

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO**

Case No. SIT-2026-0081, a request for Site Plan adoption for a commercial parking lot on two adjoining vacant parcels totaling approximately ± 1.70 acres. The properties located at 1377 and 1399 Diamond Drive, Los Alamos, New Mexico and is zoned General Commercial (GC).

ORDER ON APPLICATION SIT-2026-0081

NOW COMES, the Planning and Zoning Commission (“Commission”) of the Incorporated County of Los Alamos (“County”), that hereby finds as follows:

I. FINDINGS OF THE COMMISSION

The Commission finds as follows:

1. On May 28, 2026, Scott McCloy of McCloy Land Surveying, LLC on behalf of property owner Russ NM, LLC (“Applicant”), submitted an application (“Application”) for Site Plan adoption for the properties located at 1377 and 1399 Diamond Drive, Los Alamos, NM, (“Property” or “Properties”), zoned General Commercial (GC). The Site Plan Adoption will establish a commercial parking lot on two adjoining vacant parcels totaling approximately ± 1.70 acres. The commercial parking lot will provide parking for Los Alamos High School and an area for a mobile food vending court. *See* PLANNING & ZONING COMMISSION STAFF REPORT by Danyelle Valdez, Planning Manager (hereafter “CDD Staff Report”), Attachment A.

2. The Application was assigned case number SIT-2026-0081. *Id.*

3. A quorum of the Commission was present at the public hearing held on July 22, 2026¹.

The public hearing was open to the receipt of evidence and testimony given under oath, of which

¹ The Video for this hearing is available at [July 22, 2026, Planning and Zoning Commission Meeting \(granicus.com\)](https://www.granicus.com/). All citations to testimony are from this video and is in Hour:Minute:Second format.



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was subject to cross-examination in accordance with Section 16-72(f)(5) of the County Development Code².

4. Present for the Applicant was Scott McCloy of McCloy Land Surveying, LLC, at 168 Central Park Square, Los Alamos, New Mexico on behalf of Property owner Russ NM, LLC.

5. Present for the Community Development Department (“CDD”) was Danyelle Valdez, Planning Manager (“CDD Staff Valdez”) who’s experience and education includes a bachelor’s degree in business administration and twelve (12) years of experience in Real Estate Development, Project Management, Planning and Land Use.

6. Logan Ott, 1374 40th Street, Apt. A, Los Alamos, New Mexico, resident within 300 feet of the Property was recognized as an Affected Party to this matter and provided testimony in opposition of this Application.

7. Elizabeth Jacob, 1374 40th Street, Apt. B, Los Alamos, New Mexico, resident within 300 feet of the Property was recognized as an Affected Party to this matter and provided testimony in opposition of this Application.

8. James Wernicke, 3034 Nickel Street, Los Alamos, New Mexico provided testimony in opposition of this Application.

9. Evidence received by the Commission at the public hearing includes: 1) CDD Staff Report (Attachment A); 2) Public Notices (Attachment B); 3) Application Packet (Attachment C); and 4) public hearing presentation, questioning, testimony from Applicant, CDD Staff Valdez, James Wernicke, and the Affected Parties.

² Available at [Municode Chapter 16](#).

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10. The Property's legal description is Tract I, Western Area No. 1 (1399 Diamond Drive), and Lot 1 of Tract H, Western Area No. 1 (1377 Diamond Drive), and are currently vacant. *See* CDD Staff Report, Attachment A, page 67.

11. The Property consists of two adjoining parcels along the west side of Diamond Drive within the Western Area of the Los Alamos Townsite. Tract I, Western Area No. 1 (1399 Diamond Drive) forms the northern parcel and Lot 1 of Tract H, Western Area No. 1 (1377 Diamond Drive) forms the southern parcel. The combined lot area is 73,921 square feet (± 1.70 acres). The Property was formerly a commercial retail building and mechanic garage; both parcels are currently vacant, with no existing structures. The Property is zoned General Commercial (GC) and is not within an overlay zone. The Application requests two commercial uses with no enclosed structures. The northern parcel (Tract I, 1399 Diamond Drive) is proposed to be a paved parking lot serving Los Alamos High School, a permitted use in the GC district. The proposed use of the southern parcel (Lot 1, Tract H, 1377 Diamond Drive) is a mobile food vending court with nine (9) designated food-truck spaces, an open-air shade structure with communal picnic seating, and associated patron parking. Proposed lot coverage is zero (0%) percent, and no enclosed or heated floor area is proposed. *See* CDD Staff Report, Attachment A, Pages 67-68; *see also* Testimony of CDD Staff Valdez starting at 01:04:23.

12. As provided by the testimony of CDD Staff Valdez, Applicant attended a pre-application meeting which was held on February 11, 2026, in accordance with Section 16-72(b)(2) of the County Development Code. *See* CDD Staff Report, Attachment A, page 68; *see also* Testimony of CDD Staff Valdez starting at 01:09:05.

13. Based on the CDD Staff Report, the Application was reviewed by the Interdepartmental Review Committee ("IDRC") from June 18, through June 25, 2026, with the formal IDRC meeting

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held on June 25, 2026. IDRC recommended that the Application proceed to the Commission, subject to applicable departmental conditions:

- **Public Works** requires permanent closure of the northern driveway access along Diamond Drive serving 1399 Diamond Drive. High-school overflow parking access shall instead be provided through the Sandia Drive entrance. The southern driveway along Diamond Drive, adjacent to the pedestrian bridge, may continue to serve the mobile food vending court.
- **Environmental Services** requires coordination regarding solid-waste container placement and collection-truck access.
- **Department of Public Utilities.** Final utility design shall be coordinated with the Department of Public Utilities, including use of the existing capped water line where feasible and review of future gas and sewer stub-outs if Diamond Drive is disturbed.
- **Fire Marshal's Office** requires a minimum separation of ten (10) feet between food trucks, vehicles, and structures, as applicable, and a minimum fifteen (15) foot clear area around fire hydrants.
- **Building and Safety Division** will review the proposed shade structure to determine applicable building-permit and accessibility requirements.
- **Planning Division** staff requested that the Applicant provide proposed hours of operation for the mobile food vending court.

See CDD Staff Report, Attachment A, pages 70-71; *see also* Testimony of CDD Staff Valdez starting at 01:09:19.

14. As provided in the CDD Staff Report, notice of the public hearing was published in accordance with Section 16-72(c) of the County Development Code, as notice was published in

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the *Los Alamos Daily Post* on July 2, 2026, notice of the public hearing was mailed to the owners of real property within three hundred (300) feet of the Property on July 2, 2026, and the notice was posted at the Property on July 2, 2026. *See* CDD Staff Report, Attachment A, Page 71; *see also* Testimony of CDD Staff Valdez starting at 01:08:44.

15. As the Application is a request for the approval of a Site Plan as required pursuant to Section 16-74(i) of the County Development Code, the Commission finds the applicable review criteria for the Commission, in determining whether to approve, approve with conditions, or to deny the Application (*see* § 16-69(b)(2)), is the review criteria found in Section 16-74(i)(4) of the County Development Code.

16. Although there was opposing testimony provided during the public hearing, the Commission, having received and duly considered all testimony and evidence provided during the public hearing, finds that the Applicant has met its burden and has demonstrated that the Application meets the requirements of Section 16-74(i)(4). The Commission, in support of this finding, provides the following:

a) As to criterion (a) of Section 16-74(i)(4) of the County Development Code, the Commission finds that there was ample evidence to demonstrate that the development of the Property substantially conforms to the intent and policies of the Comprehensive Plan and other adopted County policies and plans. The Application proposes to place two commercial uses on a long-vacant, underutilized commercial parcel along an established arterial within the Townsite, consistent with the Comprehensive Plan's support for infill and the productive reuse of existing commercial land where infrastructure is already available. The high-school parking use addresses a documented parking demand adjacent to the Property, and the mobile food vending court adds a small-scale commercial amenity in an area with limited dining options. The proposed

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development of parking for the high school and mobile food vending in an area without any nearby dining options meets a community need. This is part of the redevelopment of a former vacant, blighted, and underutilized property. *See* CDD Staff Report, Attachment A, page 71; *see also* Testimony of CDD Staff Valdez at 01:06:04.

b. Regarding criterion (b) found in Section 16-74(i)(4) of the County Development Code, the Commission finds that the Property is not within an approved Master Plan. *See* CDD Staff Report, Attachment A, page 72, Application, Attachment C, page 84; *see also* Testimony of CDD Staff Valdez at 01:06:22.

c. As to criterion (c) of Section 16-74(i)(4) of the County Development Code, the Commission finds that the Property is not within an approved PD Zone District. *See* Application, Attachment C, page 85, CDD Staff Report, Attachment A, Page 72; *see also* Testimony of CDD Staff Valdez at 01:06:34.

d. As to review criterion (d) of Section 16-74(i)(4) of the County Development Code, the Commission finds that there was ample evidence to demonstrate that the Site Plan is in conformance with all applicable provisions of the County Development Code and other adopted County regulations. The Site Plan reflects the applicable GC Zone dimensional standards and proposes no enclosed structures. The proposed parking lot and mobile food vending court are subject to all applicable provisions of the County Development Code, including temporary use permits for individual food trucks, fire-safety, utility, access, and parking. The northern Diamond Drive driveway serving 1399 Diamond Drive must be permanently closed, and access to the high-school overflow parking area must be provided through the Sandia Drive entrance, consistent with Public Works and Engineering requirements. The southern Diamond Drive driveway shall serve the mobile food vending court.

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A variance has been requested from the applicable Neighborhood Protection Standards. The Property remains subject to the required Type B Buffer along the western Property boundary. If the associated variance is denied, the Applicant must comply with the full planting requirements of the Type B Buffer Zone through an approved landscape plan. *See* Application, Attachment C, page 85, CDD Staff Report, Attachment A, Page 72; *see also* Testimony of CDD Staff Valdez at 01:06:45.

e. As to criterion (e) of Section 16-74(i)(4) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by CDD Staff Valdez and Applicant that the public services and facilities required to serve the proposed development have adequate capacity and would conform with the requirements of the County's construction standards. The existing public infrastructure and services have adequate capacity to serve the proposed development. The proposed development is low-intensity commercial use with no enclosed buildings. Water service is proposed from the existing capped water line along Diamond Drive, subject to final approval by the Department of Public Utilities. Electrical service is proposed from the rear of the Property. If roadway disturbance is required, the Applicant must coordinate with Public Works and the Department of Public Utilities to determine whether gas and sewer stub-outs or related utility improvements are necessary to accommodate future development. Public Works requires permanent closure of the northern Diamond Drive driveway serving 1399 Diamond Drive through construction of curb, gutter, and sidewalk improvements. A permit from the Traffic and Streets Division will be required for this work. The Applicant must also coordinate with Environmental Services to demonstrate that solid-waste collection can be safely accommodated on the Property. *See* Application, Attachment C, page 85, CDD Staff Report,

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Attachment A, page 73; *see also* Testimony of CDD Staff Valdez at 01:07:09, Testimony of Applicant at 01:23:24.

f. As to criterion (f) of Section 16-74(i)(4) of the County Development Code, the Commission finds that there was ample evidence to demonstrate that the Site Plan mitigates any significant adverse impacts to properties within the vicinity to the maximum extent practicable. The Property contains an existing grade change, berm, mature vegetation, and fencing that provide some separation from adjacent residential properties. However, the Property remains subject to the Type B Buffer requirements of the Neighborhood Protection Standards. The Applicant must provide the required buffer planting unless the Commission grants the variance. A final landscape plan demonstrating compliance with the Type B Buffer requirements shall be submitted for staff review and approval before issuance of applicable permits or commencement of the mobile food vending use. The proposed use does not include site lighting or enclosed buildings. Food-truck operations must maintain required separation from other vehicles, structures, and fire hydrants, thereby reducing operational and public-safety impacts. *See* Application, Attachment C, page 86, CDD Staff Report, Attachment A, pages 73-74; *see also* Testimony of CDD Staff Valdez at 01:07:37.

g. As to review criterion (g) of Section 16-74(i)(4) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by CDD Staff and Applicant that this criterion requiring that provisions be made to serve the development with tot lots and/or neighborhood parks in accordance with the Comprehensive Plan is not applicable to commercial developments. *See* Application, Attachment C, page 86, CDD Staff Report, Attachment A, page 74; *see also* Testimony of CDD Staff Valdez at 01:08:02.

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II. ORDER

The Commission, pursuant to Section 16-72(f)(5)(c)(3), by a majority vote, five in the affirmative to two in the negative, hereby finds that the Applicant has sufficiently demonstrated that the request for Site Plan approval meets all requirements, and after full hearing and consideration, **hereby APPROVES Application SIT-2026-0081 subject to the following conditions:**

1. Access to the overflow parking area shall be provided through the Sandia Drive entrance.

2. The northern Diamond Drive driveway proposed to access 1399 Diamond Drive shall be permanently closed. The Applicant shall construct curb, gutter, and sidewalk improvements in accordance with Public Works engineering requirements and shall obtain all required permits from the Traffic and Streets Division before construction.

3. Prior to issuance of applicable permits or commencement of the mobile food vending use, the Applicant shall submit a solid-waste service and access plan acceptable to Environmental Services.

4. Final utility plans shall be reviewed and approved by the Department of Public Utilities. The Applicant shall coordinate with Public Works and the Department of Public Utilities regarding use of the existing capped water line and any required evaluation of future gas and sewer stub-outs if Diamond Drive is disturbed.

5. The final food-truck operating layout shall maintain a minimum separation of 10 feet between food trucks, vehicles, and structures, as applicable, and a minimum 15-foot clear area around all fire hydrants.

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6. The proposed shade structure shall require review and approval by the Building Division and shall obtain all applicable building permits prior to installation or construction.

7. Prior to commencement of mobile food vending use, the Applicant shall submit a restroom and sanitation plan for review and approval by the Building Division and any other applicable regulatory agency. The plan shall identify the type, number, location, accessibility, servicing, and waste-disposal arrangements for restroom and hand-washing facilities serving vendors and patrons. If portable restroom facilities are provided, they shall include an accessible unit and accessible route as required by applicable accessibility standards; shall not obstruct required parking spaces, drive aisles, pedestrian routes, fire access, hydrant clearances, utility facilities, or required landscape-buffer areas; and shall be regularly serviced and maintained in a clean and sanitary condition.

8. The mobile food vending court shall operate only between 7:00 a.m. and 9:00 p.m. daily. Vendor setup, customer service, generator operation, deliveries, waste collection, site cleanup, and other activities associated with the use shall occur within these hours. The approved operating hours shall be posted on-site and shall not be expanded without approval of an amendment to the Site Plan, as applicable.

9. If the associated Variance is not approved, the Applicant shall submit a landscape plan demonstrating compliance with the full Type B Buffer requirements along the western property boundary. The landscape plan shall be reviewed and approved by the Community Development Department prior to issuance of any applicable permits or commencement of the use.

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SIGNATURE PAGE TO FOLLOW]

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APPROVED on this date: 8/26/2026

Karen Easton

Karen Easton, Chair of the Planning & Zoning
Commission for the Incorporated County of Los
Alamos