



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, February 02, 2023 4:00 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Scroggins called the Planning and Zoning meeting to order at 4:00pm.

Pledge of Allegiance

- Chairman Scroggins led the Pledge of Allegiance.

Roll Call

- PRESENT: Chair Thomas Scroggins, Secretary Melodie Good, Member Scott Adair, Member Adelina Benavidez, Member Chad Good.
- Present: City Manager Dr. Marty Moore, City Attorney Randy Van Vleck, Municipal Clerk Elizabeth Adair, Deputy Clerk Lalena Aragon.

Approval of Agenda

- Motion made by Member Adair to approve the agenda as written. Seconded by Secretary Good. With a unanimous vote the agenda was approved.
- **Approval of Minutes Regular Business Meeting (01/04/23)**
- Minutes were tabled until next meeting.

Public Hearing - For the purpose of the request for a rezoning from Commercial 1 zone to Commercial 3 zone - Applicant - Founders Land Acquisition Company LLC (FLAC): Legal description UPC 1009028306055000000 Tract: UNNUMBERED S: 16 T: 5N R: 2E 0.48 ACRE PLAT N-663, 2350 HIGHWAY 47 Rio Communities NM, 87002

Motion and roll call vote to recess Planning and Zoning Meeting session and to go into Public Hearing Consideration of: Founders Land Acquisition Company LLC (FLAC): Commercial 3 zone.

- Motion made by Member Adair, Seconded by Member Benavidez.
Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good
- ❖ Chairman Scroggins read his statement.
- ❖ Chairman Scroggins explained that Eric Lindell will be giving a presentation.
- ❖ Eric Lindell introduced himself and explained the history of his company.
- ❖ Eric Lindell began his presentation and explained that they purchased the property as a C3, and it turned out it is C1 and due to zoning they had to stop the project. He explained that they are requesting to have the zoning updated to analogous with the other properties both across the street and then to the south of us. Before the purchase we did not look at the proper zoning maps, so we did not recognize the error.
- ❖ Secretary Good asked what the neighboring property is zoned are they C3 already.
- ❖ Eric Lindell explained that the property across the street and to the south of ours are all zoned C3.

- ❖ Member Adair asked what do you propose to do with the building. What type of business.
- ❖ Eric Lindell answered the expectation is that it will be a dispensary for cannabis and further explained why they are requesting this zone change so that they can continue to move forward with there project.
- ❖ Member Benavidez asked this a question not so much for the applicant. Do you guys require them to obtain a driveway permit through NMDOT.
- ❖ Manager Dr. Moore explained yes, they will have to obtain that access. He further explained the three steps. The first step is the zoning then they will need to get a special use permit for the cannabis dispensary. Then they will have to go to DOT and get the driveway access permit as well.
- ❖ Chairman Scroggins mentioned that there is a driveway off Highway 47.
- ❖ Manager Dr. Moore explained I think the question was they need to get access from DOT to be able to come off the highway into the property.
- ❖ Chairman Scroggins asked so that isn't our concern.
- ❖ Manager Dr. Moore explained that will come to us when they request the special use permit.
- ❖ Chairman Scroggins said I am glad that you made a point that the property next to you is a C3. I am not sure what is North of your property.
- ❖ Manager Dr. Moore explained that the property North is owned by a private individual but is accessed by anglers, people who go fishing, I think it also accessed by some always fee and on the other side is in the County.

Motion and roll call vote to go back into Planning and Zoning Meeting session.

- Motion made by Member Adair to close the public hearing and go back into regular Planning and Zoning meeting. Seconded by Secretary Good. Vote Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good. With a 5-0 vote the planning and zoning went back to the regular business meeting.

Discussion, Consideration, and Decision – Recommendation to move to Council applicant Founders Land Acquisition Company LLC (FLAC): Commercial 3 zone.

- The commission discussed the decision with no questions or concerns.
- Chairman Scroggins said since the land is bordered on all sides there is no reason why we shouldn't zone them to C3.
- Motion made by Secretary Good to send the zone change to Council with Planning and Zonings recommendation. Seconded by Chairman Scroggins. With a 5-0 vote the commission will send the zoning change from C1 to C3 with recommendation to Council. Voting Yea: Chair Scroggins, Secretary Good, Member Adair, Member Benavidez, Member Good

Public Comment:

- No public comments.

General Commission Discussion/Future Agenda Items

- Manager Dr. Moore explained that the city is working on getting some better visual and sound systems and further explained the improvements the city is making to the building.

Adjourn

Motioned made by Member Adair to adjourn seconded by secretary Good. With a unanimous vote the Planning and Zoning meeting was adjourned at 4:30 pm.

Respectfully submitted,

Elizabeth Adair, Municipal Clerk
(Taken and transcribed by Lalena Aragon, Deputy Clerk)

Date: _____

Approved:

Thomas Scroggins, Chairman

Melodie Good, Secretary

Scott Adair

Adelina (Lina) Benavidez

Chad Good