

Los Alamos County

**Community Development Department** 

### PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date:	March 29, 2017
Subject:	Case No. SUB-2017-0002
Owners/Applicants:	Los Alamos County, Owner/Joanie Ahlers, Applicant
Case Manager:	Anders Millmann, Senior Planner
Through:	Tamara Baer, Acting Principal Planner

### Case No. SUB-2017-0002: 20th Street Subdivision

The petitioner (Los Alamos County) is requesting approval of a Sketch Plan and Preliminary Subdivision Plat to divide two (2) existing lots into six (6) new lots.

The land from which the new subdivision will be platted from consists of two existing parcels. One parcel is Lot 1-B of the Eastern Area 3 subdivision, and consists of 2.56± acres. The second parcel is Lot NN002 of the Eastern Area 3 subdivision, and consists of 3.22± acres. Both lots are owned by Los Alamos County.

### Motion Option 1:

I move to **approve** Case No. SUB-2017-0002, a request for approval of a Sketch Plan and Preliminary Subdivision Plat, consolidating existing Lot 1-B and a portion of Tract NN, and creating a new subdivision consisting of six (6) new lots, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following conditions:

- 1. The petitioner shall submit a Final Subdivision Plat for Planning and Zoning Commission approval, which is in substantial conformance with the Preliminary Plat.
- 2. All proposed lot lines shall be monumented and marked in accordance with the provisions of Chapter 47 Article 6 NMSA 1978 (The New Mexico Subdivision Act), and illustrated on the Final Subdivision Plat.
- 3. The petitioner shall receive Planning & Zoning Commission approval for the Waiver requested (reduce minimum street widths), prior to submitting a petition for a Final Subdivision Plat.

### Motion Option 2:

I move to **deny** Case No. SUB-2016-0002, a Sketch Plan and Preliminary Subdivision Plat to allow for the creation of six (6) individual lots, due the proposal failing to meet the Los Alamos County Code of Ordinances, Chapter 16 – Development Code review criteria in §16-153, and Chapter 47 Article 6 NMSA 1978 (The New Mexico Subdivision Act) for the following reasons:

1. ...

### SUMMARY

This request is for approval of a Sketch Plan and a Preliminary Subdivision Plat to consolidate two (2) existing tracts of land and re-subdivide the entire land area into six (6) new lots. The principal purpose of this petition is to create individual lots that will be later sold to commercial development interests.

Los Alamos County wishes to promote economic development and re-develop downtown by making certain improvements to roadway infrastructure, creating new lots and making those lots available for sale and development.

The proposed Subdivision promotes a number of Goals, Policies and Strategies of the 2016 Comprehensive Plan. Specifically, the proposal promotes the following Comprehensive Plan Goals:

### Growth Goals

#2: Diversify the economic base.

#9: Revitalize and eliminate blight in the downtown areas of Los Alamos and White Rock.

#10: Promote growth in the downtown.

Land Use Policy #1: Maximize the utilization of County-owned land.

Land Use Policy #3: Support infill development over expansion of current developed areas.

### **Development Goals**

#3: Enhance and maintain a vibrant downtown while keeping a small town character and feel.

Land Use Policy #1: Maximize the use of County-owned land.

Infrastructure Polity #1: Support strategic County utility extensions and other public improvements to support existing businesses or attract new businesses.

### Redevelopment Goals

#2: Encourage infill development on underused or blighted sites.

Infrastructure Policy #5: Make strategic capital investments in public infrastructure.

### Downtown Goals

#1: Create a vibrant, pedestrian-friendly downtown that includes a central gathering place, nighttime entertainment, and more retail stores and restaurants.

*Economic Vitality Policy #1: Support development of a range of retail and service uses that complement one another.* 

*Infrastructure Policy #1: Continue to support infrastructure construction downtown.* 

The subject property is roughly shaped like an "L" and is located at 20<sup>th</sup> Street, south of Trinity Drive. Adjacent property ownership and land uses are as follows:

North: Trinity Drive

East: Century Link, telecommunications switching station

South: Los Alamos National Laboratory, vacant (canyon)

Southwest: Los Alamos National Laboratory, vacant (canyon)

West: Los Alamos Public Schools, offices.

The zoning of the subject property is DT-NCO, Downtown District, Neighborhood Center Overlay.

There are two (2) existing individual tracts of land affected by this proposal. They are:

- Lot 1-B; containing 111,527.45 Ft<sup>2</sup> of land area (2.56 acres), which has no current assigned address. The land area of this lot consists principally of existing paved right-of-way for 20<sup>th</sup> Street.
- Lot NN002; containing 140,339.52 Ft<sup>2</sup> of land area (3.22 acres), and is addressed as 1925 Trinity Drive. This lot contains an electrical substation and the Smart House.

The Sketch Plan and Preliminary Subdivision Plat will extinguish the current western and southern boundary between the two (2) existing lots, rendering the 20<sup>th</sup> Street right-of-way smaller and narrower than what currently exists. The applicant has submitted a petition seeking a waiver to the minimum right-of-way width specified in Figure 16-578-f2, Street Section G, in the Los Alamos County Development Code. This Street Section specifies a minimum right-of-way width of fifty (50') feet. The petitioner seeks permission to reduce this width to forty-two (42') feet. This Waiver petition will be heard and decided by the Planning & Zoning Commission at its April 12, 2017 public hearing.

Lot Number	Area, Acres	Area, Ft <sup>2</sup>	Avg. Depth	Avg. Width	Frontage
1C	0.4697	20,463	250'	85'	93.36'
2C	0.4738	20,641	130′	126'	61.32'
3C	0.4706	20,500	80'	165'	165.57'
4C	0.4584	19,967	132'	142'	338.61
5C	0.4811	20,959	145'	142'	126.96'
6C	0.6759	29,443	250'	104'	124.61'

The proposed subdivision consists of six (6) new lots, and are as follows:

The existing electrical substation and the Smart House will remain after the subject property is consolidated and subdivided. Additionally, a new utility easement will be established around an existing electrical utility vault that will be located on proposed Lot 1C.

The proposed subdivision is considered a Type III subdivision by the New Mexico Subdivision Act [Chapter 47-6-2 (Q), NMSA 1978].

Since Los Alamos County does not have a current adopted Subdivision Ordinance, the provisions of Chapter 47 Article 6 NMSA 1978 (The New Mexico Subdivision Act) apply when re-subdividing previously approved subdivision plats. In accordance with the Act's definitions, this petition is not considered exempt from meeting the requirements of the Act [Section 47-6-2(L)]. Regardless, the petitioner shall fully comply with Section 47-6-8 of the Act, which reads:

### 47-6-8. Requirements prior to sale, lease or other conveyance.

It is unlawful to sell, lease or otherwise convey land within a subdivision before the following conditions have been met:

- A. the final plat has been approved by the board of county commissioners and has been filed with the clerk of the county in which the subdivision is located. Where a subdivision lies within more than one county, the final plat shall be approved by the board of county commissioners of each county in which the subdivision is located and shall be filed with the county clerk of each county in which the subdivision is located;
- B. the subdivider has furnished the board of county commissioners a sample copy of his sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land; and
- C. all corners of all parcels and blocks within a subdivision have been permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

This petition was noticed in the <u>Los Alamos Daily Post</u> on March 2, 2017, and property owner notices were mailed to all owners of real property located within 100 yards of the subject property, in accordance with the requirements of Article V, Section 16-192 of the Los Alamos County Development Code. Staff has not received any comments or concerns as of Wednesday, March 22, 2017.

### SUBDIVISION REVIEW CRITERIA

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-153 establishes eight (8) criteria for the Planning and Zoning Commission to use when reviewing an application for subdivision approval. They are:

(1) 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.

<u>Applicant Response</u>: The property is designated for mixed use development in the Los Alamos County Comprehensive Plan (2016). The property is currently zoned DT-NCO (Downtown District, Neighborhood Center District). The future land uses anticipated for this site will not be materially detrimental to the health, safety and general welfare of the County.

<u>Staff Response</u>: Only lot lines are being added to allow for individual lot and individual lot ownership, for future commercial development. Please refer to the discussion of conformance with Comprehensive Plan goals and policies outlined on page 2 of this report.

# (2) Except for the R-E and R-A zoning districts and developed areas where it is determined by the utilities manager that it is economically unfeasible to extend sewer lines, all subdivisions must be served or be capable of being served by all public utilities.

<u>Applicant Response</u>: Utilities are currently existing; however, they are not sufficient to serve the anticipated future development. There is funding within the County CIP to install utility infrastructure that will serve future developments.

<u>Staff Response</u>: Existing infrastructure is provided. Any potential changes will be made through agreements with the County Utility Department and Public Works Department. This criteria has been satisfied.

## (3) Provisions shall be made for the safe ingress, egress and circulation of vehicles, bicyclists and pedestrians.

<u>Applicant Response</u>: The subdivision will be served by new sidewalks and roadways with the goal of improving traffic safety and traffic flow. Improvements proposed via platting of the subdivision will vastly improve internal circulation and will mitigate an uncontrolled access point to Trinity Avenue.

<u>Staff Response</u>: No changes to ingress/egress and circulation of vehicles, bicyclists, and pedestrians are being proposed at this time, only new lot lines are being proposed to create new lots for future development. In conjunction with the subdivision, the County Public Works Department plans to construct a new roadway, which will provide for improved areas and safety for all modes of travel. This criteria has been satisfied.

# (4) Adequate provisions shall be made for accepting expected drainage from other properties, for controlling drainage on the site and for directing it to the storm sewer or drainage system, including considerations for impact on downstream properties. The county engineer shall approve, disapprove or recommend modifications to the storm drainage plans.

<u>Applicant Response</u>: Drainage easements shall be established and coordinated with the Department of Public Works for the road. Since the subdivision is for the street and the division of lots, each lot will be subject to adherence to the LAC Building Code inclusive of drainage requirements upon private development.

<u>Staff Response</u>: Any prospective drainage issues will be reviewed by the Public Works Department during the Site Plan review process. This criteria has been satisfied.

# (5) The necessary easements shall be provided for both existing and proposed utilities in an acceptable manner to the county engineer and utilities manager. Development of the property shall be in accordance with adopted utilities department plans and specifications.

<u>Applicant Response</u>: The anticipated development is being constructed in cooperation with the Public Works Department and the Utilities Department, and will be developed in accordance with adopted Utilities Department plans and specifications.

<u>Staff Response</u>: The Sketch Plan and Preliminary Subdivision Plat shall illustrate all existing and proposed utility easements. Easements are required for all public utility infrastructure, and PRIVATE easements are required in those locations where one property owner is burdened for the benefit of the adjacent property owner [Utilities Department].

# (6) Outdoor activity areas, parking lots, outside storage areas, outdoor lighting, or other features or uses of the site or structures shall be adequately screened or otherwise controlled to effectively mitigate conflict with existing or potential adjacent land uses.

<u>Applicant Response</u>: The development proposed once the subdivision is platted and recorded will provide landscaping and other screening mechanisms to ensure that any potential conflicts with adjacent land uses will be mitigated.

<u>Staff Response</u>: All outdoor activity areas, parking lots, outside storage areas, outdoor lighting, or other features or uses of the site or structures listed in this criterion, and any future changes contemplated would be-addressed through the Site Plan review process.

(7) The capacity of those public services and facilities required to serve the proposed development (including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc.) shall be adequate, or made to be adequate if improvements are required.

<u>Applicant Response</u>: The capacity of the public services and facilities required to serve the developments proposed upon subdivision plat approval will be made adequate by the expenditure of CIP funding.

<u>Staff Response</u>: All utilities to serve the current capacity of the site exist; however, they are not sufficient to serve the anticipated future development. There is funding within the County CIP to install utility infrastructure that will serve future developments. Any future infrastructure proposed would be reviewed by County Staff.

(8) The subdivision is planned to retain as much as possible, all natural features such as watercourses, natural vegetation, terrain, existing structures, historic sites, archaeological sites, and other community assets, which if preserved, will contribute to the overall appearance and quality of life in the county of Los Alamos. If the property is designated on the county zoning map as a hillside area, the subdivision shall comply with the hillside development standards (section 16-576).

<u>Applicant Response</u>: Although an initial study indicates that there are no community assets occupying the site subject to the subdivision, if any resources are discovered, the County will incorporate measures to retain and preserve these community assets.

<u>Staff Response</u>: Staff concurs with this observation.

### **FINDINGS OF FACT**

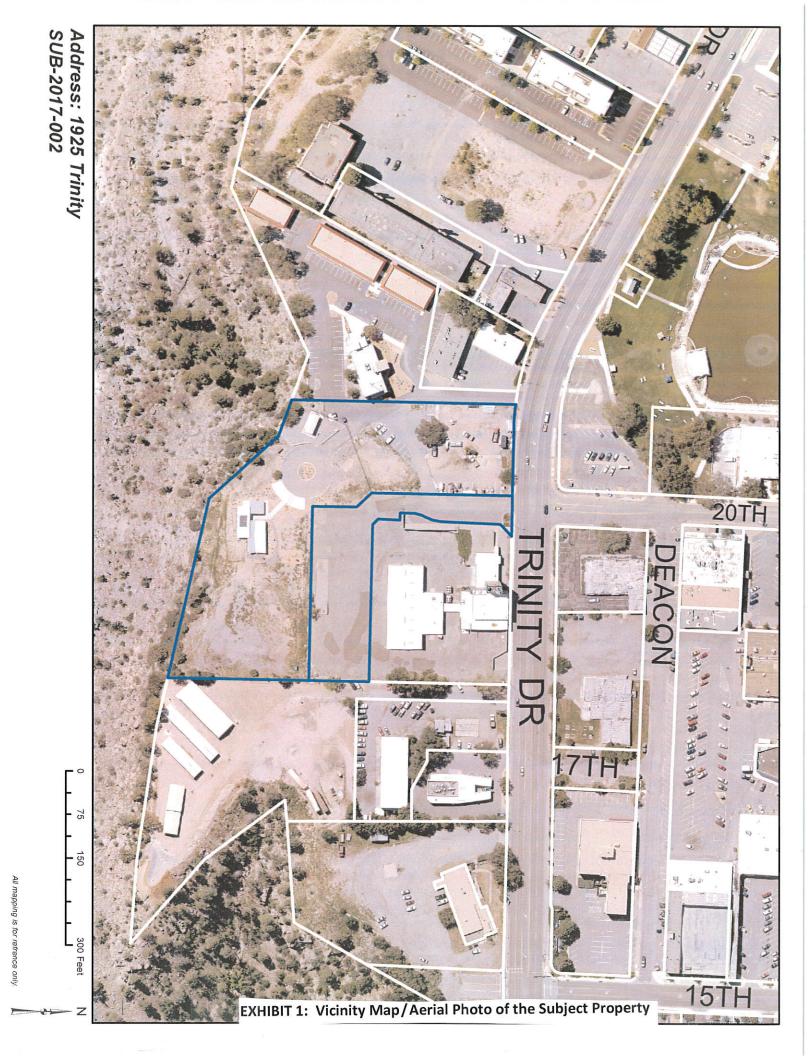
- Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in <u>The</u> <u>Los Alamos Daily Post</u>, and property owners of real property located within 100 yards of the subject property were notified of this public hearing, all in accordance with the requirements of §16-192 of the Los Alamos Development Code.
- 2. The request is for approval of both a Sketch Plan and Preliminary Subdivision Plat to consolidate and re-subdivide existing tracts, which will provide individual lots for potential sale to commercial interests.
- 3. The subdivision proposed is permitted within the DT-NCO zoning district, subject to review and approval by the Planning & Zoning Commission.
- 4. Upon review by the IDRC, the petition was unanimously (7-0) recommended for approval.

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

Staff review has determined that the application meets the criteria for processing of a Sketch Plan and Preliminary Subdivision Plat. IDRC review of the petition took place on February 10, 2017. After reviewing and determining that the petition did not present any negative aspects or impacts that would preclude it from being forwarded to the Planning and Zoning Commission for a public hearing, the IDRC membership conducted a vote to forward a favorable recommendation to the Planning & Zoning Commission.

### **EXHIBITS**

- Exhibit 1: Vicinity Map/Aerial Photo of the Subject Property
- Exhibit 2: Subdivision Application
- Exhibit 3: Map and List of Property Owners within 100 Yards (300 Feet)
- Exhibit 4: Plot of existing subdivision
- Exhibit 5: Proposed consolidation and re-subdivision (sketch plan and preliminary plat)
- Exhibit 6: Roadway Landscape Plan
- Exhibit 7: Photographs of Subject Property; Staff (8)





### SUBDIVISION APPLICATION

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

Property to be Subdivided:	1925 Trinity Drive +	vacant lot to	o the north			
Legal description: Eastern	Address Area 3, Lots NN002 &	NN001B				
Zoning District: DT-NCO	Area (Acres): <u>5.78</u> ± <b># Lots Proposed</b> : <u>6</u>					
Type of Subdivision:	1	11		IV	v	
Vacant and Smart House Current Use	Private sale for future development Proposed Use/Reason for Rezoning, if necessary					
Related Applications: <u>N/A</u>				n apara ang sa		
APPLICANT (Unless otherwinners) Name: Los Alamo County			-	10- 51		
Please Print						
Address: 1000 Central Aver				, ,	acnm.us	
SIGNATURE			DA	TE ///		
PROPERTY OWNER(s) (If di	ferent from Applican	t)		🖾 Check h	ere if same as above	
Name:		Phone:		Cell #:		
Please Print Address:			Email:			
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**EXHIBIT 2: Subdivision Application** 

### SUBDIVISION REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-153 establishes eight (8) criteria for the Planning and Zoning Commission to use when reviewing an application for subdivision approval. Please review each of the criteria listed and describe how your application meets the criteria. You will also be asked to discuss the criteria at your public hearings. Attach additional sheets as needed.

(1) 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 property is designated for mixed use development in the Los Alamos County Comprehensive Plan (2016). The property is currently zoned DT-NCO (Downtown District, Neighborhood Center District). The future land uses anticipated for this site will not be materially detrimental to the health, safety and general welfare of the County.

(2) Except for the R-E and R-A zoning districts and developed areas where it is determined by the utilities manager that it is economically unfeasible to extend sewer lines, all subdivisions must be served or be capable of being served by all public utilities.

Utilities are currently existing; however, they are not sufficient to serve the anticipated future development. There is funding within the County CIP to install utility infrastructure that will serve future developments.

## (3) Provisions shall be made for the safe ingress, egress and circulation of vehicles, bicyclists and pedestrians.

The subdivision will be served by new sidewalks and roadways with the goal of improving traffic safety and traffic flow. Improvements proposed via platting of the subdivision will vastly improve internal circulation and will mitigate an uncontrolled access point to Trinity Avenue.

(4) Adequate provisions shall be made for accepting expected drainage from other properties, for controlling drainage on the site and for directing it to the storm sewer or drainage system, including considerations for impact on downstream properties. The county engineer shall approve, disapprove or recommend modifications to the storm drainage plans.

Drainage easements shall be established and coordinated with the Department of Public Works for the road. Since the subdivision is for the street and the division of lots, each lot will be subject to adherence to the LAC Building Code inclusive of drainage requirements upon private development. (5) The necessary easements shall be provided for both existing and proposed utilities in an acceptable manner to the county engineer and utilities manager. Development of the property shall be in accordance with adopted utilities department plans and specifications.

The anticipated development is being constructed in cooperation with the Public Works Department and the Utilities Department, and will be developed in accordance with adopted Utilities Department plans and specifications.

(6) Outdoor activity areas, parking lots, outside storage areas, outdoor lighting, or other features or uses of the site or structures shall be adequately screened or otherwise controlled to effectively mitigate conflict with existing or potential adjacent land uses.

The development proposed once the subdivision is platted and recorded will provide landscaping and other screening mechanisms to ensure that any potential conflicts with adjacent land uses will be mitigated.

(7) The capacity of those public services and facilities required to serve the proposed development (including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc.) shall be adequate, or made to be adequate if improvements are required.

The capacity of the public services and facilities required to serve the developments proposed upon subdivision plat approval will be made adequate by the expenditure of CIP funding.

(8) The subdivision is planned to retain as much as possible, all natural features such as watercourses, natural vegetation, terrain, existing structures, historic sites, archaeological sites, and other community assets, which if preserved, will contribute to the overall appearance and quality of life in the county of Los Alamos.

Although an initial study indicates that there are no community assets occupying the site subject to the subdivision, if any resources are discovered, the County will incorporate measures to retain and preserve these community assets.

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, 8½ by 11 inch or 8½ by 14 inch format, showing the boundaries of the property subject of the subdivision plat, and all adjacent lots within 100 yards.					
A scaled Plat or survey at 1 inch to 100 feet, 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: 07 FEBRUARY 2017 Staff Initial:					
CDD Application Number: <u>SUB-ZOI2-0002</u> Fees Paid: <u>N/A</u>					

Additional information for Subdivision Applicants:

### Sec. 16-459. - Relationship between sketch, preliminary and final plat.

No preliminary plat shall be considered by the planning and zoning commission unless it substantially conforms to the approved or conditionally approved sketch plan. No final plat shall be considered by the planning and zoning commission unless it substantially conforms to the approved or conditionally approved preliminary plat. Plats that do not substantially conform shall be resubmitted at the sketch plat stage. Plats containing five lots or less after utility or public or private roadway improvements under article VI of this chapter may submit sketch, preliminary and final plats as a single plat for approval.

### Sec. 16-458. - Subdivision time periods.

- (a) There shall be no more than six months between final action on a sketch plan and application for preliminary plat. There shall be no more than 12 months between final action on a preliminary plat and application for final plat. Approved or conditionally approved final plats shall be filed by the applicant or agent with the county clerk within 12 months of the date of final action on a final plat.
- (b) Whenever the time period for filing of the application or filing with the county clerk expires, any and all applications for subdividing the same parcel of property shall be treated as a new application.

LOS ALAMOS COUNTY P O BOX 30 LOS ALAMOS NM 87544 **ROSHNI VENTURES LLC** 646 CERRILLOS ROAD SANTA FE NM 87501

INCORPORATED COUNTY OF LOS ALAMOS LOS ALAMOS INVESTORS LLC P.O. BOX 30 LOS ALAMOS NM 87544

1000 SECOND AVE SUITE 1750 SEATTLE WA 98104

BANQUEST FIRST NAT'L BK S F POBOX 609 SANTA FE NM 87504-0609

LOS ALAMOS ELKS LODGE NO 2083 1601 TRINITY DR LOS ALAMOS NM 87544

VFW CLUB POBOX 388 LOS ALAMOS NM 87544

LOS ALAMOS NATIONAL LABORATORY P.O. BOX 1663 LOS ALAMOS NM 87545

NARANJO FIDEL J L 2155 TRINITY DR LOS ALAMOS NM 87544

HEISEL C E & SULTEMEIER S A

P O BOX 250 LOS ALAMOS NM 87544

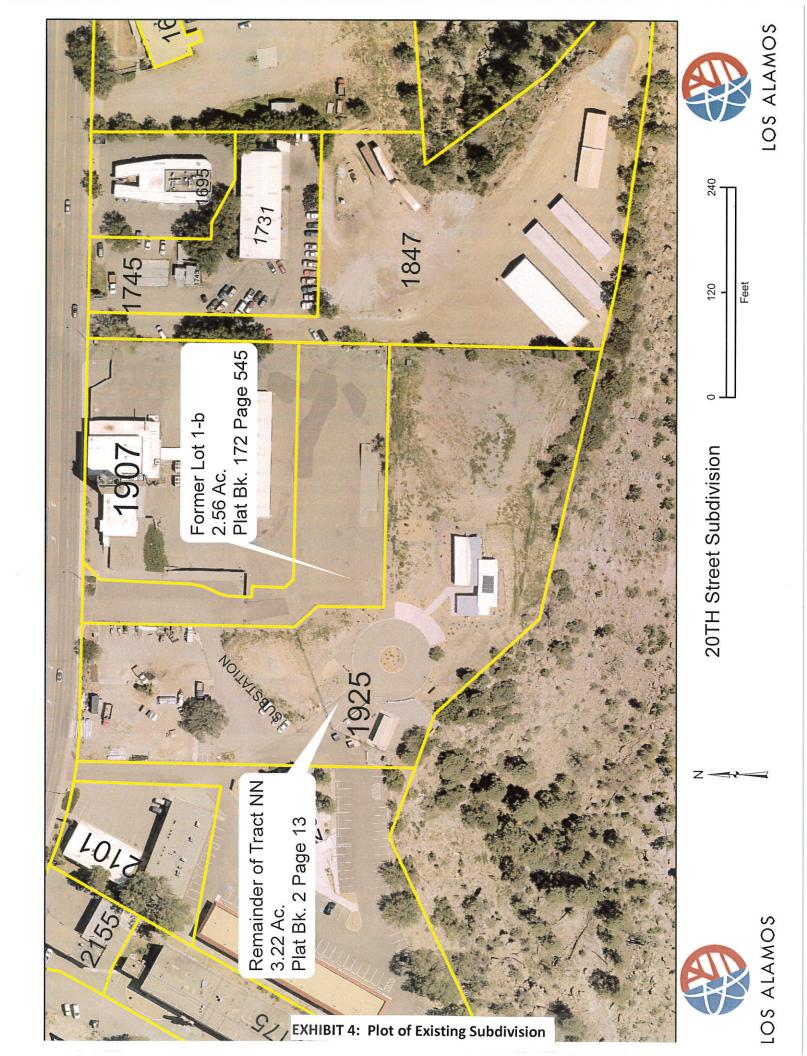
LOS ALAMOS PUBLIC SCHOOLS 2075 TRINTIY DR LOS ALAMOS NM 87544

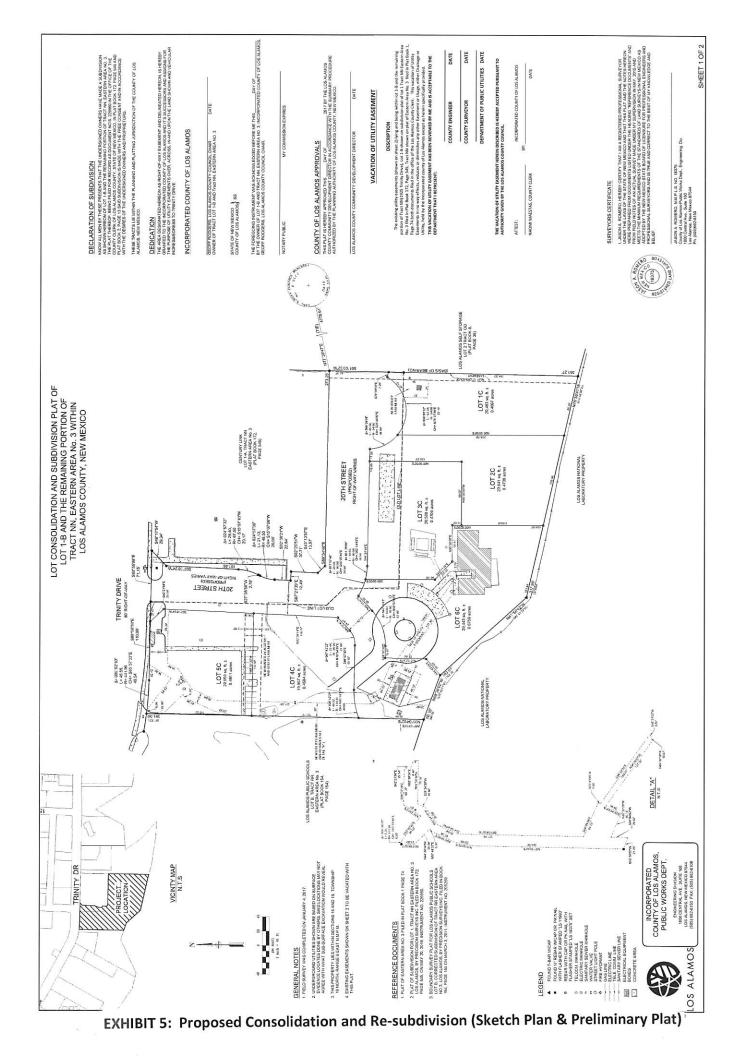
J & L SELF STORAGE & VANS LLC 2197 LOMA LINDA DR LOS ALAMOS NM 87544-2770

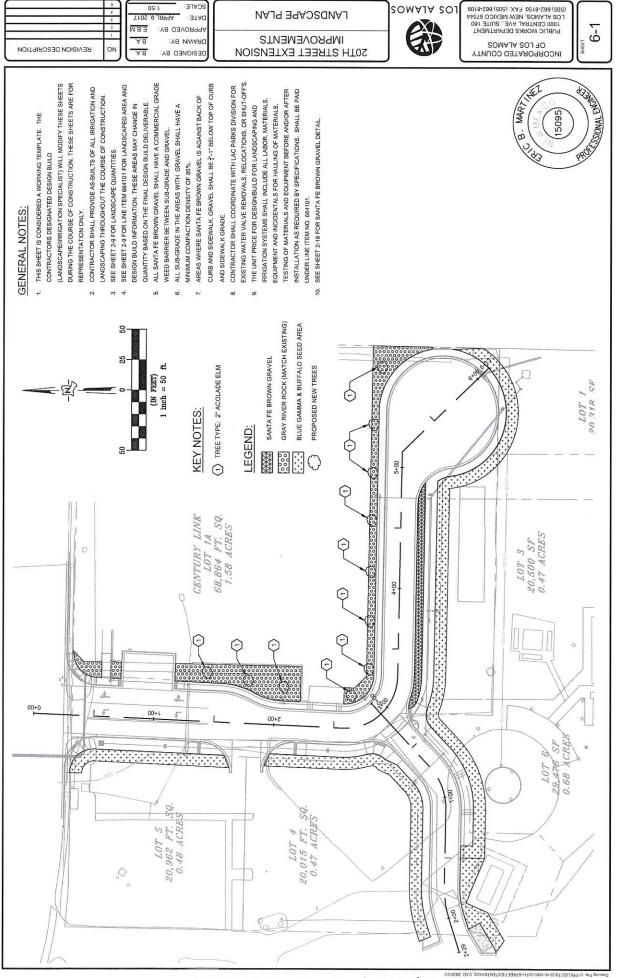
L & T ENTERPRISES INC 61 CASCABEL LOS ALAMOS NM 87544

MERRITT JAMES/BOBBY & BETTY 750 N 17TH LAS CRUCES NM 88005

EXHIBIT 3: List of Property Owners of Record Within 100 Yards of Subject Property







**EXHIBIT 6: Roadway Landscape Plan** 



1 – Entrance off of 20<sup>th</sup> Street



2 – Looking South along 20<sup>th</sup> Street

Exhibit 7: Staff Photographs



3 – View towards SW and City of Los Alamos Utility Substation



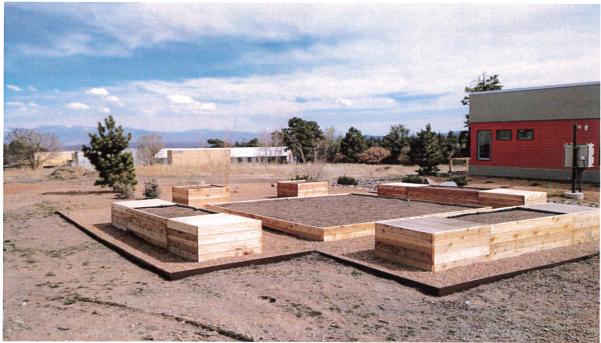
4 – Looking East along 20<sup>th</sup> Street



5 - Los Alamos County Utility Substation



6 – Smart House on Future Lot 6C



7 - Outdoor Seed Racks in Front of the Smart House



8 – Future Lot 1C, Looking South