



County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

Agenda - Final Planning and Zoning Commission

*Rachel Adler; Chair, Neal Martin, Vice-Chair; Benjamin Hill;
Stephanie Nakhleh; Beverly Neal-Clinton; and Rodney Roberson,
Commissioners*

Wednesday, August 10, 2022

5:30 PM

Council Chambers
1000 Central Avenue

Members of the public can, also, join this meeting session to make public comment via Zoom by pasting into their browser the following: <https://us06web.zoom.us/j/85431379472>

Or, by telephone: US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833

Webinar ID: 854 3137 9472

1. CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENT

This section of the agenda is reserved for comments from the public on items that are not otherwise included in this agenda.

3. APPROVAL OF AGENDA

4. PLANNING AND ZONING COMMISSION BUSINESS

A. [16256-22](#) Planning and Zoning Commission Meeting Minutes - June 22, 2022

Attachments: [PZ Minutes 20220622](#)

5. PUBLIC HEARING(S)

A. [16257-22](#) CASE NO. SUP-2022-0023. Barbara Christensen, DBA Immaculate Auto Total Car 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 the Eastern Area 2 Subdivision and zoned as Heavy Commercial District (C-3

Attachments: [StaffReport SUP-2022-0023 Immaculate Auto Final](#)

6. PRESENTATION(S)

- A.** [16255-22](#) Los Alamos County Development Code Update Module 3:
Administrative & Enforcement

Presenters: Desirae Lujan

Attachments: [LAC Code Update Module 3 PZ 8.10.22](#)
[Module 3 Public Comment Matrix - PZ 8.5.2022](#)

7. COMMISSION/DIRECTOR COMMUNICATIONS

- A.** *Department Report*
- B.** *Chair's Report*
- C.** *Committee Reports*
- D.** *Board of Adjustment Report*
- E.** *Commissioners' Comments*

8. PUBLIC COMMENT**9. ADJOURNMENT**

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department Office at 505-662-8006 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

August 10, 2022

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: 16256-22

Planning and Zoning Commission Meeting Minutes - June 22, 2022

MINUTES

Planning and Zoning Commission



June 22, 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 5:37 PM. Roll Call was administered – a quorum was present.

Members Present:

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

2. PUBLIC COMMENT

No comment.

3. APPROVAL OF AGENDA

Vice Chair Martin moved to approve the agenda as presented. Commissioner Nakhleh seconded. Motion carried unanimously.

4. PLANNING AND ZONING COMMISSION BUSINESS

A. Planning and Zoning Commission Meeting Minutes – June 8, 2022.

Vice Chair Martin moved to approve the Minutes as presented. Commissioner Hill seconded. Motion carried unanimously.

5. PUBLIC HEARING(S)

A. CASE NO. SUB-2022-0013. Greg Gonzales, dba Columbus Capital, is seeking Subdivision Plat approval for a planned development consisting of 85 single family lots addressed as 659 San Ildefonso Road, Los Alamos, NM. The property, NM1 D, is within the North Mesa Community and zoned Planned Development Residential District (PD-5).

Greg Gonzales, applicant, presented the plans for an 85-lot subdivision at the subject site. He highlighted its design that will provide multiple buying options with different sized lots. He shared that the subdivision would have a Homeowner's Association with a purpose to maintain amenities and spaces that will not be under the county's purview. Mr. Gonzalez gave an overview of the subdivision's proposed infrastructure, which are designed to county standards and conformity with the Comprehensive Plan. He stated that they have worked to align the egress on the left with the street across San Ildefonso Road, but the one on the right does not, so they are in the process of finalizing a complete traffic impact study. He discussed the subdivision's accommodation for drainage with the use of underground ponding, impacts on adjacent properties, and proposed street names. He concluded that the project would provide multiple benefits to the community and county in general by meeting the criteria and providing multiple options for housing that requires minimal modification to the existing infrastructure.

Commissioner Hill inquired the likelihood of a development without natural gas to lessen carbon omissions. Mr. Gonzales responded that developers have not seen, at the buyers' level, that such development is a big requirement; from the home builders the best production is with what they are familiar with – gas. He expressed that getting to that level of green building is still a way away, but it is being explored.

Commission Roberson questioned the price point for the lots being provided. Mr. Gonzales stated that with the home-mix that is proposed, it will be one of the more economical subdivisions with some more affordable options.

Vice Chair Martin asked if internet connectivity has been integrated into the plans. Mr. Gonzales replied that there have not been any formal accommodations, but for the past five-years all their developments with CenturyLink, now Lumen, has been provided with fiber to all the homes. They will work with the communications provider to ensure that fiber is accessible in this subdivision – if fiber is in existence within the community. Vice Chair Martin questioned provisions for parks within the subdivision. Mr. Gonzales noted open spaces throughout the subdivision and stated that there is not a formal central park. Vice Chair Martin inquired the nearest park distance to the project site. It was noted that a baseball park, play lot, soccer fields and tennis courts are within walking distance from the project site.

Commissioner Nahkleh questioned the drainage and associated maintenance with the underground ponding. Mr. Gonzales explained that they would need annual cleaning and acknowledged that it is standard of a Homeowner's Association.

Ms. Sayeda presented staff's report that gave an overview of the applicant's request; fulfillment of public notice requirements; response to the review criteria, and Interdepartmental Review Committee comments and recommended conditions.

Vice Chair Martin questioned the approval process for the subdivision to move forward. Ms. Sayeda explained that if approved, staff will work with the applicant to resolve any issues and conditions, and a new submittal will be made for final plat approval. He asked for a clarification on the open space to the west. Ms. Sayeda stated that it is public land with a Wilderness Overlay – designated as Open Space. Vice Chair Martin asked about bicycle access on San Idelfonso Road. It was determined that there is at least on designated bicycle lane along San Idelfonso Road.

Commissioner Nahkleh questioned the need and safety of aligning ingress/egress with the existing streets. Eric Ulibarri, County Engineer, explained the concept known as departure sight triangle, which allows for those exiting a minor street to have a safer exit and prevent vehicular conflict. It increases safety and is a standard across Federal Transportation Guidelines. He explained that staff has asked the applicant's Engineer of Record to submit a Traffic Analysis to determine if there is a potential for any issues at the intersections. Commissioner Hill asked if the two entry points was necessary. Mr. Ulibarri stated that it is a fire issue more than an engineering requirement. Ms. Sayeda confirmed that the Fire Marshal has made it a condition to have two means of ingress/egress pursuant with the newly adopted 2021 Fire Code.

Vice Chair Martin questioned the county-wide effort for broadband. Kevin Powers, Associate Attorney, noted that broadband is not a part of the subdivision requirements, but informed that progress is being made and the Council will be providing a broadband update at their next meeting.

Ms. Nahkleh questioned the stability of the cliff sides. Ms. Sayeda replied that as developments move into construction - during the permitting process - soil reports would be required where needed. At that time setbacks and other site development requirements would also be reviewed.

Public Comment was opened and closed at 6:34 PM without comment(s).

Vice Chair Martin stated that the facts presented for *Criterion A* were persuasive – in particular it is in style with the surrounding area, and North Mesa and was satisfied with the recreational amenities available in the vicinity. Chair Adler affirmed that the Department of Public Utilities has reviewed the project and the area is acceptable with current public utilities. The Commission agreed, therefore meeting *Criterion B*. The Commission voiced future concerns with the safety of ingress, egress and circulation of vehicles, bicyclists, and pedestrians. Bryce Ternet, Planning Manager, explained that the Commission approving the Preliminary Plat is not approving construction. There is still a Final Plat process which will provide more detail; approval only allows the developer to continue with developing a final plat. Commissioner Hill suggested a pedestrian pathway at the southeast corner of the development. It was decided that the preliminary plan meets *Criterion C*. Chair Adler presented *Criteria D-I*. The Commission expressed no concerns, affirming the testimony and evidence presented to be persuasive.

Vice Chair Martin moved to approve Case No. SUB-2022-0013, a request for a subdivision plat approval for a planned development consisting of 85 single-family lots addressed as 659 San Ildefonso Road, Los Alamos, NM. The property NM1 D, is in the North Mesa Community and zoned Planned-Development Residential (PD-5). Approval is based on the Findings of Facts established at the hearing and the conclusion that the applicant has met each applicable review criteria contained within Chapter 16, Section 16-153, the Los Alamos Development Code, and that the Commission is acting under the authority granted by Chapter 16, Section 16-452 (b)(1)(a) of the Development Code.

Vice Chair Martin further moved 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 the decision, and to be subsequently prepared by county staff.

Approval is based on the following conditions:

1. All proposed underground storm drain detention systems on Tract 7 & 14 shall be maintained by the applicant. A note specifying this requirement shall be placed on the drawings at the time of final subdivision plat submittal.
2. All proposed open spaces on Tract 1-6, & 8-12 shall be maintained by the applicant. A note specifying this requirement shall be placed on the drawings at the time of final subdivision plat submittal.
3. Traffic analysis shall be performed, and a traffic report shall be included at the time of final subdivision plat submittal.
4. Drainage analysis shall be performed, and a drainage report shall be included at the time of final subdivision plat submittal.
5. Applicant shall submit site runoff design to Department of Energy for their review and coordination and include the findings at the time of final subdivision plat submittal.
6. All proposed utilities and related easements shall be reviewed and approved by DPU at the time of final subdivision plat submittal.

Motion seconded by commissioner Roberson. Motion carried 6-0 vote.

-Roll Call Vote –

For the Motion:

*Benjamin Hill
Beverly Neal-Clinton
Stephanie Nakhleh
Rodney Roberson
Neal Martin
Rachel Adler*

6. COMMISSION/DIRECTOR COMMUNICATIONS

A. Department Report

B. Chair's Report

C. Board of Adjustment Report

D. Council Liaison Report

E. Commissioners' Comments

7. ADJOURNMENT

6:52 PM

Rachel Adler, Chair



County of Los Alamos

Staff Report

August 10, 2022

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: 16257-22

Title

CASE NO. SUP-2022-0023. Barbara Christensen, DBA Immaculate Auto Total Car 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 the Eastern Area 2 Subdivision and zoned as Heavy Commercial District (C-3

Attachments

A - Staff Report for CASE NO. SUP-2022-0023.



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: August 10, 2022
Subject: Case No. SUP-2022-0023
Owners/Applicants: Owner, H&M Properties, LLC; Barbara Christensen, Applicant/Agent
Case Manager: Anita C Barela, Associate Planner

CASE NO. SUP-2022-0023: Barbara Christensen, DBA Immaculate Auto Total Car 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 for the buildings addressed as 99 DP Road and 101 DP Road within Tract WC in the Eastern Area 2 Subdivision and zoned as Heavy Commercial District (C-3). Location and vicinity maps are attached below in **Exhibit A** and **B** respectively.

Location Map



8/3/2022, 8:46:31 AM

0 335 1,340 ft
0 100 200 400 m
1:9,028
670
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User community, Web AppBuilder for ArcGIS
Maxar | Esri, HERE, Garmin, GeoTechnologies, Inc. |

Location Map - Exhibit A



VICINITY MAP

Legend

PROJECT SITE

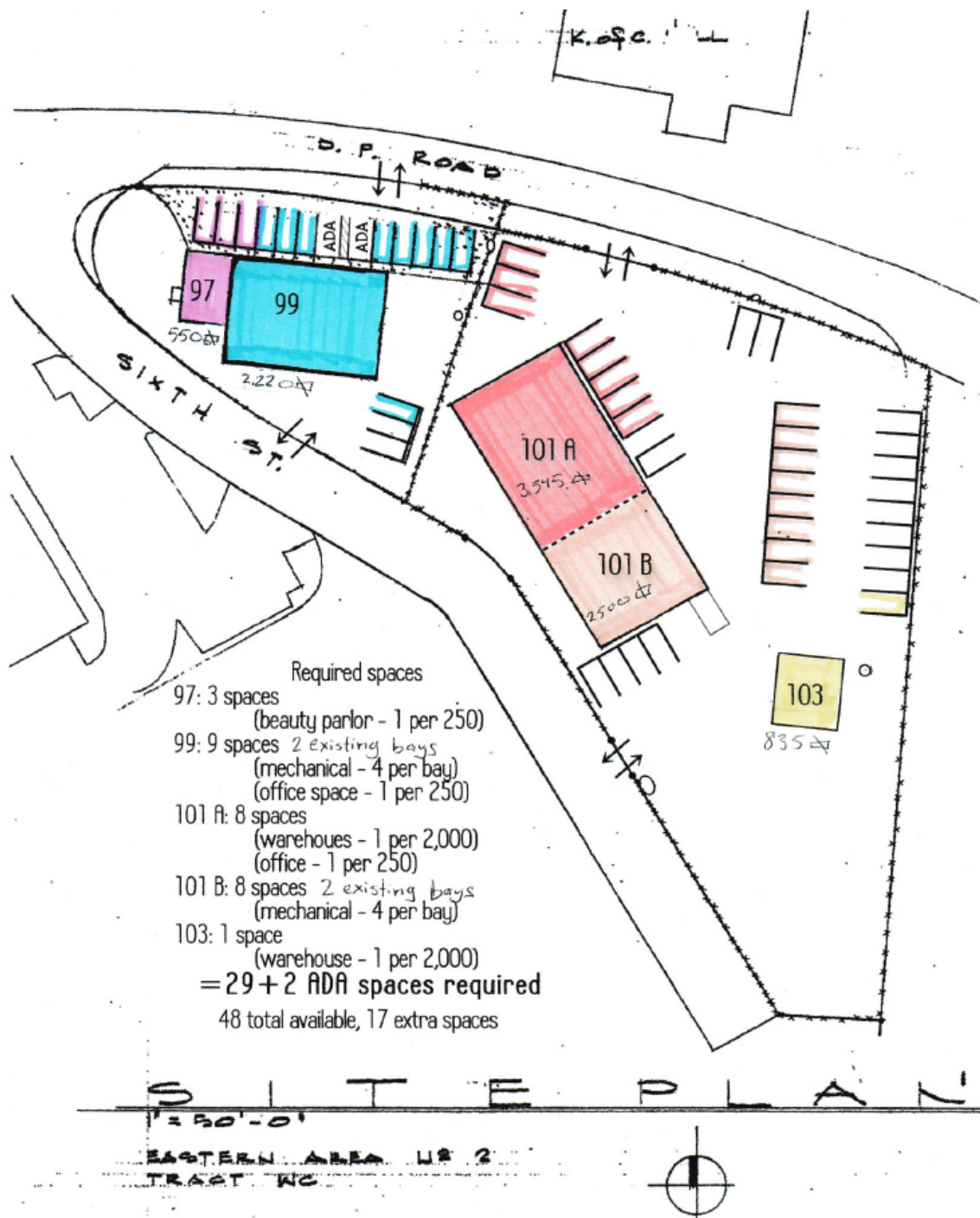


Vicinity Map - Exhibit B

SUMMARY

The property, Tract WC, is situated between DP Road and 6th Street and is accessed from Trinity Drive. The subject property is currently developed with four separately addressed structures. The buildings for consideration of this review are 99 DP Road, approximately 2,200 ft² and 101 DP Road, approximately 6,045 ft². The 0.22-acre (approximately 9,583 S.F.) tract is owned by H&M Properties, LLC. The applicant has provided a site plan to provide insight into the current uses on the property.

A site plan indicating various uses on the subject property is attached below in **Exhibit C**.



Site Plan - Exhibit C

BACKGROUND

A Special Use Permit was approved in 1995 for an automotive repair business known as *Automotive Professionals*, for a portion of 99 DP Road. This building has been in continuous use as an automotive repair business since at least 1995. Automotive repair requires a Special Use Permit in a C-3 zone.

The Special Use granted in 1995 was for a portion of 99 DP Road. A Special Use Permit is required to expand proposed services and an auto dealership to 101 DP Road.

Building permits show that the building was constructed in 1971, and in 1974 the driveway and curb cut encroached into public right-of-way, which makes this site non-conforming. Section 16-367 (b)(3) states: *“Turning and maneuvering space shall be located entirely on private property unless specifically approved by the county engineer as being required to make the lot buildable.”*

SPECIAL USE PERMIT DESCRIPTION: Per Section 16-9. Definitions and rules., Special Use Permit is defined as follows:

“Special use permit means a permit for a use classified as a special use, as detailed elsewhere in this chapter.”

Automobile, boat, rec. vehicles, motorcycle; sales, rental and services are allowed with a Special Use Permit in three zones in Los Alamos County; C-1, C-2, C-3 and permitted by right in the DT-NCO Zone.

COMPLIANCE TO CODE SECTION 16-156: The application complies with all provisions for the proposed use as outlined within Sec. 16-156 Special use permit review criteria.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

On Thursday, July 14, 2022, the IDRC met to review this application and did not communicate any conditions or concerns. They did, however, provide information to be relayed to the applicant. Building requested that the applicant includes one space in front of 99 and 101 DP Road that is *Van Accessible* to comply with the International Code Council Building Code and accessibility requirements.

The Fire Marshal's Office commented that he would like them to provide a KnoxBox on the exterior of the building; that the gates off of 6th St. need to remain open during working hours for fire dept. access, and after hours they should provide a means of access for fire dept, i.e., KnoxBox pad lock, key-pad; and the gates need to be wide enough for fire truck access (20ft min)

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 (b), which includes:

1. Notice of the requests and meeting information published within the Los Alamos Daily Post on July 21, 2022, the County's official newspaper of record.
2. U.S. mail sent on July 19, 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.
3. Notice of the requests and meeting information was posted at the Los Alamos County Municipal Building on July 22, 2022.

Also, notice of these requests was posted at the project site(s), 99 and 101 DP Rd, along DP Road right-of-way, on July 22, 2022. As of August 05, staff has received one inquiry.

Attachment 3: Public Notification

SPECIAL USE PERMIT REVIEW CRITERIA:

Section 16-156 of the Los Alamos County Development Code states that during the course of the review of any request for a Special Use Permit, the Planning and Zoning Commission shall make findings to reflect the following criteria in making its recommendation of approval, conditional approval or denial to County Council:

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 comprehensive plan calls for diverse businesses in that area. Mechanical Repair has been at this location for over 26 years and provides a service which is much needed in our community. If 99 DP Road is no longer a mechanic shop, that will increase the wait times for all community members who own cars and prefer to shop local rather than taking their cars to Santa Fe or Espanola.

The detailing services we provide are especially needed. There are currently no detailers in the county who have a dedicated space to work in. In addition, the lab is sending their cars to Santa Fe to be detailed; we will be able to offer them a closer location, saving them time and fuel and keeping their spending dollars in the county.

There are other C-3 zoned properties in the vicinity along DP Road. There is another mechanic, a lumber yard, and a dog grooming business along the road.

All waste disposal from our shop is in compliance with the safety regulations in the state and the county. Automotive Professionals moved in December, less than a year ago. There was no gap in the time between their lease ending and our lease beginning.

Staff Response:

Staff agrees that this criterion has been met since the Comprehensive Plan goals are applicable to this proposal such as Goal No. 3.2: Development and Redevelopment of the Downtown area by improving the quantity and quality of service and retail businesses. Other goals that are applicable are the Downtown Goals of the Economic Vitality Policies: Support the development of a range of retail and service uses that complement one another, Support small businesses in the downtown, and provide flexibility for uses to change over time as market conditions change.

The proposed business is near the Downtown boundaries and is located along DP road amongst other Commercial and Industrial uses. If approved, it would add value to the community at large. The proposed auto dealership is a new type of business for this community at this time and would add a new type of business to the community which is one of the Comp Plan Goals of Economic Vitality Policies: Support the development of a range of retail and service uses that complement one another.

The only place that cars are sold in Los Alamos is at the County Lemon Lot which can only be used by private individuals. The Lemon Lot is regulated by County Code Chapter 8, Article VI, Sec. 38-364: selling an automobile on the Lemon Lot.

The person selling the vehicle must be the owner, and live or work in Los Alamos County. No dealers of motor vehicles, nor their representatives, are allowed to use the Lemon Lot.

The market has changed over time which has increased a need for automotive services in general in Los Alamos County. The automotive repair use in the building would not be detrimental since similar types of uses have occupied the building since 1994

The proposed uses would not be detrimental to the health, safety or general welfare of those residing or working in the vicinity, to property values, or to the general welfare of the County and the property on DP Road and the subject property would be an appropriate location for the use.

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:

Our business has available parking that meets regulations. Our 2 spaces in front of 99 DP Road exceed the requirement to have one ADA approved parking spot per 25 spots on the property. Parking spots are paved with surfaces of concrete, asphalt, and gravel. The property is well-lit, including all entrances.

Staff Response:

Staff agrees that this criterion has been met since the current Development Code requires four parking spaces per service bay; the bay itself may not be counted as a required space. Also required is one handicapped parking space when the total spaces number from 1 -25. The applicant has a total of four bays which will require 16 parking spaces with one being an ADA space; 16 spaces can be provided. The other businesses on this parcel, a Beauty Parlor and a warehouse, also will have adequate parking as demonstrated on the applicant's submitted Site Plan.

The delineated parking area currently includes parking for about 29 spaces off DP Road plus two ADA spaces. The Building Division commented that some ADA accessible parking must be van accessible. The International Code Council (ICC) states that for every six, or a fraction of six accessible spaces, at least one shall be a van accessible space. The Building Division also suggested that since there is a fence separating 99 and 101 DP Road, that each of those buildings at least one ADA van accessible parking space; one in front of 99 DP Road and one in

front of 101 DP Road. Staff agrees this criterion can be met with the suggested changes to the parking facilities.

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:

We are not changing the traffic flow in any way and so the ingress and egress of traffic remain in conformance with the county's standards. DP Road was recently redone by the county, so it is in compliance with the latest county code. There is no new construction on the property, call existing conditions. The location of the dumpster has been coordinated with environmental services.

Staff Response:

The existing ingress/egress and traffic circulation for the site will not change. There should be no adverse effects upon neighboring properties by the traffic generated by the proposed use. Staff agrees this criterion has been met.

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 parking does not interfere with right-of-way and the structures are contained totally within the property to allow full access to all public roads and adjacent properties. The business is entirely contained within 1-story buildings that are appropriate in size and build compared to the immediate surroundings.

Staff Response:

Staff agrees that this criterion has been met because the C-3 zones and Commercial zones do not require building setbacks. The building has been in existence for many years and will not be altered.

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 property has a chain link fencing along the property lines that border public-use property and are in conformance with Los Alamos County code.

Staff Response:

The existing building has natural landscaping and has existed in this manner for more than twenty years. The site has adequate landscaping. Few sites along DP Road are landscaped. This criterion has been met.

DRAFT MOTIONS – SUP-2022-0023

Motion Option 1: I move to **approve** Case No. SUP-2022-0023 that will allow Immaculate Automotive and Detailing to do mechanical repair, auto detailing, window tinting, and auto dealership at the site addressed as 99 and 101 DP Road. The proposed use is for the buildings addressed as 99 DP Road and 101 DP Road within Tract WC in the Eastern Area 2 Subdivision

The decision is based on the Findings of Facts established at the hearing and conclusion that the applications are in conformity with the review criteria within §16-156 of the Los Alamos County Development Code and that the Commission is acting under the authority granted by §16-452(d)(1)(a) of the Development Code.

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

Motion Option 2: I move to **deny** Case No Case No. SUP-2022-0023 for the following reasons: The Planning and Zoning Commission, acting under the authority granted by §16-452 (d)(1)(b) basis denial on the finding that the proposal does not conform to the review criteria for a Special Use Permit within Los Alamos County Code of Ordinances, Development Code, §16-156.

I further move to authorize the Chair to sign a Final Order recommending denial of the applications to the County Council, based on this decision and to be subsequently prepared by County staff.

DRAFT FINDINGS OF FACT¹

1. The Application is for Planning and Zoning Commission (“Commission”) consideration to approve, conditionally approve, or deny a Special Use Permit.
2. A Special Use Permit is required in a C-3 district for the use *Automobile and motorcycle, repairing, body work and painting* and for the use of *Automobile, boat, rec. vehicles, motorcycles; sales, rental, and services*.
 - a. The lots are legally addressed as 99 DP Road and 101 DP Road.
 - b. H&M Properties, LLC (“Applicant”) is the legal owner of the Properties.
 - c. The tract is a total of ~.22 acres.
3. Notice of the request was appropriately noticed in accordance with County Code:

¹ The Findings and Conclusion of Law provided are draft and may be amended after public hearing to represent the facts presented, the Commission’s decision, and the basis for their action.

- a. Pursuant to Section 16-192(b)(1), the public hearing, setting forth the nature of the request, specific parcel of the properties affected, and the date, time, and place of the public hearing was announced and published in the *Los Alamos Daily Post*, a newspaper of general circulation in the County, on July 21, 2022.
 - b. Pursuant to Section 16-192 (b)(2) the public hearing on the matter was noticed by U.S. mail on July 23, 2022, to property owners of real property within 100 yards of the exterior lot lines of the property, at least ten days prior to the hearing.
 - c. Pursuant to Section 16-192 (b)(3) a notice of the hearing was posted at least 15-days prior to the hearing at the county municipal building.
4. A quorum of the Commission was present and appropriately noticed on August 10, 2022, in accordance with the State's Open Meeting Act.
5. The meeting was held virtually and adhered to the County's annual public meeting resolution as required by the State's Open Meeting Act as adopted in County Resolution 22-01.
6. A public hearing was opened to receipt and cross-examination of testimony.
7. The Commission finds the request to conform with the Comprehensive Plan in the following areas:
 - a. Development and Redevelopment Goals are met by improving the quality and quantity of retail businesses.
 - b. Growth Goals will be achieved by the facilitation of development that will increase growth in Los Alamos County by allowing retail and services to grow and expand as necessary.
8. The Commission finds consideration has been given to sufficient parking facilities that are adequately designed, shielded, landscaped, and lighted to serve the use applied for to adequately serve the property.
9. The Commission determined that 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 applied for use.
10. The Commission finds that 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.

DRAFT CONCLUSIONS OF LAW

1. The Commission, acting under the authority granted it by Chapter 8, Article IX, Section 8-203(2)(b) of the County Code, has the responsibility and duty to hold a public hearing.
2. The review criteria to be used by the Commission in evaluation the Applicant's Special Use Permit application is Section 16-156 of the County Code.
3. Public Notice of the hearing on the applications is governed by Section 16-192(b) of the County Code.
4. Pursuant to Section 16-452(d) of the County code, the Commission finds, after hearing and deliberation, permit SUP-2022-0023, is in conformity with the review criteria of Section 16-156 and Planning and Zoning recommends approval.

ATTACHMENTS

1. Application and submittals
2. Public Notification



SPECIAL USE PERMIT APPLICATION

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

Special Use (describe): Mechanical repair, auto detailing, window tinting, and auto dealership.

Address to which this application applies: 97, 99, 101, and 103 DP Road, Los Alamos, NM 87544

Zoning District: C-3

Related Applications (if any): N/A

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

Name: Barbara Christensen Phone: (505)487-7050 Cell #: (505-288-7130
Please Print

Address: 406 Ridgecrest Ave, White Rock, NM 87544 Email: immaculate.auto.nm@gmail.com

SIGNATURE **7-7-2022**
DATE

PROPERTY OWNER (If different from Applicant) Check here if same as above

Name: H & M Properties, LLC Phone: Irene Holland (252) 241-2475 Carol McSmith (940) 867-5706
Please Print

Email: Irene Holland idholland@twc.com Carol McSmith carol_mcmith@yahoo.com

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

see attached affidavit

SIGNATURE **DATE**

SPECIAL USE PERMIT CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-156 establishes five (5) criteria for the Planning and Zoning Commission to use when reviewing an application for Special Use Permit approval. Please review each of the criteria listed and provide brief responses as to how your application meets the criteria. Use the space provided or attach separate sheets if needed. You will also be asked to discuss the criteria at your public hearing.

(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.

The comprehensive plan calls for diverse businesses in that area. Mechanical Repair has been at this location for over 26 years and provides a service which is much needed in our community. If 99 DP Road is no longer a mechanic shop, that will increase the wait times for all community members who own cars and prefer to shop local rather than taking their cars to Santa Fe or Espanola.

The detailing services we provide are especially needed. There are currently no detailers in the county who have a dedicated space to work in. In addition, the lab is sending their cars to Santa Fe to be detailed; we will be able to offer them a closer location, saving them time and fuel and keeping their spending dollars in the county.

There are other C-3 zoned properties in the vicinity along DP Road. There is another mechanic, a lumber yard, and a dog grooming business along the road.

All waste disposal from our shop is in compliance with the safety regulations in the state and the county.

Automotive Professionals moved in December, less than a year ago. There was no gap in the time between their least ending and our lease beginning.

(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.

Our business has available parking that meets regulations. Our 2 spaces in front of 99 DP Road exceed the requirement to have one ADA approved parking spot per 25 spots on the property. Parking spots are paved with surfaces of concrete, asphalt, and gravel. The property is well-lit, including all entrances.

(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.

We are not changing the traffic flow in any way and so the ingress and egress of traffic remain in conformance with the county's standards. DP Road was recently redone by the county, so it is in compliance with the latest county code. There is no new construction on the property, call existing conditions.

The location of the dumpster has been coordinated with environmental services.

(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.

The parking does not interfere with right-of-way and the structures are contained totally within the property to allow full access to all public roads and adjacent properties. The business is entirely contained within 1-story buildings that are appropriate in size and build compared to the immediate surroundings.

(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.

The property has a chain link fencing along the property lines that border public-use property and are in conformance with Los Alamos county code.

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 on disk:

- ☐ **Proof of property ownership.**
- ☐ **A Vicinity map, 8½ X 11-inch or 8½ X 14-inch format, showing the boundaries of the property and all adjacent lots within 300 feet. (County staff can provide the vicinity map if requested.)**
- ☐ **A scalable site plan including, at a minimum, the following information:**
 - ☐ Show and dimension all access and parking related to the site, including existing and any proposed curb cuts.
 - ☐ 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 structures 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.
 - ☐ Show existing and proposed landscaping, fencing, lighting, signage and any other proposed improvements.
- ☐ **\$300 fee**

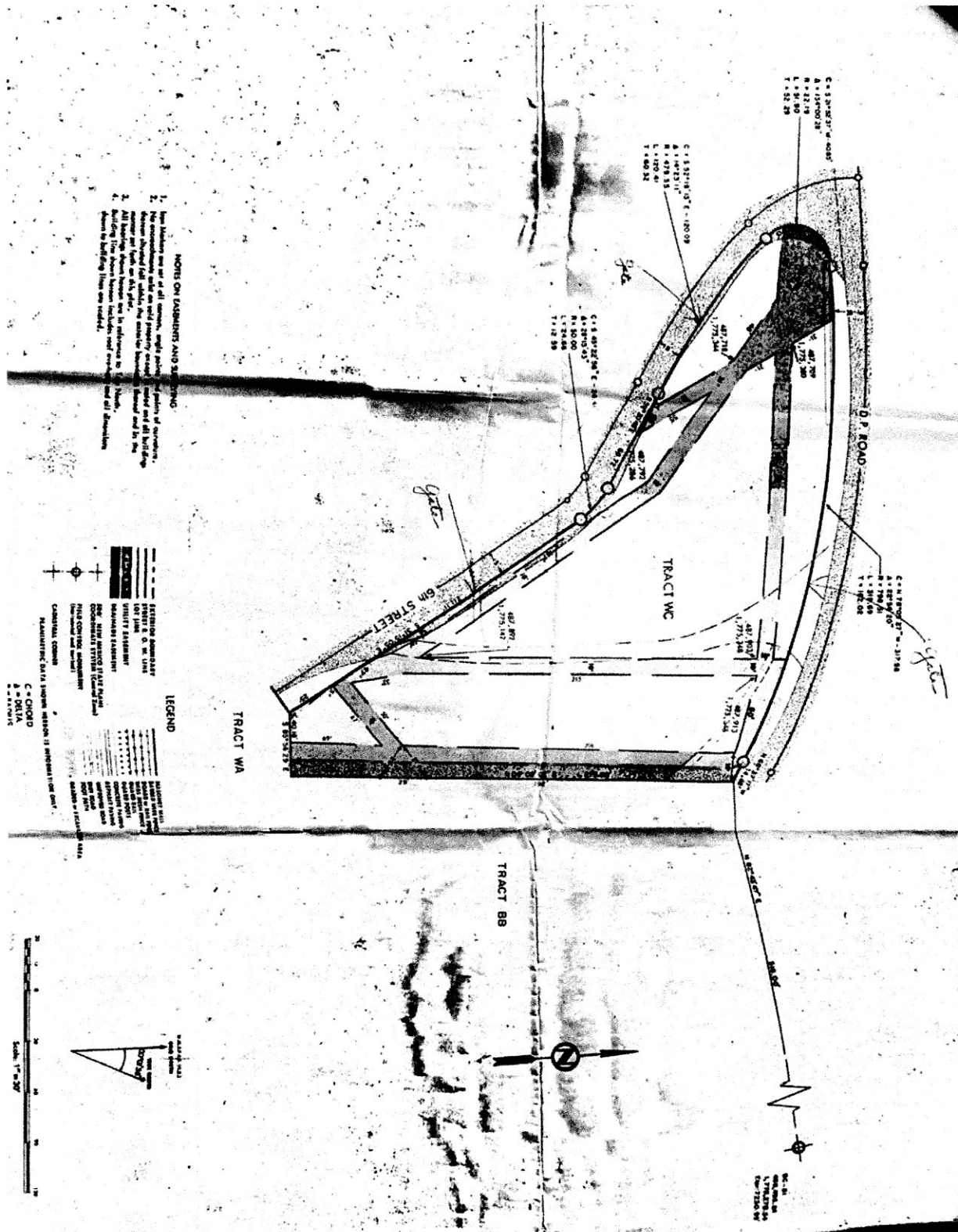
THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT

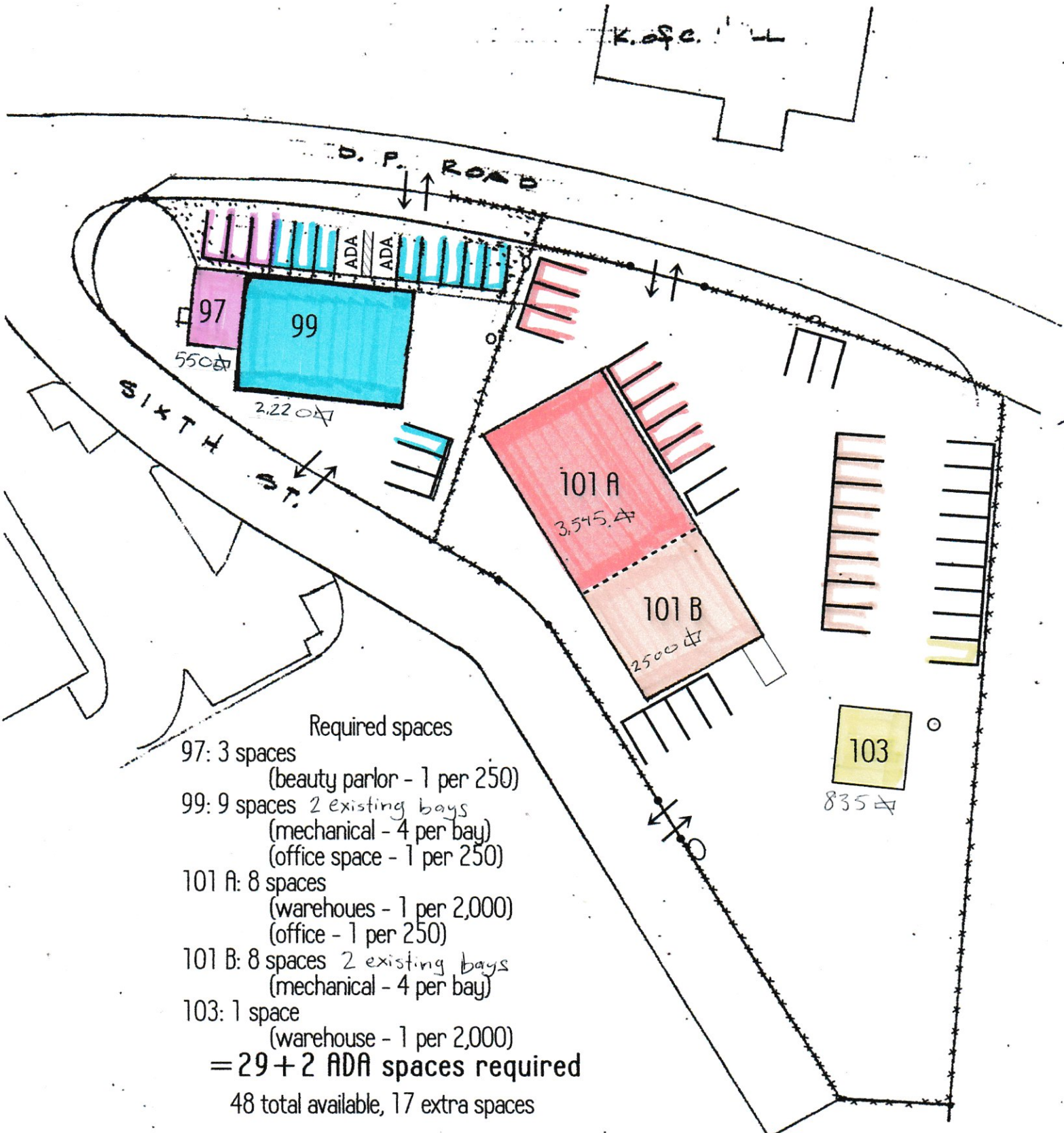
DEPARTMENT For County Use:

Date of Submittal: _____ **Staff Initial:** _____ **CDD**

Application Number: _____ **Fees Paid:** _____

SURVEY





Required spaces

97: 3 spaces
(beauty parlor - 1 per 250)

99: 9 spaces 2 existing bays
(mechanical - 4 per bay)
(office space - 1 per 250)

101 A: 8 spaces
(warehouses - 1 per 2,000)
(office - 1 per 250)

101 B: 8 spaces 2 existing bays
(mechanical - 4 per bay)

103: 1 space
(warehouse - 1 per 2,000)

= 29 + 2 ADA spaces required

48 total available, 17 extra spaces

S I T E P L A N

1" = 50'-0"

EASTERN AREA US 2
TRACT WC



LEGAL NOTICE

Community Development Department

Notice is hereby given that the Planning and Zoning Commission of the Incorporated County of Los Alamos, State of New Mexico, has directed publication of their scheduled meeting to be held on Wednesday, August 10, beginning at 5:30 PM, at the Los Alamos County Municipal Building: 1000 Central Avenue, Los Alamos, New Mexico 87544. Members of the public can, also, join this meeting session to make public comment via Zoom by pasting into their browser the following:

<https://us06web.zoom.us/j/85431379472>

Or One tap mobile:

US: +12532158782,,85431379472# or +13462487799,,85431379472#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833
or +1 301 715 8592 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099

Webinar ID: 854 3137 9472

A copy of the complete Agenda is available at least 72-hours prior for public inspection during regular business hours of 8am-5pm, within the Community Development Department at 1000 Central Ave, Suite 150, or online at <https://losalamos.legistar.com/Calendar.aspx>.

CASE NO. SUP-2022-0023.

Barbara Christensen, DBA Immaculate Auto Total Car 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 the Eastern Area 2 Subdivision and zoned as Heavy Commercial District (C-3).

Owner's agent/ Applicant: Barbara Christensen, DBA Immaculate Auto Total Care
Case Manager: Anita Barela, Associate Planner

SUBMITTED BY:

/S/ Paul Andrus

Community Development Director

"If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Human Resources Department at (505)662-8040 at least one-week prior to the meeting, or as soon as possible. Public documents, including the Agenda and Minutes, can be provided in various accessible formats. Please contact the personnel in the County Administrator's Office at (505) 662-8080 if a summary or other type of accessible format is needed."

PUBLISHED IN THE LA DAILY POST ON: Thursday, July 21, 2022.

July 25, 2022

Re: CASE NO. SUP-2022-0023.

Barbara Christensen, DBA Immaculate Auto Total Car 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 for the buildings addressed as 99 DP Road and 101 DP Road within Tract WC in the Eastern Area 2 Subdivision and zoned as Heavy Commercial District (C-3).

Dear Property Owner:

This notice was sent to you as a property owner within 100 yards of the subject site, pursuant to the Los Alamos County Code of Ordinances, Chapter 16, Article V, Sec. 16-192(b)(2).

The Los Alamos County Planning and Zoning Commission will be considering the above-mentioned applications at a public hearing on Wednesday, August 10, 2022, beginning at 5:30 PM (MST), 1000 Central Avenue, Los Alamos, New Mexico 87544. Members of the public can also join this meeting session to make public comment via Zoom by pasting into their browser the following:

<https://us06web.zoom.us/j/85431379472>

Or One tap mobile:

US: +12532158782,,85431379472# or +13462487799,,85431379472#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099

Webinar ID: 854 3137 9472

If you do not wish to speak, but are interested in watching the meeting, the agenda and live stream can be accessed at: <http://losalamos.legistar.com/Calendar.aspx>.

Please be advised that Planning and Zoning Commission hearings follow formal public hearing procedures and rules of conduct which parties must follow, including sworn testimony and cross-examination.

Case Manager: Anita Barela, Associate Planner
Email: planning@lacnm.us
Telephone: (505) 662-8120

Properties Within 100 Yards



COLUMBIAN CLUB
PO BOX 605
LOS ALAMOS, NM, 87544

H & M PROPERTIES LLC
214 THREE OAKS CT
SWANSBORO, NC, 28584

COLUMBIAN CLUB
PO BOX 605
LOS ALAMOS, NM, 87544

LOCUST, CONDOMINIUMS
55 VERDE RIDGE
LOS ALAMOS, NM, 87544

ZOLLINGER TANYA
55 VERDE RIDGE UNIT A
LOS ALAMOS, NM, 87544

SMITHS FOOD & DRUG CENTERS INC
1014 VINE ST
CINCINNATI, OH, 45202

CANYON WALK HOUSING LLC
BETHEL DEVELOPMENT INC
201 BRADENTON AVE SUITE 120
DUBLIN, OH, 43017

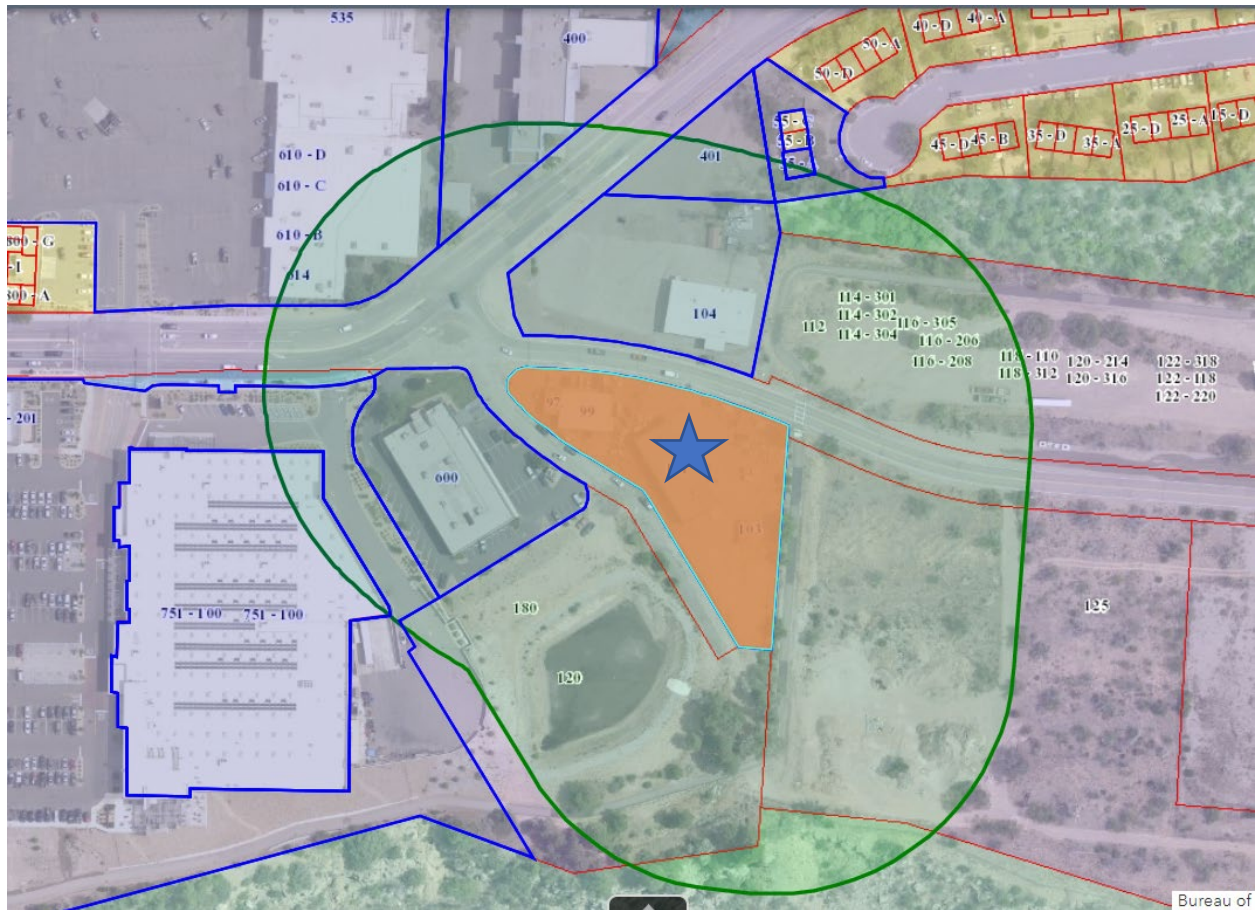
LOS ALAMOS SCHOOL BOARD
2075 TRINITY DR
LOS ALAMOS, NM, 87544

TOPVALCO, INC.
1014 VINE ST
PROPERTY TAX 7TH FLOOR
CINCINNATI, OH, 45202

MABRY MIKE & EILEEN LLC
875 PASEO DEL SUR
SANTA FE, NM, 87501

NEW MEXICO INNOVATION TRIANGLE LLC
4001 INDIAN SCHOOL RD NE
ALBUQUERQUE, NM, 87110

Neighboring addresses



300-foot radius

From: [Barela, Anita](#)
To: [Sayeda, Sobia](#)
Subject: Public notice
Date: Friday, August 5, 2022 1:30:00 PM
Attachments: [image001.png](#)

Regarding Case number SUP-2022-0023:

The 100' letters to all the property owners, as generated per GIS map, were given to the County's mail room on July 22, 2022 .

Anita Barela, Associate Planner
Community Development Department
1000 Central Avenue, Suite 150
Los Alamos, NM 87544



<http://www.losalamosnm.us>

505-662-8006 phone 505-662-8363 fax



County of Los Alamos

Staff Report

August 10, 2022

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: 16255-22

Los Alamos County Development Code Update Module 3: Administrative & Enforcement
Presented by: Dekker/Perich/Sabatini

Attachments:

- A - Module 3: Administrative & Enforcement Presentation
- B - Module 3: Public Comment Matrix

DEVELOPMENT CODE UPDATE

Module 3 Administration and Enforcement PZ Presentation 8.10.2022

ATTACHMENT A

Agenda

- Process Overview
- Changes from Module 1 and Module 2
- Overview of major changes in Module 3
- Public input received
- Next steps

Timeline

- Module 1 released July 7, 2021
- Downtown Master Plans adopted October 19, 2021
- Module 2 released January 24, 2022
- Module 3 released July 18, 2022
- Additional content on Wireless Telecommunication Facilities, Outdoor Lighting, and Accessory Dwelling Units anticipated to be released September 2022
- Council Review for Adoption of Revised Chapter 16 anticipated Fall 2022

Code Update Modules

- Modules integrate findings from Diagnostic Report into municipal code
- Modules build off of each other
- Comments on each Module are addressed in subsequent Modules. Module 1 comments have been addressed in Module 2.



Content removed as a result of public comments are indicating in this document via text that is struck through (e.g. ~~content removed~~), while new content added as a result of public comments is underlined (e.g. new content), with the exception of cross-references.

Steering Committee

Role of Committee

- Advise Code Update recommendations
- Meets every other week

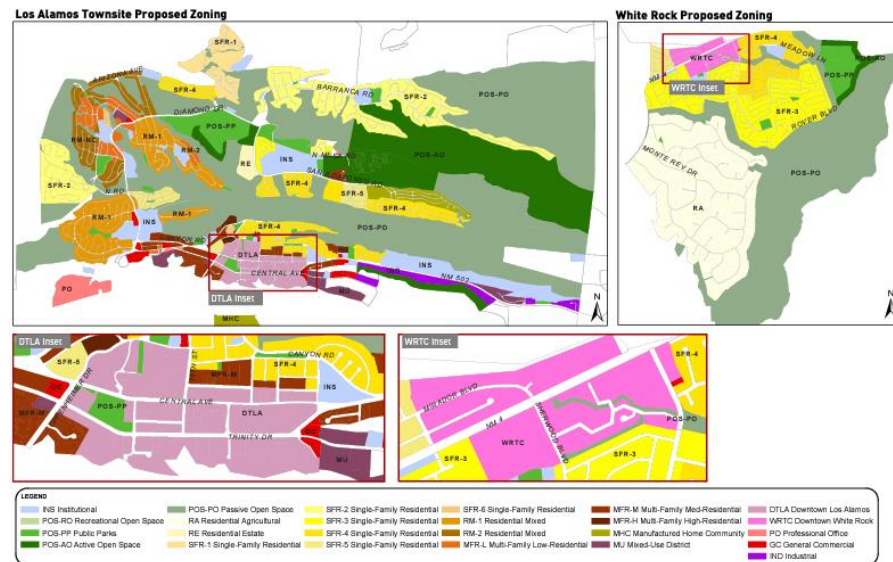
Composition of Committee

- Neighborhood representatives
- Business owners
- Development community representatives
- County staff – community development, public works,
- County legal

Revisions to Module 1 & 2

Zone District Name Changes

- Changed PL: Public Land District name to INS: Institutional District



Revisions to Module 1 & 2

North Community Districts

- Changed RM-NC:
Residential Mixed North
Community District name to
RM-2: Residential Mixed
District
- Incorporated MFL-NC into
general MFL and carried
over less stringent
entitlements from NC

TABLE 3: RM DIMENSIONAL STANDARDS

	RM-1 RM		RM-2 RM-NC		
Lot Standards	SF*	DPX/TH**	SF	TH	DPX
Lot area, min	8,000	10,000	6,500	10,000	
A Lot width, min	50'		40'	20'	40'
Setbacks					
B Front, min	20'		15'		
C Interior side, min***	5'		7.5'		
D Street side, min	15'		15'		
E Rear, min	20'		20'		
Heights					
F Primary Building Height, max	35'		35'		
G Accessory Building Height, max	15'		15'		
Density					
Lot coverage, max	40%		40%		

* SF indicates single-family dwellings.

** DPX indicates duplex dwelling types and TH indicates t

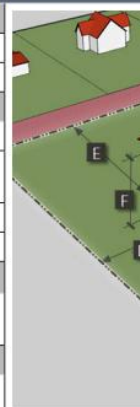
*** Allowed exceptions for Zero lot building types are ou

Table 3: RM Standards are provided along exterior bo



TABLE 6: MFR-L- DIMENSIONAL STANDARDS

Lot Standards	SF	DPX/TH	MF
Lot area, min	6,500	10,000	12,000
A Lot width, min	40'	20'	40'
Setbacks			
B Front, min	15'		
C Interior side, min*	5'		
D Street side, min	15'		
E Rear, min	15'		
Heights			
F Primary Building Height, max	35'		
Density			
Lot coverage, max	40%		



* Allowed exceptions for Zero Lot building types are outlined in Section

Table 3: RM Standards are provided along exterior boundaries of the

Revisions to Module 1 & 2

Open Space Districts

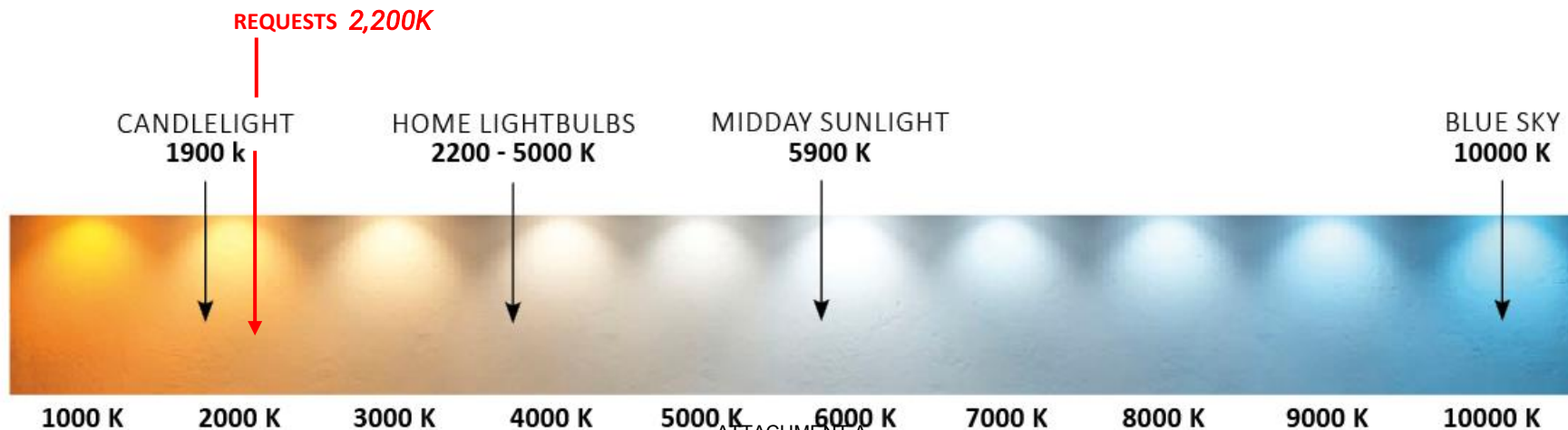
- New parks district, POS-RO: Parks and Open Space – Recreational Open Space, covers Pajarito Mountain Ski Area
- Removed more intense use allowance from POS-PO



Revisions to Module 1 & 2

Development Standard Changes

- Changed Correlated Color Temperature (CCT) restriction from 3000K to 2200K



Module 3 Table of Contents

Review and Decision- Making Bodies

Defines the authority and responsibility of each body.

Procedures

Outlines general procedures and provides a guide to the development process in the Procedures Summary Table

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Specific Development Procedures

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Violations, Enforcement, and Penalties

Describes the County's authority to enforce and enforcement procedures

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Procedures Summary Table

TABLE 43: PROCEDURES SUMMARY TABLE

*X = Required
R = Review and Recommend
D = Review and Decide
AD = Appeal Review and Decision*

APPLICATION TYPE	NOTICE		MEETINGS			REVIEW/ APPROVING BODIES			SPECIFIC PROCEDURES
	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/ DESIGNEE	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
Conditional Use Permits	X	X	X				D	AD	5-3(B)(II)
Major Historic Property Alteration Certificate	X	X	X	X			D	AD	5-3(B)(III)
Variances	X	X	X				D	AD	5-3(B)(IV)
Minor Zone Map Amendments	X	X	X	X	X				5-3(B)(V)
Site Plan Adoption / Major Amendments	X	X	X	X					5-3(B)(VI)
Development Plan Adoption / Major Amendments	X	X	X	X	X		D	AD	5-3(B)(VII)
Legislative Decisions									
Master Plans									5-3(C)(II)
Comprehensive Plan Adoption or Amendments	X						R	D	5-3(C)(I)
Major Zone Map Amendments	X						R	D	5-3(C)(IV)
Text Amendments	X			X			R	D	5-3(C)(III)

Application Type

Meeting Requirements

Notice Requirements

Review and Decision Authority

Specific Procedure Link

ATTACHMENT A

Types of Procedures

Establishes and defines categories of decisions authorized in the Development Code: Legislative Decisions, Quasi-Judicial, and Administrative

- **Legislative Decisions** involve a change in land-use policy by the decision making body that does not concern a single tract – require a public hearing
- **Quasi-judicial Decisions** involves the use of a discretionary standard, as specified in the Development Code, to an application for discretionary development approval that is applicable to specific land in common ownership or to an area of land in which the predominant ownership is in a single ownership – require a public hearing
- **Administrative Decisions** involve interpretation and application of nondiscretionary standards of the Development Code to an application – do not require a public hearing

Review and Decision-Making Bodies

Community Development Department / Director reviews and makes final decisions on:

- Accessory Structure Permits
- Administrative Deviations / Waivers
- Building Permits
- Declaratory Rulings
- Encroachment Permits
- Fence / Wall Permits
- Hillside Development Plans
- Landscape Plans
- Lighting Plans
- Minor development plan amendments
- Minor site plan amendments
- Sign Permits
- Special Event Permits
- Summary Plats
- Temporary Use Permits
- Wireless Telecommunications Facilities

Review and Decision-Making Bodies: Planning and Zoning Commission

Appeal authority for administrative decisions.

Reviews and makes recommendations to County Council on:

- Master Plans
- Development Plans
- Comprehensive Plans
- Zone Map Amendments
- Text Amendments

Reviews and makes final decisions on:

- Code Interpretations
- Sketch Plats
- Preliminary Plats
- Final Plats
- Conditional Use Permits
- Site Plan
- Development Plan
- Major Site Plan Amendments
- Major Development Plan Amendments
- Variances
- Any application referred to it by the Community Development Director

Review and Decision-Making Bodies: County Council

Appeal authority for decisions by the Planning and Zoning Commission

- Master Plan Approvals
- Development Plan Approvals, including any associated site plans or sketch plats.
- Comprehensive Plan Adoption or Amendments
- Zone Map Amendments
- Text Amendment

Reviews and makes final decisions on:

- Master Plan Approvals
- Development Plan Approvals, including any associated site plans or sketch plats.
- Comprehensive Plan Adoption or Amendments
- Zone Map Amendments
- Text Amendment

Common Procedures: Permit Approval and Expiration

- Procedures for extending approvals

TABLE 44: PERMIT AND APPROVAL EXPIRATIONS	
TYPE OF APPROVAL	PERIOD OF VALIDITY
Administrative Decisions	
Accessory Structure Permit	1 year
Administrative Deviations/ Waivers	2 years
Declaratory Rulings	Does not expire, unless the section(s) of the LAC to which the ruling relates is amended
Encroachment Permits	2 years
Fence/ Wall Permits	1 year
Hillside Development Plans	As stated in development agreement
Landscape Plans	1 year
Lighting Plans	1 year
Minor Development Plan Amendments	2 years
Minor Site Plan Amendments	2 years
Sign Permits	1 year
Special Event Permits	As stated in the Special Event Permit
Summary Plats	2 years
Temporary Use Permits	As stated in the Temporary Use Permit
Wireless Telecommunications Facilities	2 years
Decisions Requiring a Public Hearing*	
Preliminary Plats	1 year
Final Plats	Does not expire once timely recorded
Conditional Use Permits	2 years
Site Plans	3 years
Development Plans	3 years
Major Site Plan Amendments	1 Year or Until Preliminary Plat is approved
Major Development Plan Amendments	1 Year or Until Preliminary Plat is approved
Variances	Expires with associated site plan
Minor Master Plan Approval	3 years
Policy Decisions	
Major Master Plan Approval	Do not expire
Comprehensive Plan Adoption and Amendments	
Text Map Amendments	
Text Amendments	
*A 1 year extension may be granted by the appropriate approver if requested by an applicant	

Common Procedures: Administrative Deviations

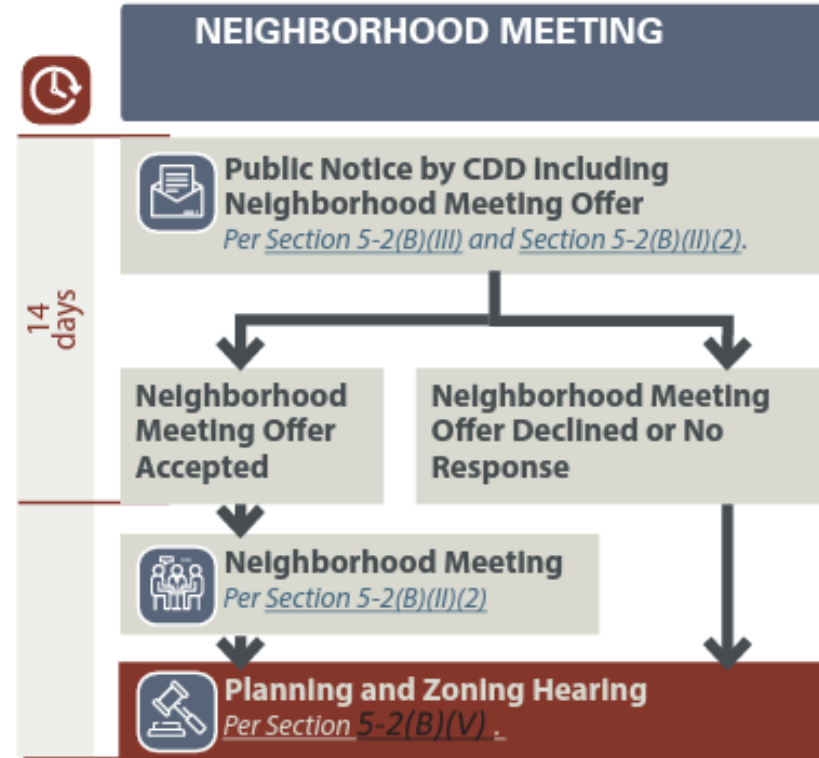
- Procedures for instances where strict application of the Code would result in practical difficulty or undue hardship
- **Can not** be applied to neighborhood protection standards
- Deviations beyond these thresholds will be reviewed and decided as Variances

TABLE 45: ALLOWABLE ADMINISTRATIVE DEVIATIONS	
CODE STANDARD	ALLOWABLE MODIFICATION (MAXIMUM PERCENTAGE)
Lot area, minimum	10
Lot coverage, minimum	10
Setbacks, minimum	15
Building height, maximum	10
Off-street parking spaces, minimum	10
Wall and fence height, maximum	1' maximum
Landscape coverage, minimum	10
Any other numeric standard	10

Modified / clarified from Sec. 16-51.C.6 which allows minor dimensional deviations of 12 inches or less from the provisions of this chapter or a deviation in the number of required off-street parking spaces amounting to one percent or less of the spaces otherwise required.

Common Procedures: Neighborhood Meetings

- Neighborhood Meetings required for Zone Map Amendments and Development Plan Adoptions/Major Amendments
- Offered to all property owners within 300 ft of the subject property



Common Procedures: Notifications

- Procedures for published, posted, and mailed notice
- New procedures for posted notice

5-2(B)(III)(3) CONTENT OF NOTICES

1. All notice required by Table 43 Procedures Summary Table shall include, at a minimum, all the following information:
 - A. The address of the subject property, if available, and a location map indicating the subject property;
 - B. The name of the property owner;
 - C. The name of the agent (if different from the property owner);
 - D. A short summary of the approval being requested, including an explanation of any deviations or variances being requested, if any. If an exhibit such as a plat or site plan is included within the required application materials, a copy of the exhibit should be included in the notice;
 - E. The date, time, and place of the public hearing if required;
 - F. An address, telephone number, or website where additional information about the application can be obtained.

Specific Development Procedures

- Applicability defines when the procedures is required
- Procedures describes the review and approval process and includes a flowchart of the process
- Decision Criteria provides the criteria for approval and reference to the applicable Development Standards

ATTACHMENT A

5-3(A)(VIII) SIGN PERMIT

5-3(A)(VIII)(1) APPLICABILITY

This Section applies to any sign that requires a Sign Permit pursuant to [Section 16-5-8](#).

5-3(A)(VIII)(2) PROCEDURES

- A. Applications for Sign Permits may be made by the owner or agent of any parcel of property to be affected.
- B. Sign Permit applications shall be submitted to the Community Development Department and shall include all information per the County's Sign Permit Plan Application, including:
- Proof of property ownership.
 - A scaled and dimensioned color drawing of all proposed signs that indicates how it will be constructed.
 - A scaled site plan which shall indicate the location of any proposed Permanent Freestanding Signs. Sufficient documentation of compliance with all applicable development standards of [Section 16-5-8 Signage](#) is required as well as documentation from a New Mexico Registered Structural Engineer verifying all proposed Permanent Freestanding Signs are designed to withstand 90 mph wind, 30 psf snow, and seismic design D loads.
 - Building elevations showing the locations and dimensions of any proposed Wall Signs.
 - Electrical plan for any proposed Electronic Message Center, which includes compliance with Sign Illumination standards of [Section 5-8\(F\)\(III\)](#).
- C. The Community Development Department shall intake the application pursuant to the requirements of [Section 5-2\(B\)\(IV\)](#).
- D. The Community Development Director, or their designee, shall review the Sign Permit application based on its conformity with the Decision Criteria of [Section 5-3\(A\)\(VIII\)\(3\)](#).
- E. If the application complies with the provisions of [Section 5-3\(A\)\(VIII\)\(3\)](#), the Community Development Director, or their designee, shall issue a Sign Permit.

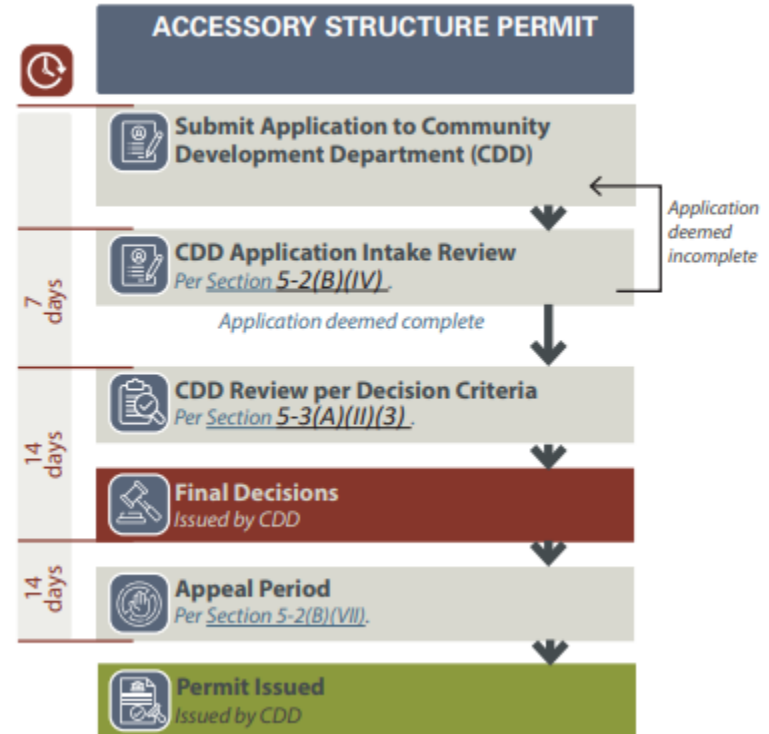


5-3(A)(VIII)(3) DECISION CRITERIA

An application for a Sign Permit shall be approved if it complies with all applicable standards in this Code, in particular [Section 16-5-8 Signage](#) and other adopted County regulations.

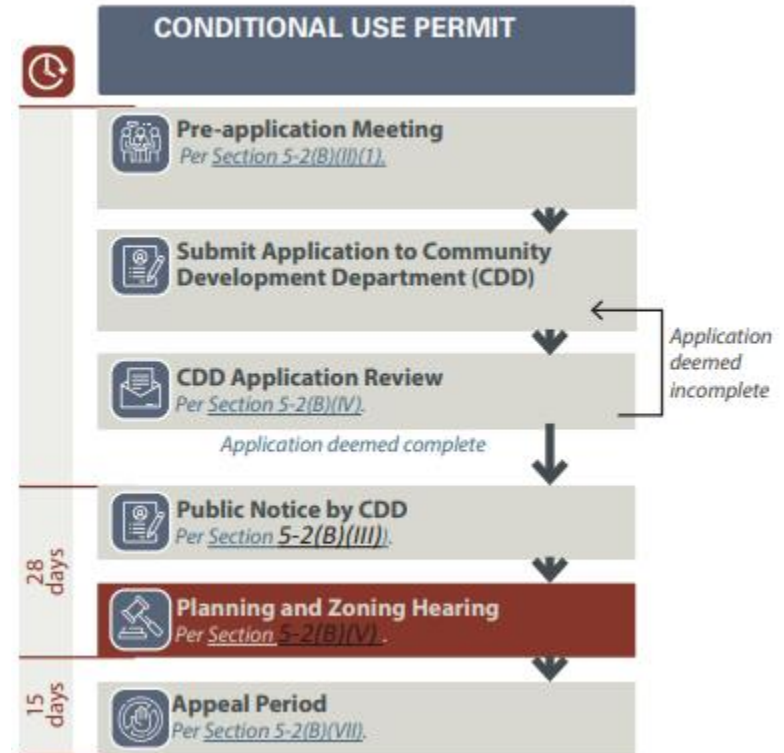
General Administrative Procedures

- Pre-application meeting
- Do not require a public meeting



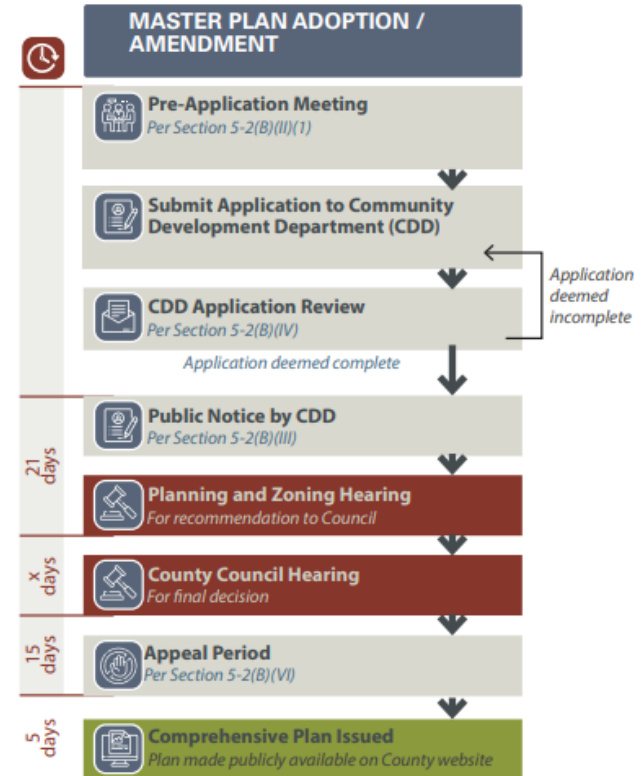
General Quasi-judicial Procedures

- Pre-application meeting
- May require a neighborhood meeting; minor Zone Map Amendment
- Recommendation from CDD
- Require 1 public hearings at P/Z for final decision
- Appeals to Council



General Legislative Procedures

- Pre-application meeting
- May require a neighborhood meeting;
- Require 2 public hearings; one at P/Z for recommendation and another at Council for final decision
- Appeals to District Court



Common Procedures: Public Hearings

- Establishes Hearing Officer position to assist in the adjudication of quasi-judicial hearings, if necessary
- Legislative Hearing Requirements including rules for procedures, Planning and Zoning Commission Recommendations, and Council Actions
- Quasi-Judicial Hearing Requirements including conduct of quasi-judicial hearings, proceedings of hearings, decisions, and rules regarding ex-parte communication

Common Procedures: Public Hearings

LEGISLATIVE PUBLIC HEARINGS	
1. Presiding Officer calls meeting to order	
2. CDD presents case facts, relevant Code, and answers questions from Hearing Body	▼
3. Applicant presents their case	▼
4. Public comment	▼
8. Hearing Body closes public input portion of hearing	▼
9. Hearing Body deliberates	▼
10. Motion and Vote	▼
11. Written recommendation or final decision with findings of fact and conclusion of law	▼

ATTACHMENT A

QUASI-JUDICIAL PUBLIC HEARINGS	
1. Presiding Officer calls meeting to order	
2. CDD presents case facts, relevant Code, and answers questions from Hearing Body	▼
3. Applicant presents their case	▼
4. Public comment and questions	▼
5. Cross examination of applicant and staff by anyone with standing via questions provided in writing	▼
6. Written cross examination questions read by Presiding Officer	▼
7. CDD and applicant answer questions read by Presiding Officer	▼
8. Hearing Body closes public input portion of hearing	▼
9. Hearing Body deliberates	▼
10. Motion and Vote	▼
11. Written recommendation or final decision with findings of fact and conclusion of law	▼

Common Procedures: Appeals

- Appealable Actions
- Effect of Appeals
- Standing Required to Appeal
- Appeal Bodies
- Procedures
- Review and Decision Criteria

5-2(B)(VI)(4) STANDING REQUIRED TO APPEAL

1. Appeals of final actions may be filed by the following persons:
 - A. The owner of the property listed in the application.
 - B. All persons that were required to be mailed notice for the application giving rise to the final action being appealed.
 - C. Any County official acting in their official capacity whose services, properties, facilities, interest, or operations may be adversely affected by the application; or.
 - D. Any person who has a recognized legal interest under New Mexico law.
2. For Discretionary Decision and Policy Decisions, as provided in Table 43 Procedures Summary Table, the appellant must have made an appearance of record to have standing to appeal, except in cases where the appellant alleges improper notice.
3. An appearance of record can be made through any of the following:
 - A. The initial submittal of the application which is the subject of the appeal.
 - B. The submittal of written comments by the eventual appellant about the subject case submitted to the relevant decision-making body within the deadline for written comments prior to the decision.
 - C. Verbal comments made by the eventual appellant provided at a public hearing about the subject case during the review process before the relevant decision-making body.

Nonconformities

Buildings or activities that were legal when they were built, but that will not comply with the Development Code

Different Types of “Nonconforming”

1. Lots
2. Use
3. Structure
4. Lots
5. Site features (e.g. parking, landscaping, etc.)

Nonconformities

- Allowed to continue – regardless of sale or lease to others (i.e. “grandfathered”)
- Allowed to be maintained / repaired, as long as non-conformity isn’t expanded
- Limits on expansion

Nonconforming Lots

- A nonconforming lot that was made nonconforming by virtue of enactment of the Code may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.
- Permitted uses or structures may be established on a preexisting lot of record, the description of which is on record on the date of adoption of the Code.
- In the North Community, where a conforming or legal nonconforming dwelling, two-family or multiple-family existed on a lot on May 9, 2000, such lot shall be considered a conforming site for dwellings, single-family, attached and may be subdivided into a number of lots less than or equal to the number of dwelling units located on the lot on May 9, 2000 (existing standard to remain).

Nonconforming Use

- A nonconforming use of land, building, or a structure shall be allowed to continue regardless of any change in ownership or occupancy of the use, until that use is **discontinued for a period of 180 days** or another provision of this section requires the termination of the use.
- No such nonconforming use shall:
 - Enlarged, increased or extended to occupy a greater area of land than was occupied on the date of adoption of this Code.
 - Moved in whole or in part to any portion of the lot or parcel other than occupied by such use on the date of adoption of this Code.
 - No additional structure not conforming to the requirements of this Code shall be erected in connection with the nonconforming use of land or structure.
- A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Section 5-4(D).

Nonconforming Structures

- A nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, **until the structure is vacant for a period of 180 days** or until another provision of this Section requires the termination of the use.
- No such nonconforming structure shall enlarged or altered in a way that increases its nonconformity.
- A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within one (1) year of such event and completed within eighteen (18) months of such event.
- A nonconforming structure may be moved in whole or in part to another location on or off the lot, provided that the moving will make it conform to the regulations for the zone district(s) in which it is located.
- A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Section 5-4(D).

Nonconforming Site Features

- Site features may continue to be used and occupied, and uses may be changed or expanded as allowed by other provisions of the Code, notwithstanding those nonconformities
- **Unless and until the gross floor area of the primary building on the lot is expanded more than 25% of the existing gross floor area,** at which time any portion of the lot affected by the expansion shall be brought into compliance with any relevant standards in the Sections listed above in this provision.

Construction Improvements

Remains consistent with existing requirements, minimal changes

- Phasing Plan
- Notification to County staff prior to commencing construction
- Responsibilities for maintenance
- Standards for acceptance by the County
- Monument standards
- General construction standards

Violations, Enforcement, and Penalties

Remains consistent with existing requirements, minimal changes

- Purpose
- Authority to Enforce
- Review of Zoning Compliance
- Enforcement Procedures
- Penalty of Violation of Code

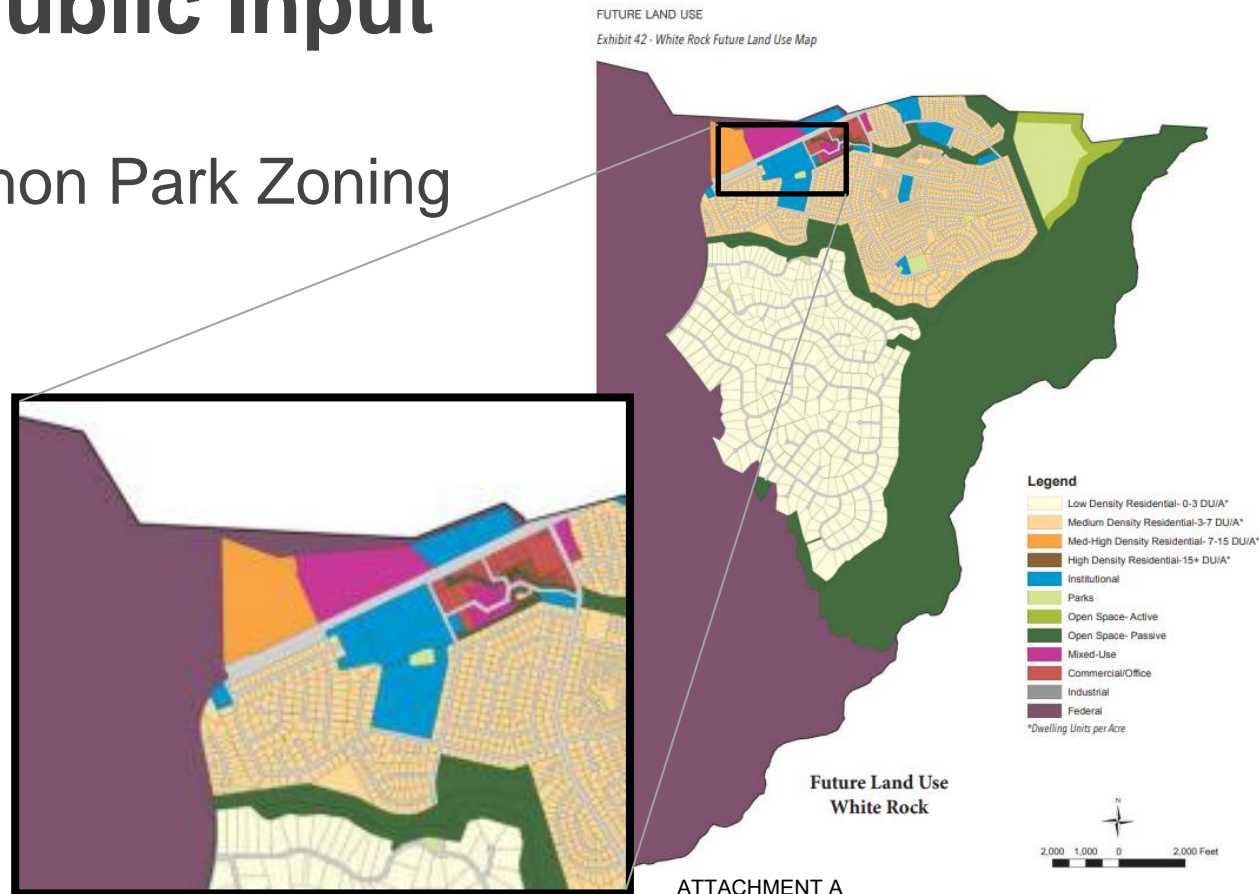
Public Input

Public comment spreadsheet

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Zone Map	16-2-2	<p>The Module 3 draft released July 18th is very interesting. I have a question about the proposed zoning maps on pages 18 and 19: Why is the Sombriello Nursing Home parcel colored MFR-M Multi-Family Medium Density? Residential? Is that a mistake? Or is the nursing home going to be removed and replaced with apartment buildings?</p> <p>ATTACHMENT A</p>	NA	<p>To start, we want to clarify that there is a distinction between the land use on a parcel and the zoning on a parcel. While these are often assumed to be the same thing, the land use deals with the existing functions of land, while zoning refers to the regulatory tool used by municipalities to regulate the types of land uses that are allowed and the development standards such as building height, setback, required parking etc., to which the use will be held.</p> <p>It looks like the Sombriello Nursing Home, located at 1011 Sombriello Ct, is currently zoned R-3-H (current zoning map is located here: https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_6435726/File/Mapping/Zone_TS78x36_20190515.pdf). The existing R-3-H zone currently allows a range of multiple-family uses, including nursing facilities, and these currently allowed uses are carried over in the zoning code update. This zone code update is renaming some of the districts and rewriting the intent statements to clarify the types of uses and development characteristics that are allowed. The allowed uses and required development standards within the residential districts closely follow what is allowed under the current zoning code. This is why the naming convention on the site has changed. That being said, this zoning code update has no intention of redeveloping the existing nursing home to multi-family. However, the existing zoning would allow the nursing home to redevelop as another use like multi-family in the future and those existing allowed uses cannot be taken</p>

Public Input

Pinon Park Zoning



Public Input

County should consider a sponsored zone amendment process post adoption.

Albuquerque Planning Department sponsored a package of zone changes within a year of the IDO effective date that accommodated:

- Existing mismatches of land use and zoning
- Uses made nonconforming by the IDO
- Elective downzoning by property owners

Next Steps

- **Public comment on Module 3 will be accepted through August 23, 2022.** Email comments to Jessica Lawlis at jessical@dpsdesign.org or Sobia Sayeda at sobia.Sayeda@lacnm.us
- Presentation to County Council August 23, 2022
- Final draft for review September 2022
- P/Z and Council Work Sessions paired with Community office hours anticipated in October / November 2022

Questions?

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
Zone Map	16-2-2	The Module 3 draft released July 18th is very interesting. I have a question about the proposed zoning maps on pages 18 and 19: Why is the Sombrillo Nursing Home parcel colored MFR-M Multi-Family Medium Density] Residential? Is that a mistake? Or is the nursing home going to be removed and replaced with apartment buildings?	NA	To start, we want to clarify that there is a distinction between the land use on a parcel and the zoning on a parcel. While these are often assumed to be the same thing, the land use deals with the existing functions of land, while zoning refers to the regulatory tool used by municipalities to regulate the types of land uses that are allowed and the development standards such as building height, setback, required parking etc., to which the use will be held. It looks like the Sombrillo Nursing Home, located at 1011 Sombrillo Ct, is currently zoned R-3-H (current zoning map is located here: https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_6435726/File/I_Want To/Find Property Info - GIS Mapping/Zone_TS78x36_20190515.pdf). The existing R-3-H zone currently allows a range of multiple-family uses, including nursing facilities, and these currently allowed uses are carried over in the zoning code update. This zone code update is renaming some of the districts and rewriting the intent statements to clarify the types of uses and development characteristics that are allowed. The allowed uses and required development standards within the residential districts closely follow what is allowed under the current zoning code. This is why the naming convention on the site has changed. That being said, this zoning code update has no intention of redeveloping the existing nursing home to multi-family. However, the existing zoning would allow the nursing home to redevelop as another use like multi-family in the future and those existing allowed uses cannot be taken away during this process
Zone Map	16-2-2	I'm reading through Module 3 prior to tomorrow's meeting. But I'm having trouble figuring out where the zone boundaries are. Is there any chance of getting a GIS file for the proposed zones, or seeing them on a zoomable map where we could tell which underlying properties are in each zone?	NA	An interactive version of the map here: https://www.arcgis.com/home/webmap/viewer.html?webmap=911bcb06a09c482ba02392852869994e&extent=-106.3448,35.8676,-106.218,35.9245
Zone Map	16-2-2	The open space zoning makes SO much more sense now than in Module 2. But I'm concerned about Pinon Park in White Rock: it's rezoned from P-L (public land) to WRTC (White Rock Town Center). It's almost all open space with natural pinon/juniper woodland and a few trails; I'd be very concerned to see it rezoned in a way that encouraged high-density buildings.	NA	As a legislative process, this update is operating set of zoning conversion rules that attempt to matched permissive uses in the pre-existing zoning with the closest matching set of permissive uses under the updated. In order to deviate from that conversion rule, the County has to have an adopted policy to justify the change. The Comprehensive Plan Future Land Use Map or the land use related policies of the Downtown Master Plans are examples of the types of policy that can be utilized to justify such a change. In order to reflect the new open space categories requested in previous comments, the project team was able to utilize the future land use map of the Comprehensive Plan (see exhibit 42

Module 3 Public Comments				
Topic	Applicable Code Section	Comment	Revision	Response
				<p>below). We are unable to convert the zoning of a single parcel outside of these conversion rules.</p> <p>Unfortunately, there are a few instances where the existing zoning doesn't match the existing land use or future land use map of the Comp Plan doesn't reflect the uses desired by the community. Pinon Park is one such example, as the majority of park is indicated as an institutional land use within that land use map. Pinon Park was converted to WRTC as it falls within the boundary of the White Rock Town Center and wasn't indicated as open space within the Comp Plan Future Land Use map. We are aware that is not the zoning that is desired by the community. Most communities that do similar zoning code updates, allow the conversions of such scenarios through a sponsored zone change once the larger zoning code is adopted in order to fix error that resulted do existing zoning errors that can not be updated through such a legislative process. We have suggested such an approach to the County and are keeping a running list of parcels where we have heard of concerns, such as Pinion Park.</p>