



# County of Los Alamos

## Council Meeting Staff Report

August 2, 2022

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**Agenda No.:**

**Indexes (Council Goals):**

**Presenters:** Paul Andrus; Sobia Sayeda

**Legislative File:** CO0633-22b

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### **Title**

Incorporated County of Los Alamos Code Ordinance No. 02-327; Revision No. 2022-01 in Textual Form to the Official Zoning Map of Los Alamos County by rezoning two (2) parcels consisting of approximately 4.75 acres of land combined: 1) Tract EA3 Q1, and 2) Tract EA3 Q2, from Multiple-Family Residential, very high density, district (R-3-H-40) to Mixed-Use (MU).

### **Recommended Action**

Approve the Application:

**Pursuant to Section 16-452(b)(2), I move that the County Council approve Application REZ-2022-0017, a request by Transcor Development Corporation for the rezoning two parcels to Mixed-Use; and**

**I further move to authorize the Chair to sign Findings of Fact and Conclusions of Law consistent with this Decision, prepared with the assistance of the County Attorney, that the Findings of Fact and Conclusions of Law be included in the record of this proceeding; and**

**I further move to approve Ordinance No. 02-327 which shall supported by the Council's Findings of Fact and Conclusions of Law that will be entered into the record in this matter.**

OR

Deny the Application:

**Pursuant to Section 16-452(b)(2), I move that the County Council deny the Application REZ-2022-0017, a request by Transcor Development Corporation for the rezoning two parcels to Mixed-Use; and**

**I further move to authorize the Chair to sign Findings of Fact and Conclusions of Law consistent with this Decision, prepared with the assistance of the County Attorney, and that these Findings of Fact and Conclusions of Law be entered in the record of this proceeding.**

OR

Refer the Application back to the Commission:

**Pursuant to Section 16-452(b)(2), I move to refer the matter back to the Planning and Zoning Commission for further proceedings to review and receive further evidence on [the review criteria of Section 16-155 or other matters related to the Application] and return to Council its findings and recommendations on the matter referred to it within [TIME TO RETURN - suggest 60 or 90 calendar days] from the date of this hearing.**

### **Board, Commission or Committee Recommendation**

The Planning and Zoning Commission ("Commission") on April 21, 2022, recommended with a 4-1 vote that the County Council deny Ordinance No. 02-327. The Commission's recommendation was based on the Findings of Fact established at the hearing and conclusion that the Applicant failed to meet the applicable review criteria as required by Section 16-155 of the Los Alamos County

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Development Code (See Attachment D).

## **Body**

**Property Owners:** Transcor Development Corporation

The property owner/applicant is seeking an Amendment to the Los Alamos County's Official Zoning Map in textual form to obtain a Mixed-Use designation for two parcels of land in order to achieve a development that would provide both residential and commercial uses. The two parcels are addressed 2100 Canyon Road and 2202 Canyon Road ("Property"). Combined, the lots equal 4.75 acres in total.

The applicant, Transcor Development Corporation ("Applicant"), filed its application for the zoning map amendment on March 9, 2022 ("Application"). The Application was assigned case number REZ-2022-0017 by the County's Community Development Department ("CDD"). After reviewing the Application, and as required by Section 16-54 and 16-155 of the County Code, CDD presented the Application to the Interdepartmental Review Committee ("IDRC") on March 17, 2022. Pursuant to Section 16-53(a)(2), the Commission held a duly noticed public hearing on the Application on April 21, 2022. Involved in the proceedings before the Commission were the Applicant, an opposing landowner, and CDD staff.

The Commission issued its recommendation on the Application on May 10, 2022. (Attachment D.) In a 4-1 vote, the Commission recommended that the Application be denied.

Attached for Council's consideration and review is the CDD Staff Report which was presented to the Planning and Zoning Commission. (Attachment C.) The CDD Staff Report includes the Application and supporting information submitted by the Applicant in addition to CDD's own review and comments on these items and criteria required by Section 16-155.

As provided in Section 16-452(b)(2) of the County Code, the Council shall approve or deny the Application or it may send the matter back to the Commission for further proceedings after holding a public hearing to consider the Application and the Commission's recommendation. Pursuant to Section 16-452 of the County Code, Council must base its decision to approve or deny the proposed zoning map amendment on the review criteria set forth in Section 16-155 of the County Code (shown in Attachment E). The Commission's recommendation is not binding on Council.

As required by the County Charter and Chapter 16 of the County Code, any amendment of the County Code and Official Zoning Map, must be accomplished by ordinance. Attached to this matter is draft County Ordinance No. 02-327 for Council's consideration. (Attachment A.) Approval of the Ordinance is only applicable if the Application and request is approved. An ordinance is not required if the Application and request is denied, or if the matter is referred back to the Commission for further proceedings.

## **Alternatives**

Council may approve or deny the proposed Amendment to the official zoning map, or may refer the matter back to the Commission.

## **Attachments**

A - Incorporated County of Los Alamos Code Ordinance No. 02-327

B - Public Notices pursuant to Chapter 16, Sec. 16-195

C - Staff Report, REZ-2022-0017

D - Recommendation to County Council on Application REZ-2022-0017

E - Chapter 16, Section 16-155: Amendment to the Official Zoning Map Review Criteria

