



Los Alamos County  
Community Development Department  
**PLANNING & ZONING COMMISSION STAFF REPORT**

**Public Hearing Date:** November 28, 2018

**Subject:** 195 East Road. Future Land Use Map (Comprehensive Plan) Amendments for Two Parcels; Rezoning of those Parcels; and Consolidation of Three Parcels

**Applicant:** Monet Ragsdale, Leadership Circle, LLC

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

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Three separate but related cases, pertaining to the three parcels illustrated below.



**1) Case No. CPA-2018-0006:** A request to change the Future Land Use Map designations of the following two (2) parcels:

- 1) Parcel HH-1B, Eastern Area 2, 0.44± acres, from High Density Residential to Commercial/Office; and
- 2) Parcel MM-1, Eastern Area 1, 0.74± acres from Institutional to Commercial/Office.

**2) Case No. REZ-2018-0010:** A request to rezone the following two (2) parcels:

- 1) Parcel HH-1B, Eastern Area 2, 0.44± acres, from Multi-Family High Density (R-3-H) to Light Commercial and Professional Business (C-1); and
- 2) Parcel MM-1, Eastern Area 1, 0.74± acres, from Public Land (P-L) to Light Commercial and Professional Business (C-1).

**3) A request for approval of the Consolidation Plat.**

*NOTE: These cases are combined for discussion. However, each case should be voted upon separately.*

**MOTION 1:**

I move the Planning and Zoning Commission recommend that the Los Alamos County Council **approve Case No. CPA-2018-0006** to change the Future Land Use Map designations of the following two (2) parcels:

- 1) Parcel HH-1B, Eastern Area 2, 0.44± acres, from High Density Residential to Commercial/Office; and
- 2) Parcel MM-1, Eastern Area 1, 0.74± acres, from Institutional to Commercial/Office.

and that the Community Development Director is authorized to make any minor formatting or editing changes that may be necessary for final presentation to County Council.

**MOTION 2:**

I move the Planning and Zoning Commission recommend that the Los Alamos County Council **approve Case No. REZ-2018-0010** to rezone the following two (2) parcels:

- 1) Parcel HH-1B, Eastern Area 2, 0.44± acres, from Multi-Family High Density (R-3-H) to Light Commercial and Professional Business (C-1); and
- 2) Parcel MM-1, Eastern Area 1, 0.74± acres, from Public Land (P-L) to Light Commercial and Professional Business (C-1).

**MOTION 3:**

I move the Planning and Zoning Commission **approve the Consolidation Plat**, contingent upon Council approval of Rezoning of the two parcels described above.

**ALTERNATE MOTIONS:**

[The Commission may make and take action on any alternate motions.]

## **EXECUTIVE SUMMARY**

Several cases are combined for discussion and to provide clarity regarding the purpose of these actions. All actions pertain to the property located at 195 East Road, and previously known as the TRK Building. That property was recently purchased by a real estate development group known as Leadership Circle, LLC, based in Montrose, Colorado, and represented in these applications by Monet Ragsdale.

The existing 58,203 square building located at 195 East Road is under-parked, both from the perspective of code requirements and as a practical matter. In order to provide sufficient parking for the site, Leadership Circle has acquired or is in the process of acquiring, properties immediately adjacent to, and on either side of 195 East Road, and wishes to combine all properties into a single lot, which will then have sufficient on-site parking. (Note that the terms 'parcel' and 'lot' are used interchangeably.)

Each of the two lots that will be added to the central lot, 195 East Road, were recently created through administrative Summary Plat processes. The lot to the west of 195 East Road (also known as Tract HH -1B) was owned by the East Park Pool Association, but has been used for parking by 195 East Road since September 1993 under a Parking Lease Agreement. The lot to the east (also known as Tract MM-1) was part of a County owned parcel that included Fire Station 6. At their meeting of September 17, 2018, the County Council approved the sale of that lot to Leadership Circle for added parking. The closing on the sale is anticipated to follow approval of the rezone.

Lots cannot be combined unless they have the same zoning district designation. Leadership Circle has therefore applied to rezone each of the two lots on either side of 195 East Road to the same zoning district as 195 East Road, which is C-1, Light commercial and professional business district. Once the rezoning is approved by County Council, the three lots, which will be under common ownership, can then be consolidated.

Also, because of the former differences in ownership and use of the two new lots, the Future Land Use Map (FLUM) designations do not match 195 East Road, which is designated as Commercial, and they need to be changed to reflect the approved use (parking) and the new zoning.

Finally, the Planning and Zoning Commission is asked to approve the consolidation plat contingent upon Council approval of the zoning change.

The County Code does not specifically establish a process for consolidation of three or more lots. The Summary Plat process is limited to consolidation of two lots. The consolidation plat is therefore included for Planning and Zoning Commission review and approval as a part of the other applications. Since the consolidation cannot take place until all lots share the same zoning district designation, that approval, and recording of the plat, would be contingent upon Council approval of the rezoning.

## **PARKING**

In 1993, the Planning and Zoning Commission approved a Special Use Permit and Site Plan for an office and self-storage facility to be constructed at 195 East Road. One of the conditions of that approval was the execution of a shared parking agreement with the adjacent landowner, the East Park Pool, which was done. At the time, no specific number of parking spaces were indicated in the agreement. Currently 39 parking spaces are present on what is now Tract HH-1B. There are 67 spaces currently on 195 East Road. A preliminary analysis of Tract MM-1 indicates that, conservatively, at least 82 parking spaces could be

provided on that tract. This would bring the total parking count to 188 spaces for the future consolidated lot on 195 East Road.

The Development Code requires one parking space per 250 square feet of net usable floor area for general office use. Net usable is typically calculated at 80% of gross floor area. The existing building contains 58,200 gross square feet, or 46,560 net usable square feet at 80%. Assuming the entire building were to be converted to office use, that would require 186 parking spaces.

These calculations do not directly affect the applications, but are provided in support of the Rezoning and Future Land Use Map amendments by demonstrating the need for additional parking.

#### **COMPREHENSIVE PLAN AMENDMENT - CRITERIA for APPROVAL:**

Section 16-161 of the Los Alamos County Code of Ordinances, Chapter 16 - Development Code, establishes the following review criteria for Comprehensive Plan amendments. There is not a separate process or separate criteria for changing the Future Land Use Map, which is a part of the Comprehensive Plan.

***During the course of the review of any application for approval of a comprehensive plan amendment, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission. The planning and zoning commission shall make findings to reflect the following criteria in making its recommendation of approval, conditional approval or denial to the county council, and the county council shall make findings to reflect the following criteria in its approval, conditional approval or denial:***

- (1) The amendment shall conform to the vision statement and policy plan of the comprehensive plan and to the Strategic Leadership Plan of the county council;***

#### **Applicant Response:**

The map designation change conforms to the vision statement of the comprehensive plan in that the new use will improve economic vitality and prevent blight by allowing the re-use of an existing vacant building by providing adequate parking for it.

#### **Staff Response:**

Staff concurs with and supports the above response. The proposed Future Land Use Map amendment conforms to the goals and policies outlined in the Comprehensive Plan. In addition, the purpose of the project supports economic vitality, which is one of three focus areas of the Strategic Leadership Plan. Specifically, it “promote[s] a strong and diverse economic base by encouraging new business growth” by providing more opportunities for functional office space. The project also supports the goal of maximizing the utilization of County land (Tract MM-1).

- (2) The amendment replaces outdated information in the comprehensive plan, responds to changed conditions or provides new information which is not included in the comprehensive plan;***

**Applicant Response:**

HH-1B: The map change replaces outdated information in the comprehensive plan in that this parcel has been used as parking for 20+ years with a permanent easement and lease in place that only permits it to be used for parking so the land use designation was incorrect.

MM-1: The map change reflects a change in conditions as the County has sold the parcel with an intended use as a parking lot. The map designation of P-L is no longer accurate.

**Staff Response:**

Staff agrees with the above responses.

**(3)      *The amendment does not conflict with other parts of the comprehensive plan.***

**Applicant Response:**

The map change designation does not conflict with other parts of the comprehensive plan.

**Staff Response:**

Staff agrees that the amendment does not conflict with other parts of the Comprehensive Plan.

**REZONING - CRITERIA for APPROVAL**

*Sec. 16-155. - Amendment to the official zoning map review criteria.*

*During the course of the review of any request for an amendment to the official zoning map, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission. The planning and zoning commission shall make findings to reflect the following criteria in making its recommendation of approval, conditional approval or denial to the county council, and the county council shall make findings to reflect the following criteria in its approval, conditional approval or denial:*

- (1) *The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county. A request for amendment to the comprehensive plan shall, if necessary, be submitted, processed, heard and decided upon concurrently with the request for amendment to the official zoning map.***

**Applicant Response:**

The rezone request substantially conforms to the comprehensive plan in that it supports the plan goal of redeveloping vacant and blighted areas and the plan goal of guiding development in and around current boundaries.

**Staff Response:**

Staff concurs with the Applicant's response that the request conforms to the goals of the Comprehensive Plan and is not detrimental to the health, safety and general welfare of the county. Concurrent applications will change the Future Land Use Map (FLUM) for each of the parcels to Commercial/Office.

- (2) Consideration shall be given to the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire and police to adequately serve the property should a rezoning result in any increase of the intensity of use of the property.**

**Applicant Response:**

Regarding Tract HH-1b: The site has been in use as parking for 20+ years, rezone application is to bring zoning into alignment with use.

Regarding Tract MM-1: The site is restricted to parking use only for an existing building and rezone and development will not adversely impact services or utilities.

**Staff Response:**

There will be no change in use or intensity of use to Tract HH-1B. Tract MM-1 is currently undeveloped and is limited to parking use only in the future. Development of the parking lot on MM-1 will require Site Plan review and approval by the Planning and Zoning Commission. Review of access, circulation, grading and drainage, and the need for any utilities will occur at the time of Site Plan review.

- (3) The establishment, maintenance or operation of uses applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property.**

**Applicant Response:**

Tract HH-1B: The site is already used as parking and will have no impact on health, safety, or welfare of community.

Tract MM-1: The site is restricted to parking use only and will not be detrimental to the health, safety, or welfare of the Community.

**Staff Response:**

The rezoning of each of the parcels is to provide for sufficient on-site parking for the office building at 195 East Road. In so doing, use of the property will become safer and thereby support the general safety and welfare of employees and that of the community at large.

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

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

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

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

**Applicant Response:**

Tract HH-1B: a. The site has been in use as parking for 20+ years with a restriction that only allows parking, the zoning of RH3 is incompatible with the use.

Tract MM-1. The site is not needed for any public use and the change to allow parking will promote the reuse of a currently vacant building.

**Staff Response:**

In 1962 the Atomic Energy Commission transferred a large parcel of land to the East Park Pool. The actual pool was already on the property. The building on 195 East Road was constructed in 1993 with a parking easement/lease on the Pool property. The Pool property is zoned R-3-H, high density housing, which allows swimming pools as a recreational use with approval of a Special Use Permit (SUP). The SUP was granted in 1977. Since 1993, the Pool has leased what is now Tract HH-1B to the TRK Company (195 East Road) for parking. The parking lease transferred to the new owners of 195 East, Leadership Circle, who then carried out the Lot split and purchase of the tract. The property is not easily accessible to the pool as it sits several feet lower than the Pool property and is separated by a retaining wall. Visually, it appears to already be a part of the 195 parcel.

Tract MM-1 was recently created out of the larger parcel that encompassed Fire Station 6. It is undeveloped except for a pedestrian connection from East Road to the Canyon Rim Trail. That connection will be relocated to the east. The zoning change will allow additional parking for the office building, and, together with the parking on HH-1B, will bring the parking into compliance on site. Changed conditions, including new ownership, warrant the rezoning.

- (5) The proposed zoning will not result in spot zoning or strip zoning as defined in article I of this chapter unless one or more of the following criteria are met:***
- a. Granting such zoning accomplishes the policy and intent of the comprehensive plan;***
  - b. Unique characteristics specific to the site exist; or***
  - c. The zoning serves as an appropriate transition between land uses of higher and lower intensity.***

**Applicant Response:**

N/A this rezone does not constitute spot zoning as there are adjacent properties already zoned C-1.

**Staff Response:**

Staff concurs.

- (6) If the proposed zoning map amendment is for the designation of a special plan (SP) district where a development plan or a site plan is a requirement for district approval, the map amendment shall also be judged by the special plan (SP) district review criteria stated in section 16-159.***

**Applicant Response:**

Not applicable.

**Staff Response:**

Not applicable.

**NOTICE**

Notice of all actions covered by this report was properly and sufficiently given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Article V., Sec. 16-192. As of the date of publication of this report, no public comment in any form had been received by the Community Development Department.

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

The Interdepartmental Review Committee (IDRC) met on October 18, 2018 to discuss all cases covered in this report and voted unanimously to recommend approval to the Planning and Zoning Commission and to Council. The IDRC representative from Utilities was unable to attend but sent an email stating that there were no comments or conditions from the Utilities Department.

#### **FINDINGS OF FACT**

1. The subject properties are designated as Tract HH-1B, immediately west of 195 East Road, and Tract MM-1, immediately east of 195 East Road.
2. 195 East Road and Tract HH-1B are owned by Leadership Circle, LLC.
3. Tract MM-1 is owned by Los Alamos County, which has agreed to sell this tract to Leadership Circle for parking use only.
4. Tract HH-1B is currently used for parking and contains no structures, other than a retaining wall and trash enclosure.
5. Tract MM-1 is undeveloped, except for a trail connection from East Road to the Canyon Rim Trail. This connection will be relocated to County property immediately east of MM-1 and onto Tract MM-2, which also contains Fire Station 6.
6. Tract HH-1B is approximately 0.44 acres, and Tract MM-1 is approximately 0.74 acres. 195 East Road is approximately 1.63 acres.
7. The Future Land Use Map designation of Tract HH-1B will be changed from High Density Residential to Commercial/Office. The zoning of Tract HH-1B will be changed from R-3-H to C-1.
8. The Future Land Use Map designation of Tract MM-1 will be changed from Institutional to Commercial/Office. The zoning of Tract MM-1 will be changed from P-L to C-1.
9. Upon final approval by County Council of the rezoning and Future Land Use Map designations, Tracts HH-1B and MM-1 will be consolidated with 195 East Road to create a single parcel whose FLUM designation will be Commercial/Office; whose zoning will be C-1; and that will consist of approximately 1.18 acres.
10. A condition of sale of Tract MM-1 requires that the buyer agree to a deed restriction limiting the use of the Property to “parking only” in perpetuity and for the benefit of 195 East Road.
11. A further condition of sale was that the buyer agree to landscape the right-of-way for the East Road frontage, “provided that such landscaping shall include trees (minimum of 4) and shrubs (minimum of 6) to be completed at the time of construction of the parking lot.”
12. The comprehensive plan/Future Land Use Map amendments comply with the criteria established in the Los Alamos County Code of ordinances, Chapter 16 – Development Code, Section 16-161. – Comprehensive plan amendment criteria.



13. The rezoning amendments comply with the criteria established in the Los Alamos County Code of ordinances, Chapter 16 – Development Code, Section 16-155. – Amendment to the official zoning map review criteria.
14. The lot consolidation plat is approved pending approval of rezoning Tracts HH-1B and MM-1.

## **EXHIBITS**

**Exhibit 1: Maps: Vicinity, current Land Use and current Zoning**

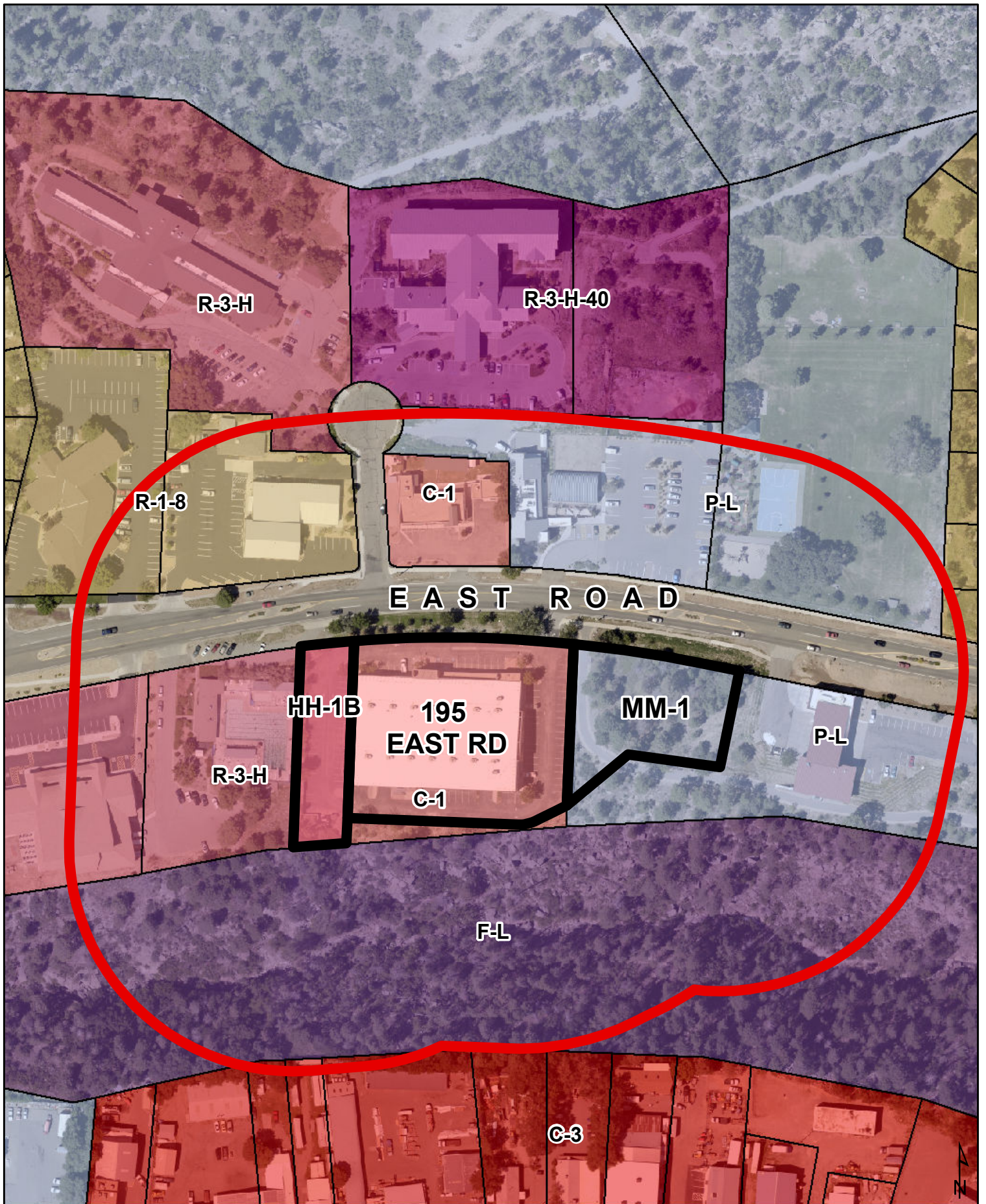
**Exhibit 2: IDRC Comments**

**Exhibit 3: List of Property Owners within 100 Feet**

**Exhibit 4: Application and Associated Materials**

**Exhibit 5: Consolidation Plat**

**Exhibit 6: Resolution 18-29 Comp Plan Amendment and Code Ordinance 02-293 to rezone 2 parcels.**



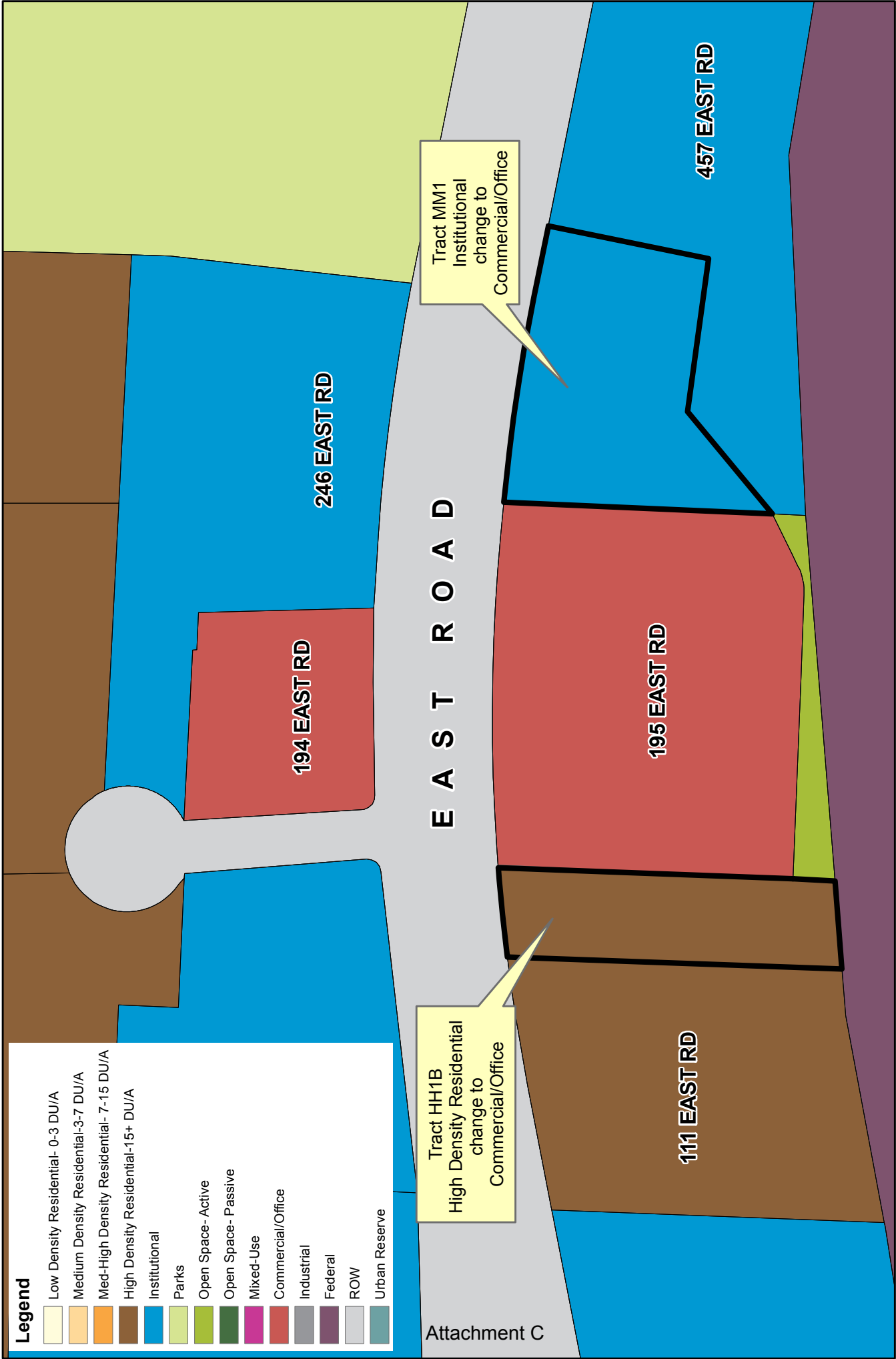
# 195 EAST RD. VICINITY MAP

Attachment C

160 80 0 160 Feet

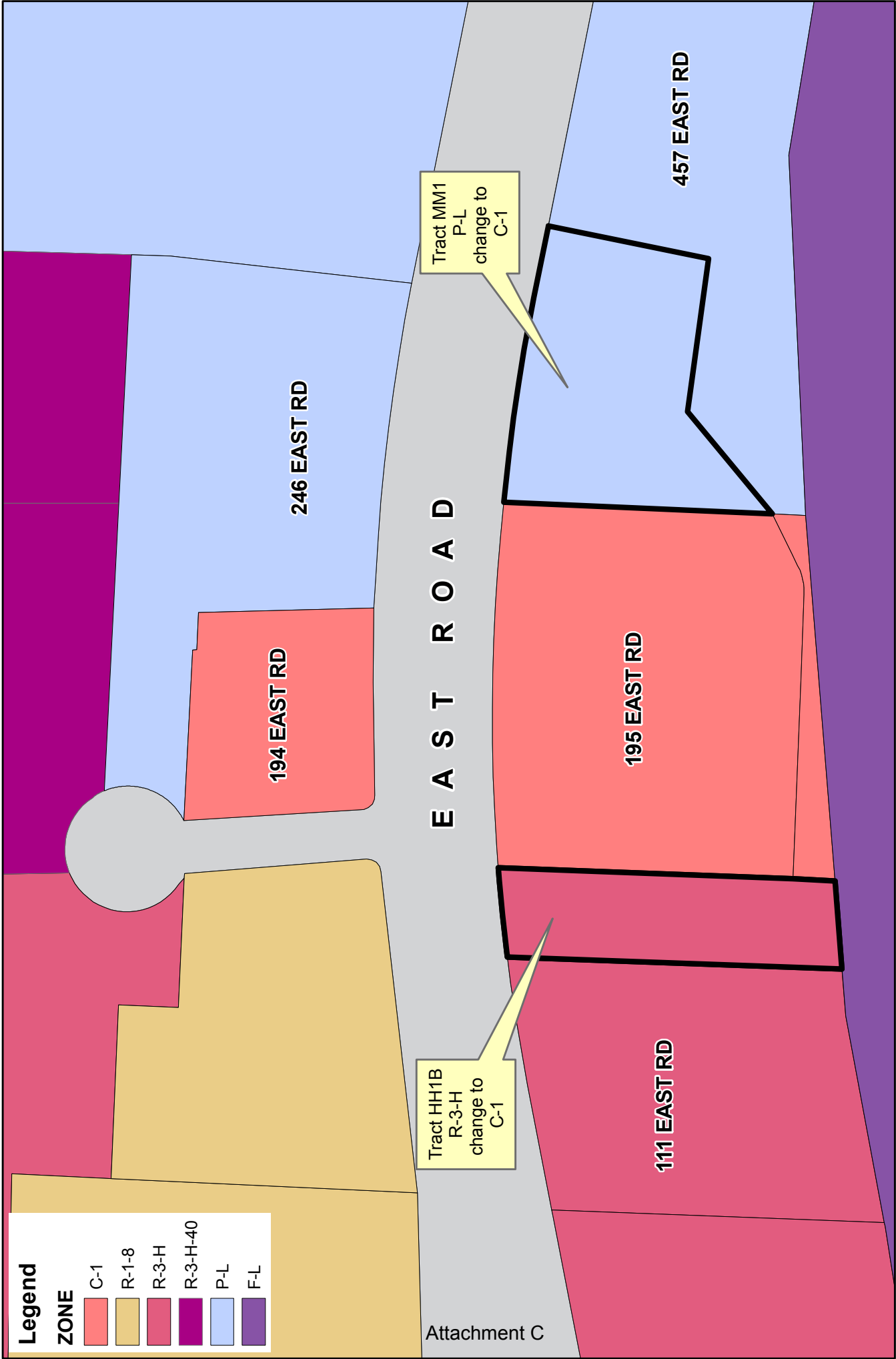


300'



# **FUTURE LAND USE MAP AMENDMENT** **CPA-2018-0006**









## IDRC REPORT

Case: REZ-2018-0010

Date of Meeting: October 18, 2018

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved w conditions	Denied
M. Arellano / <del>J. Dudziak</del>	Building	x		x		
T. Baer /	Planning	x		x		
<del>D. Erickson</del>	Traffic					
<del>P. Guerrerortiz/C. Moseley</del>	Utilities		Utilities approved by email	x		
A. Gurule / <del>L. Martinez</del>	Env. Serv.	x		x		
E. Martinez	PW	x		x		
<del>J. Naranjo</del>	Planning					
W. Servey / <del>Rinaldi</del>	Fire	x		x		
A. Barela – for J Naranjo		x		x		
<b>OTHERS ATTENDING:</b>						
Jason Romero						
Lucas Fresquez						
* Blue strikethrough indicates not present at meeting.						

**MOTION:** Tamara Baer motioned and Wendy Servey seconded that P&Z and County Council approve the FLUM Comp Plan Amendment for parcels HH-1B and MM-1 and Rezoning of the same parcels respectively. IDRC further recommends that P&Z approve the consolidation of the plat to combine all 3 parcels into a single parcel contingent upon approval of the rezoning. The resultant parcel will be zoned C-1 and addressed 195 East Road. Motion passed 7 to 0.

OWNERNAME	ADDRESS1	CITY	STATE	ZIP
COLLIER JIMMY W & NERITA F	208 DP	LOS ALAMOS	NM	87544
CROSSROADS BIBLE CHURCH	97 EAST RD	LOS ALAMOS	NM	87544
EAST PARK POOL ASSOCIATION I	111 East Rd	LOS ALAMOS	NM	87544
INCORPORATED COUNTY OF LOS	PO BOX 90	LOS ALAMOS	NM	87544
INCORPORATED COUNTY OF LOS	PO BOX 30	LOS ALAMOS	NM	87544
J & L SELF STORAGE & VANS LLC	224 DP	LOS ALAMOS	NM	87544
LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	NM	87544
LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	NM	87544
LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	NM	87544
LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	NM	87544
LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	NM	87544
LOS ALAMOS HOME IMPROVEMENT	232 DP RD	LOS ALAMOS	NM	87544
LOS ALAMOS PUBLISHING				
(MONITOR)	256 DP	SHELBYVILLE	KY	40065
LOS ALAMOS RE LLC	195 East Rd	MONTROSE	CO	81402
MCBEE ELLEN K	208 DP Rd	LOS ALAMOS	NM	87544
MCBEE ELLEN K	212 DP Rd	LOS ALAMOS	NM	87544
NEW BEGINNINGS FELLOWSHIP				
ASSEMBLY OF GOD	112 EAST RD	LOS ALAMOS	NM	87544
O'DONNELL JAMES P & KATE L	216 DP RD	LOS ALAMOS	NM	87544
RIDGEVIEW VETERINARY HOSPITAL	194 EAST RD	LOS ALAMOS	NM	87544
THE CHRISTIAN CHURCH OF LA	92 EAST RD	LOS ALAMOS	NM	87544

LOS ALAMOS  
Community Development

COMPREHENSIVE PLAN AMENDMENT APPLICATION

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

This Comprehensive Plan Amendment Application is for:

☐ Text Amendment ☒ Future Land Use Map Amendment ☐ Both

**APPLICANT:** *[Applications for amendment to the comprehensive plan may be made by the county council, the planning and zoning commission, the county manager or the community development director.]*

Name: Monet Ragsdale Title: Development Director Organization: Leadership Circle LLC  
Please Print

SIGNATURE

DATE

If this Application is for or includes a Future Land Use Map Amendment, indicate:

P-1 C-1  
FROM (Current Land Use per FLUM) TO (Proposed Land Use on FLUM)

*Cite the sections of the comprehensive plan to be amended and explain why the amendment is necessary:*

n/a

Describe Related Applications, if any: rezone

**REQUIRED SUBMITTALS for FUTURE LAND USE MAP AMENDMENTS only:**

☐ Provide a copy of the Plat or a Legal Description of the affected property incl. w/ rezone  
☐ Other

**FOR COMMUNITY DEVELOPMENT DEPARTMENT USE:**

CDD Application Number: \_\_\_\_\_

### COMPREHENSIVE PLAN AMENDMENT REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-161 establishes three (3) criteria to be considered when reviewing an application for Comprehensive Plan Amendment approval. Please review each of the criteria listed and provide short comments on how the application meets the criteria. (Attach additional sheets if needed.)

*(1) The amendment shall conform to the vision statement and policy plan of the comprehensive plan and to the Strategic Leadership Plan of the county council;*

The map designation change conforms to the vision statement of the comprehensive plan in that the new use will improve economic vitality and prevent blight by allowing the re-use of an existing vacant building by providing adequate parking for it.

*(2) The amendment replaces outdated information in the comprehensive plan, responds to changed conditions or provides new information which is not included in the comprehensive plan;*

The map change reflects a change in conditions as the County has sold the parcel with an intended use as a parking lot. The map designation of P-L is no longer accurate.

*(3) The amendment does not conflict with other parts of the comprehensive plan.*

The map change designation does not conflict with other parts of the comprehensive plan.



**LOS ALAMOS**  
Community Development

**REZONING APPLICATION**

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

Property to be Rezoned: Tract MM-1

Address

From: P-L To: C-1 .739  
Current Zoning District Proposed Zoning District Area (Acres)

Vacant land parking lot  
Current Use Proposed Use/Reason for Rezoning

Related Applications:

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

Name: Monet Ragsdale Phone: 970 249 3398 Cell #: 970 497 0066

Please Print

Address: Po Box 239 Montrose CO 81402 Email: monet@leadershipcirclellc.com

SIGNATURE

DATE

**PROPERTY OWNER** (If different from Applicant)

☐ Check here if same as above

Name: Los Alamos County Phone: (505) 663-1750 Cell #: \_\_\_\_\_

Please Print

Address: 1000 Central Ave, Los Alamos, NM Email: harry.burgess@lancm.us

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

SIGNATURE

DATE

#### REZONING CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-155 establishes six (6) criteria for the Planning and Zoning Commission to use when reviewing an application for rezoning approval. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. You will also be asked to discuss the criteria at your public hearings.

- (1) The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county. A request for amendment to the comprehensive plan shall, if necessary, be submitted, processed, heard and decided upon concurrently with the request for amendment to the official zoning map.*

The rezone request substantially conforms to the comprehensive plan in that it supports the plan goal of redeveloping vacant and blighted areas and the plan goal of guiding development in and around current boundaries.

- (2) Consideration shall be given to the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire and police to adequately serve the property should a rezoning result in any increase of the intensity of use of the property.*

Site is restricted to parking use only for an existing building and rezone and development will not adversely impact services or utilities.

- (3) The establishment, maintenance or operation of uses applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property.*

Site is restricted to parking use only and will not be detrimental to the health, safety, or welfare of the community.

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

- b. Changed conditions warrant the rezoning; or*

The site is not needed for any public use and the change to allow parking will promote the reuse of a currently vacant building

- (5) *The proposed zoning will not result in spot zoning or strip zoning as defined in article I of this chapter unless one or more of the following criteria are met:*

N/A- this rezone does not constitute spot zoning as there are adjacent properties already zoned C-1

- a. *Granting such zoning accomplishes the policy and intent of the comprehensive plan;*
- b. *Unique characteristics specific to the site exist; or*
- c. *The zoning serves as an appropriate transition between land uses of higher and lower intensity.*

- (6) *If the proposed zoning map amendment is for the designation of a special plan (SP) district where a development plan or a site plan is a requirement for district approval, the map amendment shall also be judged by the special plan (SP) district review criteria stated in section 16-159.*

**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, 8 ½ by 11 inch or 8 ½ by 14 inch format, showing the boundaries of the property to be rezoned and all adjacent lots within 300 feet.
- ☐ A scaled Plat or survey including all the following information: (Note: For smaller properties, a legal description with metes and bounds, may be acceptable. Check with CDD staff.)
  - ☐ Locate and label all existing utility lines on the site. (Existing gas and electric service lines must be located by the Los Alamos County Utilities Department prior to submittal of this application.)
  - ☐ Show and label the footprint of all existing buildings and structure on the site.
  - ☐ Show the footprint of all buildings and public rights-of-way within 20 feet of all boundary of the site.
  - ☐ Show, dimension and label all existing and proposed easements.

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

**For County Use:**

Date of Submittal: 9-28-19

Staff Initial: JN.

CDD Application Number: REZ-2018-0010

Fees Paid: \$500.00

By CC



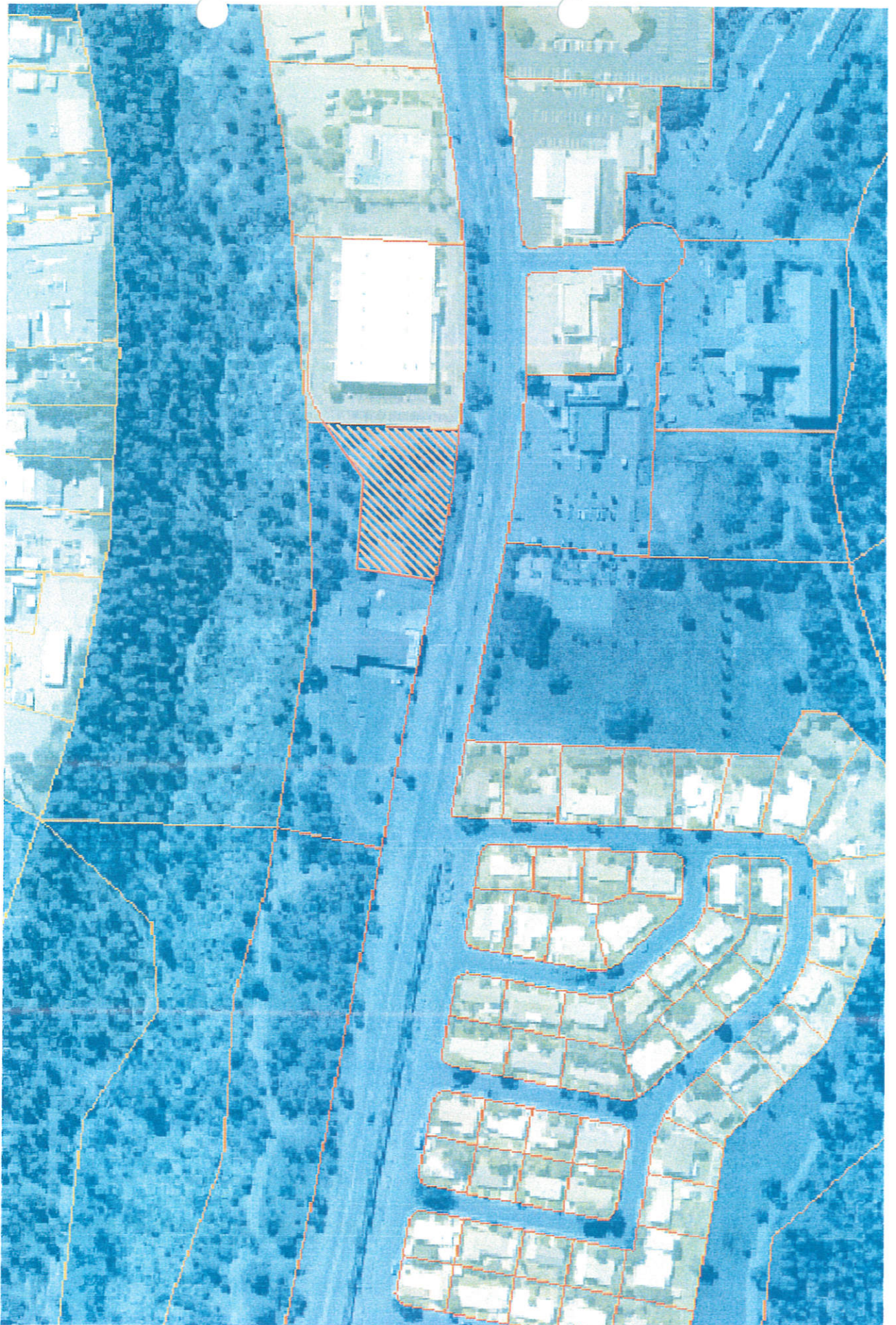


**457 EAST RD. VICINITY MAP**

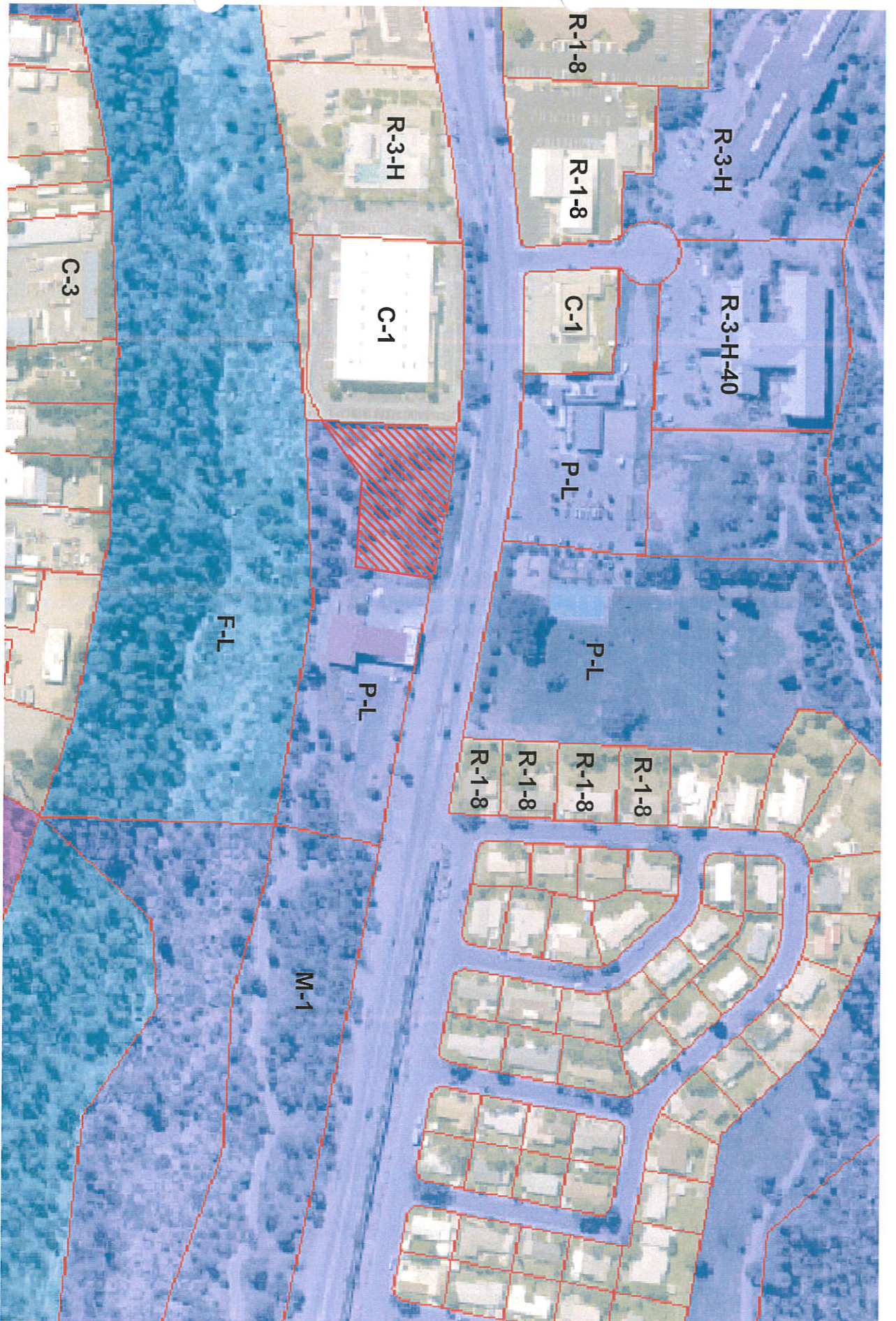
SCALE: 1"= 200'-0"



SCALE: 1"= 200'-0"

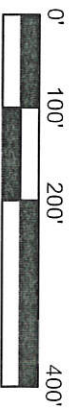






**457 EAST RD. VICINITY MAP**

SCALE: 1"= 200'-0"





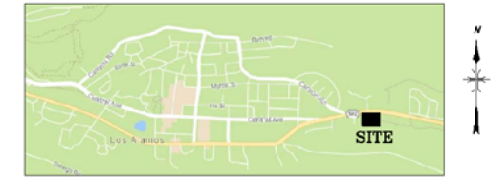
REFERENCE DOCUMENTS:

1. PLAT OF SURVEY ENTITLED, "A SUBDIVISION OF TRACT HH, EASTERN AREA NO.2.", PREPARED BY JOHN R. MENDIUS, (N.M.P.S. NO. 3722) AND FILED FOR RECORD AS DOCUMENT #93554 IN THE OFFICE OF THE LOS ALAMOS COUNTY CLERK ON AUGUST 30, 1991 IN PLAT BOOK 6, PAGE 23.
2. PLAT OF SURVEY ENTITLED, "GRANT OF EASEMENT TRACT HH-1, EASTERN AREA NO.2, LOS ALAMOS COUNTY, NEW MEXICO.", PREPARED LESLIE PHILLIP COLE, (N.M.P.S. NO. 8269) FILED FOR RECORD AS DOCUMENT #121861 IN THE OFFICE OF THE LOS ALAMOS COUNTY CLERK ON SEPTEMBER 4, 1996 IN PLAT BOOK 6, PAGE 88.
3. PLAT OF SURVEY ENTITLED, "TRACT HH-2A & TRACT HH-2B, A LOT SPLIT OF TRACT HH-2 WITHIN EASTERN AREA NO. 2", PREPARED BY JASON A. ROMERO & FILED FOR RECORD AS DOCUMENT # 223849 IN THE OFFICE OF THE LOS ALAMOS COUNTY CLERK ON JUNE 29, 2015 IN BOOK 169, PAGE 734.

SURVEYORS NOTES:

1. BASIS OF BEARING: THE BASIS OF BEARINGS IS ALONG THE EAST LINE OF LOT HH-2A BETWEEN THE FOUND REBAR AND PLASTIC CAP AT THE SOUTHEAST CORNER OF SAID LOT AND THE FOUND STEM OF A BRASS CAP AT THE NORTHEAST CORNER OF SAID LOT WHICH BEARS N02°26'27"E (ASSUMED).
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES. (U.S. SURVEY FOOT)
3. PROJECT AVERAGE COMBINED GRID FACTOR = 1.000446053
4. PROPERTY BOUNDARIES AS DEPICTED ON THE PLAT HEREON, WERE ESTABLISHED USING FOUND MONUMENTS AND DOCUMENTS OF RECORD AVAILABLE TO THE SURVEYOR.
5. DATES OF FIELD WORK: JUNE 2017 AND OCTOBER 2017.
6. EASEMENTS SHOWN HEREON WERE PREVIOUSLY GRANTED. THERE ARE NO PUBLIC EASEMENT GRANTS REQUIRED BY THIS PLAT. THIS PLAT IS SUBJECT TO ALL RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.
7. UTILITY LOCATIONS SHOWN HEREON ARE BASED ON VISIBLE UTILITIES FOUND IN THE FIELD.

LOT CONSOLIDATION PLAT OF  
TRACT HH-1B, TRACT HH-2A WITHIN EASTERN AREA  
NO. 2 & TRACT MM-1 WITHIN EASTERN AREA NO. 1,  
LOS ALAMOS, NEW MEXICO  
SITUATED IN SECTION 15, TOWNSHIP 19 NORTH,  
RANGE 6 EAST, N.M.P.M.  
COUNTY OF LOS ALAMOS, STATE OF NEW MEXICO



VICINITY MAP  
N.T.S.

ORIGINAL PARCEL DESCRIPTION

**TRACT HH-1B:**  
TRACT HH-1B, EASTERN AREA NO. 2, AS RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, LOS ALAMOS COUNTY, NEW MEXICO.

**TRACT HH-2A:**  
TRACT HH-2A, EASTERN AREA NO. 2, AS RECORDED IN BOOK 169, PAGE 734, LOS ALAMOS COUNTY, NEW MEXICO.

**TRACT MM-1:**  
TRACT MM-1, EASTERN AREA NO. 1, AS RECORDED IN PLAT BOOK 1, PAGE 55, LOS ALAMOS COUNTY, NEW MEXICO.

NEW PARCEL DESCRIPTION

**TRACT \_\_\_\_\_:**  
A PARCEL OF LAND BEING A CONSOLIDATION OF TRACT HH-1B AND TRACT HH-2A, EASTERN AREA NO. 2, AND TRACT MM-1, EASTERN AREA NO. 1, LYING WITHIN SECTION 15, TOWNSHIP 19 NORTH, RANGE 6 EAST, NEW MEXICO PRINCIPAL MERIDIAN, COUNTY OF LOS ALAMOS, STATE OF NEW MEXICO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT HH-1B BEING A 1/2" ALUMINUM CAP L.S. 20767 ON A 5/8" REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF NEW MEXICO STATE HIGHWAY 502;  
THENCE 72.78 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 1586.85 FEET, AN INTERIOR ANGLE OF 02°37'40" AND A CHORD OF N83°57'01"E 72.77 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;  
THENCE 259.09 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 1586.85 FEET, AN INTERIOR ANGLE OF 10°39'17" AND A CHORD OF S89°24'31"E 294.67 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;  
THENCE 151.48 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 1586.85 FEET, AN INTERIOR ANGLE OF 5°28'10" AND A CHORD OF S81°17'07"E 151.42 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;  
THENCE S78°38'02"E 14.04 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;  
THENCE S78°37'12"E 59.15 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF SAID TRACT MM-1;  
THENCE S11°27'15"W 130.92 FEET ALONG THE EAST LINE OF SAID TRACT MM-1;  
THENCE N82°03'36"W 123.92 FEET ALONG THE SOUTH LINE OF SAID TRACT MM-1;  
THENCE S50°02'26"W 106.92 FEET ALONG THE SOUTH LINE OF SAID TRACT MM-1 TO THE SOUTHWEST CORNER OF SAID TRACT MM-1 ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT HH-2A;  
THENCE S63°36'04"W 45.90 FEET ALONG THE SOUTH LINE OF SAID TRACT HH-2A;  
THENCE 24.63 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 49.50 FEET, AN INTERIOR ANGLE OF 28°30'47" AND A CHORD OF S77°51'25"W 24.38 FEET ALONG THE SOUTH LINE OF SAID TRACT HH-2A;  
THENCE N87°53'15"W 229.47 FEET ALONG THE SOUTH LINE OF SAID TRACT HH-2A TO THE SOUTHWEST CORNER OF SAID TRACT HH-2A AND THE EAST LINE OF SAID TRACT HH-1B;  
THENCE S02°08'27"W 33.54 FEET ALONG THE EAST LINE OF SAID TRACT HH-1B TO THE SOUTHEAST CORNER OF SAID TRACT HH-1B;  
THENCE S85°23'49"W 72.35 FEET ALONG THE SOUTH LINE OF SAID TRACT HH-1B TO THE SOUTHWEST CORNER OF SAID TRACT HH-1B;  
THENCE N02°06'09"E 269.21 FEET ALONG THE WEST LINE OF SAID TRACT HH-1B TO THE POINT OF BEGINNING, CONTAINING 2.829 ACRES AS DESCRIBED.

DECLARATION OF CONSOLIDATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER HAS MADE A CONSOLIDATION AS SHOWN HEREON OF TRACT HH-1B AND TRACT HH-2A, EASTERN AREA NO. 2, AND TRACT MM-1, EASTERN AREA NO. 1. SAID CONSOLIDATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR.

THESE TRACTS LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF LOS ALAMOS, NEW MEXICO.

OWNER TRACT HH-1B, TRACT HH-2A AND TRACT MM-1:

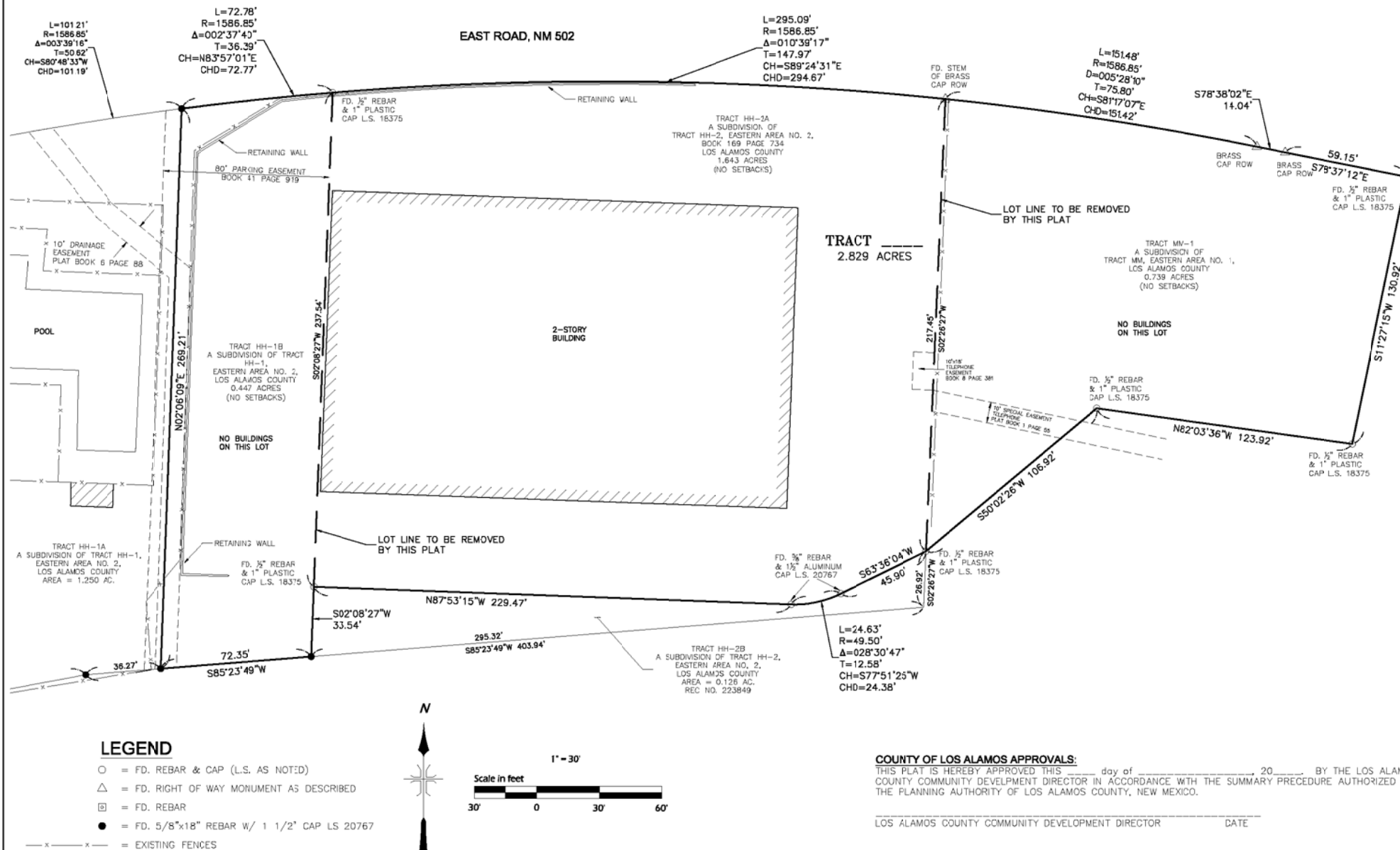
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
PRINT NAME \_\_\_\_\_  
TITLE \_\_\_\_\_  
STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ }  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
BY \_\_\_\_\_, THE OWNER OF TRACT HH-1B AND TRACT HH-2A, EASTERN AREA NO. 2 AND TRACT MM-1, EASTERN AREA NO. 1.  
NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

SURVEYORS CERTIFICATE:

I NICHOLAS E. BARRETT, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO AND THAT THIS PLAT AND THE NOTES HEREON WERE PREPARED FROM DOCUMENTS LISTED UNDER THE HEADING "REFERENCE DOCUMENTS" AND FROM FIELD NOTES OF AN ACTUAL SURVEY MADE UNDER MY SUPERVISION IN JUNE AND OCTOBER, 2017 AND MEETS THE MINIMUM REQUIREMENTS OF THE STANDARDS OF LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NICHOLAS E. BARRETT L.S. 20767  
FOR AND ON BEHALF OF  
DEL-MONT CONSULTANTS, INC.  
125 COLORADO AVE.,  
MONTROSE, CO 81401

<b>LOT CONSOLIDATION</b> OF TRACTS HH-1B, HH-2A & MM-1			
CLIENT: <b>LEADERSHIP CIRCLE</b>			
ADDRESS: <b>1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398</b>			
FIELD BOOK: <b>749</b>	DRAWN BY: <b>NEB</b>	DATE: <b>11/14/18</b>	TYPE: <b>LOT CONSOLIDATION</b>
SHEET: <b>1 of 1</b>	FILE: <b>17093V_CONSOL</b>	JOB NO: <b>17093</b>	



COUNTY OF LOS ALAMOS APPROVALS:

THIS PLAT IS HEREBY APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, BY THE LOS ALAMOS COUNTY COMMUNITY DEVELOPMENT DIRECTOR IN ACCORDANCE WITH THE SUMMARY PRECEDURE AUTHORIZED BY THE PLANNING AUTHORITY OF LOS ALAMOS COUNTY, NEW MEXICO.

LOS ALAMOS COUNTY COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

**INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 18-29**

**A RESOLUTION AMENDING COMPREHENSIVE PLAN / FUTURE LAND USE MAP CHANGING A PARCEL, KNOWN AS TRACT MM-1, AND CONSISTING OF 0.739 ± ACRES, DESIGNATED IN THE 2016 COMPREHENSIVE PLAN FUTURE LAND USE MAP AS “INSTITUTIONAL”, AND A PARCEL KNOWN AS HH-1B CONSISTING OF 0.447 ± ACRES DESIGNATED IN THE 2016 COMPREHENSIVE PLAN FUTURE LAND USE MAP AS “HIGH DENSITY RESIDENTIAL USE” TO “COMMERCIAL USE / OFFICE” USE**

**WHEREAS**, State Statutes and the Los Alamos of County Code of Ordinances (“Code”) require that the Incorporated County of Los Alamos (“County”) have and maintain a Comprehensive Plan (“Plan”), and that zoning regulations be in accordance with the Plan; and

**WHEREAS**, the existence of the Plan is fundamental to any future public or private development of the County; and

**WHEREAS**, the current Comprehensive Plan Future Land Use Map, approved previously with extensive community involvement, was adopted by Council of the Incorporated County of Los Alamos (“Council”) on December 6, 2016, through Resolution No. 16-25; and

**WHEREAS**, the request is consistent with the overall goals and policies of the 2016 Los Alamos Comprehensive Plan as adopted by Council on December 6, 2016, through Resolution No. 16-25; and

**WHEREAS**, the current Plan is a document that includes many details which shall change and adapt over time as market and physical conditions change; and

**WHEREAS**, the Plan is an overall vision, fundamental planning and development principles, major land uses, and a general implementation strategy that that should continue through the life of the Plan; and

**WHEREAS**, the parcels under consideration are in total approximately 1.19 ± acres; and

**WHEREAS**, adequate infrastructure is available to serve the proposal; and

**WHEREAS**, on November 28, 2018, after a properly-noticed public hearing, the Planning and Zoning Commission voted to recommend to Council that Council amend the 2016 Comprehensive Plan Future Land Use Map as part of the plan to allow Commercial Use on the south side of East Road in areas formerly indicated as High Density Residential Use and Institutional Use on the map.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Incorporated County of Los Alamos that the Los Alamos County Comprehensive Plan be amended to adopt the amendments to the Future Land Use Map.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of January, 2019.

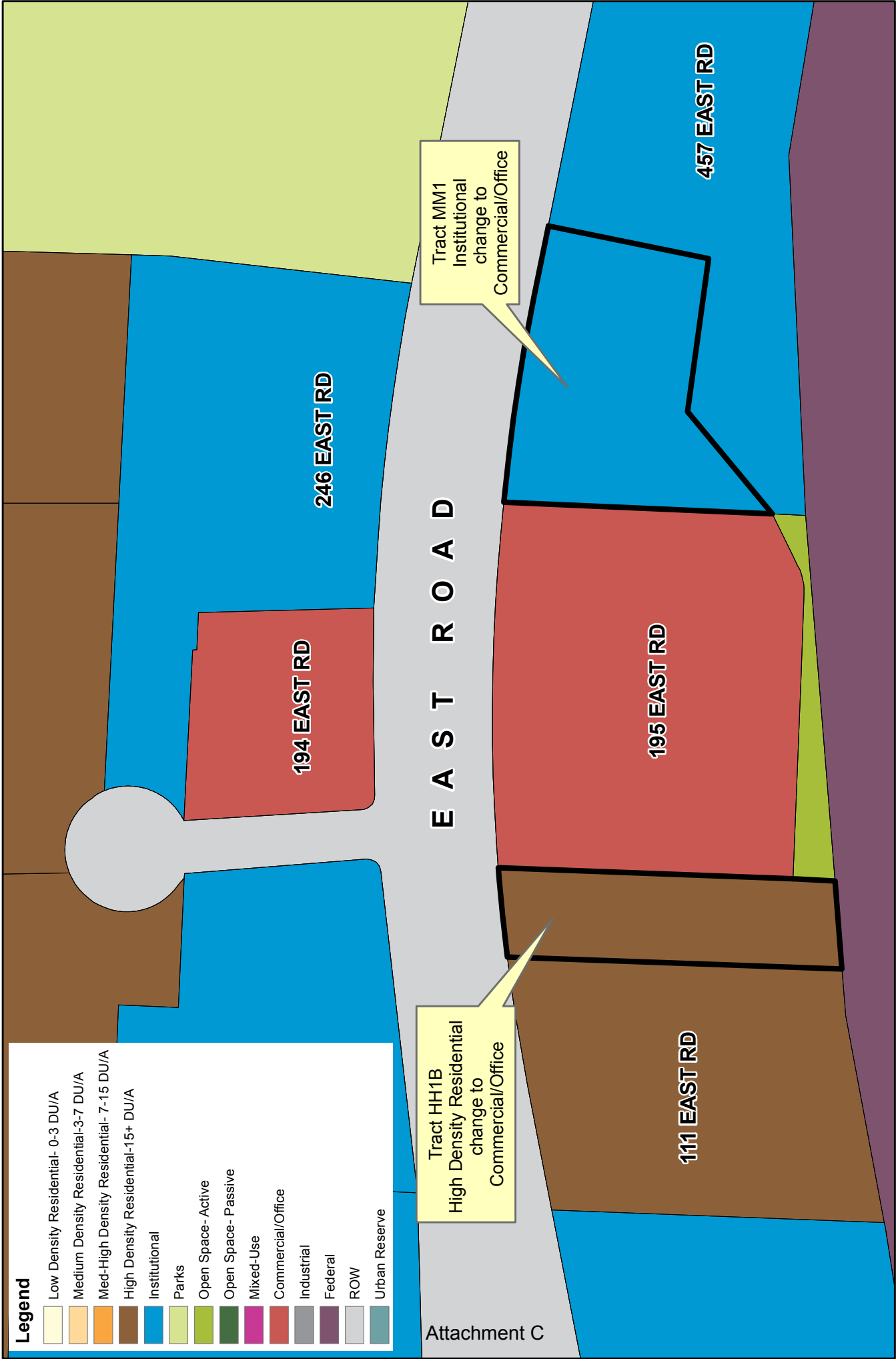
**COUNCIL OF THE INCORPORATED  
COUNTY OF LOS ALAMOS**

\_\_\_\_\_,  
**Council Chair**

**ATTEST: (SEAL)**

\_\_\_\_\_  
**Naomi D. Maestas  
Los Alamos County Clerk**





**FUTURE LAND USE MAP AMENDMENT  
CPA-2018-0006**



**INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-293**

**REVISION NO. 2018-01 IN TEXTUAL FORM TO THE OFFICIAL ZONING MAP OF LOS ALAMOS COUNTY BY REZONING ONE (1) COUNTY OWNED PARCEL CONSTITING OF APPROXIMATELY 0.739 ACRES OF LAND AND ONE (1) PRIVATELY OWNED PARCEL CONSISTING OF APPROXIMATELY 0.447 ACRES OF LAND: 1) TRACT MM-1 FROM P-L (PUBLIC LAND) TO C-1 (LIGHT COMMERCIAL AND PROFESSIONAL BUSINESS DISTRICT); AND 2) TRACT HH-1B, FROM R-3-H (MULTI FAMILY HIGH DENSITY) TO C-1 (LIGHT COMMERCIAL AND PROFESSIONAL BUSINESS DISTRICT)**

**WHEREAS**, The Incorporated County of Los Alamos ("County") owns the real property known as tract MM-1, adjacent to 475 East Road, and Leadership Circle, LLC, owns the real property known as tract HH-1B, adjacent to 195 East Road in Los Alamos, New Mexico (hereafter "Properties") which are the subject of this Code Ordinance; and

**WHEREAS**, the Properties are currently zoned for Multiple-family residential - high density (R-3-H) and Public land district (P-L); and

**WHEREAS**, Section 16-531 of the Los Alamos County Code of Ordinances ("Development Code") authorizes amendments to the official zoning map of the County by application; and

**WHEREAS**, Los Alamos County applied to change the official zoning map, specifically to rezone tract MM-1 from P-L to C-1 (Light Commercial and Professional Business District); and

**WHEREAS**, Leadership Circle LLC, applied to Los Alamos County to change the official zoning map, specifically to rezone tract HH-1B from and R-3-H to C-1 (Light Commercial and Professional Business District); and

**WHEREAS**, the Planning and Zoning Commission of the Incorporated County of Los Alamos, at its meeting on November 28, 2018, held a public hearing on both applications for an amendment to the official zoning map pursuant to the criteria contained in §16-155 of the Development Code; and

**WHEREAS**, the County Community Development Department staff properly issued notice to all required parties pursuant to Chapter 16, Article V, of the Development Code and in conformity with NMSA 1978, §3-21-6; and

**WHEREAS**, the Planning and Zoning Commission, after public hearing and at its noticed public meeting on November 28, 2018, reviewed and adopted findings of fact regarding the application; and

**WHEREAS**, the Planning and Zoning Commission recommends to the Los Alamos County Council approval of the amendments to the official zoning map; and

**WHEREAS**, the Los Alamos County Council held a hearing on January 29, 2019, at which hearing the Council found that the amendments to the official zoning map are in conformity with the provisions of Section 16-155 of the Development Code and made the following findings:

- 1) The Properties to be rezoned are owned by the Incorporated County of Los Alamos and Leadership Circle, LLC.
- 2) The Properties' size is approximately ~1.19 acres.
- 3) The Properties are 1) Tract MM-1, adjacent to and west of 457 East Road and, 2) Tract HH-1B adjacent to and west of 195 East Road, Los Alamos, New Mexico.
- 4) The Properties are zoned P-L, and R-3-H as described in Sec. 16-533 of the Development Code.
- 5) The Properties shall both be rezoned to Light Commercial and Professional Business District, C-1, also as described in Sec. 16-533 of the Development Code.
- 6) Public Notice has been made in compliance with the Development Code and State law.
- 7) The criteria for approval of a change to the official zoning map of Los Alamos County, as found in Section 16-155 of the Code, have been met.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS:**

**Section 1.** The Official Zoning Map of Los Alamos County is hereby amended by rezoning to C-1 (Light Commercial and Professional Business District), those certain tracts of land being ~1.19 acres of land, more or less, to wit:

- 1) Tract MM-1, 0.739± acres, from P-L (Public Land) to C-1 (Light Commercial and professional business district); and*
- 2) 111 East Road, 0.447± acres, also known as HH-1B, from R-3-H (Multi Family High Density) to C-1 (Light Commercial and professional business district).*

**Section 2.** The Official Zoning Map of the Incorporated County of Los Alamos is hereby amended to reflect the rezoning referenced herein, and said change be made to the Official Zoning Map at its next Municipal Code update.

**Section 3. Effective Date.** This Ordinance shall be effective thirty (30) days after publication of notice of its adoption.

**Section 4. Severability.** Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

**Section 5. Repealer.** All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

**ADOPTED** this 8<sup>th</sup> day of January, 2019.

**COUNCIL OF THE INCORPORATED  
COUNTY OF LOS ALAMOS**

\_\_\_\_\_,  
**Council Chair**

**ATTEST: (SEAL)**

\_\_\_\_\_  
**Naomi D. Maestas  
Los Alamos County Clerk**