



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: July 28, 2021
Subject: Case No. REZ-2019-0013
Owners/Applicants: Los Alamos County, Owner/Applicant
Case Manager: Desirae J. Lujan, Associate Planner

CASE NO. REZ-2019-0013:

Los Alamos County, property owner/applicant, is requesting amendment to the Los Alamos County Official Zoning Map to assign Tract F-2, created from public right-of-way, with a Public-Land zoning designation. The 0.39± acre property is vacant and best known as “the Lemon Lot”. The property is located at 695 Diamond Drive, Los Alamos County, New Mexico, and is within the Western Area 1 Subdivision.

See Attachment A.

HISTORY AND SUMMARY

Historically the subject property has been designated as public right-of-way (R-O-W) and has been utilized by the community for the sale of used vehicles. Recently Los Alamos County, property owner, surveyed the area and separated it from R-O-W to create Tract F-2, which is addressed as 695 Diamond Dr. Similarly in 2019, “Sullivan Field” parking lot was created from R-O-W, assigned a zone, and transferred to Los Alamos Public Schools. The “Lemon Lot” will continue to be owned by Los Alamos County and its use will not change. The creation of Tract F-2, containing an area of 17,293.89 ft², or 0.39± acres, was administered through a Summary Plat Application and recorded on July 8, 2021; this effort is solely to properly identify and make official the use of this county-owned land. ***See Attachment B.***

Separating the area from public right-of-way warrants the need for the lot to be designated with a zone. Once a zone is assigned, zoning regulations and development requirements within Chapter 16 can be appropriately applied. The triangular-like lot sits southwest of the Diamond Drive – Canyon Road intersection where the following adjacent zoning districts exist: Residential Multi-Family (R-M), Public Land (P-L) and Light Commercial and Professional Office (C-1). As the lot will continue to be used as-is and by the community, staff is recommending it be zoned as Public-Land (P-L), which is described within Chapter 16, Development Code, Sec. 16-533 (20) as:

“The Public Land district is intended to accommodate local government and school district uses and structures, designed to support community needs and the public health, safety and welfare.”

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

On July 1, 2021, 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.

ATTACHMENT B

PUBLIC NOTICE

Notice was provided at least 15-days prior to the public hearing within accordance to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-192 (a), which includes:

- (1) Publication within the Los Alamos Daily Post, the County's official newspaper of record (published 7/8/2021).
- (2) U.S. mail to owners of real property within 100 yards (300') of the subject property (mailed 7/2/2021. **See Attachment C**
- (3) Posting at the Los Alamos County Municipal Building (7/6/2021).

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 "Lemon Lot" use is existing, and to staff's knowledge, there have not been any concerns communicated that would imply that its use is materially detrimental to the health, safety nor general welfare of the county. The use provides a community service and maximizes the utilization of county-owned land - a goal established by Council to promote economic vitality as noted within the Los Alamos County Comprehensive Plan.

- (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 use will continue, and considerations on the plat have been made for public services and facilities. This application is only to designate a zone to an area that was previously right-of-way. The proposed use is Public-Land (P-L), which is intended to accommodate local government and school district uses and structures, designated to support community needs and the public health, safety and welfare.

- (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: No new development is being considered. The use is existing and has not shown to be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property. Although not needed to maintain its current use - sewer, gas and electric run through the lot and water is available within the vicinity.

- (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: A zoning district has never been established, as the area in-use was designated

public right-of-way as far back as 1962. (See Exhibit 1)

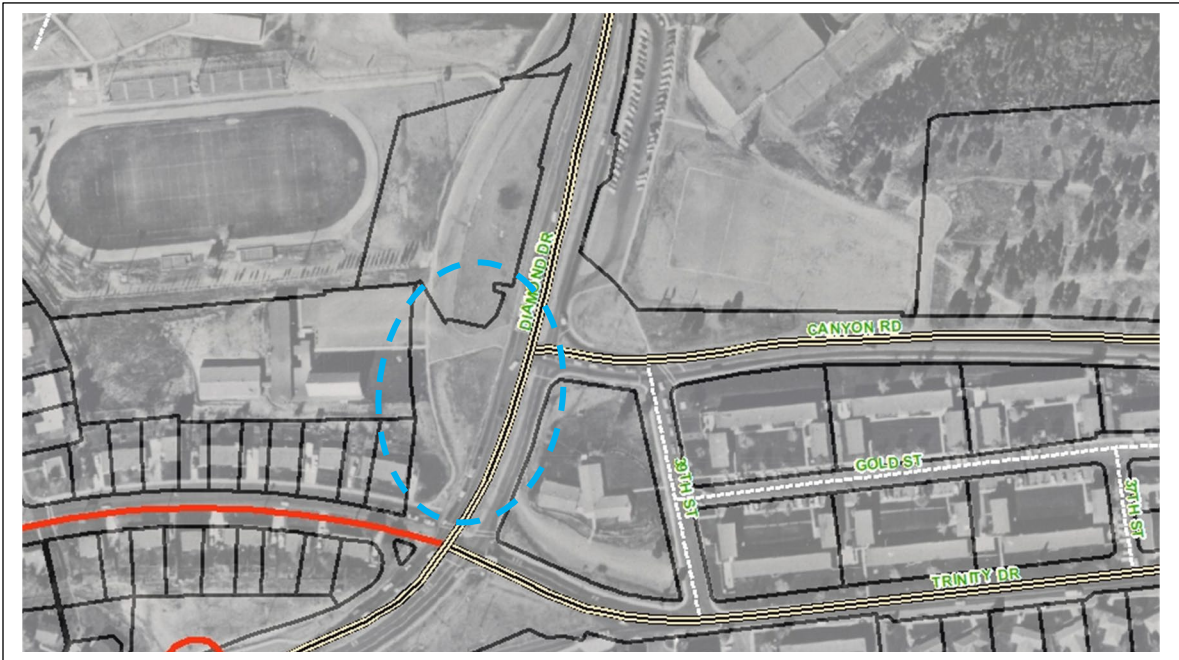


Exhibit 1: 1962 vicinity aerial

(b) Changed conditions warrant the rezoning.

Staff Response: The area in-use as the "Lemon Lot" has recently been processed via a Summary Plat to make it a legal lot of record; the lot's creation warrants an amendment to the Official Zoning Map to designate a zoning district, where one is not currently applied.

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

(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 Public-Land zoning district currently exists on the adjacent north lot (Sullivan Field) and across Diamond Drive, northeast, with Los Alamos High School, which makes the zoning contiguous and not "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.

Staff Response: Not Applicable

STAFF RECOMMENDATION

Staff has applied the appropriate review criteria and supports a recommendation to County Council for amendment to the Los Alamos County's Official Zoning Map for Tract F-2 to be designated with a Public-Land zoning.

FINDINGS OF FACT

1. The application REZ-2019-0013 is a request to amend the Official Los Alamos County Zoning Map by designating Tract F-2, Western Area 1, as Public-Land (P-L).
2. The Incorporated County of Los Alamos is the legal owner of the subject property commonly referred to as 695 Diamond Drive.
3. The creation of a lot from county-owned public right-of-way warrants an amendment to the Official Zoning Map to designate a zoning district.
4. The request conforms to the Comprehensive Plan by accomplishing a goal established by Council to promote economic vitality by providing a community service and maximizing the utilization of county-owned land.
5. The lot provides a community service, and the Public-Land (P-L) zone is intended to accommodate local government and school district uses and structures, designed to support community needs and the public health, safety and welfare.
6. The property, commonly known as "the Lemon Lot", has historically and currently been used by the community for the sale of used vehicles and has not shown to be materially detrimental to the health, safety and general welfare of the county; nor persons residing or working adjacent to or within its proximity.
7. No new development is being considered - existing use will continue, and considerations on the plat have been made for public services and facilities.
8. The Public-Land zoning district currently exists on the adjacent north lot (Sullivan Field) and across Diamond Drive, northeast, with Los Alamos High School, which makes the zoning contiguous and not "spot zoning".
9. 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.
10. The public hearing was held in-person on July 28, 2021, with an option to attend virtually due to concerns regarding the COVID-19 pandemic.
11. After full hearing and consideration, the Planning and Zoning Commission finds that the Applicant has met each applicable Amendment to the Official Zoning Map Review Criteria contained in §16-155 of the Los Alamos County Development Code and is acting under the authority granted it by §16-452(b)(1)(a) of the Development Code.

CONCLUSIONS OF LAW

After full hearing and consideration, the Planning and Zoning Commission finds that the application has met each applicable Amendment to the Official Zoning Map Review Criteria contained in §16-155 of the Los Alamos County Development Code and is acting under the authority granted it by §16-452(b)(1)(a) of the Development Code.

MOTION

Motion Option 1:

I move to **recommend approval** of Case No. REZ-2019-0013 to County Council for amendment to the Los Alamos County Official Zoning Map, to designate Tract F-2, Western Area 1, commonly referred to as 695 Diamond Drive, as Public-Land (P-L). Recommendation is based on the Findings of Facts established at the hearing and conclusion that the Applicant has met each applicable review criteria contained in §16-155 of the Los Alamos County Development Code.

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

Motion Option 2:

I move to recommend denial of Case No. REZ-2019-0013, amendment to the Los Alamos County Official Zoning Map to designate Tract F-2, Western Area 1, commonly referred to as 695 Diamond Drive, as Public-Land (P-L), as the proposed amendment does not conform to the review criteria within §16-155 of the Los Alamos Development Code.

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

ATTACHMENTS

- A. Rezone Application – REZ-2019-0013
- B. Summary Plat Application – SUM-2021-0044
- C. 100 Yd. Buffer Map and Property Owner List



REZONING APPLICATION

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

Property to be Rezoned: 695 Diamond Drive, Los Alamos, NM 87544

 Address

From: None (R-O-W) To: Public-Land 0.397
Current Zoning District **Proposed Zoning District** **Area (Acres)**

"Lemon Lot" - community use for sale
 of used vehicles.

Current Use

New lot without an underlying zone

Proposed Use/Reason for Rezoning

Related Applications:

SUM-2021-0044: A summary plat application for creation of Tract F-2, Western Area 1

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

Name: Los Alamos County Phone: 505-662-8294 Cell #: _____

Please Print

Address: 1000 Central Avenue, Los Alamos, NM Email: steven.lynne@lacnm.us

Steven Lynne

6/30/2021

SIGNATURE

DATE

PROPERTY OWNER (If different from Applicant)

☐

Check here if same as above

Name: _____ Phone: _____ Cell #: _____

Please Print

Address: _____ Email: _____

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

SIGNATURE

DATE

REZONING CRITERIA:

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

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

The "Lemon Lot" use is existing, and has not been materially detrimental to the health, safety nor general welfare of the county. The use provides a community service and maximizes the utilization of county-owned land - a goal established by Council to promote economic vitality as noted within the Los Alamos County Comprehensive Plan.

- (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.***

The use will continue, and considerations on the plat have been made for public services and facilities. This application is only to designate a zone to an area that was previously right-of-way. The proposed use is Public-Land (P-L), which is intended to accommodate local government and school district uses and structures, designated to support community needs and the public health, safety and welfare.

- (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.***

No new development is being considered. The use is existing and has not shown to be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property. Although not needed to maintain its current use - sewer, gas and electric run through the lot and water is available within the vicinity.

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

a. It was established in error;

A zoning district has never been established, as the area in-use was designated public right-of-way as far back as 1962. (verified by Aerial Imagery)

b. Changed conditions warrant the rezoning; or

The area in-use as the "Lemon Lot" has recently been processed - via a Summary Plat - to make it a legal lot of record; the lot's creation warrants an Amendment to the Official Zoning Map to designate a zoning district, where one is not currently applied.

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

The Public-Land zoning district currently exists on the adjacent north lot (Sullivan Field) and across Diamond Drive, northeast, with Los Alamos High School. The amendment to the Official Zoning Map - via this application - will not serve as a transtional zone, but but would be contiguous to the existing; therefore not considered "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.

Not Applicable

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: June 28, 2021

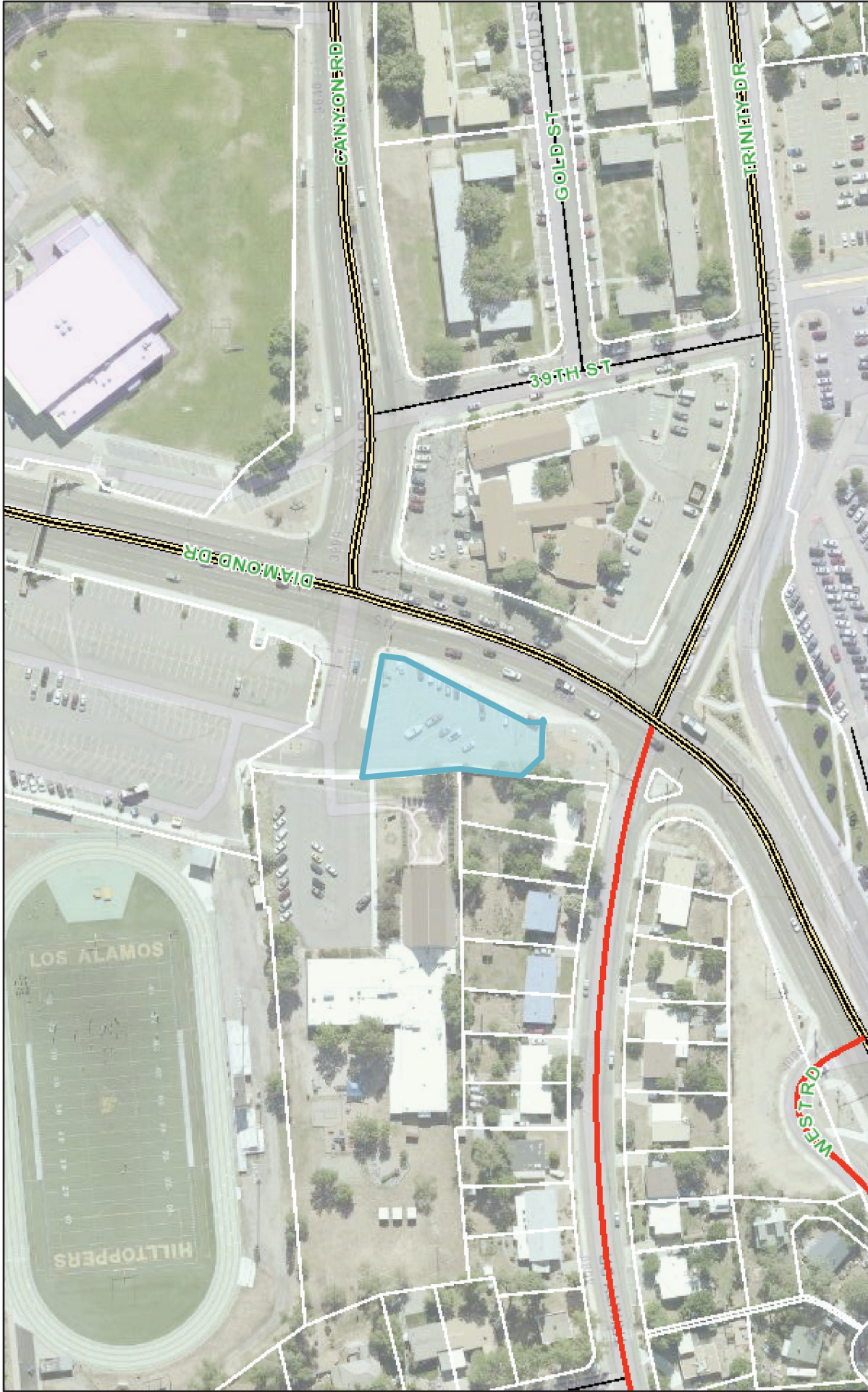
Staff Initial: djl

CDD Application Number: REZ-2019-0013

Fees Paid: N/A

ATTACHMENT B

695 DIAMOND DR - Vicinity Map



ATTACHMENT B

6/28/2021, 4:28:07 PM

1:2,257
0 85 170 340 ft
0 25 50 100 m

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Web AppBuilder for ArcGIS
Bureau of Land Management, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA]



SUMMARY PLAT APPLICATION

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

Note: A Summary Plat is for the purpose of a lot split into no more than two lots in any zoning district; or for adjustment of a lot line; consolidation of no more than two lots; or a technical surveying correction.

Check all that apply:

☐ Lot Split
 ☐ Lot Line Adjustment
 ☐ Lot Consolidation
 ☒ Re-Plat

PROPERTY OWNER [Applications for Summary Plat may only be made by the Owner of the Property]:

Name: Los Alamos County Phone: 505-662-8294 Cell #: _____
Please Print

Address: 1000 Central Avenue, Los Alamos, NM Email: steven.lynne@lacnm.us
Quoted Mailing Address

Steven Lynne 6/9/2021
SIGNATURE **DATE**

Property to be Split or Consolidated: 695 Diamond Drive, Los Alamos, NM 87544

Address

Zoning District: Right-Of-Way **Acreage:** 0.397 +/- (17,293.89 ft²)

Lot Coverage for each lot: 0 _____ [Note: Only if subject parcels are developed]

Related Applications: Subsequent Rezone Application to Planning and Zoning Commission

SUMMARY PLAT REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-154 establishes four (4) criteria to be considered when reviewing an application for Summary Plat approval. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided.

(a) *The development of the property shall substantially conform to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county.*

The "Lemon Lot" use is existing, and has not been materially detrimental to the health, safety nor general welfare of the county.

(b) For Lot Splits, both lots shall front on an existing, dedicated and improved street.

Although not a lot split - the lot has access from Diamond Drive at the intersection with Canyon Road.

(c) Both lots and uses must meet the minimum site development parking requirements of the applicable district, as set forth in Article IX.

The replat is to create a lot from public right-of-way - at this time there is no underlining zoning district to apply parking requirements. A subsequent application will be submitted for Amendment to the County Official Zoning Map for the proposal of Public-Land designation. The new lot will continue to be for public use as "the Lemon Lot".

(d) Necessary easements shall be provided for existing and proposed utilities in a manner acceptable to the county engineer and the utilities manager.

Utilities exist on the proposed lot, but are owned by the property owner. As such, at this time there are no easements that would be needed, unless the property were to transfer ownership to a private party.

REQUIRED SUBMITTALS:

Check each of the boxes to indicate that you have attached each of the following, and, if possible, one complete copy of all materials on disk:

- ☒ Provide a TITLE for the Plat (Lot Split, Lot Consolidation, etc.) or Provide a Purpose Statement on the Plat.
- ☐ Proof of property ownership.
- ☒ A scaled proposed Plat with Metes and Bounds prepared by a Licensed Surveyor including all the following information:
 - ☒ Label "Old Lot Line," "New Lot Line," "Adjusted Lot Line," or "Lot Line to be Removed" as appropriate.
 - ☒ Show and label the footprint of all existing buildings and structures on the site.
 - ☒ Show, dimension and label all existing and proposed easements.
 - ☒ Show, dimension and label all existing and proposed setbacks.
 - ☒ Proof of payment of taxes. See below.

Per N.M.S.A. 1978, § 7-38-44.1 (B), A taxpayer shall pay the taxes, penalties, interest and fees due on real property divided or combined through the taxable year in which the property is divided or combined prior to filing a plat.

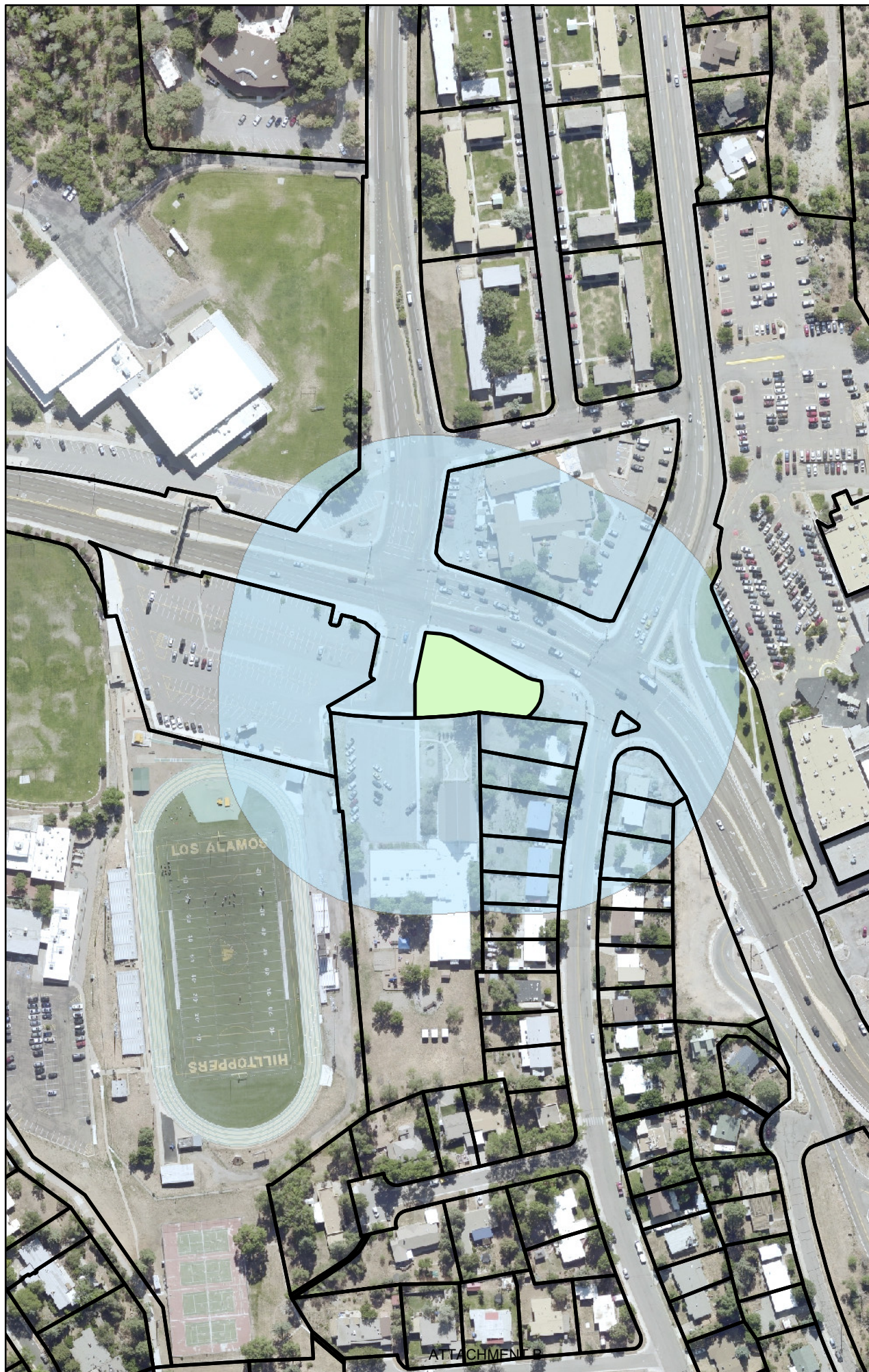
CDD Staff shall record all lot split and consolidation plats upon proof of payment of taxes.

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT



For County Use:

Date of Issue: June 1, 2021

Staff Initial: djl



CASE NO. REZ-2019-0013

-  695 DIAMOND DR
-  100 YD (300') BUFFER
-  PROPERTY PARCELS



1 inch = 200 feet

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 YD (300') MAILING LIST

ADDRESS	OWNERNAME	CAREOFNAME	OWNERADDRESS_ADDRESS1	OWNERADDRESS_CITY	STATE	ZIP
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
3987 TRINITY DR A	TIETJEN KELCEY L & LAURA D		3987 A TRINITY DR	LOS ALAMOS	NM	87544
3976 TRINITY DR B	WATKINS STEPHEN E & SUSAN J		312 POTRILLO DR	LOS ALAMOS	NM	87547
3959 TRINITY DR	FOX GRANT R & MEGAN		228 CANADA WAY	LOS ALAMOS	NM	87547
3976 TRINITY DR A	RIVERA MANUEL E & MARY E REVOC TRUST	C/O LANB TRUST DEPT	301 GRIFFIN ST	SANTA FE	NM	87501
3931 TRINITY DR B	CHAVEZ STEPHANIE & FEAGIN VANESSA & TREVOR		3931 B TRINITY DR	LOS ALAMOS	NM	87544
3948 TRINITY DR	BRAND HOLMANN V REVOCABLE TRUST		3948 TRINITY DR	LOS ALAMOS	NM	87544
3931 TRINITY DR A	GIRON SAMUEL G JR & EVELYN S		929 MADEIRA SE	ALBUQUERQUE	NM	87108
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
9999 DIAMOND DR	LOS ALAMOS COUNTY		PO BOX 30	LOS ALAMOS	NM	87544
3917 WEST RD	PHC-LOS ALAMOS INC	PROPERTY VALUATION SERVICES	14400 METCALF AVE	OVERLAND PARK	KS	66223
3900 TRINITY DR	TRINITY ON THE HILL PARISH		3900 TRINITY DR	LOS ALAMOS	NM	87544
1300 DIAMOND DR	LOS ALAMOS SCHOOL BOARD		2075 TRINITY DR	LOS ALAMOS	NM	87544
4000 UNIVERSITY DR	LOS ALAMOS SCHOOL BOARD		2075 TRINITY DR	LOS ALAMOS	NM	87544
855 DIAMOND DR	LOS ALAMOS SCHOOL BOARD		2075 TRINITY DR	LOS ALAMOS	NM	87544