

# City of Rio Communities Council Special Business Meeting City Council Chambers - 360 Rio Communities Blvd Rio Communities, NM 87002 Monday, April 01, 2024 6:00 PM Agenda

Please silence all electronic devices.

Mayor - Joshua Ramsell
Mayor Pro Tem - Lawrence R. Gordon
Council - Arthur Apodaca, Thomas Nelson, Matthew Marquez

Call to Order
Pledge of Allegiance
Roll Call

**Approval of Agenda** 

#### **Action Items**

- 1. Public Hearing Playa Vista Group- Business Manufacturing: Proposed Location UPC 1009026365015000000 Subd: PLAYA ESTATES Tract: PARCEL 23 33.40 ACRES 1994 SPLIT, UPC 1010025060475000000 Subd: PLAYA ESTATES Tract: PARCEL 24 47.01 ACRES 1994 SPLIT, UPC 1010025376425 Subd: PLAYA ESTATES Tract: 18A 42.01 ACRES PLAT M-526, UPC 1010026480040000000 Subd: PLAYA ESTATES Tract: PARCEL 17 33.82 ACRES 1994 SPLIT, UPC 10100263200500000000 Subd: PLAYA ESTATES Tract: PARCEL 19 54.00 ACRES 1994 SPLIT, UPC 1010026397131000000 Subd: PLAYA ESTATES Tract: PORTION OF PARCEL 16 REMAINING 16.44 ACRES 2006 REV, UPC 1010026294187000000 Subd: PLAYA ESTATES Tract: SOUTH PORTION OF PARCEL 15 5.65 ACRES 2006 SPLIT, UPC 10100262701200000000 Subd: PLAYA ESTATES Tract: PARCEL 14 19.56 ACRES 1994 SPLIT, UPC 1010026150145000000 Subd: PLAYA ESTATES Tract: PARCEL 11 14.52 ACRES 1994 SPLIT, UPC: 1010026145085000000 Subd: PLAYA ESTATES Tract: PARCEL 12 14.29 ACRES 1994 SPLIT, UPC 10100261050200000000 Subd: PLAYA ESTATES Tract: PARCEL 21 23.4 5 ACRES 1994 SPLIT, UPC 10100261950200000000 Subd: PLAYA ESTATES Tract: PARCEL 21 23.4 5 ACRES 1994 SPLIT, UPC 10100261950200000000 Subd: PLAYA ESTATES Tract: PARCEL 21 23.4 5 ACRES 1994 SPLIT, UPC
  - Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing
  - Motion and roll call vote to go back into Council Special Business Meeting session
- Public Hearing Playa Vista Group- Commercial 2 Zone: Proposed Location UPC:1010026397131000000 portion of parcel 16 4.56 acres, UPC:1010026480040000000 parcel 17 15.13 acres, UPC:1010025376425 parcel 18A 4.71 acers
  - Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing
  - Motion and roll call vote to go back into Council Special Business Meeting session
- 3. Public Hearing Playa Vista Group- Commercial 2 Zone: Proposed Location UPC: 1009026375240000000 parcel 5 11.52 acres, UPC:1009026375140000000 parcel 7 27.26 acres
  - Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing
  - Motion and roll call vote to go back into Council Special Business Meeting session

#### **Adjourn**

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#### FINDINGS OF FACT AND RECOMMENDED DECISION

Pursuant to §3-19-3 NMSA 1978, the Planning and Zoning Commission Chairman and Commissioners set forth the following Findings and Recommended Decision.

#### **FINDINGS**

- 1. The Playa Group submitted an application for the rezoning of parcels UPC: 1009026375240000000 parcel 5 11.52 acres, UPC:1009026375140000000 parcel 7 27.26 acres located in the City of Rio Communities on December 04, 2023.
- 2. The application requested the re-zone of approximately 38.78 acres from Planned Development to Commercial 2 (C-2) zoning.
- 3. The Rio Communities Zoning Code provides that "the intent and purpose of this Zoning Code [is] to encourage the most appropriate use of the land...stimulate a climate for balanced and harmonious development...preserves the general health, welfare, safety and order...[of] all residents" and that "[p]reservation of the character of current and future planned neighborhoods is also a goal of this ordinance." (Section 4-1-2. Purpose).
- 4. C-2 Zoning allows permissible uses from Commercial 1 (C-1) zoning, and a list of additional uses as enumerated in Article 3, 4-3-7 of the City of Rio Communities Zoning Ordinance (see attachment for the list).
- 5. A public forum regarding the C-2 Rezoning applications was conducted on January 11, 2024. Members of the public expressed concerns during the forum regarding distances between proposed rail spurs and residential properties, as well as concerns about development standards and water conservation.
- 6. The Applicant was given the opportunity to present evidence and testimony regarding the rezoning application at both public hearings.
- 7. The Applicant testified to his intent to bring in commercial development consistent with permissible uses in C-2 zones.
- 8. The Applicant demonstrated compliance with Section 4 of the City's Comprehensive Plan, which states a goal to "diversify the local economy" in concert with a City Local Economic Development Plan (LEDP).
- 9. The City's LEDP identifies that its core weaknesses are "manufacturing and commercial" uses. The Applicant's Re-Zone request would create 38.78 acres of commercially zoned land, which would strengthen the City's LEDP.

- 10. The Applicant did not identify specific commercial businesses that may occupy the properties, but did provide representative examples of commercial uses compatible with a C-2 zone. No commercial enterprise can begin utilization of the acreage proposed for rezone unless and until a Site Development Plan is submitted to and approved by the City.
- 11. The information presented by the Applicant was specific enough for the Commission to make a responsible, informed recommendation for rezoning the property described in this request from Planned Development (P-D) to a C-2 zone.
- 12. The Applicant expressed a willingness to comply with restrictions or conditions placed upon specific proposed developments in accordance with local, state, and federal law, including enumerated development standards in the City's Zoning Ordinance.

#### RECOMMENDED DECISION

- 1. Based upon the above Findings, the Planning Commission recommends that this application for the rezoning of 38.78 acres from Planned Development to Commercial 2 be approved, subject to the following conditions:
  - a. Any proposed uses of the land located within the exterior boundaries of the area to be rezoned shall be reviewed by the City of Rio Communities, and approved in writing prior to commencement of improvements. This review will include the development standards, water conservation and availability, and a compliance review of applicable City codes, with a reminder that the City's Zoning Ordinance requires compliance with State and Federal laws and regulations.
  - b. The Applicant will apply for a lot split and/or lot consolidation, as necessary, to prevent multiple Zones on a single parcel.
  - c. The Applicant will submit for approval a replat of the parcels or portions of parcels so that the exterior boundary of each parcel does not exceed the exterior boundary of the C-2 zone.
  - d. The Applicant will disclose these findings and recommendations in the closing documents for any sale of a parcel(s) located within the C-2 zone.

Approved on March 07,2024

Melodie Good, Chair

Secretary, Adelina Benavidez

Commissioner, Jimmie Winters

ATTEST:

Dr. Martin Moore,

(Acting) Municipal Clerk

Chad Good, Vice Chair

Commissioner, Richard Henderson

#### FINDINGS OF FACT AND RECOMMENDED DECISION

Pursuant to §3-19-3 NMSA 1978, the Planning and Zoning Commission Chairman and Commissioners set forth the following Findings and Recommended Decision.

#### **FINDINGS**

- The Playa Group submitted an application for the rezoning of parcels UPC:1010026397131000000 portion of parcel 16 4.56 acres, UPC:1010026480040000000 parcel 17 15.13 acres, UPC:1010025376425 parcel 18A 4.71 acres located in the City of Rio Communities on December 04, 2023.
- 2. The application requested the re-zone of approximately 24.4 acres from Planned Development to Commercial 2 (C-2) zoning.
- 3. The Rio Communities Zoning Code provides that "the intent and purpose of this Zoning Code [is] to encourage the most appropriate use of the land...stimulate a climate for balanced and harmonious development...preserves the general health, welfare, safety and order...[of] all residents" and that "[p]reservation of the character of current and future planned neighborhoods is also a goal of this ordinance." (Section 4-1-2. Purpose).
- 4. C-2 Zoning allows permissible uses from Commercial 1 (C-1) zoning, and a list of additional uses as enumerated in 4-3-7, Article 3, of the City of Rio Communities Zoning Ordinance (see attachment for the list).
- 5. A public forum regarding the C-2 Rezoning applications was conducted on January 11, 2024. Members of the public expressed concerns during the forum regarding distances between proposed rail spurs and residential properties, as well as concerns about development standards and water conservation.
- 6. The Applicant was given the opportunity to present evidence and testimony regarding the rezoning application at both public hearings.
- 7. The Applicant testified to his intent to bring in commercial development consistent with permissible uses in C-2 zones.
- 8. The Applicant demonstrated compliance with Section 4 of the City's Comprehensive Plan, which states a goal to "diversify the local economy" in concert with a City Local Economic Development Plan (LEDP).

- 9. The City's LEDP identifies that its core weaknesses are "manufacturing and commercial" uses. The Applicant's Re-Zone request would create 24.4 acres of commercially zoned land, which would strengthen the City's LEDP.
- 10. The Applicant did not identify specific commercial businesses that may occupy the properties, but did provide representative examples of commercial uses compatible with a C-2 zone. No commercial enterprise can begin utilization of the acreage proposed for rezone unless and until a Site Development Plan is submitted to and approved in writing by the City.
- 11. The information presented by the Applicant was specific enough for the Commission to make a responsible, informed recommendation for rezoning the property described in this request from Planned Development (P-D) to a C-2 zone.
- 12. The Applicant expressed a willingness to comply with restrictions or conditions placed upon specific proposed developments in accordance with local, state, and federal law, including enumerated development standards in the City's Zoning Ordinance.

#### RECOMMENDED DECISION

- 1. Based upon the above Findings, the Planning Commission recommends that this application for the rezoning of 24.4 acres from Planned Development to Commercial 2 be approved, subject to the following conditions:
  - a. Any proposed uses of the land located within the exterior boundaries of the area to be rezoned shall be reviewed by the City of Rio Communities, and approved in writing prior to commencement of improvements. This review will include the development standards, water conservation and availability, and a compliance review of applicable City codes, with a reminder that the City's Zoning Ordinance requires compliance with State and Federal laws and regulations.
  - b. The Applicant will apply for a lot split and/or lot consolidation, as necessary, to prevent multiple Zones on a single parcel.
  - c. The Applicant will submit for approval a replat of the parcels or portions of parcels so that the exterior boundary of each parcel does not exceed the exterior boundary of the C-2 zone.
  - d. The Applicant will disclose these findings and recommendations in the closing documents for any sale of a parcel(s) located within the C-2 zone.

Approved on March 7, 2024

Melodie Good, Chair

Secretary, Adelina Benavidez

Commissioner, Jimmie Winters

ATTEST:

Dr. Martin Moore,

(Acting) Municipal Clerk

Chad Good, Vice Chair

Commissioner, Richard Henderson

#### FINDINGS OF FACT AND RECOMMENDED DECISION

Pursuant to §3-19-3 NMSA 1978, the Planning and Zoning Commission Chairman and Commissioners set forth the following Findings and Recommended Decision.

#### **FINDINGS**

- 1. The Playa Group submitted an application for the re-zoning of parcels UPC:1009026365015000000 parcel 23 33.40 acres, UPC:1009026490035000000 parcel 22 30.14 acres, UPC:1010026145085000000 parcel 12 12.57 acres, UPC:101002670120000000 parcel 14 2.72, UPC:1010026397131000000 portion of parcel 16, 8.85 acres, UPC:1010026105020000000 parcel 21 23.45 acres ,UPC:1010026195020000000 parcel 20 12.79 acres, UPC:1010026320050000000 parcel 19, 51.59 acres, UPC:1010025060475000000 parcel 24 47.01 acres, UPC:1010026480040000000 parcel 17, 18.70 acers, UPC:1010025376425 parcel 18A 37.25 acers, located in the City of Rio Communities on December 04, 2023.
- 2. The application requested the re-zone of approximately 268 acres from Planned Development to Business Manufacturing (B-M) zoning.
- 3. The Rio Communities Zoning Code provides that "the intent and purpose of this Zoning Code [is] to encourage the most appropriate use of the land...stimulate a climate for balanced and harmonious development...preserves the general health, welfare, safety and order...[of] all residents" and that "[p]reservation of the character of current and future planned neighborhoods is also a goal of this ordinance." (Section 4-1-2. Purpose).
- 4. B-M Zoning allows permissible uses from Commercial 1 through Commercial 3 (C-1 through C-3) zoning, and a list of additional uses as enumerated in Section article 3, 4-3-9 of the City of Rio Communities Zoning Ordinance (see attachment for the list).
- 5. A public forum regarding the B-M Rezoning applications was conducted on January 11, 2024. Members of the public expressed concerns during the forum regarding distances between proposed rail spurs and residential properties, as well as concerns about development standards and water conservation.
- 6. The Applicant was given the opportunity to present evidence and testimony regarding the rezoning application at both public hearings.
- 7. The Applicant testified to his intent to bring in commercial development consistent with permissible uses in C-2 zones.

- 8. The Applicant demonstrated compliance with Section 4 of the City's Comprehensive Plan, which states a goal to "diversify the local economy" in concert with a City Local Economic Development Plan (LEDP).
- 9. The City's LEDP identifies that its core weaknesses are "manufacturing and commercial" uses. The Applicant's Re-Zone request would create 268 acres of B-M zoned land, which would strengthen the City's LEDP.
- 10. The Applicant did not identify specific commercial businesses that may occupy the properties, but did provide representative examples of commercial uses compatible with a B-M zone. No commercial enterprise can begin utilization of the acreage proposed for re-zone unless and until a Site Development Plan is submitted to and approved by the City.
- 11. The information presented by the Applicant was specific enough for the Commission to make a responsible, informed recommendation for rezoning the property described in this request from Planned Development (P-D) to a B-M zone.
- 12. The Applicant expressed a willingness to comply with restrictions or conditions placed upon specific proposed developments in accordance with local, state, and federal law, including **enumerated development standards in the City's Zoning Ordinance.**

#### RECOMMENDED DECISION

- 1. Based upon the above Findings, the Planning Commission recommends that this application for the rezoning of 268 acres from Planned Development to Business-Manufacturing (B-M) be approved, subject to the following conditions:
  - a. Any proposed uses of the land located within the exterior boundaries of the area to be rezoned shall be reviewed by the City of Rio Communities, and approved in writing prior to commencement of improvements. This review will include the development standards, water conservation and availability, and compliance with other applicable City codes, with a reminder that the City's Zoning Ordinance requires compliance with State and Federal laws and regulations.
  - b. The Applicant will apply for a lot split and/or lot consolidation, as necessary, to prevent multiple Zones on a single parcel.
  - c. The Applicant will submit for approval a replat of the parcels or portions of parcels so that the exterior boundary of each parcel does not exceed the exterior boundary of the B-M zone.
  - d. The Applicant will disclose these findings and recommendations in the closing documents for any sale of a parcel(s) located within the B-M zone.

Melodie Good, Chair

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Secretary, Adelina Benavidez

Commissioner, Jimmie Winters

ATTEST:

Dr. Martin Moore,

(Acting) Municipal Clerk

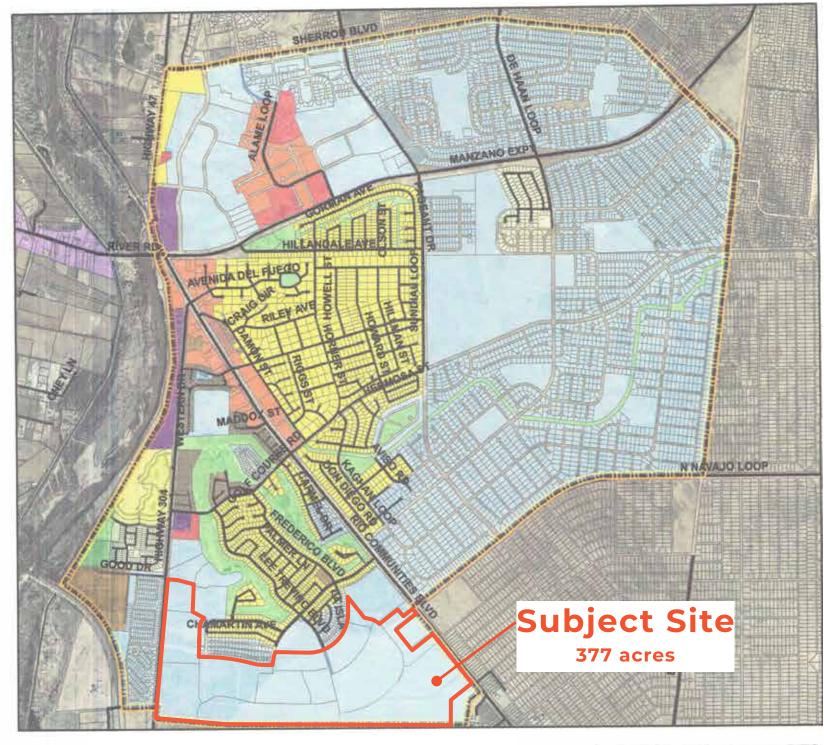
Chad Good, Vice Chair

Commissioner, Richard Henderson

## Rio Communities Business Park Rezoning Request

#### **Purpose:**

The overall purpose of this request is to create zoning that is appropriate for Rio Communities Business Park, and support commercial development along Highway 304 and Rio Communities Boulevard.



City of Rio Communities
Zoning Map

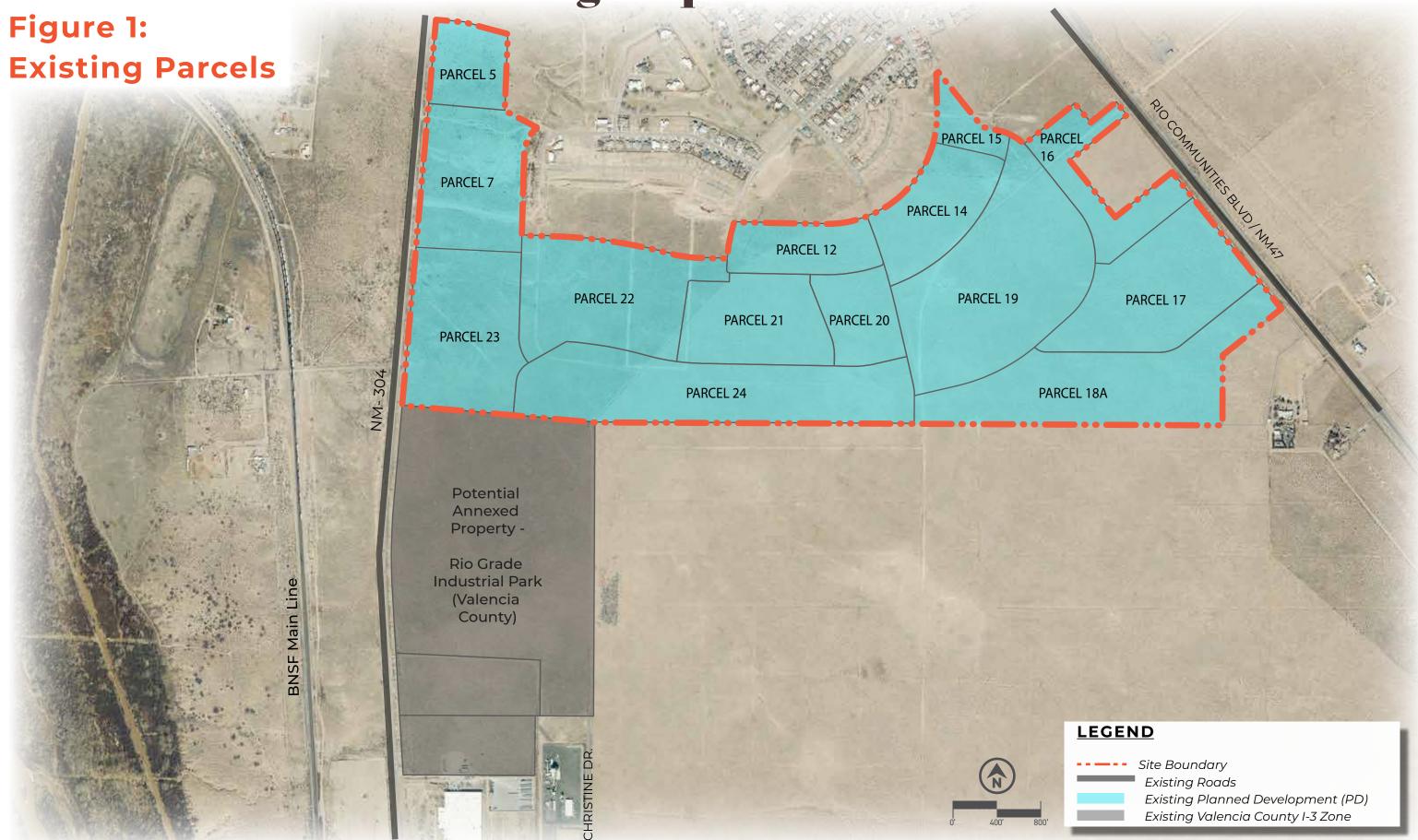
ATTACHMENT A



0 0.1 0.2 0.4 0.6 0.8 Mile



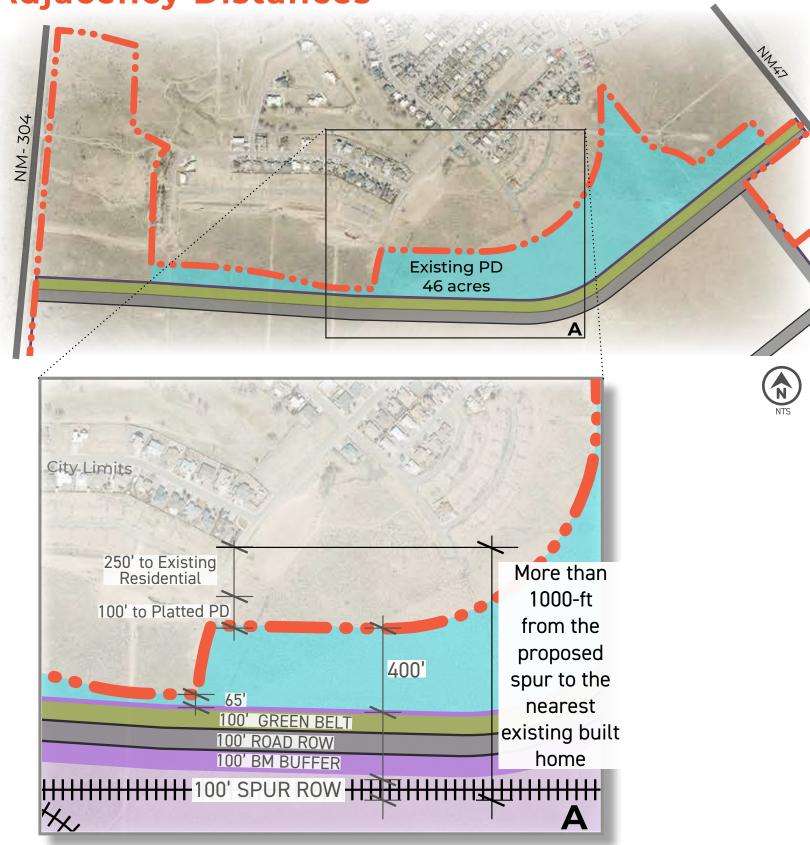
Rio Communities Rezoning Request



Rio Communities Business Park - Rezoning Request Figure 2: **Proposed Zoning** C-2 39 acres 300' BM **Existing PD** BUFFER 46 acres C-2 24 acres Business Manufacturing <sup>2</sup>268 acres City Limits Truck By-Pass (Public Roadway) Potential Annexed 800-ft Property -**LEGEND** Rio Grade Site Boundary Industrial Existing Parcels Park Proposed Public Roads (Valencia Proposed Rail Spurs with 100-ft ROW County) (Conceptual - Subject to Change) Proposed NMDOT Access Points Proposed Business Manufacturing Proposed Business Manufacturing Buffer Proposed C-2 Zone Proposed Green Belt Existing Planned Development (PD) Existing County I-3 Zone

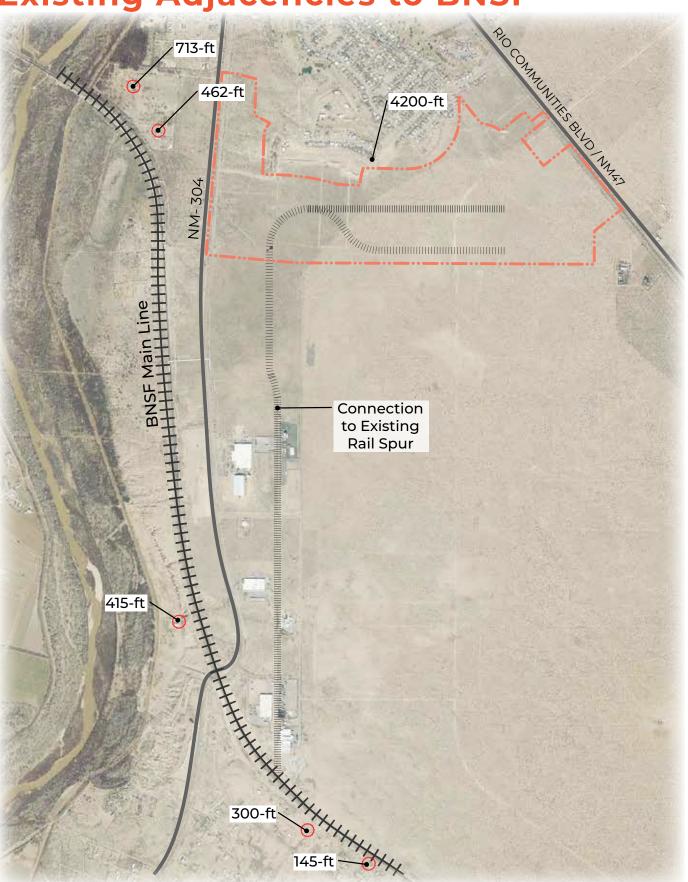
## Proposed Rail Spur

**Adjacency Distances** 



## Main Rail Line

**Existing Adjacencies to BNSF** 



## Rio Communities Business Park

### Business Manufacturing Development Zone (B-M)

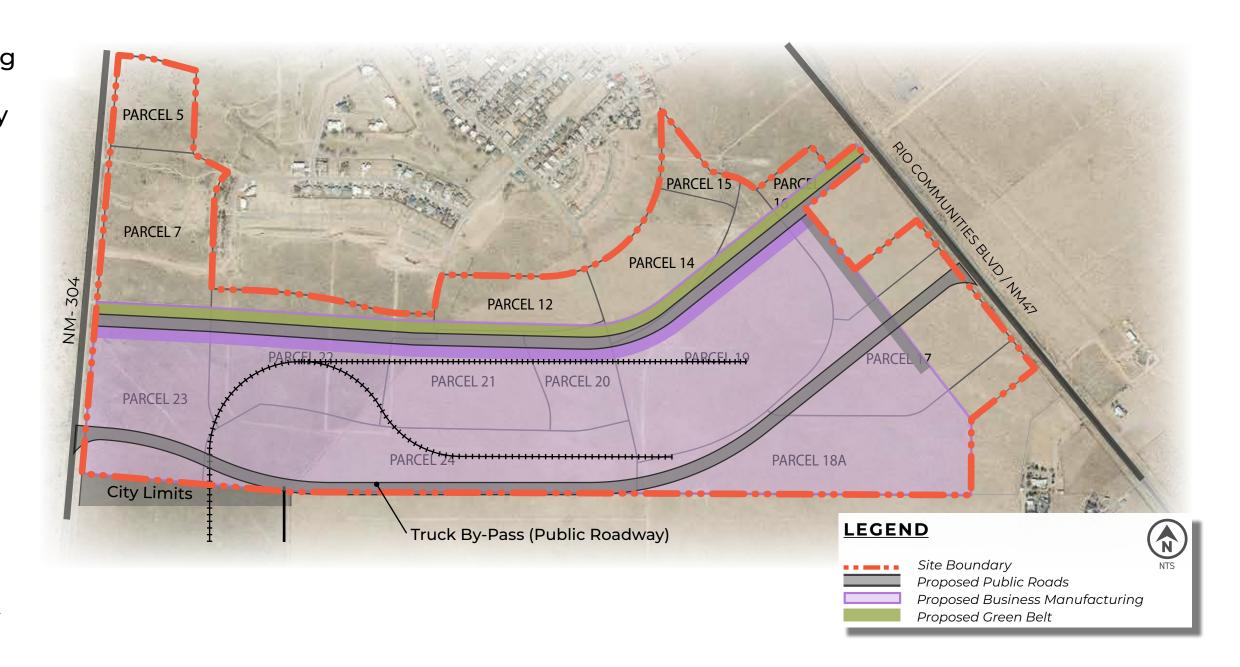
### Why B-M?

"The Business-Manufacturing zone is intended to accommodate a wide variety of light manufacturing, assembly, commercial processing, storage, packaging, compounding and wholesaling as well as distribution operations with limitations on size and intensity."

Chapter 4, Municipal Zoning Code (4-3-9 A.2)

#### What B-M Is Not

4-3-9.A.4 - "Such uses shall be conducted to ensure that there is no toxic/hazardous releases, excessive noise, vibration, smoke, dust or any particulate matter, traffic, humidity, heat or glare, at or beyond any lot line of the parcel on which it is located." Chapter 4, Municipal Zoning Code



## Rio Communities Business Park: Business Manufacturing Zoning Request 1: B-M Zoning - 268 acres

**Local Examples** 



Admiral Beverage - Albuquerque



Amazon Fulfillment Center - Albuquerque



Ben E. Keith - Albuquerque

### **Example Uses**



Andersen Window Manufacturing - Arizona



Proterra EV Battery Factory - South Carolina



Nordex Wind Turbine Factory - Germany

## Rio Communities Business Park

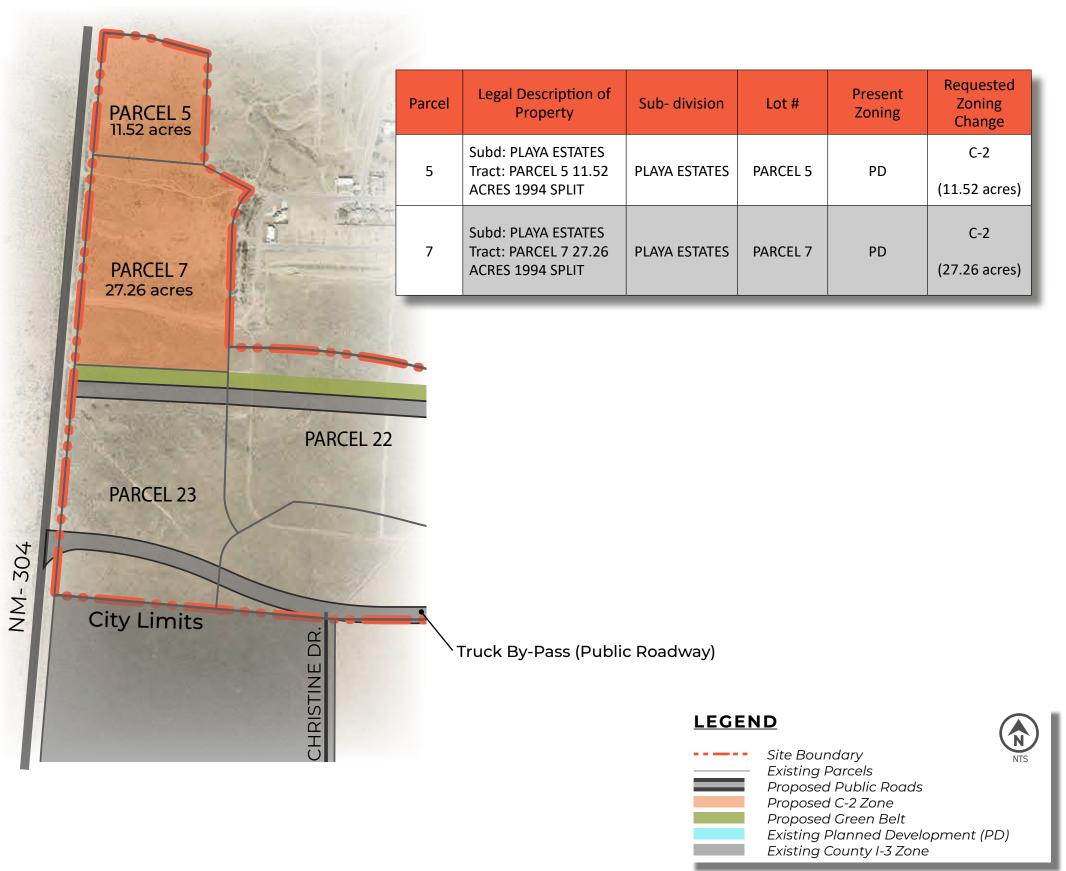
Community Commercial and Retail Use (C-2)

#### Why C-2?

The C-2 zoning designation is intended to accommodate retail uses that serve local and regional residents.

This district is best suited adjacent to high traffic corridors where various types of auto-oriented services are desirable.

Locating C-2 development with frontage along NM 304 and Rio Communities Blvd allows Rio Communities to capture existing traffic and stimulate local commerce.



## Rio Communities Business Park:

## Request 2: C-2 Zoning NM 304 Frontage - 39 acres

## **Example Uses**



Example Gas Station



Example Fast Food & Drive In



Medical Clinic | Albuquerque



**Example Retail Shopping Center** 

## Rio Communities Business Park: C-2 Zoning NM 47 Frontage

Request 3: C-2 Zoning Rio Communities / NM 47 Frontage - 24 acres

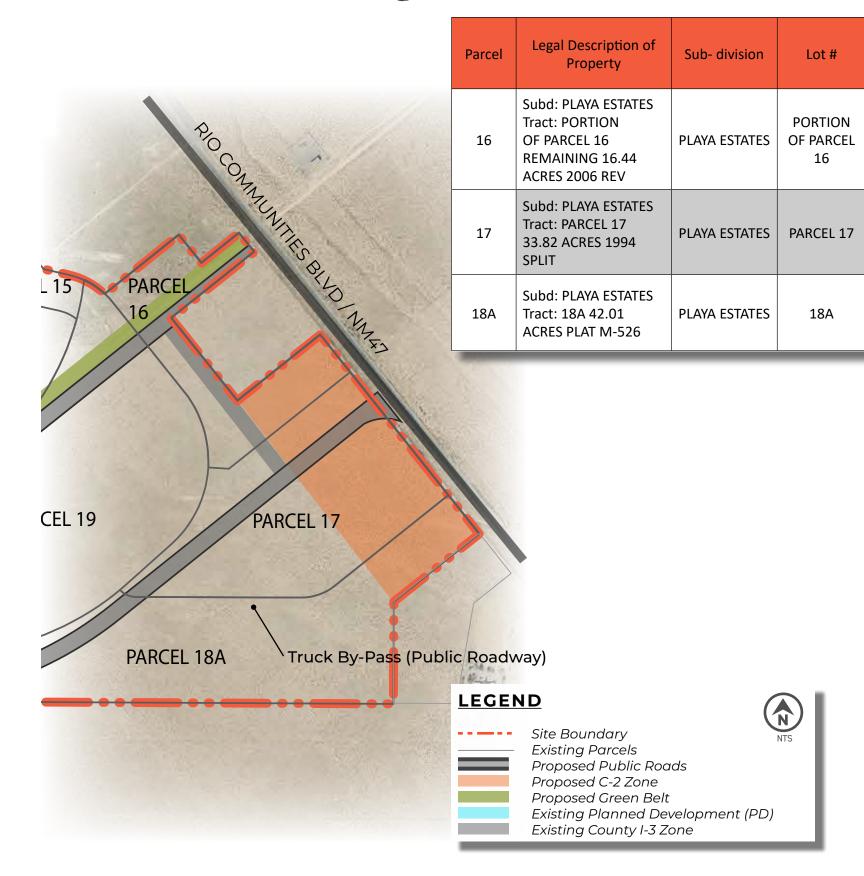
### **Example Uses**



**Example Church** 



**Example Warehouse Store** 



Requested

Zoning

Change

C-2

(4.56 acres)

C-2

(15.13 acres)

C-2

(4.71 acres)

Present

Zoning

PD

(3.03 acres

unchanged)

PD

PD

Rio Communities Business Park: PD Zoning

Planned Development +
Proposed Buffer
Examples



City of Irvine, CA | Multi-Use Trail



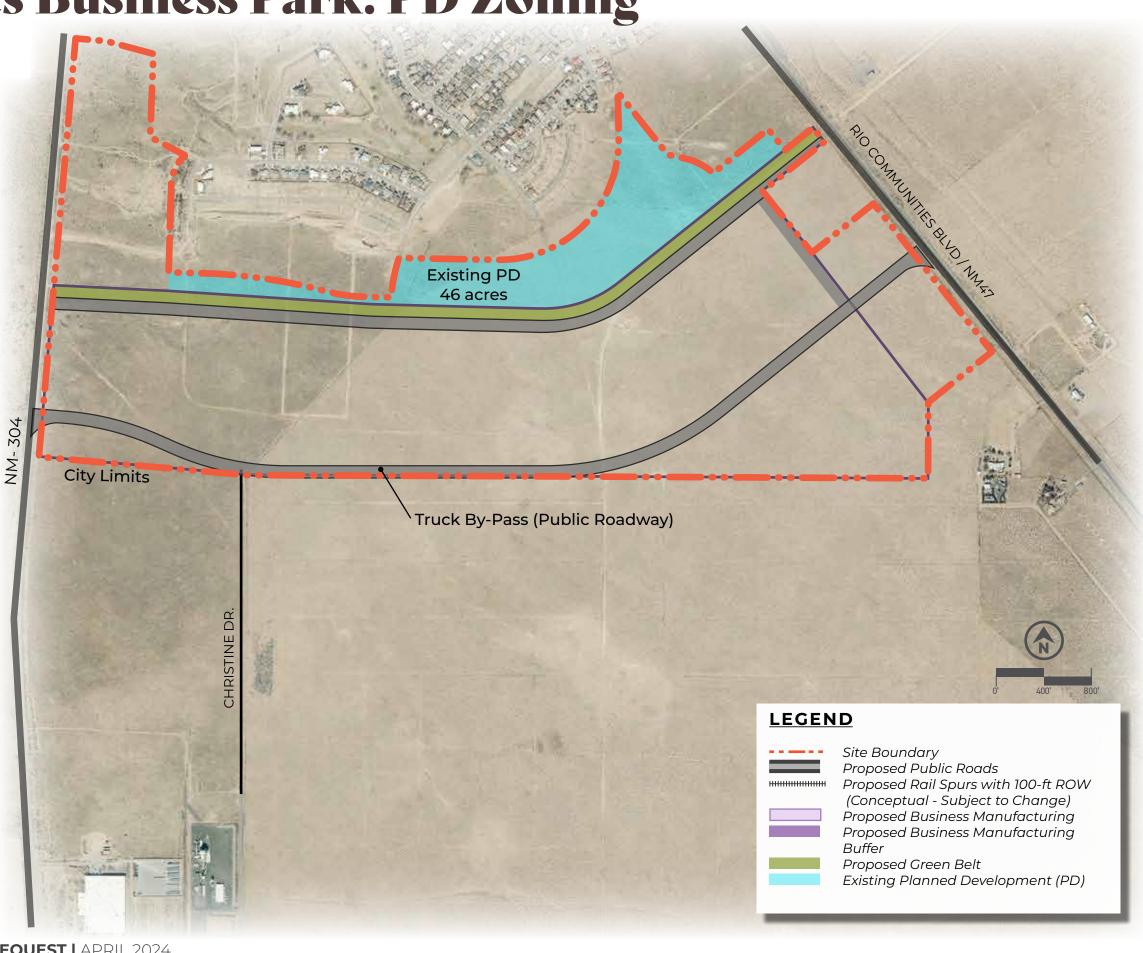
Albuquerque, NM | Multi-Use Trail



Single Family Residential Product Type



Zocalo Townhomes | Santa Fe, NM RIO COMMUNITIES BUSINESS PARK ZONING REQUEST | APRIL 2024



# Questions? Comments? Thank you!

### **B-M Permissive Uses**

All permitted uses in C-1 Development Zone All permitted uses in C-2 **Development Zone** All permitted uses in C-3 **Development Zone** Commercial or Trade School Concrete Sales and Ready Mix (Under 5 Yards) **Electrical or Mechanical Part & Equipment Assembly Fabrication Shops** Freight Warehouse & Dock Mining & Mineral Excavation--Office Only Packing of Food, Cosmetics, Pharmaceuticals, or Toiletry **Products** Processing and Compounding of Bakery Goods, Candy or Food **Products** Warehousing or wholesale Distribution of Goods, Metal Works, or Machine Products Rail Spur Usage for transport, storage for pending shipments, and delivery of product to manufacturing facilities

Manufacturing of Mobile Homes
Manufacturing of premade
building/house walls and roofs
Manufacturing of tools
Manufacturing of Electronic
Instruments
Manufacturing of electrical
devices
Manufacturing of Consumer

Goods not otherwise

prohibited by this ordinance (e.g., Appliances, Furniture, Garments, Engine Blocks, etc.) **Distribution Terminals** Government Facilities and Offices TV & Radio Broadcasting Facilities Wholesale Businesses Hotel/Motel Mortuary/Funeral Home/ Cemetery Farm Implement Sales and Repair **Amusement Enterprises** Temporary Stands (60 Day Temporary) Food Packaging Winery - all aspects of manufacturing/sales/ warehousing Wholesale Nursery **Veterinary Hospital** Municipal Water Supply/

Fruit/Vegetable/Nut processing

& packaging/warehousing/

Treatment

refrigeration

## C-2 Permissive Uses

Animal Hospital & Clinic **Apartments** Automobile Parking Lot Banks & Financial Institutions Boat Storage, Sales & Service Building Contractor (office only) **Christmas Tree Sales** Church Clothing & Apparel Shop Columbarium (Urn storage) Convention or Exhibition Hall Dance Hall or Music Academy Department Shop **Electrical Shop & Electricians** Fast Food & Drive-ins Frozen Food Locker Funeral Home or Mortuary Furniture & Home Furnishing Gas Stations Glass Cutting & Finishing Gymnasium Hospital or Overnight Clinic Hotel or Motel Home Appliance Sales & Service Home Appliance Repair **Insurance Services** Institutions (Public/Quasi-Public) Jewelry, Light Manufacturing Jewelry Store Laboratory (Medical, Dental, Research or Engineering) Law Office Lessons (art, music, dance, etc.) Liquor Store (Tavern/Package) **Lumber & Construction Medical Center** Microwave Radio Relay Structure **Motion Picture Theater** 

Motorcycle Sales & Service

Newspaper Nursing, Convalescent or Retirement Home Paint Sales Parking Garage Private Club or Lodge Pet Shop or Grooming Pharmacy Photographic Studio Physician's Office Playground & Recreation Pool & Billiard Room Printing & Publishing Radio & Television Broadcasting Studio **Recycling Center Retail Sales** Roofing & Sheet Metal Shop (office only) Show & Sales Room for Business **Products** Skating Rink Spa **Sporting Goods Store** Steam Cleaning **Tailoring Taverns & Cocktail Lounges** Tire Sales & Services Title & Abstracting Services **Travel Agency Upholstery Shop** Variety Store Warehouse & Store Watch & Clock Sales & Service

RIO COMMUNITIES BUSINESS PARK ZONING REQUEST | APRIL 2024