



County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

Agenda - Draft Planning and Zoning Commission

Michael Redondo, Chair; Jaret McDonald, Vice Chair; Phillip Kunsberg; Ashley Mamula; Larry Warner; Melissa Arias; Craig Martin; Jessie Dixon; and Amy Woods, Members

Wednesday, June 28, 2017

5:30 PM

Council Chambers
1000 Central Avenue

1. **CALL TO ORDER/ROLL CALL**

2. **PUBLIC COMMENT**

This section of the agenda is reserved for comments from the public on items that are not otherwise included in this agenda.

3. **APPROVAL OF AGENDA**

4. **PUBLIC HEARING(S)**

- A. [9626-17](#) Staff Report for Planning and Zoning Commission Case No. SUP-2017-0010

Attachments: [StaffReport_SUP-2017-0010.pdf](#)

5. **PLANNING AND ZONING COMMISSION BUSINESS**

- A. [9627-17](#) Minutes from the Planning And Zoning Commission Meeting(s) on May 24, 2017.

Attachments: [Minutes_24-May-2017.pdf](#)

6. **COMMISSION/DIRECTOR COMMUNICATIONS**

- A. *Department Report*

- B. *Chair's Report*

- C. *Committee Reports*

- D. *Board of Adjustment Report*

- E. *Commissioner's Comments*

7. **PUBLIC COMMENT**

8. ADJOURNMENT

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department Office at 505-662-8006 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

June 28, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: 9626-17

Title

Staff Report for Planning and Zoning Commission Case No. SUP-2017-0010

Attachments

A - Staff Report for Planning and Zoning Commission Case No. SUP-2017-0010



Los Alamos County
Community Development Department
PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: June 28, 2017
Subject: Case No. SUP-2017-0010, Pajarito Greenhouse SUP
Owners/Applicants: David V. Fox and Anne Gilbert, Owners & Applicants
Case Manager: Tamara Baer, Acting Principal Planner

Case No. SUP-2017-0010:

The Applicants are requesting approval of a Special Use Permit to allow a Home Business for the continued operation of the Pajarito Greenhouse, a seasonal plant nursery, located at 238 Rio Bravo Drive, White Rock, and zoned R-A (Residential agricultural district). Section 16-287, the Use Index Table of the Los Alamos County Development Code, requires a Special Use Permit for a Home Business, which is defined as *“a home occupation that employs more than one nonfamily member.”*

Motion Option 1:

I move to **approve** Case No. SUP-2017-0010, a Special Use Permit to allow a Home Business for the Pajarito Greenhouse, a seasonal plant nursery, located at 238 Rio Bravo Drive, in White Rock, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following conditions:

1. ...

Motion Option 2:

I move to **deny** Case No. SUP-2017-0010, a Special Use Permit to allow a Home Business at 238 Rio Bravo Drive, Los Alamos, finding the proposal fails to meet the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, §16-156, review criteria for a Special Use Permit for the following reasons:

1. ...

SUMMARY and DISCUSSION

This request is for approval of a Special Use Permit (SUP) to allow a “home business” at 238 Rio Bravo Drive in White Rock. The property is zoned R-A, Residential agricultural district, and contains a principal residential structure and several accessory structures, including a garage, a barn, and a seasonal greenhouse offering plants and associated landscape materials for sale to the public. The greenhouse/nursery is the subject of the request for the SUP.

The Los Alamos County Code of Ordinances, Chapter 16 - Development Code (Code), Sec. 16-533, defines the Residential agricultural district (R-A) as follows:

The R-A residential agricultural district is intended to accommodate single-family dwellings and accessory structures and uses and is further intended to maintain and protect a residential character of development characterized by large lots having a rural atmosphere, where agricultural, horticultural and animal husbandry activities may be pursued by the residents of the R-A district.

The Code, Sec. 16-9, Definitions, states, “Home occupation means a business, profession or service conducted and/or operated in a residential zoning district and is clearly incidental and secondary to the dwelling purpose and does not change the character thereof.”

The same section states, “Home business means a home occupation that employs more than one nonfamily member.” A “home business” requires Special Use Permit approval by the Planning and Zoning Commission (P&Z).

The subject property contains 130,680 ft², or approximately 3 acres, of land. The principal structure on the property is a single family residence, which is the home of the applicants. The nursery consists of several raised beds and greenhouses, totaling approximately four thousand (4,000) square feet. It employs at least five people, and has been in continuous, albeit seasonal, operation since before the current owners purchased the property in 1994.

The property owners and operators of the greenhouse are Mr. and Mrs. Dave Fox, who also own CB Fox department stores downtown. When the Foxes purchased this property, which has been their residence ever since, the greenhouse was already there and being operated as a local business. The Community Development Department has maintained electronic records only since 2000, which indicate that Mr. Fox has had and maintained a Business License for the greenhouse since at least that time.

The current application for an SUP was precipitated by a complaint from a resident in the neighborhood, related to the operation of a business in a residential area, and especially as it related to parking. See also discussion under Criterion (2) below. While the ‘home business’ use would have been considered “grandfathered,” Mr. Fox chose to apply for a Special Use Permit to allow the continued operation of the nursery in compliance with all current code requirements.

The footprint of the principal residence consists of 2,663 Ft². The total lot coverage, including the house (2663 Ft²), barn (1600 Ft²), the detached garage (288 Ft²), and including the 4,000± square feet of greenhouse, comes to approximately 6.5%. This is in compliance with the Site Development Requirements per §16-537 (j) of the Development Code, which specify a maximum lot coverage of 10%.

The majority of customer parking has historically been on Rio Bravo, a two lane County road with a 60-foot right-of-way (ROW). The ROW includes two 12-foot travel lanes, with eight (8) feet of unvegetated clearance on either side of each travel lane. The Foxes’ property has over 370 feet of frontage on Rio Bravo, exclusive of two driveways. Code requirements for on-site parking include two parking spaces for the residence, which are accommodated in the garage, and, per Sec. 16-370, for plant nurseries, one space per 200 square feet of enclosed net usable floor area (none) and one space per 500 square feet of display area, or eight (8) additional spaces. The application proposes eight (8) new uncovered parking spaces to be accessed from the existing driveway as shown on Exhibit 2. These spaces are not required to be paved. Ingress/egress to the property will remain the same.

All other Development Code requirements for the existing and proposed land use have been satisfied. No waivers, per §16-572 and §16-157, are being requested to support this project, and no further development –other than designation of the parking spaces- is anticipated or proposed.

NOTICE

Notice of this public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-192 (b), including by U. S. mail to owners of real property within 100 yards of the subject property.

On April 24, 2017, a resident of the neighborhood complained to a code enforcement officer of the Community Development Department about the greenhouse operation. There were several aspects of the complaint, some of which have been resolved. While that resident was not on the 300-foot notice list, CDD staff did reach out to him to advise him of the SUP hearing.

As of June 22, 2017, no other public comment on this case had been received as a result of the mailed, published or posted notice, or otherwise.

SPECIAL USE PERMIT REVIEW CRITERIA

Section 16-156 of the Development Code states: During the time of the review, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission, and the planning and zoning commission shall utilize the following criteria in making its determination of approval, conditional approval or denial.

(1) The request substantially conforms to the Comprehensive Plan, and the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of such proposed use, or be detrimental or injurious to property or to the value of property in the vicinity, or to the general welfare of the county.

Applicant Response:

Conforms to Comprehensive Plan several ways. A. Greenhouse's original function: provide sales volume & jobs/pay continuity for employees of CB Fox itself during intrinsically weak period for apparel sales which is spring months. B. It still serves that function, but has gone beyond it. It provides an extensive selection of xeric and low water perennial flowering plants and trees and shrubs chosen for their proven ability to thrive in our climate (some 200 varieties & colors of perennials alone, enough to rival the top greenhouses in Santa Fe). In addition dozens of varieties of vegetables, tomatoes, chiles, herbs, dozens of flower baskets, dozens of large pre-planted pots. C. Authoritative on-site plant advice, garden design advice, pathogen diagnosis and cures. Note that the only certified arborists for miles, Laural Hardin, is key to this level of service every day we are open. D. Property values: greatly enhanced: home purchased for \$289,500. Improvements: \$359,251. Greenhouse area is fenced from view, except at a welcoming area where flowering plant displays are prominently visible and themselves give our immediate neighborhood a handsomeness and beauty that is seen nowhere else along the length of Monte Rey North or Rio Bravo. E. All of this has added up to the greenhouse having become a significant.... very significant ... part of the lives of a large segment of both the Los Alamos and White Rock communities for which, everyday it is open, it demonstrably enhances sense of exuberance, joy, harmony, well-being for all ages, toddler on up, It is a morale builder in a community that needs just that. Its dissolution will be the opposite. F.

Detriments: No issues raised by neighbors or visitors to the greenhouse except by claimant. No accidents or disruptions on Rio Bravo in our 23 years. Tractor truck deliveries at maximum are 3 per season. Each is brief (20-30 minutes). They do not disrupt neighborhood traffic as there are so few residences served by Rio Bravo (~3 acres lots/ per residence). Also, in a conscious decision to minimize tractor trailer visits, we now have twice weekly "box truck deliveries made during weeks 1 through 5, and those trucks are able to unload, off the street and on the property itself. Days of operation exclude Mondays and Tuesdays. So total days operating each season are just 35. Hours are Wed through Saturday 9-5:30, Sunday 10 to 4. G. Property values: greatly enhanced: home purchased for \$289,500. Improvements: \$359,251. Greenhouse area is fenced from view, except at a welcoming area with plant displays in flower. Visitors volunteer that the neighborhood is enhanced by the greenhouse's well managed appearance.

Staff Comment: The Home Business use is permitted in the R-A district, subject to Planning and Zoning Commission review and approval as a Special Use. The Comprehensive Plan supports small and local business, which are a significant element of Economic Vitality. This business has been in this location for many years with no detrimental effects to the neighborhood. It is operated only during the planting season and provides a service to the community by offering hardy and appropriate plant material for local gardens, knowledgeable horticultural advice, and the opportunity for local shopping without the need to travel to outlying communities, saving time, gas and other resources, while bringing additional gross receipts income to the County.

There is no evidence that the nursery use, which has been in this location for over 20 years, has been *"detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of such proposed use, or detrimental or injurious to property or to the value of property in the vicinity, or to the general welfare of the county."*

(2) There are sufficient parking facilities that are adequately designed, shielded, landscaped and lighted to serve the use applied for based on the requirements of this chapter as found in article IX of this chapter.

Applicant Response: Shopper parking on Rio Bravo is bell-curved: out of 7 weeks (again, just 35 days), the first week and the final two weeks have light parking, middle 3 weeks are heavier. Saturday before Mother's Day peaks with vehicles parked from ~120 feet west of the Don Quixote Winery's mail box to – a few feet short of the drive way serving 238 Rio Bravo. Never has it been in any sense disruptive for any persons except the claimant. Off-street public parking: 6 spaces, completely shielded from view by cedar slat fencing. Employees park off-street; their vehicles are no more disturbing than when we have a party at our home.

Staff Comment: While much, if not all, customer parking has historically been on Rio Bravo, the site has ample space to accommodate off-street parking to serve the home business use. Off-street parking requirements are specified in §16-370 (a) of the Development Code. For retail uses, 1 space per 200 square feet of enclosed net useable floor space is required. None of the nursery space is enclosed. One space per 500 square feet of display area is also required. The greenhouse has approximately 4000 square feet of display area, which means 8 off-street spaces are required. The applicant has shown how he will designate off-street customer parking. Code Sec. 16-367, Design requirements for parking, (c)(1), provides that parking facilities in the R-A district are exempt from paving requirements. The County Traffic Department has no concerns with the use as proposed.

(3) The provisions for on-site and off-site ingress/egress and traffic circulation are in conformance with the County's construction standards, that the public streets serving the use applied for are adequate to

meet the traffic needs of the proposed use and that the proposed use will not adversely affect neighboring properties by virtue of the type of traffic generated by the use.

Applicant Response: Ingress and egress will not change.

Staff Comment: Ingress and egress to the subject property will be via the existing driveway. The County's Traffic Engineer believes that traffic generated by the use proposed will not negatively impact the neighborhood.

(4) The setbacks of buildings and parking facilities from the property lines, right-of-way, and adjacent land uses are in conformance with this chapter and provide protection to and a transition from residential development, existing and contemplated in the vicinity; and that the height and bulk of the proposed buildings and structures are compatible with the general character of development in the vicinity of the use applied for.

Applicant Response: No set-back issues exist.

Staff Comment: The R-A zoning specifically allows horticultural uses as characteristic of and compatible with the character of the vicinity. The greenhouse has been in its current location longer than its ownership and operation by the current owners, and at least since 1994. It is heavily screened by mature vegetation and is hardly visible from the street. See photos, Exhibit 4. No further encroachment toward the front property line will occur and no new construction is proposed.

(5) The site plan, including but not limited to landscaping, screen planting, and fencing of the proposed development, demonstrates that the site development will be compatible with adjoining areas and will conform to the site development standards of the district regulations.

Applicant Response: The 238 Rio Bravo property is fully landscaped with many mature trees, shrubs, and flower beds. Existing landscaping and fencing will not be disturbed or modified by the special use.

Staff Comment: No new construction is anticipated or proposed.

FINDINGS OF FACT

1. Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in The Los Alamos Daily Post, the official newspaper of record; and property owners of real property located within 100 yards of the subject property were notified of this public hearing, all in accordance with the requirements of §16-192 of the Los Alamos Development Code.
2. The request is for a Special Use Permit for a Home Business to be located on an existing residential property as an accessory use, with off-street parking spaces for customers accessed via the existing driveway.
3. The proposed parking area is large enough for several vehicles, and is located adjacent to the main residence, next to the garage of the subject property, with access via Rio Bravo.
4. Per Sec 16-277 (1), Home Businesses are permitted within the R-A Zoning District, subject to securing approval of a Special Use Permit by the Planning & Zoning Commission.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION

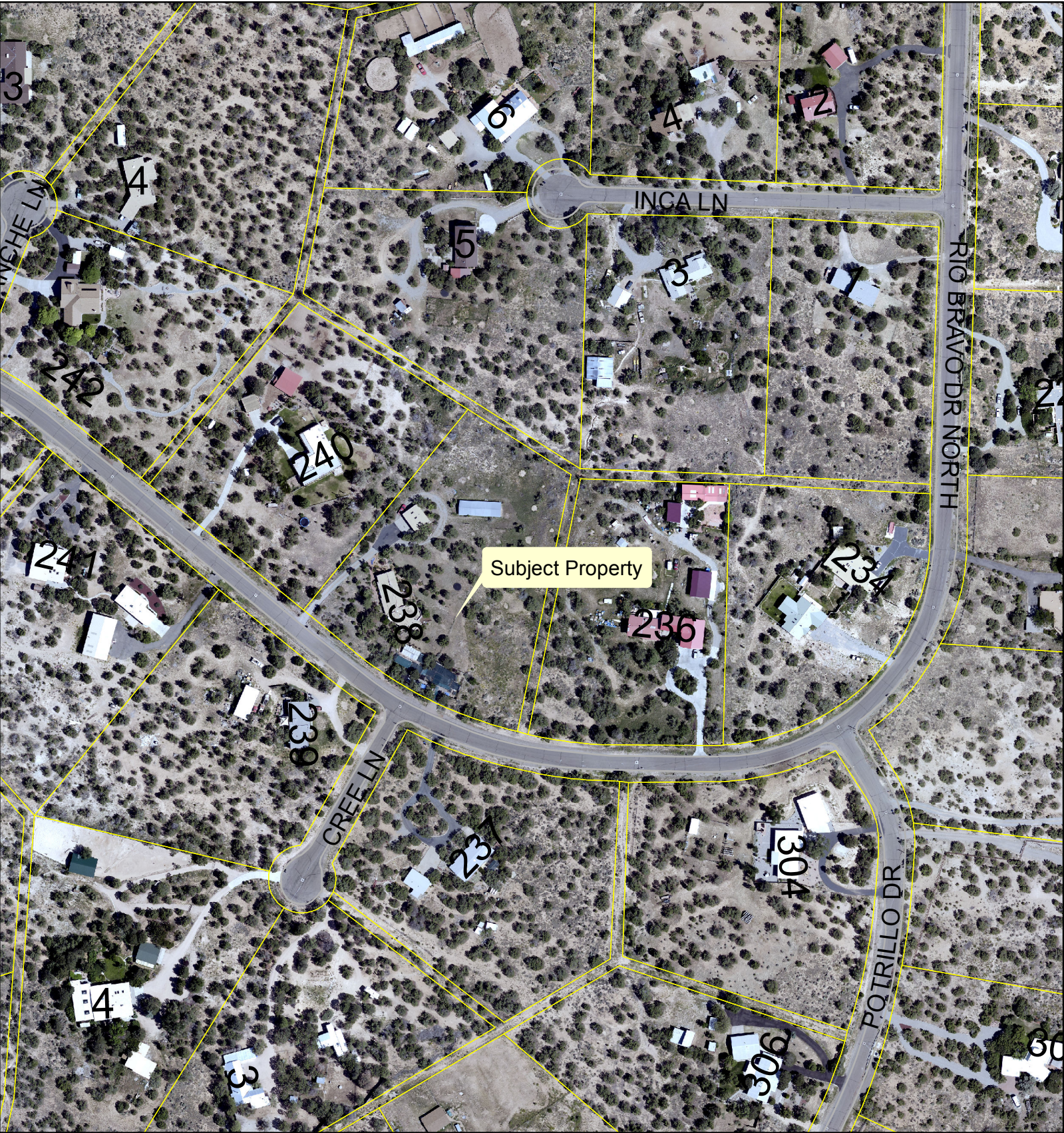
IDRC review of the SUP application took place on May 26, 2017. County Engineer, Eric Martinez, asked if any ADA parking spaces were required. Michael Arellano said that ADA parking was not required due to the rural nature of the lot. Assistant County Attorney, Kevin Powers, agreed that since the home is the primary use of the lot, ADA parking is not required.

After reviewing and determining that the petition did not present any negative aspects or impacts that would preclude it from being forwarded to the Planning and Zoning Commission for a public hearing, the IDRC membership voted 7:0 to forward a recommendation for approval to the Planning & Zoning Commission.

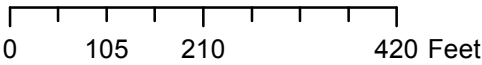
EXHIBITS

- Exhibit 1: Vicinity Map/Aerial Photo of the Subject Property/ List of Property Owners within 100 Yards (300 Feet)
- Exhibit 2: Application, Lot Survey, Proposed Floor Plan, and Warranty Deed
- Exhibit 3: IDRC Master Comments
- Exhibit 4: Photographs of Subject Property

238 Rio Bravo Vicinity



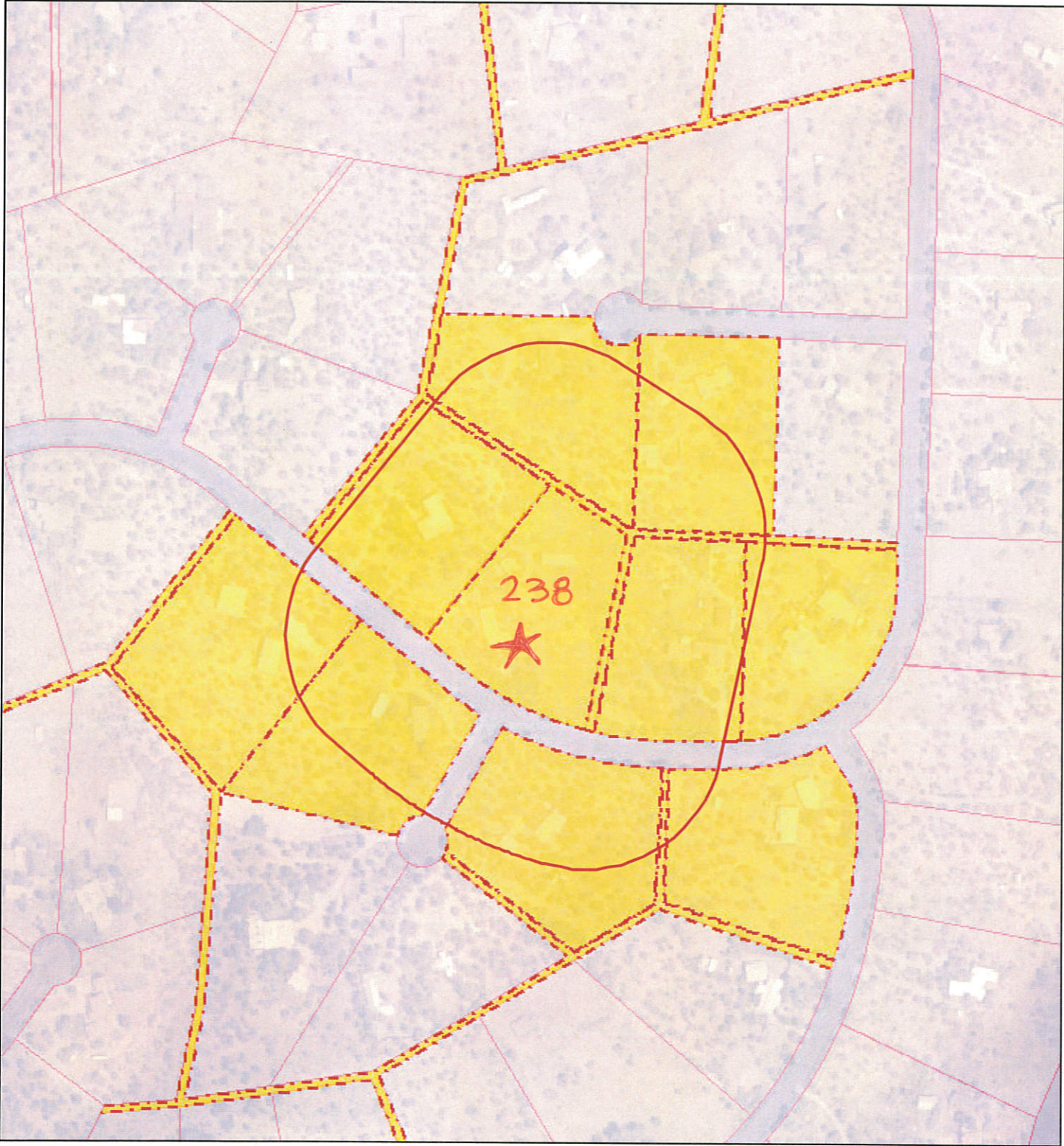
All mapping information is for reference only.
Users are solely responsible to confirm data accuracy.
Los Alamos County assumes no liability for errors
associated with these data.



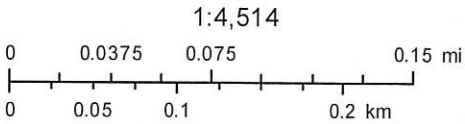
1 inch = 208 feet

Exhibit 1: □ Vicinity Map/Aerial Photo of the Subject Property/ List of Property Owners within 100 Yards (300 Feet)

238 Rio Bravo



May 25, 2017



Los Alamos County
Sources: Esri, DeLorme, USGS, NPS
Sources: Esri, USGS, NOAA

Exhibit 1: Vicinity Map/Aerial Photo of the Subject Property/ List of Property Owners within 100 Yards (300 Feet)

LOS ALAMOS COUNTY
P.O. BOX 30
WHITE ROCK NM 87547

KALINOWSKI CHRISTOPHER A & MOLLY J
5 INCA LANE
LOS ALAMOS NM 87544

CHRISTENSEN RODERICK & LEILA
3 INCA LANE
LOS ALAMOS NM 87544

DEINES LEX & TERA
240 RIO BRAVO DR
WHITE ROCK NM 87547

FLINT MATTHEW L & GLENDA S
241 RIO BRAVO DR
WHITE ROCK NM 87547

DOLIN RONALD M
236 RIO BRAVO DR
WHITE ROCK NM 87547

MILLER MARLENE REVOC TRUST
234 RIO BRAVO
WHITE ROCK NM 87547

RISSLING DONALD L JR
239 RIO BRAVO
WHITE ROCK NM 87547

MAUPIN RYAN & JESSICA
237 RIO BRAVO DR
WHITE ROCK NM 87547

TESCH CHARLES L
304 POTRILLO DR
WHITE ROCK NM 87547

LOS ALAMOS
Community Development

SPECIAL USE PERMIT APPLICATION

Los Alamos County Community Development Department
1000 Central Ave, Suite 150, Los Alamos NM 87544
(505) 662-8120

Special Use (describe): _____

I seek allowance of a continued use that permits Pajarito Greenhouse to carry forward its operations. Those operations have been conducted without interruption since 1992* and have been conducted on only 35 days during our season which starts the last Wednesday of April and closes just before Fathers Day in mid-June. Thus our status is legal/non-conforming.

Address to which this application applies:

238 Rio Bravo Drive, White Rock

Zoning District: R-A

Related Applications (if any):

APPLICANT (Unless otherwise specified, all communication regarding this application shall be to Applicant):

Name: David R. Fox Phone: 672-3101 Cell #: 690-6222

Please Print

Address: 238 Rio Bravo Drive Email: kitsunedave@comcast.net

David R. Fox
SIGNATURE

5/19/17
DATE

PROPERTY OWNER (If different from Applicant)

☒ Check here if same as above

Name: _____ Phone: _____ Cell #: _____

Please Print

Address: _____ Email: _____

My signature below indicates that I authorize the Applicant to make this rezoning application on my behalf.

SIGNATURE

DATE

SPECIAL USE PERMIT CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-156 establishes five (5) criteria for the Planning and Zoning Commission to use when reviewing an application for Special Use Permit approval. Please review each of the criteria listed and provide brief responses as to how your application meets the criteria. Use the space provided or attach separate sheets if needed. You will also be asked to discuss the criteria at your public hearing.

(1)

The request substantially conforms to the comprehensive plan, and the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of such proposed use, or be detrimental or injurious to property or to the value of property in the vicinity, or to the general welfare of the county.

SEE 2 PAGE ATTACHMENT

(2)

There are sufficient parking facilities that are adequately designed, shielded, landscaped and lighted to serve the use applied for based on the requirements of this chapter as found in article IX of this chapter.

SEE ATTACHMENT

(3)

The provisions for on-site and off-site ingress/egress and traffic circulation are in conformance with the county's construction standards, that the public streets serving the use applied for are adequate to meet the traffic needs of the proposed use and that the proposed use will not adversely affect neighboring properties by virtue of the type of traffic generated by the use.

SEE ATTACHMENT

(4)

The setbacks of buildings and parking facilities from the property lines, right-of-way, and adjacent land uses are in conformance with this chapter and provide protection to and a transition from residential development, existing and contemplated in the vicinity; and that the height and bulk of the proposed buildings and structures are compatible with the general character of development in the vicinity of the use applied for.

SEE ATTACHMENT

(5)

The site plan including, but not limited to, landscaping, screen planting, and fencing of the proposed development demonstrates that the site development will be compatible with adjoining areas and will conform to the site development standards of the district regulations.

SEE ATTACHMENT

REQUIRED SUBMITTALS:

Check each of the boxes to indicate that you have attached two (2) paper copies of each of the following, and one complete copy of all materials on disk:

- ☒ Proof of property ownership.
- ☐ A Vicinity map, 8 ½ by 11 inch or 8 ½ by 14 inch format, showing the boundaries of the property and all adjacent lots within 300 feet. (County staff can provide the vicinity map if requested.)
- ☒ A scaleable site plan including, at a minimum, the following information:
 - ☐ Show and dimension all access and parking related to the site, including existing and any proposed curbcuts.
 - ☐ Locate and label all existing utility lines on the site. (Existing gas and electric service lines must be located by the Los Alamos County Utilities Department prior to submittal of this application.)
 - ☐ Show and label the footprint of all existing buildings and structures on the site.
 - ☐ Show the footprint of all buildings and public rights-of-way within 20 feet of all boundaries of the site.
 - ☐ Show, dimension and label all existing and proposed easements.
 - ☐ Show existing and proposed landscaping, fencing, lighting, signage and any other proposed improvements.

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 05-19-17

Staff Initial: AB

CDD Application Number: SUP-2017-00

Fees Paid: \$

Special Use Permit Application

I seek allowance of a continued use that permits Pajarito Greenhouse to carry forward its operations. Those operations have been conducted without interruption since 1992* and have been conducted on only 35 days during our season which starts the last Wednesday of April and closes just before Fathers Day in mid-June. Thus our status is legal/non-conforming.

*See attached survey dated 3/10/92 showing existence of a greenhouse at 238 Rio Bravo Dr, White Rock. See also the Residential Purchase Agreement dated June 10, 1994 when my wife and I purchased the property including the greenhouse from the original founder of the greenhouse, Karen Ames, whose final operation was in spring season, 1994, followed in the spring of 1995 by the start of operation by my wife, my daughter and I.

(1) Conforms to Comprehensive Plan several ways.

- A. Greenhouse's original function: provide sales volume & jobs/pay continuity for employees of CB Fox itself during intrinsically weak period for apparel sales which is spring months.
- B. It still serves that function, but has gone beyond it. It provides an extensive selection of xeric and low water perennial flowering plants and trees and shrubs chosen for their proven ability to thrive in our climate (some 200 varieties & colors of perennials alone, enough to rival the top greenhouses in Santa Fe). In addition dozens of varieties of vegetables, tomatoes, chiles, herbs, dozens of flower baskets, dozens of large pre-planted pots.
- C. Authoritative on-site plant advice, garden design advice, pathogen diagnosis and cures. Note that the only certified arborists for miles, Laural Hardin, is key to this level of service every day we are open.
- D. Property values: greatly enhanced: home purchased for \$289,500. Improvements: \$359,251. Greenhouse area is fenced from view, except at a welcoming area where flowering plant displays are prominently visible and themselves give our immediate neighborhood a handsomeness and beauty that is seen no where else along the length of Monte Rey North or Rio Bravo.
- E. All of this has added up to the greenhouse having become a significant....very significant... part of the lives of a large segment of both the Los Alamos and White Rock communities for which, everyday it is open, it demonstrably enhances sense of exuberance, joy, harmony, well being for all ages, toddler on up, It is a moral builder in a community that needs just that. It's dissolution will be the opposite.
- F. Detriments: No issues raised by neighbors or visitors to the greenhouse except by claimant. No accidents or disruptions on Rio Bravo in our 23 years . Tractor truck deliveries at maximum are 3 per season. Each is brief (20-30 minutes). They do not disrupt neighborhood traffic as there are so few residences served by Rio Bravo (~3 acres lots/ per residence). Also, in a conscious decision to minimize tractor trailer visits, we now have twice weekly "box truck" deliveries made during weeks 1 through 5, and those trucks are able to unload, off the street and on the property itself. Days of operation exclude Mondays and Tuesdays. So total days operating each season are just 35 . Hours are Wed though Saturday 9-5:30, Sunday 10 to 4.
- G. Property values: greatly enhanced: home purchased for \$289,500. Improvements: \$359,251. Greenhouse area is fenced from view, except at a welcoming area with plant displays in flower. Visitors volunteer that the neighborhood is enhanced by the greenhouse's well managed appearance

(2) and (3) Parking Facilities, on and off-street.

Shopper parking on Rio Bravo is bell-curved: out of 7 weeks (again, just 35 days), the first week and the final two weeks have light parking, middle 3 weeks are heavier. Saturday before Mothers Day peaks with vehicles parked from ~120 feet west of the Don Quiote Winery's mail box to ~xxx feet short of the drive way serving 238 Rio Bravo. Never has it been in any sense disruptive for any persons except the claimant. Off-street public parking: 6 spaces, completely shielded from view by cedar slat fencing. Employees park off-street; their vehicles are no more disturbing than when we have a party at our home.

(4) Setbacks etcetera

Please see attached site maps.

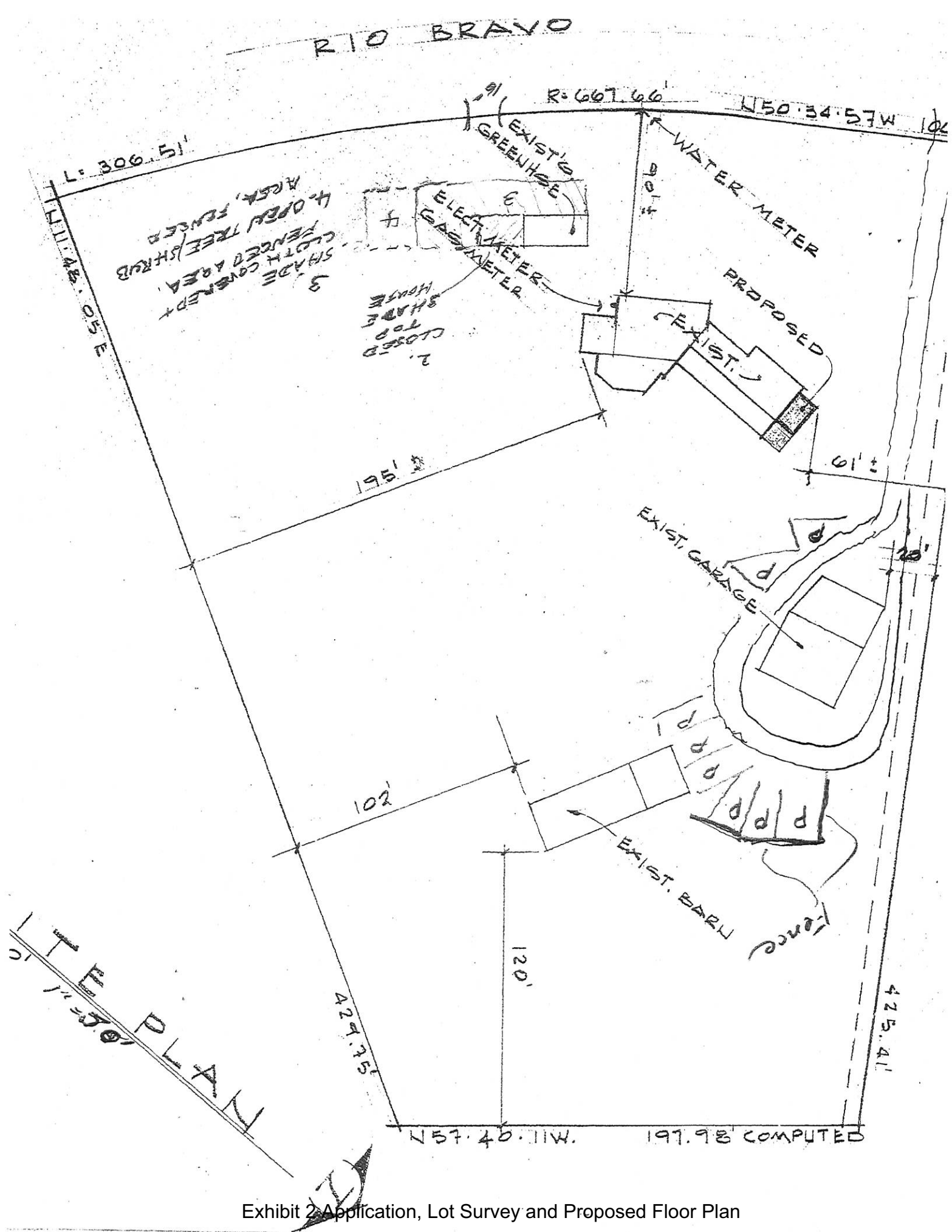


Exhibit 2 Application, Lot Survey and Proposed Floor Plan

WARRANTY DEED

David V. Fox and Anne G. Fox, husband and wife, for consideration paid, grant to David V. Fox and Anne Gilbert Fox, as Trustees of the David V. Fox and Anne Gilbert Fox Trust dated February 25, 1993, whose address is 238 Rio Bravo, Los Alamos, NM 87544, the following described real estate in Los Alamos County, New Mexico:

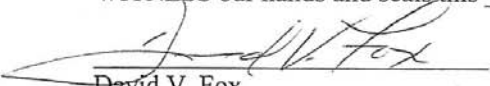
Lot 107, Pajarito Acres Subdivision, as shown on the subdivision plat thereof filed for record on July 22, 1964, in Plat Book 1, Page 51, records of Los Alamos County, New Mexico.

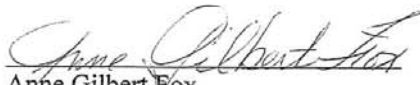
SUBJECT TO: Restrictions, reservations and easements of record.

ALSO SUBJECT TO: Ad valorem property taxes for the year 2009 and subsequent years.

with warranty covenants.

WITNESS our hands and seals this 10 day of November, 2010.



David V. Fox


Anne Gilbert Fox

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS

This instrument was acknowledged before me on November 10, 2010 by David V. Fox and Anne Gilbert Fox.


Notary Public

My Commission Expires: 8/8/2012



COUNTY OF LOS ALAMOS
STATE OF NEW MEXICO

Book 152 Page 883

This Instrument Was Filed For Record On 11/10/2010 04:32 PM
And Was Duly Recorded as Instrument # 206998
Of The Records Of Los Alamos County

Witness My Hand And Seal Of Office
County Clerk, Los Alamos, NM
Naomi D Maestas - Deputy

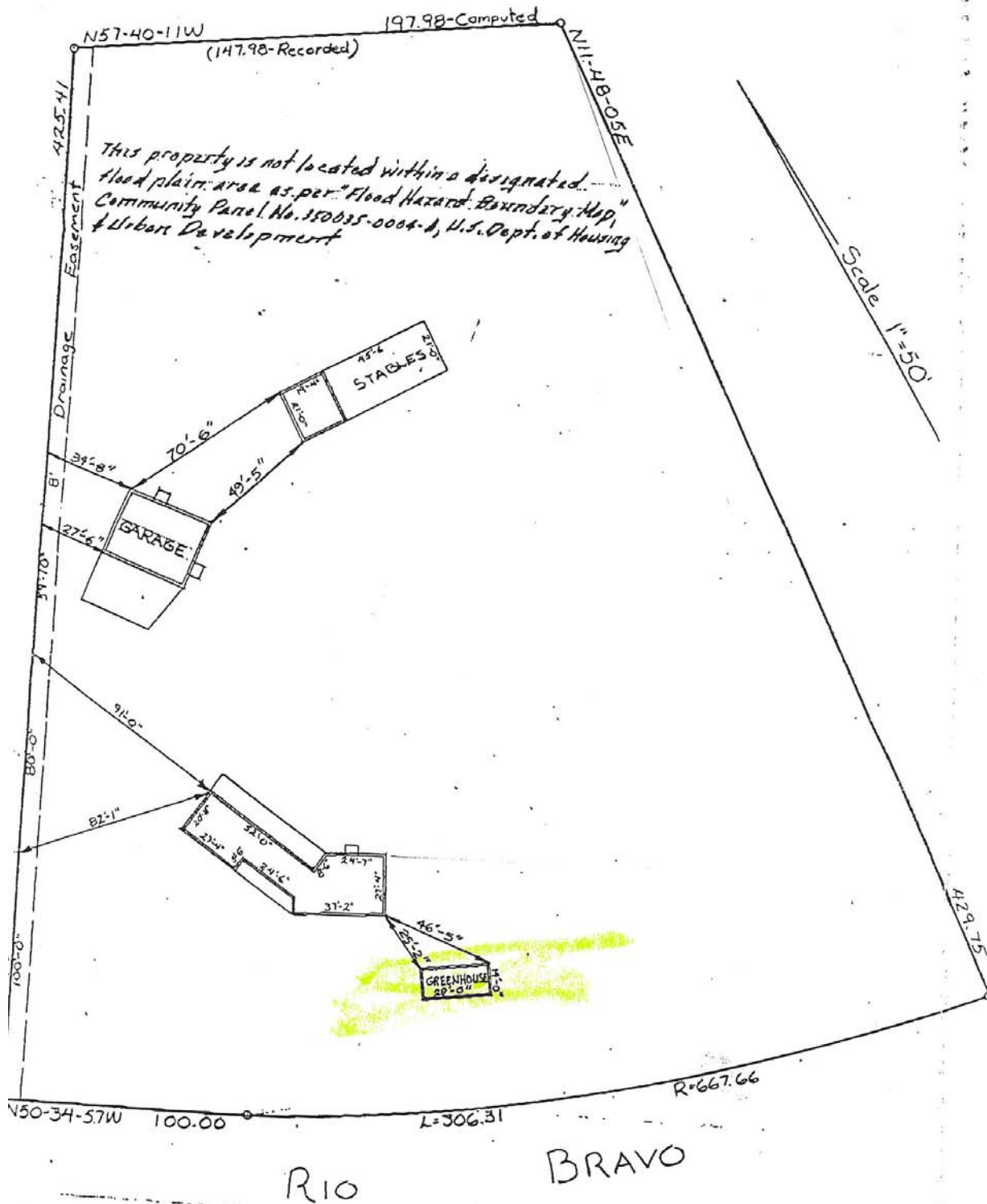


Name Mrs. & Mrs. Richard A. Briesmeister & Kayrie E. Ames
Address 238 Rio R

Date March 10, 1992

Address 238 E. Bravo

Los Alamos, New Mexico



LOT NO. 107, AS DELINEATED UPON THE PLAT ENTITLED "PLAT OF PAJARITO ACRES, COUNTY OF LOS ALAMOS, STATE OF NEW MEXICO", FILED FOR RECORD WITH THE CLERK OF LOS ALAMOS COUNTY, NEW MEXICO, ON JULY 22, 1964. IN PLAT BOOK NO. 1, AT PAGE 51, LOS ALAMOS COUNTY RECORDS.

I, John R Mendius, hereby certify that I am a registered Land Surveyor under the laws of the State of New Mexico and that this plat was prepared from field notes of an actual survey made under my supervision and is true and correct to the best of my knowledge and belief.



IDRC REPORT

Case: **Case No. SUP-2017-0010 Special Use Permit – home business for a nursery/ greenhouse**

Date of Meeting: 05/26/17

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved conditions	Denied
M. Arellano	Building		ADA parking was not required due to the rural nature of the lot.	X		
T. Baer	Planning			X		
D. Erickson	Traffic			X		
C. Moseley	Utilities					
A. Gurule	Env. Serv.			X		
E. Martinez	PW		Mr. Martinez asked if ADA accessibility parking was required for home business.	X		
J. Naranjo	Planning			X		
J. Wetteland	Fire			X		
OTHERS ATTENDING:						
Anita Barela	Planning					
Joan Ahlers	Eco Dev					
Kevin Powers	Atty's		Since the home is the primary use of the lot, ADA parking is not required.			

MOTION: M Arellano moved and J. Wetteland seconded that the case be forwarded to the P&Z Commission.

Motion passed 7-0.

Photos of Property



Figure 1 View from Rio Bravo



Figure 2 View of Entrance

Photos of Property



Figure 3 view of road with vehicles parked along road



Figure 4 view of driveway 238 Rio Bravo

Photos of Property

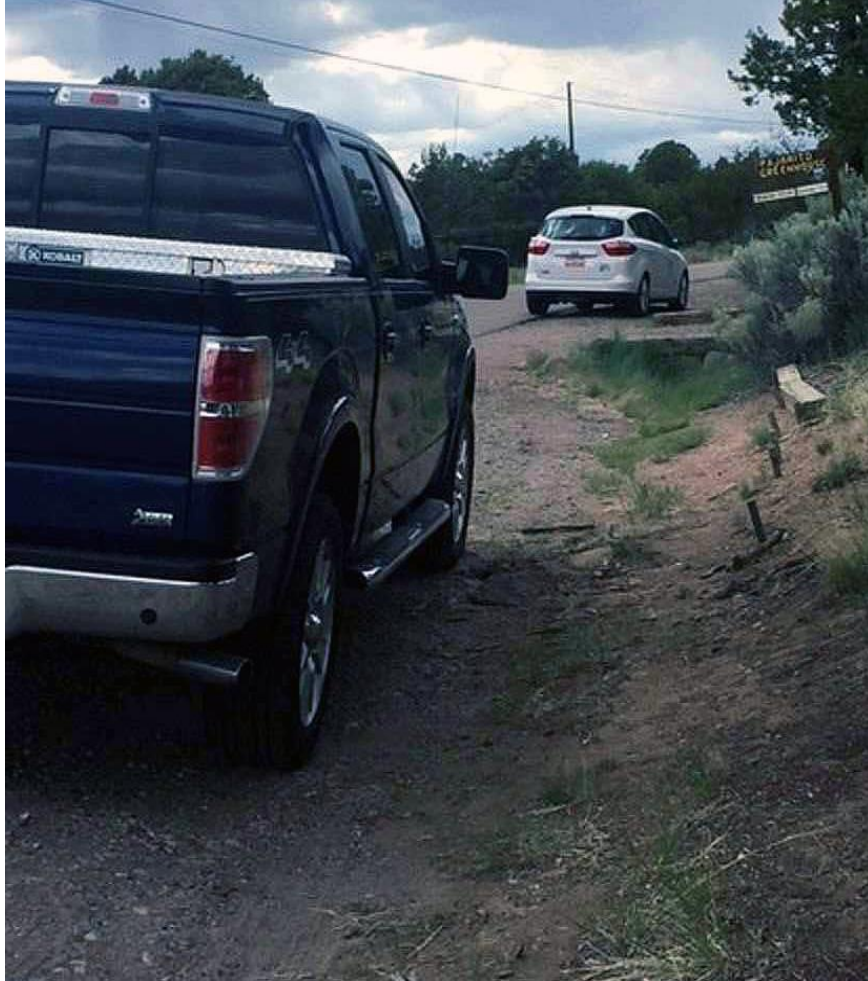


Figure 5 N. View of Sign from the road



County of Los Alamos

Staff Report

June 28, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: 9627-17

Title

Minutes from the Planning And Zoning Commission Meeting(s) on May 24, 2017.

Recommended Action

I move that the Commission approve the Minutes for May 24, 2017.

Attachments

A - Draft Minutes for May 24, 2017.



County of Los Alamos

Minutes

Planning and Zoning Commission

1000 Central Avenue
Los Alamos, NM 87544

Michael Redondo, Chair; Jaret McDonald, Vice-Chair; Melissa Arias; Jessie Dixon; Ashley Mamula; Craig Martin; Larry Warner; and Amy Woods, Members

Wednesday, May 24, 2017

5:30 PM

Council Chambers
1000 Central Avenue

1. CALL TO ORDER/ROLL CALL

Present 8 - Chair Redondo, Commissioner Kunsberg, Commissioner Mamula, Commissioner Warner, Commissioner Arias, Commissioner Martin, Commissioner Dixon and Commissioner Woods

Absent 1 - Commissioner McDonald

2. PUBLIC COMMENT

3. APPROVAL OF AGENDA

A motion was made by Commissioner Woods, seconded by Commissioner Warner, that the agenda be approved as presented. The motion passed unanimously.

4. PUBLIC HEARING(S)

A. Public Hearing - Subdivision 20th Street; Final

Staff Report for Case No. SUB-2017-0003 Subdivision 20th Street, Final

Attachments: [StaffReport SUB-2017-0003.pdf](#)

Joan Ahlers, Los Alamos County Economic Development administrator, gave a short presentation on the minor changes that were on the plat since the public hearing for the preliminary plat. The two changes were two easements shown on the drawings: one easement is for utilities and the other for a trash enclosure for Los Alamos Public Schools.

Commissioner Arias asked about the utility easements and Commissioner Dixon asked about the trash receptacle easement and how it would effect ingress and egress on the property. Ms. Ahlers said it would not cause any change to ingress or egress.

Commissioner Mamula moved to approve Case No. SUB-2017-0003, seconded by Commissioner Warner, a request for approval of a Final Subdivision Plat, consolidating existing Lot 1-B and a portion of Tract NN, and creating a subdivision consisting of six (6) new lots, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following condition(s):

1. All proposed lot lines shall be monumented and marked in accordance with the provisions of Chapter 47 Article 6 NMSA 1978 (The New Mexico Subdivision Act), and illustrated on the Final Subdivision Plat.

Motion passed 8-0

Yes: 8 - Chair Redondo, Commissioner Kunsberg, Commissioner Mamula, Commissioner Warner, Commissioner Arias, Commissioner Martin, Commissioner Dixon and Commissioner Woods

Absent: 1 - Commissioner McDonald

5. PLANNING AND ZONING COMMISSION BUSINESS

A. Minutes

Minutes from the Planning And Zoning Commission Meeting(s) on April 12, 2017.

Attachments: [Minutes 12April 2017-P&Z.pdf](#)

Commissioner Warner made the motion that the Commission approve the Minutes for April 12, 2017. Commisisoner Arias seconded the motion. Motion passed 8-0.

Yes: 8 - Chair Redondo, Commissioner Kunsberg, Commissioner Mamula, Commissioner Warner, Commissioner Arias, Commissioner Martin, Commissioner Dixon and Commissioner Woods

Absent: 1 - Commissioner McDonald

6. COMMISSION/DIRECTOR COMMUNICATIONS

A. Department Report

B. Chair's Report

C. Committee Reports

D. Board of Adjustment Report

E. Commissioner's Comments

7. PUBLIC COMMENT

8. ADJOURNMENT

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department Office at 505-662-8006 if a summary or other type of accessible format is needed.