



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: September 25, 2019
Subject: Case No. REZ-2019-0012
Owners/Applicants: Los Alamos County, Owner/Applicant
Case Manager: Desirae J. Lujan, Associate Planner

Case No. REZ-2019-0012:

A request to rezone one (1) parcel, Tract F-1 containing approximately 2.02 acres; previously Los Alamos County right-of-Way, within Western Area 1, Los Alamos County, New Mexico to Public Land (P-L).

[EXHIBIT A]

Motion Option 1:

I move to **approve** Case No. REZ-2019-0012, a request to rezone one (1) parcel, Tract F-1, within Western Area 1, Los Alamos, NM, addressed as 855 Diamond Drive, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following condition(s):

1. ...

Motion Option 2:

I move to **deny** Case No. REZ-2019-0012, a request to rezone one (1) parcel, Tract F-1, within Western Area 1, Los Alamos, NM, addressed as 855 Diamond Drive, finding the proposal fails to meet the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, §16-155, review criteria for Amendment to the Official Zoning Map for the following reason(s):

1. ...

SUMMARY

Historically the subject property has been designated as public right-of-way (R-O-W) and has been utilized by the Los Alamos Public Schools for parking — the area is best known as the “Sullivan Field Parking Lot”. Recently Los Alamos County, the property owner, surveyed the area and separated it from public R-O-W to create Tract F-1, 855 DIAMOND DR. The tract contains an area of 87,976 ft², or 2.02 acres +/- and was recorded on August 14, 2019. [EXHIBIT B]

On August 27, 2019, the County Council conducted a public hearing to consider Los Alamos County Resolution No. 19-19, which would support the transfer of the subject property to the Board of the Los Alamos Public Schools — Resolution 19-19 passed. [EXHIBIT C]

As the subject site was previously public R-O-W, a zoning district will need to be designated. Since the property will be transferred from one public entity to another, staff is recommending it be zoned as Public-Land (P-L): The Public Land district is intended to accommodate local government and school district uses

EXHIBIT B

and structures, designed to support community needs and the public health, safety and welfare. The lot will continue to accommodate the school district by providing both parking and safe accessibility to Sullivan Field. Adjacent zoning designations consist of P-L, C-1, R-M and R-3-H. [EXHIBIT D]

IDRC REVIEW

On August 29, 2019, the Interdepartmental Review Committee (IDRC) reviewed the application and unanimously approved to move it forward to the Planning and Zoning Commission for consideration and recommendation to County Council, without conditions.

Planning Division, Community Development	Ryan Foster, Principal Planner	✓
Building Division, Community Development	Michael Arellano, Chief Building Official	✓
Engineering Division, Public Works	Eric Martinez, County Engineer	✓
Traffic and Streets Division, Public Works	Juan Rael, Traffic & Streets Manager	✓
Environmental Services, Public Works	Angelica Gurulé, Environmental Svc Mgr.	✓
Fire Department	Stephen Rinaldi, LAFD	✓
Risk Management, County Manager-HR	Eric Edmonds, Safety Coordinator	✓
PROS, Community Services	Daniel Erickson, PROS Manager	✓

PUBLIC NOTICE

Notice of this public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-192 (a), and included: U.S. mail to owners of real property within 100 yards (300') of the subject property [Exhibit D]; publication in the Los Alamos Daily Post (published 9/5/19), the County's official newspaper of record; and posting at the Los Alamos County Municipal Building.

AMENDEMENT TO THE OFFICIAL ZONING MAP REVIEW CRITERIA

Section 16-155 of the Los Alamos County Development Code states that during the course of the review of any request for an amendment to the official zoning map, 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 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.***

Staff Response: The rezone request substantially conforms to the Comprehensive Plan in that it aligns with the surrounding Institutional land uses in the Future Land Use Map and supports the plan's goal of Development, Redevelopment and Downtown for "Guiding development to property in and around current boundaries".

EXHIBIT B

- (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.***

Staff Response: The site is restricted to parking use only and will continue to be used for the football field, as well as for high school parking. A rezone 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.***

Staff Response: The site is utilized for parking and will not be detrimental to 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;

Staff Response: The site was designated as R-O-W as far back as 1962 (verified from imagery).

(b) Changed conditions warrant the rezoning.

Staff Response: A zoning designation is warranted now that a parcel has been created and recorded.

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

Staff Response: The Public Land zone aligns well with the continued use of the land, where a zone was never given.

- (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.

(c) The zoning serves as an appropriate transition between land uses of higher and lower intensity.

Staff Response: The parcel creation of Tract F-1 and proposed zoning designation formalizes the existing use by the Public Schools. The site is unique as it was public R-O-W and did not have a zone. The subject property is adjacent to other P-L districts, thus will not result in spot zoning.

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

Staff Response: Not Applicable.

EXHIBIT B

STAFF RECOMMENDATION

Staff has applied the applicable review criteria and recommends that 855 DIAMOND DR, Tract F-1, previously Los Alamos County right-of-way within Western Area 1, be zoned as Public-Land.

FINDINGS OF FACT

- The application is a request to amend the Official Zoning Map by zoning Tract F-1, a previously Los Alamos County right-of-way within Western Area 1, totaling 87,976 ft² (2.02 ± acres) to P-L.
- The proposed zone conforms to the Comprehensive Plan and will not be detrimental to health, safety, or welfare of the community.
- The Amendment to the Official Zoning Map review criteria, §16-155, has been applied; the proposed zone is appropriate for the intended use and is within character of adjacent zones, one of which is Public Land. It does not constitute spot-zoning or strip zoning.
- Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in The Los Alamos Daily Post, the official newspaper of record; and property owners of real property located within 100 yards of the subject property were notified of this public hearing by U.S. mail, all in accordance with the requirements of §16-192 of the Los Alamos County Development Code.

EXHIBITS

Exhibit A: Vicinity Map and Application

Exhibit B: Boundary Survey

Exhibit C: Resolution 19-19

Exhibit D: Zoning Vicinity Map

Exhibit E: Notification Map – 100 yards (300') from site location

Exhibit F: Property Owners within 100 yards



EXHIBIT B

VICINITY MAP | REZ-2019-0012

Mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with the data.

855 DIAMOND DR

PARCEL

1 inch = 200 feet

REZONING APPLICATION

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

Property to be Rezoned: Sullivan Field Parking Lot

855 Diamond Drive
Address

From: Right-of-Way To: P-L 2.02
Current Designation Proposed Zoning District Area (Acres)

Parking Lot Parking Lot-for Land Swap -with Schools
Current Use Proposed Use/Reason for Rezoning

Related Applications:

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

Name: Paul Andrus Phone: 505-662-8197 Cell #: _____
Please Print

Address: 1000 Central Avenue, Los Alamos, NM Email: paul.andrus@lacnm.us

SIGNATURE

DATE

PROPERTY OWNER (If different from Applicant)

☐ Check here if same as above

Name: Los Alamos County Phone: _____ Cell #: _____
Please Print

Address: _____ Email: _____

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

SIGNATURE

EXHIBIT B

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 aligns with the surrounding institutional land uses in the Future Land Use Map and supports the plan's goal of Development, Redevelopment and Downtown for "Guiding development to property 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, will continue to be used for the football field, as well as for high school parking. A rezone 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.***

The site is utilized for parking and will not be detrimental to 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;*

Site was designated as right-of-way as far back as 1962, verified by imagery from that year.

b. *Changed conditions warrant the rezoning; or*

A zoning designation is warranted now that a parcel has been created and recorded.

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

The Public Land zone aligns well with the continued use of the land, where a zone was never given.

- (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.*

EXHIBIT B

The parcel creation of Tract F-1 and proposed zoning designation formalizes the existing use by the Public Schools. The site is unique as it was public R-O-W and did not have a zone. The subject site is adjacent to other P-L districts, thus will not result in spot zoning.

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

N/A

REQUIRED SUBMITTALS:

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

- ☐ Proof of property ownership.
- ☐ A Vicinity map, 8 ½ by 11 inch or 8 ½ by 14 inch format, showing the boundaries of the property to be rezoned and all adjacent lots within 300 feet.
- ☐ A scaled Plat or survey including all the following information: (Note: For smaller properties, a legal description with metes and bounds, may be acceptable. Check with CDD staff.)
 - ☐ Locate and label all existing utility lines on the site. (Existing gas and electric service lines must be located by the Los Alamos County Utilities Department prior to submittal of this application.)
 - ☐ Show and label the footprint of all existing buildings and structure on the site.
 - ☐ Show the footprint of all buildings and public rights-of-way within 20 feet of all boundaries of the site.
 - ☐ Show, dimension and label all existing and proposed easements.
- ☐ Fee included - \$500 +\$25 per acre

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: _____

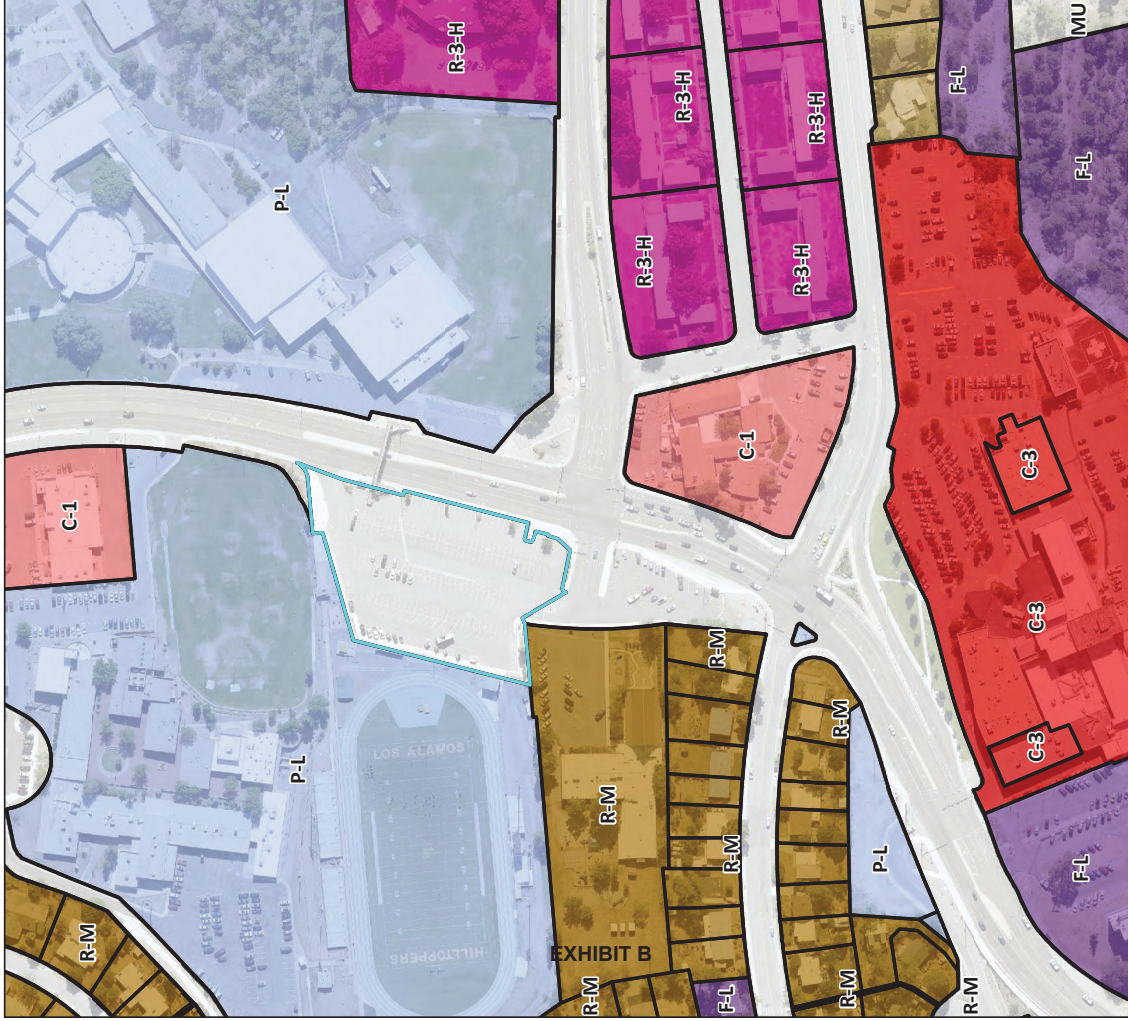
Staff Initial: _____

CDD Application Number: REZ-2019-0012

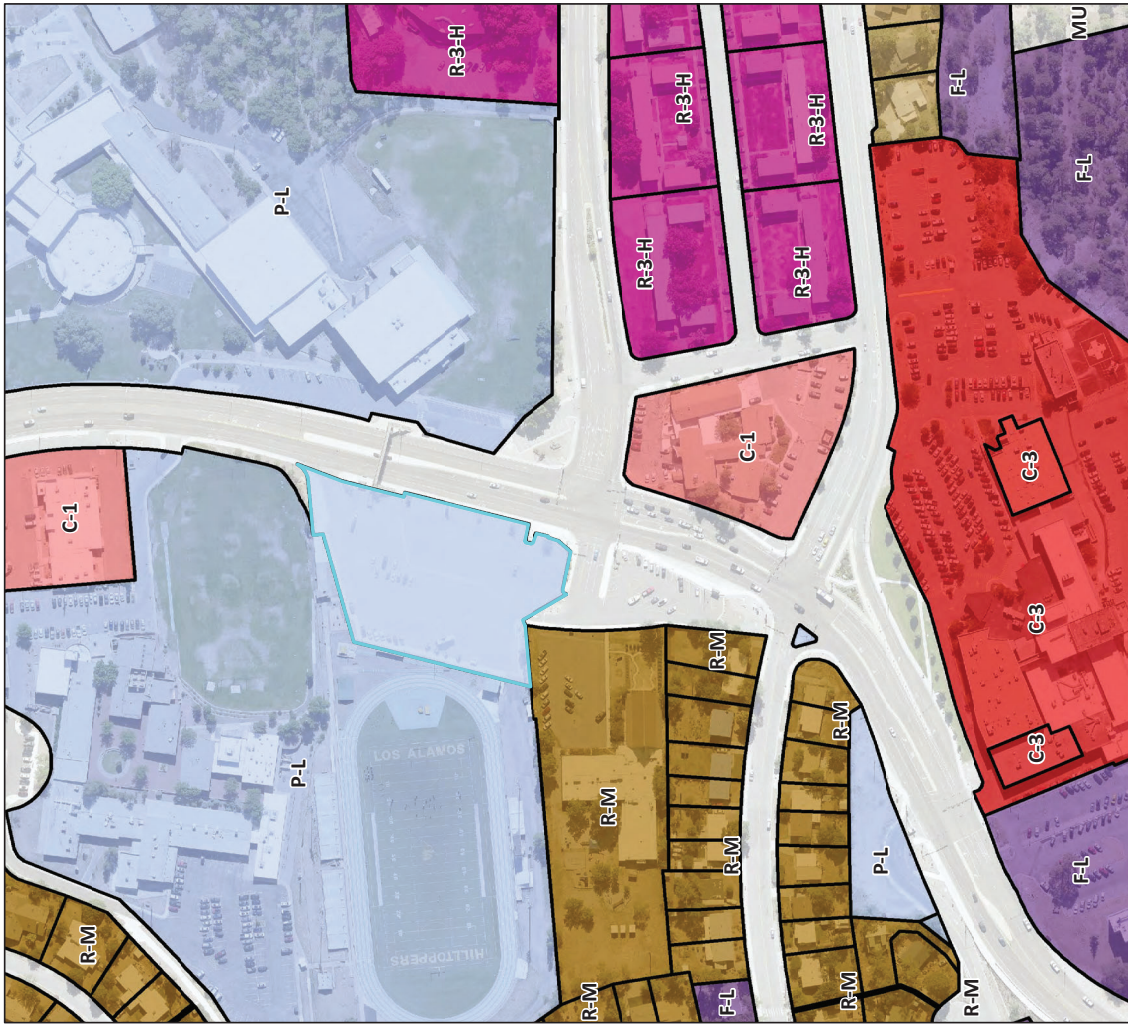
Fees Paid: _____

EXHIBIT B

EXISTING

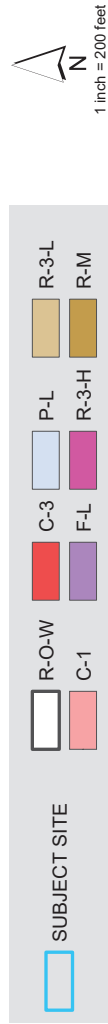


PROPOSED



855 DIAMOND DR | REZ-2019-0012

Mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with the data.





100 YARD BUFFER, excluding R-O-W

SUBJECT SITE

PARCELS

855 DIAMOND DR

ADDRESS	OWNERNAME	CAREOFNAME	OWNERADDRESS_ADDRESS1	CITY	STATE	ZIP
3976 TRINITY DR A	RIVERA MANUEL E & MARY E REVOC TRUST	C/O LANB TRUST DEPT	301 GRIFFIN ST	SANTA FE	NM	87501
4000 UNIVERSITY DR	LOS ALAMOS SCHOOL BOARD		2075 TRINITY DR	LOS ALAMOS	NM	87544
1183 DIAMOND DR	BOOMTOWN LLC		219 CENTRAL AVE NW STE 150	ALBUQUERQUE	NM	87102
1300 DIAMOND DR	LOS ALAMOS SCHOOL BOARD		2075 TRINITY DR	LOS ALAMOS	NM	87544
3948 TRINITY DR	BRAND HOLMANN V REVOCABLE TRUST		3948 TRINITY DR	LOS ALAMOS	NM	87544
3920 TRINITY DR B	RIVERA ANNABELLE R & LOUIS D		3920 B TRINITY DR	LOS ALAMOS	NM	87544
3920 TRINITY DR A	SYKORA MILAN & EMILIA L		834 SCOTT WAY	LOS ALAMOS	NM	87544
3900 TRINITY DR	TRINITY ON THE HILL PARISH		3900 TRINITY DR	LOS ALAMOS	NM	87544
3802 GOLD ST	S & J DEVELOPMENT LLC		1143 45TH ST	LOS ALAMOS	NM	87544
3803 GOLD ST	COURTRIGHT INVESTMENTS LLC		2197 LOMA LINDA DR	LOS ALAMOS	NM	87544
4032 TRINITY DR	WELBORN NANCY H & MANGAN LAURA L		4032 TRINITY DR	LOS ALAMOS	NM	87544
4004 TRINITY DR B	KUIPER ADAM		PO BOX 675	LOS ALAMOS	NM	87544
4004 TRINITY DR A	KUIPER ADAM J		PO BOX 675	LOS ALAMOS	NM	87544
715 DIAMOND DR	FIRST UNITED METHODIST CHURCH		715 DIAMOND DR	LOS ALAMOS	NM	87544
3976 TRINITY DR B	WATKINS STEPHEN E & SUSAN J		312 POTRILLO DR	LOS ALAMOS	NM	87547

EXHIBIT B