



**Planning and Zoning Board  
Meeting  
City of Rio Rancho  
AGENDA  
October 22, 2024  
6:00 PM  
City Hall**

**BOARD MEMBERS**

Scottie Richardson, District 1, Vice-Chair	Andrea Hankins, 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. [October 8, 2024 Planning and Zoning Board Meeting Minutes 2024-1008\\_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. Postponement.** The applicant, Lucas Weidner, is requesting approval of a Hobby Breeder Conditional Use Permit for the intermittent breeding of Great Danes at the location legally described as Vista Montebella, Block 1, Lot 27, and addressed as 2437 Lynn Rd SE. Staff contact is Michelle Costilla and staff recommends the Planning & Zoning Board postpone the application to the meeting date certain of November 19, 2024, after the hearing for the outstanding citation with Animal Resources has occurred.

**3. Zone Map Amendment.** The Applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19, & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15. Staff contact is Tim Dvorak, and staff recommends the Planning & Zoning Board recommend denial of the Zone Map Amendment to the Governing Body, with findings.

***Zone Map, Location***

***Application***

***Justification***

***Northern and Rainbow Specific Area Plan***

***Reproduction of Notices, Legal***

***Reviewer Comments***

***Draft\_Ordinance.docx***

**4. Final Plat.** The applicant, Pulte Group, through their agent, Bohannon Huston, is requesting approval of a Final Plat for Rainbow Subdivision, Phase III, on the property legally described as Rainbow Subdivision, Tracts B-1-A. Staff contact is Brian Babyak and staff recommends approval with findings and conditions.

***Location\_ZoneMap***

***Rainbow Phase 3 Final Plat Submittal Package.pdf***

***Reviewer Comments.pdf***

**5. Subdivision Variance.** The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, requests approval of a Subdivision Variance to Rio Rancho Code of Ordinances Chapter 155.43 requiring 5 foot minimum easements on side and rear lot lines. The proposed request for the Tierra Del Oro Phase 3 subdivision, on the property legally described as Tierra Del Oro, Block 46, Tract A1. Staff contact is Michelle Costilla and staff recommends approval with findings.

***Zoning, Location.pdf***

***Variance Request Letter.pdf***

***Authorization.pdf***

***Final Plat.pdf***

**6. Final Plat.** The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, requests approval of a Final Plat for the Tierra Del Oro Phase 3 subdivision to create 94 single family residential lots and one tracts on the property legally described as Tierra Del Oro, Block 46, Tract A1. Staff contact is Michelle Costilla and staff recommends approval with findings and conditions.

***Zoning, Location.pdf***

***Authorization.pdf***

***Final Plat.pdf***

***Staff Comments Memo.pdf***

- 7. Variance.** The applicant, Verdote Capital, through their agent, Consensus Planning Inc., requests approval of a Variance to the 20' front setback requirement on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. Staff contact is Liz Ruiz Carlos and staff recommends approval with findings.  
***Location, Zoning Map.pdf***  
***Application Package.pdf***  
***Reproduction of Notices.pdf***  
***Findings\_of\_Fact.docx***
- 8. Variance.** The applicant, Verdote Capital, through their agent, Consensus planning Inc., requests approval of a Variance to the 6' buffer wall requirement, on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. Staff contact is Liz Ruiz Carlos and staff recommends approval with findings.  
***Location, Zoning Map.pdf***  
***Application Package.pdf***  
***Reproduction of Notices.pdf***  
***18-24 O-20.pdf***  
***Findings\_of\_Fact.docx***
- 9. Conditional Use Permit.** The applicant, Verdote Capital, through their agent, Consensus Planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as Unit 10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. Staff contact is Liz Ruiz Carlos and staff recommends approval with findings and conditions.  
***Location, Zoning Map.pdf***  
***Application Package.pdf***  
***Site Plan - with setbacks noted.pdf***  
***Site Plan, Landscape Plan, and Fire 1 Plan - Combined.pdf***  
***Reproduction of Notices.pdf***  
***18-24 O-20.pdf***  
***Findings\_of\_Fact***
- 10. Zone Map Amendment.** The applicant, Sandy Desert Properties, LLC, through their agent, Matthew Carle., requests approval of a Zone Map Amendment for the lot legally described as Unit 13, Block 79, Lot 15, from R-1: Single-Family Residential to M-1: Industrial and Business Park District. Staff contact is Liz Ruiz Carlos and staff recommends the Planning and Zoning Board recommend approval to the Governing Body, with findings.  
***Location, Zoning Map.pdf***  
***Application.pdf***  
***ZoneChangeJustification.pdf***  
***Reproduction of Notices.pdf***  
***Draft\_Ordinance\_BMB.doc***

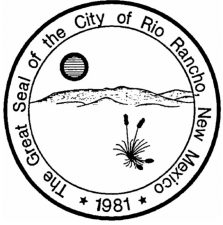
**DISCUSSION AND DELIBERATION**

**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:**

October 22, 2024

**DEPARTMENT:**

Development Services

**SUBJECT:**

October 8, 2024 Planning and Zoning Board Meeting Minutes

**BACKGROUND AND ANALYSIS:**

**IMPACT:**

**ALTERNATIVES:**

**DEPARTMENT RECOMMENDATION:**

Approval

**ATTACHMENT:** [2024-1008\\_PZB\\_Minutes\\_BMB.docx](#)



Planning and Zoning Board  
of the  
City of Rio Rancho

**MINUTES**

OCTOBER 8, 2024  
6:00 PM  
Council Chambers, City Hall

**MEMBERS PRESENT:**

Fred Radosevich, District 3, Chair  
Robert Gabaldon, District 4  
Andrea Hankins, District 5  
Lisa Hardisty, District 6  
Sal Tortorici, At-Large

**MEMBERS ABSENT:**

Scottie Richardson, District 1, Vice-Chair  
Kevin Kofchur, District 2

**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  
Sean LaBarbera, Planner I  
Sharon Bitah, Administrative Assistant  
Connie Peterson, Parks, Rec. and Comm. Svcs. Director

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairman Radosevich called the meeting to order at 6:02 PM.

**CONSENT CALENDAR**

1) September 24, 2024 Planning and Zoning Board Meeting Minutes

Sal Tortorici moved to approve the Consent Calendar. Seconded by Lisa Hardisty.

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

**YES:** Fred Radosevich, Robert Gabaldon, Andrea Hankins, Lisa Hardisty, Sal Tortorici

**NO:** (None)

**STAFF PRESENTATIONS, REPORTS AND COMMENTS**

2) Planning and Zoning Monthly Building Activity Report – September 2024

3) Planning and Zoning Monthly Summary Plat Report – September 2024

**PUBLIC HEARINGS**

4) The applicant, Lucas Weidner, requested approval of a Hobby Breeder Conditional Use Permit for the intermittent breeding of Great Danes at the location legally described as Vista Montebella, Block 1, Lot 27, and addressed as 2437 Lynn Rd SE.

Staff member, Michelle Costilla presented the item, recommending denial with findings, and stood for questions.

Applicant, Lucas Weidner spoke on the item and stood for questions.

Member of the public, Paul Gallegos spoke in opposition of the item, citing several concerns and what he considered city violations,

Robert Gabaldon moved to approve Item #4. Seconded by Sal Tortorici.

1 There was extensive discussion and questions from all the Commissioners regarding the history,  
2 violations and accommodations of the animals. Questions were answered by Development Services  
3 Director, Amy Rincon and the applicant, Lucas Weidner  
4

5 Further information regarding the Intact Permit and the circumstances surrounding the animal violation  
6 will be provided by Connie Peterson, Director of Parks, Recreation and Community Services, at the  
7 next meeting.  
8

9 Lisa Hardisty moved to postpone Item #4 to a date certain of October 22, 2024. Seconded by Sal  
10 Tortorici.

11 The motion carried by a vote of **4 FOR** and **1 AGAINST**

12 **YES:** Fred Radosevich, Andrea Hankins, Lisa Hardisty, Sal Tortorici

13 **NO:** Robert Gabaldon  
14

- 15 **5)** The applicant, Joseph Crepeau, requested approval of a variance to the R-1: Single-Family Residential  
16 District rear setback of 15' at the property of 5708 Rio Oso Rd NE, legally described as Unit 17, Block  
17 159, Lot 3.  
18

19 Staff member, Tim Dvorak presented the item, recommending approval with findings and stood for  
20 questions.  
21

22 Applicant, Joseph Crepeau spoke on the item and stood for questions.  
23

24 Sal Tortorici moved to approve Item #5. Seconded by Andrea Hankins.

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

26 **YES:** Fred Radosevich, Robert Gabaldon, Andrea Hankins, Lisa Hardisty, Sal Tortorici

27 **NO:** (None)  
28

- 29 **6)** POSTPONEMENT. The applicant, AMREP Southwest, Inc., requested approval of a Zone Map  
30 Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for  
31 the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19, & 21-24 and Unit 8, Block 62,  
32 Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District  
33 to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11,  
34 14 & 15 and Unit 8, Block 62, Lots 10 and 15.  
35

36 Development Services Director, Amy Rincon clarified the recommended postponement of this item to  
37 a meeting date certain of October 22, 2024, at the applicant's request.  
38

39 Lisa Hardisty moved to postpone Item #6 to a meeting date certain of October 22, 2024.  
40 Seconded by Robert Gabaldon.

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

42 **YES:** Fred Radosevich, Robert Gabaldon, Andrea Hankins, Lisa Hardisty, Sal Tortorici

43 **NO:** (None)  
44

- 45 **7)** The applicant, the City of Rio Rancho requested an amendment to the Rio Rancho Municipal Code,  
46 Title XV Land Usage, Chapter 154 Planning and Zoning, Sections 154.05, 154.08, 154.09, 154.10,  
47 154.11, 154.12, 154.19.  
48

49 Staff member, Sean LaBarbera presented the item, recommending approval to the Governing Body  
50 and stood for questions.  
51

52 Development Services Director, Amy Rincon provided clarification on the Short-Term Rental process  
53 and potential upcoming revisions. She answered several questions from Commissioner Tortorici and  
54 Commissioner Hardisty.  
55

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

1 The motion carried by a vote of **5 FOR** and **0 AGAINST**  
2 **YES:** Fred Radosevich, Robert Gabaldon, Andrea Hankins, Lisa Hardisty, Sal Tortorici  
3 **NO:** (None)

4  
5 **DISCUSSION AND DELIBERATION\**

6  
7 **COMMENTS BY BOARD MEMBERS**

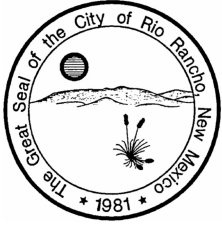
8  
9 **PUBLIC FORUM**

10  
11 **ADJOURNMENT**

12  
13 Sal Tortorici moved to adjourn the meeting. Seconded by Lisa Hardisty.  
14 Chairman Radosevich adjourned the meeting at 6:40 PM.

15  
16 **APPROVED THIS 22<sup>ND</sup> DAY OF OCTOBER 2024.**

17  
18  
19 \_\_\_\_\_  
20 **Fred Radosevich, Chairman**



**CITY OF RIO RANCHO  
COVER PAGE**

**Legislation Item:**

**AGENDA DATE:**  
October 22, 2024

**DEPARTMENT:**  
Development Services

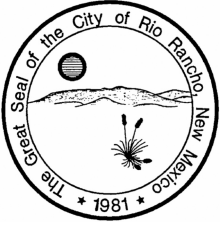
**SUBJECT:**  
**Postponement.** The applicant, Lucas Weidner, is requesting approval of a Hobby Breeder Conditional Use Permit for the intermittent breeding of Great Danes at the location legally described as Vista Montebella, Block 1, Lot 27, and addressed as 2437 Lynn Rd SE. Staff contact is Michelle Costilla and staff recommends the Planning & Zoning Board postpone the application to the meeting date certain of November 19, 2024, after the hearing for the outstanding citation with Animal Resources has occurred.

**BACKGROUND AND ANALYSIS:**

**IMPACT:**

**ALTERNATIVES:**

**DEPARTMENT RECOMMENDATION:**  
Staff recommends postponement of the Zone Map Amendment to the date certain of November 19, 2024.



## CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-100-  
00009**

AGENDA DATE:  
October 22, 2024

DEPARTMENT:  
Development Services

**SUBJECT:**  
**Zone Map Amendment.** The Applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19, & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15. Staff contact is Tim Dvorak, and staff recommends the Planning & Zoning Board recommend denial of the Zone Map Amendment to the Governing Body, with findings.

### BACKGROUND AND ANALYSIS:

The Applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19, & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15. The subject properties comprise approximately 33 acres.

This item was postponed by the Planning and Zoning Board at the October 8, 2022 meeting, to the Tuesday, October 22, 2024 Planning and Zoning Board Meeting per the applicant's request.

All subject properties are zoned R-1: Single-Family Residential District per Ordinance No. 62, Enactment No. 94-060, adopted December 14, 1994 by the Governing Body.

The subject properties additionally fall within the Northern/Rainbow Specific Area Plan, adopted via Resolution No. 3, Enactment No. 09-004 by the Governing Body on January 14, 2009. The complete boundary of the subject area plan extends to Northern Blvd NW to the north, 3rd St NW to the west, Rainbow Blvd NE to the east, and Sandia Blvd SW to the south.

The currently platted lots within the Specific Area Plan consists of ten (10) separate vertical blocks comprised of approximately 24 one-acre lots each. Four (4) lots within these blocks are not included in the Specific Area Plan, leaving a total of 236 lots comprising approximately 236 acres. The three (3) developed lots within the area plan include:

- Unit 8, Block 49, Lot 13 is occupied by a single-family residence (Zoned R-1), developed approximately in 1998.
- Unit 8, Block 54, Lots 1 and 24 are occupied by All American Waste Removal of New Mexico (Zoned M-1) Portable office established approx. 1988.

As such, 1% of the Specific Area Plan is currently developed, not including the three developed lots and singular vacant lot immediately outside the boundary of the area plan. All four (4) of these lots outside the area plan boundary are zoned R-1: Single-Family Residential District and three (3) were developed as single-family residences prior to the adoption of the Northern/Rainbow Specific Area Plan. These lots include:

- Unit 8, Block 61, Lot 12 (Estimated year of build: 2000)
- Unit 8, Block 50, Lot 12 (Estimated year of build: 1997)
- Unit 8, Block 49, Lot 1 (Estimated year of build: 1998)
- Unit 8, Block 61, Lot 13 (Vacant)

The Specific Area Plan is envisioned to consist of commercial and mixed use zoning, along with low, medium, and medium/high density residential zoning. The area plan was built around an employment center to be centrally located, consisting of C-1 and C-2 commercial zoning and M-1 Industrial zoning. Currently, there are four blocks zoned M-1: Industrial within the Specific Area Plan.

The Applicant is requesting the following zoning for the subject 33 properties zoned R-1: Single-Family Residential District:

- R-4: Single-Family Residential District: Block 61, Lots 1, 2, 4-7, 16-19, & 21-24; Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22.
- R-3: Mixed Residential District: Block 61, Lots 10, 11, 14, & 15; Block 62, Lots 10 and 15.

The subject Zone Map Amendment accounts for approximately 14% of the total land within the Northern/Rainbow Specific Area Plan.

#### CONFORMANCE WITH THE CITY ZONING ORDINANCE:

City of Rio Rancho Code of Ordinances (R.O. 2003) § 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.

Staff recommends the Planning and Zoning Board find that the application meets the submittal requirements for the proposed zoning request.

Pursuant to criteria provided by R.O. 2003 § 150.07 (D) (1) through (4) and (E) through (G), a request for a change in zoning designation must address the following policies and criterion for a zone map change:

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

The applicant states that the proposed Zone Map Amendment is consistent with the health, safety, morals and general welfare of the City by creating the conditions necessary to construct high quality mixed residential development that will meet the needs of the future Northern/Rainbow area. The applicant continues that variety of zoning will create a sense of place for current and future residents within this area, and that the proposed Zone Map Amendment will allow the properties to develop consistent with the Northern/Rainbow Specific Area Plan (NRSAP).

Staff finds that the proposed Zone Map Amendment would align with the underlying land uses of Medium Density Residential and Medium/High Density Residential allocated for Blocks 61 and 62 in the Northern/Rainbow SAP; however, the applicant has not addressed staff concerns regarding circulation throughout the entire area plan, which would be addressed via a master plan. The

subject application only addresses portions of two blocks within the NRSAP.

Given that the NRSAP is bounded to the west by Rainbow Blvd NE, which in the future will expand into a regional principal arterial, a master plan would provide staff with an understanding of how traffic circulation will be addressed between the subject property and other abutting non-residential uses in the NRSAP.

As defined in Section 5.4.4 of the Comprehensive Plan, Specific Area Plans are developed by the City and are designed to further define land uses identified in the Generalized Land Use Map (GLUM) for a specific area. Specific Area Plans will typically provide policy and propose land uses based on existing development, zoning, and input from surrounding neighborhoods. While existing or planned infrastructure and facility projects may be included, Specific Area Plans do not provide strategies for implementation of specific infrastructure.

In contrast, Master Plans, as per Section 5.4.5 of the Comprehensive Plan, are usually created by a developer and located within the boundaries of a Specific Area Plan. A Master Plan document will address land use, transportation, drainage, and utilities and how these elements will be implemented for the specified area. Other items such as phasing of the construction, design standards and financing are typically included in a Master Plan. These Plans are typically geographically smaller than a Specific Area Plan. While the Comprehensive Plan has a size guideline of 100 acres, the Development Process Manual (DPM) has a standard of 20 acres. The Vision 2020 Comprehensive Plan was adopted November 2010 and most recently updated February 2015. The DPM was most recently updated December 4, 2009.

As such, staff finds establishment of a Master Plan for the subject properties within this application to be in the best interest of surrounding neighborhoods to provide an understanding of infrastructure, traffic circulation, general timeframes for buildout, and any proposed neighborhood amenities.

Staff recommends the Planning and Zoning Board find that as presented, the proposed R-3: Mixed Residential and R-4: Single-Family Residential zoning would not be consistent with the health, safety, morals, and general welfare of the City. Without establishment of a Master Plan, staff cannot fully evaluate how traffic circulation, utilities, storm drainage, and parks for the entirety of the NRSAP will function or how traffic will flow in this specific area. Due to the large size of this request, the impact of these zone changes is hard to fully understand the impact on City infrastructure.

(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 states in their justification letter: "This zone change request will allow for stability of land use and zoning as well as improve it. The Zone Map Amendment will allow the property to be developed in a manner that is compatible and viable for the surrounding Northern/Rainbow Specific Area Plan area and Rio Rancho neighborhoods. The requested amendment will allow for development that is consistent with the Rio Rancho Comprehensive Plan goals to provide access to housing in undeveloped areas, due to an increasing population."

The applicant states the subject request will further the following goals in section 6.4.2 of the Rio Rancho Comprehensive Plan:

- Goal PH-1: To ensure that regulations do not have an unreasonable negative impact on the cost or supply of housing.
- Goal PH-2: Maintain the strength, vitality, and stability of all residential neighborhoods and types.

- Goal PH-3: Promote a variety of housing types to meet the needs of all members of the community.
- Goal PH-4: To ensure that single-family and multi-family residential neighborhoods provide an attractive living environment.

Staff recommends the Planning and Zoning Board find that the applicant's assertion of the subject Zone Map Amendment aligning with the land uses outlined in the NRSAP is not in itself enough justification for stability of zoning. The applicant's draft lot layout shows approximately 53 single-family lots to be zoned R-3: Mixed Residential District and 182 single-family lots to be zoned R-4: Single-Family Residential District, for a total of 235 lots.

Amongst these proposed lots, there are currently six (6) non-contiguous, one-acre parcels not under the applicant's ownership in Block 61 and nine (9) non-contiguous, one-acre parcels not owned by the applicant in Block 62. Additionally, there is an existing single-family residence on Lot 12 of Block 61. The applicant has not explained in their justification how the proposed Zone Map Amendment would affect the remaining non-contiguous lots not under the applicant's ownership. As such, stability cannot be adequately assessed.

(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 states: "The Rio Rancho Comprehensive Plan outlines the Northern/Rainbow Specific Area Plan area as an activity center and development node. The Comprehensive Plan has a goal to provide housing near gateways and transportation corridors due to an increasing population. The Northern/Rainbow Specific area is located on Northern Blvd and Rainbow Blvd, a highly utilized transportation and designated gateway in the Comprehensive Plan."

Goal L-1 of the Comprehensive Plan states: "Encourage mixed uses - retail, office, and residential centered on pedestrian-oriented developments along principal arterial roads."

Staff finds the proposed R-3 and R-4 zoning would generally further this goal; however, the applicant has still not fully addressed how the proposed zoning would work with the rest of the NRSAP. There is no explanation of how traffic will be diverted around the residential areas, or if traffic will be routed through the neighborhood. Heights of walls and streetscapes, or other neighborhood designs are not depicted to provide understanding for the future residents on how future development in the M-1 would not impact the neighborhood. The applicant points to Goal PH-4, but staff is unable to evaluate whether an attractive environment is being created without a master plan establishing design guidelines.

Staff recommends the Planning and Zoning Board find that the proposed Zone Map Amendment would generally be in alignment with the Comprehensive Plan. Rezoning would align the majority of Blocks 61 and 62 with the proposed Medium Density Residential and Medium/High Density Residential uses allocated for this portion of the NRSAP. The proposed Zone Map Amendment would further Goal L-1 by providing residential development along a future principal arterial, though staff is unsure how the pedestrian oriented development is going to be accomplished.

Policy L-1 of the Comprehensive Plan states: "Encourage the master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan."

Staff recommends the Planning and Zoning Board find that the proposed Zone Map Amendment would not be in alignment with Policy L-1 of the Comprehensive Plan. Establishing a Master Plan within the NRSAP would guide and accomplish harmonious development in this area. While the

NRSAP addresses large scale general standards for design and transportation, a Master Plan would clearly establish the transportation and access needs for the area with the large increase of density. Given that the NRSAP was adopted January 14, 2009, a Master Plan would ensure that the proposed guidelines outlined by the area plan are implemented accordingly.

- (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 (1) or (2) does not apply. Applicant's reliance on this provision requires proof that (i) there is a public need for a change of the kind in question, and (ii) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

The applicant states, "The proposed Zone Map Amendment is more advantageous to the community, as articulated in the Comprehensive Plan as demonstrated in section 1, 2, and 3 above. The applicant is requesting an amendment to the zoning to match the recently approved Northern/Rainbow Specific Area Plan."

Staff recommends the Planning and Zoning Board find that the proposed Zone Map Amendment relies on the proposed future land uses within the NRSAP. This in itself is not sufficient justification for the zone change. Given the age of the NRSAP, establishment of a Master Plan would facilitate updates to any provisions of the area plan to ensure that area development aligns with both the present and future conditions.

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

Staff recommends the Planning and Zoning Board finds that the cost of the land or other economic considerations is not the determining factor for the proposed Zone Map Amendment.

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

Staff recommends the Planning and Zoning Board find that the sole justification for this request is not based on the site's location on a major street; however, Rainbow Blvd NE is projected to be a future principal arterial per the MRCOG 2040 Roadmap.

(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 only be approved 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 states, "The requested zone change will not create a spot zone. As more of the lots within these two blocks are developed, the zoning will be brought in alignment with the approved

Northern/Rainbow Specific Area Plan. The requested change will also accomplish the Vision of Growth in Section 1 and the goals set forth in Section 6 of the Comprehensive Plan."

Staff recommends the Planning and Zoning Board find that the proposed Zone Map Amendment may result in spot zoning without a Master Plan. Amongst the proposed lots, there are currently six (6) non-contiguous, one-acre parcels not under the applicant's ownership in Block 61 and nine (9) non-contiguous, one-acre parcels not owned by the applicant in Block 62.

Approval of the subject Zone Map Amendment would result in multiple pockets of remaining R-1: Single-Family Residential zoning between the subject properties. While holdout lots may occur within planned subdivisions, the sheer number of holdout lots (15 in total or approximately one third of the two blocks) is of concern. It is not guaranteed that the owners of the lots not in the applicant's control will pursue Zone Map Amendments to align with the NRSAP.

**NOTIFICATIONS:**

In accordance with State Statute NMSA 3-21-6, which stipulates notification procedures for a Zone Map Amendment exceeding one block in size, all property owners within 100 feet of the subject properties received a first class letter, containing a notice of action and impending Planning and Zoning Board hearing. A notice sign was placed on the subject properties by the applicant, as required by ordinance. A legal notice was published in the Albuquerque Journal on September 23, 2024.

**INTERDEPARTMENTAL/INTERAGENCY REVIEW:**

Reviewing Agency	Received Application for Review	Comments
DSD Planning and Zoning	X	Comments herein.
DSD Engineering	X	No adverse comments.
Rio Rancho Public Schools	X	No comments provided.
Fire and Rescue	X	No adverse comments.
Police Department	X	No comments provided.
SSCAFCA	X	No adverse comments.
MRCOG	X	No comments provided.
Parks, Recreation, and Community Services	X	Comments attached.

**IMPACT:**

Staff recommends the Planning and Zoning Board recommend denial of the Zone Map Amendment to the Governing Body, subject to the following findings:

**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. Following procedures for a Zone Map Amendment, proper notice of this hearing on this matter was given.
3. The applicant has the authority to make an application to request a Zone Map Amendment.

**Specific Findings of Fact for Denial:**

1. The applicant has not provided sound justification for a Zone Map Amendment as outlined in Rio Rancho Code of Ordinances (R.O. 2003) § 150.07(D).
2. The proposed Zone Map Amendment is not consistent with the health, safety, morals, and

- general welfare of the City.
3. The proposed Zone Map Amendment is not consistent with the adopted elements of the Comprehensive Plan and the Northern/Rainbow Specific Area Plan.
  4. The proposed Zone Map Amendment would result in multiple "spot zones."

However, if the Planning and Zoning Board finds that the application and narrative submitted demonstrates that the change in zoning designation meets the requirements of the Rio Rancho Code of Ordinances (R.O. 2003) § 150.07(D), the following findings of fact and conditions are recommended:

1. The proposed Zone Map Amendment would be consistent with the health, safety, morals, and general welfare of the City.
2. The applicant has provided sound justification for the proposed Zone Map Amendment and the Zone Map Amendment would provide for stability of zoning.
3. The proposed Zone Map Amendment would be consistent with the intent of the adopted elements of the Comprehensive Plan and the Northern/Rainbow Specific Area Plan.
4. The cost of the land or other economic considerations does not appear to be a justification for the proposed Zone Map Amendment.
5. The applicant has provided sufficient justification that the Zone Map Amendment request is not based on the properties' location.
6. The requested Zone Map Amendment would result in multiple "spot zones"; however, the resulting "spot zones" will develop in the future in a manner consistent with the Northern/Rainbow Specific Area Plan.

ALTERNATIVES:

1. The Planning and Zoning Board may recommend approval of the request to the Governing Body.
2. The Planning and Zoning Board may recommend denial of the request to the Governing Body.
3. The Planning and Zoning Board may modify the request and recommend approval of such modifications to the Governing Body.
4. The Planning and Zoning Board may continue the public hearing to request additional information or to consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

Staff recommends the Planning & Zoning Board recommend denial of the Zone Map Amendment to the Governing Body, with findings.

ATTACHMENT: [Zone Map, Location](#)

ATTACHMENT: [Application](#)

ATTACHMENT: [Justification](#)

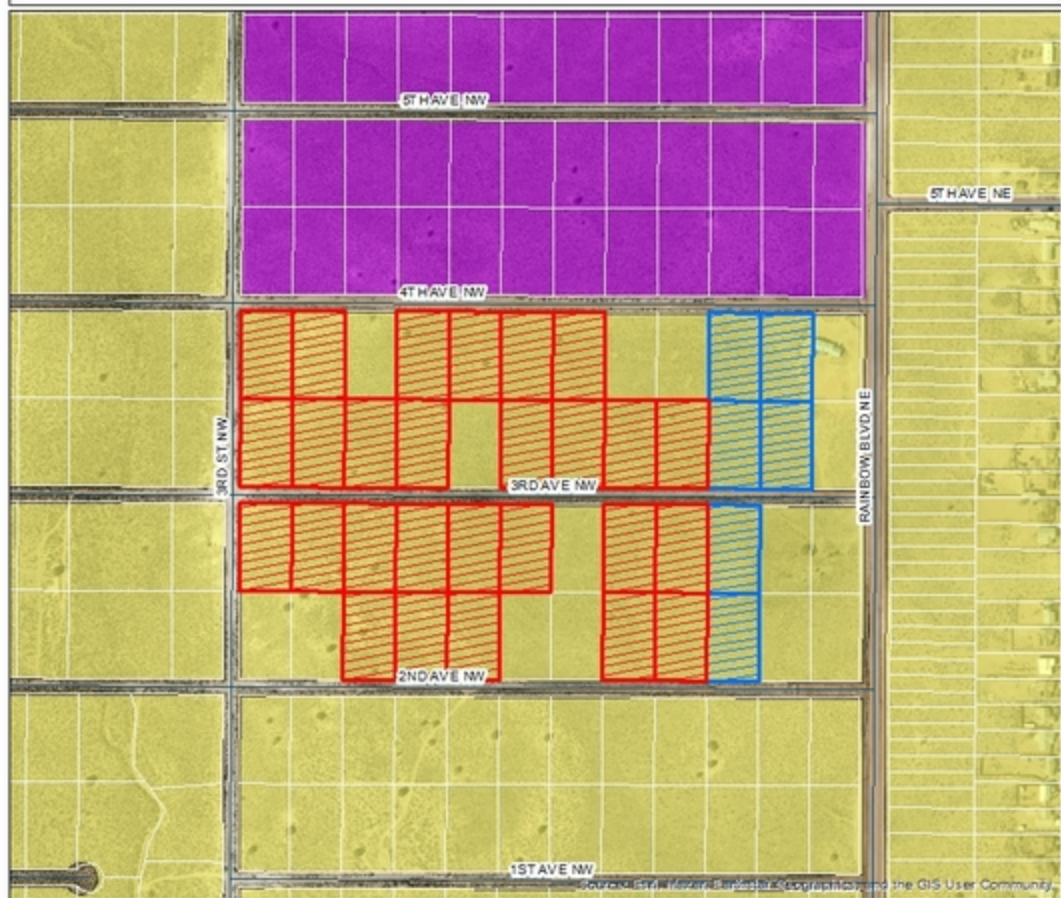
ATTACHMENT: [Northern and Rainbow Specific Area Plan](#)

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

ATTACHMENT: [Reviewer Comments](#)

ATTACHMENT: [Draft\\_Ordinance.docx](#)

**ZONE MAP AMENDMENT**  
**R-1 RESIDENTIAL TO R-4 RESIDENTIAL:**  
**UNIT 8, BLOCK 61, LOTS 1, 2, 4-7, 16-19 & 21-24;**  
**BLOCK 62, LOTS 1-6, 8, 9, 16, 17 & 20-22**  
**R-1 RESIDENTIAL TO R-3 RESIDENTIAL:**  
**UNIT 8, BLOCK 61, LOTS 10, 11, 14 & 15; BLOCK 62, LOTS 10 & 15**



Map Created by Tim Dvorak on 9/19/2024

-  Subject Parcels: R-1 to R-4
-  Subject Parcels: R-1 to R-3
-  Roads
- Zoning**
-  M-1
-  R-1

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

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/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 checked="" 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: AMREP Southwest, Inc.		Phone: 505-389-2191
Address: 409 NM Hwy 528 NE		E-Mail: <a href="mailto:BryanA@aswinc.com">BryanA@aswinc.com</a>
City: Rio Rancho	State: NM	Zip: 87124
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)
Agent Name:		Phone:
Address:		E-Mail:
City:	State:	ZIP Code:

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


Zone Map Amendment of Unit 8, Block 61, Lots 1, 2, 4, 5, 6, 7, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23 & 24;  
 Block 62, Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 15, 16, 17, 20, 21 & 22

### SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Rio Rancho Estates Unit 8	Block(s): 61 & 62	Lot(s): see above description
Existing Zoning: R-1	Proposed Zoning: R-3 & R-4	
No. of existing lots: 33	No. of proposed lots:	Total area of site (acres) 33

### 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: Bryan Aragon	Applicant:	Agent:
Signature: 		Date: September 10, 2024

### FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

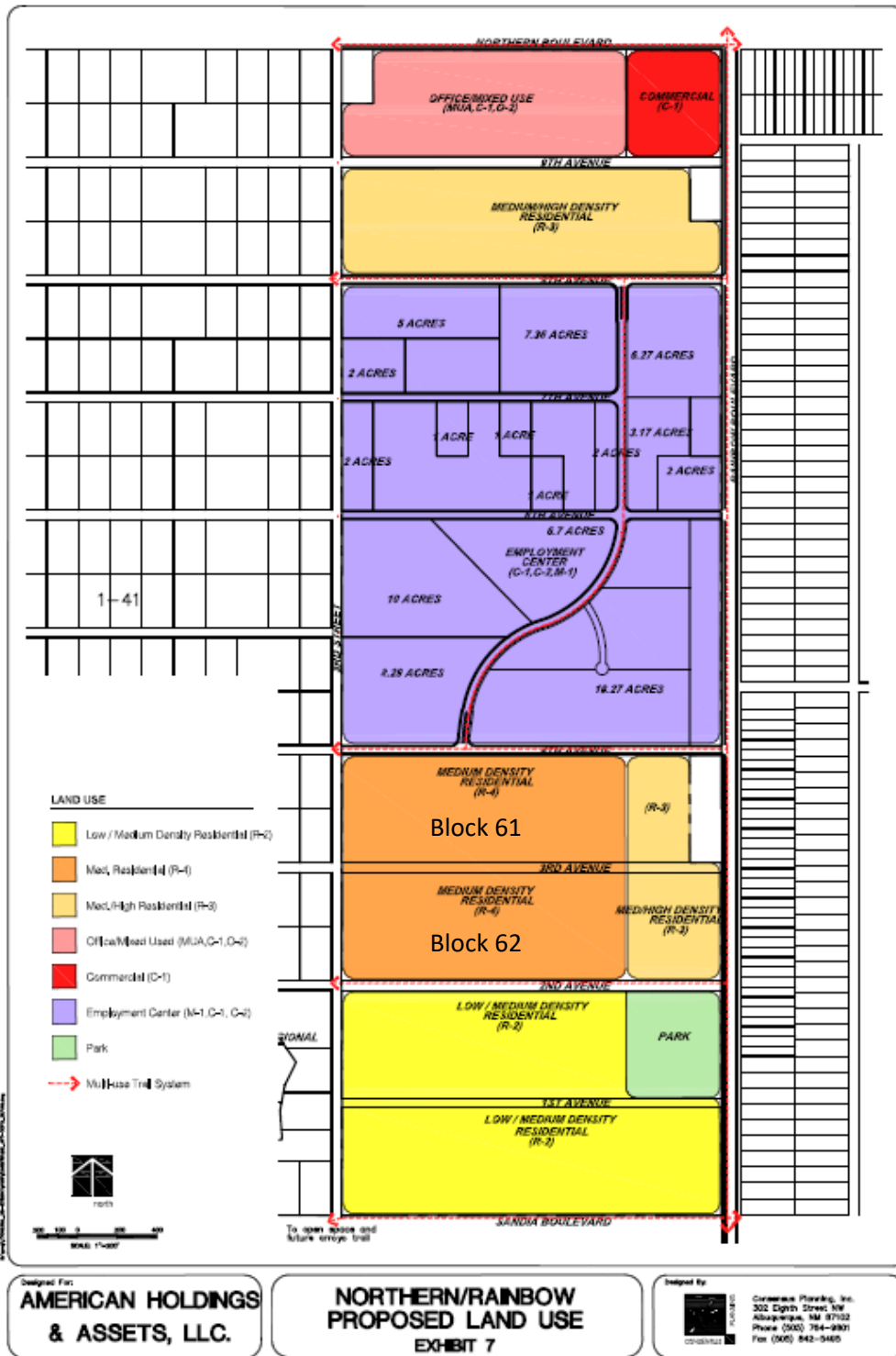


The applicant is requesting that Block 61, lots 1, 2, 4, 5, 6, 7, 16, 17, 18, 19, 21, 22, 23, 24 and Block 62, lots 1, 2, 3, 4, 5, 6, 8, 9, 16, 17, 20, 21, 22 be rezoned from R-1 to R-4; and Block 61, lots 10, 11, 14 and 15 and Block 62, lots 10 and 15 be rezoned from R-1 to R3. This zone change will place these lots in line with the Northern/Rainbow Specific Area Plan adopted in 2009 by the City's Governing Body.

#### **SITE CONTEXT/ZONE MAP AMENDMENT**

The Northern/Rainbow Specific Area Plan extends from Northern Blvd on the north, Sandia Blvd on the south, Rainbow Blvd to the east and 3<sup>rd</sup> Street on the East. The subject property is situated within the existing Northern/Rainbow Specific Area Plan boundary. The surrounding area consists of future residential neighborhoods to the south, east and west with light manufacturing to the north. The Proposed zoning within Block 61, lots 1, 2, 4, 5, 6, 7, 16, 17, 18, 19, 21, 22, 23, 24 and Block 62, lots 1, 2, 3, 4, 5, 6, 8, 9, 16, 17, 20, 21, 22 is R-4 and Block 61, lots 10, 11, 14 and 15, Block 62, lots 10 and 15 is R-3. As see in the approved Northern/Rainbow Specific Area Plan, Proposed Land Use Exhibit, which includes medium/high density residential zoning, and medium density residential zoning.

Attached is a preliminary layout of the lots which are owned and will be bulk platted and subdivided into the appropriate zoning requirements.



## SECTION 150.07 JUSTIFICATION

This section of the request addresses the criteria for a zone map amendment. A justification per Section 150.07 (D-G), Policies for Deciding Zone Map Amendments, is provided below.

(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.

**Applicant response:** The proposed Zone Map Amendment is consistent with the health, safety, morals, and general welfare of the City. The proposed ZMA provides the opportunity to further the health and welfare of the City by creating the development conditions necessary to construct high quality mixed residential development that will meet the needs of future Northern / Rainbow area and Rio Rancho residents. Additionally, the zone change will allow the properties to be developed consistent with the approved Northern/Rainbow Specific Area Plan. The amendment will complement the existing and surrounding developed residential and areas by allowing a variety of housing options in what the Rio Rancho Comprehensive Plan defines as a development node. and future activity center (Page V-11). As described in Section 1.3 Development Nodes, 'The creation of development nodes where higher concentration of land uses exist in the form of commercial, multi-family and mixed-use developments helps to develop a sense of place.', the proposed ZMA will further the general welfare of the City by providing this variety of zones thus creating the sense of place for current and future residents within a developing neighborhood within Rio Rancho.

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.

**Applicant response:** This zone change request will allow for stability of land use and zoning as well as improve it. The zone map amendment will allow the property to be developed in a manner that is compatible with and viable for the surrounding Northern/Rainbow Specific Area Plan area and Rio Rancho neighborhoods. The requested amendment will allow for development that is consistent with the Rio Rancho Comprehensive plan goals to provide access to housing in undeveloped areas, due to an increasing population. Additionally, the Comprehensive Plan has identified goals under Section 6: Population and Housing (depicted below) to provide a variety of housing types that meet the needs of current and future populations within the city.

#### 6.4.2 GOALS

**Goal PH-1:** To ensure that regulations do not have an unreasonable negative impact on the cost or supply of housing.

**Goal PH-2:** Maintain the strength, vitality, and stability of all residential neighborhoods and types.

**Goal PH-3:** Promote a variety of housing types to meet the needs of all members of the community.

**Goal PH-4:** To ensure that single-family and multi-family residential neighborhoods provide an attractive living environment.

The proposed zoning will not destabilize the land use and zoning in the area, but will strengthen it with a mixture of residential uses that meet the needs of the surrounding community. The requested zone change will allow the Property to be developed in a manner compatible with surrounding uses and consistent with current development possibilities. For this reason, there is sound justification for the requested zone change.

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.

**Applicant response:** The proposed ZMA does not change, but rather furthers the Rio Rancho Comprehensive Plan's intent. The Rio Rancho Comprehensive Plan outlines the Northern/Rainbow Specific Area Plan area as an activity center and development node. The Comprehensive Plan has a goal to provide housing near gateways and transportation corridors due to an increasing population. The Northern/Rainbow specific area is located on Northern Blvd and Rainbow Blvd, a highly utilized transportation and designated gateway in the Comprehensive Plan. In addition, the Comprehensive Plan provides a variety of housing types and mixed-used residential developments to meet the needs of all members of the community. The requested ZMA is consistent with the goals and policies outlined by the Rio Rancho Comprehensive plan and recently approved Northern/Rainbow Specific Area Plan.

4. The applicant must demonstrate the existing zoning is inappropriate because:
  - a) The existing zoning is inappropriate because there was a judgment mistake in the original zoning.
  - c) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan.

**Applicant response:** The proposed ZMA is more advantageous to the community, as articulated in the Comprehensive Plan as demonstrated in section one, two and three above. The applicant is requesting an amendment to the zoning to match the recently approved Northern/Rainbow Specific Area Plan.

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

**Applicant response:** The cost of land or other economic considerations are not the determining factor for this request. The request is to bring the zoning in alignment with the approved Northern/Rainbow Specific Area Plan.

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

**Applicant response:** Location on a major street is not the sole justification for this request. The request is to bring the zoning in alignment with the approved Northern/Rainbow Specific Area Plan.

(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 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.

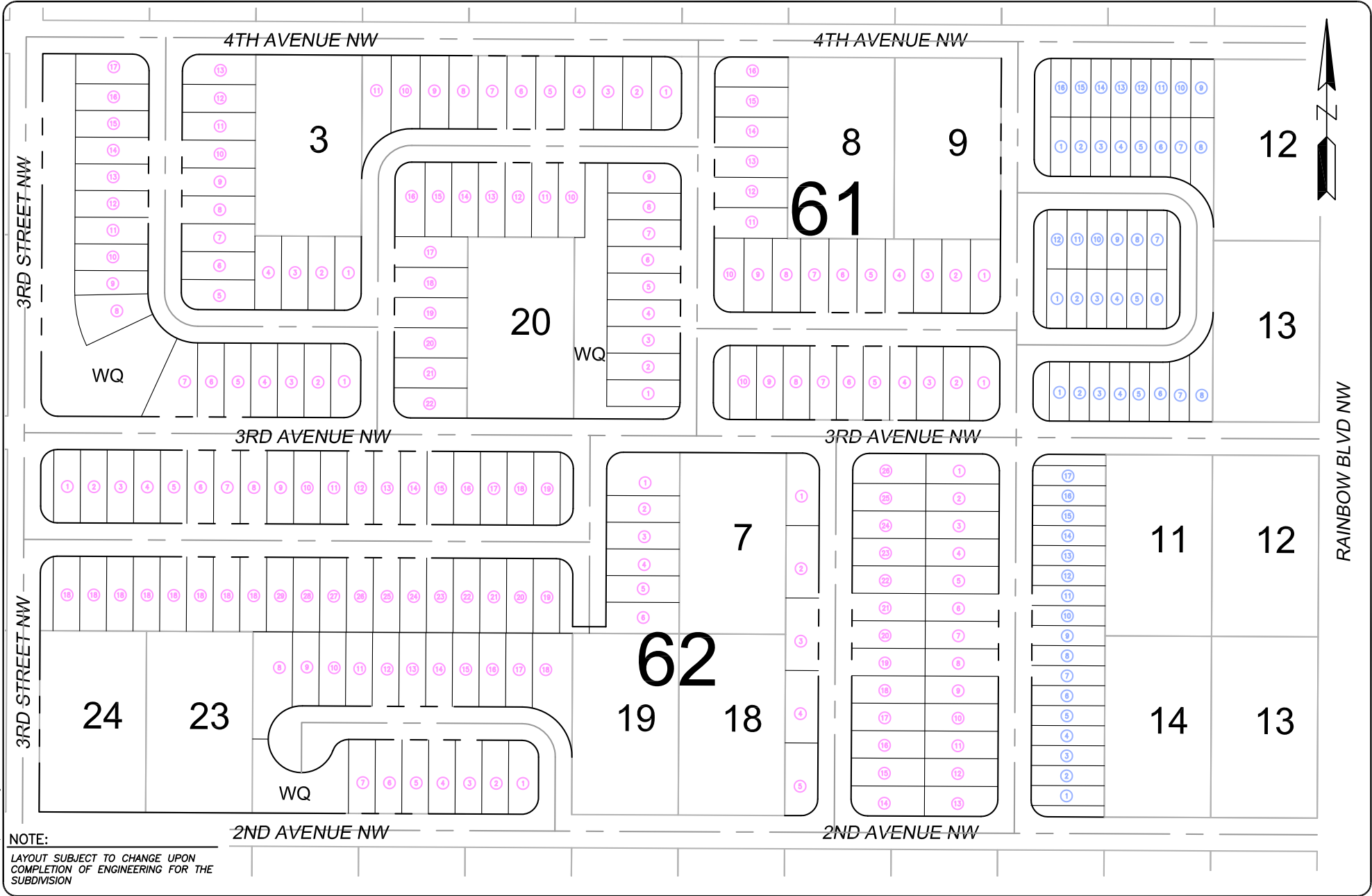
**Applicant response:** The requested zone change will not create a spot zone. As more of the lots within these two blocks are developed the zoning will be brought in alignment with the approved Northern/Rainbow Specific Area Plan. The requested change will also accomplish the Vision of Growth in Section 1 and the goals set forth in Section 6 of the Comprehensive Plan.

We respectfully request that the Rio Rancho Planning and Zoning Board and Governing Body approve this request for a zone map amendment.

Sincerely,

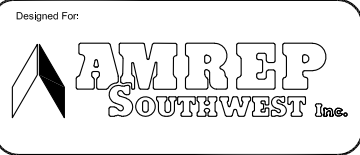


Bryan Aragon, PE  
AMREP Southwest, Inc.  
Land Development Coordinator



**NOTE:**  
 LAYOUT SUBJECT TO CHANGE UPON  
 COMPLETION OF ENGINEERING FOR THE  
 SUBDIVISION

AUG 26 (6A)  
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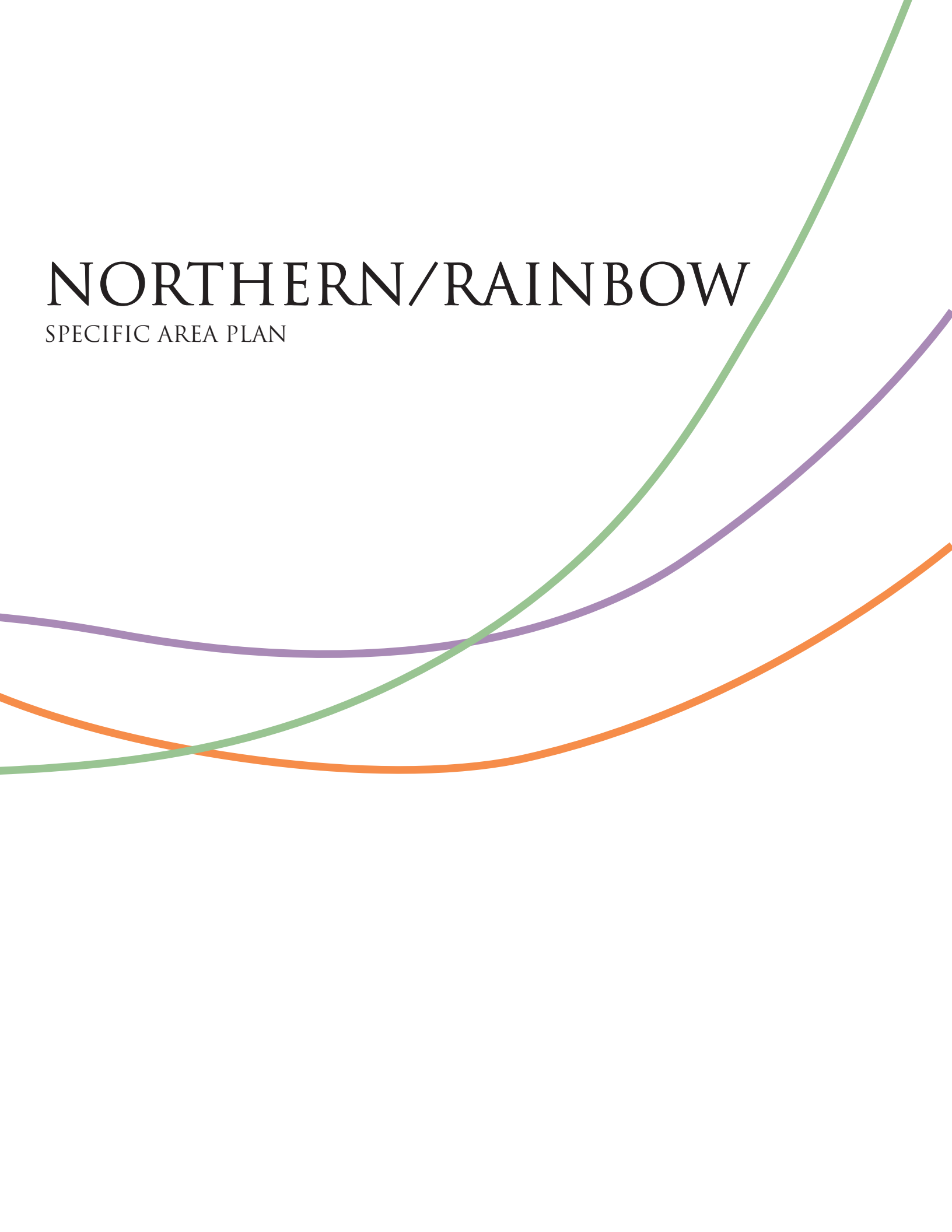
AUGUST 26, 2024

UNIT 8  
 BLOCKS 61 AND 62

R-3 ZONING    ①  
 53-LOTS  
 R-4 ZONING    ②  
 182-LOTS

# NORTHERN/RAINBOW

SPECIFIC AREA PLAN





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# 1.0 PURPOSE

The purpose of the Northern/Rainbow Specific Area Plan is to help guide and manage future development in the area bounded by Northern Boulevard (N), Sandia Boulevard (S), Rainbow Boulevard (E), and 3<sup>rd</sup> Street (W), within the City of Rio Rancho. The plan provides information about current conditions in the Plan area, identifies goals and objectives, proposes land uses and zoning, identifies access points, creates design standards, and lists methods of implementation. This area will be anchored by the future development of the Rainbow Business Park which will serve as an Employment Center for the city, creating industrial space and much needed new jobs. This project will add economic base employment; thereby generating new wealth and growth for the community.

## 1.1 Introduction

*Economic development and economic base employment are the driving forces behind Rio Rancho's growth. Economic base enterprises make products and provide services that are sold outside of the local economy, which are the primary source of income and the generator of new wealth inside the community. The City has recognized the importance of economic base employment from the beginning of its economic development efforts. Rio Rancho has been successful in recruiting major employers to the City with effective incentives such as Industrial Revenue Bonds (IRB), which allow plants and facilities to qualify for revenue bond financing at below market interest rates with no property taxes for the life of the bond (10-30 years). In addition, the City does not currently charge impact fees for development that serves economic base employment. – Vision 2020*

## 1.2 Plan Area

The Northern/Rainbow Specific Area Plan encompasses 236 acres located in Unit 8, Rio Rancho Estates, Blocks 49, 50, 53, 54, 57, 58, 61, 62, 66, and 67.

## 1.3 Plan Hierarchy Comprehensive Plan

The *Vision 2020 Integrated Comprehensive Plan*, adopted June 2001, is a Level 1 general policy plan to direct current and future growth and physical development of the entire city. The Plan emphasizes patterns of development with mixed land uses and densities. The concept is characterized by Growth Nodes for new development, but also includes infill opportunities.

## Specific Area Plans

A specific area plan is a Level 5 plan that addresses land uses, access, parking, streetscape, and other issues along a major thoroughfare or a specific geographic area. It may also address mixed uses, connectivity, character, community services, and other issues deemed important to guide the future developments of a neighborhood or activity center.

## Master Plan

Master Plans are Level 4 sub-area plans often prepared by the private sector for properties in single ownership or control and submitted to the City for approval. These plans generally address many of the components of the Comprehensive Plan but are specific to a defined area within the City, at least 20 acres but usually not more than 100 acres.

## 1.4 Plan Process

### Planning and Zoning Board Public Meeting

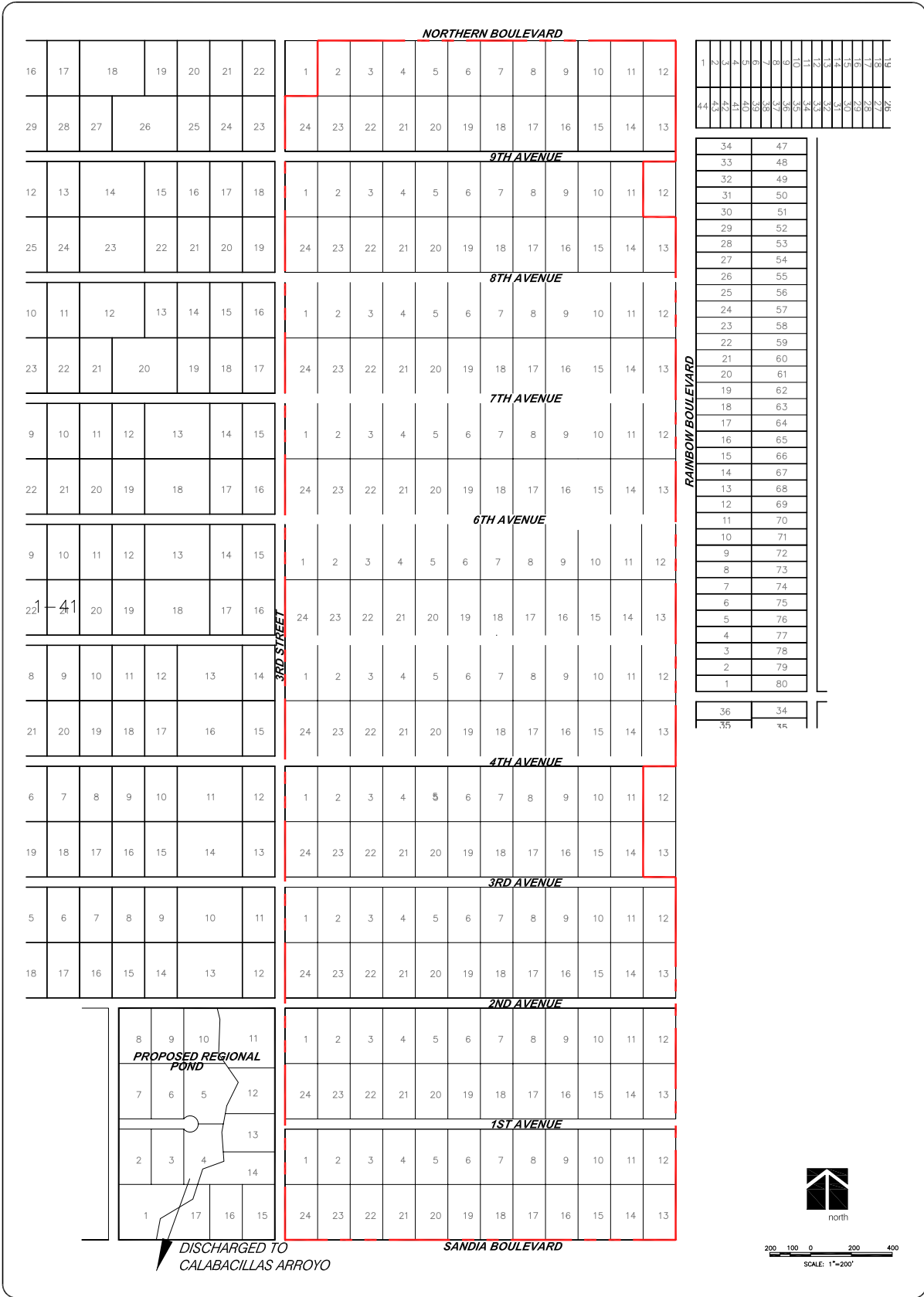
A public meeting was held on December 9, 2008. The public meeting will be advertised by sending out letters to all property owners in the Plan area. The meeting will also be posted on the City's web site. The PZB makes a recommendation to the Governing Body.

### Governing Body Public Hearing

A public hearing is scheduled for January 14, 2009. The public hearing will be advertised by sending out letters to all property owners in the Plan area. Notices will also be posted on the City's website. The Governing Body will adopt the specific area plan and any amendments.

### **1.5 Plan Implementation**


A specific area plan is typically implemented through one or more zone map amendments that may be initiated by the City of Rio Rancho or private landowners. Development standards may be established through the adoption of an overlay zone for all or part of the plan area. Recommended capital improvements will be implemented through the City's ICIP or as private development occurs.



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Designed For:  
**AMERICAN HOLDINGS  
 & ASSETS, LLC.**

**NORTHERN/RAINBOW  
 PLAN AREA  
 EXHIBIT 1**

Designed By:  

 Consensus Planning, Inc.  
 302 Eighth Street NW  
 Albuquerque, NM 87102  
 Phone (505) 764-9801  
 Fax (505) 842-5495



## 2.0 EXISTING CONDITIONS

The existing conditions for the City of Rio Rancho and the Northern/Rainbow Specific Area Plan described in this section include:

- Demographics
- Natural Environment
- Land Use
- Zoning
- Transportation
- Utilities
- Drainage

### 2.1 Demographics

Rio Rancho is the fastest growing and third largest municipality in New Mexico. It is expected that the City will more than double in population over the next 20 years, with the projected population for 2030 being 136,086 people. Given this population projection from MRCOG the percent growth from 2008 to 2030 is expected to be 64.77%. The population growth trend from 2000 to 2008 was 59.55%, the estimated growth trend from 2008 to 2015 is 20.78%, and the estimated growth trend from 2015 to 2030 is 36.43%. Table 1 below shows the City's housing, population, and population growth trend.

Table 1: Rio Rancho Population and Growth Trend				
City of Rio Rancho	2000	2008	2015	2030
Housing	20,209	31,765	38,365	51,143
Population	51,765	82,589	99,750	136,086
Population Growth Trend		59.55%	20.78%	36.43%

Source: U.S. Census Bureau, 2000. 2008 estimate and 2015/2030 projections from MRCOG, 2007

The median age for residents in Rio Rancho in 2000 was 35.1 years, slightly higher than the statewide figure of 34.6 years; however, the City has a higher percentage of residents under 18 than the State average. City residents 18 years or older account for 70.8 percent of the total population, compared with 72.0 percent for the state as a whole. Residents 62 years and older comprise 13.4 percent of the total population, compared with 14.0 percent statewide. 91 percent of the Rio Rancho population is over the age of 25.

The average household in the City of Rio Rancho has 2.70 persons and the average family household had 3.14 persons, which is very similar to the statewide figures of 2.63 persons and 3.18 persons, respectively. Rio Rancho had a total of 18,995 households in 2000. Of these, 74.3 percent were family households (the members are related by blood or marriage) and 25.7 percent are non-family households. This ratio is fairly similar to that of the state as a whole, where 68.8 percent of households are family households and the remaining 31.2 percent are non-family households. In 2000, 40.3 percent of all families had children under 18 years of age living in the house, which is somewhat higher than the statewide figure of 34.7 percent.

Rio Rancho is less ethnically diverse than the rest of the state. 78% of the population is white (28% of which is Hispanic); 4% multi-racial; 2% Native American; 3% Black; 1% Asian; and 11% unclassified. Rio Rancho residents are better educated than the state as a whole. 91% of the Rio Rancho population has a high school diploma. Of these, 29% have some college education, 5% an associate degree, 17% a bachelor degree, and 8% a graduate degree.

The Rio Rancho labor force was comprised of 35,400 workers in 2007. The unemployment rate for the city is 4.2%, similar to the state's unemployment rate, but an increase from last year's 3.5% unemployment rate (Bureau of Labor Statistics). This is possibly due to recent lay-offs at Intel, the area's largest employer. In 2004, basic jobs, such as in the manufacturing sector, made up almost half of the employment in Rio Rancho. Basic employment is comprised of high paying jobs and accounts for higher local incomes than in the surrounding area. Retail jobs made up 16% and health, education, and other service jobs made up 38% of employment in the city (MRCOG).

Rio Rancho's major economic issue is that of creating more local jobs and retail thereby reducing leakage of gross receipts taxes and reducing the need for residents to commute. The City's jobs-to-population ratio of .22 in 2005 will need to increase to .50 jobs-to-population to match the metro area ratio. The \$840 per capita in gross receipts taxes generated in Rio Rancho will need to increase to a level similar to the \$2,800 per capita generated in Albuquerque. The \$2,000 per capita difference represents leakage to Albuquerque and especially the Cottonwood Center area south of the City (NCAP, 2006). As of 2000, more Rio Rancho residents commuted outside the city than worked in the city. At the same time, more employees working in Rio Rancho were commuting from outside the city (Table 2 below).

<b>Table 2: Rio Rancho Employment by Sector and Commuters</b>				
	<b>2000</b>		<b>2004</b>	
<b>Sector</b>	<b>Employees</b>	<b>%</b>	<b>Employees</b>	<b>%</b>
Basic	9,640	49.1	9,681	45.9
Retail	3,777	19.2	3,449	16.4
Service	6,197	31.6	7,959	37.7
<b>Total Rio Rancho Jobs</b>	<b>19,614</b>	<b>100.0</b>	<b>21,089</b>	<b>100.0</b>
Residents Employed in RR	8,645	35.4		
Resident Commuters outside RR	15,746	64.6		
Total Resident Commuters	24,391	100.0		
<b>Total Employed Residents</b>	<b>26,292</b>	<b>-</b>	<b>28,914</b>	<b>-</b>
Residents Employed in RR	8,645	47.3		
Non-Resident Commuters to RR	9,601	52.6		
Total Commuters to RR	18,246	100.0		

Source: Mid-Region Council of Governments; Bureau of Labor Statistics

The City is rapidly increasing the number of local businesses, and it has issued business licenses for 1,051 businesses that are still active. In 2006, 123 business licenses were approved, up from 56 business licenses in 2002. 435 businesses have been approved since 2002. In 2007, 86 business licenses have been issued to date. The majority of new businesses are located along Southern Blvd. (23) followed by the Stephanie/ Jackie Rd. area (21) and along NM 528 (13).

The City is also increasing the amount of commercial land available for new business. In 2005, 27 commercial building permits were issued valued at \$24.2 million; increasing to 34 permits valued at \$44.2 million in 2006; with 37 permits valued at \$25.2 million as of October 1, 2007. Rio Rancho currently has 1.5 million square feet of retail space with another 61,300 square feet under construction (Rio Rancho Economic Development Corporation). Table 3 shows the non-residential vacancy rates for the City of Rio Ranch, and justifies the need for industrial space in the City.

**Table 3: Rio Rancho Non-Residential Vacancy Rates**

	Total SF	Vacant SF	Vacant %
<b>Industrial</b>	5,972,367	41,096	< 1%
<b>Retail</b>	1,631,573	84,602	5.2%
<b>Office</b>	363,022	49,435	13.6%

Source: Grubb & Ellis, New Mexico, 1<sup>st</sup> Quarter 2008 Market Analysis

In 2007, the City of Rio Rancho received 95 requests for zone map amendments. Out of the 95 requests, 81 were processed, 14 are still pending, 7 were denied, and 6 were refunded. So far in 2008, 58 requests for zone map amendments have been made. Out of the 58 requests, 30 have been processed, 28 are pending, 28 were denied, and 3 were refunded. Ninety percent of the zone map amendments requested are commercial.

Over half of Rio Rancho's households earned between \$40,000 and \$100,000 in 1999. The community is predominately middle class, unlike most of the state. The median household income for the City is \$56,914 (US Census, 2007). At the same time, Rio Rancho is less expensive city to live in than its neighbors. The ACCRA Cost of Living Index for Rio Rancho is 97.6 (US = 100%, 4<sup>th</sup> Quarter 2006).

Building permits for single family homes slowed in 2007 to 1,046, after the two previous years of over 2,000 permits issued. Thru the second quarter of 2008, there has been 504 building permits issued. The long-term average number of residential building permits issued has been about 1,000 annually.

Housing is still more affordable in Rio Rancho than for the metropolitan area as a whole. The average sales price of an existing home in Rio Rancho was \$210,545 in 2007. The median price was \$180,000. New homes are averaging \$212,000. Most new single family homes are currently being built in the Cabezon and Loma Colorado neighborhoods (Rio Rancho Economic Development Corp., 2006). New homes are currently being built in Camino Crossing located at the northwest corner of Rainbow Boulevard and Northern Boulevard.

## 2.2 Natural Environment

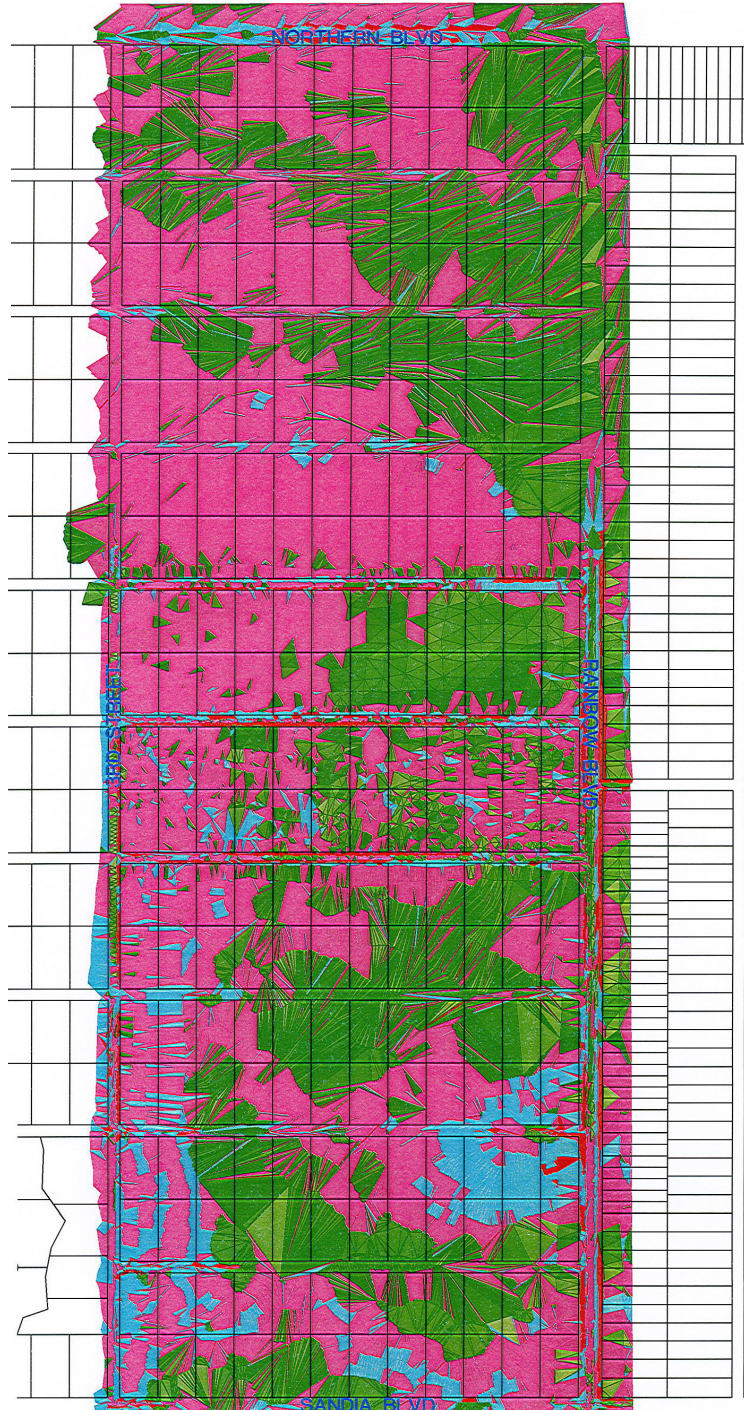
In general, planning area soils are sandy, with only 8-10 inches of rain a year that support mainly native grasses and shrubs. The Sheppard loamy fine sand soils (191) are representative of most of the soils in the plan area and are appropriate for urban development. Other major soil types in the area include: Grieta fine sandy loam (142) and Grieta-Sheppard loamy fine sands (145). Exhibit 2, below, shows the boundaries of the different soil types within the Northern-Rainbow Specific Area Plan; the soils are represented by their Natural Resource Conservation Science soil identification number.



A view of the natural features, looking southeast at the Plan Area.

# LEGEND

- 0%-3%
- 3%-7%
- 7%-15%
- >15%

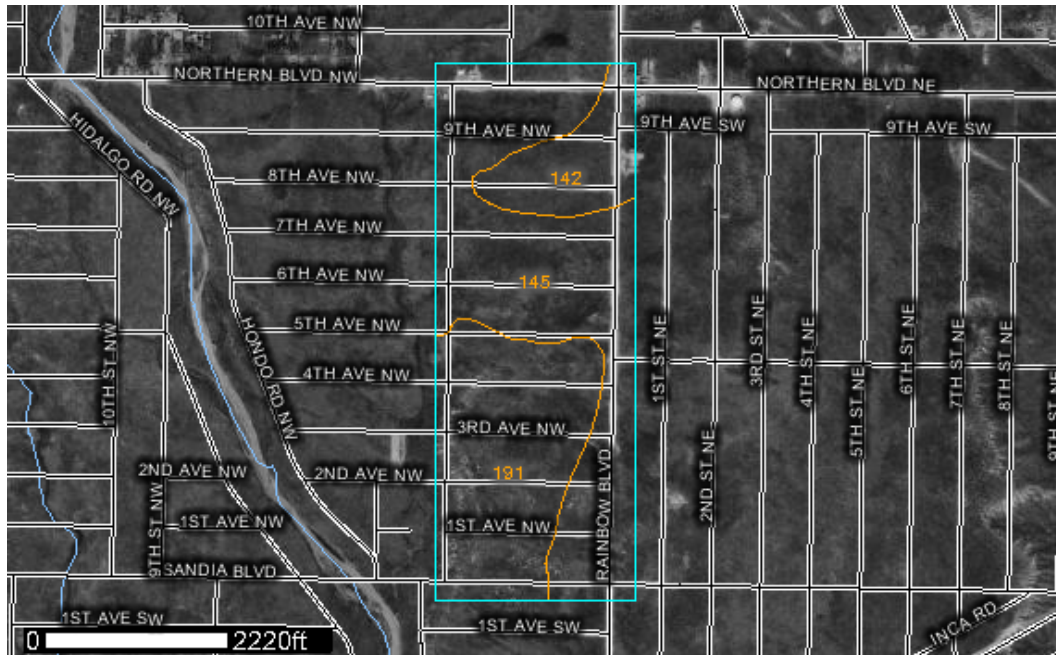


Designed For:  
**AMERICAN HOLDINGS  
& ASSETS, LLC.**

**NORTHERN/RAINBOW  
SLOPE ANALYSIS PLAN  
EXHIBIT 2**

Designed By:  
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### Exhibit 3: Northern-Rainbow Plan Area Soil Types



Source: United States Department of Agriculture, Natural Resource Conservation Science

The soils in the Northern-Rainbow SAP area are favorable for development. Table 4 depicts the different soil types and the limitations of the soils for the types of development that are being planned for in this area:

**Table 4: Soil Suitability for Development**

	142- Grieta	145- Grieta-Sheppard	191- Sheppard
Dwellings with basements	Somewhat Limited	Not Limited	Not Limited
Dwellings without basements	Somewhat Limited	Not Limited	Not Limited
Local Roads and Streets	Somewhat Limited	Somewhat Limited	Not Limited
Corrosion of Concrete	Not Limited	Not Limited	Somewhat Limited
Corrosion of Steel	Very Limited	Very Limited	Very Limited
Lawns and Landscaping	Not Limited	Not Limited	Somewhat Limited
Small Commercial Buildings	Somewhat Limited	Not Limited	Somewhat Limited

Source: United States Department of Agriculture, Natural Resource Conservation Science

The natural habitat of the planning area is marked by riparian conditions with many indigenous types of brush and grasses. Common plants include chamisa, sand sagebrush, winterfat, mormon tea, snakeweed, cholla cacti, prickly pear cacti, fourwing saltbrush, yucca, senna, kochia, piñon, and oneseed juniper. Local wildlife includes birds, coyote, badgers, kit foxes, prairie dogs, jackrabbits, prairie rattlesnakes, round-tailed horned lizards, lesser earless lizards, and New Mexico whiptails.

The slopes of this land area range from 0-over 15% slope. The majority of the land has a slope of 3-7%. Aside from the drainage plan, which takes these land features into consideration, the entire Northern/Rainbow Specific Area Plan is working with the natural terrain of the area. The proposed six acre park in the southeastern portion of the Plan area is the location of the steepest slopes and highest elevation, leaving this area preserved for recreational use.

## 2.3 Land Ownership

The Plan area contains 236 buildable lots. Each lot is approximately one acre in size. Currently 61% of the property within the Plan area is owned by a single entity. The other 39% is individually owned.

## 2.4 Land Use

There are three single family homes that currently exist adjacent to the Plan area. These lots are to be excluded from this Specific Area Plan: Block 49, Lot 1; Block 50, Lot 12; and Block 61, Lots 12 and 13. The existing platting for the Plan area establishes 236 one-acre lots. The current zoning for the entire area is R-1/Single Family Residential. Land on the north side of Northern Boulevard, which is adjacent to this Plan area, is being developed as R-2/Single Family Residential homes. Other surrounding land uses include R-1/Single Family Residential to the east, west and south of the Plan area.

## 2.5 Community Facilities

### *Rio Rancho Public Schools*

Rio Rancho Public Schools has 15,662 students in 16 school facilities. There is 1 pre-school, 8 elementary schools, 3 mid-schools, 1 mid-high school and 3 high schools. Schools closest to the Plan area include: Colinas del Norte Elementary School and Puesta del Sol Elementary School, Eagle Ridge Middle School and Lincoln Middle School, and Rio Rancho High School. Two new elementary schools will open in Fall 2008, and 1 new high school will open in Fall 2009. The school system has expressed a desire to locate a middle school in or near the Plan Area.

There is proposed open space near the Calabacillas Arroyo which is less than a mile west of the Plan Area, and a proposed senior center east of Rainbow Boulevard adjacent to the Plan Area. The allotted park space in the Plan Area, on the southwest corner of 2nd Avenue and Rainbow Boulevard, is ideally located in between these two proposed features. Pedestrian trails are recommended to link these features either along 1st Avenue or Sandia Boulevard.

### *City Facilities*

The nearest City facilities include Rainbow Park and Pool, and King Mesa Meadows Park. The City's Parks and Recreation Master Plan identifies a future senior center location at Rainbow Blvd. and Sandia Blvd. and identifies open space along the Calabacillas Arroyo.

## 2.6 Zoning

All lots in the Plan area are zoned R-1/Single Family Residential, as is most of the surrounding property to the east, west, north and south. The only exception is the Camino Crossing Subdivision, which is located at the northwest corner of Northern and Rainbow. This subdivision is comprised of 32.2 acres subdivided into 176 single family R-2 lots. Entrances to Camino Crossing are via Camino Crossing Street and 11th Avenue. Parcel C located at the southwest corner of the subdivision is designated as a detention facility and park. A 10 inch water/sewer line runs along 3rd Street from Camino Cross to the proposed Northern Rainbow Specific Area Plan area.



A look at the new houses being built in Camino Crossing.

## 2.7 Transportation

The proposed development of the Northern/Rainbow Specific Area Plan is within Unit 8 of the Rio Rancho Estates. The project includes portions of blocks 49, 50, 53, 54, 57, 58, 61, 62, 66 and 67. 3<sup>rd</sup> Street lies directly to the west of the project while Sandia Boulevard bounds the development to the south. The east boundary of the development is Rainbow Boulevard. Northern Boulevard creates the north boundary of the project.



From the intersection of Northern and Rainbow looking southwest at the Plan area.

### ***Long Range Transportation Plan***

The City of Rio Rancho prepares an Infrastructure Capital Improvements Plan (ICIP) and submits it to the state annually. The ICIP is a plan that establishes planning priorities for all anticipated capital projects and identifies funding sources for a period of 5 years. The ICIP may be used to procure state appropriations and to seek other funding sources such as bonds, loans, and grants. The 2009-2014 ICIP lists \$640 million in capital projects for parks, public safety, drainage, transportation, utilities, library, fire and rescue, vehicles and machinery, and drainage. Transportation projects total \$165 million, and parks projects total \$42 million city-wide over the six year period. No ICIP projects are currently planned in or near the Plan area. The 2030 Metropolitan Transportation Plan (MTP) prepared by the Mid-Region Council of Governments (MRCOG) identifies projects that will be programmed in the 5 year State Transportation Plan (STIP) if federal funding becomes available. The MTP identifies a project to construct Rainbow Blvd. from Northern Blvd. north to Paseo del Volcan in the next 20 years.

### Traffic

Traffic volumes in the Plan area are highest along Rainbow Boulevard with an average weekday traffic flow of 2200 vehicles. Northern Boulevard has an average weekday traffic flow of 2000 vehicles near the Plan Area; this number decreases to 1600 just west of the Plan Area, but this number is expected to increase when Northern Boulevard is extended to Paseo del Volcan in the next several years.

### Transit

Rio Transit operates a paratransit system serving senior and eligible disabled adults. Funding is through FTA 5310 and the City of Rio Rancho general fund. Riders must be residents of and registered with the City of Rio Rancho. Trips are available for any purpose in Rio Rancho; however they are limited to medical, educational, or work purposes in Albuquerque, Placitas, Bernalillo, and Corrales. ABQ Ride is studying regional high capacity transit corridors for possible service to Rio Rancho in the future, including Unser Boulevard and NM 528. No local City bus service is currently planned.

### Trails and Bike Paths

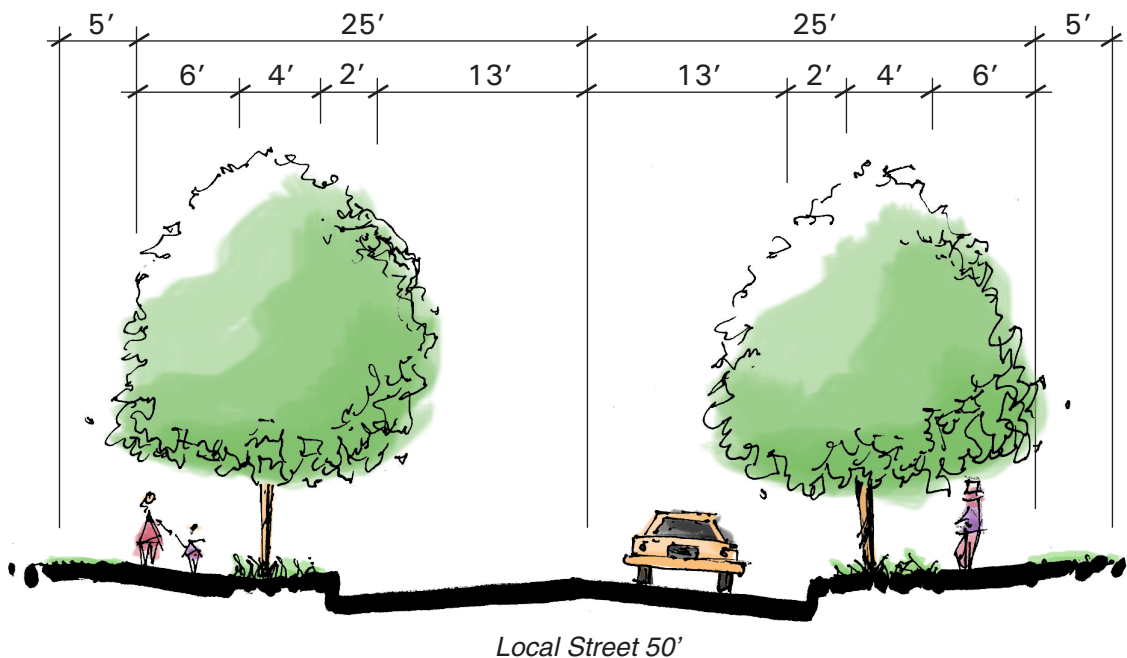
A bike lane is planned, for the future, along Northern Boulevard from Unser Boulevard to Hondo Road, and along Rainbow Boulevard in its entirety. Rainbow Blvd. and Northern Blvd. are both identified as bicycle routes on the City's and MRCOG's bike and trails map. The City's Parks and Recreation Master Plan identifies future trails linking open space along the Calabacillas Arroyo.

### Right-of-ways

Rainbow Boulevard is an existing one hundred foot right-of-way. All other roadways in and around the Northern/Rainbow Specific Area Plan are fifty foot right-of-ways. An initial bulk land plat will not dedicate any additional right-of-ways.

### Street System

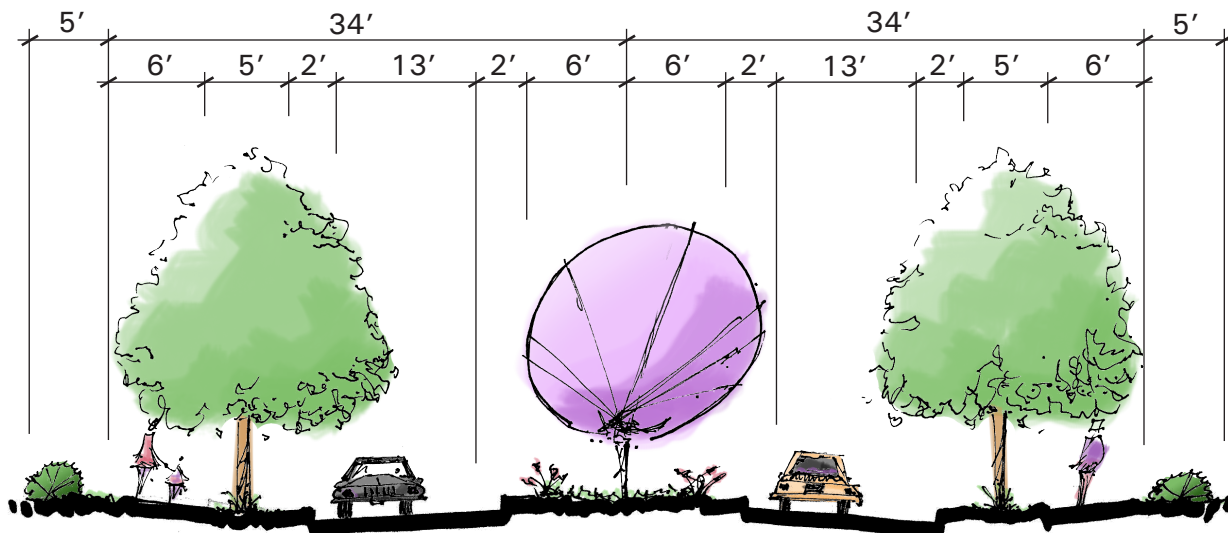
6th Avenue will be the main entrance for the Business Park portion of the area plan via Rainbow Boulevard and 3rd Street. 7th, 6th and 5th Avenues will be reconfigured internally to the Business Park. 3rd Avenue and 1st Avenue will be vacated and consolidated into residential tracts through a summary plat process once the property is acquired. All other existing roadways within the master plan area will remain unchanged. The Plan area street system includes local, collector, minor, and principal arterial streets as indicated on the Roadway Classification Map in the City's Transportation Policy adopted in 2004 and listed below:



### Local Streets (50 feet wide, 30 foot wide pavement, 2 lanes)

A street which is primarily for access to abutting properties and carries low volume traffic. Accessibility to homes and business is more important than mobility. Speed limits are set low, below what the roadway geometry allows, usually 25 MPH, with traffic volumes less than 1,000 VPD.

- Running north and south - 3<sup>rd</sup> Street
- Running east and west - 1<sup>st</sup> Avenue through 9<sup>th</sup> Avenue

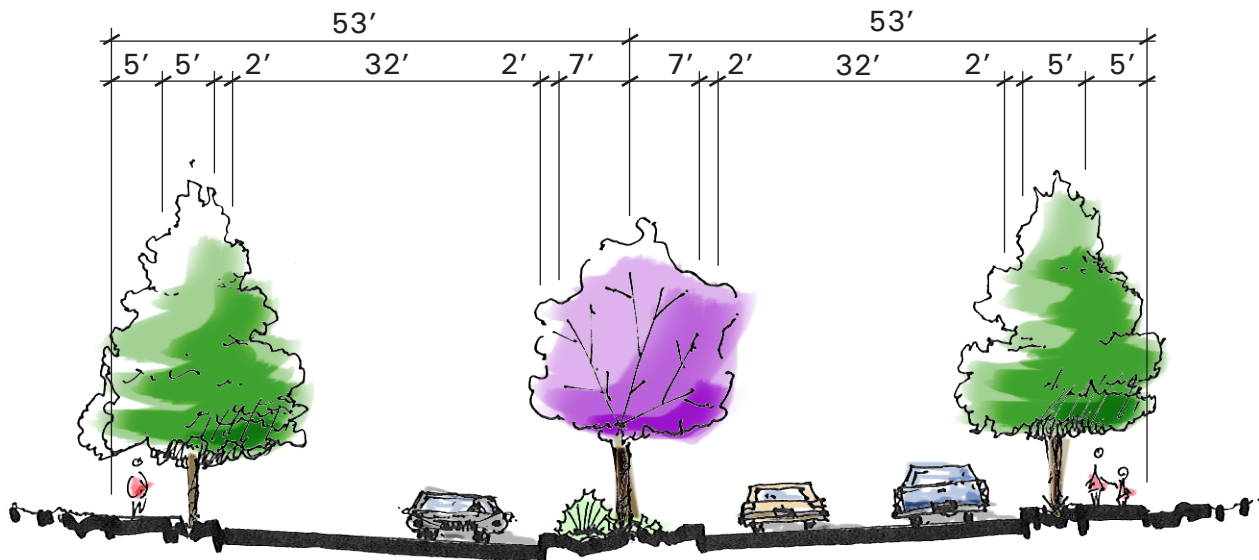


Collector Street 68'

Collector Streets (68 feet wide, 48 feet wide pavement, 3 lanes)

A street which carries traffic from local streets to arterial streets. Accessibility and mobility (speed) are balanced relative to land use with speed limits between 25 to 35 MPH. Residential collectors with driveways are generally kept to 25 MPH, while those with more limited access have a higher posted speed limit. Two through lanes with a center median or center turn-lane would be typical. Volumes can vary from 1,000 to 15,000 VPD.

- Running east and west - Sandia Boulevard



Arterial Street 106'

Arterial Streets (Principal arterials - 156 feet wide; Minor arterials – 106 feet wide, 4 lanes with an 18 foot median)

A street designed and used primarily for serving large volumes of traffic and to provide cross-city travel. Mobility takes precedence over accessibility. Speed limits should be 35 to 45 miles per hour (MPH) with volumes of approximately 7,000 vehicles per day (VPD) per lane. Four lane arterials with a median are common with a capacity of 28,000 vehicles per day. Access is controlled via signalized intersections and raised medians.

- Running east and west - Northern Boulevard a Principal Arterial
- Running north and south - Rainbow Boulevard a Minor Arterial

## **2.8 Utilities**

The development is in an area that has existing service by the City of Rio Rancho Utilities Department. There are two significant developments at various stages surrounding Northern/Rainbow Specific Area Plan. Camino Crossings subdivision to the north has an approved final plat and infrastructure is complete. Cedar Hills subdivision is an established area to the south of the project area. There are two existing single family homes with the project area, as well as several additional homes across Rainbow Boulevard to the east.

### Domestic Water

Water will be provided from a 12" water main within Rainbow Boulevard. The 12" water main will be extended from 8<sup>th</sup> Avenue to Inca Road. All lines internal to the development will have 8" lines with connections to the mains in Rainbow Boulevard. All new homes will have service connections per the City of Rio Rancho standards. See Exhibit 4 for line locations and sizes.

### Sanitary Sewer

Sewer service will be provided through the 10" interceptor within 3<sup>rd</sup> Street. The 10" interceptor will travel to Lift Station #4. The main interceptor is generated from Camino Crossing to the north. It travels down 3<sup>rd</sup> Street to Sandia Boulevard and then down Hondo Road to Lift Station #4 in Parcel A of Cedar Hills #6.

All other internal roadways within the subdivision will have 8" lines. All new homes will have 4" lateral connections per the City of Rio Rancho standards. See Exhibit 4 for line locations and sizes.

## **2.9 Conceptual Drainage Plan**

The intent of the conceptual drainage plan for Northern/Rainbow Specific Area Plan is to provide the initial structure for a drainage solution within the watershed. The plan will consider existing conditions within the watershed and adhere to the land treatments laid out in the "Blacks Arroyo Watershed Management Plan" (BAWMP), dated August 2002. There is no specific management plan for the Calabacillas Arroyo. The basin that encompasses the Northern/Rainbow Specific Area Plan includes areas to the north of Northern Boulevard as well as some areas east of Rainbow. The Northern/Rainbow Specific Area Plan will fall within the jurisdiction of the City of Rio Rancho and the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA).

### Flood Zone

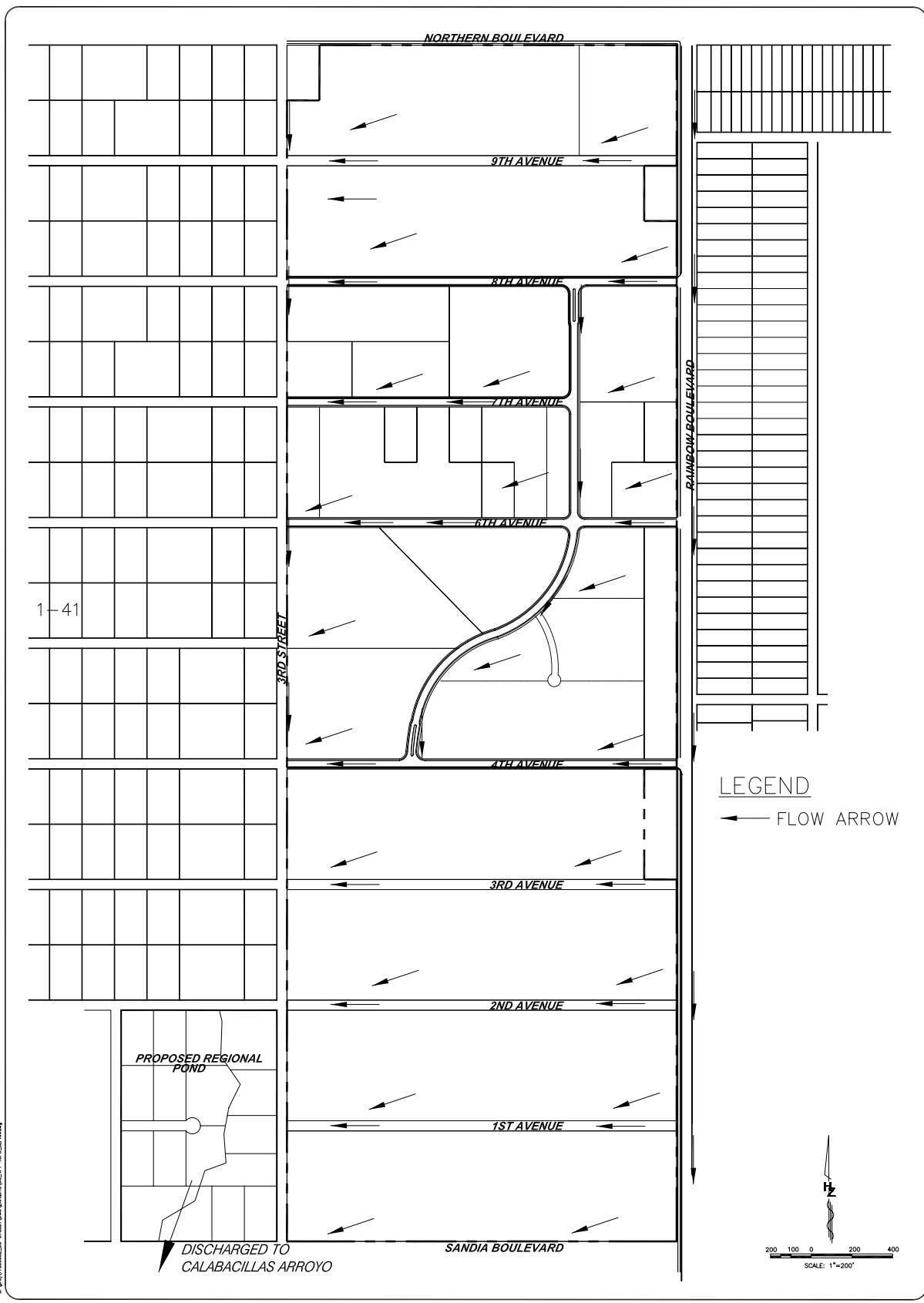
Per FEMA FIRM Panel 35043C1888D, dated March 18, 2008, the Northern/Rainbow Specific Area Plan does not fall within a designated flood plain. There is a flood zone directly to the west of 3<sup>rd</sup> Street. This flood zone will require modification during the future facility plan effect.

### Existing Conditions

The Northern/Rainbow Specific Area Plan drains from the northeast to the southwest. The terrain is in its natural condition with graded roadways within the existing plated rights-of-way. All storm water collects within a tributary to the Calabacillas Arroyo just west of 3<sup>rd</sup> Street. Storm water will enter the Calabacillas Arroyo at Sandia Boulevard. Existing platted lots will have land treatments at 100% 'A'. The storm water calculations will be used to establish release rates for any future detention ponds within the area.







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Designed For:  
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 & ASSETS, LLC.**

**NORTHERN/RAINBOW  
 PROPOSED DRAINAGE PATTERNS  
 EXHIBIT 6**

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### Interim Conditions

All individual zones within the specific area plan will become individual tracts with the future bulk land plat. The tracts will be required to pond storm water and release at historic rates until a regional facility plan is created and implemented.

### Developed Conditions

The land treatments for out parcels within the Northern/Rainbow Specific Area were determined in the “Blacks Arroyo Watershed Management Plan” and are as follows:

Blacks Arroyo Watershed Management Plan				
PARCEL DESCRIPTION	LAND TREATMENTS			
	A	B	C	D
1/2 Acre	10%	33%	30%	27%
1 Acre	43%	20%	20%	17%

Land treatments for the Northern/Rainbow Specific Area Plan will be determined using the following equation from the City of Albuquerque DPM for a Single Family Residential Subdivision:  $7*((N*N) + (5*N))^{0.5}$ . Using the equation the %D land treatment will be determined. The remaining will be split between Treatments B and C. The remaining portions of the development will follow the land treatments described in the “Blacks Arroyo Watershed Management Plan” and are as follows:

Blacks Arroyo Watershed Management Plan				
PARCEL DESCRIPTION	LAND TREATMENTS			
	A	B	C	D
Commercial	0%	0%	15%	85%
Multi-Family	0%	15%	15%	70%

The initial drainage plan for the area will involve a regional detention pond within block 65. This detention pond will outlet across Sandia Boulevard and directly into the Calabacillas Arroyo. The detention pond will allow free discharge for the entire basin. A facility plan will need to be developed to master plan the entire basin area and approve the regional facility.

An internal drainage report will be prepared as part of the preliminary plat submittal for residential or commercial developments within the specific area plan. This report will outline specifics pertaining to the storm drain system, inlet locations and penetrations from the development into the regional detention pond. The plat will also outline the responsibilities for the storm drain facilities for SSCAF-CA and the City of Rio Rancho.

## 3.0 POLICIES, GOALS, and OBJECTIVES

The City of Rio Rancho's Integrated Comprehensive Plan, *Vision 2020*, establishes a principle-based policy document comprised of principles, policies, and action statements for the purpose of directing future growth and development of the City. The Northern-Rainbow Specific Area Plan (NRSAP) is conscious of, adheres to, and helps to implement such policies. The NRSAP provides the policy framework to establish a mixed-use activity center in this portion of the City. This section outlines the relevant principles, policies, actions, and values of the City's *Vision 2020* and *Comprehensive Economic Development Policy*. Under each topic are the goals, objectives, and policies of the Specific Area Plan, showing how this Plan furthers the City's vision.

**3.1 Economic Development Principle: Through continued public and private partnerships, seek to develop a community that provides a wide range of businesses and industries that are compatible with the natural environment and consistent with the City's vision of economic diversity.**

**Economic Development Policies:**

*Develop the City of Rio Rancho as an independent, self-sustaining community, while maintaining an integral role within the economy of the metropolitan region.*

*Ensure the long-term financial strength of the community & the community's economy by attracting quality jobs, retail services & diverse employment opportunities.*

*Provide practical and efficient development services to create an environment conducive to economic development growth.*

*Ensure that the development of Rio Rancho is supported by a coordinated & planned infrastructure system that accommodates future growth.*

**ACTIONS:**

- *Aggressively pursue public/private partnerships to recruit & expand economic base jobs while maintaining a skilled workforce.*
- *Continue Rio Rancho's success in economic development without sacrificing other community values and resources.*
- *Expand the City's gross receipts tax base by supporting existing and recruiting additional local retail and office uses.*
- *Make Rio Rancho a place where one can live, work, shop, and play without leaving the City.*
- *Provide for the installation of state of the art telecommunications infrastructure through provisions for fiber optic networks to carry video, voice, and data transmissions.*
- *Utilize a Development Team approach in facilitating the expansion of new economic base employment.*
- *Streamline government processes and procedures to promote citywide economic development.*

### **Comprehensive Economic Development Policy**

*The City of Rio Rancho's Comprehensive Economic Development Policy exists, "To Define, Encourage, and Guide Sustainable, Long-Term, Economic and Community Development on a City-Wide Basis." It establishes the values, goals, and objectives of the City as they relate to economic development.*

The following is a list of the values, goals, and objectives from the Comprehensive Economic Development Policy that the Northern Rainbow Specific Area Plan and Rainbow Business Park adheres to and implements.

#### **Values:**

- *We value "balance" which acknowledges a traditional commitment to work, family, and community.*
- *We value a strong, vibrant, and diverse local and regional economy which provides jobs and opportunities for growth in investment and income.*
- *We value the creation and maintenance of a distinct, positive community identity reflected in the "sense of place" generated through the architectural and land-use planning approaches to the "built environment."*
- *We value comprehensive, well-planned transportation networks and transit opportunities which assure the adequate, safe, and efficient movement of children, workers, students, shoppers, tourists, seniors, and the disabled to and from needed and desired points of interest or access- affordably and without undue congestion, inconvenience, or time delays.*
- *We value well-planned networks of public and utility infrastructure which maximize access, physical aesthetics, and provision of service; while discouraging duplication; minimizing marginal cost of expansion; and limiting sprawl.*
- *We value stewardship of and a respect for the natural environment.*
- *We value a local economic climate in which the cost of housing, as well as the overall cost of living, remains affordable and regionally competitive.*
- *We value respect for our arid environment through well-planned water conservation strategies which balance effective usage against economic and social need.*

#### **Goals and Objectives:**

- *A respectful workplace where the intrinsic value of the employee and his/her status as citizen, family member, and community participant is acknowledged and supported.*
- *The creation and/or retention of full and part-time, stable and permanent jobs, paying competitive wages and benefits, and made available, with preference, to Rio Rancho residents.*
- *An identified adequate equity investment into land, buildings, technology, and equipment in order to show both a commitment to the endeavor and to better ensure financial sustainability.*
- *A track record of, or a commitment to overall environmental stewardship and concern as reflected in manufacturing processes, research practices, purchasing and inventory control*

*practices, waste generation and disposal, landscaping, and land and water usage.*

- *A track record of, or commitment to the design, construction, and maintenance of buildings, signage, landscaping, parking and lighting, which are not just functional, but also add positively to the architectural and aesthetic context in which they exist; coexist harmoniously with their surroundings; and contribute to the general “sense of place” of the community.*
- *A track record of, or commitment to, pervasive career-long employee training, with emphasis on total quality, service, and responsiveness to the customer.*
- *A secure and safe workplace where employees, customers, suppliers, and service providers, are protected from violence, injury, unwanted solicitation, harassment, and intimidation; and where their vehicles and belongings are safeguarded against theft, damage, and vandalism.*
- *A willingness to develop and maintain buildings and facilities whose design and ongoing functioning safely and effectively contribute to, or facilitate public and private transportation, without contributing to undue congestion, inconvenience, or premature infrastructure degradation.*
- *An identified business model or strategic plan which is designed to, among other goals, offer regionally-competitive, high-quality housing opportunities, across a mix of model offerings and price points, developed as in-fill in areas already served by, or easily reached by city water, sanitary sewer, and transportation infrastructure.*
- *The installation of, contribution to, or facilitation of, a state-of-the-art telecommunication infrastructure providing or allowing for high-speed, wireless, broadband.*

The Northern/Rainbow Specific Area Plan is supported by the proposed Rainbow Business Park. One of the main goals of this plan is to establish an area for economic development that is in accord with City plans and policies. This Specific Area Plan was created through coordinated efforts between the City of Rio Rancho, the Economic Development Corporation, and property owners. Businesses locating within the Plan Area are required to adhere to the above mentioned values, goals, and objectives. Following these will help assure that future developments match and exceed the caliber of businesses desired by Rio Rancho.

### **Economic Development Goals and Objectives of the Specific Area Plan**

Goal 1: Promote economic development opportunities in a variety of areas throughout the City of Rio Rancho, thereby allowing people to live near where they work.

Goal 2: Provide options for businesses and employees within the Northern-Rainbow Specific Area Plan since there aren't job opportunities in this portion of the City.

Goal 3: Promote an employment center in the Northern-Rainbow Specific Area Plan since there is existing infrastructure.

Goal 4: Pursue public/private partnerships that will strengthen the City's economic situation.

Objective 1: Proactively work with the Rio Rancho Economic Development Corporation to attract high quality businesses to locate in the Northern-Rainbow Specific Area Plan.

Objective 2: Plan for the future development of infrastructure to serve the Northern-Rainbow Spe-

cific Area Plan, and make this a priority in the City's ICIP.

**3.2 Land Use Principle:** *The City of Rio Rancho shall develop as an independent, self-sustaining community, which has an integral role in the Albuquerque metropolitan region. Encouraging the development of a variety of distinctive neighborhoods offering a maximum choice of housing, employment, and open space is recognized as a City priority. Growth nodes are designated to distinguish preferred areas of development.*

**Fiscal Land Use Policy:** *The City of Rio Rancho supports land use and fiscal policies that promote development consistent with the City's comprehensive plan and is based on sound land use and infrastructure development.*

**Activity Center Land Use Policy:** *The City shall develop general land use criteria for Activity Centers (Activity Centers are defined as those employment centers and mixed use areas within Growth Nodes that provide for day, evening, weekday and weekend multi-use activities).*

**General Land Use Policy:** *Promote development of high-density, mixed use activity centers within master planned growth nodes to curb low density, single use and strip commercial sprawl development. Growth nodes should be designed to capture a significant share of the City's future jobs and housing.*

**ACTIONS:**

- *When mixing land uses, incorporate usable public space into project designs. The need would be determined by the size and type of the various activity centers.*
- *There may be areas within certain nodes where it is desirable to locate residential uses giving distinction to the area and offering unique housing opportunities within the City.*
- *Complement retail uses within a node with personal service shops, office, and residential.*
- *Consider integration of mixed uses into a single structure with retail on the lower level, office and residential on the upper levels.*

**Land Use Goals, Objectives, and Policies of the Specific Area Plan**

Goal 1: Establish an Employment Center, which will provide for economic growth and employment opportunities.

Goal 2: Promote a variety of housing choices including low- and medium-density single family residential uses and high-density multi-family residential uses.

Goal 3: Encourage mixed uses – retail, office, industrial, and residential uses.

Goal 4: Discourage strip commercial development and single use development oriented exclusively around automobile access, through the use of mixed use zoning along the Northern Boulevard corridor.

Goal 5: Develop land for industrial use to fulfill the market's demand, thus providing workable options for businesses looking to locate in Rio Rancho.

Objective 1: Develop land use categories which allow for choice of a variety of zoning districts.

Objective 2: Mitigate impacts on surrounding uses through design standards. Buffers between industrial and residential uses are mandatory.

Policy 1: Property owners will initiate zoning changes to implement the Northern-Rainbow Specific Area Plan.

Policy 2: Building permits and rezoning cases within the Plan area (approved by the Governing Body and/or Development Services Department) are subject to design criteria provided in Section 6.0 of this document.

**3.3 Housing Principle: Encourage the development of a variety of high quality housing types, densities, and locations in order to provide a range of housing choices to meet the needs of present and future Rio Rancho residents.**

**Housing Policies:**

*Encourage the creation and maintenance of quality residential and neighborhood environments while ensuring the availability of necessary service and quality of life amenities.*

*Ensure that residential areas are appropriately sited and protected from incompatible land uses.*

**ACTIONS:**

- *Promote housing construction within expansion and infill development areas in proximity to utilities, services, and amenities.*
- *Encourage a variety of housing types and densities in the City, including high-density multi-family housing adjacent to activity centers in growth nodes or housing combined with compatible mixed uses in master planned developments.*

**Housing Goals and Objectives of the Specific Area Plan**

Goal 1: Provide a range of housing choices within the Northern-Rainbow Specific Area Plan to meet the needs of present and future Rio Rancho citizens.

Goal 2: Develop different densities of high quality housing around the Northern-Rainbow Specific Area Plan, thus promoting pedestrian activity, alternative transportation, and self-sustainability.

Objective 1: Zone areas of land for different housing densities in the Northern-Rainbow Specific Area Plan.

Objective 2: Develop the planned multi-use trails along Northern and Rainbow Boulevards.

**3.4 Additional Specific Area Plan Goals, Objectives, and Policies**  
**Transportation**

Goal: Assure safe and convenient multi-modal access to well-connected residential neighborhoods, businesses, offices, and other facilities in the Northern-Rainbow Specific Area Plan.

Objective: Improvements in connectivity to all Northern-Rainbow Specific Area Plan roadways and trails are to be made in conformance to city street and trail construction standards and funded through the City's ICIP process.

Policy: Department of Public Infrastructure will program roadway and trail projects in the ICIP for the Northern-Rainbow Specific Area Plan.

## **Urban Design**

Goal 1: Develop high quality buildings that harmonize with the natural and built environments of the Northern-Rainbow Specific Area Plan.

Goal 2: Create an Activity Center within walking distance of residences, balancing retail, office, industrial, single-family and multi-family uses within the Northern-Rainbow Specific Area Plan.

Objective 1: Develop streetscape and parking standards for new development in the Northern-Rainbow Specific Area Plan, such as signs, landscaping, lighting, fencing, etc.

Policy: New construction permits and site plan approvals by Development Services Department will be subject to the design standards required in the Northern-Rainbow Specific Area Plan.

## **Utilities**

Goal: Assure that urban uses have full utilities, both community water and sewer provided to all new development in the Northern-Rainbow Specific Area Plan.

Objective: Coordinate water and sewer utility infrastructure among various master plan and subdivision developments as approved within the Northern-Rainbow Specific Area Plan.

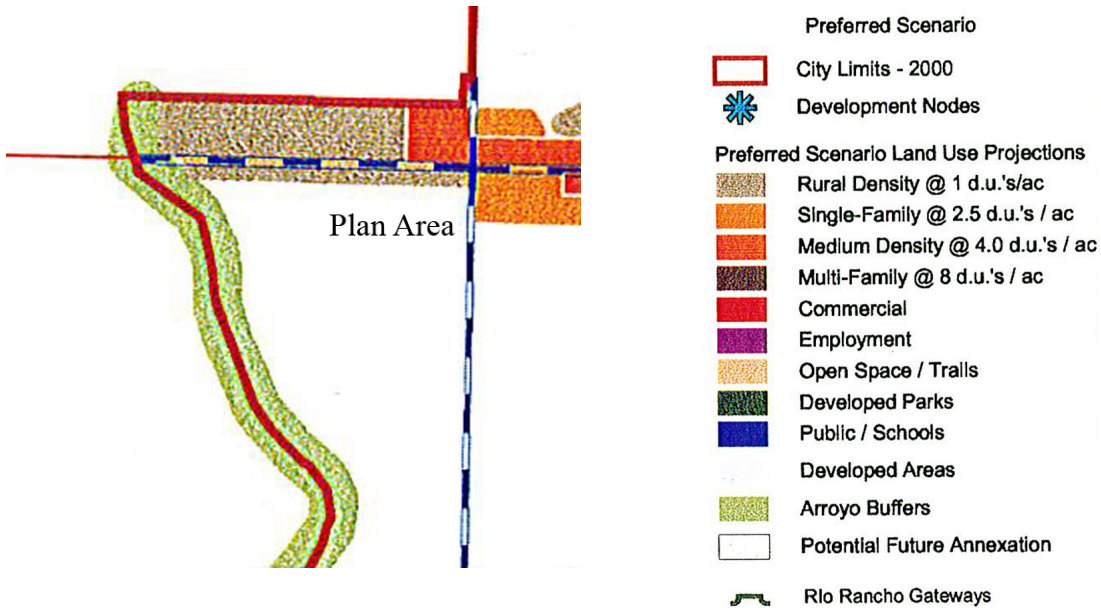
Policy: No building permits will be issued for development in the Northern-Rainbow Specific Area Plan by the Development Services department if the City cannot provide community water and sewer to the property.

## **Community Facilities**

Goal: Create open space, parkland, trails and other recreation amenities to serve the Northern-Rainbow Specific Area Plan.

Objective: Provide community services to the Northern-Rainbow Specific Area Plan, concurrent with development and population growth.

## 4.0 PROPOSED LAND USE



The images above display the Preferred Land Use Scenario for the Plan Area, as shown in the Comprehensive Plan. Rural density in a portion of the area was the only use foreseen when the Comprehensive Plan was drafted.

### 4.2 Land Use Categories

The Northern-Rainbow Specific Area Plan contains proposed land use categories that are consistent with and promote the goals and policies of the *Vision 2020 – Integrated Comprehensive Plan*. The purpose of creating these land use categories, or sectors, is to identify a range of land use options that would be considered appropriate within these sectors. The total population increase at full build out is estimated as 3, 527 people. The eight land use categories identified in this plan included the following:

- Employment Center
- Low/Medium Density Residential
- Medium Density Residential
- Med./High Density Residential
- Office/Mixed Use
- Commercial
- Park

#### 4.2.1 Employment Center

Purpose: Mixed use employment centers provide for light industrial uses, manufacturing of products, warehousing and distribution of goods and services necessary to support a vibrant community and to provide diverse employment for citizens. Employment centers do not include residential uses except for security personnel. Outdoor storage of goods, machinery, and equipment must be screened with a solid wall and buffering of less intensive uses. Access, parking, and unloading areas for trucks are routinely provided.

Area: 96 acres

Allowable uses in the following zoning districts:

- M-1 Light Manufacturing District  
Min. Lot Size: 21,780 SF, Max. Height: 40 feet, Setback: 25 feet
  
- C-2 Wholesale and Warehousing District  
Min. Lot Size: 10,890 SF, Max. Height: 32 feet, Setback: 35 feet
  
- C-1 Retail Commercial  
Min. Lot Size: 21,780 SF, Max. Height: 32 feet, Setback: 35 feet

#### **4.2.1.1 Proposed Employment Center: Rainbow Business Park**

The Rainbow Business Park will anchor the Northern-Rainbow Specific Area Plan and will serve as an Employment Center for western Rio Rancho. The business park will be developed in the 96 acres between 4th Avenue and 8th Avenue, and between Rainbow Boulevard and 3rd Street. The development of this Employment Center is vital to the City of Rio Rancho. The City is in need of additional industrial space, employment opportunities, and an area to provide options for businesses interested in locating to Rio Rancho. Developing this Employment Center within the Northern-Rainbow Specific Area Plan will help balance the City as it continues to grow and prosper. The proposed Employment Center will implement many of the principles, policies, and actions set forth in Vision 2020. Private covenants that run with the land will be drafted by the property owner to ensure the implementation of the proposed design standards and to restrict undesirable uses.

The Rainbow Business Park will be governed by the rules and procedures of an Architectural Control Committee (ACC). The ACC will be established by the developer to be responsible for the enforcement of specific design standards as detailed in Section 7: Design Standards.

#### **4.2.2 Low/Medium Density Residential**

Purpose: To provide low density single family residential uses and associated community uses, e.g. schools, parks, and churches, vital to a complete neighborhood. The prime area for this use is the southern portion of the Northern-Rainbow Specific Area Plan, south of 2<sup>nd</sup> Avenue.

Area: 42 acres

Allowable Use in the following districts:

- R-2 Single Family Residential District  
Min. Lot Size: 5,000 SF, Density: 6 DU/A

Community uses are allowed with a conditional use permit:

- Parks (PR and OS zone districts)
- Schools
- Churches

#### **4.2.3 Medium Density Residential**

Purpose: To set aside an area for medium density single family residential uses and associated community uses, e.g. schools, parks, and churches, integral to a complete neighborhood.

Area: 36 acres

Allowable Uses in the following zoning districts:

- R-4 Single Family Residential District  
Min. Lot Size: 4,000 SF, Density: 7 DU/A

Community uses are allowed with a conditional use permit:

- Parks (PR and OS zone districts)
- Schools
- Churches

The City will not initiate the rezoning of properties in these areas. Property owners will need to request a zone map amendment from the City for the zoning district of their choice. Property owners are encouraged to consolidate lots and replat to meet current development standards.

#### **4.2.4 Medium/High Density Residential**

Purpose: To provide an area of land for medium to high density residential uses and associated community uses, e.g. schools, parks, and churches.

Area: 36 acres

Allowable Uses in the following zoning districts:

- R-3 Multi-Family Residential District; Min. Lot Size: 1,200 SF (Townhouses) to 10,000 SF (Apartments), High Density: 12 DU/A

Community uses are allowed with a conditional use permit:

- Parks (PR and OS zone districts)
- Schools
- Churches

The City will not initiate the rezoning of properties in these areas. Property owners will need request a zone map amendment from the City for the zoning district of their choice. Property owners are encouraged to consolidate lots and replat to meet current development standards.

#### **4.2.5 Office/Mixed Use**

Purpose: To provide an area for an integrated blend of commercial, office, and residential uses that will serve the Northern-Rainbow Specific Area Plan and enhance the Northern Boulevard corridor.

Area: 18 acres

Allowable uses in the following zoning districts:

- C-1 Retail Commercial; Min. Lot Size: 21,780 SF, Max. Height: 32 feet, Setback: 35 feet
- O-2 Office; Min. Lot Size 21,780 SF, Max Height: 32 feet
- MU-A Mixed Use Activity Center District: 10 – 20 acres, Max. footprint: 6,000 SF, Max Height: 26 feet. Master Plan approval by the Governing Body.

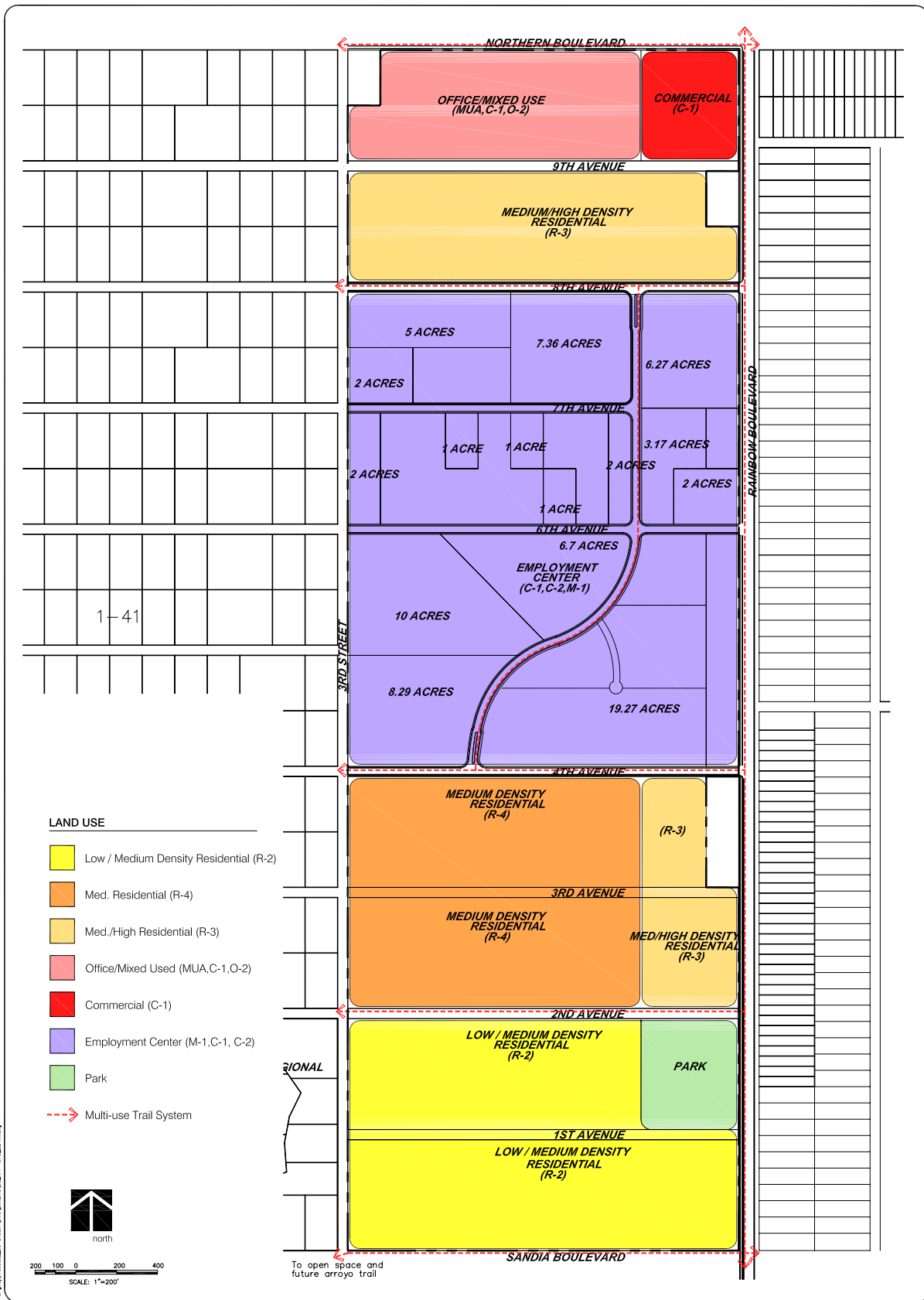
#### **4.2.6 Commercial**

Purpose: To provide an area for commercial uses that will serve the Northern-Rainbow Specific Area Plan and the surrounding neighborhoods.

Area: 6 acres


Allowable uses in the following zoning districts:

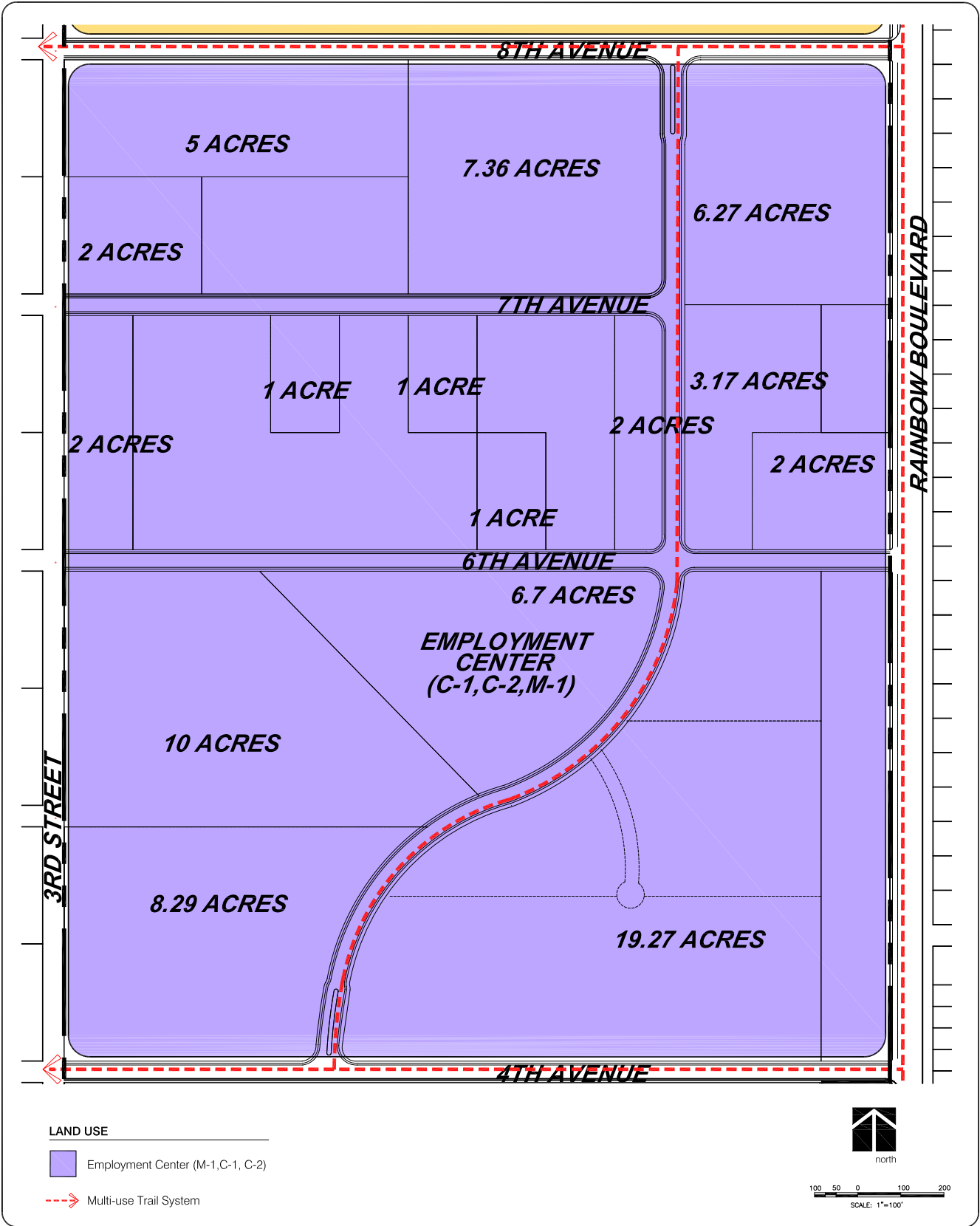
- C-1 Retail Commercial  
Min. Lot Size: 21,780 SF, Max. Height: 32 feet



Designed For:  
**AMERICAN HOLDINGS  
 & ASSETS, LLC.**

**NORTHERN/RAINBOW  
 PROPOSED LAND USE  
 EXHIBIT 7**


Designed By:  

 Consensus Planning, Inc.  
 302 Eighth Street NW  
 Albuquerque, NM 87102  
 Phone (505) 764-9801  
 Fax (505) 842-5495



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Designed For:  
**AMERICAN HOLDINGS  
 & ASSETS, LLC.**

**NORTHERN/RAINBOW  
 PROPOSED LAND USE  
 EXHIBIT 8**

Designed By:  

 Consensus Planning, Inc.  
 302 Eighth Street NW  
 Albuquerque, NM 87102  
 Phone (505) 764-9801  
 Fax (505) 842-5495

#### 4.2.7 Park

Purpose: To provide an area within the Northern-Rainbow Specific Area that satisfies the visual and psychological needs of the community for light and air, and permits beneficial recreational uses that alter the natural characteristics of the land. The amount of park land needed may increase depending upon the build-out population.

Area: 6 acres

Allowable uses in the following zoning districts:

- PR Parks and Recreation District

**Table 5: Proposed Land Use and Zoning**

Land Use	Allowable Zones	Acreage	% Total	Density	*Build-out Population
Employment Center	M-1, C-1, & C-2	96	40%		
Low/Med. Density Residential	R-2	42	17.5%	6 DU/A	713
Med. Density Residential	R-4	36	15%	7 DU/A	713
Med./High Density Residential	R-3	36	15%	12 DU/A	1223
Office/Mixed Use	C-1, O-2, & MU/A	18	7.5%		
Commercial	C-1	6	2.5%		
Park	PR	6	2.5%		
<b>TOTAL</b>		<b>240</b>	<b>100%</b>		<b>2,649 people</b>

\* Estimate: 2.83 people per household

## 5.0 ACCESS MANAGEMENT STANDARDS

### 5.1 Access

Access along Northern Boulevard and Rainbow Boulevard, both Principal Arterials, is limited. NMDOT State Access Management Manual states that there should be full access each 1/4 mile. Since the streets in the City of Rio Rancho are currently platted roads, full access would be permitted on every other street, and partial access on streets in between. A full access, lighted, intersection would be allowed at 5th Avenue; however, since the entrance into the proposed business park is at 6th Avenue, it makes sense that the lighted full access would be located at 6th Avenue. Please refer to the State Access Management Manual, Table 18.C-1, on the next page. For areas with antiquated platting, please refer to the City's Corridor Overlay Zone Access Policy Section 154.42 (D) (2) (see below).

#### (D) (2) Access Standards

- a) Property located within the Corridor Overlay Zone shall comply with any Access Management Plan that has been adopted for the properties within the Corridor Overlay Zone.
- b) Access shall be shared between adjacent lots in the manner shown on the adopted Access Management Plan. When access to a property is not yet available using an access point identified in the adopted Access Management Plan temporary alternate access may be permitted by the Director of the Development Services Department or his designee but only until such time that access becomes available from an access point identified in the adopted Access Management Plan.
- c) Before a building permit is issued or before any zone map amendment is approved for a property located within the Corridor Overlay Zone the applicant shall demonstrate how future development of the property will comply with the adopted Access Management Plan standards by
  - 1) Replatting multiple narrow lots into a single piece of property
  - 2) Providing reciprocal agreements between adjoining property owners for cross access easements and or
  - 3) Providing shared access driveways at locations designated by the adopted Access Management Plan

Table 18.C-1 Access Spacing Standards for Intersections and Driveways (centerline to centerline spacing in feet)						
Access Category	Posted Speed (mph)	Intersection Spacing (feet) <sup>1</sup>		Driveway Spacing (feet) <sup>2</sup>		
		Signalized	Unsignalized <sup>3</sup>	Non-Traversable Median Full Access	Non-Traversable Median Partial Access	Traversable Median <sup>4</sup>
Controlled-Access, Non-Interstate Highways	All Speeds	5,280	2,640	2,640	2,640	-NA-
UPA	≤ 30 mph	2,640	1,320	1,320	200	200
	35 to 40 mph	2,640	1,320	1,320	325	325
	45 to 50 mph	2,640	1,320	1,320	450	450
	≥ 55 mph	5,280	1,320	1,320	625	625
UMA	≤ 30 mph	1,760	660	660	175	175
	35 to 40 mph	1,760	660	660	275	275
	45 to 50 mph	2,640	660	660	400	400
	≥ 55 mph	5,280	1,320	1,320	600	600
UCOL	≤ 30 mph	1,100	330	330	150	150
	35 to 40 mph	1,320	330	330	225	225
	45 to 55 mph	1,760	660	660	350	350
RPA	≤ 30 mph	2,640	1,320	1,320	225	225
	35 to 40 mph	2,640	1,320	1,320	350	350
	45 to 50 mph	5,280	2,640	2,640	500	500
	≥ 55 mph	5,280	2,640	2,640	775	775
RMA	≤ 30 mph	1,760	660	660	200	200
	35 to 40 mph	2,640	660	660	325	325
	45 to 50 mph	2,640	1,320	1,320	450	450
	≥ 55 mph	5,280	2,640	2,640	725	725
RCOL	≤ 30 mph	1,320	330	330	200	200
	35 to 40 mph	1,760	660	660	300	300
	45 to 50 mph	2,640	1,320	1,320	425	425
	≥ 55 mph	2,640	1,320	1,320	550	550

- Notes:
1. Intersection - Public street or other access serving a large area or a major traffic generator(s) where full access is typically provided.
  2. Driveway - Public or private access serving a limited area where traffic signal control is not required.
  3. In urban areas, spacing should be consistent with the established street spacing along the state highway facility.
  4. Includes highways with no median or a painted median. The type of access, full or partial, is determined at the discretion of the Department. See Sub-Sections 7.AO and 7.BP.

## 6.0 PROPOSED DESIGN STANDARDS

The Northern Rainbow Specific Area Plan recognizes the importance of promoting a sense of cohesiveness within the entire community. The purpose of these design standards is to provide a flexible framework for community design that encourages innovative and creative solutions, rather than setting a rigid set of requirements. The standards will help implement the Urban Design provisions of the City of Rio Rancho's Integrated Comprehensive Plan, *Vision 2020*.

The desired character for this mixed use community is expressed by these standards. Under each design element there is a list of general standards that apply to all land uses, and certain standards that apply specifically to single-family residential, multi-family residential, or non-residential uses. Within the non-residential uses there are standards that apply to all non-residential uses (commercial, office, and industrial), and there are specific standards which only apply to a certain type of non-residential use. These standards are a generalized guide for end users that will develop within the Northern Rainbow Specific Area.

This section identifies design standards for all development within the Plan area that include signage, architecture, landscape, streetscape, and lighting. Together, these elements of the built environment will create the visual character desired for the Northern Rainbow Specific Area.

### 6.1 GENERAL STANDARDS

The subsequent list of general design standards apply to all projects, regardless of their use, within the Northern-Rainbow Specific Area Plan.

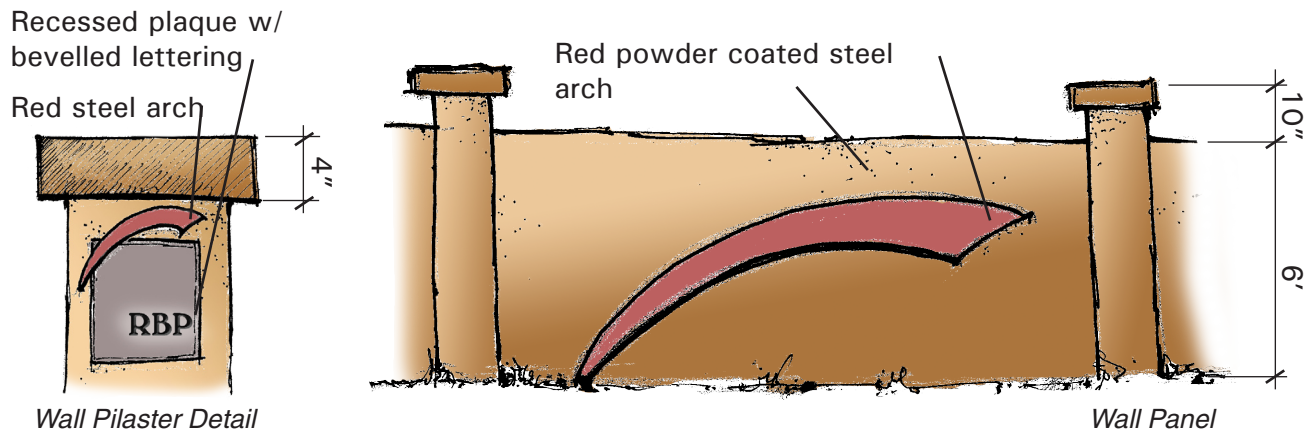
#### 6.1.1 Architecture and Site Design

The architectural and site design standards are intended to demonstrate a high quality aesthetic character and functionality throughout the property for residential, commercial, and employment center development. While all buildings will reflect these standards, it is not the intent of these designs to prohibit a certain amount of individual expression and creativity.

1. Stucco shall be the primary building material. Stone, tile, metal, or brick accents are allowed.
2. Stucco colors shall be limited to shades of brown, tan, sage green, and sand. Bright colors as the dominant exterior color are prohibited.
3. The use of accent colors in entry portals, front door, window frames and trim, and other incidental elements is encouraged.
4. Antennae, if used, shall be installed so as to minimize its visibility from any public street or adjacent lot.
5. Materials prohibited as the main architectural feature include the following:
  - Exposed, untreated precision block or wood walls
  - Highly reflective surfaces
  - Chain link fence or barbed wire
  - Metal paneling
  - Materials with high maintenance requirements
6. Primary - exterior colors shall be earth tones, ochres, browns, and dull reds.
7. Accent - a variety of colors may be used to accent architectural features such as entries, win-

dow trim, fascias, and other traditional southwestern architectural features. Colors allowed are earth tones, white, green, red, blue, and brown ranges.

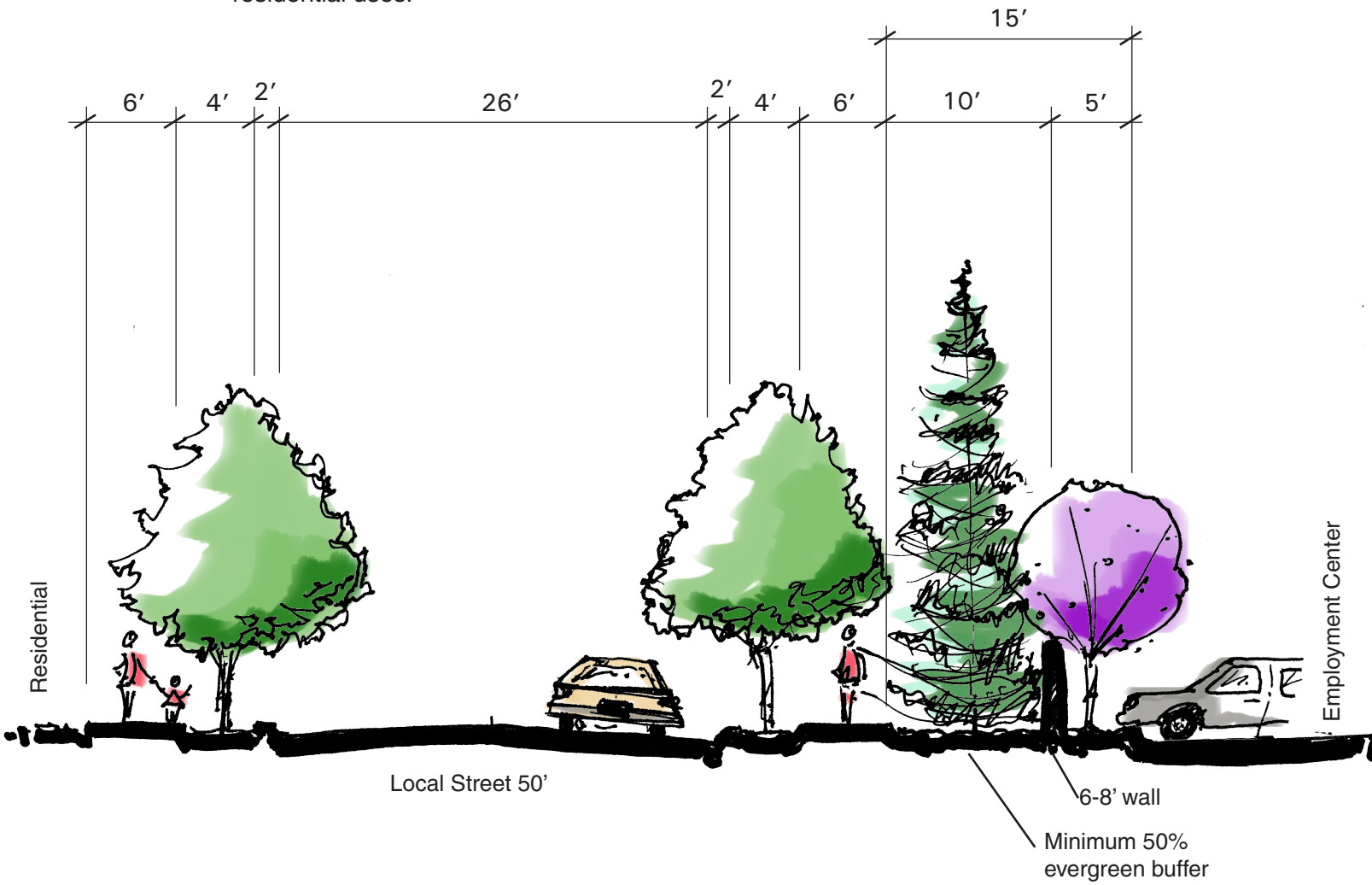
8. Safe, convenient, and pleasant pedestrian circulation may be accomplished with sidewalks, bike paths, special pavings, and shade.
9. All perimeter block walls facing public rights-of-way shall include a continuous 4 inch cap. Unfinished gray block walls, barbed wire, chain link, concertina wire, and wood or plastic/vinyl fencing are prohibited. All wall surfaces shall be finished with stucco, colored split face block, or colored burnished block.

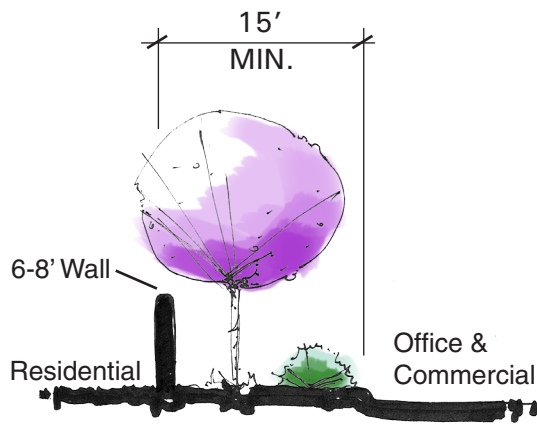


### 6.1.2 Landscape/Streetscape

1. Landscape plans shall comply with the City's Water Conservation Ordinance and Zoning Code.
2. Turf shall not be used within the street R.O.W. or within the landscape area between the curb and sidewalk. There shall not be any non-recreational use turf areas greater than 100 square feet.
3. A fully automated irrigation system, that passes a water audit, shall be provided for all landscaped areas. The system shall be designed to avoid over spraying walks, buildings, fences, etc.
4. Undeveloped areas held in reserve for future building or pavement should be stabilized with an acceptable polymer based agent or seeded with a mixture of native grasses/wildflowers.
5. Street trees shall be planted within 10 feet of the back of curb. One shade tree should be planted every 33 feet.
6. All planting areas not covered with turf shall have a ground topping of river rock, shredded bark, gravel mulch, or similar material which extends completely under the plant material.
7. Appropriate landscape headers shall be used to separate any turf and groundcover areas.
8. An automatic underground irrigation system shall be provided to support all required landscaping. Irrigation components should be checked periodically to ensure maximum efficiency.
  - Irrigation systems- Separate meter with backflow preventers; permitted and inspected

9. Minimum plant sizes at time of installation shall be as follows:
  - Trees 3 inch caliper, or 10 to 12 feet in height. The lowest branch of any tree along trails, sidewalks, and rights-of-way must have a clearance of 7 ft.
  - Shrubs & Groundcovers 1 gallon. These must be maintained to not encroach beyond the buffer area between wall and curb.
  - Turf grasses shall complete ground coverage within 1 growing season after installation.
10. All property owners in commercial areas must maintain landscaping to the curb.
11. Perimeter walls should be broken up every 10 feet with plants by indenting, off-set, serpentine shape.
12. There shall be 15 feet of landscape buffer within the setback along the property line adjacent to the existing single family homes that have been excluded from the Plan area. The landscape shall include trees at 30 feet on center with a minimum of 50% evergreen trees. A 6-8 foot high, solid perimeter wall shall be constructed where non-residential uses are adjacent to residential uses.





### 6.1.3 Lighting

1. Light fixtures and standards shall conform to local safety illumination standards and existing City regulations, which require street lights at all intersections, cul-de-sacs, and curves in the roadway.
2. Site lighting shall be shielded and oriented so as to eliminate glare or light trespass onto adjacent roadways and properties. All lighting shall be in compliance with the State of New Mexico Night Sky Act.
3. Lighting layout shall be coordinated with proposed landscaping and trees to maximize light distribution and avoid conflicts.
4. Bollard lights, if used, shall be metal halide and fitted with louvers, diffusers, or shields as necessary to eliminate glare on adjacent roadways and properties.
5. Individual site lighting standards shall blend with the architectural character of the buildings and other site fixtures.
6. Accent lighting is permitted; however, surface lighting is limited to an average of 2 foot-candles measured 4 feet from the surface level of any point on the building surface being lighted.
7. Average light level shall be limited to 2 foot-candles with maximum levels limited to 16 foot-candles as measured from 4 feet above the surface level of any point on the site.

## 6.2 SPECIFIC STANDARDS

The following specific design standards are arranged by land use intensity. These standards cover the design requirements that aren't address by neither the general standards nor the City Zoning Ordinance for each district.

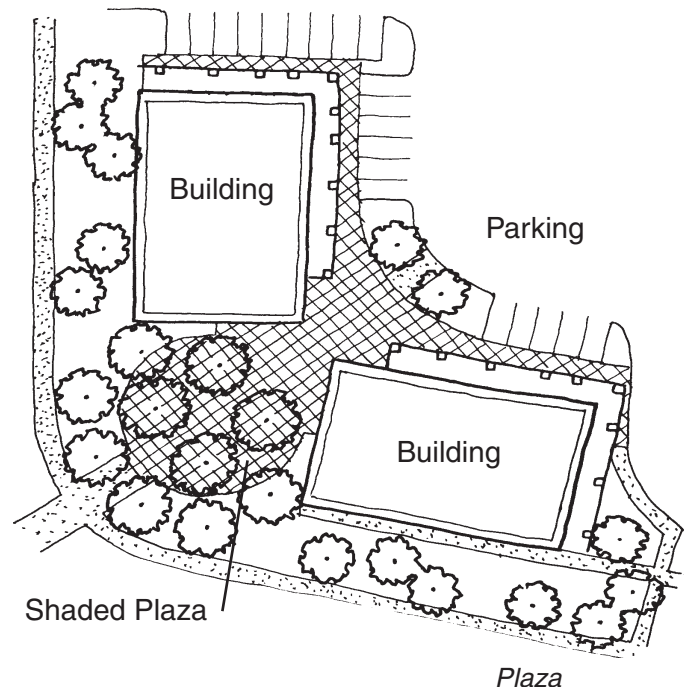
### 6.2.1 Single Family Residential (R-2, R-4)

1. The front yard setback shall be a minimum of 25 feet for the garage and the living or heated portion of the house shall have a front yard setback of 20 feet in order to avoid creating a “garagescape” effect.
2. Single family units are prohibited from fronting a collector or major local street.

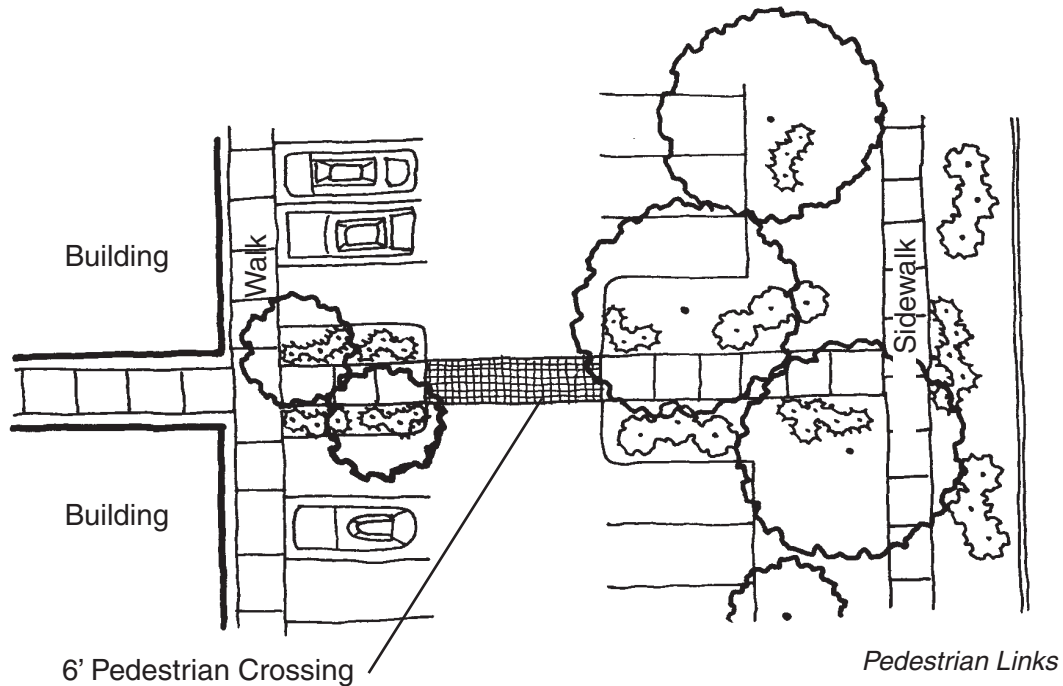
3. Lots that face streets at the front and rear shall be limited to one driveway at the front facing street. A solid wall shall be provided at the rear yard of the property to ensure limited access.
4. Sidewalks with a minimum width of 5 feet must be provided on both sides of every street. Separate pedestrian connections shall be provided to the perimeter streets where convenient street access is not available.
5. Freestanding neighborhood entry signage shall be monument style. If placed within a median, the maximum height shall not exceed 4 feet. If placed within a landscape setback at the neighborhood entry, the maximum height shall not exceed 5 feet for a single family development. Neighborhood entry signage may be wall-mounted as an alternative to freestanding. All neighborhood entries shall include the specific subdivision name.
6. The maximum area of the second story of a single-family house, including heated spaces and covered porches, shall be no more than 75% of the area of the first floor, including heated spaces, covered porches, and garage. In situations where the top of roof (or parapet wall) associated with a first-floor room exceeds 18 feet from finished floor. Such area shall be considered as part of the second-story for determining the 75% ratio.
7. Front porches, entryways, and/or portals, if used, shall have a minimum 6 foot depth.
8. Garages that front the street shall be constructed with a “shadow box” containing a minimum depth of 8 inches.

### 6.2.2 Multi-Family Residential (R-3)

1. The design of vehicular circulation and parking areas within multi-family developments shall provide for safe and convenient movement of vehicles, limit vehicular/pedestrian conflicts, limit paved areas, and soften their visual impact. Parking areas shall be sufficient to serve the complex without utilizing adjacent streets.
2. In multi-family developments, parking areas shall be screened from public streets by landscape, screen walls, berms, or a combination of those materials. Such screening shall be 2 1/2 to 3 feet in height.
3. All buildings within the R-3 zone shall have a maximum height of 32 feet.
4. The second story portion of a two story townhome within the R-3 zone shall be setback from the first floor exterior walls a minimum of 5 feet to eliminate the appearance of two story walls (*see previous section addressing single family units within the R-3 zone*).



5. Sidewalks with a minimum width of 5 feet must be provided on both sides of every street. Separate pedestrian connections shall be provided to the perimeter streets where convenient street access is not available.



6. Freestanding neighborhood entry signage shall be monument style. If placed within a median, the maximum height shall not exceed 4 feet. If placed within a landscape setback at the neighborhood entry, the maximum height shall not exceed 5 feet for a single family development and 6 feet for multi-family development. Neighborhood entry signage may be wall-mounted as an alternative to freestanding. All neighborhood entries shall include the specific project name.
7. Bicycle parking shall be provided in multi-family developments in a manner that provides convenient access to their use by each building.
8. Bicycle storage racks that are conveniently located near building entrances or conveniently located for employee use shall be provided. The minimum number of bicycle racks shall be determined by the number of parking spaces provided, consistent with the City Zoning Code.
9. Mechanical units shall be entirely concealed from public view by the use of parapets or equivalent.
10. Easements shall be provided, in addition to the dedicated right-of-way, to provide flexibility for entry signage, landscaping, trail/sidewalk development, pedestrian amenities, and opportunities for screening and water harvesting.
11. A minimum of 15 percent of the site area for commercial, office, industrial and multifamily projects (minus the building square footage) shall be devoted to landscape materials.
12. Landscaped areas shall be a minimum of 36 square feet and a minimum width of 6 feet. Living, vegetative materials shall cover a minimum of 75 percent of the landscaped areas. The area and percentage is calculated based on the mature canopy size of all plant materials.

13. To shade and mitigate the negative visual impact of large expanses of pavement, interior parking areas shall have one tree for each 10 parking spaces with no space being more than 100 feet from a tree.
14. 75 percent of the required parking area trees shall be deciduous and have a mature height and canopy of at least 25 feet.
15. The height of street lighting and parking area lights shall be kept to a minimum necessary to meet safety requirements.

**6.2.3 Non-Residential (C-1, C-2, M-1, O-2, MU/A)**

1. Front setbacks for the commercial (C-1) and Office (O-2) site shall be 35 feet, except where the parcel is adjacent to residential property the minimum front, rear, or side building, parking, or service drive setback adjacent to the residential property shall be equal to those in the residential zone.
2. Front setbacks for the industrial site shall be 25 feet, except where the parcel is adjacent to



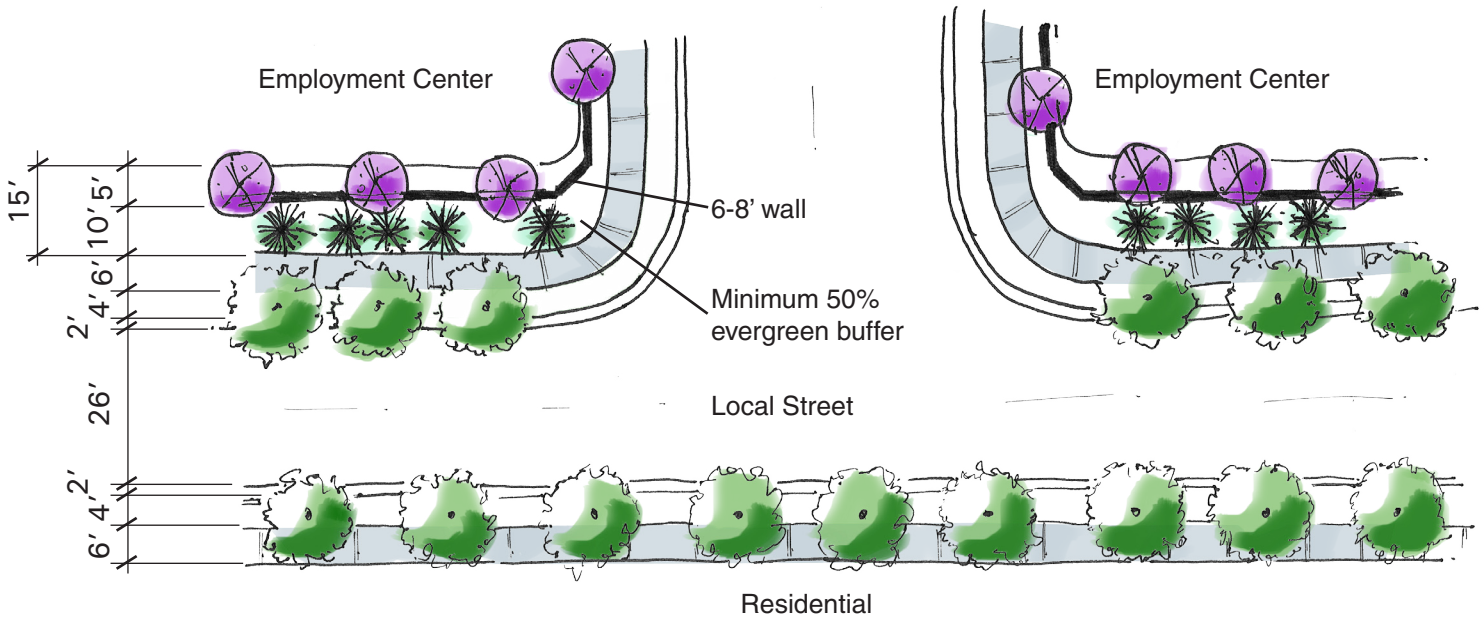
residential property the minimum front, rear, or side building, parking, or service drive setback adjacent to the residential property shall be equal to those in the residential zone.

3. Building elements such as windows, displays, and entries shall be oriented both externally to the streetscape and internally towards public areas.
4. Open courtyard designs shall be employed in order to form transitions between parking areas and building facades on commercial parcels. Building access and entries must be easily accessible from the surrounding buildings and should be visible from the street through open passages.
5. Buildings shall be horizontally connected by a variety of ways, such as the use of arcades or portals, controlled plaza elements, pavement, and sitting areas.
6. All buildings must have four-sided architecture with finished building materials.

7. The maximum height of industrial buildings is 40 feet.
8. Freestanding restaurants shall provide outdoor patios and shall be shaded by trees and/or a shade structure that is architecturally integrated with building architecture. The amount of seating at outdoor patios shall be 10 percent of the required indoor seating, with a minimum of 5 seats provided (C-1 zone only). Outdoor plaza(s) for office and industrial uses are shall also be provided.
9. Pedestrian crossings, 6 feet in width, shall be clearly demarcated with special paving treatment where they cross vehicular entrances and drive aisles.
10. Pedestrian connections to buildings should be provided in parking lots with greater than 50 spaces and should connect to adjacent roadways, sidewalks, and pathways.
11. In order to lessen the visual impact of parking areas, large parking fields shall be broken up into a series of smaller areas.
12. Handicapped parking spaces shall be provided adjacent to building entries.
13. To shade and mitigate the negative visual impact of large expanses of pavement, interior parking areas shall have one tree for each 10 parking spaces with no space being more than 100 feet from a tree.
14. The height of street lighting and parking area lights shall be kept to a minimum necessary to meet safety requirements.
15. All outdoor refuse containers shall be screened within a minimum 6 foot tall enclosure which is large enough to contain all trash generated between collections. Trash enclosures shall be screened with plant materials. The design and materials for refuse collection enclosures shall be compatible with the architectural theme and materials of the site and adjacent buildings.
16. Access to refuse enclosures shall be internal to the site and shall not be from adjacent public rights-of-way.
17. All outdoor storage shall be screened from public view by materials of the same nature as the basic materials of the building.
18. Most, if not all, buildings in the Employment Center will have a service and/or loading area. All service functions should be screened from view on all sides. This Loading and unloading areas shall be located and designed so that the vehicles intended to use them can maneuver safely without obstructing or interfering with any public right-of-way, parking space, or parking lot.
19. Loading areas shall be screened from public view by walls, trellises, or landscaping. Passenger loading areas do not require screening.
20. Structures and on-site circulation systems should be located to minimize pedestrian/vehicle conflicts. Pedestrian access shall be provided to link structures to the public sidewalk.

21. The developer shall provide project entry signs to create a sense of arrival and to contribute to the unique identity of the project. These signs shall be located on a private easement and shall be maintained by the property owner.
22. All signage at the project entries shall be coordinated in order to have the same appearance. The sign area for project entry signs shall not exceed 60 square feet. Maximum height shall not exceed 16 feet.
23. One monument or freestanding sign is allowed on the commercial site and shall be of similar design and materials as the building. The sign area for individual signs shall not exceed 24 square feet. Maximum height shall not exceed 6 feet.
24. Building-mounted signs shall not project more than 1 foot from the display wall or exceed 10% of the wall area. Canopy and marquee signs shall be included in the total area count allowed for all signs.
25. Building-mounted signs shall be constructed with individual channel letters, backlit or down lit. Internally lit channel letters are not permitted.
26. Signs perpendicular to an elevation shall only occur under an awning or canopy / portal and shall not exceed 8 square feet. Perpendicular signs shall not project past the overhang.
27. Signs shall identify only the name and business of the occupant or of those offering the premises for sale or lease.
28. Signs shall be designed, sited, and installed to avoid disruption of vehicular sightlines, as well as conform to existing Rio Rancho sign regulations.
29. No sign may overhang a right-of-way or property line.
30. Prohibited signs include banners, pennants, ribbons, streamers, strings of light bulbs and spinners (except during holiday season or special thematic event); brashly colored signs with moving or flashing lights; signs which are animated in any manner; portable signs; off-premise signs referring to a business or merchant not doing business on the premise where the sign is displayed.
31. Bicycle storage racks that are conveniently located near building entrances for employee use shall be provided. The minimum number of bicycle racks shall be determined by the number of parking spaces provided, consistent with the City Zoning Code.
32. Pedestrian connections to buildings should be provided in parking lots with greater than 50 spaces and should connect to adjacent roadways, sidewalks, and pathways.
33. In cases where parking is adjacent to roadways, a combination of landscaping and low walls (3 feet for screening purposes shall be required.
34. Mechanical units shall be entirely concealed from public view by the use of parapets or equivalent.
35. Easements shall be provided, in addition to the dedicated right-of-way, to provide flexibility for entry signage, landscaping, trail/sidewalk development, pedestrian amenities, and opportunities for screening and water harvesting.

36. A minimum of 15 percent of the site area for commercial, office, industrial and multifamily projects (minus the building square footage) shall be devoted to landscape materials.
37. Landscaped areas shall be a minimum of 36 square feet and a minimum width of 6 feet. Living, vegetative materials shall cover a minimum of 50 percent of the landscaped areas. The area and percentage is calculated based on the mature canopy size of all plant materials.
38. 75 percent of the required parking area trees shall be deciduous and have a mature height and canopy of at least 25 feet.
39. A 6-8 foot high, solid perimeter wall shall be constructed along the north and south sides of the Employment Center.



## 7.0 IMPLEMENTATION ACTIONS

This section presents those actions that can be taken by departmental staff, Planning and Zoning Board, and the Governing Body to implement the recommendations in this Plan. Actions include those involving the development review and permitting process, zone map amendments, capital improvements program, land assembly strategies, and economic development incentives.

### **7.1 Development Review and Permits**

Fast Track Building Permits/ Construction Inspections  
(If the industry exports 60% of products or services)

In certain instances, businesses considering expansion, relocation, or consolidation to Rio Rancho need to be in operation within an expedited time frame. The Rio Rancho Economic Development Corporation has developed an aggressive design-build program and joined forces with the City of Rio Rancho to make that happen.

The City of Rio Rancho is committed to economic base development, is experienced with the Rio Rancho Economic Development Corporation's fast-track process, and works diligently to issue building permits on an expedited basis. The process starts with a pre-submission plan review meeting in which City staff provides informal comments to help guide the finalization of submittal packages. The Rio Rancho Economic Development Corporation will assist businesses with these submissions. Once submitted, the City then reviews the modified plans, identifies any remaining required changes, and ultimately issues approved building permits. Construction inspections are then coordinated to ensure projects move forward on a regular schedule. Examples of these coordinated efforts can include daily, routine inspections or on-site inspectors.

### **7.2 Zoning**

#### **Establish a Corridor Overlay Zone**

In order to implement design standards, access management, preservation of future rights-of-way and prohibit certain industrial uses.

#### **Concurrent zoning of commercial properties**

The City may rezone strategic commercial properties at the same time as adopting a specific area plan.

### **7.3 ICIP**

Proposed infrastructure projects to be included in the City's ICIP process include the following:

- Rainbow Boulevard improvements (with landscaping and bike lanes)
- Sandia Boulevard improvements
- Northern Boulevard improvements (with landscaping and bike lanes)
- West Side Senior Center

### **7.4 Land assembly strategies**

- Special Assessment District (SAD) to provide infrastructure in antiquated platting areas
- Minimum development area requirement to encourage lot consolidation
- "Lot pooling" by forming a Land Consolidation Corporation. Landowners would agree to own a proportional share in the total land area which then would be replatted into a viable development. Those landowners who opt out would be bought out.

## 7.5 Economic Development Incentives (Source: RREDC)

The Economic Development Review Committee recommends industries eligible for financing. The following are descriptions of the financial mechanisms available.

-Targeted base firms include: aerospace, biotechnology, electronics, software developers, major administrative offices, pre- and post-film production enterprises

### • Impact Fee Waiver

Construction projects in Rio Rancho are subject to impact fees based upon the projects use. Economic base projects, as defined by the CORR, are eligible for an impact fee waiver, provided specific criteria are met. The definition of an economic base project is an enterprise that consistently exports sixty percent or more of its products/service outside New Mexico. Waivers require documented proof of eligibility and are limited to projects that will create not less than one new “economic base job” for each \$20,000 in impact fees waived.

### • Gross Receipts Investment Policy (GRIP)

The GRIP ordinance allows the City to either rebate impact fees paid by the business, and/or to utilize up to one-half of all gross receipts taxes directly attributable to the business, to provide a direct incentive for the location or expansion of the business to or in Rio Rancho and/or to assist in paying the costs expended to provide for public infrastructure in support of the business. GRIP incentives shall be as prescribed in an individually-tailored agreement between the developer and City of Rio Rancho, as approved by the Governing Body following a public hearing in keeping with the ordinance provisions, and consistent with policy guidelines.

### • Industrial Revenue Bond Financing

The City of Rio Rancho will selectively offer Industrial Revenue Bonds (IRB's) for conduit financing, and possible property tax abatement, in keeping with New Mexico State Statute and Federal Tax Law, when the issuance of same is determined essential to the successful location or expansion of an eligible job-producing investment. Specifically, the City will utilize the following criteria to evaluate the possible issuance and structuring of Industrial Revenue Bonds and associated property tax abatements:

The City will not, as a matter of policy, issue IRB's for any proposed project or project investment which represents or encompasses any of the following:

- The demand for and use of land in a disproportionate ratio to the number of base jobs produced as a result.
- The development or expansion of an otherwise-eligible project wherein seventy-five percent or more of the base jobs to be created or retained have starting annual wages, or existing annual wages which equal to or are below 150% of the then-existing Federal Minimum Wage annualized.
- The development or expansion of an otherwise-eligible project which, can be determined with certainty, would occur in the absence of the issuance of an Industrial Revenue Bond and any of the associated benefits accruing therefrom.

The City will, as a matter of policy, issue IRB's consistent with the following criteria:

- The minimum amount financed shall be \$3 million dollars.
- Eligible IRB financing shall be negotiated as to duration, up to a maximum of 30 years.
- Applicants for IRB's shall pay to the City a one-time, application, processing and issuance fee totaling one-tenth of one percent (.001) of the amount financed to a maximum amount of

\$100,000. One-third of the fee shall constitute the application portion of same and shall be non-refundable.

- IRB's will be issued pursuant to an agreement between the City and the applicant/recipient which shall require certain "claw-back provisions" requiring the recipient of any and all property tax abatements granted with the IRB to fully reimburse the City for 100% of same in the event the recipient permanently ceases operations within the City of Rio Rancho at the facility for which the IRB was granted at any time within five years following formal approval and issuance of the IRB
- Each application for an IRB shall be evaluated in keeping with approved Administrative policies for accepting, processing, and approving same. Such policy shall describe fees and establish proper forms, format, and documentation; set forth timelines for application, review, recommendation, and ultimate action; detail specifically any cost-benefit analysis and/or econometric modeling required to evaluate and recommend IRB's; and set forth staff responsibilities for processing applications from the initial application acceptance through Governing Body action and potential ongoing monitoring. At minimum, IRB applications should be fully evaluated by a committee comprised of the City Administrator, City Attorney, Chief Financial Officer, and Chief Development Officer of the City prior to any final recommendation for action before the Governing Body.
- IRB's which are approved and issued by the City in an aggregate investment amount less than \$100 million, shall at minimum, require the applicant/investor to remit to the City, for the complete duration of the bond, a yearly payment in lieu of taxes (PILOT) equal to the total real and personal property taxes that would otherwise have been levied on behalf of, and paid to, the Rio Rancho Public School District for the tax period in question. Such, PILOT payments to, in turn, be transferred from the City to the Schools for any lawful use thereby. IRB's approved and issued by the City in an aggregate investment amount which exceeds \$100 million shall consider PILOT's commensurate with the nature of the business, length of the bond, and amount of the bond. Such PILOT's shall not be deemed mandatory for investment amounts exceeding \$100 million, and are to be considered on a case-by-case basis.
- The City may, based upon the results of cost-benefit analysis and/or econometric modeling choose to issue and approve IRB's for durations less than twenty (20) years; and/or to include required yearly payments in lieu of taxes exceeding the amount determined equal to school property taxes foregone. In no event, however, shall payments in lieu of taxes exceed fifty percent (50%) of the total real and personal property taxes which would otherwise have been due and payable in the absence of the IRB and its associated tax abatement. Of this total, all PILOT payments in excess of school taxes foregone shall be maintained by the City and shall be utilized exclusively to promote and facilitate further economic development within Rio Rancho.

# REFERENCES

Bureau of Labor Statistics

City of Rio Rancho

- Comprehensive Economic Development Policy
- Corridor Overlay Zone Access Policy
- Infrastructure Capital Improvements Plan
- Integrated Comprehensive Plan, *Vision 2020*

Grubb & Ellis, New Mexico 1st Quarter 2008 Market Analysis

Mid-Region Council of Governments

- 2015/2030 population projections
- 2030 Metropolitan Transportation Plan (MTP)
- Employment Statistics

New Mexico State Access Management Manual

U.S. Census Bureau, Census 2000 and 2008 estimate

U.S. Department of Agriculture, Natural Resource Conservation Science

# APPENDIX A: PLANT PALETTE

## **Trees**

Catalpa speciosa (Western Catalpa)  
Cercis canadensis (Eastern Redbud)  
Chilopsis linearis (Desert Willow)  
Chitalpa tashkentensis (Chitalpa)  
Crataegus phaenopyrum (Washington Hawthorn)  
Forestieri neomexicana (New Mexico Olive)  
Fraxinus velutina 'Modesto' (Modesto Ash)  
Gleditsia triacanthos inermis (Honey Locust)  
Juniperus virginiana 'Emerald Sentinel' (Eastern Red Cedar - female)  
Koelreuteria paniculata (Goldenrain Tree)  
Pinus eldarica (Afghan Pine)  
Pinus leucodermis (Bosnian Pine)  
Pinus nigra (Austrian Pine)  
Pistachia chinensis (Chinese Pistache)  
Platanus acerifolia (London Plane Tree)  
Prunus cerisifera (Purpleleaf Plum)  
Pyrus calleryana (Flowering Pear)  
Quercua shumardii (Shumard Oak)  
Quercus texana (Texas Red Oak)

## **Shrubs and Groundcovers**

Atriplex canescens (Fourwing Saltbush)  
Baccharis sarathroides (Desert Broom)  
Berberis spp. (Barberry)  
Buddleia davidii (Butterfly Bush)  
Caryopteris clandonensis (Blue Mist)  
Chrysothamnus nauseosus (Chamisa)  
Cotoneaster spp. (Cotoneaster)  
Ephedra spp. (Joint Fir)  
Ericameria laricifolia (Turpentine Bush)  
Euonymus fortunei (Creeping Euonymous)  
Fallugia paradoxa (Apache Plume)  
Helichrysum augustifolium (Curry Plant)  
Hesperaloe parviflora (Red Yucca)  
Juniperus spp. (Juniper - female)  
Lavandula spp. (Lavender)  
Mahonia spp. (Mahonia)  
Potentilla fruticosa (Shrubby Cinquefoil)  
Raphiolepis indica (India Hawthorn)  
Rhus spp. (Sumac)  
Rosmarinus officianalis (Rosemary)  
Santolina spp. (Santolina)  
Spartium junceum (Spanish Broom)

## **Vines**

Campsis radicans (Trumpet Vine)  
Parthenocissus tricuspidata (Boston Ivy)

## **Flowers**

Artemesia ludoviciana (Prairie Sage)  
Arctostaphylos spp. (Manzanita)  
Erysimum linifolium 'Bowles Mauve' (Bowles Mauve Wallflower)  
Gaillardia grandiflora (Blanketflower)  
Hymenoxys acaulis (Angelita Daisy)  
Liatris spp. (Gayfeather)  
Oenothera berlandieri (Mexican Evening Primrose)  
Osteospermum baberiae 'Compactum' (Hardy African Daisy)  
Penstemon barbatus (Beardtongue)  
Perovskia atriplicifolia (Russian Sage)  
Rudbeckia spp. (Rudbeckia)  
Sphaeralcea spp. (Globemallow)

## **Ornamental Grasses**

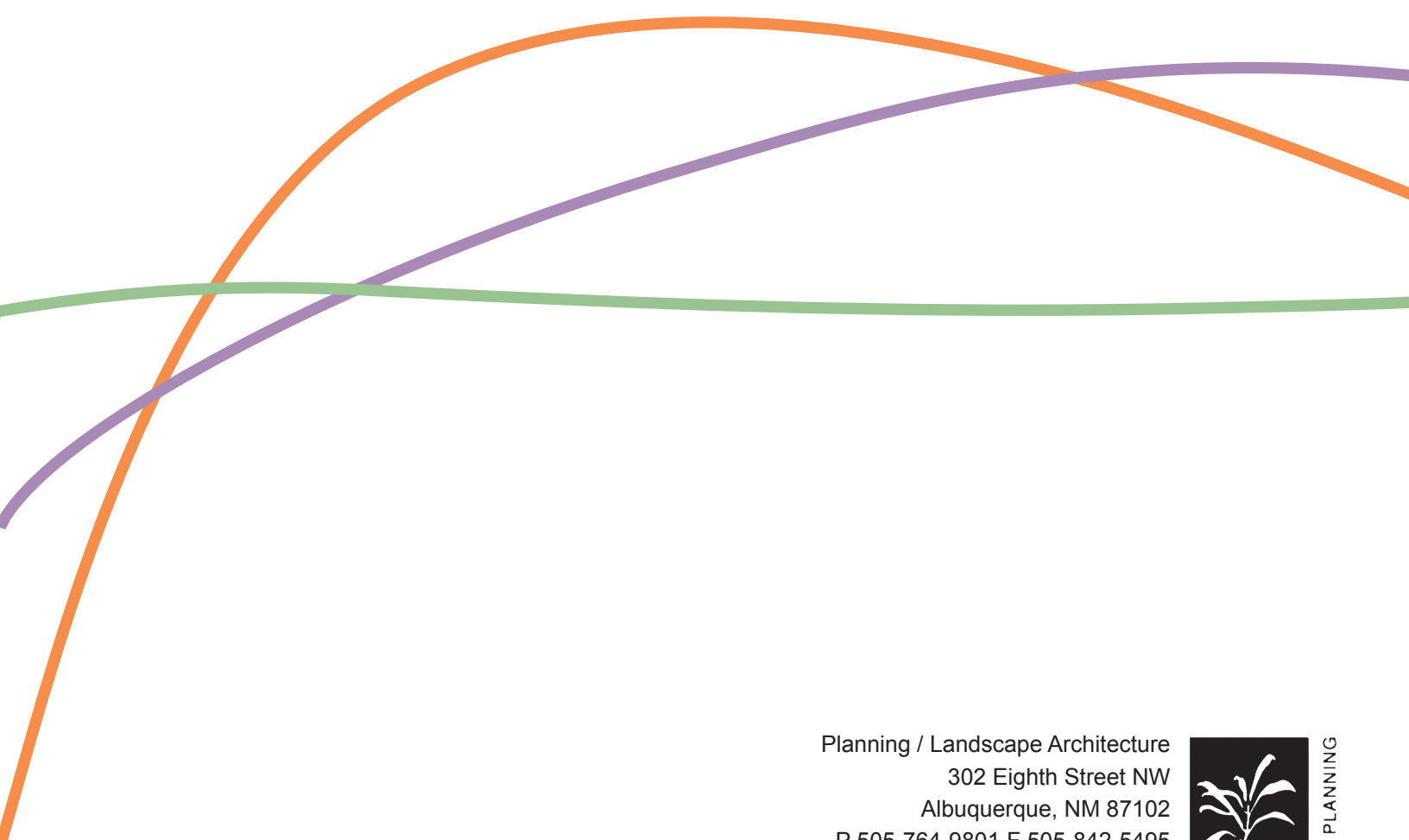
Helictotrichon sempervirens (Blue Avena)  
Festuca ovina glauca (Blue Fescue)  
Miscanthus sinensis (Maiden Grass) also varieties: 'Gracillimus' (Silver Maiden Grass), 'Morning Light' (Morning Light Maiden Grass), 'Nana' (Dwarf Maiden Grass), 'Strictus' (Porcupine Grass), 'Variegatus' (Variegated Maiden Grass), 'Yaku-Jima' (Dwarf Maiden Grass), 'Zebrinus' (Zebra Grass)  
Muhlenbergia capillaries 'Regal Mist' (Muhly Grass)  
Pennisetum alopecuroides (Fountain Grass) also varieties: Moudry (Black), Little Bunny (Dwarf), Hameln, Orientale  
Sporobolus heterolepis (Prairie Dropseed)

## **Turf Grasses**

Cool Season Grasses  
    Festuca elatior (Tall Fescue)  
    Poa pratensis (Kentucky Bluegrass)  
Warm Season Grass Mix  
    Buchloe dactyloides (Buffalo Grass)  
    Bouteloua gracilis (Blue Grama)

## **Accents**

Agave spp. (Century Plant)  
Dasylirion wheeleri (Sotol)  
Opuntia spp. (Prickly Pear Cactus)  
Yucca baccata (Spanish Dagger)  
Yucca glauca (Soapweed Yucca)



Planning / Landscape Architecture  
302 Eighth Street NW  
Albuquerque, NM 87102  
P 505-764-9801 F 505-842-5495  
email [cp@consensusplanning.com](mailto:cp@consensusplanning.com)



PLANNING

CONSENSUS





September 20, 2024

RE: **Zone Map Amendment Request Case No. 24-100-00009**

- **(Unit 8, Block 61, Lots 1, 2, 4-7, 16-19 & 21-24; Block 62, Lots 1-6, 8, 9, 16, 17 & 20-22: R-1: Single-Family Residential District to R-4: Single Family Residential District)**
- **(Unit 8, Block 61, Lots 10, 11, 14 & 15; Block 62, Lots 10 & 15: R-1: Single-Family Residential District to R-3: Mixed Residential District)**

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, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19 & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15.

The Planning and Zoning Board will consider this request at a public hearing on **Tuesday, October 8, 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](mailto: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](http://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](mailto: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](http://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.

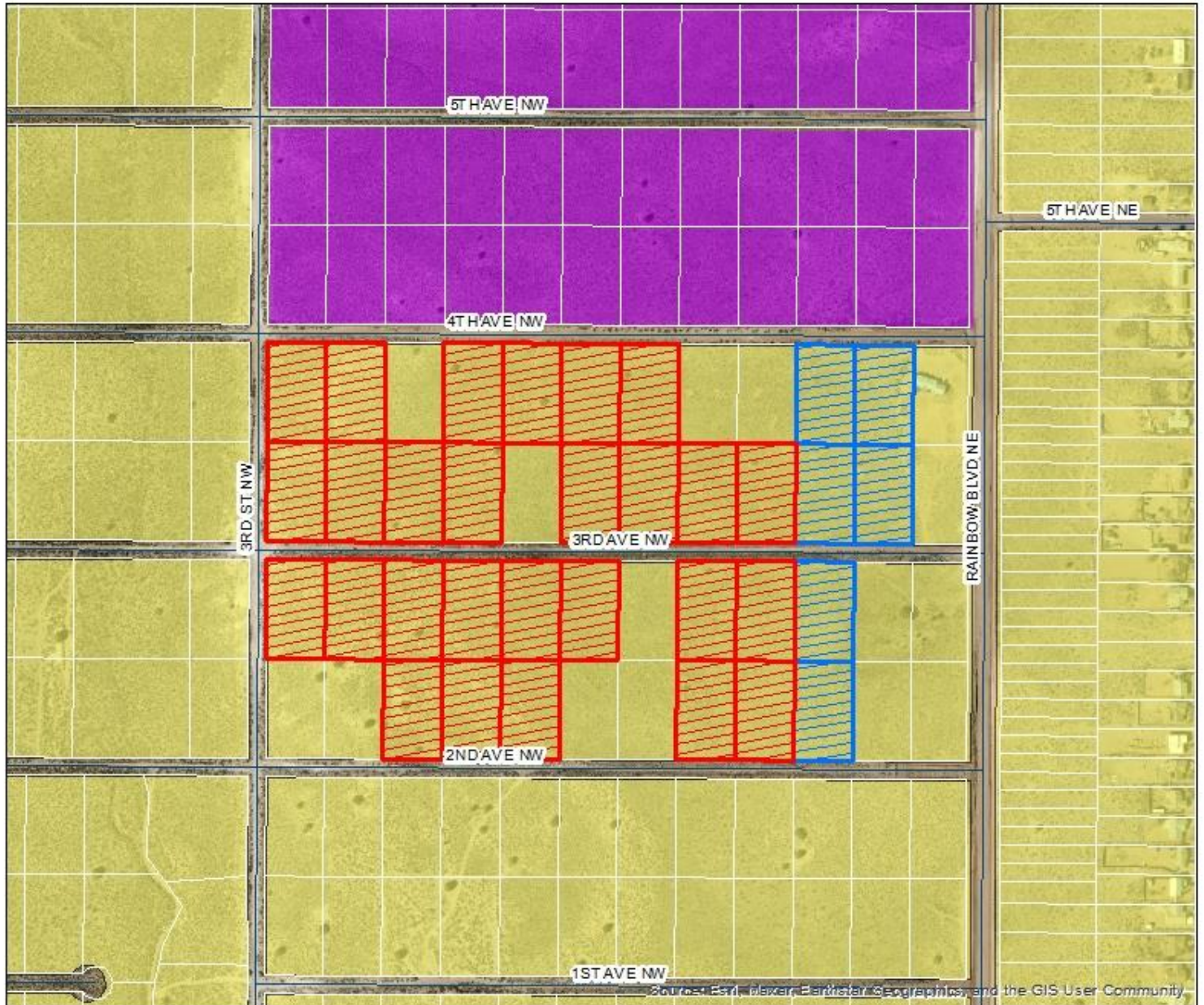
Respectfully,

*Tim Dvorak*

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

**ZONE MAP AMENDMENT**  
**R-1 RESIDENTIAL TO R-4 RESIDENTIAL:**  
**UNIT 8, BLOCK 61, LOTS 1, 2, 4-7, 16-19 & 21-24;**  
**BLOCK 62, LOTS 1-6, 8, 9, 16, 17 & 20-22**  
**R-1 RESIDENTIAL TO R-3 RESIDENTIAL:**

**UNIT 8, BLOCK 61, LOTS 10, 11, 14 & 15; BLOCK 62, LOTS 10 & 15**



Source: Esri, DeLorme, Earthstar, GeoGraphics, and the GIS User Community



Map Created by Tim Dvorak on 9/19/2024

	Subject Parcels: R-1 to R-4
	Subject Parcels: R-1 to R-3
	Roads
<b>Zoning</b>	
	M-1
	R-1

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.

# ALBUQUERQUE JOURNAL



El Defensor Chieftain

RIO RANCHO OBSERVER

VALENCIA COUNTY News-Bulletin

Dept 880697  
PO Box 29650

Phoenix, AZ 85038-9650 Phone: (505)823-3220

Proof of Ad 09/19/2024

Account: **1010956**  
 Name: **CITY OF RIO RANCHO**  
 Company: **CITY OF RIO RANCHO DEVELOPMENT SVCS DEPT**  
**ATTN: ACCOUNTS PAYABLE**  
 Address: **3200 CIVIC CENTER CIR NE**  
**RIO RANCHO, NM 87144**  
 Telephone: **(505)891-5005**

Ad ID: **111830**  
 Description:  
 Run Dates: **09/23/2024 - 09/23/2024**  
 Class: **3001**  
 Orig User: **master**  
 Words: **326**  
 Lines: **83**  
 Agate Lines: **118**  
 Depth: **8.42**  
 Blind Box:

<b>Total Ad Cost</b>	<b>\$102.36</b>			
<b>Amount Paid</b>	<b>\$0.00</b>			
<b>Publication</b>	<b>Start</b>	<b>Stop</b>	<b>Inserts</b>	<b>Cost</b>
Albuquerque Journal	09/23/2024	09/23/2024	1	95.11

## CITY OF RIO RANCHO PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, October 8, 2024:

### Variance

Case #24-110-00043

The applicant, Joseph Crepeau, requests approval of a Variance request to the minimum required R-1: Single-Family Residential District setback of 15' to allow for a 9' rear setback for an existing 144 square foot pergola on the subject property of 5708 Rio Oso Rd NE, legally described as RRE Unit 17, Block 159, Lot 3.

### Zone Map Amendment

Case #24-100-00009

The Applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment from R-1: Single-Family Residential District to R-4: Single-Family Residential District for the properties legally described as Unit 8, Block 61, Lots 1, 2, 4-7, 16-19 & 21-24 and Unit 8, Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22 and a Zone Map Amendment from R-1: Single-Family Residential District to R-3: Mixed Residential District for the properties legally described as Unit 8, Block 61, Lots 10, 11, 14 & 15 and Unit 8, Block 62, Lots 10 and 15.

### Text Amendment

Case #24-105-00003

The Applicant, the City of Rio Rancho, requests a text amendment to THE RIO RANCHO CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 154 PLANNING AND ZONING, SECTIONS 154.03, 154.05, 154.08, 154.09, 154.10, 154.11, 154.12, 154.19, to add Short Terms Rentals as a permissive use in Single-Family Residential Districts.

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](http://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](mailto:planning@rrnm.gov). Written comments will be inserted into the public record.

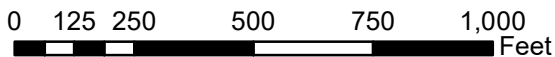
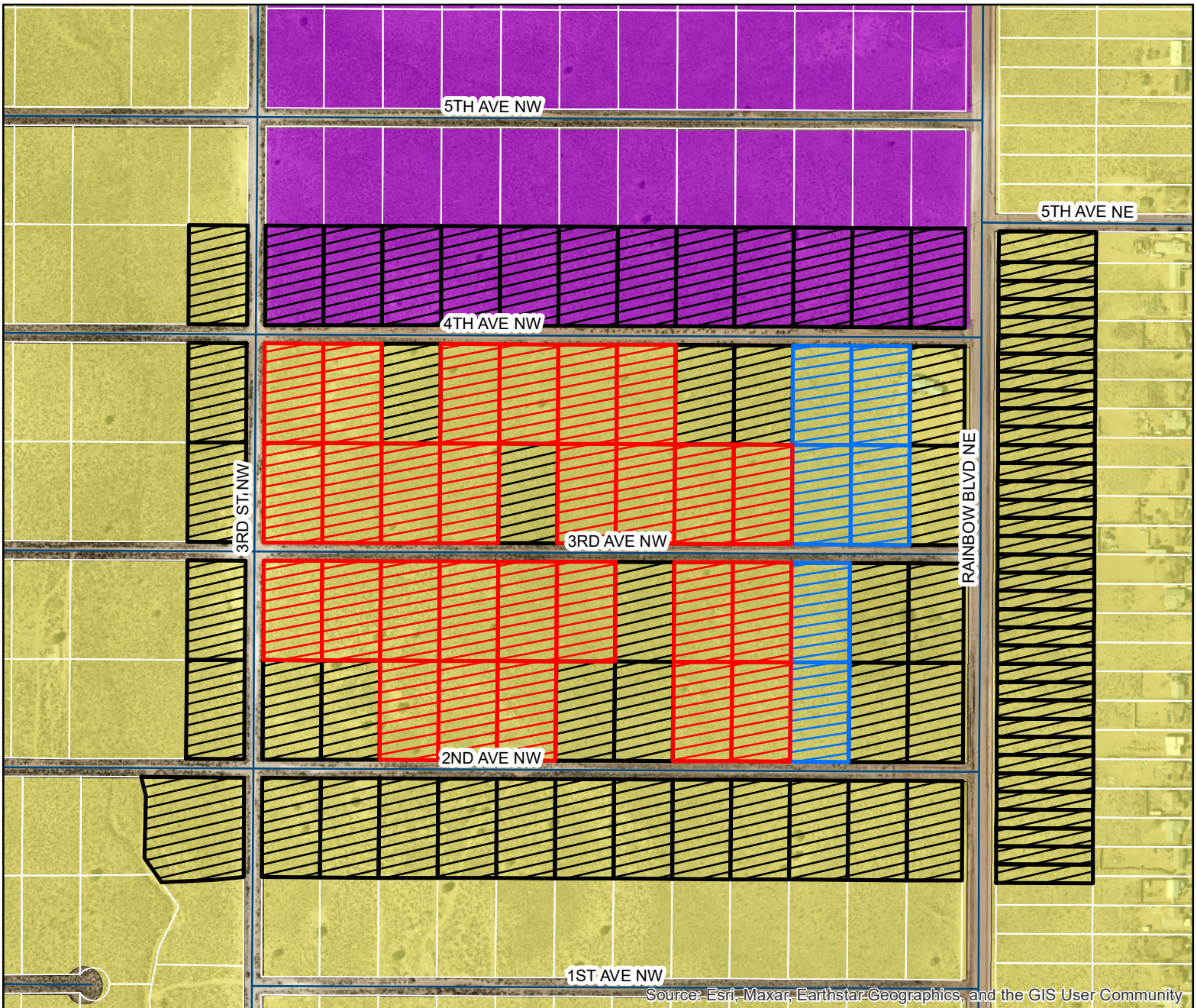
Journal: September 23, 2024.

# ZONE MAP AMENDMENT

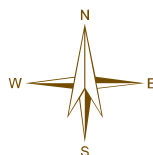
R-1 RESIDENTIAL TO R-4 RESIDENTIAL:  
UNIT 8, BLOCK 61, LOTS 1, 2, 4-7, 16-19 & 21-24;  
BLOCK 62, LOTS 1-6, 8, 9, 16, 17 & 20-22

R-1 RESIDENTIAL TO R-3 RESIDENTIAL:

UNIT 8, BLOCK 61, LOTS 10, 11, 14 & 15; BLOCK 62, LOTS 10 & 15



Map Created by Tim Dvorak on 9/19/2024



- Subject Parcels: R-1 to R-4
- Subject Parcels: R-1 to R-3
- Noticed Properties
- Roads
- Zoning**
- M-1
- R-1

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.



**DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET**

**DATE:** September 11, 2024

- TO:**
- (X) Development Services – Matt Geisel, David Serrano, Amy Rincon, Brian Babyak, Peter Prukop
  - (X) Fire and Rescue – James Wenzel, Gerard Bauer
  - (X) Police – Lt. Scott Pope
  - (X) SSCAFCA – Andy Edmondson, Sara Rassa
  - (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: Zone Map Amendment (AMENDED REQUEST)** DSD #24-100-00009 (Unit 8, Block 61, Lots 1, 2, 4-7, 10, 11, 14-19, & 21-24; Block 62, Lots 1-6, 8-10, 15-17, & 20-22)

This is an amended request, as the applicant previously included lots not under their ownership. The applicant, AMREP Southwest, Inc., requests approval of a Zone Map Amendment for the following properties within Unit 8:

- Block 61, Lots 1-4, 5-7, 16-19, & 21-24; Block 62, Lots 1-6, 8, 9, 16, 17, & 20-22: R-1: Single-Family Residential to R-4: Single-Family Residential.
- Block 61, Lots 10, 11, 14 & 15; Block 62, Lots 10 & 15: R-1 Single-Family Residential to R-3: Mixed Residential.

All lots are currently zoned R-1: Single-Family Residential District and comprise approximately 33 acres. These lots are additionally within the Northern Rainbow Specific Area Plan.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Monday, September 23, 2024**. If redline comments are made on the plan, please also provide me with a copy. Please contact Tim Dvorak at 505-896-8361 or e-mail [tdvorak@rrnm.gov](mailto:tdvorak@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

Previous comments provided for the original 24-100-00009 ZMA stand; due to the size of the proposed development and overall plans, PRCS finds a Master Plan would benefit planning for this subdivision. No recommendations for or against approval. PRCS defers to DSD for any ZMA approvals, requirements or recommendations.

*Dyane N. Sonier*

*09/19/2024*

\_\_\_\_\_  
Reviewer

\_\_\_\_\_  
Date



**CITY OF RIO RANCHO  
ORDINANCE**

**ORDINANCE NO.**

**ENACTMENT NO.**

1 **AN ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE**  
2 **ZONING CLASSIFICATION AND OFFICIAL ZONING MAP FOR THE PROPERTY**  
3 **LEGALLY DESCRIBED AS RIO RANCHO ESTATES UNIT 8, BLOCK 61, LOTS 10,**  
4 **11, 14 & 15 AND RIO RANCHO ESTATES UNIT 8, BLOCK 62, LOTS 10 & 15 FROM**  
5 **R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3: MIXED RESIDENTIAL**  
6 **DISTRICT; AND RIO RANCHO ESTATES UNIT 8, BLOCK 61, LOTS 1, 2, 4-7, 16-19**  
7 **& 21-24 AND RIO RANCHO ESTATES UNIT 8, BLOCK 62, LOTS 1-6, 8, 9, 16, 17 &**  
8 **20-22 FROM R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-4: SINGLE-**  
9 **FAMILY RESIDENTIAL DISTRICT, IDENTIFYING CONDITIONS OF DEVELOPMENT;**  
10 **PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**  
11

12 **WHEREAS:** the Governing Body of the City of Rio Rancho has adopted zoning  
13 regulations and an official zone map in accordance with New Mexico  
14 Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and  
15

16 **WHEREAS:** in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section  
17 150.07, an application to amend the zoning ordinance on the subject  
18 property has been submitted by the City of Rio Rancho, and assigned City  
19 Case No. 24-100-00009; and  
20

21 **WHEREAS:** the Governing Body adopted the Northern/Rainbow Specific Area Plan  
22 January 14, 2009, under Resolution No. 3, Enactment No. 09-004;  
23

24 **WHEREAS:** the City of Rio Rancho Planning and Zoning Board held a duly noticed  
25 public hearing on October 8, 2024, regarding the proposed changes to the  
26 Zoning Classification and Official Zoning Map and, following study and  
27 consideration, has made findings (where applicable) whether or not the  
28 criteria in R.O. 2003 Section 150.07 are satisfied, and made these  
29 recommendations to the Governing Body regarding adoption of the  
30 changes; and  
31

32 **WHEREAS:** the Governing Body received a report from the Planning and Zoning Board,  
33 and such report indicates the Planning and Zoning Board has studied and  
34 considered the proposed changes pursuant to R.O. 2003 Section 150.07,  
35 and said report includes specific findings related to the affected property;  
36 and  
37

38 **WHEREAS:** a public hearing occurred, in accordance with procedures set forth in R.O.  
39 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed  
40 zoning district and Official Zone Map changes hereinafter described were  
41 duly advertised and held by the Governing Body of Rio Rancho on  
42 November 14, 2024, and the Governing Body heard interested parties and  
43 citizens for and against the proposed amendments; and  
44

1 **WHEREAS:** the proposed amendments to be adopted by this Ordinance comply with the  
2 statutory and regulatory requirements of the aforesaid Code of Ordinances  
3 and Statutes, and upon specific findings related to the subject property and  
4 determining the proposed amendment is consistent with the policies and  
5 criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing  
6 Body finds the amendment promotes the health, safety, morals, and general  
7 welfare of the City;  
8

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

11  
12 **Section 1. Rezoning of Property and Change in Land Use.**

13  
14 The Official Zone Map is hereby amended by assigning a zoning designation of R-3:  
15 Mixed Residential District on the lands legally described as:

16  
17 Lots 10, 11, 14 & 15, Block 61, Rio Rancho Estates Unit 8 and Lots 10 &  
18 15, Block 62, Rio Rancho Estates Unit 8, filed in the office of the County  
19 Clerk of Sandoval County New Mexico, Northeast Portion of Unit Eight Rio  
20 Rancho Estates, within Town of Alameda Land Grant, City of Rio Rancho,  
21 Sandoval County, New Mexico, December 1962.  
22

23 The Official Zone Map is hereby amended by assigning a zoning designation of R-4:  
24 Single-Family Residential District on the lands legally described as:

25  
26 Lots 1, 2, 4-7, 16-19 & 21-24, Block 61, Rio Rancho Estates Unit 8 and Lots  
27 1-6, 8, 9, 16, 17 & 20-22, Block 62, Rio Rancho Estates Unit 8, filed in the  
28 office of the County Clerk of Sandoval County New Mexico, Northeast  
29 Portion of Unit Eight Rio Rancho Estates, within Town of Alameda Land  
30 Grant, City of Rio Rancho, Sandoval County, New Mexico, December 1962.  
31

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

34  
35 The property identified in Section 1, above, is subject to all requirements of the R-3:  
36 Mixed-Residential Zoning District set forth in R.O. 2003 Section 154.10 and all  
37 requirements of the R-4: Single-Family Residential District set forth in R.O. 2003 Section  
38 154.11 (as of the effective date of this ordinance or as subsequently amended).  
39

40 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of  
41 this Ordinance, or any section, paragraph, clause, or provision of any regulation  
42 promulgated hereunder shall for any reason be held to be invalid, unlawful, or  
43 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,  
44 clause, or provision shall not affect the validity of the remaining portions of this  
45 Ordinance or the regulation so challenged.  
46

47 **Section 4. Effective Date.** This Ordinance shall become effective ten days after  
48 adoption.  
49

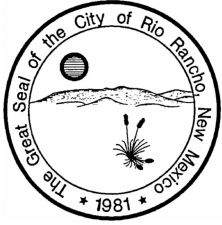
50 ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

1  
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8  
9  
10  
11

\_\_\_\_\_  
Greggory D. Hull, Mayor

ATTEST:

\_\_\_\_\_  
Noel C. Davis, City Clerk  
(SEAL)



## CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-220-00010**

**AGENDA DATE:**  
October 22, 2024

**DEPARTMENT:**  
Development Services

**SUBJECT:**  
**Final Plat.** The applicant, Pulte Group, through their agent, Bohannon Huston, is requesting approval of a Final Plat for Rainbow Subdivision, Phase III, on the property legally described as Rainbow Subdivision, Tracts B-1-A. Staff contact is Brian Babyak and staff recommends approval with findings and conditions.

### **BACKGROUND AND ANALYSIS:**

A preliminary plat for the Rainbow Subdivision was approved by the Planning and Zoning Board on April 13, 2021, under Case No. 20-210-00016. This final plat is the third phase of three phases of the Rainbow Subdivision.

The preliminary plat was extended at the May 24, 2022 Planning and Zoning Board Meeting, and then subsequently at the May 9, 2023 and May 28, 2024 meetings. The Preliminary Plat was amended at the May 28, 2024 Planning and Zoning Board meeting to revise lot widths to 40 ft from 45 ft and to move the pond from Tract A (located on the west side of Hondo) to a newly proposed Tract H. Other proposed landscaping Tracts I and J have been eliminated. The total lot count for the subdivision has not changed from Preliminary Plat approval.

A variance to R.O. 2003 § 155.43 to vacate the required side and rear 5 ft. Public Utility Easements and a variance to R.O. 2003 § 155.46 for the public site and park land dedication was approved at the April 13, 2021 Planning and Zoning Board Meeting under case numbers 20-280-08 and 21-280-01.

The Final Plat for Phase I was approved at the October 12, 2021 Planning and Zoning Board Meeting and recorded November 23, 2021. The Final Plat for Phase II was approved at the November 8, 2022 Planning and Zoning Board Meeting and recorded November 22, 2022.

The subject property was rezoned from R-1: Single-Family Residential to R-4: Single-Family Residential under Ordinance No. 28, Enactment No. 19-25. Rainbow Subdivision, Phase III would create 61 R-4: Single-Family Residential lots and three tracts, and would dedicate 1.6869 acres of Public Right of Way to the City of Rio Rancho.

### **I. GENERAL INFORMATION**

**A. Dry Utilities/Gas:** The applicant is responsible for coordinating the installation of all dry utilities with Centurylink, Sparklight, Comcast, PNM, the City of Rio Rancho, and Gas Company of New Mexico.

**B. Water and Wastewater Availability:** A water and wastewater availability approval letter was

issued by the City of Rio Rancho Utilities Department for the Rainbow subdivision on January 22, 2019.

C. Drainage: Storm runoff will be conveyed by the internal street network and collected by an internal storm drain network which will discharge to a detention pond located at Tract H. The pond will detain the developed flow and discharge historic flow into the nearby arroyo. The proposed development will comply with the City of Rio Rancho development requirements.

D. Roads & Sidewalks: Proposed internal streets will be standard local street sections with sidewalks, dedicated to the City of Rio Rancho. The proposed rights-of-way would comply with the design standards for streets set out in R.O. 2003 § 155.41.

E. Recreation Facilities/Open Space: None with this platting action.

F. Easements: There would be a ten foot wide public utility easement within all new lots adjacent to road right-of-way in conformance with R.O. 2003 §155.43. There is a blanket drainage easement, to be owned and maintained by the HOA over Tract B. There is a blanket landscaping easement over Tract A, to be owned and maintained by the HOA,

G. Public Site Dedications: None.

H. Vacations: None

I. Variances: A subdivision variance to R.O. 2003 § 155.43 to vacate the required side and rear 5 ft. Public Utility Easements and a variance to R.O. 2003 § 155.46 for the public site and park land dedication was approved at the April 13, 2021 Planning and Zoning Board Meeting under case no. 21-28000001.

## II. CONFORMANCE WITH RIO RANCHO MUNICIPAL CODE CHAPTER 155 SUBDIVISIONS

The proposed plat would be in conformance with the subdivision design standards in R.O. 2003 Chapter 155. A subdivision variance for the vacation of side and rear property line PUEs, and a variance to the park and open space dedication requirements was approved at the April 13, 2021 PZB meeting.

Staff recommends the Planning and Zoning Board find this criteria has been met.

## III. CONFORMANCE WITH THE ZONING ORDINANCE

The proposed lots would comply with the dimensional standards of the R-4: Single-Family Residential zoning district including lot area and lot width as laid out in R.O. 2003 § 154.50. The proposed lots would range in size from 0.1061 acres (approximately 4,621 sf) to 0.1616 acres (approximately 7,038 sf) in compliance with the 4,000 sf minimum lot area of the R-4: Single Family Residential zoning district. The proposed lots would also comply with the minimum allowable lot width of 40 ft, as the smallest lot frontage in this subdivision is 40 ft.

Staff recommends the Planning and Zoning Board find the proposed preliminary plat conforms to the requirements of R.O. 2003 Chapter 154 Planning and Zoning. Criteria is satisfied.

## IV. CONFORMANCE WITH THE CITY COMPREHENSIVE PLAN

In Chapter 5, Land Use Element, a policy is to “encourage the master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan”, (5.6.3, Policy L-1).

FINDING: This application would be an action in meeting the policy of encouraging development, however it is not in a master planned area. The development establishes a specific community character and improves upon storm drainage and circulation within the City of Rio Rancho. Criteria is satisfied.

## V. CONFORMANCE WITH CITY POLICIES AND REGULATIONS

Development Services (Planning and Engineering) - comments included within.

Parks, Recreation and Communication Services - See attached.

Fire and Rescue - See attached.

SSCAFCA - No adverse comments

The plat and related infrastructure plans were also sent to Police, MRCOG, and Rio Rancho Public Schools, but staff did not receive any comments. FINDING: Criteria is satisfied.

**SURROUNDING LAND USE/ZONING:** Surrounding land is zoned R-1: Single Family residential in every direction, with developed properties to the south and southeast and vacant land to the north, east, and west. One lot over to the west is the City boundary.

**IMPACT:**

Staff recommends the Planning and Zoning Board approve the final plat subject to the following findings of fact and conditions of approval:

**General Findings of Fact:**

1. The Planning and Zoning Board has jurisdiction to approve the applicant's request for final plat.
2. The applicant has the authority to make an application to request final plat approval.
3. Due process was provided to the applicant.

**Specific Findings of Fact and Conditions of Approval:**

1. The final plat conforms to the requirements of Rio Rancho Municipal Code (R.O. 2003) Chapter 155 Subdivisions.
2. The final plat conforms to the R-4: Single-Family Residential zoning district requirements.
3. The final plat is consistent with the preliminary plat as approved by the Planning and Zoning Board on April 13, 2021 and the Preliminary Plat Amendment approved by the Planning and Zoning Board on May 28, 2024.
4. Completion of infrastructure or subdivision bond and subdivision improvement agreement is required prior to recording of Final Plat.
5. Free Consent and Dedication shall be revised to reflect correct tracts to be conveyed and maintained by the Rainbow HOA
6. City Clerk's signature shall be revised to reflect the current City Clerk
7. Easement Note 8 shall be revised to be granted for "Tract A" per the plat location of this note.
8. Additional comments may be included from City Development Services Engineering Division for revision and shall be addressed prior to recording of Plat.
9. Plat will be Book 36, Pages 7-9.

**ALTERNATIVES:**

The Planning and Zoning Board may:

1. Approve the final plat with findings and conditions.
2. Approve the final plat with modifications to the findings and conditions.
3. Deny the final plat.
4. Postpone the item and continue the public hearing to further consider testimony presented at the hearing.

**DEPARTMENT RECOMMENDATION:**

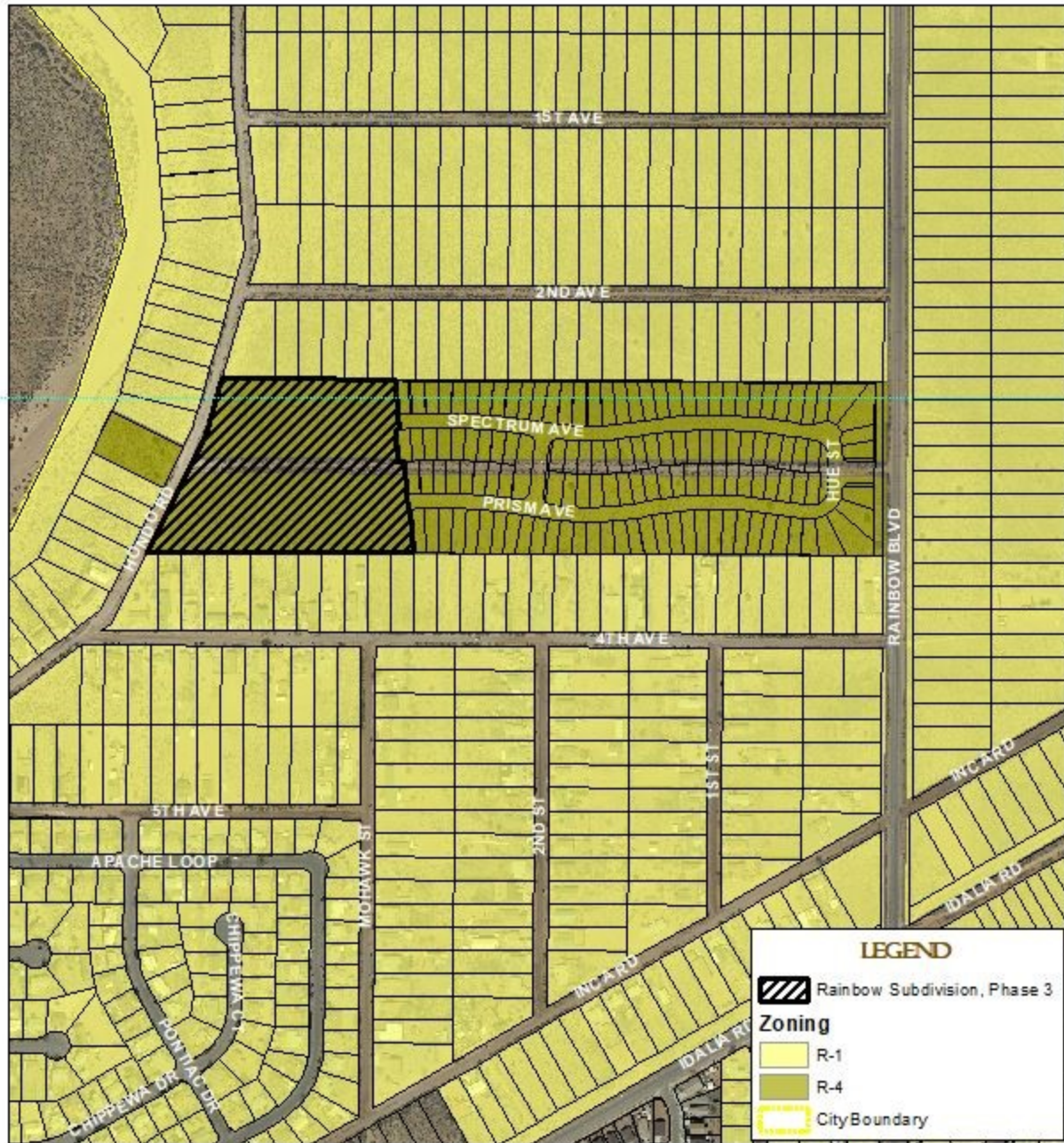
The Development Services Department recommends approval with findings and conditions.

ATTACHMENT: [Location\\_ZoneMap](#)





ATTACHMENT: [Rainbow Phase 3 Final Plat Submittal Package.pdf](#)

ATTACHMENT: [Reviewer Comments.pdf](#)

# RAINBOW PLAT EXTENSION, PHASE 3



**LEGEND**

-  Rainbow Subdivision, Phase 3
- Zoning**
-  R-1
-  R-4
-  City Boundary

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



Map Created by Brian Babyak on April 19, 2023



Amy Rincon  
Planning Director  
Planning Division – City of Rio Rancho  
3200 Civic Center Circle NE  
Rio Rancho, NM 87144

Re: Final Plat Submittal for Rainbow Subdivision, Phase III

Dear Amy,

Bohannon Huston Inc. (BHI) are submitting a final plat for the site note above. Enclosed for the planning departments review are copies of the following information:

- Final Plat
- Final Plat Checklist
- Application
- Agent Authorization Letter

Note that some of the requirements outlined in the City's Final Plat Checklist were already submitted and reviewed in Phases I and II submittal packages and will not be resubmitted with this final plat submittal package. Construction operations for this Phase are in process.

Once all the comments have been addressed, CAD files, certifications, and all necessary signatures will be provided. This final plat is being presented to the Municipal Planner for the purpose of obtaining City review and approval. It represents 61 Residential Lots and 3 tracts.

Please feel free to give me a call at (505)823-1000 should you have any questions or require any additional information regarding this submittal.

Sincerely,



Yolanda Padilla Moyer, PE  
Vice President  
Community Development and Planning

Cc: Kevin Patton, Pulte Group (w/encl)

## 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 checked="" 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 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: Kevin Patton (Pulte Group)		Phone: (505)341-8591
Address: 7601 Jefferson St NE Suite 320		E-Mail: kevin.patton@pultegroup.com
City: Albuquerque	State: NM	Zip: 87109
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)	Letter of Authorization Provided: (Initials)	

Agent Name: Yolanda Padilla Moyer (Bohannon Huston, Inc.)		Phone:
Address: 7500 Jefferson St NE		E-Mail:
City: Albuquerque	State: NM	ZIP Code: 87109

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

Subdivide Tract B-1-A to create 61 Residential Lots

### SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Tract B-1-A	Block(s):	Lot(s):
Existing Zoning: Rainbow Subdivision, Phase I	Proposed Zoning:	
No. of existing lots: 1	No. of proposed lots: 61 Lots	Total area of site (acres) 10.0261 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: Yolanda Padilla Moyer, PE	Applicant:	Agent:
Signature:	Date: September 13, 2024	

### FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

# CHECKLIST FOR SUBMITTAL OF FINAL PLATS

## Required Documentation

---

The application will not be accepted for review until the documentation listed below is provided and deemed complete. "Yes" indicates that the information is provided and complete. "No" indicates the information was not provided and is not applicable. All "No" responses shall be clarified in writing by the applicant or agent.

## Letter of Authorization – 1 copy

---

Yes No

- Letter of authorization from applicant if application is to be managed by another representative. Letter must include name of subdivision, agent and signature of applicant.

## Findings of Fact – 7 copies

---

Yes No

- Copy of Findings of Fact noting conditions of preliminary plat approval.

**Final Plat – 7 paper copies (folded) NOTE: An additional 15 copies will need to be provided after staff has reviewed and the plat is scheduled for PZ Board hearing.**

---

Yes No

### A. IDENTIFICATION

- Subdivision name
- Date of Plat
- Scale (1 inch to 200 feet, preferably 1 inch to 100 feet), Equivalent and Graphic
- North Arrow
- Location Map, Scale, North Arrow & Reference to Zoning Atlas Page #
- Reference To:
- (A) Federal Section
- (B) Projected Section
- (C) Land Grant
- (D) County and City Control Systems

**Yes No**

Disclosure Statement

**B. MONUMENTS**

Subdivision Control Monuments

(A) Centerline Monumentation

(B) Block Control with Surveyor's Registration Number

(C) Type of Corners Found or Set

(D) Bond

Permanent Survey Monuments

(A) Type of Monuments

(B) Monuments, Existing or Set

(C) X and Y Coordinates (N.M.S.P.)

(D) Reference Zone

(E) Delta Alpha

(F) Combined Ground to Grid Factor

(G) Bond

Bench Marks

(A) Location Found or Set

(B) Bond

**C. PERIMETER**

Written Description, Metes & Bounds

Bearing in Degrees, Minutes & Seconds

Distances in Feet & Hundredths

Record Distances & Bearings

**Yes No**

- Measured Distances & Bearings
- Basis for Bearings Shall Be Grid or Rotation Factor to Grid
- Total Gross Acreage of Subdivision
- Property Corners Found or Set
- Property Lines Eliminated Shown as Dashed Line

**D. BLOCK AND LOT**

- Block Identification
- Lot Identification
- Bearing on Non-Radial Lines
- Bearing on Non-Perpendicular Lines
- Distances Lot Perimeter

**E. ADJACENT LAND**

- The Location and Dimension of Streets that Intersect the Boundary or Boundary Streets of the Subject Subdivision
- Reference to Recorded Subdivision Plats or Adjoining Lands by Recorded Name File, Date and City Book and Page Number
- Graphic Presentation, by Dashes, Lines or Lots Contiguous to Boundary of Subdivision

**F. STREET RIGHT-OF-WAY**

- Name of Streets (Ensure No Duplication)
- Right-of-Way Width Noted
- Centerline Data, Tangent Distances & Bearings
- Centerline Data, Curves, Radius, Central Angles, Arc
- Mileage of Streets Created: Total, Full-Width, Half-Width
- Street Vacation Application Number

**Yes No**

- Private Streets or Access Easements so Designated
- Identify Private Way or Street Documentation Addressing Lots Serviced and Maintenance Responsibility

**G. EASEMENTS**

- All Easements of Record or Apparent are Shown
- Location by Distance & Bearing
- Dimension
- Purpose
- Proposed Shown in Dashed Lines and Labeled
- Existing Shown in Dashed Lines and Labeled with Recordation Data
- Vacated Shown in Ghost Lines and Labeled
- Apparent Shown and Labeled
- Limitations

**H. DRAINAGE RIGHT-OF-WAY**

- Location
- Dimension

**I. PUBLIC AREAS**

- Location
- Dimension
- Purpose

**J. FREE CONSENT**

- Statement that the subdivision is with free consent and in accordance with the desires of the subdivider

Yes No

**K. CERTIFICATIONS**

- Jurisdictional Affidavit
- Certification and seal of surveyor that plat was prepared in accordance with the Minimum Standards for Surveying in New Mexico and the City of Rio Rancho subdivision ordinance
- Jurisdictional affidavit by surveyor stating that the subject property is within the platting jurisdiction of the City of Rio Rancho
- Certification by either the Planning and Zoning Board Chairman (if plat approved at a Planning and Zoning Board hearing) or by the Development Services Department Director (if approved administratively as a summary plat)
- Certification of City Clerk noting date plat was approved by the Planning and Zoning Board or by the Development Services Department Director (whichever is applicable)
- Certification of franchised utility companies (Cable One, Qwest, PNM) and Department of Public Works
- Certification of County Treasurer that all current and previous property taxes have been paid in full
- Certification of County Clerk noting date, time and recording information

**L. DEDICATION**

- Signed statement by the subdivider dedicating street and drainage right-of-way and other appropriate lands for public use in fee simple and granting all required easement for public use
- Notary signature

**M. ACKNOWLEDGMENT**

- Acknowledged in the manner required for the acknowledgment of deeds
- Notary signature

**N. SURVEY**

- Certification by land surveyor meeting the minimum requirements for monuments and surveys of Chapter II.6 of the City of Rio Rancho Design Process Manual

**Yes No**

- Digital submittals are required and must contain a minimum of the following:  
Coordinate system
- (A) Data shall be ground coordinates tied to the New Mexico State Plane,  
Central Meridian: Datum, NAD83
  - (B) The submittal shall disclose the coordinate system and datum
- Content
- (A) A single drawing in model space showing only parcel lines, street center  
lines, and easement lines
  - (B) Only Final Plat data will be provided
  - (C) Parcel lines shall be in one separate layer
  - (D) Street center lines shall be in one separate layer
  - (D) Access easement lines and all other easements that are 20 feet wide or  
greater shall be in a second separate layer
  - (E) All other easement lines shall be in a third separate layer
- File format
- (A) DXF files in ASCII format. Other formats directly compatible with  
Arc/Info GIS may be accepted (i.e. shapefiles, coverage export files)
  - (B) Files may be transmitted as PDF attachments to e-mail, Flash Drive or  
CD-ROM
  - (C) One hard copy of the final plat shall accompany the electronic submittal
- File names
- (A) <DSD Project#>.dxf used as a standard naming convention
- Quality assurance
- (A) DXF file submitted shall be validated by a Records and GIS Section  
designee as a condition to final sign-off
  - (B) Validation review will be performed in a timely manner

---

**Final Construction Plans – 7 copies**

---

**Yes No**

- Final construction plans (100% complete) drafted to the standards noted in the Development Process Manual and revised to address any comments from preliminary plat review.

---

**Drainage Report – 3 copies**

---

**Yes No**

- Drainage Report drafted to the standards noted in the Development Process Manual and revised to address any comments from preliminary plat review.

---

**Soils Analysis – 3 copies**

---

**Yes No**

- Soils analysis (geotechnical report) drafted to the standards noted in the Development Process Manual and revised to address any comments from preliminary plat review.

---

**Traffic Impact Analysis – 3 copies**

---

**Yes No**

- Traffic impact analysis drafted to the standards noted in the Development Process Manual and revised to address any comments from the preliminary plat review.
- Documentation of New Mexico Department of Transportation (NMDOT) approval of access to state highway.

---

**Infrastructure List – 7 copies**

---

**Yes No**

- List of all proposed onsite and offsite infrastructure improvements within public right-of-way or publically-held easements, including, but not limited to roads (street name, description of improvement, point of beginning and end), drainage (proposed legal description, description of improvement, location), and water and wastewater lines (line size, point of beginning and end).

---

**Engineer's Opinion of Probable Cost – 2 copies**

---

**Yes No**

- List of costs of proposed infrastructure improvements (onsite and offsite) drafted to the standards noted in the Development Process Manual. This cost estimate will form the basis of the financial guarantee (if applicable).

**Development Agreement – 3 copies**

---

**Yes No**

Development Agreement drafted to the standards noted in the Development Process Manual (if applicable).

**Covenants – 3 copies**

---

**Yes No**


Draft of covenants that notes private improvements to be maintained by association and dues to be paid by association members if proposing privately owned and maintained infrastructure typically dedicated to and maintained by the City (if applicable)

**Signature**

---

**I have reviewed the Final Plat Application and find it complete.**

Name (Print): Yolanda Padilla Moyer  Applicant  Agent

Signature:  Date: September 6, 2024

**For Office Use Only**

---

**I have reviewed the Final Plat Application and find it  complete  incomplete.**

Name (Print): \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Case No.: \_\_\_\_\_

If incomplete, date that application was brought into compliance: \_\_\_\_\_

\_\_\_\_\_

September 9, 2021

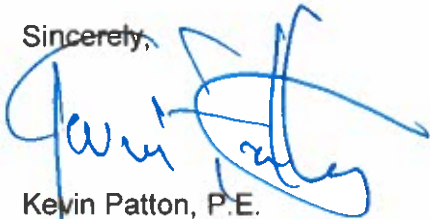
Ms. Amy Rincon  
Development Review Committee  
City of Rio Rancho  
3200 Civic Center Circle, NE  
Rio Rancho, NM 87144

RE: Agent Authorization for Rainbow Subdivision (Tract A & B, Rio Rancho Estates Unit 8)

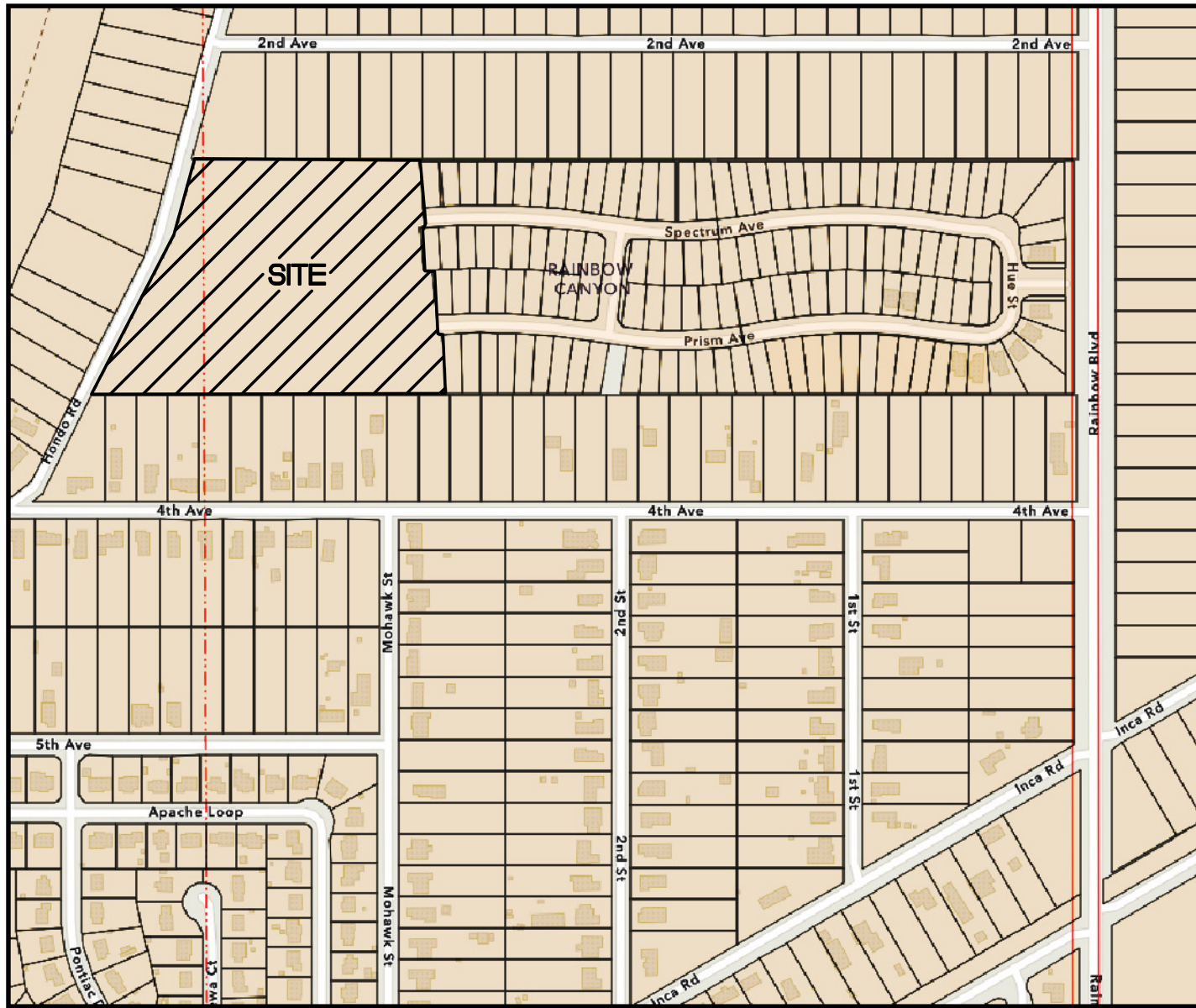
Dear Amy,

Pulte Homes of New Mexico, Inc. authorizes Bohannon Huston to act as its agents in all matters associated with the final plats and construction plans for the above referenced project. Please call me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Patton", with a large, stylized flourish extending from the end of the signature.

Kevin Patton, P.E.  
Director of Land Planning and Entitlements  
The Pulte Group Inc.: New Mexico Division



**Vicinity Map**

N.T.S.

**Documents**

1. PLAT FOR TRACTS B-1 AND B-2, RAINBOW SUBDIVISION, FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE ON MAY 5, 2021 IN VOLUME 3, FOLIO 4682 (RRE BOOK 31, PAGES 1 AND 2).
2. PLAT OF RECORD FOR RAINBOW SUBDIVISION, PHASE I, FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE ON NOVEMBER 23, 2021, IN VOLUME 3, FOLIO 4785 (RRE BOOK 31, PAGES 80-84).
3. PLAT FOR RAINBOW SUBDIVISION, PHASE II, FILED IN THE SANDOVAL COUNTY CLERK'S OFFICE ON NOVEMBER 22, 2022, IN VOLUME 3, FOLIO 4974 (RRE BOOK 33, PAGES 3-6).
4. DEED SHOWING OWNERSHIP BY PULTE....

**Free Consent & 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. TRACTS D-1, E AND F SHALL BE CONVEYED TO AND MAINTAINED BY THE RAINBOW SUBDIVISION HOMEOWNER'S ASSOCIATION.

PULTE HOMES OF NEW MEXICO, INC. (OWNER: TRACT B-1-A)

\_\_\_\_\_  
 KEVIN PATTON DATE  
 DIRECTOR OF LAND PLANNING AND ENTITLEMENTS  
 PULTE HOMES OF NEW MEXICO, INC.

STATE OF NEW MEXICO }  
 COUNTY OF } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_, 20\_\_\_\_  
 BY: KEVIN PATTON, DIRECTOR OF LAND PLANNING AND ENTITLEMENTS  
 PULTE HOMES OF NEW MEXICO, INC.

By: \_\_\_\_\_  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES \_\_\_\_\_

**Indexing Information**

Section 21, Township 12 North, Range 2 East, N.M.P.M.  
 as Projected into the Town of Alameda Grant  
 Subdivision: Rainbow Subdivision, Phase I  
 Owner: Pulte Homes of New Mexico, Inc.  
 UPC #1-009-069-019-216

**Purpose of Plat**

1. SUBDIVIDE AS SHOWN HEREON.
2. GRANT EASEMENT(S) AS SHOWN HEREON.
3. DEDICATE RIGHT-OF-WAY AS SHOWN HEREON.

**Legal Description**

TRACT LETTERED "B-1-A", OF RAINBOW SUBDIVISION, PHASE I, AS THE SAME AS SHOWN AND DESIGNATED ON THE PLAT ENTITLED "PLAT FOR RAINBOW SUBDIVISION, PHASE I, BEING COMPRISED OF TRACTS B-1 AND B-2, RAINBOW SUBDIVISION, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO", FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON NOVEMBER 23, 2021, IN VOLUME 3, PAGE 4785 (RRE BOOK 31, PAGES 80-84).

**Notes**

1. FIELD SURVEY PERFORMED IN NOVEMBER 2020.
2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
3. THE PARCELS SHOWN HEREON ARE LOCATED IN PROJECTED SECTION 21, TOWNSHIP 12 NORTH, RANGE 2 EAST, N.M.P.M. AS PROJECTED INTO THE TOWN OF ALAMEDA GRANT.
4. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
5. SUBDIVISION DATA  
 NUMBER OF TRACTS REPLATTED: 1  
 NUMBER OF TRACTS CREATED: 3  
 NUMBER OF LOTS CREATED: 61  
 MILES OF ROAD CREATED: 0.0274 MILES  
 ACREAGE DEDICATED BY THIS PLAT: 1.6869 ACRES  
 TOTAL PLATTED ACREAGE: 10.0261 ACRES
6. THE COORDINATES SHOWN HEREON REFERENCES MODIFIED STATE PLANE COORDINATES (NAD 83-GROUND-CENTRAL ZONE), USING GROUND TO GRID FACTOR OF 0.9996530707, USING A BASE POINT OF (0,0).
7. TRACTS A, B, AND C SHALL BE OWNED AND MAINTAINED BY THE RAINBOW SUBDIVISION HOMEOWNER'S ASSOCIATION.

**Public Approvals**

CHAIRMAN OF THE RIO RANCHO PLANNING AND ZONING BOARD

APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_  
 CHAIRMAN OF THE RIO RANCHO PLANNING AND ZONING BOARD

CITY CLERK'S CERTIFICATE:

I, REBECCA MARTINEZ, CITY CLERK OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON WAS APPROVED AND ALL RIGHTS OF WAY (ROW) WHICH ARE SHOWN HEREON WERE ACCEPTED FOR DEDICATION TO THE CITY OF RIO RANCHO BY THE CITY OF RIO RANCHO PLANNING AND ZONING BOARD AT THEIR MEETING HELD ON THE

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_  
 REBECCA MARTINEZ, CITY CLERK

**Filing Information**

STATE OF NEW MEXICO }  
 COUNTY OF SANDOVAL } SS  
 THIS INSTRUMENT WAS FILED FOR RECORD ON \_\_\_\_\_: \_\_\_\_ AM/PM, \_\_\_\_\_, 20\_\_\_\_  
 RECORDED IN VOLUME \_\_\_\_\_, OF RECORDS OF SAID COUNTY, FOLIO \_\_\_\_\_  
 BY: \_\_\_\_\_  
 DEPUTY

**Plat for  
 Rainbow Subdivision, Phase III  
 Being Comprised of  
 Tract B-1-A  
 Rainbow Subdivision, Phase I  
 City of Rio Rancho  
 Sandoval County, New Mexico  
 September 2024**

**Treasurer's Certificate**

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

\_\_\_\_\_  
 SANDOVAL COUNTY TREASURER DATE

**Plat Approvals**

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

\_\_\_\_\_  
 CITY OF RIO RANCHO

\_\_\_\_\_  
 QWEST CORPORATION D/B/A CENTURYLINK QC

\_\_\_\_\_  
 PNM ELECTRIC

\_\_\_\_\_  
 NEW MEXICO GAS COMPANY

\_\_\_\_\_  
 SPARKLIGHT

\_\_\_\_\_  
 COMCAST

**Jurisdiction Certification**

I, BRIAN 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.

\_\_\_\_\_  
 BRIAN MARTINEZ DATE  
 N.M.P.S. No. 18374

**Surveyor's Certificate**

I, BRIAN 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.

\_\_\_\_\_  
 BRIAN 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



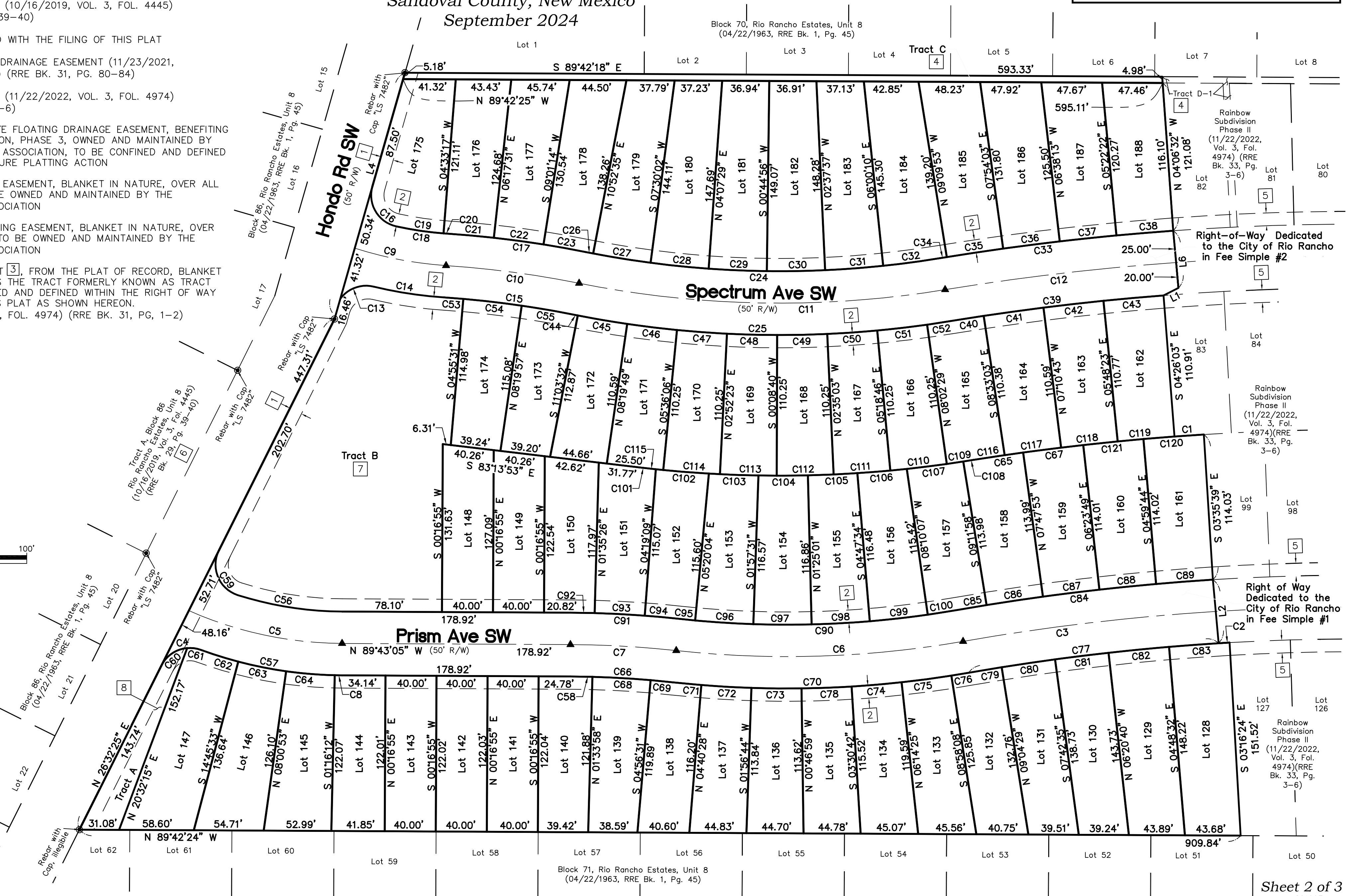
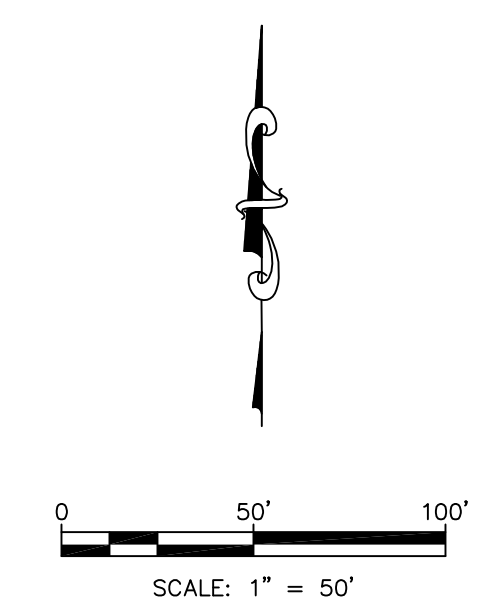
**Plat for**  
**Rainbow Subdivision, Phase III**  
 Being Comprised of  
**Tract B-1-A, Rainbow Subdivision, Phase I**  
 City of Rio Rancho  
 Sandoval County, New Mexico  
 September 2024

**Legend**

N 90°00'00" E	MEASURED BEARINGS AND DISTANCES
▲	SET CENTERLINE MONUMENT STAMPED "LS 18374" UNLESS OTHERWISE NOTED
●	FOUND 1/2" REBAR UNLESS OTHERWISE NOTED
○	SET REBAR WITH CAP "LS 18374" UNLESS OTHERWISE NOTED

**Easement Notes**

- 1 EXISTING 10' P.U.E. (10/16/2019, VOL. 3, FOL. 4445) (RRE BK. 29, PG. 39-40)
  - 2 10' P.U.E. GRANTED WITH THE FILING OF THIS PLAT
  - 4 EXISTING BLANKET DRAINAGE EASEMENT (11/23/2021, VOL. 3, FOL. 4785) (RRE BK. 31, PG. 80-84)
  - 5 EXISTING 10' P.U.E. (11/22/2022, VOL. 3, FOL. 4974) (RRE BK 33, PG 3-6)
  - 6 TEMPORARY PRIVATE FLOATING DRAINAGE EASEMENT, BENEFITING RAINBOW SUBDIVISION, PHASE 3, OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION, TO BE CONFINED AND DEFINED FURTHER WITH FUTURE PLATTING ACTION
  - 7 PRIVATE DRAINAGE EASEMENT, BLANKET IN NATURE, OVER ALL OF TRACT B, TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION
  - 8 PRIVATE LANDSCAPING EASEMENT, BLANKET IN NATURE, OVER ALL OF TRACT B, TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION
- \*FORMER EASEMENT [3], FROM THE PLAT OF RECORD, BLANKET IN NATURE ACROSS THE TRACT FORMERLY KNOWN AS TRACT B-1-A, IS CONFINED AND DEFINED WITHIN THE RIGHT OF WAY DEDICATED BY THIS PLAT AS SHOWN HEREON. (5/5/2021, VOL. 3, FOL. 4974) (RRE BK. 31, PG. 1-2)



**Plat for  
Rainbow Subdivision, Phase III  
Being Comprised of  
Tract B-1-A  
Rainbow Subdivision, Phase I  
City of Rio Rancho  
Sandoval County, New Mexico  
September 2024**

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	23.01'	1933.01'	0°40'55"	23.01'	S 86°03'27" W
C2	8.61'	1775.00'	0°16'41"	8.61'	S 86°35'16" W
C3	199.46'	1800.00'	6°20'56"	199.35'	S 83°15'09" W
C4	36.49'	25.00'	83°37'54"	33.34'	S 68°21'22" W
C5	123.66'	300.00'	23°37'04"	122.79'	S 77°54'33" E
C6	225.58'	800.00'	16°09'21"	224.83'	N 88°09'22" E
C7	83.11'	800.00'	5°57'07"	83.07'	N 86°44'32" W
C8	5.61'	325.00'	0°59'18"	5.61'	S 89°13'27" E
C9	72.99'	300.00'	13°56'25"	72.81'	S 79°13'53" E
C10	105.22'	800.00'	7°32'10"	105.15'	N 82°26'01" W
C11	288.37'	800.00'	20°39'12"	286.82'	S 88°59'32" E
C12	182.33'	2000.00'	5°13'24"	182.27'	S 83°17'34" W
C13	29.54'	25.00'	67°42'13"	27.85'	S 69°47'01" W
C14	55.80'	325.00'	9°50'14"	55.73'	S 81°16'59" E
C15	101.94'	775.00'	7°32'10"	101.86'	N 82°26'01" W
C16	40.83'	25.00'	93°34'46"	36.44'	S 30°50'42" E
C17	108.51'	825.00'	7°32'10"	108.43'	N 82°26'01" W
C18	41.12'	275.00'	8°34'01"	41.08'	S 81°55'05" E
C19	37.49'	275.00'	7°48'39"	37.46'	S 81°32'24" E
C20	3.63'	275.00'	0°45'22"	3.63'	S 85°49'25" E
C21	35.90'	825.00'	2°29'37"	35.90'	N 84°57'18" W
C22	39.29'	825.00'	2°43'43"	39.29'	N 82°20'38" W
C23	33.32'	825.00'	2°18'50"	33.32'	N 79°49'21" W
C24	279.36'	775.00'	20°39'12"	277.85'	S 88°59'32" E
C25	297.39'	825.00'	20°39'12"	295.78'	S 88°59'32" E
C26	6.20'	775.00'	0°27'30"	6.20'	S 78°53'41" E
C27	45.66'	775.00'	3°22'33"	45.66'	S 80°48'42" E
C28	45.66'	775.00'	3°22'33"	45.66'	S 84°11'15" E
C29	45.66'	775.00'	3°22'33"	45.66'	S 87°33'48" E
C30	45.66'	775.00'	3°22'33"	45.66'	N 89°03'40" E
C31	45.66'	775.00'	3°22'33"	45.66'	N 85°41'07" E
C32	44.86'	775.00'	3°18'58"	44.85'	N 82°20'21" E
C33	184.13'	2025.00'	5°12'35"	184.07'	S 83°17'10" W
C34	5.45'	2025.00'	0°09'15"	5.45'	S 80°45'30" W
C35	44.67'	2025.00'	1°15'50"	44.67'	S 81°28'02" W
C36	44.67'	2025.00'	1°15'50"	44.67'	S 82°43'52" W
C37	44.67'	2025.00'	1°15'50"	44.67'	S 83°59'42" W
C38	44.67'	2025.00'	1°15'50"	44.67'	S 85°15'33" W
C39	168.37'	1975.00'	4°53'05"	168.32'	S 83°07'25" W
C40	26.47'	1975.00'	0°46'05"	26.47'	S 81°03'55" W
C41	47.30'	1975.00'	1°22'20"	47.30'	S 82°08'07" W
C42	47.30'	1975.00'	1°22'20"	47.30'	S 83°30'27" W
C43	47.30'	1975.00'	1°22'20"	47.30'	S 84°52'47" W
C44	3.97'	825.00'	0°16'32"	3.97'	S 78°48'12" E
C45	39.29'	825.00'	2°43'43"	39.29'	S 80°18'19" E
C46	39.29'	825.00'	2°43'43"	39.29'	S 83°02'02" E
C47	39.29'	825.00'	2°43'43"	39.29'	S 85°45'45" E
C48	39.29'	825.00'	2°43'43"	39.29'	S 88°29'28" E
C49	39.29'	825.00'	2°43'43"	39.29'	N 88°46'49" E
C50	39.29'	825.00'	2°43'43"	39.29'	N 86°03'06" E
C51	39.29'	825.00'	2°43'43"	39.29'	N 83°19'23" E
C52	18.39'	825.00'	1°16'39"	18.39'	N 81°19'12" E
C53	15.24'	775.00'	1°07'37"	15.24'	N 85°38'18" W
C54	46.09'	775.00'	3°24'26"	46.08'	N 83°22'16" W
C55	40.61'	775.00'	3°00'07"	40.60'	N 80°10'00" W
C56	83.15'	275.00'	17°19'30"	82.84'	S 81°03'20" E
C57	112.82'	325.00'	19°53'25"	112.26'	S 79°46'23" E
C58	17.37'	775.00'	1°17'04"	17.37'	N 89°04'34" W
C59	43.17'	25.00'	98°56'01"	38.00'	S 22°55'35" E
C60	25.57'	25.00'	58°35'28"	24.47'	S 55°50'09" W
C61	10.93'	25.00'	25°02'26"	10.84'	N 82°20'54" W

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C62	30.70'	325.00'	5°24'46"	30.69'	S 72°32'04" E
C63	38.26'	325.00'	6°44'40"	38.24'	S 78°36'47" E
C64	38.26'	325.00'	6°44'40"	38.24'	S 85°21'27" E
C65	39.68'	1933.01'	1°10'35"	39.68'	S 81°35'36" W
C66	80.51'	775.00'	5°57'07"	80.47'	N 86°44'32" W
C67	47.42'	1933.01'	1°24'20"	47.42'	S 82°53'04" W
C68	45.66'	775.00'	3°22'33"	45.66'	N 86°44'45" W
C69	17.47'	775.00'	1°17'31"	17.47'	N 84°24'43" W
C70	232.63'	825.00'	16°09'21"	231.86'	N 88°09'22" E
C71	22.46'	825.00'	1°33'34"	22.46'	S 84°32'45" E
C72	39.29'	825.00'	2°43'43"	39.29'	S 86°41'24" E
C73	39.29'	825.00'	2°43'43"	39.29'	S 89°25'07" E
C74	39.29'	825.00'	2°43'43"	39.29'	N 85°07'27" E
C75	39.29'	825.00'	2°43'43"	39.29'	N 82°23'44" E
C76	13.72'	825.00'	0°57'11"	13.72'	N 80°33'17" E
C77	197.36'	1775.00'	6°22'15"	197.26'	S 83°15'48" W
C78	39.29'	825.00'	2°43'43"	39.29'	N 87°51'10" E
C79	26.25'	1775.00'	0°50'50"	26.25'	S 80°30'06" W
C80	42.29'	1775.00'	1°21'54"	42.29'	S 81°36'28" W
C81	42.29'	1775.00'	1°21'54"	42.29'	S 82°58'23" W
C82	47.57'	1775.00'	1°32'08"	47.57'	S 84°25'24" W
C83	47.57'	1775.00'	1°32'08"	47.57'	S 85°57'32" W
C84	201.55'	1825.00'	6°19'40"	201.45'	S 83°14'31" W
C85	23.01'	1825.00'	0°43'21"	23.01'	S 80°26'22" W
C86	44.63'	1825.00'	1°24'05"	44.63'	S 81°30'04" W
C87	44.63'	1825.00'	1°24'05"	44.63'	S 82°54'09" W
C88	44.63'	1825.00'	1°24'05"	44.63'	S 84°18'14" W
C89	44.63'	1825.00'	1°24'05"	44.63'	S 85°42'18" W
C90	218.53'	775.00'	16°09'21"	217.81'	N 88°09'22" E
C91	85.70'	825.00'	5°57'07"	85.67'	N 86°44'32" W
C92	18.84'	825.00'	1°18'31"	18.84'	N 89°03'50" W
C93	39.29'	825.00'	2°43'43"	39.29'	N 87°02'43" W
C94	27.57'	825.00'	1°54'53"	27.57'	N 84°43'25" W
C95	12.16'	775.00'	0°53'58"	12.16'	S 84°12'57" E
C96	45.66'	775.00'	3°22'33"	45.66'	S 86°21'12" E
C97	45.66'	775.00'	3°22'33"	45.66'	S 89°43'45" E
C98	45.66'	775.00'	3°22'33"	45.66'	N 86°53'42" E
C99	45.66'	775.00'	3°22'33"	45.66'	N 83°31'09" E
C100	23.72'	775.00'	1°45'12"	23.71'	N 80°57'17" E
C101	13.16'	935.25'	0°48'23"	13.16'	S 83°38'04" E
C102	41.78'	935.25'	2°33'34"	41.78'	S 85°19'03" E
C103	38.83'	935.25'	2°22'44"	38.83'	S 87°47'12" E
C104	38.78'	935.25'	2°22'34"	38.78'	N 89°50'09" E
C105	38.79'	935.25'	2°22'34"	38.78'	N 87°27'35" E
C106	38.84'	935.25'	2°22'46"	38.84'	N 85°04'55" E
C107	44.67'	935.25'	2°44'13"	44.67'	N 82°31'25" E
C108	7.74'	935.25'	0°28'26"	7.74'	N 80°55'05" E
C109	20.85'	935.25'	1°16'39"	20.85'	N 81°19'12" E
C110	44.54'	935.25'	2°43'43"	44.54'	N 83°19'23" E
C111	44.54'	935.25'	2°43'43"	44.54'	N 86°03'06" E
C112	44.54'	935.25'	2°43'43"	44.54'	N 88°46'49" E
C113	44.54'	935.25'	2°43'43"	44.54'	S 88°29'28" E
C114	44.54'	935.25'	2°43'43"	44.54'	S 85°45'45" E
C115	19.05'	935.25'	1°10'01"	19.05'	S 83°48'53" E
C116	24.99'	1933.01'	0°44'27"	24.99'	S 81°22'33" W
C117	44.65'	1933.01'	1°19'25"	44.65'	S 82°24'29" W
C118	44.65'	1933.01'	1°19'24"	44.65'	S 83°43'53" W
C119	44.65'	1933.01'	1°19'24"	44.64'	S 85°03'18" W
C120	47.42'	1933.01'	1°24'20"	47.42'	S 85°41'45" W
C121	47.42'	1933.01'	1°24'20"	47.42'	S 84°17'24" W

Line Table		
Line #	Direction	Length (ft)
L1	S 63°15'25" W	13.07'
L2	S 05°07'26" E	50.02'
L3	S 03°16'24" E	151.52'
L4	N 15°56'41" E	200.80'
L5	N 04°06'32" W	121.08'
L6	S 05°12'03" E	45.01'
L7	S 04°26'03" E	110.91'

**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.
- Cable One 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.

Parcel Table		
Parcel Name	Area (Acres)	Area (Sq. Ft.)
Lot 128	0.1569	6,833
Lot 129	0.1530	6,663
Lot 130	0.1317	5,738
Lot 131	0.1268	5,524
Lot 132	0.1190	5,184
Lot 133	0.1187	5,172
Lot 134	0.1134	4,940
Lot 135	0.1103	4,806
Lot 136	0.1095	4,768
Lot 137	0.1108	4,826
Lot 138	0.1089	4,745
Lot 139	0.1170	5,097
Lot 140	0.1142	4,977
Lot 141	0.1121	4,881
Lot 142	0.1121	4,881
Lot 143	0.1120	4,881
Lot 144	0.1143	4,977
Lot 145	0.1291	5,626
Lot 146	0.1380	6,012
Lot 147	0.1616	7,038
Lot 148	0.1188	5,174
Lot 149	0.1146	4,992
Lot 150	0.1132	4,931
Lot 151	0.1123	4,892
Lot 152	0.1077	4,690
Lot 153	0.1126	4,906
Lot 154	0.1132	4,930
Lot 155	0.1131	4,929
Lot 156	0.1125	4,901
Lot 157	0.1202	5,236
Lot 158	0.1204	5,246
Lot 159	0.1205	5,247
Lot 160	0.1205	5,248
Lot 161	0.1205	5,248
Lot 162	0.1170	5,096
Lot 163	0.1168	5,089
Lot 164	0.1166	5,080
Lot 165	0.1148	5,002
Lot 166	0.1061	4,621
Lot 167	0.1061	4,621

Parcel Table		
Parcel Name	Area (Acres)	Area (Sq. Ft.)
Lot 168	0.1061	4,621
Lot 169	0.1061	4,621
Lot 170	0.1061	4,621
Lot 171	0.1062	4,624
Lot 172	0.1074	4,679
Lot 173	0.1097	4,778
Lot 174	0.1128	4,916
Lot 175	0.1383	6,025
Lot 176	0.1166	5,080
Lot 177	0.1238	5,393
Lot 178	0.1285	5,597
Lot 179	0.1347	5,867
Lot 180	0.1387	6,042
Lot 181	0.1408	6,133
Lot 182	0.	



**DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET**

**DATE:** October 1, 2024

- TO:** (X) Development Services – Matt Geisel, Amy Rincon, Brian Babyak, David Serrano, Peter Prukop  
 (X) Fire and Rescue – James Wenzel, Gerard Bauer  
 (X) Police – Lt. Scott Pope  
 (X) SSCAFCA – Andy Edmondson, Sara Rassa  
 (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: Final Plat:** DSD #24-220-00010 (please reference this # with any correspondence)

This is a transmittal for a Final Plat for Rainbow Phase 3, legally described as Rainbow Tract B-1-A. The proposed plat is for 61 R-4: Single Family Residential lots and three tracts on approximately 10.0261 acres.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by Friday, **October 11, 2024**. If redline comments are made on the plat, please also provide me with a copy. Please contact Brian Babyak at 505-896-8756 or e-mail [bbabyak@rrnm.gov](mailto:bbabyak@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

Fire requires fire hydrants every 500’ and all turning radii to be 28’.

Fire Marshal James Wenzel  
Reviewer

10/01/2024  
Date



**DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET**

**DATE:** October 1, 2024

- TO:** (X) Development Services – Matt Geisel, Amy Rincon, Brian Babyak, David Serrano, Peter Prukop
- (X) Fire and Rescue – James Wenzel, Gerard Bauer
- (X) Police – Lt. Scott Pope
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Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by Friday, **October 11, 2024**. If redline comments are made on the plat, please also provide me with a copy. Please contact Brian Babyak at 505-896-8756 or e-mail [bbabyak@rrnm.gov](mailto:bbabyak@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

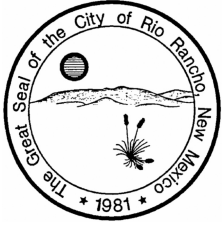
General comment: Are the correct tracts listed under the Free Consent and Dedication page? It appears the tracts listed may have been part of a prior phase plat?

*Dyane N. Sonier*

*10/01/24*

\_\_\_\_\_  
Reviewer

\_\_\_\_\_  
Date



## CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-280-  
00004**

**AGENDA DATE:**  
October 22, 2024

**DEPARTMENT:**  
Development Services

**SUBJECT:**  
**Subdivision Variance.** The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, requests approval of a Subdivision Variance to Rio Rancho Code of Ordinances Chapter 155.43 requiring 5 foot minimum easements on side and rear lot lines. The proposed request for the Tierra Del Oro Phase 3 subdivision, on the property legally described as Tierra Del Oro, Block 46, Tract A1. Staff contact is Michelle Costilla and staff recommends approval with findings.

### **BACKGROUND AND ANALYSIS:**

The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, requests approval of a subdivision variance to the Rio Rancho Code of Ordinances Chapter 155.43 requiring 5 foot minimum easements on side and rear lot lines for the Tierra Del Oro Phase 3, on the property legally described as Tierra Del Oro, Block 46, Tract A1. A preliminary plat application for Tierra Del Oro, under case 18-210-00004, was approved by the Planning and Zoning Board on June 12, 2018. A Final Plat for Tierra Del Oro Phase 3 is being heard concurrently under case 24-280-00004 and does not include side or rear easements. The proposed plat would create 94 R-4: Single Family Residential lots on approximately 16 acres.

The applicant requests a subdivision variance to Rio Rancho Code of Ordinances (R.O. 2003) §155.43 which states "Easements of at least five feet in width shall be provided and dedicated on each side of all rear lot lines (except where there are alleys) and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and other mains." The applicant is requesting a variance to this requirement as all lots will be serviced by 10 ft. Public Utility Easements across the front of all lots.

R.O. 2003 § 155.60 (A) addresses subdivision variances stating "(A) Variance from the strict application of design standards may be allowed in cases where unusual conditions exist, or a variance would provide an improved design. Financial gain, loss or monetary savings cannot be considered solely as a basis for a variance request."

Staff finds that the utility easements in the Tierra Del Oro, Phase 3 subdivision, in the front of all lots, provide an improved design for this subdivision. The side and rear easements are not needed for this subdivision due to the provision of the front easement.

### **SURROUNDING LAND USE/ ZONING:**

Adjacent properties to the east and south are also zoned R-4: Single Family Residential. To the west, a vacant R-1: Single Family Residential property abuts a portion of the subject property as well as a property zoned SU: Special Use for R-6 Multifamily. The properties to the north are zoned R-2: Single Family Residential.

#### NOTIFICATIONS:

Notice of pending subdivision variance hearing was sent via certified mail to the abutting property owners of the subject property 15 days in advance of the hearing. Informational postcards were sent to property owners between 100 ft. and 300 ft. from subject property 15 days in advance of the hearing. A legal notice was published in the Albuquerque Journal on October 7, 2024. A notice sign was posted to the property on October 15, 2024. All legal notification requirements for this project have been met.

#### IMPACT:

The Development Services Department recommends approval of the subdivision variance request subject to the findings set forth below:

##### General Findings of Fact:

1. In accordance with R.O. 2003 § 155.60, the Planning and Zoning Board has jurisdiction over approval of the applicant's request for a subdivision variance to the required side and rear five foot easements.
2. Following procedures for approval of a Subdivision Variance, proper notice of hearing on this matter was given.
3. The applicant has the authority to make an application for a Subdivision Variance.
4. Due process was provided to the applicant and surrounding property owners.

##### Specific Findings of Fact:

1. A subdivision variance to R.O. 2003 § 155.43 requiring "Easements of at least five feet in width shall be provided and dedicated on each side of all rear lot lines (except where there are alleys) and along side lot lines where necessary." is hereby granted.
2. The proposed public utility easement corridors in the Tierra Del Oro Phase 3 subdivision provide an improved design for this subdivision.

#### ALTERNATIVES:

The Planning and Zoning Board may:

1. Approve the subdivision variance with findings.
2. Approve the subdivision variance with amendments to the findings.
3. Deny the subdivision variance.
4. Postpone action on the subdivision variance to allow for further review and information.

#### DEPARTMENT RECOMMENDATION:

The Development Services Department recommends the Planning and Zoning Board approve the requested subdivision variance with findings.

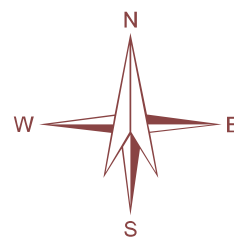
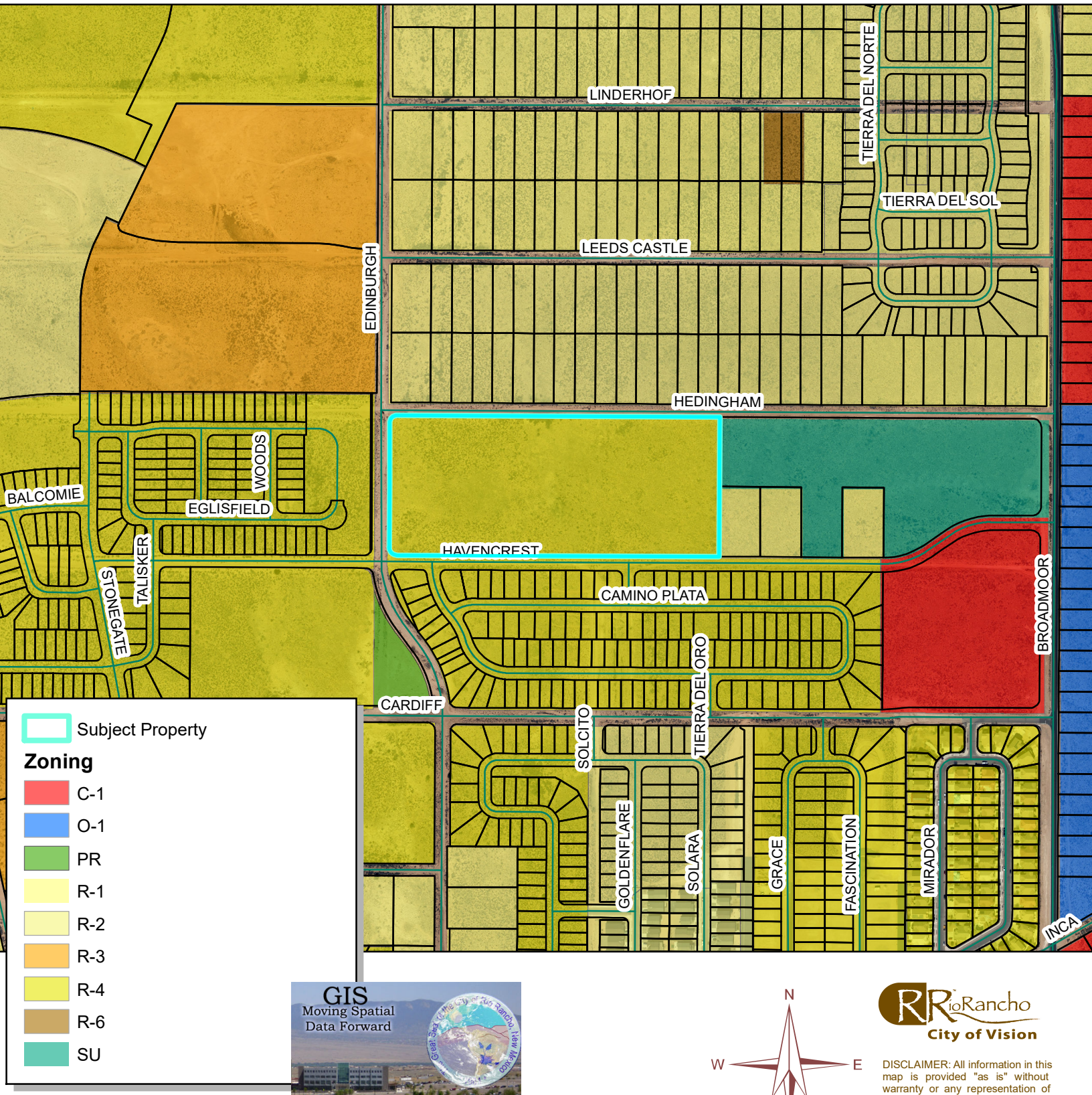
ATTACHMENT: [Zoning, Location.pdf](#)

ATTACHMENT: [Variance Request Letter.pdf](#)

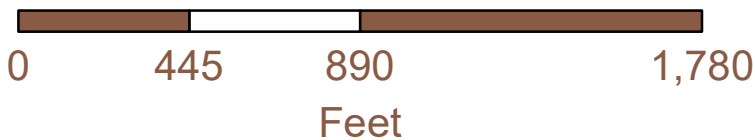
ATTACHMENT: [Authorization.pdf](#)

ATTACHMENT: [Final Plat.pdf](#)

# TIERRA DEL ORO PHASE 3



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  
3200 Civic Center Circle NE  
Rio Rancho, NM 87144

RE: JUSTIFICATION OF VARIANCE – TIERRA DEL ORO PHASE 3

Please accept this letter as justification for the approval of our request for variance to the requirement of 5 foot utility easements along the sides and rears of all lots. The reason for our request is to remove this requirement. A variance in the surrounding subdivisions, Tierra Del Oro Phases 1 and 2, Tierra Del Norte and Stonegate Phases 1 and 2 has previously been granted. Therefore the granting of the variance in Phase 3 would be in alignment and match the standard within the newer lots in the vicinity. Also, since all subdivision utilities are either within the roadways or the 10 foot PUE along the fronts of all lots, the “empty and unused” easements create an unnecessary burden for homeowners.

Thank you,

A handwritten signature in black ink, appearing to read 'Tim Aldrich', with a stylized flourish at the end.

Tim Aldrich, PS  
Aldrich Land Surveying  
Agent for TDO Development, LLC

**LETTER OF AUTHORIZATION**

**TIERRA DEL ORO PHASE THREE**

**Final Plat**

Please allow this letter to serve as authorization for Aldrich Land Surveying and Tim Aldrich to serve as agent on our behalf for this project.



09/07/2024

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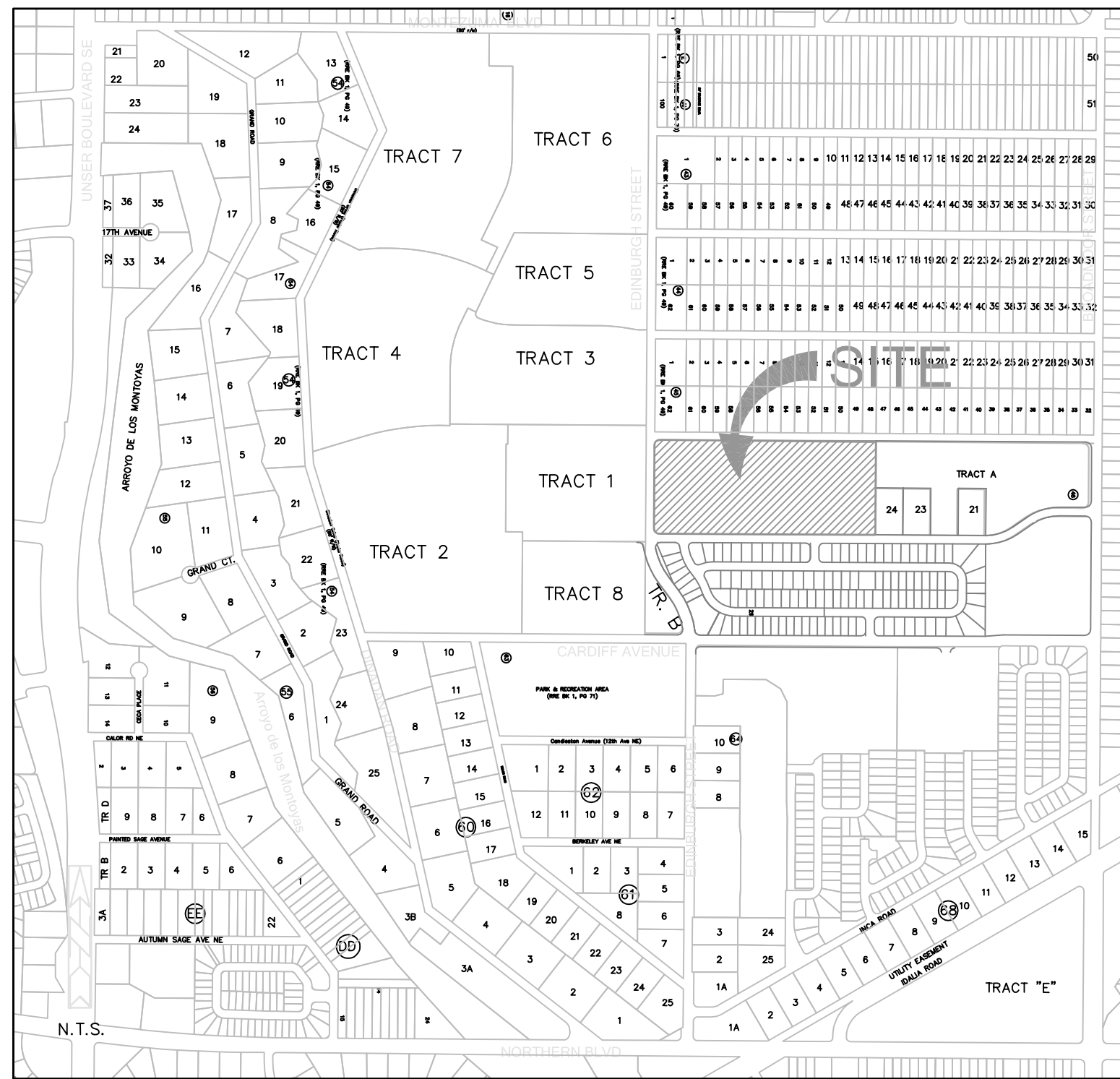
Pierre Amestoy, Managing Member

Date

TDO Development, LLC

4461 Irving Blvd. NW

Albuquerque, NM 87114



LOCATION MAP

**SUBDIVISION DATA**

Gross Acreage: .16.0369 Ac.  
 No. of Existing Lots eliminated: .0 Lots  
 No. of Existing Tracts eliminated: .1 Tract  
 No. of Lots created: .94 Lots  
 No. of Tracts created: .1 Tract  
 Public Right of way created: .3.3007 AC  
 Date of Survey: .April 15, 2016

**FREE CONSENT AND DEDICATION:**

The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof. Said owner(s) and/or proprietor(s) do hereby consent to the creation of lots and tracts as shown hereon. Said owner(s) and/or proprietor(s) do hereby consent to the granting of public and private easements as shown hereon, including the right to construct, operate, inspect and maintain facilities therein. Said owner(s) and/or proprietor(s) do hereby grant all public utility easements shown hereon for the common and joint use of gas, electric, water, sewer and communication services, where shown or indicated, including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. Said owner(s) and/or proprietor(s) do hereby consent to the dedication of public street right-of-way shown hereon to the City of Rio Rancho in fee simple with warranty covenants. Said owner(s) and/or proprietor(s) do hereby dedicate Tracts "C" to the Tierra Del Oro Homeowner's Association in fee simple. Said owner(s) and/or proprietor(s) do hereby consent to all the foregoing and do hereby certify that this subdivision is their free act and deed. Said owner(s) warrant that they hold among them complete and indefeasible title in fee simple to the property subdivided hereon.

**OWNERSHIP:**

Owner(s) TDO Development, LLC a New Mexico limited liability company

Pierre Amestoy, Jr. Managing Member Date

**ACKNOWLEDGEMENT:**

STATE OF NEW MEXICO )  
 BERNALILLO COUNTY SS)

On This \_\_\_\_\_ day of \_\_\_\_\_, 2024, this instrument was acknowledged before me by Pierre Amestoy, Jr. Managing Member of TDO Development, LLC., a New Mexico limited liability company, on behalf of said company.

Notary Public My commission expires:

**LEGAL DESCRIPTION:**

A tract of land situate within the Town of Alameda Grant, projected Section 12, Range 2 East, New Mexico Principal Meridian, City of Rio Rancho, Sandoval County, New Mexico, being all of Tract A-1, Tierra Del Oro Subdivision, Phase One, as the same is shown and designated on said plat, filed for record in the office of the County Clerk of Sandoval County, New Mexico, on August 19th, 2019, in Volume 3, Folio 4419, and containing 16.0369 acres more or less.

**PURPOSE OF PLAT**

- To Subdivide all of Tract A-1 into 94 RESIDENTIAL LOTS and 1 TRACT.
- To dedicate public Right of Way to the City of Rio Rancho as shown hereon.
- To grant easements as shown hereon.

**NOTES**

- Bearings are New Mexico State Plane Grid Bearings (Central Zone).
- Distances are ground distances.
- Bearings and distances in parenthesis are record.
- Basis of boundary are the following plats and documents of record entitled:

PLAT FOR "S.W. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES", (04-22-1963, RRE BOOK 1, PAGE 49)

PLAT FOR "COMMERCIAL BLOCKS M, N AND O AND REPLAT OF BLOCKS 1-A, 1-B, AND 69 AND RESIDENTIAL BLOCKS 88 THRU 90 AND MULTIPLE BLOCKS KK, LL, MM,

NN, OO, PP, QQ AND RR, UNIT THIRTEEN, RIO RANCHO ESTATES", (06-05-1968, RRE BOOK 1, PAGE 77)

PLAT FOR "MIRADOR DEL SOL", (02-23-2004, VOLUME 3, FOLIO 2392-A)

PLAT FOR "TRACTS A AND B, BLOCK 46, RIO RANCHO ESTATES, UNIT 13", (02-05-2009, VOLUME 3, FOLIO 2996-A) (RRE BOOK 22, PAGE 91-92)

PLAT FOR "TRACTS 1 THRU 8, STONEGATE SUBDIVISION", (06-15-2011, VOLUME 3, FOLIO 3338) (RRE BOOK 23, PAGE 90-92)

PLAT FOR "MILAGRO MESA", (02-19-2014, VOLUME 3, FOLIO 3677) (RRE BOOK 25, PAGE 33-34)

PLAT FOR "SOLCITO, TRACTS A, B, C & D", (03-20-2014, VOLUME 3, FOLIO 3689) (RRE BOOK 25, PAGE 35-36)

PLAT FOR "TRACTS A AND B, BLOCK 47, RIO RANCHO ESTATES", (04-15-2014, VOLUME 3, FOLIO 3699) (RRE BOOK 25, PAGE 37-38)

PLAT FOR "SOLCITO PHASE 1 SUBDIVISION", (04-13-2015, VOLUME 3, FOLIO 3818) (RRE BOOK 25, PAGE 96-97)

PLAT FOR TIERRA DEL ORO SUBDIVISION, PHASE ONE (08-19-2019, VOLUME 3, FOLIO 4419)

PLAT FOR TIERRA DEL ORO SUBDIVISION, PHASE TWO (10-07-2021, VOLUME 3, FOLIO 4760)

all being records of Sandoval County, New Mexico.

- Field Survey completed April 15, 2016.
- Title Report: provided by Fidelity National Title of New Mexico, Inc. Commitment No.: FT000198619-PRUEW (Effective date: March 28, 2016)
- Address of Property: None provided.
- City of Rio Rancho, New Mexico Zone: R-4
- 100 Year Flood Zone Designation: ZONE X, as shown on Panel 1893 and 1900 of 2225, Flood Insurance Rate Map, City of Rio Rancho, Sandoval County, New Mexico (This property does not lie within the 100 Year Flood Plain).
- Encroachments: None Apparent.
- Dedication of public right-of-way includes the use of the roadways and rights-of-way for all uses typically associated with the use of a right-of-way and purposes appurtenant thereto, including, but not limited to, the passage and accommodation of vehicular and pedestrian traffic, and the construction, operation, use, maintenance, inspection, repair, alteration, and replacement of a paved road within the boundaries of the right-of-way area, and for all other purposes for which a public street and right-of-way is commonly used, including but not limited to installing, repairing, maintaining, altering, replacing, relocating and operating public and private utilities in, into, upon, over, across, and under any such right-of-way.

**UTILITY APPROVALS:**

City of Rio Rancho	Date
<i>[Signature]</i>	9/17/2024
New Mexico Gas Company	Date
<i>Abdul A. Bhuayan</i>	09/17/2024
Lumen	Date
<i>[Signature]</i>	09/17/2024
Public Service Company of New Mexico	Date
<i>Armando Galindo</i>	9-18-2024
Sparklite	Date
<i>Mike Mortus</i>	10/4/2024
Comcast	Date

**COUNTY CLERKS RECORDING INFORMATION**

This instrument was filed for record on the \_\_\_\_\_th day of \_\_\_\_\_, 2024 in, Sandoval County, New Mexico, and was recorded in Volume \_\_\_\_\_, Folio \_\_\_\_\_, records of said County.

(Rio Rancho Estates Plat Book \_\_\_\_\_, Page \_\_\_\_\_)

Anne Brady Romero, County Clerk and Recorder

By: Deputy

**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) for the installation, maintenance and service of overhead and underground electrical lines, transformers and other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical services.
- New Mexico Gas Company (NMGC) for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- Lumen (LUMEN) for installation, maintenance and service of all buried and aerial communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and enclosures.
- Sparklite (SPARKLITE) for the installation, maintenance, and service of such lines, cable and other related equipment and facilities reasonably necessary to provide Cable TV 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, modify, renew, operate, and maintain facilities for the purposes described above, together with free access to, from, and over said right-of-way and easement, 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, and to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground 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. Easements for electric transformers/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, PNM, NMGC, LUMEN and SPARKLITE did not conduct a title search of the properties shown hereon. Consequently, PNM, NMGC, LUMEN and SPARKLITE 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.

**PLAT FOR TIERRA DEL ORO SUBDIVISION PHASE 3**  
 (Being a replat of Tract A-1, Tierra Del Oro Subdivision, Phase One) WITHIN THE TOWN OF ALAMEDA GRANT PROJECTED SECTION 12 TOWNSHIP 12 NORTH, RANGE 2 EAST, NMPM CITY OF RIO RANCHO SANDOVAL COUNTY, NEW MEXICO SEPTEMBER, 2024

DSD CASE NO. 24-280-00004

RIO RANCHO PLANNING AND ZONING BOARD

Approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Fred Radosevich, Chairman Date

**CITY CLERKS CERTIFICATE**

I, Noel C. Davis, City Clerk of the City of Rio Rancho, New Mexico do hereby certify that the plat shown hereon was approved by the Planning and Zoning Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Noel C. Davis, City Clerk, City of Rio Rancho Date

**TREASURER'S CERTIFICATE**

I, Laura M. Montoya, Treasurer of Sandoval County, New Mexico do hereby certify that the previous ten (10) years property taxes have been paid in full.

Jennifer Taylor, Sandoval County Treasurer Date

**JURISDICTIONAL AFFIDAVIT**

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby affirm that the property described hereon does lie within the platting and extra-territorial jurisdiction of the City of Rio Rancho, New Mexico.

*[Signature]* 09/05/2024 Date  
 Timothy Aldrich, P.S. No. 7719

**SURVEYOR'S CERTIFICATION**

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the Minimum Standards for Land Surveying in the State of New Mexico and the City of Rio Rancho Subdivision Ordinance and is true and correct to the best of my knowledge and belief."

*[Signature]* 09/05/2024 Date  
 Timothy Aldrich, P.S. No. 7719



P.O. BOX 30701, ALBQ., N.M. 87190 505-884-1990

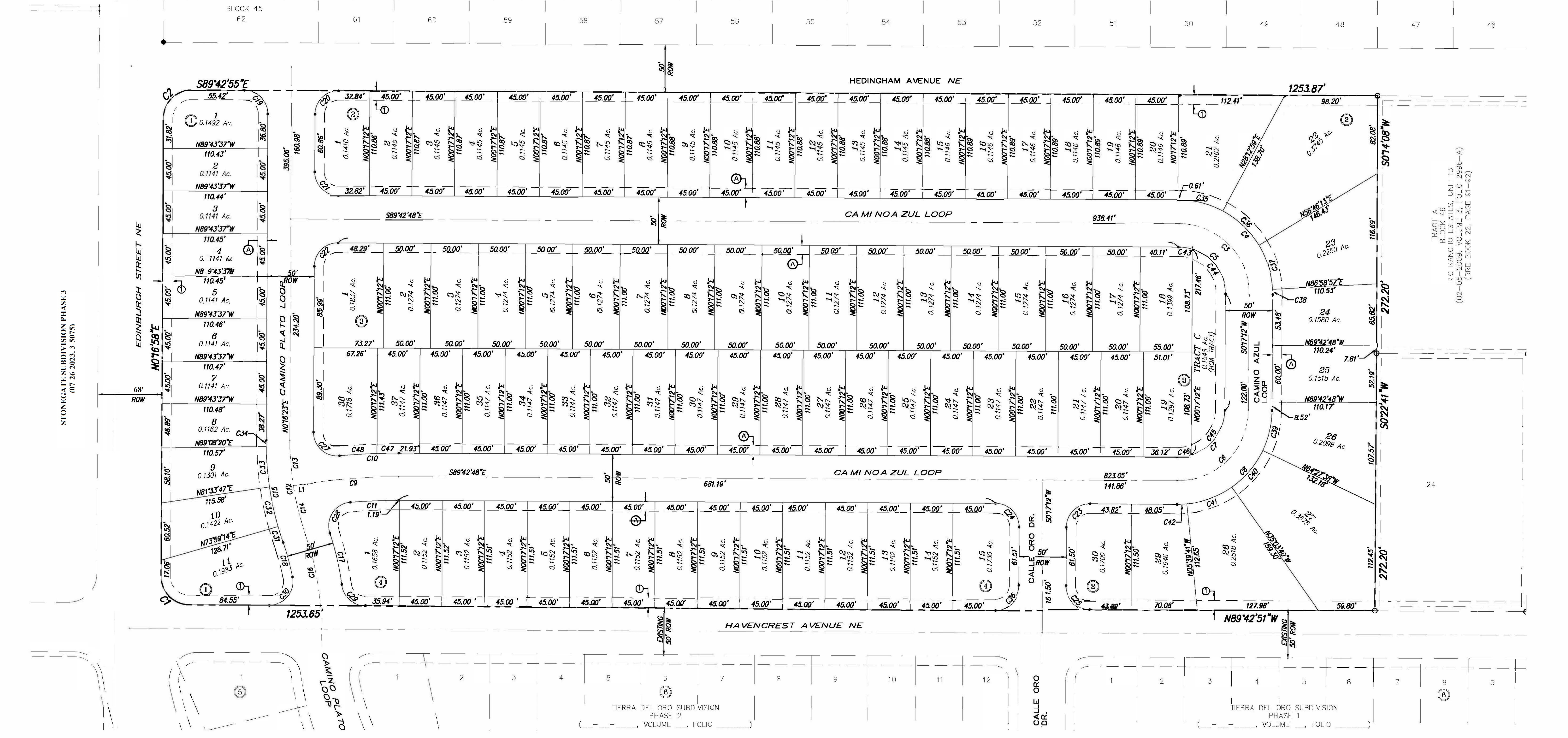
Designed: TA	Drawn: TA	Checked: TA	1 of 3
Scale: AS SHOWN	Date: 09/05/2024	Job: 13-103	



Curve Table					Curve Table					Curve Table					Curve Table					Curve Table																																							
Curve #	Radius	Length	Delta	Chord B.	Chord L.	Curve #	Radius	Length	Delta	Chord B.	Chord L.	Curve #	Radius	Length	Delta	Chord B.	Chord L.	Curve #	Radius	Length	Delta	Chord B.	Chord L.	Curve #	Radius	Length	Delta	Chord B.	Chord L.																														
C1	30.00'	47.12'	89°59'49"	N44°42'57"W	42.43'	C11	575.00'	51.00'	5°04'56"	N87°44'44"E	50.99'	C21	25.00'	39.26'	89°59'11"	N44°43'12"W	35.35'	C31	325.00'	17.77'	3°07'57"	N17°34'45"W	17.77'	C41	100.00'	51.31'	29°23'58"	S69°38'19"W	50.75'	C1	30.00'	47.12'	89°59'49"	N44°42'57"W	42.43'	C11	575.00'	51.00'	5°04'56"	N87°44'44"E	50.99'	C21	25.00'	39.26'	89°59'11"	N44°43'12"W	35.35'	C31	325.00'	17.77'	3°07'57"	N17°34'45"W	17.77'	C41	100.00'	51.31'	29°23'58"	S69°38'19"W	50.75'

Parcel Line Table		
Line #	Length	Direction
L1	15.41	S81°03'32"W

**PLAT FOR TIERRA DEL ORO SUBDIVISION PHASE 3**  
 (Being a replat of Tract A-1, Tierra del Oro Subdivision, Phase One) WITHIN THE TOWN OF ALAMEDA GRANT PROJECTED SECTION 12 TOWNSHIP 12 NORTH, RANGE 2 EAST, NMPM CITY OF RIO RANCHO SANDOVAL COUNTY, NEW MEXICO SEPTEMBER, 2024



**NOTES**

- TRACT C IS TO BE OWNED AND MAINTAINED BY THE TIERRA DEL ORO H.O.A. AND IS FOR THE BENEFIT OF ALL LOT OWNERS WITHIN THE TIERRA DEL ORO SUBDIVISION.
- THERE IS NO VEHICULAR ACCESS FROM ANY LOTS IN TIERRA DEL ORO SUBDIVISION TO HEDINGHAM AVENUE NE, HAVENCREST AVENUE NE, AND EDINBURGH STREET NE.

**LEGEND**

- 32 LOT NUMBER
- 3 EXISTING LOT NUMBER
- 6 BLOCK NUMBER
- REFERS TO END OF TANGENT OR CURVE ON RIGHT-OF-WAY BLOCK CORNERS (does not constitute any set corners)

**NEW EASEMENTS**

- 10' PUBLIC UTILITY EASEMENT GRANTED WITH THIS PLAT

**EXISTING EASEMENTS**

- 10' PUBLIC UTILITY EASEMENT (08-19-2019, VOLUME 3, FOLIO 4419)

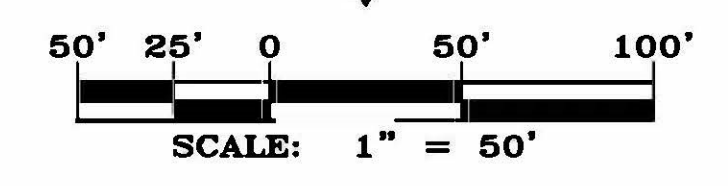
**CORNERS**

- FOUND 3/8" REBAR
- FOUND 1" PIPE
- FOUND BATHEY MARKER WITH CAP "LS 14721"
- FOUND 1/2" REBAR WITH CAP "LS 12649"
- FOUND 5/8" REBAR WITH CAP "LS 9443"
- FOUND 5/8" REBAR WITH CAP "LS 7719"

**ABBREVIATIONS**

- 10' PUE = PUBLIC UTILITY EASEMENTS GRANTED WITH THIS PLAT
- ROW = RIGHT-OF-WAY
- H.O.A. = HOME OWNERS ASSOCIATION

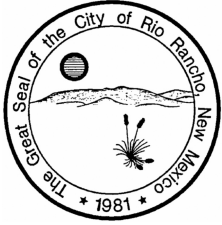
ALL STREETS AND ROADS SHOWN HEREON ARE HEREBY DEDICATED IN FEE SIMPLE TO THE C.O.R.R. WITH WARRANTY COVENANTS AS PUBLIC RIGHT-OF-WAY



P.O. BOX 30701, ALBU., N.M. 87190  
505-884-1990

Designed: DMG	Drawn: DER	Checked: DMG	3 of 3
Scale: AS SHOWN	Date: 2/18/2022	Job: A21033	

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## CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-220-  
00009**

**AGENDA DATE:**  
October 22, 2024

**DEPARTMENT:**  
Development Services

**SUBJECT:**  
**Final Plat.** The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, requests approval of a Final Plat for the Tierra Del Oro Phase 3 subdivision to create 94 single family residential lots and one tracts on the property legally described as Tierra Del Oro, Block 46, Tract A1. Staff contact is Michelle Costilla and staff recommends approval with findings and conditions.

### **BACKGROUND AND ANALYSIS:**

The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, requests approval of a Final Plat for the Tierra Del Oro Phase 2 subdivision to create 94 single family residential lots and one tract on the property legally described as Tierra Del Oro, Block 46, Tract A1. The property is approximately 16 acres of vacant land located off of Havencrest Ave. NE, north of the Tierra Del Oro Phase 1 subdivision. The subject property is zoned R-4: Single- Family Residential per Ordinance No. 12 Enactment No. 18-10.

A preliminary plat for Tierra Del Oro (TDO) was approved by the Planning and Zoning Board on June 12, 2018, under Case No.18-210-00004. This subdivision is the third and final phase for the single family residential component of the TDO development. The first phase was approved by the Planning and Zoning Board on July 9, 2019 and the second phase was approved on September 14, 2021.

Condition of Approval #5 of the Tierra Del Oro Preliminary Plat (18-210-04) stated: "The final plats for all phases shall be recorded on or before December 31, 2024. This condition allowed for a longer period of time from Preliminary Plat approval to Final Plat approval and recording for all phases than is typical for Preliminary Plats.

### **GENERAL INFORMATION:**

1. Layout: The Montreal Phase 1 subdivision will consist of 94 Single Family Residential lots and one tract.
2. Acreage: 16.0369 acres.
3. Access: The development will have three access points. Two of the access points will be off of Havencrest Ave. NE, a residential road, and one will be off of Hedingham Ave. NE, also a residential road.
4. Zoning: The subject property is zoned R-4: Single- Family Residential per Ordinance No. 12 Enactment No. 18-10.
5. Dry Utilities/Gas: The applicant is responsible for coordinating the installation of all dry utilities with Sparklight, Centurylink, PNM, Comcast, and Gas Company of New Mexico.
6. Water and Wastewater Availability: The applicant has received an approved water/wastewater

availability statement from the Utilities Department.

7. Drainage: Per the Grading and Drainage Plan for the project, drainage will be collected by the interior roads and drained into new storm sewer infrastructure west of Edinburgh St NE.

8. Roads and Sidewalks: There is one new public road proposed for this subdivision to be named Camino Azul Loop. The total amount of road created will be 3.3007 acres.

9. Recreation Facilities/Open Space: None.

10. Easements: There will be ten foot wide public utility easements within all new lots adjacent to road right-of-way. The applicant is requesting a variance to the required five foot wide public utility easement within all new lots on all side and rear property lines.

11. Public Site Dedications: None.

12. Vacations: None.

13. Variances: A variance to R.O. 2003 § 155.43 to vacate the required side and rear 5 ft. Public Utility Easements under case no. 24-280-00004 is being heard concurrently.

#### CONFORMANCE WITH RIO RANCHO MUNICIPAL CODE CHAPTER 155 SUBDIVISIONS:

The proposed plat would be in conformance with the subdivision design standards in R.O. 2003 Chapter 155, pending approval of the Subdivision Variance, case #24-280-04. Staff recommends the Planning and Zoning Board find this criteria may be met.

#### CONFORMANCE WITH THE ZONING ORDINANCE

The proposed lots would comply with the dimensional standards of the R-4: Single-Family Residential zoning district including lot area and lot width as laid out in R.O. 2003 § 154.50. The proposed lots range in size from 0.1141 acres (approximately 4970 sf) to 0.3745 acres (approximately 16,313 sf) in compliance with the 4,000 sf minimum lot area of the R-4: Single Family Residential zoning district. The proposed lots would also comply with the minimum allowable lot width of 40 ft, as the smallest lot frontage in this subdivision is 45 ft. Staff recommends the Planning and Zoning Board find this criteria has been met.

#### CONFORMANCE WITH THE CITY COMPREHENSIVE PLAN

In Chapter 5, Land Use Element, a policy is to “encourage the master planning of developments that establish a community character that considers circulation, landscaping, open space, storm drainage, utilities, and building location and design in the master plan”, (5.6.3, Policy L-1). This application would be an action in meeting the policy of encouraging development, community character, storm drainage, utilities, and building location design under the Tierra Del Oro Master Plan. Staff recommends the Planning and Zoning Board find this criteria has been met.

#### INTERDEPARTMENTAL/INTERAGENCY REVIEW:

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

#### IMPACT:

Staff recommends the Planning and Zoning Board approve the final plat subject to the following findings of fact and conditions of approval:

**GENERAL FINDINGS OF FACT:**

1. The Planning and Zoning Board has jurisdiction to approve the applicant's request for final plat.
2. The applicant has the authority to make an application to request final plat approval.
3. Due process was provided to the applicant.

**SPECIFIC FINDINGS OF FACT FOR APPROVAL:**

1. The Final Plat has been prepared, reviewed, and conforms to the City of Rio Rancho plans and policies.
2. The Final Plat conforms to the requirements of the Rio Rancho Code of Ordinance (R.O. 2003) Chapter 155 Subdivisions with approval of Subdivision Variance Case #24-280-04.
3. The Final Plat conforms to the requirements of the R-4: Single Family Residential Zoning District.

**CONDITIONS OF APPROVAL:**

1. In accordance with Condition of Approval #5 of the Tierra Del Oro Preliminary Plat, the final plats for all phases shall be recorded on or before December 31, 2024.
2. Completion of infrastructure or subdivision bond and subdivision improvement agreement is required prior to recording of final plat.
3. The applicant shall address all of the staff comments prior to submitting construction plans or the final plat, whichever is applicable.
4. The final plat will be filed under Book 36, Pages 4-6.

**ALTERNATIVES:**

The Planning and Zoning Board may:

1. Approve the final plat with findings and conditions.
2. Approve the final plat with modifications to the findings and conditions.
3. Deny the final plat.
4. Postpone the item and continue the public hearing to further consider testimony presented at the hearing

**DEPARTMENT RECOMMENDATION:**

Staff recommends the Planning and Zoning Board approve the final plat with findings and conditions.

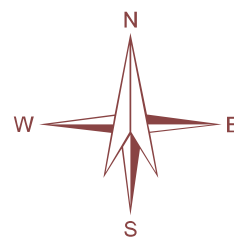
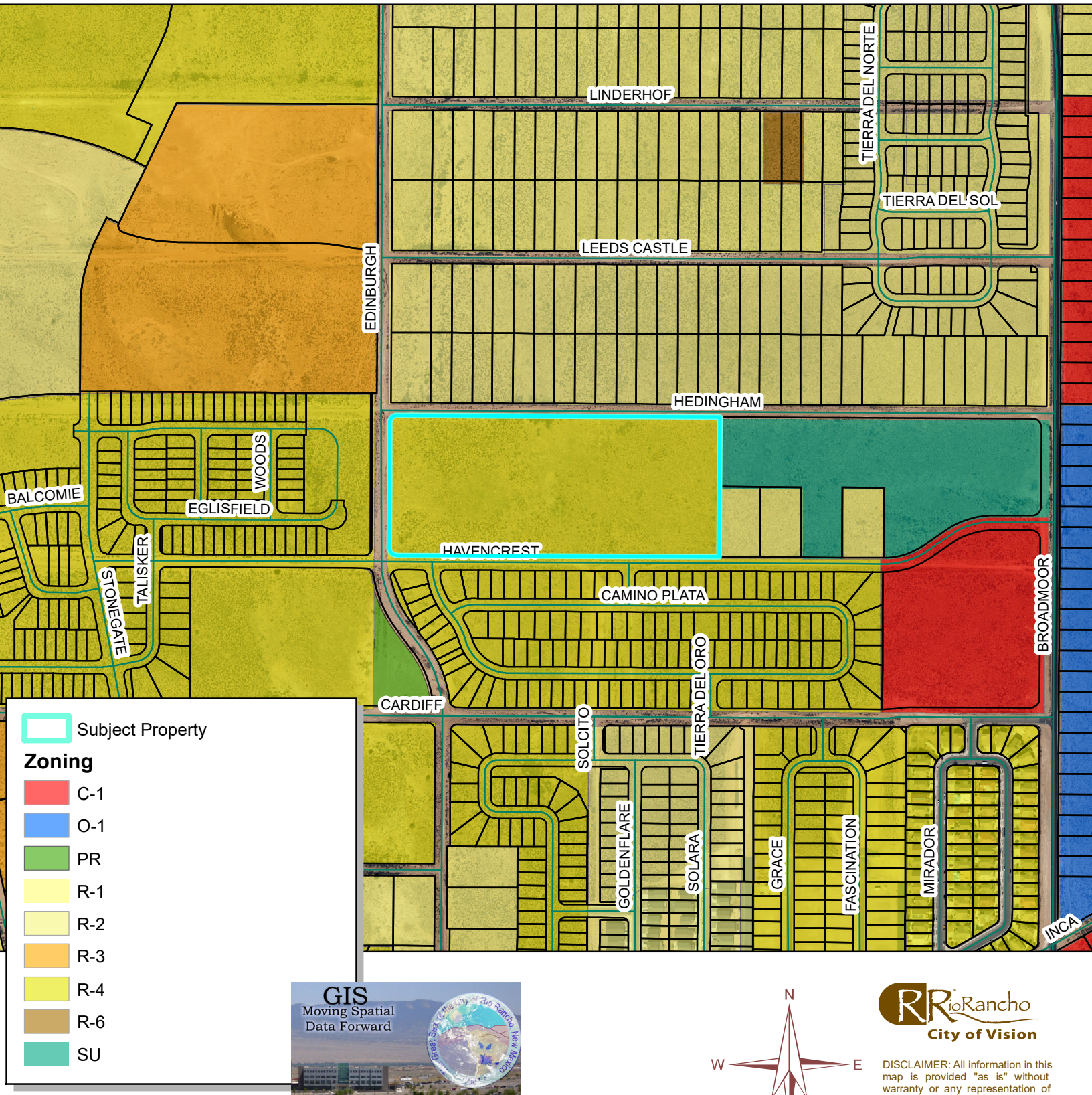
ATTACHMENT: [Zoning, Location.pdf](#)

ATTACHMENT: [Authorization.pdf](#)

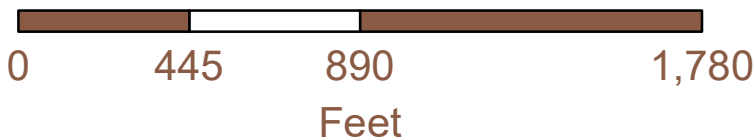
ATTACHMENT: [Final Plat.pdf](#)

ATTACHMENT: [Staff Comments Memo.pdf](#)

# TIERRA DEL ORO PHASE 3



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.



**LETTER OF AUTHORIZATION**

**TIERRA DEL ORO PHASE THREE**

**Final Plat**

Please allow this letter to serve as authorization for Aldrich Land Surveying and Tim Aldrich to serve as agent on our behalf for this project.



09/07/2024

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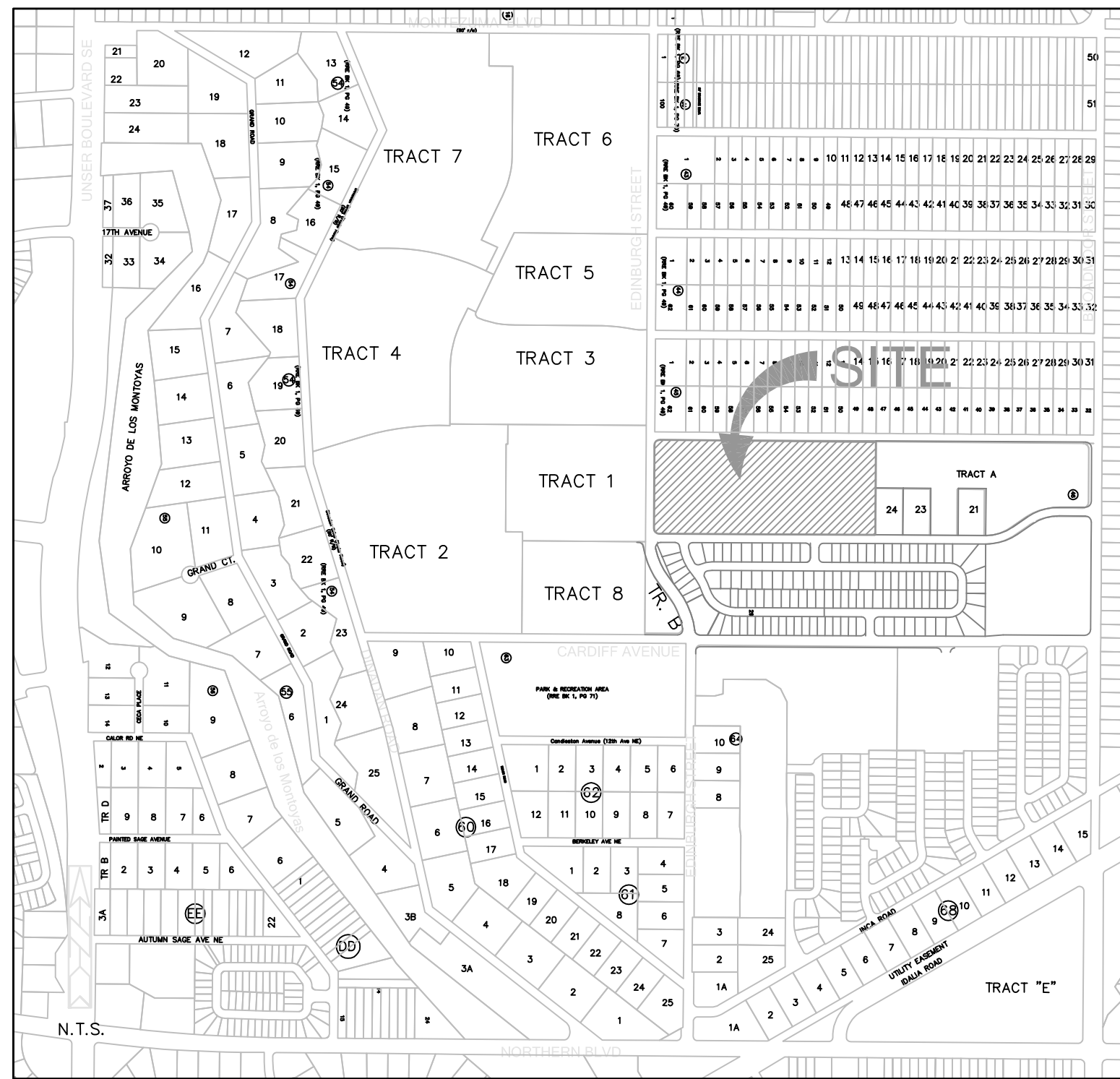
Pierre Amestoy, Managing Member

Date

TDO Development, LLC

4461 Irving Blvd. NW

Albuquerque, NM 87114



LOCATION MAP

**SUBDIVISION DATA**

Gross Acreage: .16.0369 Ac.  
 No. of Existing Lots eliminated: .0 Lots  
 No. of Existing Tracts eliminated: .1 Tract  
 No. of Lots created: .94 Lots  
 No. of Tracts created: .1 Tract  
 Public Right of way created: .3.3007 AC  
 Date of Survey: .April 15, 2016

**FREE CONSENT AND DEDICATION:**

The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof. Said owner(s) and/or proprietor(s) do hereby consent to the creation of lots and tracts as shown hereon. Said owner(s) and/or proprietor(s) do hereby consent to the granting of public and private easements as shown hereon, including the right to construct, operate, inspect and maintain facilities therein. Said owner(s) and/or proprietor(s) do hereby grant all public utility easements shown hereon for the common and joint use of gas, electric, water, sewer and communication services, where shown or indicated, including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. Said owner(s) and/or proprietor(s) do hereby consent to the dedication of public street right-of-way shown hereon to the City of Rio Rancho in fee simple with warranty covenants. Said owner(s) and/or proprietor(s) do hereby dedicate Tracts "C" to the Tierra Del Oro Homeowner's Association in fee simple. Said owner(s) and/or proprietor(s) do hereby consent to all the foregoing and do hereby certify that this subdivision is their free act and deed. Said owner(s) warrant that they hold among them complete and indefeasible title in fee simple to the property subdivided hereon.

**OWNERSHIP:**

Owner(s) TDO Development, LLC a New Mexico limited liability company

Pierre Amestoy, Jr. Managing Member Date

**ACKNOWLEDGEMENT:**

STATE OF NEW MEXICO )  
 BERNALILLO COUNTY SS)

On This \_\_\_\_\_ day of \_\_\_\_\_, 2024, this instrument was acknowledged before me by Pierre Amestoy, Jr. Managing Member of TDO Development, LLC., a New Mexico limited liability company, on behalf of said company.

Notary Public My commission expires:

**LEGAL DESCRIPTION:**

A tract of land situate within the Town of Alameda Grant, projected Section 12, Range 2 East, New Mexico Principal Meridian, City of Rio Rancho, Sandoval County, New Mexico, being all of Tract A-1, Tierra Del Oro Subdivision, Phase One, as the same is shown and designated on said plat, filed for record in the office of the County Clerk of Sandoval County, New Mexico, on August 19th, 2019, in Volume 3, Folio 4419, and containing 16.0369 acres more or less.

**PURPOSE OF PLAT**

- To Subdivide all of Tract A-1 into 94 RESIDENTIAL LOTS and 1 TRACT.
- To dedicate public Right of Way to the City of Rio Rancho as shown hereon.
- To grant easements as shown hereon.

**NOTES**

- Bearings are New Mexico State Plane Grid Bearings (Central Zone).
- Distances are ground distances.
- Bearings and distances in parenthesis are record.
- Basis of boundary are the following plats and documents of record entitled:

PLAT FOR "S.W. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES", (04-22-1963, RRE BOOK 1, PAGE 49)

PLAT FOR "COMMERCIAL BLOCKS M, N AND O AND REPLAT OF BLOCKS 1-A, 1-B, AND 69 AND RESIDENTIAL BLOCKS 88 THRU 90 AND MULTIPLE BLOCKS KK, LL, MM,

NN, OO, PP, QQ AND RR, UNIT THIRTEEN, RIO RANCHO ESTATES", (06-05-1968, RRE BOOK 1, PAGE 77)

PLAT FOR "MIRADOR DEL SOL", (02-23-2004, VOLUME 3, FOLIO 2392-A)

PLAT FOR "TRACTS A AND B, BLOCK 46, RIO RANCHO ESTATES, UNIT 13", (02-05-2009, VOLUME 3, FOLIO 2996-A) (RRE BOOK 22, PAGE 91-92)

PLAT FOR "TRACTS 1 THRU 8, STONEGATE SUBDIVISION", (06-15-2011, VOLUME 3, FOLIO 3338) (RRE BOOK 23, PAGE 90-92)

PLAT FOR "MILAGRO MESA", (02-19-2014, VOLUME 3, FOLIO 3677) (RRE BOOK 25, PAGE 33-34)

PLAT FOR "SOLCITO, TRACTS A, B, C & D", (03-20-2014, VOLUME 3, FOLIO 3689) (RRE BOOK 25, PAGE 35-36)

PLAT FOR "TRACTS A AND B, BLOCK 47, RIO RANCHO ESTATES", (04-15-2014, VOLUME 3, FOLIO 3699) (RRE BOOK 25, PAGE 37-38)

PLAT FOR "SOLCITO PHASE 1 SUBDIVISION", (04-13-2015, VOLUME 3, FOLIO 3818) (RRE BOOK 25, PAGE 96-97)

PLAT FOR TIERRA DEL ORO SUBDIVISION, PHASE ONE (08-19-2019, VOLUME 3, FOLIO 4419)

PLAT FOR TIERRA DEL ORO SUBDIVISION, PHASE TWO (10-07-2021, VOLUME 3, FOLIO 4760)

all being records of Sandoval County, New Mexico.

- Field Survey completed April 15, 2016.
- Title Report: provided by Fidelity National Title of New Mexico, Inc. Commitment No.: FT000198619-PRUEW (Effective date: March 28, 2016)
- Address of Property: None provided.
- City of Rio Rancho, New Mexico Zone: R-4
- 100 Year Flood Zone Designation: ZONE X, as shown on Panel 1893 and 1900 of 2225, Flood Insurance Rate Map, City of Rio Rancho, Sandoval County, New Mexico (This property does not lie within the 100 Year Flood Plain).
- Encroachments: None Apparent.
- Dedication of public right-of-way includes the use of the roadways and rights-of-way for all uses typically associated with the use of a right-of-way and purposes appurtenant thereto, including, but not limited to, the passage and accommodation of vehicular and pedestrian traffic, and the construction, operation, use, maintenance, inspection, repair, alteration, and replacement of a paved road within the boundaries of the right-of-way area, and for all other purposes for which a public street and right-of-way is commonly used, including but not limited to installing, repairing, maintaining, altering, replacing, relocating and operating public and private utilities in, into, upon, over, across, and under any such right-of-way.

**UTILITY APPROVALS:**

City of Rio Rancho	Date
<i>[Signature]</i>	9/17/2024
New Mexico Gas Company	Date
<i>Abdul A. Bhuayan</i>	09/17/2024
Lumen	Date
<i>[Signature]</i>	09/17/2024
Public Service Company of New Mexico	Date
<i>Armando Galindo</i>	9-18-2024
Sparklite	Date
<i>Mike Mortus</i>	10/4/2024
Comcast	Date

**COUNTY CLERKS RECORDING INFORMATION**

This instrument was filed for record on the \_\_\_\_\_th day of \_\_\_\_\_, 2024 in, Sandoval County, New Mexico, and was recorded in Volume \_\_\_\_\_, Folio \_\_\_\_\_, records of said County.

(Rio Rancho Estates Plat Book \_\_\_\_\_, Page \_\_\_\_\_)

Anne Brady Romero, County Clerk and Recorder

By: Deputy

**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) for the installation, maintenance and service of overhead and underground electrical lines, transformers and other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical services.
- New Mexico Gas Company (NMGC) for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- Lumen (LUMEN) for installation, maintenance and service of all buried and aerial communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and enclosures.
- Sparklite (SPARKLITE) for the installation, maintenance, and service of such lines, cable and other related equipment and facilities reasonably necessary to provide Cable TV 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, modify, renew, operate, and maintain facilities for the purposes described above, together with free access to, from, and over said right-of-way and easement, 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, and to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground 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. Easements for electric transformers/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, PNM, NMGC, LUMEN and SPARKLITE did not conduct a title search of the properties shown hereon. Consequently, PNM, NMGC, LUMEN and SPARKLITE 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.

**PLAT FOR TIERRA DEL ORO SUBDIVISION PHASE 3**  
 (Being a replat of Tract A-1, Tierra Del Oro Subdivision, Phase One) WITHIN THE TOWN OF ALAMEDA GRANT PROJECTED SECTION 12 TOWNSHIP 12 NORTH, RANGE 2 EAST, NMPM CITY OF RIO RANCHO SANDOVAL COUNTY, NEW MEXICO SEPTEMBER, 2024

DSD CASE NO. 24-280-00004

RIO RANCHO PLANNING AND ZONING BOARD

Approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Fred Radosevich, Chairman Date

**CITY CLERKS CERTIFICATE**

I, Noel C. Davis, City Clerk of the City of Rio Rancho, New Mexico do hereby certify that the plat shown hereon was approved by the Planning and Zoning Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Noel C. Davis, City Clerk, City of Rio Rancho Date

**TREASURER'S CERTIFICATE**

I, Laura M. Montoya, Treasurer of Sandoval County, New Mexico do hereby certify that the previous ten (10) years property taxes have been paid in full.

Jennifer Taylor, Sandoval County Treasurer Date

**JURISDICTIONAL AFFIDAVIT**

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby affirm that the property described hereon does lie within the platting and extra-territorial jurisdiction of the City of Rio Rancho, New Mexico.

*[Signature]* 09/05/2024  
 Timothy Aldrich, P.S. No. 7719 Date

**SURVEYOR'S CERTIFICATION**

"I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the Minimum Standards for Land Surveying in the State of New Mexico and the City of Rio Rancho Subdivision Ordinance and is true and correct to the best of my knowledge and belief."

*[Signature]* 09/05/2024  
 Timothy Aldrich, P.S. No. 7719 Date



**ALDRICH LAND SURVEYING**  
 P.O. BOX 30701, ALBQ., N.M. 87190  
 505-884-1990

Designed: TA	Drawn: TA	Checked: TA	1 of 3
Scale: AS SHOWN	Date: 09/05/2024	Job: 13-103	

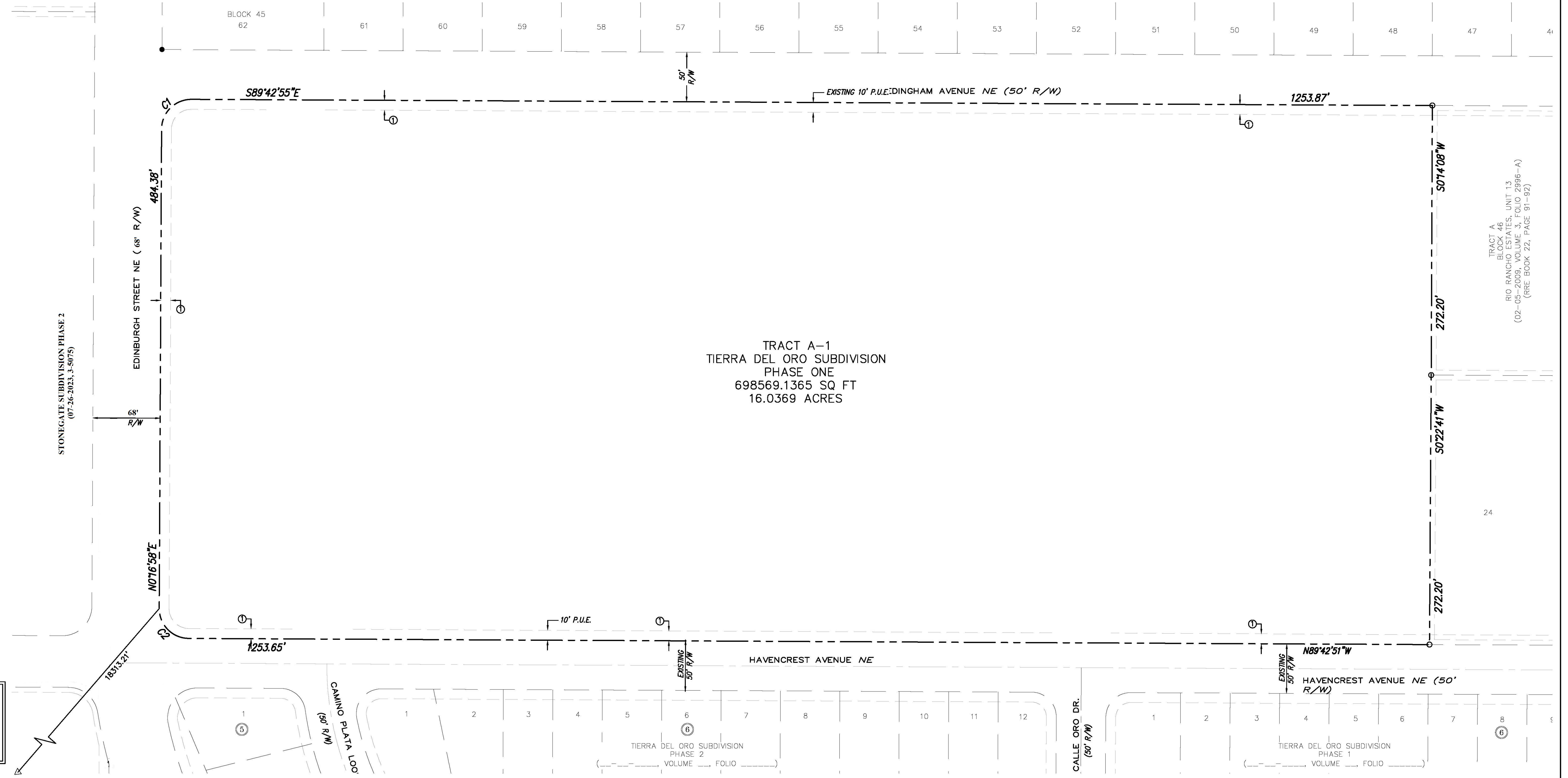
PLAT  
FOR  
**TIERRA DEL ORO SUBDIVISION  
PHASE 3**  
(Being a replat of Tract A-1,  
Tierra Del Oro Subdivision, Phase One)  
WITHIN THE  
TOWN OF ALAMEDA GRANT PROJECTED SECTION 12  
TOWNSHIP 12 NORTH, RANGE 2 EAST, NMPM  
CITY OF RIO RANCHO  
SANDOVAL COUNTY, NEW MEXICO  
SEPTEMBER, 2024

**ABBREVIATIONS**

10' P.U.E. = PUBLIC UTILITY EASEMENTS  
GRANTED WITH THIS PLAT  
ROW = RIGHT-OF-WAY  
H.O.A. = HOME OWNERS ASSOCIATION

**LEGEND**

32 LOT NUMBER  
3 EXISTING LOT NUMBER  
⑥ BLOCK NUMBER  
• REFERS TO END OF TANGENT OR CURVE  
ON RIGHT-OF-WAY BLOCK CORNERS  
(does not constitute any set corners)



TRACT A-1  
TIERRA DEL ORO SUBDIVISION  
PHASE ONE  
698569.1365 SQ FT  
16.0369 ACRES

TRACT A  
BLOCK 45  
RIO RANCHO ESTATES, UNIT 13  
(02-05-2009, VOLUME 3, FOLIO 2996-A)  
(RRE BOOK 22, PAGE 91-92)

SCCS BRASS CAP  
"SAGE"  
N=1545611.580  
E=1499264.765  
G-C=0.99965468  
Δα=-00°16'22.20"  
ELEVATION=5676.181  
CENTRAL ZONE  
(NAD83/NAVD88)

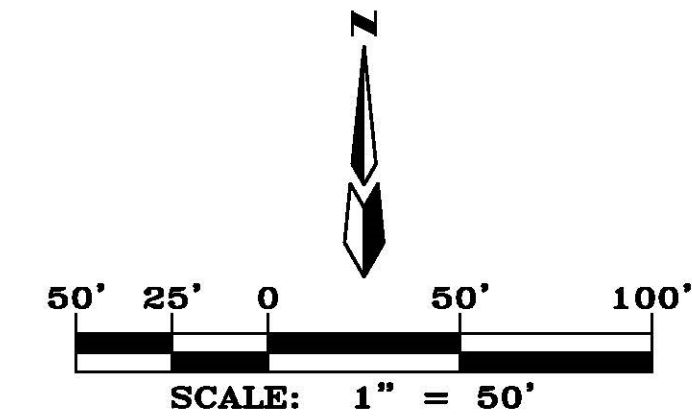
Curve Table					
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C2	47.12'	30.00'	89°59'49"	N44°42'57"W	42.43'

**CORNERS**

- FOUND 3/8" REBAR
- FOUND 1" PIPE
- FOUND BATHEY MARKER WITH CAP "LS 14721"
- FOUND 1/2" REBAR WITH CAP "LS 12649"
- FOUND 5/8" REBAR WITH CAP "LS 9443"
- △ FOUND 5/8" REBAR WITH CAP "LS 7719"

**EXISTING EASEMENTS**

- ① 10' PUBLIC UTILITY EASEMENT  
(08-19-2019, VOLUME 3, FOLIO 4419)



P.O. BOX 30701, ALBU., N.M. 87190  
505-884-1990

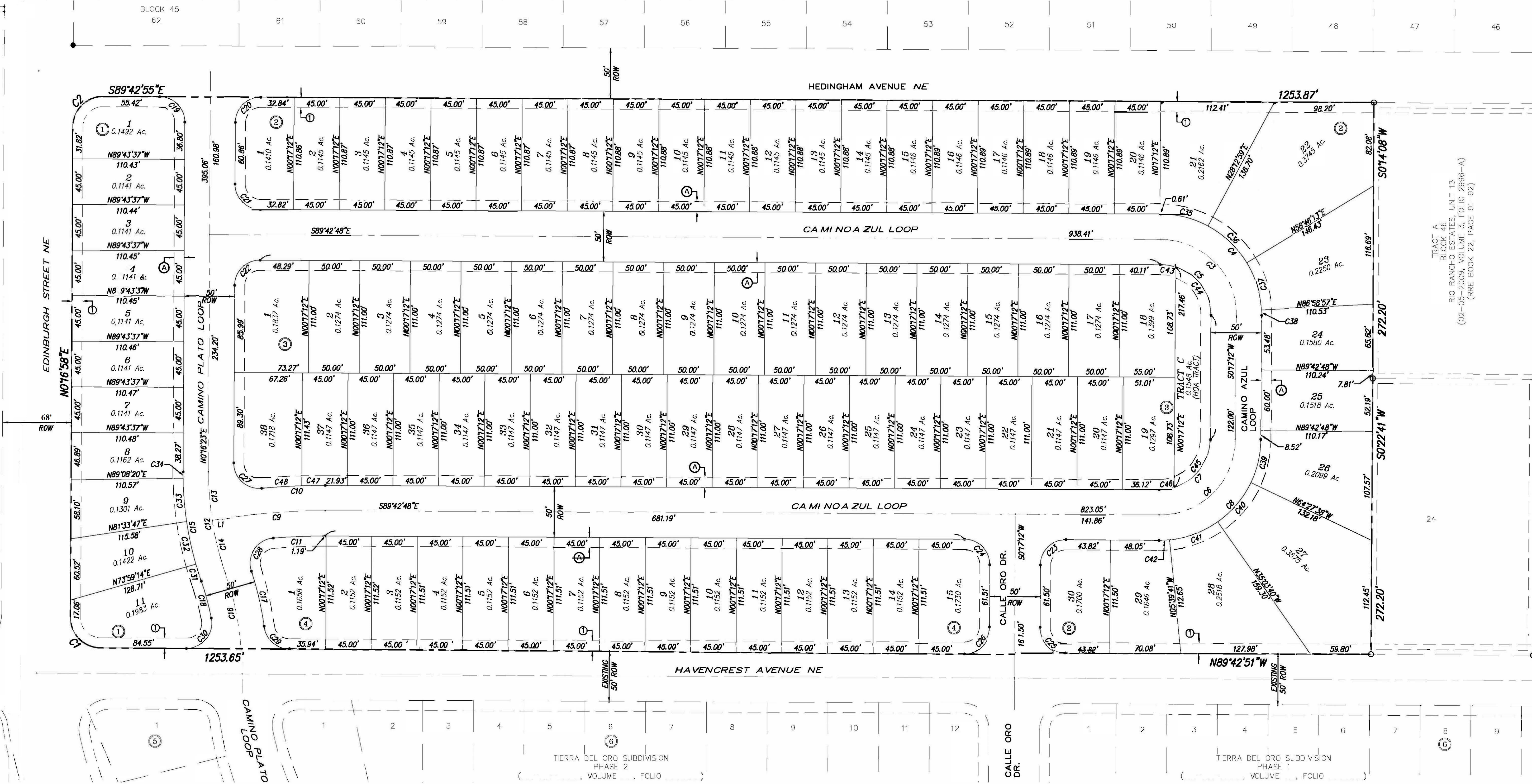
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C1	30.00'	47.12'	89°59'49"	N44°42'57"W	42.43'	C11	575.00'	51.00'	5°04'56"	N87°44'44"E	50.99'	C21	25.00'	39.26'	89°59'11"	N44°43'12"W	35.35'	C31	325.00'	17.77'	3°07'57"	N17°34'45"W	17.77'	C41	100.00'	51.31'	29°23'58"	S69°38'19"W	50.75'	C1	30.00'	47.12'	89°59'49"	N44°42'57"W	42.43'	C11	575.00'	51.00'	5°04'56"	N87°44'44"E	50.99'	C21	25.00'	39.26'	89°59'11"	N44°43'12"W	35.35'	C31	325.00'	17.77'	3°07'57"	N17°34'45"W	17.77'	C41	100.00'	51.31'	29°23'58"	S69°38'19"W	50.75'	C2	30.00'	47.12'	90°00'07"	N45°17'01"E	42.43'	C12	300.00'	101.67'	19°25'06"	S9°26'10"E	101.19'	C22	25.00'	39.28'	90°00'49"	N45°16'48"E	35.36'	C32	325.00'	42.97'	7°34'33"	N12°13'30"W	42.94'	C42	100.00'	10.38'	5°56'54"	S87°18'45"W	10.38'	C3	75.00'	117.81'	90°00'00"	N44°42'48"W	106.07'	C13	300.00'	48.24'	9°12'51"	S4°20'02"E	48.19'	C23	25.00'	39.27'	90°00'00"	N45°17'12"E	35.36'	C33	325.00'	42.97'	7°34'33"	N4°38'56"W	42.94'	C43	50.00'	15.12'	17°19'39"	N81°02'58"W	15.06'	C4	100.00'	157.08'	90°00'00"	N44°42'48"W	141.42'	C14	300.00'	53.43'	10°12'15"	S14°02'35"E	53.36'	C24	25.00'	39.27'	90°00'00"	S44°42'48"E	35.36'	C34	325.00'	6.43'	1°08'03"	N07°13'38"W	6.43'	C44	50.00'	63.42'	72°40'21"	S36°02'58"E	59.25'	C5	50.00'	78.54'	90°00'00"	N44°42'48"W	70.71'	C15	325.00'	110.15'	19°25'06"	S9°26'10"E	109.62'	C25	25.00'	39.27'	90°00'03"	N44°42'49"W	35.36'	C35	100.00'	48.75'	27°55'47"	N75°44'54"W	48.27'	C45	50.00'	63.42'	72°40'21"	S36°37'23"W	59.25'	C6	75.00'	117.81'	90°00'00"	N45°17'12"E	106.07'	C16	300.00'	101.52'	19°23'22"	N9°27'02"W	101.04'	C26	25.00'	39.27'	89°59'57"	S45°17'11"W	35.36'	C36	100.00'	53.33'	3°03'14"	S46°30'24"E	52.70'	C46	50.00'	15.12'	17°19'39"	N81°37'23"E	15.06'	C7	50.00'	78.54'	90°00'00"	N45°17'12"E	70.71'	C17	325.00'	55.76'	9°49'46"	S13°02'37"E	55.69'	C27	25.00'	41.78'	95°45'08"	N47°36'12"W	37.08'	C37	100.00'	49.24'	28°12'44"	S17°07'25"E	48.74'	C47	625.00'	23.07'	2°06'55"	S89°13'45"W	23.07'	C8	100.00'	157.08'	90°00'00"	N45°17'12"E	141.42'	C18	283.45'	37.64'	7°36'33"	N15°13'25"W	37.61'	C28	25.00'	45.01'	103°09'46"	N33°37'23"E	39.17'	C38	100.00'	5.77'	3°18'16"	S12°15'55"E	5.77'	C48	625.00'	39.83'	3°39'04"	S86°20'46"W	39.82'	C9	600.00'	96.63'	9°13'40"	S85°40'22"W	96.53'	C19	25.00'	39.26'	89°59'18"	N44°43'16"W	35.35'	C29	25.00'	36.63'	83°56'22"	S47°47'17"E	33.44'	C39	100.00'	44.07'	25°15'10"	S12°54'47"W	43.72'	C10	625.00'	62.90'	5°45'59"	S87°24'13"W	62.87'	C20	25.00'	39.28'	90°00'42"	N45°16'44"E	35.36'	C30	25.00'	44.33'	101°35'17"	N39°29'31"E	38.74'	C40	100.00'	51.31'	29°23'58"	S40°14'21"W	50.75'

Parcel Line Table		
Line #	Length	Direction
L1	15.41	S81°03'32"W

**PLAT FOR TIERRA DEL ORO SUBDIVISION PHASE 3**  
 (Being a replat of Tract A-1, Tierra del Oro Subdivision, Phase One) WITHIN THE TOWN OF ALAMEDA GRANT PROJECTED SECTION 12 TOWNSHIP 12 NORTH, RANGE 2 EAST, NMPM CITY OF RIO RANCHO SANDOVAL COUNTY, NEW MEXICO SEPTEMBER, 2024



**NOTES**

- TRACT C IS TO BE OWNED AND MAINTAINED BY THE TIERRA DEL ORO H.O.A. AND IS FOR THE BENEFIT OF ALL LOT OWNERS WITHIN THE TIERRA DEL ORO SUBDIVISION.
- THERE IS NO VEHICULAR ACCESS FROM ANY LOTS IN TIERRA DEL ORO SUBDIVISION TO HEDINGHAM AVENUE NE, HAVENCREST AVENUE NE, AND EDINBURGH STREET NE.

**LEGEND**

- 32 LOT NUMBER
- 3 EXISTING LOT NUMBER
- 6 BLOCK NUMBER
- REFERS TO END OF TANGENT OR CURVE ON RIGHT-OF-WAY BLOCK CORNERS (does not constitute any set corners)

**NEW EASEMENTS**

- 10' PUBLIC UTILITY EASEMENT GRANTED WITH THIS PLAT

**EXISTING EASEMENTS**

- 10' PUBLIC UTILITY EASEMENT (08-19-2019, VOLUME 3, FOLIO 4419)

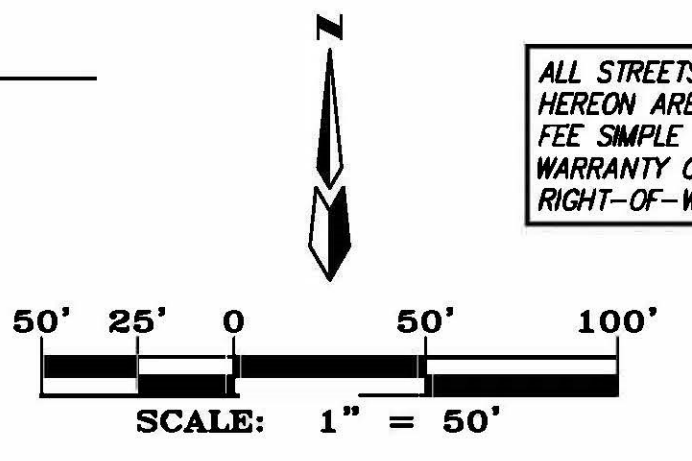
**CORNERS**

- FOUND 3/8" REBAR
- FOUND 1" PIPE
- FOUND BATHEY MARKER WITH CAP "LS 14721"
- FOUND 1/2" REBAR WITH CAP "LS 12649"
- FOUND 5/8" REBAR WITH CAP "LS 9443"
- FOUND 5/8" REBAR WITH CAP "LS 7719"

**ABBREVIATIONS**

- 10' PUE = PUBLIC UTILITY EASEMENTS GRANTED WITH THIS PLAT
- ROW = RIGHT-OF-WAY
- H.O.A. = HOME OWNERS ASSOCIATION

ALL STREETS AND ROADS SHOWN HEREON ARE HEREBY DEDICATED IN FEE SIMPLE TO THE C.O.R.R. WITH WARRANTY COVENANTS AS PUBLIC RIGHT-OF-WAY



**ALDRICH LAND SURVEYING**  
 P.O. BOX 30701, ALBUQ., N.M. 87190  
 505-884-1990

Designed: DMG	Drawn: DER	Checked: DMG	3 of 3
Scale: AS SHOWN	Date: 2/18/2022	Job: A21033	

F:\21033\21033\_Tierra Del Oro Phase 3\PLATS\PRELIMINARY\PLAT\21033\_PPLAT-REV1-PHASE 3.dwg, Last saved by: Dwayne, Sep 11, 2023 - 12:58pm



## City of Rio Rancho

### Development Services

3200 Civic Center Circle NE - Ste 130  
Rio Rancho, NM 87144  
(505) 891-5005 Fax: (505) 896-8994

October 3, 2024

**TO: Aldrich Land Surveying**  
**PO Box 30701**  
**Albuquerque, NM 87114**

**RE: Case 24-220-00009**

The following are the comments and feedback received in regards to the Tierra Del Oro Phase 3 Final Plat.

**Planning & Zoning Division:**

1. Add Comcast to the Utility Approvals.
2. Remove the Mayor of Rio Rancho signature block.
3. Show the additional 18 feet of Edinburgh right of way dedication on the west side of Edinburgh.

**Engineering:**

1. Not all infrastructure is in place. SIA and Bond would be required prior to final plat issuance.

**Fire and Rescue:**

1. 2021 IFC Shall be followed.
2. Hydrants are required every 500'
3. Turning radii shall be 28'
4. Road width shall be 26' where a hydrant is located.

If you have any additional questions or concerns please feel free to contact me at any time.

Respectfully,

Michelle Costilla  
Municipal Planner II  
Development Services Department  
City of Rio Rancho  
(505) 896-8362 [mcostilla@rrnm.gov](mailto:mcostilla@rrnm.gov)



## CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-110-  
00044**

**AGENDA DATE:**  
October 22, 2024

**DEPARTMENT:**  
Development Services

**SUBJECT:**  
**Variance.** The applicant, Verdot Capital, through their agent, Consensus Planning Inc., requests approval of a Variance to the 20' front setback requirement on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. Staff contact is Liz Ruiz Carlos and staff recommends approval with findings.

**BACKGROUND AND ANALYSIS:**

The applicant, Verdot Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 20' front setback requirement, for the subject property legally described as Unit 10, Block 81, Lots 1-20. Per §154.50, the setback requirements for R-3: Multi-Family Residential Zoning Districts are as follows: 20' in the front, 15' in the rear, and 10' on the sides (for corner lots). The request is for a 5' deviation, which would reduce the front setback to 15'; as shown on the included site plan.

The applicant is concurrently requesting a conditional use permit for multi-family for a proposed build to rent community, under case #24-120-00013. The applicant is also requesting approval of a separate variance, specifically for a 2' deviation for the required 6' buffer wall, under case #24-110-00045.

**REVIEW CRITERIA:** The applicant submitted a justification narrative in support of the variance application, which is presented 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.

Rio Rancho Code of Ordinances (R.O. 2003), Section 150.06 (Variances) reads: "(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 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 land or building. Practical difficulty or unnecessary hardship cannot be found when financial gain, loss or monetary savings is the basis for the claim of hardship."

The applicant states within the included justification narrative that, "the existing special circumstances applicable to the property are related to the property's location and surroundings. The proposed development is a vacant lot that has existing commercial zoning to the east [and] in order to minimize traffic impacts to the adjacent residential neighbors, the front of the project is oriented to the east." The applicant goes on to state that, "this variance responds to the adjacency with the existing commercial zoning and City Park across 19th St and provides a better and more vibrant transition between the residential and commercial land uses...improv[ing] the existing

streetscape, which will be beneficial to the existing development to the east of the property line."

Staff have evaluated this application based on the criteria outlined in Section 150.06 of the City Code for granting a variance, and find no irregularities with the lot meeting the necessary criteria. The lot is not particularly 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. The code states that difficulty caused to one's personal comfort cannot be the basis for the claim of hardship. The front setback is traditionally used to create space for parking in front of a residence, in the proposed multi-family development the lots will be combined into one lot with parking located on the interior of the lot. To allow for additional space for the interior parking the dwellings need to be moved closer to the road.

Staff recommends that the Board find that the variance request does not adversely affect the health, safety, morals, and well-being of the surrounding area. The request to reduce the required setback, while not resulting in practical difficulty, may result in a "more vibrant transition" and addresses the developer's desire to "create a more pedestrian friendly street edge." Staff recommends that the Board find that the request may be found to not be detrimental to the surrounding area, while promoting Population and Housing and Urban Design Goals and Policies of the City Comprehensive Plan.

The applicant is adhering to the remainder of the setback requirements, as well as the additional buffer standards, which still creates a sense of separation between the different uses.

NOTIFICATIONS: Notice of the conditional use permit application and accompanying variance applications was sent via certified mail to property owners within 100ft of the subject property and an informational postcard was sent to property owners between 100ft-300ft of the subject property. A legal ad was published in the Albuquerque Journal on October 7, 2024. A notice sign was posted on the property one week prior to the hearing; all notification requirements for this hearing have been met.

**REVIEWER COMMENTS:**

CoRR Engineering - No comments provided.

CoRR Fire & Rescue - Fire approves the request.

CoRR Parks, Recreation, and Community Services - PRCS defers to DSD for any requirements, revisions or approvals. No additional comments.

CoRR Police - No comments provided.

MRCG MRMPO - No comments provided.

Rio Rancho Public Schools - No comments provided.

SSCAFCA - No adverse comments.

**IMPACT:**

The Development Services Department recommends that the Planning and Zoning Board approve the variance request to the 20 ft front setback requirement.

**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 application to request a variance to the front setback.
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 §154.50 requiring a minimum distance of 20 ft setback from the front property line, to allow an encroachment of 5ft into the front setback, as shown on the included site plan, is approved.
3. The applicant must adhere to all other requirements found within R.O. 2003 §154.50.
4. The applicant must apply for and obtain a building permit within three years or the variance is null and void.

If the Planning & Zoning Board determines that the applicant does not adequately meet the criteria for granting a variance, then the following specific findings of denial are recommended:

**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.

**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 variance, subject to findings.

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

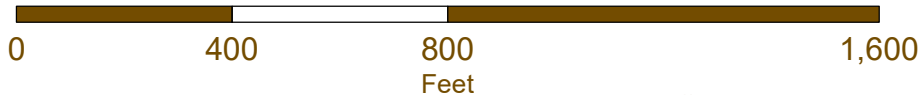
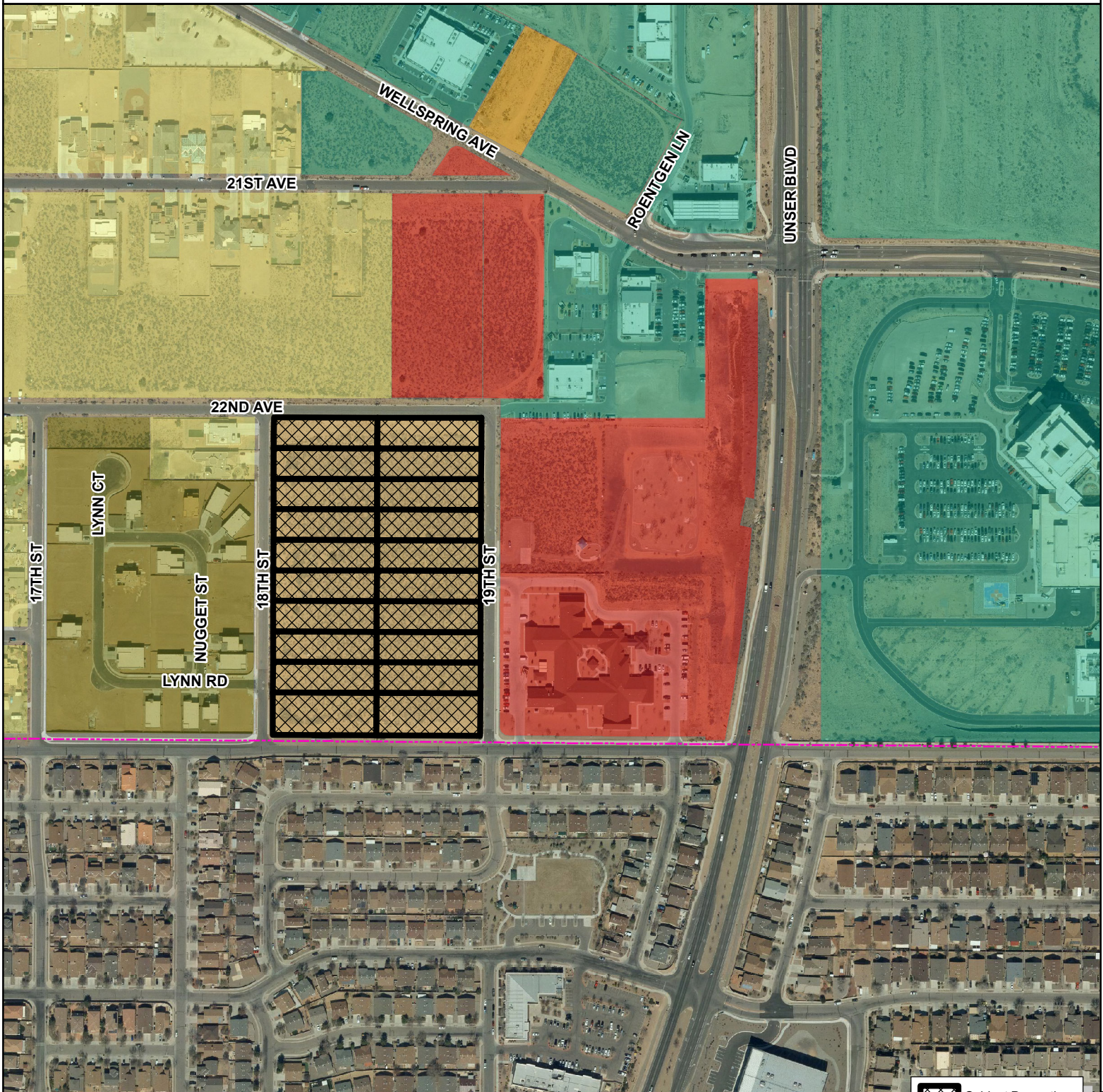
ATTACHMENT: [Application Package.pdf](#)

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

ATTACHMENT: [Findings\\_of\\_Fact.docx](#)

# CONDITIONAL USE PERMIT & VARIANCE

## RRE UNIT 10, BLOCK 81, LOTS 1-20



Map Created by Liz Ruiz Carlos on 10/03/2024



Subject Properties

### Zoning

- C-1
- MU-A
- R-1
- R-3
- R-4
- 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.

## 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: <b>Verdot Capital</b>		Phone: (310) 994-1610
Address: 101 W. 34th Street #111		E-Mail: robert@verdotcapital.com
City: <b>Austin</b>	State: <b>TX</b>	Zip: <b>78705</b>
Proprietary Interest: <b>Contract Purchaser</b>		List Owners: <b>Amirhamzeh Enterprise, LLC.</b>
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials) 
Agent Name: <b>Consensus Planning Inc.</b>		Phone: (505) 764-9801
Address: <b>302 Eighth Street NW</b>		E-Mail: cp@consensusplanning.com
City: <b>Albuquerque</b>	State: <b>NM</b>	ZIP Code: <b>87102</b>

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

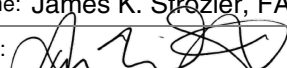
Request for a Variance of 5 feet to the front setback and a request for a 2 foot variance to the required 6 foot buffer wall height. The result will be a 15 foot front yard setback and a 4 foot privacy wall.

### SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : <b>Unit 10</b>	Block(s): <b>81</b>	Lot(s): <b>1 thru 20</b>
Existing Zoning: <b>R-3</b>	Proposed Zoning: <b>R-3</b>	
No. of existing lots: <b>20</b>	No. of proposed lots: <b>1</b>	Total area of site (acres) <b>10.36</b>

### 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: <b>James K. Strozier, FAICP</b>	Applicant: <b>Verdot Capital</b>	Agent: <b>Consensus Planning Inc.</b>
Signature: 	Date: <b>09/18/2024</b>	

### FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Amirhamzeh Enterprises, LLC  
9605 Sommer Pl  
Oakdale, CA 95361

June 24, 2024

City of Rio Rancho  
Development Services  
3900 Southern Boulevard, Ste 103  
Rio Rancho, NM 87124


RE: Lots Near Black Arroyo – Unit 10, Block 81, Lots 1-20

To Whom it May Concern:

As the owner of the referenced property, Amirhamzeh Enterprises, LLC, hereby authorizes Consensus Planning to act as an agent and provide entitlement services for the purposes of a Conditional Use with the Planning and Zoning Board and a Site Plan application through the Governing Body for the development of a build-to-rent community. This authorization covers meetings with neighbors, City staff, Planning and Zoning Board, and the Governing Body.

The property is legally described as: Unit 10, Block 81, Lots 1-20 within the City of Rio Rancho.

Sincerely,

Signature:   
Printed Name: Diana Amirhamzeh  
Title: Member



September 23, 2024

Mr. Fred Radosovich, Chair  
Planning and Zoning Board  
City of Rio Rancho  
3200 Civic Center Circle NE  
Rio Rancho, NM 87144

**Re:** Request for two Variances for Unit 10, Block 81, Lots 1 – 20, containing 10.36 acres

Landscape Architecture  
Urban Design  
Planning Services

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

Dear Mr. Chair,

The purpose of this letter is to request and provide justification for two variances related to the eastern edge of the subject property on behalf of Verdote Capital. The proposed development will be a new build-to-rent multi-family community of 13 dwelling units per acre with onsite amenities within the existing R-3 Mixed Residential zone designation (established in 2014). The subject property is within the Unit 10 Specific Units Area Plan and is legally described as *Unit 10, Block 81, Lots 1-20*. The lots combined encompass 10.36 acres. This request is being considered along with a request for Conditional Use for multi-family at a maximum of 13 du/acre and an associated Site Plan. A replat of the property will also be required to combine the existing 20 lots into a single parcel.

The requested variances are as follows:

1. A 5-foot variance to the required 20-foot front setback in accordance with the R-3 zone, Unit 10 Master Plan, and the Unit 10 Overlay zone; and
2. A 2-foot variance to the required 6-foot high buffer wall as required in the Unit 10 Overlay Zone for high density multi-family adjacent to commercially zoned land.

If approved, the project will have a 15-foot front yard setback to allow for the fronts of new townhomes to face the streets along with private patios with 4-foot high privacy walls and gates out onto the public sidewalk.

The property is on the border of the City of Rio Rancho and the City of Albuquerque, located north of Black Arroyo Boulevard NW. The Conditional use request is to allow the development of a build-to-rent multi-family community within an R-3 zone, which allows multi-family dwellings, provided there are not more than 26 units per acre as a conditional use. This request will be below the maximum units per acre with 13 units per acre and 128 units in total. The build-to-rent multi-family community will be a mix of detached single-family units, carriage units, and townhomes ranging from one to three bedrooms.

**THE REQUEST**

The Applicant is requesting a 5-foot variance to the required 20-foot setback within the R-3 zone, Unit 10 Master Plan, and the Unit 10 Overlay zone. As a companion, a second variance request is for a shorter yard wall within the required landscape buffer (a 2-foot variance to allow a 4-foot high privacy wall). The purpose of these Variances is to allow for the development of a unique streetscape that will further and be consistent with City goals and policies that support the creation of a walkable community. The reduced front setback will all for a streetscape that will provide a transition between the multi-family community and the

**PRINCIPALS**

James K. Strozier, FAICP  
Jacqueline Fishman, AICP

**ASSOCIATES**

Ken Romig, PLA, ASLA,  
SITES AP



commercial uses to the east of the front property line and create a more vibrant and pedestrian friendly front edge to the project.

**JUSTIFICATION OF VARIANCE**

A Variance cannot be granted unless evidence is presented that satisfies, at a minimum, the four criteria listed below. Failure to adequately provide such information may result in a continuance or denial of your case (attach additional sheet if necessary).

1. There exist special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, 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 land or building. (Practical difficulty or unnecessary hardship cannot be found when financial gain, loss or monetary savings is the basis for the claim of hardship.)

**Applicant Response:** The existing special circumstances applicable to the property are related to the property’s location and surroundings. The proposed development is a vacant lot that has existing commercial zoning to the east. In order to minimize traffic impacts to the adjacent residential neighbors, the front of the project is oriented to the east. This variance request will allow for the development of townhome style apartments with front facades and private patios as an improvement to the streetscape on the east side of the property. This will allow for a more vibrant street edge that interacts with the street and sidewalk rather than backing up to it.

2. The owner or applicant did not create the above special circumstances applicable to the property.

**Applicant Response:** The owner or applicant did not create the above special circumstance applicable to the property. The property has been zoned R-3 since 2014 and has never been developed. The proposed development will improve the existing streetscape which will be beneficial to the existing development to the east of the front property line. This variance responds to the adjacency with the existing commercial zoning and City Park across 19<sup>th</sup> Street and provides a better and more vibrant transition between the residential and commercial land uses.

3. The variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the zone or vicinity in which such property is located.

**Applicant Response:** The variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the zone or vicinity in which the property is located. If the conditional use request is approved, multi-family developed will be permitted at the same density as proposed. The variance simply addresses the developer’s desire to create a more pedestrian friendly street edge. The variance to the front setback will allow for unique streetscape that acts as an appropriate transition from the R-3 zoning to the surrounding C-1 zoning and developed rehabilitation facility and community park to the east.



4. The authorizing of the application will not be materially detrimental to the persons residing or working in the vicinity, to the neighborhood, or to the public welfare in general.

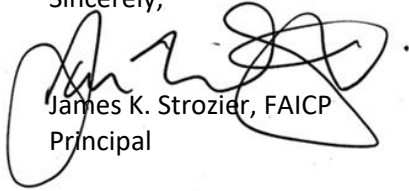
**Applicant Response:** This variance request will not be materially detrimental to the persons residing or working in the vicinity, to the neighborhood, or to the public welfare in general because the variance will ensure the proposed development is in compliance with all regulations and design standards. This request will create a smooth transition between the neighboring commercial zone and City Park through the development of a unique streetscape and landscaping. There are no neighboring residential uses to the east of the property.

**CONCLUSION**

This request will allow for the proposed development to create a unique and pedestrian friendly streetscape as a better transition between the multi-family community and existing commercial zoning and uses to the east.

We respectfully request your review approval of this variance request, thank you for your time and consideration.

Sincerely,



James K. Strozier, FAICP  
Principal

**Site Summary :**

Total Homes : 128  
 Gross Site Area : ± 10.33 Acres  
 Gross Density : ± 12.4 Homes / Acre  
 Net Site Area : ± 9.88 Acres  
 Net Density : ± 13.0 Homes / Acre

**Unit Mix:**

1BR : 39 (30.5%)  
 2BR : 39 (30.5%)  
 3BR : 50 (39.0%)  
 Total : 128

**Parking Required:**

1.50 Spaces / 1BR x 39 : 58.5  
 1.75 Spaces / 2BR x 39 : 68.25  
 2.00 Spaces / 3BR x 50 : 100  
 Total Required : 226.75 = 227 (1.77:1)

**Parking Provided:**

Garage Spaces : 111  
 Carport Spaces : 45  
 Uncovered Spaces : 108  
 Total Provided : 264 (2.06:1)

**Legend:**

Single Story  
 Two-Story



**CONCEPTUAL SITE PLAN**  
**RIO RANCHO**

**Note:**  
 This yield study is for the purpose of estimating the maximum density of a residential product type on a site of a given configuration. If specific entitlement requirements differ from the criteria shown on the plan (such as setbacks, minimum lot sizes, street standards, retention requirements, etc.) then the actual possible density may vary substantially.



# 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

October 3, 2024

RE: Conditional Use Permit, Variance x 2  
Case No. 24-120-00013, 24-100-00044, 24-100-00045  
U10, Blk 81, Lots 1-20

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, Verdote Capital, through their agent, Consensus planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. The applicant concurrently requests approval of two variances. The first variance request is to the 6' buffer wall requirement outlined in the Unit 10 Overlay. The request is for a 2' deviation, which would reduce the height of the fence to 4'. The second variance request is to the 20' front setback requirement; the request is for a 5' deviation, which would reduce the front setback to 15'.

The **Planning and Zoning Board** will consider the request on **Tuesday, October 22, 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.

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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](http://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

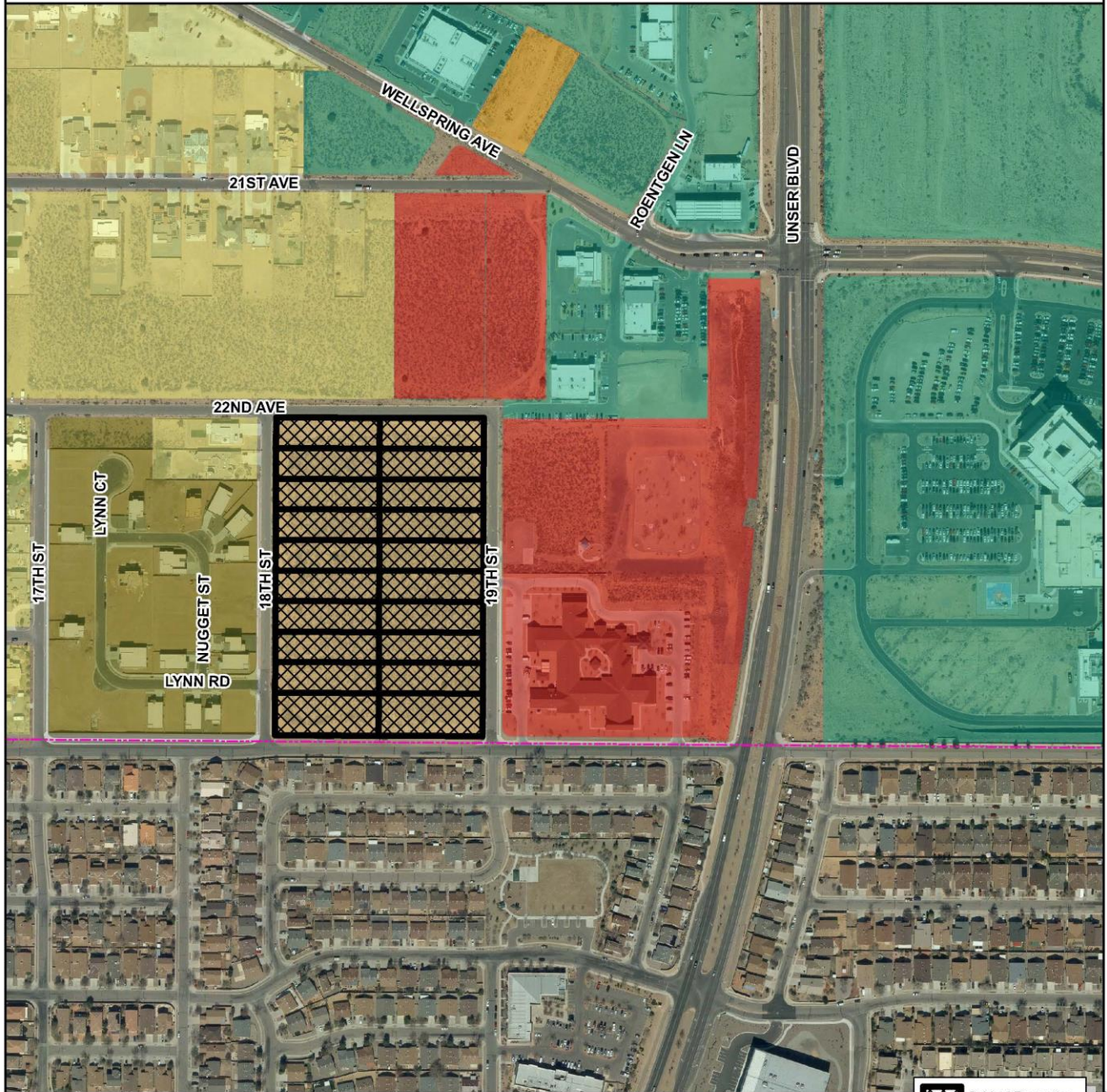
Please do not hesitate to contact me via e-mail me at [lruizcarlos@rnm.gov](mailto:lruizcarlos@rnm.gov) or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, [www.rnm.gov](http://www.rnm.gov),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

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

## CONDITIONAL USE PERMIT & VARIANCE RRE UNIT 10, BLOCK 81, LOTS 1-20



	Subject Properties
<b>Zoning</b>	
	C-1
	MU-A
	R-1
	R-3
	R-4
	SU



you are encouraged to submit a written comment to [planning@rrnm.gov](mailto:planning@rrnm.gov). Written comments will be inserted into the public record.

Journal: October 7, 2024.

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, October 22, 2024:

Subdivision Variance  
Case #24-280-00004

The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, is requesting approval of a subdivision variance to allow for 10-foot public utility easements on the front of all lots within the proposed Tierra Del Norte Phase 3 subdivision.

Conditional Use Permit  
Case #24-120-00013

The applicant, Verdote Capital, through their agent, Consensus Planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres.

Variance  
Case #24-110-00044

The applicant, Verdote Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 20' front setback requirement, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 5' deviation, which would reduce the front setback to 15'. The subject property is zoned R-3 and consists of 10.36 acres.

Variance  
Case #24-120-00045

The applicant, Verdote Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 6' buffer wall requirement outlined in the Unit 10 Overlay, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 2' deviation, which would reduce the height of the fence to 4'. The subject property is zoned R-3 and consists of 10.36 acres.

Zone Map Amendment  
Case #24-110-00010

The applicant, Sandy Desert Properties, LLC, through their agent, Matthew Carle, requests approval of a Zone Map Amendment for the lot legally described as Unit 13, Block 79, Lot 15, from R-1 to M-1. The subject property consists of .98 acres.

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](http://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,



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:** **October 22, 2024**  
**Time:** 6:00PM  
**Staff Contact:** Liz Ruiz Carlos (505) 896-8785  
[lruizcarlos@rrnm.gov](mailto:lruizcarlos@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:** **Oct 22, 2024**  
**Time:** 6:00PM  
**Staff Contact:** Liz Ruiz Carlos (505) 896-8785  
[lruizcarlos@rrnm.gov](mailto:lruizcarlos@rrnm.gov)

## **Application Information**

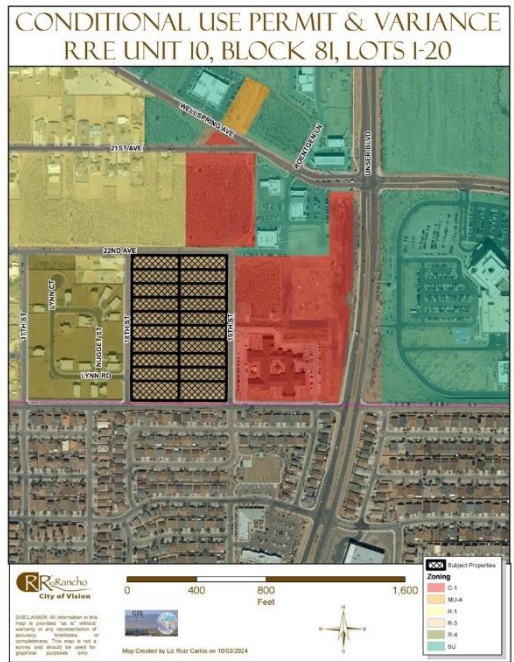
You are receiving this notice because your property abuts a site where a land development decision is required by the Planning and Zoning Board. The applicant, Verdort Capital, through their agent, Consensus planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. The applicant concurrently requests approval of two variances. The PZB will hear the request on October 22, 2024.

*We are 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=T3B1SHVpWkp6d3dDRmlHd3k2VzYvUT09>

Meeting ID: 851 8074 1871 Passcode:

026819 Join via phone: 1-253-215-8782 US



## **Application Information**

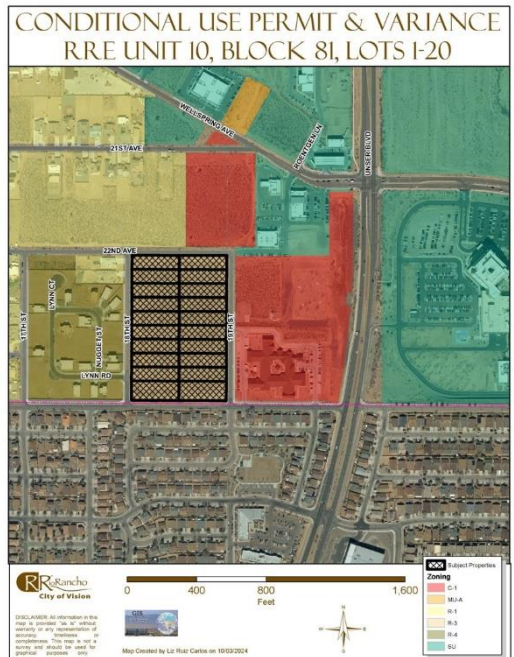
You are receiving this notice because your property abuts a site where a land development decision is required by the Planning and Zoning Board. The applicant, Verdort Capital, through their agent, Consensus planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. The applicant concurrently requests approval of two variances. The PZB will hear the request on October 22, 2024.

*We are 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:*

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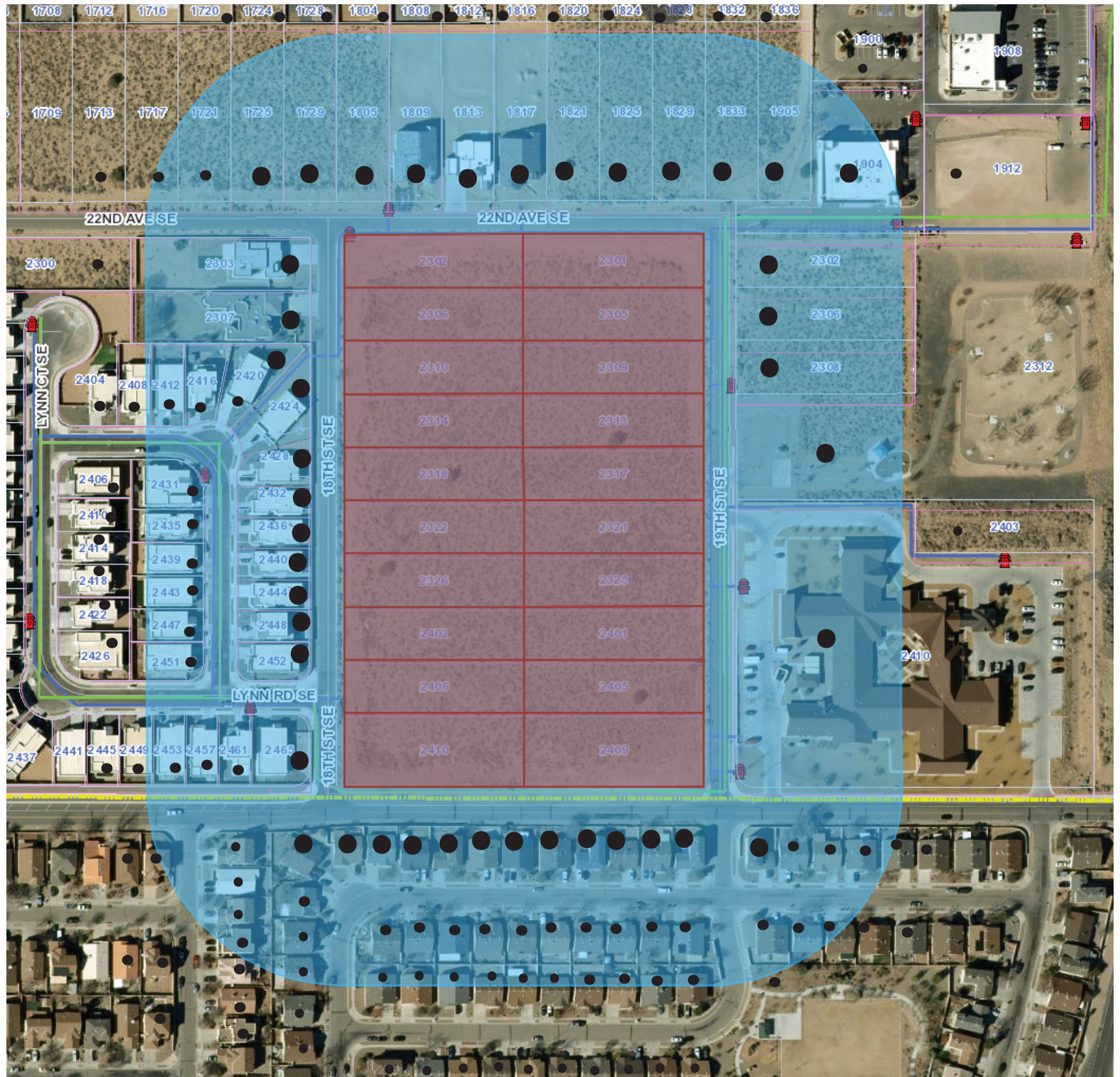
Meeting ID: 851 8074 1871 Passcode:

026819 Join via phone: 1-253-215-8782 US



NOTICE MAP:

- - CERTIFIED LETTER TO PROPERTIES WITHIN 100FT
- - POSTCARD TO PROPERTIES BETWEEN 100-300FT





BEFORE THE PLANNING and ZONING BOARD  
OF THE  
CITY OF RIO RANCHO, NEW MEXICO  
FINDINGS OF FACT FOR APPROVAL  
Case No. 24-110-00044

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REQUEST FOR VARIANCE TO THE 20' FRONT SETBACK REQUIREMENT TO ALLOW FOR A 5' ENCROACHMENT, FOR THE PROPERTY LEGALLY DESCRIBED AS UNIT 10, BLOCK 81, LOTS 1-20.

Applicant: Verdot Capital

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 22nd day of October, 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 application to request a variance to the front setback.
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 §154.50 requiring a minimum distance of 20ft setback from the front property line, to allow an encroachment of 5' into the front setback, as shown on the included site plan, is approved.
3. The applicant must adhere to all other requirements found within R.O. 2003 §154.50.
4. The applicant must apply for and obtain a building permit within thirty-six months or the variance is null and void.

THEREFORE, the application for a variance to the front setback requirement, to allow for a 5' encroachment, for the property legally described as Unit 10, Block 81, Lots 1-20, is APPROVED by the Planning & Zoning Board of the City of Rio Rancho on October 22, 2024, subject to the conditions, restrictions and stipulations specified above.

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Date

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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. 24-110-00044

---

REQUEST FOR VARIANCE TO THE 20' FRONT SETBACK REQUIREMENT TO ALLOW FOR A 5' ENCROACHMENT, FOR THE PROPERTY LEGALLY DESCRIBED AS UNIT 10, BLOCK 81, LOTS 1-20.

Applicant: Verdot Capital

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 22<sup>nd</sup> day of October, 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 application to request a variance to the front setback.
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.

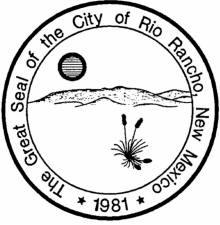
THEREFORE, the application for a variance to the front setback requirement, to allow for a 5' encroachment, for the property legally described as Unit 10, Block 81, Lots 1-20, is DENIED by the Planning & Zoning Board of the City of Rio Rancho on October 22, 2024, subject to the conditions, restrictions and stipulations specified above.

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Date

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Planning and Zoning Board Chair



## CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-110-00045**

**AGENDA DATE:**  
October 22, 2024

**DEPARTMENT:**  
Development Services

**SUBJECT:**  
**Variance.** The applicant, Verdot Capital, through their agent, Consensus planning Inc., requests approval of a Variance to the 6' buffer wall requirement, on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. Staff contact is Liz Ruiz Carlos and staff recommends approval with findings.

### **BACKGROUND AND ANALYSIS:**

The applicant, Verdot Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 6' buffer wall requirement, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 2' deviation, which would reduce the height of the wall from 6' to 4'.

Per the Unit 10 Overlay Zone Ordinance, a buffer type "B" is required on the eastern and northern boundaries of the property, as it abuts a commercial land use. This buffer type "B" is specific to situations where high density development abuts commercial development. This buffer type entails a mixture of landscaping and fencing to separate the two land uses, and specifically requires a 6' high wall or fence.

The applicant is concurrently requesting a conditional use permit for multi-family for a proposed build to rent community, under case #24-120-00013. The applicant is also requesting approval of another variance, specifically to the 20' front setback requirement, under case #24-110-00044.

**REVIEW CRITERIA:** The applicant submitted a justification narrative in support of the variance application, which is presented 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.

Rio Rancho Code of Ordinances (R.O. 2003), Section 150.06 (Variances) reads: "(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 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 land or building. Practical difficulty or unnecessary hardship cannot be found when financial gain, loss or monetary savings is the basis for the claim of hardship."

The applicant states within the included justification narrative: "the existing special circumstances applicable to the property are related to the property's location and surroundings. The proposed development is a vacant lot that has existing commercial zoning to the east [and] in order to minimize traffic impacts to the adjacent residential neighbors, the front of the project is oriented to

the east." The applicant goes on to state that, "this variance responds to the adjacency with the existing commercial zoning and City Park across 19th St and provides a better and more vibrant transition between the residential and commercial land uses...improv[ing] the existing streetscape, which will be beneficial to the existing development to the east of the property line."

Staff have evaluated this application based on the criteria outlined in Section 150.06 of the City Code for granting a variance, and find no irregularities with the lot meeting the necessary criteria. The lot is not particularly 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. The code states that difficulty caused to one's personal comfort cannot be the basis for the claim of hardship. The buffer requirements are intended to serve as a buffer for the residential use from the commercial use, as such if the residential properties find that a lower buffer wall there may be a rationale for the request.

Staff recommends the Board find that the reduced buffer requirement to a 4' wall, rather than a 6' wall, may accomplish the purpose of providing a differentiation in the uses and some noise dampening. The applicant is adhering to the remainder of the buffer standards, as the development will feature a landscape buffer along with the wall. Staff recommends the Board finds that the 4' wall may be found to not be detrimental to the surrounding area and community.

NOTIFICATIONS: Notice of the conditional use permit application and accompanying variance applications was sent via certified mail to property owners within 100ft of the subject property and an informational postcard was sent to property owners between 100ft-300ft of the subject property. A legal ad was published in the Albuquerque Journal on October 7, 2024. A notice sign was posted on the property one week prior to the hearing; all notification requirements for this hearing have been met.

**REVIEWER COMMENTS:**

CoRR Engineering - No comments provided.

CoRR Fire & Rescue - Fire approves the request.

CoRR Parks, Recreation, and Community Services - PRCS defers to DSD for any requirements, revisions or approvals. No additional comments.

CoRR Police - No comments provided.

MRCG MRMPO - No comments provided.

Rio Rancho Public Schools - No comments provided.

SSCAFCA - No adverse comments.

**IMPACT:**

The Development Services Department recommends that the Planning and Zoning Board approve the variance request to the 6' buffer wall requirement for a 4' buffer wall, subject to findings set forth below:

**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 6' buffer wall requirement.
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 the Unit 10 Overlay, requiring a minimum 6' buffer wall along the northern and eastern property boundary, to allow for a 2' deviation, is approved.
3. The applicant must adhere to all other requirements found within the Unit 10 Overlay Zone Ordinance.
4. The applicant must apply for and obtain a building permit within thirty-six months or the variance is null and void.

If the Planning & Zoning Board determines that the applicant does not adequately meet the criteria for granting a variance, then the following specific findings are recommended:

**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.

**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 variance, subject to findings.

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

ATTACHMENT: [Application Package.pdf](#)

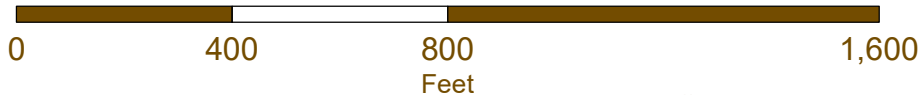
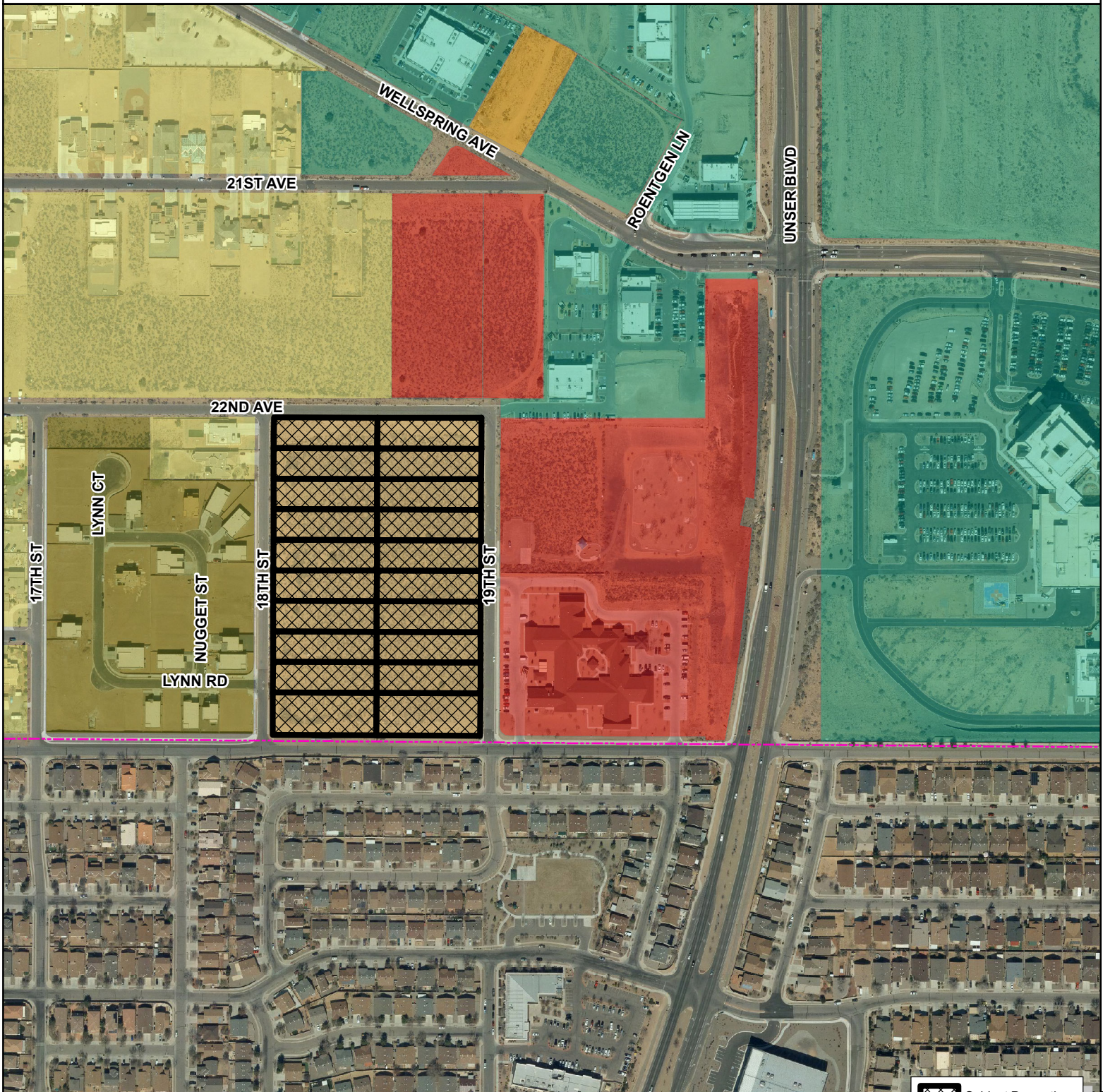
ATTACHMENT: [Reproduction of Notices.pdf](#)

ATTACHMENT: [18-24 O-20.pdf](#)

ATTACHMENT: [Findings\\_of\\_Fact.docx](#)

# CONDITIONAL USE PERMIT & VARIANCE

## RRE UNIT 10, BLOCK 81, LOTS 1-20



Map Created by Liz Ruiz Carlos on 10/03/2024



Subject Properties

### Zoning

- C-1
- MU-A
- R-1
- R-3
- R-4
- 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.

## 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: <b>Verdot Capital</b>		Phone: (310) 994-1610
Address: 101 W. 34th Street #111		E-Mail: robert@verdotcapital.com
City: <b>Austin</b>	State: <b>TX</b>	Zip: <b>78705</b>
Proprietary Interest: <b>Contract Purchaser</b>		List Owners: <b>Amirhamzeh Enterprise, LLC.</b>
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials) 
Agent Name: <b>Consensus Planning Inc.</b>		Phone: (505) 764-9801
Address: <b>302 Eighth Street NW</b>		E-Mail: cp@consensusplanning.com
City: <b>Albuquerque</b>	State: <b>NM</b>	ZIP Code: <b>87102</b>

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

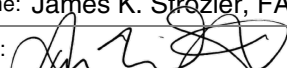
Request for a Variance of 5 feet to the front setback and a request for a 2 foot variance to the required 6 foot buffer wall height. The result will be a 15 foot front yard setback and a 4 foot privacy wall.

### SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : <b>Unit 10</b>	Block(s): <b>81</b>	Lot(s): <b>1 thru 20</b>
Existing Zoning: <b>R-3</b>	Proposed Zoning: <b>R-3</b>	
No. of existing lots: <b>20</b>	No. of proposed lots: <b>1</b>	Total area of site (acres) <b>10.36</b>

### 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: <b>James K. Strozier, FAICP</b>	Applicant: <b>Verdot Capital</b>	Agent: <b>Consensus Planning Inc.</b>
Signature: 	Date: <b>09/18/2024</b>	

### FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Amirhamzeh Enterprises, LLC  
9605 Sommer Pl  
Oakdale, CA 95361

June 24, 2024

City of Rio Rancho  
Development Services  
3900 Southern Boulevard, Ste 103  
Rio Rancho, NM 87124


RE: Lots Near Black Arroyo – Unit 10, Block 81, Lots 1-20

To Whom it May Concern:

As the owner of the referenced property, Amirhamzeh Enterprises, LLC, hereby authorizes Consensus Planning to act as an agent and provide entitlement services for the purposes of a Conditional Use with the Planning and Zoning Board and a Site Plan application through the Governing Body for the development of a build-to-rent community. This authorization covers meetings with neighbors, City staff, Planning and Zoning Board, and the Governing Body.

The property is legally described as: Unit 10, Block 81, Lots 1-20 within the City of Rio Rancho.

Sincerely,

Signature:   
Printed Name: Diana Amirhamzeh  
Title: Member



September 23, 2024

Mr. Fred Radosovich, Chair  
Planning and Zoning Board  
City of Rio Rancho  
3200 Civic Center Circle NE  
Rio Rancho, NM 87144

**Re:** Request for two Variances for Unit 10, Block 81, Lots 1 – 20, containing 10.36 acres

Landscape Architecture  
Urban Design  
Planning Services

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

Dear Mr. Chair,

The purpose of this letter is to request and provide justification for two variances related to the eastern edge of the subject property on behalf of Verdote Capital. The proposed development will be a new build-to-rent multi-family community of 13 dwelling units per acre with onsite amenities within the existing R-3 Mixed Residential zone designation (established in 2014). The subject property is within the Unit 10 Specific Units Area Plan and is legally described as *Unit 10, Block 81, Lots 1-20*. The lots combined encompass 10.36 acres. This request is being considered along with a request for Conditional Use for multi-family at a maximum of 13 du/acre and an associated Site Plan. A replat of the property will also be required to combine the existing 20 lots into a single parcel.

The requested variances are as follows:

1. A 5-foot variance to the required 20-foot front setback in accordance with the R-3 zone, Unit 10 Master Plan, and the Unit 10 Overlay zone; and
2. A 2-foot variance to the required 6-foot high buffer wall as required in the Unit 10 Overlay Zone for high density multi-family adjacent to commercially zoned land.

If approved, the project will have a 15-foot front yard setback to allow for the fronts of new townhomes to face the streets along with private patios with 4-foot high privacy walls and gates out onto the public sidewalk.

The property is on the border of the City of Rio Rancho and the City of Albuquerque, located north of Black Arroyo Boulevard NW. The Conditional use request is to allow the development of a build-to-rent multi-family community within an R-3 zone, which allows multi-family dwellings, provided there are not more than 26 units per acre as a conditional use. This request will be below the maximum units per acre with 13 units per acre and 128 units in total. The build-to-rent multi-family community will be a mix of detached single-family units, carriage units, and townhomes ranging from one to three bedrooms.

**THE REQUEST**

The Applicant is requesting a 5-foot variance to the required 20-foot setback within the R-3 zone, Unit 10 Master Plan, and the Unit 10 Overlay zone. As a companion, a second variance request is for a shorter yard wall within the required landscape buffer (a 2-foot variance to allow a 4-foot high privacy wall). The purpose of these Variances is to allow for the development of a unique streetscape that will further and be consistent with City goals and policies that support the creation of a walkable community. The reduced front setback will all for a streetscape that will provide a transition between the multi-family community and the

**PRINCIPALS**

James K. Strozier, FAICP  
Jacqueline Fishman, AICP

**ASSOCIATES**

Ken Romig, PLA, ASLA,  
SITES AP



commercial uses to the east of the front property line and create a more vibrant and pedestrian friendly front edge to the project.

**JUSTIFICATION OF VARIANCE**

A Variance cannot be granted unless evidence is presented that satisfies, at a minimum, the four criteria listed below. Failure to adequately provide such information may result in a continuance or denial of your case (attach additional sheet if necessary).

1. There exist special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, 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 land or building. (Practical difficulty or unnecessary hardship cannot be found when financial gain, loss or monetary savings is the basis for the claim of hardship.)

**Applicant Response:** The existing special circumstances applicable to the property are related to the property’s location and surroundings. The proposed development is a vacant lot that has existing commercial zoning to the east. In order to minimize traffic impacts to the adjacent residential neighbors, the front of the project is oriented to the east. This variance request will allow for the development of townhome style apartments with front facades and private patios as an improvement to the streetscape on the east side of the property. This will allow for a more vibrant street edge that interacts with the street and sidewalk rather than backing up to it.

2. The owner or applicant did not create the above special circumstances applicable to the property.

**Applicant Response:** The owner or applicant did not create the above special circumstance applicable to the property. The property has been zoned R-3 since 2014 and has never been developed. The proposed development will improve the existing streetscape which will be beneficial to the existing development to the east of the front property line. This variance responds to the adjacency with the existing commercial zoning and City Park across 19<sup>th</sup> Street and provides a better and more vibrant transition between the residential and commercial land uses.

3. The variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the zone or vicinity in which such property is located.

**Applicant Response:** The variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the zone or vicinity in which the property is located. If the conditional use request is approved, multi-family developed will be permitted at the same density as proposed. The variance simply addresses the developer’s desire to create a more pedestrian friendly street edge. The variance to the front setback will allow for unique streetscape that acts as an appropriate transition from the R-3 zoning to the surrounding C-1 zoning and developed rehabilitation facility and community park to the east.



4. The authorizing of the application will not be materially detrimental to the persons residing or working in the vicinity, to the neighborhood, or to the public welfare in general.

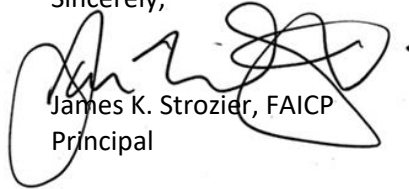
**Applicant Response:** This variance request will not be materially detrimental to the persons residing or working in the vicinity, to the neighborhood, or to the public welfare in general because the variance will ensure the proposed development is in compliance with all regulations and design standards. This request will create a smooth transition between the neighboring commercial zone and City Park through the development of a unique streetscape and landscaping. There are no neighboring residential uses to the east of the property.

#### **CONCLUSION**

This request will allow for the proposed development to create a unique and pedestrian friendly streetscape as a better transition between the multi-family community and existing commercial zoning and uses to the east.

We respectfully request your review approval of this variance request, thank you for your time and consideration.

Sincerely,



James K. Strozier, FAICP  
Principal

**Site Summary :**

Total Homes : 128  
 Gross Site Area : ± 10.33 Acres  
 Gross Density : ± 12.4 Homes / Acre  
 Net Site Area : ± 9.88 Acres  
 Net Density : ± 13.0 Homes / Acre

**Unit Mix:**

1BR : 39 (30.5%)  
 2BR : 39 (30.5%)  
 3BR : 50 (39.0%)  
 Total : 128

**Parking Required:**

1.50 Spaces / 1BR x 39 : 58.5  
 1.75 Spaces / 2BR x 39 : 68.25  
 2.00 Spaces / 3BR x 50 : 100  
 Total Required : 226.75 = 227 (1.77:1)

**Parking Provided:**

Garage Spaces : 111  
 Carport Spaces : 45  
 Uncovered Spaces : 108  
 Total Provided : 264 (2.06:1)

**Legend:**

Single Story  
 Two-Story



**CONCEPTUAL SITE PLAN**  
**RIO RANCHO**

**Note:**  
 This yield study is for the purpose of estimating the maximum density of a residential product type on a site of a given configuration. If specific entitlement requirements differ from the criteria shown on the plan (such as setbacks, minimum lot sizes, street standards, retention requirements, etc.) then the actual possible density may vary substantially.



# 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

October 3, 2024

RE: Conditional Use Permit, Variance x 2  
Case No. 24-120-00013, 24-100-00044, 24-100-00045  
U10, Blk 81, Lots 1-20

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, Verdote Capital, through their agent, Consensus planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. The applicant concurrently requests approval of two variances. The first variance request is to the 6' buffer wall requirement outlined in the Unit 10 Overlay. The request is for a 2' deviation, which would reduce the height of the fence to 4'. The second variance request is to the 20' front setback requirement; the request is for a 5' deviation, which would reduce the front setback to 15'.

The **Planning and Zoning Board** will consider the request on **Tuesday, October 22, 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.

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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](http://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

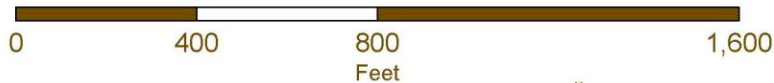
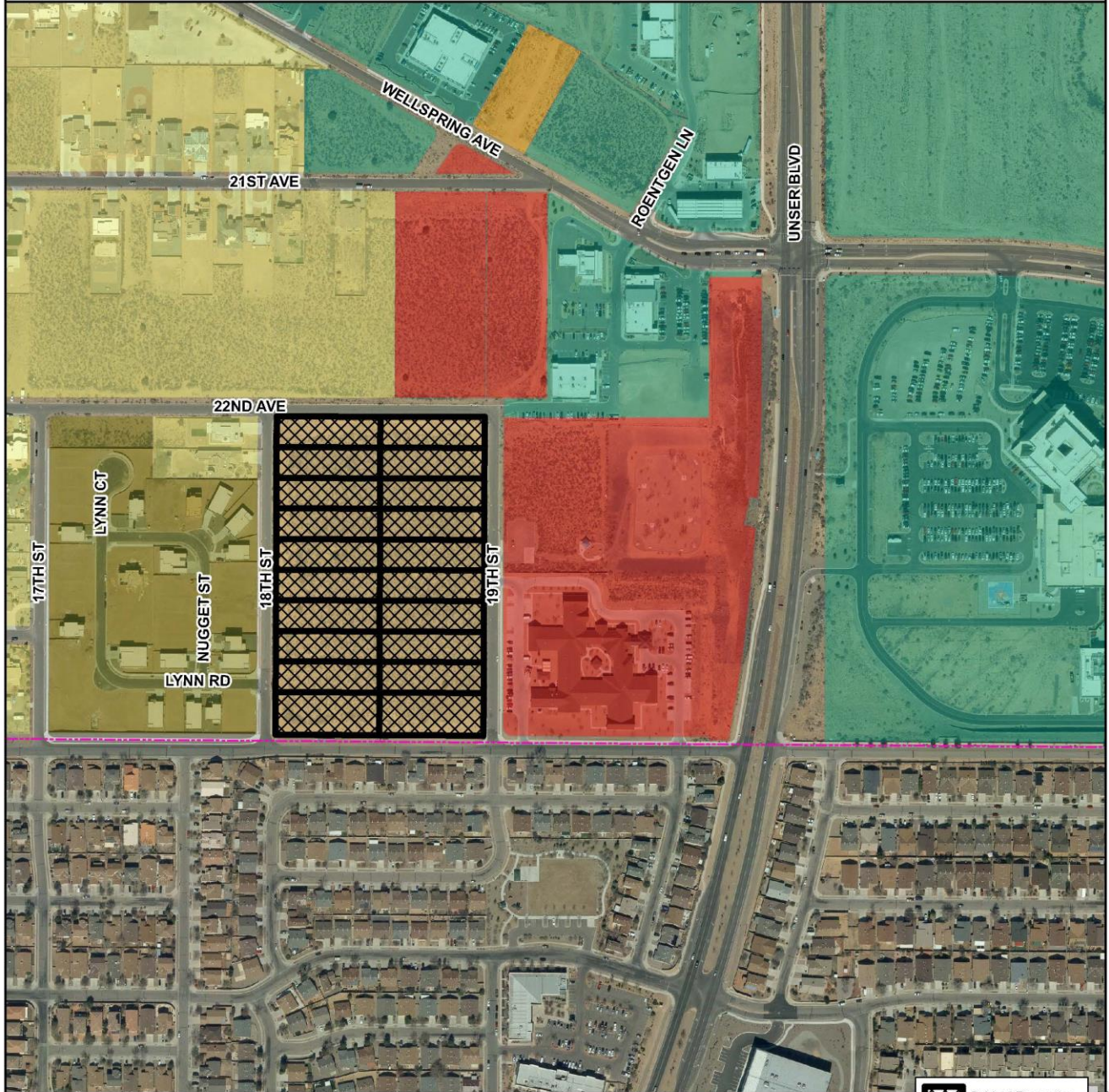
Please do not hesitate to contact me via e-mail me at [lruizcarlos@rnm.gov](mailto:lruizcarlos@rnm.gov) or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, [www.rnm.gov](http://www.rnm.gov),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

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

## CONDITIONAL USE PERMIT & VARIANCE RRE UNIT 10, BLOCK 81, LOTS 1-20



	Subject Properties
<b>Zoning</b>	
	C-1
	MU-A
	R-1
	R-3
	R-4
	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.



you are encouraged to submit a written comment to [planning@rrnm.gov](mailto:planning@rrnm.gov). Written comments will be inserted into the public record.

Journal: October 7, 2024.

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, October 22, 2024:

Subdivision Variance  
Case #24-280-00004

The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, is requesting approval of a subdivision variance to allow for 10-foot public utility easements on the front of all lots within the proposed Tierra Del Norte Phase 3 subdivision.

Conditional Use Permit  
Case #24-120-00013

The applicant, Verdote Capital, through their agent, Consensus Planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres.

Variance  
Case #24-110-00044

The applicant, Verdote Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 20' front setback requirement, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 5' deviation, which would reduce the front setback to 15'. The subject property is zoned R-3 and consists of 10.36 acres.

Variance  
Case #24-120-00045

The applicant, Verdote Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 6' buffer wall requirement outlined in the Unit 10 Overlay, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 2' deviation, which would reduce the height of the fence to 4'. The subject property is zoned R-3 and consists of 10.36 acres.

Zone Map Amendment  
Case #24-110-00010

The applicant, Sandy Desert Properties, LLC, through their agent, Matthew Carle, requests approval of a Zone Map Amendment for the lot legally described as Unit 13, Block 79, Lot 15, from R-1 to M-1. The subject property consists of .98 acres.

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](http://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,



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:** **October 22, 2024**  
**Time:** 6:00PM  
**Staff Contact:** Liz Ruiz Carlos (505) 896-8785  
[lruizcarlos@rrnm.gov](mailto:lruizcarlos@rrnm.gov)



Development Services Department  
3200 Civic Center Circle NE, Suite 130  
Rio Rancho NM, 87144  
Phone: (505) 891-5005  
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## NOTICE OF PUBLIC HEARING

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## **Application Information**

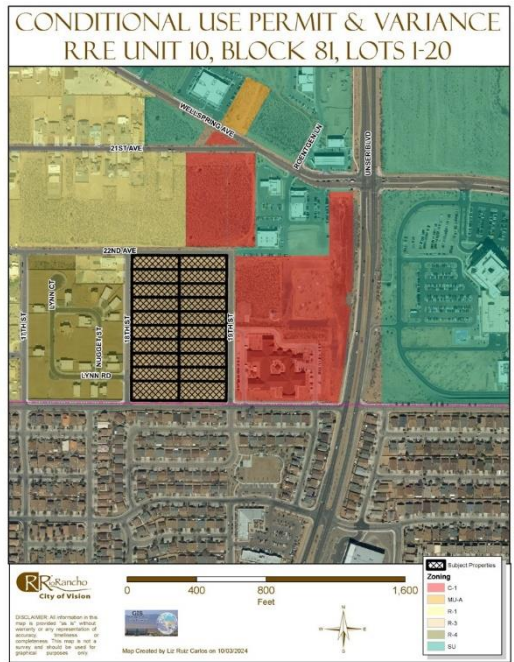
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*We are running Planning and Zoning Board Meetings as a hybrid virtual and in person. If you'd like to present comments on the case while the meeting is occurring, please join the meeting from your computer, tablet or smartphone:*

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Meeting ID: 851 8074 1871 Passcode:

026819 Join via phone: 1-253-215-8782 US



## **Application Information**

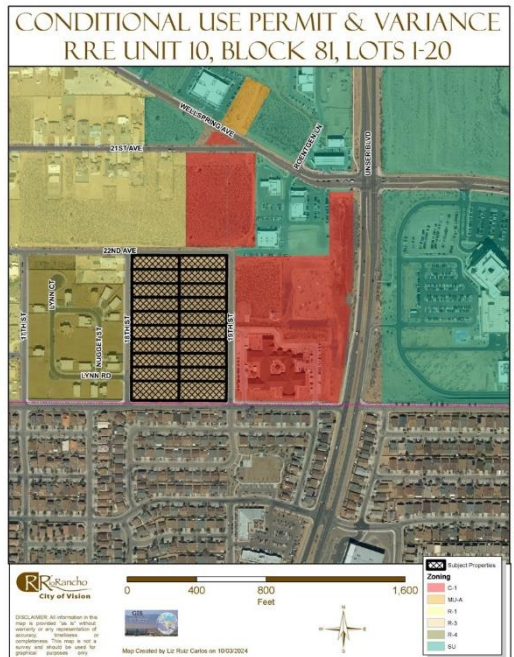
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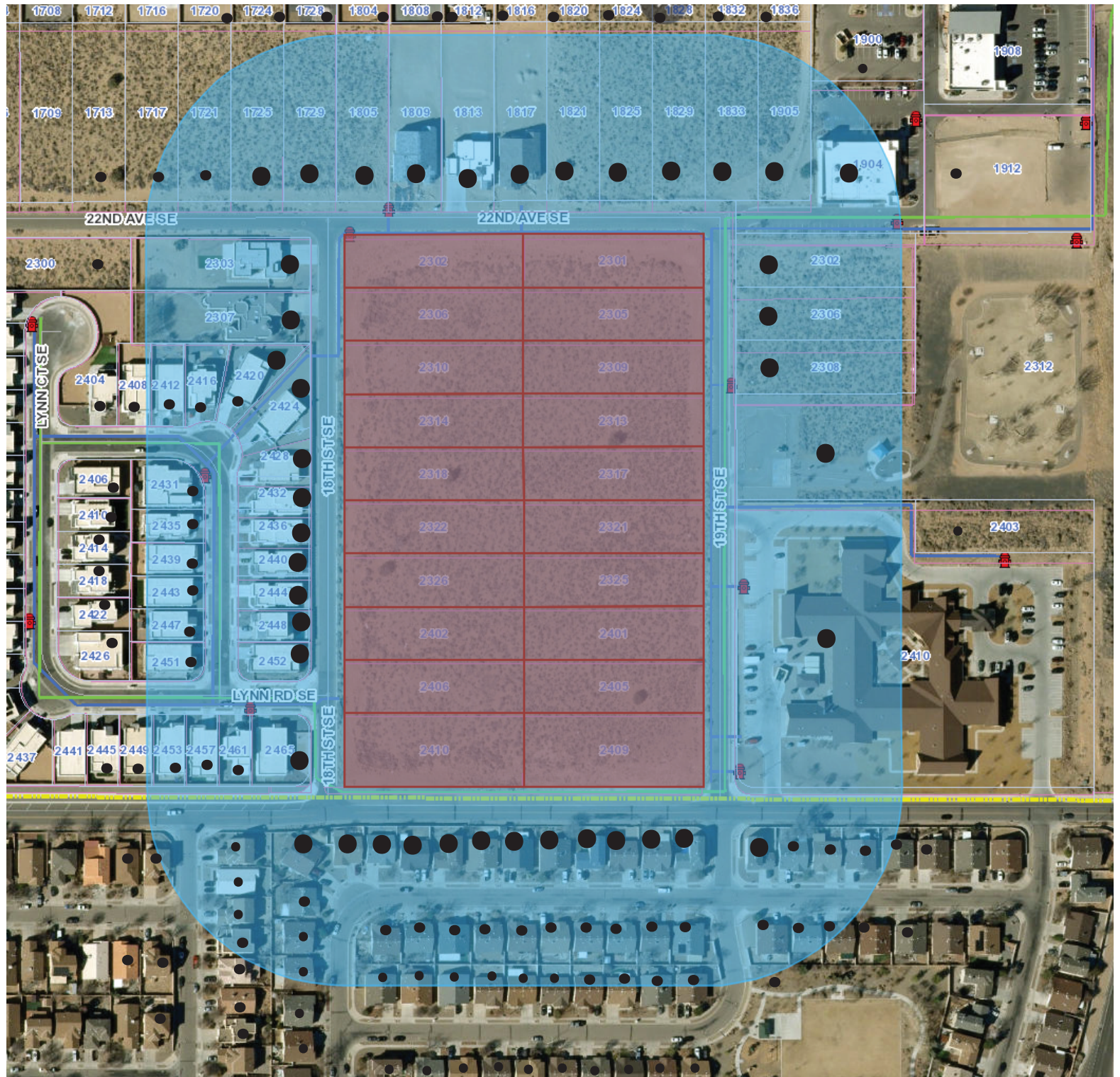
Meeting ID: 851 8074 1871 Passcode:

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NOTICE MAP:

- - CERTIFIED LETTER TO PROPERTIES WITHIN 100FT
- - POSTCARD TO PROPERTIES BETWEEN 100-300FT





**CITY OF RIO RANCHO  
ORDINANCE**

**ORDINANCE NO. 20**

**ENACTMENT NO. 18-24**

**AN ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE ZONING CLASSIFICATION AND OFFICIAL ZONING MAP; ZONE MAP OVERLAY ZONE FOR PROPERTY DESCRIBED AS ALL OF UNIT 10 RIO RANCHO ESTATES AND ANY SUBDIVISION THEREOF AND INCLUDING ALL ADJOINING RIGHT-OF-WAYS; IDENTIFYING DESIGN GUIDELINES, LANDSCAPE BUFFER AND USE SEPARATION GUIDELINES AS OUTLINED IN THE AMENDED UNIT 10 SPECIFIC AREA PLAN - APPENDIX 8.8; 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 designation on the subject property has been submitted by the City of Rio Rancho, and assigned City Case No. 18-100-00008; and,

**WHEREAS:** in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07, the City of Rio Rancho Development Services has proposed an amendment to the Official Zoning Map for the purpose of imposing additional design standards, landscape buffers and use separation guidelines in Rio Rancho Estates Unit 10, based on the development and implementation of the Amended Unit 10 Specific Area Plan; and,

**WHEREAS:** the City of Rio Rancho Planning and Zoning Board held a duly noticed public hearing on May 8, 2018, 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 for the in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed zoning district and Official Zone Map changes herein after described were duly advertised and held by the Governing Body of the City of Rio Rancho on \_\_\_\_\_, 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 and Statutes, and upon specific findings related to the subject property and determining the proposed amendment is consistent with the policies and criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing Body finds the amendments promote the health, safety, morals, and general welfare of the City.

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

1 **Section 1. Overlay Zone:**

2 The Overlay Zone authorized under Section 154.32 shall apply as an overlay zone for  
3 design standards, landscaping buffer and use separation guidelines as outlined in the  
4 Amended Unit 10 Specific Area – Appendix 8.8, and as further set forth in Section 2 below,  
5 and shall be denoted on the official zoning map as "OZ" in conjunction with the notation  
6 of the underlying zoning district for the following properties:  
7

8 All of Unit 10 Rio Rancho Estates, being land bordered by Southern Boulevard  
9 on the North, Unser Boulevard on the East, Bernalillo County on the South, and  
10 Rainbow Boulevard on the West, and any subdivision thereof and including all  
11 adjoining right-of-way.  
12

13 **Section 2. Design Guidelines:**

14 I. Purpose

- 15  
16 a. To create appropriate buffers between higher intensive  
17 commercial/multi-family uses and single family residential developments  
18 in Unit 10, this overlay zone establishes setback regulations and creates  
19 flexible standards for landscape buffer areas between single-family  
20 residential uses abutting developments of a different land use type. The  
21 intent is to provide an adequate separation between uses and  
22 consistency and flexibility in the choosing of appropriate landscape  
23 features based on land use and site conditions.

24 II. General Requirements

- 25 a. New structures and additions to existing structures must meet the  
26 setback regulations of this overlay zone.  
27 b. A buffer is a specified land area together with its planting and landscape  
28 requirements. A buffer may also contain a barrier such as a fence, wall,  
29 hedge, or berm where such additional screening is necessary to achieve  
30 the desired degree of buffering between adjacent uses.  
31 c. A landscaping buffer area is required along the perimeter (unless a zero  
32 setback is used) of the proposed development whenever a multifamily or  
33 non-residential property abuts a residential zone. The existing use, or,  
34 where vacant, the permitted use of the abutting property will determine  
35 the type of landscape area required for the proposed development.

36 III. New Developments

- 37 a. All new developments must meet the setback and landscape buffer  
38 requirements as set forth in this section.

39 IV. Existing Developments

- 40 a. Additions and modifications to existing buildings must meet the setback  
41 regulations of this overlay zone.  
42 b. Existing landscapes that do not comply with the provisions of this section  
43 must be brought into conformity to the extent possible when:  
44 i. The vehicular/parking lot area is altered or expanded by more  
45 than 10% other than re-striping or re-marking;  
46 ii. The building square footage is altered or expanded by more than  
47 50%; and/or  
48 iii. There has been a discontinuance of use for a period of 365 days  
49 or more.  
50 c. In the case of a constrained site, the property owner/developer will  
51 confer with the Development Services Director to determine how best to

1 meet the setback and landscape buffer requirements of this overlay  
2 zone.

3 V. Use Categories

4 a. For the purposes of landscape buffer requirements, developments are  
5 classified into the following land use categories, with corresponding  
6 zoning districts as defined in the City Code. The use categories for  
7 landscape buffer requirement purposes are:

8 i. L/MDR = Low/Medium Density Residential (1-8 DU/Acre)

- 9 1. R-1: Single Family Residential District
- 10 2. R-2: Single Family Residential District
- 11 3. R-3: Mixed Residential District (single-family  
12 development only)
- 13 4. R-4: Single Family Residential
- 14 5. A-R: Agricultural Residential District
- 15 6. M-H: Mobile Home Residential District
- 16 7. E-1: Estate Residential District
- 17 8. T-Z: Transitional Zoning District

18 ii. HDR = High Density Residential (8- 26 DU/Acre)

- 19 1. R-3: Mixed Residential District (multi-family/attached  
20 residential development)
- 21 2. R-5: Single Family Residential District
- 22 3. R-6: Multi-Family Residential District

23 iii. COM = Commercial

- 24 1. C-1: Retail Commercial District
- 25 2. O-1: Office District
- 26 3. NC: Neighborhood Commercial
- 27 4. MU-A: Mixed Use Activity Center District
- 28 5. CBD: Central Business District

29 iv. IND = Industrial, Business Park, Warehouse

- 30 1. C-2: Wholesale and Warehousing Commercial District
- 31 2. M-1: Industrial and Business Park District
- 32 3. BP: Business Park District
- 33 4. Utility

34 v. CIVIC = Civic, School, Church

35 VI. Setbacks

36 a. Rear – zero feet, unless abutting a residential zone, then a 15-foot  
37 setback with landscaped buffer is required for buildings up to 35 feet in  
38 height. For portions of a building greater than 35 feet in height, the  
39 building shall have a step-back of ten feet for each additional ten feet of  
40 height up to the maximum height of the district;

41 b. Side – zero feet, unless abutting a residential zone then, a 10-foot  
42 setback with landscaped buffer is required for buildings up to 35 feet in  
43 height. For portions of a building greater than 35 feet in height, the  
44 building shall have a step-back of ten feet for each additional ten feet of  
45 height up to the maximum height of the district;

46 c. Trash containers and trash compactors – 15 feet from the property line  
47 when adjacent to land planned or zoned for a single-family residential  
48 use.

49 i. All trash containers and trash compactors shall be screened from  
50 residential zones and public rights-of-way by decorative wall or  
51 enclosure that extends not less than two feet above the height of  
52 the trash container or compactor.

- ii. Flag poles – 25 feet from any property line, with a maximum height of 50 feet. Pole heights greater than 50 feet may be approved by conditional use permit.

VII. Determination of Landscape Buffer Requirements

- a. The table of buffer requirements (Table 1 - Required Buffers between Land Use Designations) describes the type of buffer required as determined by the uses allowed in the applicable zone and the type of use which is designated, approved, or existing on lands adjacent/abutting the proposed project. In order to determine the type of buffer required, the following procedures shall be followed:
  - i. Identify the abutting properties land use designation (existing and/or proposed).
  - ii. Where an abutting property has a lawful nonconforming use of less intensity than the allowable use of the property, buffering shall be based upon the allowable use. *(Note: This avoids the possibility of "too little buffering" should the nonconforming use be discontinued and subsequently developed with a use consistent with the future land use map).*
  - iii. Refer to Table 1 below for buffer requirements on each property boundary or portion thereof and select the desired buffer option for the specified type of buffer from those shown in Figure 1 through Figure 3.
  - iv. The following developments are not required to provide buffers:
    - 1. Construction of single-family homes on "antiquated" original Rio Rancho Estates lots.
    - 2. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of said licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.
    - 3. Passive recreation such as golf course, open space areas, hiking/equestrian/bicycle trails, or boardwalks.

Table 1. Required Buffers between Land Use Designations

DEVELOPING LAND USE	ABUTTING LAND USE				
	L/MDR	HDR	COM	IND	CIVIC
L/MDR	N/A	A	B	B	B
HDR	A	A	B	B	B
COM	B	B	A	A	A
IND	B	B	A	A	A
CIVIC	B	A	A	A	A

VIII. Types of Buffers

- a. Required buffer types shall consist of "Type A" and "Type B" as follows:
  - i. Type A: Intended for similar land uses of differing intensities or densities, such as low density residential and higher density residential. See **Figure 1**.
  - ii. Type B: Intended for different land uses types with similar intensity, large differences in impacts and intensity, such as high density residential and neighborhood commercial; and such as single family residential and commercial uses. See **Figure 2**.

- b. Each buffer type consists of several options that utilize different landscape features to create an appropriate buffer between uses. Appropriate landscape features are determined by the total width of the landscape buffer area, the density of trees and shrubs proposed, the abutting land use, and existing site conditions.
- c. In no case will a required buffer of less than five (5) feet in width be allowed except when one (1) of the following conditions exists and is indicated on the site plan for the proposed development or project:
  - i. The adjacent property is designated with a nonresidential land use category and is vacant.
  - ii. The adjacent property has existing vegetation sufficient in size, types of plantings, and location that serve in the same capacity as the required buffers between the parcels.
- d. For projects that propose to retain seventy-five (75) feet of undisturbed area between the extent of the development and the property line, the Development Services Director may grant an exemption from buffering requirements of this section. This exemption does not apply to industrial, extractive, or outdoor recreation uses. Additionally, the site plan must show that the undisturbed area has an existing mixture of trees, shrubs, and other vegetation or native landscaping that would serve in the same capacity as the required buffer.
- e. For projects that are required to provide a buffer to adjacent residentially zoned property that is currently vacant, the applicant may plant the required buffer at the proper density and configuration, but may utilize smaller plants to allow for a longer period to maturity. All plants that are smaller than required shall be of a type that will reach the required height within two (2) years from the time of planting.
- f. Alternative designs for required buffers may be approved by the Development Services Director upon a finding that the required buffer will require alterations of the existing improvements on the property or that such alternative designs meets the intent of these regulations and sound landscaping practice. In no case is the Director authorized to reduce the width of a buffer or total number of plants required on the site.

IX. Use and Location of Buffers

- a. Areas identified as required buffers may also be used as follows:
  - i. Satisfaction of setback/yard requirements, if any.
  - ii. Satisfaction of open space requirements, if any (but not less than the required setbacks/yards).
  - iii. May contain stormwater retention or detention areas (including green infrastructure solutions), so long as the required buffer plantings are provided and the design and landscaping of the buffer does not interfere with proper functioning of the drainage system and the design water depth or water flow does not harm the viability of the plantings.
  - iv. Passive recreation such as pedestrian, bicycle, or equestrian trails subject to the following limitations:
    - 1. No plant material is eliminated.
    - 2. The total width of the buffer is maintained.
    - 3. All other requirements of these regulations are met.
- b. The following uses shall not be allowed in a required buffer: principal structures, accessory structures, plat fields, stables, swimming pools,

1 tennis courts, or similar active recreation uses; storage facilities, or  
2 parking facilities.

3 c. General location of design requirements:

4 i. Buffers shall be located on the outer perimeter of a lot or parcel  
5 that abut developments of a different land use type and/or  
6 intensity and extend the entire length of the lot or parcel  
7 boundary line.

8 ii. Buffers shall not be located on any portion of an existing,  
9 dedicated, or proposed right-of-way, roadway easement, or  
10 private street without prior approval of the Development  
11 Services Director.

12 1. In some cases, landscape areas may be located within  
13 existing or dedicated street right-of-way or roadway  
14 easement; however, this requires the written approval  
15 by the Development Services Director prior to  
16 installation.

17 iii. Where an existing utility easement is partially or wholly within a  
18 required buffer, the developer shall design the buffer to  
19 eliminate or minimize plantings within the easement to ensure  
20 proper clearance of all existing or proposed utility equipment.  
21 Such design may necessitate choosing a buffer with more land  
22 area and fewer required plantings.

23 X. Barriers & Fencing

24 a. Fencing for the purpose of security or protection is allowable within all  
25 buffers provided the fence complies with the applicable fence or wall  
26 requirements and standards found in the City Code. Developments  
27 proposing a privacy fence or wall six (6) feet or more in height within a  
28 required buffer may be allowed a fifty (50) percent reduction in the  
29 density of plantings required. Such request shall be submitted in writing  
30 by the applicant and shall include provisions by the owner for  
31 maintenance of the buffer and the fencing. This reduction does not apply  
32 to industrial, extractive, or active outdoor recreational uses.

33 XI. Plantings and Trees

34 a. At least 75% percent of landscape area shall be covered with living,  
35 vegetative materials, including trees, shrubs, ground cover, or flowers.  
36 Coverage will be calculated from the mature spread of the plants. To  
37 minimized water consumption the use of ground cover other than turf  
38 grass and plants that are native or adaptable to the climate of Rio  
39 Rancho is encouraged. In the event of a greater than minimum  
40 landscape buffer width, the 75% of plant material can be based on the  
41 calculation of the area for the smallest buffer width. The plant material  
42 can be evenly distributed within the provided landscape buffer area and  
43 no additional material is required. All plant material installed as park of  
44 any development shall be maintained by the property owner and at no  
45 time shall plant material be removed without being replaced with plant  
46 material similar in size and shape.

47 b. Plant Types

48 i. Appropriate species of trees, shrubs, and hedges to use within  
49 landscape buffer areas as listed in **Figure 3**.

50 ii. In general, plant species should be xeric, native species that will  
51 prosper within the selected buffer size, and reach mature heights  
52 as described below.

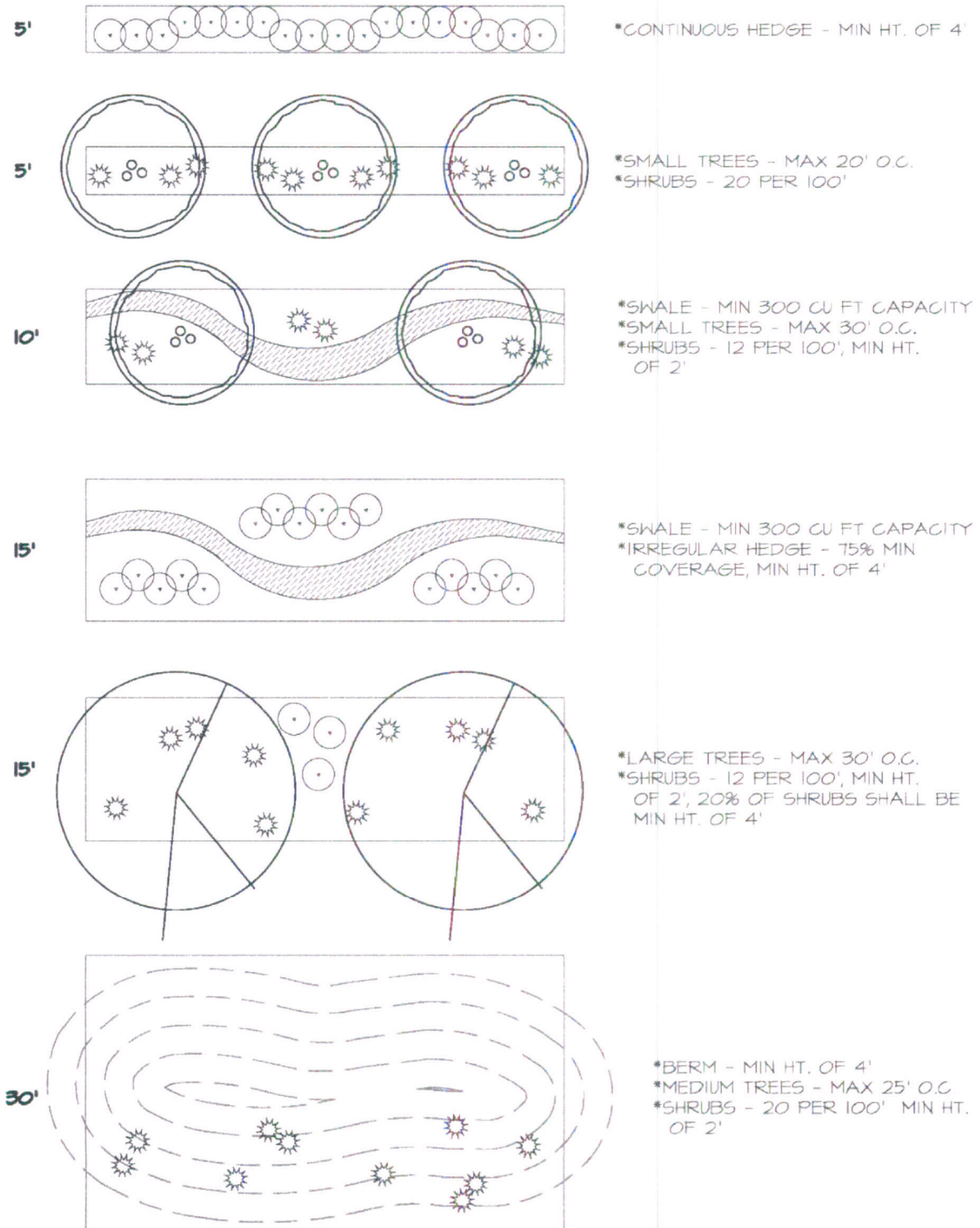
- 1                                   iii. All plants utilized shall be of a type that the growth will reach the
- 2                                   required height criteria within a two (2) year period from the
- 3                                   time of planting.
- 4                   c. Trees
- 5                                   i. Trees in buffers less than ten (10) feet should be of a size that
- 6                                   will prosper within this size buffer. Trees in buffers of more than
- 7                                   ten (10) feet may be any size provided; however, at least one-
- 8                                   half of the required trees shall be a species that reach a
- 9                                   minimum height of twenty (20) feet at maturity.
- 10                                  ii. Trees used in required buffers may be used to meet the required
- 11                                  plantings for the property, provided the trees meet or exceed all
- 12                                  size, type, and location requirements for tree planting.
- 13                   d. Shrubs
- 14                                  i. Shrubs shall be of species that have an average mature height of
- 15                                  at least two (2) feet.
- 16                   e. Hedges
- 17                                  i. Continuous hedges shall have a height of at least four (4) feet
- 18                                  and form a continuous screening.
- 19                                  ii. Irregular hedges shall have a height of at least four (4) feet, and
- 20                                  shall be distributed as to screen at least 75 percent of the buffer
- 21                                  area per hundred linear feet.

22                   XII. Landscape Elements

- 23                                  a. Berms
- 24    i. Berms are raised areas of the landscape buffer that may be
- 25    added to create visual interest and screening between uses.
- 26    Berms are appropriate in landscape buffers areas that are at
- 27    least fifteen (15) feet wide.
- 28    ii. Minimum berm height shall be at least 24 inches, on average, at
- 29    the crest of the berm, with a maximum berm height of five (5)
- 30    feet.
- 31                                  b. Swales & Green Infrastructure
- 32    i. Swales are lowered areas of the landscape buffer that are
- 33    designed to manage storm water runoff through retention,
- 34    infiltration and filtration of water runoff. Swales are appropriate
- 35    in landscape buffers areas that are at least ten (10) feet wide.
- 36    ii. Swales shall be on average three (3) feet wide by one (1) foot
- 37    deep, and have a total capacity of at least 300 cubic feet per 100
- 38    linear feet of buffer area.
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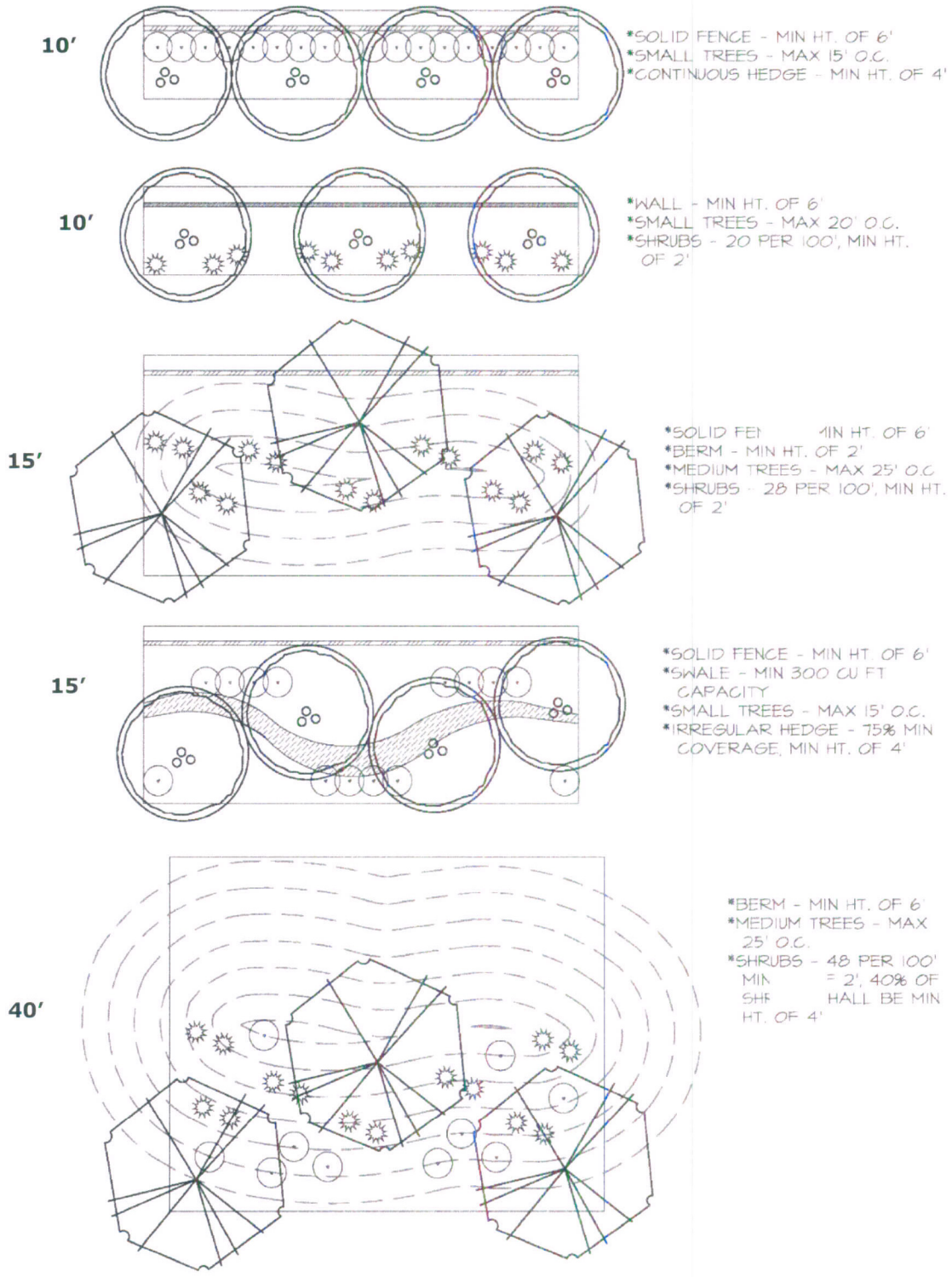
**Buffer Type Examples:**

**Figure 1: Buffer Type A** - Intended for similar land uses of differing intensities or densities, such as low density residential and higher density residential.



1  
2  
3  
4

**Figure 2: Buffer Type B-** Intended for different land uses types with similar intensity, large differences in impacts and intensity, such as high density residential and neighborhood commercial; and such as single family residential and commercial uses.



5

**Figure 3: Recommended Landscape Buffer Plant List**

**Small Trees** (Trees with up to 20' wide canopy at maturity)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height x Spread</u>
NM Olive	Forestiera neomexicana	15' x 15'
Desert Willow	Chilopsis linearis	25' x 25'
Chaste Tree	Vites agnus-castus	25' x 20'
Redbud Species	Cercis sp.	20' x 15'
Mimosa	Albizia julbrissin	20' x 20'
English or Washington Hawthorn	Crataegus sp.	20' x 20'
Fragrant Ash	Fraxinus cuspidata	20' x 20'
Crape Myrtle	Lagerstroemia indica	15' x 15'
Screwbean or Western Mesquite	Prosopis sp.	20' x 20'
Sumac Species	Rhus sp.	15' x 20'
Afghan or Pinon Pine	Phus sp.	20' x 15'
Juniper Species	Juniperus sp.	Up to 20'

**Medium Trees** (Trees with up to 20' – 30' wide canopy at maturity)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height x Spread</u>
Sensation Box Elder	Acer negundo 'Sensation'	40' x 30'
Netleaf Hackberry	Celtis reticulate	25' x 25'
Ash Species	Fraxinus	Up to 30'
Golden Rain Tree	Koelreuteria paniculata	25' x 25'
Chisos Oak	Quercus granesii	25' x 25'
Locust Species	Robinia sp.	40' x 25'
Western Soapberry	Sapindus drummondii	30' x 30'
Austrian Pine	Pinus nigra	25' x 30'
Escarpment Live Oak	Quercus fusiformis	25' x 30'

**Large Trees** (Trees with up to > 30' wide canopy at maturity)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height x Spread</u>
Pecan	Carya illinoensis	40' x 40'
Common Hackberry	Celtis occidentalis	40' x 40'
Modesto Ash	Fraxinus velutina	40' x 35'
Thornless Honey Locust	Gleditsia triacanthos inermis	50' x 45'
Chinese Pistache	Pistacia chinensis	60' x 60'
Cottonwood	Populus wislizenii or fremontii	50' x 50'
Lacebark Elm	Ulmus parvifolia	50' x 50'
Japanese Pagoda Tree	Syringa reticulata	35' x 35'
Alligator Juniper	Juniperus deppeana	60' x 60'
Emory Oak	Quercus emoryi	35' x 35'

**Hedge Shrubs** (Shrubs more than 4' tall at maturity)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height x Spread</u>
Barberry Species	Berberis thunbergii	4' x 4'
Butterfly Bush	Buddleia spp.	5' x 5'
Pea Shrub	Caragana spp.	8' x 8'
Flowering Quince	Chaenomeles japonica	6' x 6'
Golden Currant	Ribes aureum	6' x 6'
Three Leaf Sumac	Rhus trilobata	6' x 6'
Sand Sage	Artemisia fillifolia	4' x 4'
Parney Cotoneaster	Contoneaster lacteus	8' x 10'
Silverberry	Elaeagnus pungens	10' x 10'
Mountain Mahogany	Cercocarpus montanus	10' x 8'
Arizona Rosewood	Vaqueria sp.	12' x 10'
Juniper Species	Juniperus sp.	Up to 10'

1 **Section 3. Severability Clause:**

2 If any section, paragraph, clause, or provision of this Ordinance, or any section,  
3 paragraph, clause, or provision of any regulation promulgated hereunder shall for any  
4 reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or  
5 unenforceability of such section, paragraph, clause, or provision shall not affect the validity  
6 of the remaining portions of this Ordinance or the regulation so challenged.  
7

8 **Section 4. Effective Date:**

9 This Ordinance shall take effect in ten (10) days after adoption.  
10

11  
12 **ADOPTED THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2018.**

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19 **Greggory D. Hull, Mayor**  
20

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22 **ATTEST:**

23   
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26 **Stephen J. Ruger, City Clerk**  
27 **(S E A L)**



BEFORE THE PLANNING and ZONING BOARD  
OF THE  
CITY OF RIO RANCHO, NEW MEXICO  
FINDINGS OF FACT FOR APPROVAL  
Case No. 24-110-00045

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REQUEST FOR VARIANCE TO THE 6' BUFFER WALL REQUIREMENT, TO ALLOW FOR A 2' DEVIATION, FOR THE PROPERTY LEGALLY DESCRIBED AS UNIT 10, BLOCK 81, LOTS 1-20.

Applicant: Verdot Capital

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 22nd day of October, 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 application to request a variance to the 6' buffer wall requirement.
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 the Unit 10 Overlay, requiring a minimum 6' buffer wall along the northern and eastern property boundary, to allow for a 2' deviation, is approved.
3. The applicant must adhere to all other requirements found within the Unit 10 Overlay.
4. The applicant must apply for and obtain a building permit within thirty-six months or the variance is null and void.

THEREFORE, the application for a variance to the 6' buffer wall requirement, to allow for a 2' deviation, for the property legally described as Unit 10, Block 81, Lots 1-20, is APPROVED by the Planning & Zoning Board of the City of Rio Rancho on October 22, 2024, subject to the conditions, restrictions and stipulations specified above.

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Date

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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. 24-110-00045

---

REQUEST FOR VARIANCE TO THE 20' FRONT SETBACK REQUIREMENT TO ALLOW FOR A 5' ENCROACHMENT, FOR THE PROPERTY LEGALLY DESCRIBED AS UNIT 10, BLOCK 81, LOTS 1-20.

Applicant: Verdot Capital

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 22<sup>nd</sup> day of October, 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 6' buffer wall requirement.
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.

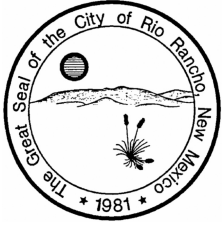
THEREFORE, the application for a variance to the 6' buffer wall requirement, to allow for a 2' deviation, for the property legally described as Unit 10, Block 81, Lots 1-20, is DENIED by the Planning & Zoning Board of the City of Rio Rancho on October 22, 2024, subject to the conditions, restrictions and stipulations specified above.

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Date

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Planning and Zoning Board Chair



## CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-120-  
00013**

AGENDA DATE:  
October 22, 2024

DEPARTMENT:  
Development Services

**SUBJECT:**

**Conditional Use Permit.** The applicant, Verdot Capital, through their agent, Consensus Planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as Unit 10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. Staff contact is Liz Ruiz Carlos and staff recommends approval with findings and conditions.

**BACKGROUND AND ANALYSIS:**

The applicant, Verdot Capital, through their agent, Consensus Planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as Unit 10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential under Ordinance No. 10, Enactment No. 14-08, and total 10.36 acres. The lots also fall into the Unit 10 Overlay Zone, per Ordinance No. 20, Enactment 18-24.

Per Rio Rancho Municipal Code (R.O. 2003) 154.10(C), "multi-family dwellings, provided there are not more than 26 units per acre" are a conditional use in the R-3: Mixed-Residential Zoning District, requiring a conditional use permit as well as a "site plan reviewed and approved by the Governing Body."

The proposed development would consist of 128 units on 10.36 acres, for a density of 13 units per acre. The applicant has submitted a site plan for review as part of the Conditional Use Permit application.

Concurrent with this request are two variances: case #24-110-44 and 24-110-45. The requested variances are for a 15 ft front setback instead of the Chapter 154 required 20 ft front setback and for a 4 ft wall instead of the 6 ft high buffer wall required under the Unit 10 Overlay Zone Ordinance. Review and approval of this Conditional Use Permit request is pending approval of these two variance requests.

Staff recommends the Planning and Zoning Board find that the proposed development would comply with the requirements of the R-3: Mixed Residential Zoning District.

Per Rio Rancho Municipal Code (R.O. 2003) §150.04: (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 128 units over the 10.36 acres, for a density of 13 units per acre. The units

are made up of a mix of detached single-family units, carriage units, and townhomes ranging from 1 to 3 bedrooms. The community will also feature a leasing office and club house that will be open seven days a week from 8:30am to 5pm.

The applicant states that "this conditional use will not be detrimental to the public welfare, safety, health, morals and convenience of the surrounding area as described by the Comprehensive Goals and Policies identified below." The applicant goes on to state that the request, "supports the goal of promot[ing] a variety of housing types to meet the needs of all members of the community...because it will allow the development of a new multi-family community that meets the needs of all ages and various income ranges," as it "will be comprised of different housing types...to serve the different needs and lifestyle of the residents living there."

The applicant also maintains that the request supports the goal of ensuring, "that single-family and multi-family residential neighborhoods provide an attractive living environment, because the proposed development is in a rapidly growing area [and] the community will have access to restaurants, [a] grocery store, hospital, and other services." Additionally, the applicant maintains the request, "promote[s] quality, community-friendly multi-family development, through features such as enhanced open space and pedestrian connectivity," in that the community features "a community park and pedestrian access points that allow easy for easy access to streets and trails in the surrounding neighborhoods."

The applicant further states that, "this conditional use request encourages mixed use and mixed income housing opportunities in a designated growth node" while ensuring that the development "compliments and enhances the character of neighboring residential and commercial development by developing a community that has the same quality and lifestyle of the surrounding neighborhoods. The proposed development will be a mix of housing types from detached single-family to townhomes, which will [be] consistent with the surrounding neighborhood housing types while also providing other options that are more accommodable to renters."

Staff recommends the Planning and Zoning Board find that the proposed use is not likely to be detrimental to the public welfare, safety, health, morals, and convenience of the surrounding area given that it furthers various goals and policies of the city's Comprehensive Plan and Affordable Housing Plan. Specifically, the proposed development provides a variety of housing types in an area currently dominated by single-family. According to the the 2023 Rio Rancho Affordable Housing Plan (AHP) Rio Rancho's housing inventory as a whole, "consists of single-family detached homes and over 75% of all homes have three or more bedrooms. The lack of housing types that offer smaller square footage on smaller parcels of land...means that many potential renters and homebuyers are unable to afford to move into the city."

The proposed development will provide town-homes as well as smaller single-family homes (ranging from 1-3 bedrooms). This is particularly ideal given that the area is in close proximity to services; including Rust Medical Center, Joe Harris Elementary School, Gateway Park, and Retail-Commercial in The Village (Market Street Grocery Store) and along Unser (in both Rio Rancho and Albuquerque). The AHP also identifies several strategies that should be implemented to address the conditions that impact the availability and affordability of housing in the city, including: encouraging development of starter homes and adding existing development to existing neighborhoods; two criteria that this development potentially fulfills.

Staff recommends the Board finds that the Conditional Use Permit request may meet all conditions stipulated in this title pending approval of the two concurrent variance requests for the front setback requirement and the buffer wall.

(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 has submitted a justification letter and site plan for the conditional use permit for review by the Planning and Zoning Board on September 4, 2024. Conforms.

**SURROUNDING LAND USE AND ZONING:**

The subject property is zoned R-3: Mixed Residential and is situated on the border of Rio Rancho, with residential Albuquerque properties to the south. . The properties to the north are zoned R-1: Single-Family Residential and C-1: Retail Commercial. The properties to the west are zoned R-4: Single-Family Residential, and the properties to the east are zoned C-1: Retail Commercial and SU for C-1: Retail Commercial Uses.

**NOTIFICATIONS** Notice of the conditional use permit application and accompanying variance applications was sent via certified mail to property owners within 100ft of the subject property and an informational postcard was sent to property owners between 100ft-300ft of the subject property. A legal ad was published in the Albuquerque Journal on October 7, 2024. A notice sign was posted on the property one week prior to the hearing; all notification requirements for this hearing have been met.

**REVIEWER COMMENTS:**

CoRR Engineering - No adverse comments.

CoRR Fire & Rescue - No adverse comments.

CoRR Parks, Recreation, and Community Services - Comments follow: "No recommendation for or against approval. PRCS defers to DSD for any requirements, recommendations or approvals. Park and Trail impact fees will be paid at the applicable rate at the time of building permit. PRCS will provide any additional comments if/when a formal site plan is brought forward for review, comment and approval."

CoRR Police - No comments provided.

MRCG MRMPO - No adverse comments.

Rio Rancho Public Schools - No comments provided.

SSCAFCA - Comments follow: "Please note that with the future submissions, you will need to submit a grading plan and drainage report, including water quality volume, in compliance with existing master plan/drainage report for this area."

**IMPACT:**

The Development Services Department recommends that the Planning and Zoning Board approve the conditional use permit request, subject to the findings and conditions 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 permit.
4. The Governing Body will review and make a final decision on the site plan that is attached to this conditional use permit.
5. 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 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 154.10(C)(6) R-3: Conditional Uses in a Mixed Residential District.
3. The applicant may meet all conditions stipulated in the Land Use Title of the Rio Rancho Code of Ordinances (R.O. 2003) with approval of variance case #24-110-44 and variance case #24-110-45.

**CONDITIONS OF APPROVAL:**

1. A site plan must be approved by the Governing Body and all development must comply with any conditions of approval of that site plan approval.
2. Reviewer comments shall be addressed prior to building permit approval.
3. Lots will be combined via a summary plat into one lot prior to building permit approval.
4. This approval is valid for a period of three years from date of approval, in which time a building permit must be applied for and issued, remain active, and the authorized construction shall be started and pursued to completion without cessation of thirty (30) days or more. Failure to meet the requirement for construction shall cause this conditional use permit to expire.

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.
2. The applicant has not adequately addressed the criteria of R.O. 2003 Section 154.10(C)(6) R-3: Conditional Uses in a Mixed Residential District.

**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 Package.pdf](#)

ATTACHMENT: [Site Plan - with setbacks noted.pdf](#)

ATTACHMENT: [Site Plan, Landscape Plan, and Fire 1 Plan - Combined.pdf](#)

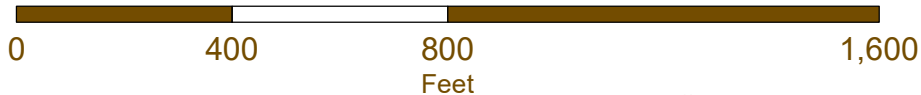
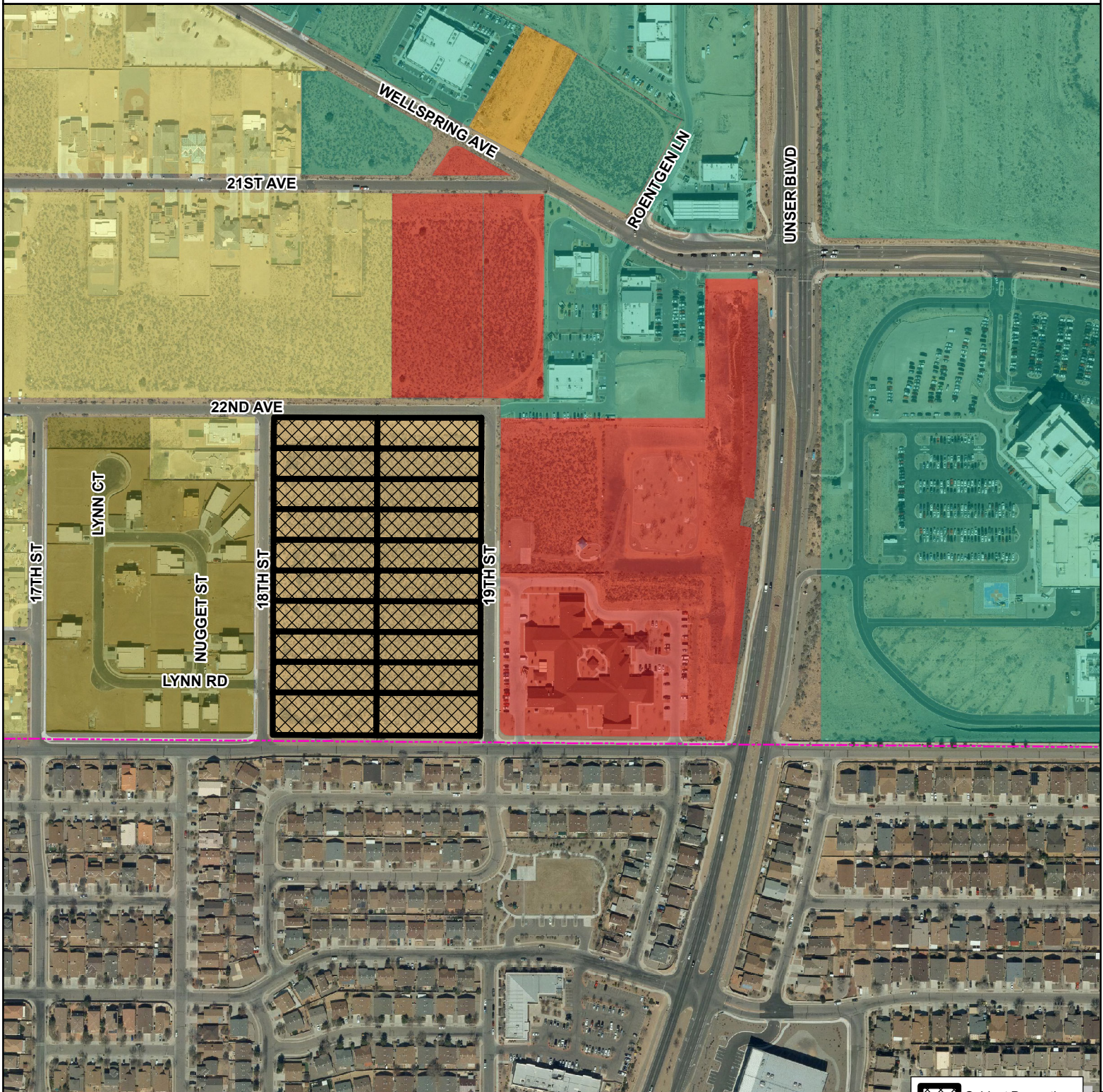
ATTACHMENT: [Reproduction of Notices.pdf](#)

ATTACHMENT: [18-24 O-20.pdf](#)

ATTACHMENT: [Findings\\_of\\_Fact](#)

# CONDITIONAL USE PERMIT & VARIANCE

## RRE UNIT 10, BLOCK 81, LOTS 1-20



Map Created by Liz Ruiz Carlos on 10/03/2024



Subject Properties

### Zoning

- C-1
- MU-A
- R-1
- R-3
- R-4
- 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.

## PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

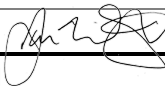
(Fees are listed on the back)

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 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	<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: Verdot Capital		Phone: (310) 994-1610
Address: 1101 W. 34th Street #111		E-Mail: robert@verdotcapital.com
City: Austin	State: TX	Zip: 78705
Proprietary Interest: Contract Purchaser		List Owners: Amirhamzeh Enterprise, LLC.
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials) 
Agent Name: Consensus Planning Inc.		Phone: (505) 764-9801
Address: 302 Eighth Street NW		E-Mail: cp@consensusplanning.com
City: Albuquerque	State: NM	ZIP Code: 87102

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

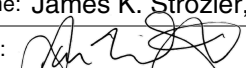
Request for a Conditional Use Permit to allow for a build to rent multi-family community at 13 du/acre with onsite amenities.

### SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Unit 10	Block(s): 81	Lot(s): 1 thru 20
Existing Zoning: R-3	Proposed Zoning: R-3	
No. of existing lots: 20	No. of proposed lots: N/A	Total area of site (acres) 10.36 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: James K. Strozier, FAICP	Applicant: Verdot Capital	Agent: Consensus Planning Inc.
Signature: 	Date: 09/04/2024	

### FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

**APPLICATION ACCEPTED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

Amirhamzeh Enterprises, LLC  
9605 Sommer Pl  
Oakdale, CA 95361

June 24, 2024

City of Rio Rancho  
Development Services  
3900 Southern Boulevard, Ste 103  
Rio Rancho, NM 87124


RE: Lots Near Black Arroyo – Unit 10, Block 81, Lots 1-20

To Whom it May Concern:

As the owner of the referenced property, Amirhamzeh Enterprises, LLC, hereby authorizes Consensus Planning to act as an agent and provide entitlement services for the purposes of a Conditional Use with the Planning and Zoning Board and a Site Plan application through the Governing Body for the development of a build-to-rent community. This authorization covers meetings with neighbors, City staff, Planning and Zoning Board, and the Governing Body.

The property is legally described as: Unit 10, Block 81, Lots 1-20 within the City of Rio Rancho.

Sincerely,

Signature:   
Printed Name: Diana Amirhamzeh  
Title: Member



September 4, 2024

Mr. Fred Radosovich, Chair  
Planning and Zoning Board  
City of Rio Rancho  
3200 Civic Center Circle NE  
Rio Rancho, NM 87144

**Re: Request for a Conditional Use to Allow a Multi-Family Dwelling Units in an R-3 Zone**

Landscape Architecture  
Urban Design  
Planning Services

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

Dear Mr. Chair,

On behalf of the Applicant, Verdot Capital, this letter requests approval of a Conditional Use to allow a new build-to-rent multi-family community at 13 dwelling units per acre with onsite amenities within the existing R-3 Mixed Residential zone designation (established in 2014). The area is within the Unit 10 Specific Units Area Plan and is legally described as *Unit 10, Block 81, Lots 1-20*. The lots combined are 10.36 acres in total.

The property is on the border of the City of Rio Rancho and the City of Albuquerque, located north of Black Arroyo Boulevard NW. The Conditional use request is to allow the development of a build-to-rent multi-family community within an R-3 zone, which allows multi-family dwellings, provided there are not more than 26 units per acre as a conditional use. This request will be below the maximum units per acre with 13 units per acre and 128 units in total. The build-to-rent multi-family community will be a mix of detached single-family units, carriage units, and townhomes ranging from one to three bedrooms. The community will employ four workers. The leasing office and club house will be open seven days a week from 8:30 am to 5:00 pm and feature several amenities accessible to community residents.

If approved, this conditional use will not be detrimental to the public welfare, safety, health, morals and convenience of the surrounding area as described by the Comprehensive Plan Goals and Policies identified below. In short, this project will further a number of City goals and policies and has been designed to limit negative impacts from traffic, parking, and noise.

**Goal PH-3:** Promote a variety of housing types to meet the needs of all members of the community.

**Applicant Response:** This conditional use request supports this Goal because it will allow the development of a new multi-family community that meets the needs of all ages and various income ranges. The development will be comprised of different housing types such as detached single-family, townhomes, and carriage homes to serve the different needs and lifestyle of the residents living there.

**Goal PH-4:** To ensure that single-family and multi-family residential neighborhoods provide an attractive living environment.

**Applicant Response:** This conditional use request supports this goal because the proposed multi-family development will be at the border of Albuquerque and Rio Rancho in a rapidly growing area. The community will have access to restaurants, grocery store, hospital, and

PRINCIPALS

James K. Strozier, FAICP  
Jacqueline Fishman, AICP

ASSOCIATES

Ken Romig, PLA, ASLA,  
SITES AP



other services within a quarter of a mile. The residents living in this community will also have access to the recreational area within the community that has a pool, fitness center, business center, play areas, and a communal lounge area. The internal community amenities and the surrounding services create an ideal living environment for the residents of this community because they will not have to travel far from their community to get needed goods, services, and jobs.

**Policy PH-1:** Promote quality, community-friendly multi-family development, through features such as enhanced open space and pedestrian connectivity.

**Applicant Response:** This conditional use request furthers this policy because the proposed multi-family development will ensure that there are features for the community such as a community park and pedestrian access points around the perimeter of the community to allow easy access to streets and trails in the surrounding neighborhoods. The development of this community will ensure that the quality of life for the residents is enhanced and associated with the lifestyle of the surrounding areas.

**Policy PH-5:** Encourage mixed-use and mixed-income housing opportunities in designated growth nodes throughout the city.

**Applicant Response:** This conditional use request encourages mixed-use and mixed-income housing opportunities in designated growth node throughout the city because the proposed development will be located in a growing area of the city adjacent to Presbyterian Rust Medical Hospital. The proposed multi-family community is located on Black Arroyo Boulevard, between 19<sup>th</sup> Street and 18<sup>th</sup> Street. The area is adjacent to a developing neighborhood and expansion of the Rust Medical Plaza to the north, and to the developing restaurants, grocery stores, and housing to the east. The proposed development will include a range of housing types including detached single-family homes, townhomes, and carriage homes.

**Policy PH-6:** Ensure that mixed-use development compliments and enhances the character of neighboring residential and commercial development.

**Applicant Response:** This conditional use request ensures that mixed-use development compliments and enhances the character of neighboring residential and commercial development by developing a community that has the same quality and lifestyle of the surrounding neighborhoods and gives direct access to the surrounding commercial developments. The proposed development will be a mix of housing types from detached single-family to townhomes, which will be consistent with the surrounding neighborhood housing types while also providing other options that are more accommodable to renters.

The Unit 10 Specific Area Plan has been one of the most rapidly growing areas in the City of Rio Rancho in recent years. The development has primarily been focusing on commercial development adjacent to Presbyterian Rust Medical Center and within the Rust Medical Plaza. With the rapid growth rate, the Unit 10 plan specifies the importance of providing community facilities and housing options to support the surrounding commercial sites. With the growing population, the housing options within the eastern portion of the Unit 10 area are planned to shift from predominantly low density single-family housing to higher density and multi-family housing patterns. The development of this build-to-rent multi-family

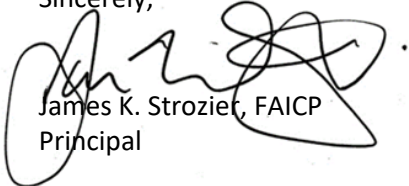


housing community will fulfill the need for a unique multi-family housing project within the Unit 10 Specific Area Plan. This proposed development meets the land use projections of the Unit 10 Specific Area Plan by fulfilling the goal of 25% of land be high density residential development that is under 26 unit dwellings per acre.

The proposed build-to-rent multi-family community simultaneously meets the needs of the City as stated in the 2023 Affordable Housing Plan. The Affordable Housing Plan addresses the current and future housing needs within the city and from this analysis there is an understanding there is a housing demand for the growing population. This multi-family development will bring housing units to one of the largest growing areas in the city while meeting the housing assessment needs. The plan looks to shift away from the single-family housing style and provide more multi-family housing units that are at an affordable market price that will serve the underserved population of the growing population. This proposed development does that because it provided people a lifestyle similar to that of a single-family neighborhood but at a more affordable market price, therefore more people in the city will have the opportunity to live in a growing and desirable area of the city.

We respectfully request your review approval of this Conditional Use request which will allow for a build-to-rent multi-family community at 13 dwelling units per acre with on-site amenities within an R-3 zone.

Sincerely,



James K. Strozier, FAICP  
Principal

**Site Summary :**

Total Homes : 128  
 Gross Site Area : ± 10.33 Acres  
 Gross Density : ± 12.4 Homes / Acre  
 Net Site Area : ± 9.88 Acres  
 Net Density : ± 13.0 Homes / Acre

**Unit Mix:**

1BR : 39 (30.5%)  
 2BR : 39 (30.5%)  
 3BR : 50 (39.0%)  
 Total : 128

**Parking Required:**

1.50 Spaces / 1BR x 39 : 58.5  
 1.75 Spaces / 2BR x 39 : 68.25  
 2.00 Spaces / 3BR x 50 : 100  
 Total Required : 226.75 = 227 (1.77:1)

**Legend:**

Single Story  
 Two-Story

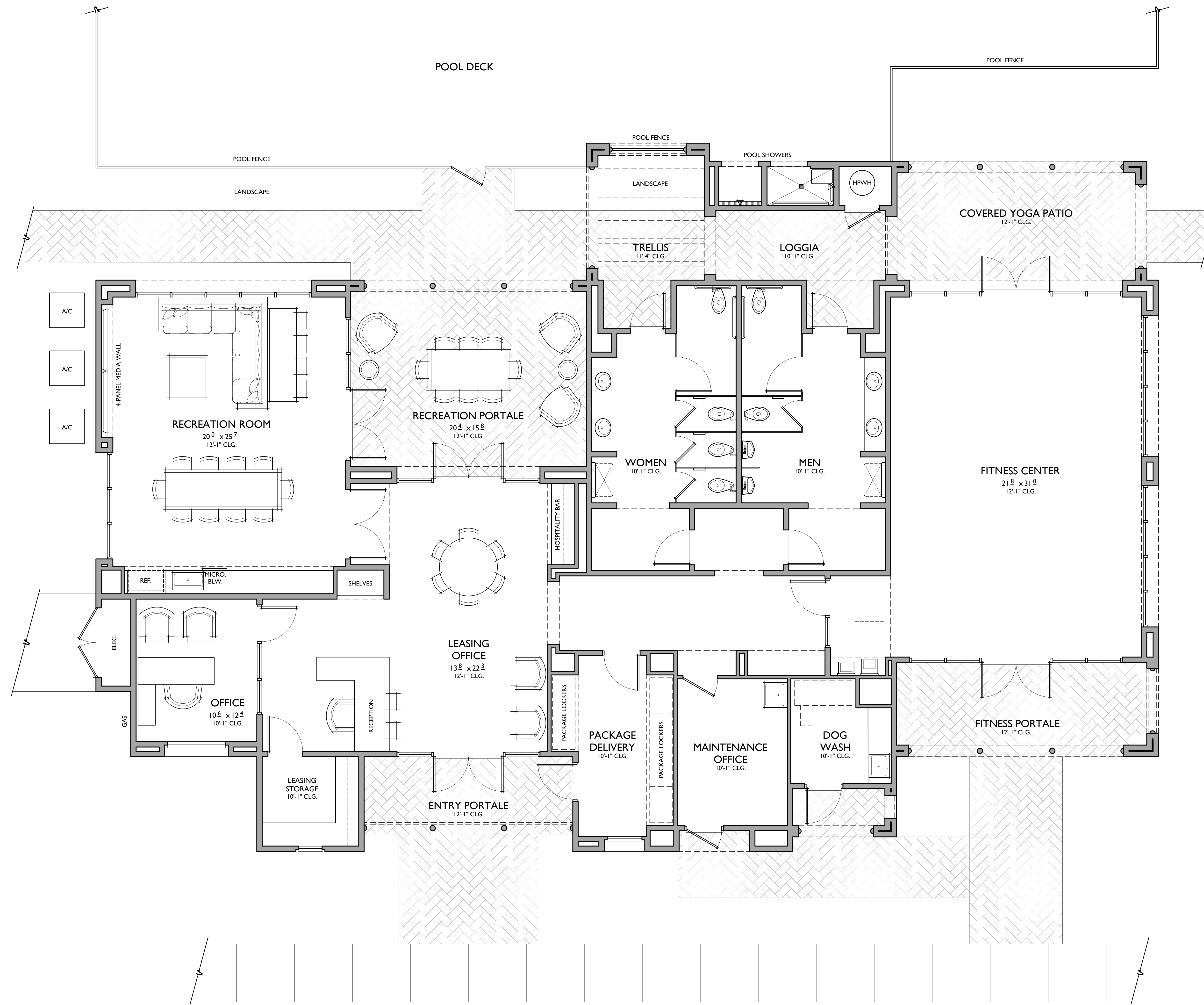
**Parking Provided:**

Garage Spaces : 111  
 Carport Spaces : 45  
 Uncovered Spaces : 108  
 Total Provided : 264 (2.06:1)



**CONCEPTUAL SITE PLAN**  
**RIO RANCHO**

**Note:**  
 This yield study is for the purpose of estimating the maximum density of a residential product type on a site of a given configuration. If specific entitlement requirements differ from the criteria shown on the plan (such as setbacks, minimum lot sizes, street standards, retention requirements, etc.) then the actual possible density may vary substantially.



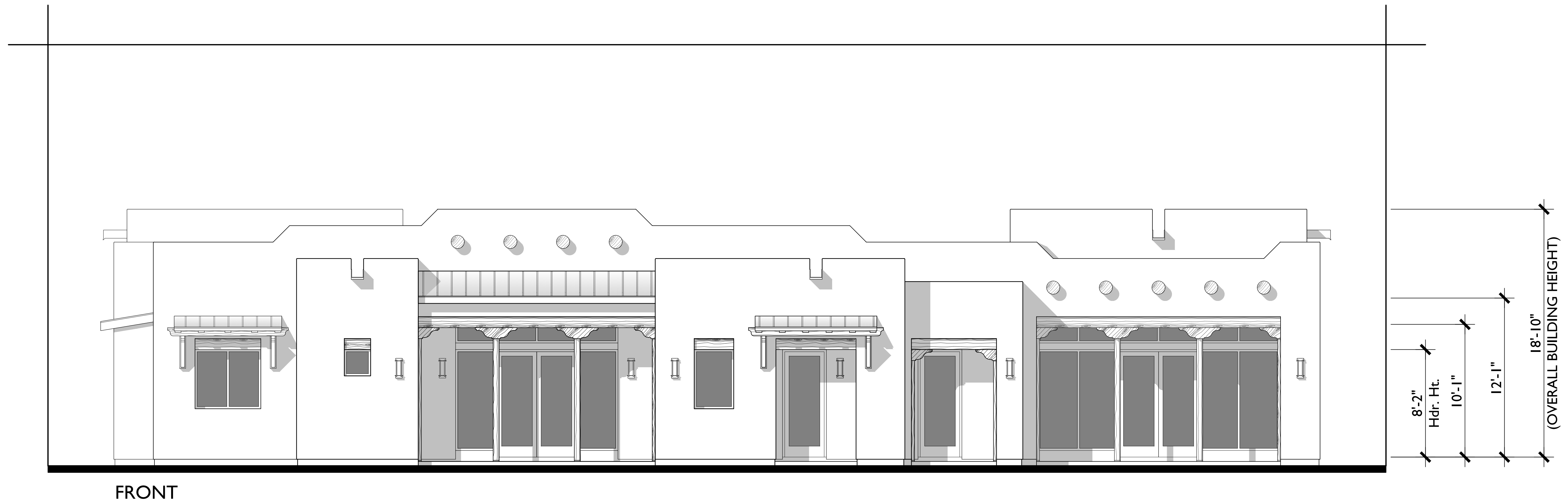
FLOOR AREA TABLE	
INTERIOR AREA	3,284 SQ. FT.
FITNESS CENTER	716 SQ. FT.
RECREATION ROOM	519 SQ. FT.
RECREATION PORTALE	347 SQ. FT.
COVERED YOGA PATIO	242 SQ. FT.
ENTRY PORTALE	120 SQ. FT.
FITNESS PORTALE	183 SQ. FT.
<b>TOTAL</b>	<b>4,671 SQ. FT.</b>

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

# RECREATION / LEASING OFFICE

**RIO RANCHO**  
 Rio Rancho, New Mexico

A67.24170

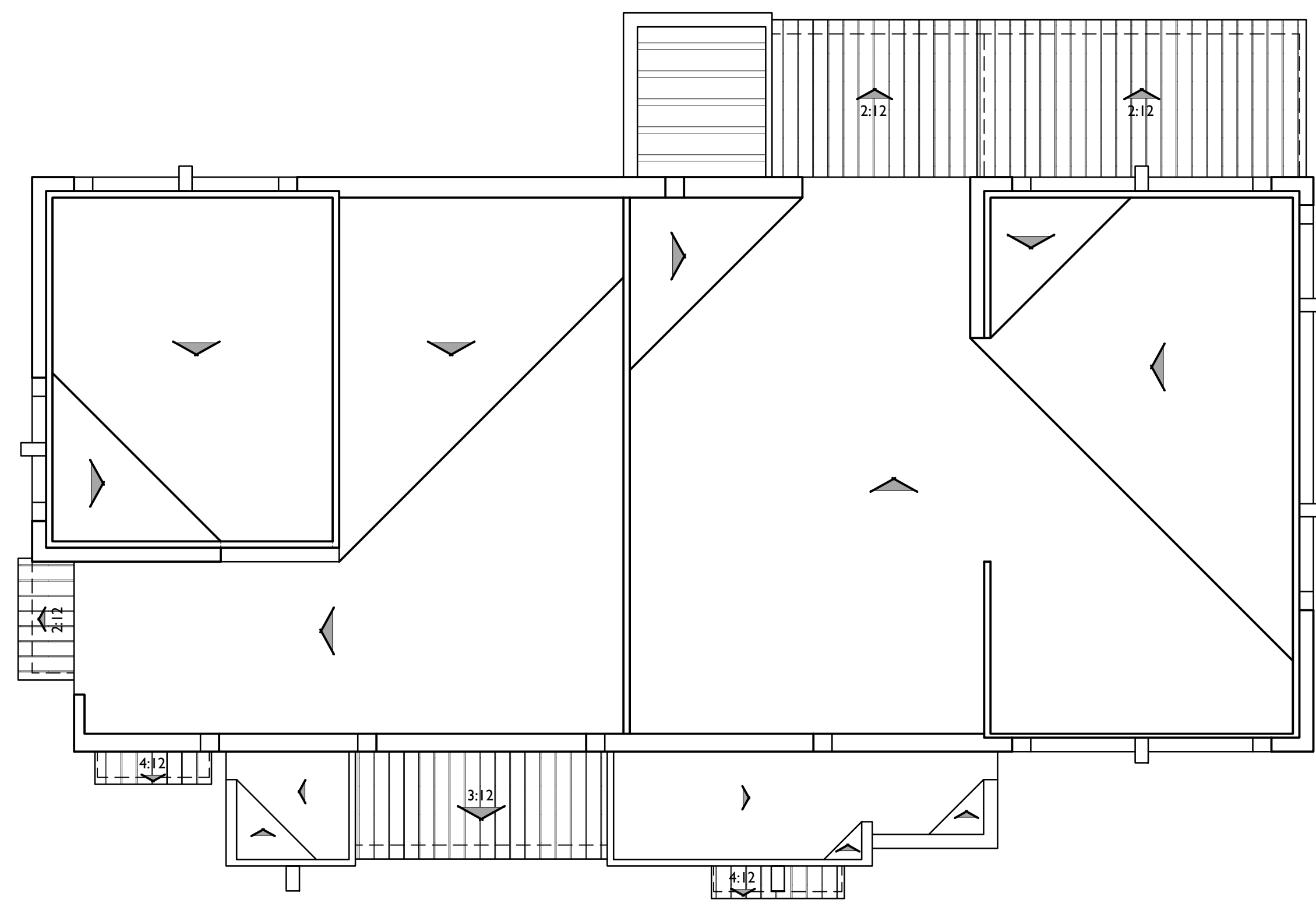


FRONT



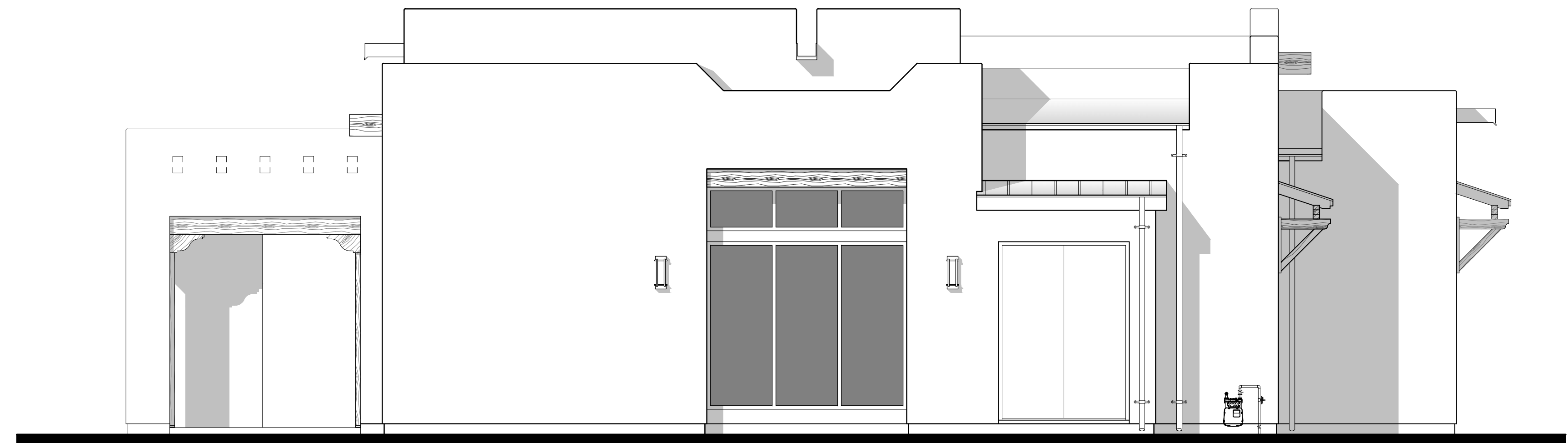
REAR

POOL FENCE  
(VERIFY w/ LANDSCAPE)

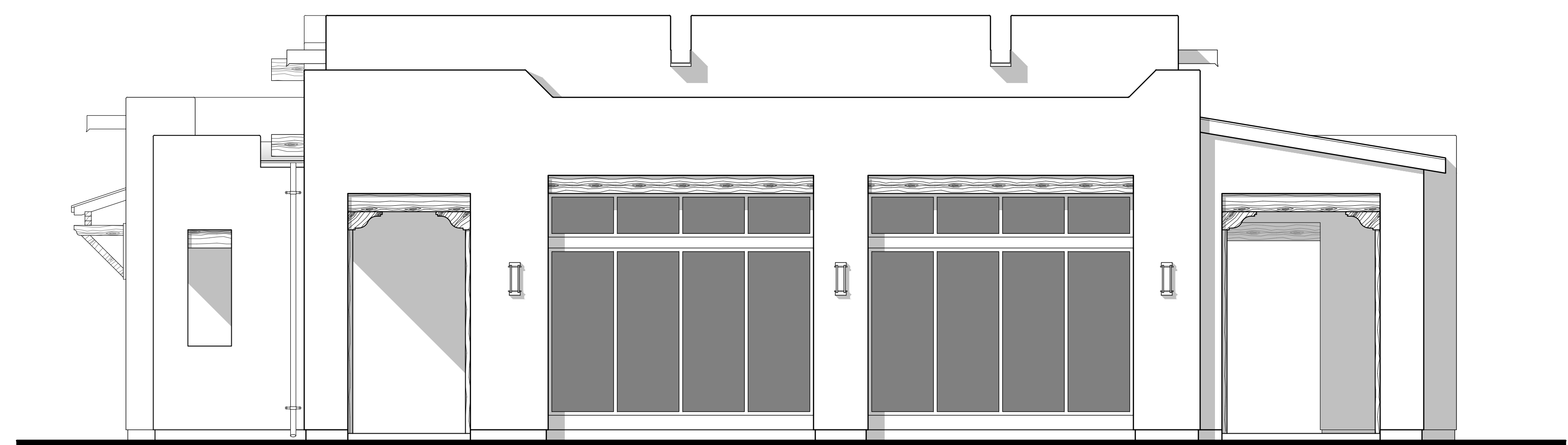


**ROOF PLAN**

PITCH: 3/8:12 U.N.O.  
 RAKE: 6"  
 EAVE: 12"  
 ROOF MATERIAL: TPO / CORRUGATED METAL



LEFT



RIGHT

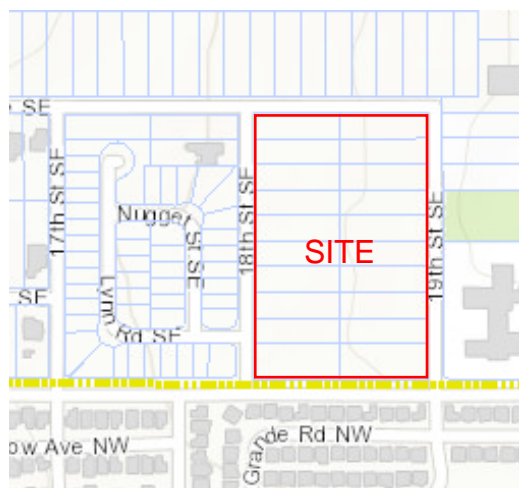


# You Are Invited!

Dear Neighbors,

This flier provides notice that Consensus Planning has been contracted by Verdot Capital to facilitate the entitlements required for development of an upscale rental community located in the area east of 18th Street, just west of the Gateway City Park and The Suites Rio Vista, and directly North of Black Arroyo Boulevard (City of Albuquerque). Consensus Planning is preparing an application for approval of a site plan and conditional use permit for the development, which features single family, carriage units, and townhouse style homes. This project is similar to one that was discussed last year, but this is for a different developer with a different product mix. Similarities include:

- Primary access from 19th Street to the west;
- Single story homes on the western edge of the property;
- Gated and secure private community; and
- A central amenity leasing office and clubhouse building with a pool/spa area.



This property is zoned R-3, which allows for moderate density housing that includes single family and townhouse units. With the approval of the conditional use permit, the property will be allowed to develop a rental community at a similar density and product type.

Prior to the official application submittal for this project, Consensus Planning will be hosting a public forum for neighbors to offer feedback and ask questions. Please join us for this conversation on:

**July 17, 2024**  
**6:00 PM to 7:30 PM**  
Rust Medical Center  
CR RMC Large Community Room - 0406  
2400 Unser Blvd SE,  
Rio Rancho, NM 87124

This meeting welcomes all neighbors to the conversation. Snacks and refreshments will be provided. This is an opportunity for you to see and learn more about the project, and have your questions answered before our team moves forward.

If you have any questions or would like additional information, feel free to contact Jim Strozier at [cp@consensusplanning.com](mailto:cp@consensusplanning.com), or call 505.764.9801.

# Illustrative Site Plan





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# MEETING MINUTES

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## Amaré Rio Rancho – Public Meeting

7/17/2024 @ 6:00 pm  
Rust Presbyterian Community Room

### Attendees:

Jeff King, Verdot Capital  
Jim Strozier, Consensus Planning, Inc.  
Alyssa Ortiz, Consensus Planning, Inc.  
Liz Ruis Carlos, Rio Rancho Development Services

See sign in sheet for Neighbors.

1, Introductions – Attendees and Verdot Capital

2. Project Presentation

- What is build-to-rent?
  - o aka horizontal multi-family housing,
  - o all the rentals are single-family homes, townhouses, and carriage units that people can rent,
  - o on-site amenities to include clubhouse, pool, spa, etc., and
  - o Secure property with access gates and management.
- Site Plan Features
  - o The vehicular entrance is on the east side of the property (19<sup>th</sup> Street), with no access to 18<sup>th</sup> Street.
  - o There will be gates to the right and left when entering the houses past the leasing office.
  - o While the project includes both single story and two story homes, The single story homes are along the western edge of the project closest to the adjacent Westway subdivision. Two story are located away from the existing neighbors and along the east edge of the property adjacent to 19<sup>th</sup> Street.
  - o The townhomes may have direct access to 19<sup>th</sup> Street either from their front door or a private gate.
  - o There will be a wall or fence around the perimeter of the property.
  - o The pedestrian access points will be a connection for people from the primate community to the surrounding areas
- Architecture:
  - o The Project Team reviewed the design inspiration for the architecture for the units.

- The intent is to have both a contemporary pueblo style and a Spanish/Mediterranean style for the homes to provide variety.
- Parking:
  - There will be a combination of open parking, attached garages, and detached garages.
    - There will be a clause in the contract where a resident must park a car in the garage, they cannot use it as storage, which will be enforced.
- Other Items:
  - There is currently a contract to purchase the land, contingent on the approvals for the project.
  - When the client brings the site plan forward to the City, there will be additional public notice.
  - Based on comments from Eric Springer, Springer 5 Investments, he stated that when the commercial land to the north is sold and developed, there will be a new north/south connection built to Wellspring. This will provide an additional access for the neighborhood to alleviate some of the congestion on Black Arroyo.

Neighbor's Questions:

- Are there any current build-to-rent projects in the metro area? Are they successful?
  - There are currently projects being built, but there are not currently any open and operating at the moment.
  - One is the JLM project currently under construction on the east side of Unser north of Westside.
- What is the target renter audience when the property depreciates?
  - The goal will be to keep up with the maintenance to take care of the property to ensure quality renters.
- Do you plan to build and then sell the property?
  - No, Verdot Capital would like to keep the property for 8-10 years.
- Do you think there will be an increase of homeless people on Black Arroyo?
  - The increase of density, management, and people living there will add "eyes on the street" that will discourage homeless activities much better than a vacant lot.
- Will the City have the ability to limit parking on the west side of the development? There is concern that with the gated pedestrian access along that street, that people will park on 18<sup>th</sup> to access their homes.
  - Liz: it is a concern that can be addressed by the Public Works department, there will need to be a traffic study when the client submits for development, which will help inform the conversation.
  - The developer stated that they do not need parking on 18<sup>th</sup> and would support restricting parking there.
- How is parking going to be addressed to not affect the surrounding areas?
  - We commit to follow the City's parking requirements for residents and guests to ensure adequate parking.

- What would be the emergency access situation?
  - o We will work with the City Fire Marshall to ensure that access is provided. If they require a secondary access, there will be a gated access for emergency vehicles only. **<Since the meeting we have received an approved Fire One Plan that does not require secondary, emergency access.>**
- How tall do you think the trees will be?
  - o We will likely use a mix of larger and smaller deciduous shade trees along the west edge of the project, but we can look into the placement of the shorter shade trees and organizing the trees so that we do not obstruct the views from the houses to the west.
- Where is the sidewalk in relation to the fence?
  - o The sidewalk is outside of the fence and will be within the City right-of-way, all landscaping and sidewalk will be discussed and decided by the City per their design standards.
- How tall will the wall be?
  - o Approximately 6ft, which is the City maximum.
- The density that is bringing the traffic is the primary concern of all the residents.
  - o Density is similar to that of a townhome subdivision that is allowed permissively in the R-3 zone?
- When was the property zoned R-3? One resident said that it wasn't zoned for this density when he purchased his home five years ago.
 

**<Based on a response from CoRR Planning, the property was zoned R-3 in 2014, ten years ago.>**
- The only way to access Black Arroyo is through residential roads, there is no way turn left from Unser
  - o There will be a traffic study required by the City to resolve the traffic issues along with the future north south connection to Wellspring discussed earlier (which will be required when the commercial property is developed).
- How will CABQ address the traffic to get to the development and surrounding neighborhoods?
  - o The MRCOG is the regional organization that can also address issues where the traffic is created between cities.
  - o The City of Albuquerque owns Black Arroyo and needs to be a part of the conversation because the traffic created on there is a concern to the neighbors living there now
- Will there be streetlights?
  - o Liz: Yes, the City requires street lights that fall in line with the Night Sky Ordinance to ensure that there isn't light pollution.

Summary of Neighbor Concerns:

- Density
- Pedestrian Access Points/Parking on 18<sup>th</sup> Street
- Parking/Traffic/Cars per Unit
- Black Arroyo being controlled by CABQ

- View impacts from future street trees

**Site Summary :**

Total Homes : 128  
 Gross Site Area : ± 10.33 Acres  
 Gross Density : ± 12.4 Homes / Acre  
 Net Site Area : ± 9.88 Acres  
 Net Density : ± 13.0 Homes / Acre

**Unit Mix:**

1BR : 39 (30.5%)  
 2BR : 39 (30.5%)  
 3BR : 50 (39.0%)  
 Total : 128

**Parking Required:**

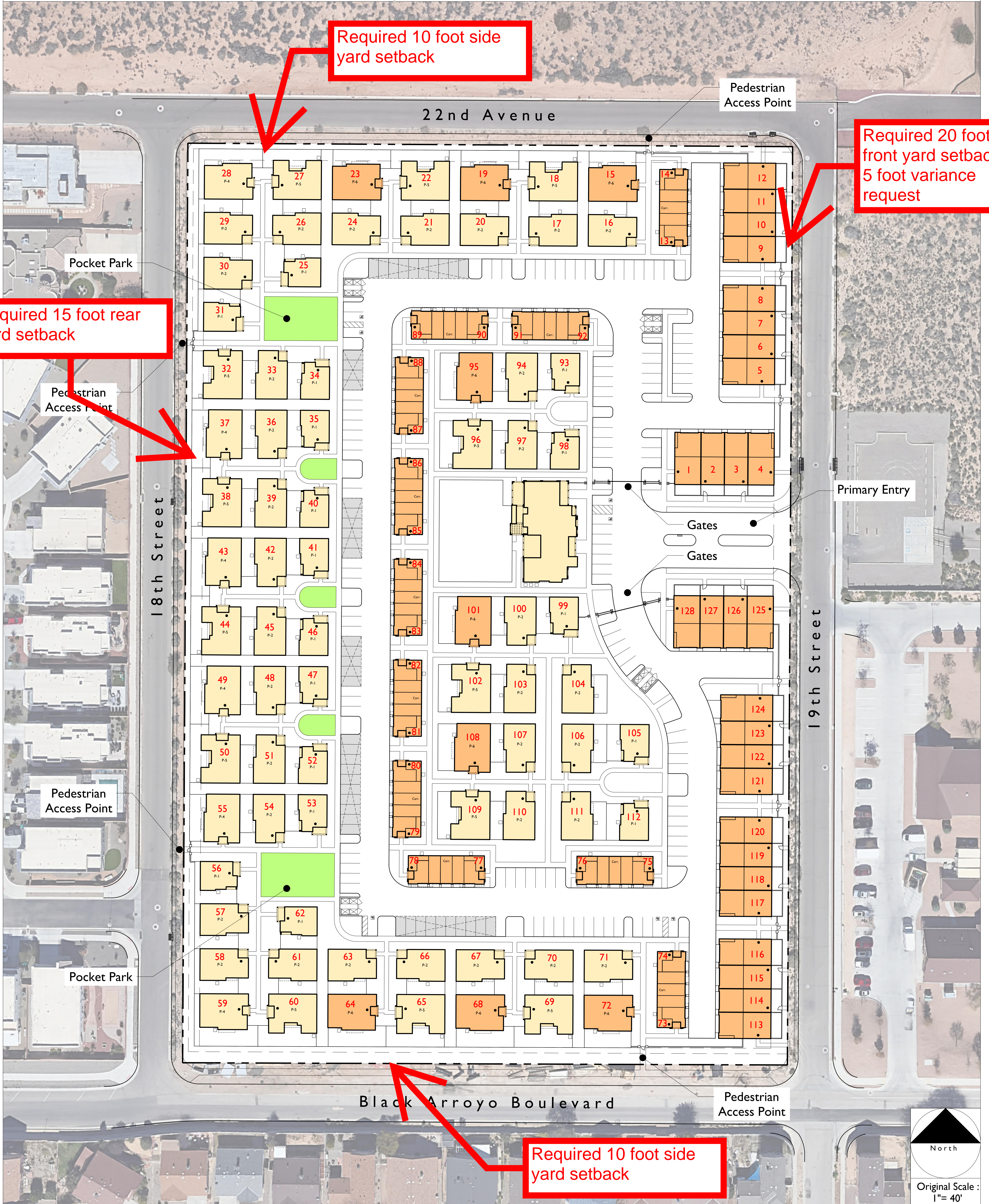
1.50 Spaces / 1BR x 39 : 58.5  
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 Total Required : 226.75 = 227 (1.77:1)

**Parking Provided:**

Garage Spaces : 111  
 Carport Spaces : 45  
 Uncovered Spaces : 108  
 Total Provided : 264 (2.06:1)

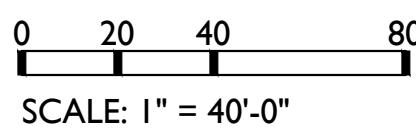
**Legend:**

Single Story  
 Two-Story

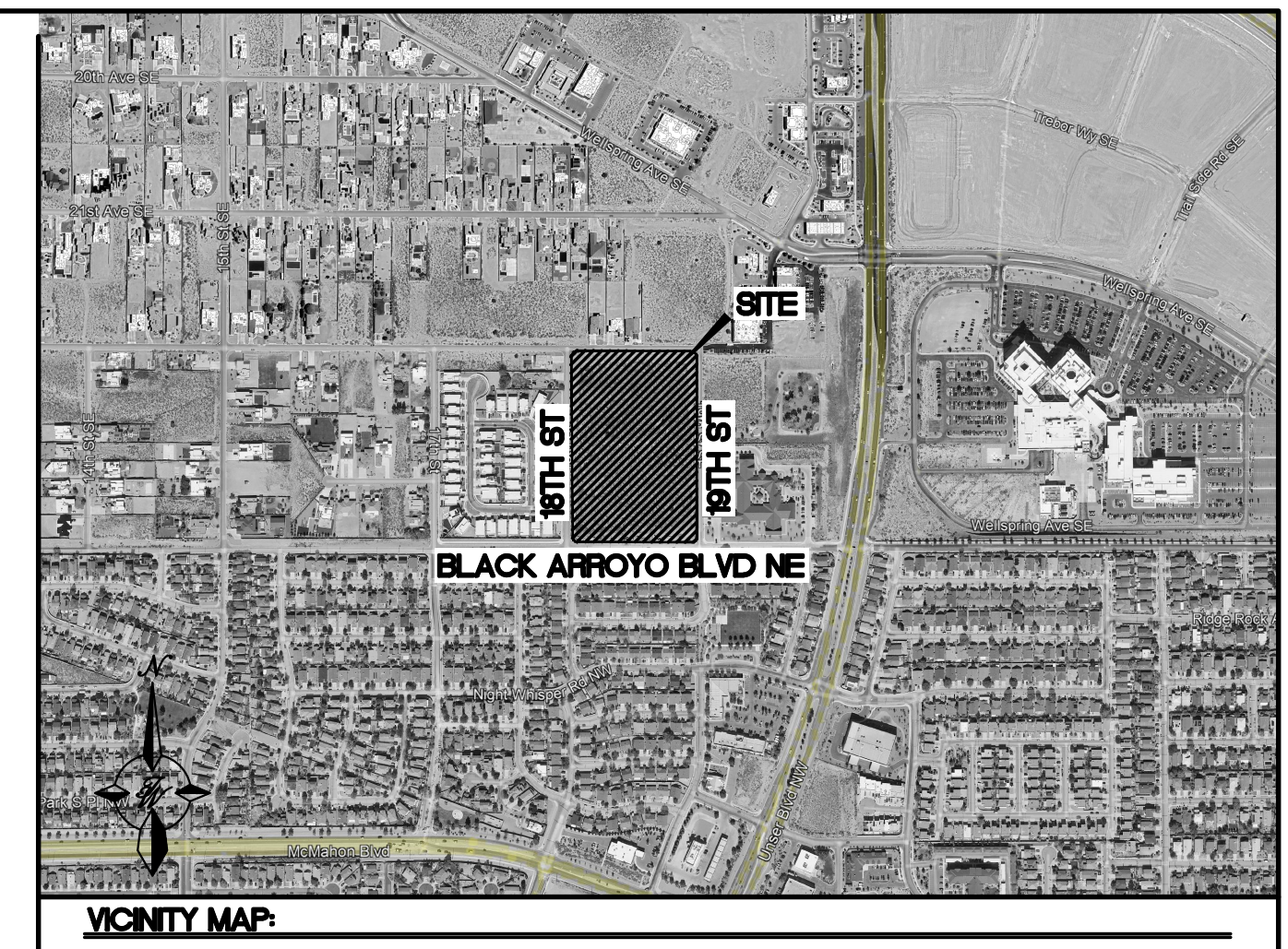
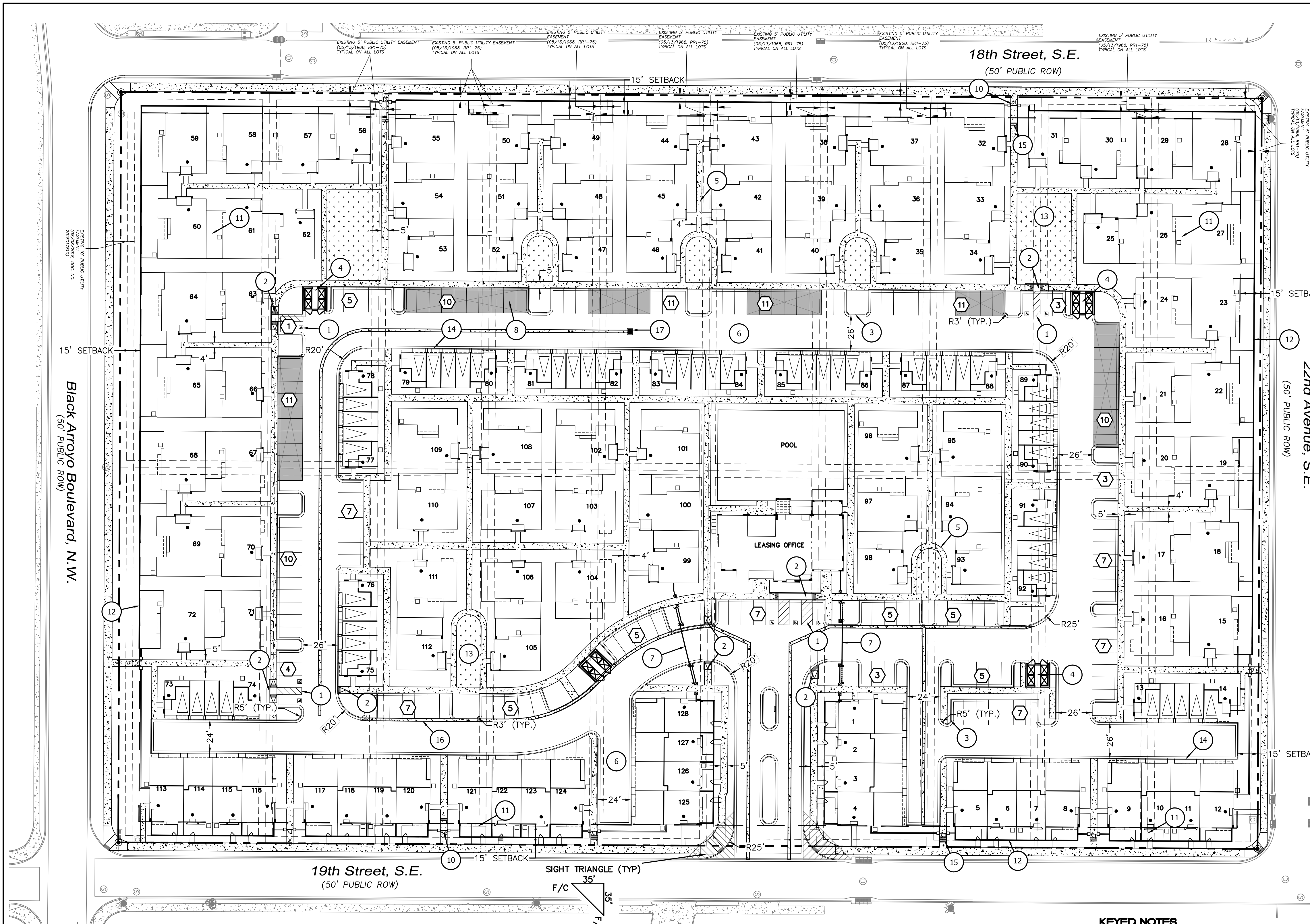


**CONCEPTUAL SITE PLAN**  
**RIO RANCHO**

Rio Rancho, New Mexico



**Note:**  
 This yield study is for the purpose of estimating the maximum density of a residential product type on a site of a given configuration. If specific entitlement requirements differ from the criteria shown on the plan (such as setbacks, minimum lot sizes, street standards, retention requirements, etc.) then the actual possible density may vary substantially.



**LEGAL DESCRIPTION:**  
 Lots 1-20, in Block 81, Rio Rancho Estates, Unit 10, Sandoval County, New Mexico

**LEGEND**

—	CURB & GUTTER
- - -	BOUNDARY LINE
- - - -	EXISTING BOUNDARY LINE
- - - - -	EASEMENT
—	PROPOSED BUILDING
—	PROPOSED WALL/FENCING
—	PROPOSED LANDSCAPE
—	PROPOSED SIDEWALK
—	EXISTING SIDEWALK
—	EXISTING CURB & GUTTER
#	PARKING COUNT
△	CLEAR SIGHT TRIANGLE

**SITE DATA**

PROPOSED USAGE	MULTI-FAMILY HOUSING
LOT AREA	450,175 SF (10.33 ACRES)
ADDRESS	
ZONING	R-3 WITH A CONDITIONAL USE
TOTAL DWELLING UNITS	128

**DENSITY:**  
 MAXIMUM PERMISSIBLE 26 DU/ACRE = 269 DU  
 PROPOSED 128 DU (12.4 DU PER ACRE)

**R-3 (ATTACHED) SETBACKS**  
 FRONT 20' (APPLYING FOR 5' VARIANCE)  
 REAR 0'  
 SIDE 0'  
 CORNER 10'

**GARAGES**  
 FRONT LOADED 20'  
 SIDE LOADED NA  
 ALLEY LOADED 0'

**R-3 (DETACHED) SETBACKS**  
 FRONT 15'  
 REAR 5'  
 SIDE 5'  
 CORNER 10'

**GARAGES**  
 FRONT LOADED 20'  
 SIDE LOADED 15'  
 ALLEY LOADED 0'

**CLEAR SIGHT TRIANGLE NOTE:**  
 LANDSCAPING, SIGNAGE, WALLS, FENCES, TREES, AND SHRUBBERY BETWEEN 3 FEET AND 8 FEET TALL (AS MEASURED FROM THE GUTTER PAN) ARE NOT ALLOWED WITHIN THE CLEAR SIGHT TRIANGLE.

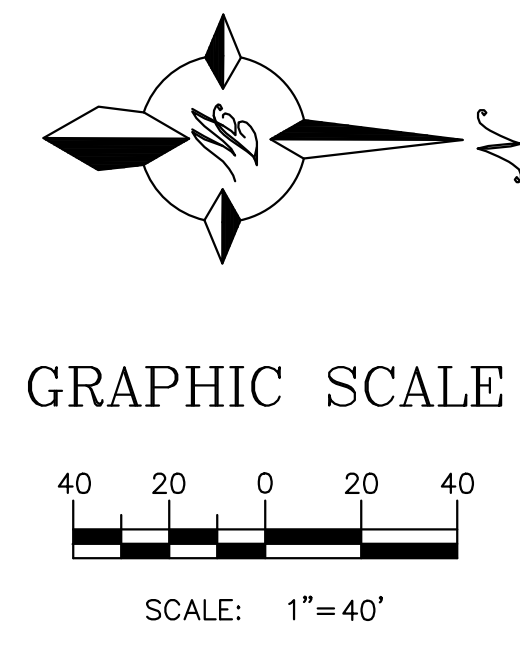
**DWELLING UNITS (LARGEST):**  
 MAX BUILDING FOOTPRINT = 1,720 SF  
 2 STORY HIGH BUILDING  
 MAX HEIGHT= ±25'-0"

**PARKING REQUIRED**  
 39 1BR 1.50 SPACES/DU= 58.5 SPACES  
 39 2BR 1.75 SPACES/DU= 68.25 SPACES  
 50 3BR 2.00 SPACES/DU= 100 SPACES  
 TOTAL PARKING REQUIRED = 226 SPACES

**PARKING PROVIDED**

GARAGE PARKING	111 SPACES
UNCOVERED PARKING	99 SPACES
COVERED PARKING	45 SPACES
GUEST PARKING	6 SPACES
TOTAL PARKING	261 SPACES

HC PARKING REQUIRED 8 SPACES  
 HC PARKING PROVIDED 8 SPACES  
 VAN ACCESSIBLE REQUIRED 2 SPACES  
 VAN ACCESSIBLE PROVIDED 2 SPACES



- NOTES:**
- APPROVAL OF THIS PLAN DOES NOT CONSTITUTE OR IMPLY EXEMPTION FROM WATER WASTE PROVISIONS OF THE WATER CONSERVATION LANDSCAPING AND WATER WASTE ORDINANCE WATER WASTE MANAGEMENT IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER.
  - LANDSCAPE MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE OWNER.
  - LIGHT POLES SHALL BE A MAXIMUM OF 20' FEET WITH FULL CUT OFF LIGHT FIXTURES. LIGHT FIXTURES SHALL BE A MAXIMUM OF 20' WITH FULL CUT OFF SHIELDS ON FIXTURES SO THAT NO FUGITIVE LIGHT SHALL ESCAPE BEYOND THE PROPERTY LINE. THE LIGHT FIXTURES SHALL BE FULLY SHIELDED WITH HORIZONTAL LAMPS. LIGHT POLES WITHIN 100' OF RESIDENTIAL ZONING SHALL BE LIMITED TO 16' HIGH.
  - THERE SHALL BE NO BACKLIT, PLASTIC, OR VINYL AWNINGS OR ILLUMINATED PLASTIC BANDING ON SIGNAGE.
  - ROOF EQUIPMENT SHALL BE BELOW PARAPET HEIGHT AND SCREENED FROM VIEW. ALL GROUND MOUNTED EQUIPMENT SHALL BE SCREENED BY SCREEN WALLS WITH TOP OF EQUIPMENT BELOW TOP OF SCREEN WALL.

- NOTICE TO CONTRACTORS**
- AN EXCAVATION/CONSTRUCTION PERMIT WILL BE REQUIRED BEFORE BEGINNING ANY WORK WITHIN CITY RIGHT-OF-WAY. AN APPROVED COPY OF THESE PLANS MUST BE SUBMITTED AT THE TIME OF APPLICATION FOR THIS PERMIT.
  - ALL WORK DETAILED ON THESE PLANS TO BE PERFORMED, EXCEPT AS OTHERWISE STATED OR PROVIDED HEREON, SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF RIO RANCHO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
  - TWO WORKING DAYS PRIOR TO ANY EXCAVATION, CONTRACTOR MUST CONTACT LINE LOCATING SERVICE, 260-1990 (OR DIAL 811 LOCALLY), FOR LOCATION OF EXISTING UTILITIES.
  - PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL CONSTRUCTIONS. SHOULD A CONFLICT EXIST, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT CAN BE RESOLVED WITH A MINIMUM AMOUNT OF DELAY.

- GENERAL NOTES - SITE PLANS:**
- THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCING THIS WORK. IN CASE OF ANY DISCREPANCIES, THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY AND WORK SHALL NOT COMMENCE WITHOUT APPROVAL FROM THE ARCHITECT.
  - WRITTEN DIMENSIONS OF DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE GENERAL CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS AT THE BUILDING SITE, AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
  - PAVING SHALL BE LOWER THAN THE BUILDING SLAB BY THE FOLLOWING AMOUNTS UNO:  
 - 1/2" @ ALL EXIT DOORS  
 - 1/2" @ ALL SHOWROOM GLAZING LOCATIONS  
 - 1 1/2" @ OVERHEAD DOORS  
 - 1 1/2" @ PRE-FAB METAL WALL PANELS
  - CONTRACTOR SHALL COMPLY, AT A MINIMUM, WITH THE GOVERNOR'S COMMISSION ON DISABILITY'S PARKING LOT CHECKLIST: [HTTP://gcd.state.nm.us/physical-accessibility/parking/](http://gcd.state.nm.us/physical-accessibility/parking/) WITH RESPECT TO THE TYPE OF HANDICAP PARKING SIGNAGE, 1' HIGH BY 2' THICK LETTERING STAYING "NO PARKING" IN THE CROSS STRIPED ACCESS ISLE, AND ANY OTHER STATE STATUTE REQUIREMENTS THAT ARE MORE STRINGENT THAN THOSE OF THE FEDERAL OR CITY REQUIREMENTS.

- KEYED NOTES**
- ACCESSIBLE PARKING W/SIGN PER ADA STANDARDS (1.0% MIN - 2.0% MAX SLOPE)
  - UNIDIRECTIONAL ACCESSIBLE RAMP
  - STANDARD CURB AND GUTTER (TYP.)
  - DUMPSTER W/RECYCLING
  - NEW CONCRETE SIDEWALK, WIDTH VARIES (TYP.)
  - NEW ASPHALT PAVING (TYP.)
  - GATED VEHICULAR ACCESS
  - CARPORT (TYP.)
  - GATED PEDESTRIAN ACCESS (TYP.)
  - PRIVATE YARD (TYP.)
  - PERIMETER WALL/FENCING (TYP.)
  - LANDSCAPE AREA (TYP.)
  - FLUSH/ZERO CURB (TYP.)
  - CONCRETE STEPS (TYP.)
  - 2" CONCRETE VALLEY GUTTER (TYP.)
  - DRAINAGE INLET

- CAUTION**
- ALL EXISTING UTILITIES SHOWN WERE OBTAINED FROM RESEARCH, AS-BUILTS, SURVEYS OR INFORMATION PROVIDED BY OTHERS. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO CONDUCT ALL NECESSARY FIELD INVESTIGATIONS PRIOR TO AND INCLUDING ANY EXCAVATION, TO DETERMINE THE ACTUAL LOCATION OF UTILITIES AND OTHER IMPROVEMENTS, PRIOR TO STARTING THE WORK. ANY CHANGES FROM THIS PLAN SHALL BE COORDINATED WITH AND APPROVED BY THE ENGINEER.

NOT FOR CONSTRUCTION

	<b>AMARÉ RIO RANCHO</b> RIO RANCHO, NM <b>SITE PLAN</b>	DRAWN BY TW DATE 9/30/2024 DRAWING
	5571 MIDWAY PARK PL NE ALBUQUERQUE, NEW MEXICO 87109 (505) 858-3100 www.tierrowestllc.com	SHEET # <b>C10</b> JOB # 2024037

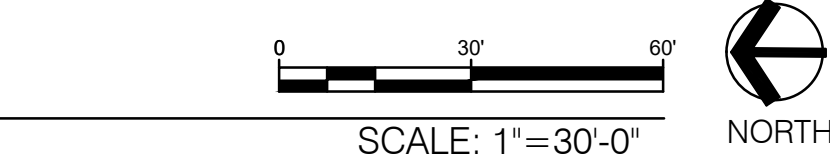
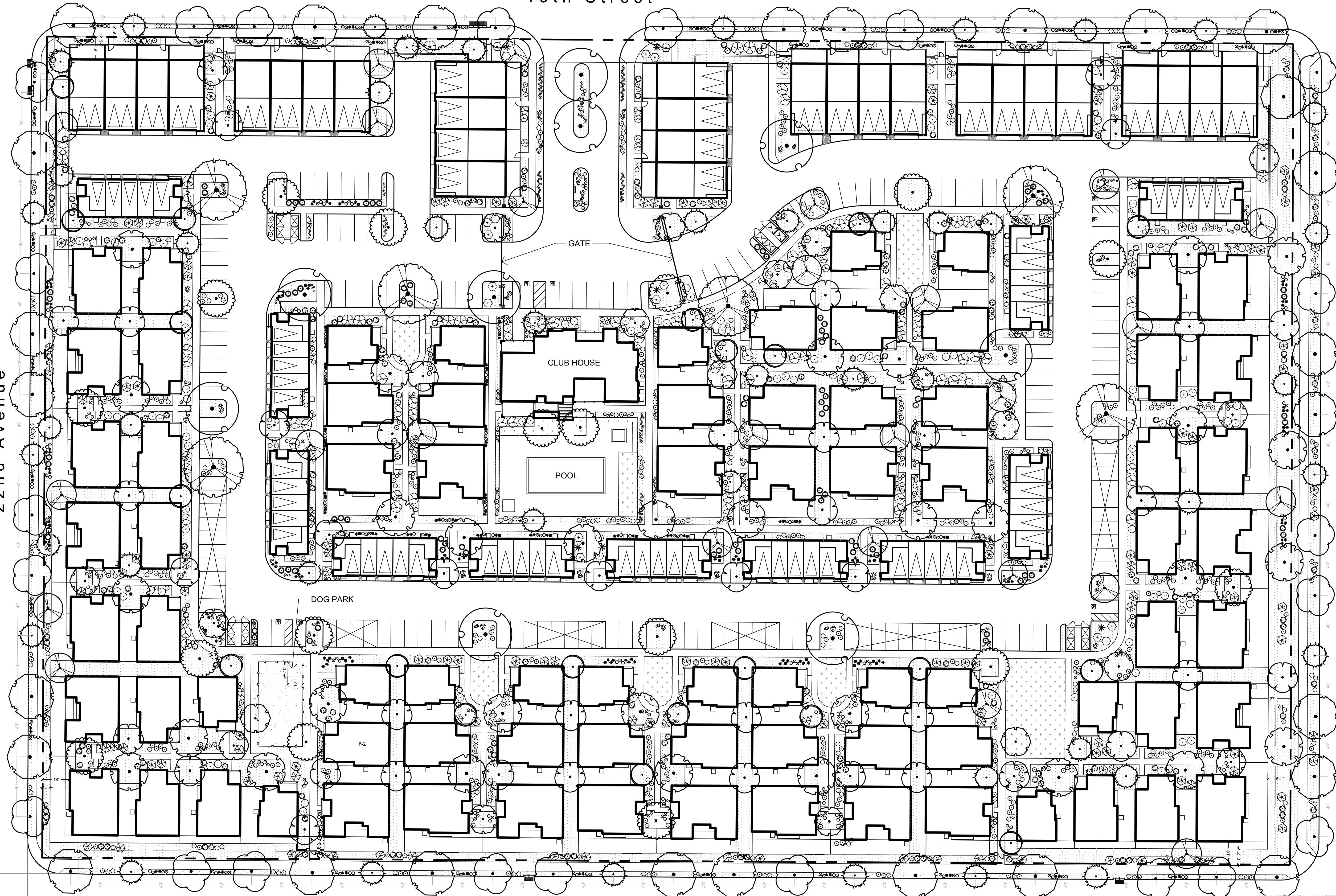
RONALD R. BOHANNAN  
 P.E. #7868  
 9/30/2024

19th Street

22nd Avenue

Black Arroyo Boulevard

18th Street



1 CONCEPTUAL LANDSCAPE PLAN

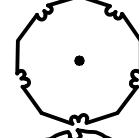
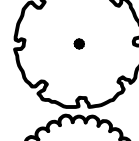
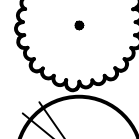
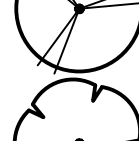
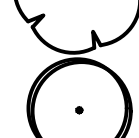
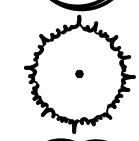
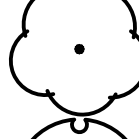
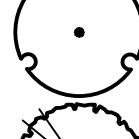

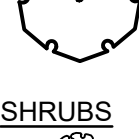
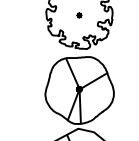
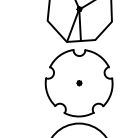
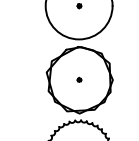
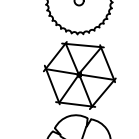
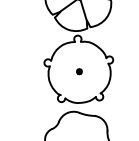


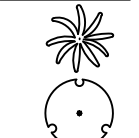
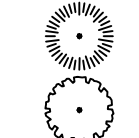



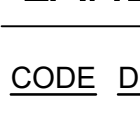
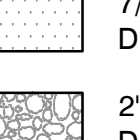
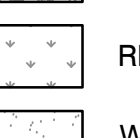



NOT FOR CONSTRUCTION



**CONSENSUS**  
 Planning / Landscape Architecture  
 302 Eighth Street NW Albuquerque,  
 NM 87102  
 (505) 764-9801 Fax 842-5495  
 e-mail: cp@consensusplanning.com

ENGINEER'S SEAL	<b>AMARÉ RIO RANCHO</b> RIO RANCHO, NM	DRAWN BY KR
		DATE 9/30/2024
		DRAWING
		SHEET #
	<b>TIERRA WEST, LLC</b> 5571 MIDWAY PARK PL NE ALBUQUERQUE, NEW MEXICO 87109 (505) 858-3100 www.tierrawestllc.com	JOB # 2024037
RONALD R. BOHANNAN P.E. #7868		

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	INSTALL SIZE	MATURE SIZE	WATER USE
<b>TREES</b>					
	27	Acer negundo 'Sensation' / Sensation Box Elder	2.5" cal.	40' x 30'	MED
	34	Celtis reticulata / Netleaf Hackberry	2.5" cal.	25' x 25'	MED
	17	Cercis canadensis / Eastern Redbud	2.5" cal.	25' x 25'	MED
	27	Chilopsis linearis 'Bubba' / Bubba Desert Willow	8" ht.	20' x 20'	MED
	42	Crataegus phaenopyrum / Washington Hawthorn	2.5" cal.	20' x 20'	MED
	22	Forestiera neomexicana / New Mexico Olive	2.5" cal.	15' x 15'	MED
	48	Pinus eldarica / Afghan Pine	2.5" cal.	40' x 18'	MED
	22	Pistacia chinensis / Chinese Pistache	2.5" B&B	20' x 25'	MED
	9	Quercus buckleyi Texana / Texas Red Oak	2.5" cal.	35' X 35'	MED
	6	Ulmus parvifolia 'Emer II' / Allee® Lacebark Elm	2.5" cal.	40'x40'	MED
	19	Vitex agnus-castus / Chaste Tree	24" Box	20' x 20'	MED
<b>SHRUBS</b>					
	210	Artemisia filifolia / Sand Sagebrush	5 gal.	4' x 4'	
	64	Buddleja davidii / Butterfly Bush	5 gal.	5' x 7'	
	17	Caryopteris x clandonensis / Blue Mist Spirea	5 gal.	3' x 5'	Low
	2	Chrysothamnus nauseosus / Dwarf Blue Rabbitbrush	5 gal.	2' x 2'	RW
	104	Mirabilis multiflora / Colorado Four O'Clock	5 gal.	2' x 5'	Low
	321	Nepeta x faassenii 'Select Blue' / Select Blue Catmint	5 gal.	3' x 3'	
	179	Penstemon eatonii / Firecracker Penstemon	5 gal.	3' x 3'	
	144	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	5 gal.	2' x 6'	Medium
	16	Rosa woodsii / Mountain Rose	5 gal.	6' x 8'	Medium
	309	Salvia mohavensis / Mojave Sage	5 gal.	3' x 3'	RW
	33	Teucrium aroanum / Creeping Germander	5 gal.	6' x 2'	
<b>DESERT ACCENT</b>					
	21	Agave americana / Century Plant	3 gal.	6' x 6'	RW
	6	Dasyliion texanum / Texas Sotol	5 gal.	5' x 5'	RW
<b>GRASSES</b>					
	263	Calamagrostis x acutiflora 'Karl Foerster' / Karl Foerster Feather Reed Grass	5 gal.	3' x 2'	Medium
	260	Festuca idahoensis 'Siskiyou Blue' / Siskiyou Blue Fescue	5 gal.	1.5' x 1'	
	77	Miscanthus sinensis 'Adagio' / Adagio Eulalia Grass	5 gal.	4' x 4'	Medium
	542	Muhlenbergia reverchonii 'PUND01S' / Undaunted® Ruby Muhly	5 gal.	2' x 2'	Medium

LANDSCAPE REQUIREMENTS

LOT AREA: 450,175 SF = 10.33 AC. (AREA IN PROPERTY LINE)  
TOTAL LANDSCAPE AREA PROVIDED: 133,245 SF

(2) MULTI-FAMILY DWELLINGS. ALL MULTI-FAMILY RESIDENTIAL DEVELOPMENT SHALL INCLUDE THE INSTALLATION AND MAINTENANCE OF LANDSCAPING THROUGHOUT THE SITE. A MINIMUM OF TWO TREES, EACH OF A MINIMUM ONE AND ONE-HALF INCHES IN CALIPER (DECIDUOUS TREES) OR EIGHT FEET HIGH (EVERGREEN TREES), AND THREE FIVE-GALLON SHRUBS OR THE EQUIVALENT THEREOF PER DWELLING UNIT IN ACCORDANCE WITH A WRITTEN PLAN SUBMITTED TO AND APPROVED BY THE DIRECTOR OF DEVELOPMENT SERVICES, OR THAT PERSON'S OFFICIAL DESIGNEE, SHALL BE INSTALLED WITHIN A REASONABLE TIME AFTER OCCUPATION OF THE DWELLING UNIT NOT TO EXCEED 120 DAYS.

128 UNITS: TREES  
REQUIRED 256  
PROVIDED 271 (COMPLIANT)

128 UNITS: SHRUBS  
REQUIRED 384  
PROVIDED 1,449 (COMPLIANT)

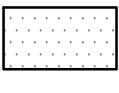
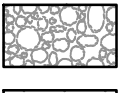
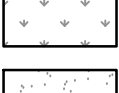
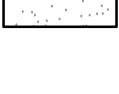
TOTAL STREET FRONTAGE 2,546'  
ONE TREE EVERY 40' = 64 STREET TREES  
PROVIDED= 66 (COMPLIANT)

COOL SEASON TURF GRASS SHALL BE LIMITED TO AREAS DESIGNATED FOR RECREATIONAL USE AND SHALL BE LIMITED TO A MAXIMUM OF 15% OF THE TOTAL LOT AREA.

POSSIBLE TURF AREA: 5,214 (TWO LARGE LANDSCAPE AREAS\*)  
TOTAL LOT: 450,175 SF  
15% MAX: 67,526 SF  
PROVIDED: 6,942 SF (1%)

COOL SEASON TURF GRASSES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING SPECIES: POA PRATENSIS (KENTUCKY BLUEGRASS), FESTUCA SPP. (FESCUES), AND LOLIUM SPP. (RYEGRASSES). PLANT MATERIALS SHALL BE LIMITED TO SPECIES THAT ARE NOT LISTED AS HIGH WATER USE IN THE CITY OF RIO RANCHO PLANT LIST. EXISTING TURF AND OTHER PLANTS INSTALLED PRIOR TO OCTOBER 31, 2011, ARE EXEMPT FROM THIS REGULATION. EFFECTIVE THE DATE OF THE ORDINANCE CODIFIED IN THIS CHAPTER, HOMEOWNER ASSOCIATION BYLAWS OR NEW RESTRICTIVE COVENANTS SHALL NOT MANDATE A MINIMUM AMOUNT OF LIVE GRASS.

LANDSCAPE MATERIALS


CODE	DESCRIPTION	QTY
	7/8" PUEBLO ROSE ROCK MULCH (3" DEPTH OVER FILTER FABRIC, DEWITT PRO-5 WEED CONTROL, OR EQUAL)	122,985 sf
	2'-6" COYOTE MIST COBBLE (6" DEPTH OVER FILTER FABRIC, DEWITT PRO-5 WEED CONTROL, OR EQUAL)	525 sf
	REVEGETATIVE SEED	6,942 sf
	WOOD MULCH	2,609 sf

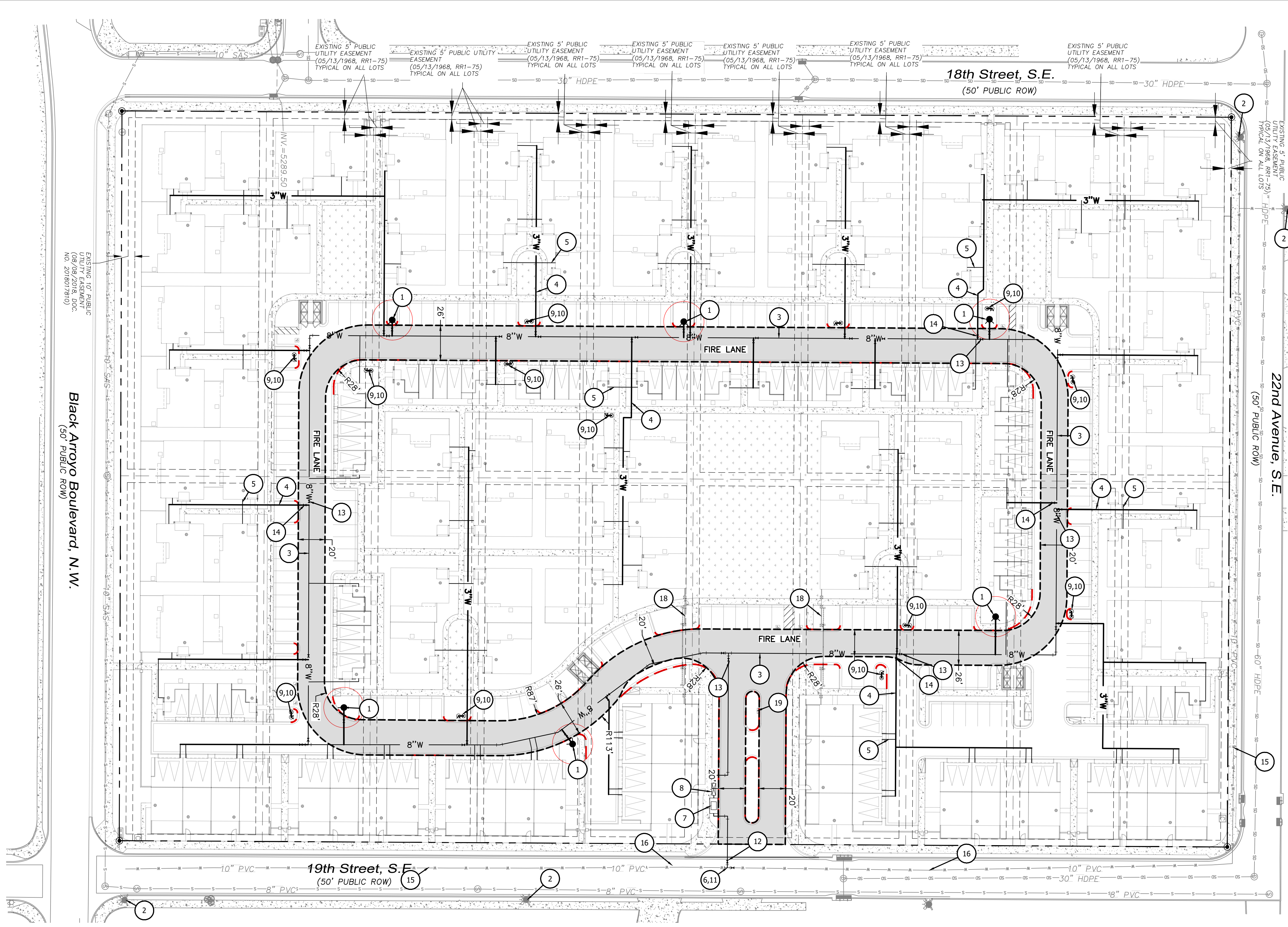


CONSENSUS

Planning / Landscape Architecture  
302 Eighth Street NW Albuquerque,  
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e-mail: cp@consensusplanning.com

NOT FOR CONSTRUCTION

ENGINEER'S SEAL	AMARÉ RIO RANCHO RIO RANCHO, NM	DRAWN BY KR
		DATE 9/30/2024
RONALD R. BOHANNAN P.E. #7868	 5571 MIDWAY PARK PL NE ALBUQUERQUE, NEW MEXICO 87109 (505) 858-3100 www.tierrawestllc.com	DRAWING
		SHEET #
		JOB # 2024037



**LEGAL DESCRIPTION:**  
 Lots 1-20, in Block 81, Rio Rancho Estates, Unit 10, Sandoval County, New Mexico

**LEGEND**

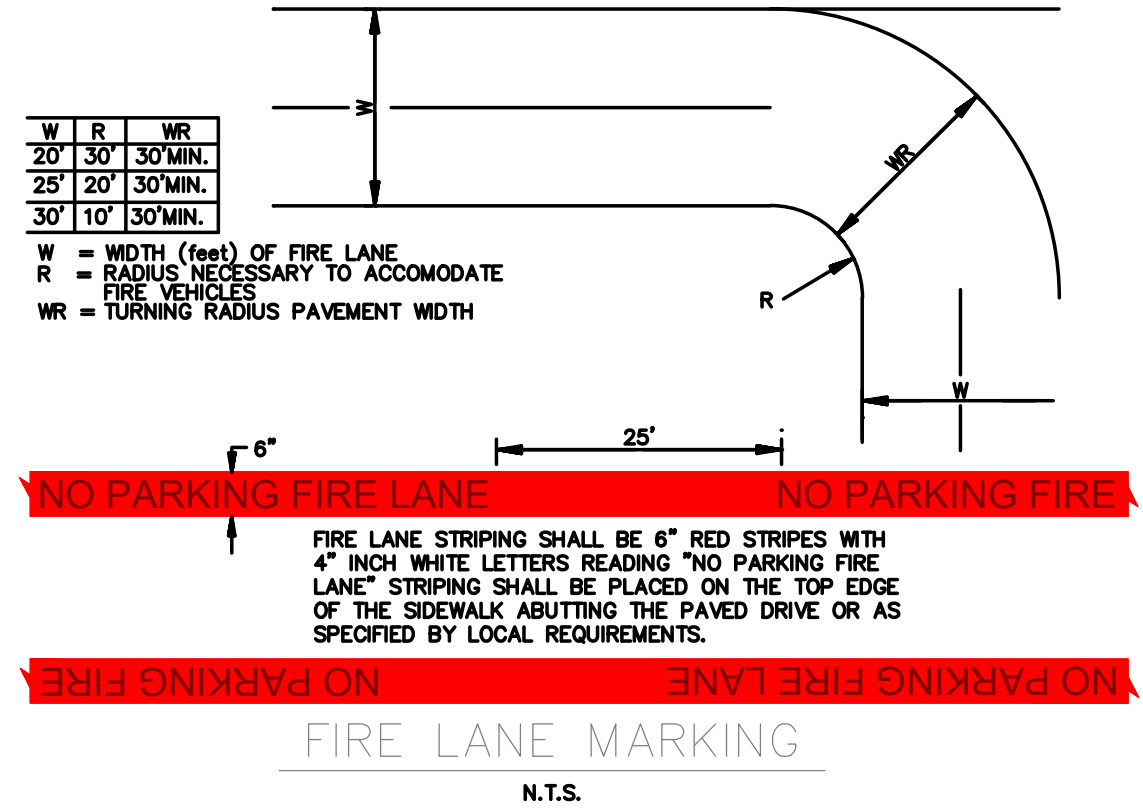
	CURB & GUTTER
	BOUNDARY LINE
	BUILDING
	EXISTING CURB & GUTTER
	8" WATER LINE
	3" DOMESTIC WATER & FIRE LINE
	1-1/2" DOMESTIC WATER & FIRE LINE
	FIRE LANE
	NO PARKING FIRE LANE LINE
	EXISTING FIRE HYDRANT
	PROPOSED HYDRANT
	PROPOSED GATE VALVE
	PROPOSED PIV
	PROPOSED FDC
	PROPOSED REMOTE FDC
	PROPOSED COMPOUND MASTER METER FOR COMBINED
	PROPOSED BACKFLOW PREVENTER W/ HOTBOX

Approved w/ requirements  
 07/15/2024 9:40:00 AM  
 GERARD BAUER

- KEYED NOTES**
- |   |   |
|---|---|
| 1. INSTALL PRIVATE FIRE HYDRANT W/ 6" GATE VALVE & FIRELINE                         | 10. PROPOSED POST INDICATOR VALVE                 |
| 2. EXISTING PUBLIC FIRE HYDRANT   | 11. INSTALL 10" PUBLIC GATE VALVE                 |
| 3. INSTALL 8" WATER LINE (TYP.)   | 12. INSTALL 8" PUBLIC GATE VALVE                  |
| 4. INSTALL 3" COMBINED DOMESTIC & FIRE LINE (TYP.)                                  | 13. INSTALL 8" PRIVATE GATE VALVE (TYP.)          |
| 5. INSTALL 1-1/2" COMBINED DOMESTIC & FIRE LINE (TYP.)                              | 14. INSTALL 3" PRIVATE GATE VALVE (TYP.)          |
| 6. INSTALL 8"x10"x8" TEE, CONNECT TO EXISTING 10" WATER MAIN                        | 15. EXISTING WATERLINE (TYP.)                     |
| 7. INSTALL 6"x3" COMPOUND METER FOR COMBINED DOMESTIC & FIRE FLOW PROTECTION BYPASS | 16. EXISTING GATE VALVE (TYP.)                    |
| 8. INSTALL BACKFLOW PREVENTER W/ HOTBOX   | 17. BUILDING DIRECTORY MAP                        |
| 9. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION                                       | 18. KNOX BOX/KEY SWITCH FOR VEHICULAR GATE ACCESS |

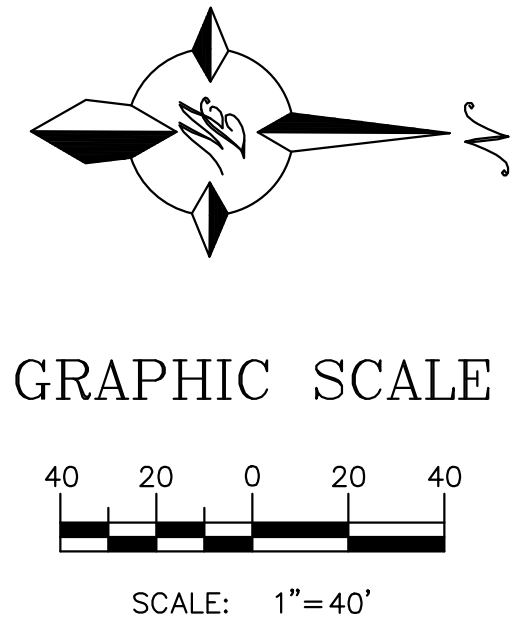
- NOTES**
- ON SITE FIRE LANE ROAD SHALL BE MARKED ON BOTH SIDES, AS DIRECTED BY FIRE MARSHALL.
  - FIRE APPARATUS ACCESS ROADS SHALL NOT EXCEED 10 PERCENT IN GRADE AND SHALL HAVE AN ALL WEATHER DRIVING SURFACE CAPABLE OF SUPPORTING THE IMPOSED LOAD OF FIRE APPARATUS WEIGHING AT LEAST 75000 LBS.
  - KEY BOX (KNOX BOX) SHALL BE MOUNTED BETWEEN 4 AND 6 FEET ABOVE GRADE AND SHALL BE ILLUMINATED.

**CAUTION**  
 ALL EXISTING UTILITIES SHOWN WERE OBTAINED FROM RESEARCH, AS-BUILTS, SURVEYS OR INFORMATION PROVIDED BY OTHERS. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO CONDUCT ALL NECESSARY FIELD INVESTIGATIONS PRIOR TO AND INCLUDING ANY EXCAVATION, TO DETERMINE THE ACTUAL LOCATION OF UTILITIES AND OTHER IMPROVEMENTS, PRIOR TO STARTING THE WORK. ANY CHANGES FROM THIS PLAN SHALL BE COORDINATED WITH AND APPROVED BY THE ENGINEER.



18TH ST AND BLACK ARROYO RIO RANCHO, NEW MEXICO

**DWELLING UNIT (LARGEST):**  
 MAX BUILDING FOOTPRINT = 1,720 SF  
 2 STORY HIGH BUILDING  
 MAX HEIGHT = ±25'-0"  
 OCCUPANCY TYPE = R2  
 CONSTRUCTION TYPE = V-B  
 SPRINKLER SYSTEM IN BLDG  
 FIRE-FLOW = 500 GPM (FOR 0.5 HOURS)  
 MIN. HYDRANTS = 1 @ 500 FT SPACING



NOT FOR CONSTRUCTION

 RONALD R. BOHANNAN P.E. #7868 7/15/2024	<b>18TH ST AND BLACK ARROYO RIO RANCHO, NM</b>	DRAWN BY TW
	<b>FIRE ONE PLAN</b>	DATE 7/15/2024
<b>TIERRA WEST, LLC</b> 5571 MIDWAY PARK PL NE ALBUQUERQUE, NEW MEXICO 87109 (505) 858-3100 www.tierrawestllc.com	SHEET # <b>F-1</b>	JOB # 2024037



# 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

October 3, 2024

RE: Conditional Use Permit, Variance x 2  
Case No. 24-120-00013, 24-100-00044, 24-100-00045  
U10, Blk 81, Lots 1-20

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, Verdote Capital, through their agent, Consensus planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. The applicant concurrently requests approval of two variances. The first variance request is to the 6' buffer wall requirement outlined in the Unit 10 Overlay. The request is for a 2' deviation, which would reduce the height of the fence to 4'. The second variance request is to the 20' front setback requirement; the request is for a 5' deviation, which would reduce the front setback to 15'.

The **Planning and Zoning Board** will consider the request on **Tuesday, October 22, 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.rnm.gov](http://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

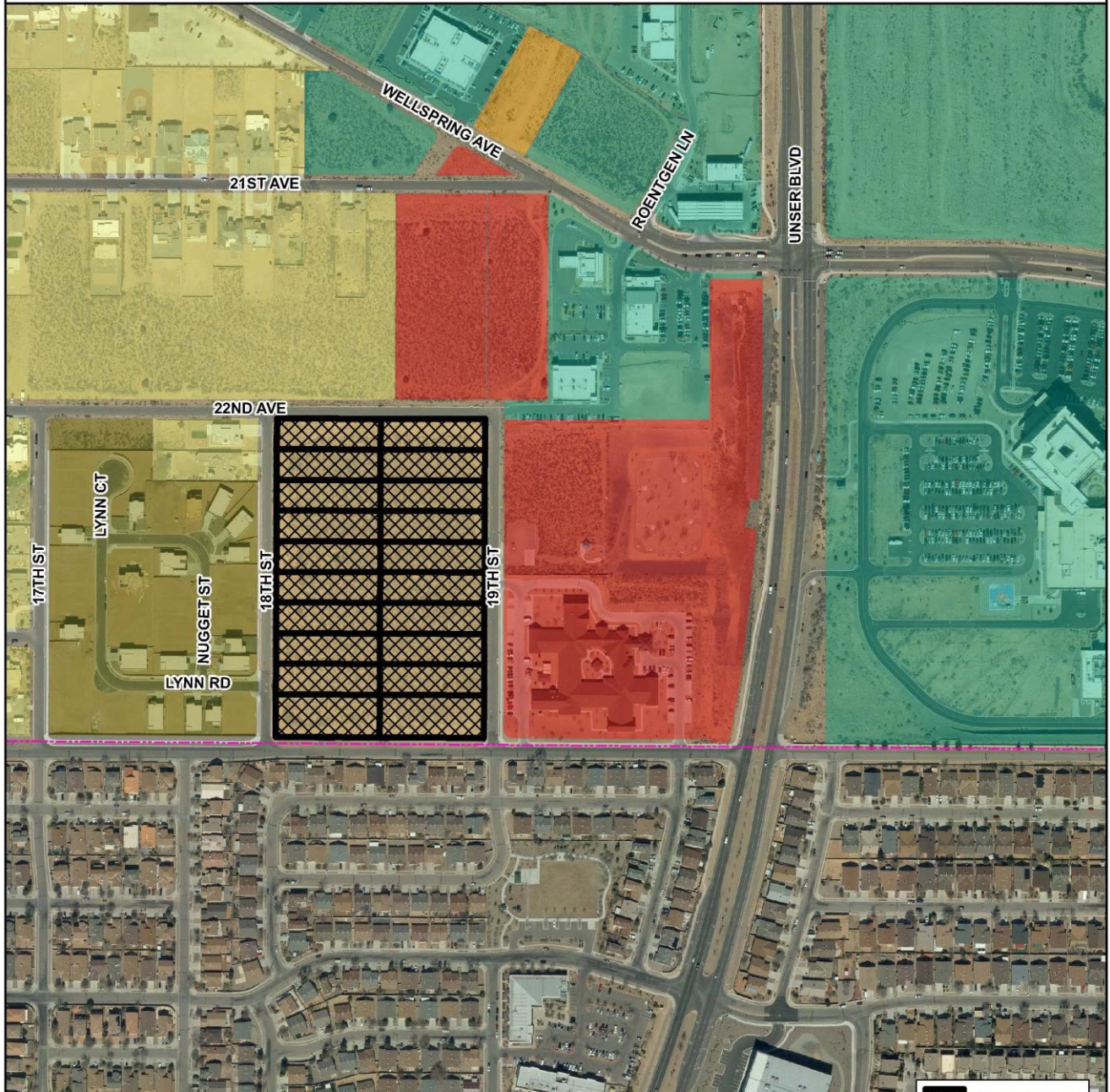
Please do not hesitate to contact me via e-mail me at [lruizcarlos@rnm.gov](mailto:lruizcarlos@rnm.gov) or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, [www.rnm.gov](http://www.rnm.gov),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

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

## CONDITIONAL USE PERMIT & VARIANCE RRE UNIT 10, BLOCK 81, LOTS 1-20



	Subject Properties
<b>Zoning</b>	
	C-1
	MU-A
	R-1
	R-3
	R-4
	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.



CITY OF RIO RANCHO  
PUBLIC HEARING NOTICE

you are encouraged to submit a written comment to [planning@rrnm.gov](mailto:planning@rrnm.gov). Written comments will be inserted into the public record.

Journal: October 7, 2024.

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, October 22, 2024:

Subdivision Variance  
Case #24-280-00004

The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, is requesting approval of a subdivision variance to allow for 10-foot public utility easements on the front of all lots within the proposed Tierra Del Norte Phase 3 subdivision.

Conditional Use Permit  
Case #24-120-00013

The applicant, Verdote Capital, through their agent, Consensus Planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres.

Variance  
Case #24-110-00044

The applicant, Verdote Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 20' front setback requirement, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 5' deviation, which would reduce the front setback to 15'. The subject property is zoned R-3 and consists of 10.36 acres.

Variance  
Case #24-120-00045

The applicant, Verdote Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 6' buffer wall requirement outlined in the Unit 10 Overlay, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 2' deviation, which would reduce the height of the fence to 4'. The subject property is zoned R-3 and consists of 10.36 acres.

Zone Map Amendment  
Case #24-110-00010

The applicant, Sandy Desert Properties, LLC, through their agent, Matthew Carle, requests approval of a Zone Map Amendment for the lot legally described as Unit 13, Block 79, Lot 15, from R-1 to M-1. The subject property consists of .98 acres.

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](http://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,



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:** **October 22, 2024**  
**Time:** 6:00PM  
**Staff Contact:** Liz Ruiz Carlos (505) 896-8785  
[lruizcarlos@rrnm.gov](mailto:lruizcarlos@rrnm.gov)



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3200 Civic Center Circle NE, Suite 130  
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## **Application Information**

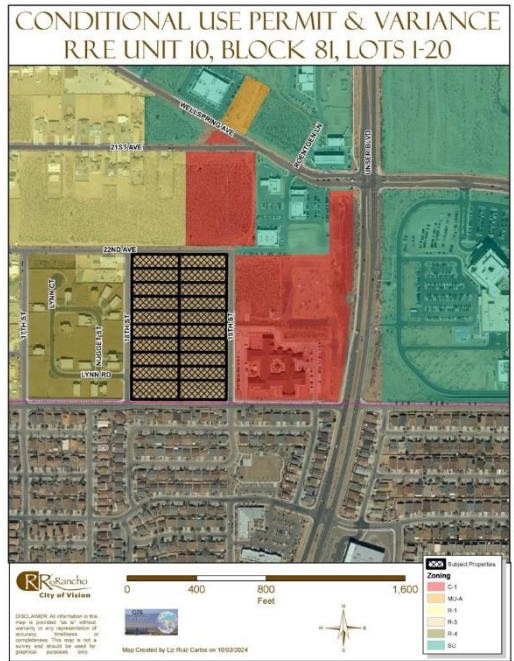
You are receiving this notice because your property abuts a site where a land development decision is required by the Planning and Zoning Board. The applicant, Verdote Capital, through their agent, Consensus planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres. The applicant concurrently requests approval of two variances. The PZB will hear the request on October 22, 2024.

*We are 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=T3B1SHVpWkp6d3dDRmlHd3k2VzYvUT09>

Meeting ID: 851 8074 1871 Passcode:

026819 Join via phone: 1-253-215-8782 US



## **Application Information**

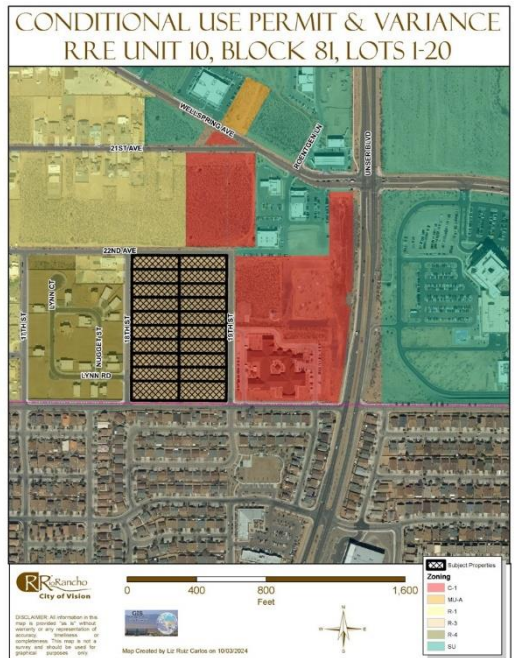
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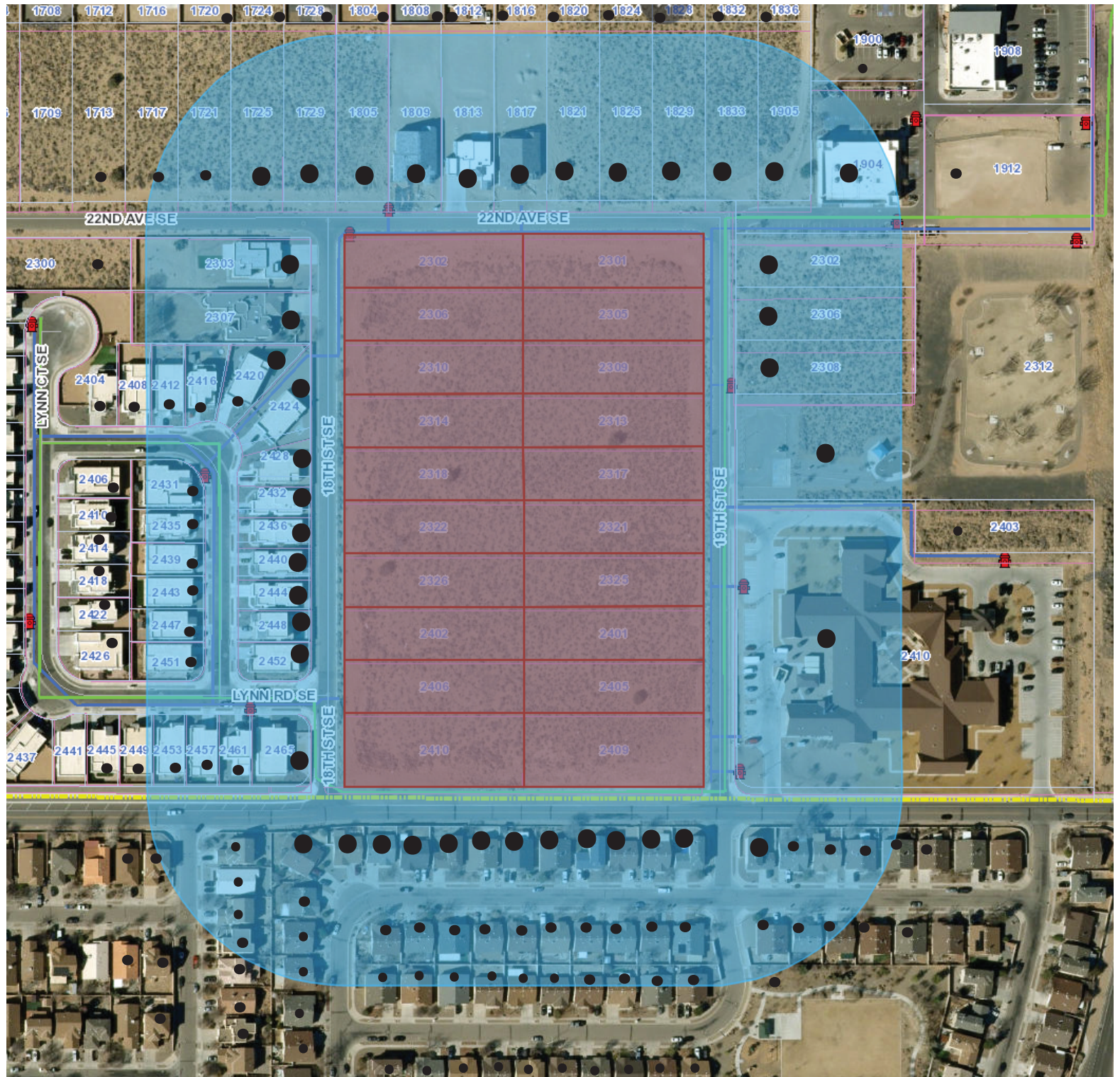
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NOTICE MAP:

- - CERTIFIED LETTER TO PROPERTIES WITHIN 100FT
- - POSTCARD TO PROPERTIES BETWEEN 100-300FT





**CITY OF RIO RANCHO  
ORDINANCE**

**ORDINANCE NO. 20**

**ENACTMENT NO. 18-24**

**AN ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE ZONING CLASSIFICATION AND OFFICIAL ZONING MAP; ZONE MAP OVERLAY ZONE FOR PROPERTY DESCRIBED AS ALL OF UNIT 10 RIO RANCHO ESTATES AND ANY SUBDIVISION THEREOF AND INCLUDING ALL ADJOINING RIGHT-OF-WAYS; IDENTIFYING DESIGN GUIDELINES, LANDSCAPE BUFFER AND USE SEPARATION GUIDELINES AS OUTLINED IN THE AMENDED UNIT 10 SPECIFIC AREA PLAN - APPENDIX 8.8; 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 designation on the subject property has been submitted by the City of Rio Rancho, and assigned City Case No. 18-100-00008; and,

**WHEREAS:** in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07, the City of Rio Rancho Development Services has proposed an amendment to the Official Zoning Map for the purpose of imposing additional design standards, landscape buffers and use separation guidelines in Rio Rancho Estates Unit 10, based on the development and implementation of the Amended Unit 10 Specific Area Plan; and,

**WHEREAS:** the City of Rio Rancho Planning and Zoning Board held a duly noticed public hearing on May 8, 2018, 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 for the in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed zoning district and Official Zone Map changes herein after described were duly advertised and held by the Governing Body of the City of Rio Rancho on \_\_\_\_\_, 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 and Statutes, and upon specific findings related to the subject property and determining the proposed amendment is consistent with the policies and criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing Body finds the amendments promote the health, safety, morals, and general welfare of the City.

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

1 **Section 1. Overlay Zone:**

2 The Overlay Zone authorized under Section 154.32 shall apply as an overlay zone for  
3 design standards, landscaping buffer and use separation guidelines as outlined in the  
4 Amended Unit 10 Specific Area – Appendix 8.8, and as further set forth in Section 2 below,  
5 and shall be denoted on the official zoning map as "OZ" in conjunction with the notation  
6 of the underlying zoning district for the following properties:  
7

8 All of Unit 10 Rio Rancho Estates, being land bordered by Southern Boulevard  
9 on the North, Unser Boulevard on the East, Bernalillo County on the South, and  
10 Rainbow Boulevard on the West, and any subdivision thereof and including all  
11 adjoining right-of-way.  
12

13 **Section 2. Design Guidelines:**

14 I. Purpose

- 15
- 16 a. To create appropriate buffers between higher intensive  
17 commercial/multi-family uses and single family residential developments  
18 in Unit 10, this overlay zone establishes setback regulations and creates  
19 flexible standards for landscape buffer areas between single-family  
20 residential uses abutting developments of a different land use type. The  
21 intent is to provide an adequate separation between uses and  
22 consistency and flexibility in the choosing of appropriate landscape  
23 features based on land use and site conditions.

24 II. General Requirements

- 25 a. New structures and additions to existing structures must meet the  
26 setback regulations of this overlay zone.  
27 b. A buffer is a specified land area together with its planting and landscape  
28 requirements. A buffer may also contain a barrier such as a fence, wall,  
29 hedge, or berm where such additional screening is necessary to achieve  
30 the desired degree of buffering between adjacent uses.  
31 c. A landscaping buffer area is required along the perimeter (unless a zero  
32 setback is used) of the proposed development whenever a multifamily or  
33 non-residential property abuts a residential zone. The existing use, or,  
34 where vacant, the permitted use of the abutting property will determine  
35 the type of landscape area required for the proposed development.

36 III. New Developments

- 37 a. All new developments must meet the setback and landscape buffer  
38 requirements as set forth in this section.

39 IV. Existing Developments

- 40 a. Additions and modifications to existing buildings must meet the setback  
41 regulations of this overlay zone.  
42 b. Existing landscapes that do not comply with the provisions of this section  
43 must be brought into conformity to the extent possible when:  
44 i. The vehicular/parking lot area is altered or expanded by more  
45 than 10% other than re-striping or re-marking;  
46 ii. The building square footage is altered or expanded by more than  
47 50%; and/or  
48 iii. There has been a discontinuance of use for a period of 365 days  
49 or more.  
50 c. In the case of a constrained site, the property owner/developer will  
51 confer with the Development Services Director to determine how best to

1 meet the setback and landscape buffer requirements of this overlay  
2 zone.

3 V. Use Categories

4 a. For the purposes of landscape buffer requirements, developments are  
5 classified into the following land use categories, with corresponding  
6 zoning districts as defined in the City Code. The use categories for  
7 landscape buffer requirement purposes are:

8 i. L/MDR = Low/Medium Density Residential (1-8 DU/Acre)

- 9 1. R-1: Single Family Residential District
- 10 2. R-2: Single Family Residential District
- 11 3. R-3: Mixed Residential District (single-family  
12 development only)
- 13 4. R-4: Single Family Residential
- 14 5. A-R: Agricultural Residential District
- 15 6. M-H: Mobile Home Residential District
- 16 7. E-1: Estate Residential District
- 17 8. T-Z: Transitional Zoning District

18 ii. HDR = High Density Residential (8- 26 DU/Acre)

- 19 1. R-3: Mixed Residential District (multi-family/attached  
20 residential development)
- 21 2. R-5: Single Family Residential District
- 22 3. R-6: Multi-Family Residential District

23 iii. COM = Commercial

- 24 1. C-1: Retail Commercial District
- 25 2. O-1: Office District
- 26 3. NC: Neighborhood Commercial
- 27 4. MU-A: Mixed Use Activity Center District
- 28 5. CBD: Central Business District

29 iv. IND = Industrial, Business Park, Warehouse

- 30 1. C-2: Wholesale and Warehousing Commercial District
- 31 2. M-1: Industrial and Business Park District
- 32 3. BP: Business Park District
- 33 4. Utility

34 v. CIVIC = Civic, School, Church

35 VI. Setbacks

36 a. Rear – zero feet, unless abutting a residential zone, then a 15-foot  
37 setback with landscaped buffer is required for buildings up to 35 feet in  
38 height. For portions of a building greater than 35 feet in height, the  
39 building shall have a step-back of ten feet for each additional ten feet of  
40 height up to the maximum height of the district;

41 b. Side – zero feet, unless abutting a residential zone then, a 10-foot  
42 setback with landscaped buffer is required for buildings up to 35 feet in  
43 height. For portions of a building greater than 35 feet in height, the  
44 building shall have a step-back of ten feet for each additional ten feet of  
45 height up to the maximum height of the district;

46 c. Trash containers and trash compactors – 15 feet from the property line  
47 when adjacent to land planned or zoned for a single-family residential  
48 use.

49 i. All trash containers and trash compactors shall be screened from  
50 residential zones and public rights-of-way by decorative wall or  
51 enclosure that extends not less than two feet above the height of  
52 the trash container or compactor.

- ii. Flag poles – 25 feet from any property line, with a maximum height of 50 feet. Pole heights greater than 50 feet may be approved by conditional use permit.

VII. Determination of Landscape Buffer Requirements

- a. The table of buffer requirements (Table 1 - Required Buffers between Land Use Designations) describes the type of buffer required as determined by the uses allowed in the applicable zone and the type of use which is designated, approved, or existing on lands adjacent/abutting the proposed project. In order to determine the type of buffer required, the following procedures shall be followed:
  - i. Identify the abutting properties land use designation (existing and/or proposed).
  - ii. Where an abutting property has a lawful nonconforming use of less intensity than the allowable use of the property, buffering shall be based upon the allowable use. *(Note: This avoids the possibility of "too little buffering" should the nonconforming use be discontinued and subsequently developed with a use consistent with the future land use map).*
  - iii. Refer to Table 1 below for buffer requirements on each property boundary or portion thereof and select the desired buffer option for the specified type of buffer from those shown in Figure 1 through Figure 3.
  - iv. The following developments are not required to provide buffers:
    - 1. Construction of single-family homes on "antiquated" original Rio Rancho Estates lots.
    - 2. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of said licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.
    - 3. Passive recreation such as golf course, open space areas, hiking/equestrian/bicycle trails, or boardwalks.

Table 1. Required Buffers between Land Use Designations

DEVELOPING LAND USE	ABUTTING LAND USE				
	L/MDR	HDR	COM	IND	CIVIC
L/MDR	N/A	A	B	B	B
HDR	A	A	B	B	B
COM	B	B	A	A	A
IND	B	B	A	A	A
CIVIC	B	A	A	A	A

VIII. Types of Buffers

- a. Required buffer types shall consist of "Type A" and "Type B" as follows:
  - i. Type A: Intended for similar land uses of differing intensities or densities, such as low density residential and higher density residential. See **Figure 1**.
  - ii. Type B: Intended for different land uses types with similar intensity, large differences in impacts and intensity, such as high density residential and neighborhood commercial; and such as single family residential and commercial uses. See **Figure 2**.

- b. Each buffer type consists of several options that utilize different landscape features to create an appropriate buffer between uses. Appropriate landscape features are determined by the total width of the landscape buffer area, the density of trees and shrubs proposed, the abutting land use, and existing site conditions.
- c. In no case will a required buffer of less than five (5) feet in width be allowed except when one (1) of the following conditions exists and is indicated on the site plan for the proposed development or project:
  - i. The adjacent property is designated with a nonresidential land use category and is vacant.
  - ii. The adjacent property has existing vegetation sufficient in size, types of plantings, and location that serve in the same capacity as the required buffers between the parcels.
- d. For projects that propose to retain seventy-five (75) feet of undisturbed area between the extent of the development and the property line, the Development Services Director may grant an exemption from buffering requirements of this section. This exemption does not apply to industrial, extractive, or outdoor recreation uses. Additionally, the site plan must show that the undisturbed area has an existing mixture of trees, shrubs, and other vegetation or native landscaping that would serve in the same capacity as the required buffer.
- e. For projects that are required to provide a buffer to adjacent residentially zoned property that is currently vacant, the applicant may plant the required buffer at the proper density and configuration, but may utilize smaller plants to allow for a longer period to maturity. All plants that are smaller than required shall be of a type that will reach the required height within two (2) years from the time of planting.
- f. Alternative designs for required buffers may be approved by the Development Services Director upon a finding that the required buffer will require alterations of the existing improvements on the property or that such alternative designs meets the intent of these regulations and sound landscaping practice. In no case is the Director authorized to reduce the width of a buffer or total number of plants required on the site.

IX. Use and Location of Buffers

- a. Areas identified as required buffers may also be used as follows:
  - i. Satisfaction of setback/yard requirements, if any.
  - ii. Satisfaction of open space requirements, if any (but not less than the required setbacks/yards).
  - iii. May contain stormwater retention or detention areas (including green infrastructure solutions), so long as the required buffer plantings are provided and the design and landscaping of the buffer does not interfere with proper functioning of the drainage system and the design water depth or water flow does not harm the viability of the plantings.
  - iv. Passive recreation such as pedestrian, bicycle, or equestrian trails subject to the following limitations:
    - 1. No plant material is eliminated.
    - 2. The total width of the buffer is maintained.
    - 3. All other requirements of these regulations are met.
- b. The following uses shall not be allowed in a required buffer: principal structures, accessory structures, plat fields, stables, swimming pools,

1 tennis courts, or similar active recreation uses; storage facilities, or  
2 parking facilities.

3 c. General location of design requirements:

4 i. Buffers shall be located on the outer perimeter of a lot or parcel  
5 that abut developments of a different land use type and/or  
6 intensity and extend the entire length of the lot or parcel  
7 boundary line.

8 ii. Buffers shall not be located on any portion of an existing,  
9 dedicated, or proposed right-of-way, roadway easement, or  
10 private street without prior approval of the Development  
11 Services Director.

12 1. In some cases, landscape areas may be located within  
13 existing or dedicated street right-of-way or roadway  
14 easement; however, this requires the written approval  
15 by the Development Services Director prior to  
16 installation.

17 iii. Where an existing utility easement is partially or wholly within a  
18 required buffer, the developer shall design the buffer to  
19 eliminate or minimize plantings within the easement to ensure  
20 proper clearance of all existing or proposed utility equipment.  
21 Such design may necessitate choosing a buffer with more land  
22 area and fewer required plantings.

23 X. Barriers & Fencing

24 a. Fencing for the purpose of security or protection is allowable within all  
25 buffers provided the fence complies with the applicable fence or wall  
26 requirements and standards found in the City Code. Developments  
27 proposing a privacy fence or wall six (6) feet or more in height within a  
28 required buffer may be allowed a fifty (50) percent reduction in the  
29 density of plantings required. Such request shall be submitted in writing  
30 by the applicant and shall include provisions by the owner for  
31 maintenance of the buffer and the fencing. This reduction does not apply  
32 to industrial, extractive, or active outdoor recreational uses.

33 XI. Plantings and Trees

34 a. At least 75% percent of landscape area shall be covered with living,  
35 vegetative materials, including trees, shrubs, ground cover, or flowers.  
36 Coverage will be calculated from the mature spread of the plants. To  
37 minimized water consumption the use of ground cover other than turf  
38 grass and plants that are native or adaptable to the climate of Rio  
39 Rancho is encouraged. In the event of a greater than minimum  
40 landscape buffer width, the 75% of plant material can be based on the  
41 calculation of the area for the smallest buffer width. The plant material  
42 can be evenly distributed within the provided landscape buffer area and  
43 no additional material is required. All plant material installed as park of  
44 any development shall be maintained by the property owner and at no  
45 time shall plant material be removed without being replaced with plant  
46 material similar in size and shape.

47 b. Plant Types

48 i. Appropriate species of trees, shrubs, and hedges to use within  
49 landscape buffer areas as listed in **Figure 3**.

50 ii. In general, plant species should be xeric, native species that will  
51 prosper within the selected buffer size, and reach mature heights  
52 as described below.

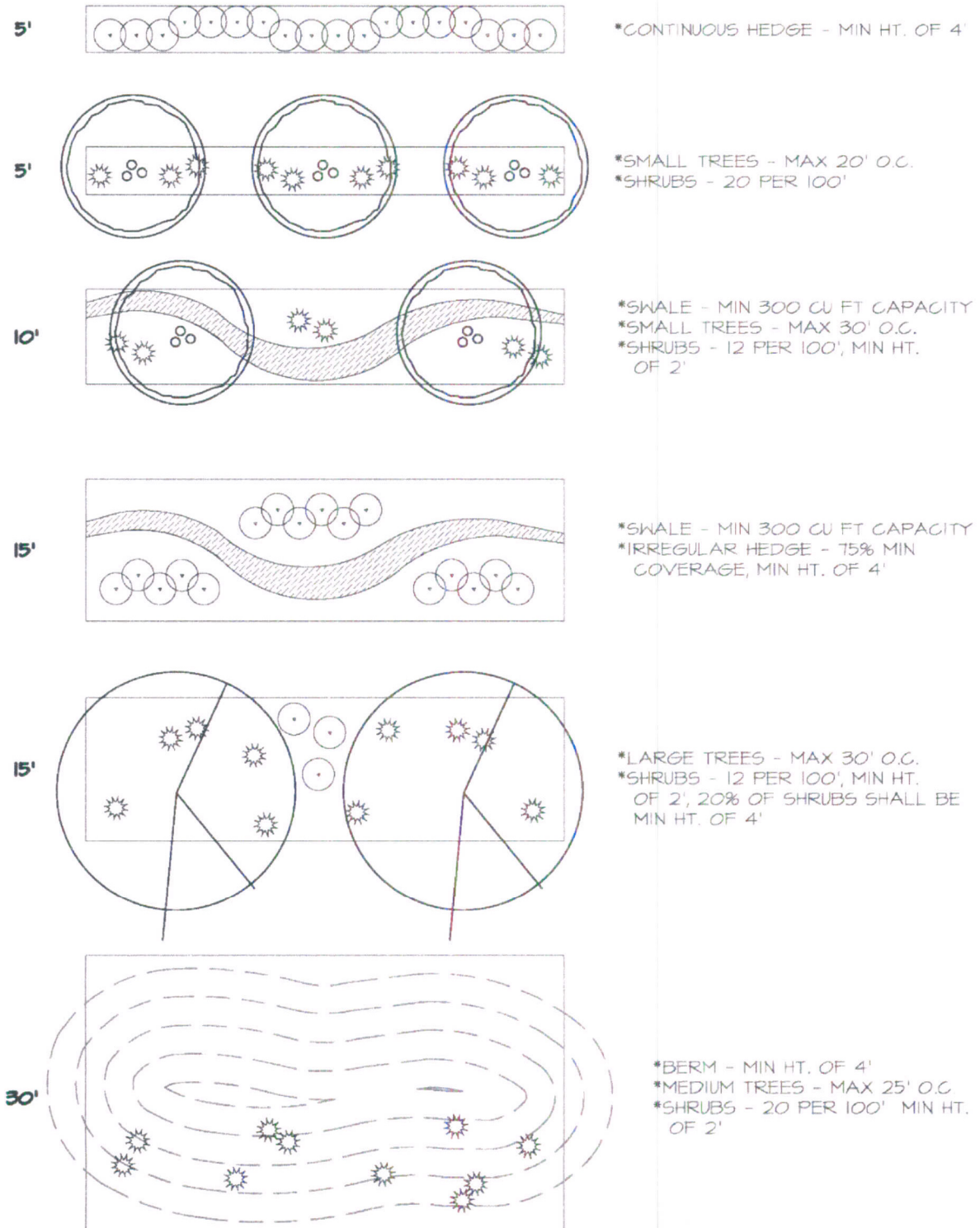
- 1                                   iii. All plants utilized shall be of a type that the growth will reach the
- 2                                   required height criteria within a two (2) year period from the
- 3                                   time of planting.
- 4                                   c. Trees
- 5                                   i. Trees in buffers less than ten (10) feet should be of a size that
- 6                                   will prosper within this size buffer. Trees in buffers of more than
- 7                                   ten (10) feet may be any size provided; however, at least one-
- 8                                   half of the required trees shall be a species that reach a
- 9                                   minimum height of twenty (20) feet at maturity.
- 10                                  ii. Trees used in required buffers may be used to meet the required
- 11                                  plantings for the property, provided the trees meet or exceed all
- 12                                  size, type, and location requirements for tree planting.
- 13                                  d. Shrubs
- 14                                  i. Shrubs shall be of species that have an average mature height of
- 15                                  at least two (2) feet.
- 16                                  e. Hedges
- 17                                  i. Continuous hedges shall have a height of at least four (4) feet
- 18                                  and form a continuous screening.
- 19                                  ii. Irregular hedges shall have a height of at least four (4) feet, and
- 20                                  shall be distributed as to screen at least 75 percent of the buffer
- 21                                  area per hundred linear feet.

22                   XII.    Landscape Elements

- 23                                  a. Berms
- 24                                  i. Berms are raised areas of the landscape buffer that may be
- 25                                  added to create visual interest and screening between uses.
- 26                                  Berms are appropriate in landscape buffers areas that are at
- 27                                  least fifteen (15) feet wide.
- 28                                  ii. Minimum berm height shall be at least 24 inches, on average, at
- 29                                  the crest of the berm, with a maximum berm height of five (5)
- 30                                  feet.
- 31                                  b. Swales & Green Infrastructure
- 32                                  i. Swales are lowered areas of the landscape buffer that are
- 33                                  designed to manage storm water runoff through retention,
- 34                                  infiltration and filtration of water runoff. Swales are appropriate
- 35                                  in landscape buffers areas that are at least ten (10) feet wide.
- 36                                  ii. Swales shall be on average three (3) feet wide by one (1) foot
- 37                                  deep, and have a total capacity of at least 300 cubic feet per 100
- 38                                  linear feet of buffer area.
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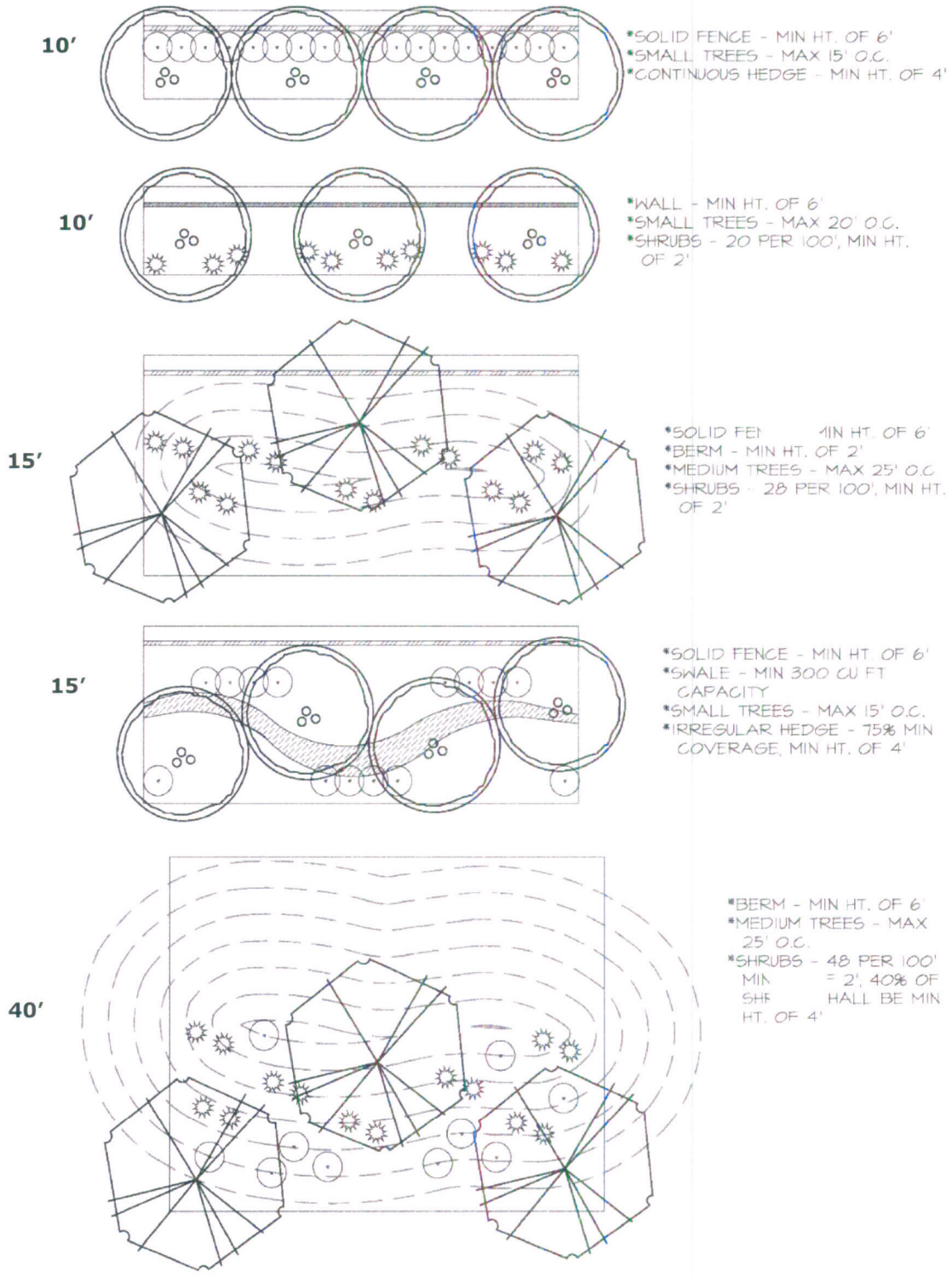
**Buffer Type Examples:**

**Figure 1: Buffer Type A** - Intended for similar land uses of differing intensities or densities, such as low density residential and higher density residential.



1  
2  
3  
4

**Figure 2: Buffer Type B-** Intended for different land uses types with similar intensity, large differences in impacts and intensity, such as high density residential and neighborhood commercial; and such as single family residential and commercial uses.



5

**Figure 3: Recommended Landscape Buffer Plant List**

**Small Trees** (Trees with up to 20' wide canopy at maturity)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height x Spread</u>
NM Olive	Forestiera neomexicana	15' x 15'
Desert Willow	Chilopsis linearis	25' x 25'
Chaste Tree	Vites agnus-castus	25' x 20'
Redbud Species	Cercis sp.	20' x 15'
Mimosa	Albizia julbrissin	20' x 20'
English or Washington Hawthorn	Crataegus sp.	20' x 20'
Fragrant Ash	Fraxinus cuspidata	20' x 20'
Crape Myrtle	Lagerstroemia indica	15' x 15'
Screwbean or Western Mesquite	Prosopis sp.	20' x 20'
Sumac Species	Rhus sp.	15' x 20'
Afghan or Pinon Pine	Phus sp.	20' x 15'
Juniper Species	Juniperus sp.	Up to 20'

**Medium Trees** (Trees with up to 20' – 30' wide canopy at maturity)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height x Spread</u>
Sensation Box Elder	Acer negundo 'Sensation'	40' x 30'
Netleaf Hackberry	Celtis reticulate	25' x 25'
Ash Species	Fraxinus	Up to 30'
Golden Rain Tree	Koelreuteria paniculata	25' x 25'
Chisos Oak	Quercus granesii	25' x 25'
Locust Species	Robinia sp.	40' x 25'
Western Soapberry	Sapindus drummondii	30' x 30'
Austrian Pine	Pinus nigra	25' x 30'
Escarpment Live Oak	Quercus fusiformis	25' x 30'

**Large Trees** (Trees with up to > 30' wide canopy at maturity)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height x Spread</u>
Pecan	Carya illinoensis	40' x 40'
Common Hackberry	Celtis occidentalis	40' x 40'
Modesto Ash	Fraxinus velutina	40' x 35'
Thornless Honey Locust	Gleditsia triacanthos inermis	50' x 45'
Chinese Pistache	Pistacia chinensis	60' x 60'
Cottonwood	Populus wislizenii or fremontii	50' x 50'
Lacebark Elm	Ulmus parvifolia	50' x 50'
Japanese Pagoda Tree	Syringa reticulata	35' x 35'
Alligator Juniper	Juniperus deppeana	60' x 60'
Emory Oak	Quercus emoryi	35' x 35'

**Hedge Shrubs** (Shrubs more than 4' tall at maturity)

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height x Spread</u>
Barberry Species	Berberis thunbergii	4' x 4'
Butterfly Bush	Buddleia spp.	5' x 5'
Pea Shrub	Caragana spp.	8' x 8'
Flowering Quince	Chaenomeles japonica	6' x 6'
Golden Currant	Ribes aureum	6' x 6'
Three Leaf Sumac	Rhus trilobata	6' x 6'
Sand Sage	Artemisia fillifolia	4' x 4'
Parney Cotoneaster	Contoneaster lacteus	8' x 10'
Silverberry	Elaeagnus pungens	10' x 10'
Mountain Mahogany	Cercocarpus montanus	10' x 8'
Arizona Rosewood	Vaqueria sp.	12' x 10'
Juniper Species	Juniperus sp.	Up to 10'

1 **Section 3. Severability Clause:**

2 If any section, paragraph, clause, or provision of this Ordinance, or any section,  
3 paragraph, clause, or provision of any regulation promulgated hereunder shall for any  
4 reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or  
5 unenforceability of such section, paragraph, clause, or provision shall not affect the validity  
6 of the remaining portions of this Ordinance or the regulation so challenged.  
7

8 **Section 4. Effective Date:**

9 This Ordinance shall take effect in ten (10) days after adoption.  
10

11  
12 **ADOPTED THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2018.**

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17   
18 \_\_\_\_\_  
19 **Greggory D. Hull, Mayor**  
20

21  
22 **ATTEST:**

23   
24  
25 \_\_\_\_\_  
26 **Stephen J. Ruger, City Clerk**  
27 **(S E A L)**



BEFORE THE PLANNING and ZONING BOARD  
OF THE  
CITY OF RIO RANCHO, NEW MEXICO  
FINDINGS OF FACT FOR APPROVAL  
Case No. 24-120-00013

REQUEST FOR CONDITIONAL USE PERMIT FOR MULTI-FAMILY FOR THE PROPERTY LEGALLY DESCRIBED AS UNIT 10, BLOCK 81, LOTS 1-20.

Applicant: Verdot Capital

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 22nd day of October, 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 permit.
4. The Governing Body will review and make a final decision on the site plan that is attached to this conditional use permit.
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 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 154.10(C)(6)R-3: Conditional Uses in a Mixed Residential District.
3. The applicant may meet all conditions stipulated in the Land Use Title of the Rio Rancho Code of Ordinances (R.O. 2003) with approval of variance case #24-110-44 and variance case #24-110-45.

CONDITIONS OF APPROVAL:

1. A site plan must be approved by the Governing Body and all development must comply with any conditions of that site plan approval.
2. Reviewer comments shall be addressed prior to building permit approval.
3. Lots will be combined via a summary plat into one lot prior to building permit approval.
4. This approval is valid for a period of three years from date of approval, in which time a building permit must be applied for and issued, remain active, and the authorized construction shall be started and pursued to completion without cessation of thirty (30) days or more. Failure to meet the requirement for construction shall cause this conditional use permit to expire.

THEREFORE, the application for a conditional use permit for multi-family for the property legally described as Unit 10, Block 81, Lots 1-20, is APPROVED by the Planning & Zoning Board of the City of Rio Rancho on October 22, 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 DENIAL  
Case No. 24-120-00013

---

REQUEST FOR CONDITIONAL USE PERMIT FOR MULTI-FAMILY FOR  
THE PROPERTY LEGALLY DESCRIBED AS UNIT 10, BLOCK 81, LOTS 1-20.

Applicant: Verdot Capital

THIS MATTER, having come before the Planning & Zoning Board of the City  
of Rio Rancho, New Mexico on the 22nd day of October, 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 permit
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 Conditional Use permit as set forth in R.O. 2003 Section 150.04 Conditional Use Permit.
2. The applicant has not adequately addressed the criteria of R.O. 2003 Section 154.10(C)(6) R-3: Conditional Uses in Mixed Residential District.

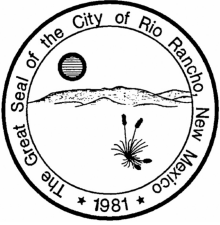
THEREFORE, the application for a conditional use permit for multi-family for  
the property legally described as Unit 10, Block 81, Lots 1-20, is DENIED  
by the Planning & Zoning Board of the City of Rio Rancho on October 22,  
2024, subject to the conditions, restrictions and stipulations specified  
above.

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Date

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Planning & Zoning Chairman



## CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 24-100-  
00010**

AGENDA DATE:  
October 22, 2024

DEPARTMENT:  
Development Services

SUBJECT:  
**Zone Map Amendment.** The applicant, Sandy Desert Properties, LLC, through their agent, Matthew Carle., requests approval of a Zone Map Amendment for the lot legally described as Unit 13, Block 79, Lot 15, from R-1: Single-Family Residential to M-1: Industrial and Business Park District. Staff contact is Liz Ruiz Carlos and staff recommends the Planning and Zoning Board recommend approval to the Governing Body, with findings.

### BACKGROUND AND ANALYSIS:

The applicant, Sandy Desert Properties, LLC, through their agent, Matthew Carle., requests approval of a Zone Map Amendment for the lot legally described as Unit 13, Block 79, Lot 15, from R-1: Single-Family Residential to M-1: Industrial and Business Park District. The subject property consists of 0.98 acres and is zoned R-1: Single-Family Residential, per R.O. No. 72, Enactment No. 94-70, adopted December 28, 1994.

The subject parcel is addressed off of Tinsmith St NE, north of Lumberman Rd NE (See attached Location, Zoning map). Adjacent zoning is R-1: Single-Family Residential to the north and south (beyond the adjacent property), M-1: Industrial and Business Park to the South and West, and R-1 and C-1: Retail Commercial to the east. The subject property lies within the Del Norte Specific Area Plan.

### CONFORMANCE WITH THE CITY ZONING ORDINANCE:

City of Rio Rancho Code of Ordinances (R.O. 2003) §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.

Staff recommends the Planning and Zoning Board find that the application, presented as an attachment, meets the submittal requirements for the proposed zoning request.

Pursuant to criteria provided by R.O. 2003 § 150.07 (D) (1) through (4) and (E) through (G), a request for a change in zoning designation must address the following policies and criterion for a zone map change:

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

The applicant states in their letter, "an M-1 zoning designation is consistent with the health, safety, morals, and general welfare of the City of Rio Rancho. The opening and operation of light Manufacturing businesses will directly benefit the several hundred existing residences in the

surrounding residential communities by providing employment opportunities, repair shops, medical clinics and similar services, as well as industrial centers. The M-1 zoning designation would complement the existing and surrounding Employment Center areas by allowing a variety of industrial options and creating an activity center to serve the surrounding community. The proposed ZMA will also maintain the safety and morals of the Rio Rancho community by providing stability and opportunity in an otherwise undeveloped area."

Staff recommends the Planning and Zoning Board find that the proposed M-1: Industrial zoning would be consistent with the health, safety, morals, and general welfare of the City as it is consistent with the Del Norte Specific Area Plan, which identifies the subject parcels as part of the "Employment Center" portion of the land use map. The action also furthers Action EDP-5 of the Comprehensive Land Use Plan to "Identify and zone multiple light manufacturing and commercial sites across the City."

(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 states, "The zone map amendment is consistent with the Del Norte Specific Area Plan (DNSAP) and its goal to Provide for a variety of retail commercial, office, warehouse, industrial, and other uses to facilitate commerce and provide residents with goods and services. Furthermore, the City's Vision 2020 Integrated Comprehensive Plan (ICP) encourages expansion of the City's gross receipts tax base by recruiting additional local repair and manufacturing uses and desires to make Rio Rancho a place where one can live, work, shop, and play without leaving the city. A zoning designation of M-1 for the Subject Property will enable the area to grow in a fashion contemplated by the DNSAP and the ICP by allowing mixed use employment center development to compliment and support the existing residential community."

Staff recommends the Planning and Zoning Board find that the zone change is consistent with the Del Norte Specific Area Plan Land Use Map, which identifies the subject properties as being part of the "Employment Center" area of the Plan. Per the Del Norte Specific Area Plan Section 4.2.3, permissive land use categories include: M-1: Industrial and Business Park District; C-2: Wholesale and Warehouse Commercial District; O-1: Office District; SU: Special Use District; and MU-A: Mixed Use Activity Center District. Staff recommends the Board find that the requested zone change will bring the subject property into conformance with the proposed zoning of the Del Norte Specific Area Plan, achieving stability of land use.

(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 states, "the Subject Property is a part of the DNSAP. The proposed M-1 zoning is consistent with the proposed land uses envisioned by the DNSAP and the ICP. The M-1 zoning is also already present for almost half of the properties located on this Block and the streets south and west of Tinsmith Rd. NE."

Staff recommends the Planning and Zoning Board find that the proposed zone map amendment would meet the intent of the Comprehensive Plan and the Del Norte Specific Area Plan. As previously stated, re-zoning the subject properties to M-1: Industrial and Business Park District is consistent with the outlined land uses of the Del Norte Specific Area Plan and furthers Action EDP-5 of the Comprehensive Plan, which is to "Identify and zone multiple light manufacturing and commercial sites across the City."

(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 transitional zone or 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.

Applicant's reliance on this provision requires proof that (i) there is a public need for a changed of the kind in questions, and (ii) that need will be best served by changing the classification of the particular pieces of property in question as compared with other available property.

The applicant states that, "Since the adoption of the DNSAP there have been several neighborhood and community changes (Criterion b) locally that justify a change in zoning. For these reasons, the requested M-1 zoning for this Property will better serve the interests of the City of Rio Rancho than the existing R-1 zoning."

Staff recommends the Planning and Zoning Board find this criterion has been met, as this proposed Zone Map Amendment will both further the light manufacturing goals of the Comprehensive Plan, as well as bring the subject parcels into conformance with the land use as identified in the Del Norte Specific Area Plan.

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

The applicant states, "The cost of land or other economic considerations are not the determining factor for this request. The request is to bring the zoning in alignment with surrounding properties on this Block and encourage additional opportunities for Employment Center in this Development Node. Changing the zoning to match surrounding Lots would create the opportunity to acquire surrounding lots, and replat them into a single large lot."

Staff recommends the Planning and Zoning Board find that the cost of the land or other economic considerations do not appear to be a justification for the proposed zone map amendment.

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

The applicant states, "The requested zone change is not solely being requested based on its location along a major street."

Staff recommends the Planning and Zoning Board find that the sole justification for this request is not based on the site's location on a major street.

(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 only be approved 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 states, "The requested zone map amendment works to further reduce what appears

to be an existing spot zoning dilemma in the row of properties on both portions of this Block. Reducing the R-1 zoning sprinkled within this Block will expand a planned Light Manufacturing (M-1)) area currently affecting over 40% of that Block's land area, which will encourage the remaining lots to eventually change their zoning to M-1 since it applies to a large, contiguous area within DNSAP and the proposed zoning is the same as surrounding properties."

Staff recommends the Planning and Zoning Board find that the request does not constitute a spot zone, in that this zone change furthers the original land uses as defined in the Del Norte Specific Area Plan as well as helps address the issue of spotty R-1: Single Family Residential zoned parcels in the area.

**NOTIFICATIONS:**

In accordance with State Statute NMSA 3-21-6, which stipulates notification procedures for this type of zoning action, all property owners within 100 feet of the subject properties received a certified letter containing a notice of action and impending Planning and Zoning Board hearing, with return service requested. A notice sign was placed on the subject properties by the applicant, as required by ordinance, and a legal notice was published in the Rio Rancho Observer on October 7, 2024.

**INTERDEPARTMENTAL/INTERAGENCY REVIEW:**

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

**IMPACT:**

Staff recommends the Planning and Zoning Board recommend approval of the zone map amendment to the Governing Body, subject to the following findings below:

**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. Following procedures for a zone map amendment, proper notice of this hearing on this matter was given.
3. The applicant has the authority to make an application to request a zone map amendment.
4. The applicant and adjacent property owners received due process, as proper notice and an opportunity to present views was given.

**SPECIFIC FINDINGS OF FACT:**

The applicant has submitted an application and narrative which demonstrates that the change in zoning designation meets the requirements of the Rio Rancho Code of Ordinances (R.O. 2003) § 150.07(D) Amendments, including:

1. The proposed zone change would be consistent with the health, safety, morals, and general welfare of the City by promoting implementation of the Del Norte Specific Area Plan and City's Comprehensive Plan.

2. The applicant has provided sound justification, in a narrative dated September 5, 2024, for the proposed zone change and the the zone map amendment would provide for stability of zoning.
3. The proposed zone map amendment would be consistent with the intent of the adopted elements of the Comprehensive Plan and Del Norte Specific Area Plan.
4. The applicant has demonstrated that the M-1: Industrial and Business Park District zoning designation would be a more advantageous zone for the subject properties, as it will both align the land use with adjacent parcels and further Action EDP-5 of the Comprehensive Plan.
5. The cost of the land or other economic considerations does not appear to be a justification for the proposed zone map amendment.
6. The applicant has provided sufficient justification that the zone map amendment request is not based on the properties' location.
7. The requested zone map amendment would not create a "spot zone" in that it makes a pocketed area previously zoned R-1: Single-Family Residential District consistent with adjacent parcels zoned M-1: Industrial and Business Park District.

**ALTERNATIVES:**

1. The Planning and Zoning Board may recommend approval of the request to the Governing Body.
2. The Planning and Zoning Board may recommend denial of the request to the Governing Body.
3. The Planning and Zoning Board may modify the request and recommend approval of such modifications to the Governing Body.
4. The Planning and Zoning Board may continue the public hearing to request additional information or to consider testimony provided at the public hearing.

**DEPARTMENT RECOMMENDATION:**

Staff recommends the Planning & Zoning Board recommend approval of the Zone Map Amendment to the Governing Body, with findings.

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

ATTACHMENT: [Application.pdf](#)

ATTACHMENT: [ZoneChangeJustification.pdf](#)


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

ATTACHMENT: [Draft\\_Ordinance\\_BMB.doc](#)









# ZONE MAP AMENDMENT

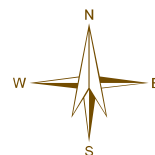
## RRE UNIT 13, BLOCK 79, LOT 15



 Subject Property

**Zoning**

-  C-1
-  C-2
-  E-1
-  M-1
-  NC
-  R-1
-  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.

Map Created by Chris Benson on 10/03/2024



Development Services Department, Ste. 130  
 3200 Civic Center Circle NE, Rio Rancho, NM 87144  
 (505) 891-5005

## 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 type="checkbox"/> Variance
			<input checked="" 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: <b>Sandy Desert Properties, LLC</b>		Phone: <b>(505) 239-1617</b>
Address: <b>PO Box 15834</b>		E-Mail: <b>sandy.desert@q.com</b>
City: <b>Rio Rancho</b>	State: <b>NM</b>	Zip: <b>87174</b>
Proprietary Interest: <b>Manager</b>	List Owners: <b>Matthew Carle</b>	
Deed or Ownership Verification Provided: (Initials) <b>m.c.</b>		Letter of Authorization Provided: (Initials)
Agent Name: <b>Matthew Carle</b>		Phone:
Address: <b>same</b>		E-Mail:
City:	State:	ZIP Code:

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

**Change the zoning of a single Lot.**

### SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit: <b>Rio Rancho Unit 13</b>	Block(s): <b>79</b>	Lot(s): <b>15</b>
Existing Zoning: <b>R-1</b>	Proposed Zoning: <b>M-1</b>	
No. of existing lots: <b>1</b>	No. of proposed lots: <b>1</b>	Total area of site (acres) <b>.98</b>

### 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: <b>Matthew Carle</b>	Applicant: <b>same</b>	Agent: <b>same</b>
Signature:	Date: <b>9/5/24</b>	

### FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Amy Rincon  
Director of Development Services  
City of Rio Rancho  
3200 Civic Center Drive  
Rio Rancho, NM 87144

**RE: Zone Map Amendment for: Unit 13, Block 79, Lot 15**

Dear Ms. Rincon:

September 5, 2024

Matthew Carle, on behalf of Sandy Desert Properties, LLC, respectfully requests a Zone Map Amendment (ZMA) for a single Subject Property on Block 79 of Unit 13 from a Residential Zone (R-1) to Manufacturing Zone (M-1).

The subject property for this ZMA request is just shy of one full acre according to VisionView and within the Del Norte Specific Area Plan (DNSAP). More particularly, the address is 1411 Tinsmith St. NE. (see Figure 1 below).

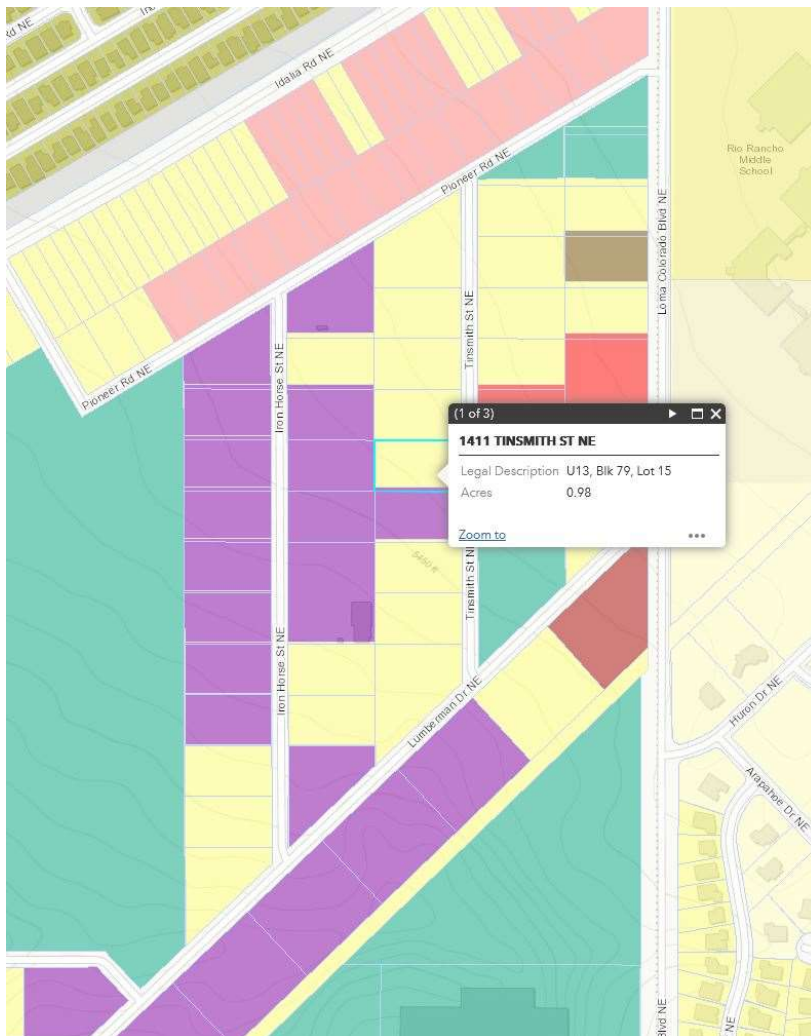


FIGURE 1

**SITE CONTEXT/ZONE MAP AMENDMENT**

The subject property is situated within the DNSAP. The surrounding area consists of a Community Center containing Lowe’s, and a Speedway gas station to the south, Idalia Rd. to the north, Rio Rancho Middle School on Loma Colorado Rd. NE to the East, and the city landfill to the west.

The entire Block 79 is designated as Employment Center (see Figure 2), which allows the proposed M-1 zoning, and roughly 40% of the original R-1 lots have already been converted to the proposed zoning see Figure 1). This ZMA is consistent with already zoned lots on the Block.



FIGURE 2 CURRENT ZONE MAP

## **SECTION 150.07 JUSTIFICATION**

The following addresses the criteria set in the Municipal Code for a zone map amendment request. A justification per Section 150.07 (D-G), Policies for Deciding Zone Map Amendments is provided below.

(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.

*Applicant Response: An M-1 zoning designation is consistent with the health, safety, morals, and general welfare of the City of Rio Rancho. The opening and operation of light Manufacturing businesses will directly benefit the several hundred existing residences in the surrounding residential communities by providing employment opportunities, repair shops, medical clinics and similar services, as well as industrial centers. The ZMA will also support the productive use of land that has otherwise remained unused and undeveloped.*

*The proposed ZMA provides the opportunity to further the health and welfare of the City by creating the development conditions necessary to construct high quality manufacturing and/or industrial development that will meet the needs of existing and future Rio Rancho residents. Additionally, the ZMA will allow the Subject Property to be developed consistent with the surrounding land uses. The M-1 zoning designation would complement the existing and surrounding Employment Center areas by allowing a variety of industrial options and creating an activity center to serve the surrounding community. The proposed ZMA will also maintain the safety and morals of the Rio Rancho community by providing stability and opportunity in an otherwise undeveloped area.*

*The surrounding area consists of undeveloped raw land, mixed residential, light manufacturing, and commercial development*

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.

*Applicant Response: The zone map amendment is consistent with the Del Norte Specific Area Plan ("DNSAP") and its goal to Provide for a variety of retail commercial, office, warehouse, industrial, and other uses to facilitate commerce and provide residents with goods and services. Furthermore, the City's Vision 2020 Integrated Comprehensive Plan ("ICP") encourages expansion of the City's gross receipts tax base by recruiting additional local repair and manufacturing uses and desires to make Rio Rancho a place where one can live, work, shop, and play without leaving the city. Approving the zone map amendment will further the goals of not only the DNSAP, but of the ICP as well. A zoning designation of M-1 for the Subject Property will enable the area to grow in a fashion contemplated by the DNSAP and the ICP by allowing mixed use employment center development to compliment and support the existing residential community. The zone map amendment will allow the Subject Property to be used for a wide variety of purposes designed to support the economic needs of the community.*

*In addition, a zone map amendment of the Subject Property to M-1 would contribute to eliminating the existing "spot" zoning issue that exists in the row of properties throughout this Block. Reducing the residential zoning sprinkled within this row of properties will create a catalyst for light manufacturing development in this area by establishing a consistent zoning in the area. The Subject Property is one of many in the area that has been undeveloped since the inception of the DNSAP. Many of the lots in the area, including those bounding the Subject Property, were zoned R-1 prior to the creation of the DNSAP. Granting this zone map amendment will contribute to the growth of the area in concert with the vision of the City of Rio Rancho.*

*The requested zone map amendment will allow the Subject Property to be developed and/or combined with adjacent, same zoned properties, in a manner compatible with surrounding uses and consistent with current development possibilities and the goals of the overlay zone that covers the south portion of this Block. For this reason, there is sound justification for the requested zone change.*

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.

*Applicant Response:* *As described above, the Subject Property is a part of the DNSAP. The proposed M-1 zoning is consistent with the proposed land uses envisioned by the DNSAP and the ICP. The M-1 zoning is also already present for almost half of the properties located on this Block and the streets south and west of Tinsmith Rd. NE.*

*In addition to compliance with the DNSAP, the request for rezoning furthers several goals and policies of the Rio Rancho Comprehensive Plan (the "Comprehensive Plan") as identified below (Comprehensive Plan goals and policies are not in italics).*

Goal L-1: Encourage mixed uses- retail, office, and residential centered on pedestrian- oriented developments along principal arterial roads.

Goal L-2: Encourage consolidation of lots to promote a variety of land uses in a planned manner.

Goal L-3: Maintain a balance of land uses throughout the city.

Policy L-2: Promote and support neighborhood scale retail activities that are consistent with residential development.

*Through rezoning of the Subject Property to M-1, the City of Rio Rancho would allow for additional Employment Center uses integrated with residential as expressly contemplated and encouraged by the Comprehensive Plan. Rezoning would promote a variety of land use in the community to encourage neighborhood businesses co-existing with residential areas to create neighborhoods and ultimately a city envisioned within the Comprehensive Plan.*

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 (0)(1) or (2) does not apply.
- Applicant's reliance on this provision required proof that (i) there is a public need for a change of the kind in question, and (ii) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

*Applicant's Response: Since the adoption of the DNSAP there have been several neighborhood and community changes (Criterion b) locally that justify a change in zoning, including the following:*

- *The land use of the DNSAP has changed since its inception in 2007 owing largely to the increase in residential areas and the influx of new homes. This growth of residential areas merits the support of the City in providing needed neighborhood services, amenities and comforts that will substantially increase the satisfaction of the residents in the surrounding community. Light manufacturing needs a place nearby to call home. The DNSAP and the Comprehensive Plan support this proposition. In order to provide these neighborhood amenities, the Subject Property must be rezoned M-1 to allow the land use to accommodate the needs and desires of the residents.*
- *In direct contravention to the DNSAP and the Comprehensive Plan the majority of the land in this area has been left undeveloped. Rezoning the Subject Property will increase the likelihood of the DNSAP and the Comprehensive Plan goals being achieved.*

*For these reasons, the requested M-1 zoning for this Property will better serve the interests of the City of Rio Rancho than the existing R-1 zoning.*

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

*Applicant Response: The cost of land or other economic considerations are not the determining factor for this request. The request is to bring the zoning in alignment with surrounding properties on this Block and encourage additional opportunities for Employment Center in this Development Node. Changing the zoning to match surrounding Lots would create the opportunity to acquire surrounding lots, and replat them into a single large lot.*

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

*Applicant's Response: The requested zone change is not solely being requested based on its location along a major street. While the proximity of the Subject Property to two arterial streets is a factor to be*

*considered in the zone map amendment, it is not the sole factor and there are substantial other considerations that support approval of the zone map amendment as detailed in this letter. Notably, the zone map amendment would further the goals and policies of the DNSAP and Comprehensive Plan. The goals and policies set forth in the Comprehensive Plan and the DNSAP dictate a need for Industrial and manufacturing activity in proximity to residential neighborhoods and rezoning the Subject Property to M-1 operates to achieve those goals and adhere to those policies.*

(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.

*Applicant's Response: The requested zone map amendment works to further reduce what appears to be an existing spot zoning dilemma in the row of properties on both portions of this Block. Reducing the R-1 zoning sprinkled within this Block will expand a planned Light Manufacturing (M-1)) area currently affecting over 40% of that Block's land area, which will encourage the remaining lots to eventually change their zoning to M-1 since it applies to a large, contiguous area within DNSAP and the proposed zoning is the same as surrounding properties.*

We respectfully request that the Rio Rancho Planning and Zoning Board and Governing Body approve this request for a zone map amendment from R-1 to M-1 for this single Lot.

If you have any questions, please contact me at [sandy.desert@q.com](mailto:sandy.desert@q.com) or (505) 239-1617

Sincerely,  
Sandy Desert Properties, LLC

Matthew Carle  
Manager



# 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

October 3, 2024

RE: Zone Map Amendment  
Case No. 24-100-00010  
U13, Blk 79, Lot 15

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, Sandy Desert Properties, LLC, through their agent, Matthew Carle., requests approval of a Zone Map Amendment for the lot legally described as Unit 13, Block 79, Lot 15, from R-1 to M-1. The subject property consist of .98 acres.

The **Planning and Zoning Board** will consider the request on **Tuesday, October 22, 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.

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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](http://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

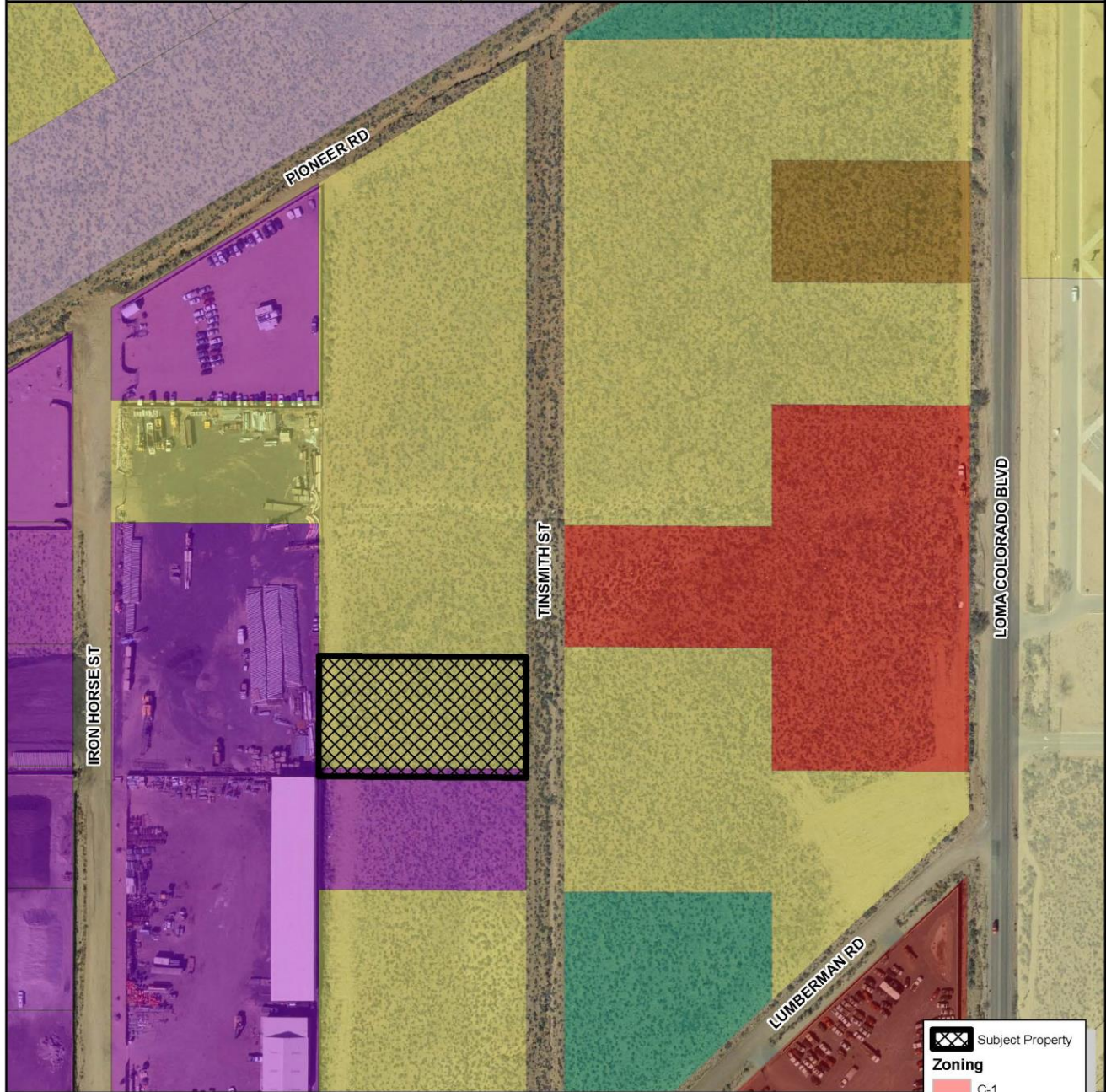
Please do not hesitate to contact me via e-mail me at [lruizcarlos@rnm.gov](mailto:lruizcarlos@rnm.gov) or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, [www.rnm.gov](http://www.rnm.gov),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

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

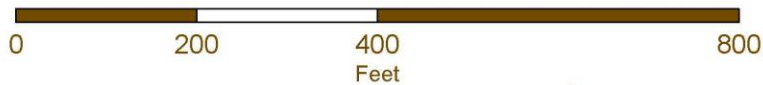
## ZONE MAP AMENDMENT RRE UNIT 13, BLOCK 79, LOT 15



Subject Property

**Zoning**

- C-1
- C-2
- E-1
- M-1
- NC
- R-1
- 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.



you are encouraged to submit a written comment to [planning@rrnm.gov](mailto:planning@rrnm.gov). Written comments will be inserted into the public record.

Journal: October 7, 2024.

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO will consider the following matters at its regularly scheduled meeting at 6:00 p.m. on Tuesday, October 22, 2024:

Subdivision Variance  
Case #24-280-00004

The applicant, TDO Development, LLC, through their agent, Aldrich Land Surveying, is requesting approval of a subdivision variance to allow for 10-foot public utility easements on the front of all lots within the proposed Tierra Del Norte Phase 3 subdivision.

Conditional Use Permit  
Case #24-120-00013

The applicant, Verdote Capital, through their agent, Consensus Planning Inc., requests approval of a Conditional Use Permit and accompanying Site Plan for a build to rent community on the lots legally described as U10, Blk 81, Lots 1-20. The lots are zoned R-3: Mixed Residential and total 10.36 acres.

Variance  
Case #24-110-00044

The applicant, Verdote Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 20' front setback requirement, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 5' deviation, which would reduce the front setback to 15'. The subject property is zoned R-3 and consists of 10.36 acres.

Variance  
Case #24-120-00045

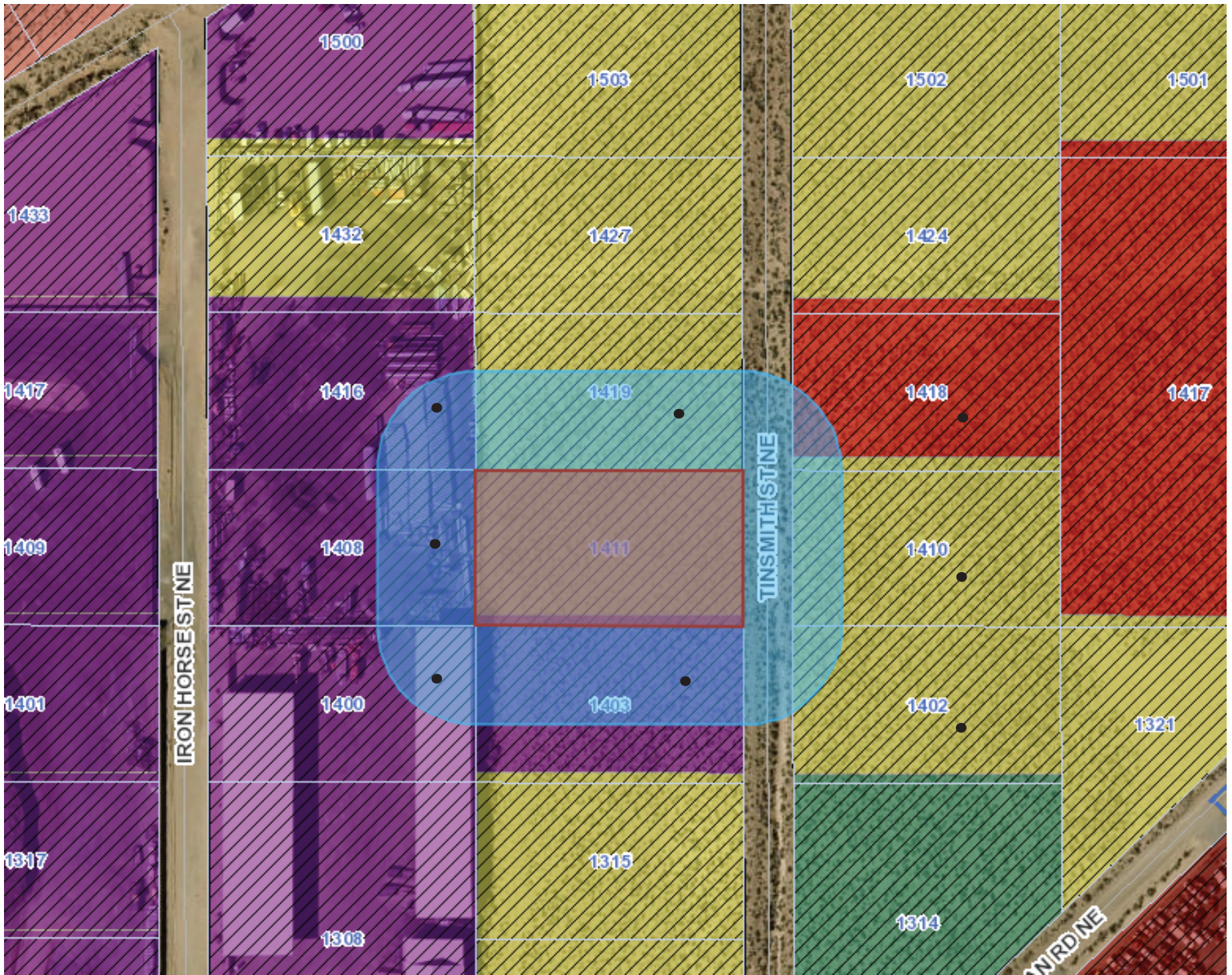
The applicant, Verdote Capital, through their agent, Consensus Planning, Inc., requests approval of a Variance to the 6' buffer wall requirement outlined in the Unit 10 Overlay, for the subject property legally described as Unit 10, Block 81, Lots 1-20. The request is for a 2' deviation, which would reduce the height of the fence to 4'. The subject property is zoned R-3 and consists of 10.36 acres.

Zone Map Amendment  
Case #24-110-00010

The applicant, Sandy Desert Properties, LLC, through their agent, Matthew Carle, requests approval of a Zone Map Amendment for the lot legally described as Unit 13, Block 79, Lot 15, from R-1 to M-1. The subject property consists of .98 acres.

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](http://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,



NOTICE MAP:

- - CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO PROPERTIES WITHIN 100FT



**CITY OF RIO RANCHO  
ORDINANCE**

**ORDINANCE NO.**

**ENACTMENT NO.**

1 **AN ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE**  
2 **ZONING CLASSIFICATION AND OFFICIAL ZONING MAP FOR THE PROPERTY**  
3 **LEGALLY DESCRIBED AS RIO RANCHO ESTATES UNIT 13, BLOCK 79, LOT 15**  
4 **FROM R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT TO M-1: INDUSTRIAL AND**  
5 **BUSINESS PARK DISTRICT, IDENTIFYING CONDITIONS OF DEVELOPMENT;**  
6 **PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**  
7

8 **WHEREAS:** the Governing Body of the City of Rio Rancho has adopted zoning  
9 regulations and an official zone map in accordance with New Mexico  
10 Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and  
11

12 **WHEREAS:** in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section  
13 150.07, an application to amend the zoning ordinance on the subject  
14 properties has been submitted by the City of Rio Rancho, and assigned City  
15 Case No. 24-100-00010; and  
16

17 **WHEREAS:** the Governing Body adopted the Del Norte Specific Area Plan on December  
18 12, 2007 with Resolution No. 106, Enactment No. 07-105, and as amended  
19 under Resolution No. 126, Enactment No. 09-123; and  
20

21 **WHEREAS:** the City of Rio Rancho Planning and Zoning Board held a duly noticed public  
22 hearing on October 22, 2024, regarding proposed changes to the Official  
23 Zoning Map and, following study and consideration, has made findings  
24 (where applicable) whether or not the criteria in R.O. 2003 Section 150.07  
25 are satisfied, and made these recommendations to the Governing Body  
26 regarding adoption of the changes; and  
27

28 **WHEREAS:** the Governing Body received a report from the Planning and Zoning Board,  
29 and such report indicates the Planning and Zoning Board has studied and  
30 considered the proposed changes pursuant to R.O. 2003 Section 150.07,  
31 and said report includes specific findings related to the affected property; and  
32

33 **WHEREAS:** a public hearing occurred, in accordance with procedures set forth in R.O.  
34 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed  
35 zoning district and Official Zone Map changes hereinafter described were  
36 duly advertised and held by the Governing Body of Rio Rancho on November  
37 14, 2024 and the Governing Body heard interested parties and citizens for an  
38 against the proposed amendments; and  
39

40 **WHEREAS:** the proposed amendments to be adopted by this Ordinance comply with the  
41 statutory and regulatory requirements of the aforesaid Code of Ordinances  
42 and Statutes, and upon specific findings related to the subject property and  
43 determining the proposed amendment is consistent with the policies and  
44 criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing

1 Body finds the amendments promote the health, safety, morals, and general  
2 welfare of the City;

3  
4 **NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF**  
5 **RIO RANCHO:**

6  
7 **Section 1. Rezoning of Property and Change in Land Use.**

8  
9 The Official Zone Map is hereby amended by assigning a zoning designation on  
10 approximately .98 acres from R-1: Single Family Residential District to M-1: Industrial and  
11 Business Park District on the lands legally described as:

12 Rio Rancho Estates Unit 13, Block 79, Lot 15, as shown on the plat entitled  
13 "S.E. PORTION OF UNIT THIRTEEN, RIO RANCHO ESTATES, TOWN OF  
14 ALAMEDA GRANT, SANDOVAL COUNTY, NEW MEXICO" filed in the office of  
15 the County Clerk of Sandoval County, New Mexico on February 6, 1967 (RRE  
16 Book 1, Page 51A).

17  
18 **Section 2. Land Use, Conditions, Development Standards/Regulations and use**  
19 **of PROPERTY:** The property identified in Section 1, above, is subject to all  
20 requirements of the M-1: Industrial and Business Park District set forth in R.O. 2003  
21 Section 154.28 (as of the effective date of the ordinance or as subsequently amended).

22  
23 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of  
24 this Ordinance, or any section, paragraph, clause, or provision of any regulation  
25 promulgated hereunder shall for any reason be held to be invalid, unlawful, or  
26 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,  
27 clause, or provision shall not affect the validity of the remaining portions of this  
28 Ordinance or the regulation so challenged.

29  
30 **Section 4. Effective Date.** This Ordinance shall become effective ten days after  
31 adoption.

32  
33 ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

34  
35  
36  
37 \_\_\_\_\_  
38 Gregory D. Hull, Mayor

39  
40 ATTEST:

41  
42 \_\_\_\_\_  
43 Noel C. Davis, City Clerk  
44 (SEAL)