



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: September 25, 2019
Subject: Case No. ZCA-2019-0006
Owners/Applicants: Harry Burgess, County Manager, Los Alamos County
Case Manager: Paul Andrus, Community Development Director
Ryan Foster, Principal Planner

Case No. ZCA-2019-0006:

A request for approval of a text amendment to the Los Alamos County Code of Ordinances, Chapter 16 – The Development Code, Sec. 16-287 Use Index Table, Sec. 16-9 Definitions and Rules, and amending other provisions of the code to be consistent therewith [Exhibit B].

Motion Option 1:

I move the Planning and Zoning Commission to recommend that the Los Alamos County Council **approve** Case No. ZCA-2019-0006, a text amendment to the Los Alamos County Code of Ordinances, Chapter 16 – The Development Code, Sec. 16-287 Use Index Table, Sec. 16-9 Definitions and Rules, and amending other provisions of the code to be consistent therewith.

1. ...

Motion Option 2:

I move the Planning and Zoning Commission to recommend that the Los Alamos County Council **deny** Case No. ZCA-2019-0006, a text amendment to the Los Alamos County Code of Ordinances, Chapter 16 – The Development Code, Sec. 16-287 Use Index Table, Sec. 16-9 Definitions and Rules, and amending other provisions of the code to be consistent therewith.

1. ...

SUMMARY

Community Development Staff are initiating the proposed code changes to the Use Index Table and Definitions. The added changes to the table are necessary due to the changing community needs and values over time due to market conditions, as well as the needs of those who wish to do business in Los Alamos. Some uses were unanticipated when the table was created in the 1960's, but today are found to be consistent with the Comprehensive Plan, and these changes accommodate current market demands.

EXHIBIT B

The proposed text changes to Chapter 16 were brought about by an inquiry to add a tap room to the Ski Lodge at Pajarito Mountain. Staff's research determined that there are existing uses at the Pajarito Mountain that are not referenced in the Chapter 16 Use Index Table under its zone district, W-2, that are in operation and approved by site plan, but currently non-conforming per the Development Code. These include a ski rental business and a restaurant. Staff determined that in order to allow relevant uses in the W-2, and to fix the nonconformities at Pajarito, it was necessary to amend the text of the table to include consideration of a Special Use Permit (SUP) for "Restaurants" and "Restaurants, with alcoholic beverages". Staff is proposing to add consideration of Special Use Permit, indicated as "S" in the Use Index Table for the uses described above. This would address the changing community needs, market demands, and evolution of the W-2 District. These text amendments ultimately fall under approval of the County Council. Once granted, for the case of the Pajarito Ski Area, the owners would be allowed to apply for a Special Use Permit for a tap room, requiring a Planning and Zoning Commission hearing process. For this, and all other cases, the necessary allowance via SUP will afford staff and the Planning and Zoning Commission the ability to review on a case by case basis to address any noise, health, and safety concerns of neighbors.

Additionally, the Use Index Table in Sec 16-287 does not include the use of "gift and souvenir shops", "recreation equipment retail and rental use" anywhere within the County. This ordinance will amend Chapter 16, Articles I and VII, of the County Code of Ordinances, to add these new uses as accessory uses in existing businesses in the W-2 and P-O (Professional Office) zones and it will permit those types of businesses in all Downtown and Mixed-Use zoning districts

This code change also proposes to expand the Lounges and Bars use to include Tap or Tasting Rooms, adding this usage as a SUP to the W-2 zones so that they will also be reviewed on a case by case basis.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION

An Interdepartmental Review Committee meeting was held on August 29, 2019. The IDRC unanimously moved to forward Case No. ZCA-2019-0006 to the Planning and Zoning Commission for consideration and recommendation to County Council. All staff responses to the text amendment review criteria are from the Planning Division of the Community Development Department.

Planning Division, Community Development	Ryan Foster, Principal Planner	✓
Building Division, Community Development	Michael Arellano, Chief Building Official	✓
Engineering Division, Public Works	Eric Martinez, County Engineer	✓
Traffic and Streets Division, Public Works	Juan Rael, Traffic & Streets Manager	✓
Environmental Services, Public Works	Angelica Gurulé, Environmental Svc Mgr.	✓
Fire Department	Stephen Rinaldi, LAFD	✓
Risk Management, County Manager-HR	Eric Edmonds, Safety Coordinator	✓
PROS, Community Services	Daniel Erickson, PROS Manager	✓

EXHIBIT B

PUBLIC 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 (a), and included: publication in the Los Alamos Daily Post (published 9/5/19), the County's official newspaper of record; and posting at the Los Alamos County Municipal Building.

CRITERIA FOR APPROVAL

Section 16-158 of the Los Alamos County Development Code states that during the course of review of any request for amendment to the text of this chapter, including uses and addition, deletion or change in the Use Index, 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 recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:

- (1) *The request substantially conforms to the comprehensive plan and shall not be detrimental to the health, safety and general welfare of the county.***

County Response:

The proposed text amendments are brought in direct response to the Comprehensive Plan, and are intended to support and promote the health, safety and general welfare of the county. The Council has established the following goals to promote economic vitality:

- Market and brand Los Alamos as a scenic destination featuring recreation, science and history.

In addition, The Council has established the following goals to promote financial sustainability:

- Encourage the retention of existing businesses and assist in their opportunities for growth.
- Significantly improve the quantity and quality of retail business.
- Attract new tourism-related business.

- (2) *A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.***

County Response:

This Criterion does not apply as the application is a request for amendment of Chapter 16. The proposed amendment is consistent with the Comprehensive Plan, and therefore, does not require a Comprehensive Plan amendment.

- (3) *The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.***

County Response:

The proposed change will result in land use consistent with the purpose of the district and compatible with a use allowed in the district. Zoning should accommodate changes over time. The changes will maintain the character of the current uses in the changed zones and is consistent with the needs, goals, and interests of the public.

EXHIBIT B

- (4) *The proposed change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code.***

County Response:

Allowing the new uses of gift and souvenir shops and recreation equipment retail and rental as an accessory use will be allowed in the W-2 and additionally in P-O zones and will be permitted in all Downtown and Mixed-Use zoned areas.

Restaurants and restaurants with alcohol will be permitted by special use permit in the W-2 Districts. The Lounges or bars use was expanded to include tap or tasting rooms and added in the Use Index Table for W-2 with a special use permit.

Sec. 16-9 Definitions and Rules will be amended to be consistent with the new and expanded uses identified in the Use Index Table.

These changes satisfy the intent and requirement of this criterion.

STAFF RECOMMENDATION

Staff has applied the applicable review criteria and recommends approval of the text amendment to the Los Alamos County Code of Ordinances, Chapter 16 – The Development Code [Exhibit B].

FINDINGS OF FACT

- The code amendments comply with all criteria for text amendments as stated in the Los Alamos County Code of Ordinances, Chapter 16, Land Development, Section 16-158, Amendment to text.
- 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 (a), and included: publication in the Los Alamos Daily Post (published 9/5/19), the County's official newspaper of record; and posting at the Los Alamos County Municipal Building.
- Incorporated County of Los Alamos Code Ordinance no. 02-297 is an ordinance amending Chapter 16, Articles II and VII, of the County Code of Ordinances to add new uses- Gift and souvenir shops and recreation equipment retail and rental as an Accessory use in the W-2 and P-O zones and permitted in all Down Town and M-U zoned areas; and restaurants and restaurants with alcohol as being permitted by Special Use Permit in the W-2 zoned areas; and lounges or bars use was expanded to include Tap or Tasting Rooms and a new zone was added of W-2 with a Special Use Permit

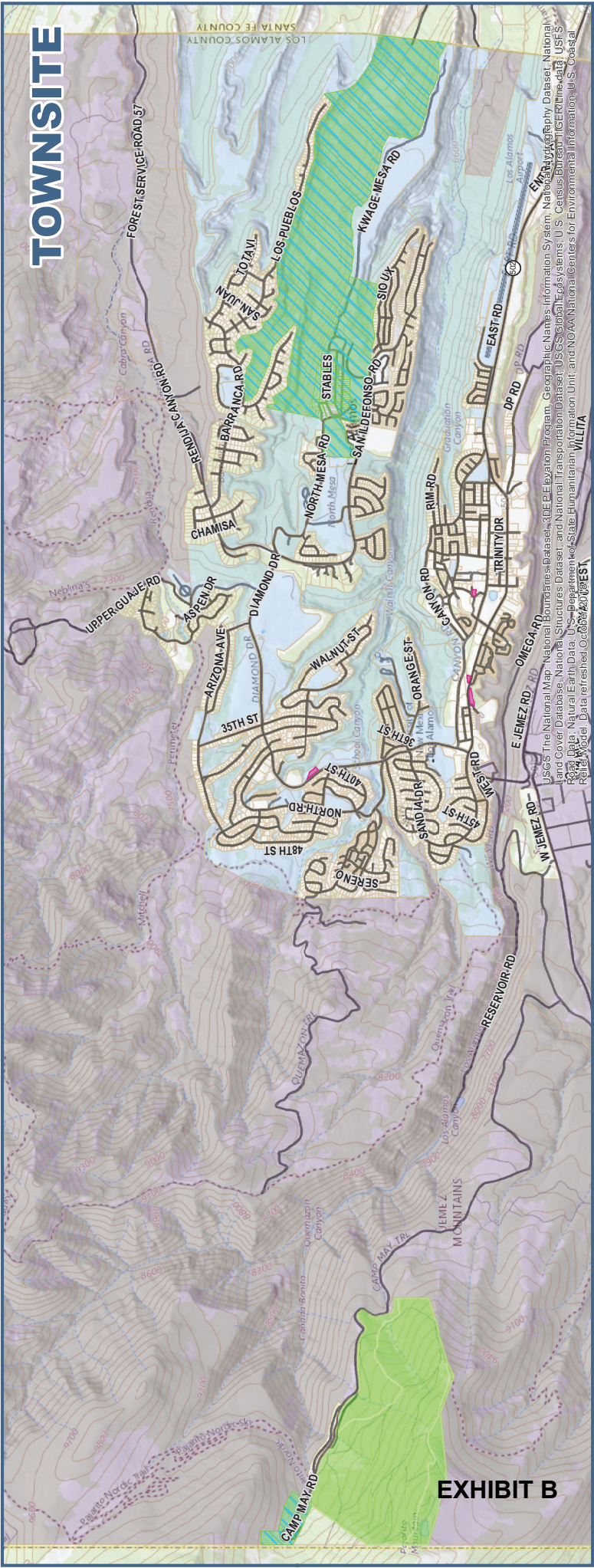
EXHIBITS

Exhibit A: Vicinity Map and Application

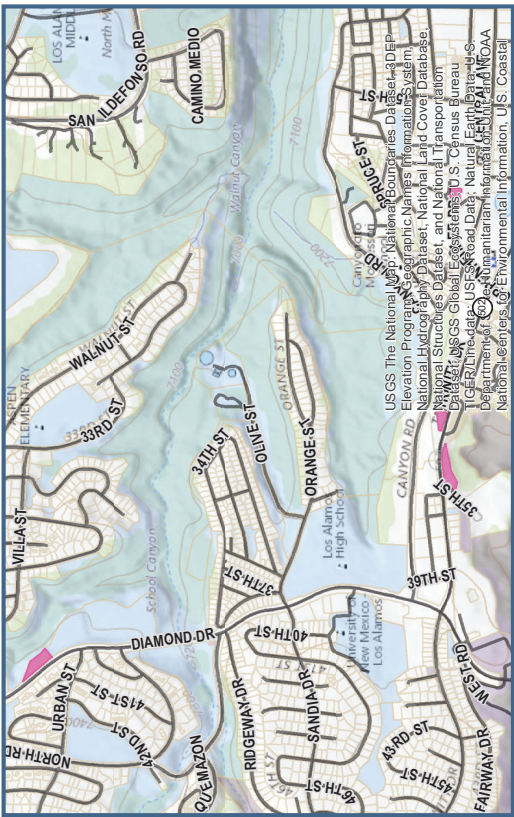
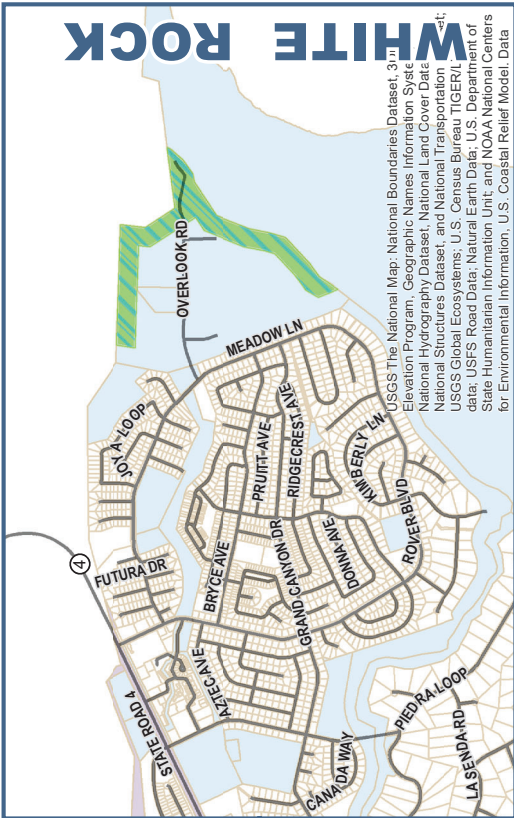
Exhibit B: Ordinance

EXHIBIT B

TOWNSITE



WHITE ROCK



USGS The National Map: National Boundaries Dataset, 3m
Elevation Program, Geographic Names Information System
National Hydrography Dataset, National Land Cover Data
National Structures Dataset, and National Transportation
USGS Global Ecosystems: U.S. Census Bureau TIGER/Line
data: USFS Road Data, Natural Earth Data, U.S. Department of
State Humanitarian Information Unit, and NOAA National Centers
for Environmental Information, U.S. Coastal Relief Model, Data

USGS The National Map: National Boundaries Dataset, 3m
Elevation Program, Geographic Names Information System
National Hydrography Dataset, National Land Cover Data
National Structures Dataset, and National Transportation
USGS Global Ecosystems: U.S. Census Bureau TIGER/Line
data: USFS Road Data, Natural Earth Data, U.S. Department of
State Humanitarian Information Unit, and NOAA National Centers
for Environmental Information, U.S. Coastal Relief Model, Data

TEXT AMENDMENT APPLICATION

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

Note: The Planning & Zoning Commission considers Applications for Text Amendments at a public hearing and recommends approval or denial to the County Council. Council has final authority to approve or deny.

Describe the purpose of the proposed amendment:

The added changes to the table are necessary due to the changing community needs and values over time due to market conditions. Some uses were unanticipated when the table was created in the 60s. Current community residents should not be rigidly bound by preferences of the past and these changes accommodate current market preferences.

1. Two new uses were created along with a definition- *Gift and Souvenir Shops and Recreation; equipment retail and rental*. The gift shops will be accessory uses in the W-2 and P-O zones and permitted in all the DT and M-U zones.
2. Currently, the Use Index does not allow *Restaurants and restaurants with alcohol* in W-2 zones. This application requests that it be added to W-2 so recreation facilities in those zones may have a restaurant. Requests for a restaurant in that zone will requires a SUP so that they will be analyzed on a case by case basis to address any noise, health, and safety concerns of neighbors.
3. The *lounges or bars* use was expanded to include *Tap or Tasting room as being permitted by Special Use Permit in one new zone, W-2*.
4. The definitions for Gift and Souvenir shops, Recreation facility, Tap Room, and Tasting room were added.

Provide the existing (if applicable) and proposed text. (Use strikeouts for any text to be removed and underline any new language proposed.) Use this space or attach additional sheet(s):
Please see attached changes

See attached sheets for changes

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

☒ Check here if Applicant is County Staff. Indicate Department and Title:

COMMUNITY DEVELOPMENT
Department

DIRECTOR
Title

Name: Paul Andrus Phone: 505-662-8197 Cell #: _____
Please Print

Address: 1000 Central Ave. Suite 150 Email: paul.andrus@lacnm.us

SIGNATURE

DATE 08/16/2019

EXHIBIT B

TEXT AMENDMENT REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-158:

During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, the planning and zoning commission shall utilize the following criteria in making its recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:

Please provide your response to each of the following criteria. (Attach additional sheets if needed.)

- (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;*

The proposed amendment will promote the following Comprehensive Plan Policy Plan goals and objectives.

3.2.1 - DEVELOPMENT GOALS

- 2 Improve the quantity and quality of retail business.

3.2.2 - REDEVELOPMENT GOALS

1. Provide flexibility for uses in redevelopment areas

DEVELOPMENT – ECONOMIC VITALITY POLICIES

5. Attract new tourism-related business

- (2) *A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.*

The proposed amendment is not in conflict with the Comprehensive Plan and therefore does not require a Comprehensive Plan amendment.

- (3) *The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.*

Zoning should accommodate changes over time. The proposed changes are not inconsistent with current land use. The changes will maintain the character of the current uses in the changed zones and is consistent with the needs, goals, and interests of the public.

The changes are new uses in districts that are consistent and similar to the other uses in the district.

- (4) *The proposed change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code.*

The proposed code changes will clarify existing language for applicability. The use called *Gift shop, souvenir shop* was created as an accessory in the W-2 and P-O and all DT and M-U zones.

The restaurant, restaurants with alcohol and lounges, bars, tasting and tap rooms as a use was added to the W-2 zone so that any recreation facility may include food and drink for their customers.

Rental and sales of recreational equipment is added as a category in the W-2 and P-O and all DT and M-U zones.

EXHIBIT B