

MINUTES

Planning and Zoning Commission



August 10, 2022 – 5:30 P.M.

This meeting was made available via Zoom. The proceeding can, also, be viewed at:

<http://losalamos.legistar.com/Calendar.aspx>

1. CALL TO ORDER / ROLL CALL

Chair Adler called the meeting to order at 5:34 PM. Roll Call was administered – a quorum was present.

Members Present:

Rachel Adler, Chair
Neal D. Martin, Vice Chair
Stephanie Nakhleh, Commissioner
Benjamin Hill, Commissioner
Rodney Roberson, Commissioner

Members Absent:

Beverly Neal-Clinton, Commissioner

2. PUBLIC COMMENT

No comment.

3. APPROVAL OF AGENDA

Chair Adler requested the Agenda be amended to hear Item 6. PRESENTATION(S) before Item 5. PUBLIC HEARING(S).

Commissioner Roberson moved to approve the agenda as amended. Chair Adler seconded. Motion carried unanimously.

4. PLANNING AND ZONING COMMISSION BUSINESS

A. Planning and Zoning Commission Meeting Minutes – June 22, 2022.

Commissioner Roberson moved to approve the Minutes as written. Commissioner Nakhleh seconded. Motion carried unanimously.

5. PRESENTATION(S)

A. Los Alamos County Development Code Update Module 3: Administrative & Enforcement

Jessica Lawlis and Will Gleason, Dekker/Perich/Sabatini, presented the Module 3 update for Chapter 16, Development Code which outlines administrative and enforcement procedures.

--- Meeting recessed at 6:40 PM and reconvened at 6:45 PM. ---

6. PUBLIC HEARING(S)

A. CASE NO. SUP-2022-0023. Barbara Christensen, DBA Immaculate Auto Total Care, is seeking a Special Use Permit approval for mechanical repair, auto detailing, window tinting, and auto dealership at the site addressed as 99 and 101 DP Road. The proposed use is only for the buildings addressed as 99 DP Road and 101 DP Road within Tract WC in Eastern Area 2 Subdivision and zoned as Heavy Commercial District (C-3).

Barbara Christensen introduced herself and clarified that the application request is only for 99 DP Road and excludes an auto dealership. The unit, 101 DP Road, will submit their own Special Use Permit later for an Auto Dealership.

Eric Christensen, Immaculate Auto Total Care, described their business and its diversity; the property and uses within, as well as outlined how their request meets criterion 1. He stated that they would not significantly increase activity in the area, nor create noise. They would like to add and retain revenue in the county. Mr. Christensen communicated that the parking requirements for their size and operation is nine (9) spaces. They are accommodating more than that, as well as 2-ADA spaces in the front – satisfying criterion 2.

Kylee Stewart, Immaculate Auto Total Care, explained that although the request is only for 99 DP Road, the parking is comprehensive, and parking is met.

Mr. Christensen addressed criterion 3 by affirming that ingress/egress is adequate and will not change. He added that DP Road has been improved, which has reduced the traffic flow. He continued to state that the single-story building has existed for more than 30 years, and no additions are being proposed. Surrounding properties include other commercial and industrial uses and meets criterion 4. He communicated that existing fencing has been removed for better access; landscaping is natural growth or gravel – there is ease for access and parking for their business and the existing salon. Criterion 5 concerning landscaping is met. Mr. Christensen concluded that the use is not new but is a continuation of the business purpose that has been on the property since 1995; no conditions have changed, and there is no expansion.

Vice Chair Martin requested clarification on the relationship between mechanical repair and detailing. Mr. Christensen explained that detailing addresses the aesthetics of the existing body work, but mechanical repair would be corrective work, or physical repair.

Commissioner Roberson questioned if their business was detailing and mechanical only; and inquired their access. Mr. Christensen reported that the primary entrance is on DP Road. He stated Barbara is detailing with deep cleaning and aesthetic restoration, while he - an AEC Master Technician - focuses on the mechanical repairs. He emphasized that they do not do body work.

Commissioner Hill questioned the staff report and notation of a car dealership at 101 DP Road. Mr. Christensen explained that they also require a Special Use Permit but will submit their own to cover the dealership aspect.

Anita Barela, Associate Planner, stated that the request excludes 101 DP Road. She presented the applicant's request and provided an overview of a Special Use Permit. Ms. Barela provided the history of the site and communicated the comments made by the Interdepartmental Review Committee. She presented the Special Use Permit review criteria and staff's analysis to the Commission.

Vice Chair Martin asked if the Special Use Permit lapsed or if it did not transfer with ownership. Ms. Barela explained that it was necessary because of new ownership, and new Tax ID and business license. There was no lapse, but it is considered a new business.

Commissioner Hill voiced that there is a conflict between the nonconformity created by the curb cut and statement that it is in conformance with county standards. Ms. Barela stated that circulation has not changed since 1974. The parking lot backs directly into DP Road, which new standards would not allow. Commissioner Hill communicated that it is acceptable as existing, but it does not conform with current engineering criteria.

Commissioner Hill discussed landscaping, stating that there is a difference between natural landscaping, weeds, and invasive plants. Sobia Sayeda, Interim Planning Manager, informed that weeds are addressed within Chapter 18 and enforced through Code Enforcement. This is an existing site, with no construction. If changed, landscaping regulations would be applied. Commissioner Hill stated that the lot had provided changes with gravel, but other areas should be cleaned up. Ms. Sayeda clarified that the property itself entails the entire triangular area. It is one property with one ownership, but multiple buildings and uses. Commissioner Hill affirmed that any approval for 97 and 99 DP Road is not an acceptance of the conditions of 101 and 103 – it is not indicative to what is being considered. Chair Adler questioned who the responsible party would be for a single owned lot with multiple leases. Ms. Barela replied that it would depend on the lease. Chair Adler asked if the Special Use Permit would strictly apply to the business and not the property; Ms. Barela confirmed.

-- Without public comment, Chair Adler opened and closed the public hearing at 7:31 PM.--

The Commission discussed the criteria. Chair Adler stated that Criterion 1 satisfies the Comprehensive Plan. Vice Chair Martin added that it is a continuing and existing use, that generally supports and advances the welfare of the community because of the services it offers. Chair Adler stated that Criterion 2 was adequately presented. Commissioner Hill communicated that regarding Criterion 3, the situation is non-conforming. It is accepted as an existing condition, and the use has not changed, but it does not meet current design standards. Chair Adler acknowledged, but recommended approval as it is legal non-conforming. Vice Chair Martin questioned how to evaluate criterion 4. Ms. Sayeda explained that all conditions are existing and do not require alterations to the existing, but if modified – a site plan would have been evaluated.

Vice Chair Martin motioned to approve Case No. SUP-2022-0023 that will allow Immaculate Automotive and Detailing to do mechanical repair, auto detailing and window tinting at the site addressed as 99 DP Road, within Tract WC in Eastern Area 2 Subdivision. He further moved to authorize the Chair to sign the Final Order and to be subsequently prepared by county staff.

Commissioner Nakhleh seconded the motion.

-- Roll Call Vote --

For the Motion:

*Neal Martin
Benjamin Hill
Stephanie Nakhleh
Rachel Adler
Rodney Roberson*

Motion carried 5-0 vote.

7. COMMISSION/DIRECTOR COMMUNICATIONS

A. Department Report

B. Chair's Report

C. Board of Adjustment Report

D. Council Liaison Report

E. Commissioners' Comments

8. ADJOURNMENT
8:00 PM

Rachel Adler, Chair

[COMMENTS]

CA

NM FACTS PRESENTED WERE PERSUASIVE - IN STYLE WITH THE SURROUNDING AREA AND N MESA IN GENERAL - SUBSTANTIAL REC AMENITIES TO THIS AREA - HOUSING IS NEEDED

CB

RA DPU REVIEWED AND IT IS SERVICABLE BY UTILITIES - EVERYONE IN AGREEMENT

CC

SN CONCERNED BUT SEEMS LIKE IT IS BEING WORKED OUT
NM IN ADDITION TO ALIGNMENT RESIDUAL CONCERNS WITH BIKE ACCESS BUT SEEMS TO MEET THE STANDARDS OF THE NEIGHBORING AREAS
BH PEDESTRIAN CIRCULATION ON THE SE CORNER - EXPLORE AS PLAN DEVELOPMENTS TO ADD A PEDESTRIAN PATHWAY BETWEEN THE TWO DEVELOPMENTS

CD

RA UNDERGROUND PONDING ADDRESSED THIS CRITERION
NM FOUND THE APPLICANT'S RESPONSE PERSUASIVE

CE

NO CONCERNS

CF

NO CONCERNS

CG

NO CONCERNS

CH

NO CONCERNS

CI

RA COVERED ADEQUATELY BY THE APPLICANT

[...]