



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, November 16, 2023 4:00 PM
Agenda

Please silence all electronic devices.

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes

1. **Minutes for the Business Meeting (10/19/2023)**

Actions Items

2. **Discussion, Consideration, and Decision – For a public hearing of applicant Valencia County CAP Variance review**

Public Comment: The Commission will take public comments in written form via email through 2:45 PM on Thursday November 16, 2023 to info@riocommunities.net. These comments will be distributed to all Commissioners for review. ***If you wish to speak during the public comment session in person:*** The Commission will allow each member of the public three (3) minutes to address the Commission. Both the public and Planning & Zoning Commission will follow rules of decorum. Give your name and where you live. The public will direct comments to the Commission. Comment(s) will not be disruptive or derogatory.

The Commission will not take action or engage in discussion regarding the comments made or received, but when appropriate the matters raised may be referred to staff or others for further review. Both the public and Commission will follow rules of decorum. Derogatory Comments or matters under litigation will not be allowed and any person or persons addressing the Commission are liable for their own statements, not the Commission. Statements are limited to a maximum of 3 minutes duration. Please give your name and where you live for the record.

General Commission Discussion/Future Agenda Items

4. **Property Rezoning**

Adjourn

Please join us from the comfort and safety of your own home by entering the following link @
<https://www.facebook.com/riocommunities>

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.



City of Rio Communities Planning and Zoning Meeting

City Council Chambers - 360 Rio Communities Blvd

Rio Communities, NM 87002

Thursday, October 05, 2023, 4:00 PM

Minutes

Please silence all electronic devices.

Call to Order

Pledge of Allegiance

Roll Call

- PRESENT: Vice Chairman Scott Adair, Secretary Melodie Good, Commissioner Adelina Benavidez
- ABSENT: Commissioner Chad Good
 - Present: Deputy Clerk Lalena Aragon. Manager Dr. Moore

Approval of Agenda

Approval of Minutes for the Business Meeting (08/17/2023)

- Motion made by Secretary Good to approve the minutes for 08/17/23. Seconded by Commissioner Benavidez. With a unanimous vote the minutes for 08/17/23 were approved as written.

Presentations- Valencia County CAP Variance review

- Mr. Silva gave a presentation about a project for the Del Rio Senior Center. He went over the grant they got and the design to the Del Rio Center kitchen. Mr. Silva explained that they use the kitchen to make meals for the elderly and will have a delivery twice a week. He further explained that the reason why we are here we are requesting a variance due to the proposed construction limits which will be right up against the plat line and not with NM building code this variance will provide relief from the application of the setback requirements.
- Vice Chairman Adair asked about the deliveries twice a week and how they would get to the back.
- Mr. Silva said that they would come through the south end of the building.
- Manager Dr. Moore asked about the loading area.
- Mr. Silva answered currently there are vehicles that park there

Presentations- Verde Holdings INC / Patrick Krason

- Mr. Karson gave a presentation asking for a special use permit.
- Secretary Good asked where it was located.
- Mr. Karson Explained the location.
- Vice Chairman Adair asked is they needed a special use permit for growing.
- Mr. Karson said it will only be manufacturing and packaging no selling will be out of the building. He further explained that they will not be growing so no excess energy or water will be used.
- Vice Chairman Adair asked about a sprinkler system.
- Mr. Karson said there will not be a sprinkler, but the hood will meet the fire code.
- Vice Chairman Adair asked if this needed a special use permit.

- Dr. Moore answered that it qualifies under the cannabis ordinance it does ask for a special use permit.
- Vice Chairman Adair asked if they are going to approve this recommendation.
- Dr. Moore said let's take the information that he provided and go over it and have some recommendations at our next meeting.
- Commissioner Benavidez asked if they had NMDOT highway permit and driveway permit.
- Dr. Moore answered we don't know what the existing permit is.
- Vice Chairman Adair asked if it would be a good idea to have a site plan.
- Marty answered yes if we can get a site plan that shows where everything is sitting on the property.
- Mr. Karson said he submitted the side plan with the application already.
- Dr. Moore said the secondary question is we might need you to come back to us with something from the Department of Transportation for driveway access.
- Secretary Good said she would like to have staff prepare a council recommendation letter for us at the next meeting with the sight plan attached and questions answered so we can vote for a recommendation or denial.
- Dr. Moore said this is the first step and we will come back to the next Planning and Zoning meeting and the next step it goes to the city council where they will schedule a public hearing meeting for the special use permit and hear the application in front of Council.
- Commissioner Benavidez asked if property owners will be notified just like any other special use application that comes in.
- Dr. Moore said yes, they will when it goes in front of Council for the Public Hearing.

Actions Items

Discussion, Consideration, and Decision – Recommendation for applicant Verde Holdings requesting a special use permit for indoor cannabis grow and cannabis product manufacturing

- Dr. Moore suggested the commission look over the packet and bring it back to the next meeting.
- Motion made by Secretary Good to look over the packet and bring it back to the next meeting. Seconded by Commissioner Benavidez.
Voting Yea: Vice Chairman Adair, Secretary Good, Commissioner Benavidez.

Public Comment:

- No comments

General Commission Discussion/Future Agenda Items

- Secretary Good said that she would like some clarification about what role now because it has changed with our rules, and I am still seeing a lot of redundancy here we tried to streamline it by only having one public hearing with Council I just don't understand why we have to come twice.
- Dr. Moore explained the way the planning and zoning process is set up in the state of New Mexico is that they are looking to you to see if the application has been scrutinized and if there are concerns that you have to be passed on to them you are the eyes and ears to pick up on what

is right of wrong. They are looking for recommendations from you with recommendations or recommendations with conditions or denial.

- Vice Chairman Adair asked if we get a request for rezoning.
- Dr. Moore explained the way it works is that if someone is coming forward with information that is going to be discussed with you as a body the information needs to be provided as part of a packet.

Adjourn

- Motion made by Secretary Good to adjourn. Seconded by Commissioner Benavidez. With a unanimous vote the meeting was adjourned at 4:55pm.

Respectfully submitted,

Lalena Aragon, Deputy Clerk
(Taken and transcribed by Lalena Aragon, Deputy Clerk)

Date: _____

Approved:

Vacant

Scott Adair, Vice Chairman

Melodie Good, Secretary

Adelina (Lina) Benavidez, Commissioner

Chad Good, Commissioner

Application for Zoning Variance City of Rio Communities, NM

Instructions

This application form is required to initiate a Variance from the strict application of area, height, dimension, distance, setback, or off-street parking requirements of the Zoning Ordinance of the City of Rio Communities (Chapter 4 of Municipal Code). This form must be completed and submitted with the required administrative fee with six copies of required attachments to the Municipal Clerk. A Variance may be granted by the City Planning and Zoning Commission at a regularly scheduled meeting following receipt of the completed application.

Applicant Information

Applicant Name: Valencia County Older American Program (OAP)
 Mailing Address: 444 Luna Ave, Los Lunas, NM 87031
 Phone Number: c/o Melissa Jaramillo, Community Development Dir.
505-866-2072 / 505-907-0548

Property Information

Parcel ID#: 1009027460338000000
 Physical Address and Legal Description: Tract: BIBS: 21T: 5NR: 2E .4963 acre
1995 split (Multipurpose Center) - NW Corner
of existing Del Rio Senior Center

General Information

Type of Variance (check as appropriate):

- Area Height Dimension Setback
 Off-Street Parking

Location of property that is subject of the request (physical address and legal description):

351 Rio Communities Way, Belen, NM 87062
Legal Description: SEE ABOVE

Current zoning and present use of the property:

Current zoning = C2 Use = Senior Center

Required Attachments

1. A written statement explaining the reason for the request including the exceptional conditions that would justify a variance from the zoning regulations.
2. An accurate sketch plan (to scale) showing relevant structures, property lines, and dimensional measurements of the subjected property and contiguous properties.

Signature of Applicant:  Date: 9/21/23

Application Received By: _____ Date: _____

Action Taken: _____ Effective Date: _____

(1) A written statement explaining the reason for the request including the exceptional conditions that would justify a variance from the zoning regulations.

The Valencia County Older American Program (OAP) serves Seniors in Valencia County, Belen, Rio Communities, Los Lunas, Meadow Lake, and Bosque Farms. Over 600 meals are prepared daily at the Belen Senior Center, then disseminated to the other four (4) centers and served in a congregate setting. Some meals are home delivered to Seniors who are not mobile.

The Del Rio Senior Center in Rio Communities has been selected as the contingency site and kitchen for the program. Funding through grants has been acquired to renovate the Del Rio Center. This renovation is mainly for an expansion of the kitchen with ample space, equipment, ventilation and plumbing that would provide the necessary space to run the operation. With the program growing at the rate it is, Valencia County will need another main kitchen in order to properly function. This expansion and construction would allow for that. In the event the Belen Senior Center is not able to operate it would result in an interruption of services and hardship for our seniors.

In an effort to construct and equip the newly renovated Del Rio Center kitchen, a new walk-in square foot Fridge/Freezer Combo unit will need to be installed and a space constructed on the Northwest Corner of the existing Del Rio Senior Center.

The County respectfully requests a variance due to the proposed construction limits which will be right up against the plat line and not with the NM Building Code and will not have the necessary clearance from the plat line. This variance would provide relief from the application of the setback requirements. Without a new walk-in Fridge/Freezer Combo unit and this constructed space, it would result in unnecessary hardship in the use of the upgraded kitchen.

This requested variance would not adversely affect adjoining properties, impair established property values or endanger public safety. This addition would allow for law enforcement and/or first responders to access the area in the event of an emergency.

Additionally, this requested variance will not change the use of a structure or property that is not otherwise permitted by right or by conditional or special use within the zone where the structure or property is located. Additionally, this addition will not impede the other uses on the site.

Upon completion, the kitchen at the Del Rio Senior Center in Rio Communities will now have the operating capacity to prepare and distribute food. This will ultimately require food to be delivered at least twice per week by Shamrock Foods on the west side of the facility near the entrance door to be installed. The interior of the facility will have minor reconfiguring of physical space in order to achieve the square footage needed to install the equipment so it can be established as a full serve kitchen.

COUNTY OF VALENCIA

VENDOR: 11808 CITY OF RIO COMMUNITIES

10/19/2023

Check #: 158921

DATE ID

DESCRIPTION

AMOUNT

10/18/2023 INV00152

Grants - OAP - Zoning Variance Request - Del Rio

75.00

DOCUMENT IS PRINTED ON CHEMICALLY REACTIVE PAPER - THE BACK OF THIS DOCUMENT INCLUDES A TAMPER EVIDENT CHEMICAL WASH WARNING BOX



COUNTY OF VALENCIA

P.O. BOX 939
LOS LUNAS, NEW MEXICO 87031

PRIMARY APBNK

merly Bank of the West through :

P. O. Box 939
LOS LUNAS, NM 87031

Check #: 158921

DATE
10/19/2023

PAY THIS AMOUNT
\$75.00

VOID ONE YEAR AFTER DATE

PAY ---Seventy Five Dollars and 00/100 Cents---

TO THE
ORDER
OF

CITY OF RIO COMMUNITIES
PO BOX 565
RIO COMMUNITIES, NM 87002

[Handwritten Signature]
[Handwritten Signature]

Two Signatures Required



|| [Barcode]