



Los Alamos County

Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: August 28, 2024
Subject: Case No. SUB-202-0019
Applicant/Owner: Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner
Case Manager: Desirae J. Lujan, Senior Planner

Professional Background:

Associates Architectural & Civil Drafting; 16 years in Planning and Land Use, Local Government, with five years in Case Management of Development Applications.

CASE NO. SUB-2024-0019. Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner, is requesting Preliminary/Final Subdivision Plat approval for the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock, NM. The development proposes a 29-unit, two-story, townhome subdivision on 1.05 acres, combined. The properties, SV A006A, SVA006C, 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.

See Attachment A: Application Submittal

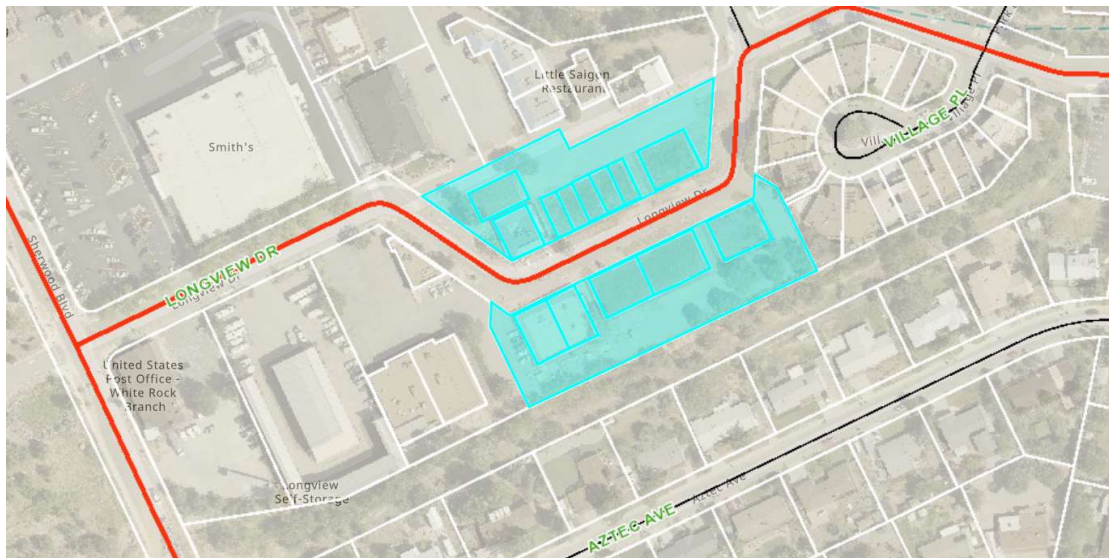


Figure 1: Vicinity Map

BACKGROUND

The subject properties are in the White Rock Town Center (WRTC) and consist of Sherwood Village Condominium No. 3 and Sherwood Village Condominium No. 2, Sherwood Village Subdivision, addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive. The Sherwood Rounds Subdivision (“Subdivision”) is proposed to be located on each side of Longview Drive, the vacant area southwest of Bonnie View Drive, west of the Village Place Subdivision, and adjacent to County Land zoned Open Space Passive (OS-PO) which provides a buffer to the Single-Family Residential (SFR-3) to the south.

On February 14, 2024, the Planning and Zoning Commission (“Commission”) approved the Sketch Subdivision Plat of Sherwood Rounds, and concurrently approved an associated Variance application from the White Rock Town Center District Standard requirements for sidewalk width and location, and for landscape elements in the right-of-way.

SUMMARY

Sherwood Rounds Subdivision replats the subject properties to create 29-lots for the construction of two-story attached townhouses along Longview Drive and creates a 20’ private driveway on the south for access to Lots 26-29. The plat notes three (3) out-lots (portions of Lot 3 and Lot 6, Sherwood Village Subdivision) that will not be included in the Subdivision. Each lot will vary in size as shown in Attachment A, Subdivision Plat, Sheets 3-4, with the larger lots positioned south abutting county open space.

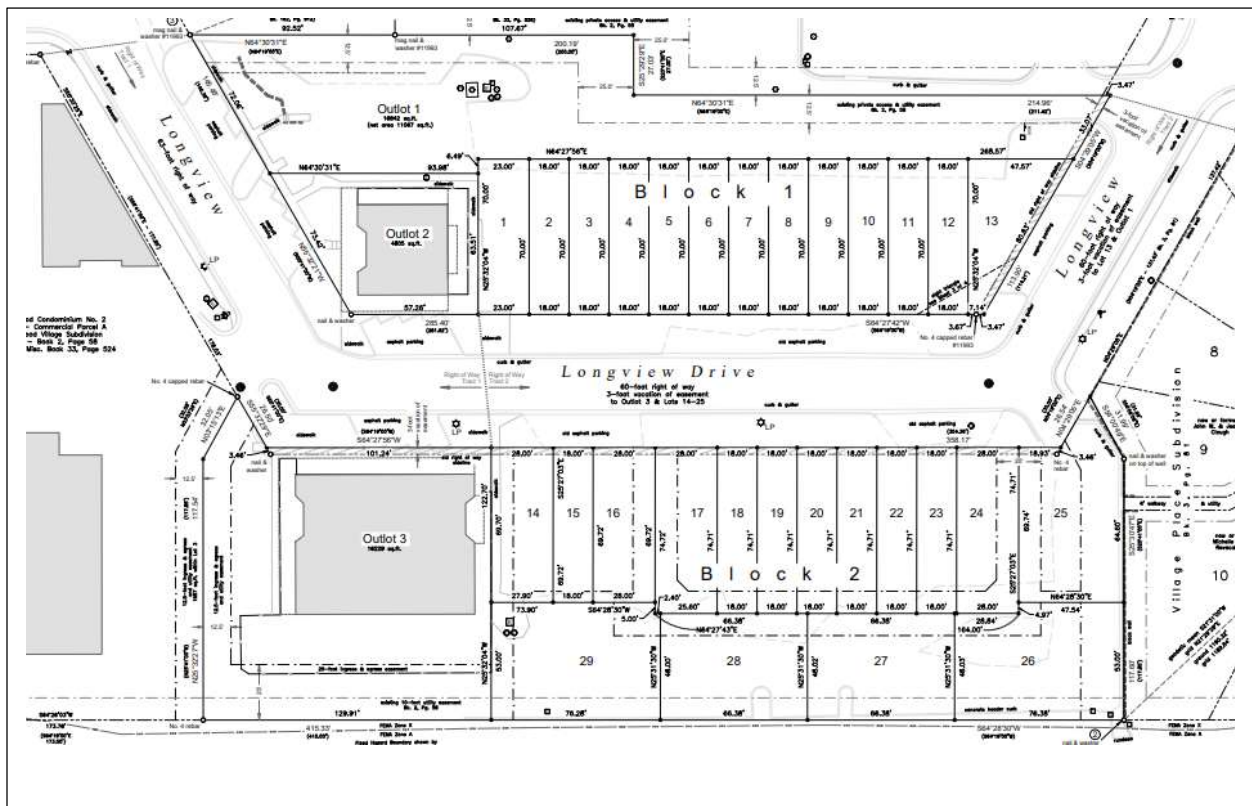


Figure 2: Excerpt of Subdivision Plat, Sheet 2

The streetscape improvements on both sides of Longview Drive are within public right-of-way (“ROW”). The specifics of the landscaping installation in the ROW must be coordinated with the county prior to issuance of a building permit. Maintenance of landscaping in the ROW shall be in accordance with Exhibit B, Section 16-39(e) and maintained by the homeowner unless otherwise agreed to by the county in the required joint landscaping agreement. The joint landscaping agreement is required prior to issuance of a building permit.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

The Interdepartmental Review Committee (IDRC) met to review the application on August 1, 2024. The County Engineer, Eric Ulibarri, stated that the plans answered previous requests from the Public Works Department. Public Works will examine the project further and set conditions as needed. A site distance analysis was requested and completed due to road alignment and lot distancing concerns. IDRC approved a motion to recommend this application move forward to Planning and Zoning Commission.

See Attachment B: IDRC Minutes and Memorandums

PUBLIC NOTICE: The *Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-72(c) Notifications*, sets forth the requirements for proper notice to the public for a public hearing:

- *Published and Posted Notice [16-72(c)(4)]:*
 - Notice published in a newspaper of general circulation within the County at least 14-calendar days before the meeting or hearing. **Published August 8, 2024.**
 - The posting of at least one sign on a street abutting the property that is the subject of the application – visible from the street – for at least 14-calendar days before the public meeting or hearing. **Posted August 12, 2024**
- *Mailed Notice [16-72-(c)(5)]:*
 - Mailed notice 14-days prior to the public hearing to all owners of record as identified in the records of the County Tax Assessor or occupants of properties within 300 ft., excluding public rights-of-way, of exterior lot lines of the subject property. **Mailed August 9, 2024**

See Attachment C: Public Notices

SUBDIVISION DECISION CRITERIA

Section 16-74(a) of the Los Alamos County Development Code states that a Subdivision shall be approved if it meets all of the following criteria:

- a. The development of the property substantially conforms to the intent and policies of the comprehensive plan and other adopted County policies and plans.***

Applicant Response:

Comprehensive Plan

The Sherwood Rounds project is a high-density infill townhouse project containing 30 units on a net acreage of approximately one acre. This project is intended to conform to the highest priority and longest held policies and goals of the County encompassed in the Comprehensive Plan.

The text below illustrates the pervasive level of housing goals and strategies (particularly entry level and income limited for-sale homes) in the Comprehensive Plan that compliment and support our project design:

3.1 Housing Goals (page 62)

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/post-docs, workforce, highend income and seniors.
2. Promote workforce and market rate housing at a variety of price ranges, for both rental and ownership markets.
4. Promote design standards for high quality and good design of new housing
7. Explore ways to reduce housing development costs

Housing Land Use Strategies (page 63)

1. Consider incentives and flexibility for new development through zoning
2. Examine increased density options
3. Consider density bonuses for affordable small units
4. Use vacant or under-developed public land for housing
6. Create new strategies to encourage construction of smaller units for smaller households

A primary tenet of the Comprehensive Plan is to encourage development of high-quality housing for all segments of the community. The developer with its collaborator, the Los Alamos Housing Partnership, the non-profit affordable housing entity for the County, are creating the first new entry level for sale housing development since Pinon Trails in 2009.

Growth Goals (page 70)

1. Plan for modest growth of an additional 2,000 residents in the next 5 to 10 years
2. Diversify the economic base
4. Support and retain LANL as best wealth producing employer
9. Revitalize and eliminate blight in the downtown areas of Los Alamos and White Rock
10. Promote growth in the downtown
11. Strive to make housing available to those who work in the County and want to live in the County.

Growth Land Use Policies (Page 71)

3. Support infill development of current developed areas over expansion of developed areas.
4. Collaborate with Los Alamos National Laboratory as the area's #1 Employer

Development Goals (Page 76)

3. Enhance and maintain a vibrant downtown while keeping a small-town character and feel
5. Focus increased residential densities on new development in and near downtown

Development Land Use Goals (Page 77)

2. Generally keep development contained within current development boundaries (prevent sprawl)
4. Increase residential density in the downtown area

Redevelopment Goals (Page 81)

1. Address abandoned or blighted properties
3. Promote use of existing housing stock to meet housing demand.

The Comprehensive Plan encourages and seeks to turn blighted or underused parcels into productive and vibrant additions to the White Rock Town Center. This subdivision does precisely that. The Comprehensive Plan Downtown Goals 1) Focus development priorities downtown (including the White Rock Town Center) 2) Focus Increased residential densities in new

development in or near downtown, while c) protecting existing neighborhood in or near downtown from impacts caused by new development and re-development. (See Section 3.2, Goals 2,3 and 5)

In accordance with the terms and substance of the Comprehensive Plan, the developers, taking their design keys from the centuries of successful rowhome neighborhoods of East Coast Cities, have created a new and innovative subdivision design for Los Alamos for high density for-sale homes, while preserving the scale and scope of the surrounding neighborhoods. Sherwood Rounds has a high per acre density, yet a welcoming, pedestrian and biking friendly small town neighborhood feel. We are tackling redeveloping of a long languishing and hard to develop site in the heart of White Rock.

2023 County Strategic Leadership Plan and Economic Vitality Plans

Similar to other County policy plans, among the top priorities in each of these plans is housing and, in general, and entry level housing in particular. Sherwood Rounds falls squarely with the desired outcomes for each of these plans.

The first goal under the section on Economic Vitality in the Strategic Leadership Plan is:

Housing Increase the capacity for new housing development and the amount and variety of housing types to meet the needs of a growing population, particularly middle- and lower-income households.

Our project is consistent with the Environmental Stewardship goals from the Strategic Leadership Plan as follows:

Greenhouse Gas Reduction: Establish targets for and promote the reduction of greenhouse gas emissions, integrate sustainability and resiliency practices into County operations, and encourage energy-reduction enhancements for new and remodel building projects in the community.

Our project will be a fully electric subdivision using heat pump technology and will contain no natural gas hookups.

Water Conservation

Reduce potable water use and increase non-potable water use and water harvesting for irrigation where suitable.

The landscape median is designed to contain approx. 6,000 sq ft of storm water in a detention system and use the detained water to provide landscape irrigation; as well as installing rain barrel catchments for irrigation of front and back yard landscape.

Goal Number 1 from the Economic Vitality Plan is:

Increase the availability of housing in the County, both affordable and market rate.

White Rock Town Center Master Plan

The White Rock Town Center Master Plan (Master Plan) mission statement is as follows:

*White Rock Town Center, the gateway to Bandelier National Monument, is envisioned as a thriving hub with a vibrant mix of residential, retail, and office development at a **character and scale appropriate for the surrounding community**. With attractive housing,*

shopping, and public spaces, along with a network of trails and parks, it is a great place for residents to live and visitors to explore.

Sherwood Rounds is a subdivision plan designed to meet this vision, creating new, quality, entry level infill housing for the White Rock Community in a scale calculated to bring new and catalytic activity to the White Rock Town Center.

The Master Plan looks to increase downtown residential densities. Using a long vacant and unused portion of the area surrounding the original Longview Drive, Sherwood Rounds will be an attractive townhouse community with entry and downsizing level homes transected with a wide and beautiful street characterized by pedestrian and bike friendly paths, slow vehicular traffic and public landscape space containing dozens of street side trees and other landscaping that will grow into beautiful mature streetscape. (See Longview Drive recommended street cross-section, Page 51 of the Master Plan)

The Master Plan identifies the area around the existing Longview Drive as appropriate for townhouse infill. As pointed out by characterizing the results of the 2019 Housing Study there is ... "identified an immediate need for 1,310 units of rental housing and 379 units for homeownership, with a particularly acute housing need for middle- and low-income households. (page 36).

The Master Plan contemplates creating increased density either vertically or horizontally. The Developers have elected to use horizontal density increase as the most harmonious option to retain small town character and fidelity to the surrounding area environs.

The subdivision is a thirty unit per acre density project, making it one of, if not the densest housing projects in Los Alamos, either owned or rental.

The townhouses are all a two story design to compliment the split level elevations of Village Place to the East, single story detached residences to the South and the scale of the one story Montessori Day Care Center buildings to the West.

It has been suggested the Master Plan allows for higher vertical building heights and densities consistent with an urban environment. (Conceptual Drawing Exhibit 16, Page 37) and we should include three-story, three-unit condominium townhouse buildings. However, the Exhibit pointed out a is clearly just a conceptual development framework is conceptual illustrates a vision of the White Rock Town Center and it may develop differently than what is illustrated in Exhibit 16. (Section 2.1.III, page 35).

There are multiple reasons for our design decision to use two-story attached single unit townhouses, among those:

1. In the current environment condominium home loan financing of condo units is not favored, with small new number unit condos financing non-existent.
2. The three-story three-units construction would require parking below the units, however geotechnical data suggests significant amounts of basalt at subsurface levels, requiring blasting, adding materially higher costs and creating the for potential damage to older and smaller construction existing on all sides of the subdivision.
3. Three-story three-unit design will require a unit width more than 2.5 times wider than our unit design, resulting in similar density for either design style, with substantially higher per square foot construction costs and unit prices, if financing were available.

4. Three-story three-unit construction would need an ADA accessible van parking space with a direct ADA accessible pathway under every building. The maximum slope design limits could not be accommodated on smaller lots, substantially reducing density potential. Rather we will look at accessibility design features on a case-by-case basis, as requested.
5. Elevators are not physically feasible and cost prohibitive in entry level housing, making two thirds of all units automatically unusable for seniors, and physically challenged homeowners.
6. As survey data suggests nationwide, as confirmed by recently released surveys of 5000 new LANL hires, purchasers want single lot owner homes. Our design allows this overwhelming homeowner preference while style creating significant densities. Just because current unit availability imbalances allows sale of units not favored by buyers, it does not mean we should do that.
7. Although the Master Plan suggests use of three-story multi-unit buildings and Plan describes a potential vision of townhouses as three-story multi-owner buildings, it allows as townhouses may be one or two-story buildings. In addition to our other practical design decisions, under the Development Code (Chapter 16, Article VI Definitions) townhouses are defined as:

“Dwelling Unit, Townhouse. An individually owned, single family dwelling constructed as a group of 3 or more attached single-family dwellings, each of which is situated on a on an individually owned, subdivided lot.”

In the event of a conflict between definitions or concepts, our code calls for the more restrictive definition to apply. As this area of Longview is the only area designated for individual homeowner units in the White Rock Town Center area vision, we have taken this to heart in our design.

As Developers with local and longstanding connections to the community, we respect the desire and process for redevelopment of the White Rock Town Center. The Sherwood Rounds design does not impact the ability to create a new straight street alignment to connect the West branch of Longview Drive coming from the Smith’s Supermarket side and the East Branch of Longview Drive coming from the White Rock Senior Center area. We have reserved from the property we are acquiring, land North of our subdivision to help accommodate that. When application and evaluation processes for use of the tools created by the White Rock Metropolitan Area Plan are created and adopted by the Community Development Department, we will actively engage in street re-alignment and feasible redesign discussions for redevelopment of areas North of Sherwood Rounds, into multi-family housing mixed with accessory first floor retail space.

The proposed Sherwood Rounds design encompassed the vision and spirit of a more active and vital White Rock Town Center. As expressed in the plan we are creating “(Q)uality housing options that are attainable to all residents while protecting existing neighborhoods” (Section 2-3.I page 61) with the key being coupling building heights “...with neighborhood protection standards that automatically kick in when higher density development occurs adjacent to single-family uses.” (Section2-3.III Page 61).

The proposed Sherwood Rounds Subdivision is consistent the Comprehensive Plan and other Policy Plans of the County including the 2023 County Strategic Leadership Plan, the Economic Vitality Plan and the White Rock Town Center Master Plan.

Staff Response: It is the staff’s expert opinion that this criterion has been met because the Applicant has extensively established that the creation of 29 residential dwelling units supports the Comprehensive Plan (“Plan”), Strategic Leadership Plan, and the White Rock Town Center Master Plan (“Master Plan”):

COMPREHENSIVE PLAN: The project is aligned with the Plan’s Core Themes for Housing, Neighborhoods, and Growth; and Development, Redevelopment, and Downtown. Housing is

described in Exhibit A, Page 58, as being the key, not only to population growth, but to economic expansion. The Subdivision achieves the Housing Goal to “provide a variety of housing types, sizes and densities”. The creation of variety housing options in Los Alamos provides opportunities for all segments of the community - a Neighborhood Goal listed on Page 66. It accomplishes this goal with an infill development that is consistent with its existing zone. Also, Page 70 identifies “Promote growth in the downtown”, and “Strive to make housing available to those who work in the County and want to live in the County” as Growth Goals.

Development Goals on Page 76 accomplish those listed as: “Keep the focus of development primarily within current development boundaries”, and “Focus increased residential densities on new development in and near downtown”. Redevelopment, Page 78, shares that the county has focused much of its redevelopment efforts in the two downtown areas: White Rock Town Center and Townsite. Two of the three goals listed are: “Redevelop vacant blighted areas and underutilized properties”, and “Encourage infill development on underused or blighted areas”. The Subdivision is designed to create horizontal density housing within a vacant area, within the White Rock Town Center. Downtown Goals, Page 84, “Focus development priorities downtown”. A Land Use Policy to support the Downtown Goals is to “Encourage more, and different types of housing in new developments downtown”, and “Focus residential density increases in new developments in or near downtown”.

STRATEGIC LEADERSHIP PLAN: The County Council updated their strategic goals and priorities and adopted five (5) goals and priorities. One of those goals is Economic Vitality. Housing and Downtown Revitalization are listed as priorities to support Economic Vitality:

- Increase the capacity for new housing development and the amount and variety of housing types to meet the needs of a changing and growing population, particularly middle- and lower-income households.
- Revitalize the downtown areas of Los Alamos and White Rock by facilitating development opportunities in accordance with the downtown master plans.

The Subdivision will provide more and a variety of housing types, and as outlined below, is in accordance with the WRTC Master Plan because the project area is identified an appropriate place for higher density housing. Although not planned for a vertical development with higher density, the Subdivision will provide 29-dwelling units within 1.05-acre area. Exhibit A, Page 106, categorizes residential land uses, classifying High Density as 15+ Dwelling Units per Acre.

WHITE ROCK TOWN CENTER MASTER PLAN: The White Rock Town Center is described in Exhibit B, Page VI as the gateway to Bandelier. It is envisioned to be a thriving neighborhood with a mix of residential, retail and office development. A list of recommendations is made on Page VI, one being: “Longview residential redevelopment with associated open spaces.” Specific projects mentioned for White Rock Town Center include continuing to promote the expansion of the Main Street District to include White Rock Town Center and *encouraging redevelopment of the Longview Drive development*. Although the Master Plan envisions parcels along Longview Drive to accommodate a range of residential and/or mixed-use development types and associated public spaces, Page 18, Redevelopment Potential, recognizes that the parcels along Longview Drive are problematic for retail due to the awkward road alignment and poor visibility and have therefore been identified as an appropriate place for higher density housing.

b. The subdivision action shall not be materially detrimental to public health, safety, and welfare.

Applicant Response: The subdivision, if approved is not materially detrimental to public health safety and welfare in that it will be in a long abandoned and under-utilized section of the White Rock Town Center. It will return vitality and new activity to the town center by bringing entry level and accessible homes to White Rock. While we have a high-density project, we have created a design that takes into consideration the uses and scale of our neighbors. The surrounding properties have a) townhouse/patio housing immediately East of the site, b) two story multi-family housing Northeast across the Canyon de Buey Drainage Channel, c) single-family single-story housing to the South on Aztec Lane and d) the Montessori Childcare Center to the West. As contemplated by the Comprehensive Plan and the WRTC Master Plan, our plan is consistent and harmonious with the surrounding environs, maintaining the neighborly smaller town feel, while creating significant densities. In our design, we have used existing grades and street locations with upgraded utility lines, where the lines and easements currently exist. Speed bumps to calm traffic through the subdivision and in front of the day care center, dance studio and Studio on the Mesa will increase safety for children, pedestrians, bicyclists and vehicular traffic. The scale and scope of the subdivision fits with its neighbors and the environs. The townhouses will apply County standards and future objectives for sustainability and carbon neutrality goals and will employ multiple on-site water use and drainage design features to retain and save water on site.

Sherwood Rounds brings no offensive, noxious or inappropriate use to the area. The existing stretch of Longview Drive on which the townhouses front will be upgraded with sidewalks, bike paths and extensive landscaping with dozens of Street fronting trees.

Accordingly, the subdivision will not be a detriment to public health, safety and welfare.

Staff Response: It is the staff's expert opinion that this criterion has been met because housing is the same use, or less intense use, of those surrounding the area; and the County Engineer and Fire Marshal have reviewed the Subdivision design and communicated no safety concerns. A Site Threshold Analysis (STA) was submitted and does not require further action, however, if any changes are made to driveways or ingress/egress an amendment to the analysis will be required by the County Engineer. To ensure safety on Longview Dr., the County Engineer requested a Sight Distance Analysis. As explained within Attachment B, Memorandum Dated August 21, 2024, the Applicant's engineer has recommended a reduction on speed for Longview Drive. The County Engineer reasons that the new street configuration introduces traffic calming features and is currently acceptable. However, further speed studies would be required to reduce the posted speed sign in this section of the road. This work can be performed later if recommended by the County Engineer.

c. The subdivision is in conformance with all applicable provisions of this Code and other adopted County regulations.

Applicant Response: The Final Plat of the Subdivision will comply with the zoning, density and design standards of the Development Code (Chapter 16 of the Municipal Code). The only deviation will be a requested variance to allow the Longview right-of way improvements for this subdivision to allow for a 5ft wide walking sidewalk immediately adjacent to the curb and 10 ft wide landscape area behind the sidewalk. (As opposed to a 5 ft landscape strip adjacent to the curb and 10-foot-wide sidewalk behind it in the design standards. As there is no commercial traffic on this section of the street, a sidewalk adjacent to the roadway and a wider street landscape area are appropriate and desirable.

Staff Response: It is the staff's expert opinion that this criterion has been met because the White Rock Town Center district lot standards, outlined in Exhibit B, Section 16-6(b) of the Los Alamos Development Code, comply. WRTC Street Designs Standards differ from the proposed, but the variance approved (VAR-2024-0001) on February 14, 2024, allowed the Subdivision to deviate in design for sidewalk width and location, and for landscape elements. All other standards: site, parking, and building, apply to mixed-use, multiple building developments.

- d. The subdivision must be served or be capable of being served by all public utilities, with the exception of subdivisions for the R-E and R-A zone districts where it is determined by the Utilities Manager that it is economically unfeasible to extend sewer lines.**

Applicant Response: County utilities do now, and will continue, to serve the subdivision. Consistent with County sustainability goals, there will be no gas utility lines in this subdivision, as the homes will be fully electric.

Staff Response: It is the staff's expert opinion that this criterion has been met because county utilities, as shown in Attachment A, Sheet C-5, Utility Plan, will serve each lot from Longview Drive, with lines extending south as necessary for Lots 26-29. The Department of Public Utilities has reviewed the Subdivision as designed and finds services to be adequate.

- e. The County's public infrastructure and services required to serve the proposed development including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc. have adequate capacity to serve the proposed subdivision or made to be adequate if improvements are required in compliance with the County's construction standards, drainage standards, and adopted Utilities Department plans and specifications.**

Applicant Response: The Longview Drive Street pavement, curbs, sidewalks and landscape will be replaced and improved. The lines carrying water and sewer will be replaced throughout the subdivision, as well as upgrading and replacing the capacity and existing electric lines. Use of existing drainage contours, combined with use of street landscape design for detention and use of storm water to service onsite landscaping, will reduce site water off flow from existing conditions. Additionally, individual lots will have rain barrel retention systems for lot landscaping, further reducing drainage run off and increasing the ability of homeowner to cost effectively maintain landscaping in their yards.

Staff Response: It is the staff's expert opinion that this criterion has been met because the county public infrastructure listed has been evaluated by the Department of Public Utilities, and the County Engineer, who have determined that improvements proposed are adequate to serve the Subdivision. The applicant has submitted drainage calculations, as well as an engineer's certification indicating that the storm water releases into the drainage channel will not exceed existing flows, and that the on-site detention will sufficiently drain storm waters in the event of a 100-year storm event. The analysis and certification satisfy the requirements for storm water management. Any changes will require an amendment to the analysis.

- f. Any necessary easements shall be provided for both existing and proposed utilities in an acceptable manner to the County Engineer and Utilities Manager.**

Applicant Response: Utilities for the subdivision will be in the current Longview Drive right of way, where all existing utilities run. The only modified additional easements will run South of Longview Drive on the East and West boundaries of the subdivision.

Staff Response: It is staff's expert opinion that this criterion has not been met as submitted, but can be met with the below conditions of approval recommended by the County Engineer:

Before the final plat is signed and recorded, the Final Subdivision Plat must address Utility Easements as follows:

- ***Sheet 1 of 4: A 10-foot maintenance vehicular access road (ingress/egress) and drainage easement shall be granted to the County for vehicular access to SE pond from within the interior streets between Lot 25 and 26. This easement will need to be shown clearly on all sheets in the plat document.***
 - ***Sheet 2 of 4: Label the easement for the SE pond areas.***
 - ***Pedestrian access and Easement: Provisions shall be included in the final design to allow construction of additional pedestrian infrastructure allowing access from the property to the east into the proposed Sherwood Rounds development and access to Longview Drive. (See Attachment B – Memorandum Dated August 21, 2024)***
- g. The plat retains natural features such as watercourses, natural vegetation, terrain, historic and archaeological sites and structures, and other community assets, which if preserved, will contribute to the overall appearance and quality of life in the County to the maximum extent feasible.**

Applicant Response: The subdivision will retain the existing terrain and drainage will continue to flow into the drainage channel to the south of the Property and indirectly into the Canada de Buey Arroyo channel, resulting in no change in those features. To the extent feasible, especially within the landscape corridor in the Longview Drive Right of way, existing native and specimen trees and foliage will be retained. The developer will consult with Community Services Department personnel on street tree and bush specimen designation and placement, much as the Department is or will be doing for the golf course and other park areas in the County, to insure compatibility with native species and a pleasant mature landscape environment in the subdivision. Final drainage and landscape plans will be incorporated into the Final Subdivision Plat.

Staff Response: It is staff's expert opinion that this criterion has been met because the site will continue to naturally flow southeast. There are no historical and archaeological sites and structures, natural vegetation, or community assets to preserve.

- h. The subdivision does not create a nonconformity or increase the extent or degree of an existing nonconformity with the provisions of this Code unless a Variance pursuant to Sec. 16-74(g) is approved concurrently with the plat.**

Applicant Response: Except for the variance that was approved in case number VAR-24-0001 at the same time as the Sketch Plan Application, there will be no non-conformity with the design standards.

Staff Response: It is staff's expert opinion that this criterion has been met because no non-conformities exist nor will be created due the approval of Variance Application VAR-2024-0001.

- i. An application for a Preliminary Plat shall be approved if it complies with all applicable provisions of this Code, any other adopted County regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.**

Applicant Response: Not Applicable, as Preliminary Sketch Plat has already been approved in case number SUB-24-0016.

Staff Response: It is the staff's expert opinion that this criterion is not applicable because Subdivisions are acted on at least twice with public hearing. Two of the three phases (Sketch/Preliminary/Final) may be combined for consideration. The Planning and Zoning Commission approved the Sketch Phase on February 14, 2024. Approval of this application would include both Preliminary and Final Phases. County Code and regulations are met with the Variance approved on February 14, 2024.

j. An application for a Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.

Applicant Response: The Final Subdivision Plat has been modified and amplified to include all relevant details, easements, dedications, acknowledgements and approvals to effectuate the Sherwood Round Subdivision Plat. The final engineering sheets and details in this application have addressed all the conditions in the decision in case number SUB-24-0016, as well as including final grading, drainage, road and right of way and utility designs consistent with the design standards of Los Alamos County.

Staff Response: It is the staff's expert opinion that this criterion is not applicable as stated because the Preliminary and Final Subdivision Phase is being reviewed as one application.

However, based on further consideration by the County Engineer, a follow-up meeting was held on August 8, 2024, with the applicant and their engineers to discuss stormwater management. Based on the outcome of that meeting, some revisions to the plans were necessary. As of the drafting of this report, August 22, 2024, revised drawings have been received. Additional needs by the Los Alamos County Public Works, Engineering Division, are recommended as conditions of approval.

DRAFT MOTION

Motion Option 1:

I move to **conditionally approve** Case No. SUB-2024-0019, a request by Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner, for Preliminary/Final Subdivision Plat approval for the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock, NM. The development proposes a 29-unit, two-story, townhome subdivision on 1.05 acres, combined. The properties, SV A006A, SVA006C, 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. The Subdivision shall meet the following conditions as recommended:

1. ***Before the Final Subdivision Plat is signed and recorded***, Sheet 1 of 4, shall address utility easements by providing a 10-foot maintenance vehicular access road (ingress/egress) and a drainage easement shall be granted to the County for vehicular access to the SE pond from within the interior streets between Lot 25 and 26. The easements must be shown clearly on all sheets in the plat document.
2. ***Before the Final Subdivision Plat is signed and recorded***, Sheet 2 of 4, shall label the easement for the SE pond area.
3. ***Before the Final Subdivision Plat is signed and recorded***, a provision shall be included in the final design to allow construction of additional pedestrian infrastructure allowing access from the property to the east into the proposed Sherwood Rounds development

and access to Longview Drive. Easements shall be included in the Final Plat as necessary to allow pedestrian access.

4. **Before the Final Subdivision Plat is signed and recorded**, the Subdivision Plat shall include the physical addresses of each lot as assigned by Los Alamos County, and in accordance with the Los Alamos County Code of Ordinances, Chapter 34, Section 34-104, Addressing.
5. **Before the Final Subdivision Plat is signed and recorded**, the property owner(s) must fulfill the tax payment requirements in accordance with the Los Alamos County Assessor procedures and NMSA 7-38-44.1, Special Procedures for Administration of Taxes on Real Property Divided or Combined.
6. **Before the issuance of the building permit**, a Joint Landscaping Agreement between the property owner(s) and the county is required to coordinate the specifics of streetscape installation on county right-of-way.

Approval is based on the Findings of Facts established at the hearing and conclusion that the Applicant has met the decision criteria for Subdivision 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 16-69-(b)(2) of the Development Code.

I further move 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 to be prepared by county staff.

Motion Option 2:

I move to **approve** Case No. SUB-2024-0019, a request by Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner, for Preliminary/Final Subdivision Plat approval for the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock, NM. The development proposes a 29-unit, two-story, townhome subdivision on 1.05 acres, combined. The properties, SV A006A, SVA006C, 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 Facts established at the hearing and conclusion that the Applicant has met the decision criteria for Subdivision 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 16-69-(b)(2) of the Development Code.

I further move 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 to be prepared by county staff.

Motion Option 3:

I move to **deny** Case No. SUB-2024-0019, a request by Philip Gursky, applicant, representing IMG, LLC, and Twilight Homes of NM, LLC, on behalf of Handy Family Trust, property owner, for Preliminary/Final Subdivision Plat approval for the properties addressed as 114, 117, 118, 119, 120 A & B, 122, and 123 Longview Drive, White Rock, NM. The development proposes a 29-unit, two-story, townhome subdivision on 1.05 acres, combined. The properties, SV A006A, SVA006C, 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.

Denial is based on the Applicant failing to demonstrate that the application meets the Subdivision decision criteria within Section 16-74-(a)(3) of the Los Alamos County Development Code, and that the Commission is acting under the authority granted by 16-69-(b)(2) of the Development Code of the Development Code.

I further move 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 to be prepared by county staff.

EXIBITS:

A – Comprehensive Plan: <https://lacnm.com/ComprehensivePlan2016>

B – Los Alamos County, Chapter 16, Development Code: <https://lacnm.com/MunicipalCode>

C – Los Alamos White Rock Town Center Master Plan: <https://lacnm.com/WhiteRockMasterPlan>

D – 2024 Strategic Leadership Plan: <https://lacnm.com/StrategicPlan>