



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: February 27, 2019

Subject: Case No. REZ-2019-011-: A request to rezone two (2) lots from C-1 (Light commercial and professional business) District, to MU (Mixed-Use) District, located at 3901 and 4015 Arkansas Avenue.

Owner/Applicant: Chris Taylor, T2 Development LLC/Jacqueline Fishman, Principal, Consensus Planning, Inc., Agent

Case Manager: Tamara Baer, Planning Division Manager, Community Development Department

Case No. REZ-2019-011: Chris Taylor, T2 Development LLC, requests approval to rezone two (2) contiguous parcels from C-1 (Light commercial and professional business) to MU (Mixed Use). The property is addressed 3901 and 4015 Arkansas Avenue, also known as Lots K and L of the North Community 1 Subdivision. The two parcels, formerly known as the Black Hole, consist of 4.5± acres and will be developed for 44 four-story residential townhouses.

Motion Option 1:

I move the Planning and Zoning Commission recommend that the Los Alamos County Council **approve** Case No. REZ-2019-0011 to rezone two (2) parcels, located at 3901 and 4015 Arkansas Ave., also known as Lots K and L of the North Community 1 Subdivision, from C-1 (Light commercial and professional business) to MU (Mixed-Use), with the following condition(s):

1) ...

SUMMARY

The Applicant is requesting approval to rezone two (2) contiguous parcels from C-1 (Light commercial and professional business) to MU (Mixed-Use), located at 3901 and 4015 Arkansas Ave., the site of the former "Black Hole" and the former Omega Peace Church. The latter was demolished in 2018 and that property is currently vacant (3901). The Black Hole property (4015) is the former site of Los Alamos resident Ed Grothus' military surplus store, which he opened in 1980 to sell surplus materials from the Los Alamos Nation Laboratory (LANL). Mr. Grothus died in 2009 and the store closed in 2012. The property has not been in active use since that time.

The current C-1 zoning designation of 3901 and 4015 Arkansas Ave does not allow residential uses. Rezoning to MU (Mixed-Use) will allow a wide range of commercial and residential uses, including the proposed residential development.

The Applicant states that, "Subdivision and replatting of the site will occur after approval of the Rezoning and Site Plan requests."

The illustration below shows the two properties and those in the immediate vicinity.



Approval of a Mixed-Use zoning designation for the subject properties will allow for a transition in intensity of uses from the commercial uses to the east and the residential uses on the north side of Arkansas. The Los Alamos Church of Christ is located to the south and sits significantly below the subject properties.

This application for Rezoning is accompanied by two related applications for the same property. A Site Plan, Case No. SIT-2019-0033, shows the proposed development of 44 four-story residential units. A Waiver application, Case No. WVR-2019-0078, requests an increased building height. Approval of the Site Plan and Waiver would be contingent upon final approval of the Rezoning by County Council. With these approvals in place, the Applicant intends to submit a further application for Subdivision of the property into individual, fee-simple lots with common areas, including private streets, to be governed by a Homeowners Association (HOA).

REZONING REVIEW CRITERIA

Sec. 16-155. - Amendment to the official zoning map review criteria.

During the course of the review of any request for an amendment to the official zoning map, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission. The planning and zoning commission shall make findings to reflect the following criteria in making its recommendation of approval, conditional approval or denial to the county council, and the county council shall make findings to reflect the following criteria in its approval, conditional approval or denial:

(1) The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county. A request for amendment to the comprehensive plan shall, if necessary, be submitted, processed, heard and decided upon concurrently with the request for amendment to the official zoning map;

Applicant Response: Applicant Response: The request for rezoning substantially conforms to the Los Alamos County Comprehensive Plan by furthering several goals and policies within the Plan. The request also conforms to the County's Future Land Use Map, which designates this area as future mixed use. Specific goals and policies (in italics) that are advanced by this request include:

Housing Goal 2: Provide a variety of housing types, sizes, and densities.

Housing Goal 3: Promote development of housing stock that would accommodate downsizing households.

The proposed MU zoning will allow for the development of 44 townhouse units at a gross density of 9.75 dwelling units per acre. Each townhouse will be approximately 3,000 square feet and include side and rear yards. These units will introduce a unique housing product to Los Alamos and will be available to a wide range of households, including current residents. The townhouse units, due to the smaller yards and common areas that will be maintained by an HOA, will also be a good option for those who seek to downsize from traditional single-family homes.

Housing – Economic Vitality Policy 1: Promote expanding the housing supply to meet the demand from employment growth and support economic diversification.

Housing – Land Use Policy 2: Promote workforce and market rate housing at a variety of price ranges, for both rental and ownership markets.

Housing – Land Use Policy 5: Develop and adopt new and mixed-use zoning districts.

The proposed MU zoning furthers the housing policies listed above by allowing for the development of a new mixed-use zoning district in Los Alamos that will support market rate housing for future homeowners. This implements the vision of the Future Land Use Map, which designates the subject site as future mixed use. The development of the subject site will also promote the expansion of the local housing supply, which will help meet the existing demand for housing and future employment growth in Los Alamos.

Neighborhoods Goal 2: Promote the creation of a variety of housing options for all segments of the Los Alamos community.

Growth Goal 11: Strive to make housing available to those who work in the County and want to live in the County.

The proposed MU zoning will create a new housing option for current and future residents of Los Alamos on a property that has remained vacant for many years. The 44 townhouse units will help alleviate the high demand for new housing development as Los Alamos County continues to grow.

Growth – Land Use Policy 3: Support infill development over expansion of current developed areas.

Redevelopment Goal 1: Redevelop vacant blighted areas and underutilized properties.

Redevelopment Goal 2: Encourage infill development on underused or blighted sites.

Redevelopment – Land Use Policy 1: Address abandoned or blighted properties.

The proposed MU zoning and proposed townhouse development is an ideal infill development of a currently vacant and underutilized site, due to its proximity to a major roadway (Diamond Drive), proximity to existing utilities, and the size and shape of the property. The site was previously the home of the Piggly Wiggly Grocery Store and later became the “Black Hole.” It is unlikely that the remaining building will be redeveloped in the future as a commercial use under the existing C-1 zone. The proposed MU zoning will support the development of a residential use that will transform this underutilized property into a new housing development that responds to the existing demand for housing in Los Alamos.

Development Goal 1: Keep the focus of development primarily within current development boundaries.

Development Goal 5: Focus increased residential densities on new development in and near downtown.

The proposed MU zoning for the subject site focuses development in an area of Los Alamos that is within current development boundaries. The proposed density of the development – 9.75 dwelling units per acre gross – increases the density in an area that is well positioned to support additional housing development and would create a transition area between commercial uses along Diamond Drive and residential neighborhoods to the north and west of the subject site. As described above, the site is well-served by existing utilities and will bring much needed redevelopment to a currently vacant and underutilized property.

Staff Response: The Applicant has provided a thorough and comprehensive response, with which staff concurs. The Future Land Use Map (FLUM) shows both lots as Mixed Use. The request conforms to the Comprehensive Plan, and is not detrimental to the health, safety and general welfare of the county. This is an infill project providing additional needed housing at the higher density supported by the MU district.

(2) Consideration shall be given to the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire and police to adequately serve the property should a rezoning result in any increase of the intensity of use of the property;

Applicant Response: The Applicant has discussed the proposed development with both the Community Development and Public Works Departments. The proposed development is well-served by existing utilities, including water and sanitary sewer. An existing 8-inch water main underneath Arkansas Avenue will supply water to the site through the development of additional 8-inch water lines. An existing sanitary sewer main on the property will be connected to future sanitary sewer lines. Access to the site is provided from Arkansas Avenue.

Staff Response: Staff concurs that due consideration has been given to off-site public services/utilities and on-site public and private service. The Applicant has coordinated with the Utilities Department to ensure adequate service to the site and surrounding area. It is noted that the developer will construct new 8" waterlines in Arkansas and onsite.

(3) *The establishment, maintenance or operation of uses applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property;*

Applicant Response: This request is not detrimental to the health, safety or general welfare of persons residing or working adjacent to or with proximity to the subject property. The purpose of this zone change is to create a new townhouse development that is nearby existing community facilities and existing infrastructure and is consistent with the Future Land Use Map. The project will ensure productive use of a site that is current vacant and unlikely to be redeveloped under the existing C-1 zoning. Further, the request for MU zoning will further the general welfare of Los Alamos by meeting local demand for new housing.

Staff Response: The changes proposed from the current land uses will not make the use of the subject properties incompatible with any of the neighboring properties. Redevelopment of the site will be reviewed in further detail with the accompanying application for Site Plan approval and through review of final construction drawings at the time of Building Permit review.

(4) *The existing zoning must be shown to be inappropriate for one or more of the following reasons:*

a. *It was established in error;*

Staff Response: Not applicable.

b. *Changed conditions warrant the rezoning;*

Staff Response: Since 2007 and continuing to the present time, the County has identified the need for additional housing. The proposed MU zoning and the accompanying development proposal not only provide for needed housing, but also allow for the possibility of expanded live/work opportunities in this location.

c. *A different zone is more likely to meet goals contained in the comprehensive plan.*

Applicant Response: As described in the response to Criterion 1, the existing C-1 zoning is inappropriate because the proposed MU zoning is more likely to meet the goals of the Comprehensive Plan. Mixed use is identified as the preferred land use for the subject site on the Comprehensive Plan's Future Land Use Map. In addition, the proposed MU zoning supports several goals and policies that are designed to incentivize the construction of additional housing units in Los Alamos that will meet existing housing demand and support future economic development. The proposed MU zoning therefore implements the long-term land use vision identified and described in the Comprehensive Plan.

Staff Response: Staff concurs that the Mixed-Use Zone will provide flexibility for future uses that will address County Council and Comprehensive Plan goals.

(5) The proposed zoning will not result in spot zoning or strip zoning as defined in article I of this chapter unless one or more of the following criteria are met:

a. Granting such zoning accomplishes the policy and intent of the comprehensive plan;

Applicant Response: The proposed MU zoning may be considered a spot zone, as it is the first instance of mixed-use zoning outside of the Downtown Area in Los Alamos. However, as described above, the MU district accomplishes the policies and intent of the Comprehensive Plan and Future Land Use Map, which identifies the site as a future mixed-use area. The proposed MU zoning also serves as an appropriate transition between the El Segundo Shopping Center to the southeast and the residential uses to the north and northeast.

Staff Response: The rezoning to Mixed-Use designation promotes the goals of the Comprehensive Plan including: development of new housing; redevelopment of vacant and underutilized properties; focusing development within current county boundaries; and providing appropriate infill development.

b. Unique characteristics specific to the site exist; or

Staff Response: The unique history of the site has been a significant factor in the difficulty of its re-use or redevelopment. The development opportunity presented by these related applications, and as stated in the applicant's narrative, meet two of the highest priorities of the comprehensive plan – the creation of new housing, and associated economic development.

c. The zoning serves as an appropriate transition between land uses of higher and lower intensity.

Staff Response: Staff concurs with the Applicant (see Applicant response to (5)a. above) that rezoning to a district that supports higher density residential use will create an appropriate transition for this site. El Segundo strip shopping center lies to the east but faces away from the subject property and will not be negatively impacted by the development; the addition of residential units will likely increase commerce at that site. The residences across Arkansas are primarily Quads, all of which front on Alabama and not on Arkansas. The proximity of new market-rate housing units is likely to support property values in the neighborhood. The Church of Christ to the south is approximately 20 feet lower than the area to be developed and should not be negatively impacted by its proximity. A former fire station occupies the County lot immediately to the west. The building on that lot is primarily used by the County for storage, with a small portion leased to the Los Alamos Amateur Radio Club.

(6) If the proposed zoning map amendment is for the designation of a special plan (SP) district where a development plan or a site plan is a requirement for district approval, the map amendment shall also be judged by the special plan (SP) district review criteria stated in section 16-159.

Staff Response:

Not applicable.

STAFF AND INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION

Staff determined that the application for Rezoning meets the criteria as established by County Code. IDRC review of the Rezoning and associated applications took place at a regularly scheduled IDRC meeting on

January 31, 2109. After determining that the applications do not present any negative aspects or impacts that would preclude it from being forwarded to the Planning & Zoning Commission for a public hearing and recommendation to Council, IDRC voted unanimously to forward a recommendation for approval (8 to 0) to the Planning & Zoning Commission.

PUBLIC NOTICE

Notice of the proposed rezoning was properly and sufficiently given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Article V., Sec. 16-192. As of the date of publication of this report, no public comment in any form had been received by the Community Development Department.

FINDINGS OF FACT

1. The public hearing was announced by publication in the Los Alamos Daily Post, the Newspaper of Record for Los Alamos County, on Thursday February 07, 2019, and property owner notices were mailed via first class mail to all owners of real property located within 100 yards of the subject property, per the requirements contained in Article V, §16-192 of the Los Alamos County Development Code.
2. The subject properties. are currently owned by the Grothus Living Trust, which has authorized T2 Development and Consensus Planning to act on their behalf for all entitlement matters, including Rezoning, related to these properties.
3. The subject properties are located at 3901 and 4015 Arkansas Ave., Los Alamos, New Mexico. The properties contain 1.83± acres (3901 Arkansas), and 2.68± acres (4015 Arkansas Ave), for a combined total of approximately 4.5 acres.
4. The properties are designated Mixed-Use in the Comprehensive Plan Future Land Use Map.
5. The properties are currently zoned C-1, Light commercial and professional business district, which is described in Article XIII, §16-533 of the Development Code.
6. The properties will be rezoned to Mixed Use, MU, as described in Article XIII, §16-533 of the Development Code.
7. The Rezoning supports several goals and policies of the 2016 Comprehensive Plan and is in conformance with the land uses illustrated and adopted on the Future Land Use Map.
8. This petition was discussed at the Interdepartmental Review Committee meeting, on Thursday January 31, 2019. At this meeting, the IDRC voted unanimously on a motion to recommend approval to the Planning & Zoning Commission.
9. The Community Development Department has not received any correspondence, either in support of or opposed to this request, as of Thursday, February 21, 2019.
10. The Applicant has provided sufficient evidence to satisfy the requirements in Sec. 16-155 of the Los Alamos County Development Code to warrant approval of the requested rezoning.

EXHIBITS

Exhibit 1 - Site Plan superimposed over aerial view

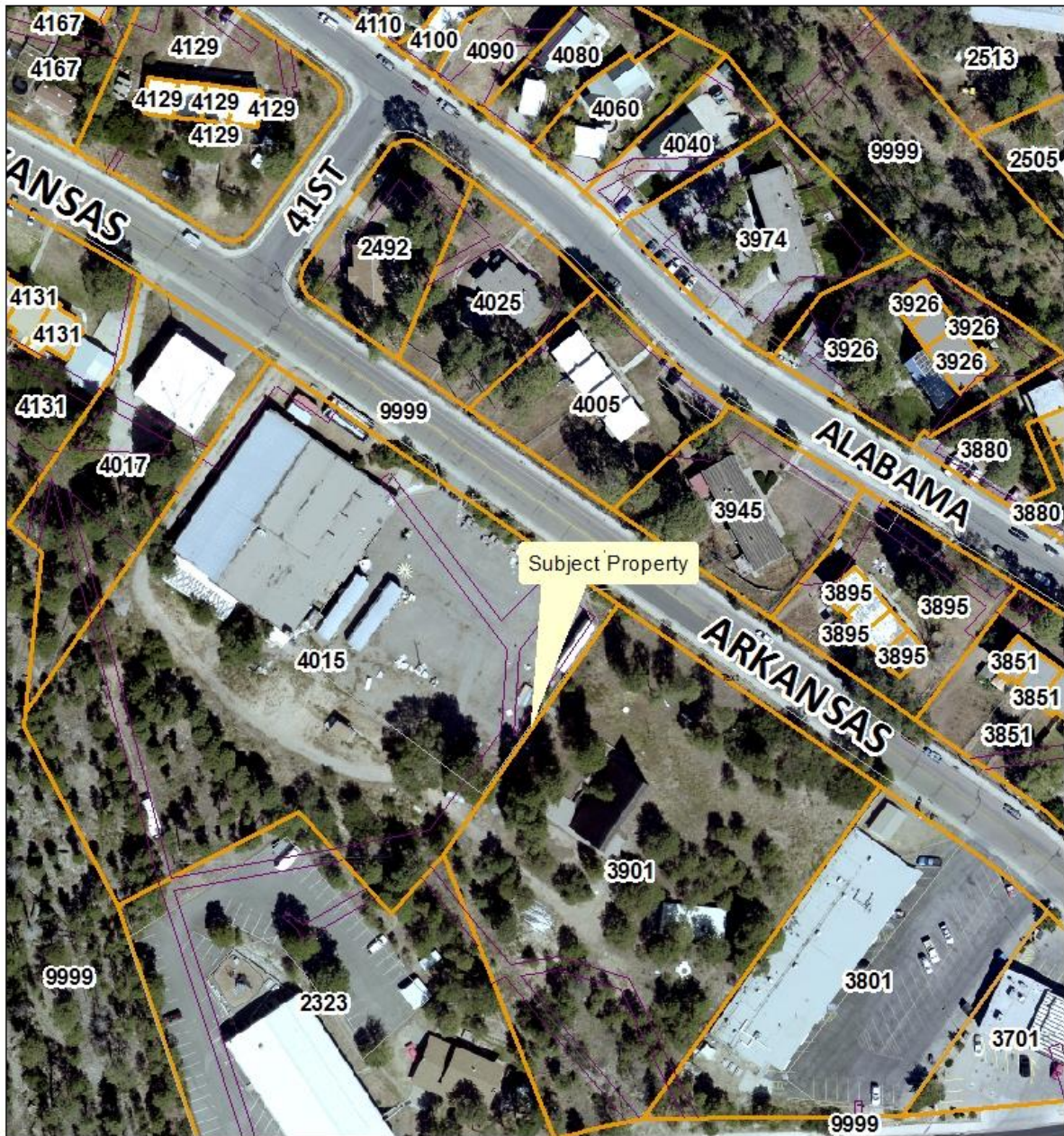
Exhibit 2 - Vicinity Map with Zoning

Exhibit 3 - List of property owners of record within 100 yards of subject property, and map of Notice area

Exhibit 4 - Interdepartmental Review Committee (IDRC) Report

Exhibit 5 - Applicant Materials and Illustrative Site Plan

Vicinity Aerial Photo



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.

0 37.5 75 150 225 300 Feet

List of property owners of record within 100 yards of subject property

ADDRESS	OWNERNAME	OWNERADDRESS	CITY	STATE	ZIP
4134 ALABAMA AVE A	THIRTY301 LLC	129 MONTE REY DR N	LOS ALAMOS	NM	87547
4120 ALABAMA AVE	WILLHELM AUDREY D	4120 ALABAMA AVE	LOS ALAMOS	NM	87544
4110 ALABAMA AVE	MATTESON EMILIA NANDY ASHIS &	4110 ALABAMA AVE	LOS ALAMOS	NM	87544
4100 ALABAMA AVE	SUSHMITA B COURTRIGHT	4100 ALABAMA AVE	LOS ALAMOS	NM	87544
3974 ALABAMA AVE	INVESTMENTS LLC	2197 LOMA LINDA DR	LOS ALAMOS	NM	87544
2492 41ST ST	FROGGET ETHAN C & SARAH J	2492 41ST ST	LOS ALAMOS	NM	87544
4025 ALABAMA AVE	ACOSTA ELIVERIO & EDITH	4025 ALABAMA AVE	LOS ALAMOS	NM	87544
2440 CANYON GLEN	ZHANG NING	2440 CANYON GLEN	LOS ALAMOS	NM	87544
4005 ALABAMA AVE	KOETTER VICKI L & THOMAS D	4788 YUCCA ST UNIT D	LOS ALAMOS	NM	87544
4015 ARKANSAS AVE	GROTHUS LIVING TRUST	PO BOX 795	LOS ALAMOS	NM	87544
3945 ALABAMA AVE	GARNER SCOTT E	4871 YUCCA ST	LOS ALAMOS	NM	87544
3870 ALABAMA AVE	SANCHEZ JUSTIN C & TANYA M NORRIS-	3870 ALABAMA AVE	LOS ALAMOS	NM	87544-
2430 CANYON GLEN	NOENINCKX GREGORY J & KRISTY K	2430 CANYON GLEN	LOS ALAMOS	NM	1637
2420 CANYON GLEN	USOV IGOR & SUYOROVA NATALYA A	2420 CANYON GLEN	LOS ALAMOS	NM	87544
3901 ARKANSAS AVE	GROTHUS LIVING TRUST	PO BOX 795	LOS ALAMOS	NM	87544
2410 CANYON GLEN	SNYDER HANS ROBERT & MICHELE MARSEE	2410 CANYON GLEN	LOS ALAMOS	NM	87544
2400 CANYON GLEN	NORTIER FRANCOIS MEIRING & SANDRA	2400 CANYON GLEN	LOS ALAMOS	NM	87544
3803 ALABAMA AVE	EATON ROB A	1385 42ND ST	LOS ALAMOS	NM	87544
2390 CANYON GLEN	BEAUPARLANT PHILIP & CLAIRE	2390 CANYON GLEN	LOS ALAMOS	NM	87544
2380 CANYON GLEN	WARD ROBERT C & HEATHER M	2380 CANYON GLEN	LOS ALAMOS	NM	87544
3801 ARKANSAS AVE	BEEBE LEONARD G & JACKIE A	1 QUEMAZON PL	LOS ALAMOS	NM	87544

List of property owners of record within 100 yards of subject property

2323 DIAMOND DR	CHURCH OF CHRIST OF L A	2323 DIAMOND DR	LOS ALAMOS	NM	87544
2370 CANYON GLEN	JOHNSON SCOT D & SYLVIA A	2370 CANYON GLEN	LOS ALAMOS	NM	87544
2360 CANYON GLEN	CANFIELD THOMAS R & SUZANNE J	2360 CANYON GLEN	LOS ALAMOS	NM	87544
3701 ARKANSAS AVE	POLK ARKANSAS PROPERTIES LTD C/O WESTERN REFINING	1250 W WASHINGTON ST STE 101	TEMPE	AZ	85281
2350 CANYON GLEN	LI NAN & LIU QI	2350 CANYON GLEN	LOS ALAMOS	NM	87544
2340 CANYON GLEN	WHITACRE THOMAS J & LISA A	2340 CANYON GLEN	LOS ALAMOS	NM	87544
2330 CANYON GLEN	PAPIN SHIRLEY D	2330 CANYON GLEN	LOS ALAMOS	NM	87544
2326 CANYON GLEN	WATERS TIMOTHY R & JIAJIA	2326 CANYON GLEN	LOS ALAMOS	NM	87544
2320 CANYON GLEN	DOEBLING SCOTT W & KAREN L	2320 CANYON GLEN	LOS ALAMOS	NM	8.8E+08
2353 38TH ST	VIGIL ROBERT D & HOLLY J	525 NAVAJO RD	LOS ALAMOS	NM	87544
2270 39TH ST	BEZZERIDES ELIZABETH	2270 39TH ST	LOS ALAMOS	NM	87544
2290 39TH ST A	WESTERVELT ROBERT K C/O MEDIN ZACHARY J & ROJAS ROXANA C	2431 CANYON GLEN RD	LOS ALAMOS	NM	87544
4090 ALABAMA AVE	ARELLANO JOSE A & MARY M REVOC TRUST	175 EL GANCHO	LOS ALAMOS	NM	87544
4040 ALABAMA AVE	HOUFEK GARY W	4040 ALABAMA AVE	LOS ALAMOS	NM	87544
4060 ALABAMA AVE	MCHALE CHARLENE J	4060 ALABAMA AVE	LOS ALAMOS	NM	87544
4080 ALABAMA AVE	KOSSAR MELANIE S	10608 MOONBEAM CT	ALBUQUERQ		87111-
3880 ALABAMA AVE D	TRUST B OF THE GEHRE FAMILY TRUST C/O ZRG INVESTMENTS	NE 1475 CENTRAL AVE STE 150	UE	NM	5035
2175 33RD STREET	LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	NM	87544
2330 39TH ST D	NELSON JAMES M	2330 D 39TH ST	LOS ALAMOS	NM	87544
2330 39TH ST C	FIVE OAKS INVESTMENTS LLC	223 N GUADALUPE ST STE 229	SANTA FE	NM	87501
2330 39TH ST B	DEAL-BEARD MARY A & TIMOTHY V	318 POTRILLO DR	LOS ALAMOS	NM	87547

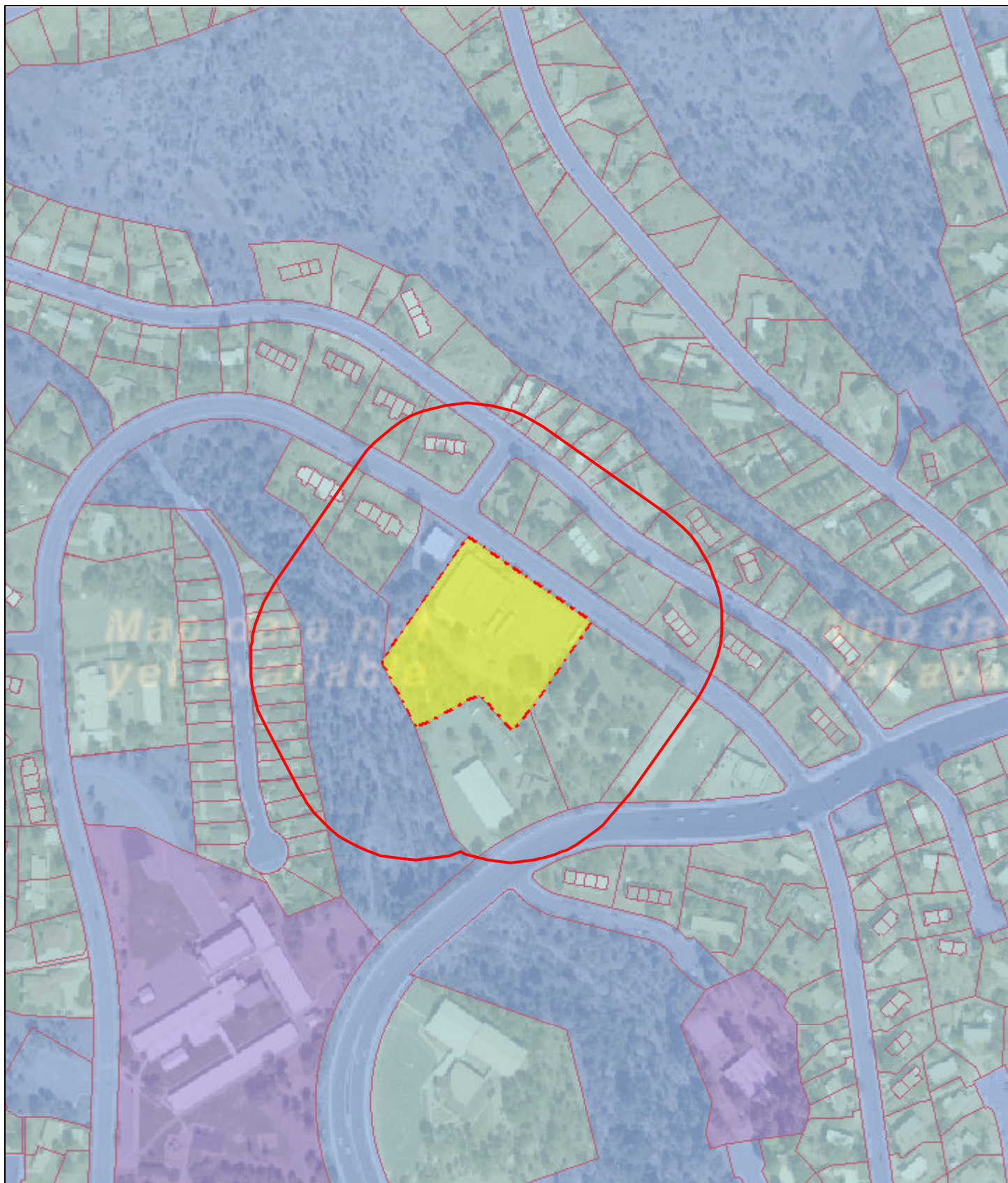
List of property owners of record within 100 yards of subject property

2330 39TH ST A	FIVE OAKS INVESTMENTS LLC	223 N GUADALUPE ST STE 229	SANTA FE	NM	87501
2310 39TH ST	2310 39TH ST CONDOS	2310 39TH ST	LOS ALAMOS	NM	87544
2310 39TH ST A	BURKE BRADY	2310 C 39TH ST	LOS ALAMOS	NM	87544
2310 39TH ST B	KLEBESADEL JAMES E	2310 39TH ST	LOS ALAMOS	NM	87544
2310 39TH ST D	LAVY KELLY L	2310 D 39TH ST	LOS ALAMOS	NM	87544-2425
2310 39TH ST C	BURKE BRADY	2310 C 39TH ST	LOS ALAMOS	NM	87544
4171 ARKANSAS AVE	4171 ARKANSAS AVE CONDOS	4171 ARKANSAS AVE	LOS ALAMOS	NM	87544
4171 ARKANSAS AVE A	VILLAREAL GILBERT & VANESSA	4171 A ARKANSAS AVE	LOS ALAMOS	NM	87544
4167 ALABAMA AVE	4167 ALABAMA AVE CONDOS	4167 ALABAMA AVE	LOS ALAMOS	NM	87544
4131 ARKANSAS AVE	COBEL CONDO	4131 ARKANSAS AVE	LOS ALAMOS	NM	87544
4131 ARKANSAS AVE D	JOHNSON JEFF & SCHILLACI SUSAN	1143 45TH ST	LOS ALAMOS	NM	87544
4131 ARKANSAS AVE C	JOHNSON JEFF & SCHILLACI SUSAN	1143 45TH ST	LOS ALAMOS	NM	87544
4131 ARKANSAS AVE A	CHRISTMAN BRENT & XIA CAO	1725 CAMINO REDONDO	LOS ALAMOS	NM	87544
4131 ARKANSAS AVE B	SLEIK SUSAN E.B.	2405 ESSINGTON RD, Suite B-62	JOLIET	IL	60435
4129 ALABAMA AVE	4129 ALABAMA AVE CONDOS	4129 ALABAMA AVE	LOS ALAMOS	NM	87544
4129 ALABAMA AVE A	HARRISON JOHN S	4129 A ALABAMA AVE	LOS ALAMOS	NM	87544
4129 ALABAMA AVE D	KOETTER AARON B	4129 D ALABAMA AVE	LOS ALAMOS	NM	87544
4129 ALABAMA AVE C	KOETTER AARON B	4129 D ALABAMA AVE	LOS ALAMOS	NM	87544
4129 ALABAMA AVE B	TERRAZAS ARREDONDO JAIME	4129 B ALABAMA AVE	LOS ALAMOS	NM	87544
3926 ALABAMA AVE	BIG BLUE CONDOMINIUM	3926 ALABAMA AVE	LOS ALAMOS	NM	87544
3926 ALABAMA AVE A	ANDERSEN JAY R & BRENDA R REVOC LIVING TRUST	3926 AB ALABAMA AVE	LOS ALAMOS	NM	87544
3895 ALABAMA AVE	3895 ALABAMA AVE CONDOS	3895 ALABAMA AVE	LOS ALAMOS	NM	87544-1695
3895 ALABAMA AVE D	1820 CAMINO RIVERA LOUIS	REDONDO	LOS ALAMOS	NM	87544

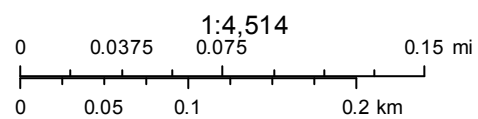
List of property owners of record within 100 yards of subject property

3895 ALABAMA AVE C	J & P BARKER FAMILY TRUST	1929 ALTIVO DR	HENDERSON NV APOLLO	89074
3895 ALABAMA AVE A	SULLIVAN THERESA M	5649 SUNSET FALLS 1820 CAMINO	BEACH FL	33572
3895 ALABAMA AVE B	RIVERA LOUIS 3880 ALABAMA	REDONDO	LOS ALAMOS NM	87544
3880 ALABAMA AVE	CONDOMINIUM	3880 ALABAMA AVE	LOS ALAMOS NM	87544
3880 ALABAMA AVE A	FEDERAL NATIONAL MORTGAGE ASSOC	3900 WISCONSIN AVE NW	WASHINGTON N DC	20016
3880 ALABAMA AVE C	CARR MICHELLE W 3851 ALABAMA AVE	1504 44TH ST	LOS ALAMOS NM	87544
3851 ALABAMA AVE	CONDOS	3851 ALABAMA AVE	LOS ALAMOS NM	87544
3851 ALABAMA AVE A	QUINN ERIN	3851 A ALABAMA AVE	LOS ALAMOS NM	87544
3741 ALABAMA AVE	LOT 250, NORTH COMM NO 1 CONDO ASSN	3741 ALABAMA AVE	LOS ALAMOS NM	87544
3741 ALABAMA AVE D	GINSBERG MELISSA ANN	3741 D ALABAMA AVE	LOS ALAMOS NM	87544
3780 ALABAMA AVE	3780 ALABAMA CONDOS	3780 ALABAMA AVE	LOS ALAMOS NM	87544

4015 Arkansas 300 Foot map



February 1, 2019



Sources: Esri, GEBCO, NOAA, National Geographic, Garmin, HERE, Geonames.org, and other contributors
Los Alamos County
Esri, Garmin, GEBCO, NOAA NGDC, and other contributors

EXHIBIT 3 ATTACHMENT C

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IDRC REPORT

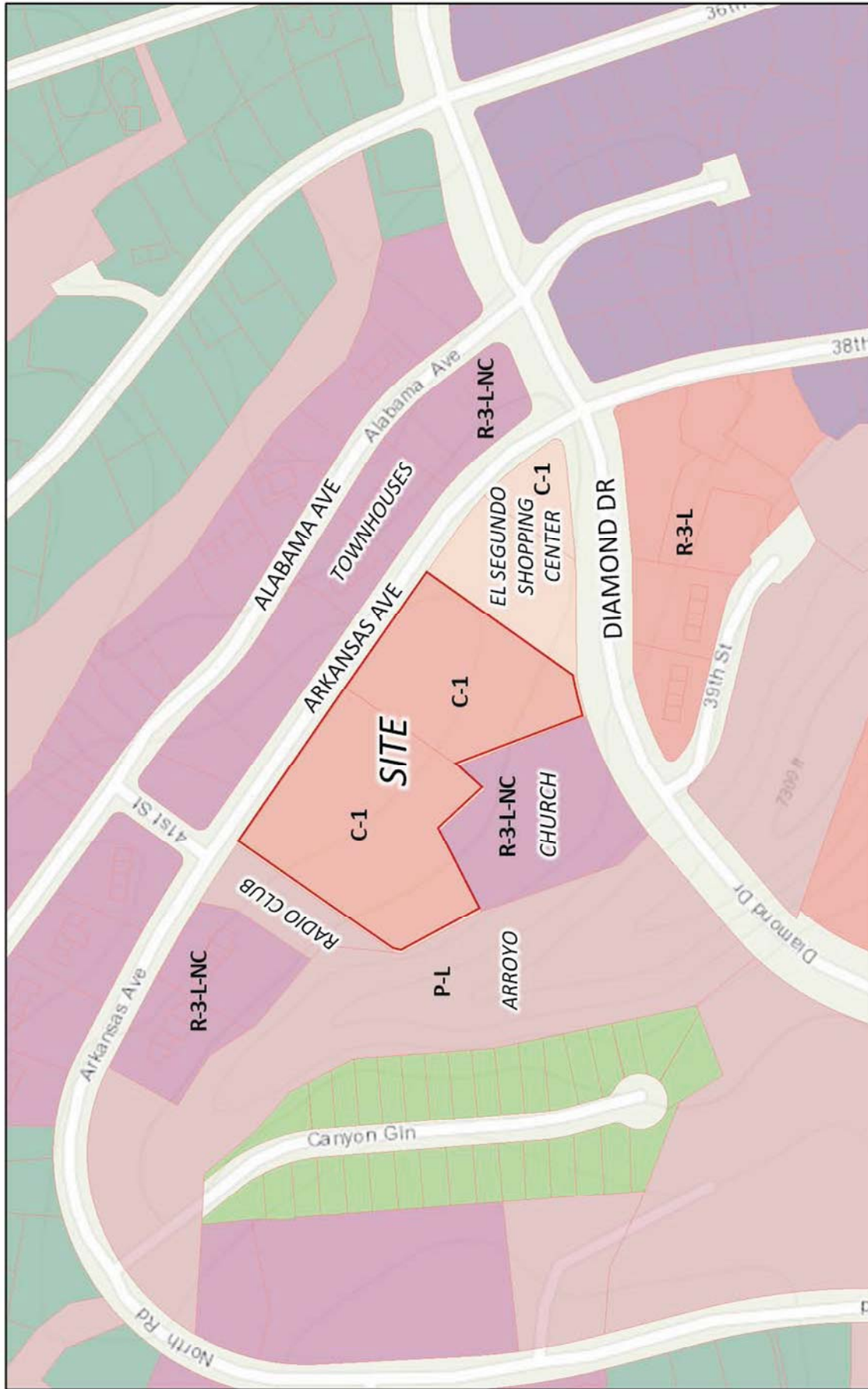
Case: No. REZ-2019-0011 Black Hole Rezone to MU

Date of Meeting: 01-31-19

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved w conditions	Denied
M. Arellano	Building	x		x		
T. Baer	Planning	x		x		
D. Erickson	Traffic	x	No comments	x		
James Alarid	Utilities	x	Outside sewer is undersized, shown in redlines on the plans		x	
A. Gurule	Env. Serv.	x		x		
E. Martinez	PW	x	Needs to provide drainage report and show ADA access at building permit. Also should show manholes.	x		
A. Barela	Planning	x		x		
W. Servey	Fire	x	Fire is good with hydrant as shown	x		
OTHERS ATTENDING:						
Eric Peterson	CSD/OS	x				
Stephen Rinaldi	Fire	x				
Lucas Fresquez	Assessor	x				
Jason Romero	Surveyor	x				
Philo Shelton	PW	x				
Desirae Lujan	PW Eng.	x				

MOTION: D. Erickson moved and M. Arellano seconded that the case be forwarded to the P&Z Commission with a recommendation for Approval. Motion passed 8 to 0.

Arkansas Avenue Townhouses



January 24, 2019

1:3,651
 0 170 340 680 ft
 0 50 100 200 m
 Los Alamos County
 Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,



January 25, 2019

Tamara Baer, PLA, ASLA
Planning Manager
Community Development Department
1000 Central Ave, Suite 150
Los Alamos, NM 87544

Landscape Architecture
Urban Design
Planning Services

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RE: T2 Development, LLC – Arkansas Avenue Townhouses Rezoning, Site Plan, and Waiver Requests

Dear Ms. Baer:

The purpose of this letter is to request approval of a Rezoning, Site Plan, and Waiver on behalf of T2 Development, LLC. The subject site consists of two parcels located at 3901 Arkansas Avenue and 4015 Arkansas Avenue, Los Alamos, NM 87544 (the "Black Hole" property – please see Figure 1, below). The two parcels are legally described as: *Subdivision: North Community 1, Block: L*; and *Subdivision: North Community 1, Block: K*. The site is approximately 4.5 acres in size and is currently zoned C-1. The Applicant proposes to rezone the property to Mixed Use (MU) and develop 44 townhouse units. Subdivision and replatting of the site will occur after approval of the Rezoning and Site Plan requests.

This three-part request is for:

- 1) Approval of a Rezoning Request from C-1 to MU;
- 2) Approval of a Site Plan for 44 townhouse units;
- 3) Approval of a 15-foot height Waiver to the maximum building height for sixteen townhouse units located within 50 feet of adjacent R-3-L-NC zoned properties (per Section 16-578-t1. Downtown and mixed-use district development standards).

Figure 1. Site Location and Vicinity



PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP

**EXHIBIT 5
ATTACHMENT C**

EXISTING CONDITIONS

The subject site is approximately 4.5 acres in size and is made up of two parcels, zoned C-1. The site is the location of the former Piggly Wiggly Grocery Store and is commonly referred to as the "Black Hole," which began operation from 1980. Except for the old grocery store building and a small storage shed, the site is currently vacant. Access to the site is provided by three driveways off Arkansas Avenue.

The site's topography is varied. The northern, front portion of the site, facing Arkansas Avenue, is relatively flat and can support housing development. The east side of the property is elevated approximately 10 feet above both Arkansas Avenue and the property along its eastern edge (see Figure 4 on the next page). This grade change has necessitated the use of a retaining wall along the eastern edge of the property that is shared with the shopping center to the east. The south and west sides of the property are irregularly shaped and have a steep grade change. The western portion of the site is currently undeveloped and will be reclaimed as common open space.

Adjacent Land Uses and Zoning

The subject site is surrounded by existing development on three sides (see Figure 2, below). To the northwest, there is the existing Los Alamos Radio Club building, which is owned by Los Alamos County and zoned P-L. To the north and northeast of the site, across Arkansas Avenue, are existing residential properties, zoned R-3-L-NC. The existing residential properties include three four-plex buildings and two single-family homes. To the southeast is the El Segundo Shopping Center, zoned C-1. To the south is an existing church and townhouse units across Diamond Drive, zoned R-3-L-NC. To the west is an arroyo, zoned P-L.

DIRECTION	LAND USE	ZONING
North/Northeast	Radio Club Building Single-family residences Four-plex residences	P-L R-3-L-NC R-3-L-NC
East/Southeast	Shopping Center	C-1
South	Church/Four-plex residences	R-3-L-NC
West	Arroyo	P-L

Figure 2. Existing Zoning

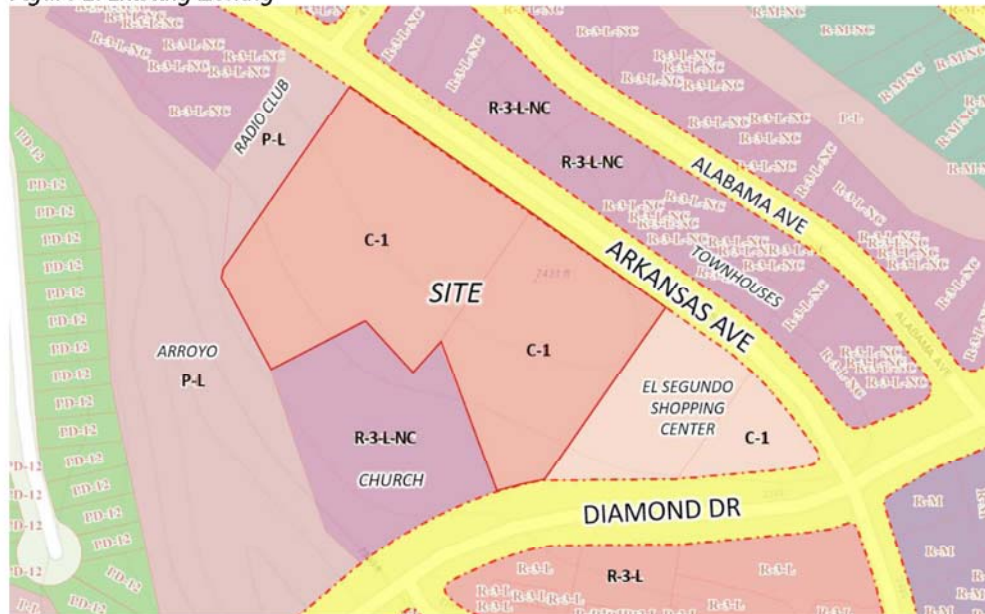


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Figure 3. Adjacent four-plex units across Arkansas Avenue



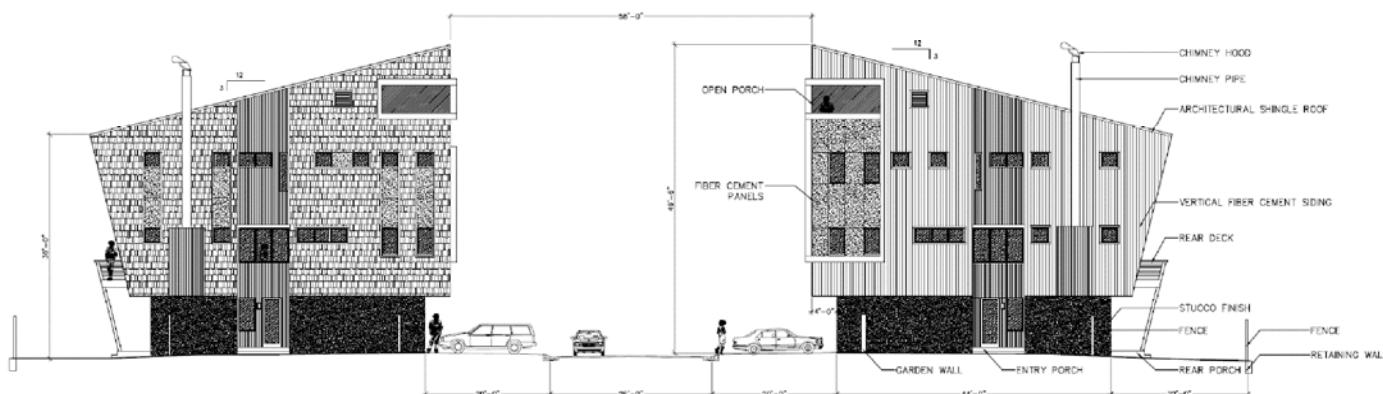
Figure 4. Existing grade change and retaining wall along property line adjacent to El Segundo Shopping Center



PROJECT DESCRIPTION

The Applicant is proposing to redevelop the site as a new townhouse development with 44 units (23 buildings in total). The townhouse buildings consist of two attached units, each with a two-car garage, private driveway, and rear yard (two buildings will only have one unit). The proposed buildings reach a maximum height of 50 feet in the front and have a sloped roof that reduces the height to 36 feet in the rear (see Figure 5).

Figure 5. Section View of Proposed Townhouse Units



As shown on the Site Plan submitted with this application, the project consists of 21 duplex buildings and two single units, which all share the same basic floorplan and layout. The duplex units have a footprint of approximately 1,750 square feet, with a typical lot coverage of 40%. The buildings are designed to face an internal network of private streets, with garages at the front of each building. Front doors are located on the side of each townhouse unit, with an 49-foot long walkway on the side connecting the entrance to the driveway and street. The front yard and driveway setback for each building is 20 feet from the flowline of the curb to the garage door. Side yard setbacks are 5 feet, and rear setbacks are 22 feet.

The townhouse units along Arkansas Avenue will be orientated with the rear and/or side yards facing the street. The rear yard of five of the buildings will face Arkansas Avenue, which is also the shorter (36-foot) side of the building. Two units on either end of the site will have their side yards facing Arkansas Avenue, with a setback of 10 feet. Thirteen of the units closest to Arkansas Avenue are located within 50 feet of the adjacent to R-3-L-NC development across the street. Three units are located within 50 feet of the adjacent R-3-L-NC zoned Church property to the south. Due to the proximity of these units to the residential zones, the Applicant is requesting a Waiver to the maximum height requirements for development in MU zones adjacent to a residential zone (per Section 16-578-t1).

The Applicant proposes to consolidate the existing access points into two locations: one in the approximate center of the development and one at the northwestern end. These two driveways will connect to an internal network of private roads that will allow access to each townhouse unit. The existing public sidewalk along Arkansas Avenue will remain in place and will be enhanced with street trees in the buffer area. The proposed landscaping for the site will cover approximately 8% of the total area, and include street trees along Arkansas Avenue, front yards for each unit, and landscaping for the common on-street parking areas. Common open space areas covering approximately 25% of the site will also be provided.

REZONING CRITERIA & JUSTIFICATION

The Applicant requests a rezoning from C-1 to MU: Mixed Use for the two subject properties. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-155 establishes six (6) criteria for the Planning and Zoning Commission to use when reviewing an application for rezoning approval. Responses to these criteria are detailed below.

- (1) **The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county. A request for amendment to the comprehensive plan shall, if necessary, be submitted, processed, heard and decided upon concurrently with the request for amendment to the official zoning map.**

Applicant Response: The request for rezoning substantially conforms to the Los Alamos County Comprehensive Plan by furthering several goals and policies within the Plan. The request also conforms to the County's Future Land Use Map, which designates this area as future mixed use. Specific goals and policies (in italics) that are advanced by this request include:

Housing Goal 2: Provide a variety of housing types, sizes, and densities.

Housing Goal 3: Promote development of housing stock that would accommodate downsizing households.

Applicant Response: The proposed MU zoning will allow for the development of 44 townhouse units at a gross density of 9.75 dwelling units per acre. Each townhouse will be approximately 3,000 square feet and include side and rear yards. These units will introduce a unique housing product to Los Alamos and will be available to a wide range of households, including current residents. The townhouse units, due to the smaller yards and common areas that will be maintained by an HOA, will also be a good option for those who seek to downsize from traditional single-family homes.

Housing – Economic Vitality Policy 1: Promote expanding the housing supply to meet the demand from employment growth and support economic diversification.

Housing – Land Use Policy 2: Promote workforce and market rate housing at a variety of price ranges, for both rental and ownership markets.

Housing – Land Use Policy 5: Develop and adopt new and mixed-use zoning districts.

Applicant Response: The proposed MU zoning furthers the housing policies listed above by allowing for the development of a new mixed-use zoning district in Los Alamos that will support market rate housing for future homeowners. This implements the vision of the Future Land Use Map, which designates the subject site as future mixed use. The development of the subject site will also promote the expansion of the local housing supply, which will help meet the existing demand for housing and future employment growth in Los Alamos.

Neighborhoods Goal 2: Promote the creation of a variety of housing options for all segments of the Los Alamos community.

Growth Goal 11: Strive to make housing available to those who work in the County and want to live in the County.

Applicant Response: The proposed MU zoning will create a new housing option for current and future residents of Los Alamos on a property that has remained vacant for many years. The 44 townhouse units will help alleviate the high demand for new housing development as Los Alamos County continues to grow.

Growth – Land Use Policy 3: Support infill development over expansion of current developed areas.

Redevelopment Goal 1: Redevelop vacant blighted areas and underutilized properties.

Redevelopment Goal 2: Encourage infill development on underused or blighted sites.

Redevelopment – Land Use Policy 1: Address abandoned or blighted properties.

Applicant Response: The proposed MU zoning and proposed townhouse development is an ideal infill development of a currently vacant and underutilized site, due to its proximity to a major roadway (Diamond Drive), proximity to existing utilities, and the size and shape of the property. The site was previously the home of the Piggly Wiggly Grocery Store and later became the “Black Hole.” It is unlikely that the remaining building will be redeveloped in the future as a commercial use under the existing C-1 zone. The proposed MU zoning will support the development of a residential use that will transform this underutilized property into a new housing development that responds to the existing demand for housing in Los Alamos.

Development Goal 1: Keep the focus of development primarily within current development boundaries.

Development Goal 5: Focus increased residential densities on new development in and near downtown.

Applicant Response: The proposed MU zoning for the subject site focuses development in an area of Los Alamos that is within current development boundaries. The proposed density of the development – 9.75 dwelling units per acre gross – increases the density in an area that is well positioned to support additional housing development and would create a transition area between commercial uses along Diamond Drive and residential neighborhoods to the north and west of the subject site. As described above, the site is well-served by existing utilities and will bring much needed redevelopment to a currently vacant and underutilized property.

- (2) **Consideration shall be given to the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire and police to adequately serve the property should a rezoning result in any increase of the intensity of use of the property.**

Applicant Response: The Applicant has discussed the proposed development with both the Community Development and Public Works Departments. The proposed development is well-served by existing utilities, including water and sanitary sewer. An existing 8-inch water main underneath Arkansas Avenue will supply water to the site through the development of additional 8-inch water lines. An existing sanitary sewer main on the property will be connected to future sanitary sewer lines. Access to the site is provided from Arkansas Avenue.

- (3) **The establishment, maintenance or operation of uses applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property.**

Applicant Response: This request is not detrimental to the health, safety or general welfare of persons residing or working adjacent to or with proximity to the subject property. The purpose of this zone change is to create a new townhouse development that is nearby existing community facilities and existing infrastructure and is consistent with the Future Land Use Map. The project will ensure productive use of a site that is current vacant and unlikely to be redeveloped under the existing C-1 zoning. Further, the request for MU zoning will further the general welfare of Los Alamos by meeting local demand for new housing.

- (4) **The existing zoning must be shown to be inappropriate for one or more of the following reasons:**
- a. **It was established in error;**
 - b. **Changed conditions warrant the rezoning; or**
 - c. **A different zoning is more likely to meet the goals contained in the comprehensive plan.**

Applicant Response: As described in the response to Criterion 1, the existing C-1 zoning is inappropriate because the proposed MU zoning is more likely to meet the goals of the Comprehensive Plan. Mixed use is identified as the preferred land use for the subject site on the Comprehensive Plan's Future Land Use Map. In addition, the proposed MU zoning supports several goals and policies that are designed to incentivize the construction of additional housing units in Los Alamos that will meet existing housing demand and support future economic development. The proposed MU zoning therefore implements the long-term land use vision identified and described in the Comprehensive Plan.

- (5) **The proposed zoning will not result in spot zoning or strip zoning as defined in article I of this chapter unless one or more of the following criteria are met:**
- a. **Granting such zoning accomplishes the policy and intent of the comprehensive plan;**
 - b. **Unique characteristics specific to the site exist; or**
 - c. **The zoning serves as an appropriate transition between land uses of higher and lower intensity.**

Applicant Response: The proposed MU zoning may be considered a spot zone, as it is the first instance of mixed-use zoning outside of the Downtown Area in Los Alamos. However, as described above, the MU district accomplishes the policies and intent of the Comprehensive Plan and Future Land Use Map, which identifies the site as a future mixed-use area. The proposed MU zoning also serves as an appropriate transition between the El Segundo Shopping Center to the southeast and the residential uses to the north and northeast.

- (6) **If the proposed zoning map amendment is for the designation of a special plan (SP) district where a development plan or a site plan is a requirement for district approval, the map amendment shall also be judged by the special plan (SP) district review criteria stated in section 16-159.**



Applicant Response: This zone map amendment is not for a special plan district.

SITE PLAN SUPPLEMENTAL RESPONSES

The following are responses to the site plan criteria outlined in the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-152A.

- (a) The site plan shall substantially conform to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county.**

Applicant Response: This submitted Site Plan conforms to the Comprehensive Plan and is not materially detrimental to the health, safety or general welfare of the County. The proposed Site Plan supports several goals and policies in the Comprehensive Plan that support the development of additional housing to meet the existing demand in Los Alamos. (Please see the response to Criterion 1, in the rezoning justification above for additional information about the project's conformance with the Comprehensive Plan.)

- (b) Ingress, egress, traffic circulation and parking on the site shall be accomplished with safety for motorists, bicyclists and pedestrians. Provisions shall be made for the safe ingress, egress and circulation of vehicles, bicyclists and pedestrians.**

Applicant Response: Access to the site is currently from three driveways along Arkansas Avenue. The Applicant proposes to consolidate these access points into two locations: one in the approximate center of the development, and one at the northwestern end. These new driveway locations will connect to internal private roads that create access to each townhouse unit. The existing public sidewalk along Arkansas Avenue will remain in place and will be enhanced with street trees in the landscape buffer area.

The private roads within the development will utilize roll curbs and will be 28 feet, 4-inches in width between property lines (26 feet of pavement and approximately 2 feet of curb/gutter area). The back of the roll curbs will begin at the edge of each property line. Roadways are designed to support access by emergency vehicles, including fire department ladder trucks. The existing sidewalk network on Arkansas Avenue will remain and create pedestrian access to the site.

Four parking spaces are provided for each unit (a 2-car garage and driveway). Twelve on-street, guest parking spaces will be provided at six locations throughout the development.

- (c) The necessary provisions shall be made for controlling stormwater drainage on-site and off-site as required by the county engineer in accordance with the county's storm drainage construction standards or such other ordinances or storm water management plans as may exist.**

Applicant Response: The Applicant has submitted a conceptual grading and drainage plan that illustrates how stormwater drainage will be managed. Internal roads will channel stormwater runoff along the roll curbs to a series of storm drain inlets that will pipe stormwater to a detention pond constructed at the southwest corner of the property. These plans have been completed in accordance with applicable Los Alamos County engineering and construction standards.

- (d) **The necessary easements shall be provided for both existing and proposed utilities, on-site and off-site. No existing easement shall be terminated without provision of alternate service, and all new services shall be provided.**

Applicant Response: The submitted Site Plan shows existing and proposed utility and drainage easements. Existing easements include a series of utility and drainage easements at the rear (south/southeast) side of the property. A second 10-foot utility easement runs along the front (north side) of the property, and a third set of 10-foot utility easements for natural gas and electricity are located at the southeast corner of the site. A portion of the easement for natural gas at the southeast corner will need to be relocated to accommodate future development. The relocated gas line and easement are shown on the Site Plan. Additional proposed easements for storm drains, water lines, sanitary sewer lines, and private utilities are to be dedicated during a future subdivision process.

- (e) **The site plan shall include a conceptual landscape plan that will enhance the site and immediate vicinity and provide adequate screening and buffering, if appropriate, between properties. The final landscape plan shall conform to the requirements set forth in sections 16-574 and 16-575.**

Applicant Response: The proposed landscaping for the site will cover approximately 8% of the total site area (5% is required per the Landscape Ordinance) and include street trees at the front of each unit, street trees along Arkansas Avenue, and landscaping adjacent to each off-street parking space. In addition, approximately 25% of the site will be set aside as common open space areas and a 2,000 square foot tot lot. Common open space areas and the tot lot will be maintained by a future HOA.

- (f) **Parking lots, outside storage areas, outside mechanical equipment and outdoor lighting shall be designed to serve the intended use of the development while minimizing adverse impacts on adjacent properties or public rights-of-way.**

Applicant Response: The proposed development does not include parking lots, outside storage areas, or mechanical equipment. Off-street parking spaces are provided for the site, but these do not adversely impact any adjacent properties or rights-of-way. Street lights will respect Night Sky provisions.

- (g) **The capacity of those public services and facilities required to serve the proposed development (including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc.) shall conform with, or if improvements are required, shall be made to conform with the requirements of the county's construction standards.**

Applicant Response: The Applicant has discussed the proposed development with both the Community Development and Public Works Departments. The proposed development is well-served by existing utilities, including water and sanitary sewer. An existing 8-inch water main underneath Arkansas Avenue will be connected to through a network of 8-inch water lines. There is an existing sanitary sewer main on the property that will provide a hookup for sanitary sewer lines serving each townhouse. Access to the site is provided from Arkansas Avenue, and internal access to each townhouse unit will be created by a network of private streets maintained by a future HOA.

EXHIBIT 5 ATTACHMENT C

- (h) **Structures, site grading, and all other aspects of the development shall meet all applicable design standards or guidelines, as may be adopted and made a part of this code, and shall preserve, to the extent practical, outstanding topographical features and natural amenities on the site.**

Applicant Response: The proposed development meets all applicable design standards and guidelines and is designed to respect the existing topography and preserve natural features, where feasible. The site's topography is varied, making the northeastern portion of the site facing Arkansas Avenue the primary area that can support development. This portion of the site is relatively flat and will be graded to support the construction of the proposed townhouse units and infrastructure. A new retaining wall will be constructed for portions of the site's frontage along Arkansas Avenue. The rear side (to the south and southwest) of the property is irregularly shaped and has a steep grade change. This area will contain a detention pond to manage stormwater runoff.

- (i) **Provisions shall be made to serve the development with tot lots and/or neighborhood parks in accordance with the adopted comprehensive plan. A fee may be paid as approved by county council to accomplish the purpose of a comprehensive plan in lieu of the development of tot lots or neighborhood parks.**

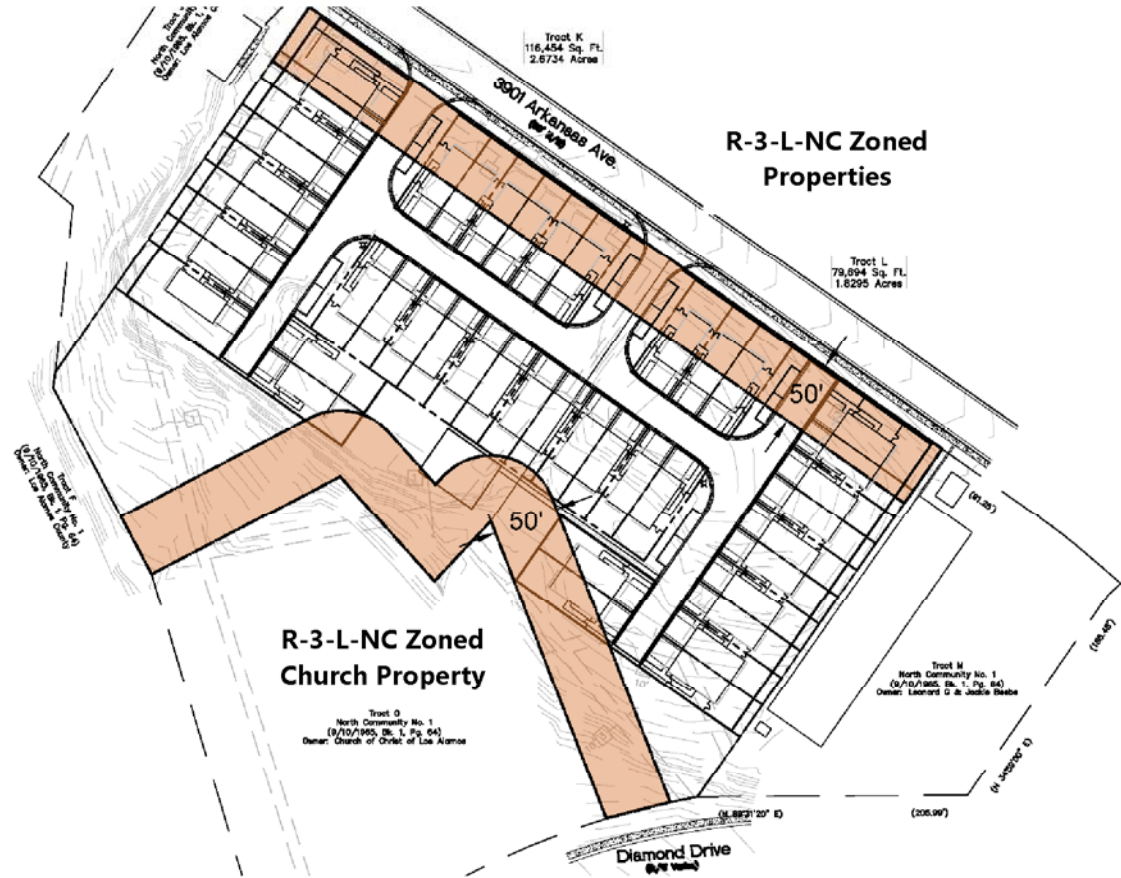
Applicant Response: The Applicant has provided a 2,000 square foot (40' x 50') tot lot as part of the development. The tot lot is located near the south property line, in the approximate middle of the development. It is accessed through a pedestrian pathway along the eastern internal roadway. The tot lot will provide a recreational amenity for children and will be maintained by a future HOA.

WAIVER CRITERIA & JUSTIFICATION

Per *Section 16-578-t1. "Downtown and mixed-use district development standards,"* of the Los Alamos County Code of Ordinances, the maximum height for buildings in the MU zone district within 50 feet of adjacent residentially zoned properties (excluding rights-of-way) is 35 feet. Outside of the 50-foot buffer, the maximum building height is 50 feet. The proposed development includes thirteen townhouse units that are located within 50 feet of adjacent R-3-L-NC zoned properties across Arkansas Avenue and three units that are located within 50 feet of the R-3-L-NC zoned Church property to the south (see Figure 5 on the following page). The proposed buildings have a maximum height of 50 feet in the front and 36 feet in the rear. Due to this requirement, the Applicant requests approval of a 15-foot Waiver to the maximum building height for the sixteen townhouse buildings located within 50 feet of adjacent residentially zoned properties (see Figure 5, on the next page, showing the portion of the site that is affected).

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-157 establishes four (4) criteria upon which the Board of Adjustment shall base its decision to approve, approve with conditions and limitations, or deny the waiver request. Responses to these criteria are detailed on the next two pages.

Figure 5: Waiver Exhibit – Buffers areas within 50 feet of residentially zoned properties shown in red.



- (a) Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement; and

Applicant Response: The proposed Waiver does not impact or intrude onto any existing easements or utility lines.

- (b) The waiver request is caused by a practical difficulty or hardship inherent in the lot or lot improvements and the difficulty or hardship has not been self-imposed; and

Applicant Response: The subject site's irregular shape and topography create a practical hardship to developing the property without the approval of this Waiver request. This is due primarily to the steep grade changes on the site that make a large portion of the site (approximately 25%) along the south and southwest property lines undevelopable. Slopes in this area result in a grade change of approximately 25 feet and will necessitate the use of future retaining walls in this area. Further, the south and southwestern boundaries of the site are irregularly shaped, which constrains development. These physical constraints are not self-imposed and the proposed lot layout and orientation of the townhouse units are designed to work around these physical site constraints.

- (c) **Granting of the waiver will not create a health or safety hazard or violate building code requirements; and**

Applicant Response: The Waiver request does not create a health or safety hazard or violate any code requirements. The requested Waiver only applies to those portions of the site that are within 50 feet of the R-3-L-NC properties across Arkansas Avenue and the Church property to the south. The requested 15-foot Waiver to the maximum height will allow for the development of townhouse buildings that slope from 50 feet in the front to 36 feet in the rear. The Waiver request does not undermine any safety standards in the County Code of Ordinances, as 50-foot buildings are allowed in the MU zone for areas outside this buffer area.

- (d) **Granting of the waiver will not create any significant negative physical impacts on property within 100 yards of the subject property such as reduced sight lines, loss of privacy, decreased security, increased noise, objectionable odors, intrusion of artificial light, the casting of unwanted shadows, or similar negative impacts.**

Applicant Response: The requested Waiver will not create any significant negative impacts on properties within 100 feet of the subject site.

For the townhouse units located along Arkansas Avenue, each building will be separated from the property lines of adjacent residential zoned property by Arkansas Avenue's 60-foot right-of-way and by 10 to 22-foot setbacks between the roadway and each townhouse. These buffer areas create a total separation distance of between 70 and 82 feet from the property lines of adjacent residential properties. This separation distance ensures that the proposed townhouses will not cast unwanted shadows on any adjacent development or result in a decrease in privacy for existing residences. A shadow study was conducted by Los Alamos County to ensure shadows cast by buildings in this area would not affect adjacent properties.

In addition, due to the orientation and design of the townhouse units along Arkansas Avenue, the shorter side of each building (36 feet), will face Arkansas Avenue, while the taller portions (up to 50 feet tall), will face the internal road network. This proposed orientation also ensures that any potential negative impacts, including the casting of unwanted shadows, a loss of privacy, and increased noise, will be mitigated.

For the three townhouse units located within 50 feet of the R-3-L-NC zoned Church property to the south, each building is oriented with the shorter side the building (36 feet) closest to the property line. This building orientation reduces the apparent height of these units as viewed from the Church property. Further, the three units are also located north of the Church at a higher elevation, meaning any shadows cast by these units will not fall on the Church property, but will be cast to the north. Finally, the areas adjacent to the Church property have steep grades and will be revegetated with native tree species that will create a natural buffer area on this side of the property. Together, these design measures ensure that the townhouse units will not create any potential negative impacts including the casting of unwanted shadows, a loss of privacy, or increased noise.



PLANNING

CONSENSUS

CONCLUSION

Based upon the facts presented, we respectfully request that you review and approve this request for Rezoning, Site Plan, and Waiver approval. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacqueline Fishman".

Jacqueline Fishman, AICP
Principal

