

MINUTES

Planning and Zoning Commission

February 14, 2024 – 5:30 P.M.

*Virtual participation for this meeting was made available via Zoom.
The proceeding can be viewed at <http://losalamos.legistar.com/Calendar.aspx>*

1. CALL TO ORDER / ROLL CALL

Chair Adler called the meeting to order at 5:37 PM. Roll call was administered. A quorum was present.

Members Present:

Rachel Adler, Chair
Stephanie Nakhleh, Vice Chair
Benjamin Hill, Commissioner
David Hampton, Commissioner
Katherine Bruell, Commissioner
Rebecca White*, Commissioner

Members Absent:

Neal D. Martin, Commissioner
Karen Easton, Commissioner

Staff Present:

Paul Andrus, Community Development Director
Sobia Sayeda, Planning Manager
Jane Mathews, Senior Planner
Desirae J. Lujan, Associate Planner
Katie Thwaites, Deputy County Attorney
Larissa Breen, Assistant County Attorney
Ubaldo Barela*, CDD Management Analyst
Andrea Fresquez*, CDD Senior Office Specialist

Council Liaison:

David Reagor

** Attended virtually via Zoom*

2. PUBLIC COMMENT

None.

3. APPROVAL OF AGENDA

Chair Adler moved to approve the agenda as presented and asked that Items 5B and 5C be presented together but discussed and acted on separately. Commissioner Hampton seconded. The agenda was approved unanimously.

4. PLANNING AND ZONING COMMISSION BUSINESS

A. Minutes from the Planning and Zoning Commission Meeting for January 10, 2023.

Commissioner Bruell noted a correction; staff acknowledged.

Chair Adler moved to approve the Minutes as amended. With no objections, the Minutes were approved with consensus.

5. PUBLIC HEARING(S)

- A. SUB-2023-0015. McCloy Land Surveying, LLC, applicant, on behalf of Holmann V. Brand, property owner, is requesting approval of a Preliminary Subdivision Plat. The development proposes splitting one 29,345 sq.ft. lot into 4 residential lots. The property, NC1 271, North Community 1, Lot 271, is addressed as 2488 45th Street, Los Alamos, NM, and is within the Residential Mixed (RM-2) Zone District.**

Chair Adler opened the case and explained meeting procedures. Parties were identified and those expected to give testimony were sworn in:

*Scott McCloy, McCloy Land Surveying, LLC.
Jane Mathews, Los Alamos County Senior Planner
Rendell Carver, 2505 45th Street, Los Alamos, NM*

Chair Adler polled the Commission for potential Conflicts of Interest or ex-parte communication. None were disclosed.

Scott McCloy, applicant on behalf of the property owner, Holmann V. Brand, presented to the Commission their request to subdivide one (1) lot into four (4). The proposed lots were described, and the applicant communicated how they meet the zoning requirements. He responded to each Subdivision Decision Criteria and concluded that the lots were created to meet county code and avoid the need for a variance.

Jane Mathews, Senior Planner, presented staff's report regarding SUB-2023-0015. She outlined the request, oriented the project location, and gave an overview of the proposed lots. Ms. Mathews provided a plat analysis and affirmed that public notice requirements had been fulfilled.

Ms. Mathews stated the decision criteria and provided the staff's response for each. According to the staff's expert opinion, the application meets all the criteria. She concluded with an explanation of the plat approval sequence.

Rendell Carver, 2505 45th Street, questioned an existing bus stop in front of proposed Lot 271C. Ms. Mathews stated that the Interdepartmental Review Committee ("IDRC") discussed the bus stop, and the County Engineer communicated that it could be moved within the block or adjusted to not be in the way of any driveways; that review would happen during the time the lots are developed. He questioned if there was a concern for narrow driveways. Ms. Mathews addressed driveway spacing and noted that driveways are, also, reviewed during development of the lots.

Commissioner Nakhleh questioned the density allowed in the zone district. It was mentioned that the zone district intent accommodates single-family, duplex, fourplex, and townhouses. The assembly of properties to have minimum lot area for maximum density was discussed. Robert Simpson, 2497 45th Street, asked if combining two (2) of the lots created would require this public hearing process. Ms. Mathews stated no, as there would not be a need for this preliminary/final plat process. He asked if height requirements were the same for a duplex and single-family. Ms. Mathews confirmed. Mr. McCloy stated that the property owner is not looking to have four (4) units on one lot but would rather create four (4) lots to sell them individually.

-- Without comment, Public Hearing opened and closed --

Chair Adler closed the public hearing to receipt of evidence, and the Commission discussed each decision criteria and agreed that that they have been met.

Commissioner Hill moved to approve Case No. SUB-2023-0015. McCloy Land Surveying, LLC., applicant on behalf of Holmann V. Brand, property owner, for approval of a Preliminary Subdivision Plat. The development proposes splitting one 29,345 sq.ft. lot into 4 residential lots. The property, NC1 271, North Community, Lot 271, is addressed as 2488 45th Street, Los Alamos, NM, and is within the Residential Mixed (RM-2) Zone District.

Approval is based on the Findings of Facts established at the hearing and conclusion that the Applicant has met the decision criteria for Preliminary Plat adoption within Section 16-74(a)(3) of the Los Alamos County Development Code and that the Commission is acting under the authority granted by Section 16-72-(f)(2)(a) of the Development Code.

Commissioner Hill further moved to authorize the Chair to sign a Final Order approving the application and Findings of Fact and Conclusion of Law for Case SUB-2023-0015, based on this decision to be prepared by county staff.

Seconded by Commissioner Nakhleh. Motion carried a 6-0 vote.

For:

Benjamin Hill
Rachel Adler
David Hampton
Rebecca White
Katherine Bruell
Stephanie Nakhleh

B. CASE NO. SUB-2024-0016. Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner, is requesting a Sketch Subdivision Plat application approval at the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock Town Center, Los Alamos County. The development proposes 29 two-story, attached townhomes on 1.05 acres, combined. The properties, SV A006A, SV A006C, SV A006D, SV A006E, SV A006F, SV A006G, and SV A003C, SV A003D, SV A003E, Sherwood Village, are within the White Rock Town Center (WRTC) Zone District. A related Variance, VAR-2024-0001, is requested with this subdivision sketch plat.

C. CASE NO. VAR-2024-0001. Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner, is requesting a Variance application approval at the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock Town Center, Los Alamos County. The request is for a variance to WRTC Zone District Standards requirements for sidewalk width and location, and for landscape elements in the right-of-way, as described in Los Alamos County Development Code, Article II, Division 2. Section 16-6-(b)(3)(a)(1.). This variance is submitted concurrently with a Sketch Plat approval, Case # SUB-2024-0016. The properties, SV A006A, SV A006C, SV A006D, SV A006E, SV A006F, SV A006G, and SV A003C, SV A003D, SV A003E, Sherwood Village, White Rock, NM, are within the White Rock Town Center (WRTC) Zone District. This variance application is associated with sketch subdivision plat application SUB-2024-0016.

--Items B and C to be presented together for discussion --

Chair Adler opened the case and explained meeting procedures. Parties were identified and those expected to give testimony were sworn in:

Philip Gursky, IMG, LLC. and Twilight Homes of NM LLC., 2025 E Jemez Rd., Los Alamos, NM
Timothy McNaney, Twilight Homes of NM LLC., 1301 Cuesta Arriba Ct., Albuquerque, NM
Steve Brugger, Los Alamos Housing Partnership, 1362 Trinity Dr., Los Alamos, NM
Karen Henderson, Los Alamos County Senior Engineer
Jane Mathews, Los Alamos County Senior Planner
Joanne Kozuchowski, Little Studio on the Mesa, 543 Todd Lp., Los Alamos, NM
Ruth Tanski, 117 Aztec Ave, White Rock, NM
John Tanski, 117 Aztec Ave, White Rock, NM
Tadeusz Raven, Longview Street and 12 Village Place property owner, 519 Hamlin Ct., Los Alamos, NM

Chair Adler polled the Commission for potential Conflicts of Interest or ex-parte communication. Commissioner Hampton shared that he walked the site. Vice Chair Nakhleh and Chair Adler disclosed that they asked staff for some background information, but it would not affect their impartiality.

Philip Gursky, applicant, entered new information into the record for his presentation. He introduced himself as Principal of IMG, LLC, a development advisory and investment group from Albuquerque, NM. He provided background information on his partners and their experience in real estate development.

Timothy McNaney, Twilight Homes, introduced their company, background and experience. Mr. Gursky proceeded to present the application request for a 29-unit Subdivision Sketch Plat. He clarified that there are 25 townhouse units and four (4) which would be characterized as duplex units. He communicated that the project is based on building entry level and affordable housing and that they are working with Los Alamos Housing Partnership to provide income qualified, and in some – assistance housing. He gave an overview of what the proposed housing would look like.

Mr. Gursky shared the proposed subdivision and provided zoning information for its zone district, White Rock Town Center (“WRTC”). He stated that the Interdepartmental Review Committee (“IDRC”) approved the final sketch plat requirements and is suggesting approval, and that compliance and requirements for all technical aspects have been met. He described the characteristics of the neighborhood and addressed the Subdivision Decision Criteria. He explained the geology of the area and how it contributed to their decision for utility location and alignment of the lots; the design of the subdivision, and the Longview Drive re-alignment background and its role in the White Rock Town Center Master Plan (“Master Plan”).

He reported that should Longview Drive be realigned, the street through the subdivision would be renamed and considered residential, which affects the subdivision’s designs for sidewalks and landscaping, and impacts their variance request. He gave an overview of the Master Plan’s intention for the area, and how their plans for row homes – a horizontal density – is consistent with the Master Plan. Mr. Gursky referenced the White Rock Metropolitan Redevelopment Plan (“MRA”) to answer Decision Criteria A. He responded to the project analysis by staff, and continued to explain how the project meets the criteria.

Steve Brugger, Los Alamos Housing Partnership, shared who they are, and their interests in the project as property owners. He gave a brief history of their involvement and contribution to the project as a non-profit 501(c)(3), as well as their housing experience and involvement within the community. The Commissioners questioned the applicant on the total number of units, and number of affordable units, geological characteristics, and density. It was explained that the 50 units represent the combination within the subdivision and detailed the calculation for 50 units, and Los Alamos Housing Partnership intends to subsidize the homes, but because it is dependent on cost, there is not an exact amount.

Tadeusz Raven shared that he participated in the Downtown Master Plans and the Metropolitan Redevelopment Area and does not recall that Longview Drive was discussed to be straightened. He expressed that straightening it out to the north would affect his property, making it too small to use for anything other than a parking lot. He questioned the applicant's discrepancies regarding the Longview Drive realignment. Mr. Gursky responded that the realignment is not within the subject property, but he mentioned it in response to the staff's report.

-- Meeting recessed and reconvened at 8:21 PM --

Mr. Gursky presented the variance requested in conjunction with the proposed subdivision. He reported that the standards within the Master Plans are not consistent with or are needed for this project. He explained that the sidewalk designs within the Master Plans are intended to have first floor commercial uses, and the subdivision would be residential. He detailed their proposal for sidewalks, bicycle lanes, and landscaping buffer, and communicated the purpose of the design and how the request meets the Variance Decision Criteria.

Commissioner Hill communicated that the drawings do not adequately illustrate the plans for the subdivision as described. Mr. Gursky acknowledged, and explained, that the Sketch Plan was conceptual, but the application for a final will show all elements of the subdivision in detail.

At Chair Adler's request, Jane Mathews, Senior Planner, focused her presentation on the analysis of the proposal and the Subdivision Decision Criteria that staff had identified as not being met (Criterion A, B, C, G, H, and I).

Commissioner Bruell asked if staff's response to criterion C and H would change if the variance were approved. It was communicated that criterion C would be impacted if the variance was approved, and its approval would affect the White Rock Town Center vision. Ms. Mathews explained that the subdivision is being reviewed with the Longview Drive that exists until the time that a realignment occurs, therefore, needing all the characteristics of the White Rock Town Center Master Plan.

Commissioner Hampton asked if the county had a plan and timeframe for realigning Longview Drive. Karen Henderson, Los Alamos County Senior Engineer, informed that Public Works has a five (5) year look ahead for Capital Improvement Project, and realigning Longview Drive is not listed at this time. Proposed density versus the density that the area can theoretically accommodate was evaluated. Commissioner Hampton questioned if the geological conditions of White Rock make obtaining 3-4 story buildings within the White Rock Town Center impractical.

Commissioner Bruell asked if staff had any changes to their response for criterion A based on the applicant's testimony. Ms. Mathews confirmed. Commissioner Hill stated that the White Rock Town Center Master Plan illustration clearly represents the intent of the development being proposed. He questioned the logic concerning Longview Drive as a high traffic flow. Ms. Mathews clarified that staff is referring to the vision of Longview Drive as a slow, pedestrian friendly street, with narrow lanes and wider sidewalks, a design contrary to what is proposed.

Paul Andrus, Los Alamos County, Community Development Director, provided context for the White Rock Town Center Master Plan. He informed that it contemplates that Longview Drive would be relocated given certain circumstances to provide a continuity of parcels to build a certain scaled scope of project. It is a Downtown Master Plan – a vision and guiding document, it is not law.

Commissioner Hill communicated how the Development Code was written around the Master Plans, where Longview Drive had been changed. The vision for the project site within the White Rock Town Center Master Plan was discussed, and townhouses were confirmed as being within that vision.

Mr. Gursky cross-examined Ms. Mathews and asked if staff would like to withdraw or revise their responses to any of the criteria. She agreed that it would provide more density than exists, but whether the lot is meeting its full potential is the purview of the Commission to decide.

Ms. Mathews highlighted the variance request and addressed the Variance Decision Criteria that was identified as not met by the application (Criterion B, D, E, and F).

Commissioner Bruell asked for clarification on the desired design for the sidewalks. Ms. Mathews provided an explanation. There was a discussion of landscaping and subdivision parks.

Joanne Kozuchowski, Little Studio on the Mesa, asked that given the geological information provided by the applicant, if there was any data to support the White Rock Town Center Plans for taller structures. Ms. Mathews stated that the Downtown Master Plans do not include a geotechnical report.

--Public hearing opened --

Tadeusz Raven acknowledged that the applicant is trying to make a good proposal with what the county has left them with regarding Longview Drive. He agreed that Longview Drive needs to be moved and realigned, but it is not, so the decisions need to be based on existing conditions. He expressed that the proposal does a disservice to the density that can be acquired on the lot, the height, and the green space. If built according to the proposal, it will look like any other neighborhood and not the core of the town.

--Public hearing closed --

Chair Adler closed the public hearing to receipt of evidence, and the Commission discussed each decision criteria.

Commissioner Hampton moved to approve Case No. SUB-2024-0016, a request for Sketch Subdivision Plat application approval at the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock Town Center, Los Alamos County. The development proposes 29 two-story, attached townhomes on 1.05 acres, combined. The properties, SV A006A, SV A006C, SV A006D, SV A006E, SV A006F, SV A006G, and SV A003C, SV A003D, SV A003E, Sherwood Village, are within the White Rock Town Center (WRTC) Zone District.

Approval is based on the Findings of Fact established at the hearing and conclusion that the Applicant has met each applicable review criteria contained in in §16-74(a)(3) of the Development Code and is acting under the authority granted it by §16-69 of the Los Alamos County Development Code.

Commissioner Hampton further moved to authorize the Chair to sign a Final Order approving the application and Findings of Fact and Conclusions of Law for this case, based on this decision and to be subsequently prepared by County staff.

Seconded by Commissioner Hill. Motion carried 5-1 vote.

For:

Benjamin Hill
David Hampton
Rebecca White
Katherine Bruell
Rachel Adler

Against:

Stephanie Nakhleh

Commissioner Nakhleh moved to approve Case No. VAR-2024-0001, Variance application request for variance to WRTC Zone District Standards requirements for sidewalk width and location, and for landscape elements in the right-of-way, as described in Los Alamos County Development Code, Article II, Division 2. Section 16-6-(b)(3)(a)(1.). This variance is submitted concurrently with a Sketch Plat approval, Case # SUB-2024-0016. The properties, SV A006A, SV A006C, SV A006D, SV A006E, SVA006F, SV A006G, and SV A003C, SV A003D, SV A003E, Sherwood Village, White Rock, NM, are within the White Rock Town Center (WRTC) Zone District.

Approval is based on the Findings of Fact established at the hearing and conclusion that the Applicant has met each applicable review criteria contained in in §16-74(g) of the Development Code and is acting under the authority granted it by §16-69 of the of the Los Alamos County Development Code.

Commissioner Nakhleh further moved to authorize the Chair to sign a Final Order approving the application and Findings of Fact and Conclusions of Law for this case, based on this decision and to be subsequently prepared by County staff.

Seconded by Commissioner Hampton. Motion carried 6-0 vote.

For:

Katherine Bruell
Rachel Adler
David Hampton
Stephanie Nakhleh
Benjamin Hill

6. COMMISSION/DIRECTOR COMMUNICATIONS

A. Department Report

Sobia Sayeda shared items for the March 27 agenda.

B. Chair's Report

None.

C. Council Liaison's Report

Councilor Reagor reported.

D. Commissioners' Comments

Commissioner Hampton recommended items for discussion at future meetings: Affordable Housing Update, and potential land swaps to make open space available for development. Chair Adler suggested adding it to the March 27, agenda.

7. PUBLIC COMMENT

None.

8. ADJOURNMENT
10:56 PM

DRAFT