



# CITY OF RIO COMMUNITIES

360 Rio Communities Blvd.  
Rio Communities, NM 87002  
505-861-6803  
www.riocommunities.net

---

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

**For a rezoning a commercial 3 zone at Proposed Location: UPC 1009028306055000000 Tract:  
UNNUMBERED S: 16 T: 5N R: 2E 0.48 ACRE PLAT N-663 R161455**

### CONCLUSION IN SUPPORT OF DECISION ON A RECOMMENDATION TO THE CITY COUNCIL ON THE APPLICATION FOR A REZONING

A hearing was held before the Planning & Zoning Commission ("Commission") on February 2, 2023, at 4:00 p.m. The following members of the Commission were present: Thomas Scroggins (Chair); Melodie Good (Secretary); Scott Adair (Member) Adelina (Lina) Benavidez, Chad Good (Member) . A quorum was present.

The hearing on the above Application was convened at approximately 4:03 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 04:18 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, Adelina Benavidez, & Chad Good.

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 Founders Land Acquisition Company LLC (FLAC) ("Applicant") was submitted in a format stipulated by the City as required by Zoning Code 4-3-8 A(1)(2)(3)(4)(5) & 4-3-11 B(8). 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 rezoning and special use permit:  
[LIST] Eric Lindahl, Chris Hsu, Alex Romero

The following persons/entities testified in opposition to granting the special use permit:  
[LIST] None

**II. Findings with respect to the Zoning Ordinance (Ordinance No. 2021-76, entitled "Chapter 4, Zoning Code," hereinafter "Ordinance")**

1. The Applicant has requested the proposed rezoning from a planned development district as per 4-3-11 Planned Development District B(8) combine commercial and residential land uses.
2. The applicant has requested the rezoning for a Heavy Community Commercial and Retail use (C-3) as in 4-3-8 A (1)(2)(3)(4)(5).

**A. C-3 Purpose**

1. The C-3 Zone shall provide for the development of commercial services designed to serve community wide needs.
2. Accordingly, the C-3 heavy commercial district is intended for the conduct of business activity that is located at the edge of residential areas but serves a larger trade area than the immediately surrounding residential neighborhoods.
3. The C-3 heavy commercial district shall provide more intensive retail trade and commercial services, such as the outside sales of vehicles, motorcycles, boats, recreational vehicles, or heavy and light machinery.
4. Such areas shall provide for uses that, because of size, operating characteristics or need for major street accessibility may not be suitable in the central business district or local commercial areas.
5. State of New Mexico Engineer approval of water well and New Mexico Environmental Department approval of sewage treatment must be obtained, if not connected to public sewage and water.

**IV. Conclusions and conditions of approval**

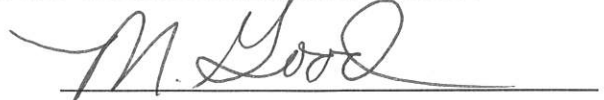
Based upon the foregoing findings, the Commission finds that the Applicant has satisfied the conditions under the Zoning Code for the issuance of a rezoning for a commercial 3 zone allowing the applicant to move forward within the City of Rio Communities.

The Commission therefore recommends approval of the rezoning from a C-1 to C-3 and move forward to the Council.

PASSED, APPROVED AND ADOPTED THIS 2<sup>nd</sup> DAY OF FEBRUARY 2023 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.



Thomas Scroggins, Chairman



Melodie Good, Secretary



Scott Adair



Adelina (Lina) Benavidez



Chad Good

ATTEST:

\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk