



**Planning and Zoning Board
Meeting
City of Rio Rancho
AGENDA
February 27, 2024
6:00 PM
City Hall**

BOARD MEMBERS

Scottie Richardson, District 1, Vice-Chair	VACANT, District 5
Kevin Kofchur, District 2	Lisa Hardisty, District 6
Fred Radosevich, District 3, Chair	Sal Tortorici, At-Large
Robert Gabaldon, District 4	

MEETING INFORMATION

This meeting will be conducted in-person and virtually, as well as, streamed live on the City of Rio Rancho website at <https://rrnm.gov/2303/Watch-and-Download-City-Meetings>.

Join by Computer: <https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>

Meeting ID: 851 8074 1871

Passcode: 026819

Pursuant to the Rules of Procedure, any person wishing to address the Board related to an item listed under Public Hearings or Discussion and Deliberation, shall register in person with the designated City staff person. No more than two (2) hours in total will be allotted for comments pertaining to a specific agenda item at any meeting. A majority vote of the Board members present may approve to extend the total amount of time allotted for public input related to a specific agenda item at a meeting.

Public input can be submitted in writing to the designated City staff person prior to the date of the meeting in which the item is scheduled to be heard; however, only public input received before 4 p.m. on the day of the meeting will be entered into the record prior to the meeting.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

There will be no discussion of these items unless a Board Member so requests, in which event the item will be moved to a discussion item on the regular agenda.

1. [February 13, 2024 Planning and Zoning Board Meeting Minutes 2024-0213_PZB_Minutes_BMB.docx](#)

STAFF PRESENTATIONS, REPORTS AND COMMENTS

PUBLIC HEARINGS

Pursuant to the Rules of Procedure, all aggrieved persons, and materially relevant witnesses sponsored by such interested persons, wishing to address the Board shall register in person or via specified communications technology/equipment with the City staff person.

- 2. Vacation of Plat.** The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of vacation of a portion of right-of-way for Loma Colorado Blvd NE. Staff Contact is Tim Dvorak and staff recommends approval with findings and conditions.
Zoning, Location
Application
Site Plan - Vacation Area Identified.pdf
Exhibit A: Approximate ROW Vacation
Filed Summary Plat
Reproduction of Notices, Legal
Termination_and_Statement_of_Vacation_of_Public_Right_PZB_BMB AR.docx
- 3. Variance.** The applicant, Trevor Reed (Casual Cannabis, LLC), through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from residentially zoned property and public facilities for a retail cannabis establishment. The proposed retail cannabis establishment is physically located at 2220 Grande Blvd SE Suite C. Staff contact is Chris Benson and staff recommends denial with findings.
Location/Zone Map
Application
Justification Letter
Natural RX Purchase Agreement
Applicant Site Plan 1
Applicant Site Plan 2
Letter of Authorization
State of NM Cannabis License
Distance to Public Facility (Haynes Park)
Distance to Residentially Zoned Properties
Legal Ad Proof
CoRR Parks, Recreation, and Community Service Comments
Noticed Properties Map
Notice Letter
Notice Postcard
Public Comment 1 (Samantha Lackey)
Public Comment 3 - Roger Nagel
Public Comment 4 - Fucheng Wang
Findings of Fact
Public Comment 2 - Roy Benson
- 4. Conditional Use Permit.** The applicant, Metal Dog Iron Works LLC, is requesting approval of a Conditional Use Permit for light manufacturing at the subject property legally described as Rose, Block 1, Lot 4; located at 1550 Stephanie Rd SE. Staff contact is Liz Ruiz Carlos and staff recommends approval with findings and conditions.
Location, Zoning Map.pdf
Application.pdf
Letter of Authorization.pdf
Justification Letter.pdf
Hours of Operation.pdf
Site Plan.pdf
Reproduction of Notices.pdf
Public Comment #1.pdf
24-120-00002 - Findings of Fact.docx

- 5. Zone Map Amendment.** The applicants, Katrina, Ltd., through their agent, Jason Hall, request a Zone Map Amendment from C-2: Wholesale and Warehousing Commercial District and R-6: Multi-Family Residential District split zone to C-2 for the property located at 4135 Jackie Rd SE, legally described as Corrales South, Block H, Lot 14A1. Staff contact is Michelle Costilla and staff recommends the Planning and Zoning Board recommend approval to the Governing Body.

Zoning, Location.pdf

Authorization.pdf

Justification .pdf

Reproduction of Notices.pdf

Draft_Ordinance_BMB.doc

DISCUSSION AND DELIBERATION

COMMENTS BY MEMBERS

PUBLIC FORUM

Any person wishing to address a board, commission, committee, or advisory body related to a non-agenda item shall register in person with the applicable City staff person. No more than two (2) hours in total will be allotted for public forum comments at any meeting. A majority vote of the board, commission, committee, or advisory body members present may approve to extend the total amount of time allotted for public forum at a meeting.

ADJOURNMENT



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:

February 27, 2024

DEPARTMENT:

Development Services

SUBJECT:

February 13, 2024 Planning and Zoning Board Meeting Minutes

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

Approval

ATTACHMENT: [2024-0213_PZB_Minutes_BMB.docx](#)



Planning and Zoning Board
of the
City of Rio Rancho

MINUTES

FEBRUARY 13, 2024
6:00 PM
Council Chambers, City Hall

MEMBERS PRESENT:

Scottie Richardson, District 1, Vice-Chair (*Virtual*)
Kevin Kofchur, District 2
Fred Radosevich, District 3, Chair
Robert Gabaldon, District 4
Lisa Hardisty, District 6
Sal Tortorici, At-Large

MEMBERS ABSENT:

VACANT, District 5

STAFF PRESENT:

Amy Rincon, Development Services Director
Brian Babyak, Planning & Zoning Manager
Tim Dvorak, Planner II
Liz Ruiz Carlos, Planner II
Michelle Costilla, Planner II
Chris Benson, Planner II

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Radosevich called the meeting to order at 6:00 PM.

CONSENT CALENDAR

1) January 23, 2024 Planning and Zoning Board Meeting Minutes

Robert Gabaldon moved to approve the Consent Calendar. Seconded by Sal Tortorici.

The motion carried by a vote of **6 FOR** and **0 AGAINST**

YES: Scottie Richardson, Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Lisa Hardisty, Sal Tortorici

NO: (None)

STAFF PRESENTATIONS, REPORTS AND COMMENTS

2) Planning and Zoning Monthly Summary Plat Report – JANUARY 2024

3) Planning and Zoning Monthly Building Activity Report – JANUARY 2024

PUBLIC HEARINGS

4) The applicant, Trevor Reed (Casual Cannabis, LLC), through his agent, Corey Rivas, requested approval of a variance to the 300-foot distance requirements from residentially zoned property and public facilities for a retail cannabis establishment.

Staff member, Chris Benson recommended postponement to the date certain of February 27, 2024, and stood for questions.

Kevin Kofchur moved to postpone Item #4 to a date certain of February 27, 2024. Seconded by Sal Tortorici.

The motion carried by a vote of **6 FOR** and **0 AGAINST**

YES: Scottie Richardson, Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Lisa Hardisty, Sal Tortorici

NO: (None)

1 5) The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design,
2 requested approval of vacation of a portion of right-of-way for Loma Colorado Blvd NE.

3
4 Staff member, Tim Dvorak recommended postponement to the date certain of February 27, 2024, and
5 stood for questions.

6
7 Robert Gabaldon moved to postpone Item #5 to a date certain of February 27, 2024. Seconded
8 by Kevin Kofchur.

9 The motion carried by a vote of **5 FOR, 0 AGAINST** and **1 ABSTENTION**

10 **YES:** Scottie Richardson, Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Sal Tortorici

11 **NO:** (None)

12 **ABSTAINED:** Lisa Hardisty

13
14 6) The applicant, Clenera Renewable Energy, through their agent, RES Transmission and Distribution,
15 requested approval of a variance to allow for a 14 ft tall and a 16 ft tall CMU block wall on the property
16 legally described as LQR, Tract 2A-1.

17
18 Staff member, Brian Babyak presented the item, recommending approval with findings and conditions,
19 and stood for questions.

20
21 Commissioner Gabaldon commented it seemed reasonable given the security risks.

22
23 Lisa Hardisty moved to approve Item #6. Seconded by Sal Tortorici.

24 The motion carried by a vote of **6 FOR** and **0 AGAINST**

25 **YES:** Scottie Richardson, Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Lisa Hardisty, Sal
26 Tortorici

27 **NO:** (None)

28
29 7) The applicant, El Patron Tire Shop LLC, through their agent, Jorge Escobedo, requested approval of a
30 Conditional Use Permit to allow for automotive sales at the subject property legally described as Rio
31 Rancho Estates Unit 16, Block P, Lot 1.

32
33 Staff member, Chris Benson presented the item, recommending denial with findings and conditions,
34 and stood for questions.

35
36 Sal Tortorici moved to approve Item #7. Seconded by Robert Gabaldon.

37
38 Staff member, Chris Benson clarified Commissioner Tortorici's question regarding deficient parking
39 spaces. Commissioner Kofchur suggested postponing to a later date to allow time to edit the site plan.
40 Commissioner Gabaldon further suggested the use of employee parking to satisfy the parking
41 deficiencies.

42
43 Applicant representative, Alyssa Hamilton affirmed Chairman Radosevich's suggestion to postpone the
44 item, after being administered the oath virtually.

45
46 Sal Tortorici moved to amend his motion to postpone Item #7 to a date certain of March 12, 2024.
47 Seconded by Robert Gabaldon.

48 The motion carried by a vote of **6 FOR** and **0 AGAINST**

49 **YES:** Scottie Richardson, Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Lisa Hardisty, Sal
50 Tortorici

51 **NO:** (None)

52
53 Commissioner Lisa Hardisty recused herself prior to the commencement of Item #8 due to a business
54 relationship with an individual who has a financial interest in the project.

1 8) The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design,
2 requested approval of a Zone Map Amendment to add Restaurants, Bars, Lounges, Coffee/Tea
3 Rooms, Delicatessens, & Patio/AI Fresco Dining Facilities as a permissive use to the SU: Special Use
4 for Educational, Recreational, and Cultural Uses Zoning Designation, for the property legally described
5 as Loma Colorado, Tract P -1C-B.

6
7 Staff member, Tim Dvorak presented the item, recommending approval to the Governing Body and
8 stood for questions.

9
10 Agent, Kristina Yu spoke on the item, and stood for questions.

11
12 Member of the public, Daniel McCabe expressed his concern regarding the distribution of alcohol at
13 that location with the proximity to Legacy church-owned land.

14
15 Development Services Director, Amy Rincon confirmed Commissioner Tortorici's explanation regarding
16 Governing Body's approval process for a separate alcohol license and this item is for the site plan only.

17
18 Chairman Radosevich, Commissioner Tortorici and Commissioner Kofchur expressed their approval
19 with the project, and it's benefits to the city.

20
21 Robert Gabaldon moved to approve Item #8. Seconded by Kevin Kofchur.

22 The motion carried by a vote of **5 FOR** and **0 AGAINST**

23 **YES:** Scottie Richardson, Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Sal Tortorici

24 **NO:** (None)

25
26 **DISCUSSION AND DELIBERATION**

27
28 **COMMENTS BY BOARD MEMBERS**

29
30 **PUBLIC FORUM**

31
32 **ADJOURNMENT**

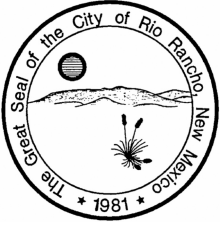
33
34 Sal Tortorici moved to adjourn the meeting. Seconded by Kevin Kofchur.

35 Chairman Radosevich adjourned the meeting at 6:33 PM.

36
37 **APPROVED THIS 27th DAY OF FEBRUARY 2024.**

38
39
40
41

Fred Radosevich, Chairman



CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-230-
00001**

AGENDA DATE:
February 27, 2024

DEPARTMENT:
Development Services

SUBJECT:
Vacation of Plat. The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of vacation of a portion of right-of-way for Loma Colorado Blvd NE. Staff Contact is Tim Dvorak and staff recommends approval with findings and conditions.

BACKGROUND AND ANALYSIS:

The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of vacation of a portion of right-of-way for Loma Colorado Blvd NE.

This request is being heard in conjunction with Case 24-100-00001: a zone map amendment request for the property of 821 Loma Colorado Blvd NE to add the permissive uses of Restaurants, Bars, Lounges, Coffee Houses/Tearooms, Delicatessens, and Patio/Al Fresco Dining Facilities to the existing SU: Special Use for Educational, Recreational, and Cultural Uses Zoning Designation. This zone map amendment would allow for a proposed restaurant and bar on the subject property of 821 Loma Colorado Blvd NE. The Zone Map Amendment request was heard and approved by the Planning and Zoning Board on February 13, 2024, and heard by the Governing Body on February 22, 2024.

This request was scheduled to be heard at the February 13, 2024 Planning and Zoning Board meeting, but was postponed to allow staff to meet all notification requirements. All notification requirements have now been met.

The Rio Rancho Municipal Code requires "an authorized representative of this utility involved (having utilities installed within the right-of-way) agrees in writing to have the rights vacated." The City of Rio Rancho has not received such written agreement however recommends Condition 2 of the approval requiring signature by affected utilities on a plat necessary to finalize this ROW vacation.

The subject area of vacation is being requested by the applicant and will be deeded to the City of Rio Rancho, to be incorporated into the existing tract: Loma Colorado, Tract P-1C-A, as the City is the property owner of the adjacent property. This vacated right-of-way will allow for additional parking spaces for the McDermott Athletic Center and the Center expansion on the property of 821 Loma Colorado Blvd NE.

Approximately 22 proposed parking spaces are currently within the right-of-way area. All parking spaces in this area, denoted by notes 20 and 21 on the site plan, are proposed to be base course. The area of the right-of-way to be vacated consists of approximately 10,029.9 square feet, or

approximately 0.23 acres. These parking spaces affected are part of the required parking for the proposed expansion; in total, the applicant has provided for 19 asphalt parking spaces on the property of 821 Loma Colorado Blvd NE, and 81 additional parking spaces (16 asphalt, 65 base course) on the property of 801 Loma Colorado Blvd NE.

In their vacation of right-of-way request, the applicant states, "Property is currently vacant with no intended uses for the future. Placing it under the lease agreement will allow for local businesses to utilize the space for parking."

CONFORMANCE WITH CITY PLANS, POLICIES AND REGULATIONS:

Rio Rancho Code of Ordinances Section 155.29 Vacation of Plat (B)(2)(c) states: "In considering the vacation of all or part of a public right-of-way, the Planning Board shall determine whether or not the vacation will adversely affect the interests of persons owning contiguous land or land within the subdivision being vacated."

FINDING: The criteria is satisfied.

155.29 (B)(3) states: "The rights-of-way of any public or private utility, including drainage, existing prior to the vacation, total or partial, of any plat are not affected by the vacation of a plat unless an authorized representative of the utility involved agrees in writing to have the rights vacated."

FINDING: This criteria may be satisfied by approval of a plat that formalizes the location of the right-of-way being vacated and establishes the public utility easements (PUE) and restrictions.

NOTIFICATIONS:

Letters were mailed out to the utility companies and property owners with contiguous property to provide notice of the proposed vacation of right-of-way. A legal ad was placed in the January 29, 2024 edition of the Albuquerque Journal.

REVIEWER COMMENTS:

DSD Engineering	No adverse comments.
City of Rio Rancho Fire & Rescue	Comments attached.
City of Rio Rancho Police	No comments received.
SSCAFCA	No adverse comments.
MRCOG MRMPO	No comments received
City of Rio Rancho Parks, Recreation, and Community Services	Comments attached.
Centurylink	No comments received.
PNM	No comments received.
Comcast Xfinity	No comments received.
NM Gas Co.	No comments received.
Sparklight	No comments received.

IMPACT:

The Development Services Department recommends the Planning and Zoning Board approve vacation of right-of-way case no. 24-230-00001 subject to the following findings of fact and conditions of approval:

General Findings of Fact:

1. The Planning and Zoning Board has jurisdiction over the applicant's request for approval of the vacation of right-of-way.
2. The Applicant has the authority to apply for the vacation of right-of-way.

Specific Findings of Fact and Conditions of Approval:

1. The vacation of right-of-way complies with the Rio Rancho Code of Ordinances, Chapter 155.
2. A plat displaying the vacated right-of-way will need to be submitted for review and approval by the City of Rio Rancho, and public utilities. This plat shall also include a public utility easement and restrictions approved by the City of Rio Rancho and public utilities.
3. The required "Termination and State of Vacation of Public Right-of-Way" to be signed after the public utilities review and approve the vacation plat. The document will be authorized to be recorded, by the Board Chair following approval by the City Attorney.

ALTERNATIVES:

1. Approve the vacation plat with staff recommendations and conditions.
2. Approve the vacation plat with amendments to recommendations and/or conditions.
3. Deny the vacation plat.
4. Postpone the item and continue the public hearing for the vacation plat in order to further review.

DEPARTMENT RECOMMENDATION:

The Development Services Department recommends approval with findings and conditions.

ATTACHMENT: [Zoning, Location](#)

ATTACHMENT: [Application](#)

ATTACHMENT: [Site Plan - Vacation Area Identified.pdf](#)

ATTACHMENT: [Exhibit A: Approximate ROW Vacation](#)

ATTACHMENT: [Filed Summary Plat](#)

ATTACHMENT: [Reproduction of Notices, Legal](#)

ATTACHMENT: [Termination_and_Statement_of_Vacation_of_Public_Right_PZB_BMB AR.docx](#)

821 LOMA COLORADO BLVD NE ZONE MAP AMENDMENT & RIGHT-OF-WAY VACATION



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. This map is not a survey and should be used for graphical purposes only.



Map Created by Tim Dvorak on 1/26/2024

0 65 130 260 390 520 Feet



	Subject Property
	Noticed Abutting Properties
	Roads
Zoning	
	R-1
	SU





Vicinity Map

Notes

- FIELD SURVEY PERFORMED IN AUGUST 2016, JULY 2021, AND SUPPLEMENTAL DATA IN FEBRUARY 2023.
- ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
- THE PARCELS SHOWN HEREON ARE LOCATED IN PROJECTED 18, TOWNSHIP 12 NORTH, RANGE 3 EAST, N.M.P.M. AS PROJECTED INTO THE TOWN OF ALAMEDA GRANT.
- THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
- SUBDIVISION DATA

NUMBER OF LOTS REPLATTED:	1
NUMBER OF LOTS CREATED:	2
MILES OF ROAD CREATED:	0
ACREAGE IN ROADS:	0
ACREAGE DEDICATED BY THIS PLAT	0
TOTAL PLATTED ACREAGE:	8.8515 ACRES
- THE COORDINATES SHOWN HEREON ARE MODIFIED NEW MEXICO STATE PLANE COORDINATES (NAD 83-GROUND-CENTRAL ZONE), USING A GROUND TO GRID FACTOR OF 0.999659795, WITH AN ORIGIN OF (0,0).

Purpose of Plat

- SUBDIVIDE AS SHOWN HEREON.
- GRANT EASEMENTS AS SHOWN HEREON.

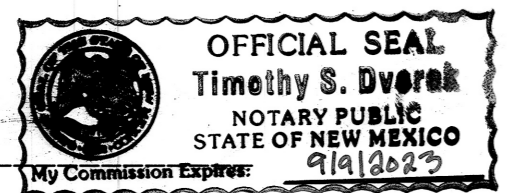
Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF. EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E.. SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

Gregory Hull May 2 2023
 GREGGORY HULL, MAYOR
 CITY OF RIO RANCHO DATE

STATE OF NEW MEXICO }
 COUNTY OF } SS
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON May 2, 2023
 BY: GREGGORY HULL, MAYOR, CITY OF RIO RANCHO

By: *Timothy S. Dvork*
 NOTARY PUBLIC
 MY COMMISSION EXPIRES 9/9/2023



Indexing Information

Section 18, Township 12 North, Range 3 East, N.M.P.M.
 as Projected into the Town of Alameda Grant
 Subdivision: Loma Colorado
 Owner: City of Rio Rancho
 UPC # 1-013-070-371-399

Documents

- TITLE COMMITMENT PROVIDED BY OLD REPUBLIC NATIONAL, HAVING FILE NO. 1602958 AND AN EFFECTIVE DATE OF APRIL 29, 2016.
- PLAT FOR P-1C, LOMA COLORADO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON FEBRUARY 27, 1997, IN VOLUME 3, FOLIO. 1584B (RRE BK. 9, PG. 114-122A).
- PLAT FOR 12D-1, 12E1-A AND 12E2-A, LOMA COLORADO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON JULY 21, 2008, IN VOLUME 3, FOLIO 2945-A (RRE BK. 22, PG. 39A AND 39B).
- QUITCLAIM DEED FOR SUBJECT PROPERTY FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE ON MARCH 12, 1997, IN VOL. 400, FOL. 23059, DOC. NO. 5067.

Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
- New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- Qwest Corporation d/b/a Centurylink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- Sparklight for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.
- City of Rio Rancho Utilities (water and sanitary sewer) for installation, maintenance, and services of lines and other equipment and facilities reasonably necessary to provide services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat. Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

Disclaimer

In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

Public Approvals

DEVELOPMENT SERVICES DEPARTMENT
 APPROVED THE 2nd DAY OF May, 2023
 BY: *J. N.*
 DIRECTOR

CITY CLERK'S CERTIFICATE:

I, *Rebecca A. Martinez*, CITY CLERK OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON WAS APPROVED ADMINISTRATIVELY BY THE CITY OF RIO RANCHO DEVELOPMENT SERVICES DEPARTMENT ON THE 2nd DAY OF May, 2023

BY: *Rebecca A. Martinez*
 CITY CLERK

TREASURER'S CERTIFICATE: R149900

I, *Jennifer A. Taylor*, TREASURER OF SANDOVAL COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE PREVIOUS TEN (10) YEARS PROPERTY TAXES HAVE BEEN PAID IN FULL.

Jennifer A. Taylor 5/9/23
 SANDOVAL COUNTY TREASURER DATE

Filing Information

STATE OF NEW MEXICO }
 COUNTY OF SANDOVAL } SS

THIS INSTRUMENT WAS FILED FOR RECORD ON 2:46 AM PM May 10, 2023
 RECORDED IN VOLUME 3, OF RECORDS OF SAID
 COUNTY, FOLIO 5046

BY: *Monica Archibueque*
 DEPUTY

Summary Plat for Tracts P-1C-A and P-1C-B

Loma Colorado
 Being Comprised of
 Tract P-1C

Loma Colorado
 City of Rio Rancho
 Sandoval County, New Mexico
 March 2023

Plat Approvals

THE UTILITY COMPANY SIGNATURES SHOWN HEREON ARE BY AUTHORIZED COMPANY REPRESENTATIVES.

Dan 5/1/2023
 CITY OF RIO RANCHO
Natalia Antonio
 Natalia Antonio (Apr 10, 2023 14:39 MDT) Apr 10, 2023
 QWEST CORPORATION D/B/A CENTURYLINK QC
RJA
 Apr 11, 2023
 PNM ELECTRIC
Pamela C. Stone
 Pamela C. Stone (Apr 28, 2023 13:43 MDT) Apr 28, 2023
 NEW MEXICO GAS COMPANY
Anthony Lovato
 Anthony Lovato (Apr 19, 2023 09:36 MDT) Apr 19, 2023
 SPARKLIGHT

Legal Description

TRACT P-1C OF LOMA COLORADO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON FEBRUARY 27, 1997, IN VOLUME 3, FOLIO 1584B.

Jurisdiction Certification

I, BRIAN J. MARTINEZ, A NEW MEXICO REGISTERED, PROFESSIONAL, LAND SURVEYOR DO HEREBY AFFIRM THAT THE PROPERTY DESCRIBED DOES LIE WITHIN THE PLATTING AND SUBDIVISION JURISDICTION OF THE CITY OF RIO RANCHO, NEW MEXICO.

B. J. Martinez 4/28/23
 BRIAN J. MARTINEZ DATE
 N.M.R.P.S. No. 18374



Surveyor's Certificate

I, BRIAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY SUPERVISION, AND MEETS THE MINIMUM REQUIREMENTS OF MONUMENTATION AND SURVEYS FOR THE CITY OF RIO RANCHO SUBDIVISION ORDINANCE CHAPTER 155, AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

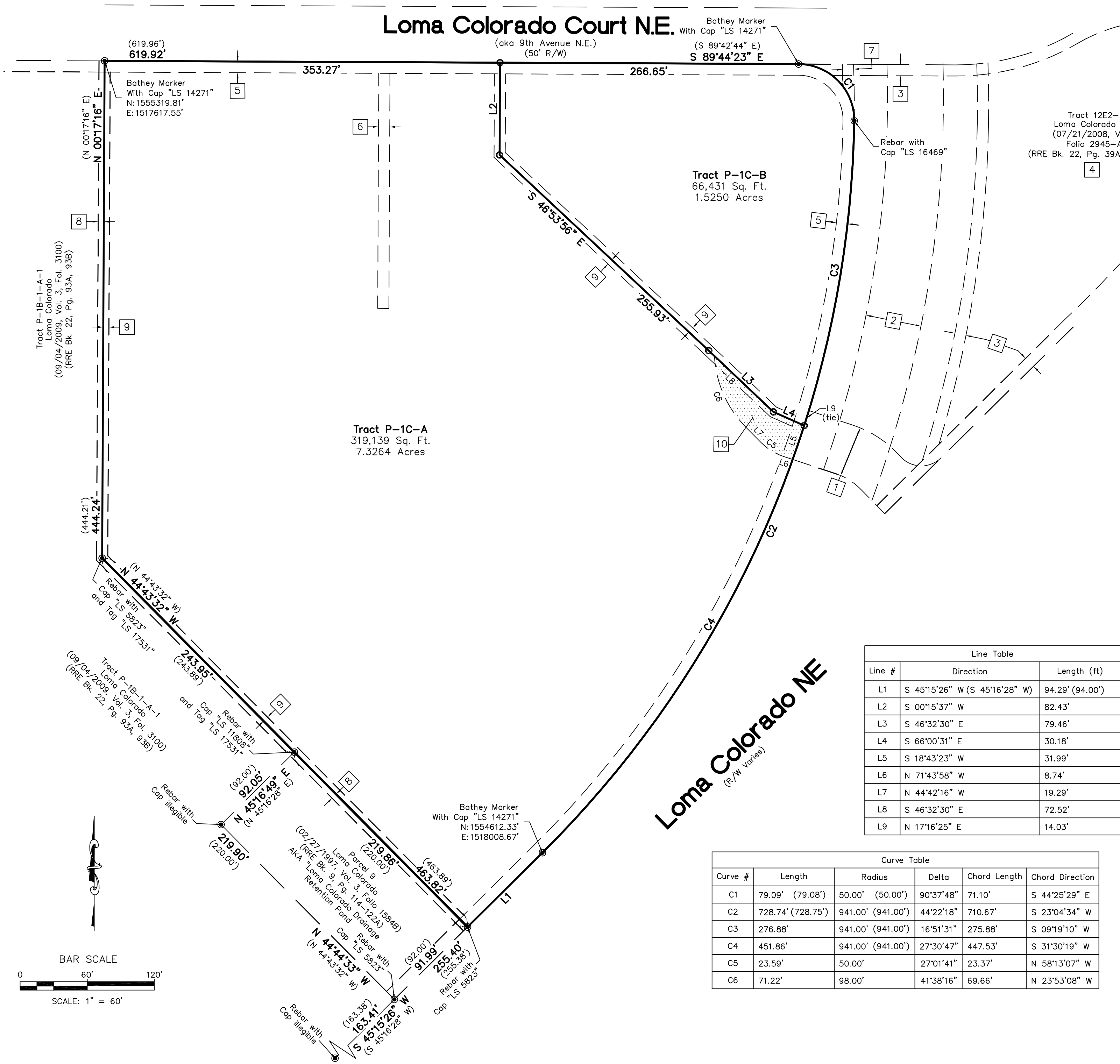
B. J. Martinez 4/28/23
 BRIAN J. MARTINEZ DATE
 N.M.R.P.S. No. 18374



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
 Phone (505) 896-3050 Fax (505) 891-0244
 cartesianbrian@gmail.com

Summary Plat for
**Tracts P-1C-A
 and P-1C-B**
Loma Colorado
 Being Comprised of
Tract P-1C
Loma Colorado
 City of Rio Rancho
 Sandoval County, New Mexico
 March 2023



Easement Notes

- 1 EXISTING PRIVATE ACCESS EASEMENT BENEFITING TRACT P-1C (7/21/2008, VOL. 3, FOL. 2945-A) (RRE BK. 22, PG. 39A AND 39B)
- 2 EXISTING 50' PUBLIC WATER AND SANITARY SEWER EASEMENT (7/21/2008, VOL. 3, FOL. 2945-A) (RRE BK. 22, PG. 39A AND 39B)
- 3 EXISTING 10' P.U.E. (7/21/2008, VOL. 3, FOL. 2945-A) (RRE BK. 22, PG. 39A AND 39B)
- 4 EXISTING PRIVATE DRAINAGE EASEMENT (7/21/2008, VOL. 3, FOL. 2945-A) (RRE BK. 22, PG. 39A AND 39B)
- 5 EXISTING 10' P.U.E. (2/27/1997, VOL. 3, FOL. 1584B) (RRE BK. 9, PG. 114-122A)
- 6 EXISTING 10' PNM AND US WEST COMMUNICATIONS, INC. EASEMENT, SCALED FROM DOCUMENT (7/30/1996, BK. MISC. 354, PG. 390-391, DOC. NO. 3827)
- 7 EXISTING 10' P.U.E. (12/7/2006, VOL. 3, FOL. 2744A) (RRE BK. 20, PG. 22-27)
- 8 EXISTING 5' P.U.E. (2/13/2009, VOL. 3, FOL. 2995B) (RRE BK. 22, PG. 85A, 85B AND 85C)
- 9 5' P.U.E. GRANTED WITH THE FILING OF THIS PLAT
- 10 PRIVATE ACCESS EASEMENT BENEFITING TRACTS P-1C-A AND P-1C-B GRANTED WITH THE FILING OF THIS PLAT. TO BE MAINTAINED BY THE OWNERS OF SAID TRACTS. SHOWN HEREON AS [Symbol]

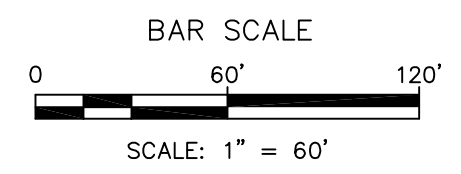
Line Table		
Line #	Direction	Length (ft)
L1	S 45°15'26" W (S 45°16'28" W)	94.29' (94.00')
L2	S 00°15'37" W	82.43'
L3	S 46°32'30" E	79.46'
L4	S 66°00'31" E	30.18'
L5	S 18°43'23" W	31.99'
L6	N 71°43'58" W	8.74'
L7	N 44°42'16" W	19.29'
L8	S 46°32'30" E	72.52'
L9	N 17°16'25" E	14.03'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	79.09' (79.08')	50.00' (50.00')	90°37'48"	71.10'	S 44°25'29" E
C2	728.74' (728.75')	941.00' (941.00')	44°22'18"	710.67'	S 23°04'34" W
C3	276.88'	941.00' (941.00')	16°51'31"	275.88'	S 09°19'10" W
C4	451.86'	941.00' (941.00')	27°30'47"	447.53'	S 31°30'19" W
C5	23.59'	50.00'	27°01'41"	23.37'	N 58°13'07" W
C6	71.22'	98.00'	41°38'16"	69.66'	N 23°53'08" W

Legend

N 90°00'00" E MEASURED BEARINGS AND DISTANCES
 (N 90°00'00" E) RECORD BEARINGS AND DISTANCES (02/27/1997, VOL. 3, FOLIO 1584B) (RRE BK. 9, PG. 114-122A)

● FOUND MONUMENT AS INDICATED
 ○ SET REBAR WITH CAP "LS 18374" UNLESS MARKED OTHERWISE





January 26, 2024

RE: **Zone Map Amendment Request Case No. 24-100-00001; Right-of-Way Vacation Request Case No. 24-230-00001 (821 Loma Colorado Blvd NE, Rio Rancho NM 87124)**

Dear Property Owner:

You are receiving this notice because your property abuts a site where a land development decision is required by the Planning and Zoning Board.

The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of a Zone Map Amendment from SU: Special Use for Educational, Recreational, and Cultural Uses to SU: Special Use for Restaurants, Bars, Lounges, Coffee/Tea Rooms, Delicatessens, & Patio/Ai Fresco Dining Facilities for the property of 821 Loma Colorado Blvd NE, legally described as LOMA, Tract P1C-B. The applicant additionally requests approval of a Vacation Plat vacating a portion of right-of-way of Loma Colorado Blvd NE to accommodate for further parking spaces.

The Planning and Zoning Board will consider this request at a public hearing on **Tuesday, February 13, 2024** starting at 6:00 pm in the **Council Chambers of City Hall, located at 3200 Civic Center Circle**. If you would like to comment on this application, you are encouraged to send in comments in writing to tdvorak@rrnm.gov, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rrnm.gov or on Sparklight cable channel 56.

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer:
<https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please do not hesitate to contact me at 505-896-8361 or e-mail me at tdvorak@rrnm.gov if you have any questions about the application or accessing the meeting. The agenda for this hearing and related staff reports will be posted on the City's website, www.rrnm.gov, approximately one week before the hearing.

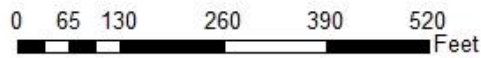
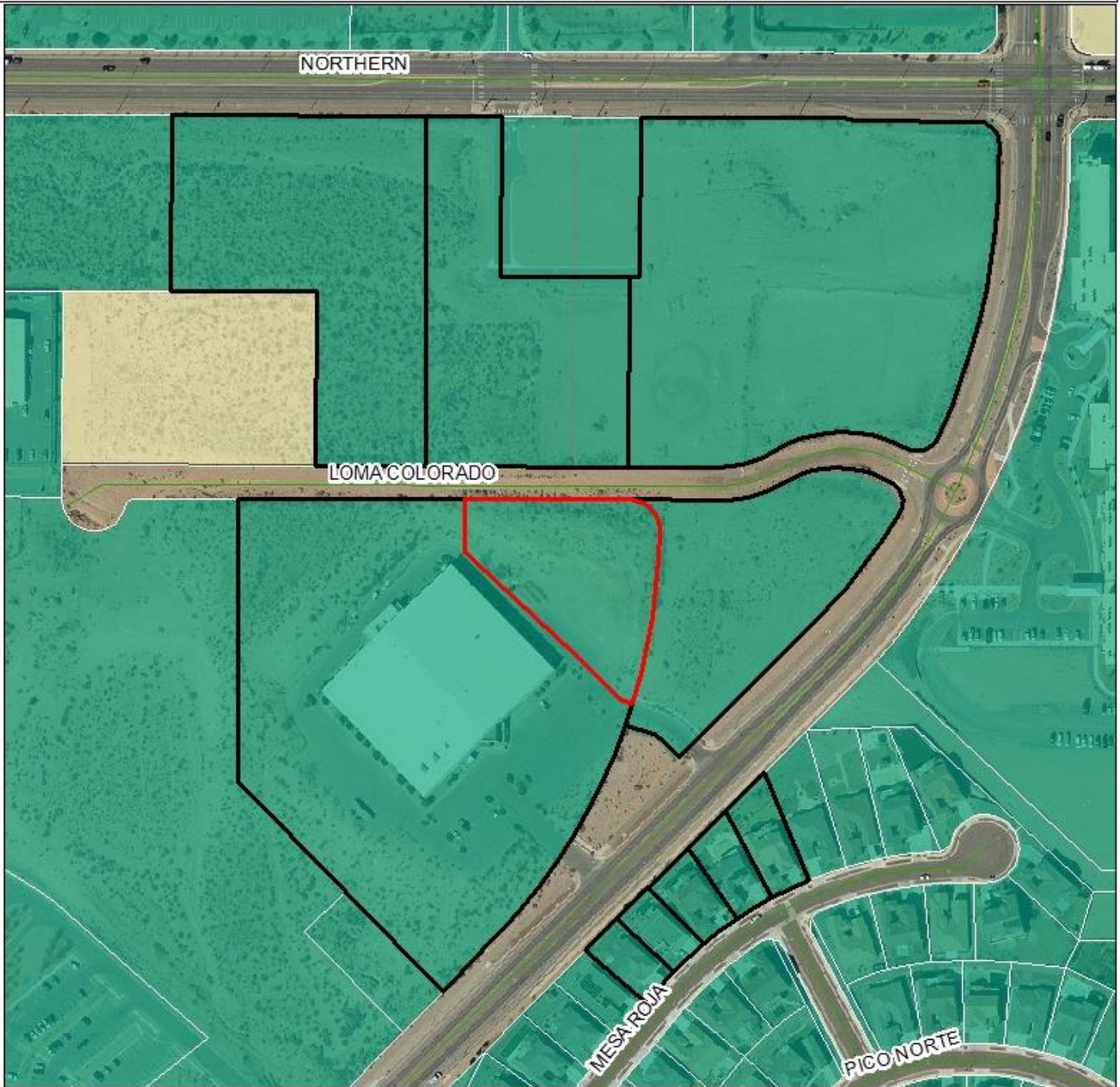
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,

Tim Dvorak

Tim Dvorak
Municipal Planner II
Development Services Department
Planning Division
City of Rio Rancho

821 LOMA COLORADO BLVD NE ZONE MAP AMENDMENT & RIGHT-OF-WAY VACATION



	Subject Property
	Noticed Abutting Properties
	Roads
Zoning	
	R-1
	SU

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.



Map Created by Tim Dvorak on 1/26/2024





CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, February 13, 2024:

Conditional Use Permit
Case #24-120-00001
The applicant, El Patron Tire Shop LLC, through their agent, Jorge Escobedo, is requesting approval of a Conditional Use Permit for Automotive Sales 2700 Southern Blvd SE. The subject property is zoned C-1: Retail Commercial and is approximately .46 acres in size.

Variance
Case #24-110-00002
The applicant, Trevor Reed, through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from public facilities and residentially zoned properties for a retail cannabis establishment. The proposed retail cannabis establishment is physically located at 2220 Grande Blvd SE STE C, Rio Rancho, NM 87124.

Variance
Case #24-110-00003
The applicant, Clenera, requests approval of a variance to allow for a 12 ft and 16 ft tall CMU block wall for a solar energy facility located on the property legally described as in Lands of Quail Ranch, Tract 2A-1.

Zone Map Amendment
Case #24-100-00001
The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of a Zone Map Amendment from SU: Special Use for Educational, Recreational, and Cultural Uses to SU: Special Use for Restaurants, Bars, Lounges, Coffee/Tea Rooms, Delicatessens, & Patio/Al Fresco Dining Facilities for the property of 821 Loma Colorado Blvd NE, legally described as LOMA, Tract P1C-B.

Vacation of Plat
Case #24-230-00001
The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of a Vacation Plat vacating a portion of right-of-way of Loma Colorado Blvd NE.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rnm.gov. Written comments will be inserted into the public record.

CITY OF RIO RANCHO, NEW MEXICO

Termination and Statement of Vacation of Public Right-of-Way

WHEREAS, the City of Rio Rancho, with an address of 3200 Civic Center Circle NE, Rio Rancho, New Mexico, 87144 owns the public right-of-way specifically known as Loma Colorado Blvd NE, according to plat "TRACT P BLOCKS 91 THRU 116 UNIT THIRTEEN RIO RANCHO ESTATES TOWN OF ALAMEDA GRANT SANDOVAL COUNTY NEW MEXICO" recorded in the Office of the County Clerk of Sandoval County, New Mexico on May 12, 1969 in Rio Rancho Estates Plat Book 1, Pages 87; and

WHEREAS, Michael McDermott, through his agent, McClain & Yu Architecture and Design, has made an application for an approximately 0.25 acre portion of Loma Colorado Blvd NE to be abandoned/vacated; and

WHEREAS, the Planning and Zoning Board has determined that the vacation will not "adversely affect the interests of persons owning contiguous land..."as outlined in Section 155.29 Vacation of Plat, (B)(c); and

WHEREAS, the City's Planning and Zoning Board, under the authority granted by the Rio Rancho Code of Ordinances (R.O 2003) Section 155.29, has reviewed the application following the duly noticed public hearing on February 27, 2024, and has found that the subject portion of right-of-way is no longer needed; and

WHEREAS, the conditions of approval as listed on the agenda briefing memorandum for case #24-230-00001 as approved at the Planning and Zoning Board public hearing on February 27, 2024 have been met; and

WHEREAS, the public and private utilities located within the section of right-of-way have reviewed and agree to the vacation; and

WHEREAS, the public and private utilities have reviewed and approved of the creation of Public Utility Easements over the entire property which contains reviewed and approved access and building restriction language; and

WHEREAS, the City of Rio Rancho Legal Department has reviewed and approved the vacation of the right-of-way as described herein; and

Now, Therefore, in consideration of the premises set forth above, the Public Right-of-Way described as

An approximately 0.25 acre portion Loma Colorado Blvd NE, as shown in the attached Exhibit A is hereby abandoned, vacated and released and terminated.

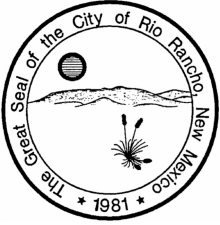
In Witness Whereof, the City of Rio Rancho has executed this statement of vacation of public right-of-way following the approval by the Planning and Zoning Board on the 27th day of February, 2024.

CITY OF RIO RANCHO, NEW MEXICO PLANNING AND ZONING BOARD

BY: _____

DATE: _____

Chairman of the Planning and Zoning Board



CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-110-
00002**

AGENDA DATE:
February 27, 2024

DEPARTMENT:
Development Services

SUBJECT:
Variance. The applicant, Trevor Reed (Casual Cannabis, LLC), through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from residentially zoned property and public facilities for a retail cannabis establishment. The proposed retail cannabis establishment is physically located at 2220 Grande Blvd SE Suite C. Staff contact is Chris Benson and staff recommends denial with findings.

BACKGROUND AND ANALYSIS:

The applicant, Trevor Reed (Casual Cannabis, LLC), through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from residentially zoned properties and public facilities for a retail cannabis establishment. The subject property for the proposed cannabis establishment is legally described as Gateway South, Tract A4A1 and is physically located at 2220 Grande Blvd SE Suite C. The subject property is zoned SU: Special Use for all permissive and conditional C-1: Retail Commercial District uses, select C-2: Wholesale and Warehousing Commercial District uses, and Hotels and Motels under Ordinance No. 25, Enactment No. 93-022.

Per §122.04 (A)(1): "No cannabis establishments shall be located within 300 feet of the following uses: (d) Any residentially zoned district (including E-1, R-1, R-2, R-3, R-4, R-5, R-6, A-R, M-H, T-Z, and all special use districts with any underlying residential use)" and "(e) Public facilities as defined in Section 154.03."

A public facility, as defined in Section 154.03 are "Facilities operated by a municipality including parks, trails, paths, and other recreational areas and open spaces, public schools and other public buildings, including fire stations and police substations, and places where the public is directly or indirectly invited to visit or permitted to congregate."

Additionally, § 122.04 Location Restrictions asserts in subsection (2): "All measurements for the purpose of determining the location of a licensed premises in relation to the land uses detailed in subsection (A)(1) of this section shall be the shortest direct line measurement between the actual limits of the real property, meaning property line to property line, including right-of-way as defined in Chapter 96, of the childcare facility, public or private educational facility, religious institution, public facilities or any residentially zoned property, and the licensed premises where cannabis or cannabis products are proposed to be sold, grown for profit, tested, stored, distributed, packaged, or manufactured."

The applicants requested variance is to reduce the 300-foot distance requirements from public facilities and residentially zoned properties, as outlined in § 122.04 Location Restrictions, to allow for a distance of approximately 72 feet from public facilities, and approximately 115 feet from R-1: Single-Family Residential zoned properties, as shown in the included attachment "Distance Maps".

This request was scheduled to be heard at the February 13, 2024 Planning and Zoning Board meeting, but was postponed to allow staff to meet all notification requirements. All notification requirements have now been met.

REVIEW CRITERIA:

The agent, Corey Rivas, submitted a justification narrative in support of the variance application, which is included as an attachment to this item. The criteria for a variance, as defined in the Rio Rancho Code of Ordinances (R.O. 2003), has been used to review this application.

R.O. 2003 Section 150.06 (Variances) reads in part A: "Variance from the strict application of area, height, dimension, distance, parking or setback requirements of this title may be allowed in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical condition where the strict application of this title would result in a practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of his/her land or building. Practical difficulty or unnecessary hardship cannot be found when financial gain, loss, or monetary savings is the basis of this claim of the hardship."

The agent begins the justification narrative providing some background on this location and why a variance is being requested. "Natural Rx was legacy cannabis license previously owned by Trevor Reed and his partners. In 2016 Natural Rx successfully opened a Medical Cannabis retail location at 2220 Grande Boulevard SE, Suite C in Rio Rancho, NM. In April 2019, MWG Holdings Group, Inc. purchased Natural Rx's legacy cannabis license, and its assets from Trevor Reed & Partners which included this location at 2220 Grande Boulevard SE, Suite C. In 2023, MWH Holdings Group, Inc. defaulted on payments and renewal of the cannabis license. Mr. Reed and Casual Cannabis acquire all assets back from MWG Holdings Group, including locations, Cannabis Products. Etc. The Legacy License for Natural Rx expired in August 2023. In July 2023, Trevor Reed founded Casual Cannabis LLC, a vertically licensed cannabis company in New Mexico. This new licensed company will take the place of Natural Rx and resume its business."

Natural Rx is listed in R.O. 2003 § 122.06 Nonconforming Uses. This section of Chapter 122 Cannabis Establishments asserts, "Existing cannabis establishments, which have received state licensure, and business registration and zoning approval from the city prior to September 5, 2021, which is the effective date of this chapter, shall be allowed to continue operations... (D) "Location 4: Natural RX, 2220 Grande Boulevard, Suite C, Rio Rancho, NM 87124."

The agent moves forward in his justification explaining, "...this location was used as a medical cannabis retailer for the past seven years formally owned by the variance applicant Trevor Reed and recently acquired back by Mr. Reed."

The justification letter further details how Casual Cannabis, LLC, maintains regulatory compliance with Licensing and Registration, Product Safety and Quality Control, Security Measures, Employee Training, and Financial Integrity. The agent asserts that the subject property, 2220 Grande Blvd SE Suite C, experiences the presence of special circumstances/conditions, stating "Our proximity to

this residential boundary is causing practical difficulties and unnecessary hardship, hindering our operational capacities.” The agent continues to contend that, “This proximity issue is a special circumstance that is peculiar to our land and structure, distinguishing it from other properties in the same zoning district. It imposes an undue burden on our business, depriving us of the reasonable use of our property as a dispensary.”

The agent continues to outline that “Our decision to establish a dispensary at this location was made with a full understanding of the regulatory environment and a commitment to comply with all applicable laws. However, the unique zoning challenge we face is a circumstance beyond our control, one that existed prior to and independent of our business operation.”

The agent argues that “By granting this variance, the city would not be providing Casual Cannabis LLC with an advantage over other businesses, but rather leveling the playing field, allowing us to operate under similar conditions as our counterparts in the district. This variance is a means to address a specific and unusual hinderance, not a tool to gain an undue advantage.”

The justification narrative highlights that “Our commitment to maintaining a safe, secure, and community-friendly establishment is paramount. We understand the concerns that may arise with a cannabis dispensary operating near residential area, and we are prepared to take stringent measures to mitigate any potential negative impacts.” The justification narrative ends outlining that the business intends to adhere to all regulations, plans on engaging with the community and provide education promoting best practices, and bringing economic benefits to the area including employment opportunities.

Staff finds that despite that the location had previously been utilized as a cannabis establishment, the enforcement of R.O. 2003 § 122.06 Nonconforming Uses cannot be utilized in this particular case. The dissolution of Natural Rx, along with the associated cannabis license, ultimately removes it from being a nonconforming use for cannabis establishments. Additionally, staff finds that the lot is not particularly narrow, shallow and that there does not exist an exceptional physical condition where the strict application of the requirements of this title would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his/her land or building.

Staff finds that the location, despite being zoned appropriately for the retail sale of cannabis and cannabis products, does not meet the distance requirements outlined by R.O. 2003 § 122.04 (A)(1) (d)(e) requiring a separation distance of at least 300 feet from residentially zoned properties and public facilities, measured from property line to property line at the shortest direct line measurement. Haynes park is located north of the subject property, approximately 72 feet, and residentially zoned properties located west, approximately 120 feet from the subject property.

NOTIFICATIONS:

Neighboring property owners within 100 feet of the subject property were notified of the Planning and Zoning Board Hearing by certified mail and property owners between 100-300 feet were notified by postcard. A notice sign was erected on the subject property on February 6th, 2024 by the applicant and a legal notice was published in the Albuquerque Journal on January 29, 2024.

REVIEWER COMMENTS:

A transmittal was sent out to the Development Services Engineering, City of Rio Rancho Fire &

Rescue, City of Rio Rancho Police, City of Rio Rancho Parks, Recreation and Community Services, Rio Rancho Public Schools, MRMPO-MRCOG, and SSCAFCA to provide comments on this Planning and Zoning Board decision. Below are the comments received from the reviewers:

Reviewer	Comments
Development Services Engineering	No adverse comments.
City of Rio Rancho Fire & Rescue	Fire will follow the recommendation of planning and zoning for the variance.
City of Rio Rancho Police	No comments received
City of Rio Rancho Parks, Recreation, and Community Services	See attached comments.
Rio Rancho Public Schools	No comments received
MRMPO-MRCOG	No comments received
SSCAFCA	SSCAFCA has no comment.

IMPACT:

The Development Services Department recommends that the Planning and Zoning board deny the variance request to the 300-foot distance from public facilities and residentially zoned properties for a retail cannabis establishment based on the minimum distance requirements outlined by the Rio Rancho Municipal Code Section 122.04 Location Restrictions.

GENERAL FINDINGS OF FACT:

1. In accordance with R.O. 2003 Section 150.06, the Planning and Zoning Board has jurisdiction over approval of variance requests.
2. Following procedures for a variance, proper notice of hearing on this matter was given.
3. The applicant has the authority to make an application to request a variance to the 300-foot distance required from public facilities and residentially zoned properties for a retail cannabis establishment.
4. Due process was provided to the applicant and adjacent property owners.

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF DENIAL:

1. The applicant has not adequately met the criteria for granting a variance as set forth in R.O. 2003 Section 150.06.
2. The lot is not irregular in shape, narrow, or steep and does not have an exceptional physical condition that prevents the applicant from complying with the zoning code.
3. There does not exist a special circumstance applicable to the property, including its distance from a public facility and residentially zoned properties.
4. There are no other exceptional physical conditions whereby the strict application of the zoning ordinance requirements would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his/her land or building.

If the Planning and Zoning Board determines that the applicant does adequately meet the criteria for granting a variance, then the following specific findings and conditions are recommended:

SPECIFIC FINDINGS AND CONDITIONS FOR APPROVAL:

1. The applicant has adequately addressed the criteria for granting a variance as set forth in R.O. 2003 Section 150.06.
2. A variance to R.O. § 122.04 Location Restrictions (A)(1) No cannabis establishments shall be located within 300 feet of the following uses: (d) Any residentially zoned district (including E-1, R-1, R-2, R-3, R-4, R-5, R-6, A-R, M-H, T-Z, and all special use districts with any underlying residential use), and (e) Public facilities as defined in Section 154.03 is approved.

3. The applicant must adhere to all other requirements found in R.O. 2003 § 122.04 Location Restrictions.

ALTERNATIVES:

The Planning and Zoning Board may:

1. Approve the request, in whole or in part;
2. Deny the request, in whole or in part;
3. Modify the request and approve such modification;
4. Continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

The Development Services Department recommends the Planning and Zoning Board deny the requested variance, subject to findings.

ATTACHMENT: [Location/Zone Map](#)

ATTACHMENT: [Application](#)

ATTACHMENT: [Justification Letter](#)

ATTACHMENT: [Natural RX Purchase Agreement](#)

ATTACHMENT: [Applicant Site Plan 1](#)

ATTACHMENT: [Applicant Site Plan 2](#)

ATTACHMENT: [Letter of Authorization](#)

ATTACHMENT: [State of NM Cannabis License](#)

ATTACHMENT: [Distance to Public Facility \(Haynes Park\)](#)

ATTACHMENT: [Distance to Residentially Zoned Properties](#)

ATTACHMENT: [Legal Ad Proof](#)

ATTACHMENT: [CoRR Parks, Recreation, and Community Service Comments](#)

ATTACHMENT: [Noticed Properties Map](#)

ATTACHMENT: [Notice Letter](#)

ATTACHMENT: [Notice Postcard](#)

ATTACHMENT: [Public Comment 1 \(Samantha Lackey\)](#)

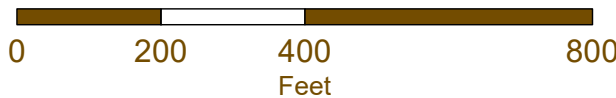
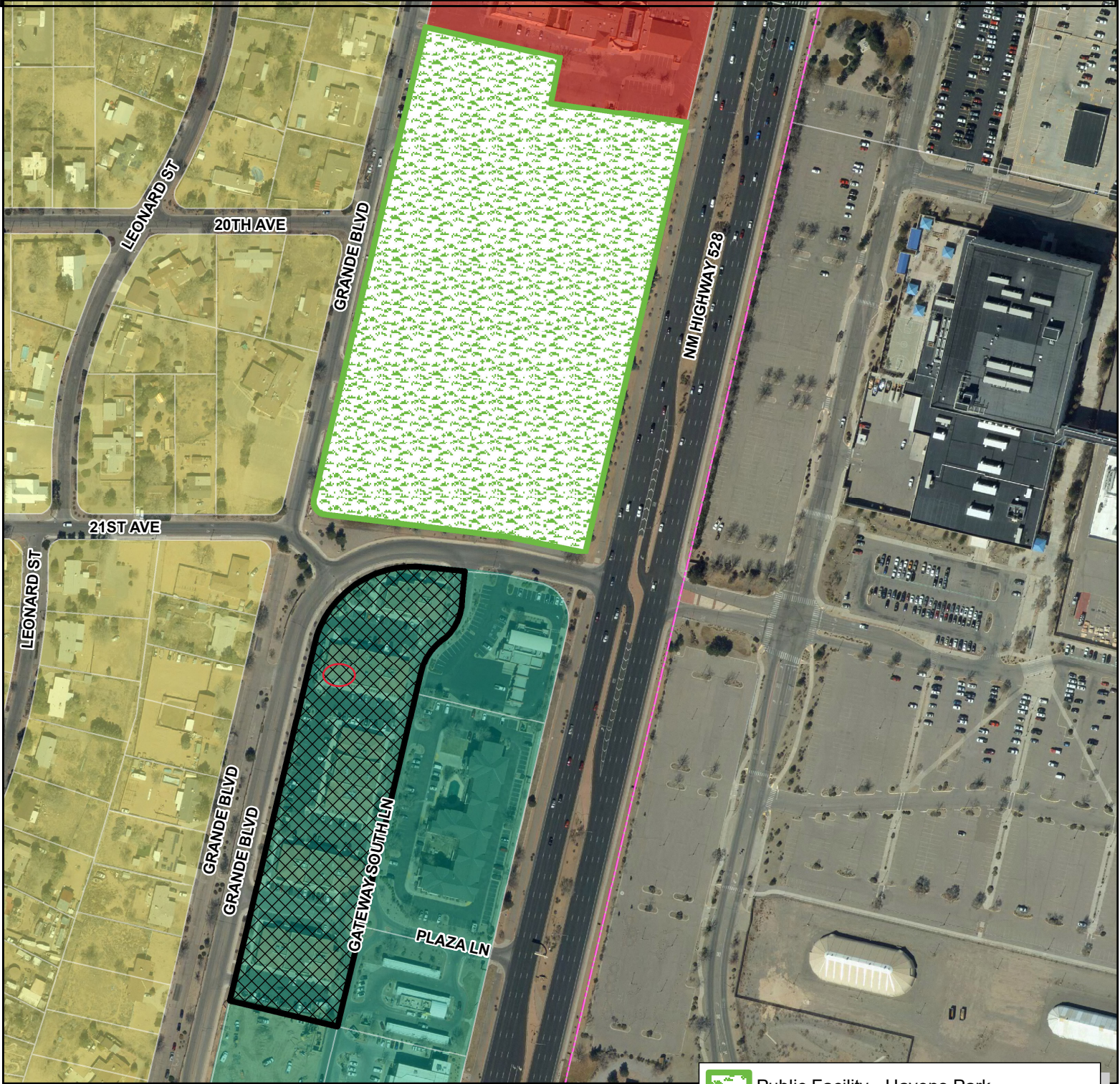
ATTACHMENT: [Public Comment 3 - Roger Nagel](#)

ATTACHMENT: [Public Comment 4 - Fucheng Wang](#)

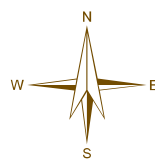
ATTACHMENT: [Findings of Fact](#)

ATTACHMENT: [Public Comment 2 - Roy Benson](#)

VARIANCE: 2200 GRANDE BLVD SE STE C GATEWAY SOUTH, TRACT A4A1



Map Created by Chris Benson on 01/17/2024



	Public Facility - Hayens Park
	Subject Property - Suite C Circled in Red
Zoning	
	C-1: Retail Commercial
	R-1: Single-Family Residential
	SU: Special Use

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

(Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input checked="" type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print in Ink Only or Type
Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name: **TREVOR REED** Phone: **541-666-9055**
 Address: **270 SANDIA VIEW ROAD 9724 PUEBLO** E-Mail: **BAILEY1505Reed@gmail.com**
 City: **Albuquerque** State: **NM** Zip: **87107**
 Proprietary Interest: List Owners: **TREVOR REED / JEFF MONICA**
 Deed or Ownership Verification Provided: (Initials) Letter of Authorization Provided: (Initials)

Agent Name: **COREY RIVAS** Phone: **505-301-1254**
 Address: **2315 MARILYN RD SW** E-Mail: **Corey@NMlobbyist.org**
 City: **Albuquerque** State: **NM** ZIP Code: **87105**

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)

TO put an Cannabis Establishment within 300 Hundred Feet OF an Residentially zoned district 122.04 & Public Facilities

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit: **suite C GATEWAY SOUTH** Block(s): Lot(s): **TRACT A4A1**
 Existing Zoning: **CD-DT** Proposed Zoning:
 No. of existing lots: No. of proposed lots: Total area of site (acres)

ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name: **TREVOR REED** Applicant: **TREVOR REED** Agent: **Corey Rivas**
 Signature: **[Signature]** Date: **1-6-2023**

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #
24-110-00002	\$200	

APPLICATION ACCEPTED BY: **Chris Benson**

DATE: **01/23/2024**

Casual Cannabis, LLC

Application Justification Statement

Zoning Variance Request for:

2220 Grande Blvd SE suite c, Rio Rancho, NM 87124, USA

Submitted To the City of Rio Rancho, Development Services

3200 Civic Center Circle NE, 1st Floor
Rio Rancho, NM 8714

November 27, 2023

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Table of Contents

- I. Introduction
- II. Background
- III. New Mexico Cannabis Regulation Act
- IV. Lynn and Erin Compassionate Use Act
- V. New Mexico Rules Annotated (NMRA) Title 16, Chapter 8, Part 1 Through Part 12 VI. Sandoval County Ordinance Number 9-2-21.9
- VII. Rio Rancho City Ordinance Chapter 122, Section 122.01 Through Section 122.06
- VIII. City of Rio Rancho Development Department Application Justification of Variance
- IX. Appendix A: Application
- X. Appendix B: Supporting Letters
- XI. Appendix C: Site Plans
- XII. Appendix D: Cannabis License

Introduction

Casual Cannabis, LLC hereby submits this variance application to the Development Department of the City of Rio Rancho, requesting an exception as outlined in Section 18, "Variances," of Sandoval County's zoning regulations. This application is presented for the purpose of establishing our business as a commercial cannabis retailer.

Our company is poised to bring a unique diversity to the industry market through our commitment to sourcing and trading local products. We are dedicated to making a positive impact on the economic growth of Sandoval County and the broader New Mexico region. We affirm that our application meets the exemption requirements stipulated in the Comprehensive Zoning Ordinance.

In adherence to the procedural requirements of the application process, this document is meticulously prepared to comply with the laws implemented by the municipality of Rio Rancho, the County of Sandoval, and the State of New Mexico. Furthermore, this document is crafted to address the "Zoning Variance Guidelines" as specified by the City of Rio Rancho Development Department's application packet.

Attached herewith, this comprehensive documentation addresses each requisite aspect for cannabis retailers as per the governing laws, rules, and regulations. To fulfill the application requirements, we have included a letter of authorization from the property owner and a check covering the processing fee.

The completion and submission of this application are intended for the esteemed review of the City of Rio Rancho's Development Department's Zoning Commission. We respectfully request the approval of this special variance, confident in our belief that our establishment will serve as a positive economic driver for the city, thereby enhancing the quality of life for its residents.

We extend our gratitude to the Development Department for considering our proposal and for the review of this application.

Sincerely,

Casual Cannabis, LLC

II.

Background

4

Natural Rx was a legacy cannabis license perilously owned by Trevor Reed and his partners

In 2016, Natural Rx successfully opened a Medical Cannabis retail location at **2220 Grande Boulevard SE, Suite C in Rio Rancho, NM.**

In April 2019, MWG Holdings Group, Inc. purchased Natural Rx's legacy cannabis license, and its assets from Trevor Reed & Partners which included this location at **2220 Grande Boulevard SE, Suite C**

In 2023, MWG Holdings Group, Inc. defaulted on payments and renewal of the cannabis license. Mr. Treed and Casual Cannabis acquire all assets back from MWG Holdings Group, including locations, Cannabis Products Etc.

The Legacy License for Natural Rx expired in August 2023. In July 2023, Trevor Reed founded Casual Cannabis LLC, a vertically licensed cannabis company in New Mexico. This new licensed company will take the place of Natural Rx and resume its business.

We understand that this location will operate under a different cannabis license due to Natural Rx non-renewal. The reason why **122.06 NONCONFORMING USES** doesn't apply to **Causal Cannabis LLC**

However, we want the commission to acknowledge that this location was used as a medical cannabis retailer for the past seven years formally owned by the variance applicant Trevor Reed and recently acquired back by Mr. Reed.

This location is 122.06 NONCONFORMING USES.

Existing cannabis establishments, that have received state licensure, business registration, and zoning approval from the city prior to September 5, 2021, which is the effective date of this chapter, shall be allowed to continue operations. The following licensees at these respective locations are able to continue operations:

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(A) Location 1: Purlife – Rio Rancho, 1000 Golf Course Road SE, Suite 101, Rio Rancho, NM 87124.

(B) Location 2: NMTO-Ultra Health, 3851 Southern Boulevard, Suite A101, Rio Rancho, NM 87124.

(C) Location 3: Seven Clover, 1670 Rio Rancho Drive SE, Suite A, Rio Rancho, NM

87124. **(D) Location 4: Natural RX, 2220 Grande Boulevard, Suite C, Rio Rancho, NM 87124.**

(E) Location 5: Verdes Foundation, 2320 Grande Boulevard SE, Suite B, Rio Rancho, NM 87124.

I attached the purchase agreement for Causal Cannabis LLC and MWG Holdings Group.

III.

New Mexico Cannabis Regulation Act

Casual Cannabis, LLC affirms our strict compliance with the New Mexico Cannabis Regulation Act. Our company has instituted comprehensive measures to align with the detailed provisions of

Section 26-2C-6. This includes obtaining all necessary licenses, enforcing rigorous product safety and quality controls, implementing ethical business operations, and engaging in ongoing staff training to ensure adherence to state regulations. We are committed to maintaining transparency and integrity in every aspect of our business, contributing positively to New Mexico's cannabis industry.

Section 26-2C-6 Overview

Casual Cannabis, LLC maintains strict adherence to the compliance measures outlined in the Cannabis Regulation Act, Section 26-2C-6, encompassing the operational requirements for licensed cannabis establishments.

At Casual Cannabis, LLC, we understand the importance of maintaining the highest standards of regulatory compliance within the dynamic landscape of the cannabis industry. We have gone to great lengths to ensure that every aspect of our operations aligns with the rigorous guidelines set forth by the state.

Our compliance framework includes:

1. **Licensing and Registration:** Under the first compliance measure, Casual Cannabis, LLC has undertaken all necessary steps to secure and maintain valid licensing as mandated by the Cannabis Regulation Act. This includes the procurement of state and local licenses to operate as a cannabis retailer, ensuring full legal authorization for all business activities. The company has a systematic process for keeping these licenses in good standing, adhering to the periodic renewal requirements, and staying abreast of any changes in the regulatory landscape to ensure ongoing compliance. Through diligent monitoring and management of our licensing obligations, we establish a strong foundation for lawful operation within the industry.
2. **Product Safety and Quality Control:** For compliance measure number two, Casual Cannabis, LLC has instituted a robust system of product safety and quality control to meet the requirements of the Cannabis Regulation Act. This includes rigorous testing protocols to ensure the purity and potency of our cannabis products, strict adherence to health and safety standards in cultivation and production, and careful monitoring of storage and distribution conditions. Our dedication to quality control is central to providing our customers with safe, reliable products while maintaining the integrity of our operations within the legal framework.
3. **Security Measures:** Under the third compliance measure, Casual Cannabis, LLC prioritizes robust security protocols to safeguard our facility, products, and data. This comprehensive approach ensures the protection of our customers and compliance with regulatory requirements for security. Our security measures encompass advanced surveillance systems, secure storage for cannabis products, controlled access to facilities, and strict data protection practices. These

systems are not only designed to prevent unauthorized access and deter theft but also to maintain the integrity of our inventory and customer information.

4. Employee Training: Regarding the fourth compliance measure for Casual Cannabis, LLC, we've established an extensive employee training program. This initiative ensures that all team members are well-versed in the legalities and best practices of the cannabis industry. Our training encompasses regulatory compliance, responsible dispensing, customer education, and safety procedures. By keeping our staff informed and updated on the latest laws and regulations, we foster a culture of compliance and accountability that is critical to our operations and reputation.

5. Financial Integrity: For the fifth compliance measure, Casual Cannabis, LLC emphasizes financial integrity in all transactions. This involves maintaining transparent financial records, and ensuring all monetary dealings are traceable and compliant with regulatory standards. We adhere to strict accounting practices, regularly audit our financial activities, and ensure compliance with taxation laws. This commitment to financial transparency not only aligns with legal requirements but also fosters trust among stakeholders, including regulatory bodies, investors, and customers, reinforcing our reputation as a responsible and reliable business in the cannabis industry.

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We are committed to upholding the spirit and letter of the law as we operate within the state's legal framework for cannabis businesses. Casual Cannabis, LLC is dedicated not only to providing high-quality products but also to contributing positively to the industry's reputation and the economic growth of our community.

In Appendix X, you will find detailed documentation that evidences our compliance efforts and adherence to the specific regulations of the Cannabis Regulation Act. We trust that this will demonstrate our dedication to operating a responsible and compliant cannabis retail business.

Section 26-C-7:

III.

Ordinance No.9-2-21.9: Casual Cannabis addresses the achievements to meet the requirements outlined in this ordinance:

Addressing Section 2: Casual Cannabis follows the regulations for cannabis retailers in Sandoval County. Our business does not pose any safety risks or nuisances to the community, whether in or out of the unincorporated areas. Additionally, the location for which we are submitting this application will not increase the likelihood of children or youth obtaining cannabis products from our dispensaries, in accordance with the Cannabis Control Act.

Addressing Section 3: This application is submitted as an application for a business to obtain a variance exception for a property located in Southeast Sandoval County at 2220 Grande Blvd SE Ste. C. Rio Rancho. New Mexico 87124. This is within the incorporated municipality. 1

III.

Justification of Variance (City of Rio Rancho Development Services, Zoning Variance Guideline

Criterion I

We are submitting this application for a zoning variance for our business, Casual Cannabis LLC, located at 2220 Grande Blvd SE Suite C, Rio Rancho, NM 87124. Our request is grounded in the first guideline of the Zoning Variance Guidelines, which addresses the presence of special circumstances or conditions.

Our property is uniquely positioned adjacent to Haynes Recreation Center, Pool, and Park which would be within 300 feet of a **Public facility**, which under current zoning ordinances, significantly impacts our

ability to operate as a cannabis dispensary. The ordinance stipulates a 300-foot buffer between dispensaries, residential areas, **public facilities**, daycare, and educational facilities

122.04 LOCATION RESTRICTIONS.

. Our proximity to these Public facilities causes practical difficulties and unnecessary hardship, hindering our operational capabilities.

This proximity issue is a special circumstance that is peculiar to our land and structure, distinguishing it from other properties in the same zoning district. It imposes an undue burden on our business, depriving us of the reasonable use of our property as a dispensary. The standard zoning regulations, while generally applicable for the purpose of community planning, in this case, result in a unique disadvantage for our property, not commonly shared by other properties in the district.

We are, therefore, requesting a special exception to the enforcement of the City's zoning ordinance. This variance would allow Casual Cannabis LLC the ability to operate effectively at our current location. We believe this request is reasonable and necessary for the practical utilization of our property, and it does not infringe upon the rights or expectations of the neighboring community. Rather, it seeks to balance the intended purpose of zoning laws with the unique circumstances faced by our property.

Criterion II

We would like to clarify and assert that the special circumstances facing Casual Cannabis LLC at our location at 2220 Grande Blvd SE Suite C, Rio Rancho, NM, are not a result of any actions or decisions made by our company or the property owner. These circumstances are inherently tied to the pre-existing zoning regulations and the physical attributes of the property, which were in place before our acquisition of the property and our decision to establish a dispensary.

The proximity of our property to the **Haynes Recreation Center, Pool, and Park**, which forms the basis of our need for a zoning variance, is a pre-existing condition. This proximity and its resulting impact on our business operations due to the 300-foot buffer requirement in the zoning ordinance are circumstances we inherited upon acquiring this location.

Our company did not play a role in creating this zoning situation, nor did we have any influence over the physical layout of the neighborhood and the zoning boundaries.

Our decision to establish a dispensary at this location was made with a full understanding of the regulatory environment and a commitment to comply with all applicable laws. However, the unique zoning challenge we face is a circumstance beyond our control, one that existed prior to and independent of our business operations.

Therefore, we are seeking this variance not as a remedy for a situation of our own making, but as a necessary adjustment to a pre-existing zoning challenge that directly affects our ability to operate effectively and reasonably at our chosen location.

Criterion III

In addressing the second criterion for a zoning variance, we assert that granting this variance to Casual Cannabis LLC will not confer any special privilege upon our establishment that is denied to others in the same zoning district.

Our request is not to create an exception unique to our business but to rectify a unique hardship that is specific to the physical location of our property. The proximity to Public facilities, which is the core of our variance request, is a circumstance not commonly encountered by other commercial entities within our zoning district. Most other properties do not face the same stringent limitations due to their more favorable positioning in relation to boundaries.

By granting this variance, the city would not be providing Casual Cannabis LLC with an advantage over other businesses, but rather leveling the playing field, allowing us to operate under similar conditions as our counterparts in the district. This variance is a means to address a specific and unusual hindrance, not a tool to gain an undue advantage.

Furthermore, our compliance with all other regulatory requirements and our commitment to operating within the legal and ethical boundaries established for cannabis dispensaries underscores our intention to function as a responsible and equal member of the business community, not one seeking or receiving special treatment.

Criterion IV

In addressing the third criterion for a zoning variance, we would like to assure that granting a variance to Casual Cannabis LLC will not be detrimental to the public welfare, nor will it be injurious to other properties or improvements in the neighborhood surrounding our location at 2220 Grande Blvd SE suite c, Rio Rancho, NM.

Our commitment to maintaining a safe, secure, and community-friendly establishment is paramount. We understand the concerns that may arise with a cannabis dispensary operating near public facilities and residential areas, and we are prepared to take stringent measures to mitigate any potential negative impacts. These measures include but are not limited to, enhanced security protocols, strict adherence to all regulatory compliance regarding sales and distribution, and ensuring a discreet and respectful business operation.

Furthermore, our business operation plans include community engagement and education initiatives to promote understanding and responsible practices related to cannabis. We believe that through open communication and collaboration with local residents and authorities, we can operate in a manner that is harmonious with the neighborhood's interests and values.

We also wish to highlight that our operation as a dispensary will bring economic benefits to the area, including job creation and increased local commerce, without altering the fundamental character of the neighborhood. Our presence aims to complement and support the existing business ecosystem, ensuring that our operation adds value while respecting the integrity and character of the local community.

In summary, granting this variance will allow Casual Cannabis LLC to operate not just as a business, but as a responsible member of the Rio Rancho community, committed to upholding public welfare and contributing positively to the neighborhood.

ASSET PURCHASE AGREEMENT

This Asset Purchase Agreement (this "Agreement"), dated as of August 9/6/2023, 2023 ("Effective Date"), is entered into by and between Natural Rx Inc., a New Mexico corporation ("Seller"), and Casual Cannabis, LLC, a New Mexico limited liability company ("Buyer"). Seller and Buyer are sometimes referred to individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, Seller owns the rights to operate cannabis retail and cultivation locations under the name Natural Rx (the "Business") with operations at the following locations (the "Premises"):

Lead & Coal; Address: 4320 Lead Ave, SE Albuquerque, NM 87108

Natural Rx at Los Lunas; Address: 3414 NM-47 Suite C, Los Lunas, NM 87031

Socorro; Address: 508 Old US Hwy 85, Socorro, NM 87801

Rio Rancho; Address: 2220 Grande Blvd. SE Suite C, Rio Rancho, NM 87124

Alameda; Address: 8612 Paseo Alameda Suite E, Albuquerque, NM 87113

Blue Water; 7001 Bluewater Rd. Suite A, NE, Albuquerque, NM 87121

WHEREAS, Seller wishes to sell and assign to Buyer, and Buyer wishes to purchase and assume from Seller, substantially all the tangible assets of the Business, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I PURCHASE AND SALE

Section 1.01 Purchase and Sale of Assets. Subject to the terms and conditions set forth herein, at the Closing, Seller shall sell, convey, assign, transfer and deliver to Buyer, and Buyer shall purchase from Seller, all of Seller's right, title and interest, to and under all of the tangible and intangible assets, properties and rights of every kind and nature and wherever located, which relate to, or are used or held for use in connection with, the Business (collectively, the "**Purchased Assets**"), including all the furniture, fixtures, equipment, machinery, tools, vehicles, office equipment, office supplies, computers, telephones and other tangible personal property of the Business (the "**Tangible Personal Property**"), including all customer lists, Software, technical information, data, process technology, plans, drawing and blue prints, and all rights in Seller's email addresses, social media accounts, radio, print, and video commercials; Seller's trade name "Natural Rx"; and any and all logos, service marks, or trademarks related to the Seller owned or used by Seller. (the "**Intellectual Property Assets**"), and all plants and inventory including cannabis inventory and products on hand as of date of this agreement excepting only such inventory and products are may be sold in the ordinary course of business to retail customers between date of this agreement and date of closing. Buyer shall assume title of all Tangible Personal Property in its "As is" condition. Seller does not warrant or otherwise represent the operational, functional or working condition of the Tangible Personal Property.

Section 1.02 Option to Acquire Leaseholds. Contingent on approval by the City of Rio Rancho Seller hereby grants to Buyer, and Buyer hereby accepts, an option (the "Option") to acquire and assume the leasehold interest in the leased premises located at 2220 Grande Blvd. SE Suite C, Rio Rancho, NM 87124 for no additional consideration. Seller also agrees to assign to Buyer its leasehold interests in the remaining Premises locations, but Buyer shall not be obligated to accept such assignments unless Buyer elects to do so at Buyer's sole discretion following receipt of estoppel certificates executed by the landlords confirming the current status and terms of the lease agreements.

Section 1.03 Liabilities. Seller remains liable for all Liabilities arising out of or relating to Seller's ownership or operation of the Purchase Assets before the Closing, and Buyer shall not assume or agree to pay, or perform or discharge any such Liabilities of Seller except as may be expressly assumed and agreed to in a separate writing signed by Buyer. Without limiting the scope of the foregoing provision, Seller expressly acknowledges that it remains liable for all taxes, assessments, interest or penalties due which become due with respect to the conduct of its business prior to Closing, including gross receipts taxes, employee payroll tax withholdings, Cannabis tax, unemployment taxes, and all other taxes and assessments arising out its operations and conduct of its business up to Closing, and Seller shall indemnify and hold Buyer harmless for all such taxes and liabilities. Seller is providing Buyer with a Tax Authorization to permit disclosure of its New Mexico tax liabilities to Buyer, and Buyer shall be under no obligation to consummate this transaction unless it is reasonably satisfied as to the results of that disclosure and Seller's further assurances with respect to such tax liabilities.

Buyer shall pay, perform and discharge when due any and all Liabilities arising out of or relating to Buyer's ownership or operation of the Purchased Assets on or after the Closing.

For purposes of this Agreement, "**Liabilities**" means liabilities, obligations or commitments of any nature whatsoever, whether asserted or unasserted, known or unknown, absolute or contingent, accrued or unaccrued, matured or unmatured or otherwise.

Section 1.04 Purchase Price. The Buyer agrees that the aggregate purchase price, (the "**Purchase Price**"), for the Purchased Assets shall be for the Buyer to forgive and release the remaining balance of principal and interest due under the Promissory Note ("**Note**") executed on April 30, 2019. The Purchase Price shall be acknowledged by the Buyer in the form of a "Release of Obligations" form substantially similar to **Exhibit A**, which is attached hereto, and which acknowledges receipt of Note, in full.

ARTICLE II CLOSING

Section 2.01 Closing. Subject to the terms and conditions of this Agreement, the consummation of the transactions contemplated by this Agreement (the "**Closing**") shall take place remotely by exchange of documents and signatures (or their electronic counterparts), simultaneously with the execution of this Agreement, or at such other time or place or in such other manner as Seller and Buyer may mutually agree upon in writing, but not later than 5:00 o'clock PM Mountain Time on Thursday, August 31, 2023. Time is of the essence of this Agreement. The date on which the Closing is to occur is herein referred to as the "**Closing Date**."

Section 2.02 Pre-Closing Walk-Through. Seller agrees to designate a representative or representatives to accompany Buyer's representative, to turn over all the keys and alarm codes and permit a physical inspection of each of the business Premises to enable Buyer to confirm the nature,

extent and condition of the Tangible Personal Property and inventory on hand. If Buyer is not reasonably satisfied as to the status of the inventories or the nature, extent and condition of the Tangible Personal Property, Buyer and Seller shall negotiate in good faith for a resolution of any objections made by Buyer at the time. If the parties fail to resolve Buyer's objections, Buyer may elect to close notwithstanding the objections or may elect to terminate this Agreement without further obligation, in which case all of Buyer's rights and remedies under the Note are reserved.

Section 2.03 Conditions Precedent to Buyer's Obligation to Close. Buyer's obligation to purchase the Purchased Assets and to take the other actions required to be taken by Buyer at the Closing is subject to the satisfaction, at or prior to the Closing, of each of the following conditions (any of which may be waived in writing by Buyer, in whole or in part):

(a) Buyer shall have received satisfactory written confirmation from MWG Holdings Group, LLC ("Borrower") that the co-payee Long Duong under the Promissory Note dated April 30, 2019 in the original amount of \$3,600,000.00 has consented to the Release of Obligations in substantially the form attached as Exhibit A hereto, and to release of all security interests securing repayment thereof.

(b) Buyer shall have received satisfactory written confirmation of Borrower's agreement to pay all taxes due to the State of New Mexico relating to Seller's operations including without limitation corporate income tax, gross receipts tax, wage withholding tax, cannabis excise tax (collectively, "All State Taxes").

(c) Buyer shall have received adequate assurance from the New Mexico Cannabis Control Division that Buyer shall be licensed and permitted to acquire the Purchased Assets and conduct business at each of Seller's business Premises in substantially the same manner as that business has been conducted by Seller.

Section 2.04 Closing Deliverables.

(a) At the Closing, Seller shall deliver to Buyer the following:

(i) a bill of sale in the form of **Exhibit B** attached hereto (the "**Bill of Sale**") and duly executed by Seller, transferring the Tangible Personal Property and the Intellectual Property Assets included in the Purchased Assets to Buyer;

(ii) assignments of Leases for each of the Premises locations, subject to landlord consents and subject to Buyer's acceptance following due diligence and receipt of estoppel certificates (which assignments Buyer may, but shall not be obligated to, accept, in substantially the form of **Exhibit C** attached hereto (the "**Assignment of Leases**")).

(iii) a certificate of the Secretary (or equivalent officer) of Seller certifying as to (A) the resolutions and affirmative votes of the board of directors and the members, if any, of Seller, as may be required by the bylaws of Seller in compliance with Sec. 53-8-46 NMSA 1978 of the New Mexico Nonprofit Corporation Act, *Sale, lease, exchange or mortgage of assets*, which authorize the execution, delivery and performance of this Agreement, the Bill of Sale, the Assignment of Leases, and the other agreements, instruments and documents required to be delivered in connection with this Agreement

or at the Closing (collectively, the "**Transaction Documents**") and the consummation of the transactions contemplated hereby and thereby and (B) the names and signatures of the officers of Seller authorized to sign this Agreement and the other Transaction Documents; and

(iv) such other customary instruments of transfer or assumption, filings or documents, in form and substance reasonably satisfactory to Buyer, as may be required to give effect to the transactions contemplated by this Agreement; and

(b) At the Closing, Buyer shall deliver to Seller the following:

(i) Release of Obligations;

(ii) the Assignment and Assumption Agreement duly executed by Buyer;
and

ARTICLE III REPRESENTATIONS AND WARRANTIES OF SELLER

Seller represents and warrants to Buyer that the statements contained in this Article III are true and correct as of the date hereof.

Section 3.01 Title to Tangible Personal Property. Seller has good and valid title to, or a valid leasehold interest in, all Tangible Personal Property included in the Purchased Assets, free and clear of any lien, charge, claim, pledge, security interest or other similar encumbrance (each, an "**Encumbrance**").

Section 3.02 Acknowledgment of Fair Value. Seller has investigated the market for the Purchased Assets prior to entering into this Agreement; has reasonable knowledge of all relevant facts; and has determined that the consideration for the Purchased Assets is equivalent to the fair value of the Purchased Assets. There is no other person, firm or corporation, other than Buyer interested, either directly or indirectly, in the Purchased Assets.

Section 3.03 No Other Representations and Warranties. Except for the representations and warranties contained in this Article III and other express undertakings in this Agreement (including the related portions of the Disclosure Schedules), neither Seller nor any other Person has made or makes any other express or implied representation or warranty, either written or oral, on behalf of Seller, including any representation or warranty as to the accuracy or completeness of any information, documents or material regarding the Business and the Purchased Assets furnished or made available to Buyer and its Representatives in any form, or as to the future revenue, profitability, or success of the Business, or any representation or warranty arising from statute or otherwise in Law. For purposes of this Agreement, "**Representative**" means, with respect to any Person, any and all directors, officers, employees, consultants, financial advisors, counsel, accountants and other agents of such Person.

ARTICLE IV REPRESENTATIONS AND WARRANTIES OF BUYER

Buyer represents and warrants to Seller that the statements contained in this Article IV are true and correct as of the date hereof.

Section 4.01 Independent Investigation. Buyer has conducted its own independent investigation, review and analysis of the Purchased Assets, and acknowledges that it has been provided adequate access to the personnel, properties, assets, premises, books and records and other documents and data of Seller for such purpose. Buyer acknowledges and agrees that: (a) in making its decision to enter into this Agreement and to consummate the transactions contemplated hereby, Buyer has relied solely upon its own investigation.

ARTICLE V COVENANTS

Section 5.01 Confidentiality. Buyer acknowledges and agrees that all documents and information furnished to Buyer, its Affiliates and their respective directors, officers, equity holders, managers, employees, agents and advisors in connection with the transactions contemplated by this Agreement shall be held in confidence which shall continue in full force and effect. If for any reason this Agreement is terminated prior to the Closing Date, Confidentiality shall nonetheless continue in full force and effect in accordance with its terms.

Section 5.02 Public Announcements. Unless otherwise required by applicable Law, no party to this Agreement shall make any public announcements in respect of this Agreement or the transactions contemplated hereby without the prior written consent of the other party (which consent shall not be unreasonably withheld, conditioned or delayed), and the parties shall cooperate as to the timing and contents of any such announcement. However, Buyer shall be permitted to post a notice on each of the business Premises advising prospective customers of temporary closing and plans to reopen following replenishment of inventory or other positive business representation.

Section 5.03 Bulk Sales Laws. The parties hereby waive compliance with the provisions of any bulk sales, bulk transfer or similar Laws of any jurisdiction that may otherwise be applicable with respect to the sale of any or all of the Purchased Assets to Buyer.

Section 5.04 Transfer Taxes. All transfer, sales, use, registration, documentary, stamp, value added and other such Taxes and fees (including any penalties and interest) incurred in connection with this Agreement and the other Transaction Documents, if any, shall be borne and paid by Buyer when due. Buyer shall, at its own expense, timely file any Tax Return or other document with respect to such Taxes or fees (and Seller shall cooperate with respect thereto as necessary).

Section 5.05 Further Assurances. Following the Closing, each of the parties hereto shall, and shall cause their respective Affiliates to, execute and deliver such additional documents, instruments, conveyances and assurances and take such further actions as may be reasonably required to carry out the provisions hereof and give effect to the transactions contemplated by this Agreement and the other Transaction Documents.

ARTICLE VI INDEMNIFICATION

Section 6.01 Survival. Subject to the limitations and other provisions of this Agreement, the representations and warranties contained herein shall survive the Closing and shall remain in full force and effect until the date that is one year from the Closing Date. None of the covenants or other agreements contained in this Agreement shall survive the Closing Date other than those which by their terms contemplate performance after the Closing Date, and each such surviving covenant and agreement shall survive the Closing for the period contemplated by its terms. Notwithstanding the foregoing, any claims asserted in good faith with reasonable specificity (to the extent known at such time) and in writing by notice from the non-breaching party to the breaching party prior to the expiration date of the applicable survival period shall not thereafter be barred by the expiration of such survival period and such claims shall survive until finally resolved.

Section 6.02 Indemnification by Seller. Subject to the other terms and conditions of this Article VI, Seller shall indemnify Buyer against, and shall hold Buyer harmless from and against, any and all losses, damages, liabilities, deficiencies, Actions, judgments, interest, awards, penalties, fines, costs or expenses of whatever kind, including reasonable attorneys' fees (collectively, "**Losses**"), incurred or sustained by, or imposed upon, Buyer based upon, arising out of, with respect to or by reason of:

- (a) any inaccuracy in or breach of any of the representations or warranties of Seller contained in this Agreement;
- (b) any breach or non-fulfillment of any covenant, agreement or obligation to be performed by Seller pursuant to this Agreement; or
- (c) any Excluded Asset or any Excluded Liability.

Section 6.03 Indemnification by Buyer. Subject to the other terms and conditions of this Article VI, Buyer shall indemnify Seller against, and shall hold Seller harmless from and against, any and all Losses incurred or sustained by, or imposed upon, Seller based upon, arising out of or with respect to:

- (a) any inaccuracy in or breach of any of the representations or warranties of Buyer contained in this Agreement;
- (b) any breach or non-fulfillment of any covenant, agreement or obligation to be performed by Buyer pursuant to this Agreement; or
- (c) any Assumed Liability.

Section 6.04 Indemnification Procedures. Whenever any claim shall arise for indemnification hereunder, the Indemnified Party shall promptly provide written notice of such claim to the Indemnifying Party. Such notice by the Indemnified Party shall: (a) describe the claim in reasonable detail; (b) include copies of all material written evidence thereof; and (c) indicate the estimated amount, if reasonably practicable, of the Loss that has been or may be sustained by the Indemnified Party. In connection with any claim giving rise to indemnity hereunder resulting from or arising out of any Action by a Person who is not a party to this Agreement, the Indemnifying Party, at its sole cost and expense and upon written notice to the Indemnified Party, may assume the defense of any such Action with counsel reasonably satisfactory to the Indemnified Party. The Indemnified Party shall be entitled to participate in the defense of any such Action, with its counsel and at its own cost and expense, subject to the Indemnifying Party's right to control the defense thereof. If the Indemnifying Party does not

assume the defense of any such Action, the Indemnified Party may, but shall not be obligated to, defend against such Action in such manner as it may deem appropriate, including settling such Action, after giving notice of it to the Indemnifying Party, on such terms as the Indemnified Party may deem appropriate and no action taken by the Indemnified Party in accordance with such defense and settlement shall relieve the Indemnifying Party of its indemnification obligations herein provided with respect to any damages resulting therefrom. Seller and Buyer shall cooperate with each other in all reasonable respects in connection with the defense of any claim, including: (i) making available (subject to the provisions of Section 5.01) records relating to such claim; and (ii) furnishing, without expense (other than reimbursement of actual out-of-pocket expenses) to the defending party, management employees of the non-defending party as may be reasonably necessary for the preparation of the defense of such claim. The Indemnifying Party shall not settle any Action without the Indemnified Party's prior written consent (which consent shall not be unreasonably withheld, conditioned or delayed).

Section 6.05 Exclusive Remedies. The parties acknowledge and agree that their sole and exclusive remedy with respect to any and all claims for any breach of any representation, warranty, covenant, agreement or obligation set forth herein or otherwise relating to the subject matter of this Agreement shall be pursuant to the indemnification provisions set forth in this Article VI. In furtherance of the foregoing, each party hereby waives, to the fullest extent permitted under Law, any and all rights, claims and causes of action for any breach of any representation, warranty, covenant, agreement or obligation set forth herein or otherwise relating to the subject matter of this Agreement it may have against the other parties hereto and their Affiliates and each of their respective Representatives arising under or based upon any Law, except pursuant to the indemnification provisions set forth in this Article VI. Nothing in this Section 6.05 shall limit any Person's right to seek and obtain any equitable relief to which such Person shall be entitled.

ARTICLE VII MISCELLANEOUS

Section 7.01 Expenses. Except as otherwise expressly provided herein (including Section 5.04 hereof), all costs and expenses incurred in connection with this Agreement and the transactions contemplated hereby shall be paid by the party incurring such costs and expenses.

Section 7.02 Interpretation; Headings. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the party drafting an instrument or causing any instrument to be drafted. The headings in this Agreement are for reference only and shall not affect the interpretation of this Agreement.

Section 7.03 Severability. If any term or provision of this Agreement is invalid, illegal or unenforceable in any jurisdiction, such invalidity, illegality or unenforceability shall not affect any other term or provision of this Agreement.

Section 7.04 Entire Agreement. This Agreement and the other Transaction Documents constitute the sole and entire agreement of the parties to this Agreement with respect to the subject matter contained herein and therein, and supersede all prior and contemporaneous representations, warranties, understandings and agreements, both written and oral, with respect to such subject matter. In the event of any inconsistency between the statements in the body of this Agreement and those in the other Transaction Documents and the Exhibits, the statements in the body of this Agreement will control.

Section 7.05 Successors and Assigns; Assignment. This Agreement is binding upon and inures to the benefit of the parties hereto and their respective successors and permitted assigns. Neither party may assign any of its rights or obligations hereunder without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed. Any purported assignment in violation of this Section shall be null and void. No assignment shall relieve the assigning party of any of its obligations hereunder.

Section 7.06 Amendment and Modification; Waiver. This Agreement may only be amended, modified or supplemented by an agreement in writing signed by each party hereto. No waiver by any party of any of the provisions hereof shall be effective unless explicitly set forth in writing and signed by the party so waiving. No failure to exercise, or delay in exercising, any right or remedy arising from this Agreement shall operate or be construed as a waiver thereof; nor shall any single or partial exercise of any right or remedy hereunder preclude any other or further exercise thereof or the exercise of any other right or remedy.

Section 7.07 Governing Law; Submission to Jurisdiction; Waiver of Jury Trial.

(a) This Agreement shall be governed by and construed in accordance with the internal laws of the State of New Mexico, without giving effect to the conflict of law provisions thereof to the extent such provisions would require or permit the application of the laws of any jurisdiction other than the State of New Mexico. Any legal suit, action, proceeding or dispute arising out of or relating to this Agreement, the other Transaction Documents or the transactions contemplated hereby or thereby shall be instituted solely in the courts of the State of New Mexico in each case located in the counties of Sandoval or Bernalillo and each party irrevocably submits to the exclusive jurisdiction of such courts in any such suit, action, proceeding or dispute.

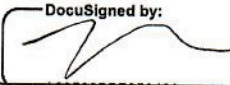
(b) EACH PARTY ACKNOWLEDGES AND AGREES THAT ANY CONTROVERSY WHICH MAY ARISE UNDER THIS AGREEMENT OR THE OTHER TRANSACTION DOCUMENTS IS LIKELY TO INVOLVE COMPLICATED AND DIFFICULT ISSUES AND, THEREFORE, EACH PARTY IRREVOCABLY AND UNCONDITIONALLY WAIVES, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN ANY LEGAL ACTION, PROCEEDING, CAUSE OF ACTION OR COUNTERCLAIM ARISING OUT OF OR RELATING TO THIS AGREEMENT, INCLUDING ANY EXHIBITS AND SCHEDULES ATTACHED TO THIS AGREEMENT, THE OTHER TRANSACTION DOCUMENTS OR THE TRANSACTIONS CONTEMPLATED HEREBY OR THEREBY. EACH PARTY CERTIFIES AND ACKNOWLEDGES THAT: (I) NO REPRESENTATIVE OF THE OTHER PARTY HAS REPRESENTED, EXPRESSLY OR OTHERWISE, THAT THE OTHER PARTY WOULD NOT SEEK TO ENFORCE THE FOREGOING WAIVER IN THE EVENT OF A LEGAL ACTION; (II) EACH PARTY HAS CONSIDERED THE IMPLICATIONS OF THIS WAIVER; (III) EACH PARTY MAKES THIS WAIVER KNOWINGLY AND VOLUNTARILY; AND (IV) EACH PARTY HAS BEEN INDUCED TO ENTER INTO THIS AGREEMENT BY, AMONG OTHER THINGS, THE MUTUAL WAIVERS AND CERTIFICATIONS IN THIS SECTION.

Section 7.08 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

Section 7.09 Non-Recourse. This Agreement may only be enforced against, and any claim, action, suit or other legal proceeding based upon, arising out of or related to this Agreement, or the negotiation, execution or performance of this Agreement, may only be brought against the entities that are expressly named as parties hereto and then only with respect to the specific obligations set forth herein with respect to such party. No past, present or future director, officer, employee, incorporator, manager, member, partner, stockholder, Affiliate, agent, attorney or other Representative of any party hereto or of any Affiliate of any party hereto, or any of their successors or permitted assigns, shall have any liability for any obligations or liabilities of any party hereto under this Agreement or for any claim, action, suit or other legal proceeding based on, in respect of or by reason of the transactions contemplated hereby

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first written above by their respective officers thereunto duly authorized.

Natural Rx Inc.

DocuSigned by:

By _____
Name: Tom Sheridan
Title: CEO

Casual Cannabis, LLC

DocuSigned by:

By _____
Name: Trevor reed
Title: Partner

EXHIBIT A

RELEASE OF OBLIGATIONS

I. THE PARTIES. This Release of Obligations ("Release") made on August, 2023, releases the liabilities and obligations of:

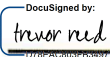
Borrower: MWG Holdings Group, Inc., a Delaware corporation with a mailing address of 1025 Joellis Way, Sacramento, CA 95815 ("Borrower") and:

Lender: Trevor Reed, an individual with a mailing address of 270 Sandia View Rd. NW Albuquerque, NM 87107 ("Lender") and is acting as the releasor.

II. THE RELEASE. The Lender agrees to discharge the Borrower from any claims, liabilities, and obligations under the loan made pursuant to Promissory Note dated April 30, 2019, for their portion of the Membership Interests purchased with a value in the amount of \$3,600,000.00, of which there remains a principal amount of \$_____, along with interest due and owing to the Lender.

The Lender agrees to Release all parties connected to the original Promissory Note including, if any, co-borrowers, co-signers, and guarantors for their portion of the monies due and owing.

IN WITNESS WHEREOF, the Lender has executed this Agreement as of the day and year first above written.

Lender's Signature:  _____

Date: 9/15/2023

Print Name: trevor reed

EXHIBIT B
BILL OF SALE

For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Natural Rx, Inc., a New Mexico corporation ("**Seller**"), does hereby grant, bargain, transfer, sell, assign, convey and deliver to Casual Cannabis LLC, a New Mexico limited liability company ("**Buyer**"), all of its right, title, and interest in and to the Tangible Personal Property and the Intellectual Property Assets as such terms are defined in the Asset Purchase Agreement dated as of August 1, 2023 (the "**Purchase Agreement**") by and between Seller and Buyer, and all plants and inventory including cannabis inventory and products on hand as of the date of this instrument, to have and to hold the same unto Buyer, its successors and assigns, forever.

Buyer acknowledges that Seller makes no representation or warranty with respect to the assets being conveyed hereby except as specifically set forth in the Purchase Agreement.

Seller for itself, its successors and assigns, hereby covenants and agrees that, at any time and from time to time upon the written request of Buyer, Seller will do, execute, acknowledge, and deliver or cause to be done, executed, acknowledged, and delivered, all such further acts, deeds, assignments, transfers, conveyances, powers of attorney, and assurances as may be reasonably required by Buyer in order to assign, transfer, set over, convey, assure, and confirm unto and vest in Buyer, its successors and assigns, title to the assets sold, conveyed, and transferred by this Bill of Sale.

IN WITNESS WHEREOF, Seller has duly executed this Bill of Sale as of [DATE] 9/6/2023

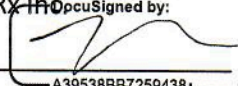
Natural Rx, Inc. Signed by:
By 
Name: Tom Sheridan
Title: CEO

EXHIBIT C

ASSIGNMENT OF LEASE

THIS ASSIGNMENT OF LEASE is made and entered into as of 9/6/2023, 2023 by and between Natural Rx, Inc., a New Mexico corporation ("Assignor") and Casual Cannabis, LLC, a New Mexico limited liability company ("Assignee").

Property address: 7001 Bluewater Rd. Ste A. Albuquerque, NM (insert address).

Landlord: 7001 Bluewater Road LLC

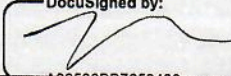
Date of Lease: July 1, 2018

For valuable consideration, Assignor hereby assigns to Assignee all of its right, title and interest in and to the Lease including any and all prepaids and other rights or entitlements of Assignor under the Lease, subject to all of the terms, covenants, conditions and provisions of the Lease.

Notwithstanding the foregoing Assignment, Assignee shall be liable to assume and perform the obligations of Assignor under the Lease only upon consent of the Landlord and only upon such terms as may be acceptable to Assignee in the exercise of its business judgment.

In witness whereof, the parties have executed this Assignment of Lease as of the date first above written.

Natural Rx Inc.

DocuSigned by:

By _____
Name: Tom Sheridan
Title: CEO

Casual Cannabis LLC

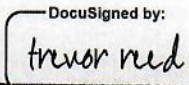
DocuSigned by:

By _____
Name: trevor reed
Title: Partner

EXHIBIT C

ASSIGNMENT OF LEASE

THIS ASSIGNMENT OF LEASE is made and entered into as of 9/6/2023, 2023 by and between Natural Rx, Inc., a New Mexico corporation ("Assignor") and Casual Cannabis, LLC, a New Mexico limited liability company ("Assignee").

Property address: 4320 Lead Ave SE Albuquerque, NM (insert address).

Landlord: Spartan Ventures LLC

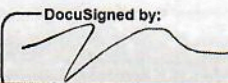
Date of Lease: February 13, 2018

For valuable consideration, Assignor hereby assigns to Assignee all of its right, title and interest in and to the Lease including any and all prepaids and other rights or entitlements of Assignor under the Lease, subject to all of the terms, covenants, conditions and provisions of the Lease.

Notwithstanding the foregoing Assignment, Assignee shall be liable to assume and perform the obligations of Assignor under the Lease only upon consent of the Landlord and only upon such terms as may be acceptable to Assignee in the exercise of its business judgment.

In witness whereof, the parties have executed this Assignment of Lease as of the date first above written.

Natural Rx Inc.

DocuSigned by:
By 
Name: Tom Sheridan
Title: CEO

Casual Cannabis LLC

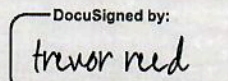
DocuSigned by:
By 
Name: Trevor reed
Title: Partner

EXHIBIT C

ASSIGNMENT OF LEASE

THIS ASSIGNMENT OF LEASE is made and entered into as of 9/6/2023, 2023 by and between Natural Rx, Inc., a New Mexico corporation ("Assignor") and Casual Cannabis, LLC, a New Mexico limited liability company ("Assignee").

Property address: 3414 Highway 47 Ste. C Los Lunas, NM (insert address).

Landlord: Spartan 2.0 LLC

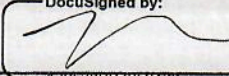
Date of Lease: January 1, 2018

For valuable consideration, Assignor hereby assigns to Assignee all of its right, title and interest in and to the Lease including any and all prepaids and other rights or entitlements of Assignor under the Lease, subject to all of the terms, covenants, conditions and provisions of the Lease.

Notwithstanding the foregoing Assignment, Assignee shall be liable to assume and perform the obligations of Assignor under the Lease only upon consent of the Landlord and only upon such terms as may be acceptable to Assignee in the exercise of its business judgment.

In witness whereof, the parties have executed this Assignment of Lease as of the date first above written.

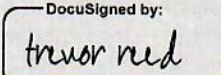
Natural Rx Inc.

DocuSigned by:


By _____
Name: Tom Sheridan

Title: CEO

Casual Cannabis LLC

DocuSigned by:


By _____
Name: Trevor reed

Title: Partner

EXHIBIT C

ASSIGNMENT OF LEASE

THIS ASSIGNMENT OF LEASE is made and entered into as of 9/6/2023, 2023 by and between Natural Rx, Inc., a New Mexico corporation ("Assignor") and Casual Cannabis, LLC, a New Mexico limited liability company ("Assignee").

Property address: 8612 Paseo Alameda St. E. Albuquerque, NM (insert address).

Landlord: RX Holdings, LLC

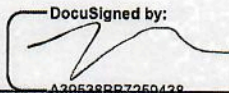
Date of Lease: November 1, 2017

For valuable consideration, Assignor hereby assigns to Assignee all of its right, title and interest in and to the Lease including any and all prepaids and other rights or entitlements of Assignor under the Lease, subject to all of the terms, covenants, conditions and provisions of the Lease.

Notwithstanding the foregoing Assignment, Assignee shall be liable to assume and perform the obligations of Assignor under the Lease only upon consent of the Landlord and only upon such terms as may be acceptable to Assignee in the exercise of its business judgment.

In witness whereof, the parties have executed this Assignment of Lease as of the date first above written.

Natural Rx Inc.

By  DocuSigned by:
A30528887250438
Name: Tom Sheridan
Title: CEO

Casual Cannabis LLC

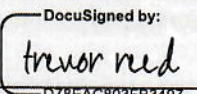
By  DocuSigned by:
D78EAC803FB3497
Name: Trevor Reed
Title: Partner

EXHIBIT C

ASSIGNMENT OF LEASE

THIS ASSIGNMENT OF LEASE is made and entered into as of 9/6/2023, 2023 by and between Natural Rx, Inc., a New Mexico corporation ("Assignor") and Casual Cannabis, LLC, a New Mexico limited liability company ("Assignee").

Property address: 2220 Grande Blvd. Ste. C. Rio Rancho, NM (insert address).

Landlord: RX Holdings Two LLC

Date of Lease: November 1, 2017

For valuable consideration, Assignor hereby assigns to Assignee all of its right, title and interest in and to the Lease including any and all prepaids and other rights or entitlements of Assignor under the Lease, subject to all of the terms, covenants, conditions and provisions of the Lease.

Notwithstanding the foregoing Assignment, Assignee shall be liable to assume and perform the obligations of Assignor under the Lease only upon consent of the Landlord and only upon such terms as may be acceptable to Assignee in the exercise of its business judgment.

In witness whereof, the parties have executed this Assignment of Lease as of the date first above written.

Natural Rx Inc.

By [Signature]
Name: Tom Sheridan
Title: CEO

Casual Cannabis LLC

By [Signature]
Name: Trevor reed
Title: Partner

EXHIBIT C

ASSIGNMENT OF LEASE

THIS ASSIGNMENT OF LEASE is made and entered into as of 9/6/2023, 2023 by and between Natural Rx, Inc., a New Mexico corporation ("Assignor") and Casual Cannabis, LLC, a New Mexico limited liability company ("Assignee").

Property address: 508 Old Highway 85, Socorro, NM (insert address).

Landlord: Van Slyke Trust

Date of Lease: June 28th 2022

For valuable consideration, Assignor hereby assigns to Assignee all of its right, title and interest in and to the Lease including any and all prepaids and other rights or entitlements of Assignor under the Lease, subject to all of the terms, covenants, conditions and provisions of the Lease.

Notwithstanding the foregoing Assignment, Assignee shall be liable to assume and perform the obligations of Assignor under the Lease only upon consent of the Landlord and only upon such terms as may be acceptable to Assignee in the exercise of its business judgment.

In witness whereof, the parties have executed this Assignment of Lease as of the date first above written.

Natural Rx Inc.

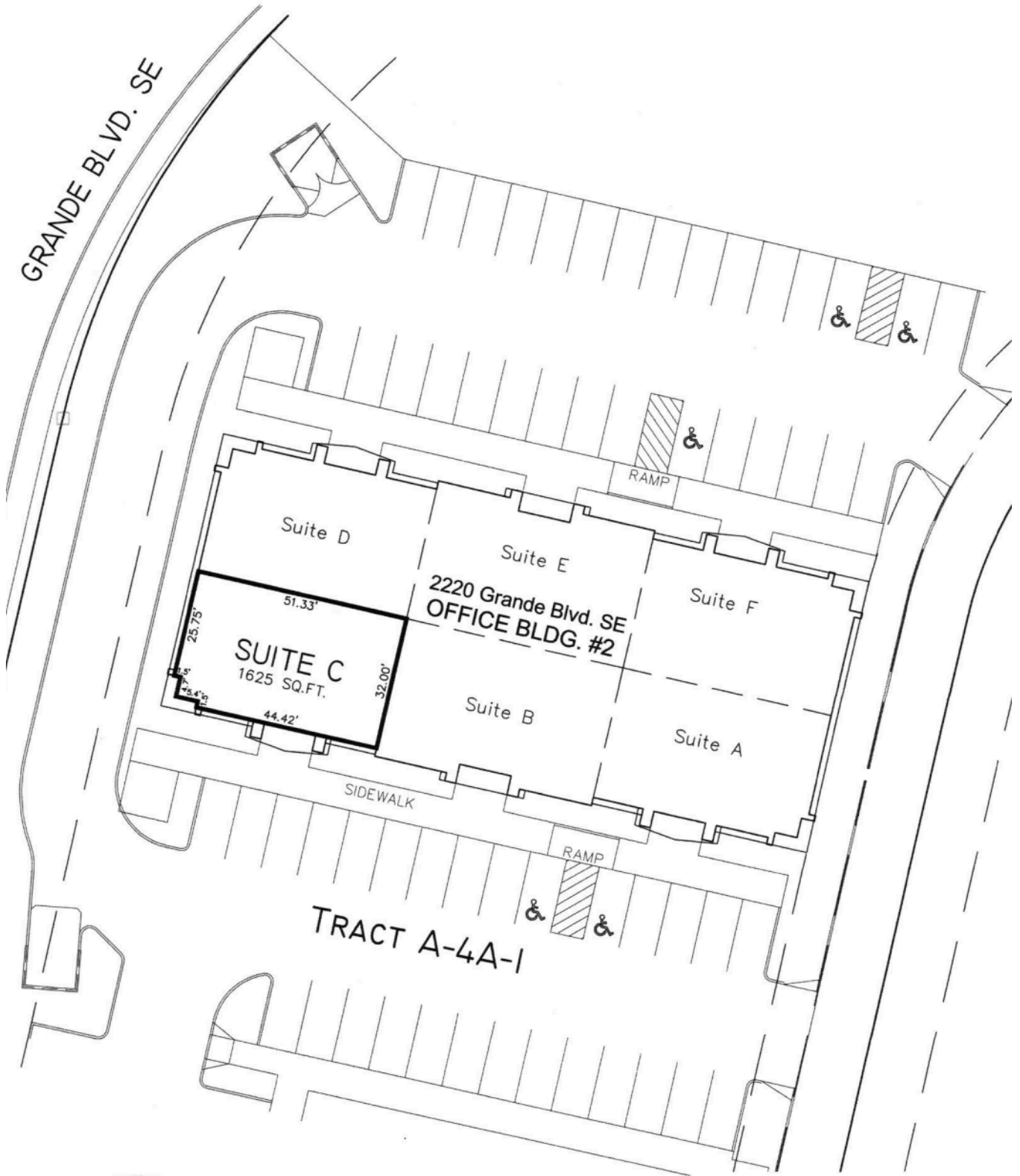
By [Signature]
Name: Tom Sheridan
Title: CEO

Casual Cannabis LLC

By [Signature]
Name: Trevor reed
Title: Partner

IMPROVEMENT LOCATION REPORT EXHIBIT

August 20, 2020



RIO RANCHO
JEWISH CENTER
DAY CARE

HAINES PARK

21ST AVENUE SE

301'

2220 GRANDE BLVD.

Suite D

Suite E

Suite F

Suite C

Building 2

Suite B

Suite A

GRANDE BLVD. SE

968'



To Whom this may concern,

I, Trevor Reed, appoint Corey Rivas as my authorized agent to represent me in all matters pertaining to the variance application process for **2220 Grande Boulevard SE, Rio Rancho, NM 87124** with the City of Rio Rancho zoning commission.

The appointed agent Corey Rivas, is authorized to act on my behalf, which includes attending meetings, filing documents, and providing and receiving information related to the variance process with the City of Rio Rancho zoning commission. If you have any questions or concerns, please do not hesitate to contact me

Trevor Reed

A handwritten signature in black ink, appearing to be 'TR' followed by a flourish.

541-666-9055

bailey505reed@comcast.net

This digital copy of your license is to be used for limited purposes only and does not replace the official license issued and mailed by the New Mexico Regulation and Licensing Department. This digital copy may be used for insurance credentialing or for other limited purposes when an official license is not available. This digital copy should not be used for public display, except for temporary purposes, if the license is required to be displayed at the licensee's primary place of business. Additional copies or replacements of an official license may be ordered for a fee online through the licensing portal.



State of New Mexico

**Regulation & Licensing Department
Cannabis Control Division**

HEREBY CERTIFIES THAT

casual cannabis

HAVING GIVEN SATISFACTORY EVIDENCE OF THE LICENSING REQUIREMENTS
PRESCRIBED BY LAW IS GRANTED A LICENSE TO OPERATE IN THE STATE
OF NEW MEXICO AS A

VICE-Retailer

License No.
CCD-VICE-2023-0039-RTL-001

Issued 08/03/2023

Expires 08/02/2024

THIS LICENSE SHOULD BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS OR AS REQUIRED BY LAW

3D Vision View Development Services Records & GIS Section

2228 WILLOW BLVD SE
Please search the City of 2228 S

The image shows an aerial 3D view of a residential neighborhood. A blue double-headed arrow is drawn across a road, indicating a measurement. The surrounding area includes houses, parking lots, and a large green field. A search bar at the top left contains the text '2228 WILLOW BLVD SE' and 'Please search the City of 2228 S'. The top right corner features a 'Measurement' panel with a dropdown menu set to 'Feet (US)', a 'Measurement Result' of '76 Feet (US)', and a 'Clear' button. The bottom right corner has a small copyright notice: '© 2016 City of Seattle, Washington'.

Measurement

Feet (US)

Measurement Result

76 Feet (US)

Clear

© 2016 City of Seattle, Washington

Microsoft **View** Development Services Research & GIS Solutions

3228 GRANDE BLVD NE
Press search results for 3228 NE

Measurement
121.5 Feet (US)
Clear

Foot (US) is not a unit of measurement

This screenshot shows a web-based GIS application interface. The main area is an aerial satellite view of a residential area with several houses and a road. A blue line is drawn across the road, indicating a measurement. On the right side, there is a 'Measurement' panel that displays the result '121.5 Feet (US)' and a 'Clear' button. The top of the interface has a green header with the text 'Microsoft View Development Services Research & GIS Solutions'. Below the header, there is a search bar containing the address '3228 GRANDE BLVD NE' and a search icon. The bottom left corner of the map area shows the text '© 2021 Microsoft Corporation'.

ALBUQUERQUE PUBLISHING COMPANY

7777 Jefferson St. NE, Albuquerque, NM 87109

Account Number
1010956

Ad Order Number
0001585564

Ad Proof/Order Confirmation

CITY OF RIO RANCHO
ATTN: ACCOUNTS PAYABLE
3200 CIVIC CENTER CIR NE
RIO RANCHO, NM 871444501 USA

Ordered By Sharon Bitah

Customer Phone 5058915005

Joint Ad #

Customer Email sbitah@rrnm.gov

PO Number 240051

Ad Cost \$115.64

Sales Rep dmontoya

Tax Amount \$8.82

Order Taker dmontoya

Total Amount \$124.46

Amount Paid \$0.00

Amount Due \$124.46

To pay by Credit Card or ACH: Click on the link below or enter online through your browser.

<https://securepayment.link/abqjournal/>

Affidavits 0

Pick Up #

Product Albuquerque Journal
Ad Number 0001585564-01
Ad Type 0 Legal Liner
Ad Size 1 X 147 li
Color

Placement 0Legal Notices
Classification 0Government
Sort Text CITYOFRIORANCHOPUBLICHEARING
NOTICETHEPLANNINGANDZONINGB
OARDOFTHECITYOFRIORANCHONM
WILLCONSIDERTHEFOLLOWINGMAT
TERSATITSREGULARLYSCHE

Run Date
01/29/2024
01/29/2024
01/29/2024

WYSIWYG Content



CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, February 13, 2024:

Conditional Use Permit
Case #24-120-00001
The applicant, El Patron Tire Shop LLC, through their agent, Jorge Escobedo, is requesting approval of a Conditional Use Permit for Automotive Sales 2700 Southern Blvd SE. The subject property is zoned C-1: Retail Commercial and is approximately .46 acres in size.

Variance
Case #24-110-00002
The applicant, Trevor Reed, through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from public facilities and residentially zoned properties for a retail cannabis establishment. The proposed retail cannabis establishment is physically located at 2220 Grande Blvd SE STE C, Rio Rancho, NM 87124.

Variance
Case #24-110-00003
The applicant, Clenera, requests approval of a variance to allow for a 12 ft and 16 ft tall CMU block wall for a solar energy facility located on the property legally described as in Lands of Quail Ranch, Tract 2A-1.

Zone Map Amendment
Case #24-100-00001
The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of a Zone Map Amendment from SU: Special Use for Educational, Recreational, and Cultural Uses to SU: Special Use for Restaurants, Bars, Lounges, Coffee/Tea Rooms, Delicatessens, & Patio/Ai Fresco Dining Facilities for the property of 821 Loma Colorado Blvd NE, legally described as LOMA, Tract P1C-B.

Vacation of Plat
Case #24-230-00001
The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of a Vacation Plat vacating a portion of right-of-way of Loma Colorado Blvd NE.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rnm.gov. Written comments will be inserted into the public record.



DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: January 23, 2024

- TO:** (X) Development Services – Matt Geisel, Amy Rincon, David Serrano, Brian Babyak, Cedric Smith, Peter Prukop
 (X) Fire and Rescue – James Wenzel, Gerard Bauer
 (X) Police - Justin Garcia
 (X) SSCAFCA – Andy Edmondson, Sara Rasa
 (X) Parks and Recreation - Dyane Sonier
 (X) Rio Rancho Public Schools – Michael Baker
 (X) MRCOG – Peach Anderson-Tauzer

FROM: Development Services Department, Planning & Zoning Division

RE: Variance: DSD #24-110-00002, 2220 Grande Blvd SE STE C (Gateway South, Tract A4A1)

The applicant, Trevor Reed (Casual Cannabis, LLC), through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from residentially zoned property and public facilities for a retail cannabis establishment. The proposed retail cannabis establishment is physically located at 2220 Grande Blvd SE STE C. The subject property is listed in the Rio Rancho Municipal Code Chapter 122.06 Nonconforming Uses (D), however with the expiration of the license attached to this address it is no longer considered a nonconforming use and would not meet current requirements outlined in Chapter 122.04 Location Restrictions.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Tuesday, February 6, 2024**. If redline comments are made on the application materials, please also provide me with a copy. Please contact Chris Benson at 505-896-8342 or e-mail cbenson@rrnm.gov if you have any questions or would like to review a hard copy at my office.

This item has been reviewed and is hereby:

- RECOMMENDED FOR APPROVAL
- RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
- RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

At this time PRCS believes that the location of a cannabis retail establishment at this location is too close (less than 300 feet) to an existing public park that hosts summer camp, summer swimming lessons and sports and other youth programs throughout the year. Additionally, the park is a destination for family and group parties and regular park patrons throughout the year. As the City’s oldest and one of the top two most frequently used parks/facilities, PRCS would not recommend approval for the requested variance and to locate this type of establishment in this location per the State Statute provisions and other rules and guidelines.

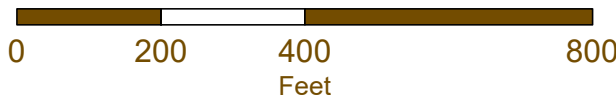
Dyane N. Sonier

01/29/2024

Reviewer

Date

VARIANCE: 2200 GRANDE BLVD SE STE C GATEWAY SOUTH, TRACT A4A1



- Notice Postcard
- Notice Letter
- Subject Property - Circled in Red

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

Map Created by Chris Benson on 02/07/2024



The City of Rio Rancho

**Development Services
Planning Division**

3200 Civic Center Circle NE
Rio Rancho, NM 87144
Phone (505) 891-5005 • Fax (505) 896-8994

February 7, 2024

RE: Variance,
Case No. 24-110-00002
Gateway South, Tract A4A1 (2220 Grand Blvd SE STE C)

Dear Property Owner:

You are receiving this certified notice because your property is within 100 feet of a site where a land development decision is required by the Planning and Zoning Board.

The applicant, Trevor Reed (Casual Cannabis, LLC), through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from public facilities and properties containing a residential use for a proposed retail cannabis establishment. The proposed retail cannabis establishment is physically located at 2220 Grande Blvd SE STE C, and is within approximately 76 feet of a public facility (Haynes Park) and 121 feet from residentially zoned property.

The **Planning and Zoning Board** will consider the request and have the final approval on **Tuesday, February 27, 2024** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below**.

On the back of this letter is a location map of the project, with the subject property identified within the black outline and circled in red.

If you would like to comment on this application, you are encouraged to send in comments in writing, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rnm.gov or on Sparklight cable channel 56.

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer: <https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please do not hesitate to contact me via e-mail me at cbenson@rnm.gov or call me at 505-896-8342, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rnm.gov, the Friday before the hearing.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,

Chris Benson

Chris Benson
Municipal Planner II
Development Services Department
City of Rio Rancho

VARIANCE: 2200 GRANDE BLVD SE STE C GATEWAY SOUTH, TRACT A4A1



	Public Facility - Hayens Park
	Subject Property - Suite C Circled in Red
Zoning	
	C-1: Retail Commercial
	R-1: Single-Family Residential
	SU: Special Use



Development Services Department
3200 Civic Center Circle NE, Suite 130
Rio Rancho NM, 87144
Phone: (505) 891-5005
Fax: (505) 896-8994

NOTICE OF PUBLIC HEARING

Meeting: Planning & Zoning Board
Location: Virtual (Zoom)/City Hall

Date: February 27, 2024
Time: 6:00PM
Staff Contact: Chris Benson (505) 896-8342
cbenson@rrnm.gov



Development Services Department
3200 Civic Center Circle NE, Suite 130
Rio Rancho NM, 87144
Phone: (505) 891-5005
Fax: (505) 896-8994

NOTICE OF PUBLIC HEARING

Meeting: Planning & Zoning Board
Location: Virtual (Zoom)/City Hall

Date: February 27, 2024
Time: 6:00PM
Staff Contact: Chris Benson (505) 896-8342
cbenson@rrnm.gov

Application Information

You are receiving this notice because your property is within 300 feet a site where a land development decision is required by the Planning and Zoning Board. The applicant, Trevor Reed (Casual Cannabis, LLC), through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from public facilities and properties containing a residential use for a proposed retail cannabis establishment. The proposed retail cannabis establishment is physically located at 2220 Grande Blvd SE STE C (outlined in black, circled in red), and is approximately 76 feet from a public facility (Haynes Park) 120 feet from the nearest property containing residential uses located west of the subject property. The PZB will hear the request on February 27, 2024.

We are promoting social distancing and running Planning and Zoning Board Meetings as a hybrid virtual and in person. If you'd like to present comments on the case while the meeting is occurring, please join the meeting from your computer, tablet or smartphone:

<https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>

Meeting ID: 851 8074 1871 Passcode: 026819 Join via phone: 1-253-215-8782 US



Application Information

You are receiving this notice because your property is within 300 feet a site where a land development decision is required by the Planning and Zoning Board. The applicant, Trevor Reed (Casual Cannabis, LLC), through his agent, Corey Rivas, is requesting approval of a variance to the 300-foot distance requirement from public facilities and properties containing a residential use for a proposed retail cannabis establishment. The proposed retail cannabis establishment is physically located at 2220 Grande Blvd SE STE C (outlined in black, circled in red), and is approximately 76 feet from a public facility (Haynes Park) 120 feet from the nearest property containing residential uses located west of the subject property. The PZB will hear the request on February 27, 2024.

We are promoting social distancing and running Planning and Zoning Board Meetings as a hybrid virtual and in person. If you'd like to present comments on the case while the meeting is occurring, please join the meeting from your computer, tablet or smartphone:

<https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>

Meeting ID: 851 8074 1871 Passcode: 026819 Join via phone: 1-253-215-8782 US



RECEIVED VIA EMAIL (sam@sunvista.com) 01/30/2024 3:50 PM

Hi Chris,

I am writing on behalf of the Gateway South Owner's Association and Rio Rancho Executive Plaza Owner's Association in response to the attached variance request with the City of Rio Rancho.

Both Association Board members humbly request that the variance is denied. I did not see it noted on the request, but there is already one cannabis dispensary located at 2320 Grande Blvd Suites B and D, Verdes Foundation, within the Rio Rancho Executive Plaza. I know that the City of Albuquerque does not allow dispensaries within 600 ft. of one another, is there not a similar restriction in the City or Rio Rancho?

Thank you,

Samantha Lackey

Senior Portfolio Manager

sam@sunvista.com

NAI SunVista

2424 Louisiana Blvd. NE, Suite 100

Albuquerque, NM 87110 USA

www.sunvista.com

For 24-hour Maintenance Issues and Emergencies, call 505-798-9800

Main 505 798 9800

Direct 505 998 1574

Fax 505 828 1612





NAGEL CPAs, LLC

Accountants & Advisors

February 5, 2024

Chris Benson
Development Services Department
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Dear Chris,

I am writing to express my opposition to the zoning waiver request for a proposed cannabis retail facility to be located at 2220, Suite C, Grande Blvd SE, Rio Rancho, NM 87124 primarily due to concerns related to traffic, parking, public safety, increased insurance rates for other tenants of the office park, and its proximity to the city park.

Traffic and Parking Issues:

The original cannabis retail facility grandfathered in under existing ordinance substantially worsened traffic congestion and parking challenges in our complex, impacting the overall traffic flow, accessibility for public safety vehicles and exceeded existing limits on parking as originally approved in the site development plan.

Increased Insurance Rates:

The presence of a cannabis retail facility has led to 75% higher insurance rates for nearby properties, placing an unnecessary financial burden on local businesses.

Community Image and Safety:

We are concerned about the impact on our community's image and the perceived safety of the area, as some residents feel uncomfortable with the presence of such establishments near their homes.

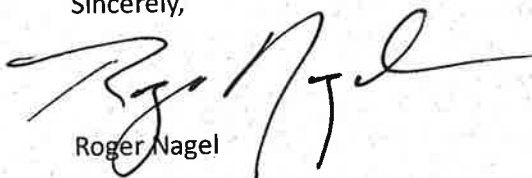
Proximity to City Park:

The proposed location's closeness to the city park has raised additional concerns about the potential influence on parkgoers, the park's family-friendly environment, and the overall recreational experience.

I urge the zoning committee to deny this waiver request.

Thank you for your consideration.

Sincerely,



Roger Nagel

2240 Grande Blvd. SE, Suite 103 • Rio Rancho, NM 87124

(o) 505.898.2558 • (f) 505.899.4109

www.nagelcpa.us

FROM JAMES WANG VIA EMAIL ON 02/08/2024 9:31 PM

Dear Chris,

My name is Fucheng Wang. I am the property owner of 2220 Grande Blvd SE STE B which is right next to the property intended to be occupied by Casual Cannabis LLC. It was nice speaking with you on the phone last Friday.

I am writing to object the case for requesting approval of a variance to the 300-foot distance requirement from public facilities and properties containing a residential use of a proposed retail cannabis establishment. We sincerely believe that there is a good reason for the current regulation on the 300-foot distance requirement which shall not be compromised. On the other hand, there is already a recreational cannabis store within the Rio Rancho Plaza. We really do not want to have another cannabis store operating in the same plaza. We are concerned that the potential environmental impact and the neighborhood safety risk could affect the community around as well as other businesses within the plaza.

Please forward our concern to the Planning and Zoning Board for their consideration prior to the final decision meeting.

Thanks,

James (Fucheng)



**BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR APPROVAL
Case No. 24-110-00002**

**REQUEST FOR VARIANCE TO THE 300-FOOT DISTANCE REQUIREMENT FROM
RESIDENTIALLY ZONED PROPERTIES AND PUBLIC FACILITIES FOR A
RETAIL CANNABIS ESTABLISHMENT AT 2220 GRANDE
BLVD SE STE C (GATEWAY SOUTH, TRACT A4A1).**

Applicant: Trevor Reed

Agent: Corey Rivas

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 27th day of February, 2024, the Planning & Zoning Board having taken evidence and considered the merits, has determined and found:

GENERAL FINDINGS OF FACT:

1. In accordance with R.O. 2003 Section 150.06, the Planning and Zoning Board has jurisdiction over approval of a variance request.
2. Following procedures for a variance, proper notice of hearing on this matter was given.
3. The applicant has authority to make an application to request a variance to the 300-foot distance requirement from residentially zoned properties and public facilities for a retail cannabis establishment.
4. Due process was provided to the applicant and adjacent property owners.

SPECIFIC FINDINGS OF FACT:

1. The applicant has adequately addressed the criteria for granting a variance as set forth in R.O. 2003.
2. A variance to R.O. 2003 §122.04 requiring a minimum distance of 300ft from residentially zoned properties and public facilities for a retail cannabis establishment, is approved.
3. The applicant must adhere to all other requirements found within R.O. 2003 §122.04.

THEREFORE, the application for a variance to the 300-foot distance requirement from residentially zoned properties and public facilities for a retail cannabis establishment at 2220 Grande Blvd SE STE C, **is APPROVED** by the Planning & Zoning Board of the City of Rio Rancho on February 27, 2024, subject to the conditions, restrictions and stipulations specified above.

Date

Planning and Zoning Board Chair



**BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 24-110-00002**

REQUEST FOR VARIANCE TO THE 300-FOOT DISTANCE REQUIREMENT FROM RESIDENTIALLY ZONED PROPERTIES AND PUBLIC FACILITIES FOR A RETAIL CANNABIS ESTABLISHMENT AT 2220 GRANDE BLVD SE STE C (GATEWAY SOUTH, TRACT A4A1).

Applicant: Trevor Reed

Agent: Corey Rivas

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 27th day of February, 2024, the Planning & Zoning Board having taken evidence and considered the merits, has determined and found:

GENERAL FINDINGS OF FACT:

1. In accordance with R.O. 2003 Section 150.06, the Planning and Zoning Board has jurisdiction over approval of a variance request.
2. Following procedures for a variance, proper notice of hearing on this matter was given.
3. The applicant has authority to make an application to request a variance to the 300-foot distance requirement from residentially zoned properties and public facilities for a retail cannabis establishment.
4. Due process was provided to the applicant and adjacent property owners.

SPECIFIC FINDINGS OF FACT:

1. The applicant has not adequately addressed the criteria for granting a variance as set forth in R.O. 2003.
2. The lot is not irregular in shape, narrow, shallow, or steep and does not have an exceptional physical condition that is preventing the applicant from complying with the zoning code.
3. There does not exist a special circumstance applicable to the property, including its distance from a public facility and residentially zoned properties.
4. There are no other exceptional physical conditions whereby the strict application of the zoning ordinance requirements would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his/her land or building.



**BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 24-110-00002**

THEREFORE, the application for a variance to the 300-foot distance requirement from residentially zoned properties and public facilities for a retail cannabis establishment, **is DENIED** by the Planning & Zoning Board of the City of Rio Rancho on February 27, 2024, subject to the conditions, restrictions and stipulations specified above.

Date

Planning and Zoning Chairman

RL Investments LLC
13704 Poinsettia Ct SE
Albuquerque, NM 87123

Chris Benson
Municipal Planner II
Development Services Department
Planning Division
3200 Civic Center Circle NE

Dear Mr. Benson: - CASE # 24-110-00002

I am the owner of a property located at 2200 Grande Blvd SE Suite B and C located within the city limits of Rio Rancho, NM. I am writing to voice my formal protest to granting a variance in:

Case No. 24-110-00002

Gateway South, Tract A4A1 (2200 Grande Blvd SE STE C

This property is a medical office complex serving many different types of patients in the Rio Ranch community including patients receiving counselling for many different forms of addiction. Placing a cannabis dispensary within a medical office complex poses the appearance that the medical community endorses the use of recreational cannabis. Current tenants in the medical professions and future prospective medical tenants may feel that locating near such a facility may harm their practices, as there are still many residents in the community who oppose the recreational use of cannabis products.

In addition, this location is less than 100 feet from a park frequented by the youngest and most vulnerable members of our community, our children. As has been witnessed by the crimes committed against cannabis dispensaries nationwide we should not allow a business that could attract possible criminals to this location. The zoning regulations prohibiting locating these businesses near public facilities were designed to protect our residents and should not be re-written simply because a cannabis license holder believes this would be a highly visible and profitable location to place his business.


Many communities in our state have seen cannabis dispensaries close as a result of the rapid expansion of the industry and individuals chasing high profits. These closures, in some cases, have left empty buildings which are now less desirable locations due to the nature of the former tenant and the flight of other more desirable tenants.

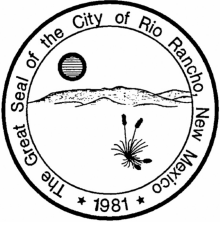
I request that the Zoning Board take into account the concerns and objections raised by myself and others in the community and carefully evaluate the potential impacts on this medical office complex, its occupants, and the overall health and well-being of our community when making a decision on this zoning variance request. Thank you in advance for your attention. I trust that you will make a decision that aligns with the best interests of our community.

Yours truly,

RL INVESTMENTS LLC

Roy Benson

 MANAGING PARTNER



**CITY OF RIO RANCHO
COVER PAGE**

**Legislation Item: 24-120-
00002**

AGENDA DATE:
February 27, 2024

DEPARTMENT:
Development Services

SUBJECT:
Conditional Use Permit. The applicant, Metal Dog Iron Works LLC, is requesting approval of a Conditional Use Permit for light manufacturing at the subject property legally described as Rose, Block 1, Lot 4; located at 1550 Stephanie Rd SE. Staff contact is Liz Ruiz Carlos and staff recommends approval with findings and conditions.

BACKGROUND AND ANALYSIS:

The applicant, Metal Dog Iron Works LLC, is requesting approval of a Conditional Use Permit for light manufacturing at the subject property legally described as Rose, Block 1, Lot 4; located at 1550 Stephanie Rd SE. The applicant's business address is specifically Suite 116. The property is currently zoned C-2: Wholesale and Warehousing Commercial and totals 1 acre.

Per Rio Rancho Municipal Code (R.O. 2003) 154.25(C)(4), "light manufacturing" is a conditional use in C-2 requiring a conditional use permit. The conditional use permit would allow for light manufacturing as an additional use.

R.O. 2003 § 150.04 states: (A) A conditional use permit may be granted for the specific zone in which it is allowed provided it meets any conditions stipulated in this title, and is not detrimental to the public welfare, safety, health, morals and convenience of the surrounding area.

The applicant proposes no changes to the original building footprint, parking, or setbacks, as shown on the submitted site plan. The existing building does not require alterations to accommodate the proposed use. The existing site plan meets setback standards for the C-2: Wholesale and Warehousing Commercial District.

The applicant states: "Metal Dog Iron Works prioritizes safety in its operations by ensuring that its iron and metal fencing installations meet safety standards. The company also takes measures to ensure that the installation process itself does not pose a risk to the public or its workers... Metal Dog Iron Works, as a responsible and ethical fencing company, contributes to [the] public welfare, safety, health, morals, and convenience of surrounding areas by providing valuable services that enhance security, privacy, and safety."

The applicant further states that, "[their] installations can positively impact community health by providing safe and secure spaces for recreational activities;" and that they also, "contribute to public welfare by providing high-quality fencing services that enhance security and privacy for homes, businesses, and public spaces."

Staff recommends the Planning and Zoning Board find that the proposed use will not to be

detrimental to the public welfare, safety, health, morals, and convenience of the surrounding area as the proposed use aligns with similar uses and businesses in the surrounding area and the applicant asserts that their company takes measures to ensure safety in their operations and community well-being. Staff recommends the Board find that the use provides a benefit to the surrounding area and that the proposed use and business will not be making any changes to the site.

(B) An application for a conditional use permit may be submitted to the Planning and Zoning Board through the City Development Department. The Planning and Zoning Board shall approve or disapprove the application following consideration at its next regular meeting.

The applicant submitted an application for review by the Planning and Zoning Board, dated January 24, 2024. Criteria satisfied.

SURROUNDING LAND USE AND ZONING: The subject property is zoned C-2: Wholesale and Warehousing Commercial. The properties surrounding it to the north, south, and west are also zoned C-2: Wholesale and Warehousing Commercial and feature a variety of different businesses. The property to the west is zoned R-6: Multi-Family Residential and features two story town-homes.

NOTIFICATIONS: Notice of the conditional use permit application was sent via certified mail to property owners within 100ft of the subject property. A legal ad was published in the Albuquerque Journal on February 12, 2024. A notice sign was posted on the property one week prior to the hearing.

REVIEWER COMMENTS: Reviewing Agency Comments

CoRR Engineering: No comments provided

CoRR Fire & Rescue: No adverse comments

CoRR Parks, Recreation, and Community Services: No adverse comments

CoRR Police: No comments provided

MRCG - MRMPO: No adverse comments

Rio Rancho Public Schools: No comments provided

SSCAFCA: No comments provided

IMPACT:

The Development Services Department recommends that the Planning and Zoning Board approve the conditional use permit request light manufacturing, subject to the findings set forth below:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board has jurisdiction over the approval of a conditional use permit.
2. Following procedures for a conditional use permit, proper notice of hearing was given.
3. The applicant has the authority to apply for a conditional use for light manufacturing.
4. Due process was provided to the applicant and adjacent property owners.

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

1. The applicant has adequately addressed the criteria for granting a Conditional Use permit as set forth in R.O. 2003 Section 150.04 Conditional Use Permit.
2. The applicant has adequately addressed the criteria of R.O. 2003 Section 154.25(C)(4) C-2: Conditional Uses in Wholesale and Warehousing Commercial District.

If the Planning and Zoning Board finds the conditional use permit is not justified, a denial may be based on the following findings:

FINDINGS OF FACT FOR DENIAL:

1. The applicant has not adequately addressed the criteria for a conditional use permit as set forth in R.O. 2003 Section 150.04.

ALTERNATIVES:

The Planning and Zoning Board may:

1. Approve the request, in whole or in part;
2. Deny the request, in whole or in part;
3. Modify the request and approve such modifications;
4. Continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

Staff recommends the Planning and Zoning Board approve the requested conditional use permit.

ATTACHMENT: [Location, Zoning Map.pdf](#)

ATTACHMENT: [Application.pdf](#)

ATTACHMENT: [Letter of Authorization.pdf](#)

ATTACHMENT: [Justification Letter.pdf](#)

ATTACHMENT: [Hours of Operation.pdf](#)

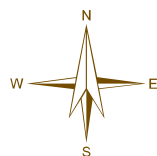
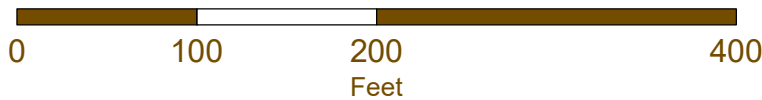
ATTACHMENT: [Site Plan.pdf](#)


ATTACHMENT: [Reproduction of Notices.pdf](#)

ATTACHMENT: [Public Comment #1.pdf](#)




ATTACHMENT: [24-120-00002 - Findings of Fact.docx](#)

1550 STEPHANIE RD SE ROSE, BLOCK 1, LOT 4



 Subject Property

Zoning

-  C-1
-  C-2
-  R-6

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

Map Created by Liz Ruiz Carlos on 02/20/2024

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input checked="" type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat/Street	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print in Ink Only or Type

Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name: Metal Dog Iron Works LLC Phone: 505 388 4353
 Address: 1550 Stephanie Rd SE Ste 116 E-Mail: metaldogironworks@outlook.com
 City: Rio Rancho NM State: NM Zip: 87124
 Proprietary Interest: Sole Member LLC List Owners: Glen B. Gillaspie
 Deed or Ownership Verification Provided (Initials) _____ Letter of Authorization Provided (Initials) _____

Agent Name: Glen B Gillaspie Phone: 505.388.4353
 Address: 1648 Twinberry Dr NE E-Mail: metaldogironworks@outlook.com
 City: Rio Rancho State: NM ZIP Code: 87144

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)

Conditional use Permit for light manufacturing

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit: Rose Subdivision Block(s): 1 Lot(s): 4
 Existing Zoning: _____ Proposed Zoning: light manufacturing
 No. of existing lots: N/A No. of proposed lots: N/A Total area of site (acres): 1.000

ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name: Glen B Gillaspie Applicant: _____ Agent: _____
 Signature: Glen B Gillaspie Date: 11/7/23

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ DATE: _____

January 24, 2024

To Whom It May Concern:

Ben Gillaspie at Metal Dog Iron Works is a tenant of mine that I approve of. He has a welding shop. He does metal work and welding. He keeps a very clean shop. He has a very good small business in Rio Rancho.

The building he is in at 1550 Stephanie Road is full sprinkled.

If you have any questions, please feel free to call me.

Thank you.

Philip J. Menicucci
505-238-1964



January 24, 2024

Dear Recipient:

When it comes to Metal Dog Iron Works, a responsible fencing company, there are several reasons why it is not detrimental to public welfare, safety, health, morals, and the convenience of surrounding areas:

Safety: Metal Dog Iron Works prioritizes safety in its operations by ensuring that its iron and metal fencing installations meet safety standards. The company also takes measures to ensure that the installation process itself does not pose a risk to the public or its workers.

Public Welfare: Metal Dog Iron Works contributes to public welfare by providing high-quality fencing services that enhance security and privacy for homes, businesses, and public spaces. Their durable metal fences can help prevent unauthorized access to property, thus contributing to public safety and welfare.

Health: Metal Dog Iron Works' installations can positively impact community health by providing safe and secure spaces for recreational activities. For example, fences around playgrounds or sports facilities can enhance safety and encourage physical activity, contributing to the health of individuals and communities.

Morals: Metal Dog Iron Works operates with ethical standards, adhering to laws and regulations, treating its customers and employees fairly, and contributing positively to the communities it serves. This ethical approach ensures that the company does not compromise morals and instead acts as a responsible member of the business community.

Convenience: Metal Dog Iron Works' fences can enhance the convenience of surrounding areas by providing clear property boundaries, improving security, and reducing potential nuisances such as trespassing and property damage. This can contribute to the overall well-being and convenience of the community.

In conclusion, Metal Dog Iron Works, as a responsible and ethical fencing company, positively contributes to public welfare, safety, health, morals, and the convenience of surrounding areas by providing valuable services that enhance security, privacy, and safety.

Ben Gillaspie

Owner/Operator

Metal Dog Iron Works, LLC

505.388.4353

metaldogironworks@outlook.com



November 30, 2023

Rio Rancho Planning and Zoning,

Metal Dog Iron Works, LLC does light manufacturing and installation of iron gates and fencing.

Hours of operation are Monday-Friday 8am-5pm.

Currently there are 2 employees.

Metal Dog Iron Works, LLC does not own the building at 1550 Stephanie Rd SE. We only lease the last units 115 & 116. There will be no modifications of any sort to the building. After speaking to the zoning department we were instructed that we will not be needing a Site Plan as there are no modification.

Ben Gillaspie

Owner/Operator

Metal Dog Iron Works, LLC

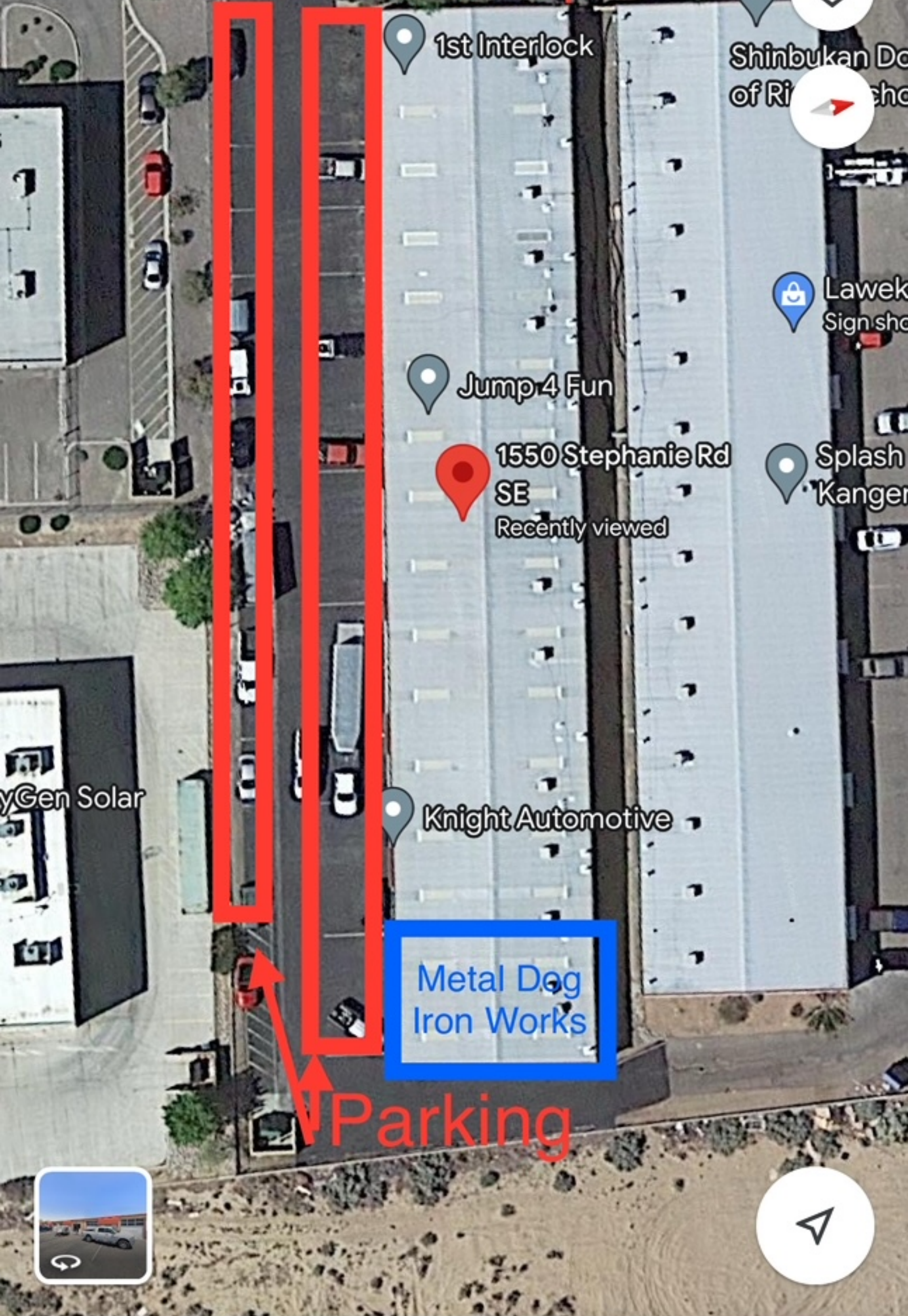
505.388.4353

metaldogironworks@outlook.com

Stephanie Rd SE

1550 Stephanie Rd SE, Rio Rancho

Landscape



Parking



1550 Stephanie Rd SE

Directions

Directory

Save

Share



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

February 9, 2024

RE: Conditional Use Permit,
Case No. 24-120-00002
Rose, Blk 1, Lot 4 (1550 Stephanie Rd SE – Ste. 116)

Dear Property Owner:

You are receiving this certified notice because your property abuts a site where a land development decision is required by the Planning and Zoning Board.

The applicant, Metal Dog Iron Works LLC, is requesting approval of a Conditional Use Permit for light manufacturing at the subject property legally described as Rose, Blk 1, Lot 4; at 1550 Stephanie Rd SE (Suite 116). The property is currently zoned C-2: Wholesale and Warehousing Commercial and totals 1 acre.

The **Planning and Zoning Board** will consider the request and have the final approval on **Tuesday, February 27, 2024** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below**.

On the back of this letter is a location map of the project, with the subject property identified with the black outline.

If you would like to comment on this application, you are encouraged to send in comments in writing, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rrnm.gov or on Sparklight cable channel 56.

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer: <https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please do not hesitate to contact me via e-mail me at lruizcarlos@rrnm.gov or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rrnm.gov, the Friday before the hearing.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

Respectfully,

Liz Ruiz Carlos

Liz Ruiz Carlos
Municipal Planner II
Development Services Department
City of Rio Rancho

1550 STEPHANIE RD SE ROSE, BLOCK 1, LOT 4 CONDITIONAL USE PERMIT





CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, February 27, 2024:

Zone Map Amendment
Case #24-100-00002

The applicants, Katrina, Ltd., through their agent, Jason Hall, are requesting a Zone Map Amendment to correct a C-2 and R-6 split zone to C-2 at the property located at 4135 Jackie Rd SE, legally described as Corrales South, Block H, Lot 14A1.

Vacation of Plat
Case #24-230-00001

The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of a Vacation Plat vacating a portion of right-of-way of Loma Colorado Blvd NE.

Conditional Use Permit
Case #24-120-00002

The applicant, Metal Dog Iron Works LLC, is requesting approval of a Conditional Use Permit for light manufacturing at the subject property legally described as Rose, Blk 1, Lot 4; at 1550 Stephanie Rd SE (Suite 116). The property is currently zoned C-2: Wholesale and Warehousing Commercial and totals 1 acre.

Street Name Change
Case #24-285-00001

The applicant, The City of Rio Rancho, is requesting approval for the alteration to the street name (14th AVE SE) to (Cabezon Blvd SE). The change proposed would continue the existing Cabezon Blvd. SE road all the way to the intersection along Veranda RD SE.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rrnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rrnm.gov. Written comments will be inserted into the public record.

Journal: February 12, 2024



NOTICE MAP:

● - CERTIFIED MAIL TO PROPERTIES WITHIN 100FT

Stephanie Rio Rancho LLC

2/14/2024

Re: Conditional Use Permit, Case No. 24-120-00002 (1550 Stephanie Rd SE Ste.113

Dear Ms. Liz Ruiz Carlos,

We are property owners of 1534-1542 Stephanie Rd SE, Rio Rancho, NM 87124. We recently received notice regarding the neighbor requesting approval of a conditional use permit for light manufacturing.

We would like to offer our support for the request for the permit.

Sincerely,

Jackie Martinez
Property manager



BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 24-120-00002

REQUEST FOR CONDITIONAL USE PERMIT FOR LIGHT
MANUFACTURING AT THE PROPERTY LEGALLY DESCRIBED AS ROSE,
BLOCK 1, LOT 4.

Applicant: Metal Dog Iron Works LLC

THIS MATTER, having come before the Planning & Zoning Board of the City
of Rio Rancho, New Mexico on the 27th day of February, 2024, the
Planning & Zoning Board having taken evidence and considered the
merits, has determined and found:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board has jurisdiction over the approval of a conditional use permit.
2. Following procedures for a conditional use permit, proper notice of hearing was given.
3. The applicant has the authority to apply for a conditional use for light manufacturing.
4. Due process was provided to the applicant and adjacent property owners.

SPECIFIC FINDINGS OF FACT:

1. The applicant has not adequately addressed the criteria for a conditional use permit as set forth in R.O. 2003 Section 150.04.

THEREFORE, the application for a conditional use permit for light
manufacturing for the property legally described as ROSE, Block 1, Lot 4,
is DENIED by the Planning & Zoning Board of the City of Rio Rancho on
February 27, 2024, subject to the conditions, restrictions and stipulations
specified above.

Date

Planning & Zoning Chairman



BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR APPROVAL
Case No. 24-120-00002

REQUEST FOR CONDITIONAL USE PERMIT FOR LIGHT MANUFACTURING AT
THE PROPERTY LEGALLY DESCRIBED AS ROSE, BLOCK 1, LOT 4.

Applicant: Metal Dog Iron Works LLC

THIS MATTER, having come before the Planning & Zoning Board of the City
of Rio Rancho, New Mexico on the 27th day of February, 2024, the
Planning & Zoning Board having taken evidence and considered the
merits, has determined and found:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board has jurisdiction over the approval of a conditional use permit.
2. Following procedures for a conditional use permit, proper notice of hearing was given.
3. The applicant has the authority to apply for a conditional use for light manufacturing.
4. Due process was provided to the applicant and adjacent property owners.

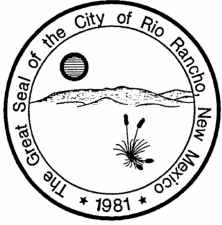
SPECIFIC FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

1. The applicant has adequately addressed the criteria for granting a Conditional Use permit as set forth in R.O. 2003 Section 150.04 Conditional Use Permit.
2. The applicant has adequately addressed the criteria of R.O. 2003 Section 154.25 (C)(4) C-2: Conditional Uses in Wholesale and Warehousing Commercial District.
3. The applicant will provide a copy of the signed Findings of Fact of Approval to the City Clerk's office for their records.

THEREFORE, the application for a conditional use permit for light
manufacturing for the property legally described as ROSE, Block 1, Lot 4,
is APPROVED by the Planning & Zoning Board of the City of Rio Rancho
on February 27, 2024, subject to the conditions, restrictions and
stipulations specified above.

Date

Planning & Zoning Chairman



CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-100-
00002**

AGENDA DATE:
February 27, 2024

DEPARTMENT:
Development Services

SUBJECT:
Zone Map Amendment. The applicants, Katrina, Ltd., through their agent, Jason Hall, request a Zone Map Amendment from C-2: Wholesale and Warehousing Commercial District and R-6: Multi-Family Residential District split zone to C-2 for the property located at 4135 Jackie Rd SE, legally described as Corrales South, Block H, Lot 14A1. Staff contact is Michelle Costilla and staff recommends the Planning and Zoning Board recommend approval to the Governing Body.

BACKGROUND AND ANALYSIS:

The applicants, Katrina, Ltd., through their agent, Jason Hall, request a Zone Map Amendment from C-2: Wholesale and Warehousing Commercial District and R-6: Multi-Family Residential District split zone to C-2 for the property located at 4135 Jackie Rd SE, legally described as Corrales South, Block H, Lot 14A. The subject property area is approximately 3.04 acres in total.

The subject property is located off of Stephanie Rd SE, a residential road, which can be accessed off of Sara Rd SE to the south, a minor arterial, and Meadowlark Ln SE, a minor arterial, via Jackie Rd to the north and Eileen Rd SE to the west.

The adopted Generalized Land Use Map (GLUM), Chapter 5, Map L-2 of the City's Comprehensive Plan conceptualizes this area as Commercial and Neighborhood Community, Mixed-Use and Office. It is also within the Urban Center Specific Area Plan, which was created to meet planning and economic development goals of the City. This Specific Area Plan recommended a zoning designation of C-2 for the subject property. The property was re-zoned from C-1: Retail Commercial District to C-2 in June 2002 per Ordinance No. 19, Enactment 02-018.

The property to the north went through a preliminary/final plat process, which adjusted the lot line so that it ended just north of a 60 foot buffer easement, and dedicated right-of-way at the corner of 1301 Stephanie Rd SE and 4135 Jackie Rd SE. The plat was approved by the Planning and Zoning Board on December 13, 2022, filed under Book 32, Pages 94-95. This adjustment resulted in the lot to the south having a split zoning. The applicant is requesting an amendment to the split zoning in order to develop on the subject property.

CONFORMANCE WITH THE CITY ZONING ORDINANCE:

City of Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07 (A) requires that an applicant file a request for a zone map amendment through the City Planning and Zoning Board when a change in zoning designation is sought.

Finding: The application, presented as an attachment, meets the minimum submittal requirements for the proposed zoning request. Pursuant to the criteria provided by R.O. 2003 Section 150.07 (D)

(1) through (4), and (E) through (G), a request for change in zoning designation must address the following policies and criterion for a zone map change:

(D)(1) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

In the justification letter provided as an attachment to this item, the applicant states: "This zoning change request is consistent with the existing health, safety, morals and general welfare if the City. This zoning change will have no detrimental impact on these characteristics."

Staff recommends the Planning and Zoning Board find that the proposed zone map amendment would be consistent with the health, safety, morals, and general welfare of the City by furthering the goals of the Urban Center Specific Area Plan, which seeks to promote and integrate wholesale and warehouse land uses into an area zoned for commercial activity and urban infill. This plan has policies that minimize the impact of wholesale and warehouse commercial businesses on the surrounding properties.

(D)(2) Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

The applicant's justification letter states: "The property line that defined the zoning division between the C-2 and R-6 zoning no longer exists creating a split zoning situation on a lot that is predominately C-2. The pervious separation of property and zoning has moved north 60'-0". The zoning separation should be moved to be consistent with the property line division, since there is currently no clearly defined separation between the R-6 and C-2 designation on Lot 14-A."

Staff recommends the Planning and Zoning Board find that amending the split zoning of the subject property results in a stability of land use and zoning, allowing consistent development and land use on the subject property.

(D)(3) A proposed change shall generally be consistent with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

The applicant's justification letter states: "This change is consistent with the adopted elements of the Comprehensive Plan in that the C-2 and R-6 division will match the new property separation removing the existing split zoning issue and clearly defining that separation by using the newly establish property line to clearly establish that division."

Staff finds that the C-2 zoning of the property is in alignment with Map L-2: Generalized Land Use (Existing and Planned) from the Comprehensive Plan, given that it is designated as commercial. It is also in alignment with the Urban Center Specific Area Plan, which was adopted by the City in 2002.

(D)(4) The applicant must demonstrate that the existing zoning is inappropriate because:

- a. There was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of an R-1 or transitional zone on an antiquated plat filed before the City's incorporation and adoption of its own zoning code or on land annexed by the City; or
- b. Changed neighborhood or community conditions justify the change; or
- c. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (D)(1) or (2) does not apply.

The applicant's justification letter states: "There was no error to correct. The conditions changed to the community conditions when the property line was moved north after purchase of the 60'-0" buffer zone. The existing commercial/warehouse complex has several existing tenants and has been a positive benefit to the City for the past 18 years. Many Intel contractors lease space on this site. By further expanding leasing opportunity to these contractors it will enhance Intel's operational abilities thus enhancing the community financially and increase employment opportunities."

Staff recommends the Planning and Zoning Board find that the proposed zone map amendment addresses criteria (b), as the lot line adjustment resulted in a split zone, which makes it difficult to determine and enforce the proper zoning requirements for new development on that property.

(E) The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone determining factor for a change of zone

The applicant's justification letter states: "Cost of the land is not a consideration."

Staff recommends the Board find that the cost of land or other economic consideration were not the determining factor for this request, and the applicant has relied on other factors.

(F) Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

The applicant's justification letter states: "Street location and designation does not factor into the justification."

Staff recommends the Planning and Zoning Board find that the property is not located on a major street and is not a part of the applicant's reasoning for the zone map amendment.

(G) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a 'spot zone.' Such a change of zone may be approved only when:

(1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

(2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The applicant's justification letter states: "Spot zoning does not apply to this situation. The proposed zoning change is not different than the surrounding land or current use of the property."

Staff recommends the Planning and Zoning Board find that the requested zone map amendment would not create a spot zone, as a majority of the property was already zoned C-2 and this will be correcting the split zone that was in result of a lot line adjustment. There are also properties adjacent to the property that are zoned C-2 or have C-2 permissive uses.

SURROUNDING LAND USE/ZONING:

The properties to the north is zoned R-6: Multi-Family Residential. The properties to the west is zoned R-4: Single Family Residential. The properties are zoned SU: Special Use for C-2 with allowance for Multi-Family Residential and C-2 per the same Ordinance with of the subject property. The property to the east is zoned SU for C-2 and assisted living, nursing and community residential care facilities and similar institutions.

NOTIFICATIONS:

Notice of pending development application was sent via certified mail, return receipt requested, to the property owners within 100 ft of the subject property. A legal notification was published in the Albuquerque Journal on February 12, 2024. A notification sign was posted to the property one week prior to the hearing on February 20, 2024. All legal notification requirements for this project have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW:

Reviewing Agency	Received Application for Review	Comments
DSD Planning and Zoning	X	Provided within this document
DSD Engineering	X	No comments provided
Rio Rancho Public Schools	X	No comments provided
Fire and Rescue	X	No comments provided
Police Department	X	No comments provided
SSCAFCA	X	No comments provided
MRCOG	X	No comments provided
Parks, Recreation and Community Services	X	No comments provided

IMPACT:

Staff recommends the Planning and Zoning Board recommend approval to the Governing Body, subject to the following findings of fact and conditions of approval:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board may make a recommendation to the Governing Body on the applicant's request for a zone map amendment.
2. The applicant has the authority to apply for a zone map amendment on the subject property.
3. The applicant and adjacent property owners received due process.

SPECIFIC FINDINGS OF FACT FOR APPROVAL:

1. The proposed zone change would be consistent with the health, safety, morals, and general welfare of the City.
2. The applicant has provided sound justification in a narrative for the proposed zone change which provides stability of zoning along with providing for adequate compatibility with surrounding zoning and future uses.
3. The proposed zone map amendment would be consistent with adopted elements of the Comprehensive Plan.
4. The proposed zone map amendment would be in alignment with the Urban Center Specific Area Plan
5. The proposed zone change is more advantageous to the community, as articulated in the justification letter.
6. The applicant has provided sufficient justification that the cost of the land or other economic considerations is not the main justification for the proposed zone map amendment.
7. The applicant has provided sufficient justification that the zone map amendment request is not based on the location of the subject property.
8. The requested zone map amendment is in alignment with the surrounding zoning and is not a "spot zone."

If the Board determines the proposed zone map amendment is not justified, the following findings

are recommended for any denial:

SPECIFIC FINDINGS OF FACT FOR DENIAL:

1. The proposed zone map amendment does not meet the requirements of Rio Rancho Code of Ordinances (R.O. 2003) §150.07(D) Amendments.

ALTERNATIVES:

The Planning and Zoning Board may:

1. Recommend approval of the request to the Governing Body;
2. Recommend denial of the request to the Governing Body;
3. Modify the request and recommend the Governing Body approve such modifications;
4. Postpone the item and continue the public hearing for the preliminary plat in order to further review

DEPARTMENT RECOMMENDATION:

Staff recommends the Planning and Zoning Board recommend approval of the Zone Map Amendment to the Governing Body.

ATTACHMENT: [Zoning, Location.pdf](#)

ATTACHMENT: [Authorization.pdf](#)


ATTACHMENT: [Justification .pdf](#)

ATTACHMENT: [Reproduction of Notices.pdf](#)






ATTACHMENT: [Draft_Ordinance_BMB.doc](#)

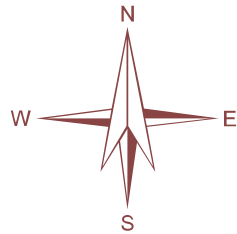
CORRALES SOUTH, BLOCK H, LOT 14A1



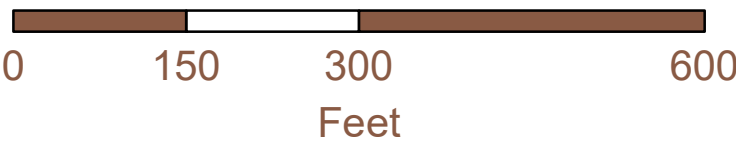
 Subject Property

Zoning

-  C-1
-  C-2
-  R-4
-  R-6
-  SU



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.



File No. 51601

KJW

LandAmerica New Mexico Title

New Mexico Statutory Note Book, N 36

WARRANTY DEED

Vista West Development, L.L.C. a New Mexico Limited Liability Company, for consideration paid granted to Katrina Ltd. Co. a New Mexico limited liability company

whose address is P.O. Box 94030 Albuquerque, NM 87199

following described real estate in Sandoval County, New Mexico: Lot numbered Fourteen-A (14A) in Block lettered "H", Corrales South as the same is shown and designated on the plat entitled "SUMMARY PLAT LOTS 26 THRU 35A IN BLOCK F AND LOTS 11A THRU 14A IN BLOCK H AND A PORTION OF JACKIE ROAD S.E., A REPLAT OF LOTS 26 THRU 36 IN BLOCK F AND LOTS 11 THRU 14 IN BLOCK H AND A PORTION OF JACKIE ROAD S.E., CORRALES SOUTH, CITY OF RIO RANCHO, TOWN OF ALAMEDA GRANT, SANDOVAL COUNTY, NEW MEXICO", filed in the office of the County Clerk of Sandoval County, New Mexico on April 21, 1985 in Vol. 3, Folio 772A.

SUBJECT TO all patent and mineral reservations, restrictive covenants, restrictions and reservations of easements and right-of-way of record, and all applicable zoning regulations, restrictions and requirements and all other matters of record and to taxes for the year 2005 and subsequent years; with warranty covenants.

WITNESSED my hand and seal this 4th day of October, 2005.

[Signature] Vista West Development, L.L.C.

BY: Aldo Vaio Manager

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF } ss. COUNTY OF }

The foregoing instrument was acknowledged before me this ___ day of ___ by

My Commission Expires: Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF New Mexico } ss. COUNTY OF }

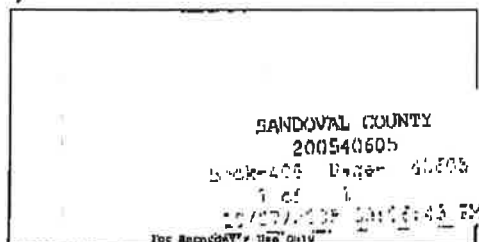
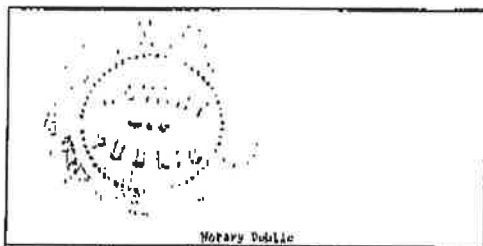
The foregoing instrument was acknowledged before me this 4th day of October, 2005

By Aldo Vaio, Manager, of Vista West Development, L.L.C., New Mexico

corporation on behalf of said corporation.

My Commission Expires: 07/09/09

[Signature] Notary Public



I authorize Jason Hall to act as the agent on behalf of Katrina, Ltd.

 1/24/24
Scott Hauquitz, Manager Date

Chapter 150.07

(D) The following policies for deciding zone map change applications pursuant to the City Zoning Code are:

1. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

This zoning change request is consistent with the existing health, safety, morals and general welfare of the City. This zoning change will have no detrimental impact on these characteristics.

2. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

The property line that defined the zoning division between the C-2 and R-6 zoning no longer exists creating a split zoning situation on a lot that is predominately C-2. The previous separation of property and zoning has moved north 60'-0". The zoning separation should be moved to be consistent with the property line division, since there is currently no clearly defined separation between the R-6 and C-2 designation on Lot 14-A.

3. A proposed change shall generally be consistent with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

This change is consistent with the adopted elements of the Comprehensive Plan in that the C-2 and R-6 division will match the new property separation removing the existing split zoning issue and clearly defining that separation by using the newly established property line to clearly establish that division.

4. The applicant must demonstrate that the existing zoning is inappropriate because:
 - a) there was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of a R-1 or transitional zone on an antiquated plat filed before the City's incorporation and adoption of its own Zoning Code or on land annexed by the City, or

There was no error to correct.

- b) changed neighborhood or community conditions justify the change, or

The conditions changed to the community conditions when the property line was moved north after purchase of the 60'-0" buffer zone.

- c) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply. Applicant's reliance on this provision requires proof that (a) there is a public need for a change of the kind in question, and

(b) that need will be best served by changing the classification of the piece of property in question as compared with other available property.

The existing commercial/warehouse complex has several existing tenants and has been a positive benefit to the City for the past 18 years. Many Intel contractors lease space on this site. By further expanding leasing opportunity to these contractors it will enhance Intel's operational abilities thus enhancing the community financially and increase employment opportunities.

(E) The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Cost of the land is not a consideration.

(F) Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

Street location and designation does not factor into the justification.

(G) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

Spot zoning does not apply to this situation.

2. the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones: because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The proposed zoning change is not different than the surrounding land or current use of the property.



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

February 8, 2024

RE: Zone Map Amendment, Case No. 24-100-00002
Corrales South, Block H, Lot 14A1

Dear Property Owner:

You are receiving this certified notice because your property is within 100 feet of a site where a land development decision is required by the Planning and Zoning Board.

The applicants, Katrina, Ltd., through their agent, Jason Hall, are requesting a Zone Map Amendment from C-2: Wholesale and Warehousing Commercial District and R-6: Multi-Family Residential District split zone to C-2 for the property located at 4135 Jackie Rd SE, legally described as Corrales South, Block H, Lot 14A1.

The **Planning and Zoning Board** will consider this request at a public hearing on **Tuesday, February 27, 2024** at 6:00 pm in the **Council Chambers** and **Virtually** through the **zoom link and number below**.

On the back of this letter is a location map of the project, with the property identified with a light blue outline.

If you would like to comment on this application, you are encouraged to send in comments in writing, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rnm.gov or on Sparklight cable channel 56.

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer: <https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

Please contact me via e-mail me at mcostilla@rnm.gov or call me at 505-896-8362, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rnm.gov, the Friday before the hearing.







If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

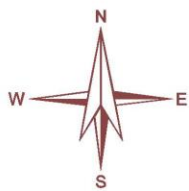
Respectfully,

Michelle Costilla
Municipal Planner II
Development Services Department
City of Rio Rancho

CORRALES SOUTH, BLOCK H, LOT 14A1



	Subject Property
Zoning	
	C-1
	C-2
	R-4
	R-6
	SU



ALBUQUERQUE PUBLISHING COMPANY

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Ad Proof/Order Confirmation

CITY OF RIO RANCHO
ATTN: ACCOUNTS PAYABLE
3200 CIVIC CENTER CIR NE
RIO RANCHO, NM 871444501 USA

Ordered By Sharon Bitah

Customer Phone 5058915005

Joint Ad #

Customer Email sbitah@rrnm.gov

PO Number 240051

Ad Cost \$98.64

Sales Rep dmontoya

Tax Amount \$7.52

Order Taker dmontoya

Total Amount \$106.16

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CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, February 27, 2024:

Zone Map Amendment
Case #24-100-00002

The applicants, Katrina, Ltd., through their agent, Jason Hall, are requesting a Zone Map Amendment to correct a C-2 and R-6 split zone to C-2 at the property located at 4135 Jackie Rd SE, legally described as Corrales South, Block H, Lot 14A1.

Vacation of Plat
Case #24-230-00001

The applicant, Michael McDermott, through their agent, McClain & Yu Architecture and Design, requests approval of a Vacation Plat vacating a portion of right-of-way of Loma Colorado Blvd NE.

Conditional Use Permit
Case #24-120-00002

The applicant, Metal Dog Iron Works LLC, is requesting approval of a Conditional Use Permit for light manufacturing at the subject property legally described as Rose, Blk 1, Lot 4; at 1550 Stephanie Rd SE (Suite 116). The property is currently zoned C-2: Wholesale and Warehousing Commercial and totals 1 acre.

Street Name Change
Case #24-285-00001

The applicant, The City of Rio Rancho, is requesting approval for the alteration to the street name (14th AVE SE) to (Cabezón Blvd SE). The change proposed would continue the existing Cabezón Blvd. SE road all the way to the intersection along Veranda RD SE.



The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rrnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

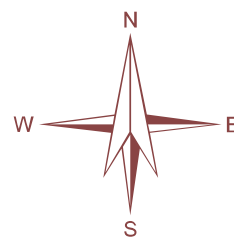
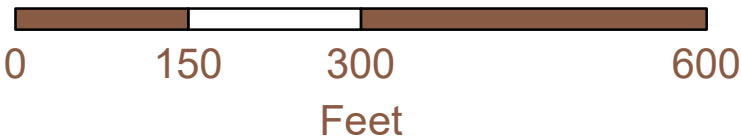
If you would like to comment on any of these applications, you are encouraged to submit a written comment to planning@rrnm.gov. Written comments will be inserted into the public record.

Journal: February 12, 2024

CORRALES SOUTH, BLOCK H, LOT 14A1



 Subject Property
 100 ft.



DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE ZONING CLASSIFICATION AND OFFICIAL ZONING MAP FOR THE PROPERTY DESCRIBED AS, BLOCK H, LOT 14A1, CORRALES SOUTH, FROM C-2: WHOLESALE AND WAREHOUSING COMMERCIAL DISTRICT AND R-6: MULTI-FAMILY RESIDENTIAL DISTRICT SPLIT ZONE TO C-2: WHOLESALE AND WAREHOUSING COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS: the Governing Body of the City of Rio Rancho has adopted zoning regulations and an official zone map in accordance with New Mexico Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and,

WHEREAS: in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07, an application to amend the zoning ordinance on the subject property has been submitted by The City of Rio Rancho, and assigned City Case No. 24-100-00002; and,

WHEREAS: the Governing Body of the City of Rio Rancho adopted the Urban Center Specific Area Plan on May 13, 2002, with Resolution No. 33, Enactment No. 02-032, and amended on February 11, 2004 with Resolution No. 6, Enactment No. 04-006 to exclude Tract C; and

WHEREAS: the City of Rio Rancho Planning and Zoning Board held a duly noticed public hearing on February 27, 2024, regarding the proposed changes to the Official Zoning Map and, following study and consideration, has made findings (where applicable) whether or not the criteria in R.O. 2003 Section 150.07 are satisfied, and made these recommendations to the Governing Body regarding adoption of the changes; and,

WHEREAS: the Governing Body received a report from the Planning and Zoning Board, and such report indicates the Planning and Zoning Board has studied and considered the proposed changes pursuant to R.O. 2003 Section 150.07, and said report includes specific findings related to the affected property; and,

WHEREAS: a public hearing occurred, in accordance with procedures set forth in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed zoning district and Official Zone Map changes hereinafter described were duly advertised and held by the Governing Body of the City of Rio Rancho on March 28, 2024 and the Governing Body heard interested parties and citizens for and against the proposed amendments; and,

WHEREAS: the proposed amendments to be adopted by this Ordinance comply with the statutory and regulatory requirements of the aforesaid Code of Ordinances

1 and Statutes, and upon specific findings related to the subject property and
2 determining the proposed amendment is consistent with the policies and
3 criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing
4 Body finds the amendments promote the health, safety, morals, and general
5 welfare of the City.
6

7 **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF**
8 **RIO RANCHO:**
9

10 **Section 1. Rezoning of Property:** The Official Zone Ordinance is hereby amended by
11 assigning a zoning designation on approximately 3.04 acres from C-2: Wholesale and
12 Warehousing Commercial District and R-6: Multi-Family Residential District split zone to C-
13 2: Wholesale and Warehousing Commercial District on the land legally described as:
14

15 Corrales South, Block H, Lot 14A1, as shown on "Summary Plat for 14-A-1 and 16-
16 B-1-B-1, Block H, Corrales South, Being Comprised of Lots 14-A and 16-B-1B,
17 Block H, Corrales South, City of Rio Rancho, Sandoval County, New Mexico" filed in
18 the office of the County Clerk of Sandoval County, New Mexico on February 14,
19 2023, Book 3, Page 5015.
20

21 **Section 2. Land Use, Conditions, Development Standards/Regulations and use**
22 **of PROPERTY:**

23 The properties identified in Section 1, above, are subject to all requirements of the C-2:
24 Wholesale and Warehousing Commercial District as set forth in R.O. 2003 Section 154.25
25 (as of the effective date of this ordinance or as subsequently amended).
26

27 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of
28 this Ordinance, or any section, paragraph, clause, or provision of any regulation
29 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
30 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
31 clause, or provision shall not affect the validity of the remaining portions of this
32 Ordinance or the regulation so challenged.
33

34 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
35 adoption.
36

37 ADOPTED THIS 27th DAY FEBRUARY, 2024.
38
39
40

41 _____
42 Gregory D. Hull, Mayor
43

44 ATTEST:
45

46 _____
47 Rebecca A. Martinez, City Clerk
48 (SEAL)