



LOS ALAMOS

Los Alamos County

Community Development Department

## PLANNING & ZONING COMMISSION STAFF REPORT

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**Public Hearing Date:** August 23, 2017

**Subject:** Case No. 17-REZ-007. Entrada Business Park Rezoning. A request for approval to rezone 8 parcels, totaling approximately 15.86 acres, SUB: EBP, Lots 1, 2, 3, 4, 5, 6A, 6B1, and 6B2, from C-3 (Heavy commercial district) to MU (Mixed Use).

**Applicant:** Los Alamos County Community Development Department

**Case Manager:** Tamara Baer, Planning Manager

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**Case No. 17-REZ-007:** A request for approval to rezone 8 parcels, totaling approximately 15.84 acres, located at [comprising the] the Entrada Business Park, SUB: EBP, Lots 1, 2, 3, 4, 5, 6A, 6B1, and 6B2, from C-3 (Heavy commercial district) to MU (Mixed Use).

### Motion Option 1:

I move the Planning and Zoning Commission recommend that the Los Alamos County Council **approve** the application, Case No. 17-REZ-007, a rezoning of 8 parcels located at [comprising the] the Entrada Business Park from C-3 (Heavy commercial district) to MU (Mixed Use), and that the Community Development Director is authorized to make any minor formatting or editing changes that may be necessary for final presentation to County Council.

1. ...

### Motion Option 2:

I move to **deny** Case No. 17-REZ-007, a rezoning of 8 parcels located at [comprising the] the Entrada Business Park from C-3 (Heavy commercial district) to MU (Mixed Use) for the following reason(s):

1. ...

## SUMMARY

This application is a request to rezone the eight parcels that comprise the Entrada Business Park located on Entrada Drive. There are five distinct owners of the eight parcels, including Los Alamos County, which owns Lot 6B2, and which, through the Community Development Department (CDD), is the applicant for the rezoning. In early 2017, the Community Development Department was approached by the primary land

owner and original developer of the business park, Sam Gardner, who, along with a potential developer, was considering building housing on Lots 1 and 2 of the site. The C-3 commercial zoning that currently applies to all of the Entrada Business Park does not allow housing. Rezoning of two or three of the parcels in the business park to a residential district was discussed but ultimately rejected as potentially “spot zoning”, which would not be permitted. (“Spot zoning” has various definitions, but is generally accepted to mean the zoning of a single parcel or parcels to a district dissimilar to that of others in the immediate or near vicinity, often to benefit an individual owner, and typically not in conformance with the general or comprehensive plan.)

Further discussion with a potential developer expanded the possibility of new housing to include Lots 1, 2 and 3. Conceptual drawings were created and are attached to this report as Exhibit 6. This application, however, is for rezoning only and there is no commitment to the concept or to the drawings which are included for illustrative purposes only.

It should be noted that the 2016 Los Alamos County Comprehensive Plan designates all of the Entrada Business Park as “Mixed-Use”, which is defined in the Plan as a land use, or land uses, in which “either or both residential and non-residential uses may be permitted.” The Comprehensive Plan further states, “It is anticipated, and the Comprehensive Plan supports, that one or more new zoning categories will be created that will allow mixed uses in other parts of the County.” (Referring to the Downtown zones as already mixed use.) In May of 2017 the County Council adopted the new Mixed Use zoning district. The first application of the new Mixed Use district was the rezoning of five County-owned parcels - the LASO site off Trinity and adjacent to the Medical Center, and three parcels at the beginning of DP Road. This case follows closely upon that one and is similar in that it will allow for construction of housing.

The Mixed Use district allows a wide range of uses, including all the uses that currently occupy the developed sites within the business park. The district was crafted in such a way as to keep those sites conforming not only for use, but also for all development standards.

CDD staff reached out to the owners of the three developed sites to explain that the rezoning would not negatively affect their properties, and if housing were to be constructed in the near vicinity, it could help support their businesses, either through additional trade, or simply by having adjacent properties developed and contributing to a lively and attractive area. Those owners all agreed to support the rezoning of their properties and of the entire park. Their notarized letters of consent are attached to this report with the application as Exhibit 5. The developed properties in the park are the Holiday Inn Express, the Los Alamos Cooperative Market, and the Consortium.

While Los Alamos County does not currently have plans to develop their six (+) acres at the far western end of the park, the rezoning will create opportunities for a broader range of uses for that parcel and support the County’s stated goal to “maximize the use of County-owned land.”

## **PARCELS TO BE REZONED**

The parcels to be rezoned are identified by lot number, address, current use, size in acres, and ownership as follows. See also the Vicinity Map, Exhibit 1.

Lot #	Address	Use	Size in Acres	Owner
Lot 001	20 Entrada Drive	Vacant	0.55 Acres	Main Gate LLC
Lot 002	40 Entrada Drive	Vacant	0.67 Acres	Main Gate LLC
Lot 003	15 Entrada Drive	Vacant	1.14 Acres	Main Gate LLC
Lot 004	60 Entrada Drive	Holiday Inn	2.14 Acres	Los Alamos Lodging, LLC
Lot 005	80 Entrada Drive	Temporary Offices	0.92 Acres	Main Gate LLC
Lot 6A	95 Entrada Drive	Coop Market	1.47 Acres	Los Alamos Cooperative Market
Lot 6B1	100 Entrada Drive	Consortium	2.67 Acres	NM Consortium Holdings LLC
Lot 6B2	110 Entrada Drive	Vacant	6.30 Acres	Los Alamos County

The entirety of this property was conveyed to Los Alamos County from the Los Alamos National Laboratory in 2003. In 2004 and 2005 it was rezoned from Federal Land (F-L) to Light Industrial (M-1). The property remained zoned Light Industrial until 2006 when it was subdivided, rezoned to C-3, and became known as the Entrada Business Park.

60 Entrada Drive, Lot 4, the Holiday Inn Express hotel, was built in 2008. The Los Alamos Cooperative Market, Lot 6A, was built in 2010 at 95 Entrada Drive. The New Mexico Consortium was built next in 2012 on Lot 6B1, at 100 Entrada Drive. Most recently, in 2016, some temporary offices for use by the Consortium, were erected on Lot 5 at 80 Entrada Drive.

Four of the parcels are currently vacant.

## ZONING

The current zoning of all eight parcels is C-3, Heavy Commercial. This zoning district allows the most intensive commercial uses. Residential uses are not allowed in C-3. The Mixed Use (MU) district allows residential uses as well as all the other uses currently within the business park. MU was developed to provide flexibility and to allow a broad range of compatible uses to co-exist. MU emphasizes good design, which is already present in the buildings at the Entrada Business Park, and will be continued with new development. The MU district also encourages economic development through flexible standards. A side by side comparison of allowed uses in C-3 and MU is provided as Exhibit 2 of this report. There are a number of uses that are currently permitted by right in C-3 that would not be permitted in MU. These are: Hay or feed storage; Cemeteries; Indoor amusement centers; Firewood sales and storage; Wholesale sales of building materials; Mobile home sales; Drive-in restaurants; Tire stores; Truck and trailer rental, sales and service; Ambulance services; Carwashes; Self-service storage facilities; Drive-in theaters; Blacksmith shops and harness repair; Machine shops; and Wholesale materials and products. For the most part, these are automotive/automobile related or agriculture/rural type uses that would not be allowed. MU is focused more on people – where they live, work, and recreate.

## CRITERIA for APPROVAL

The following code section defines the six review criteria for rezoning. Note that the Applicant for the rezoning is the Community Development Department (CDD) and all responses to criteria are from CDD Planning Division staff.

### *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.*

The Future Land Use Map (FLUM) of the Comprehensive Plan designates all of the Entrada Business Park as Mixed-Use. In addition to conformance with the FLUM, the rezoning supports all of the following Comprehensive Plan Goals and Policies:

### 3.1 Housing, Neighborhoods & Growth

Housing Goals:

2. Provide a variety of housing types, sizes and densities
3. Promote development of housing stock that would accommodate downsizing households

Policies:

- Economic Vitality Policies: #1 Promote expanding the housing supply to meet the demand from employment growth and support economic diversification
- Land Use Policy #1: Encourage the creation and retention of a variety of housing options for all segments of the community...
- Land Use Policy #5: Develop and adopt new and mixed-use zoning districts
- Land Use Policy #6: Encourage new housing developments in proximity to workplaces

Growth Goals:

1. Plan for modest growth of an additional 2,000 residents in the next 5 to 10 years
11. Strive to make housing available to those who work in the County and want to live in the County

### 3.2 Development, Redevelopment & Downtown

Development Goals:

1. Keep the focus of development primarily within current development boundaries.
5. Focus increased residential densities on new development in and near downtown

Policies:

- Land Use Policy #1: Maximize the use of County-owned land

Redevelopment Goals:

1. Redevelop vacant blighted areas and underutilized properties
2. Encourage infill development on underused or blighted sites

Policies:

- Economic Vitality Policy #1 Provide flexibility for uses in redeveloped areas

Downtown Goals:

3. Focus increased residential densities in new development in and near downtown

Policies:

- Economic Vitality Policy #3: Provide flexibility for uses to change over time as market conditions change

The rezoning request substantially conforms to the Comprehensive Plan and is not detrimental to the health, safety and general welfare of the County.

***(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.***

All of the necessary public utilities - water, sewer, gas, and electric, are available to the site and will be sufficient to serve the undeveloped tracts. Entrada Drive will need to be extended through the County-owned six acre tract furthest to the west. The exact alignment will depend on the type of development that may be proposed for that location.

***(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.***

This application does not propose any specific uses but rather seeks to open the property to additional uses that are allowed in an MU (Mixed Use) zoning district. Such uses, including residential, could be beneficial to the established properties and businesses in the area by creating a more populous and active community. Additional opportunities may be created to increase business at the Food Coop and the hotel, and possibly offering housing opportunities for employees of the Consortium. The new MU zoning will not make any current use incompatible nor make any current use non-conforming.

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

**a. It was established in error;**

The existing C-3 (Heavy Commercial) zoning was established with the intent that the area would develop as a high-tech or other offshoot of Lab related spinoffs with supporting uses. That zoning was not established in error, but has not thrived to the extent that was anticipated.

**b. Changed conditions warrant the rezoning; or**

The lack of development of so many of the parcels in the park has been detrimental to the overall appearance of the area, and to some extent, its economic viability. It is hoped that the new MU zoning will encourage further development, including a broader variety of uses.

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

The Comprehensive Plan anticipated and supported adoption of mixed-use zoning districts. The new MU zoning district was only recently adopted by Council and is now available for implementation. MU allows for all the uses already in place on Entrada Drive, and expands the number of other uses that will now be permitted. It allows more of a market-driven approach, where new development can help support the businesses that are already there. Additionally, the Future Land Use Map of the Comprehensive Plan has designated these parcels as Mixed-Use.

The original zoning was not established in error, but land owners have expressed interest to the County in developing their property for housing, which C-3 would not allow. The proposed zoning meets many of the Comprehensive Plan goals, as described in the response to Criterion 1 above.

**(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.**

The rezoning applies to over 15 acres, includes all geographically grouped parcels, and all parcels with the same current C-3 zoning. It is not a spot zoning.

This matter is discussed in the introductory section of the staff report. Briefly, the rezoning application does not meet the Los Alamos County Code definition of spot zoning, and even under a broader interpretation of the term spot zoning, the rezoning would nevertheless be justifiable because it: a) “accomplishes the policy and intent of the comprehensive plan” (see #1 and #4 above); and b) “unique characteristics specific to the site exist” due to the historic nature of the properties.

**(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.**

Not applicable.

## **FINDINGS OF FACT**

- The subject properties are owned by The County of Los Alamos; Main Gate, LLC; LA Lodging; LA Cooperative Market, and NM Holdings, LLC.
- The subject properties are located at 15, 20, 04, 60, 08, 95, 100, and 110 Entrada Drive, Los Alamos, NM.
- The subject properties are vacant and commercially developed.
- The subject properties are approximately 15.84 total Acres.
- The subject properties are zoned C-3, heavy commercial district, as described in Sec. 16-533(16) of the Development Code.

## **STAFF AND INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION**

An IDRC meeting to discuss the rezone was held on July 28, 2017. The committee voted unanimously to recommend approval of the application. The IDRC report is attached as Exhibit 3.

## **EXHIBITS**

Exhibit 1: Maps: Vicinity / Aerial Map and current zoning / Plat

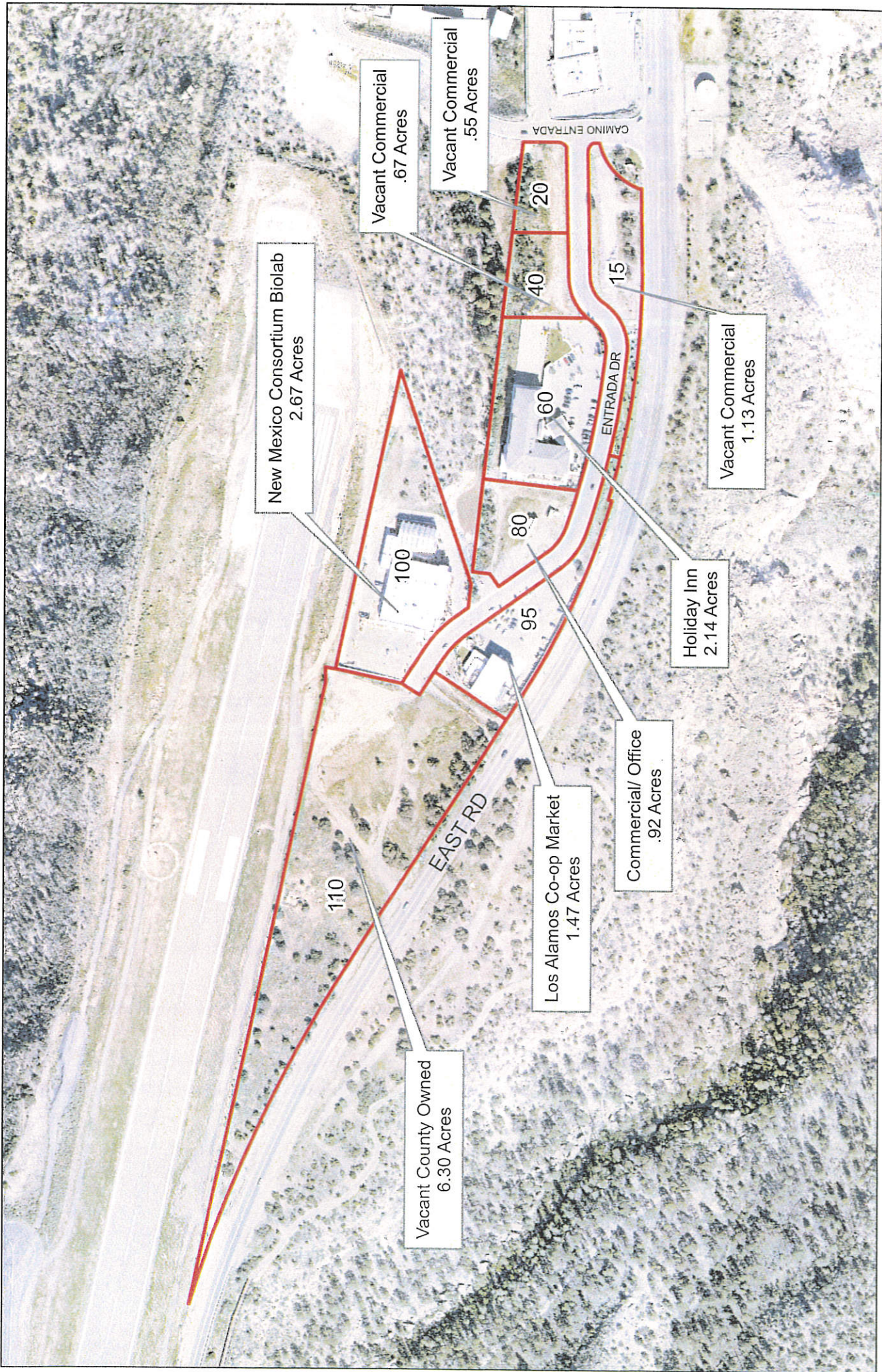
Exhibit 2: Comparison Table of Permitted Uses in C-3 v. MU

Exhibit 3: IDRC Report

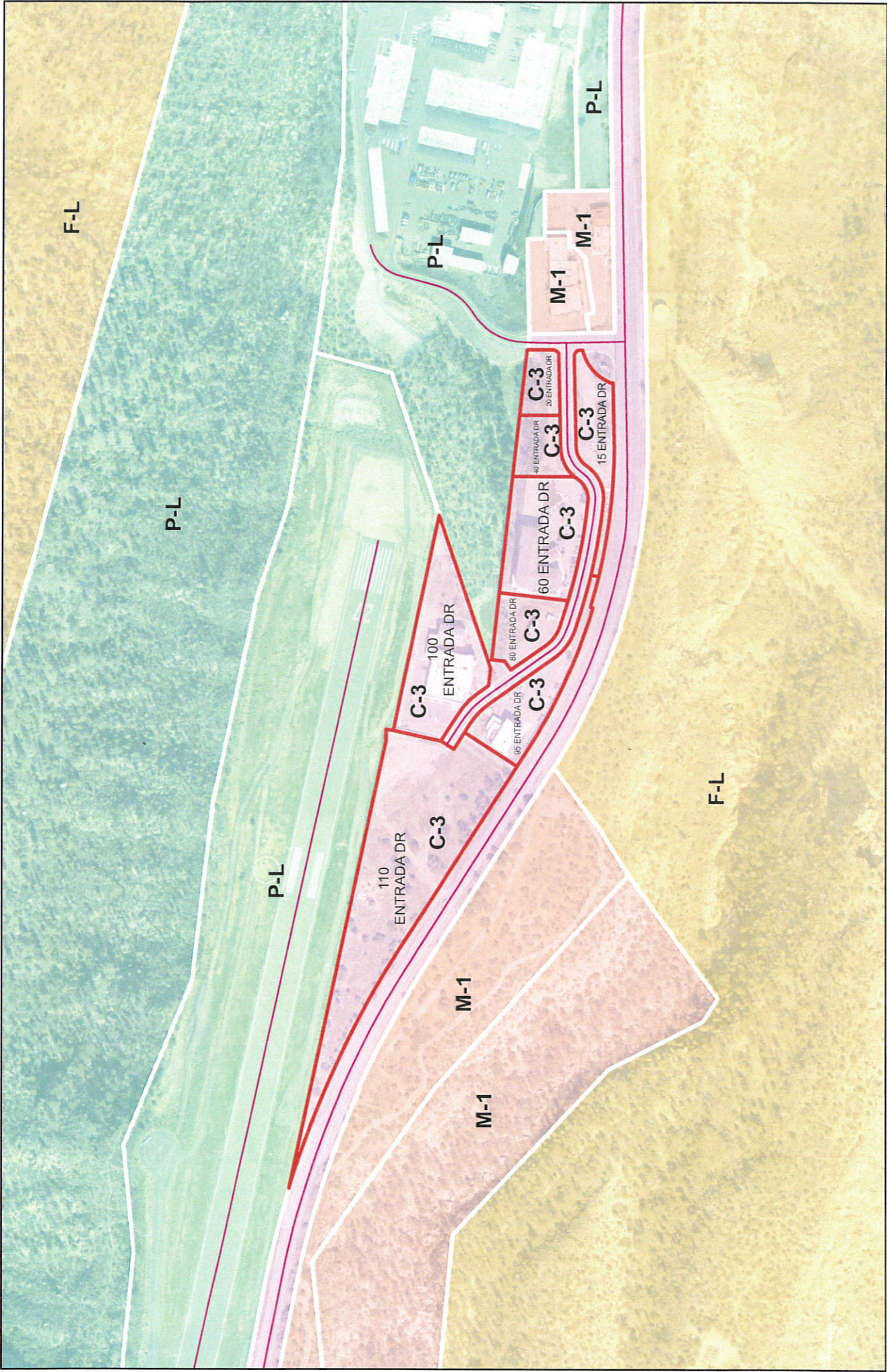
Exhibit 4: Map and List of Property Owners within 100 Yards (300 Feet)

Exhibit 5: Application and Notarized Letters of Support from Property Owners within Entrada Business Park

Exhibit 6: Conceptual Design



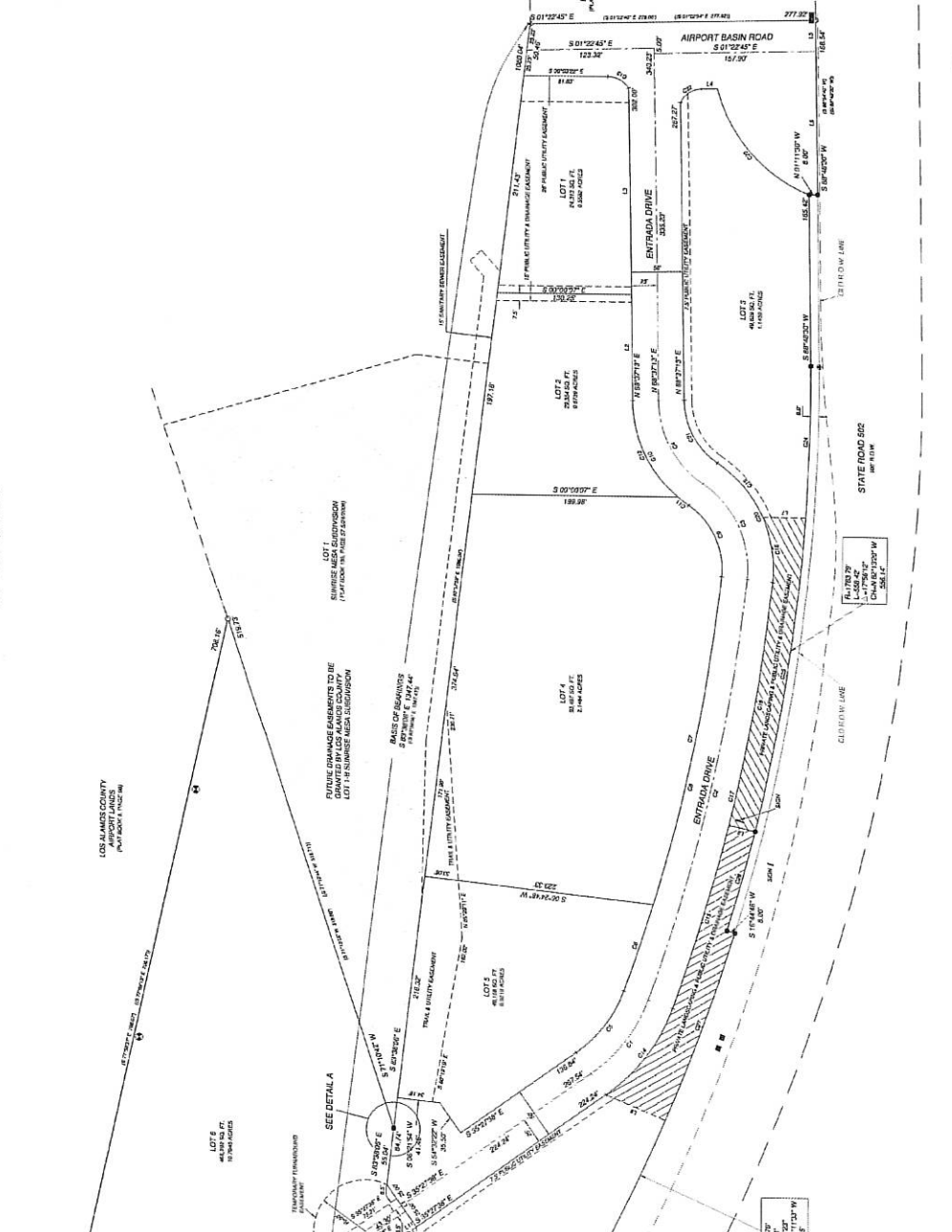
*Entrada Business Park*



# Entrada Drive Current Zoning



**ENTRADA BUSINESS PARK**  
 BEING A SUBDIVISION OF LOT 2, SUNRISE MESA SUBDIVISION, SUBDIVISION  
 OF PUEBLO CANYON PARCEL & VACATION OF TRACTS A-7 AND A-3,  
 EASTERN AREA NO. 1  
 LOS ALAMOS, NEW MEXICO  
 AUGUST, 2008



**PRECISION SURVEYS, INC.**  
 1400 Tully Drive, Suite 3  
 Los Alamos, NM 87504  
 505 861 4265 PHONE  
 505 861 4263 FAX

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ ENV. \_\_\_\_\_ DRAWER \_\_\_\_\_

SHEET 3 OF 3

**PRECISION SURVEYS, INC.**

**Los Alamos County Code of Ordinances- Chapter 16- Development Code  
(New) 16-287 Use Index Table C-3 vs. MU**

Name	C-3	MU
<b>Agriculture</b>		
Fish hatcheries		
Hay or feed storage	P	
Livestock breeding		
<b>Residential</b>		
Accessory apartment		
Dwelling, loft		P
Dwelling, multiple-family		P
Dwellings, single-family, attached		P
Dwellings, single-family, detached		
Dwellings, two-family		
Guesthouses		
Mobile homes		
Boardinghouses		P
Dormitories	S	P
Bed and breakfast		P
Inn	P	P
Servant quarters, guestroom		P
Home occupations		P
Home business		P
<b>Institutional</b>		
Churches, worship places	P	P
Cemeteries	P	
Clubs; social, fraternal and recreational	P	P

Funeral homes, mortuaries	P	P
Crematories	S	
Group homes		P
Hospitals; institutions	S	
Heliports, public or hospitals	S	
Museums	P	P
Nursing or rest homes	S	P
Public buildings	P	P
Schools; business or vocational	P	P
Schools, private or parochial	P	P
<b>Commercial</b>		
Amusement centers, indoor	P	
Amusement parks	S	
Firewood, sales and storage	P	
Firewood, sales		A
Automobile, boat, rec. vehicles, motorcycle; sales, rental and services	S	
Building materials, retail	P	P
Building materials, wholesale	P	
Film laboratory, retail		
Greenhouses	P	P
Hardware store	P	P
Laundries	P	P
Liquor stores	P	P
Lounges or bars	P	P
Mobile home sales	P	
Parking facility	P	P
Restaurants, drive-in or takeout or walkup	P	

		S
Restaurants (indoor)	P	P
Restaurants, with alcoholic beverages	P	P
Retail businesses	P	P
Tire stores, sales and service	P	
Truck and trailer rental, sales and service	P	
<b>Services</b>		
Ambulance services	P	
Auto, service stations	S	P
Banquet rooms	P	P
Carwashes	P	
Child care centers	S	P
Day care facilities	S	P
Day care homes	A	P
Caretaker's unit	S	A
Small electrical appliances and equipment repair		P
Financial institutions/banks, (drive-in)	S	S
Financial institutions/banks, (walk-in)	P	P
Home and business services	P	P
Hotels, motels	P	P
Laboratory, support	S	P
Newsstands, portable	A	P
Offices, professional	P	P
Pet training, or breeding or kennels, commercial	S	S
Public utilities	S	S
Radio and TV, Studios/stations	S	P
Radio and TV, towers/antennas	S	S

Recycling stations	S	S
Satellite dish antennas	S	S
Self-service storage facilities	P	
Terminals, bus	P	S
Vehicle storage yards	S	
Veterinary clinics	P	P
<b>Recreational</b>		
Art galleries	P	P
Bowling alleys	P	P
Campgrounds		S
Health clubs, gymnasiums	P	P
Parks and playgrounds, public and private	P	P
Riding academies, arenas and/or stables	S	
Recreation facilities	S	P
Swimming pools, commercial or clubs	S	P
Theaters, (enclosed)	P	P
Theaters, drive-in	P	
<b>Research</b>		
Animal experimental research institutes	S	
Laboratories, research and support	S	P
Research and development, offices and laboratories	P	P
Research or professional offices (no laboratories)	P	P
<b>Industrial</b>		
Acid mfg. and storage		

Asphalt and concrete batch plants		
Assembly, miscellaneous	S	S
Food processing facilities		S
Automobile and motorcycle, repairing, body work and painting	S	
Blacksmith shop and harness repair	P	
Borrow pits		
Brick, tile cement or block, products and mfg.		
Cabinet and carpenter shops	P	S
Cesspool services	A	
Cold storage	A	A
Contractor's yards		
Dry cleaning plants		
Electrical appliances and equipment repair		
Electrical appliances and equipment assembly and/or mfg.		
Electronics assembly	P	P
Equipment, heavy; storage, repair and rental	S	
Equipment, small; storage, repair and rental	S	
Resource extraction and distribution, sand and gravel, etc.		
Film laboratory	P	
Fuels; sale, wholesale, manufacturing and storage		
Furniture and household goods, transfer and storage		
Furniture, repair	A	A
Machine shops	P	
Manufacturing, light	P	S
Manufacturing, heavy		
Metallurgical labs	S	

Recreational vehicles, storage	S	S
Salvage yards and junkyards		
Sheetmetal or welding shops	S	
Truck repair shops	S	
Truck terminals		
Warehousing/storage	A	
Waste handling facility		
Wholesale, materials/products	P	

P = Permitted Use

S = Special Use Permit Required

A = Accessory Use

Space = Use Not Permitted



## IDRC REPORT

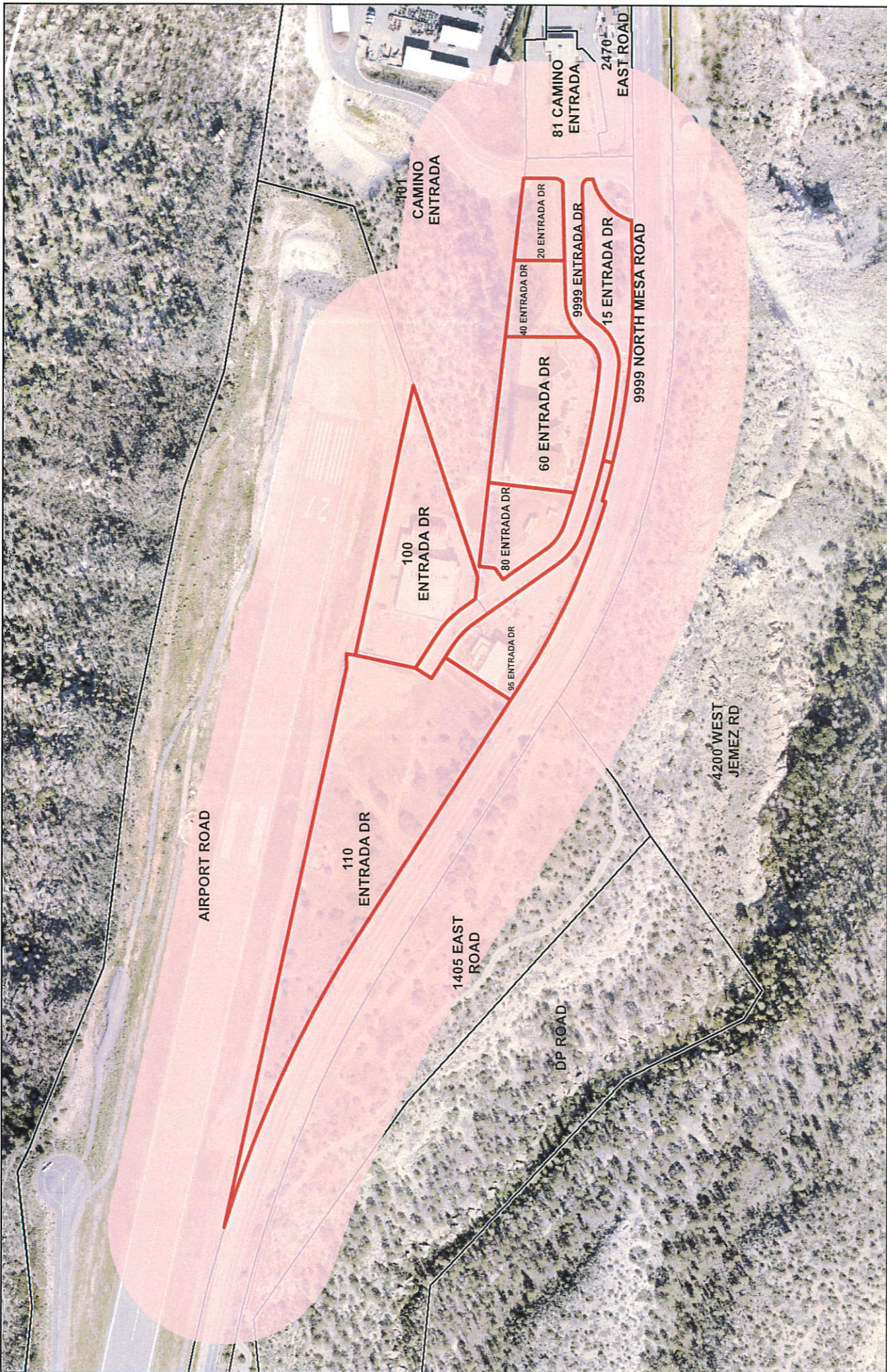
Case: REZ-2017-0007 --- 9:03 a.m. - adjourned 9:22 a.m.

Date of Meeting: 28 July, 2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved conditions	Denied
M. Arellano / J. Dudziak	Building	Y	Noise mitigation will be addressed in construction of units	Y		
T. Baer /	Planning	Y		Y		
D. Erickson / Alipio M	Traffic	N		Y		
P. Guerrerortiz / C. Moseley	Utilities	N				
A. Gurule / L. Martinez	Env. Serv.	Y		Y		
E. Martinez / B. Aragon	PW	Y		Y		
A. Millmann / J. Naranjo	Planning	Y	May want a condition requiring CCRs noting noise from airport	Y		
J. Wetteland / S. Rinaldi	Fire	Y		Y		
<b>OTHERS ATTENDING:</b>						
Anita Barela	Planning	Y				
Lucas Fresquez	Assessor	Y				
* Strikethrough indicates not present at meeting.						

**MOTION:** A. Gurule moved and M. Arellano seconded that the case be forwarded to the P&Z Commission.

Motion passed 7-0. 9 Attendees total 2 non-voting attendees.



**Entrada Rezone  
 REZ-2017-0007  
 300' Notification**



<u>ADDRESS</u>	<u>OWNERNAME</u>	<u>OWNERADDRESS</u>	<u>ADDRESS1</u>	<u>OWNERADDRESS</u>	<u>OWNE</u>	<u>OWNERAL</u>
110 ENTRADA DR	INCORPORATED COUNTY OF LOS ALAMOS	PO BOX 30		LOS ALAMOS	NM	87544
95 ENTRADA DR	INCORPORATED COUNTY OF LOS ALAMOS	PO BOX 30		LOS ALAMOS	NM	87544
100 ENTRADA DR	LOS ALAMOS COOPERATIVE MARKET	95 ENTRADA DR		LOS ALAMOS	NM	87544
80 ENTRADA DR	NMC HOLDINGS LLC	4200 WEST JEMEZ RD		LOS ALAMOS	NM	87544
60 ENTRADA DR	MAIN GATE LLC	PO BOX 729		LOS ALAMOS	NM	87544
9999 ENTRADA DR	LOS ALAMOS LODGING LLC	2301 8TH AVENUE NE STE 230		ABERDEEN	SD	57401
40 ENTRADA DR	INCORPORATED COUNTY OF LOS ALAMOS	P.O. BOX 30		WHITE ROCK	NM	87547
15 ENTRADA DR	MAIN GATE LLC	PO BOX 729		LOS ALAMOS	NM	87544
20 ENTRADA DR	MAIN GATE LLC	PO BOX 729		LOS ALAMOS	NM	87544
81 CAMINO ENTRADA	IMTEC REAL ESTATE LLC	2401 N COMMERCE ST STE E		ARDMORE	OK	7.34E+08
2470 EAST ROAD	IMTEC REAL ESTATE LLC	2401 N COMMERCE ST STE E		ARDMORE	OK	7.34E+08
101 CAMINO ENTRADA	INCORPORATED COUNTY OF LOS ALAMOS	P.O. BOX 30		WHITE ROCK	NM	87547
AIRPORT ROAD	INCORPORATED COUNTY OF LOS ALAMOS	P.O. BOX 30		WHITE ROCK	NM	87547
DP ROAD	DEPARTMENT OF ENERGY	PO BOX 1663		LOS ALAMOS	NM	87544
4200 WEST JEMEZ RD	LOS ALAMOS NATIONAL LABORATORY	P.O. BOX 1663		WHITE ROCK	NM	87547
1405 EAST ROAD	INCORPORATED COUNTY OF LOS ALAMOS	P.O. BOX 30		WHITE ROCK	NM	87547
9999 NORTH MESA ROAD	LOS ALAMOS COUNTY	P O BOX 30		LOS ALAMOS	NM	87544

## REZONING APPLICATION

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

Property to be Rezoned: Entrada Business Park , located north of East Road, southeast of the airport,  
Lots 1, 2, 3, 4, 5, 6A, 6B1 and 6B2.

15, 20, 40, 60, 80, 95, 100, and 110 Entrada Drive, Los Alamos New Mexico  
Address

From: C-3 To: M-U 15.86  
Current Zoning District Proposed Zoning District Area (Acres)

Heavy Commercial Commercial along with some residential  
Current Use Proposed Use/Reason for Rezoning

Related Applications: None

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

Name: Los Alamos County- Paul Andrus Phone: 662-8197 Cell #: \_\_\_\_\_

Please Print: 1000 Central Avenue, Suite 150 Email: Paul.andrus@lacnm.us



5/22/17

SIGNATURE

DATE

PROPERTY OWNER (If different from Applicant)

Check here if same as above

Name: SEE ATTACHED OWNER CONSENT FORMS Phone: \_\_\_\_\_ Cell #: \_\_\_\_\_

Please Print

Address: \_\_\_\_\_ Email: \_\_\_\_\_

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

SIGNATURE

DATE

## REZONING CRITERIA:

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. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. You will also be asked to discuss the criteria at your public hearings.

- (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.*

The Future Land Use Map of the 2016 Comprehensive Plan designated all of Entrada Business Park as Mixed-Use. Per the Future Land Use chapter of the Plan, [land use categories] “are intended to adopt and graphically convey a pattern of desirable as well as established land use. Section 4.4 states, “For the purposes of the Comprehensive Plan, the Mixed-Use designation means that either or both residential and non-residential uses may be permitted on a property designated Mixed-Use.”

The purpose of rezoning this area is to encourage and allow for further development and stimulate economic growth. Of the eight separate lots, only three have been fully developed, with one more containing only temporary development. Including the latter, 9.59 acres –or 60%- of the total 15.88 acres are undeveloped. The rezoning to Mixed-Use, MU, will greatly expand the allowable uses, including residential, which is not currently permitted.

In addition, the rezoning supports the following Goals and Policies of the Comprehensive Plan, which are found in Chapter 3, Core Themes:

### 3.1 Housing, Neighborhood and Growth Goals

#### Housing Goals:

2. Provide a variety of housing types, sizes and densities
3. Promote Development of housing stock that would accommodate downsizing

#### Policies:

- Economic Vitality Policies: #1 Promote expanding the housing supply to meet the demand from employment growth and support economic diversification
- Land Use Policy #1: Encourage the creation and retention of a variety of housing options for all segments of the community...
- Land Use Policy #5: Develop and adopt new and mixed-use zoning districts
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#### Growth Goals:

1. Plan for modest growth of an additional 2,000 residents in the next 5 to 10 years
11. Strive to make housing available to those who work in the County and want to live in the County

### 3.2 Development & Redevelopment

#### Development Goals:

1. Keep the focus of development primarily within current development boundaries.
5. Focus increased residential densities on new development in and near downtown

#### Policies:

- Land Use Policy #1: Maximize the use of County-owned land

Redevelopment Goals:

1. Redevelop vacant blighted areas and underutilized properties
2. Encourage infill development on underused or blighted sites

Policies:

- *Economic Vitality Policy #1 Provide flexibility for uses in redeveloped areas*

3.2 Downtown Goals

3. Focus increased residential densities in new development in and near downtown

Policies:

- *Economic Vitality Policy #3: Provide flexibility for uses to change over time as market conditions change*

There will be no impacts that will be detrimental to the health, safety and general welfare of the County.

- (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.***

All of the necessary public utilities, water, sewer, gas, and electric utilities, are available to the site and will be sufficient to serve the undeveloped tracts. Entrada Drive will need to be extended through the County-owned six acre tract furthest to the west. The exact alignment will depend on the type of development that may be proposed for that location.

- (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.***

This application does not review any specific uses but rather seeks to open the property to additional uses that are allowed in an M-U (Mixed Use) Zoning District. Such uses, including residential, could be beneficial to the established properties and businesses in the area by creating a more populous and active community. Additional opportunities may be created to increase business at the Food Coop and the hotel, while possibly offering housing opportunities for employees of the Consortium.

- (4) The existing zoning must be shown to be inappropriate for one or more of the following reasons:***  
***a. It was established in error;***

The existing C-3 (Heavy Commercial) zoning was established with the intent that the area would develop as a high-tech or other offshoot of Lab related spinoffs with supporting uses. That zoning was not established in error, but has not thrived to the extent that was anticipated.

- b. Changed conditions warrant the rezoning; or***

The lack of development of so many of the parcels in the park has been detrimental to the overall appearance of the area. It is hoped that the new MU zoning will encourage further development by allowing a broader variety of uses to be considered.

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

The Comprehensive Plan anticipated and supported adoption of new and mixed-use zoning districts. The new MU zoning district was only recently established by Council and is now available for implementation. MU allows for all the uses already in place on Entrada Drive, and expands the number of other uses that will now be permitted. It allows more of a market-driven approach, where new development can help support the businesses that are already there.

(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;*

See above.

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.*

The rezoning applies to over 15 acres, includes all geographically grouped parcels, and all parcels with the same current C-3 zoning. It is not a spot zoning.

(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.*

N/A

#### REQUIRED SUBMITTALS:

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

Proof of property ownership.

A Vicinity map, 8 ½ by 11 inch or 8 ½ by 14 inch format, showing the boundaries of the property to be rezoned and all adjacent lots within 300 feet.

A scaled Plat or survey including all the following information: (Note: For smaller properties, a legal description with metes and bounds, may be acceptable. Check with CDD staff.)

Locate and label all existing utility lines on the site. (Existing gas and electric service lines must be located by the Los Alamos County Utilities Department prior to submittal of this application.)

Show and label the footprint of all existing buildings and structure on the site.

Show the footprint of all buildings and public rights-of-way within 20 feet of all boundaries of the site.

Show, dimension and label all existing and proposed easements.

#### THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

##### For County Use:

Date of Submittal: 5-22-17

Staff Initial: JN

CDD Application Number: REZ-2017-0007

Fees Paid: N/A

LOS ALAMOS  
Community Development

OWNER CONSENT for CHANGE of ZONING

Date: June 9, 2017

Owner Name(s): Samuel D. Gardner Jr. for Maingate LLC

Owner Mailing Address: P.O. Box 729

City, State, Zip Code: Los Alamos, New Mexico 87544

Per the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-122 (a) General application requirements (3): *Applications shall be signed by the property owner, agent, or other person as set forth in this chapter. If the application is initiated by the county, it shall be signed by the chair of the county council, the county manager or his or her designee.*

This is to certify that I (we) the undersigned give consent to have my (our) property rezoned from Heavy Commercial (C-3) to Mixed-Use (MU)

Address of property to be rezoned: 15, 20, 40 and 80 Entrada Drive, Los Alamos, New Mexico

Signature [Handwritten Signature] Signature \_\_\_\_\_

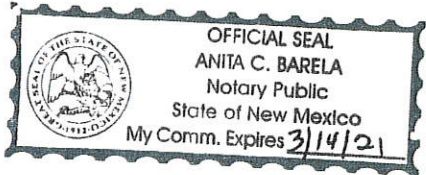
Print Name Samuel D. Gardner Jr. Print Name \_\_\_\_\_

SUBSCRIBED AND SWORN TO (or affirmed) before me this day June 9th, of 2017

He/she is personally known to me or has presented Self as identification.  
(Type of Identification)

Signature of Notary [Handwritten Signature]

Notary Public – Stamp of State Notary Seal



LOS ALAMOS  
Community Development

OWNER CONSENT for CHANGE of ZONING

Date: 6-5-17

Owner Name(s): Los Alamos Lodging

Owner Mailing Address: 2301 8th Ave NE Ste 120

City, State, Zip Code: Aberdeen, SD 57401

Per the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-122 (a) General application requirements (3): *Applications shall be signed by the property owner, agent, or other person as set forth in this chapter. If the application is initiated by the county, it shall be signed by the chair of the county council, the county manager or his or her designee.*

This is to certify that I (we) the undersigned give consent to have my (our) property rezoned

from C-3 to MU

Address of property to be rezoned: 60 Entrada Dr. Lot 004

Los Alamos, NM

Signature [Handwritten Signature] Signature \_\_\_\_\_

Print Name Kenn J. WEISBECK Print Name \_\_\_\_\_

SUBSCRIBED AND SWORN TO (or affirmed) before me this day June 5, of 2017

He/she is personally known to me or has presented drivers license as identification.

(Type of Identification)

Signature of Notary [Handwritten Signature] exp 9-22-2020

Notary Public – Stamp of State Notary Seal





Community Development

# OWNER CONSENT for CHANGE of ZONING

Date: 6-7-17

Owner Name(s): Los Alamos Cooperative Market

Owner Mailing Address: 95 Entrada Drive

City, State, Zip Code: Los Alamos, NM 87544

Per the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-122 (a) General application requirements (3): *Applications shall be signed by the property owner, agent, or other person as set forth in this chapter. If the application is initiated by the county, it shall be signed by the chair of the county council, the county manager or his or her designee.*

This is to certify that I (we) the undersigned give consent to have my (our) property rezoned from C-3 to MU

Address of property to be rezoned: 95 Entrada Drive

Signature Karen Kendall Signature \_\_\_\_\_

Print Name Karen Kendall Print Name \_\_\_\_\_  
Los Alamos Coop Board Treasurer

SUBSCRIBED AND SWORN TO (or affirmed) before me this day June 7th, of 2017  
He/she is personally known to me or has presented Driver's licence (NM) as identification.  
(Type of Identification)

Signature of Notary Michelle Cardona

Notary Public – Stamp of State Notary Seal

# LOS ALAMOS

Community Development

## OWNER CONSENT for CHANGE of ZONING

Date: 05/31/2017

Owner Name(s): NMC, Inc., Steven Buelow, CEO

Owner Mailing Address: 4200 West Jemez Road, Ste 301

City, State, Zip Code: LOS ALAMOS, NM 87544

Per the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-122 (a) General application requirements (3): *Applications shall be signed by the property owner, agent, or other person as set forth in this chapter. If the application is initiated by the county, it shall be signed by the chair of the county council, the county manager or his or her designee.*

This is to certify that I (we) the undersigned give consent to have my (our) property rezoned

from C-3 to MU

Address of property to be rezoned: 100 Entrada, Los Alamos, NM 87544

Signature Steven Buelow Signature \_\_\_\_\_

Print Name Steven J. Buelow Print Name \_\_\_\_\_

SUBSCRIBED AND SWORN TO (or affirmed) before me this day 31st of May, of 2017  
He/she is personally known to me or has presented \_\_\_\_\_ as identification.  
(Type of Identification)

Signature of Notary [Signature]

Notary Public – Stamp of State Notary Seal



LOS ALAMOS  
Community Development

OWNER CONSENT for CHANGE of ZONING

Date: June 7, 2017

Owner Name(s): Incorporated County of Los Alamos

Owner Mailing Address: 1000 Central Avenue

City, State, Zip Code: Los Alamos, New Mexico 87544

Per the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-122 (a) General application requirements (3): *Applications shall be signed by the property owner, agent, or other person as set forth in this chapter. If the application is initiated by the county, it shall be signed by the chair of the county council, the county manager or his or her designee.*

This is to certify that I (we) the undersigned give consent to have my (our) property rezoned from Heavy Commercial (C-3) to Mixed-Use (MU)

Address of property to be rezoned: 110 Entrada Drive, Los Alamos, New Mexico

Signature [Handwritten Signature] Signature \_\_\_\_\_

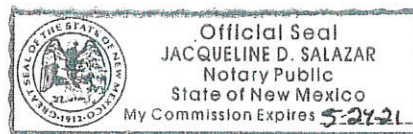
Print Name Walter Burgess Print Name \_\_\_\_\_

SUBSCRIBED AND SWORN TO (or affirmed) before me this day 7<sup>th</sup> of June, of 2017

He/she is personally known to me or has presented Driver License as identification.  
(Type of Identification)

Signature of Notary Jacqueline D. Salazar

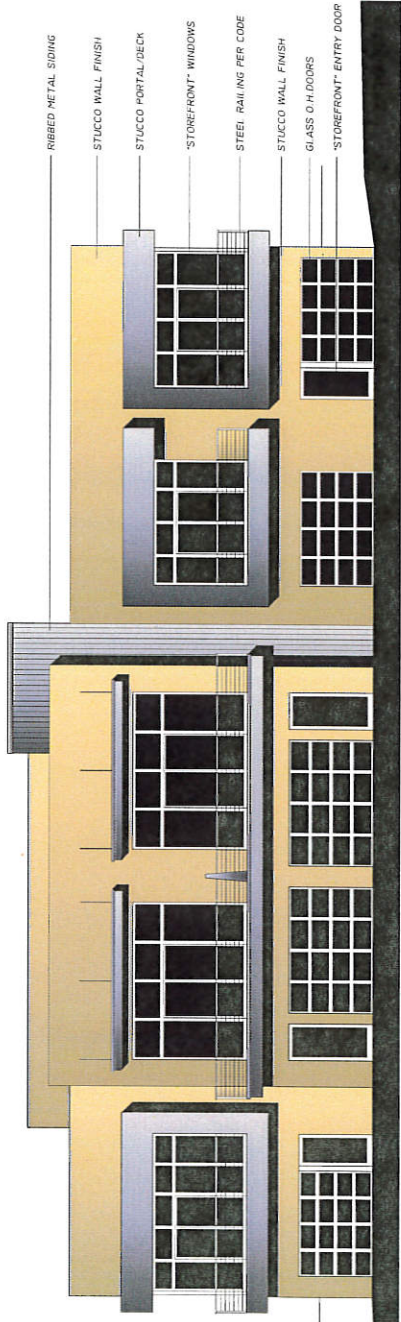
Notary Public – Stamp of State Notary Seal



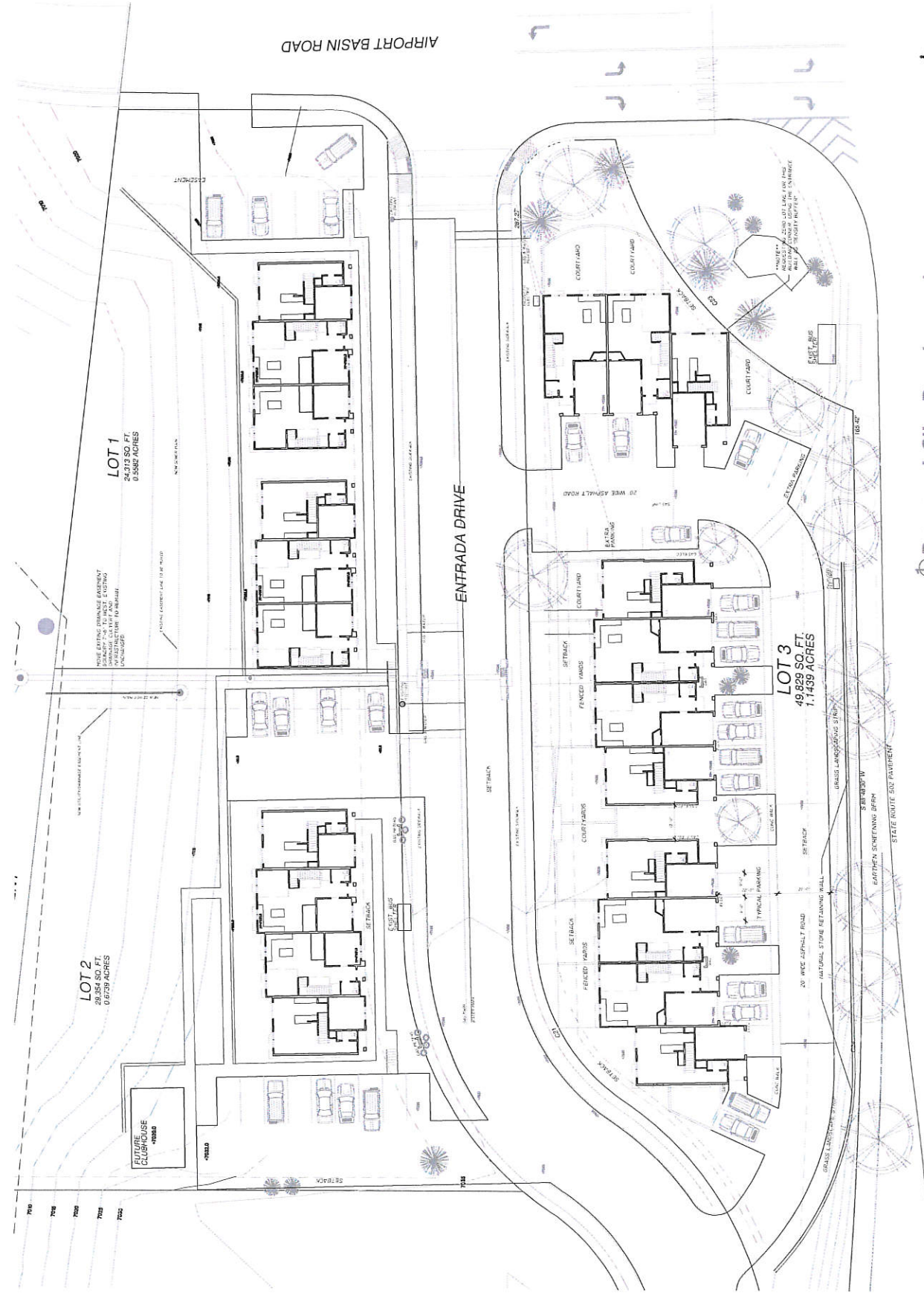
**Conceptual Design**



**SITE CONCEPT**  
 SCALE: 1/8" = 1'-0"



Site Development



Proposed Site Development

STATE ROUTE 502

