

Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date:	September 11, 2019			
Subject:	Case No. SUB-2019-0008			
Owners/Applicants:	Jim Hall, Owners/Steve Shaw, Applicant			
Case Manager:	Anita Barela, Associate Planner			

Case No. SUB-2019-0008: Subdivision of Lot 212A, North Community 2 Subdivision

The petitioner is requesting a Final Subdivision Plat approval to divide an existing vacant parcel into four (4) new lots, on property located at 4134 Alabama Avenue. The subject property is zoned R-3-L-NC (Multiple family residential low density, North Community district). The subject property previously contained a 4-unit condominium. This structure was destroyed during the Cerro Grande fire in May 2000.

The land from which the new subdivision will be platted consists of an existing parcel containing 0.49± acres (21,640 Ft²), and labeled as Lot 212A, Lot 212B, Lot 212C, and Lot 212D on the Sketch Plan [Exhibit 6].

The petitioner is also requesting a 2.5-foot side yard setback waiver from the required 7.5-foot side yard between lots 212C and 212B. A Board of Adjustments Hearing has been scheduled for September 11, 2019 for this waiver application.

Motion Option 1:

I move to **approve** Case No. SUB-2019-0008, a request for approval of a Final Subdivision Plat, creating a new subdivision consisting of four (4) new lots, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following conditions:

- 1. New addresses will be assigned by the County Surveyor prior to recordation of the plat.
- 2. Building Permits shall be secured prior to the start of construction.

Motion Option 2:

I move to **deny** Case No. SUB-2019-0008, a request for approval of a Final Subdivision Plat, creating a new subdivision consisting of four (4) new lots, due the proposal failing to meet the review criteria contained in §16-153 of the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, for the following reasons:

1. ...

SUMMARY

This request is for approval of a Final Subdivision Plat to subdivide a vacant parcel into four (4) new lots. The principal purpose of this petition is to create individual lots that will be developed into new housing units. A proposed Final Plan submitted illustrates four single family attached dwelling units proposed for future construction.

The subject property formerly contained a 4-unit condominium, which was destroyed by the Cerro Grande Fire in May 2000.

§16-537(h)(1) states: "Where a conforming or legal nonconforming dwelling, two-family or multiplefamily, existed on a lot on May 9, 2000, such lot shall be considered a conforming site for dwellings, singlefamily, attached and may be subdivided into a number of lots less than or equal to the number of dwelling units located on the lot on May 9, 2000. The resulting dwellings, single-family, attached, the site, and the lots shall be considered conforming as to the lot size and maximum density." Prior to this date, there was a four (4) unit condominium occupying this site. This structure was destroyed in the Cerro Grande Fire. The project proposed for "replacing" the former condominium development contains four (4) units, the same number of units the former condominium contained.

Section 16-459 of the Development Code states, "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.**" This application seeks Final Plat approval of the proposed subdivision. Since the subdivision contains fewer than five (5) lots, staff finds that this petition for Final Plat may be approved under one application and hearing.

This petition was noticed in the Los Alamos Daily Post on August 22, 2019 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 as of Friday, September 6, 2019.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION

IDRC review of the petition took place on August 15, 2019. 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.

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>: There are no health or safety issues.

<u>Staff Response</u>: The proposed subdivision supports the following Comprehensive Plan Goals and Policies:

3.1 Housing, Neighborhoods & Growth

3.1.1 - HOUSING GOALS

- HG.2. Provide a variety of housing types, sizes and densities
- HG.3. Promote development of housing stock that would accommodate downsizing households
- HG.4. Protect existing residential neighborhoods while using available infill opportunities as appropriate

HOUSING - LAND USE POLICIES

- HLU.1. Encourage the creation and retention of a variety of housing options for all segments of the Los Alamos community, including but not limited to, housing for residents who are low income, students/postdocs, workforce, high end income and seniors
- HLU.4. Promote design standards for high quality and good design of new housing
- *HLU.6.* Encourage new housing developments in proximity to workplaces

<u>3.1.2 - NEIGHBORHOODS GOALS</u>

- NG.1. Protect existing residential neighborhoods while using available infill opportunities as appropriate
- NG.2. Promote the creation of a variety of housing options for all segments of the Los Alamos community

<u>3.1.3 - GROWTH GOALS</u>

- GG.1. Plan for modest growth of an additional 2,000 residents in the next 5 to 10 years
- GG.11. Strive to make housing available to those who work in the County and want to live in the County
- GG.12. Enhance community pride

GROWTH - LAND USE POLICIES

• LU.2. Support infill development over expansion of current developed areas

<u>3.2 – DEVELOPMENT, REDEVELOPMENT & DOWNTOWN</u>

DEVELOPMENT - LAND USE POLICIES

• DLU.2. Generally, keep development contained within current development boundaries (prevent sprawl

The subject property is being subdivided to allow for individual lots and individual lot ownership. This criterion has been satisfied.

(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>: The proposed lots will be served by public utilities.

<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 criterion has been satisfied.

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

Applicant Response: NA.

<u>Staff Response</u>: No change to ingress/egress and circulation of vehicles, bicyclists, and pedestrians is being proposed at this time; only new lot lines are being proposed to create new lots for future development. This criterion 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 plan to be prepared by property owner or architect/engineer as part of building plans.

<u>Staff Response</u>: Any prospective drainage issues will be reviewed by the Public Works Department during the Building Permit review process. The Engineering Division has reviewed the proposed subdivision plat and found no potential issues. This criterion 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.

Applicant Response: See plat.

<u>Staff Response</u>: The proposed subdivision will have no significant issues related to utilities. The subdivision would be similar to having a four-condo unit development, each with an independent connection to the utility services.

(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.

Applicant Response: NA.

<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 Building Permitting 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.

Applicant Response: NA.

<u>Staff Response</u>: All utilities to serve the current capacity of the site exist. 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).

Applicant Response: NA.

<u>Staff Response</u>: The subject property is vacant and has no significant natural features, historical assets or archaeological sites. This criterion has been satisfied.

FINDINGS OF FACT – Preliminary & Final Subdivision Plat, Lot 212 A, North Community 2 Subdivision

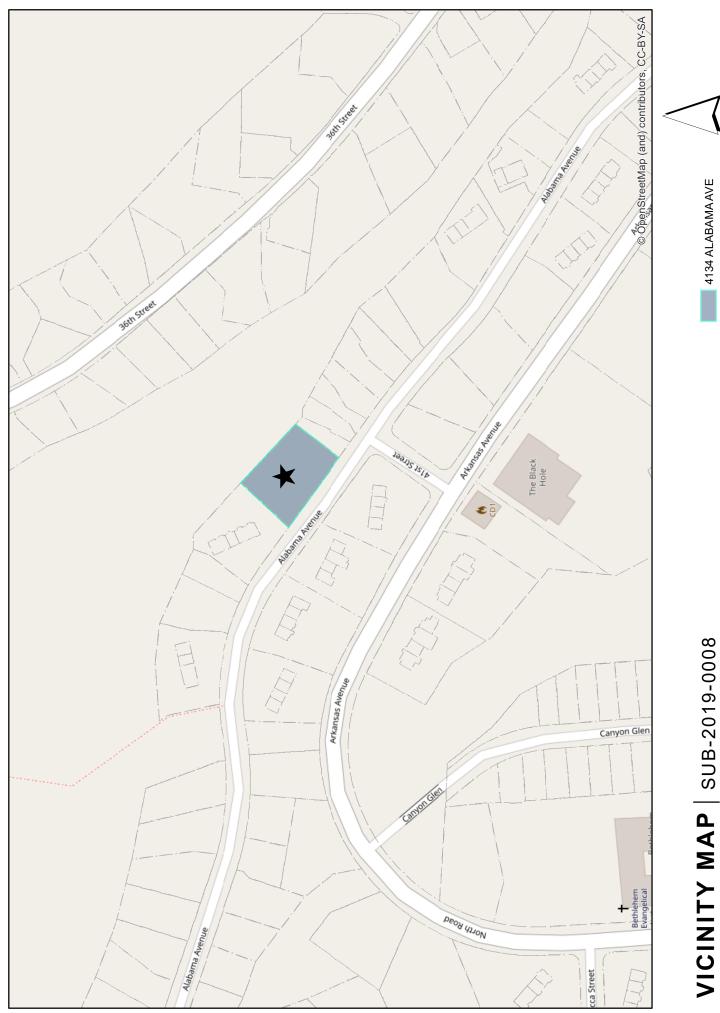
- Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in <u>The Los Alamos Daily Post</u> on Thursday, August 22, 2019, and property owners of real property located 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 a Final Subdivision Plat, which is permitted by Section 16-459 of the Los Alamos County Development Code.
- 3. The subdivision proposed is permitted within the R-3-L-NC zoning district, subject to review and approval by the Planning & Zoning Commission and County Council.
- 4. Single family attached dwelling units are a permitted land use described within the R-3-L-NC zoning district, contained in Article XIII, Section 16-537 of the Los Alamos County Development Code.
- 5. The subject property is currently vacant.
- 6. The subject property is addressed as 4134 Alabama Avenue. New addresses will be assigned by the County Surveyor prior to recordation of the plat.
- 7. Upon review by the IDRC, the petition was unanimously recommended for approval.
- 8. A Board of Adjustment Hearing has been scheduled for September 11, 2019 regarding a waiver application for 2.5-foot setbacks between the two proposed duplexes.

STAFF AND INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION

Staff review has determined that the application meets the criteria for approval of a Final Subdivision Plat.

EXHIBITS

- Exhibit 1 Vicinity Map/Aerial Photo of the Subject Property
- Exhibit 2 List of Property Owners within 100 Yards (300 Feet)
- Exhibit 3 Interdepartmental Review Committee (IDRC) Report
- Exhibit 4 Subdivision Application
- Exhibit 5 Proposed Subdivision of Lot 212A, North Community 2 Subdivision Plat
- Exhibit 6 Proposed Sketch Plan for future development (2-Duplex Residential Buildings)



1 inch = 200 feet Z 4134 ALABAMAAVE PARCEL

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.

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LANGWORTHY THOMAS L & HELEN 4210 ALABAMA AVE LOS ALAMOS NM		KUNDE YULIYA A	4171 D ARKANSAS AVE	LOS ALAMOS	MN	87544-1534
	BAMA AVE	LANGWORTHY THOMAS L & HELEN	4210 ALABAMA AVE	LOS ALAMOS	MN	87544

4167 ALABAMA AVE D	LATTIN JENNY L	4167 D ALABAMA AVE	LOS ALAMOS	NN	87544
4017 ARKANSAS AVE	LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	MN	87544
9999 ALABAMA AVE	LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS	MN	87544
4110 ALABAMA AVE	MATTESON EMILIA	4110 ALABAMA AVE	LOS ALAMOS	MN	87544
4060 ALABAMA AVE	MCHALE CHARLENE J	4060 ALABAMA AVE	LOS ALAMOS	MN	87544
2521 36TH ST B	MEDINA PATRICIA M	1531 42ND ST	LOS ALAMOS	MN	87544
4100 ALABAMA AVE	NANDY ASHIS & SUSHMITA B	4100 ALABAMA AVE	LOS ALAMOS	MN	87544
2513 36TH ST	SANTANA JAMES P REVOC TRUST	2513 36TH ST	LOS ALAMOS	MN	87544
4015 ARKANSAS AVE	T2 DEVELOPMENT LLC	400 GOLD AVE STE 1200	ALBUQUERQUE	NM	87102
4129 ALABAMA AVE B	TERRAZAS ARREDONDO JAIME	4129 B ALABAMA AVE	LOS ALAMOS	MN	87544
4134 ALABAMA AVE A	THIRTY301 LLC	129 MONTE REY DR N	LOS ALAMOS	MN	87547
4005 ALABAMA AVE	TWICE BURNED MOUNTAIN PROPERTIES L 4788 D YUCCA ST	L 4788 D YUCCA ST	LOS ALAMOS	MN	87544
2549 36TH ST	VAN BUREN DALE & DIANE TRUST	2148 47TH ST	LOS ALAMOS	MN	87544
2543 36TH ST	VAN BUREN DALE & DIANE TRUST	2148 47TH ST	LOS ALAMOS	MN	87544
4205 ALABAMA AVE B	VARELA MARIA D	3 BRAZOS CT	SANTA FE	MN	87508
4171 ARKANSAS AVE C	VILLAREAL GILBERT & VANESSA	4171 A ARKANSAS AVE	LOS ALAMOS	MN	87544
4171 ARKANSAS AVE A	VILLAREAL GILBERT & VANESSA	4171 A ARKANSAS AVE	LOS ALAMOS	NM	87544
4171 ARKANSAS AVE B	VILLAREAL MATTHEW J	4171 B ARKANSAS AVE	LOS ALAMOS	MM	87544
4120 ALABAMA AVE	WILLHELM AUDREY D	4120 ALABAMA AVE	LOS ALAMOS	MN	87544
4205 ALABAMA AVE A	WILLIAMS C REINE	4205 A ALABAMA AVE	LOS ALAMOS	MN	87544
4247 ALABAMA AVE A	ZRG INVESTMENTS LLC	1475 CENTRAL AVE STE 150	LOS ALAMOS	NM	87544
4167 ALABAMA AVE A	ZRG INVESTMENTS LLC	1475 CENTRAL AVE STE 150	LOS ALAMOS	MN	87544
4131 ARKANSAS AVE B	ZRG INVESTMENTS LLC	PO BOX 509	LOS ALAMOS	MN	87544
4167 ALABAMA AVE C	ZRG INVESTMENTS LLC	1475 CENTRAL AVE STE 150	LOS ALAMOS	MN	87544





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.





IDRC REPORT

Case: No. SUB-2019-0008 4134 Alabama Date of Meeting: 08- 22-2019

Member/	Dept.	Atte	Recommended	Арр	App con	Denied
Alternate		Attended	Conditions/Comments	Approved	Approved w conditions	nied
M. Arellano	Building	х		х		
R. Foster	Planning	х		х		
J. Alarid	Utilities	х		х		
E. Martinez	PW	х		х		
A. Barela	CDD	х		х		
S Rinaldi	Fire	х		х		
Juan Rael	Traffic					
OTHERS ATTENDING:						-
Desirae J. Lujan	CDD	х				
Jason Romero	Surveyor	х				
Joanie Ahlers	ED	Х				
B. Brogan	CSD	х				

MOTION: M. Arellano moved and S. Rinaldi seconded that the case be forwarded to the P&Z Commission as submitted with a recommendation for Approval. Motion passed 7 to 0.



SUBDIVISION APPLICATION

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

Property to be Subdivided: <u>4134 Alabama Avenue</u> <u>Los Alamos, NM 87544</u> Address Legal description: <u>North Community No. 2, Lot 212</u> Zoning District: <u>R-M-NC</u> Area (Acres)		RECEIVED AUG 0 8 2019 LOS ALAMOS COUNTY COMMUNITY DEVELOPMENT
Vacant land Current Use	<u>Build 4 multi family hom</u> Proposed Use/Rease	
Related Applications: None		
APPLICANT (Unless otherwise specified, all communication Name: <u>Precision Surveys Inc-Mike Engelhardt</u> Phone Please Print Address: <u>1362 Trinity Drive Suite A-2, Los Alamos, NM</u> Email: <u>MIKE E@PRESURV.COM</u> SIGNATURE	: _505-661-4262	on shall be to Applicant):
PROPERTY OWNER(s) (If different from Applicant)	Che	ck here if same as above
Name: <u>Thirty301 LLC-James W. Hall</u> Phone: Please Print Address: <u>129 Monte Rey Drive North, White Rock, NW</u> <i>My/Our signature(s) below indicates that I/We authorize the</i> SIGNATURE	<u>187547</u> Email: <u>JHall@NEWN</u>	MEXICO.COM
SIGNATURE	DATE	

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.

 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. There are no health or safety issues.

(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. See plat for easement locations and site plan for utility hook up locations.

Provisions shall be made for the safe ingress, egress and circulation of vehicles, bicyclists and pedestrians. See plat for shared access easement locations.

(3) 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. See drainage plan prepared by Santa Fe Engineering

(4) 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. See plat

(5) 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. N/A

(6) 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 proposed multi family houses will be served by existing utilities.

