Planning and Zoning Board Meeting
City of Rio Rancho
AGENDA
September 12, 2023
6:00 PM
City Hall

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

Individuals wishing to present verbal public comment may do so in-person or remotely via Zoom meeting software with the below access information:

Join by Computer:
https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871
Passcode: 026819

Board Members

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

PUBLIC FORUM

CONSENT CALENDAR

1. August 22, 2023 Planning and Zoning Board Meeting Minutes
2023-0822 PZB Minutes.docx

PUBLIC HEARINGS

2. **Postponement: Zone Map Amendment.** The applicant, J Jacob Enterprises, Inc., through their agent, Modulus Architects & Land Use Planning, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU: Special Use for R-6: Multi-Family Residential Uses, for the subject property legally described as Unit 13, Block 68, Lots 5, 6, 7, and 8. Staff contact is Liz Ruiz Carlos and staff recommends the item be postponed and the public hearing continued to the September 26, 2023 Planning and Zoning Meeting.

3. **Variance.** The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, requests approval of a Variance to the maximum allowable height of a wall, at the subject property legally described as Monte Bella, Lot 14; located at 2600 Dauphine Ct NE. Staff contact is Chris Benson and staff recommends denial.
23-110-00013 - Location Map.pdf
Application.pdf
Justification Letter.pdf

Applicant_JustificationEmail.pdf
Agent Authorization.pdf
23-110-00013 (Variance) NOTICE.pdf
23-110-00013 - Postcard.pdf
2023-0912 PZB Legal Ad.pdf
23-110-00013 - Noticed Properties.pdf
23-110-00013 - Findings of Fact.pdf
Justification Letter 2.pdf
Public Comment 2.pdf
Public Comment 1.pdf
(CODE ENFORCEMENT) 22-07591, 22-08353, 2600 Dauphine Court Ne.docx

4. **Vacation of Plat.** The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments LLC, MAM Partners LLC, and Red Roan Enterprises LLC, request approval of a vacation of right-of-way for Walpi Ct NE. Staff Contact is Chris Benson and staff recommends approval with findings and conditions.
23-230-00002 - LocationMap.pdf
Application Package.pdf
Walpi Ct Ownerhsip_Dedication.pdf
23-230-00002 - CommentsMemo.doc
23-230-00002 - Noticed Properties Map.pdf
Reproduction of Notifications.pdf
Termination_and_Statement_of_Vacation_of_Public_Right_PZB.docx

5. **Subdivision Variance.** The applicant, DR Horton, through their agent, RESPEC, request approval of a subdivision variance to reduce the required amount of park space under Section 155.46 of City Code, for the Vista Grande Subdivision. Staff contact is Chris Benson and staff recommends approval with findings and conditions.
23-280-00007 - Location Map.pdf
Application
Justification Letter
Proposed Park Plan
Authorization Letter.pdf
Vista Grande Final Plat.pdf
23-280-00007 (Subdivision Variance) NOTICE.pdf
23-280-00007 - Postcard.docx
2023-0912 PZB Legal Ad.pdf
Parks, Recreation, and Community Services Comments.pdf
23-280-00007_-_Findings_of_Fact.docx

6. **Final Plat.** The applicant, DR Horton, through their agent, RESPEC, is requesting approval of a Final Plat for the Vista Grande subdivision to create 92 residential lots and 3 HOA tracts, zoned R-4: Single-Family Residential. The property is legally described as Rio Rancho Estates Unit 13, Block 89, Lots 4-6, 8-13, and Lot 27B and comprises approximately 18.6571 acres. Staff contact is Chris Benson and staff recommends approval with findings and conditions.
23-220-00014 - Location Map.pdf
Application.pdf
Authorization Letter.pdf
Vista Grande Final Plat.pdf
Reviewer Comments.pdf

7. **Subdivision Variance.** The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1. Staff contact is Tim Dvorak, and staff recommends approval with findings and conditions.
Zoning, Location Map

Application
Justification
Final Plat
Authorization
Reproduction of Notices.pdf
NMGCO Letter
Findings of Fact

8. **Final Plat.** The applicant, AMREP Southwest., through their agent, Huitt-Zollars, Inc., requests approval of a final plat for the Northern Meadows Subdivision, creating 24 single-family lots, currently zoned R-3: Mixed Residential District. The subject property is legally described as NMED, Tract J-1 and comprises approximately 2.6804 acres.
Zoning, Location
Application
Authorization
Final Plat
Final Plat Checklist
Reviewer Comments
Water-Wastewater Availability Letter

9. **Zone Map Amendment.** The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. Staff contact is Michelle Costilla and staff recommends the Planning and Zoning Board recommend approval to the Governing Body.
Zoning, Location.pdf
Application.pdf
Justification.pdf
Reproduction of Notices.pdf
SSCAFCA. Comments.pdf
Draft_Ordinance_BMB AR.doc

DISCUSSION AND DELIBERATION

COMMENTS BY BOARD MEMBERS

STAFF REPORTS

ADJOURNMENT

CITY OF RIO RANCHO
COVER PAGE

Legislation Item:

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
August 22, 2023 Planning and Zoning Board Meeting Minutes

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:
Approval

ATTACHMENT: 2023-0822 PZB Minutes.docx

Planning and Zoning Board
of the
City of Rio Rancho

MINUTES

AUGUST 22, 2023
6:00 PM
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF PRESENT:**
Kevin Kofchur, District 2	Amy Rincon, Development Services Director
Fred Radosevich, District 3, Chair	Brian Babyak, Planning & Zoning Manager
Robert Gabaldon, District 4 *(Virtual)*	Tim Dvorak, Planner II
Scottie Richardson, District 5, Vice-Chair	Michelle Costilla, Planner II
Sal Tortorici, At-Large *(Virtual)*	Liz Ruiz Carlos, Planner II
MEMBERS ABSENT:	Chris Benson, Planner I
VACANT, District 1	
VACANT, District 6	

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Radosevich stated this meeting will convene under the virtual format prescribed by the Attorney General's Office guidance issued for public meetings subject to the Open Meetings Act. This includes virtual or telephonic access via Zoom by members of the public. Instructions on how to access this meeting were made available in advance on the official agenda, as well as on the city's website.

Chairman Radosevich called the meeting to order at 6:00 PM and led those in attendance in the Pledge of Allegiance.

PUBLIC FORUM

CONSENT CALENDAR

1) August 8, 2023 Planning and Zoning Board Meeting Minutes

Scottie Richardson moved to approve the Consent Calendar. Seconded by Kevin Kofchur.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

PUBLIC HEARINGS

2) The applicant, LD Development, LLC., through their agent, mark Goodwin & Associates, PA, had requested approval of a Preliminary/Final Plat creating Los Diamantes Tracts 2-A-1-A, 2-A-1-B, 2-A-1-C, & 2-A-1-D, comprising approximately 36.1597 acres zoned BP: Business Park District on the tract legally described as LD, Tract 2-A-1.

Application was withdrawn at the request of the Applicant.

3) The applicant, Nancy Elizabeth Varela Munoz, requested approval of a variance to the roof pitch requirement for a manufactured home, at the subject property legally described as U11, Blk 1, Lot 54; located at 721 1st St NE.

Staff member, Liz Ruiz Carlos presented the item, recommending approval subject to findings and conditions and stood for questions.

Applicant, Kristian Ramirez, spoke on the item and answered Commissioner Richardson's question.

Robert Gabaldon moved to approve Item #3. Seconded by Scottie Richardson.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

4) The applicants, Allen and Sondra Weller-Bass, through their agent, Community Sciences Corporation, requested approval of a subdivision variance to the Rio Rancho Municipal Code, Chapter 155.27 Required Improvements, for the installation of street improvements, sidewalks, sewer mains, and street lighting. The request is for the proposed subdivision of Unit 12, Block 75, Lot 64.

Staff member, Michelle Costilla presented items #4 and #5 concurrently, recommending denial and stood for questions.

Agent, Andrew Medina, and applicant, Allan Bass provided background on the item.

Development Services Director, Amy Rincon provided clarification for questions from Commissioner Tortorici, Vice-Chair Richardson and Commissioner Kofchur.

Chairman Radosevich made comments on subdivision ordinances regarding sidewalks and streets.

Sal Tortorici moved to approve Item #4. Seconded by Kevin Kofchur.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

5) The applicants, Allen and Sondra Weller-Bass, through their agent, Community Sciences Corporation, requested approval of a preliminary/final plat, which would create two E-1: Estate Residential zoned lots from the property legally described as Unit 12, Block 75, Lot 64.

Staff member, Michelle Costilla had no further comments and stood for questions.

Scottie Richardson moved to approve Item #5. Seconded by Sal Tortorici.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

6) The applicant, LD Development, LLC., through their agent, Mark Goodwin & Associates PA, requested approval of a Subdivision Variance to Rio Rancho Code of Ordinances Chapter 155.41 requiring a minimum 100' diameter turn-around at the end of a dead-end street. The proposed request is within the Los Diamantes Phase 2 Subdivision on the land legally described as LD2, Block 10, Tract 63A.

Staff member, Tim Dvorak presented items #6 and #7 concurrently, recommending approval with findings and conditions, and stood for questions.

Agent, Hiram Crook spoke on the item, after being administered the oath virtually.

Kevin Kofchur moved to approve Item #6. Seconded by Scottie Richardson.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

7) The applicant, LD Development, LLC., through their agent, Mark Goodwin & Associates, PA, requested approval of a Summary Plat re-platting Tract 63A of Los Diamantes Phase 2, Block 10, into Lot 63, and

providing for vacation of the existing 50' Public Access Easement on the subject tract, comprising approx. 0.1534 acres.

Staff member, Tim Dvorak had no further comments and stood for questions.

Kevin Kofchur moved to approve Item #7. Seconded by Robert Gabaldon.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

8) The applicant, Lomas Encantadas Development Co, through their agent, Huitt-Zollars, Inc., requests approval of a preliminary plat extension for the Lomas Encantadas 1F Phase I Preliminary Plat.

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

Applicant, Jarrod Likar, spoke on the item and stood for questions.

The following members of the public spoke on the item:

- Matthew Walsh
- Justin Schutte

Member of the public, Slawomir Czelusniak spoke on the item after being administered the oath virtually.

Commissioner Tortorici explained the intent of the item and Development Services Director, Amy Rincon further clarified the different map exhibits.

Applicant, Jarrod Likar answered questions from Vice-Chair Richardson and Chairman Radosevich. He also provided more information on construction activities that are of concern to the neighborhood.

Kevin Kofchur moved to approve Item #8. Seconded by Scottie Richardson.
The motion carried by a vote of **5 FOR** and **0 AGAINST**.
YES: Kevin Kofchur, Fred Radosevich, Robert Gabaldon, Scottie Richardson, Sal Tortorici
NO: (None)

DISCUSSION AND DELIBERATION

COMMENTS BY BOARD MEMBERS

Commissioner Gabaldon thanked staff for their presentations.
Chairman Radosevich also commended the Director, Amy Rincon, Planning and Zoning Manager, Brian Babyak and staff on a great job on the reports.

STAFF REPORTS

ADJOURNMENT

Kevin Kofchur moved to adjourn the meeting. Seconded by Robert Gabaldon.
Chairman Radosevich adjourned the meeting at 6:59 PM.

APPROVED THIS 12TH DAY OF SEPTEMBER, 2023

_____

Fred Radosevich, Chairman

CITY OF RIO RANCHO
COVER PAGE

Legislation Item:

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
Postponement: Zone Map Amendment. The applicant, J Jacob Enterprises, Inc., through their agent, Modulus Architects & Land Use Planning, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU: Special Use for R-6: Multi-Family Residential Uses, for the subject property legally described as Unit 13, Block 68, Lots 5, 6, 7, and 8. Staff contact is Liz Ruiz Carlos and staff recommends the item be postponed and the public hearing continued to the September 26, 2023 Planning and Zoning Meeting.

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:
The Development Services Department recommends the Planning and Zoning Board postpone the item to a date certain of September 26, 2023.

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-110-00013

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
Variance. The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, requests approval of a Variance to the maximum allowable height of a wall, at the subject property legally described as Monte Bella, Lot 14; located at 2600 Dauphine Ct NE. Staff contact is Chris Benson and staff recommends denial.

BACKGROUND AND ANALYSIS:
The applicant, Dawn Davide, through her agent Huitt-Zollars, Inc, requests approval of a Variance to the maximum allowable height of a wall, at the subject property legally described as Monte Bella, Lot 14; located at 2600 Dauphine Ct NE. The subject property is zoned E-1: Estate Residential, consists of 1.1658 acres, and is located south of the Idalia Rd NE (minor arterial road) and Da Vinci Blvd NE (residential road) intersection.

Per §154.77 (D) Maximum fence height varies with the location of the fence on the property; (2) Fences built within the side yard setback, behind the front setback to the rear setback, can be a maximum of six feet. The requested variance to allow for an already constructed wall that reaches a maximum height of 9'4", a 3' 4" (~50%) deviation from the maximum allowable height. There is no active building permit on file for this already constructed wall; the applicant will be required to submit for a building permit with plans.

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. R.O. 2003 Section 150.06 (Variance) reads in part A: "Variance from the strict application of area, height, dimension, distance, parking or setback requirements of this title may be allowed in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical condition where the strict application of the requirements of this title would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his/her land or building. 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 has mentioned the age of wall, being there for over 20 years, privacy concerns, as well as being the owner of a large dog and the death of her chickens and ducks from prey in the area. The additional justification/correspondence has been included as an attachment.

The agent states within the included justification narrative: "The applicant improved an existing cmu

wall by adding decorative elements as shown on the attached picture below. The wall height varies from 6'-2" to 9'-4". The applicant did not understand a wall permit was required for this improvement and respectfully requests to be scheduled for the Planning and Zoning Board."

Staff has evaluated this application based on the criteria outlined in §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.

A building permit is required by the City of Rio Rancho for fence and wall improvements. There was a City Source complaint that created an active code enforcement case for this property (22-7591, 23-8353), which was initiated 11/23/2022. The code enforcement case report, narrative and documents has been included as an attachment. Should the variance request be approved, the applicant will be required to submit full plans for the fence permit. Additional review by Development Services, Planning and Zoning and Engineering Divisions may be required.

NOTIFICATIONS:

Neighboring property owners within 100ft of the subject property were notified of the Planning and Zoning Board hearing by certified mail and property owners between 100-300ft were notified by postcard. A notice sign was erected on the subject property by the applicant, as required by ordinance, and a legal notice was published in the Albuquerque Journal on August 28 2023. All notification requirements for this hearing have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW:

City of Rio Rancho Engineering	No comments received.
City of Rio Rancho Fire & Rescue	No comments received.
City of Rio Rancho Parks, Recreation, and Community Services	No recommendation for or against approval. No comments.
City of Rio Rancho Police	No comments received.
MRCOG MRMPO	No comments received.
Rio Rancho Public Schools	No comments received.
SSCAFCA	No comments received.

IMPACT:

The Development Services Department recommends that the Planning and Zoning Board deny the variance request to allow for a wall height of 9'6", based upon the lack of exceptionally irregular, narrow, shallow, steep or any other exceptional physical condition of the lot that would keep the applicant from adhering to the setback requirements; 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 variance 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 maximum fence height allowed in the rear 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.

If the Planning & Zoning Board determines that due to practical difficulty or unnecessary hardship, that the applicant adequately meets the criteria for granting a variance, then the following specific findings are recommended:

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 §154.77(D)(2) allowing for a maximum height of 6 ft for a fence located in the side and rear setback, to allow for a fence that measure at a maximum height of 9'4", is approved.
3. The applicant must adhere to all other requirements found in R.O. 2003 §154.77.
4. The applicant must apply for and obtain a building permit within 12 months or the variance is null and void.

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 approved such modification;
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 deny the requested variance, subject to findings.

ATTACHMENT: 23-110-00013 - Location Map.pdf
ATTACHMENT: Application.pdf
ATTACHMENT: Justification Letter.pdf
ATTACHMENT: Applicant_JustificationEmail.pdf
ATTACHMENT: Agent Authorization.pdf
ATTACHMENT: 23-110-00013 (Variance) NOTICE.pdf
ATTACHMENT: 23-110-00013 - Postcard.pdf
ATTACHMENT: 2023-0912 PZB Legal Ad.pdf
ATTACHMENT: 23-110-00013 - Noticed Properties.pdf
ATTACHMENT: 23-110-00013 - Findings of Fact.pdf
ATTACHMENT: Justification Letter 2.pdf
ATTACHMENT: Public Comment 2.pdf
ATTACHMENT: Public Comment 1.pdf
ATTACHMENT: (CODE ENFORCEMENT) 22-07591, 22-08353, 2600 Dauphine Court Ne.docx

2600 DAUPHINE CT NE VARIANCE



RioRancho
City of Vision

0 150 300 600
Feet

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.

GIS
Moving Spatial Data Forward

Map Created by Chris Benson on 08/17/2023

N
W E
S

Subject Property

Zoning

E-1

SU

Development Services Department, Ste. 130
3200 Civic Center Circle NE, Rio Rancho, NM 87144
(505) 891-5005

Land Use Application

Please check appropriate box (Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☐ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	☐ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Residential Day Care 6 or <	☐ Master Plan Amendment	☐ Vacation of Plat	☐ Site Plan
☐ Sign Permit	☐ Specific Area Plan Amendment	☐ Street Name Change	■ Variance
☐ Special Event	☐ Text Amendment	☐ Subdivision Interpretation	☐ Zone Map Amendment
☐ Special Event (Youth Group)		☐ Subdivision Variance	☐ Zoning Certification
			☐ Zoning Interpretation

Please Print In Ink Only or Type
Application must be complete and accompanied by the appropriate supplemental form(s) and/or checklist for the action you are requesting

APPLICANT/AGENT INFORMATION

Applicant Name: Dawn Davide		Phone: 505 920-6469
Address: 2600 Dauphine Court		E-Mail: dawndavide@me.com
City: Rio Rancho	State: NM	Zip: 87144
Proprietary Interest: 50/50	List Owners: Dawn Davide Luttrell & Christopher Luttrel	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials) ✔
Agent Name: Huitt-Zollars, Inc		Phone: 505-235-7211
Address: 333 Rio Rancho Blvd		E-Mail: seddings@huitt-zollars.com
City: Rio Rancho	State: NM	ZIP Code: 87124

DESCRIPTION OF REQUEST

Request Fence height variance 9'-6"

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Monte Bella	Block(s):	Lot(s): 14
Existing Zoning: E-1	Proposed Zoning: E-1	
No. of existing lots: 1	No. of proposed lots: ~~2~~	Total area of site (acres) 1.1658

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: Scott Eddings	Applicant: ☐	Agent: ✔
Signature:: Scott Eddings		Date: 7/18/23

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #
23-110-00013	$200	

APPLICATION ACCEPTED BY: Christopher Benson **DATE:** 08/17/2023

Form revised March 2014

Development Services Department, Ste. 130
3200 Civic Center Circle NE, Rio Rancho, NM 87144
(505) 891-5005

APPLICATION FEE SCHEDULE

MASTER PLAN and SUB-PLAN	FEES
Area Plan (Level 3)	$400
Master Plan & Redevelopment Plan	$400
Specific Area Plan & Corridor Plan	$400
Comprehensive Plan: Amendment to Text / Plan Map	$400
SITE DEVELOPMENT PLANS	
Site Development Plan for Conditional Use/Master Plan/Special Use	$266
ZONE MAP AMENDMENT	
Map Amendment < 1 acre	$266
Map Amendment 1 - 4.99 acres	$531
Map Amendment 5 - 9.99 acres	$797
Map Amendment 10 - 49.99 acres	$1,063
Map Amendment 50 - 100 acres	$1,328
Map Amendment > 100 acres	$1,328 + $266 per ea. additional 100 or portion
Zoning Certification Letters	$35
Zoning Interpretations	$67
Zoning Variance	$200
SUBDIVISION	
Summary Plat	133 + $13 per lot
Preliminary Plat	
Less than 1 acre	$133 + $13 per lot
1 - 4.99 acres	$266 + $ 13 per lot
5 - 9.99 acres	$531 + $13 per lot
10 - 49.99 acres	$1,063 + 13 per lot
50 - 100 acres	$1,328 + 13 per lot
Over 100 acres	$1,328 + $266 per ea. additional 100 or portion + $13/lot
Final Plat	No Fee Required
Vacation of Plat	$266 + $13 per lot
Subdivision modification's/exceptions/Variance Application	$200
Subdivision Interpretations	$67
Street Name Change	$67 + 100% of mailings total cost & notification to be borne by applicant
PLANNING & ZONING	
Annexation	$500
Appeal to Planning and Zoning Board	$67
Development Review Committee [DRC]	No Fee Required
Conditional Use	$67
Non-Conforming Use	$67
Ordinance Amendment	$200
Community Residential Care Facility	$67
Home Occupation	$67
Residential Day Care 6 or <	$67
SIGN PERMIT	
New Application	$46 or $2.50 per sf of face, whichever is greater
Illegally installed but not conforming to code	$92 or $5 per sf of largest sign face, whichever is greater
Special Exception to the Sign Code	$266
Change of Face	$0
Subdivision Directional Signs	$30 + $5 per sign
Temporary Signs in the Right-of-Way	$30 + $1 per sign
SPECIAL EVENTS	
Special Event Permit	$35
Special Event Permit (Youth Groups & City Sponsored)	$0
MISCELLANEOUS SERVICES	
Research	$67 per hour
Building Plan Review	65% of Building Permit Fee

HUITT ZOLLARS

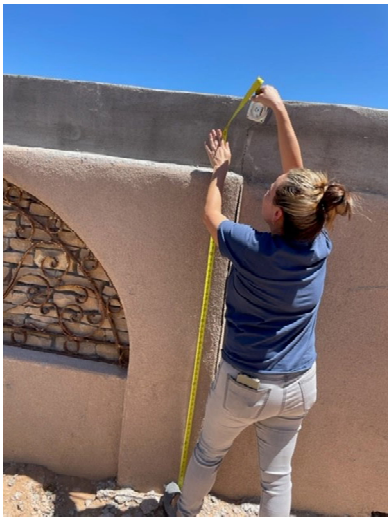
July 18, 2023

Mr. Brian Babyak
Development Services Department, Ste. 130
3200 Civic Center NE
Rio Rancho, NM 87130

Reference: **Justification Letter**
2600 Dauphine Court Fence Height Variance

Dear Mr. Babyak,

The applicant improved an existing cmu wall by adding decorative elements as shown on the attached picture below. The wall height varies from 6'-2" to 9'-4".





The applicant did not understand a wall permit was required for this improvement and respectfully requests to be scheduled for the Planning and Zoning Board.

Sincerely,

HUITT-ZOLLARS, INC.

Scott Eddings, PE
Vice President

Attachments: None

BRIAN BABYAK

From: Dawn Davide <dawndavide@icloud.com>
Sent: Tuesday, August 15, 2023 7:31 PM
To: BRIAN BABYAK
Cc: Scott Eddinds; Chris Luttrell; BRYAN TWYEFFORT
Subject: Re: 2600 Dauphine Court

My husband reminded me to include
That multiple animals have come over the wall
Ie: bobcat and coyotes
Killed all our chickens and ducks

Trying to explain WHY we did this to begin with

Thanks again
Dawn

Sent from my iPhone

> On Aug 15, 2023, at 11:57 AM, Dawn Davide <dawndavide@icloud.com> wrote:
>
> Brian,
> Could you please help me get to a resolve on this wall Varience
> /permit
>
> Could we apply for the Wall Varience for theses reasons :
>
> 1. First and foremost the wall has been there for over 20 years.
>
> 2. We raise the wall the few courses, so that our large breed dog, wouldn't hop over the wall .
> We brought home this dog less than a year ago for extra security.
>
> 3. The builder that built behind our house, graded the lot and removed
> much of the dirt that was existing And now that house sits below and
> we are now looking at his HVAC unit and roofing And he can look into our windows .
>
> I am really trying to comply and be reasonable, if there is anything
> you can do to assist to help us , We would all appreciate it .
>
> Scott is busy , we are as well , but trying to get this to resolve .
>
> Again
> We appreciate any guidance
>
> Sincerely,
> Dawn Davide Luttrell
>
>
>

>
> Sent from my iPhone

Homes by Dawn Davide
1632 Alameda Blvd. NW
Albuquerque, NM 87114
505-920-6469

July 18, 2023

Building Permit Department

RE: Agent Authorization Letter- Retaining Wall

Please find this letter as authorization for Huitt-Zollars to act on behalf of Dawn Davide-Luttrell to obtain the proper permit for the additional block added for the retaining wall on 2600 Dauphine Ct. Rio Rancho, NM 87144.

Respectfully,

Dawn Davide

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

August 17, 2023

RE: Variance,
Case No. 23-110-00013
2600 Dauphine Ct NE (Monte Bella, Lot 14)

Dear Property Owner:

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

The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, is requesting approval of a variance to allow for a wall that reaches a maximum height of 9'6". The subject property is physically located at 2600 Dauphine Ct NE and zoned E-1: Estate Residential District.

The **Planning and Zoning Board** will consider the request and have the final approval on **Tuesday, September 12, 2023** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below.**

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

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

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer:
https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

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

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

Respectfully,

Christopher Benson

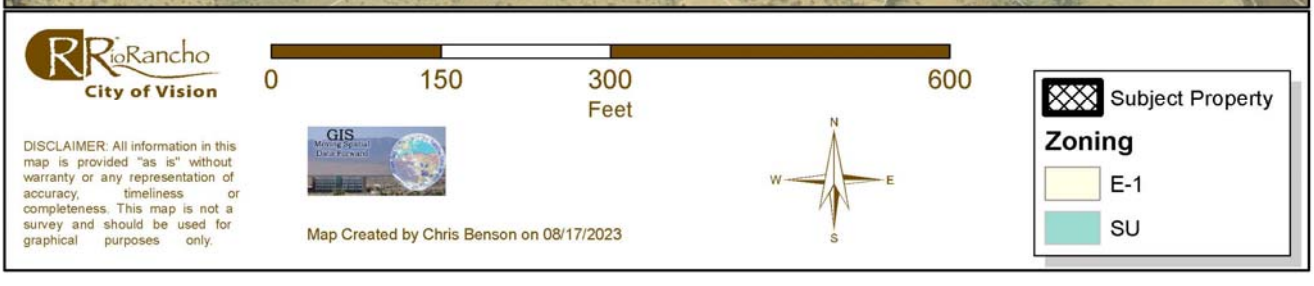
Chris Benson
Municipal Planner I
Development Services Department
City of Rio Rancho

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

2600 DAUPHINE CT NE VARIANCE





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 and Zoning Board
Location:	Virtual (Zoom)/City Hall
Date:	**September 12, 2023**
Time:	6:00PM
Staff Contact:	Chris Benson (505) 896-8342 cbenson@rrnm.gov

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

NOTICE OF PUBLIC HEARING

Meeting:	Planning and Zoning Board
Location:	Virtual (Zoom)/City Hall
Date:	**September 12, 2023**
Time:	6:00PM
Staff Contact:	Chris Benson (505) 896-8342 cbenson@rrnm.gov

Application Information

You are receiving this notice because your property is within 300 feet a site where a land development decision is required by the Planning and Zoning Board. The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, is requesting approval of a variance for a wall that reaches a maximum height of 9'6". The subject property is physically located at 2600 Dauphine Ct NE and zoned E-1: Estate Residential District. The PZB will hear the request on September 12, 2023.

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

https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09

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



Application Information

You are receiving this notice because your property is within 300 feet a site where a land development decision is required by the Planning and Zoning Board. The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, is requesting approval of a variance for a wall that reaches a maximum height of 9'6". The subject property is physically located at 2600 Dauphine Ct NE and zoned E-1: Estate Residential District. The PZB will hear the request on September 12, 2023.

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https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09

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



Rio Rancho
City of Vision

CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting on Tuesday, September 12, 2023 at 6:00 pm:

Subdivision Variance
Case #23-280-00006
The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1 of approx. 2.7 acres.

Zone Map Amendment
Case #23-100-00005
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

Variance
Case #23-110-00013
The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, requests approval of a variance to allow for a wall reaching a maximum height of 9'4".

Vacation of Plat
Case #23-230-00002
The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments, Red Roan Enterprises, and MAM Partners LLC, request approval of vacation of right-of-way for Walpi Ct NE.

Subdivision Variance
Case #23-280-00007
The applicant DR Horton, through their agent, RESPEC, is requesting approval of a subdivision variance for reduced park space requirements for Vista Grande Subdivision.

Zone Map Amendment
Case #23-100-00006
The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. The subject property is approximately 2.5 acres.

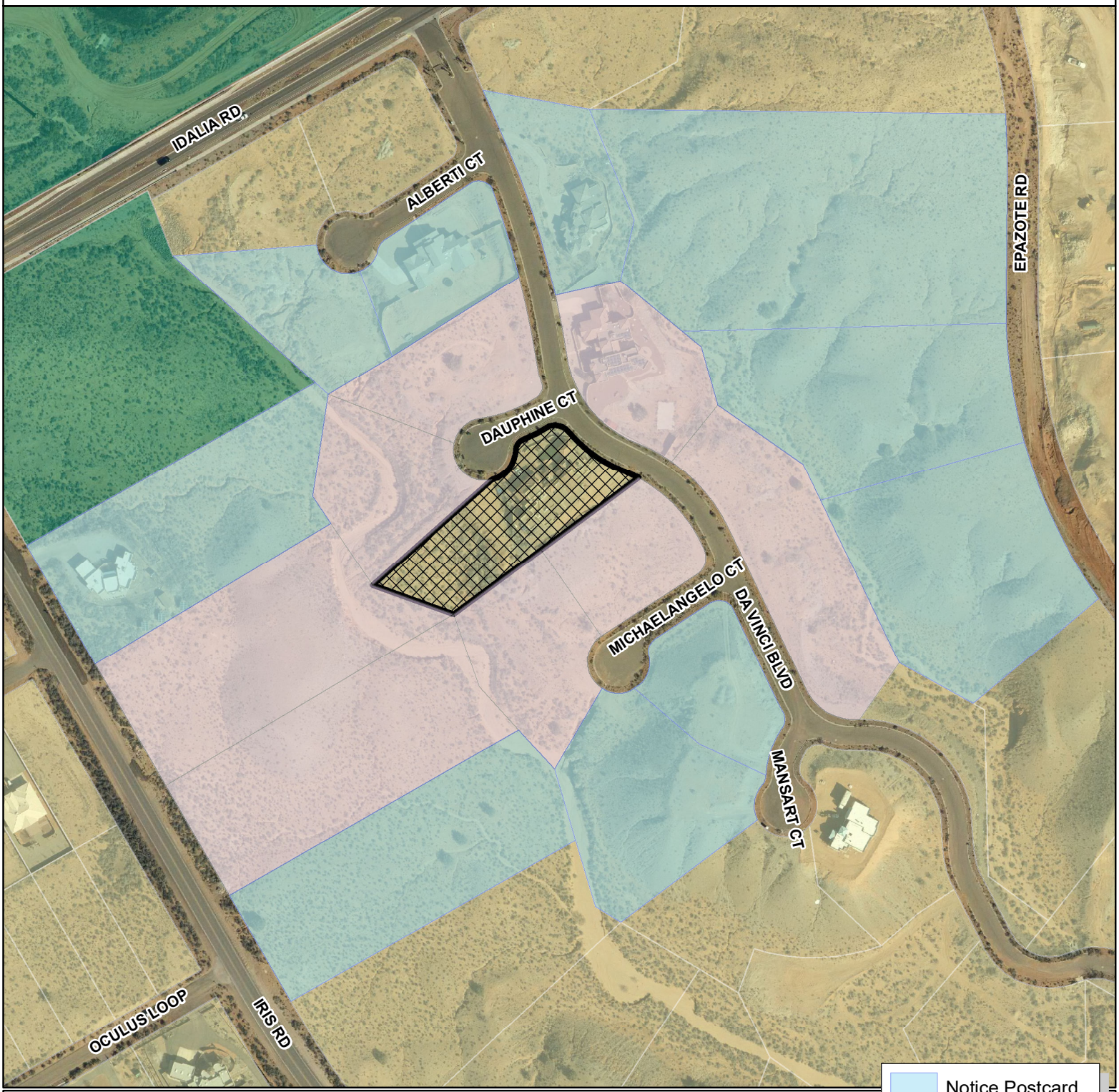
The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rrnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

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

record.

Journal: August 28, 2023

2600 DAUPHINE CT NE
VARIANCE - NOTICED PROPERTIES



Notice Postcard
Notice Letter
Subject Property

Zoning

E-1
SU

RioRancho City of Vision

0 150 300 600
Feet

GIS Moving Spatial Data Forward

N
W E
S

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 08/17/2023

BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR APPROVAL
Case No. 23-110-00013

REQUEST FOR VARIANCE TO THE MAXIMUM FENCE HEIGHT ALLOWANCE FOR A VARIABLE HEIGHT FENCE REACHING A MAXIMUM HEIGHT OF 9'4", FOR THE PROPERTY LOCATED AT 2600 DAUPHINE CT NE (MONTE BELLA, LOT 14).

Applicant: Dawn Davide

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 12th day of September, 2023, 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 maximum fence height allowance in the rear 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 §154.77(D)(2) allowing for a maximum height of 6ft for a fence located in the side and rear setback, to allow for a variable height fence reaching a maximum height of 9'6", is approved.
3. The applicant must adhere to all other requirements found within R.O. 2003 §154.77.
4. The applicant must apply for and obtain a building permit within 12 months or the variance is null and void.

THEREFORE, the application for a variance to the maximum fence height allowance for a fence located in the side and rear setback, to allow for a variable height fence reaching a maximum height of 9'6", for the property located at 2600 Dauphine Ct NE, **is APPROVED** by the Planning & Zoning Board of the City of Rio Rancho on September 12, 2023, subject to the conditions, restrictions and stipulations specified above.

Date

Planning and Zoning Board Chair

BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 23-110-00013

REQUEST FOR VARIANCE TO MAXIMUM FENCE HEIGHT ALLOWANCE FOR A VARIABLE HEIGHT FENCE REACHING A MAXIMUM HEIGHT OF 9'4" FOR THE PROPERTY LOCATED AT 2600 DAUPHINE CT NE (MONTE BELLA, LOT 14).

Applicant: Dawn Davide

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 12th day of September, 2023, 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 maximum fence height allowance in the rear 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 variance to the maximum fence height allowance for a fence located in the side and rear setback, to allow for a variable height fence reaching a maximum height of 9'6", for the property located at 2600 Dauphine Ct NE, **is DENIED** by the Planning & Zoning Board of the City of Rio Rancho on September 12, 2023, subject to the conditions, restrictions and stipulations specified above.

Date

Planning and Zoning Board Chair

VARIANCE JUSTIFICATION PROVIDED VIA EMAIL 08/15/2023

> Could we apply for the Wall Varience for theses reasons :
>
> 1. First and foremost the wall has been there for over 20 years.
>
> 2. We raise the wall the few courses, so that our large breed dog, wouldn't hop over the wall .
> We brought home this dog less than a year ago for extra security.
>
> 3. The builder that built behind our house, graded the lot and removed
> much of the dirt that was existing And now that house sits below and
> we are now looking at his HVAC unit and roofing And he can look into our windows .
>
> I am really trying to comply and be reasonable, if there is anything
> you can do to assist to help us , We would all appreciate it .
>
> Scott is busy , we are as well , but trying to get this to resolve .
>
> Again
> We appreciate any guidance
>
> Sincerely,
> Dawn Davide Luttrell

Authentisign ID: AD529316-AD51-EE11-A3F1-6045BDEF20F8

Variance Case No. 23-110-00013

First and foremost, Montebella Estates is a beautiful neighborhood with some of the most gorgeous homes in Rio Rancho. The property located on Dauphine Court is a stunning home and set the stage for a beautiful community to develop. The owners have done a tremendous job to contribute positively to the neighborhood's inception. The current matter regarding Variance Case No. 23-110-00013 has forced the community to weigh in on the wall height on 2600 Dauphine Ct NE. We also are contributing some other ordinance matters for the owners to consider curing or the Development Services Department or appropriate departments attention.

Zoning and Ordinance: Wall height variance approval request. Affected neighbors are in agreement to deny the request for approved variance as the wall currently is designed. This wall does not compliment the beauty of the home and neighborhood. The design is abstract and the height to be safely constructed appears to require enhanced engineering. Furthermore, the appearance of the wall is not in line with a normal design concept and is currently in an unfinished state. We request the wall be competed in a more traditional look and fashion.

Items for the property owners consideration and or the Development Services Department or appropriate departments attention:

- Cul de Sac on Dauphine Court does not appear to safely meet the requirements for emergency vehicle turning capabilities, mainly a fire engine. The cul de sac in its current state is over filled with property owners' trailers, vehicles, gym equipment and landscaping materials.
- Abandoned cargo semi-trailer has not moved in months. If this was a matter of lively hood to utilize this equipment it would be more understandable however its current abandoned and graffitied condition does not compliment the neighborhood.
- Weeds at 2600 Dauphine Ct NE are continuously overgrown and unattended too.
- Animals are not properly secured and out of the owners residence in the neighborhood daily. We all love animals however one lovely dog is a very large pit-bull and scares young children in the neighborhood. These animals reside at 2600 Dauphine Cte.
- Rooster at 2600 Dauphine Ct NE residence is rather noisy and disturbing

We are grateful for the property owners consideration of the neighbors perspective on the variance and ordinance matters.

Thank you for your support on this matter!

Authentisign ID: AD529316-AD51-EE11-A3F1-6045BDEF20F8

Neighbors Directly Impacted:

Gonzales Residence
Richard & Yvonne
5612 da Vinci Blvd NE Rio Rancho NM
We are in support of all items noted for consideration.

Authentisign RIchard Gonzales 09/12/23

Authentisign Yvonne Gonzales 09/12/23

Owens Smith Residence

Smith

Authentisign Victor & Aleitress Owens Smith 09/12/23

Burrin Residence

Paul & Ann, 2517 Michaelangelo Ct NE, Rio Rancho NM

Authentisign Paul & Ann Burrin 09/12/23

[redacted]

Micka Residence

Jerry Micka

Melissa Micka

Authentisign Jerry Micka 09/12/23

Authentisign Melissa Micka 09/12/23

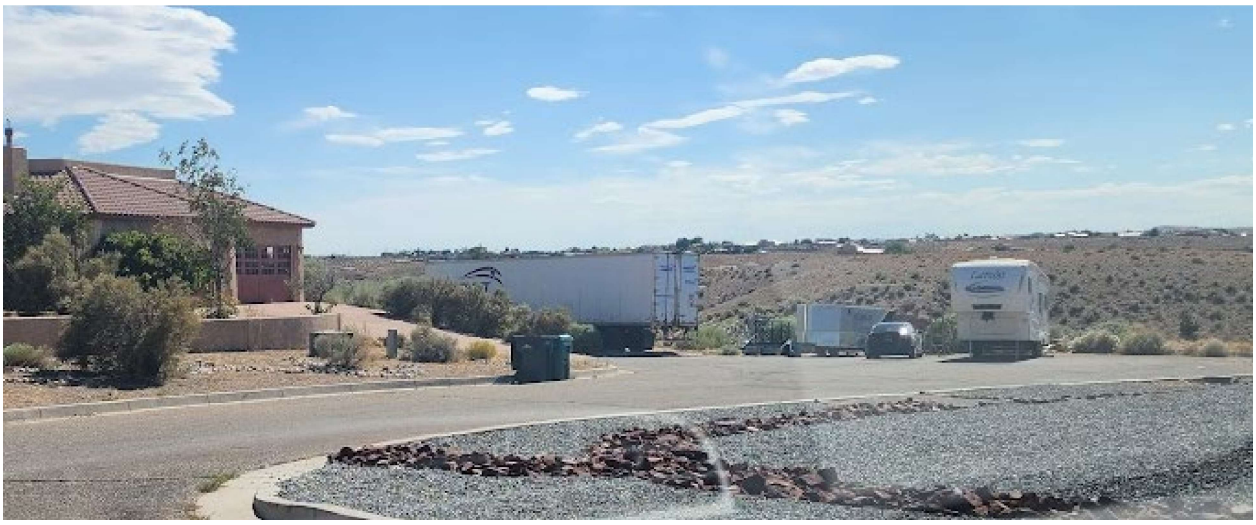
Authentisign ID: AD529316-AD51-EE11-A3F1-6045BDEF20F8







Authentisign ID: AD529316-AD51-EE11-A3F1-6045BDEF20F8





PUBLIC COMMENT RECEIVED 09/12/2023 5:20 pm VIA EMAIL: j_a_micka@icloud.com

Good afternoon, Chris,

I do want to formally oppose the variance. I signed a collective opposition with our fellow neighbors. I took a look at the scope of the project and it looks to be structurally unsafe for the neighbors down slope of their property. For the owners of 2600 Dauphine Ct NE to unilaterally take it upon themselves to build the wall higher without permit, approval, or sound engineering analysis is reckless, in my opinion, and part of a larger disregard for community neighbors and the ordinances of Rio Rancho.

I did already register a complaint with Mr. Branch regarding the abandoned trailer and the weeds; I believe they were issued a NOV by Mr. Carrier. I would still like to see to see real follow-up for the roaming dog and the cul-de-sac parking issues, as well.

Have a great evening!

Best,

Jerry

EXHIBIT A

CODE ENFORCEMENT CASE: 22-07591, 23-0045

VIOLATION: 154:81 BUILDING PERMIT, 154:77 FENCE/WALL REGULATIONS

ADDRESS: 2600 Dauphine Court Ne, Rio Rancho, New Mexico 87144

REQUEST #: 3077833

DESCRIPTION: **Bob Kennedy**

ksfcxebf@sharklasers.com

Telephone: Unknown

Submitted On: Apple iPhone

Property wall built up over 6'.

11/28/2022 – The property located at 2600 Dauphine Court Ne, Rio Rancho, New Mexico 87144 is in violation of 154:81 Building Permit. The property has recently lifted the brick wall. An indicator is the two different textures. The new additional is not textured and the existing brick wall is textured. I checked HTE, no permit on file for new additional on the brick wall. Brick wall may have a retaining wall.

11/28/2022 – The property has had the following permits in the past:

- 04 00006204 PLUMBING APPLICATION - RESIDENTIAL 7/14/04
- 04 00004183 RETAINING WALL APPLICATION 5/18/04
- 04 00003280 MECHANICAL APPLICATION - RESIDENTIAL 4/22/04
- 04 00003145 ELECTRICAL APPLICATION - RESIDENTIAL 4/16/04
- 04 00002605 ELECTRICAL APPLICATION - RESIDENTIAL 4/01/04
- 04 00002323 MECHANICAL APPLICATION - RESIDENTIAL 3/23/04
- 04 00000784 PLUMBING/MECHANICAL 2/02/04
- 04 00000041 ELECTRICAL TEMPORARY POWER - RES 1/06/04
- 03 00005775 SINGLE FAMILY RESIDENCE - SINGLE DU 8/15/03

11/28/2022 – The property owner is Brian and Dawn Davide-O'Neil.

11/28/2022 – Reinspection is scheduled for the 8th of December.

12/06/2022 – Made contact with Dawn Davide which is the property owner. Dawn's phone number is (505)920-6469. Dawn's email address is dawndavide@me.com. Dawn was very upset after letting Dawn know about the violation on her property. Dawn confirmed that she did alter the fence but only altered it because of her neighbor's dirt and trash that's blowing into her yard. Dawn also stated that she owns her property and does need a permit for any alteration. Dawn was out of town during our conversation but will be in New Mexico next week. Dawn is going to set up a meeting to file a complaint. The property remains in violation and a NOV will be mailed out to Dawn.

12/07/2022 – Emailed NOV to David Branch and Dawn O'Neil.

12/14/2022 – Spoke with the property owner, Dawn. Dawn's phone number is (505)920-6469. Dawn wanted to let me know that she has been in contact with Tamarah and Mike Padilla. According to Dawn, Tamarah is helping her with the process. Dawn also apologized for yelling at me the first time speaking with her and she wants to get her property into compliance.

01/05/2023 – Reinspection of the property was conducted. The property remains in violation due to no permit being pulled nor an application even submitted by property owner. New Charge, 154:77 was attached to case for wall height. I will generate a citation and drop it off at MC.

01/09/2023 – Received MC Summons:

YOU ARE HEREBY NOTIFIED that this action will come before Judge G. Robert Cook at the Municipal Court at 500 Quantum Rd NE, Rio Rancho, New Mexico on the 15th day of March, 2023, at 10:00 AM for the purpose of Environmental Court.

City of Rio Rancho vs. Davide, Dawn Marie
Case Number: 2023-0000173
Year of Birth: 1967
Last four of SSN: ***-**- 7552
Violation Date: January 5, 2023

Charges:

Building Permits

Fence/ Wall Regulations

01/30/2023 – Dawn Davide called me this afternoon, Dawn informed me that he was sending everything over for her permit to Nancy McKenney whom is no longer with us. Dawn is now working with Eric and Tamera to receive her Building Permit for her fence. The phone number Dawn called me from was (505)920-6469.

02/22/2023 – Spoke with Building Inspector, Brian. Brian informed me that Dawn is attempting to receive a permit. Brian also agreed that that wall from the photos look over 6 ft tall which exceeds the limit. Brian and I are concerned that the brick wall will eventually fall and potentially hurt somebody. Informed Brian that there is an upcoming arraignment on the 15th of next month.

02/22/2023 – I returned Dawn's phone call and received no response. The phone number I called was 920-6469.

02/22/2023 – Emailed Building Permit Tech, Michelle C. for update on subject's BP.

02/22/2023 – Received the following email response from Michelle:

Good morning,

The applicant sent over a fence permit yesterday but did not provide the setback information so I requested that they disclose that on the application and site plan. I have not yet heard back.

I was also made aware that this is most likely a retaining wall so I'm assuming that they will need a building permit instead, which I will inform them. Let me know if I'm missing any information or if you have any other questions.

Sincerely,



Michelle Costilla
Municipal Planner I

02/23/2023 – Received the following email from Dawn:

Thank you Michelle ,

Sorry for delay, caught that flu going around

Officer Baca was kind to respond to my VM

So I have copied on email

Thanks Again

Please let me know if anything else is needed

Dawn Davide

02/23/223 – Emailed Planner, Michelle the following:

Good morning,

I do not see the revision for the cinder block wall along Da Vinci Blvd Ne. The cinder block wall along Da Vinci Blvd Ne has been altered with no permit and exceeds 6 ft tall. Back cinder block wall also appears to be taller than 6ft.

02/23/2023 – Received the following email from Planner, Michelle:

Good morning Dawn,

I have been made aware that the wall seems to be a retaining wall and in that case, it will need a building permit rather than a fence permit. Please send the attached application along with any supporting materials to permits@rrnm.gov. Keep in mind that the setbacks are measured from the property line and not the house.

Please also be advised that per the Rio Rancho Municipal Code, 154.77(D)(2) Fences built within the side yard setback, behind the front setback to the rear setback, can be a maximum of six feet. If the fence is built outside the setback area within the buildable area of a lot, parcel, or tract may reach a maximum

height of eight feet. In the case of an E-1 zoned area, the side setbacks must be at least 10 ft, and the rear must be at least 25 ft. Let me know if you have any other questions.

Thank you,



Michelle Costilla
Municipal Planner I

02/23/2023 – Received the following response from Dawn:

Good morning,

I see that the number to reach you used to be Alex Lopez's phone number and there is no voicemail for me to leave you a message. I started out at Permits and they redirected me to you. I will now be circling back but I am asking that you all have a conversation so that I could be in the right bucket one last time as within the same building department I have circled back three times already

Please respond with clear directions by end of day, so I can be in compliance with the summons I was cited

Thank you,

Dawn Davide

02/23/2023 – Received the following email from Planner, Michelle:

Hi Dawn,

I apologize about the confusion but I think we have everyone on the same page now. I spoke with the Building Division and confirmed that you do need as Building Permit for the wall. I am copying them on this email. They will need the application and engineering drawings for the retaining wall. Feel free to reach out to them with any questions about the building permit.

Thank you,



Michelle Costilla
Municipal Planner I

02/23/2023 – Received the following email from Permit Tech, Senida:

Dawn,

Good Morning. You will need to fill out a building permit application and include an engineer report. We are requesting the engineer report due to the fence being over 8ft tall. If you have questions as about why we are asking for this you can call Bryan at 505-228-4452. I have included Bryan, Erik and Xavier in this email so everyone is on the same page.

Thank you



Senida Sandoval
Permit Technician

02/24/2023 – Received the following email from Dawn:

Thank you. Permits. The original wall was permitted with the home built in 2004 Besides the drawing summited showing it's within My property and that it was raised to fit within my E-1 covenants of my sub division and application we filled out Please let us know What more do I need to include please. Much thanks. All have a terrific day!

Dawn

02/27/2023 – I was included in the following email thread from the property owner, Dawn to Cedric Smith:

Cedric,

I wasn't going to interrupt your weekend and call you on your cell phone. I find it interesting that this jerk behind my home loves to do his dirt work on the weekends ironically as we mentioned before, it's harder to call on city officials, but neither the less my wall is well within my property line. I've had this conversation with him numerous times before yet; He continues to take away dirt right up against my wall. I want a Dooley noted that should I have issues regarding my stem wall , I will hold him responsible

In the beginning, we tried to be good neighbors by putting up my land markers. He has taken those down, ignored them ever since.

Pls be advised

I will have Gary Gritsko, my engineer out middle of the week to get his opinion on whether or not I have a problem with the wall being weakened

Thank you,

Dawn Davide

02/27/2023 – Received the following email from Dawn:
Good morning

May I please have an update on block wall permit For my Home .

I leave out of town on Wednesday and want to make sure you have all you need

Thank you

Dawn

02/27/2023 – Received the following email response from Cedric:

Good Morning Dawn,

This slope is on my radar and we will do our best to engineering inspections per City standards and recorded disclosure he has signed.

Have a great Monday,

Cedric Smith
Project Manager
City of Rio Rancho | Development Services / Engineering
Office: (505)891-5284 Cell: (505)250-3979
Email: cesmith@rrnm.gov |

02/27/2023 – Received the following email response from Dawn:

Thank you Sir ,

Much appreciated , same to you all

Dawn

03/03/2023 – Received the following update through email from Michelle:

Good afternoon,

I checked up on this and the permit techs informed me that they are waiting on engineering drawings from the applicant. She is aware of this and stated that she would be out of town for a few days I believe.

Thanks,



Michelle Costilla
Municipal Planner I

03/14/2023 – Received the following email from Michelle:

Hi Xavier,

The Permit Department still has not received the drawings for this fence. The email correspondence file can be located in the Building Permit 2023 Residential Files under 2600 Dauphine Ct retaining wall. Attached is the last email she was sent and they did not receive a response.

Thanks,



Michelle Costilla
Municipal Planner I

03/14/2023 – Received the following email from Senida Sandoval:

Here is my original email to her asking for the engineer report and we still haven't received them.

We also have not received all the information to enter the permit. The second email attached is us asking for more information.

We have heard anything from her since 2/27/23



Senida Sandoval
Permit Technician

03/14/2023 – Senida forwarded me the following:

Need cost and height for data entry

***Thank you for email. Due to all applications being submitted digitally, Data processing time is 24-48 hours. Once processed, the payment slip is routed to the cashier and in the event of plan review, the plans are then routed to the reviewers. Our office is currently open by appointment only but all plan submittals and permit applications must be digital. If you are receiving your plans, you will still need to print out and have a full size approved set at the job site as well as the sign off sheet and permit. Please be patient with this ever evolving situation. Thank you for your understanding.

Please be aware the City of Rio Rancho is no longer accepting applications for trade permits in the Town of Bernalillo or Placitas areas. Please contact CID for direction on permitting.

CUT OFF TIMES FOR FAXES AND EMAILS 3:30PM CUT OFF TIMES FOR CALLS AND VOICEMAILS 4:30PM

03/14/2023 – The property owner has yet to send the cost of the wall, height of the wall and engineer drawings. Court is scheduled for tomorrow.

03/15/2023 – Reinspection of the property was conducted. The property remains in violation. Court is today.

03/15/2023 – Court took place today. Dawn FTA'd. Warrant for arrest was issued by the Judge.

04/03/2023 – Received the following email chain from Dawn to Michelle from P&Z:
Has there been any luck finding the original permit that had all the engineer report attached?

Scott Eddings with Huitt Zollars, was not able to retrieve from his archives and thought the city should definitely still have the original permit

Pls advise

I've also contacted Aspen Mason

No luck ….

Sent from my iPhone

04/06/2023 – Received the following email chain from Tamarah to Dawn:

Hi Dawn!

Tiny bit confused… what are we looking for? ?

Thank you,

Tamarah

04/10/2023 – Received the following email response from Dawn:

Hi Tamarah!!!!

I MISS seeing you!!

I'm having issues with my original submittal to city when I built Monte Bella (sub division) and had MY Model (now my home)

Walls engineered

It's become an "issue "since the builder/Neighbor :(

(I'll be professional) behind me

Built on my lot line -I'm having to fight that civilly

Is angry because I raised my wall to keep his trash from blowing in daily!

SO

I was asked to provide my Original wall permit / engineered drawings

Since Covid…I am no longer in my Homes Building and not sure WHERE my ORIGINAL Permit from 1999/2000

Is….

Huitt Zollars has since purged there old files, City can't seem to produce, and so I am trying to provide "permit request" to INCLUDE drawings and

Struggling to find any one to help without the original permit and drawings

Sorry so long winded….

By the time you have all read this, I hope you all had a Happy Easter

Please let me know if it helpful and or easier to come into office to discuss

Thank you,

Dawn

04/10/2023 – Emailed Amy and David an update on the email we received.



VINCENT'S
HAIR • SKIN • BODY

Founder /Owner

1632 Alameda Blvd. NW Albuquerque, NM 87114

04/102/2023 – Tamrah respond the following to Dawn:

Hi Dawn!

It's been a minute ? .

So… If I'm understanding correctly, we just need a new permit for your wall?

I'm know the City will not have any files that far back… with paper plans we would keep them one year after CO.

Maybe just create new drawings for it? I'm just throwing out some suggestions here trying to help you out my friend. ?

Thank you,

Tamarah

04/10/2023 – Received the following email response from Dawn to Tamarah:

Yes, you have it correctly!

Thank you , Sandra and I will get together on it today and most likely include it again with porch permit !!

Thanks and hope you had a great Holiday!

Dawn

Sent from Mail for Windows

04/19/2023 – Property owner has yet to receive permit or submit a permit to the City. Case will remain open.

05/18/2023 – Subject has warrant. No new court date yet. Case will remain open.

06/06/2023 – Received the following email from Gabe:

Good Afternoon,

A citizen messaged me and asked if they could set up a meeting with you and your supervisor. Their number is 505-920-6469 they said the property is 2600 Dauphine Ct. 87144. They want to contact David to set up a meeting regarding a dispute. Apparently it's over a wall. They will most likely call David first and you can go from there.

If you need more information from me, please don't hesitate to ask!

Cordially,

Gabriel Twyeffort
Code Enforcement Officer

06/06/2023 – Attached text message screen shots to Q Drive file. Emailed David and Amy.

06/12/2023 – Received MC Summons:

YOU ARE HEREBY NOTIFIED that this action will come before Judge G. Robert Cook at the Municipal Court at 500 Quantum Rd NE, Rio Rancho, New Mexico on the 19th day of July, 2023, at 10:00 AM for the purpose of Trial.

City of Rio Rancho vs. Davide, Dawn Marie
Case Number: 2023-0000173
Year of Birth: 1967
Last four of SSN: ***-**- 7552
Violation Date: January 5, 2023

Charges:

Building Permits

Fence/ Wall Regulations

06/13/2023 – Received the following email chain from Michelle C:

Good morning Dawn,

According to the Building Division and Code Enforcement records, this application needs to be processed as a retaining wall permit with engineering drawings. Please submit the engineer plans to permits@rrnm.gov.

Thank you,
Michelle Cost

From: Dawn Davide <dawn@vincentsabq.com>
Sent: Wednesday, June 7, 2023 9:04 AM
To: Permits <permits@rrnm.gov>; BRYAN TWYEFFORT <btwyeffort@rrnm.gov>; DAVID BRANCH <dbranch@rrnm.gov>
Cc: Sandra Garcia <sandvdesignsllc@gmail.com>
Subject: RE: Original Wall permit submittal

Forgive me , this was supposed to be attached in prior email sent

Thank You again,

Dawn

Sent from Mail for Windows

From: Dawn Davide
Sent: Wednesday, June 7, 2023 8:23 AM
To: permits@rrnm.gov; BRYAN TWYEFFORT; dbranch@rrnm.gov
Cc: Sandra Garcia
Subject: FW: Original Wall permit submittal

Good Morning All:

This is the original submittal for wall permit that was sent back in November; if this is helpful, OR ,you would like to see it in another way,
Please advise with direction and clear comments .

Its our desire to get this resolved asap

Much appreciation !

Dawn Davide

Sent from Mail for Windows

From: Sandra Garcia
Sent: Thursday, February 9, 2023 3:31 PM

To: Dawn Davide
Subject: Re: Existing wall -new permit submittal

From: Sandra Garcia
Sent: Monday, February 6, 2023 10:18 AM
To: Dawn Davide
Subject: Re: My remodel

what wall? the walls im showing are what you have.

On Mon, Feb 6, 2023 at 10:02 AM Dawn Davide <dawn@vincentsabq.com> wrote:
I think that's fine….just print on existing wall and 5 feet inside of property line

Sent from Mail for Windows

From: Sandra Garcia
Sent: Monday, February 6, 2023 9:56 AM
To: Dawn Davide
Subject: Re: My remodel

, February 1, 2023 11:07 AM
To: Dawn Davide
Subject: Re: My remodel

see attached.

On Tue, Jan 31, 2023 at 8:39 AM Dawn Davide <dawn@vincentsabq.com> wrote:
I printed for us today

Sent from Mail for Windows

From: Sandra Garcia
Sent: Tuesday, November 15, 2022 5:04 PM
To: Dawn Davide
Subject: Re: My remodel

see attached.

06/27/2023 – Placed Bryan Tweffort on the Witness List.

06/29/2023 – Received the following email chain from David Branch:

Good Afternoon Xavier,

Please add Bryan Twyeffort's email comments to your Q drive file for Dawne Davide. This should make it a littler clearer as to what is needed for her to obtain a permit for the wall alteration she has done around her property.

David Branch
Supervisor

Code Enforcement / Development Services

O: 505.891-5860

RRNM.gov |

-----Original Message-----
From: BRYAN TWYEFFORT <btwyeffort@rrnm.gov>
Sent: Thursday, June 29, 2023 3:07 PM
To: Dawn Davide <dawndavide@icloud.com>; Dawn Davide <dawn@vincentsabq.com>
Cc: BRIAN BABYAK <bbabyak@rrnm.gov>; DAVID BRANCH <dbranch@rrnm.gov>
Subject: RE: MonteBella /wall

Good afternoon Dawn,

I just wanted to follow up our phone conversation with an email so we are all on the same page.

Per our records, we have a retaining wall permit from 2004 when the house and wall were built, we do not have any record of inspections done on that permit for the wall. The following will be needed.
- A retaining wall permit application and plans will need to be submitted and approved for the retaining wall. You will have to supply some type of documentation showing the wall was built per approved plans in place of inspections, as the wall is already built. This can be done by either having a X ray done on footing and wall showing reinforcement and sizes or have an engineer letter explaining wall was built to their drawings, has to be same engineer.
- A fence permit will need to be submitted and approved for the additional height you added to the existing wall. Per city ordinance fences or walls cannot be taller than 6 feet, if taller you may cut down the wall height or file for a variance, requests take 4 – 6 weeks from time of submittal to the Planning and Zoning hearing. There is a $200 fee and the PZB approval is not guaranteed.

I have attached the Applications for fence and retaining wall with supporting documents and Variance forms.

Bryan Twyeffort
Construction Inpsection Supervisor

Development Services / Building Division

O:505.896.8791 C:505.228.4452

RRNM.gov |

-----Original Message-----
From: Dawn Davide <dawndavide@icloud.com>
Sent: Wednesday, June 28, 2023 11:08 AM
To: BRYAN TWYEFFORT <btwyeffort@rrnm.gov>
Cc: Phil Clark <CCEalbq@aol.com>; Dawn Davide <dawn@vincentsabq.com>
Subject: MonteBella /wall

Hello
May I make a time to see you today
10 min
Phil Clark /engineer needs some clarification on request to resubmit another permit request Since I raised the wall

We have all spent a crazy amount of time going around and around so I just would like to get it resolved once and for all David Branch is still not I believe back from his vacation so I was hoping that you could help me get you the information you need to push the permit forward

Much appreciated
Dawn Davide

Sent from my iPhone

06/30/2023 – Received the following email from David Branch:

Hello Ms. Davide,

I'm sending this email so that you'll have my email address for any future communications. I am also including a copy of the Court Records for the various Hearings associated with the citation that Officer Baca had written in regards to the fence alteration at your property. Your next Hearing date in Rio Rancho Municipal Court is July 19, 2023 at 10:00 AM.


HEARING SUMMARY ▸ 2023-0000173 City of Rio Rancho vs. Dawn Marie Davide CASE STATUS ▸ Open - Jan 19, 2023

CONTINUANCE ONLY ▸

1 - 4 of 4

HEARING TYPE	JUDGE	COURT ROOM	START DATE ▴		RESULT	CASE MINUTES
Environmental Court	G. Robert Cook	Cook, Robert	03/15/2023 - 10:00 AM	PARTICIPANTS OFFICERS	Defendant Failed to Appear	CREATE MINUTES
Turning Self In/Bench Warrant	G. Robert Cook	Cook, Robert	06/06/2023 - 01:45 PM	PARTICIPANTS OFFICERS	Hearing Held	CREATE MINUTES
Trial	G. Robert Cook	Cook, Robert	07/05/2023 - 01:30 PM	PARTICIPANTS OFFICERS	Clerk Entry Error	CREATE MINUTES
Trial	G. Robert Cook	Cook, Robert	07/19/2023 - 10:00 AM	PARTICIPANTS OFFICERS		CREATE MINUTES

REFRESH CANCEL

Also attached, from Officer Baca's file, is a copy of an email sent to Officer Baca dated February 23, 2023. In this email you mention compliance with a summons you had been cited for. This Email was before your Court date scheduled for March 15, 2023.

02/23/2023 – Received the following response from Dawn:

Good morning,

I see that the number to reach you used to be Alex Lopez's phone number and there is no voicemail for me to leave you a message. I started out at Permits and they redirected me to you. I will now be circling back but I am asking that you all have a conversation so that I could be in the right bucket one last time as within the same building department I have circled back three times already

Please respond with clear directions by end of day, so I can be in compliance with the summons I was cited

Thank you,

Dawn Davide



David Branch
Supervisor

Code Enforcement / Development Services

O: 505.891-5860

RRNM.gov |

07/11/2023 – Made contact with complaining party, Paul Kearney aka Bob Kennedy. Informed Paul I was placing him on the Witness List for upcoming Trial. Paul will be returning into town on the 19th in the evening I will file a continuance for a future date.

07/11/2023 – Received MC Summons:

YOU ARE HEREBY NOTIFIED that this action will come before Judge G. Robert Cook at the Municipal Court at 500 Quantum Rd NE, Rio Rancho, New Mexico on the 16th day of August, 2023, at 10:00 AM for the purpose of Trial.

City of Rio Rancho vs. Davide, Dawn Marie
Case Number: 2023-0000173
Year of Birth: 1967
Last four of SSN: ***-**- 7552
Violation Date: January 5, 2023

Charges:

Building Permits

Fence/ Wall Regulations

Vehicle Information:

Witness(es):

Bryan Twyeffort

Paul Kearney

07/12/2023 – Spoke with Dale Carrier this morning. Provided Dale with update on case during this mornings briefing. Informed Dale I placed complaining party on witness list. Provided Dale with complaining parties name and how I found the complaining party. Dale asked if Judge Cook recused himself due to knowing the defendant I replied back that I do not know.

07/12/2023 – Complaining party, Paul Kearney called me. Paul wanted to inform me that he just looked at the court calendar and will not be in town due to prior engagements. Paul works in the Travel industry. Paul's schedule is below:

- August 8-18th BUSY
- September 1st – 5th BUSY
- September 11th – 15th BUSY

Called Suzan Dominguez and placed Paul on hold. Informed Suzan the situation. Suzan rescheduled the court date for the 30th of August.

07/12/2023 – Received new MC Summons:

YOU ARE HEREBY NOTIFIED that this action will come before Judge G. Robert Cook at the Municipal Court at 500 Quantum Rd NE, Rio Rancho, New Mexico on the 30th day of August, 2023, at 10:00 AM for the purpose of Trial.

City of Rio Rancho vs. Davide, Dawn Marie
Case Number: 2023-0000173
Year of Birth: 1967
Last four of SSN: ***-**- 7552
Violation Date: January 5, 2023

Charges:
Building Permits

Fence/ Wall Regulations

Vehicle Information:

Witness(es):
Bryan Twyeffort
Paul Kearney

07/13/2023 – Brian T accepted calendar invitation for upcoming Trial. I included David Branch and Amy Rincon in the calendar invite.

08/04/2023 – Received email chain from Dawn:

Good morning Brian ,

I'm trying to get an update on where we are in the permit process. I reached out to Mr. David Branch this morning asking if it was possible to include he and Officer Baca on where we are in the process to hopefully put off having to go to upcoming court.

Thank you ,
Dawn Davide Luttrell

08/04/2023 – Received email response from Bryan B:

Good morning Dawn,

Please submit a justification letter for the variance request for staff to complete processing and schedule the item.

Thank you,

Brian Babyak
Planning and Zoning Division Manager
City of Rio Rancho | Development Services/Planning & Zoning Division

O: 505-896-8756

08/04/2023 – Received the following email from Scott:
Hi Brian –

I thought I sent you this justification letter. My apologies for not following up.

Scott

08/04/2023 – Email response from Dawn and Scott:

Just spoke to Scott

Working on additional information needed for justification letter

I understand that

We will be scheduled for the 1st P&Z meeting in September

After we get you the additional information requested

Correct?

is it possible that Code enforcement can push back having to go to court while we work on this permit?

Pls advise ,

Thank you

Dawn

Scott, I don't see where you have added the equipment I had to rent proving the rebar was in place. Is that something that needs to also go into the justification letter?

Sent from my iPhone

> You don't often get email from seddings@huitt-zollars.com. Learn why this is important

Brian,

Dawn rented a metal detector so that I could verify wall reinforcement. That work was performed on July 14 and I confirmed metal was installed within the cmu wall extension that is filled with concrete. Is this information pertinent to the submitted variance application?

Scott

08/04/2023 – Email from Scott:

Hi Scott,

I don't know how pertinent it is to the justification letter. Staff need a letter of justification explaining the reasoning for the variance and deviation from code.

Dawn – yes if received in the next week, the item can be scheduled for 9/12.

Thank you,

Brian

Brian Babyak

Planning and Zoning Division Manager

08/04/2023 – Received email from Bryan T after forwarding Bryan the emails above:

Thank you.

Just so we are all on the same page. The metal detector test will not be sufficient. I did explain to Dawn in an email (see attachment) that an X ray needed to be done or have an engineer letter to verify reinforcement.

Thank you,



Bryan Twyeffort
Construction Inpsection Supervisor

08/09/2023 – Email from Bryan:

Good morning Dawn,

I just wanted to be sure we were all on the same page. A metal detector will not be sufficient to verify the wall reinforcement, an X-Ray done by a 3rd party inspector or have the engineer of record provide a letter to verify wall was built per there plans.

Thank you,



Bryan Twyeffort
Construction Inspection Supervisor

08/09/2023 – Email chain between Bryan and Dawn:

Good afternoon,

As stated before, we do not have any record of inspections done on the wall. I cannot speak for the state if inspections were done, and I do not know why the state would have been involved with inspections as the permit was issued by the City of Rio Rancho. I have already explained the process needed as there is NO record of inspections done (see attachment). Western Technologies is the only 3rd party special inspectors that I know of, you are more than welcome to do a search and see if there are any other companies that do those types of inspections.



Bryan Twyeffort
Construction Inspection Supervisor

Development Services / Building Division

O:505.896.8791 C:505.228.4452

RRNM.gov |

From: Dawn Davide <dawn@vincentsabq.com>
Sent: Wednesday, August 9, 2023 12:36 PM
To: BRYAN TWYEFFORT <btwyeffort@rrnm.gov>; Dawn Davide <dawndavide@icloud.com>
Cc: Xavier Baca <xbaca@rrnm.gov>; Scott Eddinds <seddinds@huittzollars.com>
Subject: RE: Wall permit 2600 Dauphine Court

Caution! This message was sent from outside your organization.

Bryan

We are doing all in the best of efforts

Rudy Mora who built the wall had in inspected.

The city hopefully can find these…as Rudy didn't keep them after the 10 years ….will it help to have him testify to this

He was worked with the state inspections on MonteBella as well

If you have a lead on anybody that does xrays, please advise

I have already spent quite a bit thus far trying to satisfy the city

Please advise on where we go from here since the city DID INPECT this wall , and not sure WHY the information prior was that the wall came after ?

We pulled ALL PERMITS at the same time

Respectfully,

Dawn Davide

Sent from Mail for Windows

08/10/2023 – Received the following email response from Dawn this morning:

Both Scott and I have, for quite some time now…

I will try Western today

Thank you

Dawn

Sent from Mail for Windows

Location	Owner Information	Assessment History
Parcel Number 1-015-072-463-388 **Tax Area** 510CSH_R - 510CSH_R **Situs Address** 2600 DAUPHINE CT NE **Legal Summary** Legal: Subd: MONTE BELLA Lot: 14	**Owner Name** O'NEILL, BRIAN & DAWN DAVIDE- **Owner Address** 1400 35TH CIR RIO RANCHO, NM 87124 UNITED STATES OF AMERICA	**Actual Value** (2022 - Residential Cap applied) $754,072 **Primary Taxable** $251,358 **Tax Area:** 510CSH_R **Mill Levy:** 36.551

Type	Actual	Assessed	Acres	SQFT	Units
Residential Land	$65,000	$21,667	1.170	50965.200	1.000
Residential Improvement	$689,072	$229,691		5213.000	

Request ID# 3077833: Code Enforcement

Created: Nov 22, 2022 @ 06:08 PM **Last Updated: Nov 23, 2022 @ 03:51 PM**

Action Menu

Assignment & Status

Team Assigned: **Unassigned**

Assigned To: **Xavier Baca**

Current Status: **Closed**

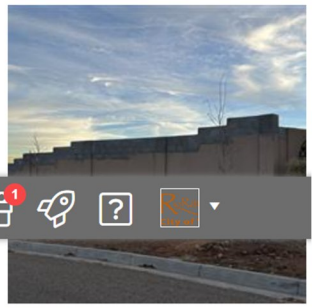
Request Details

Privacy: Private [Make Public]

Property Issue: Other

Description: Property wall built up over 6'

Attachments







Contacts Metrics Search

ksfcxebf@sharklasers.com
Telephone: Unknown

Submitted On: Apple iPhone

CSAT

Score: 0/5

Comments: N/A

Location Information



Approximate Address:
2600 Dauphine Ct NE, Rio Rancho, NM 87144

Public Comments 4

Rio Rancho Nov 22, 2022 @ 06:08 PM

We have received your inquiry. The City will follow up with you on this issue as quickly as possible.

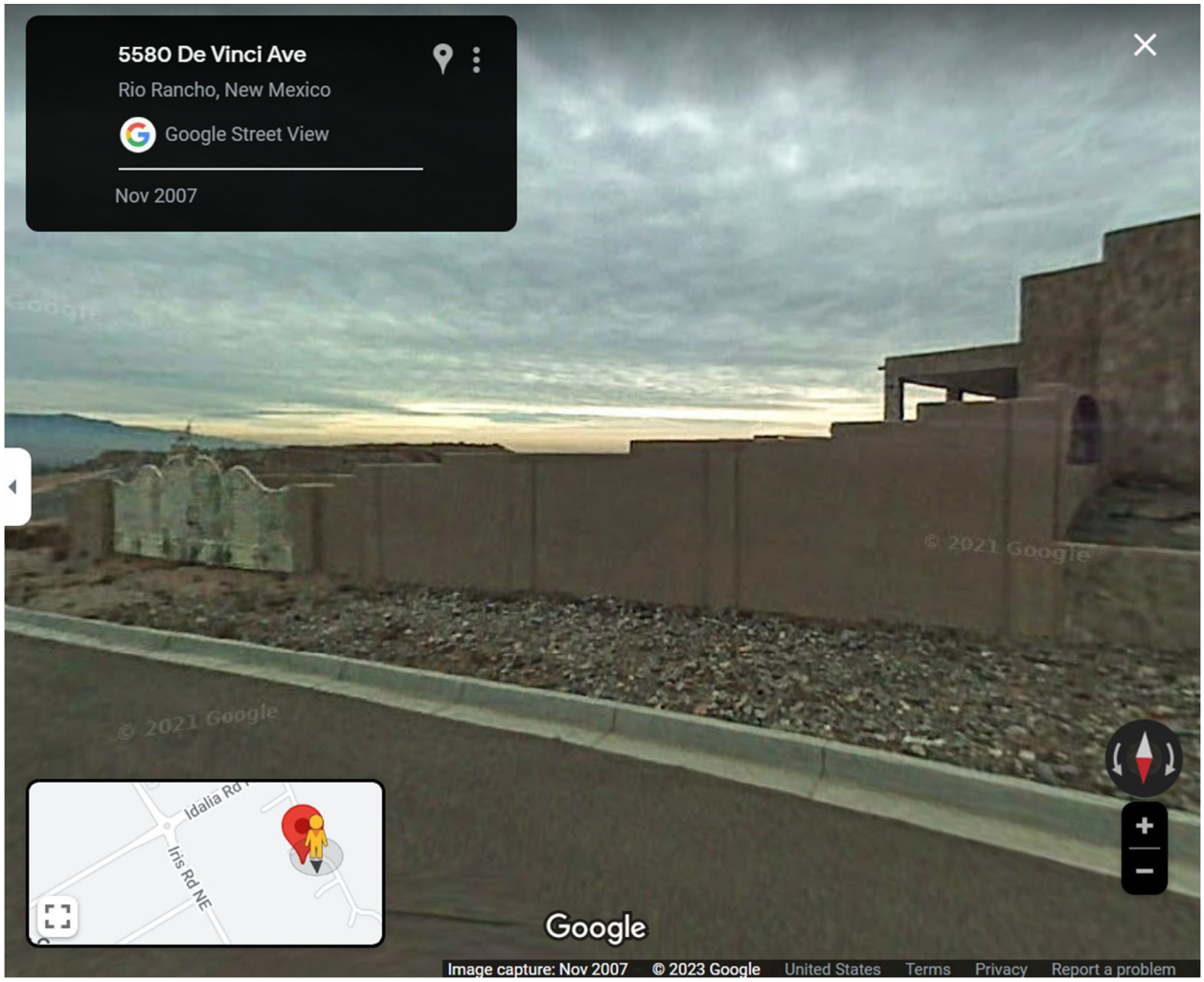
Bob Kennedy Nov 23, 2022 @ 08:38 AM

Wall is dangerously high on an unstable slope.

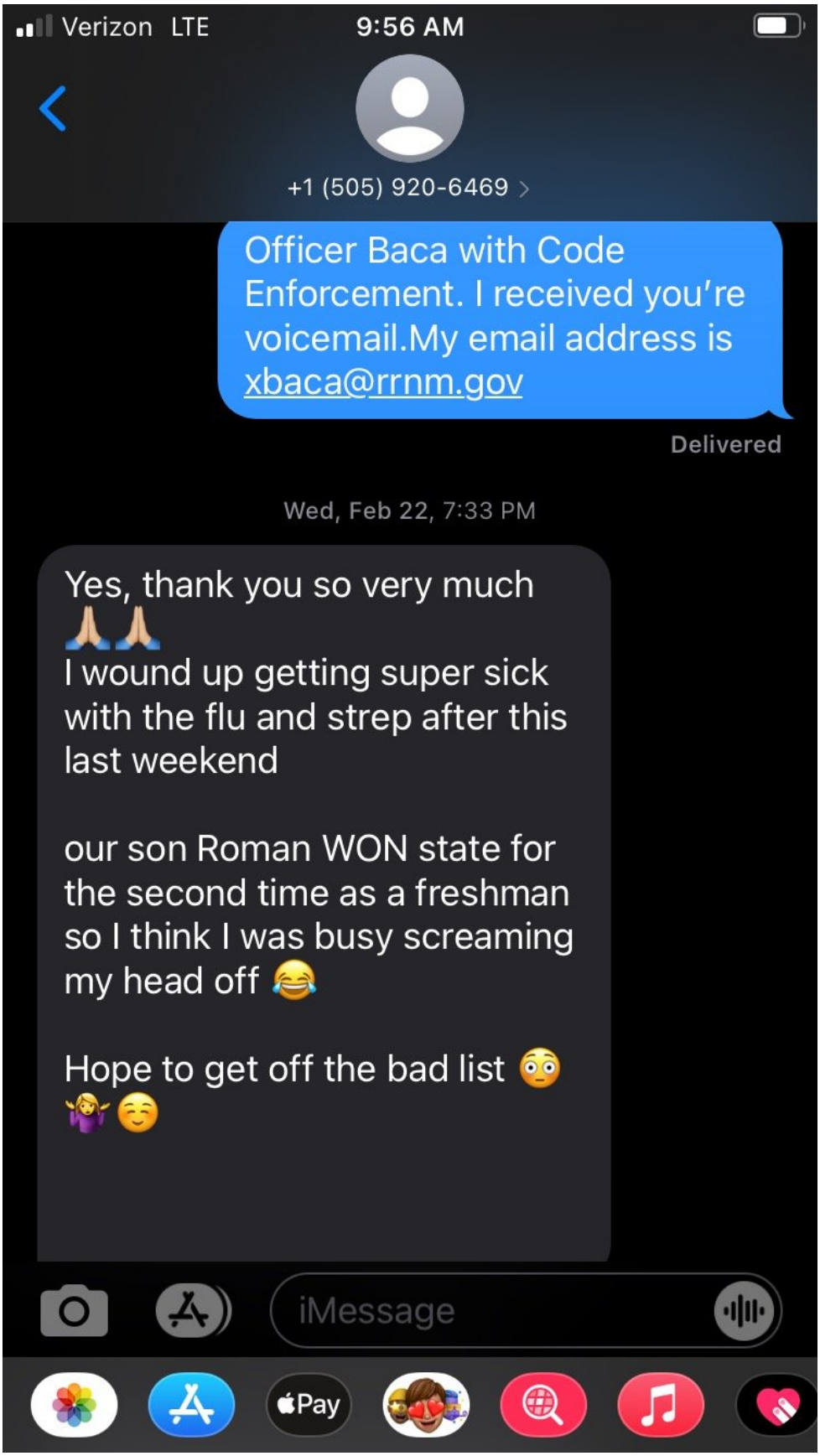
Rio Rancho Nov 23, 2022 @ 03:50 PM

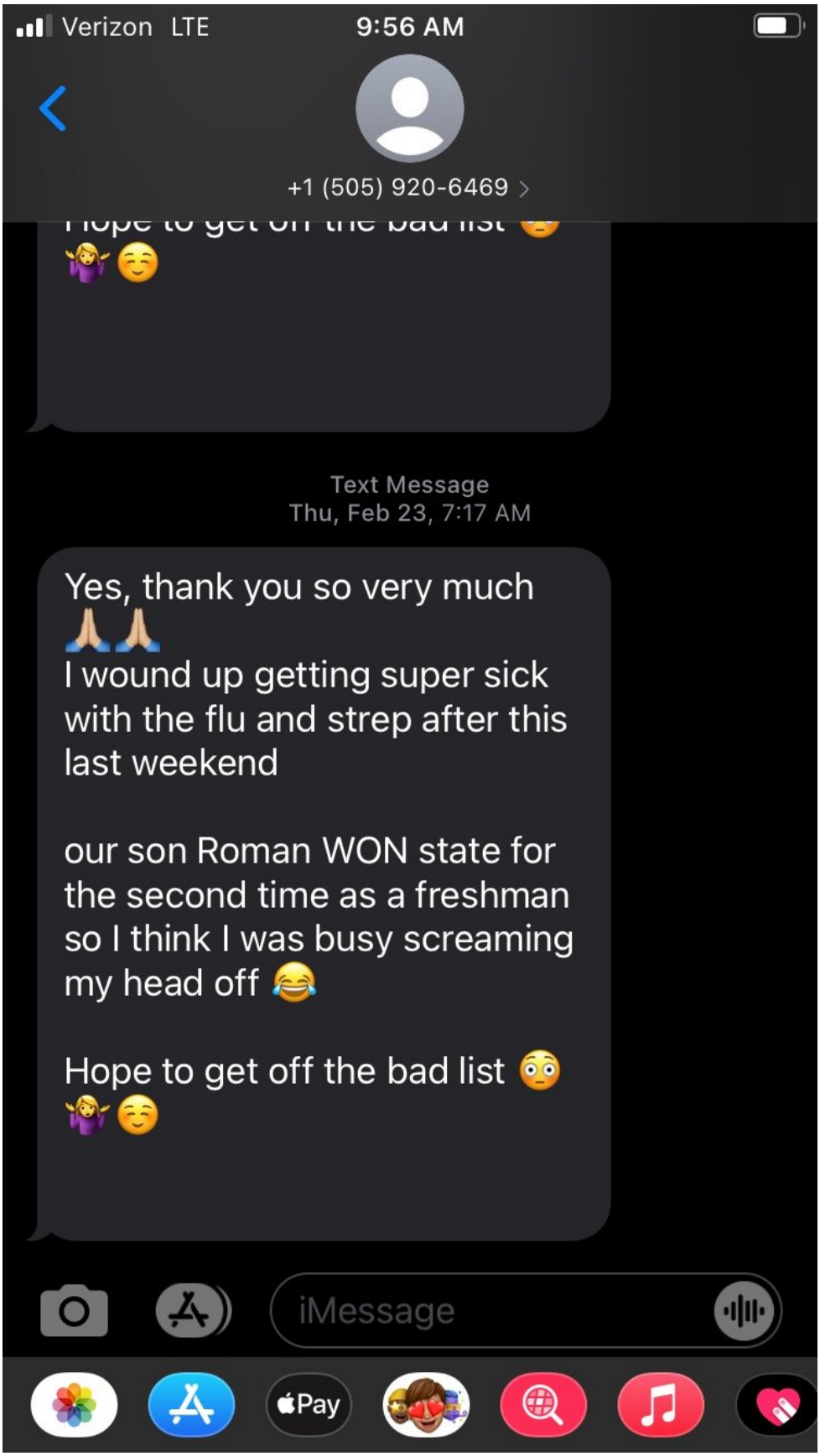
Bob Kennedy, thank you for the information.

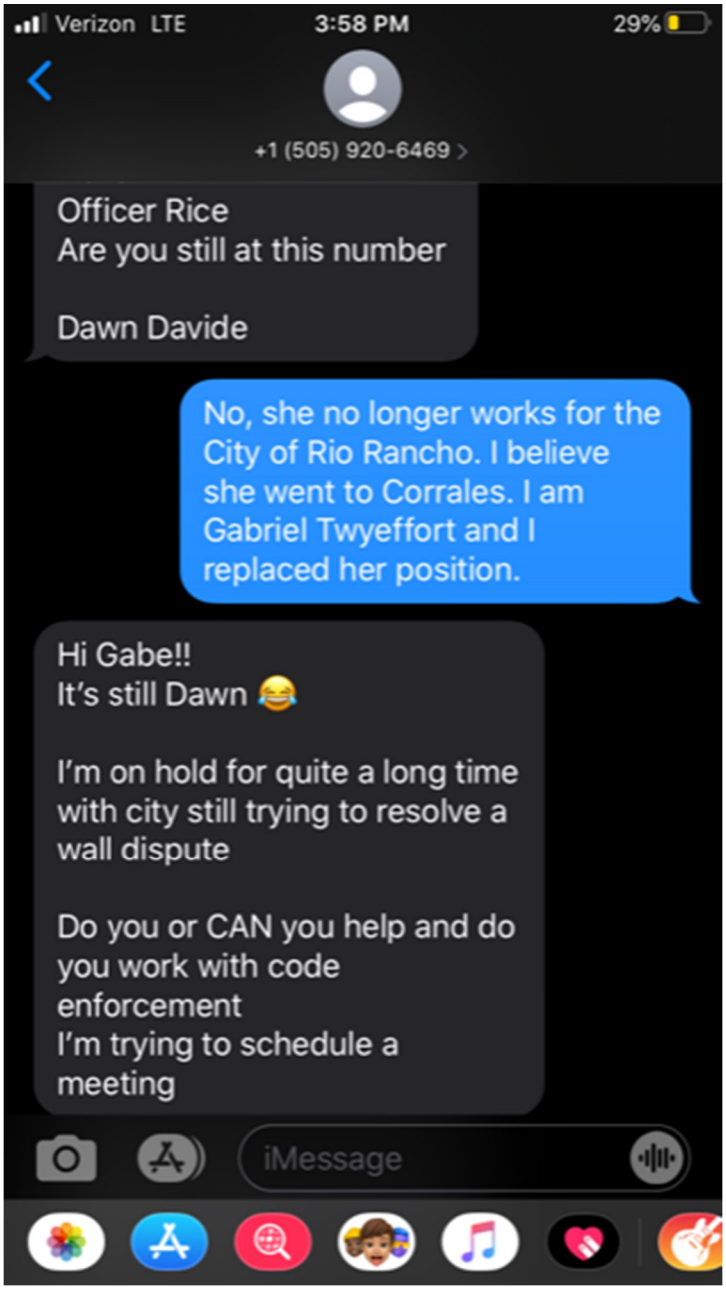
Investigation of the property was conducted. The property owner received a CNOV.

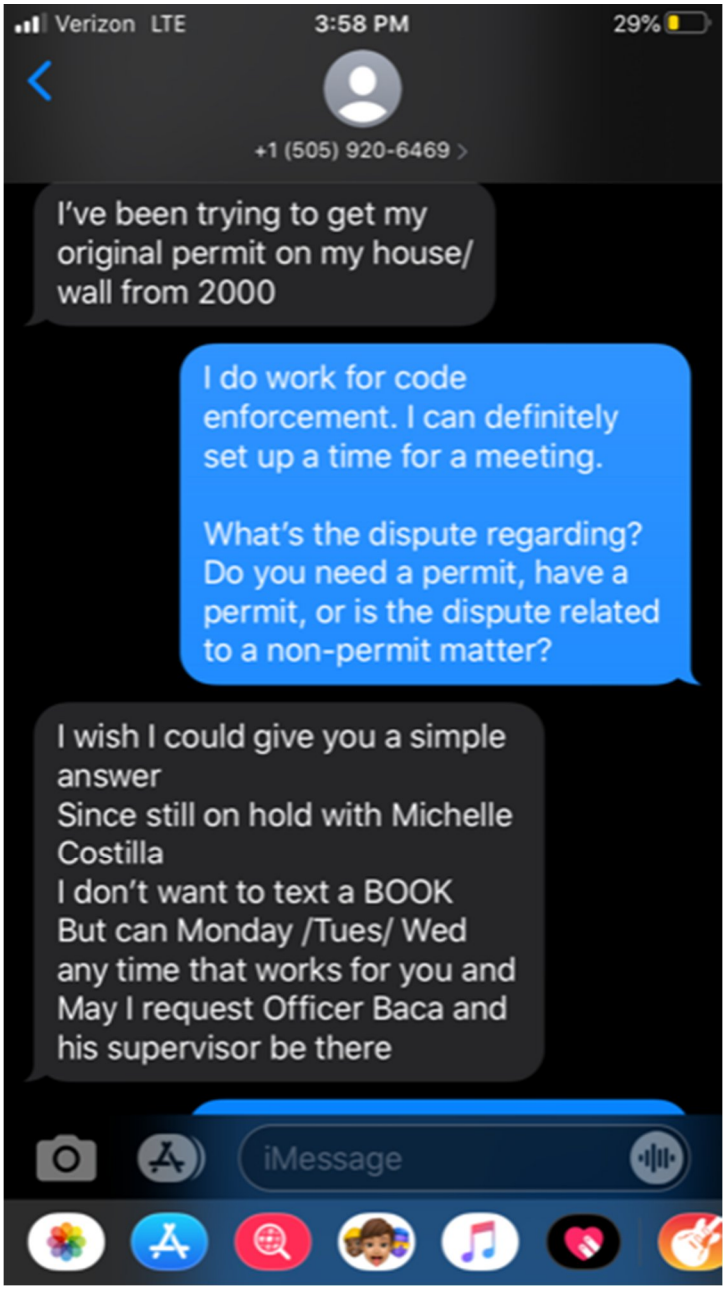

5580 De Vinci Ave
Rio Rancho, New Mexico
Google Street View
Nov 2007
© 2021 Google
© 2021 Google
Idalia Rd
Iris Rd NE
Google
Image capture: Nov 2007 © 2023 Google United States Terms Privacy Report a problem


5580 De Vinci Ave
Rio Rancho, New Mexico
Google Street View
Nov 2007
Idalia Rd
Iris Rd NE
Google
Image capture: Nov 2007
© 2023 Google
United States
Terms
Privacy
Report a problem


Verizon LTE
9:56 AM
+1 (505) 920-6469
Officer Baca with Code Enforcement. I received you're voicemail.My email address is xbaca@rrnm.gov
Delivered
Wed, Feb 22, 7:33 PM
Yes, thank you so very much 🙏🙏
I wound up getting super sick with the flu and strep after this last weekend
our son Roman WON state for the second time as a freshman so I think I was busy screaming my head off 😂
Hope to get off the bad list 😳 🤷‍♀️☺️
iMessage
Pay


Verizon LTE
9:56 AM
+1 (505) 920-6469
Text Message
Thu, Feb 23, 7:17 AM
Yes, thank you so very much
I wound up getting super sick with the flu and strep after this last weekend
our son Roman WON state for the second time as a freshman so I think I was busy screaming my head off
Hope to get off the bad list
iMessage
Pay


Verizon LTE
3:58 PM
29%
+1 (505) 920-6469
Officer Rice
Are you still at this number
Dawn Davide
No, she no longer works for the City of Rio Rancho. I believe she went to Corrales. I am Gabriel Twyeffort and I replaced her position.
Hi Gabe!!
It's still Dawn 😂
I'm on hold for quite a long time with city still trying to resolve a wall dispute
Do you or CAN you help and do you work with code enforcement
I'm trying to schedule a meeting
iMessage


Verizon LTE
3:58 PM
29%
+1 (505) 920-6469
I've been trying to get my original permit on my house/ wall from 2000
I do work for code enforcement. I can definitely set up a time for a meeting.
What's the dispute regarding? Do you need a permit, have a permit, or is the dispute related to a non-permit matter?
I wish I could give you a simple answer
Since still on hold with Michelle Costilla
I don't want to text a BOOK
But can Monday /Tues/ Wed any time that works for you and May I request Officer Baca and his supervisor be there
iMessage


Verizon LTE
3:58 PM
29%
+1 (505) 920-6469
Sure, we can set up a meeting. What's the address?
I'll see when they're available to meet.
2600 Dauphine Court
RR NM
87144
I appreciate it!!!
This will be easiest, here's our supervisor's contact information: David Branch 505-891-5860 or DBranch@rrnm.gov
Set up a meeting with him directly. I will also notify Xavier Baca and have him give you a call at this number
iMessage


Nov 23, 2022 at 2:25:35 PM
Da Vinci Blvd NE
Rio Rancho NM 87144
United States


Nov 23, 2022 at 2:26:03 PM
Da Vinci Blvd NE
Rio Rancho NM 87144
United States


Dec 6, 2022 at 8:55:27 AM
Da Vinci Blvd NE
Rio Rancho NM 87144
United States


Dec 6, 2022 at 8:55:37 AM
Da Vinci Blvd NE
Rio Rancho NM 87144
United States


Mar 15, 2023 at 8:58:40 AM
Da Vinci Blvd NE
Rio Rancho NM 87144
United States


Mar 15, 2023 at 8:58:51 AM
Da Vinci Blvd NE
Rio Rancho NM 87144
United States


Mar 15, 2023 at 8:59:08 AM
Da Vinci Blvd NE
Rio Rancho NM 87144
United States

RioRancho
City of Vision

Residential Shed, Wall, Fence & Reroof Application

City of Rio Rancho
Development Services
3200 Civic Center Circle NE 1st Floor
Rio Rancho, NM 87144
(505) 891-5006 Fax (505) 896-8994

Permit #_____

Property Information

Acreage of property 2+ Acres Height of Primary 20' SQ. Ft. of Primary 5690

Physical Address/Legal Description

Address 2600 Davohive Court Zip 87144

Subdivision/Unit 17 Block — Lot 14 Zoning E-1 Tract/Parcel Mark Bella Estates

☐ $10 FENCE ☐ $10 SHED (120 SQ. FT. UNDER) X NEAT & Tract ☐ $48.90 RETAINING WALL (ATTACH ENGINEERING PLAN) ☐ $56 REROOF (WINDOWS,DOORS,STUCCO)

Cost $_____ **Gross Floor Area** _____ **Height** _____

Dimension-Location from property lines.

Front _____ Rear _____ Left _____ Right _____

Homeowner Info

Name Dawn Davide
Address 2600 Davohive Ct
City RR State NM Zip 87144
Phone 505-920-6469 Email dawndavide@me.com

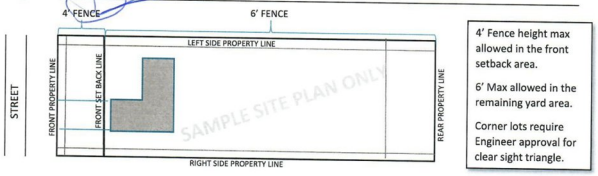
Contractor Info

Name Homes by Dawn Davide License# 378094
Address 2600 Davohive Ct
City RR State NM Zip 87144
Phone 505-920-6469 Fax _____ Email dawndavide@me.com

I, the undersigned, certify the information is correct and agree to comply with conditions of approval and applicable codes.

Name (printed) Dawn Davide Date 2-1-2023

Signature _____

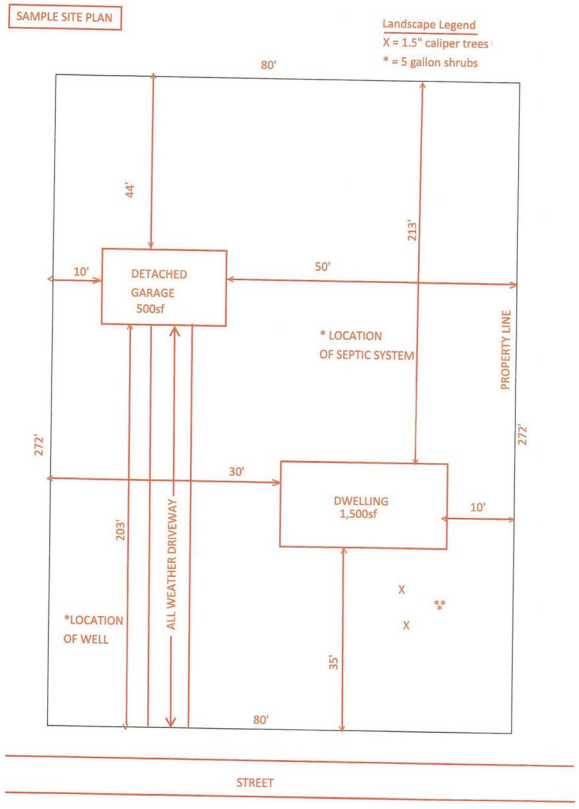


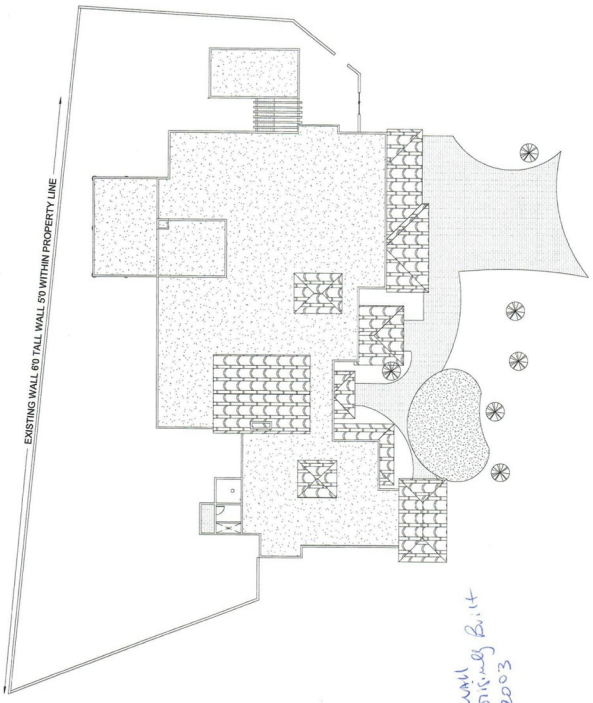
4' Fence height max allowed in the front setback area.

6' Max allowed in the remaining yard area.

Corner lots require Engineer approval for clear sight triangle.

SAMPLE SITE PLAN





IDENTIFY TYPE OF FENCING
BEING PERMITTED



Rio Rancho
City of Vision
Development Services Department

Letter of Consent

Date: 2-1-2023

I am the property owner of record for 2600 Daphne Court
Rio Rancho, NM. Legal Description: Subdivision/Unit 17,
Block _____, Lot 14.

With my signature below, I hereby grant written permission to the adjoining property owner N/A of
(print name)

_____ for
(print address)

the sole purpose of raising the common wall/fence between our properties.

Ann Davide
Printed Name

Signature

CITY OF RIO RANCHO
3200 CIVIC CENTER CIRCLE N.E. RIO RANCHO, NEW MEXICO 87144

BUILDING DIVISION (505) 891-5006
ZONING DIVISION (505) 891-5005
FAX: (505) 891-8994
EMAIL: PERMITS@RRNM.GOV

154.77 FENCE/WALL REGULATIONS.

(A) For the purpose of administering and enforcing this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) *Fence descriptions.*

FENCE/WALL TYPE	FENCE DESCRIPTION
COMMON FENCE	A fence that straddles a property line. For the purposes of this section, it is assumed that common fences are jointly owned in their entirety by each property owner and that initial construction and any modifications that require city approval beyond typical maintenance require the written permission of each property owner.
ELECTRICAL FENCE	A fence consisting of wires charged with electricity serving to confine domestic animals or livestock.
FENCE	A vertical structure taller than one foot, not more than 20 inches wide, which forms a barrier built for the purpose of protection, decoration, confinement, enhancement of privacy, and in some cases built for safety.
SWIMMING POOL FENCE	A fence that is six feet in height that serves to limit access for safety purposes.
RETAINING WALL	Any structure that is intended to retain more than 18 inches of soil or similar material.

(B) *Acceptable materials.* Construction materials for fences include common construction materials such as wood, masonry, adobe, chain link, wire mesh, or other materials approved by DSD. Barbed wire, concertina wire, or similar material is only appropriate in the E-1/Estate Residential District where it may be used to confine horses or in M-1 and C-2 Districts. Broken glass in/on fences is strictly prohibited.

(C) Fences may be placed anywhere within a lot, parcel, or tract of land within the city as specified herein. Fences may not be placed beyond property lines. Fences in the public right-of-way are strictly prohibited. Placement of a fence within an easement requires written permission of the grantee to which the easement is assigned.

(D) Maximum fence height varies with the location of the fence on the property.

(1) Fences allowed in the front setback area can reach a maximum height of four feet, except that fence height on corner lots must conform to the specifications under clear sight triangle, as defined in Section 154.03.

(2) Fences built within the side yard setback, behind the front setback to the rear setback, can be a maximum of six feet.

(3) Fences built outside the setback area within the buildable area of a lot, parcel, or tract may reach a maximum height of eight feet.

(a) The maximum fence height on nonresidential property is eight feet where it abuts residential property, along the rear or side property line.

(E)(1) Fence height is measured from grade where the fence is located. It is considered a subterfuge of this chapter to pile or berm dirt or other materials and attempt to measure a fence from the top of the berm or from the top of a "pseudo"

retaining wall. It is, however, allowed to fill in large areas of a lot, parcel or tract in order to achieve an overall or consistent grade, and then measure fence heights from that grade. A change in grade requires approval by DSD.

(2) Fences may be placed on top of retaining walls and height will be measured from the grade level of the retained material behind the retaining wall or, in other words, from the highest soil or similar material point.

(F) *Special fences.*

(1) *Swimming pool.* Fences are required around any swimming pool which is greater than three feet in depth or which exceeds 5,000 gallons. The pool must be enclosed on all sides by a fence or other barrier that provides an impediment of at least six feet thereby limiting access. In the event of a grade separation or the erection of an above ground swimming pool, the six-foot minimum height is measured from outside the fence, while the pool is on the inside. Gates on pool fences are required to be six feet in height with a self-closing latch at least four and one-half feet (54 inches) off the ground. In the case where a common fence cannot be used for a swimming pool fence, the swimming pool fence must be a minimum of four feet in height with a hard cover which complies with the International Building Code.

(2) *Corner lots.* Fences in the clear sight triangle as defined in Section 154.03 may not be greater than 30% solid when viewed along a line of sight which is parallel to the hypotenuse of the clear sight triangle.

(3) Residential fences that abut high intensity nonresidential or multi-family uses may be erected as follows: where a residential lot, parcel or tract abuts an arterial or collector street as defined in the comprehensive plan, or a multi-family or nonresidential zoned property, a fence may be a maximum of eight feet in height along the abutting side or rear property line, behind the front house line.

(4) *Buffer walls.* Fences that are required with multi-family or nonresidential development must be erected and continuously maintained so that a six-foot opaque fence exists along the property lines that abut the residentially zoned property.

(5) Electrical fencing may be placed only on the inside of a fence so that it is not accessible to adjacent property, and requires a conditional use permit.

(G) *Approval process.* All fences require a zoning plan review. If the fence is a part of a larger submittal, for example new home construction, the fencing plan review will occur at that time and is inclusive in the plan review fee. If the fence is an improvement to a developed site, a fencing plan review is required.

(1) Fencing plan review submittal should include the following:

(a) Application;

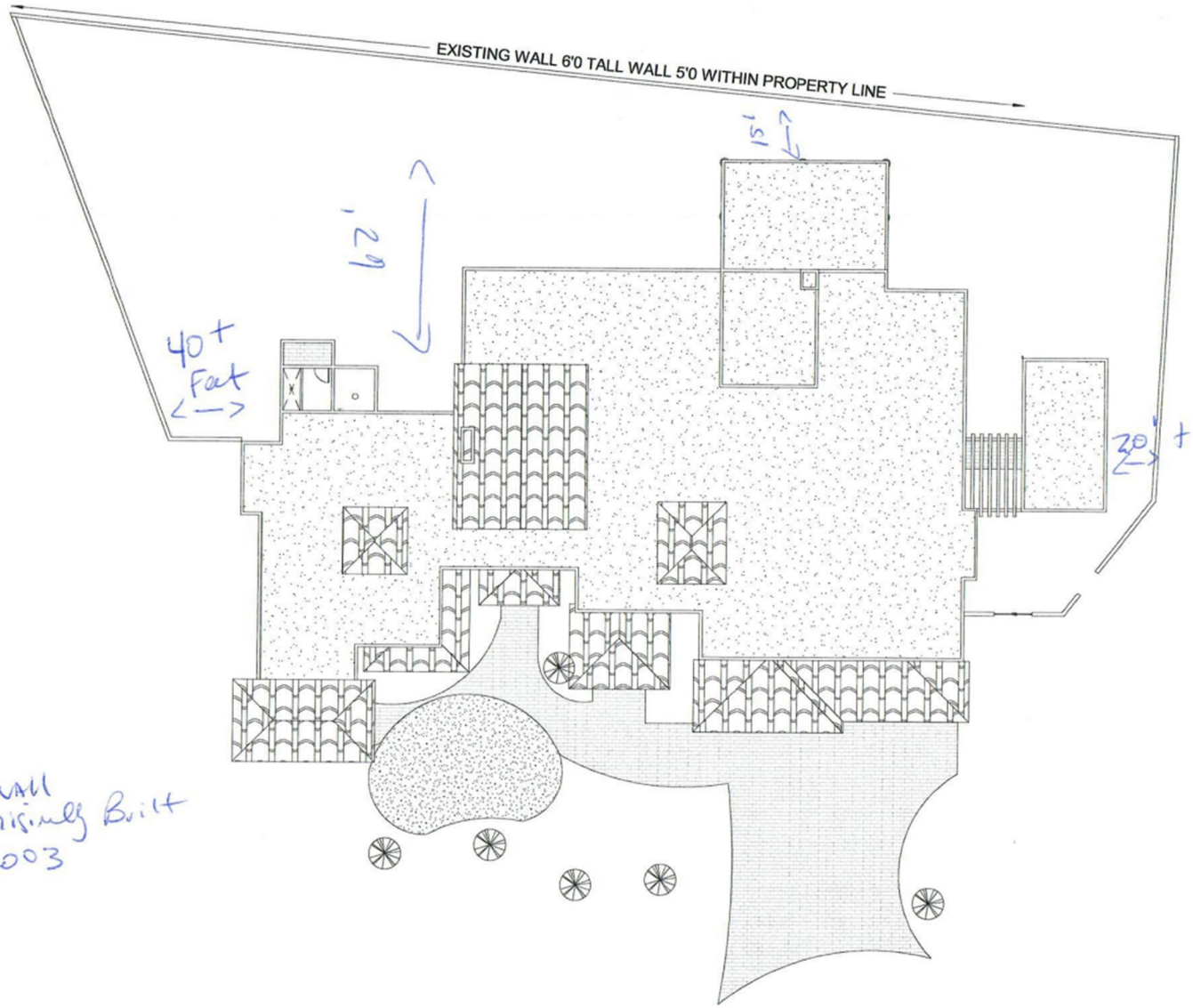
(b) Lot dimensions (sketch);

(c) Location of existing structures, including retaining walls;

(d) Location of proposed fence, proposed height, and construction materials (cross-section).

(H) *Exemptions.* This section does not apply to fences in existence before the effective date of the ordinance codified in this chapter, as amended, except when the fence is declared a nuisance or hazard as determined by DSD or the Traffic Safety Advisory Committee, such fence may be made to conform with the requirements of this chapter, or removed within 30 days of the closing or transfer or declaration of the fence as a nuisance or hazard.

(Ord. 18-20)



* Block wall was visibly built in 2003

RioRancho
City of Vision

Development Services Department
Code Enforcement Division

Date: 11/23/2022

Location of Violation: 2600 Dauphine Court Ne, Rio Rancho, New Mexico 87144

RE: **COURTESY NOTICE OF CODE VIOLATION**

TO: Property Owner

Observation and investigation of the property described above identified a violation of City of Rio Rancho Code of Ordinances.

- ☐ 91.03 Building & Structure Exteriors
- ☐ 91.04 Exterior Premises and Vacant Land
- ☐ 91.05 Vegetation
- ☐ 91.06 Inoperable Vehicle
- ☐ 154.01 Planning & Zoning
- ☐ 154.81 Building Permit
- ☐ 156.06 Violations
- ☐ Misc. 154:81Building Pemrit

To Correct the Violation:

RioRancho
City of Vision

City of Rio Rancho
Development Services Department
3200 Civic Center Circle NE, Room 130
Rio Rancho, NM 87144

Property owner or current Resident
7600 Dauphine Ct NE.
RR, NM 87144

Officer Baca (...)

RioRancho
City of Vision
Development Services Department
Code Enforcement Division

NOTICE OF CODE VIOLATION

Property Owner: Brian and Dawn Davide-O'Neil
Address: 2600 Dauphine Court Ne, Rio Rancho, New Mexico 87144

Property Address: 2600 Dauphine Court Ne, Rio Rancho, New Mexico 87144
Street Address: 2600 Dauphine Court Ne, Rio Rancho, New Mexico 87144

Case Number: 2022-07591

Date: 12/06/2022

Observation and investigation of the property described above identified a violation of City of Rio Rancho Code of Ordinances (R.O. 2003) 154:81 "BUILDING PERMIT", Chapter 154 "PLANNING AND ZONING".

Specifically:

§ 154:81 BUILDING PERMIT

RioRancho
City of Vision

City of Rio Rancho
Development Services Department
3200 Civic Center Circle NE, Room 130
Rio Rancho, NM 87144

CE 5005
XB

Brian and Dawn Davide-O'Neil
2600 Dauphine Court Ne,
Rio Rancho, New Mexico 87144

CASE NO.. 2023-00010173

MUNICIPAL COURT
CITY OF RIO RANCHO

MUNICIPAL COURT REPORT

Defendant's Name: **Dawn Marie Davide**

Defendant's Address: **2600 Dauphine Court Ne, Rio Rancho, New Mexico 87144**
(Number & Street) (City) (State)

Date of Citation: **January 05, 2023** Code Enforcement Officer **Officer Baca**

Arraignment Date: **March 15, 2023**

Complaint or Cit. #	Charge(s)
2023-0000173	154:81 Building Permit
2023-0000173	154:77 Fence/Wall Regulations

Witnesses needed for court (include RRDPS Officers):

Name	Street #	City	State Zip	Tel. #
Bryan Twyeffort	3200 Civic Center Circle Ne	Rio Rancho	New Mexico 87144	(505)896-8791 & (505)228-4452 EMAIL:btwyeffort @rrnm.gov

Code Enforcement Officer

Rio Rancho Municipal Court
500 Quantum N.E.
Rio Rancho N.M. 87124
(505) 891-5999

CASE NO.: 2023-0000173

MUNICIPAL COURT
CITY OF RIO RANCHO

MUNICIPAL COURT REPORT

Defendant's Name: **Davide, Dawn Marie**

Defendant's Address: **2600 Dauphine Court Ne, Rio Rancho, New Mexico 87144**
(Number & Street) (City) (State)

Date of Citation: **01/05/2023**

Code Enforcement Officer **Officer Baca**

Arraignment Date: **03/15/2023**

Complaint or Cit. #	Charge(s)
2023-0000173	154:81 BUILDING PERMIT
2023-0000173	154:77 FENCE/WALL REGULATIONS

Witnesses needed for court (include RRDPS Officers):

Name	Street #	City	State Zip	Tel. #
Paul Kearney	5608 Da Vinci Blvd Ne	Rio Rancho	New Mexico	(425)984-4981 Email:ksfcxebf@sharklasers.com

Code Enforcement Officer

Rio Rancho Municipal Court
500 Quantum N.E.
Rio Rancho N.M. 87124
(505) 891-5999

IN THE MUNICIPAL COURT
State of New Mexico, County of Sandoval
City of Rio Rancho
500 Quantum Road NE
Rio Rancho, New Mexico 87124
Business hours M-TH 7:30AM – 5:00PM
(505)891-5999

Municipal Court
Rio Rancho, NM
July 11, 2023
10:38 AM
Amy Wachendorf

CITY OF RIO RANCHO

VS. Case No. 2023-0000173

DAWN MARIE DAVIDE

Defendant
Dawn Marie Davide
2600 Dauphine Ct NE
Rio Rancho NM 87144

PLEASE NOTE
NEW DATE
AND/OR TIME

NOTICE OF HEARING

YOU ARE ordered to appear before Judge G. Robert Cook at the Municipal Court at 500 Quantum Road NE, Rio Rancho, New Mexico on the
16th day of August, 2023, at 10:00 AM for the purpose of **Trial.**

If you fail to appear a warrant may be issued for your arrest.

Date of Notice: July 11, 2023

(Judge) (clerk)

IMPORTANT PLEASE NOTE:
You are required to check in with court security fifteen (15) minutes prior to your assigned court time, failure to do so may result in your case being rescheduled and a reschedule fee assessment to you of up to $100.00. Cases that have Bench Warrants issued are not eligible to pay the reschedule fee.
Appropriate dress required at all times.

HUITT ZOLLARS

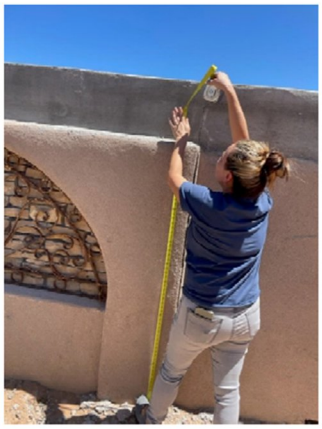
July 18, 2023

Mr. Brian Babyak
Development Services Department, Ste. 130
3200 Civic Center NE
Rio Rancho, NM 87130

Reference: **Justification Letter**
2600 Dauphine Court Fence Height Variance

Dear Mr. Babyak,

The applicant improved an existing cmu wall by adding decorative elements as shown on the attached picture below. The wall height varies from 6'-2" to 9'-4".





The applicant did not understand a wall permit was required for this improvement and respectfully requests to be scheduled for the Planning and Zoning Board.

Sincerely,

HUITT-ZOLLARS, INC.

Scott Eddings, PE
Vice President

Attachments: None

HUITT-ZOLLARS, INC.
RIO RANCHO OFFICE
333 Rio Rancho Dr. NE, Suite 101, Rio Rancho, NM 87124
O: 505.892.5141
huitt-zollars.com

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-230-00002

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
Vacation of Plat. The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments LLC, MAM Partners LLC, and Red Roan Enterprises LLC, request approval of a vacation of right-of-way for Walpi Ct NE. Staff Contact is Chris Benson and staff recommends approval with findings and conditions.

BACKGROUND AND ANALYSIS:
The applicants, Julie Villegas, Manager of Road Runner Storage Properties LLC, and David Torres, Manager Northern Industrial Investments, Manager Red Roan Enterprises, LLC, and agent for MAM Partners, LLC, requests approval of vacation of right-of-way (ROW) for Walpi Ct NE. The ROW being vacated is identified in the attached location map and in the attached request for vacation. The subject ROW is approximately 491 feet in length and is located off of Northern Blvd NE, bound by Moccasin Dr NE to the west and Loma Colorado Blvd NE to the east. The ROW is located within the boundaries of the Broadmoor Drive Specific Area Plan.

Note: This action requires an advertised public hearing, which is set for this September 12, 2023 Planning and Zoning Board meeting. In addition, the Rio Rancho Municipal Code requires "an authorized representative of this utility involved (having utilities installed within the right-of-way) agrees in writing to have the rights vacated." The City of Rio Rancho has not received such written agreement however recommends Condition 2 of the approval requiring signature by affected utilities on a plat necessary to finalize this ROW vacation.

The subject area of vacation is being requested by and will be deeded to the abutting land owners equally. The applicants desire to vacate Walpi Ct NE in order for it to no longer function as a ROW and allow for greater cross lot access. All abutting land owners are in favor of this vacation of ROW. There are currently 8 lots that are addressed off of Walpi Ct NE:

- 901 Walpi Ct NE
- 902 Walpi Ct NE
- 910 Walpi Ct NE
- 914 Walpi Ct NE
- 918 Walpi Ct NE
- 921 Walpi Ct NE
- 922 Walpi Ct NE
- 926 Walpi Ct NE

In a narrative provided by the applicants;
"Lots 4-7 are going to be replatted into one 2 acre tract. This eliminates the need for public access for those lots, since it can be serviced by a private drive. Lots 8, 9, 10-A are all owned by

Roadrunner Storage properties. They are planning on developing the entire site and have planned access to all of the lots via Moccasin Drive NE. Our overall plan is to have a shared access easement in the former Walpi Ct. It will not serve the public to have that roadway. By eliminating this roadway, it will reduce the amount of funding to maintain the road, saving the taxpayers funds."

CONFORMANCE WITH CITY PLANS, POLICIES AND REGULATIONS:

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

FINDING: The criteria is satisfied.

The property owners with property contiguous to the vacated land have provided applications requesting the abandonment of the roadway and transfer of the land to be deeded to the applicants equally (down the centerline). The applicants have submitted consent letters and a written justification.

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

FINDING: This criteria may be satisfied by a plat that formalizes the location of the right-of-way being vacated and establishes the public utility easements (PUE) and restrictions. The agent will also reach agreement with the City of Rio Rancho on utility and drainage maintenance.

The plat will also need to be reviewed and approved by all utilities. The utility companies have received the request to vacate the right-of-way. The utilities will not be vacating the area and will require a PUE for the entire section of right-of-way to be vacated. The PUE will grant access for maintenance and work on the utilities and will have restrictions on the landscaping and building on the area. City of Rio Rancho Public Works has expressed no disagreement with the proposed vacation (comments attached).

NOTIFICATIONS:

Letters were mailed out to the utility companies and property owners with contiguous property to provide notice of the proposed vacation of right-of-way. A legal ad was placed in the Albuquerque Journal on August 28, 2023.

REVIEWER COMMENTS:

DSD Engineering	See Public Works comments. Further comments during plat submittal
City of Rio Rancho Fire & Rescue	No comments received
City of Rio Rancho Public Works	Comments provided in attachment.
City of Rio Rancho Police	No comments received.
Centurylink	No comments received
Cableone	No comments received
NM Gas Company	No comments received
PNM	No comments received

SSCAFCA	No comments received
MRCOG MRMPO	No comments received

IMPACT:

The Development Services Department recommends the Planning and Zoning Board approve vacation of plat case no. 23-230-00002 subject to the following findings of fact and conditions of approval:

General Findings of Fact:

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

Specific Findings of Fact and Conditions of Approval:

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

ALTERNATIVES:

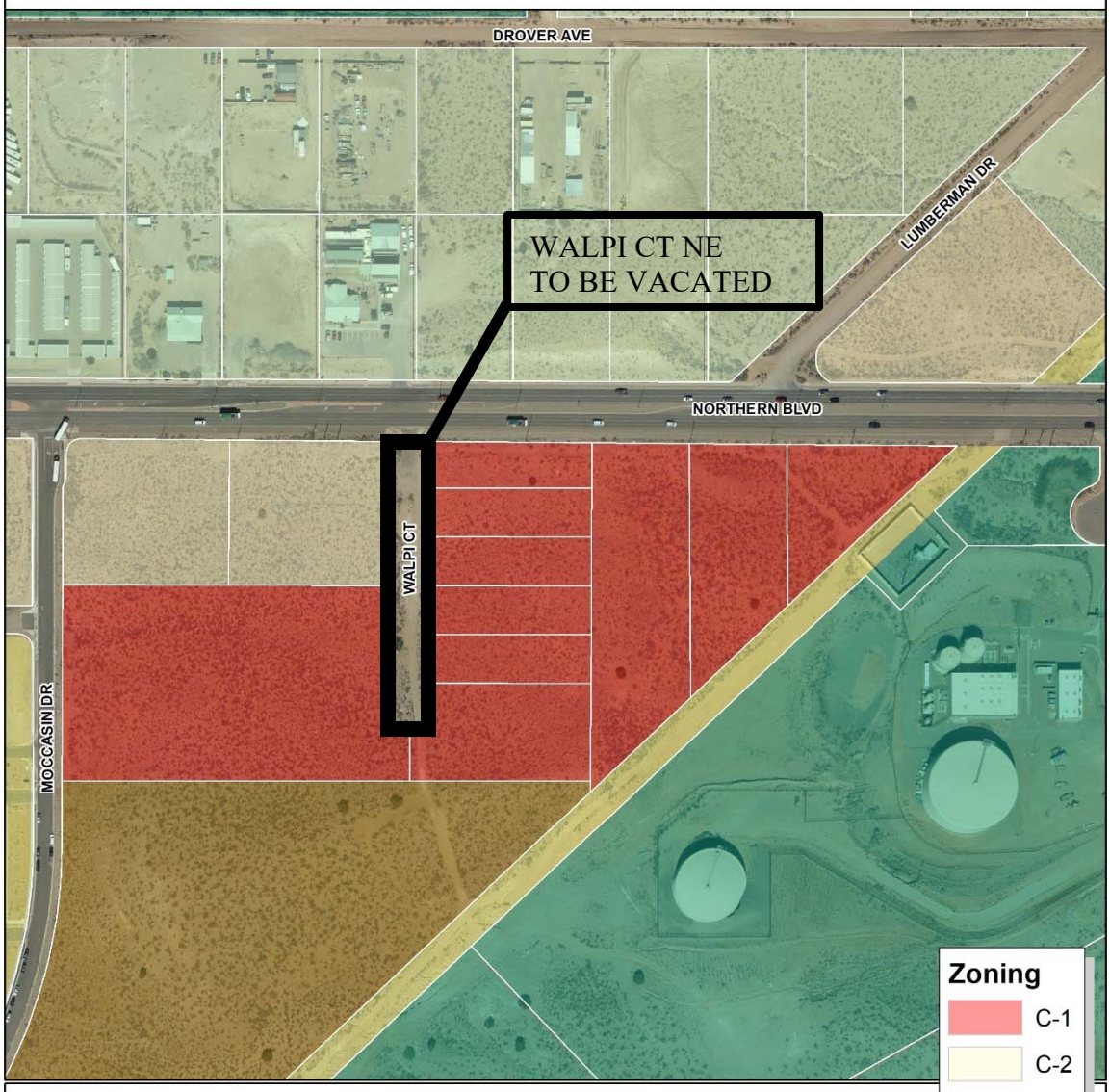
1. Approve the vacation plat with staff recommendations and conditions.
2. Approve the vacation plat with amendments to recommendations and/or conditions.
3. Deny the vacation plat.
4. Postpone the item and continue the public hearing for the vacation plat in order to further review.

DEPARTMENT RECOMMENDATION:

The Development Services Department recommends approval with findings and conditions.

ATTACHMENT: 23-230-00002 - LocationMap.pdf
ATTACHMENT: Application Package.pdf
ATTACHMENT: Walpi Ct Ownerhsip_Dedication.pdf
ATTACHMENT: 23-230-00002 - CommentsMemo.doc
ATTACHMENT: 23-230-00002 - Noticed Properties Map.pdf
ATTACHMENT: Reproduction of Notifications.pdf
ATTACHMENT: Termination_and_Statement_of_Vacation_of_Public_Right_PZB.docx

WALPI CT NE VACATION OF ROW



Amy Rincon
Planning and Zoning
City of Rio Rancho

Project Name/Location: Walpi Ct Vacation
Legal or Location: Northern Blvd. & Moccasin Dr. NE, Rio Rancho

Ownership -
Roadrunner Storage Properties LLC – Tract 10-A, Lots 8 and 9 Block 112 Unit 13
Northern Industrial Investments - Tract A and B Block 112 Unit 13
MAM Partners Lots 4-6 Block 112 Unit 13
Red Roan Enterprises, LLC Lot 7 Block 112 Unit 13

Ms Rincon

The property owners and representative of property owners have mutually decided to request for the vacation of the street known as Walpi Ct.

Please see exhibit A for the property ownership and location of the vacation

Upon Final Approval, a new plat will be prepared and filed finalizing the vacation of the lot.

Sincerely,

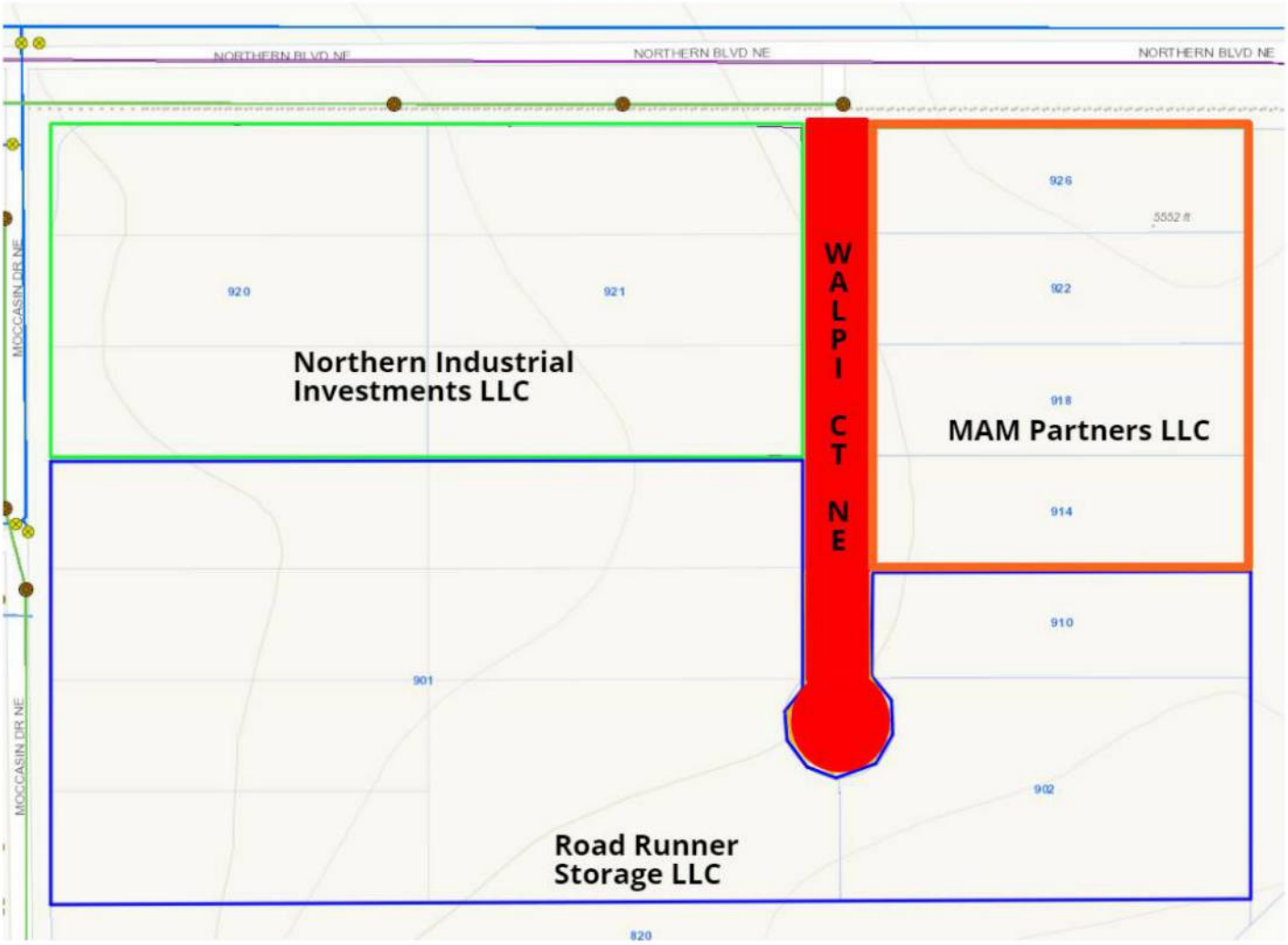
Julie Villegas, Manager Road Runner Storage Properties, LLC

David Torres, Manager Northern Industrial Investments

David Torres, Manager Red Roan Enterprises, LLC

David Torres, Agent for MAM Partners, LLC

Exhibit A


NORTHERN BLVD NE
NORTHERN BLVD NE
NORTHERN BLVD NE
MOCCASIN DR NE
MOCCASIN DR NE
920
921
926
5552 ft
922
918
914
910
901
902
820
WALPI CT NE
Northern Industrial Investments LLC
MAM Partners LLC
Road Runner Storage LLC

Chris Benson
Municipal Planner I
Development Services Department
RE: Walpi Vacation Narrative

Chris –

Per your request this is a narrative on why we are wanting to vacate Walpi Ct.

Lots 4-7 are going to be replatted in to one 2 acre tract. This eliminates the need for a public access for those lots, since it can be serviced by a private drive.

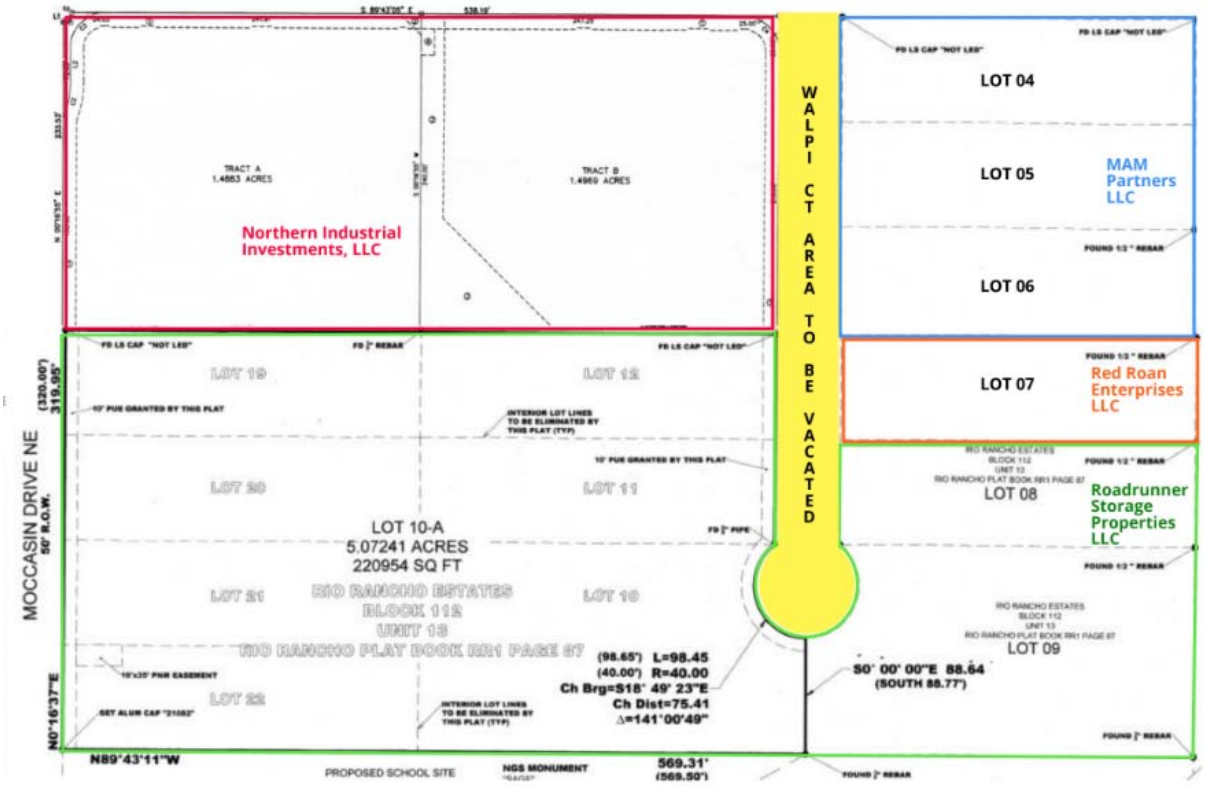
Lots 8, 9, and 10-A are all owned by Roadrunner Storage properties. They are planning on developing the entire site and have planned access to all of the lots via Moccasin Drive NE.

Our overall plan is to have a shared access easement in the former Walpi Ct.

It will not serve the public to have that roadway. By eliminating this roadway, it will reduce the amount of funding to maintain the road, saving the taxpayers funds.

Please let me know if you have any questions.

Dave Torres



RioRancho
City of Vision

PW-LCO-04.06 (E)

APPLICATION FOR ABANDONMENT OF ROADWAY/EASEMENT/ALLEY

Information:

1. Please use another form for each additional unit or block referenced.

Required Attachments to Accompany Application:

1. A metes and bounds legal land description of the proposed abandonment labeled "Exhibit A".
2. A plat or drawing depicting the area to be abandoned labeled "Exhibit B".
3. Deeds of conveyance to all adjacent/abutting/underlying property to the proposed abandonment.
4. Completed consent form for all adjacent property owners.
5. Completed closure consent form for all affected property owners in the case of a closure of a Street or Alley.

Applicant Information:

Name: Roadrunner Storage Properties Phone: 505.994.3830

Mailing Address: 4601 Paradise Blvd NW Ste G (Address) Albuquerque (City) NM (State) 87114 (Zip)

E-mail: dmyers@roadrunnernm.com Fax: _____

Location of Proposed Abandonment:

Type of Abandonment: ☒ Roadway ☐ Easement ☐ Alley

Subdivision: Rio Rancho Estates Unit: 13 Block: 112

Lot(s): 8, 9, 10A

Reason property should be abandoned:

The roadway is no longer needed with the current developments.

All adjacent property owners are in agreement

Signature and Notary:

I will hold the City of Rio Rancho harmless and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.

Applicant Signature: _____ Date: 8/17/2023

STATE OF New Mexico
COUNTY OF Bernalillo } ss.

STATE OF NEW MEXICO
NOTARY PUBLIC
DELILAH MYERS
Commission Number 1065767
My Commission Expires July 24, 2024

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Julie Villegas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they executed the same for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17 day of August, A.D. 2023.

Notary Public: Delilah Myers My commission expires: 7/24/2024

RioRancho City of Vision

PW-LCO-04.06 (E)

APPLICATION FOR ABANDONMENT OF ROADWAY/EASEMENT/ALLEY

Information:

1. Please use another form for each additional unit or block referenced.

Required Attachments to Accompany Application:

1. A metes and bounds legal land description of the proposed abandonment labeled "Exhibit A".
2. A plat or drawing depicting the area to be abandoned labeled "Exhibit B".
3. Deeds of conveyance to all adjacent/abutting/underlying property to the proposed abandonment.
4. Completed consent form for all adjacent property owners.
5. Completed closure consent form for all affected property owners in the case of a closure of a Street or Alley.

Applicant Information:

Name: Red Roan Enterprises, Northern Industrial, MAM Partners Phone: _____

Mailing Address: 1453 Rio Rancho Blvd SE Ste 4 (Address) | Rio Rancho (City) | NM (State) | 87124 (Zip)

E-mail: dt@osonegrocapital.com Fax: _____

Location of Proposed Abandonment:

Type of Abandonment: ☒ Roadway ☐ Easement ☐ Alley

Subdivision: Rio Rancho Estates Unit: 13 Block: 112

Lot(s): Northern Industrial Investments - Tract A and B Block 112 Unit 13
MAM Partners Lots 4-6 Block 112 Unit 13
Red Roan Enterprises, LLC Lot 7 Block 112 Unit 13

Reason property should be abandoned:

The roadway is no longer needed with the current developments.

All adjacent property owners are in agreement

Signature and Notary:

I will hold the City of Rio Rancho harmless and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.

Applicant Signature: [signature] Date: 8-11-23

STATE OF New Mexico
COUNTY OF Sandoval
} ss.

STATE OF NEW MEXICO
NOTARY PUBLIC
TERESA MARIE HUFFMAN
Commission # 1137663
My Comm. Exp. March 25, 2026

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they executed the same for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11th day of August, A.D. 2023.

Notary Public: [signature] My commission expires: March 25, 2026

DocuSign Envelope ID: 6F3C5628-8E86-4DCD-91BF-B6A48EF20CE6

May 2, 2023

Amy Rincon
Planning and zoning Manager
Development Services Department
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM, 87144

RE: Northern Industrial – Zone Map Amendment and Broadmoor Drive Specific Area Plan Amendment

Dear Amy,

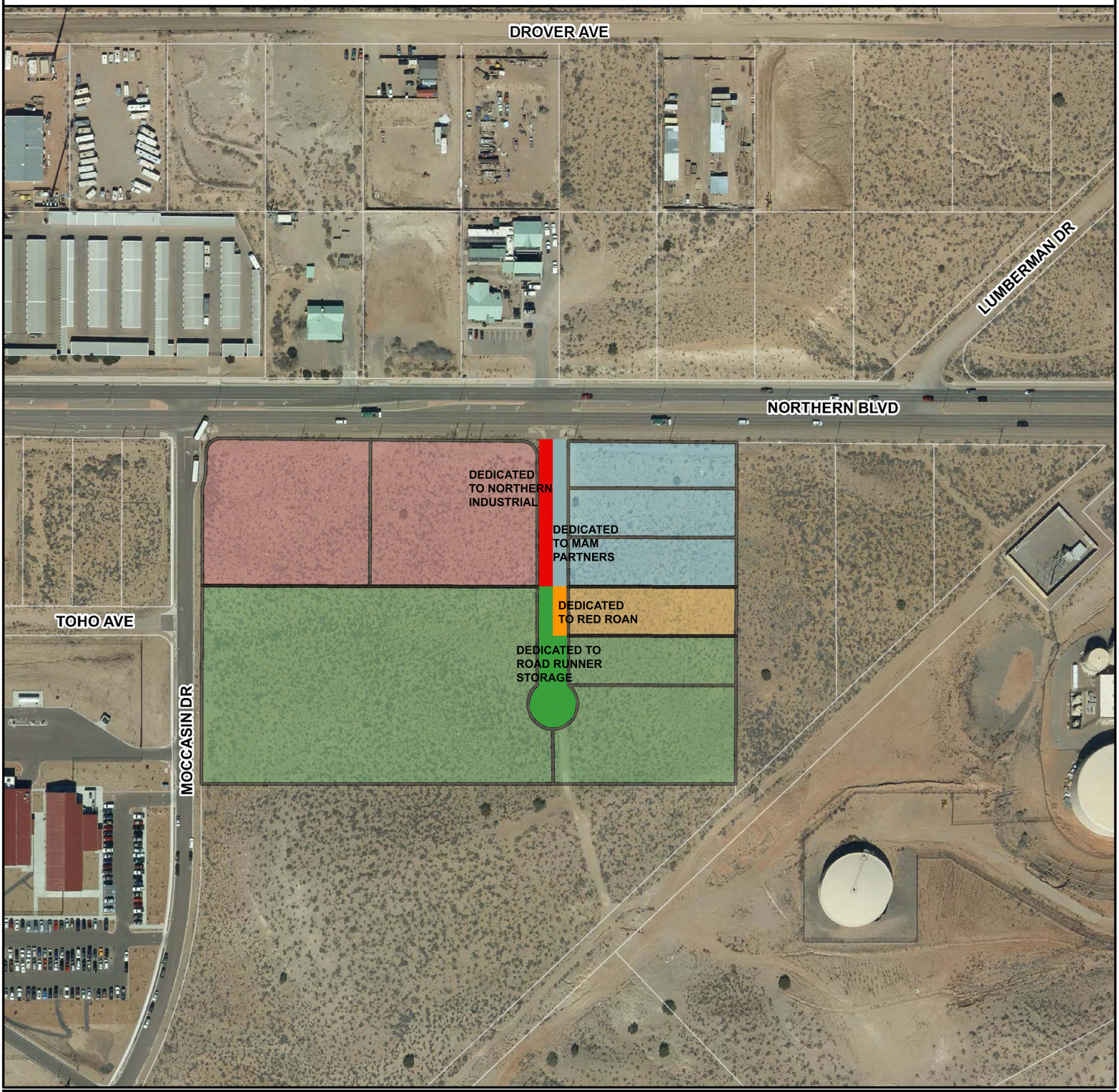
Please accept this letter as our Authorization to authorize David Torres the authority to rezone the 1.5 acres legally described as *Rio Rancho Estates Unit 13, Block 112, Lots 4-7*.

Sincerely,

DocuSigned by:
Keith Meyer
E067B9203...

Keith Meyer
MAM Partners

VACATION OF WALPI CT NE
WALPI CT DEDICATION



RioRancho
City of Vision

0 175 350 700
Feet

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.

GIS Moving Spatial Data Forward

Map Created by Chris Benson on 08/30/2023

N
W E
S

- Road Runner Storage Properties LLC
- Red Roan Enterprises LLC
- MAM Parters LLC
- Northern Industrial Investments, LLC

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

August 24th, 202

Vacation of Plat (23-230-00002) Walpi Vacation

The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments LLC, MAM Partners LLC, and Red Roan Enterprises LLC, request approval of a vacation of right-of-way for Walpi Ct NE.

Planning & Zoning Division:

- BJ Gottlieb: "I have no reservation to the vacation of Walpi Ct so long as the approved access easement is in the same location as the existing right-of-way. The applicant stated in the application that the access would be the same. Should access be requested in a different location, then Public Work would need to reevaluate the vacation request."

CenturyLink:

Cableone:

NMDOT:

NMGCO:

Engineering Department:

Fire & Rescue:

MRCOG/MRMPO:

SSCAFCA:

Police:

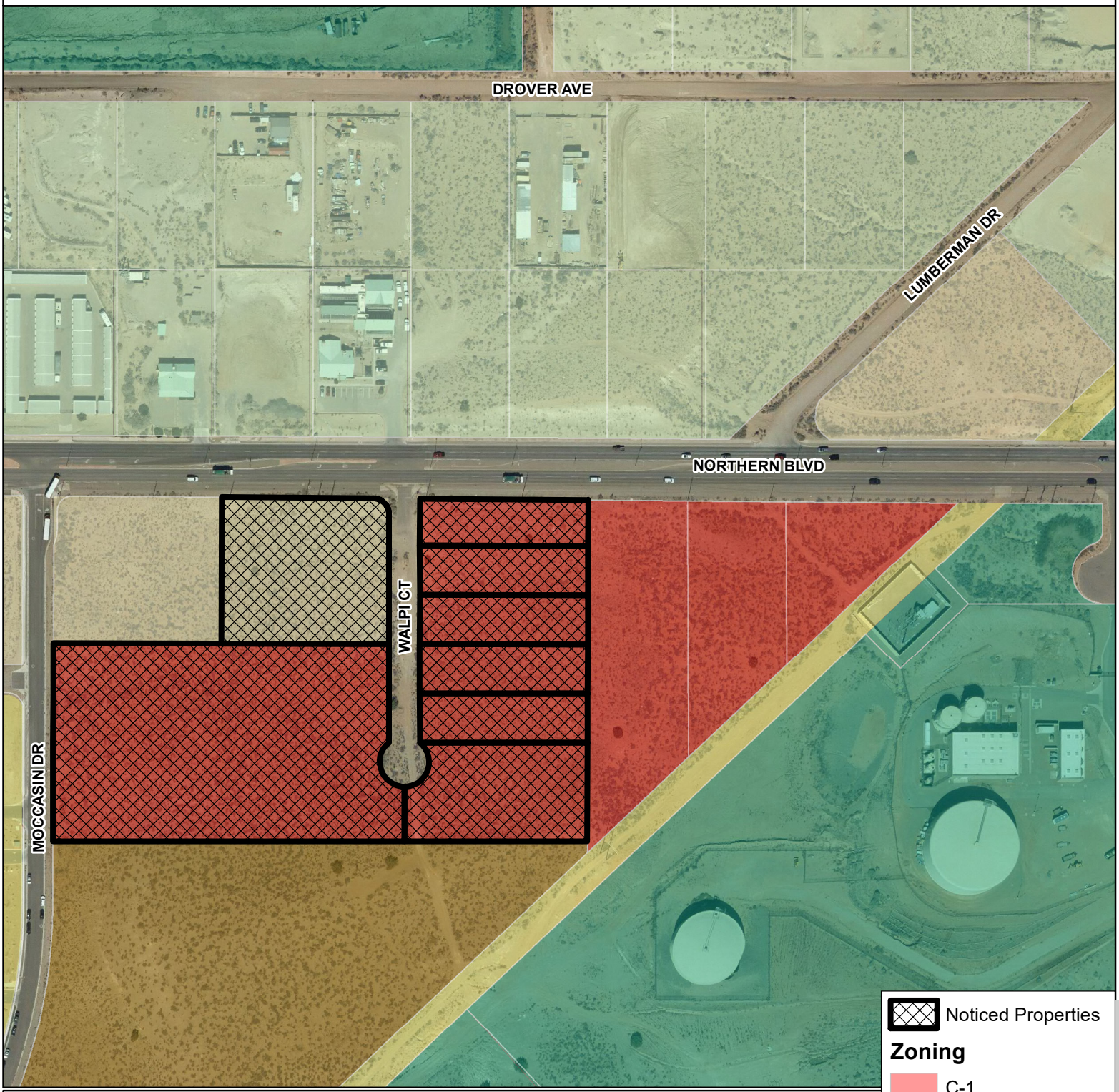
Parks, Recreation and Community Services: No negative comments.

Rio Rancho Public Schools:

PNM:

Chris Benson
Municipal Planner I
Development Services Department
City of Rio Rancho
(505) 896-8342 cbenson@rrnm.gov

VACATION OF WALPI CT NE
NOTICED PROPERTIES



Noticed Properties

Zoning

- C-1
- C-2
- M-1
- R-1
- R-6
- SU

RioRancho City of Vision

0 150 300 600
Feet

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.

GIS Moving Spatial Data Forward

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Map Created by Chris Benson on 08/22/2023

Rio Rancho
City of Vision

CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting on Tuesday, September 12, 2023 at 6:00 pm:

Subdivision Variance
Case #23-280-00006
The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1 of approx. 2.7 acres.

Zone Map Amendment
Case #23-100-00005
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

Variance
Case #23-110-00013
The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, requests approval of a variance to allow for a wall reaching a maximum height of 9'4".

Vacation of Plat
Case #23-230-00002
The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments, Red Roan Enterprises, and MAM Partners LLC, request approval of vacation of right-of-way for Walpi Ct NE.

Subdivision Variance
Case #23-280-00007
The applicant DR Horton, through their agent, RESPEC, is requesting approval of a subdivision variance for reduced park space requirements for Vista Grande Subdivision.

Zone Map Amendment
Case #23-100-00006
The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. The subject property is approximately 2.5 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. Materials related to these items are available for viewing in the Development Services Department at City Hall.

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

record.

Journal: August 28, 2023

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

August 22, 2023

RE: Vacation of Plat, Case No. 23-230-00002

Dear Property Owner Or Utility Franchise:

You are receiving this certified notice because there is an application for the City of Rio Rancho to vacate right-of-way (ROW).

The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments LLC, MAM Partners LLC, and Red Roan Enterprises LLC, requests approval of a vacation of right-of-way (ROW) for Walpi Ct NE. ON the back of this letter is a map of the project, showing the proposed vacation of ROW.

The **Planning and Zoning Board** will consider the request and have the final approval on **Tuesday, September 12, 2023** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below.**

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

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

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer:
https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

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

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

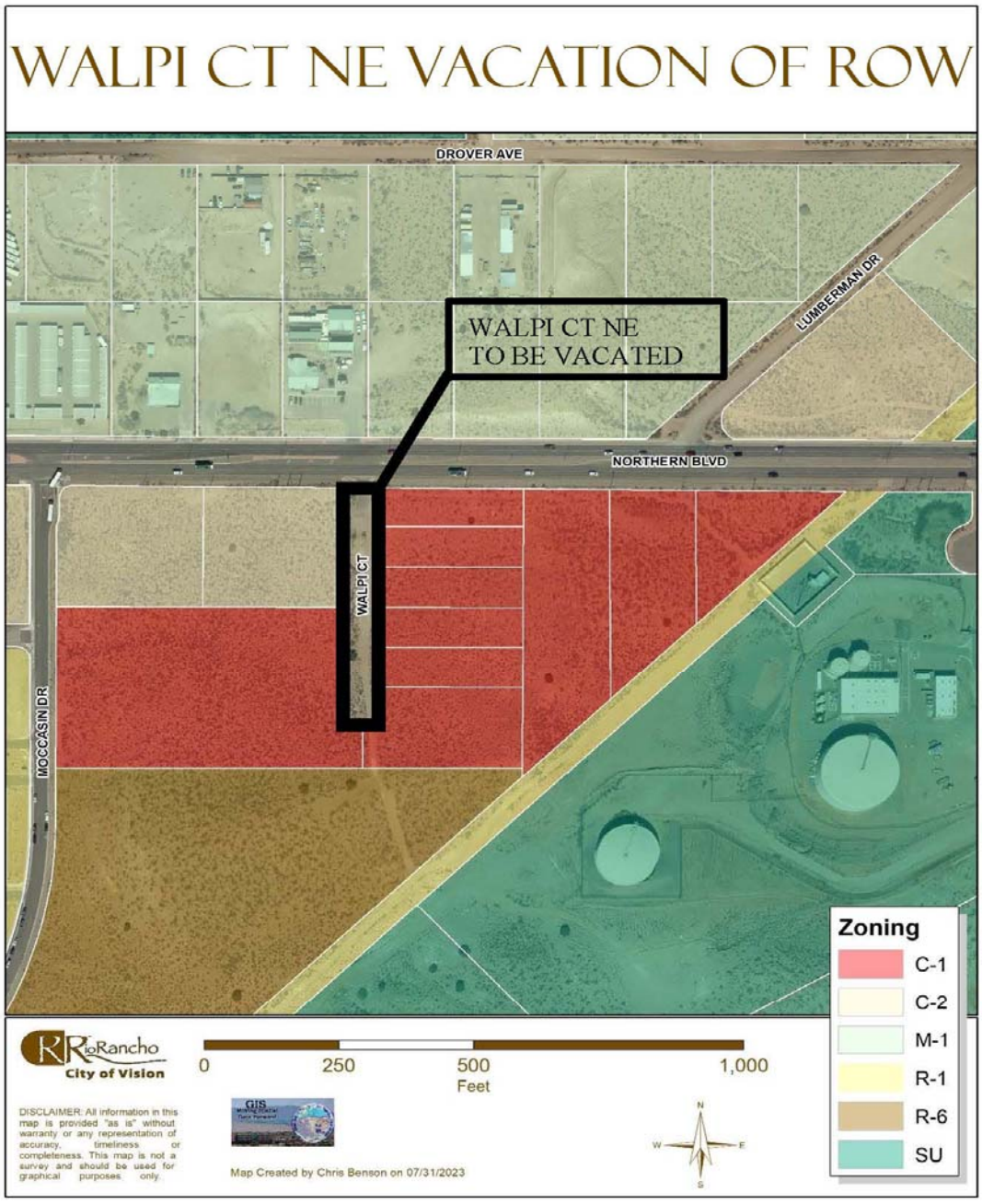
Respectfully,

Christopher Benson

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

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



CITY OF RIO RANCHO, NEW MEXICO

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

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

WHEREAS, Julie Villegas, Manager Road Runner Storage Properties, LLC and David Torres, Manager Northern Industrial Investments, Manager Red Roan Enterprises, LLC, and Agent for MAM Partners, LLC has made an application for the entirety of Walpi Ct NE to be abandoned/vacated; and

WHEREAS, the abutting property owners have consented to the applicants and agents to petition for the City to abandon/vacate the entirety of Walpi Ct NE and take ownership via quitclaim deed; and

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

WHEREAS, the City’s Planning and Zoning Board, under the authority granted by the Rio Rancho Code of Ordinances (R.O 2003) Section 155.29, has reviewed the application following the duly noticed public hearing on September 12, 2023, and has found that the right-of-way is no longer needed; and

WHEREAS, the conditions of approval as listed on the agenda briefing memorandum for case #23-230-00002 as approved at the Planning and Zoning Board public hearing on September 12, 2023 have been met; and

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

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

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

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

Walpi Ct NE

is hereby abandoned, vacated and released and terminated.

In Witness Whereof, the City of Rio Rancho has executed this statement of vacation of public right-of-way following the approval by the Planning and Zoning Board on the 12th day of September, 2023.

CITY OF RIO RANCHO, NEW MEXICO PLANNING AND ZONING BOARD

BY:_____ DATE:_____

Chairman of the Planning and Zoning Board

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-280-00007

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
Subdivision Variance. The applicant, DR Horton, through their agent, RESPEC, request approval of a subdivision variance to reduce the required amount of park space under Section 155.46 of City Code, for the Vista Grande Subdivision. Staff contact is Chris Benson and staff recommends approval with findings and conditions.

BACKGROUND AND ANALYSIS:
The applicant, DR Horton, through their agent, RESPEC, request approval of a Subdivision Variance to the Rio Rancho Code of Ordinances Chapter 155.46 (A)(3) requiring a minimum amount of park space to be dedicated to the City of Rio Rancho at final plat. The property is legally described as Unit 12, Block 89, Lots 4-6, 8-13, and 27B. Concurrent with this case is the Vista Grande Final Plat case no. 23-220-00014.

The subject properties are located southwest of the intersection of Acorn Loop NE and Fig Loop NE. The properties are located approximately half a mile west of the Unser Blvd NE (principal arterial) and Northern Blvd NE (minor arterial) intersection. The subject properties are located within the boundary of the Northern-Unser Specific Area Plan, originally adopted April 28th, 2010 by the Governing Body via Resolution No. 37 Enactment No. 10-041.

The applicant requests a Subdivision Variance to Rio Rancho Code of Ordinances (R.O. 2003) § 155.46 (A)(B)(C) which states, "(A) The Planning and Zoning Board shall require adequate provision for suitable park land, playgrounds or other public recreational use in each subdivision. (B) When any subdivider receives final plat approval for a subdivision within the corporate limits of the city, the subdivider shall dedicate to the city a portion of the land suitable for the purpose of parks, or recreational facilities, for the future residents of the subdivision. The dedicated land shall conform to city standards as defined in this subchapter. (C) The exact amount of land dedicated shall be determined by the recommendations of the City Development Department, and the Planning and Zoning Board. The dedication shall be generally based upon three acres per 1,000 persons and 2.83 persons per dwelling in single-family areas and shall be generally equivalent in other areas."

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 variance would provide an improved design. Financial gain, loss or monetary savings cannot be considered solely as a basis for a variance request."

The applicant explains in the attached justification letter, "The Vista Grande Subdivision would be required to provide a park of approximately 0.8 acres. Rio Rancho Parks, Recreation and

Community Services (NPRC) has expressed that they do not wish to own and maintain a park of this size in this community. This leaves the improvement costs of a park to be borne by the development and these costs to be absorbed by the residents of the community. This also leaves the ownership and maintenance of said park to be the responsibility of the Homeowners Association for the community. A park of this size, while considered "too small" and of too little benefit to serve the needs of the city at large, and is relatively expensive for the home buyers in the area as well. As such, we request a variance that allows us to provide a park of reduced area (0.2 acres) so that residents can have some space to recreate without bearing undue financial burden."

Staff finds that the reduced park requirements are beneficial both to the City of Rio Rancho and future residents of the Vista Grande Subdivision. The City of Rio Rancho Parks, Recreation has no interest in owning and maintaining a park of this size and the future residents of the Vista Grande Subdivision will not have to carry the responsibility for maintenance of a park that exceeds the needs of a community this size. The closest park to the Vista Grande Subdivision is Sierra Norte II Park, comprising approximately 7.12 acres, approximately 0.2 miles northeast of the subject property. The Sierra Norte II Park may serve the additional needs of the residents.

SURROUNDING LAND USE/ZONING:
The subject property is surrounded by E-1: Estate Residential and R-1: Single-Family Residential districts to the north, R-1: Single-Family Residential and R-5: Single-Family Residential districts to the east, and R-1: Single-Family Residential districts to the south and west.

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 the subject property in advance of the hearing. A legal notice was published in the Albuquerque Journal on August 28, 2023. A notice sign was posted to the property as per Ordinance. All legal notification requirements for this project have been met.

INTERDEPARTMENT/INTERAGENCY REVIEW:

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

IMPACT:
The Development Services Department recommends approval of the Subdivision Variance request subject to 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 for a reduced park space requirement for the Vista Grande Subdivision.
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 for Approval:
1. The applicant has adequately addressed the criteria for granting a subdivision variance as set forth in R.O. 2003 § 155.60, as the City finds the HOA maintained park to meet the needs of future residents and City policies.
2. A variance to R.O. 2003 § 155.46 (A)(B)(C) is approved.

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

Specific Findings of Fact for Denial:
1. The applicant has not provided adequate justification for a Subdivision Variance, in accordance with the criteria set forth in R.O 2003 § 155.60.
2. The applicant has not provided adequate justification for a modification or exception to the subdivision requirements as required by R.O. 2003 § 155.46 (A)(B)(C).

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 for further review and information.

DEPARTMENT RECOMMENDATION:

Staff recommends the Planning and Zoning Board approve the subdivision variance.

ATTACHMENT: 23-280-00007 - Location Map.pdf
ATTACHMENT: Application
ATTACHMENT: Justification Letter
ATTACHMENT: Proposed Park Plan
ATTACHMENT: Authorization Letter.pdf
ATTACHMENT: Vista Grande Final Plat.pdf
ATTACHMENT: 23-280-00007 (Subdivision Variance) NOTICE.pdf
ATTACHMENT: 23-280-00007 - Postcard.docx
ATTACHMENT: 2023-0912 PZB Legal Ad.pdf
ATTACHMENT: Parks, Recreation, and Community Services Comments.pdf
ATTACHMENT: 23-280-00007_-_Findings_of_Fact.docx

VISTA GRANDE SUBDIVISON VARIANCE
UNIT 12, BLOCK 89, LOTS 4-6, 8-13, & 27B



Rio Rancho
City of Vision

0 200 400 800
Feet

GIS
Moving Spatial Data Forward

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Map Created by Chris Benson on 08/24/2023

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.

Subject Property

Zoning

- E-1
- R-1
- R-4
- R-5

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
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☐ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	☐ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Model Home / Sales Office	☐ Master Plan Amendment	☐ Vacation of Plat	☐ Master Sign Plan
☐ Residential Child Care Facility 6 or <	☐ Specific Area Plan Amendment	☐ Street Name Change	☐ Site Plan
☐ Sign Permit	☐ Text Amendment	☐ Subdivision Interpretation	☐ Special Exception
☐ Other		☑ Subdivision Variance	☐ Variance
			☐ Zone Map Amendment
			☐ Zoning Certification
			☐ 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: DR Horton, Aaron Cooke		Phone: (505) 526-3753
Address: 8440 Wyoming Boulevard, Suite A		E-Mail: AMCooke@drhorton.com
City: Albuquerque	State: NM	Zip: 87113
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)	Letter of Authorization Provided: (Initials)	
Agent Name: RESPEC, Sheldon Greer		Phone: (505) 264-0472
Address: 7770 Jefferson Street NE, Suite 200		E-Mail: sheldon.greer@respec.com
City: Albuquerque	State: NM	ZIP Code: 87109

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

Reduced park requirements

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Vista Grande Subdivision	Block(s): 89, Unit 12	Lot(s): 4 thru 6 and 8 thru 13 and lot 27 B
Existing Zoning: R4	Proposed Zoning:	
No. of existing lots: 10	No. of proposed lots: 92	Total area of site (acres) 18.6571

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: Sheldon Greer, PE	Applicant: DR Horton	Agent: RESPEC
Signature: 		Date: 8/23/2023

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #
23-280-00007	$200	

APPLICATION ACCEPTED BY: Christopher Benson **DATE:** 08/24/2023

Form revised June 2014

August 23, 2023

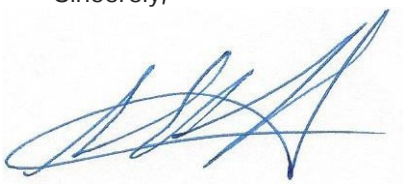
City of Rio Rancho
Municipal Planner I
Development Services Department
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Re: Vista Grande Phase 1 - Subdivision variance for reduced park requirements

Dear Chris Benson:

The Vista Grande Subdivision would be required to provide a park of approximately 0.8 acres. Rio Rancho Parks, Recreation and Community Services (NPRC) has expressed that they do not wish to own and maintain a park of this size in this community. This leaves the improvement costs of a park to be borne by the development and these costs to be absorbed by the residents of the community. This also leaves the ownership and maintenance of said park to be the responsibility of the Homeowners Association for the community. A park of this size, while considered "too small" and of too little benefit to serve the needs of the city at large, and is relatively expensive for the home buyers in the area as well. As such, we request a variance that allows us to provide a park of reduced area (0.2 acres) so that residents can have some space to recreate without bearing an undue financial burden.

Sincerely,



Sheldon Greer

7770 JEFFERSON ST., NE
SUITE 200
ALBUQUERQUE, NM 87109
505.268.2661

respec.com



MATERIAL SCHEDULE

SYMBOL	DESCRIPTION
	LARGE BOULDER
	7/8" MOUNTAINAIR BLUSH GRAVEL
	1" MOUNTAINAIR SUNRISE GOLD GRAVEL
	2-4" BLACK BASALT
	3/4" BLACK BASALT GRAVEL
	NEW MEXICO WILDFLOWER MIX SEEDING
	4-8" BLACK BASALT COBBLE
	2-4" MOUNTAINAIR SUNRISE GOLD COBBLE
	4-6" ROCK
	NATIVE SEEDING WITH GRAVEL COVER AT 2" DEPTH

PLANT SCHEDULE

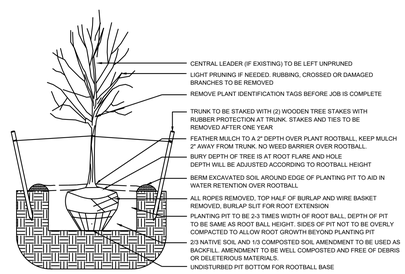
DECIDUOUS TREES	QTY	BOTANICAL / COMMON NAME	SIZE
	13	ACER NEGUNDO `SENSATION` / SENSATION BOX ELDER MAPLE	2" B&B
	4	GYMNOCLADUS DIOICA / KENTUCKY COFFEE TREE	2" B&B
	5	KOELREUTERIA PANICULATA / GOLDEN RAIN TREE	2" B&B
	10	PISTACIA CHINENSIS / CHINESE PISTACHE	2" B&B
	3	PYRUS CALLERYANA `CLEVELAND SELECT` / CLEVELAND SELECT PEAR	2" B&B
	21	QUERCUS BUCKLEYI / BUCKLEY OAK	2" B&B
	34	ULMUS PARVIFOLIA `ALLEE` / ALLEE LACEBARK ELM	2" B&B
EVERGREEN TREES	**QTY**	**BOTANICAL / COMMON NAME**	**SIZE**
	5	PINUS NIGRA / AUSTRIAN BLACK PINE	6` B&B
DESERT ACCENTS	**QTY**	**BOTANICAL / COMMON NAME**	**SIZE**
	19	AGAVE PARRYI / PARRY`S AGAVE	5 GAL
	8	DASYLIRION TEXANUM / TEXAS SOTOL	5 GAL
	11	NOLINA MICROCARPA / BEARGRASS	5 GAL
	8	YUCCA BACCATA / BANANA YUCCA	5 GAL
FLOWERING PLANTS	**QTY**	**BOTANICAL / COMMON NAME**	**SIZE**
	4	ACHILLEA X `MOONSHINE` / MOONSHINE YARROW	1 GAL
	13	AGASTACHE NEOMEXICANA / NEW MEXICO HUMMINGBIRD MINT	1 GAL
	11	CENTRANTHUS RUBER / RED VALERIAN	1 GAL
	5	PENSTEMON STRICTUS / ROCKY MOUNTAIN PENSTEMON	1 GAL
GRASSES	**QTY**	**BOTANICAL / COMMON NAME**	**SIZE**
	114	CALAMAGROSTIS X ACUTIFLORA `KARL FOERSTER` / FEATHER REED GRASS	1 GAL
	30	MUHLENBERGIA CAPILLARIS `REGAL MIST` TM / MUHLY	1 GAL
DECIDUOUS SHRUBS	**QTY**	**BOTANICAL / COMMON NAME**	**SIZE**
	52	BERBERIS THUNBERGII `CRIMSON PYGMY` / CRIMSON PYGMY BARBERRY	5 GAL
	18	LAVANDULA ANGUSTIFOLIA / ENGLISH LAVENDER	1 GAL
	10	LEUCOPHYLLUM FRUTESCENS / TEXAS SAGE	5 GAL
	12	RHUS TRILOBATA / THREE LEAF SUMAC	5 GAL
EVERGREEN SHRUBS	**QTY**	**BOTANICAL / COMMON NAME**	**SIZE**
	4	BACCHARIS X `STARN` / STARN COYOTE BRUSH	5 GAL
	7	PINUS MUGO / MUGO PINE	5 GAL
	6	SPARTIUM JUNCEUM / SPANISH BROOM	5 GAL

LANDSCAPE NOTES

- LANDSCAPING TO BE INSTALLED AS SHOWN PER PLANS
- PLANT SYMBOLS SHOWN ON PLANS SHALL PREVAIL OVER COUNTS PROVIDED IN LEGEND
- AMARETTO GRAVEL TO BE INSTALLED AT A 3" DEPTH AND BLUE SAIS COBBLE TO BE INSTALLED AT A 4" DEPTH
- ALL GRAVEL AND COBBLE TO BE INSTALLED OVER MIN. 3 oz. WEED BARRIER
- ALL GRAVEL AND COBBLE TO BE MINIMUM 1" BELOW TOP OF ADJACENT HARDSCAPE SURFACES
- PLANTS TO BE INSTALLED PER DETAILS SHOWN ON SHEET L1
- NO SUBSTITUTIONS OF MATERIALS ARE ALLOWED WITHOUT DIRECT WRITTEN PERMISSION FROM THE LANDSCAPE ARCHITECT
- FINISHED SUBGRADE TO ALLOW FOR CORRECT TOLERANCES FOR GRAVEL/COBBLE TO BE INSTALLED AS STATED ABOVE SHALL BE PROVIDED BY OTHERS TO WITHIN 1/10TH OF A FOOT
- ALL PLANT MATERIAL WITHIN SITE TRIANGLES SHALL MAINTAIN A CLEAR SITE LINE BETWEEN 2' - 8' ABOVE FINISHED GRADE
- MAINTENANCE OF LANDSCAPE TO BE THE RESPONSIBILITY OF THE OWNER.

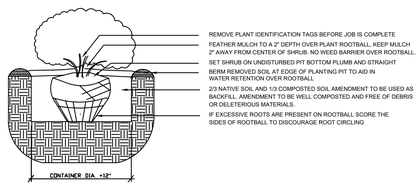
IRRIGATION NOTES

- IRRIGATION METER TO BE PROVIDED BY OTHERS
- POWER FOR CONTROLLER AND BACKFLOW PREVENTER HEAT TAPE TO BE PROVIDED BY OTHERS
- IRRIGATION POINT OF CONNECTION TBD
- 55 GPM AND 80 PSI ARE ASSUMED TO BE PROVIDED AT THE POINT OF CONNECTION. GPM AND PRESSURE TO BE MEASURED AND REPORTED BEFORE WORK BEGINS
- IRRIGATION SYSTEM TO UTILIZE A 2-WIRE CONTROLLER SYSTEM. BACKFLOW PREVENTER, MASTER VALVE, FLOW SENSOR, ISOLATION VALVES, GROUNDING AND AIR RELIEF VALVE SHOULD ALL BE INCLUDED FOR THE IRRIGATION SYSTEM
- ALL MAINLINE TO BE SCH.40 PVC, ALL SLEEVING TO BE CLASS 200
- DRIP IRRIGATION TO BE 2 GPH FLAG EMITTERS WITH 3/4" DRIP POLY LINE. DRIP VALVES WILL INCLUDE PRESSURE REGULATORS AND INLINE FILTER. DRIP FLUSH CAPS TO BE INSTALLED IN 6" ROUND BOX AT THE END OF EACH DRIP LINE
- ALL IRRIGATION VALVE BOXES TO BE TAN



1 TREE PLANTING DETAIL

N.T.S.



2 SHRUB PLANTING DETAIL

N.T.S.

YELLOWSTONE LANDSCAPE
www.yellowstonelandscape.com
PO Box 10597
Albuquerque, NM 87184
505.898.9615
design@yellowstonelandscape. com

STATE OF NEW MEXICO
CODY McMALLEN
660
REGISTERED LANDSCAPE ARCHITECT

Date: 01.20.2023
Revisions:

Drawn by: HA
Reviewed by: CM

Vista Grande Subdivision

Santa Fe, NM

NORTH

Scale: 1" = 20'

10 0 20 40

Sheet Title:
Landscape Plan

Sheet Number:
LS-05

D·R·HORTON®
America's Builder

October 4, 2022

Dear Madam/Sir:

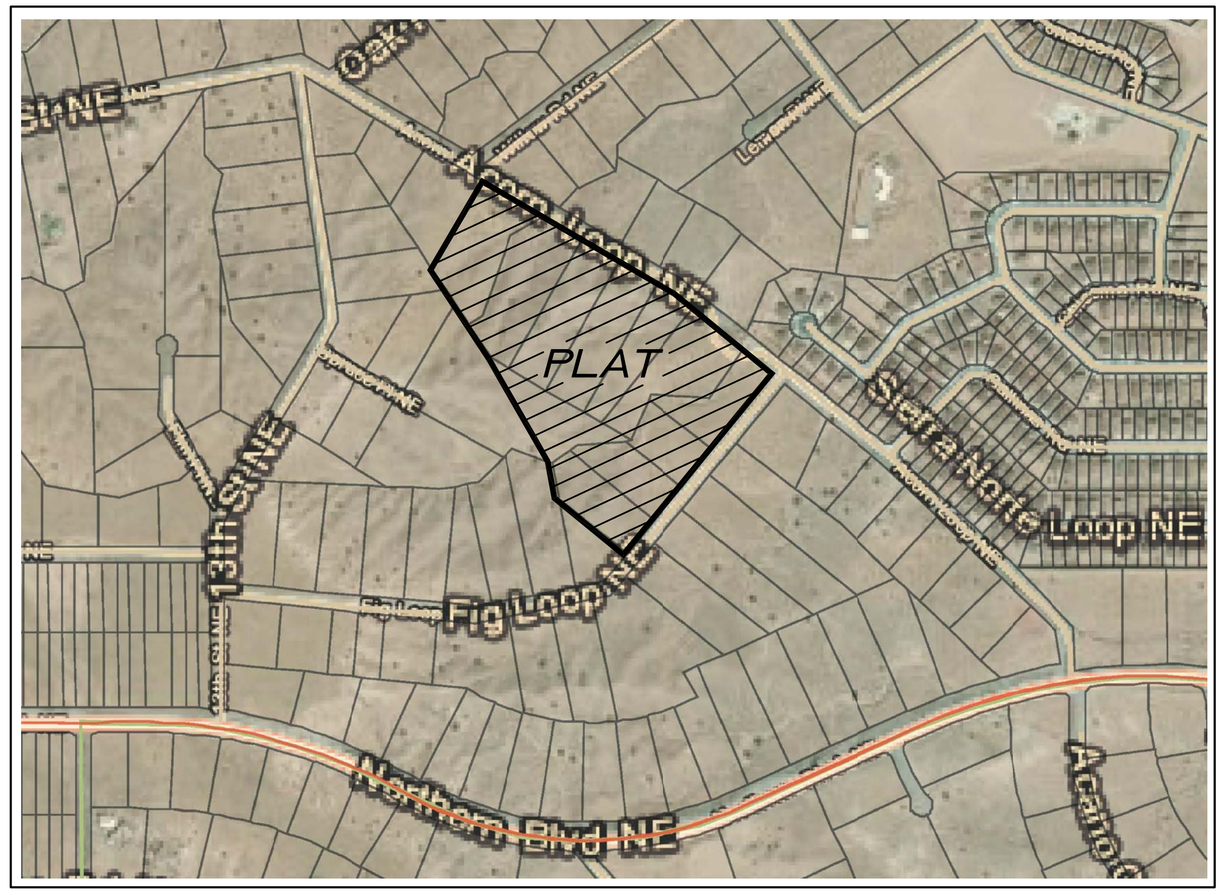
On behalf of D.R. Horton, Inc., this letter is to authorize RESPEC as agent to D.R. Horton to submit all applications and make all representations regarding the preliminary and final plat of Vista Grande Subdivision located in Rio Rancho NM. Vista Grande consists of a replat of Lots 4 thru 6, Lots 8 thru 13 and Lot 27-B, in Block 89, Unit 12, Rio Rancho Estates.

Thank you for your attention to this matter.

Sincerely,

Brent Lesley
Land Manager
Albuquerque Division

8440 Wyoming Blvd. NE, Suite A, Albuquerque, NM 87113



VICINITY MAP
NOT TO SCALE

N

GENERAL NOTES

1. Bearings are New Mexico State Plane Grid Bearings, Central Zone (NAD 83).
2. Distances are ground.
3. All corners found in place and held were tagged with a brass disk stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
4. All corners are that were set are a 5/8" rebar with cap stamped "HUGG L.S. 9750" unless otherwise indicated hereon.

SUBDIVISION DATA

1.	Number of existing Lots	10
2.	Number of new Lots created	92
3.	Number of new Tracts created	3
4.	Total Plat acreage	18.6571 Ac.
5.	Total Dedicated Public Street R/W	2.9973 Ac.

PURPOSE OF PLAT:

The purpose of this plat is to:

a. Eliminate the existing interior lot lines and Vacate existing easements as shown hereon.

b. Create the new residential lots as shown hereon.

c. Dedicate the new public street right of ways as shown hereon to the City of Rio Rancho.

d. Grant new Public Drainage and Utility Easements as shown hereon.

e. Tracts 1, 2 and 3 shall be conveyed by separate instrument (Warranty Deed) to the Vista Grande Homeowners Association (to be formed) after recordation of the Final Plat. Said Tracts shall be owned in fee simple by the HOA.

A blanket Public Drainage Easement over said Tracts 1 and 2 will be granted by Final Plat. Said easements shall be maintained by the Vista Grande Homeowners Association.

LEGAL DESCRIPTION

Lots Four (4) thru Six (6) and Eight (8) thru Thirteen (13), in Block Eighty Nine (89), Unit Twelve, Rio Rancho Estates, Sandoval County, New Mexico, as the same are shown and designated on the Plat entitled "S.E. PORTION OF UNIT TWELVE RIO RANCHO ESTATES, TOWN OF ALAMEDA GRANT, SANDOVAL COUNTY, NEW MEXICO", filed in the office of the County Clerk of Sandoval County, New Mexico on February 9, 1963, in Plat Book 1, Page 57A.

TOGETHER WITH:

Lot Twenty Seven–B (27–B), Block 89, Unit Twelve as the same is shown and designated on the Plat entitled "SUMMARY PLAT OF LOTS 27–A AND 27–B, BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES (BEING A REPLAT OF LOTS 7 AND 27, BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES) SITUATE WITHIN TOWN OF ALAMEDA GRANT, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO", filed in the office of the County Clerk of Sandoval County, New Mexico on December 23, 2015, in Volume 3, Folio 3916 and Rio Rancho Estates Plat Book Number 26, Page 51.

Total area = 18.6571 acres, more or less.

FREE CONSENT AND DEDICATION

SURVEYED and REPLATTED and now comprising "PRELIMINARY PLAT OF VISTA GRANDE SUBDIVISION (BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27–B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES), SITUATE WITHIN THE TOWN OF ALAMEDA GRANT, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO", with the free consent of and in accordance with the wishes and desires of the undersigned owner(s) and/or proprietor(s) thereof. Said owner(s) and/or proprietor(s) do hereby dedicate the public street right of ways as shown hereon to the City of Rio Rancho in fee simple. Said owner(s) and/or proprietor(s) do hereby dedicate Tracts 1 2 and 3 to the Vista Grande Homeowners Association. Said owner(s) and/or proprietor(s) do hereby grant to the public forever, the public easements as shown hereon. Said owner(s) and proprietor(s) do hereby warrant that they hold among them, complete and indefeasible title in fee simple to the land subdivided. Said owner(s) and proprietor(s) do hereby consent to all of the foregoing and do hereby represent that they are so authorized to act.

OWNER(S)

DR Horton, Inc., a Delaware corporation

_____

By: _____

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF_____SS

This instrument was acknowledged before me on this _____ day

of_____, 2022, by _____, as

_____, of DR Horton, Inc.

_____

Notary Public

_____

My commission expires

COUNTY CLERKS CERTIFICATION

STATE OF NEW MEXICO
COUNTY OF SANDOVAL SS

This instrument was filed for record on _____,

20___, at _____, _____M., recorded in Volume _____ of records

of said County, folio _____.

(Rio Rancho Estates Plat Book Number _____, page _____)

Ann Brady–Romero, Sandoval County Clerk and Recorder

By:_____

Deputy

TREASURERS CERTIFICATION

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

_____

Sandoval County Treasurer

UTILITY APPROVALS

_____
QWest Corporation d/b/a CenturyLink QC Date

_____
Public Service Company of New Mexico Date

_____
New Mexico Gas Company Date

_____
Sparklight Date

_____
City of Rio Rancho Date

PUBLIC UTILITY EASEMENTS

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

A. 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.

B. 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.

C. Qwest 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.

D. Sparklight for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

E. City of Rio Rancho for installation, maintenance, and service of storm drain lines, manholes and inlets; sanitary sewer lines, manholes and service lines; water lines, valves and other equipment and facilities across the easement (but not parallel within) reasonably necessary to provide storm, sanitary sewer and water 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) and Qwest Corporation d/b/a CenturyLink (QWEST) did not conduct a Title Search of the properties shown hereon. Consequently, PNM, NMGC and QWEST 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 OF

VISTA GRANDE SUBDIVISION

(BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27–B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES)

SITUATE WITHIN
TOWN OF ALAMEDA GRANT
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
JUNE , 2023

CASE NUMBER _____

APPROVALS

RIO RANCHO PLANNING AND ZONING BOARD

Approved this _____day of _____, 2023.

_____

Fred Radosevich, Chairman

CITY CLERK'S CERTIFICATION

I, Rebecca Martinez, City Clerk of Rio Rancho, Sandoval County, New Mexico, do hereby certify that the plat shown hereon was approved by the Rio Rancho Planning and Zoning Board at their meeting on the _____day of _____, 2023.

_____

Rebecca A. Martinez, City Clerk

JURISDICTIONAL AFFIDAVIT

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby affirm that the property described does lie within the platting and extra–territorial subdivision jurisdiction of the City of Rio Rancho.

_____

Russ P. Hugg
NMPS No. 9750
June 20, 2023

SURVEYORS CERTIFICATION

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby certify; that this plat of survey was prepared from field notes of an actual ground survey performed by me or under my supervision; that it shows all easements of record readily available to a land surveyor and made known to me by the owner, utility companies or other parties expressing an interest; that it meets the Standards for Land Surveys in New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Surveyors; that it meets the minimum requirements of the City of Rio Rancho Subdivision Ordinance; and that it is true and correct to the best of my knowledge and belief.

_____

Russ P. Hugg
NMPS No. 9750
June 20, 2023

PROFESSIONAL SURVEYOR STATE OF No. 9750 NEW MEXICO RUSS P. HUGG

SURVTEK, INC.
Consulting Surveyors
P.O. Box 66885, Albuquerque, New Mexico 87114 Phone: 505–300–4732

PLAT OF
VISTA GRANDE SUBDIVISION

(BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27–B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES)

SITUATE WITHIN
TOWN OF ALAMEDA GRANT
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
JUNE , 2023

LINE TABLE		
LINE	LENGTH	BEARING
L1	57.48	N33°17'14"W
L2	89.19	N33°27'21"W

S.E. PORTION UNIT TWELVE
Filed February 9, 1963 in Plat Book 1, Page 57A

Fd. 1/2" Rebar
Fd. 1/2" Rebar with aluminum disk stamped "PLS 11184"
LOT 9
LOT 25
LOT 26
LOT 24
LOT 27
SIERRA NORTE CT. N.E
SIERRA NORTE UNIT 2
Filed August 20, 2004 in Volume 3, Folio 245II–A
LOT 28
LOT 29
LOT 30
LOT 34
LOT 33
LOT 35
LOT 36
LOT 1
BLOCK 85
WILLOW RD.
Fd. 1"Iron Pipe
Fd. 5/8" Rebar and cap stamped L.S. 11184
Fd. 3/4"Iron Pipe
ACORN LOOP N.E. 50' R/W
S59°42'32"E (S60°00'00"E, 811.38) 811.39'
Fd. 3/8" Rebar
Fd. 1"Iron Pipe
S50°43'37"E (S51°00'00"E, 460.00) 459.90'
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT (cross–hatched area)
NOTE
All existing Interior Lot lines within the Interior of this plat will be Eliminated by Final plat. Existing Easements within the Interior of this plat with cross–hatching are hereby VACATED by this plat.
Set 5/8" Rebar and cap stamped "L.S. 9750" (Typical)
LOT 3
S.E. PORTION UNIT TWELVE
Filed February 9, 1963 in Plat Book 1, Page 57A
374.90'
(N.00°00'00"E, 374.80)
N30°16'27"E
20' RADIAL TIES
LOT 4
LOT 5
LOT 6
LOT 8
Existing 20' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
Existing 30' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
854.06'
National Geodetic Survey Control Monument "SAGE" NMSPCC/NAD83/USFT N=1,545,611.58 E=1,499,264.76 CCGF=0.99965468
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A TO REMAIN
LOT 9
LOT 10
LOT 13
FIG LOOP N.E. 50' R/W
S24°30'12"W 1242.68
LOT 12
LOT 11
LOT 30
L2
L1
241.89'
N33°27'14"W
BLOCK 89
S.E. PORTION UNIT TWELVE
Filed February 9, 1963 in Plat Book 1, Page 57A
LOT 28
Fd. 5/8" Rebar and cap stamped "L.S. 9750" (Typical)
Existing 20' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
LOT 27–A BLOCK 89
SUMMARY PLAT OF LOTS 27–A AND 27–B
Filed December 23, 2015 in Volume 3, Folio 3916
Existing 5' Public Drainage and Utility Easement per plat filed December 23, 2015 in Volume 3, Folio 3916. TO REMAIN
N29°32'04"W 430.99'
LOT 27–B BLOCK 89 UNIT TWELVE
Filed December 23, 2015 in Volume 3, Folio 3916
Existing 30' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A.
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A (To Remain)
Existing 30' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT (cross–hatched area)
LOT 12
LOT 11
LOT 10
LOT 13
LOT 15
LOT 14
LOT 9
LOT 26
LOT 25
BLOCK 89
S.E. PORTION UNIT TWELVE
Filed February 9, 1963 in Plat Book 1, Page 57A
S39°16'23"W (S39°00'00"W)
FIG LOOP N.E. 50' R/W
N10°33'37"W 135.96'
N50°43'37"W 325.20'
Set 5/8" Rebar and cap stamped "L.S. 9750" (Typical)
SPRUCE PLACE N.E. 50' R/W
Fd. 1"Iron Pipe
NOTE
All existing Interior Lot lines within the Interior of this plat will be Eliminated by Final plat. Existing Easements within the Interior of this plat with cross–hatching are hereby VACATED by this plat.

EXISTING LOT LINES AND EASEMENTS TO BE VACATED

GRAPHIC SCALE
60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

PROFESSIONAL SURVEYOR STATE OF NEW MEXICO No. 9750 RUSS P. HUGG

SHEET 2 OF 4

SURV TEK, INC.
Consulting Surveyors
P.O. Box 66865, Albuquerque, New Mexico 87114
Phone: 505–300–4732

210016_FINAL PLAT_SHEETS 1 & 2. DWG

BOOK ___ , PAGE ___

PLAT OF

VISTA GRANDE SUBDIVISION

(BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27–B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES)

SITUATE WITHIN

TOWN OF ALAMEDA GRANT

CITY OF RIO RANCHO

SANDOVAL COUNTY, NEW MEXICO

JUNE , 2023

EASEMENT LEGEND

(A) = New 10' Public Utility Easement granted by this plat.

(B) = New 10' Public Drainage and Utility Easement granted by this plat.

(C) = New 5' Public Utility Easement granted along all side and rear lot lines by this plat.

(D) = All Vehicular Access/Egress shall be to the front of the Lot only. No access to Lots from Fig Loop nor Acorn Loop allowed. This restriction also applies to all corner sideyards throughout the subdivision.

(E) = Tracts 1, 2 and 3 shall be conveyed by separate instrument (Warranty Deed) to the Vista Grande Homeowners Association (to be formed) after recordation of the Final Plat. Said Tracts shall be owned in fee simple by the HOA.

A blanket Public Drainage Easement over said Tracts 1 and 2 is granted by this Plat. Said easements shall be maintained by the Vista Grande Homeowners Association.

GRAPHIC SCALE

60 0 30 60 120

(IN FEET)

1 inch = 60 ft.

PROFESSIONAL SURVEYOR STATE OF NEW MEXICO No. 9750 RUSS P. HUGG

SHEET 3 OF 4

SURV TEK, INC.
Consulting Surveyors
P.O. Box 66885 Albuquerque, New Mexico 87114 Phone: 505-300-4732

210016_FINAL PLAT_SHEET 3. DWG

BOOK ___ , PAGE ___

PLAT OF

VISTA GRANDE SUBDIVISION

(BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27-B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES)

SITUATE WITHIN

TOWN OF ALAMEDA GRANT
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

JUNE , 2023

LINE TABLE

LINE	LENGTH	BEARING
L1	57.48	N33°17'14"W
L2	89.19	N33°27'21"W
L3	116.20	S47°21'05"E
L4	40.25	S42°17'10"E
L5	63.06	S30°17'28"W
L6	49.04	S30°20'35"E
L7	54.96	S34°32'31"E
L8	54.96	S39°42'20"E
L9	54.96	S44°52'09"E
L10	51.29	S50°14'00"E
L11	55.80	S50°14'18"E
L12	49.99	S59°42'32"E
L13	50.01	S59°42'32"E
L14	50.00	N39°16'23"E
L15	50.00	N39°16'23"E
L16	50.00	N39°16'23"E
L17	50.00	N39°16'23"E
L18	20.00	N39°16'23"E
L19	20.00	S50°43'37"E
L20	60.98	S50°43'37"E
L21	60.98	S50°43'37"E
L22	57.23	S50°43'37"E
L23	57.23	S50°43'37"E
L24	60.00	N30°16'27"E
L25	26.43	S50°43'37"E
L26	30.80	S50°43'37"E
L27	16.43	S50°43'37"E
L28	9.64	S29°52'04"E
L29	21.34	S29°52'04"E
L30	5.03	N30°16'27"E
L31	10.04	N30°16'27"E
L32	55.00	S59°42'32"E
L33	45.00	S59°42'32"E
L34	45.00	S59°42'32"E
L35	45.00	S59°42'32"E
L36	45.00	S59°42'32"E
L37	45.00	S59°42'32"E
L38	45.00	S59°42'32"E
L39	45.00	S59°42'32"E
L40	43.49	S46°08'07"E
L41	13.01	S46°08'07"E
L42	30.25	S29°52'04"E
L43	45.00	S29°52'04"E
L44	45.00	S29°52'04"E
L45	45.00	S29°52'04"E
L46	45.00	S29°52'04"E
L47	45.00	S29°52'04"E
L48	45.00	S29°52'04"E
L49	45.00	S29°52'04"E
L50	45.00	S29°52'04"E
L51	47.12	S29°52'04"E
L52	30.10	S29°52'04"E
L53	20.90	S34°55'44"E
L54	39.97	S34°55'44"E
L55	33.99	S45°21'30"E
L56	30.56	S45°21'30"E
L57	26.43	S50°43'37"E
L58	55.80	S50°43'37"E
L59	49.75	S59°42'32"E
L60	45.00	S59°42'32"E
L61	45.00	S59°42'32"E
L62	45.00	S59°42'32"E
L63	45.00	S59°42'32"E
L64	45.00	S59°42'32"E
L65	50.35	S59°42'32"E
L66	45.00	S59°42'32"E
L67	15.40	S46°08'07"E
L68	41.09	S46°08'07"E
L69	32.38	S29°52'04"E
L70	45.00	S29°52'04"E
L71	45.00	S29°52'04"E
L72	45.00	S29°52'04"E
L73	45.00	S29°52'04"E
L74	45.00	S29°52'04"E
L75	45.00	S29°52'04"E
L76	45.00	S29°52'04"E
L77	45.00	S29°52'04"E
L78	45.00	S29°52'04"E
L79	15.16	S34°55'44"E
L80	45.71	S34°55'44"E
L81	45.70	S45°21'30"E
L82	18.86	S45°21'30"E
L83	14.63	S59°42'32"E
L84	14.61	S59°42'32"E
L85	9.43	S29°52'04"E
L86	12.76	S29°52'04"E

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	143.23'	275.00'	73.28'	141.61'	N44°47'18"W	29°50'28"
C2	74.63'	205.00'	37.73'	74.22'	S40°17'50"E	20°51'33"
C3	196.31'	125.00'	124.96'	176.75'	S14°43'02"E	89°58'59"
C4	117.19'	225.00'	59.95'	115.87'	N44°47'18"W	29°50'28"
C5	172.93'	475.00'	87.43'	171.98'	S40°17'50"E	20°51'33"
C6	156.25'	300.00'	79.94'	154.49'	N44°47'18"W	29°50'28"
C7	130.21'	250.00'	66.62'	128.74'	N44°47'18"W	29°50'28"
C8	65.53'	180.00'	33.13'	65.17'	S40°17'50"E	20°51'33"
C9	83.73'	230.00'	42.34'	83.27'	S40°17'50"E	20°51'33"
C10	157.05'	100.00'	99.97'	141.40'	S14°43'02"E	89°58'59"
C11	235.58'	150.00'	149.96'	212.10'	S14°43'02"E	89°58'59"
C12	130.21'	250.00'	66.62'	128.74'	N44°47'18"W	29°50'28"
C13	104.17'	200.00'	53.29'	102.99'	N44°47'18"W	29°50'28"
C14	163.83'	450.00'	82.83'	162.92'	S40°17'50"E	20°51'33"
C15	182.03'	500.00'	92.03'	181.03'	S40°17'50"E	20°51'33"
C16	39.26'	25.00'	24.99'	35.35'	N14°43'02"W	89°58'59"
C17	39.28'	25.00'	25.01'	35.36'	S75°16'58"W	90°01'01"
C18	39.26'	25.00'	24.99'	35.35'	S14°43'02"E	89°58'59"
C19	39.28'	25.00'	25.01'	35.36'	S75°16'58"W	90°01'01"
C20	39.27'	25.00'	25.00'	35.36'	N05°43'37"W	90°00'00"
C21	39.27'	25.00'	25.00'	35.36'	N84°16'23"E	90°00'00"
C22	39.27'	25.00'	25.00'	35.36'	N05°43'37"W	90°00'00"
C23	39.27'	25.00'	25.00'	35.36'	N84°16'23"E	90°00'00"
C24	31.42'	20.00'	20.00'	28.28'	N05°43'37"W	90°00'01"
C25	28.52'	300.00'	14.27'	28.51'	N56°59'08"W	5°26'48"
C26	42.33'	300.00'	21.20'	42.29'	N50°13'12"W	8°05'02"
C27	42.33'	300.00'	21.20'	42.29'	N42°08'10"W	8°05'02"
C28	42.28'	300.00'	21.17'	42.24'	N34°03'25"W	8°04'28"
C29	0.79'	300.00'	0.40'	0.79'	N29°56'37"W	0°09'07"
C30	59.19'	250.00'	29.73'	59.05'	N52°56'34"W	13°33'55"
C31	71.02'	250.00'	35.75'	70.78'	N38°00'20"W	16°16'33"
C32	50.69'	180.00'	25.52'	50.53'	S37°56'09"E	16°08'09"
C33	14.84'	180.00'	7.42'	14.83'	S48°21'55"E	4°43'24"
C34	23.71'	230.00'	11.86'	23.70'	S32°49'14"E	5°54'19"
C35	45.20'	230.00'	22.67'	45.12'	S41°24'09"E	11°15'32"
C36	14.83'	230.00'	7.42'	14.83'	S48°52'46"E	3°41'41"
C37	104.40'	100.00'	57.52'	99.72'	S00°21'58"W	59°48'59"
C38	47.40'	100.00'	24.15'	46.95'	S43°07'13"E	27°09'23"
C39	5.25'	100.00'	2.63'	5.25'	S58°12'13"E	3°00'37"
C40	45.66'	150.00'	23.01'	45.48'	S21°33'15"W	17°26'24"
C41	189.92'	150.00'	110.07'	177.48'	S23°26'14"E	72°32'36"
C42	12.59'	250.00'	6.29'	12.59'	N58°16'00"W	2°53'06"
C43	41.86'	250.00'	20.98'	41.81'	N52°01'38"W	9°35'39"
C44	40.06'	250.00'	20.08'	40.02'	N42°38'21"W	9°10'56"
C45	35.69'	250.00'	17.88'	35.66'	N33°57'29"W	8°10'49"
C46	71.79'	200.00'	36.28'	71.40'	N49°25'33"W	20°33'58"
C47	32.38'	200.00'	16.22'	32.34'	N34°30'19"W	9°16'30"
C48	19.76'	450.00'	9.88'	19.76'	S31°07'34"E	2°30'59"
C49	59.73'	450.00'	29.91'	59.69'	S36°11'13"E	7°36'20"
C50	59.73'	450.00'	29.91'	59.69'	S43°47'33"E	7°36'20"
C51	24.59'	450.00'	12.30'	24.59'	S49°09'40"E	3°07'54"
C52	18.26'	500.00'	9.13'	18.26'	S30°54'50"E	2°05'32"
C53	45.06'	500.00'	22.55'	45.05'	S34°32'31"E	5°09'49"
C54	45.06'	500.00'	22.55'	45.05'	S39°42'20"E	5°09'49"
C55	45.06'	500.00'	22.55'	45.05'	S44°52'09"E	5°09'49"
C56	28.59'	500.00'	14.30'	28.59'	S49°05'20"E	3°16'34"

PROFESSIONAL SURVEYOR
STATE OF
No. 9750
NEW MEXICO
RUSS P. HUGG

SURV TEK, INC.
Consulting Surveyors
P.O. Box 66885 Albuquerque, New Mexico 87114 Phone: 505-300-4732

210016_FINAL PLAT_SHEET 3. DWG

BOOK ___ , PAGE ___

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

August 24, 2023

RE: Subdivision Variance
Case No. 23-280-00007
Vista Grande Subdivision

Dear Property Owner:

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

The applicant, DR Horton, through their agent, RESPEC, is requesting approval of a subdivision variance to allow for reduced park space requirements for the Vista Grande Subdivision. The subject property is legally described as Unit 12, Block 89, Lots 4-6, 8-13, and 27B and is identified on the accompanying map on the back of this notice.

The **Planning and Zoning Board** will consider the request and have the final approval on **Tuesday, September 12, 2023** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below.**

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

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

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer:
https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

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

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

Respectfully,

Christopher Benson

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

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

VISTA GRANDE SUBDIVISON VARIANCE
UNIT 12, BLOCK 89, LOTS 4-6, 8-13, & 27B



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
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 and Zoning Board
Location:	Virtual (Zoom)/City Hall
Date:	September 12, 2023
Time:	6:00PM
Staff Contact:	Chris Benson (505) 896-8342 cbenson@rrnm.gov

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

NOTICE OF PUBLIC HEARING

Meeting:	Planning and Zoning Board
Location:	Virtual (Zoom)/City Hall
Date:	September 12, 2023
Time:	6:00PM
Staff Contact:	Chris Benson (505) 896-8342 cbenson@rrnm.gov

Application Information

You are receiving this notice because your property is within 300 feet a site where a land development decision is required by the Planning and Zoning Board. The applicant, DR Horton, through their agent, RESPEC, is requesting approval of a subdivision variance to allow for reduced park space requirements for the Vista Grande Subdivision. The PZB will hear the request on September 12, 2023.

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

https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09

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



Application Information

You are receiving this notice because your property is within 300 feet a site where a land development decision is required by the Planning and Zoning Board. The applicant, DR Horton, through their agent, RESPEC, is requesting approval of a subdivision variance to allow for reduced park space requirements for the Vista Grande Subdivision. The PZB will hear the request on September 12, 2023.

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

https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09

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



CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting on Tuesday, September 12, 2023 at 6:00 pm:

Subdivision Variance
Case #23-280-00006
The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1 of approx. 2.7 acres.

Zone Map Amendment
Case #23-100-00005
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

Variance
Case #23-110-00013
The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, requests approval of a variance to allow for a wall reaching a maximum height of 9'4".

Vacation of Plat
Case #23-230-00002
The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments, Red Roan Enterprises, and MAM Partners LLC, request approval of vacation of right-of-way for Walpi Ct NE.

Subdivision Variance
Case #23-280-00007
The applicant DR Horton, through their agent, RESPEC, is requesting approval of a subdivision variance for reduced park space requirements for Vista Grande Subdivision.

Zone Map Amendment
Case #23-100-00006
The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. The subject property is approximately 2.5 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. Materials related to these items are available for viewing in the Development Services Department at City Hall.

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

record.

Journal: August 28, 2023

Parks, Recreation, and Community Services:

- The Developer has indicated potential park tracts that are significantly smaller than the acreage required by the Subdivision Ordinance Ch. 155 section 46 Public Sites; Open Spaces (where 92 residences X 2.83 residents/residence; 260/1,000; 3 acres of land per 1,000 residents = 0.26x3=0.78 acres required) 0.78 acres are required and an area between 0.1 and 0.2 acres are proposed. A Subdivision Variance addressing the difference would be required for the project Final Plat to move forward to approval. Other PRCS conditions of HOA ownership and maintenance as well as payment of Park Impact Fees will be met. Any future park improvements will be permitted through the Commercial Building Permit process with full construction plans including grading and drainage, site, landscaping, irrigation, etc.

BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR APPROVAL
Case No. 23-280-00007

REQUEST FOR VARIANCE TO RIO RANCHO CODE OF ORDINANCES CHAPTER 155.46(A)(B)(C), FOR A REDUCECTION IN THE REQUIRED PARK SPACE FOR THE VISTA GRANDE SUBDIVISION.

Applicant: DR Horton

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 12th day of September, 2023, 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 § 155.60, the Planning and Zoning Board has jurisdiction over approval of the applicant's request for a subdivision variance to the required improvements of a subdivision.
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. The applicant has adequately addressed the criteria for granting a subdivision variance as set forth in R.O. 2003 155.60, as the City finds the HOA maintained park to meet the needs of future residents and City policies.
2. A variance to R.O. 2003 155.46(A)(B)(C) is approved.

THEREFORE, the application for a subdivision variance to the requirement improvements of a subdivision, is APPROVED by the Planning & Zoning Board of the City of Rio Rancho on September 12, 2023, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Board Chairman

BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 23-280-00007

REQUEST FOR VARIANCE TO RIO RANCHO CODE OF ORDINANCES CHAPTER 155.46 (A)(B)(C), FOR A REDUCTION IN THE REQUIRED PARK SPACE FOR THE VISTA GRANDE SUBDIVISION.

Applicant: DR Horton

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 12th day of September, 2023, 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 § 155.60, the Planning and Zoning Board has jurisdiction over approval of the applicant's request for a subdivision variance to the required improvements of a subdivision.
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. The applicant has not provided adequate justification for a Subdivision Variance, in accordance with the criteria for granting a subdivision variance as set forth in R.O. 2003 §155.60.
2. The applicant has not provided adequate justification for a modification or exception to the subdivision requirements as outlined by R.O. §155.46(A)(B)(C).

THEREFORE, the application for a subdivision variance to the requirement of requirement improvements of a subdivision, is DENIED by the Planning & Zoning Board of the City of Rio Rancho on September 12, 2023, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Board Chairman

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-220-00014

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
Final Plat. The applicant, DR Horton, through their agent, RESPEC, is requesting approval of a Final Plat for the Vista Grande subdivision to create 92 residential lots and 3 HOA tracts, zoned R-4: Single-Family Residential. The property is legally described as Rio Rancho Estates Unit 13, Block 89, Lots 4-6, 8-13, and Lot 27B and comprises approximately 18.6571 acres. Staff contact is Chris Benson and staff recommends approval with findings and conditions.

BACKGROUND AND ANALYSIS:

The applicant, DR Horton, through their agent, RESPEC, is requesting approval of a Final Plat for the Vista Grand subdivision to create 92 residential lots and 3 HOA tracts on approximately 18.6571 acres, zoned R-4: Single-Family Residential District. The subject property is legally described as Unit 12, Block 89, Lots 4-6, 8-13, and 27B.

The preliminary plat for Vista Grande was first approved by the Planning and Zoning Board June 8, 2021 and later re-approved by the Planning and Zoning Board after the plat expired on December 13, 2022.

The subject property was zoned R-4: Single-Family Residential by Ordinance No. 15 Enactment No. 18-15, approved by the Governing Body at their meeting on June 13, 2018. The subject properties are within the Northern-Unser Specific Area Plan which indicates the land use as Medium-Density Residential.

The property is located in west-central Rio Rancho near the intersection of Fig Loop NE and Acorn Loop NE. It is approximately half a mile west of the Unser Blvd NE (principal arterial) and Northern Blvd NE (minor arterial) intersection.

GENERAL INFORMATION:

A. Layout: Vista Grande subdivision will contain 92 residential lots and 3 HOA tracts.
B. Acreage: Approximately 18.6571 acres.
C. Access: The subdivision will be accessed off of Acorn Lp NE and Fig Lp NE (both residential streets currently) via Northern Blvd NE to the south (a minor arterial road).
D. Zoning: R-4: Single-Family Residential District, by Ordinance No. 15, Enactment No. 18-15.

E. Dry Utilities/Gas: The applicant is responsible for coordinating the installation of all dry utilities with Cable One/Sparklight, CenturyLink, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGCO).
F. Water and Wastewater Availability: A Water and Waste Water Availability letter for Vista Grande has been received.
G. Drainage: Per the provided Grading and Drainage Plan, the site drains to West to East and will collect in a drainage basin located on Tract 2 at the northeast corner of the subdivision.
H. Roads & Sidewalks: The subdivision will have two internal roads (Vista Grande Loop NE & Estrella Noche Loop NE), and all internal streets (50 feet of right-of-way) will be dedicated to the City of Rio Rancho.
I. Recreation Facilities/Open Space: 0.2 acre park space (subdivision variance case 23-280-00007), owned and maintained by the HOA.
J. Easements: There is a 10 (10) foot wide Public Utility Easement (PUE) within all lots adjacent to road right-of-way and a five (5) foot PUE along all side and rear property lines.
K. Public Site Dedications: None.
L. Vacations: This platting action will vacate the lot lines and easements of the existing lots.
M. Variances: Subdivision variance for reduced park space (23-280-00007).

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 final plat contains lots which would measure approximately 4,726 sf to 8,826 sf, in compliance with the 4,000 sf minimum lot area of the R-4: Single-Family Residential zoning district (see attached plat). The proposed lots would also comply with the minimum allowable lot width of 40' as per the R.O. 2003 § 154.50 Zoning Table/Residential for R-4 Zoning Designations.

CONFORMANCE WITH THE SUBDIVISION REQUIREMENTS:

The final plat has been reviewed and found to be in conformance with the subdivision chapter of the City of Rio Rancho Code of Ordinances, Chapter 155, pending approval of Subdivision Variance Case #23-280-00007. Finding: Criteria is satisfied.

CONFORMANCE WITH THE CITY COMPREHENSIVE PLAN:

In chapter 5, Land Use Element, “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 improves upon storm drainage, utilities, and accessibility with additional sidewalks, within the City of Rio Rancho. Criteria is satisfied.

CONFORMANCE WITH CITY POLICIES AND REGULATIONS:

The departments of Fire and Rescue, Engineering, Parks, Recreation and Community Services, and Planning and Zoning have reviewed this application and related infrastructure plans. Finding: Criteria may be satisfied dependent upon comments received.

INTERDEPARTMENTAL/INTERAGENCY REVIEW:

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

IMPACT:

The Development Services Department recommends the Planning and Zoning Board approve the final plat case no. 23-220-00014 subject to the following findings of fact and conditions of approval:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board has jurisdiction over the subject property and the applicant's request for approval of the Final Plat.
2. The applicant has the authority to apply for a 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 pending approval of Subdivision Variance case no. 23-280-00007.
2. The Final Plat conforms to R-4 Single-Family Residential Zoning District.
3. Completion of infrastructure or subdivision bond and subdivision improvement agreement is required prior to recording of Final Plat.
4. The Final Plat will be filed under Book 34, Pages 46-49.

ALTERNATIVES:

The Planning and Zoning Board may:

1. Approve the final plat with conditions;
2. Approve the final plat with amendments to conditions;
3. Deny the final plat;
4. Postpone the final plat for further review.

DEPARTMENT RECOMMENDATION:

Staff recommends approval with findings and conditions.

ATTACHMENT: 23-220-00014 - Location Map.pdf
ATTACHMENT: Application.pdf
ATTACHMENT: Authorization Letter.pdf
ATTACHMENT: Vista Grande Final Plat.pdf
ATTACHMENT: Reviewer Comments.pdf

VISTA GRANDE SUBDIVISION FINAL PLAT
UNIT 12, BLOCK 89, LOTS 4-6, 8-13, & 27B



Rio Rancho
City of Vision

0 200 400 800
Feet

GIS
Moving Spatial Data Forward

N
W E
S

Subject Property

Zoning

- E-1
- R-1
- R-4
- R-5

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 08/24/2023

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
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☒ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	☐ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Model Home / Sales Office	☐ Master Plan Amendment	☐ Vacation of Plat	☐ Master Sign Plan
☐ Residential Child Care Facility 6 or <	☐ Specific Area Plan Amendment	☐ Street Name Change	☐ Site Plan
☐ Sign Permit	☐ Text Amendment	☐ Subdivision Interpretation	☐ Special Exception
☐ Other		☐ Subdivision Variance	☐ Variance
			☐ Zone Map Amendment
			☐ Zoning Certification
			☐ 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: DR Horton		Phone:
Address: 8440 Wyoming Boulevard, Suite A		E-Mail:
City: Albuquerque	State: NM	Zip: 87113
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)
Agent Name: RESPEC, Sheldon Greer		Phone: (505) 264-0472
Address: 7770 Jefferson Street NE, Suite 200		E-Mail: sheldon.greer@respec.com
City: Albuquerque	State: NM	ZIP Code: 87109

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

Final Plat approval to create 92 residential lots and 3 HOA tracts from 10 existing lots.

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Vista Grande Subdivision	Block(s): 89, Unit 12	Lot(s): 4 thru 6 and 8 thru 13 and lot 27 B
Existing Zoning: R4	Proposed Zoning:	
No. of existing lots: 10	No. of proposed lots: 92	Total area of site (acres) 18.6571

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: Sheldon Greer, PE	Applicant:	Agent: RESPEC
Signature:		Date: August 04, 2023

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #
23-220-00014		

APPLICATION ACCEPTED BY: Christopher Benson **DATE:** 08/04/2023

Form revised June 2014

D·R·HORTON®
America's Builder

October 4, 2022

Dear Madam/Sir:

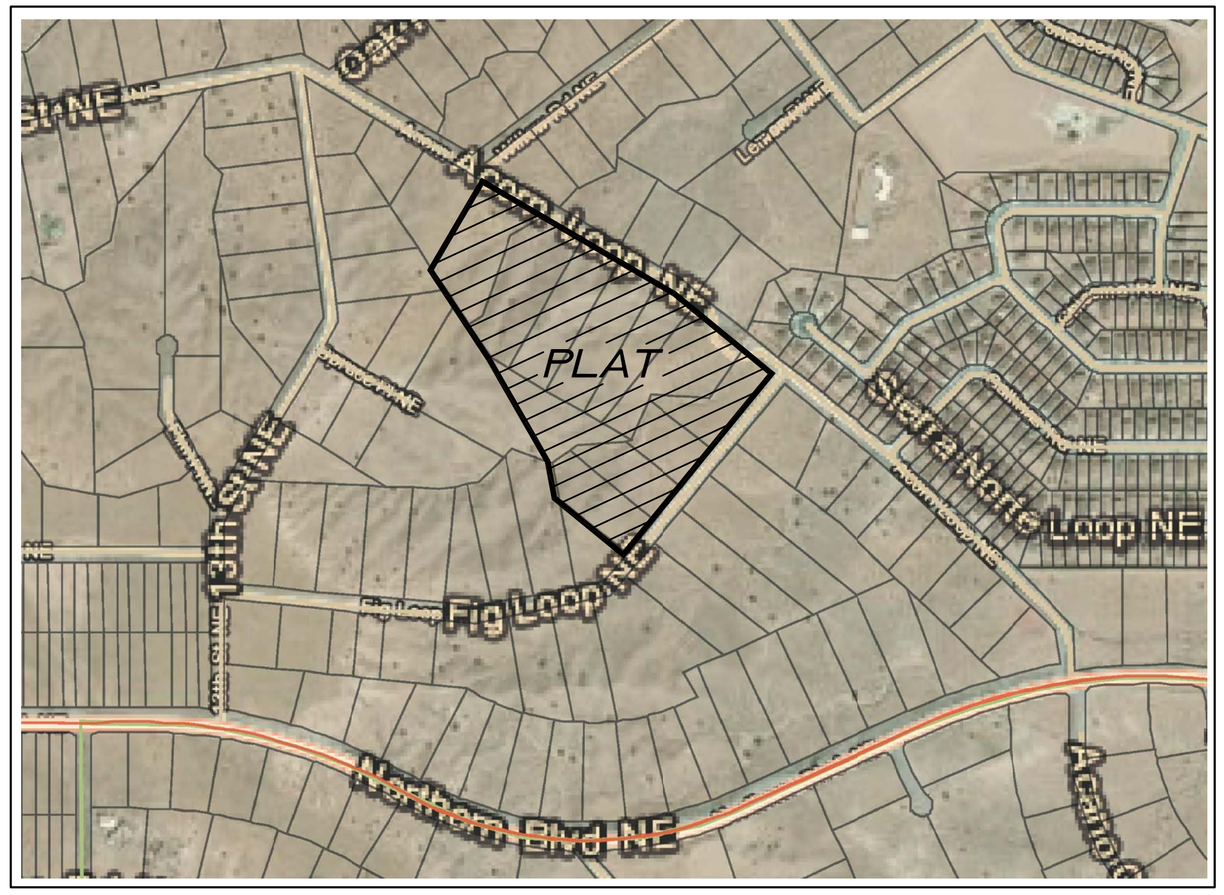
On behalf of D.R. Horton, Inc., this letter is to authorize RESPEC as agent to D.R. Horton to submit all applications and make all representations regarding the preliminary and final plat of Vista Grande Subdivision located in Rio Rancho NM. Vista Grande consists of a replat of Lots 4 thru 6, Lots 8 thru 13 and Lot 27-B, in Block 89, Unit 12, Rio Rancho Estates.

Thank you for your attention to this matter.

Sincerely,

Brent Lesley
Land Manager
Albuquerque Division

8440 Wyoming Blvd. NE, Suite A, Albuquerque, NM 87113



VICINITY MAP
NOT TO SCALE

N

GENERAL NOTES

1. Bearings are New Mexico State Plane Grid Bearings, Central Zone (NAD 83).
2. Distances are ground.
3. All corners found in place and held were tagged with a brass disk stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
4. All corners are that were set are a 5/8" rebar with cap stamped "HUGG L.S. 9750" unless otherwise indicated hereon.

SUBDIVISION DATA

1.	Number of existing Lots	10
2.	Number of new Lots created	92
3.	Number of new Tracts created	3
4.	Total Plat acreage	18.6571 Ac.
5.	Total Dedicated Public Street R/W	2.9973 Ac.

PURPOSE OF PLAT:

The purpose of this plat is to:

a. Eliminate the existing interior lot lines and Vacate existing easements as shown hereon.

b. Create the new residential lots as shown hereon.

c. Dedicate the new public street right of ways as shown hereon to the City of Rio Rancho.

d. Grant new Public Drainage and Utility Easements as shown hereon.

e. Tracts 1, 2 and 3 shall be conveyed by separate instrument (Warranty Deed) to the Vista Grande Homeowners Association (to be formed) after recordation of the Final Plat. Said Tracts shall be owned in fee simple by the HOA.

A blanket Public Drainage Easement over said Tracts 1 and 2 will be granted by Final Plat. Said easements shall be maintained by the Vista Grande Homeowners Association.

LEGAL DESCRIPTION

Lots Four (4) thru Six (6) and Eight (8) thru Thirteen (13), in Block Eighty Nine (89), Unit Twelve, Rio Rancho Estates, Sandoval County, New Mexico, as the same are shown and designated on the Plat entitled "S.E. PORTION OF UNIT TWELVE RIO RANCHO ESTATES, TOWN OF ALAMEDA GRANT, SANDOVAL COUNTY, NEW MEXICO", filed in the office of the County Clerk of Sandoval County, New Mexico on February 9, 1963, in Plat Book 1, Page 57A.

TOGETHER WITH:

Lot Twenty Seven–B (27–B), Block 89, Unit Twelve as the same is shown and designated on the Plat entitled "SUMMARY PLAT OF LOTS 27–A AND 27–B, BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES (BEING A REPLAT OF LOTS 7 AND 27, BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES) SITUATE WITHIN TOWN OF ALAMEDA GRANT, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO", filed in the office of the County Clerk of Sandoval County, New Mexico on December 23, 2015, in Volume 3, Folio 3916 and Rio Rancho Estates Plat Book Number 26, Page 51.

Total area = 18.6571 acres, more or less.

FREE CONSENT AND DEDICATION

SURVEYED and REPLATTED and now comprising "PRELIMINARY PLAT OF VISTA GRANDE SUBDIVISION (BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27–B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES), SITUATE WITHIN THE TOWN OF ALAMEDA GRANT, CITY OF RIO RANCHO, SANDOVAL COUNTY, NEW MEXICO", with the free consent of and in accordance with the wishes and desires of the undersigned owner(s) and/or proprietor(s) thereof. Said owner(s) and/or proprietor(s) do hereby dedicate the public street right of ways as shown hereon to the City of Rio Rancho in fee simple. Said owner(s) and/or proprietor(s) do hereby dedicate Tracts 1 2 and 3 to the Vista Grande Homeowners Association. Said owner(s) and/or proprietor(s) do hereby grant to the public forever, the public easements as shown hereon. Said owner(s) and proprietor(s) do hereby warrant that they hold among them, complete and indefeasible title in fee simple to the land subdivided. Said owner(s) and proprietor(s) do hereby consent to all of the foregoing and do hereby represent that they are so authorized to act.

OWNER(S)

DR Horton, Inc., a Delaware corporation

_____

By: _____

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF_____SS

This instrument was acknowledged before me on this _____ day

of_____, 2022, by _____, as

_____, of DR Horton, Inc.

_____

Notary Public

_____

My commission expires

COUNTY CLERKS CERTIFICATION

STATE OF NEW MEXICO
COUNTY OF SANDOVAL SS

This instrument was filed for record on _____,

20___, at _____, _____M., recorded in Volume _____ of records

of said County, folio _____.

(Rio Rancho Estates Plat Book Number _____, page _____)

Ann Brady–Romero, Sandoval County Clerk and Recorder

By:_____

Deputy

TREASURERS CERTIFICATION

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

_____

Sandoval County Treasurer

UTILITY APPROVALS

_____
QWest Corporation d/b/a CenturyLink QC Date

_____
Public Service Company of New Mexico Date

_____
New Mexico Gas Company Date

_____
Sparklight Date

_____
City of Rio Rancho Date

PUBLIC UTILITY EASEMENTS

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

A. 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.

B. 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.

C. Qwest 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.

D. Sparklight for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

E. City of Rio Rancho for installation, maintenance, and service of storm drain lines, manholes and inlets; sanitary sewer lines, manholes and service lines; water lines, valves and other equipment and facilities across the easement (but not parallel within) reasonably necessary to provide storm, sanitary sewer and water 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) and Qwest Corporation d/b/a CenturyLink (QWEST) did not conduct a Title Search of the properties shown hereon. Consequently, PNM, NMGC and QWEST 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 OF

VISTA GRANDE SUBDIVISION

(BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27–B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES)

SITUATE WITHIN
TOWN OF ALAMEDA GRANT
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
JUNE , 2023

CASE NUMBER _____

APPROVALS

RIO RANCHO PLANNING AND ZONING BOARD

Approved this _____day of _____, 2023.

_____

Fred Radosevich, Chairman

CITY CLERK'S CERTIFICATION

I, Rebecca Martinez, City Clerk of Rio Rancho, Sandoval County, New Mexico, do hereby certify that the plat shown hereon was approved by the Rio Rancho Planning and Zoning Board at their meeting on the _____day of _____, 2023.

_____

Rebecca A. Martinez, City Clerk

JURISDICTIONAL AFFIDAVIT

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby affirm that the property described does lie within the platting and extra–territorial subdivision jurisdiction of the City of Rio Rancho.

_____

Russ P. Hugg
NMPS No. 9750
June 20, 2023

SURVEYORS CERTIFICATION

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby certify; that this plat of survey was prepared from field notes of an actual ground survey performed by me or under my supervision; that it shows all easements of record readily available to a land surveyor and made known to me by the owner, utility companies or other parties expressing an interest; that it meets the Standards for Land Surveys in New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Surveyors; that it meets the minimum requirements of the City of Rio Rancho Subdivision Ordinance; and that it is true and correct to the best of my knowledge and belief.

_____

Russ P. Hugg
NMPS No. 9750
June 20, 2023

PROFESSIONAL SURVEYOR STATE OF No. 9750 NEW MEXICO RUSS P. HUGG

SURVTEK, INC.
Consulting Surveyors
P.O. Box 66885, Albuquerque, New Mexico 87114 Phone: 505–300–4732

PLAT OF
VISTA GRANDE SUBDIVISION

(BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27–B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES)

SITUATE WITHIN
TOWN OF ALAMEDA GRANT
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO
JUNE , 2023

LINE TABLE		
LINE	LENGTH	BEARING
L1	57.48	N33°17'14"W
L2	89.19	N33°27'21"W

S.E. PORTION UNIT TWELVE
Filed February 9, 1963 in Plat Book 1, Page 57A

Fd. 1/2" Rebar
Fd. 1/2" Rebar with aluminum disk stamped "PLS 11184"
LOT 9
LOT 25
LOT 26
LOT 24
LOT 27
SIERRA NORTE CT. N.E
SIERRA NORTE UNIT 2
Filed August 20, 2004 in Volume 3, Folio 245II–A
LOT 28
LOT 29
LOT 30
LOT 34
LOT 33
LOT 35
LOT 36
LOT 1
BLOCK 85
WILLOW RD.
Fd. 1"Iron Pipe
Fd. 5/8" Rebar and cap stamped L.S. 11184
Fd. 3/4"Iron Pipe
ACORN LOOP N.E. 50' R/W
S59°42'32"E (S60°00'00"E, 811.38) 811.39'
Fd. 3/8" Rebar
Fd. 1"Iron Pipe
S50°43'37"E (S51°00'00"E, 460.00) 459.90'
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT (cross–hatched area)
NOTE
All existing Interior Lot lines within the Interior of this plat will be Eliminated by Final plat. Existing Easements within the Interior of this plat with cross–hatching are hereby VACATED by this plat.
Set 5/8" Rebar and cap stamped "L.S. 9750" (Typical)
LOT 3
S.E. PORTION UNIT TWELVE
Filed February 9, 1963 in Plat Book 1, Page 57A
374.90'
(N.00°00'00"E, 374.80)
N30°16'27"E
20' RADIAL TIES
LOT 4
LOT 5
LOT 6
LOT 8
Existing 20' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
Existing 30' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
854.06'
National Geodetic Survey Control Monument "SAGE" NMSPCC/NAD83/USFT N=1,545,611.58 E=1,499,264.76 CCGF=0.99965468
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A TO REMAIN
LOT 9
LOT 10
LOT 13
FIG LOOP N.E. 50' R/W
S24°30'12"W 1242.68
LOT 12
LOT 11
LOT 30
L2
L1
241.89'
N33°27'14"W
BLOCK 89
S.E. PORTION UNIT TWELVE
Filed February 9, 1963 in Plat Book 1, Page 57A
LOT 28
Fd. 5/8" Rebar and cap stamped "L.S. 9750" (Typical)
Existing 20' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
LOT 27–A BLOCK 89
SUMMARY PLAT OF LOTS 27–A AND 27–B
Filed December 23, 2015 in Volume 3, Folio 3916
Existing 5' Public Drainage and Utility Easement per plat filed December 23, 2015 in Volume 3, Folio 3916. TO REMAIN
N29°32'04"W 430.99'
LOT 27–B BLOCK 89 UNIT TWELVE
Filed December 23, 2015 in Volume 3, Folio 3916
Existing 30' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A.
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT. (cross–hatched area)
Existing 5' Utility Easement per plat filed February 9, 1963 in Plat Book 1, page 57A (To Remain)
Existing 30' Drainage Easement per plat filed February 9, 1963 in Plat Book 1, page 57A VACATED BY THIS PLAT (cross–hatched area)
LOT 12
LOT 11
LOT 10
LOT 13
LOT 15
LOT 14
LOT 9
LOT 26
LOT 25
BLOCK 89
S.E. PORTION UNIT TWELVE
Filed February 9, 1963 in Plat Book 1, Page 57A
S39°16'23"W (S39°00'00"W)
FIG LOOP N.E. 50' R/W
N10°33'37"W 135.96'
N50°43'37"W 325.20'
Set 5/8" Rebar and cap stamped "L.S. 9750" (Typical)
SPRUCE PLACE N.E. 50' R/W
Fd. 1"Iron Pipe
NOTE
All existing Interior Lot lines within the Interior of this plat will be Eliminated by Final plat. Existing Easements within the Interior of this plat with cross–hatching are hereby VACATED by this plat.

EXISTING LOT LINES AND EASEMENTS TO BE VACATED

GRAPHIC SCALE
60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

PROFESSIONAL SURVEYOR STATE OF NEW MEXICO No. 9750 RUSS P. HUGG

SHEET 2 OF 4

SURV TEK, INC.
Consulting Surveyors
P.O. Box 66865, Albuquerque, New Mexico 87114
Phone: 505–300–4732

210016_FINAL PLAT_SHEETS 1 & 2. DWG

BOOK ___ , PAGE ___

PLAT OF

VISTA GRANDE SUBDIVISION

(BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27–B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES)

SITUATE WITHIN

TOWN OF ALAMEDA GRANT

CITY OF RIO RANCHO

SANDOVAL COUNTY, NEW MEXICO

JUNE , 2023

EASEMENT LEGEND

(A) = New 10' Public Utility Easement granted by this plat.

(B) = New 10' Public Drainage and Utility Easement granted by this plat.

(C) = New 5' Public Utility Easement granted along all side and rear lot lines by this plat.

(D) = All Vehicular Access/Egress shall be to the front of the Lot only. No access to Lots from Fig Loop nor Acorn Loop allowed. This restriction also applies to all corner sideyards throughout the subdivision.

(E) = Tracts 1, 2 and 3 shall be conveyed by separate instrument (Warranty Deed) to the Vista Grande Homeowners Association (to be formed) after recordation of the Final Plat. Said Tracts shall be owned in fee simple by the HOA.

A blanket Public Drainage Easement over said Tracts 1 and 2 is granted by this Plat. Said easements shall be maintained by the Vista Grande Homeowners Association.

GRAPHIC SCALE

60 0 30 60 120

(IN FEET)

1 inch = 60 ft.

PROFESSIONAL SURVEYOR STATE OF NEW MEXICO No. 9750 RUSS P. HUGG

SHEET 3 OF 4

SURV TEK, INC.
Consulting Surveyors
P.O. Box 66885 Albuquerque, New Mexico 87114 Phone: 505-300-4732

210016_FINAL PLAT_SHEET 3. DWG

BOOK ___ , PAGE ___

PLAT OF

VISTA GRANDE SUBDIVISION

(BEING A REPLAT OF LOTS 4 THRU 6, LOTS 8 THRU 13 AND LOT 27-B, IN BLOCK 89, UNIT TWELVE, RIO RANCHO ESTATES)

SITUATE WITHIN

TOWN OF ALAMEDA GRANT
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

JUNE , 2023

LINE TABLE

LINE	LENGTH	BEARING
L1	57.48	N33°17'14"W
L2	89.19	N33°27'21"W
L3	116.20	S47°21'05"E
L4	40.25	S42°17'10"E
L5	63.06	S30°17'28"W
L6	49.04	S30°20'35"E
L7	54.96	S34°32'31"E
L8	54.96	S39°42'20"E
L9	54.96	S44°52'09"E
L10	51.29	S50°14'00"E
L11	55.80	S50°14'18"E
L12	49.99	S59°42'32"E
L13	50.01	S59°42'32"E
L14	50.00	N39°16'23"E
L15	50.00	N39°16'23"E
L16	50.00	N39°16'23"E
L17	50.00	N39°16'23"E
L18	20.00	N39°16'23"E
L19	20.00	S50°43'37"E
L20	60.98	S50°43'37"E
L21	60.98	S50°43'37"E
L22	57.23	S50°43'37"E
L23	57.23	S50°43'37"E
L24	60.00	N30°16'27"E
L25	26.43	S50°43'37"E
L26	30.80	S50°43'37"E
L27	16.43	S50°43'37"E
L28	9.64	S29°52'04"E
L29	21.34	S29°52'04"E
L30	5.03	N30°16'27"E
L31	10.04	N30°16'27"E
L32	55.00	S59°42'32"E
L33	45.00	S59°42'32"E
L34	45.00	S59°42'32"E
L35	45.00	S59°42'32"E
L36	45.00	S59°42'32"E
L37	45.00	S59°42'32"E
L38	45.00	S59°42'32"E
L39	45.00	S59°42'32"E
L40	43.49	S46°08'07"E
L41	13.01	S46°08'07"E
L42	30.25	S29°52'04"E
L43	45.00	S29°52'04"E
L44	45.00	S29°52'04"E
L45	45.00	S29°52'04"E
L46	45.00	S29°52'04"E
L47	45.00	S29°52'04"E
L48	45.00	S29°52'04"E
L49	45.00	S29°52'04"E
L50	45.00	S29°52'04"E
L51	47.12	S29°52'04"E
L52	30.10	S29°52'04"E
L53	20.90	S34°55'44"E
L54	39.97	S34°55'44"E
L55	33.99	S45°21'30"E
L56	30.56	S45°21'30"E
L57	26.43	S50°43'37"E
L58	55.80	S50°43'37"E
L59	49.75	S59°42'32"E
L60	45.00	S59°42'32"E
L61	45.00	S59°42'32"E
L62	45.00	S59°42'32"E
L63	45.00	S59°42'32"E
L64	45.00	S59°42'32"E
L65	50.35	S59°42'32"E
L66	45.00	S59°42'32"E
L67	15.40	S46°08'07"E
L68	41.09	S46°08'07"E
L69	32.38	S29°52'04"E
L70	45.00	S29°52'04"E
L71	45.00	S29°52'04"E
L72	45.00	S29°52'04"E
L73	45.00	S29°52'04"E
L74	45.00	S29°52'04"E
L75	45.00	S29°52'04"E
L76	45.00	S29°52'04"E
L77	45.00	S29°52'04"E
L78	45.00	S29°52'04"E
L79	15.16	S34°55'44"E
L80	45.71	S34°55'44"E
L81	45.70	S45°21'30"E
L82	18.86	S45°21'30"E
L83	14.63	S59°42'32"E
L84	14.61	S59°42'32"E
L85	9.43	S29°52'04"E
L86	12.76	S29°52'04"E

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	143.23'	275.00'	73.28'	141.61'	N44°47'18"W	29°50'28"
C2	74.63'	205.00'	37.73'	74.22'	S40°17'50"E	20°51'33"
C3	196.31'	125.00'	124.96'	176.75'	S14°43'02"E	89°58'59"
C4	117.19'	225.00'	59.95'	115.87'	N44°47'18"W	29°50'28"
C5	172.93'	475.00'	87.43'	171.98'	S40°17'50"E	20°51'33"
C6	156.25'	300.00'	79.94'	154.49'	N44°47'18"W	29°50'28"
C7	130.21'	250.00'	66.62'	128.74'	N44°47'18"W	29°50'28"
C8	65.53'	180.00'	33.13'	65.17'	S40°17'50"E	20°51'33"
C9	83.73'	230.00'	42.34'	83.27'	S40°17'50"E	20°51'33"
C10	157.05'	100.00'	99.97'	141.40'	S14°43'02"E	89°58'59"
C11	235.58'	150.00'	149.96'	212.10'	S14°43'02"E	89°58'59"
C12	130.21'	250.00'	66.62'	128.74'	N44°47'18"W	29°50'28"
C13	104.17'	200.00'	53.29'	102.99'	N44°47'18"W	29°50'28"
C14	163.83'	450.00'	82.83'	162.92'	S40°17'50"E	20°51'33"
C15	182.03'	500.00'	92.03'	181.03'	S40°17'50"E	20°51'33"
C16	39.26'	25.00'	24.99'	35.35'	N14°43'02"W	89°58'59"
C17	39.28'	25.00'	25.01'	35.36'	S75°16'58"W	90°01'01"
C18	39.26'	25.00'	24.99'	35.35'	S14°43'02"E	89°58'59"
C19	39.28'	25.00'	25.01'	35.36'	S75°16'58"W	90°01'01"
C20	39.27'	25.00'	25.00'	35.36'	N05°43'37"W	90°00'00"
C21	39.27'	25.00'	25.00'	35.36'	N84°16'23"E	90°00'00"
C22	39.27'	25.00'	25.00'	35.36'	N05°43'37"W	90°00'00"
C23	39.27'	25.00'	25.00'	35.36'	N84°16'23"E	90°00'00"
C24	31.42'	20.00'	20.00'	28.28'	N05°43'37"W	90°00'01"
C25	28.52'	300.00'	14.27'	28.51'	N56°59'08"W	5°26'48"
C26	42.33'	300.00'	21.20'	42.29'	N50°13'12"W	8°05'02"
C27	42.33'	300.00'	21.20'	42.29'	N42°08'10"W	8°05'02"
C28	42.28'	300.00'	21.17'	42.24'	N34°03'25"W	8°04'28"
C29	0.79'	300.00'	0.40'	0.79'	N29°56'37"W	0°09'07"
C30	59.19'	250.00'	29.73'	59.05'	N52°56'34"W	13°33'55"
C31	71.02'	250.00'	35.75'	70.78'	N38°00'20"W	16°16'33"
C32	50.69'	180.00'	25.52'	50.53'	S37°56'09"E	16°08'09"
C33	14.84'	180.00'	7.42'	14.83'	S48°21'55"E	4°43'24"
C34	23.71'	230.00'	11.86'	23.70'	S32°49'14"E	5°54'19"
C35	45.20'	230.00'	22.67'	45.12'	S41°24'09"E	11°15'32"
C36	14.83'	230.00'	7.42'	14.83'	S48°52'46"E	3°41'41"
C37	104.40'	100.00'	57.52'	99.72'	S00°21'58"W	59°48'59"
C38	47.40'	100.00'	24.15'	46.95'	S43°07'13"E	27°09'23"
C39	5.25'	100.00'	2.63'	5.25'	S58°12'13"E	3°00'37"
C40	45.66'	150.00'	23.01'	45.48'	S21°33'15"W	17°26'24"
C41	189.92'	150.00'	110.07'	177.48'	S23°26'14"E	72°32'36"
C42	12.59'	250.00'	6.29'	12.59'	N58°16'00"W	2°53'06"
C43	41.86'	250.00'	20.98'	41.81'	N52°01'38"W	9°35'39"
C44	40.06'	250.00'	20.08'	40.02'	N42°38'21"W	9°10'56"
C45	35.69'	250.00'	17.88'	35.66'	N33°57'29"W	8°10'49"
C46	71.79'	200.00'	36.28'	71.40'	N49°25'33"W	20°33'58"
C47	32.38'	200.00'	16.22'	32.34'	N34°30'19"W	9°16'30"
C48	19.76'	450.00'	9.88'	19.76'	S31°07'34"E	2°30'59"
C49	59.73'	450.00'	29.91'	59.69'	S36°11'13"E	7°36'20"
C50	59.73'	450.00'	29.91'	59.69'	S43°47'33"E	7°36'20"
C51	24.59'	450.00'	12.30'	24.59'	S49°09'40"E	3°07'54"
C52	18.26'	500.00'	9.13'	18.26'	S30°54'50"E	2°05'32"
C53	45.06'	500.00'	22.55'	45.05'	S34°32'31"E	5°09'49"
C54	45.06'	500.00'	22.55'	45.05'	S39°42'20"E	5°09'49"
C55	45.06'	500.00'	22.55'	45.05'	S44°52'09"E	5°09'49"
C56	28.59'	500.00'	14.30'	28.59'	S49°05'20"E	3°16'34"

PROFESSIONAL SURVEYOR
STATE OF
No. 9750
NEW MEXICO
RUSS P. HUGG

SURV TEK, INC.
Consulting Surveyors
P.O. Box 66885 Albuquerque, New Mexico 87114 Phone: 505-300-4732

210016_FINAL PLAT_SHEET 3. DWG

BOOK ___ , PAGE ___

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

Vista Grande Subdivision Final Plat (Case #23-220-00014)

This document includes all comments received for the Vista Grande Subdivision Final Plat.

Fire and Rescue: No comments received.

Police: No comments received.

Rio Rancho Public Schools: No comments received.

Parks, Recreation, and Community Services:

- The Developer has indicated potential park tracts that are significantly smaller than the acreage required by the Subdivision Ordinance Ch. 155 section 46 Public Sites; Open Spaces (where 92 residences X 2.83 residents/residence; 260/1,000; 3 acres of land per 1,000 residents = 0.26x3=0.78 acres required) 0.78 acres are required and an area between 0.1 and 0.2 acres are proposed. A Subdivision Variance addressing the difference would be required for the project Final Plat to move forward to approval. Other PRCS conditions of HOA ownership and maintenance as well as payment of Park Impact Fees will be met. Any future park improvements will be permitted through the Commercial Building Permit process with full construction plans including grading and drainage, site, landscaping, irrigation, etc.

SSCAFCA:

- SSCAFCA has no comments.

MRCOG/MRMPO: MRMPO has no adverse comments. For informational purposes: Appendix G of Connections 2040 (MTP) recommends the following as it relates to the subject property:

- Consider transfer of development rights and land purchases to conserve and create new open spaces.
- Provide non-motorized access and safe routes to recreational areas and open space.
- Require new residential subdivisions to include adequate tree canopy, particularly in EJ communities.

Development Services: Comments included in ABM.

Engineering:

- No adverse comments from development services.
- While the City endeavors to perform a complete review, our failure to call out errors, omissions or other inconsistencies in the drawings does not relive the Engineer/Developer/Applicant from being required to include such correlation into later reversions. Nor are the above mentioned relieved from the requirement to build per City Standards and requirements, even though the drawings may not include said requirements.

Chris Benson
Municipal Planner I
Development Services Department
City of Rio Rancho
(505) 896-8342
cbenson@rrnm.gov

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-280-00006

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
Subdivision Variance. The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1. Staff contact is Tim Dvorak, and staff recommends approval with findings and conditions.

BACKGROUND AND ANALYSIS:
The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1 of approx. 2.7 acres.

The Northern Meadows Tract J-1 Preliminary Plat was originally approved by the Planning and Zoning Board on November 9, 2021 with findings and conditions. The original Preliminary Plat expired, and the plat was resubmitted and approved by the Planning and Zoning Board on April 11, 2023. A Preliminary Plat Amendment was approved at the July 25, 2023 Planning and Zoning Board Meeting with findings and conditions.

This proposed subdivision is located on the northeast intersection of Rainbow Boulevard NE and King Boulevard NE, both minor arterials (see attached map). Northern Meadows Tract J-1 comprises approximately 2.6804 plat acres. The proposed Final Plat would create 24 single-family lots zoned R-3: Mixed Residential District per Ordinance No. 24, Enactment No. 21-26, dated July 22, 2021.

The original subdivision variance application associated with this plat requested solely 10' front public utility easements (PUEs) on all lots and was approved with findings by the Planning Zoning Board on December 14, 2021 (Case No. 21-280-00011); however, this subdivision variance request has duly expired. As such, the Applicant is submitting a subdivision variance application in concurrence with a Final Plat request (Case No. 23-220-00012).

This new subdivision variance application requests approval of the easement configuration as seen on the final plat, allowing for 10' front public utility easements across all lots, no side public utility easements across all lots, 5' rear public utility easements across all lots, and the allowance for vacation of the existing 10' public utility easement adjacent to Rainbow Blvd NE and King Blvd NE, to be replaced by a 5' public utility easement.

REVIEW CRITERIA:

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 the subject subdivision variance will improve the design and function of the Northern Meadows Subdivision. The 5' public utility easement proposed to replace the 10' public utility easement along Rainbow Blvd NE and King Blvd NE provides a viable alternative, allowing for a smaller public utility easement to replace the existing easement along existing right-of-way.

Staff received an email from New Mexico Gas Company Right-of-Way Agent Mr. Jeff Estvanko explaining that his company's installation records appear to show their gas line being within the right-of-way of King Blvd NE, and that this should not affect the Applicant's request to reduce or eliminate the public utility easement along King Blvd NE. This email is included as an attachment.

Reviewing agencies of this subdivision application included DSD Planning and Engineering, Fire and Rescue, SSCAFCA, MRMPO, and Parks Recreation and Community Services. All reviewing agencies had no adverse comments to add to this application. These comments are included as an attachment.

SURROUNDING LAND USE/ ZONING:
Surrounding land is zoned SU: Special Use for Single-Family Residential to the north and east, SU: Special Use for Park to the south, and Unzoned and TZ: Transitional Zoning District to the west.

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. Information on the associated Final Plat case (DSD Case #23-220-00012) was additionally provided in all mailed notices. A legal notice was published in the Albuquerque Journal on August 28, 2023. A notice sign was posted to the property as per Ordinance. 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 and conditions 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 easement requirements.
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 for Approval:
1. The applicant has adequately addressed the criteria for granting a subdivision variance as set forth in R.O. 2003 §155.60.
2. A variance to R.O. 2003 §155.43 is approved.

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

Specific Findings of Fact for Denial:
1. The applicant has not provided adequate justification for a Subdivision Variance, in accordance with the criteria set forth in R.O. 2003 § 155.60.
2. The applicant has not provided adequate justification for a modification or exception to the subdivision requirements as required by R.O. 2003 §155.43.

ALTERNATIVES:

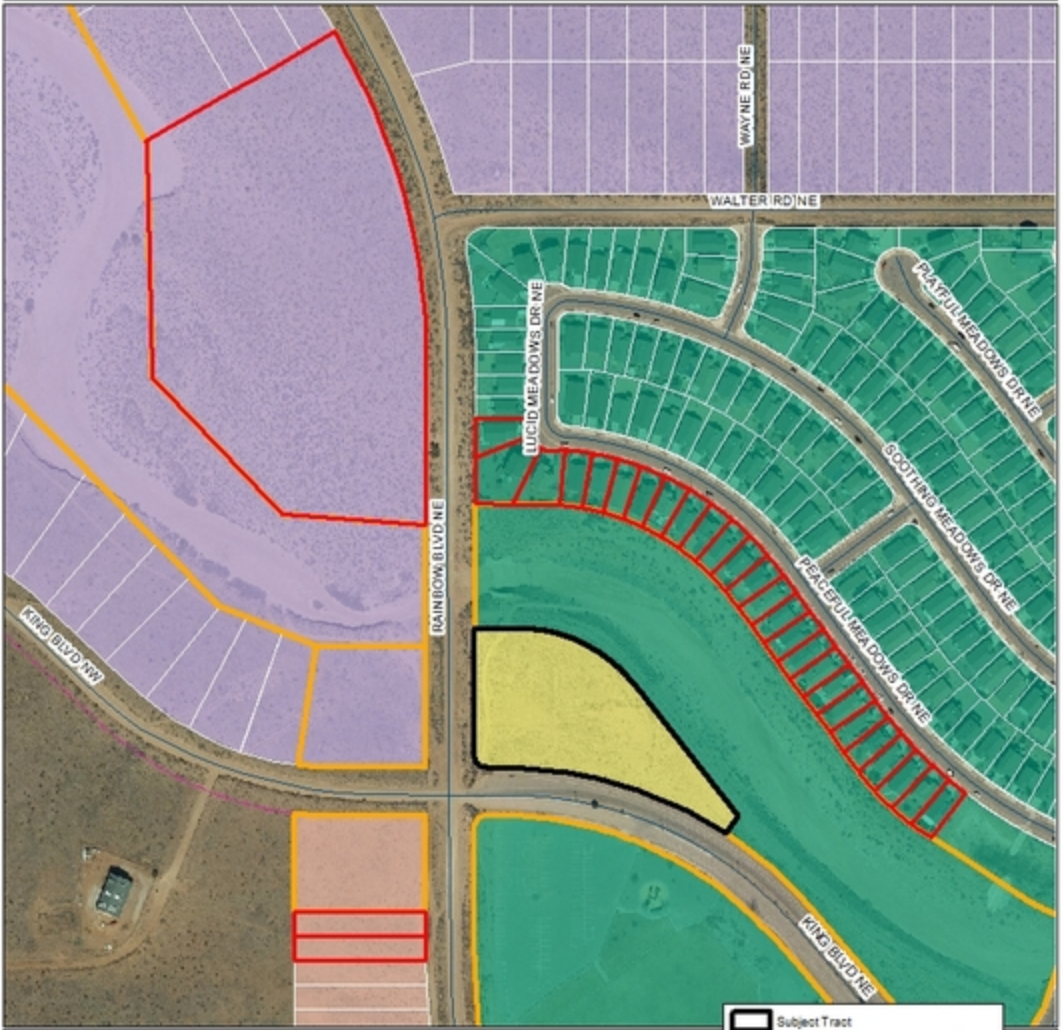
The Planning and Zoning Board may:
1. Approve the Subdivision Variance with findings.
2. Approve the Subdivision Variance with amendments to the findings.
3. Deny the Subdivision Variance.
4. Postpone action on the Subdivision Variance to allow for further review and information.

DEPARTMENT RECOMMENDATION:

The Development Services Department recommends the Planning and Zoning Board approve the requested Subdivision Variance with findings and conditions.

ATTACHMENT: Zoning, Location Map
ATTACHMENT: Application
ATTACHMENT: Justification
ATTACHMENT: Final Plat
ATTACHMENT: Authorization
ATTACHMENT: Reproduction of Notices.pdf
ATTACHMENT: NMGCO Letter
ATTACHMENT: Findings of Fact

NORTHERN MEADOWS, TRACT J-1
SUBDIVISION VARIANCE



ReRancho
City of Vision

0 85 170 340 510 680 Feet

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

Map Created by Tim Dvorak on 8/24/2023

Rio Rancho
City of Vision

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
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☐ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	☐ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Model Home / Sales Office	☐ Master Plan Amendment	☐ Vacation of Plat	☐ Master Sign Plan
☐ Residential Child Care Facility 6 or <	☐ Specific Area Plan Amendment	☐ Street Name Change	☐ Site Plan
☐ Sign Permit	☐ Text Amendment	☐ Subdivision Interpretation	☐ Special Exception
☐ Other		☒ Subdivision Variance	☐ Variance
			☐ Zone Map Amendment
			☐ Zoning Certification
			☐ 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 RIO RANCHO DRIVE NE			E-Mail:	BryanA@aswinc.com
City:	RIO RANCHO	State:	NM	Zip:	87124
Proprietary Interest:	100%	List Owners:	AMREP SOUTHWEST, INC.		
Deed or Ownership Verification Provided: (Initials)				Letter of Authorization Provided: (Initials)	

Agent Name:	HUITT-ZOLLARS, INC.			Phone:	505-892-5141
Address:	333 RIO RANCHO DRIVE NE, SUITE 101			E-Mail:	nvilla@huitt-zollars.com
City:	RIO RANCHO	State:	NM	ZIP Code:	87124

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

Variance Request for Tract J-1

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit :	Northern Meadows	Block(s):		Lot(s):	Tract J-1
Existing Zoning:	R-3	Proposed Zoning:	R-3		
No. of existing lots:	1	No. of proposed lots:	24	Total area of site (acres)	2.7

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:	Nina Villa	Applicant:		Agent:	HUITT-ZOLLARS, INC.
Signature:				Date:	8-7-23

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:**

Form revised June 2014

HUITT-ZOLLARS

HUITT-ZOLLARS, INC. ı 333 Rio Rancho Dr. NE ı Suite 101 ı Rio Rancho, NM 87124-1450 ı 505.892.5141 phone ı 505.892.3259 fax ı huitt-zollars.com

August 3, 2023

City of Rio Rancho
Planning & Zoning Division
Attn: Timothy Dvorak
3200 Civic Center Circle NE
Rio Rancho, NM 87144

RE: Northern Meadows Tract J-1, Request for Subdivision Variance (DSD #21-210-00022)

Dear Mr. Dvorak,

We are requesting a variance to Rio Rancho Municipal Code 155.43 regarding five-foot minimum width public utility easements on all rear and side lot lines. Because Tract J-1 is proposed as attached units with structures placed on the lot lines, the public utility easement (PUE) on side lot lines must be vacated.

There is an existing ten-foot wide drainage and utility easement along King Blvd and Rainbow Blvd. The zoning for this property is R-3 which provides for a 0-foot rear setback line, however by keeping the rear 10-foot PUE, it negates this benefit. Therefore, we would like to request the existing 10-foot easement be replaced with a 5-foot public utility easement.

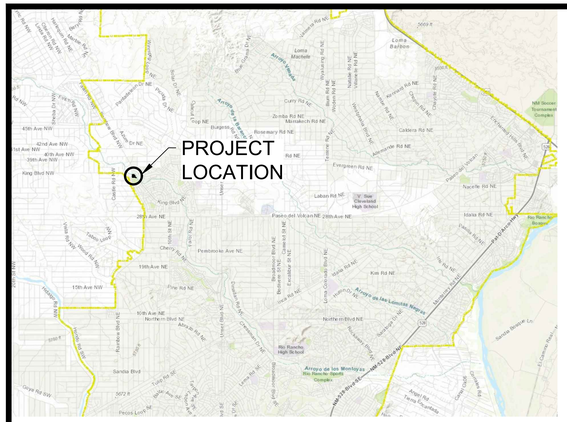
There are 10' wide public utility easements proposed at the front of all lots.

The site has been recently graded and infrastructure construction is currently in progress. During construction, dry utilities were encountered within the right-of-way of King Boulevard and Rainbow Boulevard but they were not located within the existing ten-foot wide drainage and utility easement within the property boundary. Therefore, a five-foot public utility easement would be sufficient along the rear lot lines.

If you have any questions or require any additional information, please contact me at your convenience.

Sincerely,

Nina Villa, P.E.



VICINITY MAP
NOT TO SCALE
Zone Atlas Page 52

SUBDIVISION DATA

SUBDIVISION: TRACT J-1		PLAT ACRES	2.6804
NO. OF LOTS:	24	LOT ACRES:	1.9741
NO. OF PARCELS:	0	PARCEL ACRES:	0.0
NO. OF TRACTS:	0	TRACT ACRES:	0.0
NO. OF EXIST. TRACTS:	1		
ROAD MILES DEDICATED TO THE CITY OF RIO RANCHO:			0.0973
NEW ROAD ACRES DEDICATED TO THE CITY OF RIO RANCHO:			0.7063

PURPOSE OF PLAT

1. TO VACATE AN EXISTING 10' WIDE DRAINAGE AND PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
2. TO DIVIDE TRACT J-1 INTO 24 SINGLE FAMILY RESIDENTIAL UNITS.
3. DEDICATE QUEEN COURT AS SHOWN TO THE CITY OF RIO RANCHO AS PUBLIC RIGHT OF WAY.

NOTES

1. Basis of Bearings: Plat of Tracts C-1, D-1, E-1, F-1, H-1 thru H-3, and J-1; together with Parcels A-1, A-2, A-3, B-1A, D-1, and H-4, Northern Meadows, (being a REPLAT of Tracts C, D, E, F, H, J, and Parcels A, B-1, and D) recorded on June 03, 1999 in Volume 3, Folio 1871-A, as Document Number 14195.
2. Distances shown are ground distances.
3. The combined ground to grid factor is: 0.99965282.
4. Elevations are NAVD88.
5. No buildings existing on the surveyed property.

SURVEYOR'S CERTIFICATE

I, Kim C. Stelzer, New Mexico Registered Land Surveyor No. 7482, do hereby certify that the plat shown hereon was prepared under my supervision, and that the same is true and correct to the best of my knowledge and belief. This survey conforms to the Land Surveying Standards as adopted by the New Mexico State Board of Registration for Professional Engineers and Land Surveyors and the City of Rio Rancho Subdivision Ordinance.

Kim C. Stelzer, NMPS No. 7482 Date

JURISDICTIONAL AFFIDAVIT

I, Kim C. Stelzer, New Mexico Registered Land Surveyor No. 7482, do hereby affirm that the property described does lie within the platting and extra-territorial subdivision jurisdiction of the City of Rio Rancho.

Kim C. Stelzer, NMPS No. 7482 Date

KIM C. STELZER NEW MEXICO 7482 REGISTERED PROFESSIONAL LAND SURVEYOR

KIM C. STELZER NEW MEXICO 7482 REGISTERED PROFESSIONAL LAND SURVEYOR

HUITT-ZOLLARS
333 RIO RANCHO DR. N.E., STE. 101
RIO RANCHO, N.M., 87124
(505) 892-5141

Plotted: 8/8/2023 11:25:34 AM, By:Villa, Nina
H:\proj\R314664.01 - NM Tract J-1\05 Design\05.11 Survey\05.11.1 Plat\Tract J-1 Final Plat.dwg
Last Saved:8/8/2023 11:19:51 AM, nvilla

NOTES: UNLESS OTHERWISE INDICATED:

Existing ten (10) foot wide drainage and public utility easement along Arterial Roadway rights-of-way, as noted on Plat of Tracts C-1, D-1, E-1, F-1, H-1 thru H-3, and J-1: together with Parcels A-1, A-2, A-3, B-1a, D-1, and H-4, Northern Meadows, (being a REPLAT of Tracts C, D, E, F, H, J, and Parcels A, B-1, and D) to be vacated by this plat. There is a one (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to King Blvd. NE from Block 1, Lot 1 and Lots 16 thru 24. There is a (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to Rainbow Blvd. NE from Block 1, Lots 9 thru 15. There is a (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to Queen Court from the east side of Block 1, Lot 24.

There is a ten (10) foot wide public utility easement within all new lots adjacent to Queen Court right-of-way being granted hereon. There is also a five (5) foot wide public utility easement within all lots along rear property lines granted by this plat.

All property corners are set with a 5/8" x 24" rebar with yellow plastic cap stamped LS 7482, or nail with shiner stamped LS7482 (unless otherwise indicated).

Distances are horizontal ground distances in feet. Information in parenthesis ( ) are record where different from actual field survey.

Lot lines are radial or perpendicular to street lines (unless otherwise indicated).

P.L.E.	-	Private Landscape Easement
N.V.A.E.	-	No Vehicle Access Easement
P.U.E.	-	Public Utility Easement
RAD	-	Radial bearing
AC	-	Acres
R/W	-	Right-of-Way
"F"	-	Corner Lot Frontage

PUBLIC UTILITY EASEMENTS

Public Utility Easements shown on this plat are granted for the common and joint use of:

A. City of Rio Rancho for installation, maintenance, and service of storm drain lines, manholes and inlets; sanitary sewer lines, manholes and service lines; water lines, valves and other equipment and facilities reasonably necessary to provide storm, sanitary sewer and water services.
B. 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.
C. 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.
D. Qwest Corporation d/b/a Century Link for the installation, maintenance, and service of such lines, cables, and other related equipment and facilities reasonably necessary to provide communication services.
E. Sparklight for the installation, maintenance, and service of such lines, cables, and other related equipment and facilities reasonably necessary to provide cable 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 the 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 the 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/switch gears, as installed, shall extend ten (10) feet in front of transformer/switch gear doors and five (5) feet on each side.

Disclaimer
In approving this plat, Public Service Company of New Mexico (PNM), New Mexico Gas Company (NMGC) and Qwest Corporation d/b/a CenturyLink (QWEST) did not conduct a Title Search of the properties shown hereon. Consequently, PNM, NMGC and QWEST 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.

The Utility Company signatures shown hereon are by authorized Utility Company Representatives

City of Rio Rancho Date

PNM Electric Services Date

NM Gas Company Date

Qwest d/b/a/CenturyLink QC Date

Sparklight Date

SUBDIVIDER:

AMREP SOUTHWEST INC.
409 RIO RANCHO DRIVE NE
RIO RANCHO, NM 87124
JARROD LIKAR, PHONE NO. (505) 892-9200

AGENT/ENGINEER:

HUITT-ZOLLARS, INC.
333 RIO RANCHO DRIVE NE, SUITE 101
RIO RANCHO, NM 87124
NINA VILLA, PHONE NO. (505) 892-5141

0 100' 200'
SCALE: 1" = 100'



FREE CONSENT AND DEDICATION

THE SUBDIVISION PLAT 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 VACATION OF THE EXISTING 10' WIDE DRAINAGE AND PUBLIC UTILITY EASEMENT (P.U.E.) AS SHOWN HEREON. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO SUBDIVIDE TRACT 'J-1' INTO 24 SINGLE FAMILY RESIDENTIAL LOTS, ALSO TO THE GRANTING OF INTERIOR LOT 'PUBLIC UTILITY EASEMENTS' AND 'NO VEHICULAR ACCESS EASEMENTS' AS SHOWN AND NOTED HEREON. FURTHERMORE, SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO THE CREATION OF THE ROADWAY RIGHT-OF-WAY AS SHOWN HEREON, TO BE DEDICATED TO THE CITY OF RIO RANCHO FOR PUBLIC USE. SAID OWNER(S) OF SUCH REAL ESTATE DO HEREBY GRANT ANY AND ALL EASEMENTS SHOWN OR NOTED ON THE PLAT INCLUDING THE RIGHT OF INGRESS AND EGRESS. 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) AND/OR PROPRIETOR(S) WARRANT THAT THEY HAD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE PROPERTY SUBDIVIDED HEREON.

AMREP SOUTHWEST INC.

Jarrod D. Likar, Vice President; Land Development

STATE OF _____)
)SS
COUNTY OF _____)

On this____day of _____, 20___, before me the undersigned Notary Public in and for said County and State, personally appeared Jarrod D. Likar, who being by me duly sworn, did say that he is the Vice President of AMREP Southwest Inc., a New Mexico Corporation organized under the laws of the State of New Mexico and that he signed this instrument on behalf of said corporation as the free act and deed of said corporation.

Notary Public

My Commission Expires_____

PLAT
OF
TRACT J-1
NORTHERN MEADOWS

FILED JUNE 03, 1999, IN VOLUME 3, FOLIO 1871-A, AS DOCUMENT NUMBER 14195
WITHIN SECTION 33, T. 13 N., R. 2 E., N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

SHEET 1 OF 2

AUGUST 2023

LEGAL DESCRIPTION:

A Tract of land being all of Tract J-1, as shown on Plat of Tracts C-1, D-1, E-1, F-1, H-1 thru H-3, and J-1; together with Parcels A-1, A-2, A-3, B-1A, D-1, and H-4, Northern Meadows, (being a REPLAT of Tracts C, D, E, F, H, J, and Parcels A, B-1, and D) recorded on June 03, 1999 in Volume 3, Folio 1871-A, as Document Number 14195, being located within Section 33, Township 13 North, Range 2 East, New Mexico Principal Meridian, City of Rio Rancho, Sandoval County, New Mexico.

Said Tract contains 2.6804 acres.

CITY CLERKS CERTIFICATE

I, Rebecca Martinez, City Clerk of the City of Rio Rancho, New Mexico do hereby certify that the plat shown hereon was approved administratively by the Rio Rancho Planning and Zoning Board Chairman on the _____ day of _____ 20__.

Rebecca Martinez, City Clerk

RIO RANCHO PLANNING AND ZONING BOARD

Approved at their meeting on this _____ day of _____ 20____.

Chairman

RIO RANCHO DEVELOPMENT SERVICES DEPARTMENT

Approved this _____ day of _____ 20____.

Director

TREASURER'S CERTIFICATE

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

Jennifer A. Taylor, Sandoval County Treasurer Date

COUNTY FILING CERTIFICATION

STATE OF NEW MEXICO)
SS.
COUNTY OF SANDOVAL)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AS

DOCUMENT NO. _____

ON THE _____ DAY OF _____ 20____, AT _____

O'CLOCK ___M. AND DULY RECORDED IN PLAT BOOK _____, PAGES

_____, OF THE RECORDS OF SAID COUNTY.

(RIO RANCHO ESTATES BOOK _____, PAGES _____)

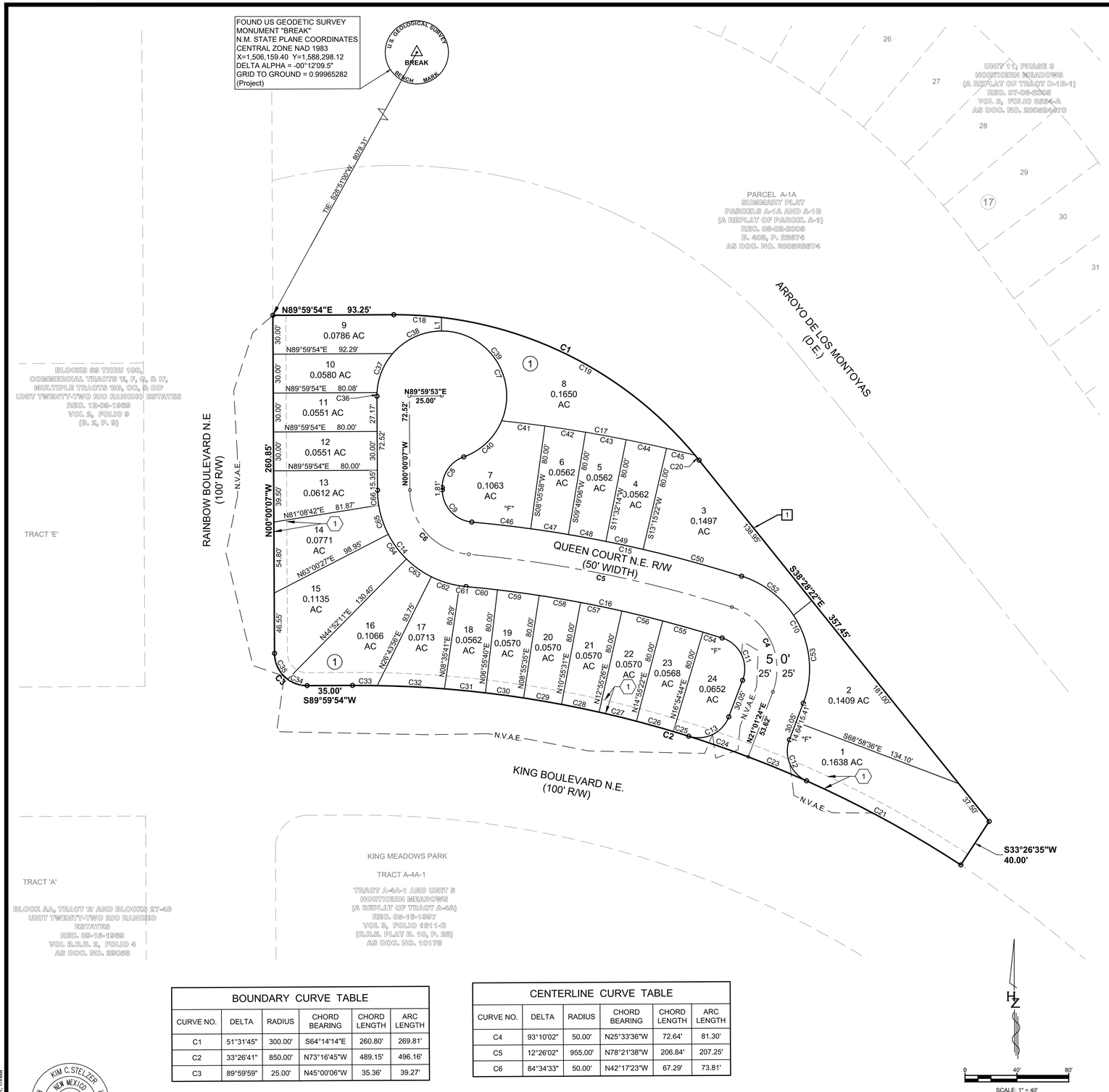
COUNTY CLERK DATE

Book Page

PLAT
OF
TRACT J-1
NORTHERN MEADOWS

FILED JUNE 03, 1999, IN VOLUME 3, FOLIO 1871-A,
AS DOCUMENT NUMBER 14195
WITHIN SECTION 33, T. 13 N., R. 2 E., N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

SHEET 2 OF 2
AUGUST 2023



CURVE TABLE

CURVE NO.	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C7	250°31'44"	50.00'	N54°44'13"W	81.65'	218.63'
C8	70°31'45"	25.00'	S35°15'46"W	28.87'	30.77'
C9	84°34'33"	25.00'	S42°17'23"E	33.64'	36.90'
C10	93°10'02"	75.00'	N25°33'36"W	108.96'	121.96'
C11	93°09'59"	25.00'	N25°33'36"W	36.32'	40.65'
C12	86°43'27"	25.00'	S22°20'19"E	34.33'	37.84'
C13	52°28'21"	25.00'	N81°30'41"E	22.10'	22.90'
C14	84°34'36"	75.00'	S42°17'23"E	100.93'	110.71'
C15	12°26'02"	980.00'	N78°21'38"W	212.26'	212.67'
C16	12°26'05"	929.94'	N78°21'38"W	201.43'	201.82'
C17	8°11'30"	1060.00'	N79°37'07"W	151.42'	151.55'
C18	7°02'09"	300.00'	N86°29'02"W	36.82'	36.84'
C19	43°32'56"	300.00'	N61°11'30"W	222.57'	228.02'
C20	0°56'39"	300.00'	N38°56'42"W	4.94'	4.94'
C21	9°08'38"	850.00'	N61°07'44"W	135.51'	135.65'
C23	3°16'33"	850.00'	N67°20'19"W	48.59'	48.60'
C24	3°16'33"	850.00'	N70°36'52"W	48.59'	48.60'
C25	0°49'56"	853.30'	N72°40'10"W	12.39'	12.39'
C26	1°59'14"	850.94'	N74°04'57"W	29.51'	29.51'
C27	1°59'48"	850.90'	N76°04'36"W	29.65'	29.65'
C28	1°59'48"	850.87'	N78°04'32"W	29.65'	29.65'
C29	1°59'48"	850.83'	N80°04'27"W	29.65'	29.65'
C30	1°59'49"	850.80'	N82°04'23"W	29.65'	29.65'
C31	1°46'11"	1028.86'	N84°02'29"W	31.78'	31.78'
C32	3°13'58"	920.43'	N87°01'38"W	51.92'	51.93'
C33	1°17'12"	850.00'	N89°21'30"W	19.09'	19.09'
C34	36°37'19"	25.00'	S71°41'26"E	15.71'	15.98'
C35	53°22'40"	25.00'	S26°41'27"E	22.46'	23.29'
C36	3°14'39"	50.00'	S1°37'15"W	2.83'	2.83'
C37	37°47'47"	50.00'	S22°08'28"W	32.39'	32.98'
C38	48°57'30"	50.00'	S65°31'06"W	41.44'	42.72'
C39	112°49'47"	50.00'	N33°35'15"W	83.31'	98.46'
C40	47°42'00"	50.00'	N46°40'38"E	40.43'	41.63'
C41	1°48'50"	1060.00'	N82°48'27"W	33.56'	33.56'
C42	1°43'08"	1060.00'	N81°02'28"W	31.80'	31.80'
C43	1°43'08"	1060.00'	N79°19'20"W	31.80'	31.80'
C44	1°43'08"	1060.00'	N77°36'12"W	31.80'	31.80'
C45	1°13'15"	1060.00'	N76°08'00"W	22.59'	22.59'
C46	2°40'35"	980.24'	N83°14'21"W	45.78'	45.79'
C47	1°43'01"	981.20'	N81°02'28"W	29.40'	29.40'
C48	1°43'02"	980.96'	N79°19'20"W	29.40'	29.40'
C49	1°43'03"	980.79'	N77°36'12"W	29.40'	29.40'
C50	4°35'58"	980.12'	N74°26'37"W	78.66'	78.68'
C52	39°00'48"	75.00'	N52°38'13"W	50.09'	51.07'
C53	54°09'14"	75.00'	N6°03'13"W	68.28'	70.89'
C54	0°56'39"	930.03'	N72°36'55"W	15.33'	15.33'
C55	1°59'27"	929.37'	N74°04'58"W	32.29'	32.29'
C56	2°00'08"	928.36'	N76°04'36"W	32.44'	32.44'
C57	2°00'10"	928.10'	N78°04'32"W	32.44'	32.44'
C58	2°00'08"	928.38'	N80°04'27"W	32.44'	32.44'
C59	2°00'01"	929.30'	N82°04'22"W	32.44'	32.44'
C60	1°30'18"	930.06'	N83°49'31"W	24.43'	24.43'
C61	3°49'40"	75.00'	S82°39'51"E	5.01'	5.01'
C62	17°28'55"	75.00'	S72°00'33"E	22.80'	22.88'
C63	18°08'16"	75.00'	S54°11'57"E	23.64'	23.74'
C64	18°08'16"	75.00'	S36°03'41"E	23.64'	23.74'
C65	18°08'16"	75.00'	S17°55'24"E	23.64'	23.74'
C66	8°51'11"	75.00'	S4°25'41"E	11.58'	11.59'

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N00°00'07"W	10.57'

BOUNDARY CURVE TABLE

CURVE NO.	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	51°31'45"	300.00'	S64°14'14"E	260.80'	269.81'
C2	33°26'41"	850.00'	N73°16'45"W	489.15'	496.16'
C3	89°59'59"	25.00'	N45°00'06"W	35.36'	39.27'

CENTERLINE CURVE TABLE

CURVE NO.	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C4	93°10'02"	50.00'	N25°33'36"W	72.64'	81.30'
C5	12°26'02"	955.00'	N78°21'38"W	206.84'	207.25'
C6	84°34'33"	50.00'	N42°17'23"W	67.29'	73.81'

BOUNDARY EVIDENCE:
UNLESS OTHERWISE INDICATED:

(1) Found #5 rebar

All interior property corners are set with 5/8" x 24" rebar with yellow cap stamped LS 7482

EXISTING EASEMENT

(1) EXISTING 10 FOOT WIDE DRAINAGE AND UTILITY EASEMENT (GRANTED BY REPLAT OF NORTHERN MEADOWS FILED ON 06-03-1999 IN VOLUME 3, FOLIO 1871-A) TO BE VACATED BY THIS PLAT.

KIM C. STELZER
NEW MEXICO
7482
REGISTERED PROFESSIONAL LAND SURVEYOR

HUITT-ZOLLARS
333 RIO RANCHO DR. N.E., STE. 101
RIO RANCHO, N.M., 87124
(505) 892-5141

Plotted: 8/8/2023 11:24:05 AM, By:Villa, Nina
H:\proj\R314664.01 - NM Tract J-1\05 Design\05.11 Survey\05.11.1 Plat\Tract J-1 Final Plat.dwg
Last Saved:8/8/2023 11:19:51 AM, nvilla

Book Page

AMREP SOUTHWEST INC. 409 Rio Rancho Blvd. NE, Rio Rancho, NM 87124 505-892-9200

September 29, 2021

Ms. Maida Rubin
Planning and Zoning Manager
Development Services Dept.
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Dear Maida:

Please accept this letter as our authorization to have Huitt-Zollars act as our agent for the following property:

Northern Meadows; Tract J-1

If you have any questions regarding the request please feel free to contact me at 505-389-2191.

Sincerely,

Bryan Aragon, PE
Land Development Coordinator

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

RE: Subdivision Variance #23-280-00006 Northern Meadows Tract J-1 **August 24, 2023**

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., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 *Easements* for the property legally described as NMED, Tract J-1 of approx. 2.7 acres. This application is being heard concurrently with Case #23-220-00012 (Northern Meadows Tract J-1 Final Plat).

The Planning and Zoning Board will consider this request at a public hearing on **Tuesday, September 12, 2023** starting at 6:00 pm in the **Council Chambers of City Hall, located at 3200 Civic Center Circle**. If you would like to comment on this application, you are encouraged to send in comments in writing to tdvorak@rrnm.gov, which will be presented to the Planning and Zoning Board. This Planning and Zoning Board meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rrnm.gov or on Sparklight cable channel 56.

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer:
https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

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

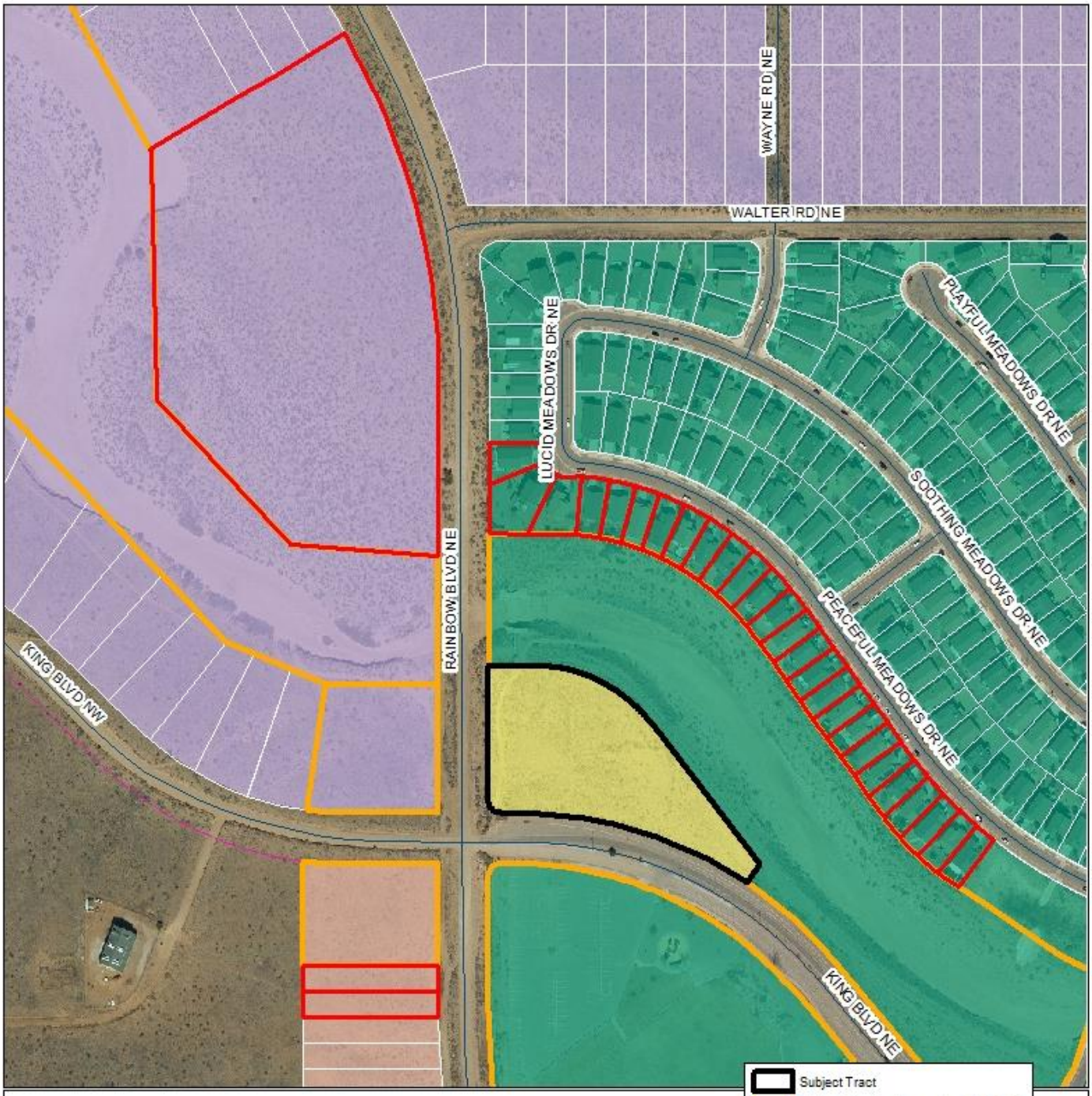
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Public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

Respectfully,

Tim Dvorak

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

NORTHERN MEADOWS, TRACT J-1
SUBDIVISION VARIANCE



Rio Rancho City of Vision

0 85 170 340 510 680 Feet

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

Map Created by Tim Dvorak on 8/24/2023

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:	**September 12, 2023**
Time:	6:00PM
Staff Contact:	Tim Dvorak (505) 896-8361 tdvorak@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:	**September 12, 2023**
Time:	6:00PM
Staff Contact:	Tim Dvorak (505) 896-8361 tdvorak@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, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 *Easements* for the property legally described as NMED, Tract J-1 of approx. 2.7 acres. This application is being heard concurrently with Case #23-220-00012 (Northern Meadows Tract J-1 Final Plat).

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

https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
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: 026819 Join via phone: 1-253-215-8782 US



ALBUQUERQUE PUBLISHING COMPANY
7777 Jefferson St. NE, Albuquerque, NM 87109

Ad Proof/Order Confirmation

Account Number
1010956

Ad Order Number
0001576943

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

Ordered By	Sharon Bitah		**Customer Phone**	5058915005	**Joint Ad #**
Customer EMail	sbitah@rrnm.gov		**PO Number**	240051	
Ad Cost		$116.32	**Sales Rep**	wschult	
Tax Amount		$8.87	**Order Taker**	wschult	
Total Amount		$125.19			
Amount Paid		$0.00			
Amount Due		$125.19			
Affidavits	0				

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Pick Up #

Product	Albuquerque Journal	**Placement**	0Legal Notices
Ad Number	0001576943-01	**Classification**	0Government
Ad Type	0 Legal Liner	**Sort Text**	CITYOFRIORANCHOPUBLICHEARING NOTICETHEPLANNINGANDZONINGB OARDOFTHECITYOFRIORANCHONM WILLCONSIDERTHEFOLLOWINGMAT TERSATITSREGULARLYSCHE
Ad Size	1 X 149 li		
Color			

Run Date
08/28/2023
08/28/2023
08/28/2023

WYSIWYG Content



CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting on Tuesday, September 12, 2023 at 6:00 pm:

Subdivision Variance
Case #23-280-00006
The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1 of approx. 2.7 acres.

Zone Map Amendment
Case #23-100-00005
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

Variance
Case #23-110-00013
The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, requests approval of a variance to allow for a wall reaching a maximum height of 9'4".

Vacation of Plat
Case #23-230-00002
The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments, Red Roan Enterprises, and MAM Partners LLC, request approval of vacation of right-of-way for Walpi Ct NE.

Subdivision Variance
Case #23-280-00007
The applicant DR Horton, through their agent, RESPEC, is requesting approval of a subdivision variance for reduced park space requirements for Vista Grande Subdivision.

Zone Map Amendment
Case #23-100-00006
The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. The subject property is approximately 2.5 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. Materials related to these items are available for viewing in the Development Services Department at City Hall.

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

record.

Journal: August 28, 2023

Timothy Dvorak

From: Estvanko, Jeff <Jeff.Estvanko@nmgco.com>
Sent: Friday, September 1, 2023 8:03 AM
To: Timothy Dvorak
Cc: Bryan Aragon
Subject: Tract J-1 Northern Meadows

Caution! This message was sent from outside your organization.

Good morning Mr. Dvorak,

Bryan Aragon with AMREP sent me a plat for review for *Tract J-1, Northern Meadows* at the intersection of King Blvd. and Rainbow Blvd. From Bryans comments and our installation record it appears that our gas line is within the King Blvd ROW and should not affect the plans to reduce or eliminate the PUE along the King Blvd side. I am agreeable to sign a plat showing this revision.

Sincerely,

Jeff Estvanko
Right-of-Way Agent
New Mexico Gas Company
Office 505-798-3373
Cell 505-269-1213
Jeff.Estvanko@nmgco.com
7120 Wyoming Blvd NE. Ste. 20
Albuquerque, NM 87109
Mail stop- MS BC22

NOTICE: This email is intended only for the individual(s) to whom it is addressed and may contain confidential information. If you have received this email by mistake, please notify the sender immediately, delete this email from your system and do not copy or disclose it to anyone else. Although we take precautions to protect against viruses, we advise you to take your own precautions to protect against viruses as we accept no liability for any which remain.

BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 23-280-00006

REQUEST FOR VARIANCE TO RIO RANCHO CODE OF ORDINANCES CHAPTER 155.43, ALLOWING FOR 10' PUBLIC UTILITY EASEMENTS ALONG ALL FRONT LOT LINES, 5' PUBLIC UTILITY EASEMENTS ALONG ALL REAR LOT LINES, NO PUBLIC UTILITY EASEMENTS ALONG ALL SIDE LOT LINES, AND PROVIDING FOR THE VACATION OF THE EXISTING 10' PUBLIC UTILITY EASEMENT ALONG RAINBOW BLVD NE & KING BLVD NE, TO BE REPLACED BY A 5' PUBLIC UTILITY EASEMENT ON THE PROPERTY LEGALLY DESCRIBED AS NMED, TRACT J-1.

Applicant: AMREP Southwest, Inc.

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 12th day of September, 2023, 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 § 155.60, the Planning and Zoning Board has jurisdiction over approval of the applicant's request for a subdivision variance to easement requirements.
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. The applicant has not provided adequate justification for a Subdivision Variance, in accordance with the criteria set forth in R.O. 2003 § 155.60.
2. The applicant has not provided adequate justification for a modification or exception to the subdivision requirements as required by R.O. 2003 §155.43.

THEREFORE, the application for a subdivision variance to the requirement improvements of a subdivision, is DENIED by the Planning & Zoning Board of the City of Rio Rancho on September 12, 2023, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Board Chairman

BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR APPROVAL
Case No. 23-280-00006

REQUEST FOR VARIANCE TO RIO RANCHO CODE OF ORDINANCES CHAPTER 155.43, ALLOWING FOR 10' PUBLIC UTILITY EASEMENTS ALONG ALL FRONT LOT LINES, 5' PUBLIC UTILITY EASEMENTS ALONG ALL REAR LOT LINES, NO PUBLIC UTILITY EASEMENTS ALONG ALL SIDE LOT LINES, AND PROVIDING FOR THE VACATION OF THE EXISTING 10' PUBLIC UTILITY EASEMENT ALONG RAINBOW BLVD NE & KING BLVD NE, TO BE REPLACED BY A 5' PUBLIC UTILITY EASEMENT ON THE PROPERTY LEGALLY DESCRIBED AS NMED, TRACT J-1.

Applicant: AMREP Southwest, Inc.

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 12th day of September, 2023, 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 § 155.60, the Planning and Zoning Board has jurisdiction over approval of the applicant's request for a subdivision variance to easement requirements.
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 AND CONDITIONS OF APPROVAL:

1. The applicant has adequately addressed the criteria for granting a subdivision variance as set forth in R.O. 2003 §155.60.
2. A variance to R.O. 2003 §155.43 is approved.

THEREFORE, the application for a subdivision variance to the requirement of requirement improvements of a subdivision, is APPROVED by the Planning & Zoning Board of the City of Rio Rancho on September 12, 2023, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Board Chairman

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-220-00012

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
Final Plat. The applicant, AMREP Southwest., through their agent, Huitt-Zollars, Inc., requests approval of a final plat for the Northern Meadows Subdivision, creating 24 single-family lots, currently zoned R-3: Mixed Residential District. The subject property is legally described as NMED, Tract J-1 and comprises approximately 2.6804 acres.

BACKGROUND AND ANALYSIS:
The applicant, AMREP Southwest, through their agent, Huitt-Zollars, Inc., requests approval of a Final Plat for the Northern Meadows Tract J-1 Subdivision on the property legally described as NMED, Tract J-1.

The Northern Meadows Tract J-1 Preliminary Plat was originally approved by the Planning and Zoning Board on November 9, 2021 with findings and conditions. The original Preliminary Plat expired, and the plat was resubmitted and approved by the Planning and Zoning Board on April 11, 2023. A Preliminary Plat Amendment was approved at the July 25, 2023 Planning and Zoning Board Meeting with findings and conditions.

This proposed subdivision is located on the northeast intersection of Rainbow Boulevard NE and King Boulevard NE, both minor arterials (see attached map). Northern Meadows Tract J-1 comprises approximately 2.6804 plat acres. The proposed Final Plat would create 24 single-family lots zoned R-3: Mixed Residential District per Ordinance No. 24, Enactment No. 21-26, dated July 22, 2021.

The original subdivision variance associated with this plat requested solely 10' front public utility easements (PUEs) on all lots and was approved with findings by the Planning Zoning Board on December 14, 2021 (Case No. 21-280-00011); however, this subdivision variance request has duly expired. As such, the Applicant is submitting a subdivision variance application in concurrence with this final plat request (Case No. 23-280-00006).

This new subdivision variance application requests approval of the easement configuration as seen on the final plat, allowing for 10' front public utility easements across all lots, no side public utility easements across all lots, 5' rear public utility easements across all lots, and the allowance for vacation of the existing 10' public utility easement adjacent to Rainbow Blvd NE and King Blvd NE, to be replaced by a 5' public utility easement.

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

B. Water and Wastewater Availability: A water and wastewater availability approval letter from the Utilities Department was granted for the Northern Meadows Tract J-1 Subdivision on November 1, 2021.
C. Drainage: 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: The immediate parks and recreation needs of this subdivision will be served by King Meadows Park, located immediately south of the proposed subdivision at 3601 King Blvd NE.
F. Easements: Currently, there is an existing 10' public utility easement which runs along Rainbow Blvd NE and King Blvd NE. This public utility easement would run through the rear lot lines of Lots 9-24 and the side lot line of Lot 1 in the proposed subdivision. In a concurrent request to this final plat application, the Applicant is requesting a subdivision variance (Case No. 23-280-00006) to allow for the vacation of the existent 10' public utility easement adjacent to Rainbow Blvd NE and King Blvd NE, to be replaced by a 5' public utility easement. The Final Plat additionally provides for 5' public utility easements for all rear lot lines, no public utility easements along side lot lines, and for 10' public utility easements across all front lot lines.
G. Public Site Dedications: This Final Plat grants approximately 0.0973 road miles to the City of Rio Rancho.
H. Vacations: Contingent upon approval of Subdivision Variance Case No. 23-280-00006, the existing 10' public utility easement along Rainbow Blvd NE and King Blvd NE would be vacated and subsequently replaced by a 5' public utility easement.
I. Variances: The Applicant is requesting a concurrent subdivision variance application to the requirements of R.O. 2003 § 155.43 (Case No. 23-280-00006), the Applicant is requesting a subdivision variance to allow for the vacation of the existent 10' public utility easement adjacent to Rainbow Blvd NE and King Blvd NE, to be replaced by a 5' public utility easement. The subject subdivision variance additionally would allow for 5' public utility easements for all rear lot lines, no public utility easements along side lot lines, and for 10' public utility easements across all front lot lines.

II. CONFORMANCE WITH RIO RANCHO MUNICIPAL CODE CHAPTER 155 SUBDIVISIONS
Provided that the concurrent Subdivision Variance application (Case No. 23-280-00006) is approved, the proposed plat would be in conformance with the subdivision design standards in R.O. 2003 Chapter 155. 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-3: 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 0.0562 acres (approximately 2,448 sf) to 0.1650 acres (approximately 7,187 sf) in compliance with the 1,200 sf minimum lot area of the R-3: Mixed Residential District (Attached R-3 provisions). The proposed lots would also comply with the minimum allowable lot width of 28 ft, as the smallest lot frontage in this subdivision is approximately 29.40'.

Staff recommends the Planning and Zoning Board find the proposed final 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 meets all Policy L-1 requirements, establishing a specific community character, with considerations for storm drainage, landscaping, and circulation within the City of Rio Rancho. Criteria is satisfied.

V. CONFORMANCE WITH CITY POLICIES AND REGULATIONS
The Departments of Development Services (Planning and Engineering), Parks Recreation and Communication Services, Fire and Rescue, MRMPO, and SSCAFCA have reviewed this application and related infrastructure plans. Parks Recreation and Communication Services and SSCAFCA did not have any adverse comments. Fire and Rescue and MRMPO comments are attached.

Development Services Engineering initially had recommended that the 10' public utility easement along Rainbow Blvd NE and King Blvd NE remain intact; however, with the new subdivision variance request providing for replacement of the existing 10' public utility easement with a 5' public utility easement, Development Services Engineering has no adverse comments to add. Engineering's original comments have been included for reference.

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

SURROUNDING LAND USE/ZONING:
Surrounding land is zoned SU: Special Use for Single-Family Residential to the north and east, SU: Special Use for Park to the south, and Unzoned and TZ: Transitional Zoning District to the west.

NOTIFICATIONS: No legal notification necessary for Final Plat applications.

IMPACT:

Staff recommends the Planning and Zoning Board approve the final plat subject to the following findings:

General Findings of Fact:
1. The Planning and Zoning Board has the authority 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, contingent upon the approval of Subdivision Variance Case No. 23-280-00006.
2. The final plat conforms to the R-3: Single-Family Residential (Attached) zoning district requirements.
3. The final plat is consistent with the preliminary plat amendment as approved by the Planning and Zoning Board on July 25, 2023.
4. Completion of infrastructure or subdivision bond and subdivision improvement agreement is required prior to recording of Final Plat.
5. Plat will be Book 34, Pages 44-45.
6. The Applicant shall address all staff comments, but not limited to: a) Remove the language "approved administratively" from the Clerk's signature block.

ALTERNATIVES:

The Planning and Zoning Board may:
1. Approve the final plat with findings and conditions.

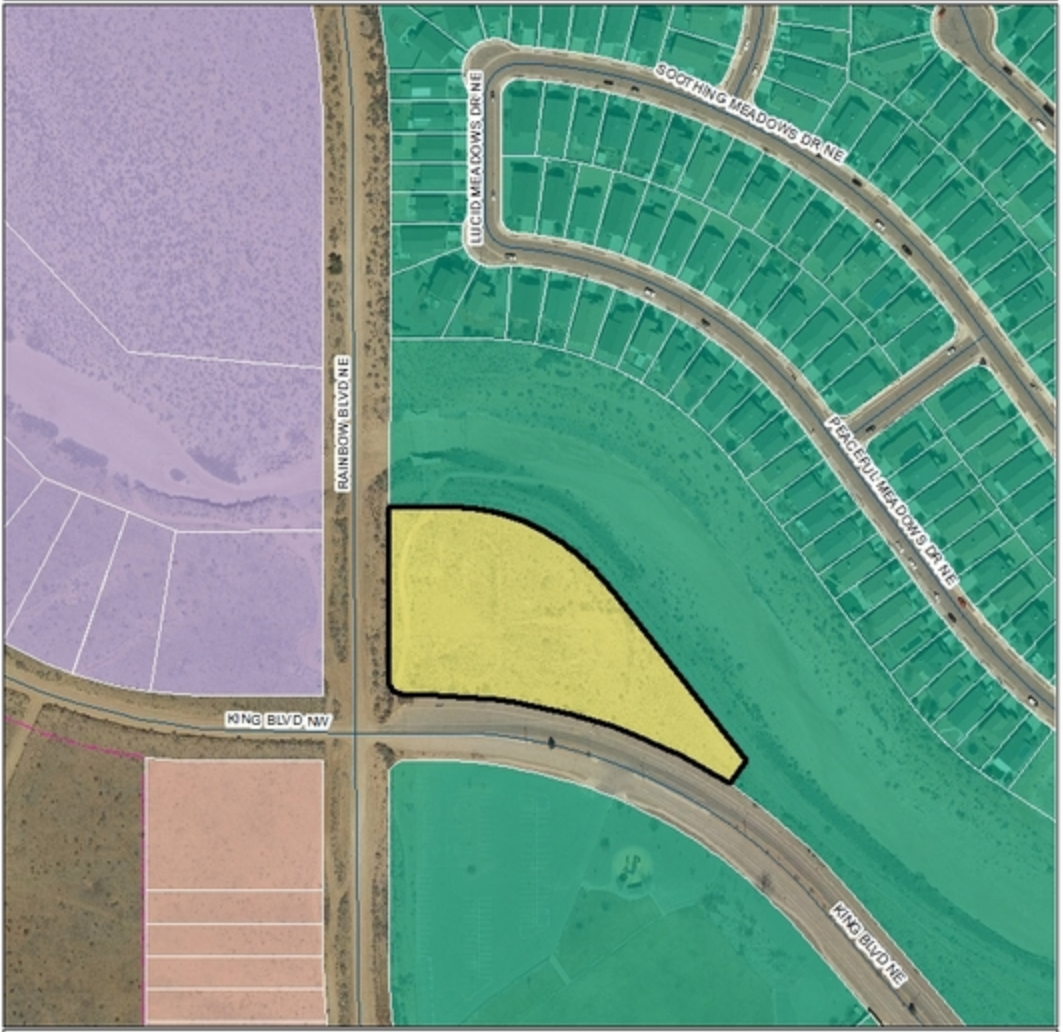
2. Approve the final plat with modifications to the findings and conditions.
3. Deny the final plat.
4. Postpone the item and continue the public hearing to further consider testimony presented at the hearing.

DEPARTMENT RECOMMENDATION:

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

ATTACHMENT: Zoning, Location
ATTACHMENT: Application
ATTACHMENT: Authorization
ATTACHMENT: Final Plat
ATTACHMENT: Final Plat Checklist
ATTACHMENT: Reviewer Comments
ATTACHMENT: Water-Wastewater Availability Letter

NORTHERN MEADOWS, TRACT J-1
FINAL PLAT



Rio Rancho
City of Vision

0 62.5 125 250 375 500
Feet

Subject Tract
Roads
Zoning
R-3
SU
TZ
Unzoned

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

Map Created by Tim Dvorak on 8/24/2023

Rio Rancho
City of Vision

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
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☑ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	☐ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Model Home / Sales Office	☐ Master Plan Amendment	☐ Vacation of Plat	☐ Master Sign Plan
☐ Residential Child Care Facility 6 or <	☐ Specific Area Plan Amendment	☐ Street Name Change	☐ Site Plan
☐ Sign Permit	☐ Text Amendment	☐ Subdivision Interpretation	☐ Special Exception
☐ Other		☐ Subdivision Variance	☐ Variance
			☐ Zone Map Amendment
			☐ Zoning Certification
			☐ 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 RIO RANCHO DRIVE NE			E-Mail:	BryanA@aswinc.com
City:	RIO RANCHO	State:	NM	Zip:	87124
Proprietary Interest:	100%	List Owners:	AMREP SOUTHWEST, INC.		
Deed or Ownership Verification Provided: (Initials)			Letter of Authorization Provided: (Initials)		

Agent Name:	HUITT-ZOLLARS, INC.			Phone:	505-892-5141
Address:	333 RIO RANCHO DRIVE NE, SUITE 101			E-Mail:	nvilla@huitt-zollars.com
City:	RIO RANCHO	State:	NM	ZIP Code:	87124

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

Final Plat for Tract J-1

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit :	Northern Meadows	Block(s):		Lot(s):	Tract J-1
Existing Zoning:	R-3	Proposed Zoning:	R-3		
No. of existing lots:	1	No. of proposed lots:	24	Total area of site (acres)	2.7

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:	Nina Villa	Applicant:	Agent: HUITT-ZOLLARS, INC.
Signature:			Date: 7-3-23

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ **DATE:** _____

Form revised June 2014

AMREP SOUTHWEST INC. 409 Rio Rancho Blvd. NE, Rio Rancho, NM 87124 505-892-9200

September 29, 2021

Ms. Maida Rubin
Planning and Zoning Manager
Development Services Dept.
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

Dear Maida:

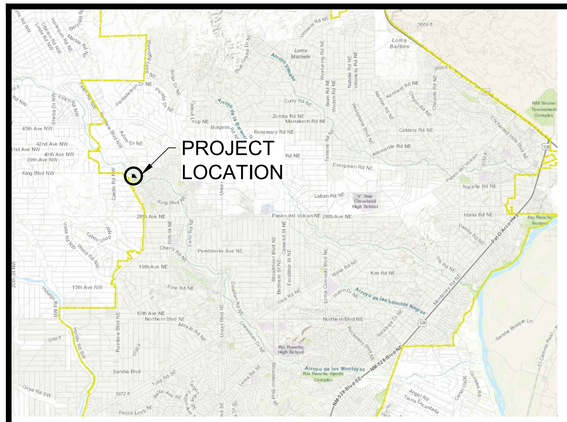
Please accept this letter as our authorization to have Huitt-Zollars act as our agent for the following property:

Northern Meadows; Tract J-1

If you have any questions regarding the request please feel free to contact me at 505-389-2191.

Sincerely,

Bryan Aragon, PE
Land Development Coordinator



VICINITY MAP
NOT TO SCALE
Zone Atlas Page 52

SUBDIVISION DATA

SUBDIVISION: TRACT J-1		PLAT ACRES	2.6804
NO. OF LOTS:	24	LOT ACRES:	1.9741
NO. OF PARCELS:	0	PARCEL ACRES:	0.0
NO. OF TRACTS:	0	TRACT ACRES:	0.0
NO. OF EXIST. TRACTS:	1		
ROAD MILES DEDICATED TO THE CITY OF RIO RANCHO:			0.0973
NEW ROAD ACRES DEDICATED TO THE CITY OF RIO RANCHO:			0.7063

PURPOSE OF PLAT

1. TO VACATE AN EXISTING 10' WIDE DRAINAGE AND PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
2. TO DIVIDE TRACT J-1 INTO 24 SINGLE FAMILY RESIDENTIAL UNITS.
3. DEDICATE QUEEN COURT AS SHOWN TO THE CITY OF RIO RANCHO AS PUBLIC RIGHT OF WAY.

NOTES

1. Basis of Bearings: Plat of Tracts C-1, D-1, E-1, F-1, H-1 thru H-3, and J-1; together with Parcels A-1, A-2, A-3, B-1A, D-1, and H-4, Northern Meadows, (being a REPLAT of Tracts C, D, E, F, H, J, and Parcels A, B-1, and D) recorded on June 03, 1999 in Volume 3, Folio 1871-A, as Document Number 14195.
2. Distances shown are ground distances.
3. The combined ground to grid factor is: 0.99965282.
4. Elevations are NAVD88.
5. No buildings existing on the surveyed property.

SURVEYOR'S CERTIFICATE

I, Kim C. Stelzer, New Mexico Registered Land Surveyor No. 7482, do hereby certify that the plat shown hereon was prepared under my supervision, and that the same is true and correct to the best of my knowledge and belief. This survey conforms to the Land Surveying Standards as adopted by the New Mexico State Board of Registration for Professional Engineers and Land Surveyors and the City of Rio Rancho Subdivision Ordinance.

Kim C. Stelzer, NMPS No. 7482 Date

JURISDICTIONAL AFFIDAVIT

I, Kim C. Stelzer, New Mexico Registered Land Surveyor No. 7482, do hereby affirm that the property described does lie within the platting and extra-territorial subdivision jurisdiction of the City of Rio Rancho.

Kim C. Stelzer, NMPS No. 7482 Date

KIM C. STELZER NEW MEXICO 7482 REGISTERED PROFESSIONAL LAND SURVEYOR

KIM C. STELZER NEW MEXICO 7482 REGISTERED PROFESSIONAL LAND SURVEYOR

HUITT-ZOLLARS
333 RIO RANCHO DR. N.E., STE. 101
RIO RANCHO, N.M., 87124
(505) 892-5141

Plotted: 8/8/2023 11:25:34 AM, By:Villa, Nina
H:\proj\R314664.01 - NM Tract J-1\05 Design\05.11 Survey\05.11.1 Plat\Tract J-1 Final Plat.dwg
Last Saved:8/8/2023 11:19:51 AM, nvilla

NOTES: UNLESS OTHERWISE INDICATED:

Existing ten (10) foot wide drainage and public utility easement along Arterial Roadway rights-of-way, as noted on Plat of Tracts C-1, D-1, E-1, F-1, H-1 thru H-3, and J-1: together with Parcels A-1, A-2, A-3, B-1a, D-1, and H-4, Northern Meadows, (being a REPLAT of Tracts C, D, E, F, H, J, and Parcels A, B-1, and D) to be vacated by this plat. There is a one (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to King Blvd. NE from Block 1, Lot 1 and Lots 16 thru 24. There is a (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to Rainbow Blvd. NE from Block 1, Lots 9 thru 15. There is a (1) foot wide "NO VEHICULAR ACCESS EASEMENT" to prevent vehicle access to Queen Court from the east side of Block 1, Lot 24.

There is a ten (10) foot wide public utility easement within all new lots adjacent to Queen Court right-of-way being granted hereon. There is also a five (5) foot wide public utility easement within all lots along rear property lines granted by this plat.

All property corners are set with a 5/8" x 24" rebar with yellow plastic cap stamped LS 7482, or nail with shiner stamped LS7482 (unless otherwise indicated).

Distances are horizontal ground distances in feet. Information in parenthesis ( ) are record where different from actual field survey.

Lot lines are radial or perpendicular to street lines (unless otherwise indicated).

P.L.E.	-	Private Landscape Easement
N.V.A.E.	-	No Vehicle Access Easement
P.U.E.	-	Public Utility Easement
RAD	-	Radial bearing
AC	-	Acres
R/W	-	Right-of-Way
"F"	-	Corner Lot Frontage

PUBLIC UTILITY EASEMENTS

Public Utility Easements shown on this plat are granted for the common and joint use of:

A. City of Rio Rancho for installation, maintenance, and service of storm drain lines, manholes and inlets; sanitary sewer lines, manholes and service lines; water lines, valves and other equipment and facilities reasonably necessary to provide storm, sanitary sewer and water services.
B. 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.
C. 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.
D. Qwest Corporation d/b/a Century Link for the installation, maintenance, and service of such lines, cables, and other related equipment and facilities reasonably necessary to provide communication services.
E. Sparklight for the installation, maintenance, and service of such lines, cables, and other related equipment and facilities reasonably necessary to provide cable 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 the 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 the 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/switch gears, as installed, shall extend ten (10) feet in front of transformer/switch gear doors and five (5) feet on each side.

Disclaimer
In approving this plat, Public Service Company of New Mexico (PNM), New Mexico Gas Company (NMGC) and Qwest Corporation d/b/a CenturyLink (QWEST) did not conduct a Title Search of the properties shown hereon. Consequently, PNM, NMGC and QWEST 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.

The Utility Company signatures shown hereon are by authorized Utility Company Representatives

City of Rio Rancho Date

PNM Electric Services Date

NM Gas Company Date

Qwest d/b/a/CenturyLink QC Date

Sparklight Date

SUBDIVIDER:

AMREP SOUTHWEST INC.
409 RIO RANCHO DRIVE NE
RIO RANCHO, NM 87124
JARROD LIKAR, PHONE NO. (505) 892-9200

AGENT/ENGINEER:

HUITT-ZOLLARS, INC.
333 RIO RANCHO DRIVE NE, SUITE 101
RIO RANCHO, NM 87124
NINA VILLA, PHONE NO. (505) 892-5141

0 100' 200'
SCALE: 1" = 100'



FREE CONSENT AND DEDICATION

THE SUBDIVISION PLAT 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 VACATION OF THE EXISTING 10' WIDE DRAINAGE AND PUBLIC UTILITY EASEMENT (P.U.E.) AS SHOWN HEREON. SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO SUBDIVIDE TRACT 'J-1' INTO 24 SINGLE FAMILY RESIDENTIAL LOTS, ALSO TO THE GRANTING OF INTERIOR LOT 'PUBLIC UTILITY EASEMENTS' AND 'NO VEHICULAR ACCESS EASEMENTS' AS SHOWN AND NOTED HEREON. FURTHERMORE, SAID OWNER(S) AND/OR PROPRIETOR(S) DO HEREBY CONSENT TO THE CREATION OF THE ROADWAY RIGHT-OF-WAY AS SHOWN HEREON, TO BE DEDICATED TO THE CITY OF RIO RANCHO FOR PUBLIC USE. SAID OWNER(S) OF SUCH REAL ESTATE DO HEREBY GRANT ANY AND ALL EASEMENTS SHOWN OR NOTED ON THE PLAT INCLUDING THE RIGHT OF INGRESS AND EGRESS. 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) AND/OR PROPRIETOR(S) WARRANT THAT THEY HAD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE PROPERTY SUBDIVIDED HEREON.

AMREP SOUTHWEST INC.

Jarrod D. Likar, Vice President; Land Development

STATE OF _____)
)SS
COUNTY OF _____)

On this____day of _____, 20___, before me the undersigned Notary Public in and for said County and State, personally appeared Jarrod D. Likar, who being by me duly sworn, did say that he is the Vice President of AMREP Southwest Inc., a New Mexico Corporation organized under the laws of the State of New Mexico and that he signed this instrument on behalf of said corporation as the free act and deed of said corporation.

Notary Public

My Commission Expires_____

PLAT
OF
TRACT J-1
NORTHERN MEADOWS

FILED JUNE 03, 1999, IN VOLUME 3, FOLIO 1871-A, AS DOCUMENT NUMBER 14195
WITHIN SECTION 33, T. 13 N., R. 2 E., N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

SHEET 1 OF 2

AUGUST 2023

LEGAL DESCRIPTION:

A Tract of land being all of Tract J-1, as shown on Plat of Tracts C-1, D-1, E-1, F-1, H-1 thru H-3, and J-1; together with Parcels A-1, A-2, A-3, B-1A, D-1, and H-4, Northern Meadows, (being a REPLAT of Tracts C, D, E, F, H, J, and Parcels A, B-1, and D) recorded on June 03, 1999 in Volume 3, Folio 1871-A, as Document Number 14195, being located within Section 33, Township 13 North, Range 2 East, New Mexico Principal Meridian, City of Rio Rancho, Sandoval County, New Mexico.

Said Tract contains 2.6804 acres.

CITY CLERKS CERTIFICATE

I, Rebecca Martinez, City Clerk of the City of Rio Rancho, New Mexico do hereby certify that the plat shown hereon was approved administratively by the Rio Rancho Planning and Zoning Board Chairman on the _____ day of _____ 20__.

Rebecca Martinez, City Clerk

RIO RANCHO PLANNING AND ZONING BOARD

Approved at their meeting on this _____ day of _____ 20____.

Chairman

RIO RANCHO DEVELOPMENT SERVICES DEPARTMENT

Approved this _____ day of _____ 20____.

Director

TREASURER'S CERTIFICATE

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

Jennifer A. Taylor, Sandoval County Treasurer Date

COUNTY FILING CERTIFICATION

STATE OF NEW MEXICO)
SS.
COUNTY OF SANDOVAL)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AS

DOCUMENT NO. _____

ON THE _____ DAY OF _____ 20____, AT _____

O'CLOCK ___M. AND DULY RECORDED IN PLAT BOOK _____, PAGES

_____, OF THE RECORDS OF SAID COUNTY.

(RIO RANCHO ESTATES BOOK _____, PAGES _____)

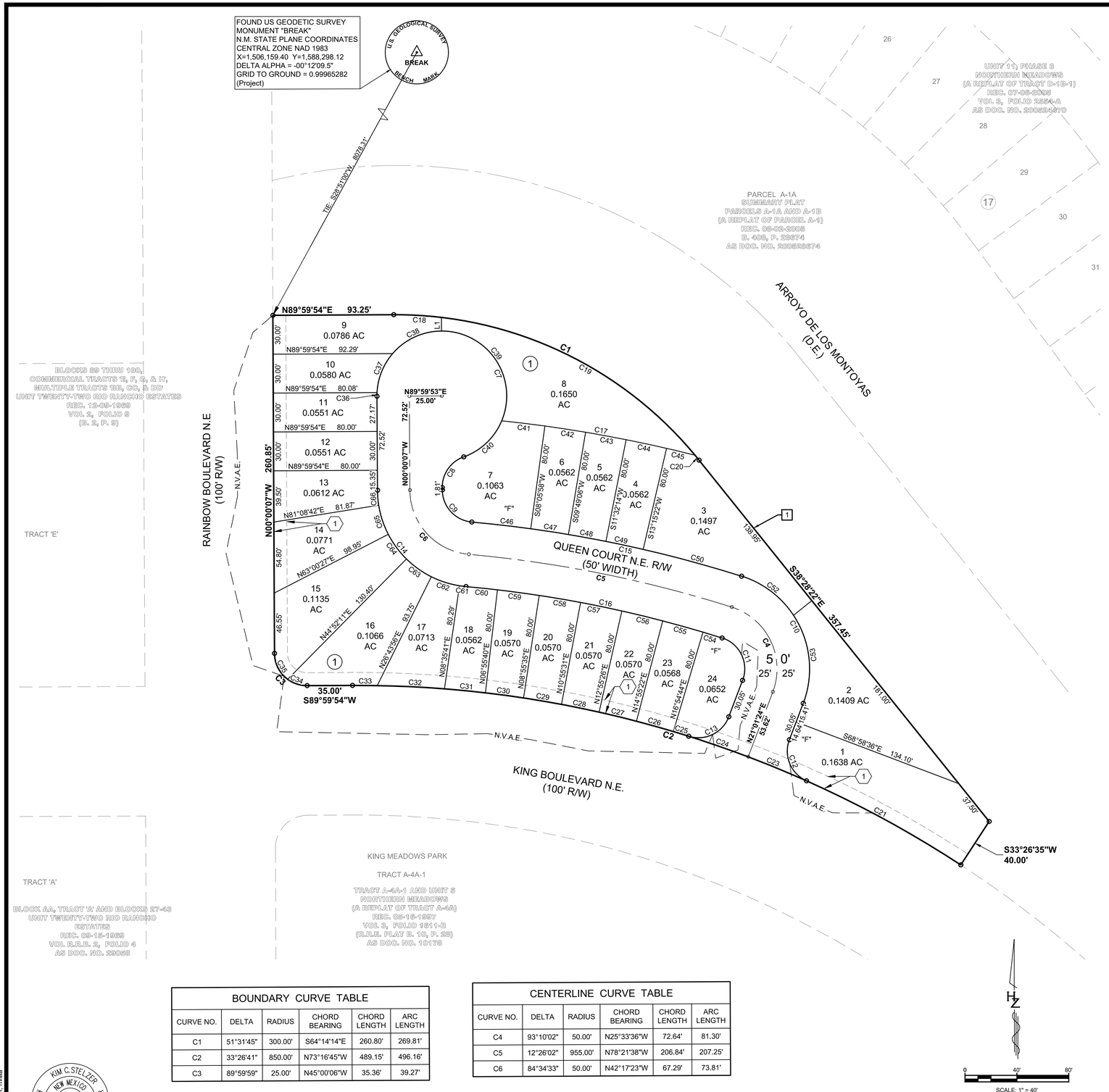
COUNTY CLERK DATE

Book Page

PLAT
OF
TRACT J-1
NORTHERN MEADOWS

FILED JUNE 03, 1999, IN VOLUME 3, FOLIO 1871-A,
AS DOCUMENT NUMBER 14195
WITHIN SECTION 33, T. 13 N., R. 2 E., N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

SHEET 2 OF 2
AUGUST 2023



CURVE TABLE

CURVE NO.	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C7	250°31'44"	50.00'	N54°44'13"W	81.65'	218.63'
C8	70°31'45"	25.00'	S35°15'46"W	28.87'	30.77'
C9	84°34'33"	25.00'	S42°17'23"E	33.64'	36.90'
C10	93°10'02"	75.00'	N25°33'36"W	108.96'	121.96'
C11	93°09'59"	25.00'	N25°33'36"W	36.32'	40.65'
C12	86°43'27"	25.00'	S22°20'19"E	34.33'	37.84'
C13	52°28'21"	25.00'	N81°30'41"E	22.10'	22.90'
C14	84°34'36"	75.00'	S42°17'23"E	100.93'	110.71'
C15	12°26'02"	980.00'	N78°21'38"W	212.26'	212.67'
C16	12°26'05"	929.94'	N78°21'38"W	201.43'	201.82'
C17	8°11'30"	1060.00'	N79°37'07"W	151.42'	151.55'
C18	7°02'09"	300.00'	N86°29'02"W	36.82'	36.84'
C19	43°32'56"	300.00'	N61°11'30"W	222.57'	228.02'
C20	0°56'39"	300.00'	N38°56'42"W	4.94'	4.94'
C21	9°08'38"	850.00'	N61°07'44"W	135.51'	135.65'
C23	3°16'33"	850.00'	N67°20'19"W	48.59'	48.60'
C24	3°16'33"	850.00'	N70°36'52"W	48.59'	48.60'
C25	0°49'56"	853.30'	N72°40'10"W	12.39'	12.39'
C26	1°59'14"	850.94'	N74°04'57"W	29.51'	29.51'
C27	1°59'48"	850.90'	N76°04'36"W	29.65'	29.65'
C28	1°59'48"	850.87'	N78°04'32"W	29.65'	29.65'
C29	1°59'48"	850.83'	N80°04'27"W	29.65'	29.65'
C30	1°59'49"	850.80'	N82°04'23"W	29.65'	29.65'
C31	1°46'11"	1028.86'	N84°02'29"W	31.78'	31.78'
C32	3°13'58"	920.43'	N87°01'38"W	51.92'	51.93'
C33	1°17'12"	850.00'	N89°21'30"W	19.09'	19.09'
C34	36°37'19"	25.00'	S71°41'26"E	15.71'	15.98'
C35	53°22'40"	25.00'	S26°41'27"E	22.46'	23.29'
C36	3°14'39"	50.00'	S1°37'15"W	2.83'	2.83'
C37	37°47'47"	50.00'	S22°08'28"W	32.39'	32.98'
C38	48°57'30"	50.00'	S65°31'06"W	41.44'	42.72'
C39	112°49'47"	50.00'	N33°35'15"W	83.31'	98.46'
C40	47°42'00"	50.00'	N46°40'38"E	40.43'	41.63'
C41	1°48'50"	1060.00'	N82°48'27"W	33.56'	33.56'
C42	1°43'08"	1060.00'	N81°02'28"W	31.80'	31.80'
C43	1°43'08"	1060.00'	N79°19'20"W	31.80'	31.80'
C44	1°43'08"	1060.00'	N77°36'12"W	31.80'	31.80'
C45	1°13'15"	1060.00'	N76°08'00"W	22.59'	22.59'
C46	2°40'35"	980.24'	N83°14'21"W	45.78'	45.79'
C47	1°43'01"	981.20'	N81°02'28"W	29.40'	29.40'
C48	1°43'02"	980.96'	N79°19'20"W	29.40'	29.40'
C49	1°43'03"	980.79'	N77°36'12"W	29.40'	29.40'
C50	4°35'58"	980.12'	N74°26'37"W	78.66'	78.68'
C52	39°00'48"	75.00'	N52°38'13"W	50.09'	51.07'
C53	54°09'14"	75.00'	N6°03'13"W	68.28'	70.89'
C54	0°56'39"	930.03'	N72°36'55"W	15.33'	15.33'
C55	1°59'27"	929.37'	N74°04'58"W	32.29'	32.29'
C56	2°00'08"	928.36'	N76°04'36"W	32.44'	32.44'
C57	2°00'10"	928.10'	N78°04'32"W	32.44'	32.44'
C58	2°00'08"	928.38'	N80°04'27"W	32.44'	32.44'
C59	2°00'01"	929.30'	N82°04'22"W	32.44'	32.44'
C60	1°30'18"	930.06'	N83°49'31"W	24.43'	24.43'
C61	3°49'40"	75.00'	S82°39'51"E	5.01'	5.01'
C62	17°28'55"	75.00'	S72°00'33"E	22.80'	22.88'
C63	18°08'16"	75.00'	S54°11'57"E	23.64'	23.74'
C64	18°08'16"	75.00'	S36°03'41"E	23.64'	23.74'
C65	18°08'16"	75.00'	S17°55'24"E	23.64'	23.74'
C66	8°51'11"	75.00'	S4°25'41"E	11.58'	11.59'

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N00°00'07"W	10.57'

BOUNDARY CURVE TABLE

CURVE NO.	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	51°31'45"	300.00'	S64°14'14"E	260.80'	269.81'
C2	33°26'41"	850.00'	N73°16'45"W	489.15'	496.16'
C3	89°59'59"	25.00'	N45°00'06"W	35.36'	39.27'

CENTERLINE CURVE TABLE

CURVE NO.	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C4	93°10'02"	50.00'	N25°33'36"W	72.64'	81.30'
C5	12°26'02"	955.00'	N78°21'38"W	206.84'	207.25'
C6	84°34'33"	50.00'	N42°17'23"W	67.29'	73.81'

BOUNDARY EVIDENCE:
UNLESS OTHERWISE INDICATED:

(1) Found #5 rebar

All interior property corners are set with 5/8" x 24" rebar with yellow cap stamped LS 7482

EXISTING EASEMENT

(1) EXISTING 10 FOOT WIDE DRAINAGE AND UTILITY EASEMENT (GRANTED BY REPLAT OF NORTHERN MEADOWS FILED ON 06-03-1999 IN VOLUME 3, FOLIO 1871-A) TO BE VACATED BY THIS PLAT.

KIM C. STELZER
NEW MEXICO
7482
REGISTERED PROFESSIONAL LAND SURVEYOR

HUITT-ZOLLARS
333 RIO RANCHO DR. N.E., STE. 101
RIO RANCHO, N.M., 87124
(505) 892-5141

Plotted: 8/8/2023 11:24:05 AM, By:Villa, Nina
H:\proj\R314664.01 - NM Tract J-1\05 Design\05.11 Survey\05.11.1 Plat\Tract J-1 Final Plat.dwg
Last Saved:8/8/2023 11:19:51 AM, nvilla

Book Page

Northern Meadows Tract J-1

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

N/A

Yes	No	
☐	☑	Private Streets or Access Easements so Designated
☐	☑	Identify Private Way or Street Documentation Addressing Lots Serviced and Maintenance Responsibility

N/A

N/A

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*

ON FILE

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*

ON FILE

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*

ON FILE

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. N/A

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). N/A

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)

N/A

Signature

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

Name (Print): NINA VILLA ☐ Applicant ☑ Agent

Signature: _____ Date: 7-3-23

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: _____

_____

DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: July 6, 2023

TO:
- (X) Development Services – Matt Geisel, David Serrano, Amy Rincon, Brian Babyak, Cedric Smith, Peter Prukop
- (X) Fire and Rescue - Jessica Duron-Martinez, Gerard Bauer
- (X) Police - Justin Garcia
- (X) SSCAFCA – Andy Edmondson
- (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 #23-220-00012 (Northern Meadows, Tract J-1)

The applicant, AMREP Southwest., through their agent, Huitt-Zollars, Inc., requests approval of a final plat for the Northern Meadows Subdivision, creating 24 lots and 2 tracts on land currently zoned R-3: Mixed Residential District. The subject property is legally described as NMED, Tract J-1 and comprises approximately 2.6804 acres.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by **Monday, July 17, 2023**. 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 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
- (X) RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
- ( ) RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

10’ PUE are required along all public right of ways. Vacation of 10’ PUE along King Blvd. and Rainbow is not acceptable. 5’ PUE are required along all other lot lines.

Peter Prukop — Reviewer

7/21/23 — Date

DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: July 6, 2023

TO:
(X) Development Services – Matt Geisel, David Serrano, Amy Rincon, Brian Babyak, Cedric Smith, Peter Prukop
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(_) RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

- **Turning radius shall be 28', curb to curb distance shall be 31'11" and cul-de-sacs shall be 96' in diameter per IFC Appendix D**
- Confirm fire hydrants are in approved distances and locations.
- Residential Automatic Fire Sprinklers are highly recommended.
- Hydrant distances shall 500' for residential.
- A 25-percent hydrant spacing increase shall be permitted where the building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.2 or 903.3.1.3 of the International Fire Code or Section P2904 of the International Residential Code.
- No construction is to begin until fire hydrants are fully operational.
- No crash gates shall be allowed. No dead ends shall be approved.
- Gated subdivision shall require Knox box at entries.
- Further requirements may be necessary upon development.

Gerard Bauer — Reviewer

7/19/2023 — Date

DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: July 6, 2023

TO:
(X) Development Services – Matt Geisel, David Serrano, Amy Rincon, Brian Babyak, Cedric Smith, Peter Prukop
(X) Fire and Rescue - Jessica Duron-Martinez, Gerard Bauer
(X) Police - Justin Garcia
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This item has been reviewed and is hereby:
(_) RECOMMENDED FOR APPROVAL
(_) RETURNED FOR REVISIONS RESUBMITTAL REQUIRED
(_) RETURNED WITH COMMENTS RESUBMITTAL NOT REQUIRED

MRMPO has no adverse comments. For informational purposes:

Appendix G of the MTP supports the following as it relates to the subject property:

- Adopt/update land use policies and building and site development design standards that promote walkability.
- Combine land redevelopment with enhancements to existing transportation facilities to better incorporate bicyclists and pedestrians.
- Encourage networks that improve connectivity (i.e., those with shorter block lengths and fewer dead ends/cul-de-sacs)

Peach Anderson-Tauzer — Reviewer

7-14-2023 — Date

November 1, 2021

Mrs. Nina Villa, P.E.
Huitt-Zollars, Inc.
333 Rio Rancho Dr NE, Suite 101
Rio Rancho, NM 87124

Re: Water Wastewater Availability Approval for Northern Meadows Tract J-1, 24 single family residential lots. Lots are expected to have 40-50 psi from City Center Water Tank Pressure. Developer is to ensure the pressure is adequate for their purposes as the pressure can not be increased in this area.

Dear Mrs. Villa:

The Utilities Department approves the Water and Wastewater Availability for Northern Meadows Tract J as described above. If additional pressure is needed, the developer is to work with plumbers for any additional pressure and will be the responsibility of the customer.

Approval of this availability statement does not imply or suggest approval of zoning changes, construction plans, conceptual layouts, or any other requirements that may be conditions of approval for this development. This statement merely represents a commitment from the City that, if all other necessary approvals are obtained, and the completion of the proposed water and wastewater system improvements, this development will be allowed to be served by the City's water and wastewater systems as described above.

If a fire flow test is performed for the site, results are to be turned into the Utilities Administration Attn: Steve Gallegos and Fire Marshall or designee. The test is to be coordinated with the System Maintenance Crews at 896-8287. The System Maintenance Crews are the only personnel authorized to operate valves in the City of Rio Rancho. The developer is responsible for paying for a fire flow test from a certified tester.

Please refer to the City of Rio Rancho Web Site for additional water and sewer information. Design Criteria and Standard Details are located on the following web address: http://ci.rio-rancho.nm.us/index.asp?NID=482 Departments, Public Works, Design Criteria and Standards Details, Water and Wastewater.

Contacts for additional information and guidance: Development Services: 505-891-5005
Engineering Division: 505-891-5016 Environmental: **Backflow Prevention 505-896-8816 and Industrial Pollution Pretreatment Program (Commercial Wastewater Survey and Grease Interceptors) 505-891-5017.** Water pressure will need to verified by the developer. If water pressure exceeds 80 psi, individual pressure reducing valves will be needed on the homes or business at the cost and responsibility of the customers.

This Availability Statement will expire unless construction starts within 18 months of approval by the Utilities Department and is complete within 3 years of approval. If you have questions regarding this Availability Statement, please contact me at 891-5046.

Sincerely,

Steve Gallegos

Steve Gallegos,
Deputy Director
Utilities Department

PRELIMINARY PLAT
OF
TRACT J-1
NORTHERN MEADOWS

FILED JUNE 03, 1999, IN VOLUME 3, FOLIO 1871-A,
AS DOCUMENT NUMBER 14195
WITHIN SECTION 33, T. 13 N., R. 2 E., N.M.P.M.
CITY OF RIO RANCHO
SANDOVAL COUNTY, NEW MEXICO

SHEET 1 OF 2

OCTOBER 2021

SUBDIVIDER:

AMREP SOUTHWEST INC.
409 RIO RANCHO DRIVE NE
RIO RANCHO, NM 87124
JARROD LIKAR, PHONE NO. (505) 892-9200

AGENT/ENGINEER:

HUITT-ZOLLARS, INC.
333 RIO RANCHO DRIVE NE, SUITE 101
RIO RANCHO, NM 87124
NINA VILLA, PHONE NO. (505) 892-5141



LEGAL DESCRIPTION:

A Tract of land being all of Tract J-1, as shown on Plat of Tracts C-1, D-1, E-1, F-1, H-1 thru H-3, and J-1; together with Parcels A-1, A-2, A-3, B-1A, D-1, and H-4, Northern Meadows, (being a REPLAT of Tracts C, D, E, F, H, J, and Parcels A, B-1, and D) recorded on June 03, 1999 in Volume 3, Folio 1871-A, as Document Number 14195, being located within Section 33, Township 13 North, Range 2 East, New Mexico Principal Meridian, City of Rio Rancho, Sandoval County, New Mexico.

Said Tract contains 2.6804 acres.

CITY CLERKS CERTIFICATE

I, Rebecca Martinez, City Clerk of the City of Rio Rancho, New Mexico do hereby certify that the plat shown hereon was approved administratively by the Rio Rancho Planning and Zoning Board Chairman on the _____ day of _____ 20__.

_____
Rebecca Martinez, City Clerk

RIO RANCHO PLANNING AND ZONING BOARD

CITY OF RIO RANCHO
COVER PAGE

Legislation Item: 23-100-00006

AGENDA DATE:
September 12, 2023

DEPARTMENT:
Development Services

SUBJECT:
Zone Map Amendment. The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. Staff contact is Michelle Costilla and staff recommends the Planning and Zoning Board recommend approval to the Governing Body.

BACKGROUND AND ANALYSIS:
The applicant, Outer Rim Investments, Inc., requests approval of a Zone Map Amendment to change the zoning from Unzoned to R-1: Single Family Residential, for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. The subject property area combined is approximately 2.5 acres.

The subject property is located off of 10th St NW, a residential road, which is off of Northern Blvd NW, a minor arterial. The property is not within any Specific Area Plans or Master Plans. The adopted Generalized Land Use Map (GLUM), Chapter 5, Map L-2 of the City's Comprehensive Plan conceptualizes this area as future planning but areas directly abutting the property are designated as low, medium density residential.

There are currently five Code Enforcements cases open for this property for work without a permit under case numbers 23-3953, 3954, 3955, 3956 and 3957.

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

Finding: The application, presented as an attachment, meets the minimum submittal requirements for the proposed zoning request. Pursuant to the criteria provided by R.O. 2003 Section 150.07 (D) (1) through (4), and (E) through (G), a request for change in zoning designation must address the following policies and criterion for a zone map change:

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

In the justification letter provided as an attachment to this item, the applicant states: "The proposed ZMA provides the opportunity to further the health and welfare of the City by creating the zoning conditions necessary to construct high quality residential homes that will meet the needs of Rio Rancho residents. Additionally, the zone change will allow the properties to be developed

consistent with and will complement the existing and surrounding residential areas."

Staff recommends the Planning and Zoning Board find that the proposed zone map amendment would be consistent with the health, safety, morals, and general welfare of the City by furthering Goal 2: Development, which seeks to "ensure the City has plans and policies in place to attract and create well-planned high-quality, stable, residential, commercial and industrial development." By assigning a zoning district designation, zoning regulations can be established and enforced.

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

The applicant's justification letter states: "This zone change request will allow for stability of land use and a zoning classification. The zone map amendment will allow the property to be developed in a manner that is compatible with the surrounding area. The proposed zoning will not destabilize the land use and zoning in the area, but will strengthen it by aligning it with the surrounding area."

Staff recommends the Planning and Zoning Board find the proposed zone map amendment provides a stable and desirable land use that will integrate with the surrounding residential properties.

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

The applicant states in their justification letter: "The proposed ZMA does not change, but rather furthers the Rio Rancho Comprehensive Plan’s intent. The ZMA will strengthen it by aligning it with the surrounding area."

Staff finds that although this property is labeled as future planning per Map L-2: Generalized Land Use (Existing and Planned) from the Comprehensive Plan, it states that development will usually be limited to low-density residential development until a Specific Area Plan can be adopted. Given that the surrounding areas area all zoned R-1: Single Family Residential, it is safe to assume that this area will remain low density residential.

(D)(4) The applicant must demonstrate that the existing zoning is inappropriate because:
(a) There was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of an R-1 or transitional zone on an antiquated plat filed before the City’s incorporation and adoption of its own zoning code or on land annexed by the City; or
(b) Changed neighborhood or community conditions justify the change; or
(c) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (D)(1) or (2) does not apply.

The applicant's justification letter states: "The proposed ZMA is more advantageous to the community, as there is no zoning designation currently assigned to these lots. The applicant is requesting an amendment to the zoning to match the existing zoning located due east of 10th Street."

Staff recommends the Planning and Zoning Board finds that the proposed zone map amendment addresses criteria (c), as the proposed zoning would allow for a use that is comparable to the surrounding properties.

(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's justification letter states: "The cost of land or other economic considerations are not the determining factor for this request. The request is to provide these existing “Unzoned” lots with a current residential zoning designation."

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

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

The applicant's justification letter states: "Location on a major street is not the sole justification for this request. The request is to provide these existing “Unzoned” lots with a current residential zoning designation."

Staff recommends the Planning and Zoning Board find that the property is not located on a major street and the request does not involve office, multi-family, or commercial zoning.

(G) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a 'spot zone.' Such a change of zone may be approved only when: (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or (2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The applicant's justification letter states: "The requested zone change will not create a spot zone, the lots located directly east of 10th Street are zoned R-1, which is being requested. The request is to provide these existing "Unzoned" lots with a current residential zoning designation. 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 requested zone map amendment would not create a spot zone, as R-1 zoning exists to the east of this property.

SURROUNDING LAND USE/ZONING:
The properties to the north and south are Unzoned. The property to the west is an arroyo, which is also Unzoned, and the City boundary. The properties to the east are zoned R-1: Single Family Residential per Ordinance No. 67, Enactment No. 94-065.

NOTIFICATIONS:
Notice of pending development application was sent via certified mail, return receipt requested, to the property owners within 100 ft of the subject property. A legal notification was published in the Albuquerque Journal on August 28, 2023. A notification sign was posted to the property one week prior to the hearing on September 5, 2023. All legal notification requirements for this project have been met.

INTERDEPARTMENTAL/INTERAGENCY REVIEW:

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

IMPACT:

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

GENERAL FINDINGS OF FACT:

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

SPECIFIC FINDINGS OF FACT FOR APPROVAL:

1. The proposed zone change would be consistent with the health, safety, morals, and general welfare of the City.
2. The applicant has provided sound justification in a narrative dated August 8, 2023 for the proposed zone change which provides stability of zoning along with providing for adequate compatibility with surrounding zoning and future uses.
3. The proposed zone map amendment would be consistent with adopted elements of the Comprehensive Plan.
4. The proposed zone change is more advantageous to the community, as articulated in the justification letter.
5. The applicant has provided sufficient justification that the cost of the land or other economic considerations is not the main justification for the proposed zone map amendment.
6. The applicant has provided sufficient justification that the zone map amendment request is not based on the location of the subject property.
7. The requested zone map amendment is in alignment with the surrounding zoning and is not a "spot zone."

If the Board determines the proposed zone map amendment is not justified, the following findings are recommended for any denial:

SPECIFIC FINDINGS OF FACT FOR DENIAL:

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

ALTERNATIVES:

The Planning and Zoning Board may:

1. Recommend approval of the request to the Governing Body;

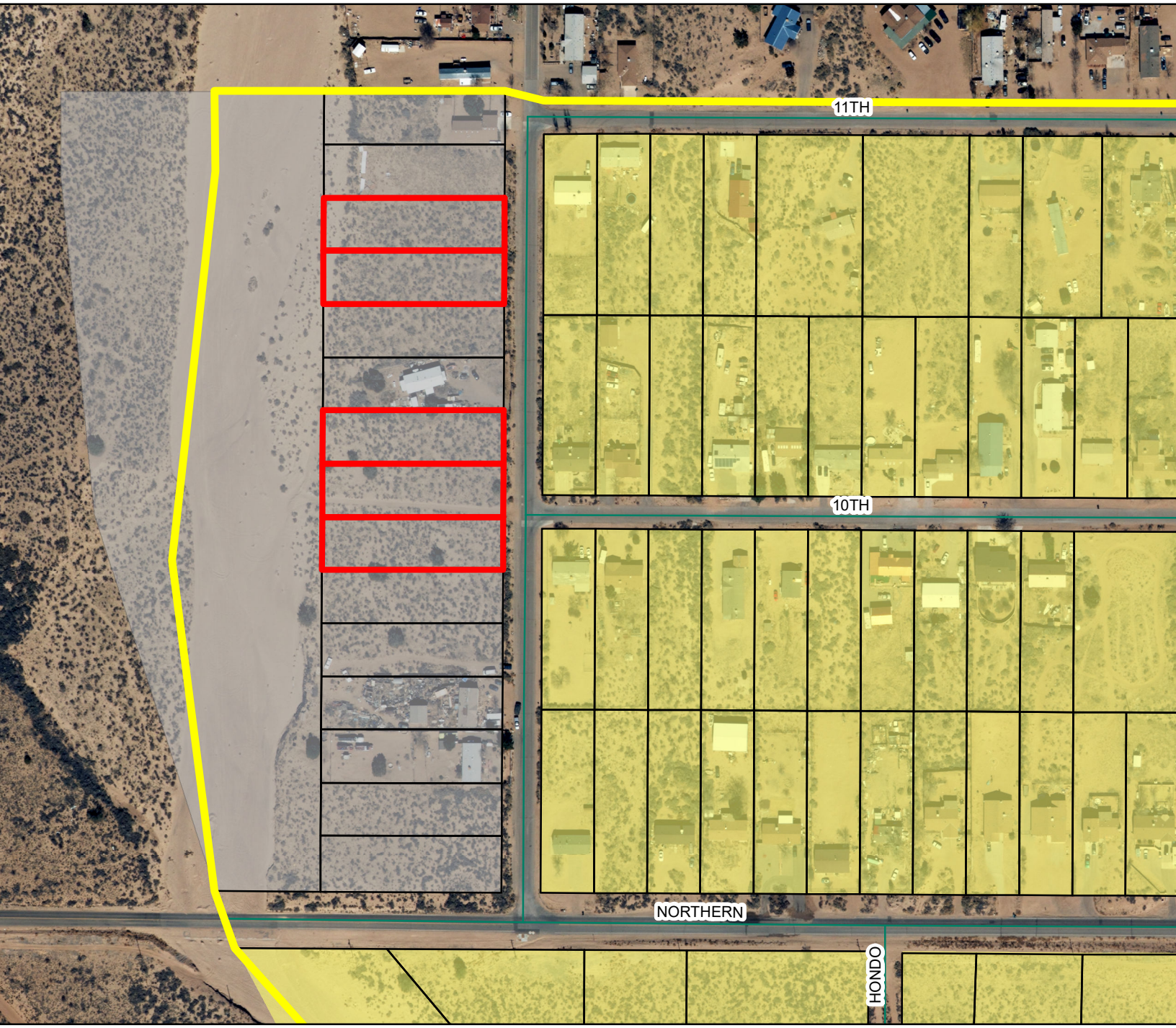
2. Recommend denial of the request to the Governing Body;
3. Modify the request and recommend the Governing Body approve such modifications;
4. Postpone the item and continue the public hearing for the preliminary plat in order to further review

DEPARTMENT RECOMMENDATION:

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

ATTACHMENT: Zoning, Location.pdf
ATTACHMENT: Application.pdf
ATTACHMENT: Justification.pdf
ATTACHMENT: Reproduction of Notices.pdf
ATTACHMENT: SSCAFCA. Comments.pdf
ATTACHMENT: Draft_Ordinance_BMB AR.doc

UNIT 7, BLOCK 18, LOTS 128-129, AND 132-134



Subject Property

Zoning

R-1

Unzoned

GIS
Moving Spatial Data Forward

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RioRancho
City of Vision

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.

0 190 380 760

Feet

Map created by: Michelle Costilla 8/25/2023

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

Administrative Permit	Plan	Subdivision	Zoning
☐ Community Residential Care Facility	☐ Comprehensive Plan Amendment	☐ Final Plat	☐ Annexation
☐ Development Review Committee (DRC)	☐ Corridor Plan Amendment	☐ Preliminary Plat	☐ Appeal
☐ Home Occupation	☐ Master Plan	☐ Summary Plat	☐ Conditional Use Permit
☐ Model Home / Sales Office	☐ Master Plan Amendment	☐ Vacation of Plat/Street	☐ Master Sign Plan
☐ Residential Child Care Facility 6 or <	☐ Specific Area Plan Amendment	☐ Street Name Change	☐ Site Plan
☐ Sign Permit	☐ Text Amendment	☐ Subdivision Interpretation	☐ Special Exception
☐ Other		☐ Subdivision Variance	☐ Variance
			X Zone Map Amendment
			☐ Zoning Certification
			☐ 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: Outer Rim Investments Inc		Phone: 505-892-9200
Address: 409 NM Hwy 528, NE		E-Mail: bryana@aswinc.com
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)

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Unit 7	Block(s): 18	Lot(s): 128, 129, 132, 133 and 134
Existing Zoning: "Unzoned"	Proposed Zoning: R-1	
No. of existing lots: 5	No. of proposed lots: 5	Total area of site (acres) 2.5

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: Bryan Aragon		Date: August 8, 2023

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #
23-100-00006		

APPLICATION ACCEPTED BY: Michelle Costilla **DATE:** 8/8/23

Form revised January 26, 2017

Outer Rim Investments INC. 409 NM HWY 528 NE, Rio Rancho, NM 87124

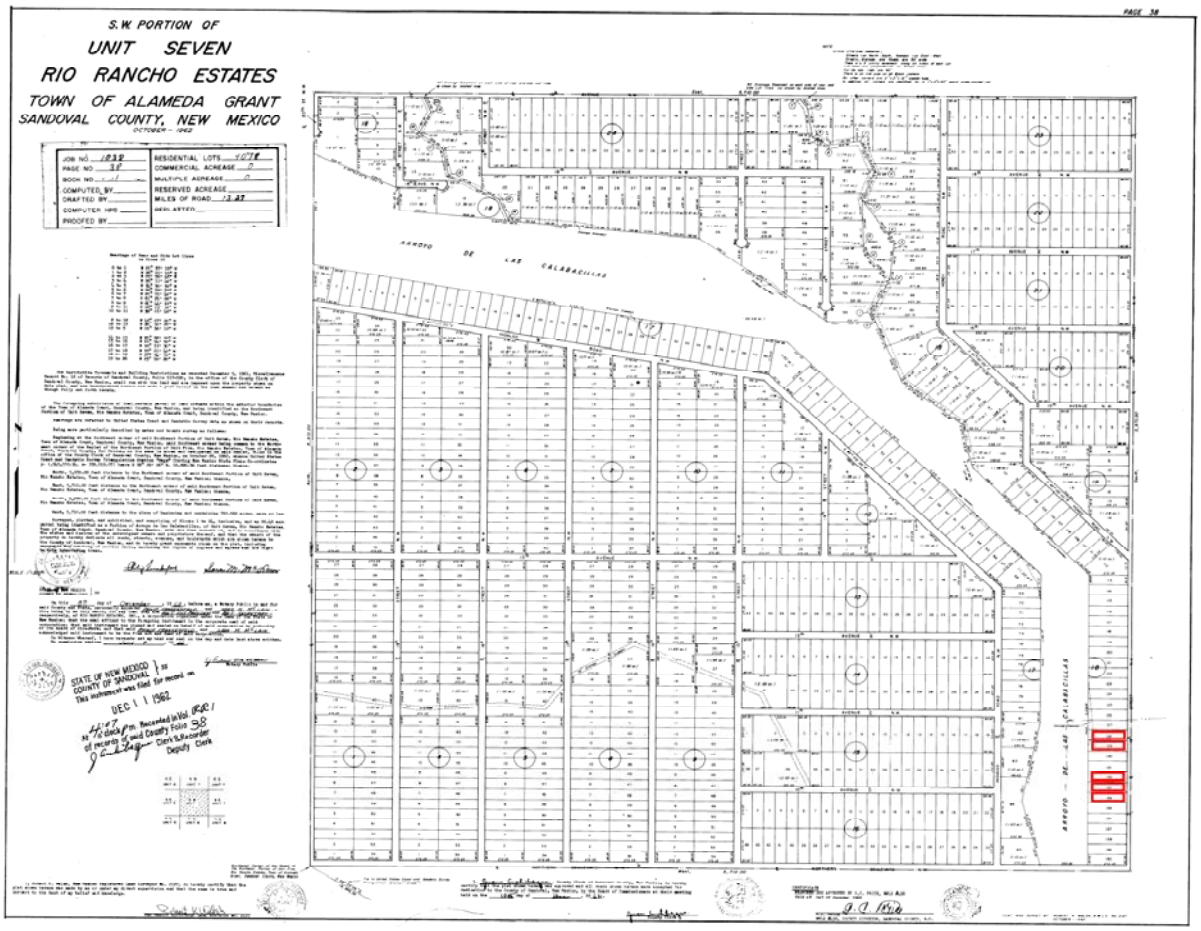
August 8, 2023

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

Re: Request for a Zone Map Amendment

Dear Ms. Rincon:

Outer Rim Investments Inc. (the "Applicant") is the owner of all the real properties (the "subject property") involved in this zone map amendment request. This is a request for a Zone Map Amendment("ZMA") for approximately 2.5 acres within the Southwest Portion of the Unit 7 Rio Rancho Estates, more particularly identified as Unit 7, Block 18, Lots 128, 129, 132, 133 and 134 (the "Subject Property"). The Subject Property is located north of Northern Boulevard and off of 10th Street NW (see below).



The applicant is requesting these lots be rezoned from an “Unzoned” condition to an R-1/Single Family Residential designation. This zone change will provide these lots with a zoning classification for future development.

SITE CONTEXT/ZONE MAP AMENDMENT

The subject property is situated adjacent to the City boundary limits. These lots are located north of Northern Boulevard. The residential lots to the east of 10th Street NW were rezoned from the “Unzoned” designation to an R-1 designation by Ordinance 67 Enactment No. 94-065. Directly west of these lots is the Calabacillas Arroyo.



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 zoning conditions necessary to construct high quality residential homes that will meet the needs of Rio Rancho residents. Additionally, the zone change will allow the properties to be developed consistent with and will complement the existing and surrounding residential areas.

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 a zoning classification. The zone map amendment will allow the property to be developed in a manner that is compatible with the surrounding area.

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 by aligning it with the surrounding area.

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 ZMA will strengthen it by aligning it with the surrounding area.

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 there is no zoning designation currently assigned to these lots. The applicant is requesting an amendment to the zoning to match the existing zoning located due east of 10th Street.

(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 provide these existing "Unzoned" lots with a current residential zoning designation.

(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 provide these existing "Unzoned" lots with a current residential zoning designation.

(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, the lots located directly east of 10th Street are zoned R-1, which is being requested. The request is to provide these existing "Unzoned" lots with a current residential zoning designation. 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
Land Development Coordinator

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

RE: Zone Map Amendment, Case No. 23-100-00006
Unit 7, Block 18, Lots 128-129, and 132-134

Dear Property Owner:

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

The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. The subject property is approximately 2.5 acres.

The **Planning and Zoning Board** will consider this request at a public hearing on **Tuesday, September 12, 2023** at 6:00 pm in the **Council Chambers** and **Virtually** through the **zoom link and number below.**

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

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

For the **Planning and Zoning Board meeting**, to participate virtually: Join via computer:
https://us06web.zoom.us/j/85180741871?pwd=T3BlSHVpWkp6d3dDRmlHd3k2VzYvUT09
Meeting ID: 851 8074 1871 Passcode: **026819** Join via phone: 1-253-215-8782 US

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

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

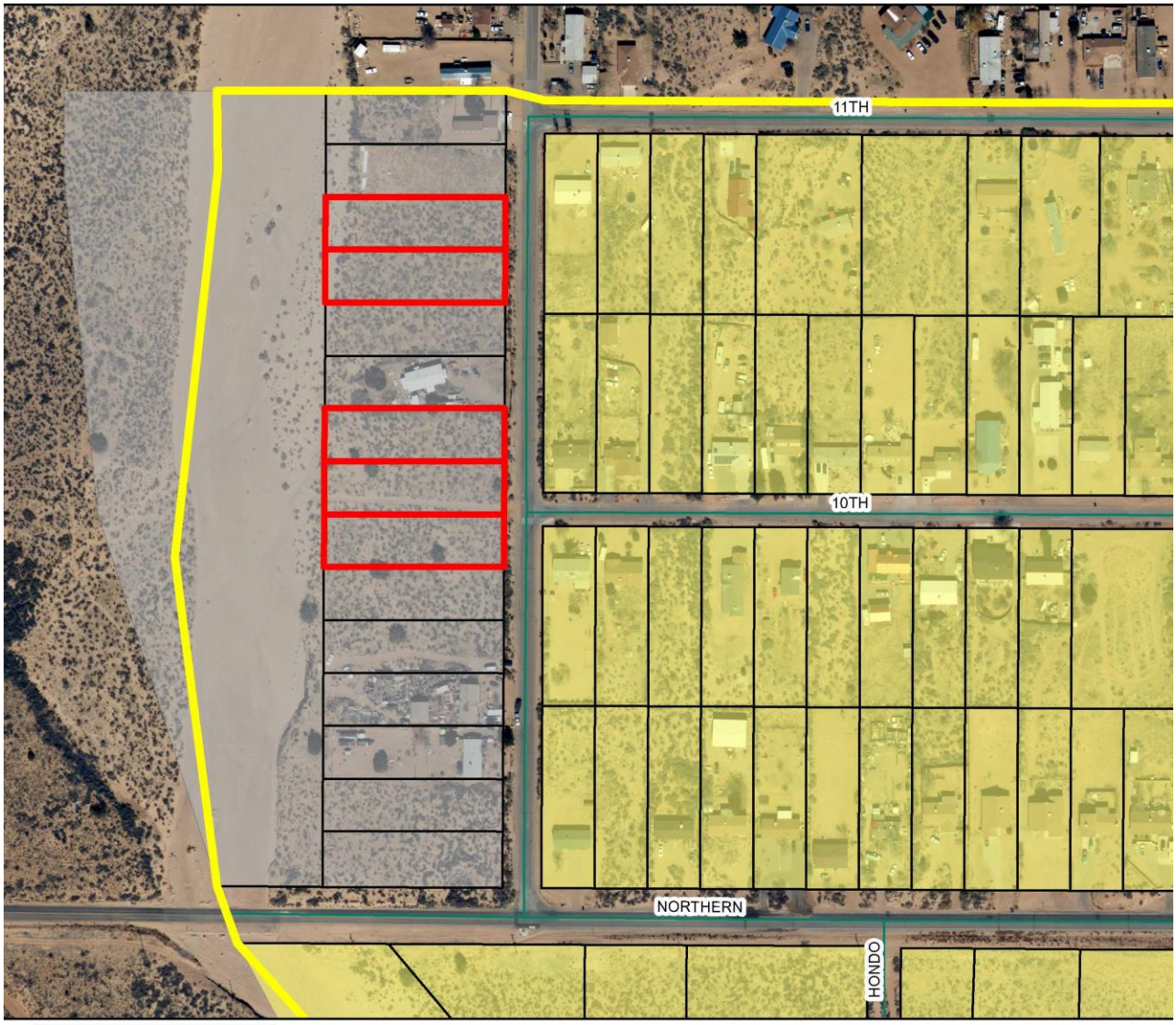
Respectfully,

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

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

UNIT 7, BLOCK 18, LOTS 128-129, AND 132-134



Subject Property
Zoning
R-1
Unzoned

GIS
Moving Spatial Data Forward

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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.

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Map created by: Michelle Costilla 8/25/2023

ALBUQUERQUE PUBLISHING COMPANY
7777 Jefferson St. NE, Albuquerque, NM 87109

Ad Proof/Order Confirmation

Account Number
1010956

Ad Order Number
0001576943

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

Ordered By	Sharon Bitah		**Customer Phone**	5058915005	**Joint Ad #**
Customer EMail	sbitah@rrnm.gov		**PO Number**	240051	
Ad Cost		$116.32	**Sales Rep**	wschult	
Tax Amount		$8.87	**Order Taker**	wschult	
Total Amount		$125.19			
Amount Paid		$0.00			
Amount Due		$125.19			
Affidavits	0				

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https://securepayment.link/abqjournal/

Pick Up #

Product	Albuquerque Journal	**Placement**	0Legal Notices
Ad Number	0001576943-01	**Classification**	0Government
Ad Type	0 Legal Liner	**Sort Text**	CITYOFRIORANCHOPUBLICHEARING NOTICETHEPLANNINGANDZONINGB OARDOFTHECITYOFRIORANCHONM WILLCONSIDERTHEFOLLOWINGMAT TERSATITSREGULARLYSCHE
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Run Date
08/28/2023
08/28/2023
08/28/2023

WYSIWYG Content

Rio Rancho
City of Vision

CITY OF RIO RANCHO
PUBLIC HEARING NOTICE

The PLANNING and ZONING BOARD of the CITY of RIO RANCHO, NM will consider the following matters at its regularly scheduled meeting on Tuesday, September 12, 2023 at 6:00 pm:

Subdivision Variance
Case #23-280-00006
The applicant, AMREP Southwest, Inc., through their agent, Huitt-Zollars, Inc., requests approval of a Subdivision Variance to R.O. 2003 § 155.43 Easements for the property legally described as NMED, Tract J-1 of approx. 2.7 acres.

Zone Map Amendment
Case #23-100-00005
The applicant, J Jacob Enterprises, Inc., is requesting approval of a Zone Map Amendment from SU/C-1 and O-1 to SU/R-6, for the subject property legally described as U13, Blk 68, Lots 5, 6, 7, and 8. The properties total 4 acres and are located on the north side of Idalia Rd, west of Broadmoor Blvd.

Variance
Case #23-110-00013
The applicant, Dawn Davide, through her agent, Huitt-Zollars, Inc, requests approval of a variance to allow for a wall reaching a maximum height of 9'4".

Vacation of Plat
Case #23-230-00002
The applicants, Road Runner Storage Properties LLC, Northern Industrial Investments, Red Roan Enterprises, and MAM Partners LLC, request approval of vacation of right-of-way for Walpi Ct NE.

Subdivision Variance
Case #23-280-00007
The applicant DR Horton, through their agent, RESPEC, is requesting approval of a subdivision variance for reduced park space requirements for Vista Grande Subdivision.

Zone Map Amendment
Case #23-100-00006
The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment from Unzoned to R-1: Single Family Residential for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. The subject property is approximately 2.5 acres.

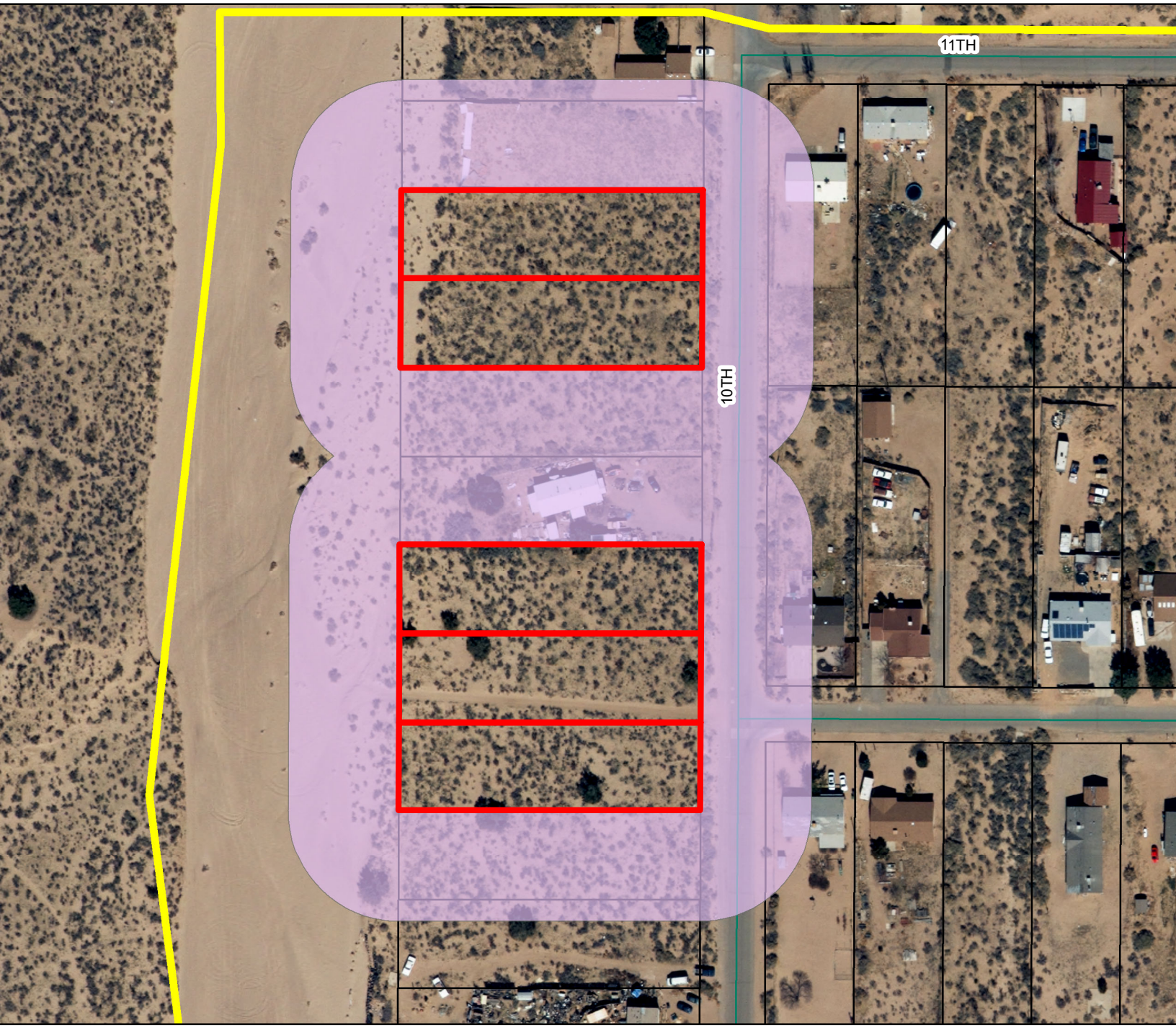
The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rrnm.gov. Materials related to these items are available for viewing in the Development Services Department at City Hall.

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

record.

Journal: August 28, 2023

UNIT 7, BLOCK 18, LOTS 128-129, AND 132-134



Subject Property
100 ft.

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Moving Spatial Data Forward

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Rio Rancho
City of Vision

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.

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Map created by: Michelle Costilla 8/25/2023

DEVELOPMENT SERVICES DEPARTMENT— TRANSMITTAL AND REVIEW SHEET

DATE: August 9, 2023

TO:
(X) Development Services – Matt Geisel, Amy Rincon, David Serrano, Brian Babyak, Cedric Smith, Peter Prukop
(X) Fire and Rescue – Jessica Duron-Martinez, Gerard Bauer
(X) Police - Justin Garcia, Andrew Rodriguez
(X) SSCAFCA – Andy Edmondson
(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**: DSD #23-100-00006 (please reference this # with any correspondence) Unit 7, Block 18, Lots 128-129, and 132-134.

The applicant, Outer Rim Investments, Inc., requests a Zone Map Amendment for the property legally described as Unit 7, Block 18, Lots 128-129, and 132-134. The proposed ZMA is for approximately 2.5 acres to change from Unzoned to R-1: Single Family Residential.

Please review and provide recommendations, comments or corrections on this form and return via hand delivery, fax or e-mail by Wednesday, **August 23, 2022**. If redline comments are made on the plat, please also provide me with a copy. Please contact Michelle Costilla at 505-896-8362 or e-mail mcostilla@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

[Type Comments Here or use separate sheet]
The lots described in the request for a zoning change all lay within a Lateral Errosion Zone any future construction would need to meet CORR chapter 152.33.

Digitally signed by Andy Edmondson
Date: 2023.08.22 16:31:05-06'00'
Andy Edmondson

Reviewer _____ Date _____

CITY OF RIO RANCHO
ORDINANCE

ORDINANCE NO. **ENACTMENT NO.**

ORDINANCE OF THE CITY OF RIO RANCHO, NEW MEXICO AMENDING THE ZONING CLASSIFICATION AND OFFICIAL ZONING MAP FOR THE PROPERTY DESCRIBED AS, BLOCK 18, LOTS 128-129, AND 132-134, RIO RANCHO ESTATES UNIT 7, FROM UNZONED TO R-1: SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS: in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07, an application to amend the zoning ordinance on the subject property has been submitted by The City of Rio Rancho, and assigned City Case No. 23-100-00006; and,

WHEREAS: the City of Rio Rancho Planning and Zoning Board held a duly noticed public hearing on September 12, 2023, regarding the proposed changes to the Official Zoning Map and, following study and consideration, has made findings (where applicable) whether or not the criteria in R.O. 2003 Section 150.07 are satisfied, and made these recommendations to the Governing Body regarding adoption of the changes; and,

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

WHEREAS: a public hearing occurred, in accordance with procedures set forth in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed zoning district and Official Zone Map changes hereinafter described were duly advertised and held by the Governing Body of the City of Rio Rancho on October 12, 2023 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:

Section 1. Rezoning of Property: The Official Zone Ordinance is hereby amended by assigning a zoning designation on approximately 2.50 acres from Unzoned to R-1: Single Family Residential on the land legally described as:

Rio Rancho Estates Unit 7 Block 18, Lots 128-129, and 132-134, as shown on "SW Portion Unit Seven, Rio Rancho Estates, Town of Alameda Grant, Sandoval County, New Mexico" filed in the office of the County Clerk of Sandoval County, New Mexico on December 11, 1962, Volume RR1 of records of said County, Folio 38, Book 1, Page 38.

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

A. The properties identified in Section 1, above, are subject to all requirements of the R-1: Single Family Residential District as set forth in R.O. 2003 Section 154.08 (as of the effective date of this ordinance or as subsequently amended).
B. The City of Rio Rancho Comprehensive Plan Generalized Land Use Map (GLUM), Map L-2, is hereby updated to reflect a "Low/Medium Density Residential" Land Use Designation for the properties identified in Section 1.

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

Section 4. Effective Date. This Ordinance shall become effective ten days after adoption.

ADOPTED THIS 12th DAY OCTOBER, 2023.

_____
Greggory D. Hull, Mayor

ATTEST:

_____
Rebecca A. Martinez, City Clerk
(SEAL)