

**PLANNING AND ZONING MINUTES**  
**MINUTES OF THE BENSON PLANNING AND ZONING COMMISSION**  
April 12, 2016

1. CALL TO ORDER-Vice Chair Randy Robichaud called the meeting to order at 7:01pm.
2. PLEDGE-Vice Chair Randy Robichaud led the pledge.
3. ROLL CALL-Randy Robichaud, Barbara Thompson, Jim Thelander, Andrew Abernathy and Debbie Braatz (telephonically) were present. Cliff Deane was absent. A quorum was present.
4. CALL TO PUBLIC-There was no answer to the call.

5. APPROVAL OF MINUTES

March 8, 2016

Commissioner Andrew Abernathy motioned to approve the minutes. Commissioner Jim Thelander seconded. Motion passed 5-0.

6. PUBLIC HEARING regarding the application to rezone multiple parcels surrounding the San Pedro Golf Course greens from I-2 Heavy Industrial to R-1-43 and R-2 Residential

Vice Chair Randy Robichaud opened the Public Hearing at 7:03pm.

Kathy Glidewell introduced herself, asking if anyone present would want to live next to a sewer plant or trash dump. She stated that it is not a good idea to rezone and the existing heavy industrial zoning is a barrier to people living next to these hazardous items. She also questioned whether fire and police would be able to serve the additional population and if any hydrological studies were available. Ms. Glidewell stated that the proposed buildings and population would require the sewer treatment plant to be enlarged with 3 sludge drying fields; she then reiterated her question of who would want to live in such an area and suggested that the development will become a slum, using the example of a golf course in Red Rock, AZ that became a “dump” due to overpopulation. She noted that this example didn’t even start with a poor location next to a sewer treatment plant. Ms. Glidewell further questioned how this proposal would affect wildlife and migratory birds that use the river corridor, stating that she can sit in her yard and watch birds but habitat reduction will result in animal reduction. Ms. Glidewell readdressed her concern about water, noting that she has two wells, one of which only runs part time and the other has dropped significantly. She stated she would like to see these issues addressed prior to rezoning.

Kevin Dirksen introduced himself and questioned why anyone would build condos between a sewer plant and a transfer station. He stated that the area proposed for condos used to be a landfill and that there are significant fissures across the entire property. He further pointed out that the golf course clubhouse pad was compacted when it was built, but still needed to be stabilized and jacked up several years later. Mr. Dirksen suggested that they city would be responsible, knowing about the soil conditions ahead of time. Mr. Dirksen also questioned why the drying beds would be moved when the city is just finishing paying off the treatment plant construction. He commented that moving the ponds will affect I-10 travel and the smell will

cross I-10 into town. He then asked if the existing utility lines across the property had been considered, stating the heavy industrial zoning protects the utilities. Mr. Dirksen then asked if the animal shelter would be relocated if people started complaining about the noise. He also questioned if the sewer treatment plant would have enough room to expand as Benson grows. He concluded by stating that he lives in the area for the rural location and already has a golf course with overgrown mesquites that the city won't cut down.

Charles Gregory introduced himself as the executor of his mother Patricia Gregory's estate. He stated that his family purchased the property north of I-10 in the late 1970. He commented that he's aware the golf course is failing and the desire to bring people to it is understandable. Mr. Gregory stated that he and his family spent many years mowing their property and Mr. Hartley never mowed his acreage, which may have contributed to his mother's death since she had COPD. He then stated that he agreed with Kevin Dirksen about the land falling apart and sinking, especially since the Farnsworth family stopped farming. Mr. Gregory stated that the golf course does need something to help it financially, but he doesn't believe this development is the correct option because the city has had history with Mr. Hartley before. He concluded by asking to be notified of any additional meetings.

Patricia Gerrodette introduced herself, commenting that she is familiar with the desire to put housing near a golf course, generally premium housing. She stated that she has never seen residential uses next to a sewer treatment plant and sludge drying beds and that she can't image it would be a popular location. Ms. Gerrodette stated the plan is a general concept but doesn't have enough specifics this early in the process to approve a rezoning without more information. She noted that approving a rezoning entitles the property owner. She further stated that information on water impact demands was missing and the industrial zoning may have had an effect on water allotment, though she wasn't sure how. Ms. Gerrodette concluded by stating that more information was needed and asking the Commission to vote no.

Dave Thompson introduced himself and emphatically stated he objects to outsiders directing how Benson lives and how Benson does it. He stated that they don't think about the future and that Benson needs development and economic help. He commented that some people speaking have no idea what they are talking about, noting that Hartley had made plans to relocate the sewer beds. Mr Thompson concluded by saying he's not saying the project is right or wrong or that the rezoning should be approved or not, but that people who don't know what's going on shouldn't talk.

George Scott introduced himself and stated he was in support of the project. He stated the property where the golf course is located used to belong to his family and the Haas family back in the 1940s. He stated his dad gave the property to the city in the late 1970s or early 1980s and Hartley leased the land when he was building the golf course. Mr. Scott stated that development would increase the value of the golf course and as there has been talk about the city deciding whether to keep or sell it, the rezoning and housing entitlement would hopefully increase the golf course's value. He stated this project was started in the early 2000s when Mr. Hartley created a nice course and the rezoning will only make the land move valuable. Mr. Scott concluded by asking the Commission to vote in favor of the rezoning.

The Public Hearing closed at 7:22pm.

## 7. OLD BUSINESS-None

## 8. NEW BUSINESS

### Application to rezone multiple parcels surrounding the San Pedro Golf Course greens from I-2 Heavy Industrial to R-1-43 and R-2 Residential

Tom Hartley introduced himself as the original developer of the golf course back in 2001. He acknowledged that he has a history with the city, including legal issues stemming from lack of water to the golf course, but claimed that history is not applicable to the present. He stated that all the issues brought up have already been under discussion with the city, commenting that the relocation of the sludge ponds will double capacity and that police and fire have already been talked to regarding their services. He noted that water, sewer and gas are already on site so requires limited offsite development.

In response to the concerns about marketability of the units, Mr. Hartley stated that he expects the development to be blue collar and they are not attempting to get the wealthy people of the country but rather the retired firefighters. He estimated they could sell a condo for less than half the price of a class A motorhome. Mr. Hartley stated he has spent quite a bit of money in Benson and wants to create a market since there is not a condo project within 30 miles. He noted a condo is ideal for someone who wants to own a place without a yard for around \$150,000.

Mr. Hartley that sewer issues have been mitigated by relocating the ponds approximately 300 yards to keep them 1000' from the residential parcels. He noted that there is sometimes a little odor but that it will continue to blow east. He noted that the concentration of homes will be northward, by the golf clubhouse and since most of the sewer plant is underground, it shouldn't cause a visual impact.

Mr. Hartley stated that the City's own zoning regulations easily allow him 300-500 condos and that he can fit 40 individual home site parcels. He further stated that he does not intend to develop along the San Pedro River since it is mostly floodplain and that land doesn't have use to him as it can't have housing, so would like to give that land to an organization like the Nature Conservancy. Mr. Hartley commented that he agreed to loan the birding trail land to the city years ago and that he'd have to provide a year's notice if he wanted to reclaim the land, but the City never took advantage of his offer after they paved the parking lot and cut trails.

Mr. Hartley acknowledged that some land swaps under discussion back in 2011 never occurred, though he accidentally gave away 14 acres to the city when he gave the city the golf course greens, and did not get anything in return. (NOTE: Maps in staff possession indicate 4 acres, not 14 as Mr. Hartley stated.) He noted that he is still trying to figure out how that happened, commenting that the city did not create the error. Mr. Hartley stated he and the city are attempting to complete the remaining land swaps in order for him to acquire the land he needs to construct a right-of-way to the 40 1-acre home sites. He acknowledge that he is willing to donate additional land to the city, in the vicinity of the birding trail, if additional acreage is required to even out the value of the swapped land.

Mr. Hartley stated that all development issues have been or will be addressed. He noted there are two access points to the development (near the clubhouse and near the animal shelter plus emergency access through the one-lane tunnel at Pearl Street. He also acknowledged that soils testing will be required for any construction. Mr. Hartley stated the former landfill is now the driving range, not the proposed location for the condos, but he did comment that the entire property seemed to be viewed as a trash dump because many trucks of trash were hauled off when the golf course was first developed. Mr. Harley closed his statements by noting that he wouldn't be spending his time and money if he didn't think the project had value.

Commissioner Debbie Braatz commented that she was at the Citizen Review Session and asked about timeframe from ADEQ to move the sewer treatment plant beds. Mr. Hartley responded that he already had the ADEQ permit to move the beds and that the permit is valid for the life of the facility. Planner Michelle Johnson interjected that the permission to move the beds granted by ADEQ is valid for the life of the facility but engineering renewals are required every 5 years to ensure the project can still be completed as designed. Commissioner Debbie Braatz when asked about necessity of the land swap, to which Mr. Hartley responded that the land he is requesting is needed for right-of-way and for the pond relocation.

Commissioner Andrew Abernathy had no questions.

Commissioner Barbara Thompson asked if the tunnel under I-10 would be widened to meet emergency access needs. Mr. Hartley stated the tunnel would not be widened because two other routes, via the clubhouse and animal shelter, would be used as the main access to the development. He reiterated that the tunnel would be an extra access.

Commissioner Jim Thelander expressed surprise that this concept of housing around the golf course has been around so long, stating this was the first he'd heard of it. He asked Mr. Hartley if plans were available to show where housing was proposed. Planner Michelle Johnson stated a proposed development map was included in their packets. Mr. Hartley explained the 40 individual lots would be in the southern area of the golf course which nearly 25 acres of land in the northern area around the clubhouse would be used for high density condos. He noted that water, gas and sewer are all nearby and available, though he wouldn't construct over any existing utilities. Commissioner Jim Thelander then commented that water service for homes is more than what the golf course receives and that he was uncertain if the city had sufficient water supply, to which Mr. Hartley responded that the public works director told him the city has capacity for additional water taps. Mr. Harley stated that moving the sewer beds would increase capacity at the treatment plant. Mr. Hartley further acknowledged that all infrastructure is at his cost, not the city's. Commissioner Jim Thelander asked if there is anything other than gut feeling that these homes could be filled to which Mr. Hartley replied that there is no competition for a similar housing product and that he is willing to try to create the market, same as Vigneto is doing. Commissioner Jim Thelander questioned if anyone would purchase these homes without the opportunity for nearby employment. Mr. Hartley replied that he thinks this development will be for snowbirds, with maybe a 20% working local base and 80% being retired from other areas.

Vice Chair Randy Robichaud asked about the likelihood of families in the development, to which Mr. Hartley responded that he didn't think there would be families since it will be marketed toward retirees. Mr. Robichaud stated that is a family and clarified the question as to how many dwelling units are proposed. Mr. Hartley replied that several hundred are proposed, noting the mathematics of the zoning regulations allow far more dwellings than could fit onsite or would be likely to sell. He stated that he expected 40 1-acre home sites and several hundred condo units, perhaps in the 300-400 range. Mr. Hartley explained that he didn't pursue this project in its entirety while waiting for the General Plan to be adopted as well as for the ADEQ permit. He noted that he has been waiting for several years but isn't aware of any new issues. Vice Chair Randy Robichaud confirmed that this is only a rezoning request, with subdivision and platting processes to follow, including infrastructure and water planning. Mr. Hartley confirmed that the city provides water service based on their allowance and drainage studies would be part of the infrastructure plans. Vice Chair Randy Robichaud asked Planner Michelle Johnson to point out other areas currently zoned Industrial, commenting that the city could afford to lose this block of industrially zoned land because there are other areas zoned industrial. Vice Chair Randy Robichaud stated he'd rather have residential than a factory

Commissioner Andrew Abernathy motioned to recommend approval of the rezoning to Mayor and Council subject to the suggested conditions. Commissioner Barbara Thompson seconded. Motion passed 5-0.

Commissioner Jim Thelander motioned to adjourn. Commissioner Barbara Thompson seconded. Motion passed 5-0 and the meeting adjourned at 7:58pm.