

MINUTES

Planning and Zoning Commission



August 28, 2024 – 5:30 P.M.

*Virtual participation for this meeting was made available via Zoom.
The proceeding can be viewed at <http://losalamos.legistar.com/Calendar.aspx>*

1. CALL TO ORDER / ROLL CALL

Chair Adler called the meeting to order at 5:32 PM. Roll call was administered. A quorum was present.

Members Present:

Rachel Adler, Chair
Benjamin Hill, Commissioner
David Hampton, Commissioner
Katherine Bruell*, Commissioner
Karen Easton, Commissioner
Ronald Nelson, Commissioner

Members Absent:

Stephanie Nakhleh, Vice Chair
Rebecca White, Commissioner

Staff Present:

Paul Andrus, Community Development Director
Desirae J. Lujan, Senior Planner
Katie Thwaites, Deputy County Attorney
Larissa Breen, Assistant County Attorney
Ubaldo Barela, Management Analyst
Lenora Maes, Senior Permit Technician

Council Liaison:

David Reagor

** Attended virtually via Zoom*

2. PUBLIC COMMENT

None.

3. APPROVAL OF AGENDA

A motion was made by Commissioner Hampton to approve the agenda as amended moving Item 5.C., Commissioner Easton seconded. The motion passed unanimously.

4. PLANNING AND ZONING COMMISSION BUSINESS

A. Approval of the June 26, 2024, Planning and Zoning Commission Meeting Minutes

A motion was made by Commissioner Adler to approve the June 26, 2024, Planning and Zoning Commission Meeting Minutes. Seconded by Commissioner Bruell. The motion passed unanimously with Commissioner Hill and Commissioner Nelson abstaining.

5. PUBLIC HEARING(S)

- C. CASE NO. SUB-2024-00019.** Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner, is requesting Preliminary/Final Subdivision Plat approval for the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock, NM. The development proposes a 29-unit, two-story, townhome subdivision on 1.05 acres, combined. The properties, SV A006A, SVA006C, SV A006D, SV A006E, SV A006F, SV A006G, and SV A003C, SV A003D, SV A003E, Sherwood Village, are within the White Rock Town Center (WRTC) Zone District.

Chair Adler opened the case and explained the meeting procedures. Parties were identified and those expected to give testimony were sworn in:

*Philip Gursky, applicant, 2015 East Jemez Road.
Desirae Lujan, Los Alamos County Senior Planner.
Eric Ulibarri, Los Alamos County Engineer.
Douglas Dross, 120 Aztec.
Laura Zahn, 120 Aztec.*

Chair Adler polled the Commission for potential Conflicts of Interest or ex-parte communication.

Philip Gursky, the applicant, presented CASE NO. SUB-2024-00019 for the preliminary and final plat of the Sherwood Rounds property and addressed the approval criteria from the Development Code, Section 16-74(a)(3), Subdivision (Sketch, Preliminary, and Final Plats).

Commissioner Hill had a question for the applicant about landscaping in the proposed subdivision plat. Philip Gursky ensured that the subdivision's landscaping plan had a contiguous layout.

Desirae Lujan, Senior Planner, gave a presentation supporting the approval of CASE NO. SUB-2024-00019, based on the applicant meeting the decision criteria.

Chair Adler asked if the current plan is the same as the plan brought to the Commission in February. Desirae Lujan stated that the first plan was conceptual, and the current plan is final and has been refined to include engineering and details, but the overall concept is the same.

Laura Zahn, 120 Aztec gave testimony at the hearing regarding the increased density of the neighborhood, and the notices of previous meetings.

Douglas Dross, 120 Aztec, gave testimony at the hearing with concerns about the approval of the plan and notices of previous meetings. Chair Adler confirmed with staff that public notices were sent out for the previous meeting regarding the Sketch phase of this case.

Laura Zahn, 120 Aztec, asked if public notices were sent certified for the previous meeting. Desirae Lujan answered stating that notices are being required to be sent certified as of the August 28, 2024, meeting.

Reinhold Zahn, 120 Aztec, gave concerns regarding the approval of the case and asked about parking in the proposed subdivision. Philip Gursky answered stating that each unit contains a driveway, a garage, and street parking available.

Chair Adler closed the public hearing to receipt of evidence, and the Commission discussed each decision criteria and agreed that they had been met.

Commissioner Hill moved to conditionally approve Case No. SUB-2024-0019, a request by Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner, for Preliminary/Final Subdivision Plat approval for the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock, NM. The development proposes a 29-unit, two-story, townhome subdivision on 1.05 acres, combined. The properties, SV A006A, SVA006C, SV A006D, SV A006E, SV A006F, SV A006G, and SV A003C, SV A003D, SV A003E, Sherwood Village, are within the White Rock Town Center (WRTC) Zone District. The Subdivision shall meet the following conditions as recommended:

- 1. Before the Final Subdivision Plat is signed and recorded, Sheet 1 of 4, shall address utility easements by providing a 10-foot maintenance vehicular access road (ingress/egress) and a drainage easement shall be granted to the County for vehicular access to the SE pond from within the interior streets between Lot 25 and 26. The easements must be shown clearly on all sheets in the plat document.**
- 2. Before the Final Subdivision Plat is signed and recorded, Sheet 2 of 4, shall label the easement for the SE pond area.**
- 3. Before the Final Subdivision Plat is signed and recorded, a provision shall be included in the final design to allow construction of additional pedestrian infrastructure allowing access from the property to the east into the proposed Sherwood Rounds development ATTACHMENT D and access to Longview Drive. Easements shall be included in the Final Plat as necessary to allow pedestrian access.**
- 4. Before the Final Subdivision Plat is signed and recorded, the Subdivision Plat shall include the physical addresses of each lot as assigned by Los Alamos County, and in accordance with the Los Alamos County Code of Ordinances, Chapter 34, Section 34- 104, Addressing.**
- 5. Before the Final Subdivision Plat is signed and recorded, the property owner(s) must fulfill the tax payment requirements in accordance with the Los Alamos County Assessor procedures and NMSA 7-38-44.1, Special Procedures for Administration of Taxes on Real Property Divided or Combined.**
- 6. Before the issuance of the building permit, a Joint Landscaping Agreement between the property owner(s) and the county is required to coordinate the specifics of streetscape installation on county right-of-way.**

Approval is based on the Findings of Facts established at the hearing and conclusion that the Applicant has met the decision criteria for Subdivision within Section 16-74-(a)(3) of the Los Alamos County Development Code and that the Commission is acting under the authority granted by Section 16-69-(b)(2) 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 to be prepared by county staff.

Seconded by Commissioner Hampton. The motion carried a 6-0 vote.

For:

Rachel Adler
David Hampton
Karen Easton
Katherine Bruell
Ronald Nelson
Benjamin Hill

- A. CASE NO. REZ-2024-0019.** Los Alamos County Capital Improvements and Facilities Division, on behalf of Los Alamos County, property owner, is requesting a Minor Zone Map Amendment to change the property, EA3 U, from its current Single-Family Residential (SFR-4) Zone District to the Institutional (INS) Zone District. The property is commonly known as the Civilian Women's Dormitory and is addressed as 1725 17th Street, within the Eastern Area 3 Subdivision.

Chair Adler opened the case and explained the meeting procedures. Parties were identified and those expected to give testimony were sworn in:

John Davy, 1720 17th Street.
Donald Close, 1910 Spruce Street.
Desirae Lujan, Los Alamos County Senior Planner.
Carolyn Conner, 1473 Oakwood Loop
Linda Matteson, Deputy County Manager, Los Alamos County.
Russell Naranjo, Los Alamos County Project Manager.
Michele Mullen, Mullen Heller Architecture, PC.
Tom Smith, Site Manager, Manhattan Project National Historical Park.
Danielle Duran, Los Alamos County Intergovernmental Affairs Manager.
Sarah Rhoton, Los Alamos County Capital Projects and Facilities Manager.
Eric Ulibarri, Los Alamos County Engineer.

Chair Adler polled the Commission for potential Conflicts of Interest or ex-parte communication. Commissioner Bruell informed the Commission of a conflict of interest. After further discussion, Commissioner Bruell recused herself from the case.

Russell Naranjo, Los Alamos County Project Manager, presented Case No. REZ-2024-0019 requesting a Minor Zone Map Amendment to change the property, EA3 U, from its current Single-Family Residential (SFR-4) Zone District to the Institutional (INS) Zone District.

Commissioner Hampton asked about the property purchase at 1725 17th Street by Los Alamos County and its intended use. Linda Matteson answered the question stating that at the time of sale, the property's final use was unknown. There were multiple ideas for the potential use and the architect of record on the project proposed several options for consideration.

Commissioner Hampton asked about the typical zoning for past uses of the property at 1725 17th Street and the avoidance of spot zoning with the proposed rezoning. The lot that was identified as institutional (INS) to avoid spot zoning in the area was found to be a lot for utility infrastructure. Russell Naranjo explained that the Institutional (INS) zone allowed for a caretaker's unit and was the least invasive zoning to accomplish the remodel.

Commissioner Nelson asked about the number of buildings of similar vintage in the area. Russell Naranjo answered stating that the structure at 1725 17th Street is one of two historic buildings from the Manhattan Project era.

John Davy, 1720 17th Street, questioned Criteria D for approval of the rezoning because of the detriment to residents of the neighborhood.

Russell Naranjo explained that County Staff has proposed this rezone and project referencing Los Alamos County Chapter 16 and held multiple public meetings for public input, including a required neighborhood meeting.

Desirae Lujan, Senior Planner, gave a staff presentation for Case No. REZ-2024-0019 explaining that the rezoning is necessary for Los Alamos County to continue the project at 1725 17th Street. The staff has concluded that the criteria for rezoning have been met.

Commissioner Hill asked if the rezone and site plan are being presented together or separately. Desirae Lujan stated that they are on the same agenda as separate cases and will require separate actions.

Carolyn Conner, 1473 Oakwood Loop, asked if the typical zoning for churches is SFR-4, as the Future Land Use Map is shows the existing churches zoned as institutional (INS). Desirae Lujan explained that the Future Land Use Map does not represent current zones, but is an illustration of desired future zoning as adopted by the Comprehensive Plan.

John Davy, 1720 17th Street, asked if the zoning change is made could the property at 1725 17th Street be repurposed and used for County Staff offices. Desirae Lujan explained that any other change to the structure of the building would have to be brought back and approved as a site plan change. John Davy also asked about a walled enclosure on the proposed site plan and the sounds that will be made by the equipment.

Carolyn Conner gave testimony at the hearing against the approval of the rezoning of 1725 17th Street referencing spot zoning as her reasoning. Commissioner Hampton asked if Carolyn Conner would rather the structure be used for residential purposes to which she confirmed.

Tom Smith, Manhattan National Historical Park, gave testimony at the hearing explaining the Manhattan National Historical Park's potential uses for the site, highlighting the historical significance of the lot, and explaining the current needs of the Park Service. Commissioner Hill asked about the use of the additional structure proposed in the site plan. Tom Smith explained that the proposed structure would be a restroom which allows for more space within the main structure for the Park Service. Michele Mullen explained that the additional structure allows for code requirements for the number of bathrooms to be met while not taking space away from the main structure, or compromising the building's historical features.

Commissioner Easton asked about the National Historical Register for the proposed structure. Michele Muller explained that the rezoning case and site plan case are being muddled together. She also stated that there are specific portions of the building that must be preserved for historical purposes.

Linda Mattesson, Deputy County manager explained that the additional structure for restrooms in the proposed site plan would be open and closed on the same schedule as the main building on the lot.

Commissioner Hampton asked if the County can only provide services if the lot is zoned Institutional (INS) or if other zones should be considered. Desirae Lujan answered by stating that INS, or DTLA are the zones that allow for most institutional uses and other zones that permit the use would need to be referred to in the Development Code.

Carolyn Conner asked if the proposed rezoning and site plan maximize the preservation of the building. Linda Matteson answered stating that the Park Service had been reliant on Los Alamos County for a visitors' center. She also explained that the proposed use would ensure the preservation of the structure.

-- Meeting recessed and reconvened at 8:01 PM --

Chair Adler closed the public hearing, and the Commission discussed each decision criterion. Commissioner Hampton said Criterion A was not met, stating that it is not the best use of the property. Commissioner Easton disagreed, raising concerns about other zone districts. Commissioner Hill agreed with Easton but stressed the need to preserve the residential scale for future structures. Criterion B was agreed to be met, while some viewed Criterion C as spot zoning, though it was supported by #3 and #4. Hill agreed with Adler that Criterion D was met but raised concerns about the architecture of proposed buildings affecting the residential scale and character of the neighborhood. He suggested adding a condition to the rezone but was advised it could not be conditioned.

Commissioner Easton moved to recommend that the County Council approve Case No. REZ-2024-0019, a request from Los Alamos County Capital Projects and Facilities Division, on behalf of Los Alamos County, property owner. Approval would amend the zone district of the Property, EA3 U, from its current Single-Family Residential (SFR-4) Zone District to the Institutional (INS) Zone District. The Property is commonly known as the Women's Dorm Building and is addressed as 1725 17th Street, within the Eastern Area 3 Subdivision.

Approval is based on the Findings of Facts established at the hearing and conclusion that the Applicant has met the decision criteria for a Minor Zone Map Amendment pursuant to Section 16- 74(h)(3) of the Los Alamos County Development Code and that the Commission is acting under the authority granted by Section 16-69-(b)(1) 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 to be prepared by county staff.

Seconded by Commissioner Adler. Motion failed with a 3-2 vote.

For:

Rachel Adler
Karen Easton
Ronald Nelson

Against:

David Hampton
Benjamin Hill

Abstained:

Katherine Bruell

Paul Andrus, Community Development Director, withdrew CASE NO. SIT-2024-0069 due to the failed motion of CASE NO. REZ-2024-0019.

Chair Adler also requested the cases be brought back to the Planning and Zoning Commission at separate meetings.

- B. **CASE NO. SIT-2024-0069.** Los Alamos County Capital Improvements and Facilities Division, on behalf of Los Alamos County, property owner, is requesting Site Plan approval to renovate the existing 2-story building commonly known as the Women's Dorm Building, to serve as a visitor center with historical and educational exhibits, related office space, and a Caretaker Unit; and construction of a 560 Sq. Ft. detached restroom facility with picnic pavilion. The property, EA3 U, is addressed as 1725 17th Street and is within the Single-Family Residential (SFR-4) zone district.

Due to the failed motion of Case No. REZ-2024-0019, Case No. SIT-2024-0069 was unable to proceed as submitted and was withdrawn until further notice.

6. COMMISSION/DIRECTOR COMMUNICATIONS

a. *Department Report*

Paul Andrus, Community Development Director spoke on recruitment for a Planning Manager, the minor rezone text amendment, and Chapter 16 errors and omissions. He also spoke about upcoming separate updates for Chapter 16 and the Comprehensive Plan.

b. *Chair's Report*

Chair Adler welcomed Commissioner Nelson and thanked commissioners for their contributions.

c. *Council Liaison's Report*

County Councilor David Reagor reported on the Affordable Housing Plan.

d. *Commissioners' Comments*

Commissioner Nelson stated that he is looking forward to working with the commission.

7. PUBLIC COMMENT

Desirae Lujan informed the commission of County Council approval of the rezoning of the North Road Inn property.

8. ADJOURNMENT

8:28 pm