



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, February 24, 2022 5:30 PM
Agenda

Please silence all electronic devices.

ATTENTION: In an abundance of caution, due to a COVID issue the Planning and Zoning on Thursday February 24, 2022 may be virtual and/or limited to in-person attendance by the Commission, Administrative Staff, City Attorney, Applicants and credentialed members of the press. you can participate in the Planning and Zoning Meeting from the comfort and safety of your own home by entering the following link: @ <https://www.facebook.com/riocommunities>

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes

1. For February 3, 2022

Public Hearing for the purpose: Consideration of Subdivision Property:

Legal Description: UPC: 109081446296000000 Account Numbers R175467, R175468, and R175469 Subd: LEMON GROVE ESTATES Tract: 15A, 16A, and 17A; PARCEL 15 0.08 ACRES 1997 REV; PARCEL 16 0.07 ACRES 1997 REV; PARCEL 17 0.09 ACRES 1997 REV

Public Hearing for the purpose: Consideration of Subdivision and Rezoning of Property:

Legal Description: UPC: 1010028210345000000, TRACT: 1 S: 15 T: 5N R: 2E 11.17 Acres, 1998 Rev; UPC: 1010028310385000000, TRACT: 2 S: 15 T: 5N R: 2E 17.54 Acres, 1998 Rev; UPC: 101002827029000000, TRACT:3 S: 15 T: 5N R: 2E 22.77 Acres, 1998 Rev

2. Motion and a roll call vote to recess Regular Business Meeting session and to go into Public
3. Motion and roll call vote to go back into Regular Business Meeting session

Actions Items

4. **Discussion, Consideration, and Decision – Move to Council:** Subdivision of Property: *Legal Description: UPC: 109081446296000000 Account Numbers R175467, R175468, and R175469 Subd: LEMON GROVE ESTATES Tract: 15A, 16A, and 17A; PARCEL 15 0.08 ACRES 1997 REV; PARCEL 16 0.07 ACRES 1997 REV; PARCEL 17 0.09 ACRES 1997 REV*
5. **Discussion, Consideration, and Decision – Move Council:** Subdivision and Rezoning of Property: *Legal Description: UPC: 1010028210345000000, TRACT: 1 S: 15 T: 5N R: 2E 11.17 Acres, 1998 Rev; UPC: 1010028310385000000, TRACT: 2 S: 15 T: 5N R: 2E 17.54 Acres, 1998 Rev; UPC: 101002827029000000, TRACT:3 S: 15 T: 5N R: 2E 22.77 Acres, 1998 Rev*
6. **Discussion, Consideration, and Decision – Adoption of the City's Open Meetings Act Resolution**

Public Comment: The Commission will take public comments. These should be in written form via email through 4:45 PM on Thursday February 24, 2022 to info@riocommunities.net. These comments will be distributed to all Commissioners for review. **If you wish to speak during the public comment session in person:** Please contact the deputy clerk for a virtual link. The Commission will allow each member of the public three (3) minutes to address the Commission. Both the public and Commission will follow rules of decorum. Give your name and where you live. The public will direct comments to the Commission. Comment(s) will not be disruptive or derogatory.

Commission Discussion/Future Agenda Items

Adjourn

Public We will be streaming live on Facebook Live @ <https://www.facebook.com/riocommunities>

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



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, February 03, 2022 5:30 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Scroggins called the meeting to order.

Pledge of Allegiance

- Chairman Scroggins led the Pledge of Allegiance

Roll Call

- PRESENT: Chairman Thomas Scroggins, Vice-chairman John Thompson (Virtual), Secretary Scott Adair, Member L.E Rubin (Virtual)
 Present: City Manager Dr. Martin Moore, Municipal Clerk Lisa Adair

Approval of Agenda

- Motion made by Secretary Adair motioned to approve as presented. Vice-chairman Thompson seconded the motion.
 Voting Yea: Chairman Scroggins, Vice Chairman Thompson, Secretary Adair, Member Rubin.

Approval of Minutes for December 16, 2021 and January 6, 2022

- Approval of the Minutes of 12/16/2021 Motion made by Vice Chairman Thompson, Seconded by Secretary Adair. Voting Yea: Chair Thomas Scroggins, Vice Chair John Thompson, Secretary Scott Adair, Member L.E Rubin
- Approval of the Minutes of 1/6/2022 Motion made by Vice Chairman Thompson, Seconded by Member Rubin. Voting Yea: Chairman Scroggins, Vice Chairman Thompson, Secretary Adair, Member Rubin

Accessory Building Setbacks

- Manager Dr. Moore explained the information he received from the Fire Chief on the accessory building setbacks for fire safety for separation of housing, including the 10-foot setback between buildings as well as a 5-foot separation for a generator. He continued to explain the Chief has yet to find anything about the standard fence recommendations but is still looking for an answer.
- Vice-chairman Thompson asked if a cinder block fence would be considered fire rated.
- Manager Dr. Moore said there were 2 questions related to RV storage and corals/stables which are some types of problems we are having right now.
- Vice-chairman Thompson stated the Dr. Moore provided we should be written into an ordinance and continued the discussion.
- Mr. Rubin stated concrete fences on Nancy Lopez are being built along the side of the water pipes, meaning if there are any problems with water pipes, they will have to tear down the fences. He then suggested having something that states fences cannot be next to water pipes.
- Manager Dr. Moore said one of the recommendations should be in our zoning code check to see if there are any underground utilities or pipes where the structure is sitting.

- Mr. Rubin said he does not know how they can fix the properties on Nancy Lopez that have concrete fences that are too close to the street.
- Secretary Adair asked if there can be a case-by-case assessment that would take place to approve or disapprove their exemption as conditional or special use.
- Manager Dr. Moore said this is a really good question even for permit usage.
- Chairman Scroggins said he thinks it is important to keep the 5' easement clear for utilities and began a discussion.
- Secretary Adair asked if there is a code that states that only a percentage of the lot can be used.
- Manager Dr. Moore explained yes there are several zoning codes that do and might include the number of accessory buildings allowed.
- Chairman Scroggins said that information would help us to use lot size to determine what would be allowing in a particular zone and continued the discussion.
- Secretary Adair asked do we combined the percentage and the 5% to 10% setbacks and began a discussion.
- Vice-chairman Thompson said the State has been issuing building permits that are going around the City and we were talking about how we can stop then from continuing.
- Manager Dr. Moore explained that this issue goes across the several agencies, but we have been trying to get a meeting with at least the state representatives to inform them it needs to stop.
- Manager Dr. Moore said maybe we need to pick a zone and just deal with one zone at a time, started a discussion.

Peddler's Permit

- Manager Dr. Moore this issue needs to be addressed and suggested it can go with our ordinance for business license as well.
- Municipal Clerk Adair said it would not be difficult to create a license for peddlers and could even be a necklace badge or travel size of some sort and began a discussion.
- Mr. Rubin asked we get a plethora of businesses to the northside of the fire station selling fruits and such, but they do not have licenses and come out when City Hall is closed.
- Municipal Clerk Adair stated we do have a vendor's license for anyone who wants to do curb side.
- Manager Dr. Moore stated due to temporary structure, which can catch fire or cause an accident, personal recommendation on that type of peddling we should deal with it being a business ordinance, continued the discussion.
- Vice-chairman Thompson said he sees the need for 3 types of vendors permits/ business licenses, type 1 would be with the contractors, type 2 would be a temporary store, and type 3 would be a door-to-door salesperson. He then asked if a plumber would come to fix a leak in a home would they need a permit and began a discussion.

Planning and Zoning 2022 Meeting Schedule

- Chairman Scroggins said he does not think this will work due to new people applying for the Commission.
- Manager Dr. Moore said as long as you have a quorum you may move the time, and then explained we will be speaking with Council about the 3 applicants on February 14th.

- Manager Dr. Moore said the next meeting is currently on the 17th, we have a public hearing or two and with the Deputy Clerk out due to COVID we are trying to get everything pulled together. He then asked if the Commission would be willing to meet on the 24th instead so we can have more time to advertise for the hearings.
- Municipal Clerk Adair stated we cannot have a in person meeting as of right now, but in the future, they will be stated virtual.
- Chairman Scroggins asked if Manager Dr. Moore was proposing to have the meeting on the 17th moved to the 24th of February.
- Mr. Rubin said he would have no problem on the 24th if we keep the same time.
- Manager Dr. Moore said yes, we can keep the meeting at the same time and began a discussion.
- Vice-chairman Thompson said the 24th is fine, he is flexible and supports any decision that will be made, and maybe in the future we may give an option for the presentations to be either virtual or in-person.
- Secretary Adair said he is fine with whatever is decided.
- Motion made by Vice Chairman Thompson to move the meeting from the 17th to the 24th of February. Seconded by Secretary Adair. Voting Yea: Chairman Scroggins, Vice Chairman Thompson, Member Rubin

Public Comment

* No public comments

Commission Discussion/Future Agenda Items

- Future agenda items: Accessory Building Setbacks - R1 Zoning changes, Peddler's Permit amending business licenses and business registration ordinances. Planning and Zoning 2022 Meeting Schedule
- Mr. Rubin asked has there been any discussion regarding the applicants for Planning and Zoning or if the Mayor has any more applicants.
- Manager Dr. Moore explained there are 3 applicants and will be talked about in the Council meeting on the 14th.

Adjourn

- Motion made by Vice Chairman Thompson, Seconded by Member Rubin. All in favor to adjourn at 6:40 pm.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk
(Taken by Lisa Adair, Municipal Clerk, Transcribed by
Cheyenne Sullivan, Assistant Clerk)

Date: _____

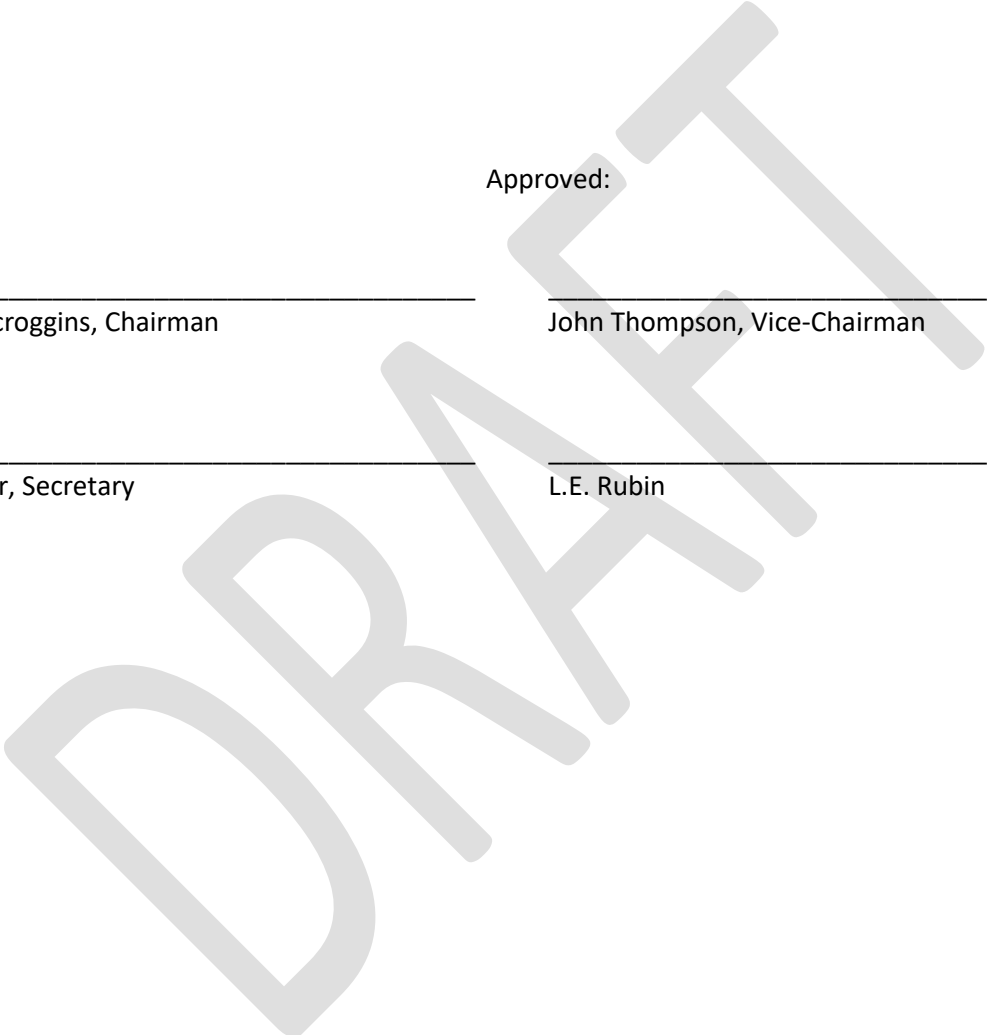
Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

L.E. Rubin





Rio Holdings LLC

February 7, 2022

Mr. Martin Moore
Ms. Amy Lopez
City of Rio Communities
360 Rio Communities Blvd
Rio Communities, NM 87002

Re: R-1 Zoning for 44.19 Acres
C-3 Zoning for 9.28 Acres
Manzano Parkway and Houston Blvd

Dear Ms. Lopez and Mr. Moore,

We are owners of 53.47 acres of land including interior street right-of-way at the Northeast Corner of Manzano Parkway and Houston Boulevard in the City of Rio Communities.

We have planned 234 residential lots and a 2.2 acre park in the northern 44.19 acres for which we would like to change the Planned Development Zoning (PD) to residential R-1 Zoning. Please refer to the attached site plan for the proposed 234 lot development known as Rio Vista Estates.

In addition with have 9.28 acres contiguous on the south to this proposed R-1 Zoning which we would like to change from Planned Development (PD) to C-3 Zoning to allow for retail and/or high density residential. Please refer to the attached plat showing the 9.28 acres.

Rio Vista Estates will be an especially friendly and supportive addition for the city and for every family that lives here. Our 2.2 acre park will not only be for our residents but for the city as a whole as well as the children at La Merced Elementary School.

With Appreciation,

C. F. Sandy Pofahl
Managing Executive Officer

Attachments

Rio Holdings LLC

6615 LBJ Freeway, Dallas, Texas 75240 972-702-0000 Fax: 972-499-2300 cfsandy@gmail.com



Rio Holdings LLC

Resolution to Rezone 53.47 Acres

Manzano Parkway and Houston Boulevard, Rio Communities New Mexico

As a Member of the LLC named above, I certify that the LLC has been organized within the bounds of New Mexico law as an LLC with its principal office located at 6615 LBJ Freeway, Dallas, Texas 75240.

I further attest that at the meeting of the LLC’s members held on February 7, 2022, a quorum was present, and voting and adopted with the following resolutions:

May it be Known That: Rio Holdings LLC is the owner of 53.47 acres including interior street right-of-way at the Northeast Corner of Manzano Parkway and Houston Boulevard in the City of Rio Communities better known as Tracts 1, 2, and 3 within Sec 15, T5N , R2E NMPM in Valencia County News Mexico. See attached survey by Harris Surveying, Inc.

In Regards to the 53.47 acres there is within it 234 Lots and a 2.2 acre park composed of 44.19 Residential acres and an area designed as Commercial of 9.28 acres. Regarding the Residential 44.19 acres this LLC desires it to have it be zoned R-1 as per the attached Site Plan of the subdivision to be known as Rio Vista Estates and the 9.28 acres to be zoned from Planned Development (PD) to C-3.

Further Resolved, that the officers or authorized employees and specifically C. F. Sandy Pofahl of the LLC may execute any and all agreements, including, but not limited to, special agreements, and arrangements concerning the manner, condition, and/or purposes for the zoning and all manner of development of the 53.47 acres.

I Further Attest that the person named below occupies the stated position, as indicated by their signature, and that the resolutions contained in this document are recorded on the books of the LLC, and these resolutions are in full force and effect and have not been altered in any way.

RESOLVED ON THIS 7th DAY OF February, 2022,

By: C. F. Sandy Pofahl
Managing Executive Officer

Executed: C. F. Sandy Pofahl
LLC MEMBER and MEO




Site Plan with 234 Homes and Park

234 Residential Lots – 50' x 110' and larger
 Retail Office Multi-Family and/or Medical 9.28 acres
 Neighborhood Park 2.24 acres



Mark H. Burak - Burak Consulting - Professional Engineer

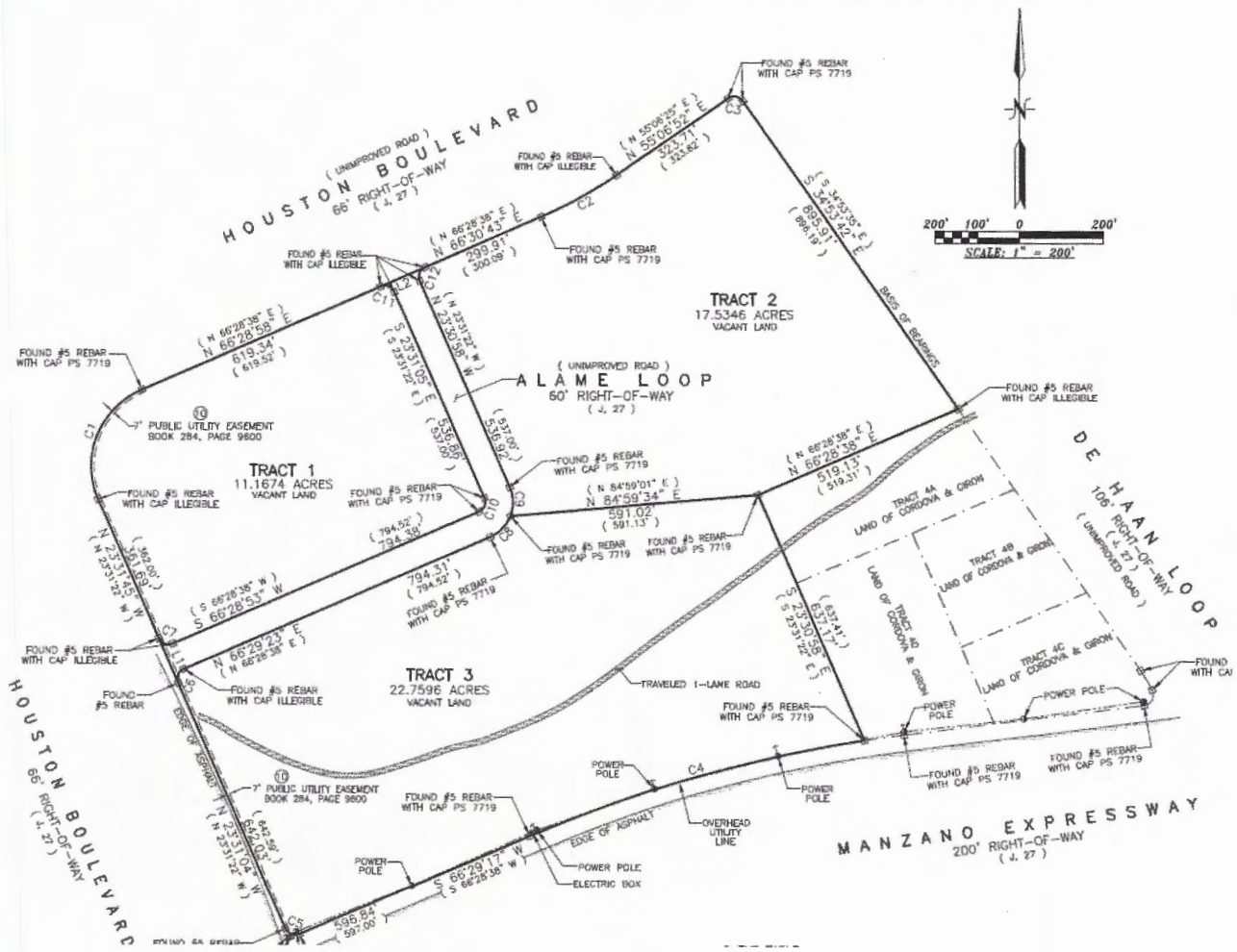
1 OF 1	C1 DRAWING NUMBER	RIO VISTA ESTATES	
		SITE PLAN	

H-S-I Harris Surveying, Inc.

Anthony L. Harris, Professional Surveyor

Tract 1 - 11.1674 acres Tract 2 - 17.5346 acres

Tract 3 - 22.7596 acres Total - 51.4616 acres



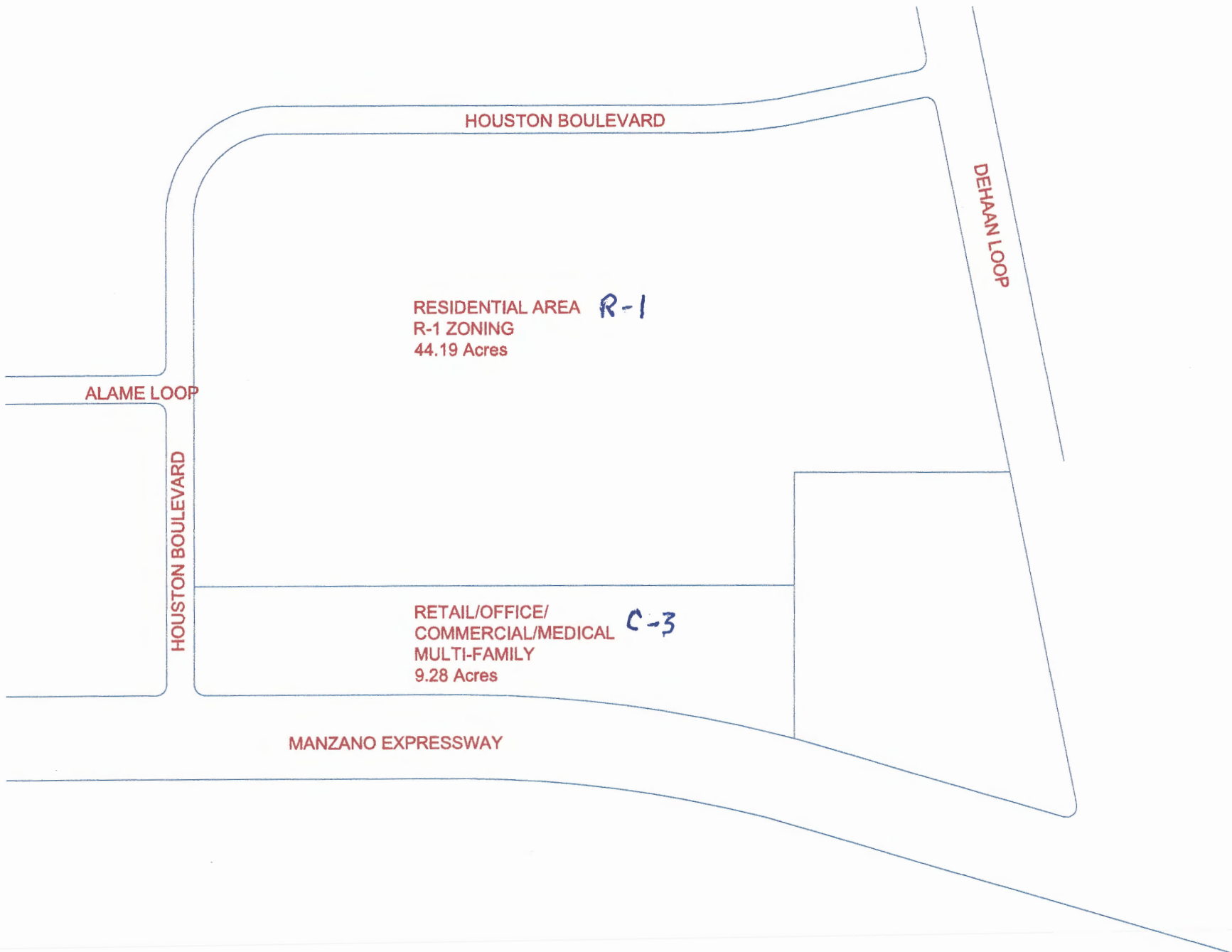
GIVEN UNDER MY HAND AND SEAL AT ALBUQUERQUE, NEW MEXICO
THIS 4th DAY OF OCTOBER, 2021

Anthony L. Harris
ANTHONY L. HARRIS, N.M.P.S. #11463



H-S-I HARRIS SURVEYING, INC.
1308 CIBLO VISTA DEL SUR, NW
CORRALES, NEW MEXICO 87048

PHONE: (505) 250-2273
E-MAIL: harrissurveying51@gmail.com



Application for Approval of Plat for Subdivision City of Rio Communities, NM

Item 2.

Type of Plat: (Circle one)	Fast-Track	PRELIMINARY	FINAL
Name:	RIO HOLDINGS LLC		
Address:	6615 LBJ FREEWAY DALLAS TEXAS 75210		
Telephone:	972.702.0000		
Agent: (If partnership, provide proof that agent has legal authorization to sign documents).	C.F. SANDY POFAHL ATTACHED CORPORATE RESOLUTION		
Agent's Phone:	972.702.0000		
Proof of taxes being current.	PURCHASED RECENTLY - TAXES PAID AT CLOSING		
Legal Description of Property: Attach, if more space is needed.	SEE ATTACHED		
Subdivision: (with UPC#, Lot#, Block)	SEE ATTACHED	Existing plat map #'s:	
Address of Property: Attach document if more space needed.	NEC MANSANO PARKWAY AND HOUSTON BLVD		
Explanation of Request: Attach documentation, if needed.	SEE ATTACHED PLAT AND LETTER 44.18 ^{44.19} ACRES R-1 ZONING, 9.28 ACRES C-3 ZONING		
Is annexation or rezoning required? Explain, if yes.	N/A		
Present Zoning:	PLANNED DEV	Requested Zoning Change:	R-1, C-3
For Staff Use Only:			
Date of Planning and Zoning Commission Hearing:	FEB 24 2022		

Parial List of Applicant Document Requirements		
Area of Review	Regulations	Checklist
Plat documents: This form must be completed. Note Regulations.	Fast-Track Plat: 6-2-1 Preliminary Plat: 6-2-5 Final Plat: 6-2-6	

Staff Reminders		
Area of Review	Regulations	Checklist
Notification of neighbors on adjoining properties (within 300 feet). Signs posted	6-6-3	

Accompanying this application are the original and the appropriate number of copies for the rype of plat proposed. I have examined and am familiar with the regulations governing the subdivision of land, per Chapter 6, and adopted by the City of Rio Communities. I understand the City of Rio Communities will not assume any liability for possible lack of understanding on my part or incorrect information submitted. Application requires a public hearing and a fee. All final plat approvals must be filed with Valencian County Clerks and Rio Communities Clerks offices.

Signature: C.F. Sandy Pofahl Date: 2.7.22
~~TO BE SIGNED AFTER REVIEW FOR~~

CITY OF RIO COMMUNITIES, NEW MEXICO

OPEN MEETINGS ACT RESOLUTION 2022 - 03

A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND THE PUBLIC NOTICE REQUIRED

WHEREAS, the Governing Body of the City of Rio Communities met in regular session at the City Council Chambers, 360 Rio Communities Blvd., Rio Communities, NM on January 24, 2022 at 6:00 p.m. as required by law; and

WHEREAS, Section 10-15-1 (B) NMSA 1978 provides that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of such body, are declared to be public meetings open to the public at all times, except as otherwise provided in the Constitution of New Mexico or the provision of the Open Meetings Act"; and

WHEREAS, Section 10-15-3 (A), NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and

WHEREAS, Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and

WHEREAS, Section 10-15-19 (D) requires that "Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation, or formal action occurs, and at which a majority or quorum of the body is in attendance and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to that body."

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Rio Communities, New Mexico that:

1. Notice shall be given at least six (6) days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority, or other policy-making body held for the purpose of discussion public business or taking any formal action within the authority of

such body.

- 2. The regularly scheduled meetings of the governing body will be held at 6:00 P.M. on the second and fourth Monday each month in the City Council Chambers located at 360 Rio Communities Blvd, Rio Communities, New Mexico. In the event that the regular meeting date falls on a legal holiday, the governing body shall designate an alternate meeting date and/or time to be published as provided in this Resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be published as provided in this Resolution.

A member of the governing body may participate in a meeting of the governing body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the governing body who speaks during the meeting.

- 3. Notice shall be given at least three (3) days in advance of any special meeting of a quorum of the members of the governing body, board, commission, committee, agency, authority, or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.
- 4. The notice requirements of Section 1, 2 and 3 of this Resolution are complied with if notice of the date, time, place, and subject matter of any regular or special meeting are published. Additionally, the notice shall contain information on how the public may obtain a copy of the meeting agenda, said agenda to be available at least six (6) days in advance of any regular meeting and a final agenda, if needed, at least seventy-two (72) hours prior to the meeting. "Publish" means printing in a newspaper which maintains an office in the municipality and is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, or, if no such newspaper exists, "publish" shall mean posting in at least six (6) public places within the municipality, website and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain posting for public inspection
- 5. *Within the time limits specified. That at least six (6) of the eight (8) public places listed below a notice shall be posted:*

Rio Communities City Hall	
New Mexico Water Department	Oasis Cafe
United Business Bank	Chamesa

Moose Lodge
Oasis Laundry Wash & Fold

Tierra Grande HOA

The Clerk may, in addition to posting, publish one or more times in a newspaper of general circulation within the municipality, even though it does not maintain an office within the municipality. In addition, written notice of such meetings shall be mailed or faxed to federally licensed broadcast stations and newspapers of general circulation in the municipality, which have provided a written request for such notice.

6. Notwithstanding any other provisions of sections 1 through 4 of this Resolution, governing body may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.
7. The governing body of the City of Rio Communities may close a meeting to the public only pursuant to exclusions contained in Section 10-15-1, Subsection H, NMSA 1978. If a meeting is closed during an open meeting, such disclosure shall be approved by a majority vote taken during the open meeting. The authority for the closed meeting and subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting. If a closed meeting is called when the governing body of the City or Rio Communities is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and the general public. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure. Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by a vote of the governing body of the City of Rio Communities in an open meeting.
8. Notwithstanding any other provision of sections 1 through 7 of this Resolution, the governing body of the City of Rio Communities may call emergency meetings of the governing body, any board, commission, committee or other policymaking body of the municipality. Emergency meetings will be called only under unforeseen circumstances, which demand immediate action to protect the health, safety, and property of the citizens or to protect the municipality from substantial financial loss. The City of Rio Communities will avoid emergency meetings whenever possible. Emergency meetings may be called upon twenty-four (24) hours' notice unless threats of personal injury or property damage require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF JANUARY 2022 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.

City of Rio Communities Governing Body

Joshua Ramsell,
Mayor

Margaret (Peggy) Gutjahr,
Councilor Mayor Pro-tem

Arthur (Art) Apodaca,
Councilor

Lawrence R. Gordon,
Councilor

Jimmie Winters,
Councilor

ATTEST:

Elizabeth F. Adair,
Municipal Clerk