

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: PG Properties LLC		Phone:
Address: 211 Montano Rd NW, Suite H		E-Mail: melvinp@ephinitybuilders.com
City: Albuquerque	State: NM	Zip: 87107
Proprietary Interest:	List Owners: Melvin Parker, Edward Gutierrez	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)
Agent Name: Modulus Architects & Land Use Planning, Angela Piarowski		Phone: 505-338-1499
Address: 8220 San Pedro Dr NE, Suite 520		E-Mail: angela@modulusarchitects.com
City: Albuquerque	State: NM	ZIP Code: 87113

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

Zone Map Amendment to change existing zone from C1 & PR to SU to allow for modest size Apartment home and Open Space Courtyard Park for Residents.
Address: 3820 Camino Encantadas (1.23 Acres) and 3900 Camino Encantadas (0.56 Acres)

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Lomas Encantadas	Block(s):	Lot(s): Tract 5 and LE TR 17-A only 24,405 SF
Existing Zoning: C-1 & PR	Proposed Zoning: SU	
No. of existing lots: 2	No. of proposed lots: 2	Total area of site (acres): 1.79 acres

ACKNOWLEDGEMENT

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

Print Name: Angela M. Piarowski, Agent	Applicant:	Agent: Modulus Architects
Signature: 		Date: 5-29-2026

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____

DATE: _____



Planning and Zoning Board
City of Rio Rancho
3200 Civic Center Circle NE
Rio Rancho, NM 87144

August 12, 2026

Subject: Special Use (SU) Zone Map Amendment Request - Property: 3820 Lomas Encantadas NE (Lomas Encantadas Tract 5) and a Portion of 3900 Camino Encantadas NE | Current Zoning: C-1 (Retail Commercial) and Parks & Recreation | Proposed Zoning: SU Authorizing R-6 Multi-Family Residential and C-1 Retail Commercial Uses as Independent Options | Total Area: Approximately 1.7903 Acres

Dear Planning and Zoning Board,

Modulus Architects & Land Use Planning, Inc. ("Agent"), on behalf of PG Properties ("Property Owner"), respectfully requests approval of a Special Use (SU) Zone Map Amendment for the property legally described herein and depicted in the attached exhibits. The subject site consists of approximately **1.7903 acres** and is comprised of two components:

- Tract 5, containing approximately 1.230 acres, currently zoned C-1 (Retail Commercial).
- An adjacent parcel area consisting of approximately **24,405 square feet (0.5603 acres)** currently owned by the **City of Rio Rancho** and identified as a portion of **LE, TR 17-A | 3900 Camino Encantadas**, presently zoned **Parks and Recreation**. This remnant parcel is proposed to be acquired by the Property Owner and subsequently replatted with Tract 5 to create a unified development site.

The requested Special Use Zone Map Amendment would apply to the combined 1.7903-acre site and establish a tailored zoning framework authorizing uses drawn from the R-6 Multi-Family Residential District and the C-1 Retail Commercial District as independent options. Approval would not require a mixed-use project or construction of either use family. The purpose is to establish a flexible but controlled land-use framework capable of responding to the property's unusual access, size, configuration, ownership, and transitional context while preserving a separate Governing Body review of any future site plan.

The purpose of this letter is to provide the relevant background, policy analysis, and justification for the proposed Special Use Zone Map Amendment. Both portions of the site are vacant and undeveloped (see Figure 1). The request would change approximately 1.7903 acres from C-1 Retail Commercial and Parks and Recreation to a tailored SU designation authorizing the R-6 use family and selected compatible C-1 uses as independent options, with all physical development decisions reserved for later Governing Body site-plan approval.

The SU framework is appropriate because the site requires a unified plan, a defined use schedule, and property-specific standards to ensure compatibility and a high-quality development outcome. Rio Rancho Code §154.43(A)(3) establishes a two-stage process for SU property. It requires a Governing Body-approved site plan, but expressly provides that the site plan may accompany the zone-change application or may be submitted for approval at a later date. The same provision prohibits development until that approval is obtained. The Applicant elects the later-site-plan procedure expressly provided by the Code.

PROPOSED SU USE FRAMEWORK

Section 154.43(A) identifies the precise circumstances present here. SU zoning is appropriate where suitability depends on site character; where a combination of uses is not otherwise permitted in one underlying district; and where unique requirements for height, setbacks, width, parking, landscaping, signage, or other provisions are warranted. Section 154.43(B)(18) further recognizes any use or combination of uses not otherwise permitted under a specific zoning district as a special use.

Neither conventional R-6 nor conventional C-1 zoning provides the same calibrated result. R-6 alone would eliminate the option for neighborhood-serving commercial uses. C-1 alone does not permit multifamily residential as a principal ground-floor use and does not solve the parcel's access and configuration constraints. SU allows the Governing Body to authorize both use families while retaining a second discretionary review of the actual development.

- The SU framework therefore provides more—not less—public control:

- The adopting ordinance can define and restrict the authorized use list.
- No development can occur by right from the zoning approval alone.
- A later site plan must return to the Governing Body for approval.
- Site-specific conditions may address height, setbacks, parking, access, circulation, buffers, landscaping, signage, architecture, drainage, and compatibility.
- The City may evaluate the actual proposal and its actual impacts before development is authorized.

SU controls. No development may occur until the Governing Body approves the required SU site plan. Any conditional use derived from R-6 or C-1 remains subject to the applicable use-permit and site-plan requirements unless the adopting ordinance expressly provides otherwise. The ordinance should define the authorized use schedule and confirm that neither use family is mandatory. The later site plan should control density, height, setbacks, parking, access, circulation, landscaping, buffering, signage, architecture, drainage, and other property-specific standards.

REQUESTED USE FRAMEWORK

R-6 Use Family

The requested SU ordinance should authorize the permissive uses of §154.13, including multifamily dwellings, other residential forms, senior living, accessory buildings and living space, resident recreation, parks and open space, home occupations, child-care uses, community residential care, places of worship, public utilities, and other R-6 permissive uses. Uses classified as conditional under R-6 should remain subject to the applicable use-permit process unless the ordinance expressly provides otherwise.

C-1 Use Family

The requested SU ordinance should authorize the C-1 uses specifically identified in the adopting use schedule, with emphasis on compatible neighborhood-serving retail, restaurants and coffee/tea rooms, professional and medical offices, personal services, financial institutions, daycare, parks and public facilities, parking facilities, utilities, and similar uses. The use schedule should expressly identify any excluded or conditional uses. Uses classified as conditional under C-1 should remain subject to applicable use-permit and site-plan requirements unless the ordinance expressly provides otherwise.

No Mandatory Mix

Authorization of both use families does not mean both must be constructed. A zoning use list establishes eligibility; it does not compel every listed use to occur. The public benefit of retaining C-1 authorization is long-term adaptability: neighborhood goods or services may be integrated if later planning demonstrates that they are feasible and compatible, without forcing a commercial component that access, market, or design conditions may not support.

“The uses identified from the R-6 and C-1 districts are permissive options that may be proposed individually or in an approved combination. No minimum residential or commercial floor area is required. Approval of one authorized use shall not be conditioned upon construction, phasing, occupancy, or continued operation of another authorized use. No development shall occur until a site plan is approved by the Governing Body pursuant to §154.43(A)(3).”

PROPERTY CONDITIONS JUSTIFY A FLEXIBLE, CONTROLLED DISTRICT

Long-Term Vacancy and Fragmented Zoning

Tract 5 has remained vacant for more than twenty years under C-1 zoning. The adjoining remnant tract has remained vacant and unimproved under Parks & Recreation zoning and is in the process of being acquired and assembled with Tract 5. Applying one SU framework to the combined property allows the City to replace fragmented zoning with coordinated future review.

Access Constraints

The existing C-1 parcel has approximately 189 feet of frontage along Camino Encantadas and approximately 205 feet along Camino Venada. Based on the Applicant’s access analysis, both dimensions fall substantially short of the 330-foot minimum driveway-spacing standard identified for a nonsignalized intersection. There is no independent alternative access point to the corner parcel. Although the property has street frontage and is not legally landlocked, it is functionally access-constrained as a stand-alone commercial site.

These conditions do not justify approving a particular access solution now; they demonstrate why a premature site plan would be inappropriate. Parcel assembly and later technical review may create opportunities for coordinated access, circulation, and cross-access that cannot be accurately evaluated until survey, engineering, ownership, and agency coordination are complete. SU preserves the City’s authority to evaluate that future solution comprehensively.

Transitional Location and Scale

The property occupies a transition between roadway frontage, existing commercial entitlements, public or recreational land, and residential neighborhoods. Its modest area and corner geometry warrant a use framework that can respond to competing conditions without granting uncontrolled development rights. SU is specifically designed for property whose appropriateness depends on site character and allows the City to impose standards tailored to that transition.

By transitioning from separate C-1 and Parks and Recreation designations to a customized SU district, the City can authorize R-6 and C-1 uses as independent options that would not otherwise be available under one conventional district. The SU framework allows the Governing Body to define the use schedule and later approve a site plan addressing building placement, access, circulation, parking, landscaping, buffering, architecture, drainage, and other property-specific standards. This creates greater predictability and stronger compatibility protections than applying either R-6 or C-1 zoning alone.

In summary, the requested amendment establishes a controlled zoning framework rather than approving a development plan. It responds to the property's long-term vacancy, fragmented zoning, access constraints, parcel assembly, and transitional context while preserving full Governing Body review of the actual proposal before any development may occur.

SITE OWNERSHIP

The site was purchased by PG Properties and the acquisition was finalized on January 9, 2026. Prior to the sale, Lomas Encantadas Master Association, Inc. had owned the property since 2007. PG Properties, under the umbrella of Ephinity Builders, is the Property Owner and Applicant. The adjacent 24,405-square-foot remnant parcel is owned by the City of Rio Rancho and is in the process of being acquired by PG Properties for assembly with Tract 5.

SITE HISTORY

Tract 5/Parcel 3E was originally zoned R-1. On August 11, 2004, City of Rio Rancho Ordinance No. 30, Enactment No. 04-029, changed Parcels 3B, 3C, 3D, and 3E to C-1. Parcel 3B was subsequently rezoned to R-4, while Parcels 3C and 3D remain C-1. The 2004 ordinance characterized development of the subject property as infill because of its proximity to existing development and recognized that development of vacant land in built-up portions of the community can promote efficient use of existing infrastructure.

The remnant land area being acquired from the City of Rio Rancho was originally included within the larger Enchanted Hills South Master Plan and zoning actions approved by the City in 2004. As part of Ordinance No. 30, Enactment No. 04-029, the larger area was rezoned from R-1 Single-Family Residential to several planned land-use designations. The remnant parcel was designated PR/Parks and Recreation, reflecting its intended relationship to the community's open-space and recreation system.

Since the 2004 approval, the remnant area has remained vacant and has never been improved as an active park facility. The City has determined that the parcel is surplus to its operational needs and has elected to convey it to the adjoining property owner. Incorporating the remnant into one SU framework with Tract 5 will permit coordinated future review while maintaining access to existing parks, trails, and recreational facilities serving the surrounding community.

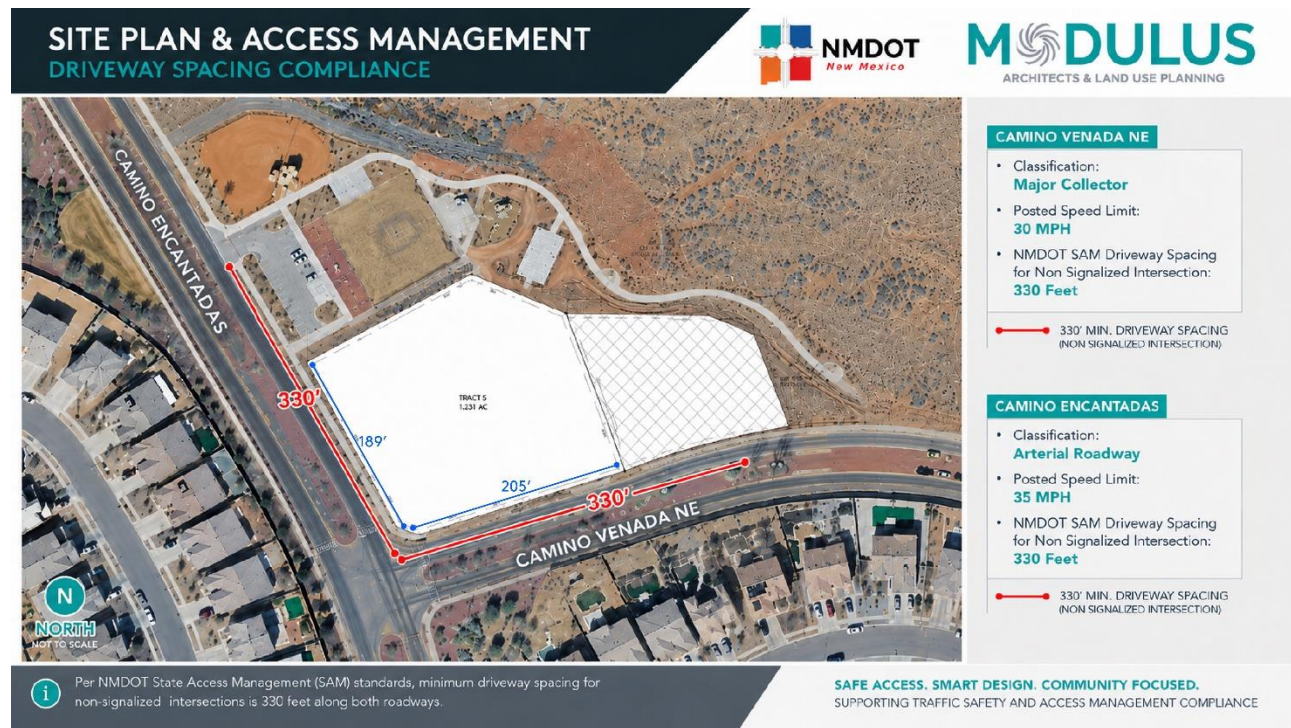
Figure 1: Site Location



An aerial photograph of a residential neighborhood in Las Vegas, NV. The map shows a grid of streets including Napoleon Rd NE, Camino Venada NE, and North Pole Loop NE. A blue pin is placed on a lot labeled '3820 Lomas Encantadas'. To the north of this lot is a green-shaded area labeled 'Encantadas Dog Park' and 'Family Area & Playground'. The surrounding area consists of houses with grey roofs, some commercial buildings, and large water tanks in the bottom left corner. The terrain is arid with sparse vegetation.

The subject property has remained vacant for more than twenty years despite being zoned C-1 Retail Commercial. Although the existing zoning remains legally valid, the parcel's limited dimensions, significant access constraints, pending assembly with the adjoining remnant, and adopted City policies support a more flexible and appropriately controlled zoning framework.

The parcel's configuration significantly limits its ability to function as a stand-alone C-1 commercial property. It has approximately 189 feet of frontage along Camino Encantadas and approximately 205 feet along Camino Venada. Based on the Applicant's access analysis, both frontages fall substantially short of the 330-foot minimum driveway-spacing standard identified for a nonsignalized intersection. Because the parcel occupies the corner of the two roadways and has no independent alternative access point, conventional stand-alone access is substantially constrained.



Accordingly, although the property has street frontage and is not legally landlocked, it is functionally access-constrained as an independent commercial site. Stand-alone C-1 development could require a deviation from applicable spacing standards, access through adjoining property, or another coordinated solution subject to agency review. These physical limitations materially impair the parcel's conventional commercial viability and help explain why it has remained vacant for more than two decades. Approval of SU zoning would not approve an access point or determine that adequate access exists; those findings remain subject to later survey, engineering, traffic, and site-plan review.

The relatively small size and corner geometry of the property compound the access limitations. A conventional stand-alone commercial plan could require a substantial portion of the parcel for access, drive aisles, circulation, parking, and maneuvering. A unified SU framework allows those matters to be evaluated across the assembled property rather than forcing isolated parcel development.

The requested SU zoning provides a practical and safer alternative by allowing the property to be incorporated into one coordinated regulatory framework. It authorizes R-6 residential uses and selected compatible C-1 uses as independent options, without requiring a commercial component or predetermining a residential project. The later site-plan process will address access, circulation, parking, building placement, landscaping, buffering, drainage, and compatibility based on actual technical information.

The request is therefore not based solely on market preference or the Applicant's private economic interests. It responds to longstanding physical and regulatory constraints and replaces fragmented zoning with a more accountable framework. The proposed SU classification is more advantageous because it preserves commercial opportunities, adds residential flexibility, promotes coordinated access and infrastructure review, and subjects every future development proposal to property-specific Governing Body approval.

PARKS AND RECREATION REMNANT PARCEL

The remnant land area proposed for acquisition from the City of Rio Rancho was originally designated PR/Parks and Recreation as part of the 2004 Enchanted Hills South Master Plan. Since that time, the property has remained vacant and unimproved and has never functioned as an active park facility. The remnant parcel is limited in size and configuration and has not been developed for recreational purposes during more than two decades of ownership. The City has determined that the parcel is surplus to its operational needs and has elected to convey the property to the adjoining landowner.

Incorporation of the remnant parcel into one SU framework allows the City to evaluate access, circulation, utilities, drainage, parking, pedestrian connections, landscaping, buffering, and the relationship among future uses across the combined property. No particular physical development plan is proposed for approval through this zoning action.

WHY SU IS MORE ADVANTAGEOUS

The requested Special Use Zone Map Amendment would place a long-vacant, functionally access-constrained C-1 parcel and an unused remnant City-owned tract under one coordinated, property-specific zoning framework. This approach allows the combined property to be evaluated as a whole rather than requiring each tract to function independently under fragmented zoning.

The request responds directly to the conditions that have contributed to long-term vacancy: limited frontage, constrained stand-alone access, modest parcel size, corner geometry, parcel assembly, and the property's transitional relationship to surrounding land uses. Approval would not determine an access solution; it would preserve the City's authority to evaluate access and circulation comprehensively when a later site plan is submitted.

The SU framework would authorize R-6 uses and selected compatible C-1 uses as independent options. No mixed-use project, commercial component, minimum commercial floor area, residential density, unit count, building layout, architecture, open-space configuration, or phasing plan is proposed or required.

Most importantly, the zone change alone would not authorize development. Under Rio Rancho Code §154.43(A)(3), no development may occur until the Governing Body approves a later site plan. That second approval provides the City with greater control over access, circulation, density, setbacks, parking, utilities, drainage, landscaping, buffering, architecture, signage, and compatibility than conventional zoning alone.

The requested zoning change therefore represents a logical and more protective land-use framework for this uniquely constrained property. It preserves use flexibility while reserving every physical development decision for subsequent public review. Approval of the requested Special Use Zone Map Amendment authorizing R-6 and selected C-1 uses as independent options is respectfully requested.

COMPREHENSIVE PLAN POLICY ANALYSIS

The requested amendment is a zoning-level action, not approval of a predetermined project. Consistency at this stage is based on the uses proposed for authorization, the suitability of the SU mechanism, and the property-specific controls and later site-plan review that will govern any future development.

Housing Choice and Community-Friendly Multifamily Development

Goal PH-3 promotes a variety of housing types to meet the needs of all members of the community (PH-7). Policy PH-1 supports quality, community-friendly multifamily development with enhanced open space and pedestrian connectivity, and Policy PH-4 calls for effective transitions or buffers between substantially different uses and densities (PH-7). Authorizing R-6 uses expands housing opportunity without committing the City to a density, unit count, building form, or development program.

Focused Growth, Infill, and Infrastructure Efficiency

Goal UD-1 supports focused growth where existing infrastructure can accommodate higher-density development; Goal UD-5 supports infill and redevelopment in areas that have been neglected; and Policy UD-3 supports infill and redevelopment projects (U-10 and U-11). The property lies within an established area where streets and utility networks exist. Adequacy and capacity for a particular proposal remain to be demonstrated during later site-plan review.

Coordinated Planning, Walkability, and Neighborhood Services

Goal L-3 calls for maintaining a citywide balance of land uses. Policies L-1 through L-3 encourage coordinated planning, neighborhood-scale retail compatible with residential development, and walkability (L-8). Section 2.3.7 promotes traditional neighborhoods with varied housing types within walking distance of commercial services (V-9). Authorizing selected C-1 uses preserves the opportunity for neighborhood goods and services if later access, market, engineering, and compatibility analysis demonstrates that they are appropriate; it does not require a commercial component.

Sense of Place and Appropriate Transitions

Goals UD-2 and UD-3 support traditional neighborhood patterns, a sense of place, and development that fosters human interaction (U-10). Policy PH-4 supports effective transitions between different uses and densities. SU advances these goals

procedurally by allowing the Governing Body to impose standards tailored to the property and evaluate the eventual design at a later public hearing rather than locking in an untested layout at the zoning stage.

Consistency Through the Two-Stage SU Process

Rio Rancho Code §154.43(A)(3) permits the required SU site plan to be submitted after the zoning action and prohibits development until the Governing Body approves that plan. The later application must identify the actual uses and structures and address dimensions, setbacks, ingress and egress, parking, circulation, utilities, drainage, landscaping, buffers, elevations, and adjacent-property characteristics. Detailed findings concerning access, infrastructure capacity, compatibility, walkability, open space, and urban design are therefore reserved for the later site-plan proceeding.

The requested SU classification does not supersede applicable requirements of the Lomas Encantadas Master Plan. The later site plan must demonstrate specific consistency with the adopted Master Plan and surrounding development before construction can be authorized.

Accordingly, the requested amendment advances the Comprehensive Plan by:

- Supporting housing variety without predetermining a residential project;
- Preserving compatible C-1 opportunities without imposing a mandatory commercial component;
- Promoting productive infill and coordinated review of an assembled property;
- Retaining the City's ability to require appropriate transitions and property-specific protections; and
- Prohibiting development until the actual proposal is reviewed for detailed consistency with applicable adopted plans.

ZONE MAP AMENDMENT POLICY COMPLIANCE

(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 requested Special Use Zone Map Amendment is consistent with and affirmatively promotes the health, safety, and general welfare of the City because it replaces two fragmented zoning designations with a unified, property-specific regulatory framework while preserving a separate Governing Body review of any future development.

The subject property presents conditions that warrant greater control than conventional zoning alone can provide. The existing C-1 parcel has approximately 189 feet of frontage along Camino Encantadas and approximately 205 feet along Camino Venada. Based on the Applicant's access analysis, both frontages fall substantially short of the 330-foot minimum driveway-spacing standard identified for a nonsignalized intersection. The corner parcel has no independent alternative access point. Although it is not legally landlocked, it is functionally access-constrained for stand-alone commercial development. The adjoining City-owned remnant tract is separately zoned Parks and Recreation and has remained vacant and unimproved. Leaving these properties under separate zoning classifications perpetuates fragmented land-use and access conditions that have contributed to the site remaining undeveloped for more than twenty years.

The SU classification provides a safer and more responsible means of addressing these conditions. It allows the properties to be assembled and evaluated as one coordinated site so that access, circulation, cross-access, emergency response, utilities, drainage, parking, pedestrian movement, landscaping, and buffering can be considered comprehensively rather than parcel by parcel. This reduces the potential for conflicting or unsafe access movements near the intersection and allows the City to require a coordinated solution based on actual engineering information.

Approval of the requested zoning will not authorize construction or approve a physical development plan. Under Rio Rancho Code §154.43(A)(3), no development may occur until a site plan is subsequently approved by the Governing Body. That later approval must address proposed uses and structures, dimensions and setbacks, ingress and egress, parking and circulation, landscaping and buffers, elevations, adjacent-property characteristics, utilities, rights-of-way, and preliminary drainage. The City therefore retains a second discretionary approval at which the actual proposal and its actual effects on public safety and surrounding property must be evaluated.

The requested SU district also permits the City to impose property-specific requirements for height, setbacks, building width, parking, access, landscaping, buffering, lighting, signage, drainage, and other development standards. These enforceable controls provide greater protection for adjacent neighborhoods and the transportation system than immediately applying conventional R-6 or C-1 zoning. If a future proposal cannot demonstrate safe access, adequate infrastructure, proper drainage, compatible transitions, and compliance with applicable City requirements, the required site plan need not be approved.

Authorizing the R-6 use family and selected compatible C-1 uses does not require that both use categories be developed. It preserves a range of potentially appropriate uses while allowing the City to evaluate the ultimate proposal in light of future engineering, access, market, compatibility, and design information. No minimum commercial floor area, commercial phase, or mixed-use component is proposed or required. This flexibility prevents the property from being forced into an unsafe or impractical stand-alone commercial development pattern while preserving the opportunity for compatible neighborhood-serving uses if they are demonstrated to be feasible through the later approval process.

The requested zoning therefore advances the public welfare by:

- *Replacing fragmented zoning with one coordinated regulatory framework;*
- *Preventing any development before Governing Body approval of a detailed site plan;*
- *Requiring comprehensive evaluation of access, circulation, emergency response, drainage, utilities, parking, and pedestrian safety;*
- *Allowing enforceable, property-specific compatibility standards;*
- *Providing a mechanism to resolve longstanding access and parcel-configuration constraints;*
- *Supporting productive infill and efficient use of existing public infrastructure; and*
- *Preserving the City's authority to deny or condition a future site plan that does not adequately protect the public or surrounding properties.*

For these reasons, the SU Zone Map Amendment is not merely consistent with the health, safety, and general welfare of the City; it provides a more protective and accountable regulatory framework than the existing fragmented zoning pattern. The request satisfies Criterion D(1).

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

Applicant Response: The Applicant acknowledges that stability of land use and zoning is an important public objective. The requested amendment is justified because the existing zoning pattern has not produced a viable or coordinated use of the property, and the proposed SU classification provides a more stable, controlled, and accountable framework for its future development.

The existing zoning divides the approximately 1.79-acre site between C-1 Retail Commercial and Parks and Recreation. These classifications treat the parcels independently even though their size, configuration, ownership, access limitations, and functional relationship require them to be planned together. Tract 5 has remained vacant for more than twenty years under C-1 zoning. The adjoining City-owned remnant has also remained vacant and unimproved, has never functioned as an active park, and is being assembled with Tract 5. Continuation of the existing zoning would perpetuate a fragmented pattern that has not resulted in productive development or implementation of the remnant tract's designated recreational use.

The longstanding vacancy is not presented as the sole justification for rezoning. It is evidence of the practical limitations imposed by the parcel's configuration and access conditions. The C-1 tract has approximately 189 feet of frontage along Camino Encantadas and approximately 205 feet along Camino Venada. Based on the Applicant's access analysis, both frontages fall substantially short of the 330-foot minimum driveway-spacing standard identified for a nonsignalized intersection. The parcel has no independent alternative access point. Although it is not legally landlocked, it is functionally access-constrained as a stand-alone commercial property. These conditions materially limit the reasonable development of the parcel under its existing configuration.

The requested SU classification responds directly to these objective conditions. It would place the assembled property under one coordinated zoning framework and authorize the R-6 use family and the compatible C-1 uses specifically identified in the adopting use schedule. Authorization of both use families does not require a mixed-use project or construction of a commercial component. C-1 uses would remain available as optional uses, thereby preserving the property's existing commercial-use potential, while R-6 uses would provide an additional land-use option that is compatible with the predominantly residential character of the surrounding community.

The amendment is therefore a measured expansion of the property's potential use—not an abandonment of its existing commercial classification or an unrestricted departure from the surrounding land-use pattern. The requested SU ordinance can clearly define the authorized uses, retain applicable conditional-use requirements, and establish property-specific limitations. No minimum residential or commercial floor area is requested, and neither use family would be required as a condition of developing the other.

Most importantly, approval of the SU zoning would not authorize development or vest approval of a particular project. Rio Rancho Code §154.43(A)(3) requires a separate site plan approved by the Governing Body before any development may occur. At that later stage, the City will review the actual proposal, including its uses, structures, dimensions, setbacks, access, circulation, parking, utilities, drainage, landscaping, buffers, elevations, and relationship to adjacent properties.

This mandatory second approval provides greater predictability and public control than the existing fragmented zoning pattern. The Governing Body will retain the authority to impose site-specific requirements for access, height, setbacks, building placement, parking, circulation, landscaping, buffering, lighting, signage, architecture, drainage, and other matters necessary to ensure compatibility. If the future proposal does not satisfactorily address those matters, the required site plan need not be approved.

The requested amendment strengthens zoning stability by:

- Replacing two fragmented classifications with one coordinated regulatory framework;
- Preserving C-1 uses while adding R-6 uses as independently available options;
- Responding to documented parcel-configuration and access constraints;
- Recognizing that the remnant Parks and Recreation tract has not functioned as a public recreational facility;
- Preventing development until a detailed site plan receives separate Governing Body approval;
- Allowing enforceable standards tailored to this property and its surroundings; and
- Providing an orderly transition between roadway frontage, existing commercial entitlements, public or recreational land, and surrounding residential development.

Accordingly, the requested SU classification is supported by a sound, property-specific justification. It does not undermine zoning stability; it replaces a longstanding, fragmented, and functionally constrained zoning pattern with a unified framework that preserves existing commercial opportunities, expands the range of potentially appropriate uses, and subjects all future development to heightened public review and property-specific controls. The request therefore satisfies Criterion D(2).

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 requested Special Use Zone Map Amendment is generally consistent with and advances the Rio Rancho Comprehensive Plan because the proposed classification establishes a controlled land-use framework that supports housing choice, coordinated planning, productive infill, neighborhood-serving opportunities, and efficient use of existing infrastructure. This zoning request does not seek approval of a predetermined development plan. Consistency at this stage is therefore based on the uses proposed for authorization, the suitability of the SU mechanism, and the regulatory controls that will govern subsequent development.

The requested SU classification would authorize the R-6 use family and the compatible C-1 uses specifically identified in the adopting use schedule. The two use families would be independently available; the approval would not require a mixed-use development or construction of a commercial component. Retaining C-1 authorization preserves the opportunity for neighborhood goods and services if future access, market, compatibility, and site-planning analyses demonstrate that such uses are feasible. Adding R-6 authorization expands the range of housing types that may be considered on a property that has remained vacant for more than twenty years.

This framework is consistent with the following verified Comprehensive Plan provisions:

- Vision for Growth (V-1), which recognizes the need for higher-intensity residential uses to support walkable neighborhoods, transportation opportunities, and complete streets as Rio Rancho grows;
- Urban Design Criteria (V-2), which recognize the importance of increased residential density in providing efficient public services and broader housing opportunities;
- Goal L-3 (L-8), which calls for maintaining a balance of land uses throughout the City;
- Policy L-1 (L-8), which encourages coordinated planning that considers circulation, landscaping, open space, drainage, utilities, and building location and design;
- Policy L-2 (L-8), which supports neighborhood-scale retail that is compatible with residential development;
- Policy L-3 (L-8), which promotes development that incorporates walkability;
- Goal PH-3 (PH-7), which promotes a variety of housing types to meet the needs of all members of the community;
- Policy PH-1 (PH-7), which supports quality, community-friendly multifamily development with enhanced open space and pedestrian connectivity;
- Policy PH-4 (PH-7), which calls for effective transitions or buffers between substantially different uses and densities;

- Goal UD-1 (U-10), which supports focused growth where existing public infrastructure can accommodate higher-density development;
- Goals UD-2 and UD-3 (U-10), which support traditional neighborhood patterns, a sense of place, and development that fosters human interaction;
- Goal UD-5 (U-10), which supports infill and redevelopment in areas that have been neglected; and
- Policy UD-3 (U-11), which supports infill and redevelopment projects.

The requested amendment advances these policies at the zoning level in several important ways.

First, it creates a path for the productive use of a long-vacant property located within an established master-planned area. Authorizing R-6 uses supports the Comprehensive Plan's housing-variety and infill objectives without committing the City to a particular density, unit count, building form, or development program.

Second, the request preserves C-1 uses rather than eliminating the property's commercial potential. The Comprehensive Plan's call for a balance of land uses does not require every individual parcel to contain both residential and commercial development. The proposed SU district maintains the opportunity for compatible neighborhood-serving goods and services while allowing the ultimate use mix to respond to access, engineering, market, and compatibility conditions. No commercial component is promised or required.

Third, SU zoning provides the coordinated planning mechanism contemplated by Policy L-1. The property is affected by fragmented zoning, parcel assembly, constrained access, utilities, drainage, circulation, and its transitional relationship to surrounding uses. These matters are better evaluated through one unified, property-specific framework than through separate development of the existing C-1 and Parks and Recreation parcels.

Fourth, the requested classification preserves a separate and mandatory review of physical Comprehensive Plan consistency. Under Rio Rancho Code §154.43(A)(3), no development may occur until the Governing Body approves a site plan. The later application must identify the actual uses and structures and address dimensions, setbacks, ingress and egress, parking, circulation, landscaping, buffers, elevations, utilities, rights-of-way, drainage, and adjacent-property characteristics. At that stage, the City can determine whether the actual proposal satisfies the Comprehensive Plan's expectations for walkability, transitions, infrastructure capacity, open space, compatibility, and urban design.

The Applicant is not asking the City to make findings concerning an unsubmitted design. No building footprint, density, unit count, commercial floor area, access point, parking arrangement, architecture, open-space configuration, or phasing plan is proposed for approval through this zone change. Those findings are expressly reserved for the later Governing Body site-plan proceeding.

The SU classification is also compatible with the function of the Lomas Encantadas Master Plan area because it retains the opportunity for neighborhood-serving commercial uses, introduces the possibility of additional housing types, and requires the assembled property to undergo coordinated site planning before development. The amendment does not predetermine the physical development of the property or supersede applicable master-plan requirements. The later site plan must demonstrate specific compatibility with the adopted Master Plan and surrounding development before construction can be authorized.

Accordingly, the requested SU amendment is generally consistent with the applicable planning framework because it:

- Supports housing variety without predetermining a particular residential project;
- Preserves C-1 opportunities without imposing a mandatory commercial component;
- Promotes productive infill within an established area;
- Replaces fragmented zoning with coordinated, property-specific review;
- Retains the City's ability to require appropriate transitions and compatibility protections; and
- Prohibits development until the actual proposal is reviewed for detailed consistency with the Comprehensive Plan and applicable Master Plan.

For these reasons, the requested SU Zone Map Amendment satisfies Criterion D(3).

4. The applicant must demonstrate 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, antiquated plat filed before the City's incorporation and adoption of its own Zoning Code or on land annexed by the City or

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

c) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply. Applicant's reliance on this provision requires proof that (a) there is a public need for a change of the kind in question, and (b) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Applicant Response: The Applicant relies primarily upon subsection (c). The requested SU classification is more advantageous to the community than retaining the existing C-1 Retail Commercial and Parks and Recreation zoning because it establishes a unified, property-specific regulatory framework that:

- Authorizes R-6 residential uses as an additional land-use option;
- Preserves C-1 uses as optional opportunities rather than mandatory development components;
- Responds to the property's documented access, size, configuration, and parcel-assembly constraints;
- Requires coordinated planning of the combined property;
- Allows the City to impose requirements unique to the site; and
- Prohibits development until a separate site plan is approved by the Governing Body.

The request is for approval of this controlled land-use framework only. It does not seek approval of a particular development, building program, density, unit count, commercial component, site layout, access configuration, architecture, or phasing plan.

A. Public Need for the Requested Use Category

The relevant public need is not merely a generalized demand for multifamily housing or commercial development. The public need is for a zoning mechanism that can:

- Expand housing choices within an area developed predominantly with single-family housing;
- Promote productive infill and the reuse of long-vacant land;
- Preserve the potential for compatible neighborhood goods and services without requiring a commercial component;
- Replace fragmented zoning with coordinated review of an assembled property;
- Address access, circulation, infrastructure, drainage, and compatibility comprehensively;
- Provide an appropriate transition among roadway frontage, existing commercial entitlements, public or recreational land, and residential neighborhoods; and
- Preserve heightened City control over the actual development through a later Governing Body site-plan approval.

This need is articulated in the Rio Rancho Comprehensive Plan. Goal PH-3 promotes a variety of housing types to meet the needs of all members of the community. Policy PH-1 supports quality, community-friendly multifamily development, and Policy PH-4 calls for effective transitions and buffers between substantially different land uses and densities. Goal UD-1 supports focused growth where infrastructure can support higher-density development, while Goal UD-5 and Policy UD-3 support infill and redevelopment. Policies L-1 through L-3 support coordinated planning, compatible neighborhood-scale retail, and walkability.

The requested SU district directly responds to these policies at the zoning level. It creates the opportunity for additional housing types, retains the possibility of neighborhood-serving uses, and requires the combined property to undergo coordinated, property-specific review before development.

Authorization of both R-6 and C-1 uses does not require both use families to be developed. No minimum commercial floor area, commercial phase, storefront, tenant, or operating business is proposed. C-1 uses are retained as optional opportunities that may be considered only if later access, market, compatibility, engineering, and site-planning analyses demonstrate that they are feasible and appropriate.

B. Why This Particular Property Best Serves the Identified Public Need

The second requirement of subsection (c) is not satisfied merely by demonstrating that housing or commercial services could be developed somewhere in Rio Rancho. The Applicant must demonstrate why changing this particular property serves the identified public need more effectively than directing the same use category to other available property.

This property is uniquely situated because the requested change addresses conditions that are specific to this site and cannot be remedied by developing another property elsewhere. Those conditions include:

1. Long-Term Vacancy Under Existing C-1 Zoning

Tract 5 has remained vacant for more than twenty years despite its C-1 designation. The adjoining Parks and Recreation remnant has also remained vacant and unimproved and has never functioned as an active public park. This history does not, standing alone, establish entitlement to rezoning. It demonstrates, however, that the existing zoning pattern has not produced a functional or coordinated use of these particular properties.

Rezoning another parcel would not resolve the longstanding vacancy, fragmented zoning, or physical constraints affecting this site.

2. Stand-Alone Access Constraints

The existing C-1 parcel has approximately 189 feet of frontage along Camino Encantadas and approximately 205 feet along Camino Venada. Based on the Applicant's access analysis, both frontages fall substantially short of the 330-foot minimum driveway-spacing standard identified for a nonsignalized intersection. The corner parcel has no independent alternative access point.

Although the parcel has street frontage and is not legally landlocked, it is functionally access-constrained for stand-alone commercial development. Requiring it to remain an independently developed C-1 tract could perpetuate vacancy, require access through adjoining property, require a deviation from applicable spacing standards, or result in an access arrangement that creates conflicts near the intersection.

Approval of SU zoning would not approve an access point or determine that access is adequate. It would allow the assembled property to be evaluated comprehensively when a later site plan is submitted. Survey, engineering, traffic review, agency coordination, and parcel assembly must determine whether a safe and acceptable access solution exists.

3. Assembly with the Adjoining Remnant Property

The adjoining City-owned remnant is in the process of being acquired and combined with Tract 5. This assembly creates a planning opportunity unique to this location: two separately zoned, functionally related, undeveloped tracts can be placed under one coordinated regulatory framework.

The public need is best served by changing this property because the SU classification allows access, circulation, utilities, drainage, parking, pedestrian connections, landscaping, buffering, and relationships among future uses to be considered across the assembled site. Changing the zoning of another property would not correct the fragmented zoning or planning limitations affecting these tracts.

4. Transitional Land-Use Context

The property occupies a transition among roadway frontage, existing commercial entitlements, public or recreational land, and surrounding residential development. That context supports a land-use framework that retains commercial opportunities while allowing residential uses to be considered as an independent option.

Conventional C-1 zoning alone does not permit multifamily residential development as the principal ground-floor use. Conventional R-6 zoning alone would eliminate the property's existing potential for neighborhood-serving commercial uses. SU is more advantageous because it allows both use families to be authorized while giving the City the ability to impose standards tailored to the property's transitional role.

5. Existing Development Context and Infrastructure Investment

The property is located within an established master-planned area near existing streets, utility networks, residential neighborhoods, public facilities, parks, and commercial services. These existing public and private investments make the site appropriate for consideration of productive infill rather than continued vacancy.

The Applicant is not requesting a finding at this stage that utility, roadway, or drainage capacity is adequate for a particular development. Those technical determinations will be required during later site-plan review. The zoning request is consistent with the Comprehensive Plan's direction to consider focused growth and infill in established areas before encouraging outward expansion.

C. Why SU Is More Advantageous Than the Existing Zoning

The existing C-1 designation is legally valid, and the Applicant does not contend that its original adoption was erroneous. However, C-1 is no longer the most advantageous classification for this particular property when considered together with the adjoining remnant tract and the site's access and configuration constraints.

The requested SU classification is more advantageous because it:

- Preserves C-1 uses as optional uses;
- Adds R-6 uses as independently available options;
- Does not require residential and commercial uses to be developed together;
- Establishes one coordinated framework for the assembled property;
- Allows the adopting ordinance to restrict the authorized use list;
- Allows property-specific requirements for height, setbacks, parking, access, circulation, landscaping, buffering, lighting, signage, drainage, architecture, and compatibility;
- Requires the actual proposal to return to the Governing Body for site-plan approval; and
- Prohibits development until that later approval is obtained.

The SU classification therefore does not substitute an already-designed residential project for the existing commercial zoning. It creates a controlled range of potentially appropriate uses and reserves every physical development decision for a later public review based on actual engineering, access, infrastructure, market, and compatibility information.

D. Why Approval Does Not Predetermine the Future Development

Rio Rancho Code §154.43(A)(3) expressly permits the required SU site plan to accompany the zone-change application or to be submitted for approval at a later date. The Applicant elects the later-site-plan procedure authorized by the Code.

The present application does not include or seek approval of:

- A building footprint or site layout;
- A unit count or residential density;
- A commercial floor area or commercial tenant;
- A building height, massing, or architectural design;
- A courtyard, amenity, or open-space configuration;
- A driveway or access location;
- A parking or circulation plan;
- A landscape, buffer, lighting, signage, or drainage plan; or
- A construction or phasing schedule.

Before any development may occur, the Governing Body must approve a site plan addressing the information required by §154.43(A)(3). The City will therefore retain the authority to determine whether the actual proposal provides safe access, adequate circulation, appropriate transitions, sufficient infrastructure, compliant drainage, suitable buffering, and compatibility with surrounding property.

This mandatory second approval is a principal reason the SU classification is more advantageous to the community. It provides a broader but defined range of use options while preserving more detailed City control than would exist under conventional zoning alone.

E. Comparison with Other Available Property

Other properties in Rio Rancho may be capable of accommodating multifamily housing, commercial services, or mixed-use development. That does not eliminate the public benefit of changing this property.

The identified need includes correcting the fragmented and functionally constrained zoning pattern affecting this particular site. Development of another parcel would not:

- *Resolve the stand-alone access limitations of Tract 5;*
- *Unify Tract 5 with the adjoining remnant parcel;*
- *Create a coordinated framework for these two separately zoned tracts;*
- *Place this long-vacant property on a path toward productive use;*
- *Preserve C-1 opportunities on this site while adding residential flexibility; or*
- *Subject the ultimate development of this transitional corner to property-specific Governing Body approval.*

Accordingly, changing the classification of this property serves a distinct public purpose that cannot be satisfied merely by identifying other land where similar uses might be permitted. The amendment addresses a specific, longstanding land-use and access problem while advancing broader Comprehensive Plan objectives.

F. Conclusion Under Subsection (c)

The two required findings under subsection (c) are satisfied.

First, a public need exists for a controlled land-use category that supports housing variety, productive infill, optional neighborhood-serving uses, coordinated parcel planning, and enhanced site-specific review.

Second, that need is best served by changing this particular property because of its long-term vacancy, fragmented zoning, access constraints, pending parcel assembly, established infrastructure context, and transitional relationship to surrounding development. Rezoning another property would not resolve these site-specific conditions.

The requested SU district is therefore more advantageous to the community than retaining the existing C-1 and Parks and Recreation classifications. It preserves commercial opportunities, adds residential flexibility, establishes a unified regulatory framework, and prohibits development until the Governing Body approves a detailed site plan.

For these reasons, the requested Zone Map Amendment satisfies Criterion D(4)(c).

5. 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 request is not based on the Applicant's land cost, anticipated return, or the economics of a predetermined project. No building program, unit count, commercial floor area, tenant, construction value, tax projection, or development schedule is proposed for approval through this zoning action. The justification rests instead on public planning considerations that are independent of private project economics:

- *Replacing fragmented C-1 and Parks and Recreation zoning with one coordinated regulatory framework;*
- *Addressing a long-vacant and functionally access-constrained corner property;*
- *Preserving selected C-1 opportunities while adding R-6 uses as independent options;*
- *Supporting housing variety, productive infill, and efficient use of existing public infrastructure;*
- *Requiring comprehensive later review of access, circulation, utilities, drainage, parking, buffering, and compatibility;*
- *Prohibiting development until a site plan is approved by the Governing Body; and*
- *Allowing enforceable, property-specific standards that provide greater public control than conventional zoning alone.*

Any future economic or fiscal benefits would depend on a later approved development and are not the determining basis for this request. The amendment is justified by the property's physical and regulatory conditions, consistency with adopted planning policy, and the public benefit of a more controlled two-stage approval process. The request therefore satisfies Criterion D(5).

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

Applicant Response: The Applicant acknowledges that proximity to a collector roadway, standing alone, is not sufficient justification for the requested zoning change. The request does not rely on the property's roadway classification as an independent basis for approval. The collector-street location is only one element of the property's broader planning context.

The requested SU Zone Map Amendment is supported by the cumulative effect of several objective, property-specific conditions:

- *The existing C-1 tract has remained vacant for more than twenty years;*
-

- The adjoining Parks and Recreation remnant has remained vacant and unimproved and has never functioned as an active public park;
- The properties are separately zoned but are functionally related and are being assembled for coordinated planning;
- The existing C-1 parcel has approximately 189 feet of frontage along Camino Encantadas and approximately 205 feet along Camino Venada;
- Based on the Applicant's access analysis, both frontages fall substantially short of the 330-foot minimum driveway-spacing standard identified for a nonsignalized intersection;
- The C-1 parcel has no independent alternative access point and is therefore functionally access-constrained for stand-alone commercial development;
- The property occupies a transitional location among roadway frontage, existing commercial entitlements, public or recreational land, and surrounding residential development;
- Neither conventional C-1 nor conventional R-6 zoning, by itself, provides the controlled use flexibility needed for the assembled property;
- The requested SU classification supports verified Comprehensive Plan policies concerning housing variety, coordinated planning, productive infill, focused growth, compatible neighborhood services, and appropriate transitions; and
- The SU classification requires a separate Governing Body-approved site plan before any development may occur.

The roadway location is relevant primarily because it affects access, circulation, and the property's relationship to surrounding uses. It does not establish that apartment, office, or commercial development is automatically appropriate, nor does approval of the requested zoning determine that adequate access exists. Access must be demonstrated through survey, engineering, traffic review, and agency coordination as part of the later site-plan process.

The present application seeks approval only of a controlled use framework authorizing the R-6 use family and selected compatible C-1 uses as independent options. It does not seek approval of a residential density, commercial area, building layout, driveway location, parking configuration, or other physical development plan. No minimum commercial component or mixed-use project is proposed or required.

Rio Rancho Code §154.43(A)(3) prohibits development until the Governing Body approves a site plan. At that later stage, the City will evaluate the actual proposal's uses, structures, access, ingress and egress, traffic effects, emergency response, parking, circulation, utilities, drainage, landscaping, buffering, elevations, and compatibility with adjacent property. If the proposal cannot demonstrate safe access and compliance with applicable requirements, the required site plan need not be approved.

Accordingly, the requested amendment is justified by the property's long-term vacancy, fragmented zoning, access limitations, parcel assembly, transitional context, consistency with adopted planning policy, and the greater public control provided by SU zoning. The collector-street location is a relevant contextual consideration, but it is neither the sole nor the primary basis for approval.

The request therefore satisfies Criterion D(6).

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

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

Or

2. The area of the proposed zone change is different from surrounding land because it will 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 the structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Applicant Response: The requested SU Zone Map Amendment satisfies both independent bases for approval. It clearly facilitates implementation of the Rio Rancho Comprehensive Plan, and it establishes an appropriate transitional classification for a property distinguished from surrounding land by its fragmented zoning, corner configuration, access constraints, parcel assembly, and relationship to adjoining residential, commercial, and public or recreational land-use patterns.

The request does not seek approval of an apartment development or any other predetermined project. No unit count, density, building footprint, commercial area, site layout, access point, architecture, open-space configuration, or phasing plan is proposed for approval. The present request is limited to establishing an SU framework that authorizes R-6 and

selected C-1 uses as independent options and reserves all physical development decisions for a later Governing Body site-plan proceeding.

A. The Change Clearly Facilitates the Comprehensive Plan

The requested SU classification facilitates realization of the Comprehensive Plan at the zoning level by creating a controlled framework for housing variety, productive infill, coordinated planning, compatible neighborhood services, and property-specific development review.

The requested classification advances the following verified Comprehensive Plan provisions:

- *Goal PH-3, which promotes a variety of housing types to meet the needs of all members of the community;*
- *Policy PH-1, which supports quality, community-friendly multifamily development;*
- *Policy PH-4, which calls for effective transitions and buffers between substantially different land uses and densities;*
- *Goal L-3, which calls for maintaining a balance of land uses throughout the City;*
- *Policy L-1, which encourages coordinated planning of circulation, landscaping, open space, drainage, utilities, and building location and design;*
- *Policy L-2, which supports neighborhood-scale retail compatible with residential development;*
- *Policy L-3, which promotes walkability;*
- *Goal UD-1, which supports focused growth where existing infrastructure can accommodate higher-density development;*
- *Goals UD-2 and UD-3, which promote traditional neighborhood patterns, a sense of place, and development that fosters human interaction;*
- *Goal UD-5, which supports infill and redevelopment in areas that have been neglected; and*
- *Policy UD-3, which supports infill and redevelopment projects.*

The requested SU classification advances these policies without requiring a mixed-use project. R-6 authorization creates the opportunity for additional housing types. Retaining C-1 authorization preserves the possibility of compatible neighborhood goods and services if future access, market, engineering, and site-planning conditions support them. No commercial component, minimum commercial floor area, commercial phase, tenant, or storefront is required.

The Comprehensive Plan's support for balanced land uses does not require every individual property to contain both residential and commercial development. The SU district facilitates the Plan by preserving both use opportunities within a controlled framework and allowing the ultimate use or combination of uses to be determined through later technical analysis and public review.

The amendment also facilitates coordinated planning. The existing C-1 and Parks and Recreation designations divide two functionally related, undeveloped tracts. Applying one SU framework to the assembled property allows access, circulation, drainage, utilities, parking, pedestrian connections, buffering, and compatibility to be evaluated comprehensively rather than through isolated parcel development.

Most importantly, the requested classification preserves detailed Comprehensive Plan review for the actual development. Under Rio Rancho Code §154.43(A)(3), no development may occur until the Governing Body approves a site plan. The later application must identify the actual uses and structures and address setbacks, ingress and egress, parking, circulation, utilities, drainage, landscaping, buffers, elevations, and adjacent-property characteristics.

The City will therefore retain the authority to determine whether the eventual proposal satisfies applicable Comprehensive Plan and Master Plan requirements. Approval of the zoning framework will not constitute approval of any physical design or a finding that an unidentified development is compatible.

B. The Property Is Distinct and Will Function as a Transition

The subject property is not being singled out arbitrarily. Its requested SU classification responds to conditions that materially distinguish it from surrounding properties.

1. Fragmented Existing Zoning

The proposed SU area combines a C-1 Retail Commercial tract with an adjoining Parks and Recreation remnant. Both areas have remained vacant and undeveloped, and the remnant has never functioned as an active public park. Their pending assembly creates a property with a land-use and ownership history different from the established parcels surrounding it.

SU replaces this fragmented zoning pattern with one coordinated framework without immediately assigning the entire property exclusively to either residential or commercial development.

2. Traffic and Access Constraints

The existing C-1 parcel has approximately 189 feet of frontage along Camino Encantadas and approximately 205 feet along Camino Venada. Based on the Applicant's access analysis, both frontages fall substantially short of the 330-foot minimum driveway-spacing standard identified for a nonsignalized intersection. The corner parcel has no independent alternative access point.

Although the property has street frontage and is not legally landlocked, it is functionally access-constrained for stand-alone commercial development. These traffic and access conditions materially distinguish the property and have contributed to its remaining vacant for more than twenty years.

Approval of SU zoning would not approve a driveway or establish that adequate access exists. It would allow the assembled property to be evaluated as a whole so that survey, traffic analysis, engineering, cross-access opportunities, emergency access, circulation, and agency requirements can be addressed during the later site-plan proceeding.

3. Transitional Land-Use Context

The property occupies a transition among:

- Collector-roadway frontage and the interior of the surrounding neighborhood;*
- Existing commercial entitlements and predominantly residential development;*
- The former Parks and Recreation remnant and privately developable land; and*
- Potentially higher-intensity uses and established lower-intensity residential areas.*

The SU district is particularly appropriate for this transitional role because it does not impose an automatic or uncontrolled change to one conventional zoning district. Instead, it authorizes a defined range of R-6 and C-1 uses and permits the City to impose property-specific requirements governing height, setbacks, access, circulation, parking, landscaping, buffering, lighting, signage, architecture, drainage, and compatibility.

The property can therefore function as a regulated transition rather than an abrupt extension of either conventional commercial or residential zoning.

C. The SU Classification Provides a Public Planning Benefit

The requested SU classification does not create an isolated zone solely for the private benefit of the Property Owner. It serves identifiable public planning purposes by:

- Replacing fragmented zoning with a unified regulatory framework;*
- Addressing a long-vacant and functionally access-constrained corner property;*
- Preserving C-1 opportunities while adding R-6 uses as independent options;*
- Avoiding a requirement that an infeasible commercial component be constructed;*
- Supporting housing variety, infill, and efficient use of established infrastructure;*
- Allowing the property to function as a transition among surrounding land-use patterns;*
- Requiring comprehensive review of access, traffic, drainage, utilities, and compatibility; and*
- Prohibiting development until a separate site plan is approved by the Governing Body.*

This heightened review distinguishes the requested SU classification from an arbitrary grant of development rights. The zone change establishes only the range of uses the City may consider. It does not approve the ultimate development, and it does not guarantee that a later site plan will be approved.

D. Protection Through the Later Site-Plan Approval

Rio Rancho Code §154.43(A)(3) expressly permits an SU site plan to be submitted after the zoning action and prohibits development until the Governing Body approves that site plan.

At the later proceeding, the City will evaluate the actual proposal and may impose conditions necessary to address:

- *The precise use or combination of uses;*
- *Safe and lawful access;*
- *Traffic and emergency-response considerations;*
- *Building height, placement, scale, and setbacks;*
- *Parking and internal circulation;*
- *Utilities and drainage;*
- *Landscaping and buffers;*
- *Pedestrian connections;*
- *Lighting and signage; and*
- *Compatibility with adjacent property and applicable adopted plans.*

If the actual proposal cannot demonstrate safe access, adequate infrastructure, appropriate transitions, and compatibility with surrounding development, the required site plan need not be approved.

E. Conclusion

The requested SU Zone Map Amendment satisfies both bases stated in Criterion D(7).

First, it clearly facilitates the Comprehensive Plan by supporting housing variety, productive infill, coordinated planning, compatible neighborhood services, focused growth, walkability, and appropriate transitions—without predetermining a physical project or requiring a commercial component.

Second, the property is materially different from surrounding land because of its fragmented zoning, long-term vacancy, access limitations, corner configuration, parcel assembly, and transitional relationship to adjacent land-use patterns. The SU district allows the property to serve as a controlled transition while preserving a separate Governing Body review of the actual development.

Accordingly, the requested SU classification represents legitimate, plan-based, and property-specific zoning rather than an arbitrary or impermissible spot zone. The request satisfies Criterion D(7).

Closing Statement

The requested Special Use Zone Map Amendment represents a measured and responsible evolution of the property's land-use framework—not approval of a predetermined development and not a destabilization of the surrounding area. It responds to the site's long-term vacancy, fragmented C-1 and Parks and Recreation zoning, constrained stand-alone access, pending parcel assembly, and transitional relationship to surrounding residential, commercial, and public or recreational land-use patterns.

The requested SU classification would authorize the R-6 use family and the compatible C-1 uses specifically identified in the adopting use schedule as independent options. Authorization of both use families would not require a mixed-use development or construction of a commercial component. No minimum commercial floor area, commercial phase, tenant, storefront, residential density, unit count, or particular combination of uses is proposed or required.

The public benefit of the amendment is the creation of one coordinated and property-specific regulatory framework for the assembled site. The SU classification preserves the opportunity for additional housing types, retains the possibility of compatible neighborhood goods and services, and allows the ultimate use of the property to respond to future access, engineering, infrastructure, market, and compatibility information.

Approval of this Zone Map Amendment would not authorize construction or approve a site layout, building program, access point, parking plan, architecture, drainage plan, or development schedule. Pursuant to Rio Rancho Code §154.43(A)(3), no development may occur until the Governing Body approves a subsequent site plan. The City will therefore retain a separate and meaningful approval at which the actual proposal must demonstrate safe access, adequate circulation, appropriate infrastructure, compliant drainage, suitable transitions, and compatibility with adjacent property and applicable adopted plans.

This two-stage process provides greater public protection and more precise City control than the existing fragmented zoning pattern. It allows the Governing Body to establish property-specific requirements for uses, height, setbacks, access, parking, circulation, utilities, drainage, landscaping, buffering, lighting, signage, architecture, and other matters necessary to protect the public and surrounding properties. If the future proposal does not satisfactorily address these requirements, the site plan need not be approved.

The requested amendment advances the Rio Rancho Comprehensive Plan's verified policies concerning housing variety, productive infill, focused growth, coordinated planning, compatible neighborhood services, walkability, infrastructure

efficiency, and appropriate transitions. It also places a long-vacant and functionally access-constrained property on a path toward productive use without prejudging the form or intensity of its future development. For these reasons, the requested SU Zone Map Amendment is consistent with the public interest and the health, safety, and general welfare of the City. Approval is respectfully requested for an SU framework authorizing the R-6 use family and selected compatible C-1 uses without requiring either use family, a commercial component, or a particular combination of uses, and with all physical development decisions expressly reserved for subsequent Governing Body site-plan approval.

Warm regards,

Angela M. Piarowski

Angela M. Piarowski, CEO/Managing Partner

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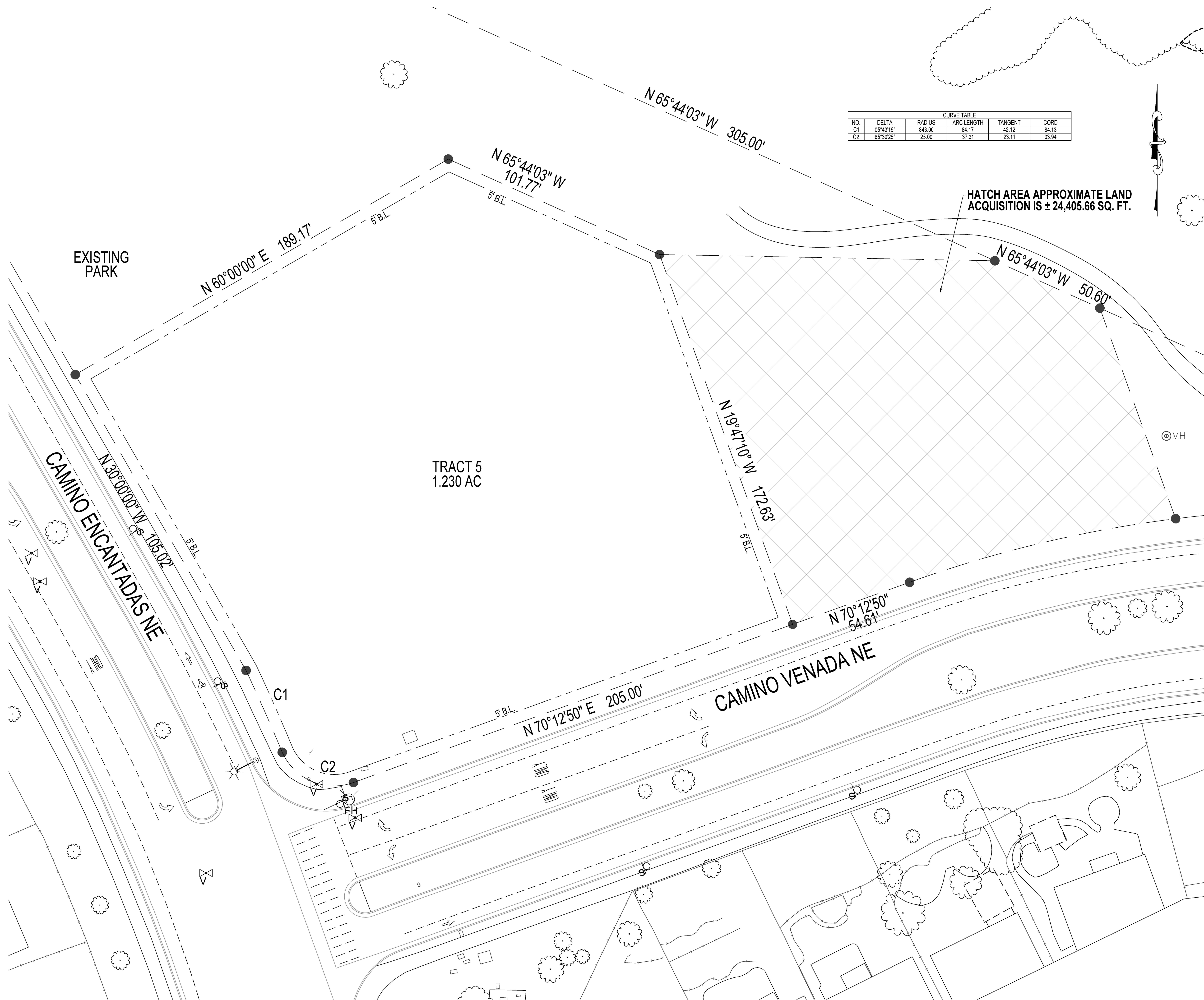
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CURVE TABLE					
NO.	DELTA	RADIUS	ARC LENGTH	TANGENT	CORD
C1	05°43'15"	843.00	84.17	42.12	84.13
C2	85°30'25"	25.00	37.31	23.11	33.94

HATCH AREA APPROXIMATE LAND ACQUISITION IS ± 24,405.66 SQ. FT.

TRACT 5
1.230 AC

CAMINO VENADA NE

SITE PLAN

Scale: 1:20

DATE:	SHEET- JU
DATE	SP-L
SCALE:	OF- 7
1:30"	

PROJECT TITLE		DRAWN BY:	
LOMAS ENCANTADAS "THE LUXE"		CRZ	
ADDRESS:		JOB NO.	
CITY ST. ZIP		PROJECT MANAGER	
		STEPHEN DUMBAR A/A	
SHEET TITLE			
LAND PARCELS			

PRELIMINARY
NOT FOR
CONSTRUCTION



**MODULUS ARCHITECTS
& LAND USE PLANNING**
8220 SAN PEDRO DRIVE NE, SUITE 520
ALBUQUERQUE, NEW MEXICO 87113
PHONE (505) 338-1499

REV	DATE	BY	REVISION
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City of Rio Rancho
Development Services Department
Suite 130
3200 Civic Center Circle NE
Rio Rancho, NM 87144

RE: AGENT AUTHORIZATION NOTICE

February 6, 2026

To Whom It May Concern,

PG Properties LLC hereby authorize Modulus Architects and Land Use Planning Inc., to perform as the Agent of Record with the City of Rio Rancho. This Agent Authorization is for the properties located below:

3820 Lomas Encantadas Tract 5 Lomas Encantadas approximately 1.32 acres generally located north side of Camino Venada and east of Camino Encantadas.

This authorization is valid until further written notice from PG Properties or Modulus Architects and Land Use Planning Inc. (Agent). Please direct all correspondence and communication to our Agent for the purpose of this request for the Development Services Department and all supplemental submittals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melvin Parker', enclosed within a hand-drawn oval.

Melvin Parker
PG Properties LLC, Member

AS-IS PURCHASE AGREEMENT

PREAMBLE

THIS PURCHASE AGREEMENT is made and entered into by and between the **CITY OF RIO RANCHO, A MUNICIPAL CORPORATION** (hereafter referred to as “Seller”), whose mailing address is 3200 Civic Center Circle NE, Rio Rancho, NM 87144, and **PG Properties LLC**, a New Mexico limited liability company/corporation (the “Purchaser”), whose address is **211 Montano Rd NW, Suite H, Albuquerque, NM 87107** effective as of the date it has been executed by both Parties.

RECITALS

WHEREAS, the Seller owns and holds an interest in the 3900 Camino Encantadas Park located at 3900 Camino Encantadas NE, Rio Rancho, NM 87144 and described more accurately hereinbelow in Section 1.2 of the Agreement (the “Property”); and

WHEREAS, Seller as the owner of the Property desires to sell the Property; and

WHEREAS, the Purchaser is a local LLC/Corporation dedicated to maintaining the essential character of the area for current and future residents, visitors, and for the general public; and

WHEREAS, the Purchaser desires to purchase the Property to enlarge its own real property located at 3820 Camino Encantadas NE, Rio Rancho, NM 87144 and operate said Property as such at its sole cost and expense, and the Seller is in agreement with said sale; and

WHEREAS, the Purchase Price of the Property is the appraised price of \$17,500.00 because the Purchaser paid for the appraisal of the Property, the Purchaser will pay for a Summary Plat to notate the sale and acquisition in the County and City records, and because the Purchaser has agreed to relieve the Seller of the ongoing costs associated with the operation and maintenance of the Property; and

WHEREAS, Seller desires to sell the Property to Purchaser on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises set forth below, Purchaser and Seller agree as follows:

AGREEMENT

1. SALE OF PROPERTY

1.1 Definitions:

a. "Closing". The consummation of the transaction contemplated by this Agreement, including the transfer of the Property to Purchaser and receipt of the Purchase Price by Seller.

b. "Funds". Transfer of funds in accordance with instructions to be provided by the Seller, or such other forms of immediately available funds as may be acceptable to Seller.

- 1.2 AS-IS Purchase. Seller agrees to sell and Purchaser agrees to purchase 0.560 acres of the Property situated within the Camino Encantadas Park and described more accurately in the legal description attached to this Agreement as Exhibit A, together with all easements, if any, benefitting the Property and all rights and appurtenances, if any, pertaining to the Property, and cooperative or association memberships.

2. PURCHASE PRICE

- 2.1 Purchase Price. The consideration for the Property to be paid by Purchaser to Seller is the sum of SEVENTEEN THOUSAND FIVE HUNDRED and 00/100ths DOLLARS (\$17,500.00) (the "Purchase Price"), at Closing with Funds.

3. CONDITIONS TO CLOSING

- 3.1 General Conditions. Seller's obligation to sell the Property to Purchaser at the Closing is subject to and conditioned upon (a) Purchaser not being in default under this Agreement; and (b) the delivery by Purchaser of the items set forth in Section 5.4(b) on or before the Closing Date, or the waiver of any such conditions in accordance with the terms of this Agreement. Purchaser's obligation to buy the Property from Seller at the Closing is subject to and conditioned upon (i) Purchaser not having terminated this Agreement in accordance with the provisions hereof; (ii) Seller not being in default under this Agreement; (iii) Seller having completed all "Seller Obligations" as hereinafter defined; and (iv) the delivery by Seller of the items set forth in Section 5.4(a) on or before the Closing Date.

4. ACCESS AND INSPECTIONS

Purchaser has inspected the Property and has deemed it appropriate and acceptable for its intended use.

5. CLOSING; COSTS, TAXES AND ASSESSMENTS

- 5.1 Closing Date. Closing shall occur no later than thirty (30) business days from the date of this Agreement (the "Closing Date").
- 5.2 Place of Closing. The Closing shall occur at:

City of Rio Rancho

City Hall – The City Attorney’s Office
3200 Civic Center Circle NE
Rio Rancho, NM 87144

- 5.3 Taxes. Real estate taxes, assessments, and other similar expenses related to the Property, if any, that may result in a lien against the Property will be prorated through the Closing Date. The proration may be calculated taking into consideration any change in exemptions that will affect the current year's taxes and/or assessments. If taxes and assessments for the current year vary from the amount prorated at Closing, the Parties shall adjust the prorations when statements for the current year are available.
- 5.4 Items to be delivered at Closing:
- a. By Seller. At or prior to Closing, Seller will deliver or cause to be delivered, through escrow, each of the following items:
 - i. Seller shall execute and deliver a Quit Claim Deed in the form attached hereto as Exhibit B conveying title to the Property to Purchaser;
 - ii. Any evidence required, if any, to prove Seller’s authority to consummate this transaction;
 - b. By Purchaser: At or prior to Closing, Purchaser will deliver to Seller each of the following items:
 - i. The Purchase Price in funds;
 - ii. Any evidence required, if any, to prove Purchaser’s authority to consummate this transaction;
- 5.5 Actions at Closing. Upon delivery of all items set forth in Section 5.4, and the satisfaction of all obligations under this Agreement not waived in writing by both Seller and Purchaser:
- i. The Purchaser shall record the Quit Claim Deed;
 - ii. The Purchaser shall release to Seller the Purchase Price;
 - iii. Possession and control of the Property shall be delivered to Purchaser effective as of 5:00 PM Mountain Time;

Seller and Purchaser shall execute and deliver all other notices, statements, certificates, affidavits, releases, and other documents reasonably required for the closing and conveyance of the Property.

- 5.6 Closing Costs. Each Party shall pay its own attorney's fees, if any. The Purchaser shall be responsible for the recording costs of the Quit Claim Deed.

6. RISK OF LOSS

- 6.1 Risk of loss due to fire, earthquake, acts of God, plague or other calamity shall rest on the Seller until closing and the Purchaser has the option to rescind this agreement if such even shall occur or close the transaction as provided hereafter.

7. REPRESENTATIONS, DISCLAIMERS, AND WARRANTIES:

- 7.1 Purchaser hereby represents and warrants to Purchaser that:
- a. it is a duly organized nonprofit corporation in New Mexico;
 - b. it has obtained all necessary authorizations and consents to enable it to execute and deliver this Agreement and to consummate the transaction contemplated hereby;
 - c. Purchaser's execution of this Agreement and performance of Purchaser's obligations hereunder will violate no law, rule or regulation, or agreement to which Purchaser is a party;
 - d. Purchaser for itself, its successors and assigns, will allow emergency vehicular access onto and across the Property and it will not construct any physical or landscaping improvements that will interfere with emergency vehicular access onto and across the Property; and
 - e. the person executing this Agreement on behalf of Purchaser is duly authorized to execute and deliver this Agreement on behalf of Purchaser.
- 7.2 Seller hereby represents and warrants to Purchaser that:
- a. it is a duly organized municipal corporation in New Mexico; and
 - b. There are no rights of first refusal, options or rights of repurchase associated with the Property.
- 7.3 Survival. All covenants, representations and warranties in this Agreement shall be true as of the Closing and shall survive closing. If any representation of Seller in this Agreement is untrue at the time of the Closing, Seller will be in default.

8. NOTICES

All notices and other communications required or permitted to be given hereunder shall be in writing and shall be delivered to the address or facsimile number set forth below:

To Seller: Name City of Rio Rancho Land Coordinator, Department of
 Public Works
 Address 3200 Civic Center Circle NE
 Suite 200
 Rio Rancho, New Mexico 87144
 Telephone (505) 891-5220
 Facsimile (505) 891-5203

Copy To: Name City of Rio Rancho, City Attorney's Office
 Address 3200 Civic Center Circle NE
 Suite 400
 Rio Rancho, New Mexico 87144
 Telephone (505) 896-8705
 Facsimile (505) 891-5200

To Name PG Properties, LLC
Purchaser:
 Address 211 Montano Rd NW, Suite H
 Albuquerque, NM 87107

 Telephone 505-720-2273
Copy To: Email melvinp@ephinitybuilders.com;
 eddieg@ephinitybuilders.com

9. DEFAULTS AND REMEDIES

- 9.1 Seller's Default: Purchaser's Sole Remedies. If, after written demand and fifteen (15) days to cure, Seller fails to consummate this Agreement in accordance with its terms, other than by reasonable of a termination of this Agreement by Seller or Purchaser pursuant to a right to do expressly provided for this Agreement (except by reason of a default by either Party), Purchaser may, as Purchaser's sole and exclusive remedy terminate this Agreement by written notice to Seller.
- 9.2 Purchaser's Default: Seller's Sole Remedies: If, after written demand and fifteen (15) days to cure, Purchaser fails to consummate this Agreement in accordance with its terms, other than by reasonable of a termination of this Agreement by Seller or Purchaser pursuant to a right to do expressly provided for this Agreement (except by reason of a default by either Party), Seller may, as Seller's sole and exclusive remedy terminate this Agreement.

10. MISCELLANEOUS PROVISIONS

- 10.1 Entire Agreement. This Agreement contains the entire agreement between Seller and Purchaser concerning the transaction contemplated herein, and there are no other terms,

conditions, promises, understandings, statements or representations, express or implied, concerning such transaction. All previous offers or counter-offers of the parties are hereby revoked. No provision hereof may be waived or amended except in writing signed by both parties. This Agreement shall inure to the benefit of and bind the parties hereto, their successors and assigns. This Agreement shall be governed by the laws of the State of New Mexico.

- 10.2 Unenforceable or Inapplicable Provisions. The waiver of any breach of this Agreement by either party shall not constitute a waiver of any subsequent breach either of the same or another provision of this Agreement. If any of the provisions of this Agreement shall be held by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Agreement shall not be affected thereby.
- 10.3 Counterparts. This Agreement may be executed in counterparts, both of which shall be fully effective as an original and which together shall constitute one and the same instrument.
- 10.4 Headings. The headings, captions, numbering system, etc. are inserted only as a matter of convenience and may under no circumstances be considered in interpreting the provisions of this Agreement.
- 10.5 Applicable Law; Venue. This Agreement will be construed under and in accordance with the laws of the State of New Mexico without regard to principals of conflicts of laws. Venue for any suit filed with respect to the enforcement or interpretation of this Agreement shall be in the State District Court located in Sandoval County, New Mexico.
- 10.6 Binding Effect. All of the provisions of this Agreement are hereby made binding upon the successors, and assigns of both parties hereto. Where required for proper interpretation, words in the singular will include the plural; the masculine gender will include the neutral and the feminine, and vice versa.
- 10.7 Authority. Each person executing this Agreement, by his execution hereof, represents and warrants that he is fully authorized to do so, however, the parties will cooperate in providing appropriate proof to the other party of the authority of the signing person to bind the party.
- 10.8 Time of Essence. Time is of the essence in each and every provision of this Agreement.
- 10.9 Attorneys' Fees. In the event any legal action or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any provision of this Agreement, the successful or prevailing party will be entitled to recover reasonable attorney's fees, court costs and expenses incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.

- 10.10 Interpretation. The parties acknowledge that each party and its counsel have reviewed and revised this Agreement and that the rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement or in any amendments or exhibits thereto.
- 10.11 No Third Party Beneficiary. The provisions of this Agreement are for the exclusive benefit of the Seller and Purchaser hereto and no other party will have any right or claim against the Seller and Purchaser, or either of them, by reason of those provisions or be entitled to enforce any of those provisions against the Seller and Purchaser hereto, or either of them.
- 10.12 Survival. Notwithstanding any other provision of this Agreement, all of the provisions of this Agreement which require, contemplate or provide for the performance or liability of either party hereto following Closing or termination of this Agreement will survive the Closing or termination of this Agreement.
- 10.13 Indemnity. Each party will be responsible for the acts and/or omissions of its own employees, officials and agents. Nothing herein shall operate or be deemed to alter or expand either party's liability or responsibilities beyond those permitted under the applicable provisions of the New Mexico Tort Claims Act (NMSA 1978 §§ 41-4-1 through 41-4-30 (as amended).), or to waive any limitations or required procedures thereunder.
- 10.14 Further Assurances. In addition to the acts and deeds recited herein and contemplated to be performed at the Closing, Seller and Purchaser agree to perform such other acts, and to execute and deliver such other instructions and documents as either Seller or Purchaser, or their respective counsel, may reasonably require in order to effect the intents and purposes of the Agreement. Further, Seller and Purchaser agree to deliver to the Title Company such affidavits or other documents as may be reasonably required to enable the Title Company to close this transaction as it is contemplated in this Agreement.

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EXHIBIT A

Legal Description of Purchase Property:

0.560 acres of the Property situated within the Camino Encantadas Park, as shown below:

