



CITY OF RIO COMMUNITIES

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

**For a rezoning and a special use permit for a solar overlay at Proposed Location:
1011028015470000000: RIO DEL ORO Lot: PARK SITE Block: 56 Unit: 47 34.77 ACRES 2005 REV**

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

A hearing was held before the Planning & Zoning Commission ("Commission") on January 5, 2023, at 4:00 p.m. The following members of the Commission were present: Thomas Scroggins (Chair); Melodie Good (Secretary); Scott Adair (Member). A quorum was present.

The hearing on the above Application was convened at approximately 4:07 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 5:00 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 Cibola Land Corporation (Applicant) & Total Energies Alex Grace (Agent) was submitted in a format stipulated by the City as required by Zoning Code 4-3-11 B(5), 4-4-5 C & 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 rezoning and special use permit:
[LIST] Alex Grace & Randy Jacks.

The following persons/entities testified in opposition to granting the special use permit:
[LIST] Linda Umstatt

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(5) the use alternative energy sources.
2. The applicant has requested the rezoning for a Solar Collectors Overlay zone as in 4-4-5 C, whereas a special permit is required for this use.

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

1. The proposed use Solar collectors Overlay zone is sufficiently unique and unusual (Code 4-7-4 A.1)
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 where it will be located. (Code 4-7-4 A. 3)

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 and special use permit for a solar collectors overlay zone allowing the applicant to move forward within the City of Rio Communities.

The Commission therefore recommends approval of the rezoning and special use permit:

PASSED, APPROVED AND ADOPTED THIS 5th DAY OF JANUARY 2023 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

ATTEST:


Elizabeth F. Adair, Municipal Clerk