



County of Los Alamos

Council Meeting Staff Report

September 28, 2016

Agenda No.: C.

Indexes (Council Goals):

Presenters:

Legislative File: 8626-16

Title

Case No. SUB-2016-0002: The petitioners are requesting approval of a sketch plan and preliminary subdivision plat to divide each of four existing duplex lots into two (2) lots, thereby creating eight (8) total lots from the four (4) existing lots. Each existing lot contains a duplex residential dwelling unit, constructed in early 2002. The purpose of the petition is to split each of the four duplex lots so that each dwelling unit has a unique lot rather than a shared lot.

Property Owners

7: Hoisie, Munger, Burk, Primak Family Trust, Kraemer, Lambrecht, Steele Family Trust

Applicant / Agent

Mike Engelhardt, Precision Surveys

Case Manager

Anders Millmann, Senior Planner

Recommended Action

I move to approve Case No. SUB-2016-0002, a request for approval of a sketch plan and preliminary subdivision plat to divide each of four existing duplex lots into two (2) lots, thereby creating eight (8) total lots from the four (4) existing 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 complies with all Conditions of Approval identified by the IDRC and which is signed by all property owners.**
- 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 dissolve the Condominium Declaration for Las Brisas Condominiums, and record the Declaration with the Los Alamos County Clerk prior to recordation of the final subdivision plat with the Los Alamos County Clerk.**
- 4. Units shall be re-addressed, as necessary, to identify each unit as an individual unit.**

CASE SUMMARY

This request is for approval of both a sketch plan and a preliminary subdivision plat to create individual lots for each of four (4) existing duplex residential units. The principal purpose of this petition is to create an individual lot for each side of a duplex residence. Each unit within the duplex structure is individually owned.

There are four (4) individual properties affected by this proposal. They are:

Lot 29A; containing 8,329 Ft² of land area, addressed as 4840-A and 4840-B Brisa del Bosque. This

lot will become proposed Lots 3 and 4. Proposed Lot 3 will contain 4,260 Ft² of land area. Proposed Lot 4 will contain 4,069 Ft² of land area.

Lot 29B; containing 7,814 Ft² of land area, addressed as 1795 Quedito. This lot will become proposed lots 1 and 2. Proposed Lot 1 will contain 3,790 Ft² of land area. Proposed Lot 2 will contain 4,024 Ft² of land area.

Lot 30A; containing 8,998 Ft² of land area, addressed as 4880 Brisa del Bosque. This lot will become proposed Lots 5 and 6. Proposed Lot 5 will contain 4,210 Ft² of land area. Proposed Lot 6 will contain 4,789 Ft² of land area.

Lot 30B; containing 8,597 Ft² of land area, addressed as 1790 Sinuoso. This lot will become proposed Lots 7 and 8. Proposed Lot 7 will contain 3,988 Ft² of land area. Proposed Lot 8 will contain 4,609 Ft² of land area.

There are seven (7) individual property owners of the eight (8) duplex dwelling units. All property owners have signed the petition requesting the further subdivision of the subject property.

Since Los Alamos County has not adopted a 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, since staff is aware that one or more of the dwelling units may be listed for sale by a realtor, the petitioner shall fully comply with Section 47-608 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.

Although Staff has received a few inquiries regarding this petition, staff has not received any comments or concerns from the public as of Friday, September 23, 2016.

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.

Applicant Response: There are no health or safety issues.

Staff Response: No new development is proposed for this subdivision, as it is built-out; only lot lines are being added to allow for individual lot and dwelling unit ownership, or to permit different ownership of both the dwelling unit and the land, upon the sale of each individual residential unit.

(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.

Applicant Response: The residential duplex buildings have been built and are served by existing utilities. Private utility easements will be granted as necessary.

Staff Response: Existing infrastructure is provided. Any potential changes will be made through agreements between property owners and 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.

Applicant Response: Access to the existing residences will not change.

Staff Response: 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 separate each duplex unit. 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.

Applicant Response: The site is already developed. There will be no changes to the drainage flow onto or off this property.

Staff Response: No changes are being proposed regarding drainage. 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.

Applicant Response: Private utility easements will be granted as necessary.

Staff Response: The sketch plan and preliminary subdivision plat plan does not illustrate the existing utilities. 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]. For clarification, no new utility infrastructure is being proposed [Planning].

(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: N/A

Staff Response: 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 exist and will not be altered by this proposal. Any future changes contemplated would be done 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.

Applicant Response: Private easements will be granted as necessary.

Staff Response: 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: The residential duplex buildings have been built. No changes will be made to any existing natural features.

Staff Response: The natural areas of this proposal are not being changed, altered or amended as part of this Preliminary and Final Plat request.

Additional Department Conditions:

Fire Department: Approved, no additional comments.

Assessor's Office: Approved with Conditions - pre-payment of 2016 taxes on all parcels

PW Traffic & Streets: Make sure ample off-street parking is provided by the developer.

Building Safety: Applicant must verify that the common walls of the structures on the property line are two-one hour walls, or one-two hour wall (fire resistance rating as per Table R302.1 of the 2106 IRC). If walls are not rated, then a building permit must be obtained to make the walls two-one hour rating or one-two hour rating. The applicants representative met with Joe Dudziak, Senior Building Inspector, and he verified that the walls at the proposed lot lines were 2-one hour fire resistant walls (as per the County approved plans from when the units were built). The Building Division's conditions have been met on this case and the Building Division has no further comments or conditions.

Planning: The petitioner will re-address each dwelling unit of the duplex, as necessary, and record the new address on the face of the Final Subdivision Plat and provide the United States Post Office

with a copy of the addressing plat.

FINDINGS OF FACT

1. 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 Monitor, 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 create lot lines which will separate individual duplex structures to provide each residential dwelling unit with its own unique lot.
3. All properties (4) are developed, including a duplex structure, landscaping, fencing, and related parking facilities.
4. The subdivision proposed is permitted within the S-P zoning district, subject to review and approval by the Planning & Zoning Commission and County Council.
5. Upon review by the IDRC, the petition was unanimously recommended for approval.
6. Portions of Chapter 47, Article 6-16 NMSA 1978 (the New Mexico Subdivision Act) applies to the proposal outlined within this petition.
7. Preparation of the Sketch Plan and Preliminary Subdivision Plat shall be governed by the applicable sections of Chapter 47 Article 6 NMSA 1978 (The New Mexico Subdivision Act).

INTERDEPARTMENTAL REVIEW COMMITTEE RECOMMENDATION

Staff review has determined that the application meets the criteria for processing of a Preliminary and Final Subdivision Plat. IDRC review of the petition took place on September 2, 2016. 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 conduct a vote and forward a favorable recommendation to the Planning & Zoning Commission, subject to the petitioner meeting the Conditions of Approval.

ALTERNATE MOTION

I move to deny Case No. SUB-2016-0002, a preliminary and final subdivision plat to allow for the creation of individual lots for each of four existing duplex structures, due the proposal failing to meet the Los Alamos County Code of Ordinances, Chapter 16 - Development Code review criteria in §16-156, and in Chapter 47 Article 6 NMSA 1978 (The New Mexico Subdivision Act) for the following reasons:

1. ...

EXHIBITS

- Exhibit 1: Vicinity Map/Aerial Photo of the Subject Property
- Exhibit 2: Application, narrative and site layout; Plot of subdivision before split and after split
- Exhibit 3: Condominium Declaration for Las Brisas Condominium, Lots 29 & 30
- Exhibit 4: Map and List of Property Owners within 100 Yards (300 Feet)
- Exhibit 5: Photographs of Subject Property; Staff (11)