Okay. And any abstentions? It passes five/nothing.
3 Thank you. And nobody indicated that they had a problem with leaving
4 number one on the consent agenda, so we will proceed with the consent
5 agenda. Commissioners, all in favor of the accepting the consent
6 agenda? I need a motion? Okay, thank you. A motion that we accept the
7 consent agenda consisting only of item one, IDP-15-01.

8
9 Gordon: So moved.

10
11 Crane: Moved by Mr. Gordon.

12
13 Clifton: Second.

14
15 Crane: Seconded by Mr. Clifton. All in favor "aye."

16
17 MOTION PASSED UNANIMOUSLY.

18
19 Crane: Opposed, "nay." And any abstentions? None. That passes five/nothing.

20
21 **V. OLD BUSINESS - NONE**

22
23 **VI. NEW BUSINESS**

24
25 **Case SUP-15-01:** Application of Verizon Wireless/Tectonic Engineering on
26 behalf of A & E Enterprises, Inc., property owner, to construct a new wireless
27 communication facility on a property encompassing 1.552+ acres, zoned C-3
28 (Commercial High Intensity) and located on the southwest corner of Stern Drive
29 and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID # 02-22899; Proposed Use:
30 The applicant is seeking to construct a new 75-foot tall wireless communication
31 structure and associated accessory structures on the subject property. Council
32 District 2 (Councilor Smith).

33
34 Crane: So we will proceed to Case SUP-15-01 and something tells me that Mr.
35 Ochoa is going to present. Is that right Mr. Ochoa?

36
37 Ochoa: Yes sir.

38
39 Crane: Go ahead please. Oh, I have to swear you in. I guess, who knows what
40 has happened since last time. Do you swear or affirm that the testimony
41 you are about to give is the truth and nothing but the truth under penalty of
42 law?

43
44 Ochoa: I do.

45
46 Crane: Go ahead please.

- 1
2 Ochoa: Adam Ochoa, Development Services for the record. First case tonight
3 gentlemen is SUP-15-01. It is a request for a Special Use Permit for a
4 wireless communication ...
5
- 6 Gordon: Excuse me Adam. I'm sorry to interrupt you, but aren't you, aren't you
7 going to recuse yourself at this point?
8
- 9 Crane: You're quite right. I had ... I am going to recuse myself. Mr. Stowe you
10 have the chair. Let me bring you the, this in case you need, need it.
11 Thank you Mr. Gordon.
12
- 13 Stowe: Mr. Ochoa you may proceed.
14
- 15 Ochoa: Thank you sir. Again, to start off again, first case tonight is SUP-15-01. It
16 is a request for approval of a wireless communication facility under a
17 Special Use Permit for a property located at 4790 Stern Drive. Subject
18 property shown here on the location and vicinity map. As you can see it's
19 directly kind of southeast of Interstate-10 here on this property here zoned
20 commercial. The property is located on the southwest corner of Stern
21 Drive and Agave Drive. Subject property currently encompasses
22 approximately 1.55 acres and again it is zoned C-3, commercial high
23 intensity. Currently on the subject property there consists a, a, a, a
24 number of vacant commercial buildings.
25 Looking here on the aerial you can see those vacant commercial
26 buildings here on the eastern side of the property where the new wireless
27 communication facility is proposed is to the rear, or to the west of those
28 facilities, back over here roughly where the arrow is pointing. Code
29 requirements you're looking at today is Section 38, 38-59F of the 2001
30 Zoning Code which states under the Zoning Code any new
31 communication structures adjacent to property zoned R-1a and other
32 single-family zoned, zoning designations are not permitted unless
33 approved through the Special Use Permit process. Through the Special
34 Use Permit process a new tower can also be granted a, a height variance,
35 in other words going taller it would be permitted in that current zoning
36 designation. The applicant is also required to pay for all the expenses
37 associated with the City and the applicant hiring a qualified expert to
38 essentially review and provide a, a written, written recommendation for an
39 analysis created by the engineer of the, for the proposed cell phone site
40 and that recommendation be brought to P&Z for your review and a, and
41 consideration.
42 The proposed facility is essentially a new wireless communication
43 facility with a 75-foot tall wireless communication structure. This is 10 feet
44 taller than what is permitted in the C-3 zoning district, 65-feet being the
45 maximum height, but again the allowance for a taller tower is
46 accompanying if you will or part of the Special Use Permit. Adjacent to

1 the property is an R, a property zoned R-1aC which is why this, they are
2 required to seek the Special Use Permit at this time. The, like I stated
3 before, the new facility is proposed to be located to the rear of the subject
4 property and the applicant has provided a site plan and building plan
5 showing that the proposed tower and facility meet all required setbacks
6 including the setback requirement for adjacent to the residential lot to the
7 south. The proposed new communications structure facility will follow all
8 requirements in Section 38-59 which is our antennas, wireless
9 communication structure section of the 2001 Zoning Code.

10 Apologize for the blurriness of this but here is the subject property
11 with the existing buildings here, with an access for the new facility off of
12 Stern Drive here. No new, no new access points off of Stern Drive or
13 Agave will be done for this proposed site which is over here roughly about
14 30 by 35 square foot site with a rock wall built around it and with some
15 landscaping provided adjacent to the south to provide some type of buffer
16 for the new facility. Shown here are those setback requirements, as you
17 can see they meet more than enough for the required setbacks. To the
18 rear they are required to provide a minimum setback of one foot for every
19 foot in height of that tower, plus 10%. They are still under that
20 requirement as well with this new facility.

21 Here, closer look as to what that new facility will look like, enclosed
22 within a rock wall as I said before the tower and all accessory and, all
23 accessory equipment to that tower. Shown here by the applicant roughly
24 where that site will be located, again to the rear of the most western,
25 western existing commercial building on that property. Here is an
26 elevation showing what that facility will look like with 75-foot tall tower, the,
27 the, the biggest reason why they are going for the 75-foot tall tower is to
28 allow for co-location. In the City of Las Cruces we encourage co-location
29 of communication structures so the taller height would allow for future
30 expansion of this tower to allow for more communication structure on one
31 tower instead of coming in for a new tower all together and relatively close
32 to this area.

33 As I stated before the City of Las Cruces and the applicant did hire
34 a professional to provide a recommendation. The analysis was prepared
35 for the proposed new facility and Greg Best Consulting reviewed this
36 analysis and provided a recommend, a written recommendation on June
37 23rd, 2015 and that is actually located as an attachment in your staff
38 report. Greg Best Consulting concurs with the analysis of the applicant
39 that the proposed new wireless communication facility at 47, 4790 Stern
40 Drive is the best available site in this area. The consultant also concurs
41 with the applicant that the proposed height is best to allow for better, to
42 allow for better coverage for the area as well.

43 With that staff did review the proposed SUP and based on the
44 review by staff and all of the reviewing departments in the City of Las
45 Cruces, as well as NMDOT since they are just adjacent to NMDOT right-
46 of-way, and based on the written recommendation from the independent

1 expert consultant and the findings found in your staff report, staff
 2 recommends approval for the proposed SUP. These are the findings that
 3 are located within your staff report; the main ones being that the proposed,
 4 that an independent, I'm sorry, that an independent expert consultant
 5 reviewed the analysis and concurred that the proposed site and height of
 6 the new wireless communication facility and tower are, they do concur,
 7 excuse me, with the analysis of the applicant for the new cell tower site
 8 and tower height. The proposed new wireless communication facility also
 9 follows all requirements of the Special Use Permit section of the 2001
 10 Zoning Code and all requirements of section 38-59 which are
 11 requirements for towers in the 2001 Zoning Code as well.

12 The City did receive an e-mail, a couple of e-mails concerning the
 13 location of the new facility on the subject property. You do have one of
 14 those e-mails in front of you. As you can see there are a number of
 15 people here as well with concerns it looks like for the new facility on the
 16 subject property. With that gentlemen is, your options tonight is: 1) to vote
 17 "yes" as recommended by staff; 2) to vote "yes" with any conditions
 18 deemed appropriate by the Planning and Zoning Commission; 3) to vote
 19 "no;" 4) to vote to table and postpone the proposed Special Use Permit
 20 and direct staff and the applicant accordingly. The applicant is here to
 21 answer any questions you might have of him, and I stand for questions.

22
 23 Stowe: Commissioner Gordon.

24
 25 Gordon: Adam I have two questions; number one could, it, it's hard for me to tell
 26 from the maps and things that we have in front of us, but what would be
 27 the closest in terms of distance on the ground from the tower to the
 28 nearest residence?

29
 30 Ochoa: Mr. Gordon. I'm sorry, Mr. Chairman, Commissioner Gordon. The, the
 31 wireless facility is directly adjacent to a residentially zoned property to the
 32 south here and the actual setback for, excuse me, that new, for that new
 33 tower from that subject property is, excuse me again, is 93 feet.

34
 35 Gordon: On that little yellow area that's what you're talking about, little
 36 checkerboard yellow area?

37
 38 Ochoa: Yes sir. That is ...

39
 40 Gordon: Are there, are there actually homes in that, on that?

41
 42 Ochoa: Mr. Chairman, Commissioner Gordon. Yes there is a home on there.

43
 44 Gordon: Okay. And then my second question is any tower of lesser height would
 45 not be accessible, would not be agreeable by the applicant?
 46

- 1 Ochoa: Mr. Chairman, Commissioner Gordon. That'd be something you might
2 want to speak to the applicant about. The analysis again did concur with
3 the application from the, the independent consultant stating that the, the
4 height would be, is justified or does concur that this area should be a,
5 allowed for that, this property should be allowed that height if you will.
6
- 7 Gordon: All right I'll ask the applicant another question then.
8
- 9 Stowe: Commissioner Alvarado.
10
- 11 Alvarado: Are there any other towers as close to residences in the City as this one
12 will be?
13
- 14 Ochoa: Mr. Chairman, Commissioner Alvarado. No sir. There are a number of
15 other communication structures in the City that are right next to residential
16 zoning as this one, a couple of them that come to mind are in the Sonoma
17 Ranch area east of, of the City limits. I'm sorry, on the east side of town if
18 you will and there is one as well that's located currently at, on the Whiskey
19 Disks property relatively close to this subject property. There are some
20 residentially zoned properties that are right, that are adjacent, that are
21 close by there sir.
22
- 23 Alvarado: Are, are they more or less the same height, shorter, or taller?
24
- 25 Ochoa: Mr. Chairman, Commissioner Alvarado. The towers that are located, or
26 the tower that I know of that is located in the Sonoma Ranch area is
27 actually 85 feet, so it is taller than this tower.
28
- 29 Alvarado: Thank you.
30
- 31 Ochoa: Mr. Stowe.
32
- 33 Clifton: Mr. Chair, Commission.
34
- 35 Stowe: Yes, go ahead.
36
- 37 Clifton: Thank you. Adam, quick question. This is proper, property's currently
38 zoned C-3?
39
- 40 Ochoa: Mr. Chairman, Commissioner Clifton. That is correct.
41
- 42 Clifton: And the maximum allowable height in a C-3 zoning district is 60 feet?
43
- 44 Ochoa: Mr. Chairman, Commissioner Clifton. The maximum height actually
45 permitted in the C-3 by right is 65 feet.
46

- 1 Clifton: Sixty-five feet. So this is 10 feet taller than what's allowed by right.
2
3 Ochoa: That is correct sir. By right with the Special Use Permit.
4
5 Clifton: Okay. So if it, if a building came in for construction hypothetically for this
6 particular lot at 65 feet it could essentially be issued a building permit at
7 that height?
8
9 Ochoa: Mr. Chairman, Commissioner Clifton. In the C-3 zoning district I believe
10 the maximum building height is 60 feet, so technically yes, they, we, if
11 somebody came in just for a building permit for a new building there for 60
12 feet in height we would issue that.
13
14 Clifton: Okay. Thank you.
15
16 Stowe: I see no one else to, to, wants to talk on this topic.
17
18 PUBLIC SPEAKING NOT AT MICROPHONE.
19
20 Stowe: Yes, we'll get to the public.
21
22 PUBLIC SPEAKING, NOT AT MICROPHONE.
23
24 Stowe: I mean up here. Move to the next, is the applicant here? Yes would you
25 please come forward and make your presentation on this case.
26
27 Ochoa: Mr. Chairman if I may remind you, you might have him state his name and
28 swear him in as well sir.
29
30 Stowe: Yes. State your name please, and then I'll swear you in.
31
32 Gutierrez: Yes sir my name is Les Gutierrez. My address is 1 La Veta Circle NE,
33 Albuquerque, New Mexico and I represent Verizon Wireless.
34
35 Stowe: Thank you. Mr. Gutierrez do you swear or affirm that the testimony you
36 are about to give is the truth and nothing but the truth under penalty of
37 law?
38
39 Gutierrez: I do.
40
41 Stowe: Please proceed sir.
42
43 Gutierrez: Yes sir, Commissioners, our company, TECTONIC Engineering is the
44 engineering firm that is working on the real estate and engineering design
45 of this tower. I also have with me Mr. Hamdi Alaaldin who's the RF
46 engineer for Verizon Wireless in case there's any questions with regard to

1 why this tower needs to be here and the, and the energy levels required
2 by the FCC. We basically concur with Mr. Ochoa's presentation. We
3 don't have a lot to add. A couple of things I may add that may not be too
4 clear is this tower is going to be painted a desert sand to kind of blend in
5 with the community. It's been done before in other areas of Las Cruces.
6 And with regard to the setback I believe the setback is 93 feet. The only
7 house that is on there is a, is a little further away and that actual residence
8 probably I'm guessing more like 150 feet away from, from the tower. So
9 I'm here really to answer any questions. I think Mr. Ochoa did an, a great
10 job of presenting what we're trying to do here. If there's any specific
11 questions on the tower, the height, why we need to be there, I'd be more
12 than happy to answer those sir.

13
14 Stowe: Commissioner Gordon.

15
16 Gordon: This is a little bit off of the presentation but apparently on the other side of
17 Interstate-10 is property that is presently owned by New Mexico State
18 University. Has any attempts been made, to perhaps question them if
19 they'd be interested in hosting a, a tower where they could gain a revenue
20 from the, from where that site might rest?

21
22 Gutierrez: You know Commissioner Gordon they were approached and there are
23 some towers on NMSU property. I've done several of them at the
24 stadium. This particular area we approached them, they were not
25 interested in a tower for whatever reason. We also looked at other areas
26 along the same side of, of the freeway that we're at, unfortunately all the
27 zoning in that area is all R. This is the only commercial piece of property
28 where a tower could fit. The situation at the university is that there is so
29 much demand at the university site that Verizon now is working to try to
30 put in small cells, these are small units. I think there's a total of six or
31 eight of them that are going in, in order to handle that capacity. So this
32 tower is, is much like, not so much for coverage but it's there to design
33 and handle all the capacity on the freeway and the residential areas on
34 that side, but we did look at other locations and this was the best location
35 as stated by the engineer.

36
37 Gordon: All right thank you. And what happens if this tower isn't constructed?

38
39 Gutierrez: I beg your pardon sir.

40
41 Gordon: What happens if this tower is not constructed, what does it, what does it
42 do for Verizon as far as being able to transmit data?

43
44 Gutierrez: Well in the short-term we'll probably be okay. I'll let Mr. Alaaldin talk to
45 that a little bit further. In the short-term we'll probably be okay. Within a
46 year or so as traffic demands there'll be probably dropped calls, not good

1 internet coverage in that area, but it will be okay for a while, but Verizon
2 usually plans about a year in advance of where their needs are in terms of
3 their capacity.

4
5 Stowe: And you said your other, there's another person with you to present
6 information?

7
8 Gutierrez: I'm sorry.

9
10 Stowe: Is there, is there another person with you to present?

11
12 Gutierrez: We have no further presentation sir other than what's in this package.

13
14 Stowe: Well the, is there someone else with you?

15
16 Gutierrez: Yes. Yes sir there is. I have an engineer with me if there's questions.

17
18 Stowe: Because we need, we need to discuss the technical reasons why this is
19 been select, the site selected and any, any other issues there, technical
20 issues.

21
22 Gutierrez: Sure.

23
24 Stowe: So we'll appreciate more explanation and that you stand for questions.

25
26 Gutierrez: Sure. I have Mr. Alaaldin here, he'd be happy to do it.

27
28 Stowe: Your name sir.

29
30 Alaaldin: Mr. Chairman, my name is Hamdi Alaaldin. I live in 322 West Indigo
31 Drive, Chandler, Arizona. I'm an engineer for Verizon Wireless.

32
33 Stowe: Thank you Mr. Alaaldin. Do you swear or affirm that the testimony you are
34 about to give is the truth and nothing but the truth under penalty of law?

35
36 Alaaldin: I do.

37
38 Stowe: Please proceed, well you're standing for questions. Do you have a
39 presentation or a few comments to make?

40
41 Alaaldin: No I provided all the data that the gentleman, Greg Best asked for so I
42 thought that was all needed.

43
44 Stowe: Okay.

45
46 Alaaldin: There was no other further explanations.

- 1
2 Stowe: We have interest from the public so ...
3
4 Gordon: Well I have a question.
5
6 Stowe: A, a question by Mr. Gordon.
7
8 Gordon: Sir what would happen if the tower was shorter?
9
10 Alaaldin: We could definitely entertain that and we'll be willing to take it down to the
11 65 feet to hopefully make everybody happy. The reason we asked for too,
12 for the high was two reasons, one was co-locatable, to be able to have
13 other communication facilities for other carriers to go on; two because the
14 surrounding trees were not letting the propagation signal to go as far as
15 we wanted to, but we can certainly do the 65 feet and make it okay just for
16 Verizon. If any other carrier would like to come up they have to go a lower
17 height.
18
19 Gordon: With the advances in technology as fast as they are happening today, if
20 we table this and you came back a year from now do you think perhaps
21 times will have changed enough to, where you might be able to come up
22 with a better alternative?
23
24 Alaaldin: Unfortunately the technology's going the opposite direction, because
25 everybody's getting new phones, kids are having phones, the technology's
26 changing where you have to provide five megabytes of data speed for the
27 smart phones. And all the smart devices are going on the phones and
28 we're working on what's called M2M which is machine-to-machine, they
29 talk to each other all the time, so the technology's got to get more towers
30 and more of these facilities.
31
32 Clifton: Thank you Mr. Chair. Do, do you see an increase in your load or your
33 usage of the cell network and do you have a lot of calls that are utilized for
34 911 and emergency services?
35
36 Alaaldin: Absolutely. We, we seeing really growth exponentially, very high growth,
37 especially in Las Cruces area and that's why we providing this tower and
38 we have a lot of other plans coming up with new towers, just based strictly
39 on data and usage. And that usage, it used to be easy when it was voice,
40 we could put one side up in high mountain and be happy with it, because
41 you, voice doesn't require a lot of data speed, but when you're watching
42 movies and Netflix and all the other one on your laptop and your phones,
43 that's where NFL plays and all the other stuff is where it eats up all the
44 resources we have.
45
46 Clifton: Thank you.

- 1
2 Stowe: Very well. Members of the public, would you like to ask questions?
3 Would someone like to make a presentation first? Excuse me, Mr., Mr.
4 Alaaldin we do have a, a question for you.
5
- 6 Alaaldin: Definitely.
7
- 8 Alvarado: Yeah, I, I have a question. What, what signals, what kind of signals does
9 the tower carry?
10
- 11 Alaaldin: We're planning for having 700 megahertz right now and 2100 megahertz
12 LTE which is 4G technology at this point. This is a low power, its only 40
13 watts total coming out of the base station to the antennas.
14
- 15 Alvarado: All right. For voice data ...
16
- 17 Alaaldin: It's, right now it's only for data because the area is, is very demanding for
18 the data and, but in the future the data and voice will be combined into
19 one which is called VoLTE and your traditional voice will go away and
20 everything will be on that technology.
21
- 22 Alvarado: I see. Okay. Thank you.
23
- 24 Alaaldin: Too, I didn't clarify on one thing, yes it does carry 911 which is
25 emergency, all the emergency services. Also Verizon provides additional
26 services to the military folks where if a military high ranking official drives
27 by the area in case of emergency and there's not enough resources, we'll
28 drop other people to put them on, so we do entertain all, everybody.
29
- 30 Gordon: But then, but then you bring up another point. Let me just add one thing to
31 this. Mr. Clifton just reminded me of something. There is now a wave of
32 people giving up landlines, going strictly to using cell phone. Will this
33 tower be able to handle what kind of a demand if this continues maybe at
34 the rate that it's going before it would require another tower?
35
- 36 Alaaldin: That's a great question. What do we do every quarter, we look at every
37 tower, every sector of each tower and we run all the calls that go through
38 that tower and see what compared to the capacity of the towers in that
39 town versus the quality and versus the amount of calls that come in and
40 then we plan that every month and see what kind of a gross rate we have
41 and we plan 24 month ahead to cope for that capacity issue. So your
42 *(inaudible)*, it will be more and more coming on to those towers because
43 there is reasons as you mentioned.
44
- 45 Gordon: Well will there be a point in time when this tower will be at capacity?
46

- 1 Alaaldin: Oh absolutely.
- 2
- 3 Gordon: So then where will you go?
- 4
- 5 Alaaldin: We have to either buy more frequencies or government give us more
6 frequency or build more towers, or we're coming up with other
7 technologies to offset that. We're coming up with smaller cells in the
8 areas, smaller cells only work like in universities or downtown areas,
9 where they are 20, 25-foot tall and they can only go 200 feet and they can
10 provide up to 400 people which, which is one of those small cells. So we,
11 we're putting a lot of those in as well to just cope with the traffic. We're
12 here because of the data. The data shows us that we need to go and we
13 need to build. It's, that's why we're investing in the community.
- 14
- 15 Gordon: You're from Verizon, what about AT&T and, and all of your competitors,
16 what are they doing as far as their facilities are concerned in building
17 towers? Where are they going?
- 18
- 19 Alaaldin: I can't speak for them. I thought you guys would know more about that
20 than we do. They've already been here, right?
- 21
- 22 Stowe: All right, it's, it's time for the gentleman with the blue shirt. Please state
23 your name.
- 24
- 25 Brooks: My name is Larry Brooks. I live at 318 O'Hair Drive which is one of the
26 roads that comes off of Stern Drive a little bit north of where the proposed
27 tower is.
- 28
- 29 Stowe: Mr. Brooks do you swear or affirm that the testimony you are about to give
30 is the truth and nothing but the truth under penalty of law?
- 31
- 32 Brooks: Yes I do.
- 33
- 34 Stowe: Please proceed.
- 35
- 36 Brooks: Okay, all of us here are, are using cell phones. I'm sure everybody does.
37 And we don't dispute that there's going to be an increase in data, cars are
38 using more as they go past this particular point. I think what you're gonna
39 here is an impassioned plea from the community that we love the Mesilla
40 Valley that we're in. We love the view of the mountains that we have of,
41 you know it crosses a couple of freeways but we're all on the west side of
42 the freeway. And the proposed site for this tower is going to block that
43 view of the mountains and I think that's going to be the most impassioned
44 plea that you're gonna here from the community. From this point where
45 the tower's proposed, there is another tower a mile up behind Whiskey
46 Dick's at Union and Stern. There is another tower a mile south, I'm not

1 sure about the exact location of that but it's again it's west of the freeway,
2 but it's aright along I-10. There is numerous towers that was stated by
3 Verizon on the light poles at the university a, a, football field. I mean
4 there's a plethora of them. And if you look at all of these towers I
5 understand that putting up more and more receivers on every single tower
6 that's out there, so I understand the capacity is, is growing exponentially.
7 The problem here that we see, especially if they start off with one tower
8 with one array and then they build it high enough where they're gonna put
9 two or three arrays, that view of the, of the Organ Mountains from most of
10 the properties west of this site are going to be blighted and I think again
11 that is the impassioned plea. If they had put this tower on university
12 property a little bit maybe further north where there is no you know
13 backyard views of this tower, of it blocking the Organ Mountain view, I
14 don't think they would have a problem with it and I think that's what a lot of
15 people are here are going to tell you, that it is the location of this tower,
16 also the height, we think 75 feet might be a little excessive. He says, you
17 know he's the experts, I'm sure. I'm sure they know what height their
18 tower needs to be. And we know the utility, utilization's going to be there
19 but the passion is that they are gonna block the view and if you look at the
20 zoning map right here if you see all of the, let's see the road coming in
21 that, that red site to the I guess the upper portion, okay that's the turn-in
22 at, what is it, it's not O'Hair, Salopek. Salopek Drive right there. And then
23 you come down and you make a left and that's O'Hair. So all of those
24 have backyards that face west towards, face east rather towards the
25 Organ Mountains.

26
27 Stowe: Right.

28
29 Brooks: And then all the subdivisions that are on the other side, that's the Tortugas
30 Arroyo that's in between there and so all of those people are, again these
31 are all single-family dwellings, very little obstructions in the air above
32 except as we get further away towards the university, towards the football
33 stadium. So we have an unobstructed view of the Organ Mountains. And
34 again that is our passion and I think that is why we oppose the cell tower
35 where it is, especially the height of it. Maybe if they built these 25-foot
36 towers and build it you know just for the residential communities or built
37 more of them, that might be some type of acceptable you know median.
38 But at this time, at this location I don't believe it's an acceptable thing in
39 this residential area because of the blight it will put on our view of the
40 Organ Mountains.

41
42 Stowe: Thank you.

43
44 Brooks: Thank you for your time. Appreciate it. Any other questions for me?

45
46 Stowe: Does anyone have questions for Mr. Brooks?

1
2 Brooks: Thank you.
3
4 Stowe: And the, the next citizen please. Would you state your name please?
5
6 Comeau: Sure. My name is Jerry Comeau.
7
8 Stowe: Mr. Comeau.
9
10 Comeau: I live at 4851 Visa Cuesta.
11
12 Stowe: Mr. Comeau do you swear or affirm that the testimony, testimony you are
13 about to give is the truth and nothing but the truth under penalty of law?
14
15 Comeau: I do.
16
17 Stowe: Please go ahead.
18
19 Comeau: The first thing I object to the presentation because 4790 Stern Drive at the
20 intersection of Agave is not on the southwest corner, I believe it's on the
21 northwest corner. I'd like to give an overview. Within one mile to the north
22 of this proposed tower is the Mesilla Valley Christian School. Half a mile
23 to the east is the Las Cruces Early College High School. One mile to the
24 south or less than one mile to the south is the proposed Mesilla Valley
25 Christian High School. And within a quarter mile west of the tower is the
26 City-Salopek-Stern City Park. So I believe it's gonna be an eyesore all
27 around and there are three fully occupied housing developments in the
28 area. There is, there are hundreds of acres of pecan orchards in this
29 neighborhood where I feel the tower could be put and not be an eyesore.
30 The proposed tower is adjacent to a major arroyo and you think in terms of
31 the hundred-year flood and that tower would be undermined and fall right
32 into the arroyo. And across from the tower is a bridge that carries traffic
33 east/west on I-10 from California to Texas and thinking in terms of
34 terrorism and what goes on in our world today, if that tower should fall on
35 the bridge all the traffic east/west in the southwest and part of the United
36 States would be disrupted. Anyway that's about all I got to say.
37
38 Stowe: Very well. Is there anyone else that'd like to make a comment? Yes sir,
39 step to the microphone. State your name please.
40
41 Braker: My name is Philip Braker. I live at 4805 Agave Place, Las Cruces, New
42 Mexico.
43
44 Stowe: Mr. Braker do you swear or affirm that the testimony you are about to give
45 is the truth and nothing but the truth under penalty of law?
46

- 1 Braker: Yes I do.
- 2
- 3 Stowe: Please proceed.
- 4
- 5 Braker: There's a, some questions I have. Now looking at this, that piece of
6 property is the only commercially zoned piece of property and I am sure
7 from Verizon's perspective it's a lot easier to deal with one property owner
8 than with the bureaucracy across Highway-10. I work there so I know
9 there's a lot of bureaucracy. However have they done studies to find out
10 how much of the load that is going to be handled by that tower?
- 11
- 12 Stowe: Please, yes.
- 13
- 14 Braker: Have they done studies to find out how much of the load that's gonna be
15 handled by that tower's coming from the university? I know they have
16 some cell phone receptacles on the university there but I suspect that
17 some of that load if not a good share of it may be coming from the
18 university if not the housing complex or something like that. If they go 500
19 - a second point I'd like to make is if they go 500 feet north across
20 Highway-10 and maybe a little you know into that property on NMSU there
21 are a lot of antenna fixtures, facilities there already. It would seem to me
22 that placing a tower along with other antenna facilities would be more
23 appropriate than putting it next to a residential, and they wouldn't have to
24 move the tower that far. I, I fully believe that that's probably an adequate
25 place. Their, their, their studies probably show that's a good place for it
26 but I don't think moving it 500 feet to move it away from residential into
27 structures that are like minded, probably have better power already in
28 existence, power close by it, would be a better place for it. Sure it's still
29 gonna affect some of the views. It's not gonna affect my view at all from
30 my house, so it, it's not, the view isn't an issue but it's a gateway to
31 residential area, and it's right there at the gateway to a residential area for
32 a lot of homes. Everybody's gonna have to ride by it. And moving it right
33 across the road, it wouldn't be noticed at all. So if, if anything I'd like the,
34 the council to table it and ask Verizon to go back and work harder with
35 NMSU and work with NMSU to get it put on place there. One; it'd help
36 NMSU because they can get some revenue off it. I understand there's a
37 bureaucracy problem but I think if this were tabled and asked I think it
38 could be worked through and I think it would be a better solution than
39 putting it next to residential, so close to residential and getting this
40 adjustment. Furthermore if they move it to the northwest just a little bit
41 you'll see that the, right next to the, right before the school, the new high
42 school they're putting there, the ground is much higher; they could put a
43 much lower tower and still have the same height. And I think they would
44 not have to worry about the attenuation over the hills and stuff like that,
45 that they're gonna have to worry about where they're putting it now with
46 the height that they have. Any feedback from Verizon on that?

- 1
2 Stowe: Would, would you like to comment?
3
4 Gutierrez: Yes sir.
5
6 Stowe: Come to the microphone please.
7
8 Gutierrez: Thank you for your comments. We have explored those other areas. I'm
9 not sure they're 500 feet. We would certainly look at them. We'd have to
10 look at the underlying zoning to see if they'd be permissible. But one of
11 the things that the City did do was they, they hired a consultant and the
12 consultant, we gave him the information, I'll let Mr. Alaaldin talk about it.
13 We have two other towers, we have one further south and we have one
14 further north. This tower sits right in between them and that's why it was
15 designed at this location. We have had conversations with NMSU and
16 they seem to be having their fill with new tower companies, that's why
17 we're here. We're not able to work with them. So that's been our
18 experience. Thank you.
19
20 Alaaldin: May I also, may I make a quick ...
21
22 Braker: Can I, can I comment? Can I comment? NMSU can be worked with and
23 I'm sure it's not gonna be as easy as working with an individual private
24 you know property owner but I think that's one of the reasons we have a
25 Planning and Zoning Commission is to come back and look at it and say
26 you know really, yeah it may not be the easiest solution for you guys but
27 moving it into where a whole bunch of other structures are just like it is
28 probably the best. So I would ask that the Zoning Commission table this
29 and ask Verizon to give more feedback or take a second look at working
30 with NMSU. I guess of at worse case I would like to have Zoning
31 Commission to do that and, and have Verizon do a little bit more due
32 diligence to find out if NMSU can be worked with because again it's not,
33 maybe it's not 500 feet, I didn't measure it, but it's right across Highway-
34 10. If you drive by there you'll see there's a whole bunch of antennas right
35 across the road on NMSU's property. Putting it over there would be the
36 logical place in my opinion to put it. And yes, it's still gonna affect some
37 views, some people's views, but it's not right next to residential. So I
38 guess I would ask that the, the Zoning commission if nothing else to table
39 and ask them to come back and work with NMSU on something like that.
40
41 Stowe: Point taken. Just a minute please. Mr. Gordon do you have a comment?
42
43 Gordon: Well I suggested this a, a few minutes ago about talking to New Mexico
44 State. I don't, I can't believe that they would not consider the amount of
45 revenue that they could get by having it on their property. I think, I don't
46 know what the amount of rental that Verizon pays for these towers but I

1 understand that it is considerable. And also another thought is, what
2 someone before mentioned is to perhaps speak to one of the owners of
3 one of the, of the pecan groves. I mean with the way things are going now
4 with agriculture to have this additional revenue on your property for
5 something that only takes up X number of square feet but goes up 75 feet
6 in the air doesn't really affect the growth of your trees or, you know or, or,
7 or harvesting of your crop. I think there are a couple of other areas that
8 Verizon should really look into a lot more seriously than to try to come up
9 with a better solution than this.

10
11 Stowe: Yes sir. Please state your name again.

12
13 Gutierrez: Yes sir, Les Gutierrez.

14
15 Stowe: Gutierrez. Thank you.

16
17 Gutierrez: And it appears to me that, we haven't heard from the rest of the public, but
18 it appears to me that the major concern is what this tower looks like and
19 blocking it's view from the, from the mountains. They certainly like
20 everybody to have cell phone coverage and we'd also like to maybe put
21 that tower somewhere else because it looks better, but the reality of it is
22 that the tower was designed to be where it would get the maximum
23 coverage and the best coverage for, for, not only for Verizon but for its
24 customers. So maybe the issue here is what the tower looks like. If that's
25 the concern you know we, we have other options. Mr. Alaaldin suggested
26 that if we had to, we don't really want to, the code allows it, we could drop
27 it to 65 feet. There are power lines all over the City of Las Cruces that are
28 near, near homes that are probably at least that high or higher. One
29 option might be to change the design of the tower and that might make it a
30 little more palatable. We have done in the past, we don't necessarily like
31 to do it, but we could make the tower look like a tree. There are trees in
32 that area, we can make it look like a monopine, that's an option, and we
33 would consider that. But as far as the, the time and effort that we put in at
34 this point to bring this presentation to you and the approval process with
35 the City that would allow a tower at 65 feet at this place, a good option
36 might be to design it with a monopine, so I bring that up for discussion.

37
38 Stowe: We appreciate that. Mr. Gordon.

39
40 Gordon: Let me just bring something back to your attention. You said earlier that
41 the reason that this tower is where it is planned to be is because it's
42 zoned, so you really are putting it here because you really have no other
43 place. So it's not necessarily the spot that you have considered to have
44 maximum coverage, it's something that you're doing basically out of
45 necessity, cause you have no other place to put it as close as to where
46 you would really like to have it. So I don't know how much of a difference

- 1 it would be if it was here or 300 or 400 yards across 10 on New Mexico
2 State property.
- 3
- 4 Gutierrez: That's a very good point and I'd be happy to address that but I think I'll let
5 Mr. Alaaldin talk to that sir.
- 6
- 7 Stowe: Thank you.
- 8
- 9 Alaaldin: Hamdi Alaaldin. I'm sorry could you repeat the question one more, I just
10 want to make sure I got it correctly?
- 11
- 12 Gordon: All right I'll try to do that. What I said was, it was stated earlier that the
13 reason that this tower is planned to go where it is planned to be placed is
14 because the property is zoned for that. If you, maybe an ideal place for
15 this tower is a quarter of a mile down the road but you can't put it there
16 because there are houses or it's in an area that aren't, isn't zoned for it.
17 So this is, well this'll be the best place that we could possibly put it. If
18 that's the case then maybe a piece of property a couple thousand yards
19 across 10 might be the same result.
- 20
- 21 Alaaldin: Yeah that much of a distance definitely does not make a whole lot of
22 difference. One clarification I want to make is, the idea of coverage is no
23 longer a valid point. There's, we're not doing any of these for coverage
24 any more. Our coverage is great. We have coverage. The main reason
25 we're doing things from now on is capacity. The sites that these
26 gentlemen brought up on the university and one mile this way and one
27 mile that way, it's all our sites. We're completely packed on those sites.
28 Our capacity is done. We cannot add any more users on those sites.
29 They are, that's why we building these sites to off load the university site,
30 to off load the other adjacent sites in the neighborhood. We have worked
31 with the university. We're adding nine more to the university. We're
32 adding internal DASP to the stadium. We're adding internal DASP to the
33 basketball stadium just because the growth of the capacity. And the
34 reason we did it to this location is because the ways tragically it takes off,
35 we want to take as much capacity away from the existing site as possible
36 and that's where this area come from and we give it to Mr. Les here, his
37 company goes out and finds locations. He brings the locations back to us,
38 we run propagation on all the available locations and we choose the best
39 one based on that criteria. I hope that answers your question.
- 40
- 41 Gordon: It, it does but you, you also say it is, that is the best one. What happens if
42 you go to the second best? What is, what is the difference?
- 43
- 44 Alaaldin: It, it depends all where the second best is and how much of the second
45 best capacity outflow is gonna give us.
- 46

- 1 Gordon: Well how much effort has been done to determine if it's 10% less, it's 5%
2 less, or it really doesn't make much difference? I just think that, it seems
3 to me that, I personally think that it could be a little more effort that might
4 be put into really maybe a better place than this.
- 5
6 Alaaldin: As you are well aware of this is, we, we've done this, if you, other
7 locations as well, we take it from one spot to another spot then you're
8 blocking somebody else's view and that's also a case as well. So if we
9 move it one place or the other is it gonna really eliminate all the issues.
10 As you have heard from our folks here, we're here because of the
11 community. It's all cosmetic. If could take the cosmetic issue down, take
12 the side down and change it to a stealth site where the cosmetic is not
13 such a issue that it'll work best for everybody hopefully. Thank you.
- 14
15 Stowe: Mr. Gutierrez.
- 16
17 Gutierrez: Yes Commissioner.
- 18
19 Stowe: You, you had mentioned that there is a, more information available that
20 could be made available regarding different appearance, to change the
21 appearance of the tower. Can you comment a little more tonight on that?
- 22
23 Gutierrez: Yes. In the jurisdictions that I've worked in, in New Mexico and primarily
24 in Albuquerque, there may be some here, maybe Adam can talk to them,
25 we can, we can disguise that tower to look like a, a tree. And the tree
26 would be a, a monopine. These are very, very common throughout New
27 Mexico. I'm not sure if we have any here yet. Adam maybe you can talk
28 about those. Since this was zoned C-3 it allows a regular tower there but
29 if there is objection we would be more than happy to disguise it. It's gonna
30 look like a fake tree. The antennas will be hidden in it, but it will look like a
31 tree. That is the best option at this point because there are some, it looks
32 like some Australian pines in that area. And we're also talking about
33 putting some trees behind the concealed area where the equipment is to
34 buffer it from the residential area. So we would make it look like a tree, a
35 monopine.
- 36
37 Stowe: Interesting. Some, anyone else?
- 38
39 Braker: I did have a question here regarding the statements between the two
40 gentlemen here. One of them said that they're working with NMSU to
41 provide a bunch of different towers or, or facilities on, on campus and the
42 other one said that they're hard to work with and, and I'm kind of confused
43 on that. And I, I guess we all, I think that everybody that objects
44 understands that somebody's gonna see it. I don't think there's a, a, a
45 problem with that or misunderstanding about that. I think the biggest point
46 at least to me and the people that, the neighbors that I've talked to is, it's

1 being put at the gateway to a residential section. Everybody goes by it.
 2 Everybody goes by that empty gas station now and now we're gonna have
 3 not only an empty gas station but we're gonna have this tower sitting
 4 behind it when right across the road, Highway-10, there's a bunch of other
 5 antennas already there and in my opinion putting it right across the road
 6 since it doesn't seem like the, moving it that far would be an issue from
 7 what this gentleman has said, I would ask them again to go back to NMSU
 8 and work with NMSU to put it in a place where there's a lot of other
 9 towers. It's not gonna stand out. The, it's away from the residential. It
 10 just makes sense to me that that's where it should be. So thank you.

11
 12 Stowe: Miss.

13
 14 Clifton: Mr. Chair, quick, quick point.

15
 16 Stowe: Yes. Clifton.

17
 18 Clifton: If, if it was moved right across the road would it still not block the views?

19
 20 VARIOUS AUDIENCE MEMBERS SPEAKING, NOT AT THE MICROPHONE.

21
 22 Clifton: Could ... Okay, we'll I'm, I'm asking just a general question not to be
 23 answered by the audience. Thank you. But it's, you relocated across the
 24 road, you're still gonna see it. It's not gonna magically disappear so I
 25 mean I, I think visually, sight distance wise your height would go down a
 26 little bit, but across the road I don't know that it would make a difference.

27
 28 Stowe: Please let me, state your name please.

29
 30 Siebe: Yes my name is Cindi Siebe and I live at 4851 Vista Cuesta.

31
 32 Stowe: Do you swear or affirm that the testimony you are about to give is the truth
 33 and nothing but the truth under penalty of law?

34
 35 Siebe: Yes I do.

36
 37 Stowe: Please proceed.

38
 39 Siebe: I've listened to these gentlemen talk about you know how this is the only
 40 spot for this tower. That it needs to be here. And this tower does not
 41 need to be here. I agree with the gentleman that spoke before. I don't
 42 want to be redundant but I would just really you know beg you to consider
 43 that these are some old and developed residential areas that have been
 44 here. They're the main residential areas. This is our backyard. And there
 45 are so many areas around there were these towers could be put. There's
 46 acres and acres of pecan orchards like they've said. There's NMSU. And

1 there's just, there's so many different areas that are not developed and
2 you know I would just really ask that you consider this and you know I
3 don't want a tower that looks like a tree in my backyard, it's still a tower.
4 And yes across the street you know but there is a freeway, it is not gonna
5 be as intrusive or you know horrible looking. And I just, you know I would
6 ask that you consider that this not be put here. Thank you.

7
8 Stowe: Thank you very much. Anyone else? Yes sir. State your name in the
9 microphone.

10
11 Bleiweiss: My name is Mark Bleiweiss. I live at 418 O'Hair.

12
13 Stowe: Sir do you, do you swear or affirm that the testimony you are about to give
14 is the truth and nothing but the truth under penalty, penalty of law?

15
16 Bleiweiss: I do.

17
18 Stowe: Go ahead.

19
20 Bleiweiss: Just reiterating what everybody else has said about blocking the view of
21 the Organ's and I don't care if it's a tower, if it looks like a giant
22 roadrunner, what it looks like, it's still gonna block the view. I think over
23 across the freeway by NMSU would be better. And I'm not sure if it's an
24 option as well, but just to the south of that area where I-10 joints with what
25 is it, 25 right there, there's a big area they used as a staging area when
26 they were doing construction on the freeway right there, it's the site of the
27 old fort. That's another large area, probably 10, 15 acres, I'm not sure
28 who ones it, it's probably NMSU or the highway department, but that
29 would be another possible location. Also I'm not quite sure how that area
30 unless it got grandfathered in as C-3 zoning. If you're familiar with that
31 space there's a small gas station, single level, as well as oh maybe a
32 dozen storage units, they're all single level and I can't imagine anybody
33 ever going in there and putting up a 60-foot building. It's a fairly small
34 property and again as far as C-3 zoning I'm not sure how that ever was
35 zoned that but a little neighborhood gas station there, nobody every
36 notices but putting a big tower I think would be a mistake.

37
38 Stowe: Would, would you, would it change your mind in some ways if there were,
39 if the tower were made to look more like a tree?

40
41 Bleiweiss: A fake tree is still a fake tree, it don't look like a real tree. There's no trees
42 that tall in the neighborhood. The tallest trees are probably, I don't know
43 some of the cottonwood trees in the park there you know which 35, 40
44 feet. I don't care what color it's painted it's still gonna be an eyesore to
45 the neighborhood and it would be oh about 600 feet from my property line
46 as well.

- 1
2 Stowe: Right.
3
4 Bleiweiss: And I'm not sure what kind of landscaping you can put around it to hide it
5 to make it look anything other than what it is.
6
7 Stowe: Thank you. This is not the first meeting that we have had considering
8 towers, cell, cell phone towers and the idea of changing the look of the
9 tower has had some success, changing the location of the tower has had
10 some success, albeit with perhaps technical complaints by the owners of
11 the tower, purveyors of the signal. So this will come up more than just
12 tonight. It's a typical situation of citizens claiming the right to a view,
13 technicians claiming a right to provide business service. So somewhere in
14 the middle is a compromise that makes it a little more understood by those
15 various interests. I just say that as, as a general comment. Mr. Gutierrez
16 do you have something to offer?
17
18 Gutierrez: I'd like to say first of all Verizon always likes to be a good citizen. Many of
19 the people in this room might be Verizon customers, so we're here to try to
20 come up with a plan that works for everyone. The suggestions that were
21 made earlier about possibly going across the road, I don't know what the
22 underlying zoning is on that at NMSU, that's state owned land. That could
23 take a very, very long time to put a tower in. The important thing is, is that
24 we try to follow the zone code by the City of Las Cruces and try to work
25 out a plan where engineering and the zoning works together and that's
26 why this site was selected. There was no intentional view to block
27 anybody's view of a tower and that's, in many cases it may not be here in
28 Las Cruces but in the larger municipalities these monopines are quite
29 often used right next to residential homes. If the demand was not needed
30 by these houses we probably wouldn't need a tower here but that's, that's
31 our position and we want to work with the City and we'd like to work with
32 the citizens and we're willing to lower the structure and design it to make it
33 more pleasing, but the tower really is needed. Thank you.
34
35 Stowe: Commissioner Gordon.
36
37 Gordon: Mr. Chair I, I think I'd like to, at this point if it's apropos and right to
38 perhaps make a motion to table this item to give Verizon the opportunity to
39 go back and look into the possibility of maybe talking again to New Mexico
40 State and perhaps going to some of the pecan growers and see if they
41 can perhaps put the tower there. And maybe come back with something
42 that's more palatable to the surrounding residents.
43
44 Stowe: Who, who is able to speak for Verizon in that regard?
45

- 1 Ochoa: Mr. Chairman just point of order, the City of Las Cruces does not govern
2 NMSU property and, nor do we govern the pecan orchards, that is the
3 County. So something was, if it is to table and postpone this and they
4 would be looking at other locations, this essentially would not come back if
5 they did find another location.
6
- 7 Gordon: Adam if ...
8
- 9 Ochoa: Just point of order.
10
- 11 Gordon: Adam if they were able to negotiate a, an acceptable site at New Mexico
12 State then who cares?
13
- 14 Clifton: I second the motion.
15
- 16 H-Rogers: Point of order.
17
- 18 Stowe: Yes.
19
- 20 H-Rogers: The public comment portion of this meeting is still open and was never
21 closed.
22
- 23 Stowe: Correct. Is there anyone else in the public that wishes to state ... yes
24 ma'am. State your name please.
25
- 26 Beck: My name is Susan Beck. 428 O'Hair Drive. I live right next door to Mark
27 Bleiweiss.
28
- 29 Stowe: Ms. Beck do you swear or affirm that the testimony you are about to give
30 is the truth and nothing but the truth under penalty of law?
31
- 32 Beck: I swear. I so swear.
33
- 34 Stowe: Go ahead.
35
- 36 Beck: I work for NMSU and I know the situation at the university financially is in
37 not great shape, you've probably read about it. I also know that NMSU
38 has made deals recently with other businesses in leasing or selling land,
39 so I know it is state land but I just wanted to say that NMSU is able to
40 make deals and has actually been very aggressive in making these deals
41 recently. So that's just the only point I want to make.
42
- 43 Stowe: Very well. Thank you. Anyone else? We'll try to round up the last few
44 speakers. State your name please.
45

- 1 McVann: My name is Phillip McVann. I live at 4124 Macaw Circle. And I just had a
2 couple questions, clarification.
3
- 4 Stowe: Do you, let me swear you in. Do you swear or ...
5
- 6 McVann: Oh yes.
7
- 8 Stowe: Or affirm that the testimony you are about to give is the truth and nothing
9 but the truth under penalty of law?
10
- 11 McVann: Yes sir. I was just looking for some clarification for some of the
12 considerations that were mentioned. Nine-one-one calls were mentioned,
13 dropping calls for military officials were mentioned, however the engineer,
14 Mr. Alaaldin had made it known that these, this tower would be primarily
15 for data so I guess my, I'm one, my question is I'm, how much 911 data do
16 you guys receive that isn't a phone call from Verizon phones?
17
- 18 Stowe: Gentlemen. Can someone answer the question on behalf of Verizon?
19
- 20 Alaaldin: Yes the, actually I did not say anything about drop calls. They have that
21 ability to make calls in case of emergency.
22
- 23 McVann: In regards to military.
24
- 25 Alaaldin: Yes.
26
- 27 McVann: You mentioned dropping calls so that they'd have priority.
28
- 29 Alaaldin: Yeah they have priority. It will drop if there's limitation of the cell site, let's
30 say there's 100 people, if there's already a 100 on it but certain military
31 folks are making a call, it will drop number 100, open up one line for them.
32 And recently we never did, he's correct we never did a 911 on only voice
33 but in the recent last month or two we are required by the FCC to also file
34 (*inaudible*) data on AWUS and LT as well.
35
- 36 McVann: And so my other comment is that it seems that we have cell towers
37 essentially triangulating; one at Whiskey Dicks, one further down, and
38 then one on NMSU and so if this is a data only tower most of these, I
39 mean it's all residential, so I'm wondering how much cellular data is
40 actually coming from our neighborhoods and how much of it's actually
41 coming from NMSU or NMSU students, students based out of the Grove
42 and if that's the case it seems to me that most of this cellular data would
43 be coming from NMSU. I don't know. I'm not an expert, just generally
44 when people are at home they use their computers like Comcast. They
45 have like cable internet so I'm wondering why NMSU if, if that is the case
46 perhaps moving it to NMSU would be a better idea. That's about it.

- 1
2 Stowe: Thank you. Yes ma'am. Yes sir. Please state your name.
3
4 Hayes: My name is Edward Hayes. I live at 6685 Coyote Road.
5
6 Stowe: Mr. Hayes do you swear or affirm that the testimony you are about to give
7 is the truth and nothing but the truth under penalty of law?
8
9 Hayes: I, I do.
10
11 Stowe: Proceed.
12
13 Hayes: Commissioner Gordon there was stating earlier about the buffer zone
14 there, the, I, I, I own the property and the five acres behind this property
15 has one house on it and it's located right directly behind the store, so you
16 have this buffer zone there too which is also just open space. There's
17 nothing there. There hasn't been anyone living in the house for several
18 years. I just wanted to make sure so that, you actually have that as a
19 buffer zone too because it's five acre tract behind the 1.73 acres.
20
21 Stowe: Very well.
22
23 Hayes: Okay. Thank you.
24
25 Stowe: Thank you. Try to wrap this up. Yes sir.
26
27 Braker: Excuse me. I'd like to clarify because I believe people are just ...
28
29 Stowe: Speak into the microphone please.
30
31 Braker: I believe people are just moving out of that house here a couple of months
32 ago so I would like to ask a clarification on the house that he said is right
33 next to the, the property. I know there were some students living in that
34 house. I believe they left this spring after the semester. They may have
35 been, it might've been a rental property but there was people living in that
36 house.
37
38 Clifton: Mr. Chair I might, if could remind you the public was limited to three
39 minutes per person and it seems that we may be going over that.
40
41 Stowe: Yes. I think we've heard opinions from most everyone in the room. Is
42 there, let's call, let's call a close to the public portion of comments. I think
43 we've heard from almost everyone. In that regard then we would come to
44 a time for we Commissioners.
45
46 Gordon: Is we, is my motion still in order?

1
2 Stowe: There's a motion on the floor.
3
4 Clifton: Go and recast it. Just restate the motion.
5
6 Stowe: Right.
7
8 H-Rogers: It is.
9
10 Stowe: There's a motion on the floor. Would you restate the, your motion?
11
12 Gordon: I move that we table Case number SUP-15-01 to allow Verizon to have
13 the opportunity to go back to investigate possible other locations and sites
14 for this proposed cell tower.
15
16 Clifton: I second.
17
18 Stowe: Motion's been entered and seconded.
19
20 Connelly: Mr. Chairman is, is that going to be to a date certain or just indefinitely?
21
22 Gordon: I'm Sorry. Sorry.
23
24 Stowe: Say again.
25
26 Clifton: Date specific or ...
27
28 Connelly: Is the motion to a, table it to a date certain or just to table it?
29
30 Gordon: Indefinite.
31
32 Stowe: Did, did I get a second?
33
34 Clifton: I second.
35
36 Stowe: Seconded it by ...
37
38 Clifton: Mr. Chair I seconded.
39
40 Stowe: Mr. Clifton. We'll, we'll take the roll. Commissioner Clifton.
41
42 Clifton: Aye based, based on discussion and staff presentation.
43
44 Stowe: Commissioner Gordon.
45
46 Gordon: I vote yes to table this item.

- 1
2 Stowe: Commissioner Alvarado.
3
4 Alvarado: Based on discussion and my opinion that I think we're blocking progress
5 for the City I'm gonna vote no.
6
7 Stowe: And Chair votes aye.
8
9 Gordon: Tabled.
10
11 Stowe: It, it's three to ...
12
13 Gordon: Three to one.
14
15 Stowe: Three to one in favor of tabling the, tabling the case. Let's take, we'll take
16 a 10-minute recess.
17
18 SHORT RECESS TAKEN.
19
20 Crane: Take your seats please ladies and gentlemen. Commissioner Stowe,
21 don't go without these all right. Is this all there is?
22
23 H-Rogers: Mr. Chair, Members of the Commission. I am not certain as to where my
24 applicant is. They were notified of the meeting several times but I do not
25 see them here. Would you like me to attempt to call them and we can
26 maybe begin with, maybe move the order of, of the agenda?
27
28 Crane: This is A1734?
29
30 H-Rogers: That would be correct.
31
32 Crane: Yes. I don't think it matters which order we take them in. Let me ask if the
33 three members of the public present, are you here for one of these two?
34 Which one please?
35
36 AUDIENCE MEMBER SPEAKING, NOT AT MICROPHONE.
37
38 Crane: The first one?
39
40 PUBLIC: No, the second one.
41
42 Crane: Second one, okay. Well it's in your interest too if we go to that. Okay let's
43 do that. And now if your applicant does not turn up, Ms. Harrison-Rogers
44 we can still, are you in a position to make a presentation for them?
45

Adam Ochoa

From: William Smith <smith@nmsu.edu>
Sent: Tuesday, July 28, 2015 3:49 PM
To: Greg Smith
Cc: Adam Ochoa
Subject: Case SUP-15-01

Dear Mr. Smith,

I respect your time and appreciate the fact that you receive volumes of emails; accordingly, I will be direct and to the point regarding Case SUP-15-01: Application of Verizon Wireless/Tectronic Engineering on behalf of A&E Enterprises, Inc. and their request to construct a 75 foot wireless communication tower in a quiet residential neighborhood. My house is only a short distance (a few hundred feet or so) from where this proposed tower will be erected. While there will not be audible issues regarding this tower, there will nevertheless be unimaginable visual issues. This is a quiet and well established neighborhood with the main entrance off of Stern Drive and it is there that they propose this tower be located. My neighbors and I have discussed this travesty as this tower will be highly visible from our backyards. I cannot understand why this tower cannot be erected less than one mile away in the numerous available land areas next to the freeway as opposed to being located directly IN OUR NEIGHBORHOOD? Please help us! I appeal to you as our district representative and appeal to anybody who enjoys quiet family time barbequing and time relaxing in their yard and simply ask – Would any of you want this visible eyesore constructed in your backyard?

Unfortunately, an unexpected scheduling conflict prohibited me from attending the hearing this evening so please accept my apologies for not verbally presenting my objections. However, your consideration of our dilemma and related support for our neighborhood would be deeply and gratefully appreciated. Thank you in advance for your time in this very important matter!

Kindest Regards,
Bill

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**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
July 28, 2015 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Ruben Alvarado, Member
Kirk Clifton, Member
Harvey Gordon, Member

BOARD MEMBERS ABSENT:

Charles Beard, Secretary
Joanne Ferrary, Member

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Mark Dubbin, CLC Fire Department
Pete Connelly, CLC Deputy City Attorney
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00 p.m.)

Crane: Good evening ladies and gentleman. Welcome to the Planning and Zoning Commission meeting for Tuesday, July 28th. Let me start as we usually do by introducing the Commissioners present. On my far right is Commissioner Clifton who is the Mayor's appointee. Correction, he is not, he is, who's the appointee of you Mr. Clifton?

Clifton: Levatino.

Crane: Who?

Clifton: Levatino.

Crane: Five.

Ochoa: District 6.

Crane: District 6. Thank you. And then Mr. Gordon who is the Mayor's appointee. Mr. Stowe is our Vice Chairman and he is, represents District 1. Mr. Alvarado represents District, District 3. And I'm Godfrey Crane, the

1 Chair, and I represent District 4. Commissioners Ferrary and Beard
2 cannot be with us tonight.
3

4 **II. CONFLICT OF INTEREST**

5 *At the opening of each meeting, the chairperson shall ask if any member on the*
6 *Commission or City staff has any known conflict of interest with any item on the*
7 *agenda.*
8

9 Crane: The next thing is for me to ask the Commissioners present and the City
10 people present whether anyone has a conflict of interest in relation to this
11 item, any of the items on the agenda tonight? No one so indicates. I do
12 have a problem which I'll enlarge on in just a moment.
13

14 **III. APPROVAL OF MINUTES**

15
16 1. June 23, 2015 - Regular Meeting

17
18 Crane: The next item is approval of minutes for the last meeting which was the
19 June 23rd. Does any Commissioner have any notes on the minutes of the
20 last meeting? Okay, I have three; page 13, line 19 "Mr. Fishback did you
21 attend the Planning and Zoning meeting 'at' which" I believe I probably
22 said. Second one, page 30, line 37, I've been thinking about this but I
23 believe that in the, in that line I said "that would require this road to be built
24 according to modified specs." That makes more sense in the context.
25 And finally, page 36, line 16, I think I said "just traffic director." Rather
26 than 'this.' Anyone else gentlemen? That seems to be it. I'll entertain a
27 motion that the minutes be accepted as modified.
28

29 Gordon: So moved.

30
31 Crane: Moved by Mr. Gordon.

32
33 Clifton: Second.

34
35 Crane: Seconded by Mr. Clifton. All in favor "aye."
36

37 MOTION PASSED UNANIMOUSLY.
38

39 Crane: Opposed? Abstentions? Passes five to zero. Thank you.
40

41 **IV. CONSENT AGENDA**

- 42
43 1. **Case IDP-15-01:** An application of Grey Handy, managing member, for an
44 Infill Development Proposal (IDP) for the expansion of the Adobe Assisted
45 Living Facility into two adjacent vacant single-family dwellings. The IDP
46 seeks a waiver from the required road classification for the expanded use.

1 The variances from existing non-conforming setbacks, and variances from
 2 onsite parking requirements. The properties are located on the east side of
 3 the intersection of E. Mountain Ave. and N. Virginia St. at 540 N. Virginia,
 4 Parcel ID # 02-05321, 600 N. Virginia St., Parcel ID # 02-05355, and 1111 E.
 5 Mountain Ave., Parcel ID # 02-05387. Proposed Use: Assisted Living
 6 Facility. Council District 1 (Councilor Silva).

7
 8 **2. Case SUP-15-01: - MOVED TO NEW BUSINESS - PAGES 5-30.**

9
 10 Crane: Now we go onto the consent agenda. Let me explain what this is, there's
 11 two items on there, IDP-15-01 and SUP-15-01. These items which the
 12 City Community Planning Department has decided they're probably not
 13 controversial and therefore will not generate any debate so they are
 14 lumped together, two of them in this case, to be voted on as a block
 15 without any discussion by us or the public. The vote would be up or down
 16 for the two, for the whole of the consent agenda. However, if any
 17 Commissioner, or any member of the public would like to do, to have
 18 some debate on either of these two issues, we will pull them off the
 19 consent agenda and put them at the beginning of the new business.
 20 Commissioners, any body want to take anything off the consent agenda?
 21 Any member of the public wish to take either of these items? This
 22 gentleman standing up. You do sir.

23
 24 **MEMBER OF THE PUBLIC SPEAKING, NOT AT THE MICROPHONE.**

25
 26 Crane: Okay, thank you that's all I need to hear right now. So we have a member
 27 of the public who would like to discuss this so we will move item number
 28 two, Case SUP-15-01 about the cell phone tower to new business and it
 29 will be item number one of new business. May I see a show of hands as
 30 to, for my guidance, who else in the room is interested in that case SUP-
 31 15-01 on the tower? Okay. And how many of you, keep your hands up if
 32 this applies to you, how many of you would like to come and talk at the
 33 microphone for typically three minutes? One, two, three. I see three at
 34 the moment. Okay sometimes that increases slightly. That helps us plan
 35 how exactly to move the traffic along.

36 So, since I'm talking about procedure, let me jump forward for a
 37 moment to how we handle new business. These are items on which there
 38 are, we do expect there to be some discussion, so first a member of the
 39 Community Planning Department will make a presentation, there might be
 40 for example Mr. Ochoa, Commissioners might have some questions for
 41 him. Then the applicant if present or the applicant's designated speaker
 42 gets to make a presentation if they wish to, again we may have some
 43 questions. And finally members of the public get to come up, identify
 44 themselves, be sworn in very briefly, and to state their, their views and the
 45 customary limit is three minutes apiece and we ask you not to repeat too
 46 much of what other people have said. It's okay to say that you agree

1 entirely with the previous speaker or something like that. When all the
2 members of the public have spoken we close the discussion to further
3 public input, the Commissioners will have a discussion among themselves
4 and when they've all had their say we will take a vote.

5 One further item, I am going to recuse myself during the debate
6 about SUP-15-01, reason being, although it does not affect me directly as
7 a resident in the neighborhood, my wife and I have a close friend of 20
8 years who does live there. I don't see her present tonight and she may
9 not even be aware of this matter, but I know she would be mortified if I
10 participated in debate, let alone how I vote. So since we have a quorum I
11 do not need to be present to make this proceed and our Vice Chairman,
12 Mr. Stowe will chair the meeting during that period and I will probably sit
13 down there somewhere. So does anybody have any questions about
14 procedure? Have I made myself clear?

15 All right. In that case we have one item on the consent agenda,
16 IDP-15-01 on the assisted living facility and the variances. I didn't ask
17 specifically about this so let's make sure we have no problems here.
18 Does anybody here wish to take item number one off the consent agenda
19 regarding the assisted living facility? Yes Ms. Harrison-Rogers.

20
21 H-Rogers: Just a point of order that there will need to be a vote first on moving the
22 item off the consent agenda and voting on the consent agenda, and then
23 voting either "yeah" or "nay" to what's remaining on the consent agenda.
24 So sort of a two-part vote.

25
26 Crane: So what are you recommending at the moment?

27
28 H-Rogers: I'm, I'm just simply recommending that if the first item remain on the
29 consent agenda there needs to be a motion, a vote on basically removing
30 item number two, leaving item number one, and then there needs to be a
31 vote on whether the consent agenda is voted "yeah" or "nay." Do you ...
32 is that clear?

33
34 Crane: Okay. I understand. Commissioners, do I need a motion on that or, with a
35 second or? Yes, okay. I'll entertain a motion that item two, SUP-15-01 be
36 removed from the consent agenda, put on new business.

37
38 Clifton: So moved.

39
40 Crane: Moved by Mr. Clifton.

41
42 Gordon: Second.

43
44 Crane: Second by Mr. Gordon. All in favor "aye."

45
46 MOTION PASSED UNANIMOUSLY.

1
2 Crane: Opposed, "nay." Okay. And any abstentions? It passes five/nothing.
3 Thank you. And nobody indicated that they had a problem with leaving
4 number one on the consent agenda, so we will proceed with the consent
5 agenda. Commissioners, all in favor of the accepting the consent
6 agenda? I need a motion? Okay, thank you. A motion that we accept the
7 consent agenda consisting only of item one, IDP-15-01.
8

9 Gordon: So moved.

10
11 Crane: Moved by Mr. Gordon.

12
13 Clifton: Second.

14
15 Crane: Seconded by Mr. Clifton. All in favor "aye."
16

17 MOTION PASSED UNANIMOUSLY.
18

19 Crane: Opposed, "nay." And any abstentions? None. That passes five/nothing.
20

21 **V. OLD BUSINESS - NONE**

22
23 **VI. NEW BUSINESS**

24
25 **Case SUP-15-01:** Application of Verizon Wireless/Tectonic Engineering on
26 behalf of A & E Enterprises, Inc., property owner, to construct a new wireless
27 communication facility on a property encompassing 1.552+ acres, zoned C-3
28 (Commercial High Intensity) and located on the southwest corner of Stern Drive
29 and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID # 02-22899; Proposed Use:
30 The applicant is seeking to construct a new 75-foot tall wireless communication
31 structure and associated accessory structures on the subject property. Council
32 District 2 (Councilor Smith).
33

34 Crane: So we will proceed to Case SUP-15-01 and something tells me that Mr.
35 Ochoa is going to present. Is that right Mr. Ochoa?
36

37 Ochoa: Yes sir.
38

39 Crane: Go ahead please. Oh, I have to swear you in. I guess, who knows what
40 has happened since last time. Do you swear or affirm that the testimony
41 you are about to give is the truth and nothing but the truth under penalty of
42 law?
43

44 Ochoa: I do.
45

46 Crane: Go ahead please.

1
2 Ochoa: Adam Ochoa, Development Services for the record. First case tonight
3 gentlemen is SUP-15-01. It is a request for a Special Use Permit for a
4 wireless communication ...

5
6 Gordon: Excuse me Adam. I'm sorry to interrupt you, but aren't you, aren't you
7 going to recuse yourself at this point?

8
9 Crane: You're quite right. I had ... I am going to recuse myself. Mr. Stowe you
10 have the chair. Let me bring you the, this in case you need, need it.
11 Thank you Mr. Gordon.

12
13 Stowe: Mr. Ochoa you may proceed.

14
15 Ochoa: Thank you sir. Again, to start off again, first case tonight is SUP-15-01. It
16 is a request for approval of a wireless communication facility under a
17 Special Use Permit for a property located at 4790 Stern Drive. Subject
18 property shown here on the location and vicinity map. As you can see it's
19 directly kind of southeast of Interstate-10 here on this property here zoned
20 commercial. The property is located on the southwest corner of Stern
21 Drive and Agave Drive. Subject property currently encompasses
22 approximately 1.55 acres and again it is zoned C-3, commercial high
23 intensity. Currently on the subject property there consists a, a, a, a
24 number of vacant commercial buildings.

25 Looking here on the aerial you can see those vacant commercial
26 buildings here on the eastern side of the property where the new wireless
27 communication facility is proposed is to the rear, or to the west of those
28 facilities, back over here roughly where the arrow is pointing. Code
29 requirements you're looking at today is Section 38, 38-59F of the 2001
30 Zoning Code which states under the Zoning Code any new
31 communication structures adjacent to property zoned R-1a and other
32 single-family zoned, zoning designations are not permitted unless
33 approved through the Special Use Permit process. Through the Special
34 Use Permit process a new tower can also be granted a, a height variance,
35 in other words going taller it would be permitted in that current zoning
36 designation. The applicant is also required to pay for all the expenses
37 associated with the City and the applicant hiring a qualified expert to
38 essentially review and provide a, a written, written recommendation for an
39 analysis created by the engineer of the, for the proposed cell phone site
40 and that recommendation be brought to P&Z for your review and a, and
41 consideration.

42 The proposed facility is essentially a new wireless communication
43 facility with a 75-foot tall wireless communication structure. This is 10 feet
44 taller than what is permitted in the C-3 zoning district, 65-feet being the
45 maximum height, but again the allowance for a taller tower is
46 accompanying if you will or part of the Special Use Permit. Adjacent to

1 the property is an R, a property zoned R-1aC which is why this, they are
2 required to seek the Special Use Permit at this time. The, like I stated
3 before, the new facility is proposed to be located to the rear of the subject
4 property and the applicant has provided a site plan and building plan
5 showing that the proposed tower and facility meet all required setbacks
6 including the setback requirement for adjacent to the residential lot to the
7 south. The proposed new communications structure facility will follow all
8 requirements in Section 38-59 which is our antennas, wireless
9 communication structure section of the 2001 Zoning Code.

10 Apologize for the blurriness of this but here is the subject property
11 with the existing buildings here, with an access for the new facility off of
12 Stern Drive here. No new, no new access points off of Stern Drive or
13 Agave will be done for this proposed site which is over here roughly about
14 30 by 35 square foot site with a rock wall built around it and with some
15 landscaping provided adjacent to the south to provide some type of buffer
16 for the new facility. Shown here are those setback requirements, as you
17 can see they meet more than enough for the required setbacks. To the
18 rear they are required to provide a minimum setback of one foot for every
19 foot in height of that tower, plus 10%. They are still under that
20 requirement as well with this new facility.

21 Here, closer look as to what that new facility will look like, enclosed
22 within a rock wall as I said before the tower and all accessory and, all
23 accessory equipment to that tower. Shown here by the applicant roughly
24 where that site will be located, again to the rear of the most western,
25 western existing commercial building on that property. Here is an
26 elevation showing what that facility will look like with 75-foot tall tower, the,
27 the, the biggest reason why they are going for the 75-foot tall tower is to
28 allow for co-location. In the City of Las Cruces we encourage co-location
29 of communication structures so the taller height would allow for future
30 expansion of this tower to allow for more communication structure on one
31 tower instead of coming in for a new tower all together and relatively close
32 to this area.

33 As I stated before the City of Las Cruces and the applicant did hire
34 a professional to provide a recommendation. The analysis was prepared
35 for the proposed new facility and Greg Best Consulting reviewed this
36 analysis and provided a recommend, a written recommendation on June
37 23rd, 2015 and that is actually located as an attachment in your staff
38 report. Greg Best Consulting concurs with the analysis of the applicant
39 that the proposed new wireless communication facility at 47, 4790 Stern
40 Drive is the best available site in this area. The consultant also concurs
41 with the applicant that the proposed height is best to allow for better, to
42 allow for better coverage for the area as well.

43 With that staff did review the proposed SUP and based on the
44 review by staff and all of the reviewing departments in the City of Las
45 Cruces, as well as NMDOT since they are just adjacent to NMDOT right-
46 of-way, and based on the written recommendation from the independent

1 expert consultant and the findings found in your staff report, staff
 2 recommends approval for the proposed SUP. These are the findings that
 3 are located within your staff report; the main ones being that the proposed,
 4 that an independent, I'm sorry, that an independent expert consultant
 5 reviewed the analysis and concurred that the proposed site and height of
 6 the new wireless communication facility and tower are, they do concur,
 7 excuse me, with the analysis of the applicant for the new cell tower site
 8 and tower height. The proposed new wireless communication facility also
 9 follows all requirements of the Special Use Permit section of the 2001
 10 Zoning Code and all requirements of section 38-59 which are
 11 requirements for towers in the 2001 Zoning Code as well.

12 The City did receive an e-mail, a couple of e-mails concerning the
 13 location of the new facility on the subject property. You do have one of
 14 those e-mails in front of you. As you can see there are a number of
 15 people here as well with concerns it looks like for the new facility on the
 16 subject property. With that gentlemen is, your options tonight is: 1) to vote
 17 "yes" as recommended by staff; 2) to vote "yes" with any conditions
 18 deemed appropriate by the Planning and Zoning Commission; 3) to vote
 19 "no;" 4) to vote to table and postpone the proposed Special Use Permit
 20 and direct staff and the applicant accordingly. The applicant is here to
 21 answer any questions you might have of him, and I stand for questions.

22
 23 Stowe: Commissioner Gordon.

24
 25 Gordon: Adam I have two questions; number one could, it, it's hard for me to tell
 26 from the maps and things that we have in front of us, but what would be
 27 the closest in terms of distance on the ground from the tower to the
 28 nearest residence?

29
 30 Ochoa: Mr. Gordon. I'm sorry, Mr. Chairman, Commissioner Gordon. The, the
 31 wireless facility is directly adjacent to a residentially zoned property to the
 32 south here and the actual setback for, excuse me, that new, for that new
 33 tower from that subject property is, excuse me again, is 93 feet.

34
 35 Gordon: On that little yellow area that's what you're talking about, little
 36 checkerboard yellow area?

37
 38 Ochoa: Yes sir. That is ...

39
 40 Gordon: Are there, are there actually homes in that, on that?

41
 42 Ochoa: Mr. Chairman, Commissioner Gordon. Yes there is a home on there.

43
 44 Gordon: Okay. And then my second question is any tower of lesser height would
 45 not be accessible, would not be agreeable by the applicant?
 46

- 1 Ochoa: Mr. Chairman, Commissioner Gordon. That'd be something you might
2 want to speak to the applicant about. The analysis again did concur with
3 the application from the, the independent consultant stating that the, the
4 height would be, is justified or does concur that this area should be a,
5 allowed for that, this property should be allowed that height if you will.
6
- 7 Gordon: All right I'll ask the applicant another question then.
8
- 9 Stowe: Commissioner Alvarado.
10
- 11 Alvarado: Are there any other towers as close to residences in the City as this one
12 will be?
13
- 14 Ochoa: Mr. Chairman, Commissioner Alvarado. No sir. There are a number of
15 other communication structures in the City that are right next to residential
16 zoning as this one, a couple of them that come to mind are in the Sonoma
17 Ranch area east of, of the City limits. I'm sorry, on the east side of town if
18 you will and there is one as well that's located currently at, on the Whiskey
19 Disks property relatively close to this subject property. There are some
20 residentially zoned properties that are right, that are adjacent, that are
21 close by there sir.
22
- 23 Alvarado: Are, are they more or less the same height, shorter, or taller?
24
- 25 Ochoa: Mr. Chairman, Commissioner Alvarado. The towers that are located, or
26 the tower that I know of that is located in the Sonoma Ranch area is
27 actually 85 feet, so it is taller than this tower.
28
- 29 Alvarado: Thank you.
30
- 31 Ochoa: Mr. Stowe.
32
- 33 Clifton: Mr. Chair, Commission,
34
- 35 Stowe: Yes, go ahead.
36
- 37 Clifton: Thank you. Adam, quick question. This is proper, property's currently
38 zoned C-3?
39
- 40 Ochoa: Mr. Chairman, Commissioner Clifton. That is correct.
41
- 42 Clifton: And the maximum allowable height in a C-3 zoning district is 60 feet?
43
- 44 Ochoa: Mr. Chairman, Commissioner Clifton. The maximum height actually
45 permitted in the C-3 by right is 65 feet.
46

- 1 Clifton: Sixty-five feet. So this is 10 feet taller than what's allowed by right.
2
3 Ochoa: That is correct sir. By right with the Special Use Permit.
4
5 Clifton: Okay. So if it, if a building came in for construction hypothetically for this
6 particular lot at 65 feet it could essentially be issued a building permit at
7 that height?
8
9 Ochoa: Mr. Chairman, Commissioner Clifton. In the C-3 zoning district I believe
10 the maximum building height is 60 feet, so technically yes, they, we, if
11 somebody came in just for a building permit for a new building there for 60
12 feet in height we would issue that.
13
14 Clifton: Okay. Thank you.
15
16 Stowe: I see no one else to, to, wants to talk on this topic.
17
18 PUBLIC SPEAKING NOT AT MICROPHONE.
19
20 Stowe: Yes, we'll get to the public.
21
22 PUBLIC SPEAKING, NOT AT MICROPHONE.
23
24 Stowe: I mean up here. Move to the next, is the applicant here? Yes would you
25 please come forward and make your presentation on this case.
26
27 Ochoa: Mr. Chairman if I may remind you, you might have him state his name and
28 swear him in as well sir.
29
30 Stowe: Yes. State your name please, and then I'll swear you in.
31
32 Gutierrez: Yes sir my name is Les Gutierrez. My address is 1 La Veta Circle NE,
33 Albuquerque, New Mexico and I represent Verizon Wireless.
34
35 Stowe: Thank you. Mr. Gutierrez do you swear or affirm that the testimony you
36 are about to give is the truth and nothing but the truth under penalty of
37 law?
38
39 Gutierrez: I do.
40
41 Stowe: Please proceed sir.
42
43 Gutierrez: Yes sir, Commissioners, our company, TECTONIC Engineering is the
44 engineering firm that is working on the real estate and engineering design
45 of this tower. I also have with me Mr. Hamdi Alaaldin who's the RF
46 engineer for Verizon Wireless in case there's any questions with regard to

1 why this tower needs to be here and the, and the energy levels required
2 by the FCC. We basically concur with Mr. Ochoa's presentation. We
3 don't have a lot to add. A couple of things I may add that may not be too
4 clear is this tower is going to be painted a desert sand to kind of blend in
5 with the community. It's been done before in other areas of Las Cruces.
6 And with regard to the setback I believe the setback is 93 feet. The only
7 house that is on there is a, is a little further away and that actual residence
8 probably I'm guessing more like 150 feet away from, from the tower. So
9 I'm here really to answer any questions. I think Mr. Ochoa did an, a great
10 job of presenting what we're trying to do here. If there's any specific
11 questions on the tower, the height, why we need to be there, I'd be more
12 than happy to answer those sir.

13
14 Stowe: Commissioner Gordon.

15
16 Gordon: This is a little bit off of the presentation but apparently on the other side of
17 Interstate-10 is property that is presently owned by New Mexico State
18 University. Has any attempts been made, to perhaps question them if
19 they'd be interested in hosting a, a tower where they could gain a revenue
20 from the, from where that site might rest?

21
22 Gutierrez: You know Commissioner Gordon they were approached and there are
23 some towers on NMSU property. I've done several of them at the
24 stadium. This particular area we approached them, they were not
25 interested in a tower for whatever reason. We also looked at other areas
26 along the same side of, of the freeway that we're at, unfortunately all the
27 zoning in that area is all R. This is the only commercial piece of property
28 where a tower could fit. The situation at the university is that there is so
29 much demand at the university site that Verizon now is working to try to
30 put in small cells, these are small units. I think there's a total of six or
31 eight of them that are going in, in order to handle that capacity. So this
32 tower is, is much like, not so much for coverage but it's there to design
33 and handle all the capacity on the freeway and the residential areas on
34 that side, but we did look at other locations and this was the best location
35 as stated by the engineer.

36
37 Gordon: All right thank you. And what happens if this tower isn't constructed?

38
39 Gutierrez: I beg your pardon sir.

40
41 Gordon: What happens if this tower is not constructed, what does it, what does it
42 do for Verizon as far as being able to transmit data?

43
44 Gutierrez: Well in the short-term we'll probably be okay. I'll let Mr. Alaaldin talk to
45 that a little bit further. In the short-term we'll probably be okay. Within a
46 year or so as traffic demands there'll be probably dropped calls, not good

1 internet coverage in that area, but it will be okay for a while, but Verizon
2 usually plans about a year in advance of where their needs are in terms of
3 their capacity.
4
5 Stowe: And you said your other, there's another person with you to present
6 information?
7
8 Gutierrez: I'm sorry.
9
10 Stowe: Is there, is there another person with you to present?
11
12 Gutierrez: We have no further presentation sir other than what's in this package.
13
14 Stowe: Well the, is there someone else with you?
15
16 Gutierrez: Yes. Yes sir there is. I have an engineer with me if there's questions.
17
18 Stowe: Because we need, we need to discuss the technical reasons why this is
19 been select, the site selected and any, any other issues there, technical
20 issues.
21
22 Gutierrez: Sure.
23
24 Stowe: So we'll appreciate more explanation and that you stand for questions.
25
26 Gutierrez: Sure. I have Mr. Alaaldin here, he'd be happy to do it.
27
28 Stowe: Your name sir.
29
30 Alaaldin: Mr. Chairman, my name is Hamdi Alaaldin. I live in 322 West Indigo
31 Drive, Chandler, Arizona. I'm an engineer for Verizon Wireless.
32
33 Stowe: Thank you Mr. Alaaldin. Do you swear or affirm that the testimony you are
34 about to give is the truth and nothing but the truth under penalty of law?
35
36 Alaaldin: I do.
37
38 Stowe: Please proceed, well you're standing for questions. Do you have a
39 presentation or a few comments to make?
40
41 Alaaldin: No I provided all the data that the gentleman, Greg Best asked for so I
42 thought that was all needed.
43
44 Stowe: Okay.
45
46 Alaaldin: There was no other further explanations.

- 1
2 Stowe: We have interest from the public so ...
3
4 Gordon: Well I have a question.
5
6 Stowe: A, a question by Mr. Gordon.
7
8 Gordon: Sir what would happen if the tower was shorter?
9
10 Alaaldin: We could definitely entertain that and we'll be willing to take it down to the
11 65 feet to hopefully make everybody happy. The reason we asked for too,
12 for the high was two reasons, one was co-locatable, to be able to have
13 other communication facilities for other carriers to go on; two because the
14 surrounding trees were not letting the propagation signal to go as far as
15 we wanted to, but we can certainly do the 65 feet and make it okay just for
16 Verizon. If any other carrier would like to come up they have to go a lower
17 height.
18
19 Gordon: With the advances in technology as fast as they are happening today, if
20 we table this and you came back a year from now do you think perhaps
21 times will have changed enough to, where you might be able to come up
22 with a better alternative?
23
24 Alaaldin: Unfortunately the technology's going the opposite direction, because
25 everybody's getting new phones, kids are having phones, the technology's
26 changing where you have to provide five megabytes of data speed for the
27 smart phones. And all the smart devices are going on the phones and
28 we're working on what's called M2M which is machine-to-machine, they
29 talk to each other all the time, so the technology's got to get more towers
30 and more of these facilities.
31
32 Clifton: Thank you Mr. Chair. Do, do you see an increase in your load or your
33 usage of the cell network and do you have a lot of calls that are utilized for
34 911 and emergency services?
35
36 Alaaldin: Absolutely. We, we seeing really growth exponentially, very high growth,
37 especially in Las Cruces area and that's why we providing this tower and
38 we have a lot of other plans coming up with new towers, just based strictly
39 on data and usage. And that usage, it used to be easy when it was voice,
40 we could put one side up in high mountain and be happy with it, because
41 you, voice doesn't require a lot of data speed, but when you're watching
42 movies and Netflix and all the other one on your laptop and your phones,
43 that's where NFL plays and all the other stuff is where it eats up all the
44 resources we have.
45
46 Clifton: Thank you.

- 1
2 **Stowe:** Very well. Members of the public, would you like to ask questions?
3 Would someone like to make a presentation first? Excuse me, Mr., Mr.
4 Alaaldin we do have a, a question for you.
5
- 6 **Alaaldin:** Definitely.
7
- 8 **Alvarado:** Yeah, I, I have a question. What, what signals, what kind of signals does
9 the tower carry?
10
- 11 **Alaaldin:** We're planning for having 700 megahertz right now and 2100 megahertz
12 LTE which is 4G technology at this point. This is a low power, its only 40
13 watts total coming out of the base station to the antennas.
14
- 15 **Alvarado:** All right. For voice data ...
16
- 17 **Alaaldin:** It's, right now it's only for data because the area is, is very demanding for
18 the data and, but in the future the data and voice will be combined into
19 one which is called VoLTE and your traditional voice will go away and
20 everything will be on that technology.
21
- 22 **Alvarado:** I see. Okay. Thank you.
23
- 24 **Alaaldin:** Too, I didn't clarify on one thing, yes it does carry 911 which is
25 emergency, all the emergency services. Also Verizon provides additional
26 services to the military folks where if a military high ranking official drives
27 by the area in case of emergency and there's not enough resources, we'll
28 drop other people to put them on, so we do entertain all, everybody.
29
- 30 **Gordon:** But then, but then you bring up another point. Let me just add one thing to
31 this. Mr. Clifton just reminded me of something. There is now a wave of
32 people giving up landlines, going strictly to using cell phone. Will this
33 tower be able to handle what kind of a demand if this continues maybe at
34 the rate that it's going before it would require another tower?
35
- 36 **Alaaldin:** That's a great question. What do we do every quarter, we look at every
37 tower, every sector of each tower and we run all the calls that go through
38 that tower and see what compared to the capacity of the towers in that
39 town versus the quality and versus the amount of calls that come in and
40 then we plan that every month and see what kind of a gross rate we have
41 and we plan 24 month ahead to cope for that capacity issue. So your
42 (*inaudible*), it will be more and more coming on to those towers because
43 there is reasons as you mentioned.
44
- 45 **Gordon:** Well will there be a point in time when this tower will be at capacity?
46

1 Alaaldin: Oh absolutely.

2

3 Gordon: So then where will you go?

4

5 Alaaldin: We have to either buy more frequencies or government give us more
6 frequency or build more towers, or we're coming up with other
7 technologies to offset that. We're coming up with smaller cells in the
8 areas, smaller cells only work like in universities or downtown areas,
9 where they are 20, 25-foot tall and they can only go 200 feet and they can
10 provide up to 400 people which, which is one of those small cells. So we,
11 we're putting a lot of those in as well to just cope with the traffic. We're
12 here because of the data. The data shows us that we need to go and we
13 need to build. It's, that's why we're investing in the community.

14

15 Gordon: You're from Verizon, what about AT&T and, and all of your competitors,
16 what are they doing as far as their facilities are concerned in building
17 towers? Where are they going?

18

19 Alaaldin: I can't speak for them. I thought you guys would know more about that
20 than we do. They've already been here, right?

21

22 Stowe: All right, it's, it's time for the gentleman with the blue shirt. Please state
23 your name.

24

25 Brooks: My name is Larry Brooks. I live at 318 O'Hair Drive which is one of the
26 roads that comes off of Stern Drive a little bit north of where the proposed
27 tower is.

28

29 Stowe: Mr. Brooks do you swear or affirm that the testimony you are about to give
30 is the truth and nothing but the truth under penalty of law?

31

32 Brooks: Yes I do.

33

34 Stowe: Please proceed.

35

36 Brooks: Okay, all of us here are, are using cell phones. I'm sure everybody does.
37 And we don't dispute that there's going to be an increase in data, cars are
38 using more as they go past this particular point. I think what you're gonna
39 here is an impassioned plea from the community that we love the Mesilla
40 Valley that we're in. We love the view of the mountains that we have of,
41 you know it crosses a couple of freeways but we're all on the west side of
42 the freeway. And the proposed site for this tower is going to block that
43 view of the mountains and I think that's going to be the most impassioned
44 plea that you're gonna here from the community. From this point where
45 the tower's proposed, there is another tower a mile up behind Whiskey
46 Dick's at Union and Stern. There is another tower a mile south, I'm not

1 sure about the exact location of that but it's again it's west of the freeway,
 2 but it's aright along I-10. There is numerous towers that was stated by
 3 Verizon on the light poles at the university a, a, football field. I mean
 4 there's a plethora of them. And if you look at all of these towers I
 5 understand that putting up more and more receivers on every single tower
 6 that's out there, so I understand the capacity is, is growing exponentially.
 7 The problem here that we see, especially if they start off with one tower
 8 with one array and then they build it high enough where they're gonna put
 9 two or three arrays, that view of the, of the Organ Mountains from most of
 10 the properties west of this site are going to be blighted and I think again
 11 that is the impassioned plea. If they had put this tower on university
 12 property a little bit maybe further north where there is no you know
 13 backyard views of this tower, of it blocking the Organ Mountain view, I
 14 don't think they would have a problem with it and I think that's what a lot of
 15 people are here are going to tell you, that it is the location of this tower,
 16 also the height, we think 75 feet might be a little excessive. He says, you
 17 know he's the experts, I'm sure. I'm sure they know what height their
 18 tower needs to be. And we know the utility, utilization's going to be there
 19 but the passion is that they are gonna block the view and if you look at the
 20 zoning map right here if you see all of the, let's see the road coming in
 21 that, that red site to the I guess the upper portion, okay that's the turn-in
 22 at, what is it, it's not O'Hair, Salopek. Salopek Drive right there. And then
 23 you come down and you make a left and that's O'Hair. So all of those
 24 have backyards that face west towards, face east rather towards the
 25 Organ Mountains.

26
 27 Stowe: Right.

28
 29 Brooks: And then all the subdivisions that are on the other side, that's the Tortugas
 30 Arroyo that's in between there and so all of those people are, again these
 31 are all single-family dwellings, very little obstructions in the air above
 32 except as we get further away towards the university, towards the football
 33 stadium. So we have an unobstructed view of the Organ Mountains. And
 34 again that is our passion and I think that is why we oppose the cell tower
 35 where it is, especially the height of it. Maybe if they built these 25-foot
 36 towers and build it you know just for the residential communities or built
 37 more of them, that might be some type of acceptable you know median.
 38 But at this time, at this location I don't believe it's an acceptable thing in
 39 this residential area because of the blight it will put on our view of the
 40 Organ Mountains.

41
 42 Stowe: Thank you.

43
 44 Brooks: Thank you for your time. Appreciate it. Any other questions for me?

45
 46 Stowe: Does anyone have questions for Mr. Brooks?

- 1
2 Brooks: Thank you.
3
4 Stowe: And the, the next citizen please. Would you state your name please?
5
6 Comeau: Sure. My name is Jerry Comeau.
7
8 Stowe: Mr. Comeau.
9
10 Comeau: I live at 4851 Visa Cuesta.
11
12 Stowe: Mr. Comeau do you swear or affirm that the testimony, testimony you are
13 about to give is the truth and nothing but the truth under penalty of law?
14
15 Comeau: I do.
16
17 Stowe: Please go ahead.
18
19 Comeau: The first thing I object to the presentation because 4790 Stern Drive at the
20 intersection of Agave is not on the southwest corner, I believe it's on the
21 northwest corner. I'd like to give an overview. Within one mile to the north
22 of this proposed tower is the Mesilla Valley Christian School. Half a mile
23 to the east is the Las Cruces Early College High School. One mile to the
24 south or less than one mile to the south is the proposed Mesilla Valley
25 Christian High School. And within a quarter mile west of the tower is the
26 City-Salopek-Stern City Park. So I believe it's gonna be an eyesore all
27 around and there are three fully occupied housing developments in the
28 area. There is, there are hundreds of acres of pecan orchards in this
29 neighborhood where I feel the tower could be put and not be an eyesore.
30 The proposed tower is adjacent to a major arroyo and you think in terms of
31 the hundred-year flood and that tower would be undermined and fall right
32 into the arroyo. And across from the tower is a bridge that carries traffic
33 east/west on I-10 from California to Texas and thinking in terms of
34 terrorism and what goes on in our world today, if that tower should fall on
35 the bridge all the traffic east/west in the southwest and part of the United
36 States would be disrupted. Anyway that's about all I got to say.
37
38 Stowe: Very well. Is there anyone else that'd like to make a comment? Yes sir,
39 step to the microphone. State your name please.
40
41 Braker: My name is Philip Braker. I live at 4805 Agave Place, Las Cruces, New
42 Mexico.
43
44 Stowe: Mr. Braker do you swear or affirm that the testimony you are about to give
45 is the truth and nothing but the truth under penalty of law?
46

1 Braker: Yes I do.

2

3 Stowe: Please proceed.

4

5 Braker: There's a, some questions I have. Now looking at this, that piece of
6 property is the only commercially zoned piece of property and I am sure
7 from Verizon's perspective it's a lot easier to deal with one property owner
8 than with the bureaucracy across Highway-10. I work there so I know
9 there's a lot of bureaucracy. However have they done studies to find out
10 how much of the load that is going to be handled by that tower?

11

12 Stowe: Please, yes.

13

14 Braker: Have they done studies to find out how much of the load that's gonna be
15 handled by that tower's coming from the university? I know they have
16 some cell phone receptacles on the university there but I suspect that
17 some of that load if not a good share of it may be coming from the
18 university if not the housing complex or something like that. If they go 500
19 - a second point I'd like to make is if they go 500 feet north across
20 Highway-10 and maybe a little you know into that property on NMSU there
21 are a lot of antenna fixtures, facilities there already. It would seem to me
22 that placing a tower along with other antenna facilities would be more
23 appropriate than putting it next to a residential, and they wouldn't have to
24 move the tower that far. I, I fully believe that that's probably an adequate
25 place. Their, their, their studies probably show that's a good place for it
26 but I don't think moving it 500 feet to move it away from residential into
27 structures that are like minded, probably have better power already in
28 existence, power close by it, would be a better place for it. Sure it's still
29 gonna affect some of the views. It's not gonna affect my view at all from
30 my house, so it, it's not, the view isn't an issue but it's a gateway to
31 residential area, and it's right there at the gateway to a residential area for
32 a lot of homes. Everybody's gonna have to ride by it. And moving it right
33 across the road, it wouldn't be noticed at all. So if, if anything I'd like the,
34 the council to table it and ask Verizon to go back and work harder with
35 NMSU and work with NMSU to get it put on place there. One; it'd help
36 NMSU because they can get some revenue off it. I understand there's a
37 bureaucracy problem but I think if this were tabled and asked I think it
38 could be worked through and I think it would be a better solution than
39 putting it next to residential, so close to residential and getting this
40 adjustment. Furthermore if they move it to the northwest just a little bit
41 you'll see that the, right next to the, right before the school, the new high
42 school they're putting there, the ground is much higher, they could put a
43 much lower tower and still have the same height. And I think they would
44 not have to worry about the attenuation over the hills and stuff like that,
45 that they're gonna have to worry about where they're putting it now with
46 the height that they have. Any feedback from Verizon on that?

- 1
2 Stowe: Would, would you like to comment?
3
4 Gutierrez: Yes sir.
5
6 Stowe: Come to the microphone please.
7
8 Gutierrez: Thank you for your comments. We have explored those other areas. I'm
9 not sure they're 500 feet. We would certainly look at them. We'd have to
10 look at the underlying zoning to see if they'd be permissible. But one of
11 the things that the City did do was they, they hired a consultant and the
12 consultant, we gave him the information, I'll let Mr. Alaaldin talk about it.
13 We have two other towers, we have one further south and we have one
14 further north. This tower sits right in between them and that's why it was
15 designed at this location. We have had conversations with NMSU and
16 they seem to be having their fill with new tower companies, that's why
17 were here. We're not able to work with them. So that's been our
18 experience. Thank you.
19
20 Alaaldin: May I also, may I make a quick ...
21
22 Braker: Can I, can I comment? Can I comment? NMSU can be worked with and
23 I'm sure it's not gonna be as easy as working with an individual private
24 you know property owner but I think that's one of the reasons we have a
25 Planning and Zoning Commission is to come back and look at it and say
26 you know really, yeah it may not be the easiest solution for you guys but
27 moving it into where a whole bunch of other structures are just like it is
28 probably the best. So I would ask that the Zoning Commission table this
29 and ask Verizon to give more feedback or take a second look at working
30 with NMSU. I guess of at worse case I would like to have Zoning
31 Commission to do that and, and have Verizon do a little bit more due
32 diligence to find out if NMSU can be worked with because again it's not,
33 maybe it's not 500 feet, I didn't measure it, but it's right across Highway-
34 10. If you drive by there you'll see there's a whole bunch of antennas right
35 across the road on NMSU's property. Putting it over there would be the
36 logical place in my opinion to put it. And yes, it's still gonna affect some
37 views, some people's views, but it's not right next to residential. So I
38 guess I would ask that the, the Zoning commission if nothing else to table
39 and ask them to come back and work with NMSU on something like that.
40
41 Stowe: Point taken. Just a minute please. Mr. Gordon do you have a comment?
42
43 Gordon: Well I suggested this a, a few minutes ago about talking to New Mexico
44 State. I don't, I can't believe that they would not consider the amount of
45 revenue that they could get by having it on their property. I think, I don't
46 know what the amount of rental that Verizon pays for these towers but I

1 understand that it is considerable. And also another thought is, what
2 someone before mentioned is to perhaps speak to one of the owners of
3 one of the, of the pecan groves. I mean with the way things are going now
4 with agriculture to have this additional revenue on your property for
5 something that only takes up X number of square feet but goes up 75 feet
6 in the air doesn't really affect the growth of your trees or, you know or, or,
7 or harvesting of your crop. I think there are a couple of other areas that
8 Verizon should really look into a lot more seriously than to try to come up
9 with a better solution than this.

10 Stowe: Yes sir. Please state your name again.

11 Gutierrez: Yes sir, Les Gutierrez.

12 Stowe: Gutierrez. Thank you.

13 Gutierrez: And it appears to me that, we haven't heard from the rest of the public, but
14 it appears to me that the major concern is what this tower looks like and
15 blocking it's view from the, from the mountains. They certainly like
16 everybody to have cell phone coverage and we'd also like to maybe put
17 that tower somewhere else because it looks better, but the reality of it is
18 that the tower was designed to be where it would get the maximum
19 coverage and the best coverage for, for, not only for Verizon but for its
20 customers. So maybe the issue here is what the tower looks like. If that's
21 the concern you know we, we have other options. Mr. Alaaldin suggested
22 that if we had to, we don't really want to, the code allows it, we could drop
23 it to 65 feet. There are power lines all over the City of Las Cruces that are
24 near, near homes that are probably at least that high or higher. One
25 option might be to change the design of the tower and that might make it a
26 little more palatable. We have done in the past, we don't necessarily like
27 to do it, but we could make the tower look like a tree. There are trees in
28 that area, we can make it look like a monopine, that's an option, and we
29 would consider that. But as far as the, the time and effort that we put in at
30 this point to bring this presentation to you and the approval process with
31 the City that would allow a tower at 65 feet at this place, a good option
32 might be to design it with a monopine, so I bring that up for discussion.

33 Stowe: We appreciate that. Mr. Gordon.

34 Gordon: Let me just bring something back to your attention. You said earlier that
35 the reason that this tower is where it is planned to be is because it's
36 zoned, so you really are putting it here because you really have no other
37 place. So it's not necessarily the spot that you have considered to have
38 maximum coverage, it's something that you're doing basically out of
39 necessity, cause you have no other place to put it as close as to where
40 you would really like to have it. So I don't know how much of a difference
41
42
43
44
45
46

1 it would be if it was here or 300 or 400 yards across 10 on New Mexico
2 State property.

3
4 Gutierrez: That's a very good point and I'd be happy to address that but I think I'll let
5 Mr. Alaaldin talk to that sir.

6
7 Stowe: Thank you.

8
9 Alaaldin: Hamdi Alaaldin. I'm sorry could you repeat the question one more, I just
10 want to make sure I got it correctly?

11
12 Gordon: All right I'll try to do that. What I said was, it was stated earlier that the
13 reason that this tower is planned to go where it is planned to be placed is
14 because the property is zoned for that. If you, maybe an ideal place for
15 this tower is a quarter of a mile down the road but you can't put it there
16 because there are houses or it's in an area that aren't, isn't zoned for it.
17 So this is, well this'll be the best place that we could possibly put it. If
18 that's the case then maybe a piece of property a couple thousand yards
19 across 10 might be the same result.

20
21 Alaaldin: Yeah that much of a distance definitely does not make a whole lot of
22 difference. One clarification I want to make is, the idea of coverage is no
23 longer a valid point. There's, we're not doing any of these for coverage
24 any more. Our coverage is great. We have coverage. The main reason
25 we're doing things from now on is capacity. The sites that these
26 gentlemen brought up on the university and one mile this way and one
27 mile that way, it's all our sites. We're completely packed on those sites.
28 Our capacity is done. We cannot add any more users on those sites.
29 They are, that's why we building these sites to off load the university site,
30 to off load the other adjacent sites in the neighborhood. We have worked
31 with the university. We're adding nine more to the university. We're
32 adding internal DASP to the stadium. We're adding internal DASP to the
33 basketball stadium just because the growth of the capacity. And the
34 reason we did it to this location is because the ways tragically it takes off,
35 we want to take as much capacity away from the existing site as possible
36 and that's where this area come from and we give it to Mr. Les here, his
37 company goes out and finds locations. He brings the locations back to us,
38 we run propagation on all the available locations and we choose the best
39 one based on that criteria. I hope that answers your question.

40
41 Gordon: It, it does but you, you also say it is, that is the best one. What happens if
42 you go to the second best? What is, what is the difference?

43
44 Alaaldin: It, it depends all where the second best is and how much of the second
45 best capacity outflow is gonna give us.

46

- 1 Gordon: Well how much effort has been done to determine if it's 10% less, it's 5%
2 less, or it really doesn't make much difference? I just think that, it seems
3 to me that, I personally think that it could be a little more effort that might
4 be put into really maybe a better place than this.
5
- 6 Alaaldin: As you are well aware of this is, we, we've done this, if you, other
7 locations as well, we take it from one spot to another spot then you're
8 blocking somebody else's view and that's also a case as well. So if we
9 move it one place or the other is it gonna really eliminate all the issues.
10 As you have heard from our folks here, we're here because of the
11 community. It's all cosmetic. If could take the cosmetic issue down, take
12 the side down and change it to a stealth site where the cosmetic is not
13 such a issue that it'll work best for everybody hopefully. Thank you.
14
- 15 Stowe: Mr. Gutierrez.
16
- 17 Gutierrez: Yes Commissioner.
18
- 19 Stowe: You, you had mentioned that there is a, more information available that
20 could be made available regarding different appearance, to change the
21 appearance of the tower. Can you comment a little more tonight on that?
22
- 23 Gutierrez: Yes. In the jurisdictions that I've worked in, in New Mexico and primarily
24 in Albuquerque, there may be some here, maybe Adam can talk to them,
25 we can, we can disguise that tower to look like a, a tree. And the tree
26 would be a, a monopine. These are very, very common throughout New
27 Mexico. I'm not sure if we have any here yet. Adam maybe you can talk
28 about those. Since this was zoned C-3 it allows a regular tower there but
29 if there is objection we would be more than happy to disguise it. It's gonna
30 look like a fake tree. The antennas will be hidden in it, but it will look like a
31 tree. That is the best option at this point because there are some, it looks
32 like some Australian pines in that area. And we're also talking about
33 putting some trees behind the concealed area where the equipment is to
34 buffer it from the residential area. So we would make it look like a tree, a
35 monopine.
36
- 37 Stowe: Interesting. Some, anyone else?
38
- 39 Braker: I did have a question here regarding the statements between the two
40 gentlemen here. One of them said that they're working with NMSU to
41 provide a bunch of different towers or, or facilities on, on campus and the
42 other one said that they're hard to work with and, and I'm kind of confused
43 on that. And I, I guess we all, I think that everybody that objects
44 understands that somebody's gonna see it. I don't think there's a, a, a
45 problem with that or misunderstanding about that. I think the biggest point
46 at least to me and the people that, the neighbors that I've talked to is, it's

1 being put at the gateway to a residential section. Everybody goes by it.
2 Everybody goes by that empty gas station now and now we're gonna have
3 not only an empty gas station but we're gonna have this tower sitting
4 behind it when right across the road, Highway-10, there's a bunch of other
5 antennas already there and in my opinion putting it right across the road
6 since it doesn't seem like the, moving it that far would be an issue from
7 what this gentleman has said, I would ask them again to go back to NMSU
8 and work with NMSU to put it in a place where there's a lot of other
9 towers. It's not gonna stand out. The, it's away from the residential. It
10 just makes sense to me that that's where it should be. So thank you.

11
12 Stowe: Miss.

13
14 Clifton: Mr. Chair, quick, quick point.

15
16 Stowe: Yes. Clifton.

17
18 Clifton: If, if it was moved right across the road would it still not block the views?
19

20 VARIOUS AUDIENCE MEMBERS SPEAKING, NOT AT THE MICROPHONE.

21
22 Clifton: Could ... Okay, we'll I'm, I'm asking just a general question not to be
23 answered by the audience. Thank you. But it's, you relocated across the
24 road, you're still gonna see it. It's not gonna magically disappear so I
25 mean I, I think visually, sight distance wise your height would go down a
26 little bit, but across the road I don't know that it would make a difference.

27
28 Stowe: Please let me, state your name please.

29
30 Siebe: Yes my name is Cindi Siebe and I live at 4851 Vista Cuesta.

31
32 Stowe: Do you swear or affirm that the testimony you are about to give is the truth
33 and nothing but the truth under penalty of law?

34
35 Siebe: Yes I do.

36
37 Stowe: Please proceed.

38
39 Siebe: I've listened to these gentlemen talk about you know how this is the only
40 spot for this tower. That it needs to be here. And this tower does not
41 need to be here. I agree with the gentleman that spoke before. I don't
42 want to be redundant but I would just really you know beg you to consider
43 that these are some old and developed residential areas that have been
44 here. They're the main residential areas. This is our backyard. And there
45 are so many areas around there were these towers could be put. There's
46 acres and acres of pecan orchards like they've said. There's NMSU. And

1 there's just, there's so many different areas that are not developed and
2 you know I would just really ask that you consider this and you know I
3 don't want a tower that looks like a tree in my backyard, it's still a tower.
4 And yes across the street you know but there is a freeway, it is not gonna
5 be as intrusive or you know horrible looking. And I just, you know I would
6 ask that you consider that this not be put here. Thank you.

7
8 Stowe: Thank you very much. Anyone else? Yes sir. State your name in the
9 microphone.

10
11 Bleiweiss: My name is Mark Bleiweiss. I live at 418 O'Hair.

12
13 Stowe: Sir do you, do you swear or affirm that the testimony you are about to give
14 is the truth and nothing but the truth under penalty, penalty of law?

15
16 Bleiweiss: I do.

17
18 Stowe: Go ahead.

19
20 Bleiweiss: Just reiterating what everybody else has said about blocking the view of
21 the Organ's and I don't care if it's a tower, if it looks like a giant
22 roadrunner, what it looks like, it's still gonna block the view. I think over
23 across the freeway by NMSU would be better. And I'm not sure if it's an
24 option as well, but just to the south of that area where I-10 joints with what
25 is it, 25 right there, there's a big area they used as a staging area when
26 they were doing construction on the freeway right there, it's the site of the
27 old fort. That's another large area, probably 10, 15 acres, I'm not sure
28 who ones it, it's probably NMSU or the highway department, but that
29 would be another possible location. Also I'm not quite sure how that area
30 unless it got grandfathered in as C-3 zoning. If you're familiar with that
31 space there's a small gas station, single level, as well as oh maybe a
32 dozen storage units, they're all single level and I can't imagine anybody
33 ever going in there and putting up a 60-foot building. It's a fairly small
34 property and again as far as C-3 zoning I'm not sure how that ever was
35 zoned that but a little neighborhood gas station there, nobody every
36 notices but putting a big tower I think would be a mistake.

37
38 Stowe: Would, would you, would it change your mind in some ways, if there were,
39 if the tower were made to look more like a tree?

40
41 Bleiweiss: A fake tree is still a fake tree, I don't look like a real tree. There's no trees
42 that tall in the neighborhood. The tallest trees are probably, I don't know
43 some of the cottonwood trees in the park there you know which 35, 40
44 feet. I don't care what color it's painted it's still gonna be an eyesore to
45 the neighborhood and it would be oh about 600 feet from my property line
46 as well.

- 1
2 Stowe: Right.
- 3
4 Bleiweiss: And I'm not sure what kind of landscaping you can put around it to hide it
5 to make it look anything other than what it is.
- 6
7 Stowe: Thank you. This is not the first meeting that we have had considering
8 towers, cell, cell phone towers and the idea of changing the look of the
9 tower has had some success, changing the location of the tower has had
10 some success, albeit with perhaps technical complaints by the owners of
11 the tower, purveyors of the signal. So this will come up more than just
12 tonight. It's a typical situation of citizens claiming the right to a view,
13 technicians claiming a right to provide business service. So somewhere in
14 the middle is a compromise that makes it a little more understood by those
15 various interests. I just say that as, as a general comment. Mr. Gutierrez
16 do you have something to offer?
- 17
18 Gutierrez: I'd like to say first of all Verizon always likes to be a good citizen. Many of
19 the people in this room might be Verizon customers, so we're here to try to
20 come up with a plan that works for everyone. The suggestions that were
21 made earlier about possibly going across the road, I don't know what the
22 underlying zoning is on that at NMSU, that's state owned land. That could
23 take a very, very long time to put a tower in. The important thing is, is that
24 we try to follow the zone code by the City of Las Cruces and try to work
25 out a plan where engineering and the zoning works together and that's
26 why this site was selected. There was no intentional view to block
27 anybody's view of a tower and that's, in many cases it may not be here in
28 Las Cruces but in the larger municipalities these monopines are quite
29 often used right next to residential homes. If the demand was not needed
30 by these houses we probably wouldn't need a tower here but that's, that's
31 our position and we want to work with the City and we'd like to work with
32 the citizens and we're willing to lower the structure and design it to make it
33 more pleasing, but the tower really is needed. Thank you.
- 34
35 Stowe: Commissioner Gordon.
- 36
37 Gordon: Mr. Chair I, I think I'd like to, at this point if it's apropos and right to
38 perhaps make a motion to table this item to give Verizon the opportunity to
39 go back and look into the possibility of maybe talking again to New Mexico
40 State and perhaps going to some of the pecan growers and see if they
41 can perhaps put the tower there. And maybe come back with something
42 that's more palatable to the surrounding residents.
- 43
44 Stowe: Who, who is able to speak for Verizon in that regard?
45

- 1 Ochoa: Mr. Chairman just point of order, the City of Las Cruces does not govern
2 NMSU property and, nor do we govern the pecan orchards, that is the
3 County. So something was, if it is to table and postpone this and they
4 would be looking at other locations, this essentially would not come back if
5 they did find another location.
6
- 7 Gordon: Adam if ...
- 8
- 9 Ochoa: Just point of order.
- 10
- 11 Gordon: Adam if they were able to negotiate a, an acceptable site at New Mexico
12 State then who cares?
13
- 14 Clifton: I second the motion.
- 15
- 16 H-Rogers: Point of order.
- 17
- 18 Stowe: Yes.
- 19
- 20 H-Rogers: The public comment portion of this meeting is still open and was never
21 closed.
22
- 23 Stowe: Correct. Is there anyone else in the public that wishes to state ... yes
24 ma'am. State your name please.
25
- 26 Beck: My name is Susan Beck. 428 O'Hair Drive. I live right next door to Mark
27 Bleiweiss.
28
- 29 Stowe: Ms. Beck do you swear or affirm that the testimony you are about to give
30 is the truth and nothing but the truth under penalty of law?
31
- 32 Beck: I swear. I so swear.
- 33
- 34 Stowe: Go ahead.
- 35
- 36 Beck: I work for NMSU and I know the situation at the university financially is in
37 not great shape, you've probably read about it. I also know that NMSU
38 has made deals recently with other businesses in leasing or selling land,
39 so I know it is state land but I just wanted to say that NMSU is able to
40 make deals and has actually been very aggressive in making these deals
41 recently. So that's just the only point I want to make.
42
- 43 Stowe: Very well. Thank you. Anyone else? We'll try to round up the last few
44 speakers. State your name please.
45

- 1 McVann: My name is Phillip McVann. I live at 4124 Macaw Circle. And I just had a
2 couple questions, clarification.
3
- 4 Stowe: Do you, let me swear you in. Do you swear or ...
5
- 6 McVann: Oh yes.
7
- 8 Stowe: Or affirm that the testimony you are about to give is the truth and nothing
9 but the truth under penalty of law?
10
- 11 McVann: Yes sir. I was just looking for some clarification for some of the
12 considerations that were mentioned. Nine-one-one calls were mentioned,
13 dropping calls for military officials were mentioned, however the engineer,
14 Mr. Alaaldin had made it known that these, this tower would be primarily
15 for data so I guess my, I'm one, my question is I'm, how much 911 data do
16 you guys receive that isn't a phone call from Verizon phones?
17
- 18 Stowe: Gentlemen. Can someone answer the question on behalf of Verizon?
19
- 20 Alaaldin: Yes the, actually I did not say anything about drop calls. They have that
21 ability to make calls in case of emergency.
22
- 23 McVann: In regards to military.
24
- 25 Alaaldin: Yes.
26
- 27 McVann: You mentioned dropping calls so that they'd have priority.
28
- 29 Alaaldin: Yeah they have priority. It will drop if there's limitation of the cell site, let's
30 say there's 100 people, if there's already a 100 on it but certain military
31 folks are making a call, it will drop number 100, open up one line for them.
32 And recently we never did, he's correct we never did a 911 on only voice
33 but in the recent last month or two we are required by the FCC to also file
34 (*inaudible*) data on AWUS and LT as well.
35
- 36 McVann: And so my other comment is that it seems that we have cell towers
37 essentially triangulating; one at Whiskey Dicks, one further down, and
38 then one on NMSU and so if this is a data only tower most of these, I
39 mean it's all residential, so I'm wondering how much cellular data is
40 actually coming from our neighborhoods and how much of it's actually
41 coming from NMSU or NMSU students, students based out of the Grove
42 and if that's the case it seems to me that most of this cellular data would
43 be coming from NMSU. I don't know. I'm not an expert, just generally
44 when people are at home they use their computers like Comcast. They
45 have like cable internet so I'm wondering why NMSU if, if that is the case
46 perhaps moving it to NMSU would be a better idea. That's about it.

- 1
2 Stowe: Thank you. Yes ma'am. Yes sir. Please state your name.
3
4 Hayes: My name is Edward Hayes. I live at 6685 Coyote Road.
5
6 Stowe: Mr. Hayes do you swear or affirm that the testimony you are about to give
7 is the truth and nothing but the truth under penalty of law?
8
9 Hayes: I, I do.
10
11 Stowe: Proceed.
12
13 Hayes: Commissioner Gordon there was stating earlier about the buffer zone
14 there, the, I, I, I own the property and the five acres behind this property
15 has one house on it and it's located right directly behind the store, so you
16 have this buffer zone there too which is also just open space. There's
17 nothing there. There hasn't been anyone living in the house for several
18 years. I just wanted to make sure so that, you actually have that as a
19 buffer zone too because it's five acre tract behind the 1.73 acres.
20
21 Stowe: Very well.
22
23 Hayes: Okay. Thank you.
24
25 Stowe: Thank you. Try to wrap this up. Yes sir.
26
27 Braker: Excuse me. I'd like to clarify because I believe people are just ...
28
29 Stowe: Speak into the microphone please.
30
31 Braker: I believe people are just moving out of that house here a couple of months
32 ago so I would like to ask a clarification on the house that he said is right
33 next to the, the property. I know there were some students living in that
34 house. I believe they left this spring after the semester. They may have
35 been, it might've been a rental property but there was people living in that
36 house.
37
38 Clifton: Mr. Chair I might, if could remind you the public was limited to three
39 minutes per person and it seems that we may be going over that.
40
41 Stowe: Yes. I think we've heard opinions from most everyone in the room. Is
42 there, let's call, let's call a close to the public portion of comments. I think
43 we've heard from almost everyone. In that regard then we would come to
44 a time for we Commissioners.
45
46 Gordon: Is we, is my motion still in order?

1
2 Stowe: There's a motion on the floor.
3
4 Clifton: Go and recast it. Just restate the motion.
5
6 Stowe: Right.
7
8 H-Rogers: It is.
9
10 Stowe: There's a motion on the floor. Would you restate the, your motion?
11
12 Gordon: I move that we table Case number SUP-15-01 to allow Verizon to have
13 the opportunity to go back to investigate possible other locations and sites
14 for this proposed cell tower.
15
16 Clifton: I second.
17
18 Stowe: Motion's been entered and seconded.
19
20 Connelly: Mr. Chairman is, is that going to be to a date certain or just indefinitely?
21
22 Gordon: I'm Sorry. Sorry.
23
24 Stowe: Say again.
25
26 Clifton: Date specific or ...
27
28 Connelly: Is the motion to a, table it to a date certain or just to table it?
29
30 Gordon: Indefinite.
31
32 Stowe: Did, did I get a second?
33
34 Clifton: I second.
35
36 Stowe: Seconded it by ...
37
38 Clifton: Mr. Chair I seconded.
39
40 Stowe: Mr. Clifton. We'll, we'll take the roll. Commissioner Clifton.
41
42 Clifton: Aye based, based on discussion and staff presentation.
43
44 Stowe: Commissioner Gordon.
45
46 Gordon: I vote yes to table this item.

1
2 Stowe: Commissioner Alvarado.
3
4 Alvarado: Based on discussion and my opinion that I think we're blocking progress
5 for the City I'm gonna vote no.
6
7 Stowe: And Chair votes aye.
8
9 Gordon: Tabled.
10
11 Stowe: It, it's three to ...
12
13 Gordon: Three to one.
14
15 Stowe: Three to one in favor of tabling the, tabling the case. Let's take, we'll take
16 a 10-minute recess.
17
18 SHORT RECESS TAKEN.
19
20 Crane: Take your seats please ladies and gentlemen. Commissioner Stowe,
21 don't go without these all right. Is this all there is?
22
23 H-Rogers: Mr. Chair, Members of the Commission. I am not certain as to where my
24 applicant is. They were notified of the meeting several times but I do not
25 see them here. Would you like me to attempt to call them and we can
26 maybe begin with, maybe move the order of, of the agenda?
27
28 Crane: This is A1734?
29
30 H-Rogers: That would be correct.
31
32 Crane: Yes. I don't think it matters which order we take them in. Let me ask if the
33 three members of the public present, are you here for one of these two?
34 Which one please?
35
36 AUDIENCE MEMBER SPEAKING, NOT AT MICROPHONE.
37
38 Crane: The first one?
39
40 PUBLIC: No, the second one.
41
42 Crane: Second one, okay. Well it's in your interest too if we go to that. Okay let's
43 do that. And now if your applicant does not turn up, Ms. Harrison-Rogers
44 we can still, are you in a position to make a presentation for them?
45

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
September 22, 2015 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Joanne Ferrary, Member
Harvey Gordon, Member

BOARD MEMBERS ABSENT:

Charles Beard, Secretary
Ruben Alvarado, Member
Kirk Clifton, Member

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Sara Gonzales, Planner, CLC
Mark Dubbin, CLC Fire Department
Chris Mount, CLC Fire Department
Robert Cabello, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00 p.m.)

Crane: Good evening ladies and gentlemen. The Planning and Zoning Commission meeting for the 22nd of September is called to order. Let me start as we usually do by introducing the Commissioners present; on my far right Commissioner Gordon is the Mayor's Appointee; on his left Commissioner Stowe is, represents District 1 and is also our Vice Chairman; then Commissioner Ferrary represents District 5. I'm Godfrey Crane the Chair, and I represent District 4.

II. CONFLICT OF INTEREST

At the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda.

Crane: Let me ask at this point if any Members of the Commission or any Community Development people have any conflict of interest with any item on tonight's agenda? No one so indicates. It's appropriate for me to say at this point that for those of you who were present when we discussed the case now on Old Business SUP-15-01 at our last meeting I

1 recused myself because I had a friend who was not present who I thought
 2 would be very opposed to the, the proposal. It turned out that shortly after
 3 that meeting I ran into her and she said she had nothing against it. She is
 4 essentially neutral on the matter and so I don't feel that I am under any
 5 pressure to make a decision one way or the other, any outside pressure.
 6 So I will not recuse myself for that.

7 8 **III. APPROVAL OF MINUTES**

9 10 **1. August 25, 2015 - Regular Meeting**

11
12 Crane: Next item is the Approval of the Minutes for the last regular meeting, 25th
 13 of August. Does any Commissioner have any adjustments?
 14 Commissioner Gordon? No. Commissioner Stowe, Commissioner
 15 Ferrary, and I don't either.

16
17 Gordon: So I make a motion that we accept the minutes.

18
19 Crane: Mr. Gordon ...

20
21 Ferrary: I'll second.

22
23 Crane: Moves and Ms. Ferrary seconds that we approve the minutes of the last
 24 meeting. All in favor "aye."

25
26 **MOTION PASSED UNANIMOUSLY.**

27
28 Crane: Opposed? None. Is anybody abstaining? No abstentions. So it passes
 29 four/nothing.

30 31 **IV. CONSENT AGENDA - NONE**

32
33 **1. Case IDP-15-02:** An Infill Development Process (IDP) application by Fabian
 34 Erives on behalf of Leo Guzman, property owner, for a studio apartment
 35 complex located at 1311 Alamo St. and zoned R-1a (Single-Family Medium
 36 Density). The IDP proposes to utilize R-4 (Multi-dwelling High Density &
 37 Limited Retail and Office) standards and requests a variance from the
 38 minimum required parking spaces. The 0.31 +/- acre property is located at
 39 the southeast intersection of Idaho Ave. and Alamo St. and is further
 40 identified by Parcel ID # 02-26041. Proposed use: Multifamily residential.
 41 Council District 3 (Councilor Pedroza).

42
43 **2. Case CPB-15-03:** A request to recommend approval of amendments to the
 44 Community Planning Blueprint Initiative Process. The citywide planning area
 45 consists of all Council Districts.
 46

1 Crane: The next items on the agenda are the Consent Agenda. Let me explain
 2 how we handle this. These two items are items which the Community
 3 Planning Department has decided are probably noncontroversial so
 4 they're put together in the Consent Agenda and we, the Commission will
 5 take a vote on them without any debate. However, if any member of the
 6 Commission, any Community Development person, or any member of the
 7 public wishes to discuss either one of these, then we will pull it off the
 8 Consent Agenda and put it at the top of New Business. Does anybody
 9 wish to discuss any, either the two items: IDP-15-02 or CPB-15-03? No
 10 one so indicates, so I'll hear a motion that the Consent Agenda be
 11 approved.
 12

13 Ferrary: I so move.

14 Crane: Commissioner Ferrary moves. Do we have a second?

15 Gordon: I'll, I'll second.

16 Crane: Commissioner Gordon seconds. All in favor "aye."
 17
 18

19 MOTION PASSED UNANIMOUSLY.
 20

21 Crane: Opposed? None. So that passes four/nothing.
 22

23 V. OLD BUSINESS - NONE

24
 25 1. **Case SUP-15-01:** Application of Verizon Wireless/Tectonic Engineering on
 26 behalf of A & E Enterprises Inc., property owner, to construct a new stealth
 27 wireless communication facility on a property encompassing 1.552 +/- acres,
 28 zoned C-3 (Commercial High Intensity) and located on the southwest corner
 29 of Stern Drive and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID # 02-
 30 22899; Proposed use: 65-foot tall stealth wireless communication structures
 31 and associated accessory structures. Council District 2 (Councilor Smith).
 32
 33

34
 35 Crane: So over the page to Case SUP-15-01, application of Verizon Wireless to
 36 put up a tower at Stern Drive and Agave Drive and I, I have to tell anybody
 37 here that we discussed this issue last time and we asked the, Verizon to
 38 check out a couple of things and come back to us with, if at all possible an
 39 alternative proposal. Mr. Ochoa's going to talk to us about it. Mr. Ochoa.
 40

41 Ochoa: Thank you Mr. Chairman. Adam Ochoa, Development Services for the
 42 record. Case, first case tonight we're looking at is Case SUP-15-01. It is
 43 a proposed Special Use Permit for a new wireless communication
 44 structure or facility, excuse me, at 4790 Stern Drive. Just to remind you
 45 where the subject property is located, here in the hash marks about, south

1 of Interstate 10 and Stern Drive south of the NMSU property, Agave Drive
2 running along the south side of that property.

3 At the last meeting of the July, well not the last meeting, pardon
4 me, but at the July 28th, 2015 P&Z meeting this case was postponed by
5 the Planning and Zoning Commission. The P&Z at that time directed the
6 applicant to seek alternate locations for the proposed communication
7 structure, just naming a couple; one being NMSU being the most, I guess
8 the, the most viable as stated by the P&Z and surrounding property
9 owners and possibly a, a nearby pecan orchard. The applicant did do
10 these and as you see in your staff report they did provide an e-mail from
11 NMSU stating that they are no interested in, in providing space on NMSU
12 property for a new wireless communication structure and the applicant has
13 also shown that the proposed, the closest proposed pecan orchard would
14 not meet their needs for the proposed new tower considering it's a little too
15 far away for them to be able to have the service that they want provide in
16 that area.

17 With that the applicant did resubmit for final action by the P&Z for
18 the proposed Special Use Permit. The subject property is located on the
19 corner of Stern Drive and Agave Drive and currently encompasses
20 approximately 1.5 acres. It is currently zoned C-3, Commercial High
21 Intensity, and currently consists of a variety of vacant commercial
22 buildings. Shown here on the aerial map those vacant commercial
23 buildings and Interstate 10 here just to give another quick reference where
24 this is at. The Code sections we are looking at is under Section 38-59F of
25 the 2001 Zoning Code where it, it states that new communication
26 structures adjacent to R-1a properties or single-family zoned properties
27 are not permitted to have a new communication or, new communication
28 structures are not permitted on properties adjacent to these zoning
29 designations unless approved through the Special Use Permit process.
30 Through this process the applicant was required to pay all expenses
31 associated with the City actually hiring a qualified expert, outside expert to
32 review the, and provide written recommendation to the P&Z of the
33 technical information submitted as part of the application by the applicant.

34 The proposal has changed from the first time we did see this.
35 Originally the applicant was proposing a new wireless communication
36 facility with a 75-foot tall wireless communication tower. That has
37 changed now to a 65-foot tall wireless communication structure as well as
38 that first tower was just to be a standard tower that you could see, metal
39 towers. The new tower is actually proposed to be a stealth tower, that'll be
40 disguised to look like either a Cyprus tree or a pine tree and I have some
41 pictures kinda show you what the applicant has in mind. The, the subject
42 property is adjacent to an R-1aC property which is what is requiring this
43 Special Use Permit. The applicant is proposing to locate the new tower
44 and facility to the rear of the subject property. And in your staff report
45 you've seen all their development plans and building plans and all those
46 do seem to meet all requirements, all the requirements of Section 38-59 of

1 the 2001 Zoning Code including all the required setbacks which also
2 includes the required setback from the adjacent residential lot.

3 Shown here just a site plan of that subject property. Shown here
4 that new facility where that would be located. And of course the setbacks
5 that they easily meet all required setbacks from the front, secondary front,
6 rear, and side of that property. Again this is just an old site plan showing
7 that, where that pole would be going. Of course this is not what the
8 applicant is proposing now, they are proposing a stealth pole to look like
9 either, like I said either a Cyprus tree or a pine tree, but here are some site
10 photos of roughly where that new facility would be located at.

11 The applicant also submitted a variety of pictures for your reviewing
12 pleasure if you will. That, at that meeting at, on July 28th a number of
13 surrounding property owners had issues with their views and so forth like
14 that and the applicant did provide these pictures just to show you roughly
15 where, they took, they took pictures in the surrounding areas to show what
16 that tower, what effects that tower would take on the view of the
17 surrounding properties. The applicant did also bring up that there is
18 actually a large major power line running through the rear and they are
19 trying to do something nicer looking than that with their proposed new
20 communication structure. First picture on the top left and corner is, was
21 taken off of Vista Cuesta, you can see here this is the wireless
22 communication structure if it looked like a pine tree. Down here on the
23 bottom corner is, this, this picture was taken off of O'Hair, again here you
24 can see that pine tree/monopole proposed for the wireless communication
25 tower. This picture was taken off of the corner of Agave Drive and Agave
26 Place, again the pine tree located here is what that communication
27 structure would look like. And another picture off of Stern Drive and
28 Salopeck Boulevard look, looking south towards the property. And here is
29 that tower again giving you an artists' rendition of what that tower would
30 look like.

31 As I stated before the, the City did hire a consultant to analyze and
32 prepare recommendation for the proposed new facility. That analysis and
33 recommendation was completed by Greg Best Consulting Incorporated on
34 June 23rd, 2015. And the consultant did concur with the analysis of the
35 applicant that this proposed new wireless communication facility site, the
36 actual site itself at 4790 Stern Drive is the best available location in this
37 area for a new wireless communication structure from a, I guess from a
38 zoning standpoint, from a, and also from a, a I guess, it's usability if you
39 will. With that staff has reviewed the proposed Special Use Permit and
40 based on the review by staff and all reviewing departments of the City of
41 Las Cruces and NMDOT who did review this as well, as well as based on
42 the written recommendation from the independent consultant and the new
43 information submitted by the applicant, and of course those findings found
44 in your original staff report, staff recommends approval for the proposed
45 Special Use Permit. These are the findings that are, that staff is basing
46 their recommendation on, our findings of fact for approval.

1 Your options tonight ladies and gentlemen is 1) to vote "yes" to
 2 approve the proposed Special Use Permit as recommended by staff; 2) to
 3 vote "yes" to recommend approval, to vote "yes" to approve the proposed
 4 Special Use Permit with any conditions deemed appropriate by the P&Z;
 5 3) to vote "no" and deny the proposed Special Use Permit; or 4) vote to
 6 table/postpone the proposed Special Use Permit and direct staff and the
 7 applicant accordingly. The staff did receive an additional e-mail from a
 8 adjacent property owner, I believe you all have a, received a copy of that
 9 in front of you. He does have pictures and so forth like that for you to
 10 review for, for his I guess why he is against the proposed Special Use
 11 Permit. That is the conclusion of my presentation. The applicant is here if
 12 you have any questions for them. And I stand for questions as well.

13
 14 Crane: Thank you Mr. Ochoa. Commission, oh before we get into that. There's
 15 probably some people here from the public who may not have been at a
 16 P&Z meeting before. The Old Business and the New Business as
 17 opposed to the Consent Agenda are handled a little bit differently. As you
 18 see we have first a presentation from Community Development person.
 19 Commissioners can then ask questions of that person. Then we invite the
 20 applicant or the applicant's spokesperson to come up and make a
 21 presentation, again we can ask questions. Finally we ask members of the
 22 public who have an interest to come up and give their views, and we may
 23 ask some questions of them. There's no limit set on what Community
 24 Development or the applicant can spend by way of time, though I think we
 25 all appreciate if it's kept to a reasonable level, however when it comes to
 26 members of the public we customarily have a three-minute limit. We have
 27 a timer up here which I will set and reset as people come up. Please
 28 observe the limit because otherwise you'll be eating in other people's time
 29 and quite possibly their patience. Can I see a show of hands please of the
 30 number of people who right now think they would like to come up and
 31 make a presentation? One. One person. Two, three, four, five, six. All
 32 right that seems manageable. Sometimes we've had, actually once a
 33 hundred. I remember it well. So, let's, Commissioners, Commissioner
 34 Gordon do have a question for Mr. Ochoa?

35
 36 Gordon: Yes, a, Adam do me a favor, will you go back to the, to the pictures on
 37 your presentation for the last one shown, oops, go back to one, here it is.
 38 How far is Stern Drive and, what is that, Salopek Boulevard?

39
 40 Ochoa: Salopeck.

41
 42 Gordon: From this site, do you know?

43
 44 Ochoa: I do not know that off the top of my head sir but I will go ahead and scale
 45 that out and see what I can, if I can get you that.
 46

1 Gordon: The reason I asked is because this also on Stern Drive and I'm just
2 wondering how close it is in terms of this picture.
3
4 AUDIENCE MEMBER SPEAKING OUT, NOT AT THE MICROPHONE.
5
6 Ochoa: Mr. Chairman. You're looking at, the subject property's here. Where that
7 picture was taken was here on Stern and, and Salopek. I'll, I'll go to
8 measure that out and get you an, get you an answer for that sir.
9
10 Gordon: That's fine, I mean that's pretty close.
11
12 Ochoa: Yes sir.
13
14 Gordon: Can I ask a question from someone who has engineering knowledge from
15 Verizon other than a, an administrative person? Is there someone here?
16
17 Ochoa: Yes sir I believe they are here. They could, they could answer your
18 questions.
19
20 Gordon: Okay. I'd like to do that.
21
22 Crane: Any other Commissioner have a question for Mr. Ochoa? Then the
23 applicant or the applicant's representative come up and if you'll identify
24 yourself sir I will swear you in.
25
26 Gutierrez: Yes Commissioner Crane. My name is Les Gutierrez and I'm an agent
27 from Verizon wireless.
28
29 Crane: Okay Mr. Gutierrez do you swear or affirm that the testimony you are
30 about to give is the truth and nothing but the truth under penalty of law?
31
32 Gutierrez: I do sir.
33
34 Crane: Carry on please.
35
36 Gutierrez: Yes, once again it's a pleasure to see all of you folks again. We're here
37 today to answer any additional questions you might have about what
38 we've resubmitted and I also have with me some folks from Verizon, our
39 real estate manager and just observing, our legal council from Verizon,
40 Christian Henderson, he's from Denver. But hopefully I can answer
41 whatever questions you might have today. We concur with all of staff's
42 recommendations. We, we once again reiterate, unfortunately Mr. Hamdi
43 Alaaldin isn't here, he was the RF engineer. But the main reason that
44 we're tonight is that we have a gap in capacity coverage between existing
45 sites, and Verizon is planning ahead in order to make sure that not only all
46 the traffic on that road, but this neighborhood in the next year or so has

1 great wireless coverage. You may not be aware of this or not but about
2 40% of the homes in America now have wireless coverage and Verizon is
3 about in 120 million homes so we're in about every one to three homes.
4 So the, the focus here that we're trying to do is agree with staff's findings,
5 we agreed with the consultant that prepared the finding that this was the
6 best location. And I'm here to answer any questions that I might help
7 make things clearer for you.
8

9 Crane: Thank you sir. Commissioners. Commissioner Gordon.

10
11 Gordon: If, if this other tower is, is relatively close I, I heard some gentleman speak
12 out 100 yards, is that, is that correct, someone say that?
13

14 AUDIENCE MEMBER SPEAKING, NOT AT THE MICRORHONE.
15

16 Gordon: Okay a 100 yards. Why is it necessary to build this one?
17

18 Gutierrez: I, I'm not familiar with a tower that's close to 100 yards. I'm sorry.
19

20 Ochoa: Mr. Chairman, Commissioner Gordon. The subject property where they
21 took the picture, pardon me, I'm sorry. This picture here off the corner of
22 Stern Drive and Salopek is about, about a 100 yards away. The other
23 tower that you're speaking about off of Union Avenue is actually a fair
24 more distance to the north. It's off of Union and, and Stern Drive right next
25 to the Whiskey Dicks, so that property is actually a fair decent distance
26 away from the subject property.
27

28 Gordon: All, all right I misunderstood. I thought there was one here at this, at this
29 particular address. This is just where the photo was taken.
30

31 Ochoa: Yes sir, that is correct.
32

33 Gordon: Okay.
34

35 Ochoa: This is just to give you a perspective as to what the view is from the
36 subject property here.
37

38 Gordon: Now, now what happens, my, my next, my next question is what happens
39 if, what does Verizon do if this is not approved? Just walk away from this
40 project?
41

42 Gutierrez: Well Commissioner we'll, we'll probably come back and try to reopen this
43 case and we, we do need this site and I'd like to maybe back up a little bit.
44 The site that he was talking about, Verizon is already at that location at, at
45 Whiskey Dicks location. This is a, a, infill gap between Whiskey Dicks and
46 we just built a new site in the County that's about I guess a mile up the

1 road called Quality Wood Yard. So, we'll, we'll be back. We, we need to
2 have this site. It's a capacity site and it's, it's necessary for us sir.

3
4 Gordon: Again I don't believe you answered my question. What happens, in other
5 words you, you plan to come back before the Planning and Zoning
6 Commission again with the same proposal?

7
8 Gutierrez: Well we, we think we've offered some good alternatives and maybe we will
9 look at another alternative if we have to, but at this point this is the best
10 alternative for Verizon's network. We've met all the requirements required
11 by law and we met the setbacks and we're, we want to be a good citizen,
12 we want to design something that will work for the neighbors which will be
13 to their benefit long term so we're having a difficult time understanding
14 why it may not be approved.

15
16 Gordon: I haven't said that. I'm not trying to argue with you either, it's just that
17 you've just, a moment ago said we would look at other alternatives. Are
18 there other alternatives?

19
20 Gutierrez: Well we'd look at alternatives in terms of design. We've, we've already
21 vetted out the process. We've looked at NMSU as you requested. We
22 talked to that director and they weren't interested in, in that large 16-acre
23 parcel that's going across the street. That's gonna a five-megawatt solar
24 plant. I'm not sure what that's gonna look like. We've also looked at the
25 orchard that you asked us to look at and that was about 2,400 feet away
26 and it would not work for Verizon's network. We had additional sites that
27 Greg Best reviewed and those did not work so this, this is actually the best
28 site. If it's not approved what will happen in a period of time is that while
29 your phone may show four or five bars as a signal level, it's still not gonna
30 connect because we don't have the capacity for that. And Verizon doesn't
31 randomly design a system and spend hundreds of thousands of dollars
32 until we know that the network is gonna work and that's the best answer I
33 can give you at this point Mr. Gordon.

34
35 Gordon: I do appreciate the effort that you made upon my request to go back to
36 New Mexico State and the pecan farm and, and see if there was some
37 other place to put this. There are some efforts I can see in our packet
38 material to mitigate perhaps some of the concerns of the residents but I
39 think at this point before I, let me go (*inaudible*) and I really want to hear
40 what they have to say also.

41
42 Gutierrez: Certainly.

43
44 Crane: Ms. Harrison-Rogers do you have a question or an illumination?
45

- 1 H-Rogers: I, I do. Just in terms of process about next steps. If, if that indeed was
2 part of your question Chairman Gordon, excuse me Commissioner
3 Gordon, the applicant has the option if this evening the decision is denied,
4 to appeal it to City Council, in which case City Council would make a final
5 decision.
6
- 7 Gordon: Thank you.
8
- 9 Crane: Commissioner Ferrary.
10
- 11 Ferrary: Yes I was just wanting to make sure that it will be the monopole and 65-
12 foot would be the maximum height, is that right?
13
- 14 Gutierrez: Yes Commissioner Ferrary. Sixty-five feet would be the maximum height
15 we would go and we do prefer the monopole design but if this Commission
16 or the public would prefer a stealth design we are open to that also.
17
- 18 Ferrary: And how is the stealth design different?
19
- 20 Gutierrez: Well a monopole is just a, a single pole that goes up and antennas are,
21 are mounted right directly to that and we would paint that. That was the
22 original proposal. The stealth design would be the tree, the 65-foot tree
23 that is capable of holding Verizon's antennas as well as one other carrier
24 for the future.
25
- 26 Ferrary: Okay. Thank you.
27
- 28 Gutierrez: Yes ma'am.
29
- 30 Crane: Commissioner Stowe.
31
- 32 Stowe: I'm looking through the materials here provided previously and again for
33 tonight, are there some pictures you can point out to me that show the
34 view of the mountains in the background. I find no pictures that show a
35 view either with the cell tower or without but having mountains.
36
- 37 Gutierrez: Okay.
38
- 39 Stowe: The O'Hair picture.
40
- 41 Ochoa: Mr. Chairman, Commissioner Stowe. As you can see there on O'Hair
42 Drive there's one with the mountains.
43
- 44 Gordon: Ask them how (*inaudible*) view from this property.
45
- 46 AUDIENCE MEMBER SPEAKING, NOT AT THE MICROPHONE.

- 1
2 Gordon: The view from this property that they want to put in.
3
4 Stowe: Yeah, what, what is the view of this property.
5
6 Gutierrez: The view. Yes Commissioner Stowe. The view from that location, the
7 picture up at the top is showing the, the monopine tree, a 65-foot
8 monopine tree. The picture down below is from a different location on, I'm
9 sorry the first one was on Vista Cuesta.
10
11 Stowe: Right.
12
13 Gutierrez: And the other O'Hair is showing the pine tree to the far left and it looks like
14 it's very, very negligible and it looks like it's way far northeast of the
15 mountains from what I can see here sir.
16
17 Stowe: All right.
18
19 Gutierrez: I, I might point out we've, we've had an opportunity to, to drive the
20 neighborhood, it's a very, very nice neighborhood. One of the unique
21 features about this neighborhood is has a lot of landscaping. It has a lot of
22 mature trees, some of them look 25 or 30 feet. And as we drove through
23 the neighborhood it looked to me that a lot of the areas would block the
24 view of this cell phone tower. There are some gaps where you can, you
25 might be able to see it or discern it but because of the elevation from
26 where the tower is and it goes into the neighborhood, it drops I would
27 venture to say that most of the areas would block the view of that cell
28 phone tower.
29
30 Stowe: I see that. Very well. Thank you.
31
32 Crane: Any other questions? Okay thank you sir. Members of the public. You
33 first sir. Please come up, identify yourself and don't be offended when I
34 put up a three-minute timer.
35
36 Brooks: Okay, good evening. My name is Larry Brooks. I'm at 318 O'Hair Drive. I
37 did speak to you at the last meeting in July, and I'd like to just preface my
38 remarks with a little outrage over the underhanded way that indefinite
39 tabling of this proposal has been shown. Yes.
40
41 Crane: Let me log you in, swear you in. Okay. Do you swear or affirm Mr. Brooks
42 that the testimony you are about to give is the truth and nothing but the
43 truth under penalty of law?
44
45 Brooks: I do.
46

1 Crane: Go ahead please.

2
3 Brooks: Okay, again there's a little outrage going on here because the only sign
4 that told us that this was going to be on the agenda again was on the sign
5 that was on the site that was not changed, just the dates were changed on
6 the sign. The original proposal was actually put on a flyer and put on our
7 doorways. I live on O'Hair and, so we were notified about the original
8 meeting in July. Then we were told in the July meeting this was
9 indefinitely tabled, so we said "Okay, fine we don't have to worry about it
10 until we get notified again." There was no notification, just they changed
11 one line on the sign on the site and one person in the community saw that
12 and was able to alert us to enable us to kind of mobilize about this
13 proposal and tell you what we think about it. So I'm, I'm a little bit
14 distraught about that, about the integrity of this process if we were not
15 notified about this meeting tonight and we were not. The whole entire
16 community. And I can tell you that because I have 17 signatures from
17 University Mesa which I will provide to the committee this evening and
18 you're welcome to take this. These are all homeowners in the, they're
19 licensed, not licensed, but registered voters. We went around to the
20 community. None of them knew about this re-tabling of this motion to
21 pass this and again they were all kind of distraught about it because we
22 had told them what had happened at the last meeting and that we were
23 going back. So let me just preface my remarks with that. I don't know if
24 that helps you or not with, with what Verizon's doing here.

25 Okay, on top of that this tower is not just blocking the view of the, of
26 the mountains for a lot of the homeowners, but it's also at the gateway to
27 two communities, University Mesa and the next community over. And I'm
28 not sure if they have a proposal here tonight or proposal or a petition here
29 tonight but there was somebody else in the other community that was
30 hopefully going around with a, a petition. Is there, hopefully he'll come up
31 and talk also. But again it's not just that the tower does block the view of
32 the mountains and it does from backyard, it absolutely does cause I'm on
33 O'Hair Drive, I'm a little it further down on O'Hair Drive from Stern but it, it's
34 right at the entrance to these two communities and they're unsightly.
35 There is no doubt in my mind that this stealth proposal is not something
36 that, that is going to be easily camouflaged. If you'd like I can show you a
37 picture of the Whiskey Dick tower. May I take this up and give you a
38 picture of this? This is a photograph of the Whiskey Disk tower at Union
39 and Stern.

40
41 Crane: You know you're running short of time Mr. Brooks?

42
43 Brooks: I understand. I'm trying to talk as fast I can here.

44
45 Crane: Okay.

46

1 Brooks:

2 But the Whiskey Dick tower you know has a lot of stuff hanging off of it.
3 We've also heard from Verizon that they will hang other, other cell
4 providers material off of that tower, so we're not talking about just their
5 "stealth tower," we're talking about somebody else coming on and hanging
6 a bunch of other things off of this and creating a huge unsightly, I, I call it a
7 mess, hanging in the air. Now there is one at Whiskey Dicks 1.2 miles
8 away from the proposed location and another one a mile south. Now I
9 have contacted Tortugas. Tortugas was never contacted as the possibility
10 of locating this tower on tribal land. Tortugas is probably less than a
11 quarter mile away from where this is proposed. We also contacted
12 Arrowhead Corporation which is not the NMSU people. The NMSU real
13 estate people which I contacted which is Scott Eschenbrenner said he
14 was never contacted by Verizon, so contrary to this realtors proposed
15 contact of NMSU and their renegeing of that, he said that they proposed
16 that they take the Cricket tower that's right by their soccer field and use
17 that. They said that was too close to the towers that were at NMSU's
18 football stadium. But he never did contact the Arrowhead Corporation
19 which are the people that control that, that piece of parcel of land that's
20 between I-25 and I-10. So he contacted the wrong person. He never
21 contacted Arrowhead. I have contacts for him if, if he wants. I can give
22 him a card of the realtor that, that, oh the realtor, the, the gentleman that
23 works for Arrowhead Corporation that would control that land.

24 Also Tortugas was supposed to have a representative here tonight.
25 Is he here? There is a representative from the Council. They met
26 Saturday. I talked to a gentleman who is the president of the Council, I'm
27 not sure his last name, Dominic and he said that he had never been
28 contacted by Verizon to hosting that tower on tribal land. Tortugas, it can
29 use that money for a numerous bunch of projects that they have, they
30 have museums coming up, they have a, a baseball field for their kids that
31 are, are dirt, that are totally dirt. There's no grass on them at all. Tons of
32 stuff that he can do with, with an income stream from a Verizon tower that
33 would take this away from the community. There's also Triple A storage
34 that's about a half mile down the road that said they would love to host
35 that tower which is out of the community which is aware from any of these
36 properties there. So again there is a bunch, a host of other avenues to put
37 this tower that were never conceive or a, addressed by the Verizon
38 representative here tonight. So I believe that we're being kind of
39 "railroaded" into this location as being the only one. Also his RF engineer
40 is not here but after the last meeting we spoke to his RF engineer and he
41 said they can actually tune their towers so they don't conflict, so if one's a
42 little closer to another one they can actually I guess it's, it's like aiming
43 those, the new receptors so they don't interfere with each other. So there
44 are ways of doing, of, of putting these towers maybe a little closer
45 together, maybe not "optimum" to where they'd like to have it, but to make
46 it work. And if he had known that the community was that against it he
might've not proposed this as being the optimum site. So I think there's a

1 lot of things that are still left on the table here that need to be addressed.
2 I'd like to, to give you these petitions of 17 home owners in University
3 Mesa and hopefully somebody else will come up and have a petition from
4 the other subdivision that's right next to us and show you that this is not
5 just a, you know that we're opposed to technology or Verizon coming in,
6 we want the service. We understand that the need for this, all that traffic
7 down I-10 and I-25, I'm sure there's gonna be all kinds of data that's
8 coming off the vehicles coming through there, but there are better
9 locations for this that will not affect the community. So thank you very
10 much for your time and I'll give you this partition.

11
12 Crane: We won't be taking this home with us so you can pick it up afterwards.

13
14 Brooks: I don't need it.

15
16 Crane: If you don't. Okay. Yes Mr. Brooks went on for a while. I let him do it
17 because I think that he covered so many points that it may help many of
18 you to keep your presentations shorter because you can just say that you
19 endorse what Mr. Brooks said, something like that. In spite of the fact that
20 he went on, I want to hold you to three minutes. Before we get to the next
21 person I have a couple of questions, a question about the notice. Does
22 Community Development have anything to say about the notice on this
23 second time this has come up? And also on the question of notifying
24 Tortugas.

25
26 Ochoa: Mr. Chairman. We did notify. We used standard City requirement of 500
27 feet out from the subject property as well as additional more feet because
28 of the right-of-way adjacent I-10 to go out further out to NMSU. We used
29 the same notification we used this time as, as we did at the last meeting.
30 If there were flyers or something hang, hung on people's doors, that might
31 have been just a prior, an adjacent property owner who did that but we do
32 not do that. Sir we did send out a regular mail requirements that are
33 certified mail requirements as well, as well as we did advertise in the El
34 Paso, sorry Las Cruces Sun News and the sign was updated, changing
35 the date and the actual proposal as well.

36
37 Crane: So regarding Tortugas did they, you said they got mail notifications?

38
39 Ochoa: Mr. Chairman. I believe Tortugas is not close enough to get a, a letter for
40 this sir.

41
42 Crane: They're not close enough.

43
44 Ochoa: No sir.

45

1 Crane: Okay. And regarding the close people, you said they did get a notification
2 by mail of the, of the second meeting, today's meeting?

3
4 Ochoa: Yes sir. As I stated before we did send out the same number of letters as
5 we did for the first meeting, for the second one, or this one presently.

6
7 Crane: Thank you.

8
9 Gordon: Mr. Chair.

10
11 Crane: Commissioner Gordon.

12
13 Gordon: Your name is Mr. Brooks? Right. Well the information that Mr. Brooks
14 just gave us is very disturbing to me. I tried to go back in my mind to the
15 last meeting and I don't remember that I heard anything in the nature of
16 what you brought up about other places specific to what you mentioned
17 tonight. I, I, am I correct?

18
19 AUDIENCE MEMBER SPEAKING, NOT AT THE MICROPHONE.

20
21 Crane: Mr. Brooks is coming up to the mic again.

22
23 Brooks: At that time we had asked that other locations be considered, the area
24 between I-10 and 25. We didn't know that was Arrowhead Corporation
25 that did that. And we asked if Tortugas had been approached and they
26 said "No Tortugas has not been approached." And again I talked to the
27 realtor at NMSU and he said he had not been approached and he is not
28 the right person. It's Arrowhead Corporation so.

29
30 Gordon: Okay. I remember at the last meeting I did ask Verizon to make an effort
31 to go back and that was the reason we postponed the issue to try to work
32 out something with them which we thought would be a better site to put
33 this. Now apparently there are other places where this can go. Now you
34 also brought up a point about, you spoke to the engineer who said that
35 perhaps if these towers were just a little bit in a different place close to
36 where it's been proposed a little tweaking of the antennas or turning of the,
37 of the dishes or whatever that day, I'm not technically you know, that it's
38 possible that that's also a situation. If that's the case I think that we're not
39 having enough information to make a decision here. I think that, you're
40 absolutely right, if this is a place where Verizon now has other
41 opportunities I'm, I'm looking for every possible area that we can put this
42 that will put the least impact on a neighborhood. Now if it's possible and
43 that it can go there, I, I see no reason why we can't postpone this again
44 and go back ...

45

- 1 Crane: I, I want to call up the gentleman who's name I wrote on a piece of paper
2 that is not in front of me at this minute who presented from Verizon
3 because we, let's get some answers from him so we don't spend any time
4 debating a, what might be a non-issue. Okay Mr. Brooks.
5
- 6 Brooks: I, I did want just mention that there is a representative of the Tortugas
7 Council here tonight of the Tortugas tribe cause we had contacted them
8 and they said they had never been contacted by Verizon.
9
- 10 Crane: Okay. He's free to ...
11
- 12 Brooks: And they're less than a quarter mile away from this location.
13
- 14 Crane: He's free to come up.
15
- 16 Brooks: Excellent. Thank you.
17
- 18 Crane: If he wishes. Sir we have Mr. Gordon's question and let me give you mine
19 too at this point. But answer his, well go ahead answer his first please.
20
- 21 Gutierrez: Chairman, Commissioner Gordon. Your question about why we didn't
22 look at these other locations. We did look at these other locations. The
23 location picked was because it was the center between two existing sites.
24 The location that the Tortugas tribe area and San Francisco area was too
25 close to Whiskey Dicks which we already have a current site. So that,
26 those sites would not work for us and I think that's addressed maybe in
27 Greg Best's report. The Tortugas tribe might work. You still have County
28 to deal there, there's residences around there. You have the same zoning
29 issues that you might have with this so that really doesn't affect us. But
30 electrically Mr. Alaaldin isn't here but it's probably in the last minutes that
31 this site was selected because it provided the best coverage for that
32 neighborhood.
33
- 34 Crane: What about this matter of the tunability of the antenna, is that feasible?
35
- 36 Gutierrez: Well Chairman, Commissioners, I'm not an engineer. Verizon is regulated
37 by the FCC. Their transmitters go out at 40 watts and they're, they have
38 to comply with those. I could not answer that but I, I don't believe that
39 Verizon would tweak it's antennas unless there was a severe interference
40 that was required to be corrected by the FCC so that's as far as I know.
41
- 42 Crane: My previous question was you've shown the mast type antenna, the
43 monopole with the array of antennas around it. Does that array get
44 covered by this spruce or spine tree?
45

1 Gutierrez: Yes. And we would be happy to provide closer photo simulations. I'm, I
2 didn't have a chance to look at that but I, I went by the Whiskey pole,
3 that's a three-carrier monopole. That's been there for a number of years.
4 AT&T is there, Verizon's there, and I believe Sprint is there. The, the
5 design that we're looking at is the antennas would be hidden in the
6 branches, it would not be exposed and they would be painted to match. If
7 you look closely and you drive by you'd, you'd have to be close, you would
8 probably see the antennas in there but from a distance the branches
9 would cover those antennas.

10
11 Crane: Thank you. Is your question answered Mr. Gordon? Yes, Ms. Ferrary.

12
13 Ferrary: With the spruce or pine tree and you mentioned that you might have
14 additional from other businesses added on would they also be disguised
15 within this tree-like camouflage?

16
17 Gutierrez: Yes. Mr. Chairman, Commissioner Ferrary. The City of, of Las Cruces
18 would regulate that. It's required to remain stealth. So we're not certain
19 that another carrier would go on that, they still have to apply through the
20 City and they would have to provide them documentation to show that
21 they're disguised also. It, it has to remain in its stealth character.

22
23 Ferrary: Okay. Thank you.

24
25 Gutierrez: Yes ma'am.

26
27 Crane: Thank you sir.

28
29 Gutierrez: Thank you.

30
31 Crane: Another member of the public. Yes sir. Tell us who you are please?

32
33 Smith: My name's William Smith.

34
35 Crane: Mr. Smith do you swear or affirm that the testimony you are about to give
36 is the truth and nothing but the truth under penalty of law?

37
38 Smith: Yes sir I do.

39
40 Crane: Okay, let me start this.

41
42 Smith: I'll be brief. First I would like to say thank you. I do appreciate that you
43 listen to us, we're the citizens. I agree 100% with my neighbor. I'm on the
44 other side so I'm on Agave Place. This is directly coming into our house.
45 From my backyard I promise you, you can see a 65-foot tower. Stealth by
46 definition implies blending in. It's a flat piece. I appreciate the angles and

1 distances of which those photos that you're seeing there. I sent Mr.
2 Ochoa some photos as well and I, with the Whiskey Dicks tower. Whiskey
3 Dicks tower doesn't seem obtrusive because it's tucked away. Verizon
4 has a, a huge tower on Lohman. It's in the middle of a commercial
5 corridor. It's tucked away so it's not intrusive. We live in an area where
6 we don't even have overhead electric. We have walking trails. It's, it's a
7 very low profile area. I would just submit to you out of just a gut check or
8 pure logic this is nearly a seven-story structure is what they're proposing
9 and I promise you from numerous neighborhood backyards, having a bar-
10 b-que, or, or even time with, with family with an obtrusive tree that's totally
11 out of place, I would ask you to juxtapose that with respect to the
12 surrounding area. It does affect and obstruct the views as well as the, the,
13 the fact of, the, the neighborhood values. We're not Verizon. We're not
14 wealthy. We work very hard. This is, this is our homes and so Verizon
15 has the wherewithal to relocate to another place. We can't sell all of our
16 properties and up and relocate. We worked very hard. There's pride in
17 our neighborhood. And certainly no deference to, to technology and to
18 Verizon but I certainly think that there are other locations where they do
19 not have to have something that is this obtrusive. And lastly I would, I, I
20 noticed all of my neighbors. There's a whole bunch of people this is, that
21 this is going to affect and as I said we, we don't have a lot so we just
22 simply want to enjoy what we have and, and, and that's all I can say. So
23 again I don't see us ... stealth sounds nice, but please use the common
24 sense of juxtapose that to this flat area. And lastly there are, I sent a tree.
25 I, I sent a, a disguised tree as a photo to Mr. Ochoa and he assured me
26 that that was forwarded to you all as well. So I can show you pictures,
27 Verizon can show you pictures, irrespective, spruce or pine, put it where it
28 is, you're nearly a seven-story structure and that's the only entrance into
29 our neighborhood or there's only one other entrance and that's into the
30 adjoining neighborhood. That's it, we have two entrance and exits. That's
31 it. So we can't sell our homes with a pine tree or a spruce tree that
32 doesn't belong. Thank you very much for your time.

33
34 Crane: Thank you Mr. Smith. Rebuttal. Please keep it short Mr. Gutierrez, okay.

35
36 Gutierrez: Yes sir.

37
38 Crane: Confine it to rebuttal of fact, okay?

39
40 Gutierrez: Yes. We appreciate the gentleman's concern about the design of that
41 pole or the structure. We do want to remind the Commission that there is
42 a 75-foot power line easement within that subdivision. Those power poles
43 to me look they affect about half of the subdivision and they're about 90
44 feet tall. They've been there for a number of years and it appears to me
45 that from the backside of that subdivision, you will see those first before

1 you actually see the Verizon pole. It was on a previous slide by Mr.
2 Ochoa. Thank you.

3
4 Crane: Thank you. Another member of the public? Mr. Smith. All right. Quickly.

5
6 Smith: The line he's speaking of is down where the pecan orchards are.

7
8 Crane: Sorry, start at the beginning.

9
10 Smith: This is, no sir.

11
12 Crane: You're, you're off the mic sir.

13
14 Smith: The, the, the, the huge utility poles that he's speaking of are not where we
15 are at, it's in the back by those pecan orchards that they apparently are
16 not able to work something out or choose not to work something out to put
17 their, their spruce tree or pine tree in the middle of pecan orchards which
18 I'm sorry that just makes sense to me but they're not, they are not on our
19 property sir. They are not.

20
21 Crane: Thank you. Another member of the public. Gentleman in the green shirt.
22 Tell us who you are please. Who are you?

23
24 Braker: Philip Braker.

25
26 Crane: Draker?

27
28 Braker: Braker. B R A K E R. Yes.

29
30 Crane: Mr. Braker do you swear or affirm that the testimony you are about to give
31 is the truth and nothing but the truth under penalty of law?

32
33 Braker: Yes I do.

34
35 Crane: Go ahead please.

36
37 Braker: I would like to take to task the Verizon future plans. The, there is a tower
38 a mile south, a tower a mile, within two miles or two and a half miles
39 there's already two towers and we have to put one right in between. At
40 what point are they gonna need to put one in between there? I, I guess I
41 really am questioning ... technology's changing. I work for the College of
42 Engineering. I see it every day. Technology is changing. A couple years
43 ago we had 3G, now we have 4G. I am strongly supporting that if this
44 tower doesn't go in Verizon will find another way to supply the needs of
45 the customers. This may be a cheaper way for them but they will find
46 another way if this tower doesn't go in. So the answer to the question

1 here, if it doesn't go in what happens, well they'll keep coming back trying
2 to find a cheaper way but there is other ways to do it, and they don't have
3 to build towers every mile. You start putting a grid of towers every mile
4 and pretty soon we're gonna have a really, really busy intersection and
5 you're gonna have it yours and they're gonna have it in theirs, there's
6 other was to do this and I would recommend that if this is turned down
7 permanently they will find another way to continue to service their
8 customers because they make (*inaudible*). So thank you.
9

10 Crane: Thank you Mr. Braker. Anyone else? Gentleman from Tortugas did you
11 have something to say? Please bear in mind for a moment sir that the
12 City says that Tortugas is not close enough to get a notification so you
13 might want to address that. Tell us who you are.
14

15 Jimenez: (*inaudible*). My name's Laurence Jimenez and I'm currently, hold the
16 position of secretary for Los Indigenes de Nuestra Senora de Guadalupe
17 in Tortugas.
18

19 Crane: Okay sir let me ... Mr. Jimenez do you swear or affirm that the testimony
20 you are about to give is the truth and nothing but the truth under penalty of
21 law?
22

23 Jimenez: I sure do.
24

25 Crane: Go ahead.
26

27 Jimenez: I understand the notification might have been a problem being that our
28 address is centrally located in the little, in the little skirt of Tortugas and I
29 know it may have not been a concerned issue being that it's a little off from
30 the area that we're discussing at the current moment. But also hearing the
31 testimony from Verizon that there was only one location considered on our
32 area of land-age that we own. But there are also if I could notify, we also
33 have about nine other pieces of property that I'm not too sure that within
34 triangulation it would benefit Verizon but as earlier stated we have not
35 been contacted. The representative that Mr. Brooks was speaking to was
36 Dominic Fierro, our corporation's president and its four years that he's
37 been in president, he's never been notified. So just to state that for the
38 record. But now that we just found out about this and heard that we're
39 willing to, to work with Verizon in that nature if they're willing to go and,
40 and observe the new areas that we could propose for them. I don't know
41 how the straight angle of tower-to-tower would be or if they could
42 triangulate. I don't know the radius of every tower and how it incorporates,
43 what's the range of each tower proposed, but I would say give or take
44 being just off of Stern Drive a new location could be proposed that it's not
45 even 100 yards off of Stern. Where as this location might be 25 yards 30
46 yards off of Stern, so I don't know how significant that would impact

- 1 Verizon's decisions on building the tower on this location as to proposed to
2 any other locations that we do have in our 40 acres of land that we do
3 maintain.
4
- 5 Crane: Thank you sir. Anyone else from the public? In that case I will close this
6 to further input from the public and Mr. Ochoa do you want to say anything
7 about the Tortugas matter? Any rebuttal? If you don't that's fine.
8
- 9 Ochoa: Mr. Chairman I just wanted to state Tortugas is actually located in the
10 County so essentially the Verizon applicant would have to run through
11 their process making sure that the zoning allows the tower, basically what
12 they did with us. Making sure they find a piece of property that's zoned for
13 it and that they meet all the requirements for a tower would have to go
14 through the County essentially sir.
15
- 16 Crane: Thank you. So Commissioners any discussion before we take a vote?
17 Mr. Gordon.
18
- 19 Gordon: I think I would've like to have heard more from a technical standpoint.
20 What we're getting now is arguments based on esthetics you know how
21 it's gonna look, what it's gonna, people are gonna see and now that I hear
22 about this other additional land be it not on City property but on County
23 property apparently this might be another option for Verizon. I'm very
24 concerned about the fact that I don't really think that there's been enough
25 investigation to, to come up with a, a decision as to whether or not we
26 should allow this. I think, I think it should've been more, perhaps the
27 gentleman was right some more notification should've been given to areas
28 even though they're not required by law or maybe Verizon should've
29 investigated further other than what they thought would be the ideal place
30 or the easiest place for them at this point to put this, but I think that, I just, I
31 did believe I would've liked to have heard more from a technical standpoint
32 than I am from how personal feelings are.
33
- 34 Crane: Thank you. Commissioner Ferrary.
35
- 36 Ferrary: I tend to agree that I think with all of the neighborhoods that would be
37 impacted without knowledge that Verizon could not find another place that
38 would be suitable, that they, we can't approve this right now.
39
- 40 Gordon: One, one other thing.
41
- 42 Crane: Mr. Gordon.
43
- 44 Gordon: That I just thought of. If, if they were to go a mile or so down the road and
45 put up a tower and in order to perhaps create an ideal triangulation that
46 they could then, then put another tower someplace else that would be not

1 obtrusive or interfere with people's, again aesthetics, (*inaudible*) a little
2 more money. I'm not, I'm not gonna have to pass the hat for Verizon, I'm
3 sure they have enough money to do this but perhaps that would be
4 inevitable solution that not, only one tower could be built that would be the
5 solution to their maintaining coverage of the area in which that they want
6 to maintain. So by moving this to another place perhaps they would have
7 to build another tower like that gentleman said in some area close to that
8 that would solve this problem. Again I think they're just perhaps other
9 areas that have to be researched.

10
11 Crane: Thank you. Commissioner Stowe.

12
13 Stowe: Do, do any of the people from Verizon have a comment on the timeliness
14 of this issue, whether it's, you are able to proceed, let us proceed by more
15 information ...

16
17 Crane: Commissioner I'm not gonna allow that because we've closed to external
18 input now.

19
20 Stowe: Right.

21
22 Crane: Thanks.

23
24 Ochoa: Mr. Chairman if I may interject. This SUP update was submitted by the
25 applicant for final action so they would like a final action vote of "yes" or
26 "no" on this sir.

27
28 Crane: Thank you. If there's no further input from Commissioners we can
29 proceed to a vote. I'll, we have before us the matter SUP-15-01 with
30 recommendation for approval by the communication, the Community
31 Development Department. Do I have somebody to move this? Mr. Stowe
32 moves.

33
34 Stowe: Are we moving ... are we moving ...

35
36 Crane: Second.

37
38 Stowe: Are we moving to table this for further study or are we ...

39
40 Crane: No sir we are moving, unless, well if nobody moves that we vote on this
41 motion then you can make another motion, but let's see if we find anybody
42 to move on this.

43
44 Ferrary: I'll second it.

45

1 Crane: Uh well it's, I need you to move. We don't, we don't have a, a, we haven't
2 got a motion yet. Do you want to move it? Maybe somebody will second.
3 Mr. Gordon.
4
5 Gordon: All right I make a motion that we vote on Case SUP-15-01.
6
7 Crane: All right can I record it, can I record a second from you Ms. Ferrary?
8
9 Ferrary: Yes I'll second.
10
11 Crane: Okay. So we'll vote. Mr. Gordon.
12
13 Gordon: Before we vote, before we vote we only have four people, we need a
14 majority of three.
15
16 Ochoa: Mister.
17
18 Crane: I can never remember. Do we need a majority of the Commissioners
19 present do we not?
20
21 Ochoa: Mr. Chairman, Commissioner Gordon.
22
23 Crane: Yes.
24
25 Ochoa: To answer that question, yes it's just be a, a to either approve this or
26 whatever it is that we'd need a majority of the four, so three out of the four
27 to, to approve this.
28
29 Crane: And a two/two vote would be a nay vote, correct?
30
31 Ochoa: Correct sir and it would still be a no, essentially no contest, gonna be a no
32 essentially.
33
34 Crane: Okay. So Mr. Gordon your vote and the basis for it.
35
36 Gordon: Well based on findings and discussions and what I've said and what I've
37 heard I vote no.
38
39 Crane: Okay. Commissioner Stowe.
40
41 Stowe: Based on findings and discussions here I vote no.
42
43 Crane: Commissioner Ferrary.
44
45 Ferrary: I vote no based on findings and discussions.
46

1 Crane: And the Chair votes yes based on findings, discussion, and site visit. So
2 the motion fails three to one. Thank you for that.
3

4 **VI. NEW BUSINESS**
5

- 6 1. **Case A1735:** A variance application of Frank X. Benavidez, property owner,
7 to vary fifteen (15) feet from the minimum required fifteen (15) foot secondary
8 front yard setback for an accessory structure resulting in a zero (0) foot
9 secondary front yard setback. The purpose of the variance is to legalize the
10 existing accessory structure on the subject property zoned R-1a (Single-
11 Family Medium Density) and located on the northeast corner of Missouri
12 Avenue and Baldwin Drive; a.k.a. 1905 Missouri Avenue; Parcel ID # 02-
13 12827. Council District 3 (Councilor Pedroza).
14

15 Crane: The next item on the agenda is A1735, a variance application by Mr.
16 Benavidez regarding a setback property at 1905 Missouri Avenue. Mr.
17 Ochoa's gonna present.
18

19 Ochoa: Yes sir, next, next case tonight, for tonight is Case A1735, it is a request
20 for a variance from the minimum required secondary front yard setback for
21 an accessory structure located at 1905 Missouri Avenue. Shown here in
22 the hash mark area as you can see in the sea of R-1a zoning district here
23 north of Missouri, east of what is Baldwin Drive. The actual specific
24 section we're looking under the code is under 2001 Zoning Code, Section
25 38-51 D1 which essentially states no accessory structure where a building
26 permit is required or not shall be permitted within the setback of the
27 required front yards primary or secondary. With that as I stated before
28 property located on the northeast corner of Missouri Avenue and Baldwin
29 Drive is zoned R-1a, Single-Family Medium Density and currently consists
30 of a single-family residence with accessory structures. The applicant
31 tonight is seeking a 15-foot variance to the required, to the required 15-
32 foot secondary front yard setback for an existing accessory structure
33 which currently encompass, measures approximately 248 square feet in
34 size.

35 Just to give you a little background that accessory structure has
36 essentially been existing on the property prior to the current property
37 owner owning it. The staff and the applicant has done some research and
38 we found that that structure has been existing on that property since the
39 1960s and it was originally an enclosed workshop for the original property
40 owner. The Zoning Code at that time actually did not allow structures
41 within the required front yard, so essentially the structure was constructed
42 illegally at that time within the required secondary front yard setback.
43 What is, why this case is now before you is the applicant, the current
44 property owner and applicant submitted for a building permit for an
45 addition to the rear of the existing primary structure on the property and
46 during an inspection by one of our building inspectors it was seen that



City of Las Cruces®

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of January 19, 2016
(Adoption Date)

TITLE:

A RESOLUTION APPEALING THE DECISION OF DENIAL BY THE PLANNING AND ZONING COMMISSION ON SEPTEMBER 22, 2015 FOR A SPECIAL USE PERMIT APPLICATION TO CONSTRUCT A NEW WIRELESS COMMUNICATION FACILITY ON A PROPERTY LOCATED AT 4790 STERN DRIVE. THE SUBJECT PROPERTY ENCOMPASSES 1.552 + ACRES AND IS ZONED C-3 (COMMERCIAL HIGH INTENSITY). SUBMITTED BY VERIZON WIRELESS/TECTONIC ENGINEERING ON BEHALF OF A & E ENTERPRISES, INC., PROPERTY OWNER (SUP-15-01).

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		528-3049	10/15/15
Department Director		528-3067	10-15-15
Other			
Assistant City Manager /CAO Management & Budget Manager		541-2078 541-2106	10/16/15 10-15-15
Assistant City Manager/COO			10-21-15
ACTING City Attorney		541-2128	10-21-15
City Clerk - Interim		X2115	10-23-15