



CITY OF RIO COMMUNITIES

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BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF RIO COMMUNITIES

Application No. _____ for a special use permit for a Cannabis Retail Only Operation by Leaf & Flower to be located at 300 Rio Communities Blvd, City of Rio Communities, New Mexico ("Application")

FINDINGS AND CONCLUSION IN SUPPORT OF DECISION ON A RECOMMENDATION TO THE CITY COUNCIL ON THE APPLICATION FOR A SPECIAL USE PERMIT

A hearing was held before the Planning & Zoning Commission ("Commission") on August 18, 2022, at 4:00 p.m. The following members of the Commission were present:

Thomas Scroggins (Chair); Ralph Fernandez (Vice Chair); Melodie Good (Secretary); Scott Adair (Member); L.E. Rubin (Member).

A quorum was present.

The hearing on the above Application was convened at approximately 4:12 p.m. The Chair asked all individuals who intended to testify on the matter of the Application to provide their names and addresses, and they were thereafter sworn prior to providing testimony. Testimony ended and the public hearing portion on the Applicant was closed at 4:34 p.m.

The Commission thereafter deliberated on the Applicant and voted to recommend approval of the Applicant to the City Council of the City of Rio Communities as follows:

For: [LIST] Chairman Thomas Scroggins, Secretary Melodie Good and Member Scott Adair.

Against [LIST] none

The Commission makes and adopts the following findings with respect to the Commission's recommendation to the City Council to approve the Application:

I. Preliminary findings.

The Application filed by Leaf & Flower ("Applicant") was submitted in a format stipulated by the City as required by Zoning Code 4-7-4 B. The Application has been reviewed by City staff and no further information or documentation has been requested.

Notice of this public hearing by posting has been provided as required by Zoning Code 4-18-9 A.

The following persons/entities testified in favor of granting the special use permit:

[LIST]

The following persons/entities testified in opposition to granting the special use permit:

[LIST]

II. Findings with respect to the Cannabis Ordinance (Ordinance No. 2021-08, entitled “Commercial Cannabis Activity Application Requirements and Performance Standards,” hereinafter “Ordinance”).

1. The Applicant has been granted a license to operate as a cannabis retailer by the New Mexico Regulation and Licensing Department, Cannabis Control Division issued on March 6, 2022 and expiring on March 6, 2023 (License No. CCD-2022-0098-005).
2. Cannabis retail is allowed in C-2 and C-3 zones by special use permit. The property on which the proposed use will occur is located in a C-2 zone.
3. The Application has not identified any area in the property as an area where cannabis will be consumed. Any change in this regard will require an application for a new special permit to satisfy the criteria prescribed in the Cannabis Ordinance for cannabis consumption areas (e.g., Ordinance 1.6).
4. There are no daycare centers or schools within 300 feet from the perimeter of the premises. The nearest daycare center (Watch Me Grow Preschool) is 3,764.92 feet from the perimeter.
5. The nearest school (La Merced Elementary School) is 1.01 miles from the perimeter. There are no cannabis operations within 600 feet of the perimeter.
6. The nearest cannabis operation (Belen Botanicals) is 5,079.89 feet away outside of the City of Rio Communities.

III. Findings with respect to Special Use Permits under Zoning Code 4-7-4 A (“Code”)

1. The proposed use (cannabis retailer) is sufficiently unique and unusual (Code 4-7-4 A.1) that a special use permit is required by the provisions of section 1.4.d of Ordinance No. 2021-08, entitled “Commercial Cannabis Activity Application Requirements and Performance Standards”
2. No evidence has been presented that the proposed use would adversely affect adjoining property values. (Code 4-7-4 A. 2)
3. No evidence has been presented that the proposed use would endanger public safety. (Code 4-7-4 A. 2)
4. No evidence has been presented that the proposed use will become detrimental to the character of the zone (C-2 Community Commercial and Retail Use) where it will be located. (Code 4-7-4 A. 3)
5. The building that will house the proposed use is the former Land of Ranchers State Bank.
6. The Applicant will utilize the existing traffic flow whereby customers enter through the northern driveway and exit from the southern driveway. There is no evidence that traffic will be adversely impacted. The Applicant identifies 10 to 15 parking spaces.
7. The Applicant has provided a Floor Plan. Out of a total of 1,676 square feet, there is only 470 square feet of retail space.
8. The Applicant has provided a design plan for lighting and signage developed by Smart Signs & Designs. (Code 4-7-4 B.4)
9. There are no changes to the exterior site plan that will require a change in the drainage plan. The property currently drains away from the highway as do adjacent properties. The Applicant plans to clean, repair and restripe the parking lot, but will not undertake any changes that would affect the current drainage.

IV.


Conclusions and conditions of approval

Based upon the foregoing findings, the Commission finds that the Applicant has satisfied the conditions under the Zoning Code and the Cannabis Ordinance for the issuance of a special use permit allowing the Applicant to operate as a cannabis retailer within the City of Rio Communities.

The Commission therefore recommends approval of the special use permit subject to the following conditions:


1. This special use permit is limited to allowing the sale of cannabis and cannabis products to qualified patients, primary caregiver, reciprocal participants or directly to consumers.
2. Consumption of cannabis on the property is not allowed unless permitted by the terms of a superseding special use permit.
3. Retail operations may only take place within the hours of operation as set forth in Ordinance 1.5.
4. The Applicant must register as a business with the City of Rio Communities as required by City of Rio Communities Ordinance No. 2013-09.
5. The permit holder shall comply with the provisions of the Cannabis Ordinance, the Zoning Code and all other ordinances and resolutions of the City of Rio Communities and all laws and regulations of the State of New Mexico.
6. The special use permit subject to revocation as provided in Zoning Code 4-7-4 E, but no time limitation is imposed.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF AUGUST 2022 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.



Thomas Scroggins, Chairman

Ralph Fernandez, Vice-Chairman



Melodie Good, Secretary

Scott Adair

L.E. Rubin

ATTEST:



Elizabeth F. Adair,
Municipal Clerk