Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

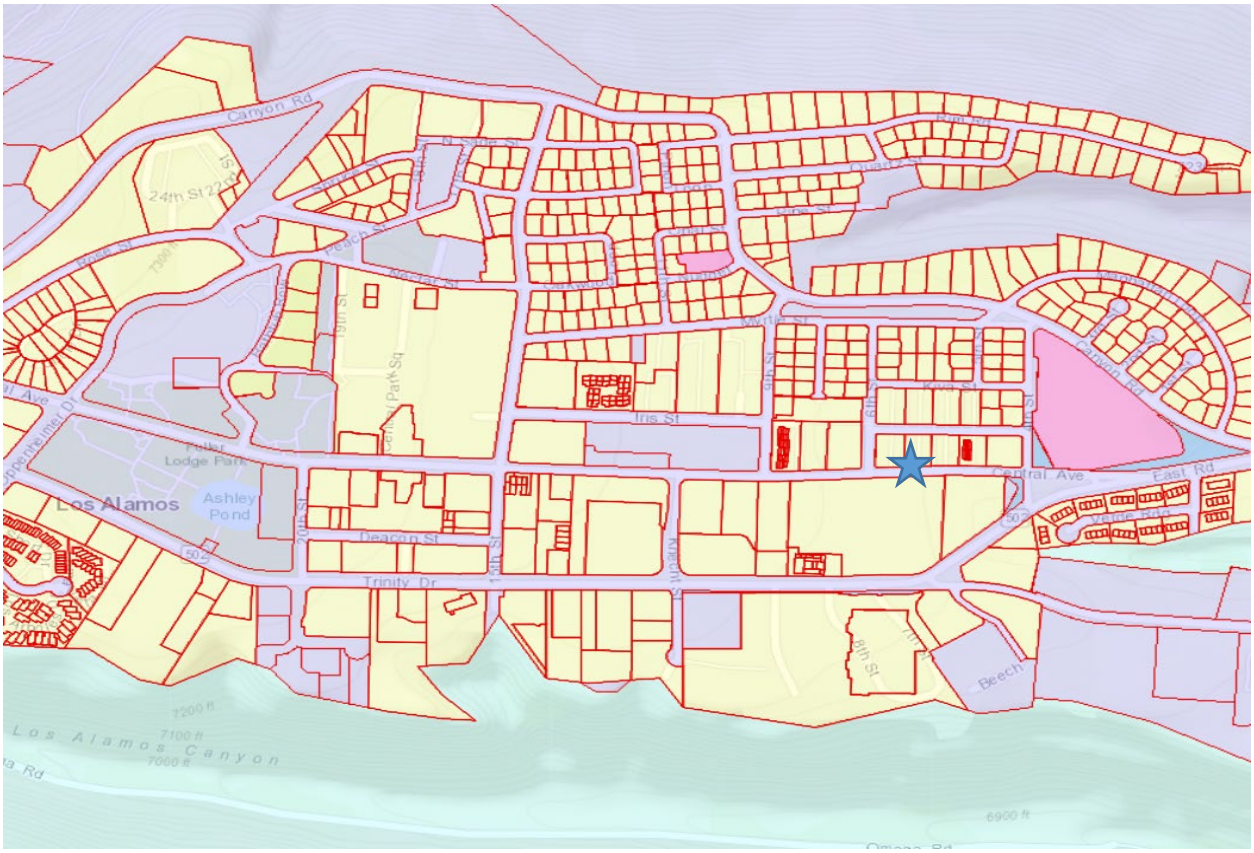
Public Hearing Date: September 28, 2022

Subject: Case No. SUP-2022-0025

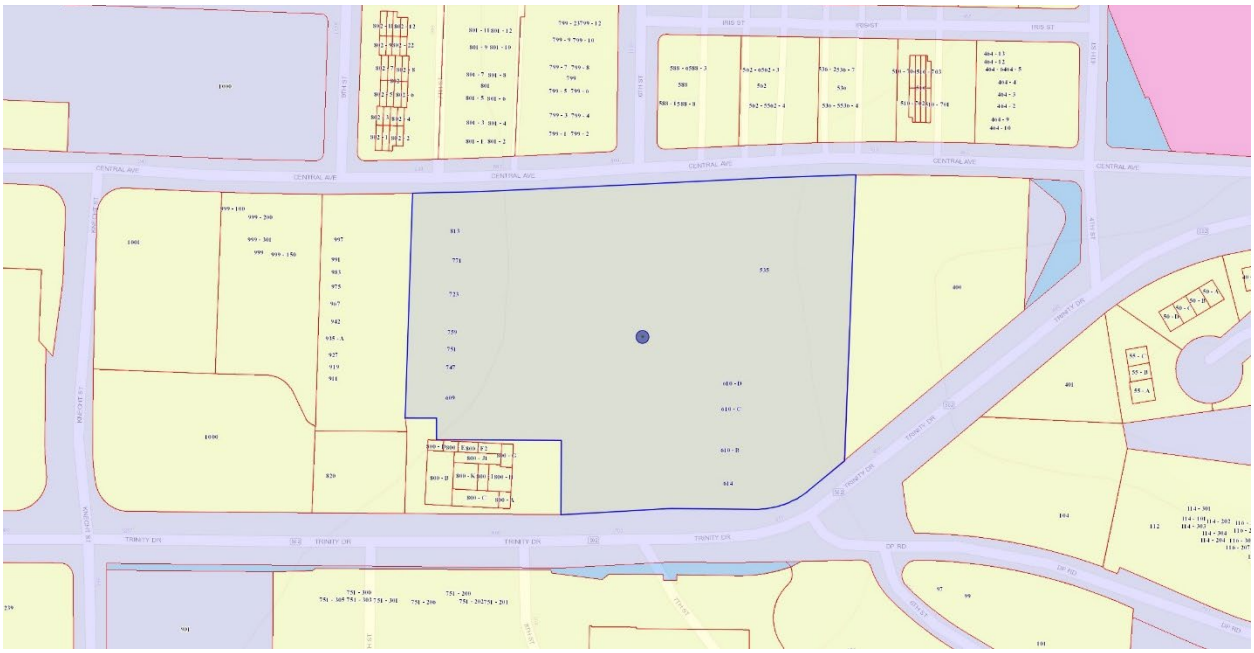
Owners/Applicants: Greg Gonzales, dba Columbus Capital

Case Manager: Sobia Sayeda, Planning Manager

CASE NO. SUP-2022-0025 Greg Gonzales, dba Columbus Capital, is requesting Special Use Permit approval for a Self-Service Storage Facility utilizing 58,000 Sq. Ft. space within an existing building located at 535 Central Avenue, Los Alamos, NM. The property, MMV 001, is within the Downtown-Neighborhood Center Overlay District (DT-NCO). The Special Use Permit is requested for a period not to exceed five years from approval date of this application. Location and vicinity maps are attached below in **Exhibit A** and **B** respectively.



LOCATION MAP - EXHIBIT A



VICINITY MAP - EXHIBIT B

BACKGROUND: The lot, located within Los Alamos, contains 288,237 ft^2 (6.6 acres) and currently consists of 98,263 ft^2 existing structures within Downtown-Neighborhood Center Overlay District (DT-NCO). The property is surrounded by some office use and several retail businesses and is adjacent to multifamily apartment structures on the North of Central Avenue. The subject building has been vacant for several years and currently has several other vacant retail spaces within the property.

SPECIAL USE PERMIT DESCRIPTION:
The applicant requests review and approval of a Special Use Permit for a Self-Service Storage Facility utilizing 58,000 Sq. Ft. space within an existing building on the property located at 535 Central Avenue. The request is consistent with existing zoning which allows a Self-Service Storage Facility with a Special Use Permit approved by the Planning & Zoning Commission as described within the Development Code, Sec. 16-289 – Use Index Table and Sec. 16-9 – Definitions and Rules, as:

"Self-service storage facility means any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such spaces for the purpose of storing and removing personal property".

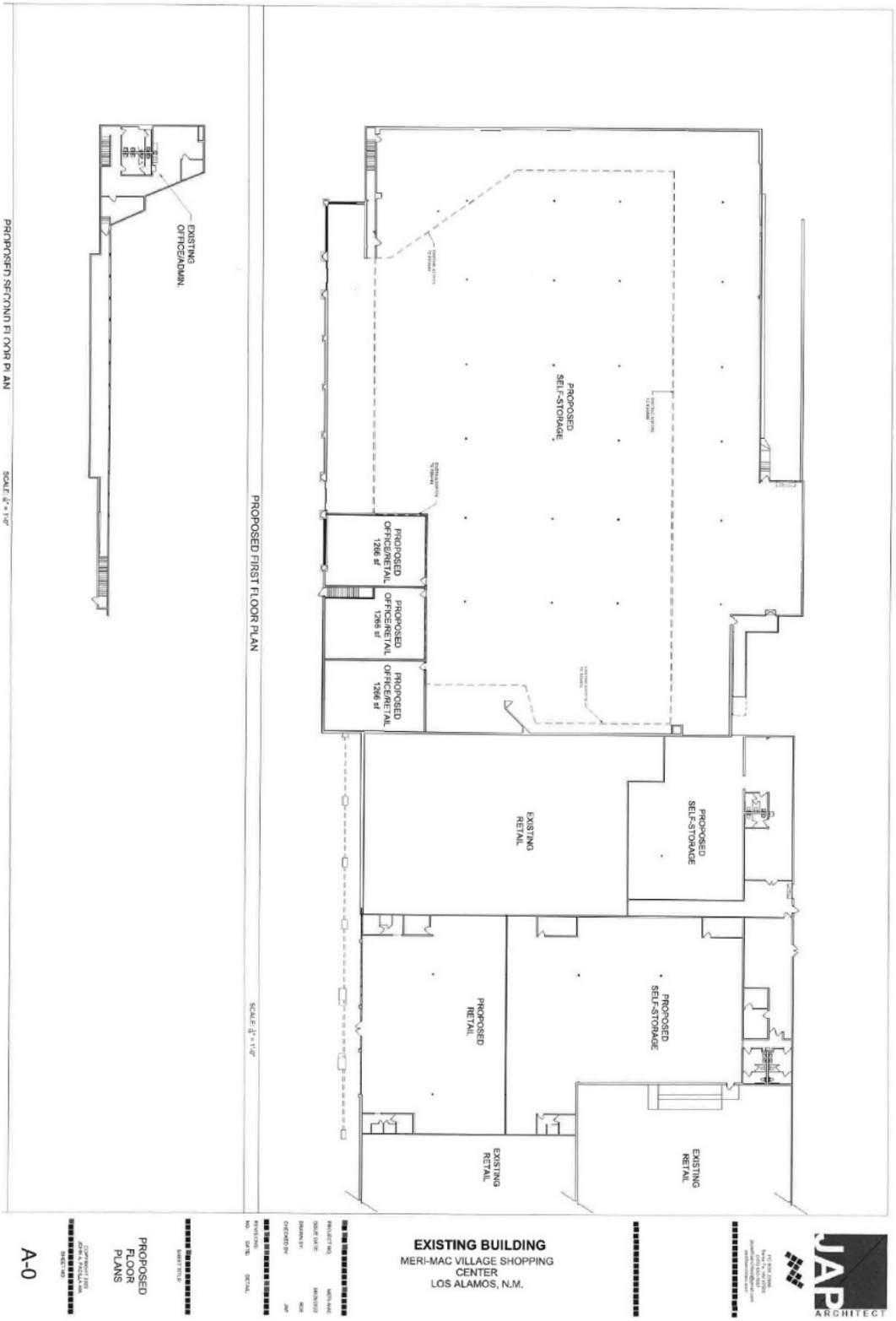
The application indicates that if granted the subject Special Use Permit would be allowed for a period not to exceed five years from approval date of this application. Per Chapter 12 – Businesses, a business license is required to operate a Self-Service Storage facility withing Los Alamos County. Business licenses are issued by Community Development Department and Planning Division conducts a review of these applications; all licenses are renewed annually thereafter. If this application is approved and a Special Use Permit is granted to operate a Self-Service Storage Facility at 535 Central Avenue, the applicant would have to submit a new application for a Special Use Permit prior to the expiration of this five-year permit period. If the applicant does not receive a new Special Use Permit by the expiration date of this Special Use Permit, then the applicant cannot legally maintain a Self-Service Storage Facility use and such use must cease.

Existing street view of subject site is presented in **Exhibit C & D** below.

PROPERTY VIEW LOOKING SOUTH FROM CENTRAL AVE – EXHIBIT C

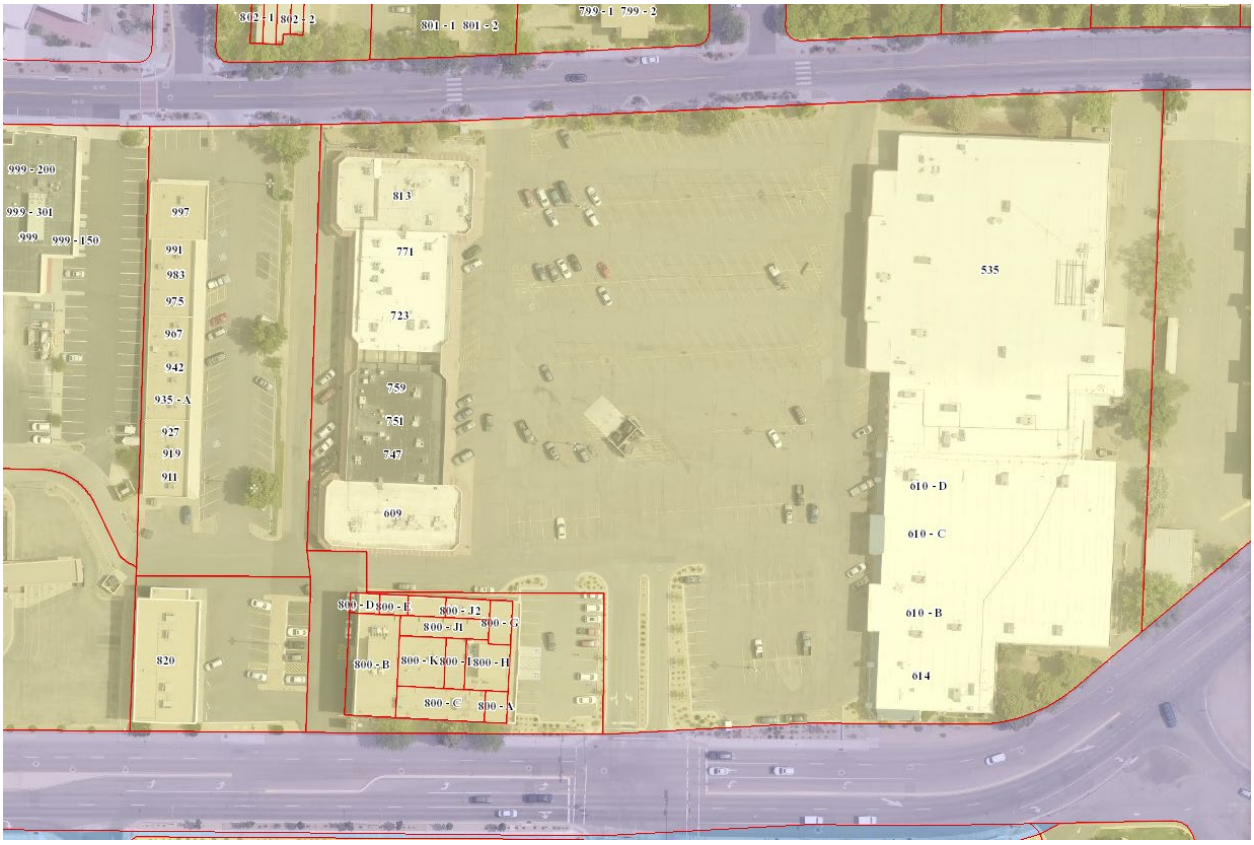
PROPERTY VIEW LOOKING SOUTH FROM CENTRAL AVE – EXHIBIT D

No new construction is proposed at this time and the proposed use is to be contained within the existing structure on the subject property. The proposed floor plan, a site plan indicating future Proposed Phase 0, AND existing site conditions are presented in **Exhibit E, F & G** respectively. The future phase is submitted for informational purposes at this point.



PROPOSED FLOOR PLAN – EXHIBIT E

FUTURE PROPOSED PHASE 01 – EXHIBIT F



EXISTING PARKING AND LANDSCAPING – EXHIBIT G

IDRC REVIEW: The Interdepartmental Review Committee (IDRC) independently reviewed the subject application for compliance with Special Use Permit Review Criteria 1 – 5 per Sec. 16-156 on September 1, 2022. Public Works Department and Department of Public Utilities noted no concerns upon review of proposed plans. The Fire Marshall's office and Chief Building Officer noted that all Fire Code requirements shall be met prior to issuance of a building permit and business license for this facility. It was noted by the IDRC board that appropriate language regarding five-year term limit shall be included as a condition of approval of this SUP.

PUBLIC NOTICE: Notice of this virtual public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, §16-192 (a), which includes:

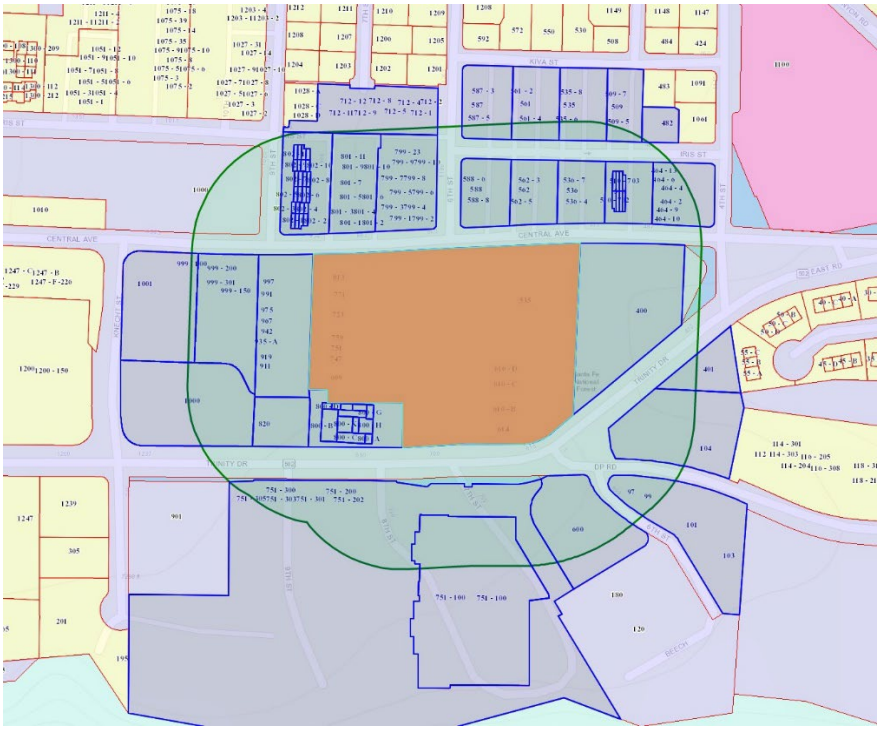
1. Notice of the request and meeting information published within the Los Alamos Daily Post on September 8, 2022, the County's official newspaper of record.

2. U.S. mail sent on September 8, 2022, to owners of real property within 100 yards (300') of the subject property, with Live Stream access and contact information to obtain a participation link. This format complies with the New Mexico Department of Health's public emergency order governing mass gathering due to the COVID-19 pandemic.

3. Notice of the request and meeting information posted at the Los Alamos County Municipal Building.

4. Notice of the request was posted on site at 535 Central Ave. fifteen days before the meeting.

As of September 22, 2022, staff has received and responded to one inquiry from an adjacent property owner within 100 yards.



Public Notification Map, EXHIBIT E

SECTION 16-156 – SPECIAL USE PERMIT REVIEW CRITERIA:

(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:

The proposed Special Use Permit (SUP) is to provide large-unit self-storage in the existing vacant building of 58,000 square feet for a period of five (5) years. The Code allows "self-storage" in this district under SUP. The SUP will allow for the adaptive re-use of the long-vacant grocery store and the long vacant department store building now creating a blight on the downtown area, as part a complete revitalization of the this and the immediately adjoining properties into badly needed housing, retail businesses, and service businesses. There is currently a need in Los Alamos for existing businesses and the Los Alamos National Laboratory (the "Lab") for large-unit self-storage. The elf-storage allows for the adaptive re-use of the building while the first phase of the redevelopment of this and he adjoining properties is undertaken.
The Proposed Special use permit will also include the addition of approximately 3,798 square feet of commercial space in the front of the self- storage units which will meet a current need in the community and upgrade the appearance of the front facade of the building.

The proposal conforms to the comprehensive plan:

The comprehensive plan provides that, "ECONOMIC VITALITY AND FINANCIAL SUSTAINABILITY ARE STRATEGIC
FOCUS AREAS IDENTIFIED BY THE COUNTY COUNCIL TO BE OF PARAMOUNT IMPORTANCE IN DETERMINING THE NATURE AND QUALITY OF THE FUTURE OF LOS ALAMOS." (See Comp. Plan Section 2.5). The comprehensive plan more specifically states: "The Council has established the following goals to promote financial sustainability:
Revitalize and eliminate blight in the downtown areas of Los Alamos and White Rock." (See Comp. Plan, p. 34) Further, the plan acknowledges that, despite the efforts at economic development and revitalization, "few investors and developers have completed a purchase or investment in Los Alamos." (See Comp. Plan, p. 36). The proposed temporary self-storage, as part of the overall redevelopment of the properties, conforms to these aspirations of the comprehensive plan.

The provision of the self-storage will assist the National Lab, as well as other businesses in Los Alamos, in meeting he need to temporarily store personal property while their work is undertaken.

The comprehensive plan expressly supports the importance of the Lab to Los Alamos and its long-term success

a. The Plan observes — first and foremost — that Los Alamos is known for its world-changing science and technology.
b. The Plan "recognizes and celebrates the role that history has played in the establishment of the community's strength in science, technology and intellectual capital". (See Comprehensive Plan, Executive Summary, p. vii).

c. One of the "core themes" of the Comprehensive Plan is the redevelopment of the downtown through "redeveloping vacant and blighted areas".
d. The Plan's Vision Statement expressly provides that the Plan "[t]he community will eliminate blight"
e. One of the key goals of the Plan is to provide for economic development The Council has established as one of its primary goals to promote economic vitality by "[collaborating] with Los Alamos National Laboratory as the area's #1 employer".

As described below, the Special Use Permit (the "SUP") proposed is in keeping and aligns completely with these aspects of the Comprehensive Plan

1. The SUP will directly support the Lab to help accomplish its need to renovate, upgrade and remodel its current facilities by allowing it to temporarily store furniture and equipment (on a revolving basis) as it the renovations, upgrades and remodeling occurs. The facility will also be available for storage use by any other party. The SUP aligns and supports Los Alamos' core purpose — to continue to be recognized for its "world-changing science and technology" and at the same time provides for large-unit self storage that cannot currently be found in Los Alamos.
2. The SUP will allow for the temporary repurposing of the Kroger building in the core downtown in accordance with one of the Plan's central themes the redevelopment of the downtown through "redeveloping vacant and blighted areas". The SUP will result in the temporary occupancy of a vacant building and the improvement of its exterior appearance, while the surrounding area of the block is replanned and redeveloped. The SUP is specifically conditioned upon the Lab being the tenant/user of the building for a very limited period of five years. If the Lab determines not to use the facility, the facility will be available to support the needs of other businesses in the community in need of large unit self-storage. The SUP will ultimately allow for the Kroger block to be redeveloped and eliminate the growing blight that is now occurring.
3. The SUP will provide the County the perfect opportunity achieves one of its key goals: Economic development by collaborating with the Laboratory "as the area's #1 employer" and providing a facility to other businesses in the community this not currently available.

General Health and Welfare. The SUP "will not, under the circumstances of the particular case, be detrimental to he 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 the property or to the value of property in the vicinity, or to the general welfare of the county". By allowing for the occupancy and improvement in the appearance of the currently vacant building, the SUP will improve the general welfare of the community by halting and eliminating a blighted pot in the downtown and promoting and supporting the Laboratory as the main employer in Los Alamos. The occupancy and improvement of the building, and its eventual redevelopment, will have a positive effect on property values generally in the downtown area.

Staff Response:
Staff agrees with this response because economic vitality through the promotion of a diverse economic base and encouragement of providing a variety of commercial business options is a strategic focus identified within the Comprehensive Plan. The proposed use of a Self-Service Storage Facility would be occupying an existing vacant building that has not been in use for several years at this point and would not be detrimental or injurious to property or to the value of property in the vicinity.

(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:

The proposed use under the SUP will require minimal parking. Access will be on the east side of the existing building and will be screened from Central Avenue. The new Commercial suites will use existing parking on site has landscaping along Central Avenue will be upgraded to enhance the existing bus stop. 64 spaces within the existing parking lot will be reserved for the use under the special use permit plus the existing businesses currently located within the center.

Staff Response:

Staff agrees with this response because the applicant is proposing to occupy an existing building and will be utilizing existing adequately designed surface parking within the property. The applicant is proposing to work with Public Works Department to improve the existing bus shelter and associated landscaping area located along Central Ave. Proposed use of existing parking spaces within the existing development is in conformance with Los Alamos County Development Code.

(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:

The proposed use under the SUP will make use of existing Ingress / Egress access on the northeast side of the building to Central Avenue. New Commercial Suites will be accessed from existing access points located on Central and the stop lights located on Trinity.

Staff Response:

Staff agrees with this response because existing ingress and egress for the property provides adequate vehicular and pedestrian access from Central Avenue and Trinity Drive. The County Engineer and Fire Marshal reviewed this request during IDRC meeting and had no comments or concerns regarding proposed use and existing conditions. Ample ingress/egress including traffic circulation is provided and conforms to all safety provisions for motorists, bicyclists, and pedestrians. Existing parking layout was designed for a commercial development and is in conformance with Los Alamos County Development Code.

(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:

The existing building for the consideration of the SUP currently conforms with setbacks, allowed withing the DTNCO zoning district. The heights and bulk of the existing building is compatible with the current zoning.

Staff Response:

Staff agrees with this response because the request for this Special Use Permit is to utilize existing building and it does not have an impact on existing conditions. Existing property layout was designed for a commercial development and is in conformance with Los Alamos County Development Code.

(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 Existing building that will contain the proposed use borders Central Avenue on the north and the landscaping will be upgraded to be compatible with adjoining area.

The existing building that will contain the proposed use is bordered on the east by an existing building that is currently in blighted condition. Appropriate fencing will be installed to ensure safety and security.

The existing building that will contain the proposed use is bordered on the west with an existing parking lot.
Existing parking lot that wilt serve this use will be repaired and restriped to meet ADA compliance

The existing building that will contain the proposed use does not contain an exterior southern border as it is in line with another existing building

Staff Response:

Staff agrees with this response because proposed use would not have any impact on existing site development. Upgrades to landscaping are proposed along the existing bus stop along Central Avenue. Existing and proposed conditions are in conformance with Los Alamos County Development Code.

CONDITIONS OF APPROVAL

1. The Special Use Permit is granted for a period not to exceed five years from the date of approval of this application.

2. Applicant shall obtain a business license prior to operating business at the subject address.

3. The applicant shall submit a new application for a Special Use Permit prior to renewal of their business license at the completion of five-year term of this approval.

4. Applicant acknowledges and agrees that the special use runs with the land, is limited to a term of five years, and cannot be maintained beyond this five-year term without a new special use permit.

5. Applicant acknowledges and agrees that Applicant does not rely on the Planning and Zoning Commission or County to approve future special use permits for Self-Service Storage Facilities that would allow Applicant to continue such use beyond the terms of this Special Use Permit.

6. Applicant agrees to sign the Planning and Zoning Commission's Order approving the Special Use Permit application.

DRAFT FINDINGS OF FACT

1. The application #SUP-2022-0025 is for a Special Use Permit for a Self-Service Storage Facility utilizing 58,000 Sq. Ft. space within an existing building located at 535 Central Avenue, Los Alamos, NM. The property, MMV 001, is within the Downtown-Neighborhood Center Overlay District (DT-NCO).

2. The Special Use Permit is requested for a period not to exceed five years from approval date of this application.

3. The proposed use to operate a Self-Service Storage Facility is in conformance with the Use Index table provided within §16-289.

4. The request to operate a Self-Service Storage Facility at 535 Central Avenue substantially conforms to the Comprehensive Plan through the promotion of a diverse economic base and encouragement of variety of business options. The proposed use is in conformance with Los Alamos County Development Code.

5. The proposed use within the existing building adheres to the requirements of the Department of Public Utilities since there is no new construction proposed and existing site development is in conformance with Los Alamos County Development Code.

6. The proposed use of existing parking spaces within the existing development is in conformance with Los Alamos County Development Code.

7. Existing site development provides adequate vehicular and pedestrian access from Central Avenue and Trinity Drive. Ample ingress/egress including traffic circulation is provided and conforms to all safety provisions for motorists, bicyclists, and pedestrians and is in conformance with Los Alamos County Development Code.

8. Proposed upgrades to landscaping along the existing bus stop along Central Avenue and existing site development conditions are in conformance with Los Alamos County Development Code.

9. 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 by U.S. mail, notice of meeting was posted on the subject lot, all in accordance with the requirements of §16-192 of the Los Alamos County Development Code and as the format complies with the New Mexico Department of Health's public emergency order governing mass gathering due to the COVID-19 pandemic.

10. The public hearing was held in-person on September 28, 2022, with an option to join virtually due to concerns regarding the COVID-19 pandemic.

11. The proposed application, SUP-2022-0025, including attachments, were presented to the Planning & Zoning Commission for review and approval or denial on September 28, 2022.

DRAFT CONCLUSIONS OF LAW

After full hearing and consideration, the Planning and Zoning Commission finds that the application has met each applicable Subdivision review criteria contained in §16-153 of the Los Alamos County Development Code and is acting under the authority granted it by §16-452(c)(1)(a) of the Development Code.

DRAFT MOTIONS:

Draft Motion Option 1:

I move to **approve** Case No. SUP-2022-0025 a request for a Special Use Permit approval for a Self-Service Storage Facility utilizing 58,000 Sq. Ft. space within an existing building located at 535 Central Avenue, Los Alamos, NM. The property, MMV 001, is within the Downtown-Neighborhood Center Overlay District (DT-NCO) with the conditions as stated in the staff report. Recommendation is based on the Findings of Fact established at the hearing and conclusion that the Applicant has met each applicable review criteria contained in §16-153 of the Los Alamos County Development Code and that the Commission is acting under the authority granted by §16-452(b)(1)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application and Findings of Fact and Conclusions of Law for this case, based on this decision and to be subsequently prepared by County staff.

Draft Motion Option 2:

I move to **deny** Case No. SUP-2022-0025 a request for a Special Use Permit approval for a Self-Service Storage Facility utilizing 58,000 Sq. Ft. space within an existing building located at 535 Central Avenue, Los Alamos, NM. The property, MMV 001, is within the Downtown-Neighborhood Center Overlay District (DT-NCO) as the application does not conform to the review criteria contained in §16-156 of the Los Alamos County Development Code.

I further move to authorize the Chair to sign a Final Order approving the application and Findings of Fact and Conclusion of Law for this case, based on this decision and to be subsequently prepared by County staff.

ATTACHMENTS

ATTACHMENT 1: Permit Application
ATTACHMENT 2: Permit Plans
ATTACHMENT 3: Legal Notices