City of Benson
City Council Communication

Regular Meeting **May 12, 2014**

To: Mayor and Council Agenda Item # 5

From: Luis Garcia Jr., CBO, Building Official/Zoning Administrator

Subject:

Discussion and possible action on Ordinance 567 of the Mayor and Council of the City of Benson, Arizona, approving a request to rezone Assessor's Parcel Numbers 124-01-010F and 124-01-010G from a Zoning District of Rural Transitional (RT) to General Business (B-2)

Discussion:

San Pedro Partners is requesting a rezoning, the second step in the land use classification process.

Both parcels to be considered are currently zoned RT, the default zoning upon annexation. The RT Zoning District is functionally similar to the County RU-4 Zoning District – minimum 4-acre single family residential with livestock allowed.

Under the Mixed Use GDP category, the two options for Zoning Districts are B-1 (Neighborhood Business) and B-2 (General Business). Both districts allow identical housing options (single family, multi-family and manufactured homes) with the difference being the intensity and scale of the commercial uses allowed.

B-1 allows less intense, smaller scale commercial uses. There is less likelihood of developing a big box shopping center, as the permitted uses tend to run toward professional offices and small scale retail establishments.

B-2 allows more intense, larger scale commercial uses, in addition to the smaller scale B-1 uses. B-2 permits big box-type retail establishments with the possibility of large scale wholesale establishments and recreational centers.

San Pedro Partners is requesting the more intense B-2 district. San Pedro Partners already owns two parcels zoned B-2; one parcel is directly to the west and one parcel is directly to the south of the two parcels in question.

This rezoning step allows San Pedro Partners to determine what TYPE(S) of development they want to pursue (residential-subdivision of single family homes vs. apartment complex; commercial-strip malls vs. one large mall). As the specific use of the land is determined, discussions regarding infrastructure requirements, including utilities and public access will occur. Those discussions regarding public improvements occur between the developer (whomever it may be at the time) and the Public Works Department with the City Engineer. Cumulative effects of infrastructure demand and capacity are considered by all parties at the first development, continuing through build out.

Staff Recommendation:

Approval of Ordinance 567

ORDINANCE 567

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING A REQUEST TO REZONE ASSESSOR'S PARCEL NUMBERS 124-01-010F AND 124-01-010G, FROM A ZONING DISTRICT OF RURAL TRANSITIONAL (RT) TO GENERAL BUSINESS (B-2)

WHEREAS, the City desires to encourage the development in the above named area which is currently zoned Rural Transitional (RT); and,

WHEREAS, San Pedro Partners L.L.C., the owner of the property, more specifically described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), has requested that the City change the zoning of the Property from Rural Transitional (RT) to General Business (B-2); and

WHEREAS, rezoning the Property from Rural Transitional (RT) to General Business (B-2) is in accordance with the City of Benson General Development Plan as it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the General Development Plan; and

WHEREAS, after providing notice to the public in accordance with A.R.S. § 9-462.03 and A.R.S. § 9-462.04, the Planning and Zoning Commission held a citizen review hearing on the matter on March 12, 2014 and thereafter recommended the rezoning as hereinafter set forth; and

WHEREAS, the City Council has received the written transmittal of recommendation from the Planning and Zoning Commission, has heard from the representative of the owner, City staff and members of the public during a properly-noticed public hearing at the regular City Council meeting held May 12, 2014 and has determined that the rezoning request is in conformance with the General Development Plan and should be approved.

BE IT NOW HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, that the Benson Zoning Regulations, Ordinance No. 243, as amended, be hereby further amended to rezone the Property currently zoned Rural Transitional (RT) to General Business (B-2), subject to the following conditions:

1. The applicant must execute a waiver of any and all claims against the City pursuant to Proposition 207, A.R.S. § 12-1131 et seq.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 12rd day of May, 2014.

_____
TONEY D. KING, Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH, CLARK & ROTHSCHILD
By GARY J. COHEN, City's Attorney

CERTIFICATION OF MAP
OF AREA TO BE REZONED

I, TONEY D. KING, Mayor of the City of Benson, Arizona, do hereby certify that the foregoing map as shown on Exhibit "A", is a true and correct map of the area to be rezoned by Ordinance 567, as shown on said map.

CERTIFIED this _____ day of _____, 2014.

_____
TONEY D. KING – Mayor

ATTEST:

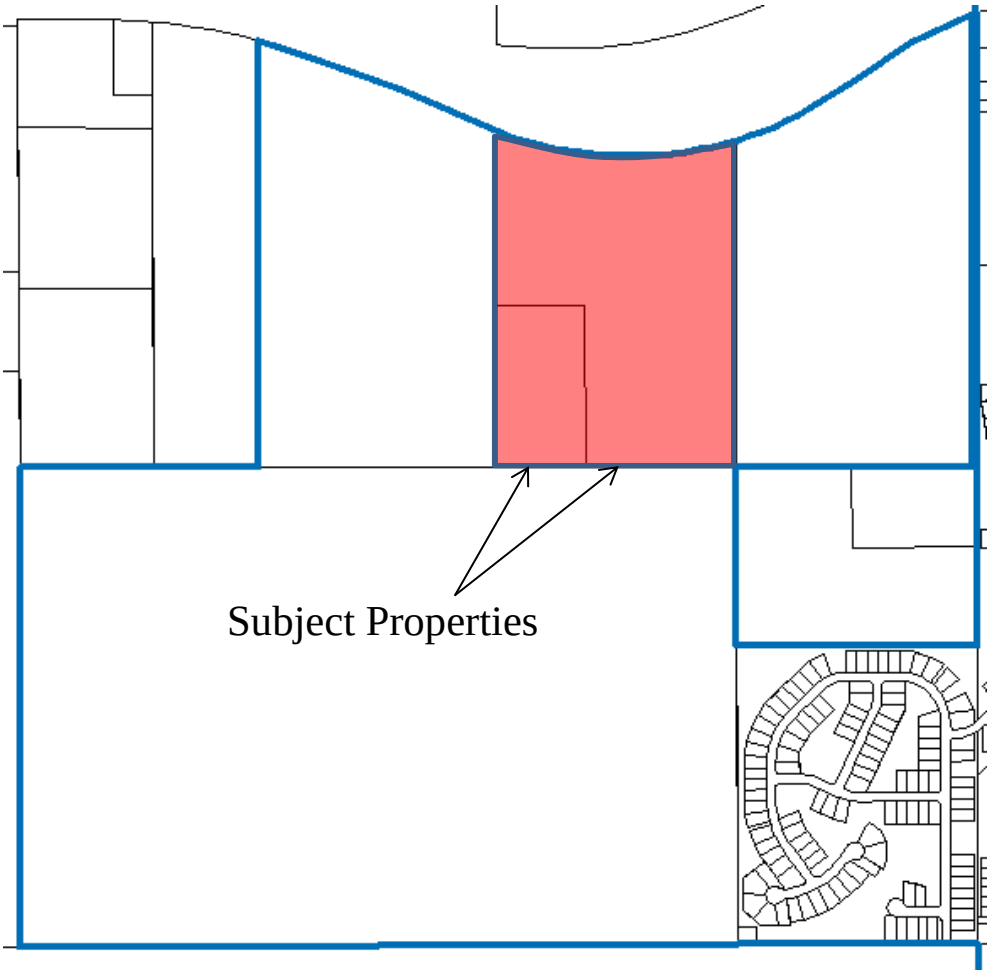
_____
VICKI L. VIVIAN, CMC – City Clerk

APPROVED AS TO FORM:

_____
MESCH, CLARK & ROTHSCHILD
By GARY J. COHEN – City's Attorney

Exhibit A

APN 124-01-010F AND 124-01-010G



When Recorded Mail to:
Vicki Vivian, City Clerk
City of Benson
120 W. 6th Street
Benson, Arizona 85602

AGREEMENT TO WAIVE RIGHTS AND REMEDIES UNDER ARIZONA REVISED STATUTES §12-1134

This Agreement to Waive Rights and Remedies under Arizona Revised Statutes § 12-1134 (hereinafter, the "Agreement") is made between San Pedro Partners L.L.C. (hereinafter, the "Owner") and the City of Benson, Arizona, an Arizona municipal corporation (hereinafter, the "City"), regarding the following property located in APN 124-01-010F and 124-01-010G more fully described by the legal description, attached as Exhibit "A" (hereinafter, the "Property").

1. The Owner has requested the change of Zoning Classification, or Owner has requested the approval of a final plat for a subdivision, or Owner has requested some other change of land use by the City (hereinafter, the "Change of Land Use"). Owner agrees and consents to all of the requirements, conditions and stipulations imposed by the City Council regarding the Change of Land Use for the Property. See Exhibit "B" which is a copy of the Zoning Ordinance or other Council action for the Change of Land Use.

2. Owner acknowledges that Owner's request for the Change of Land Use was voluntary, and that there are uses for the Owner's property which do not require a Change of Land Use. Owner also acknowledges that Owner has had the opportunity to give the City Council the Owner's input on the requested Change of Land Use. Owner shall sign and deliver this Agreement to the City Clerk within thirty (30) days of the Council Action which was taken at the public City Council meeting held on May 12, 2014 (the "Council Action").

3. Owner has the right to withdraw Owner's request for the Change of Land Use for this Property (See Exhibit "A" attached) by not signing and delivering this Agreement to the City Clerk within the time period required in paragraph 2, above. Owner further understands that if Owner has not signed and delivered this Agreement to the City Clerk within the time period required in paragraph 2, above; Owner's request for the Change of Land Use shall be deemed withdrawn. The Change of Land Use granted by the City Council is conditioned upon the execution and delivery of this Agreement and will not take effect unless and until Owner signs and delivers this Agreement to the City Clerk within the time period set forth in paragraph 2, above. If this Agreement is not signed and delivered to the City Clerk within the time period required in paragraph 2, above, Owner will have to reapply for the Change of Land Use for the Property.

4. **By signing and delivering this Agreement to the City Clerk, Owner acknowledges that Owner waives any right to claim diminution in value or pursue a claim for just compensation for diminution in value under Arizona Revised Statutes § 12-1134 relating to the Change of Land Use for the Property set forth in Exhibits "A" and "B".**

5. The Owner warrants and represents that Owner is the Sole Owner of fee title to the Property, and that no other person has an ownership interest in the Property. The Owner further warrants and acknowledges that Owner has reviewed and understands this Agreement and the exhibits and attachments, including the requirements, conditions and stipulations imposed by the City Council regarding the Change

of Land Use for the Property**.** The person(s) who sign on behalf of Owner personally warrants and guarantees to the City that he or she has the legal power to bind Owner to this Agreement.

6. This Agreement, any exhibits attached hereto, and any addenda, constitute the entire understanding and agreement between the Owner and the City and shall supersede all prior Agreements or understandings between the Owner and City regarding the Property or the Change of Land Use of the Property. This Agreement may not be modified or amended except by written agreement, approved and signed by both the Owner and the City.

7. This Agreement shall run with the land and is binding upon all present and future owners of the Property. This Agreement is subject to the cancellation provisions of Arizona Revised Statutes § 38-511.

8. Within ten (10) days after the signing of this Agreement, the City Clerk shall file the original Agreement in the Official Records of the Cochise County Recorder's Office, Cochise County, Arizona.

DATED and **SIGNED** this _____ day of _____, 2014.

City of Benson

_____
Toney D. King, Mayor

ATTEST:

_____
Vicki L. Vivian, CMC, City Clerk

APPROVED AS TO FORM:

_____
Gary Cohen, City Attorney

[Owner]:

_____
Name & Title of Person Signing

_____
Name & Title of Person Signing

State of Arizona)
) ss
County of Cochise)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 200___ by _____ and _____ who are the Owner(s) or the authorized representatives of the Owner(s), and who are either known to me or have shown satisfactory identification.

_____
Notary Public

My commission expires:

Exhibit A
APN 124-01-010F AND 124-01-010G

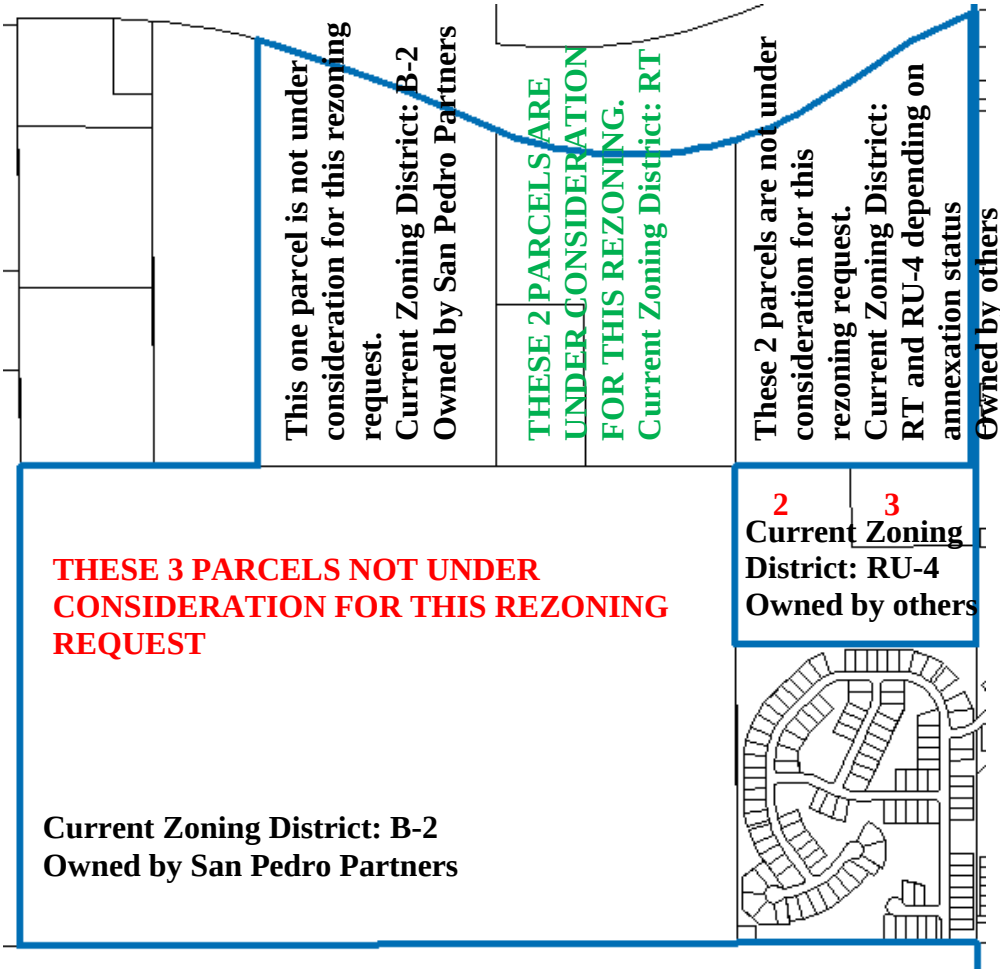


EXHIBIT “B”
CITY ORDINANCE OR DESCRIPTION OF COUNCIL ACTION

(To be provided by the City.)

City of Benson
Zoning Regulations Map Amendment
Rezoning Application

Date: 1/31/14 Date Submitted: _____

1. Property Owner Name: San Pedro Partners LLC.

2. Contact Person, if different: JERRY DEGRAZIA manager

3. Address: 3237 E. Fort Lowell Rd. Tucson, Az. 85716

4. Telephone Number: (520) 751-0896 or (520) 327-7384

5. Email: jdegrazia@comcast.net

6. Tax Parcel Number: 124-01-010F & 124-01-010G

7. Applicant is (check one):

✓ Sole Owner _____ Joint Owner (see below)

_____ Designated Agent of Owner _____ None of the above (explain)

_____

_____

8. If Applicant is the *not* the sole owner, indicate which **notarized** proof of agency is attached:

✓ Corporation- Corporate resolution designating applicant to act as agent.

N/A Partnership- Written authorization from partner.

✓ Designated Agent- Notarized letter from property owner(s) authorizing representation as agent for this application.

9. Indicate which proof of ownership is attached for all property proposed for rezoning.

✓ Copy of Deed of Ownership (2)

_____ Copy of Title Report

_____ Copy of Tax Notice

_____ Other (list): _____

10. Will approval of rezoning result in more than one zoning district on any tax parcel?
Circle one: Yes (No)

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel, then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

N/A

12. Is more than one parcel contained within the area to be rezoned?

_____ Yes –List the name, contact information and parcel number of all properties included in this application. Provide a petition of property owners showing the consent and agreement to this rezoning

__✓__ Yes, but the applicant owns all parcels.

_____ No

13. Please attach a map drawn to scale and a legal description of proposed new zoning boundaries. Zoning boundaries shall follow centerlines of streets, alleys, utility rights-of-way or along subdivide lots.

14. Indicate existing zoning for property: R-T

15. Indicate proposed zoning for property: B-2

16. Indicate General Development Plan category:_____
(City planner can provide this information)
NOTE: In some instances, a General Development Plan Amendment might be required before the rezoning can be processed.

17. Describe all structures and uses already existing on the property: _____

No Structures on property

18. Describe proposed structures and uses which would be established if the zoning change is approved. Be complete. You may want to attach a site plan.: _____

N/A

19. Are there any deed restrictions or private covenants in effect for this property? Yes (No)

20. If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes No N/A

Please provide a copy of the applicable restrictions (These can be obtained from the Recorder's Office using the recordation Docket number.)

N/A

21. Which streets or easements will be used for traffic entering and exiting the property?

Titan Rd (Later: Nuevo Tennella, also)

22. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning?

Realignment of Titan Rd & additional extension of Nuevo Tennella Rd.)

23. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning?

Not known at this time.

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. Please attach additional sheets if necessary.

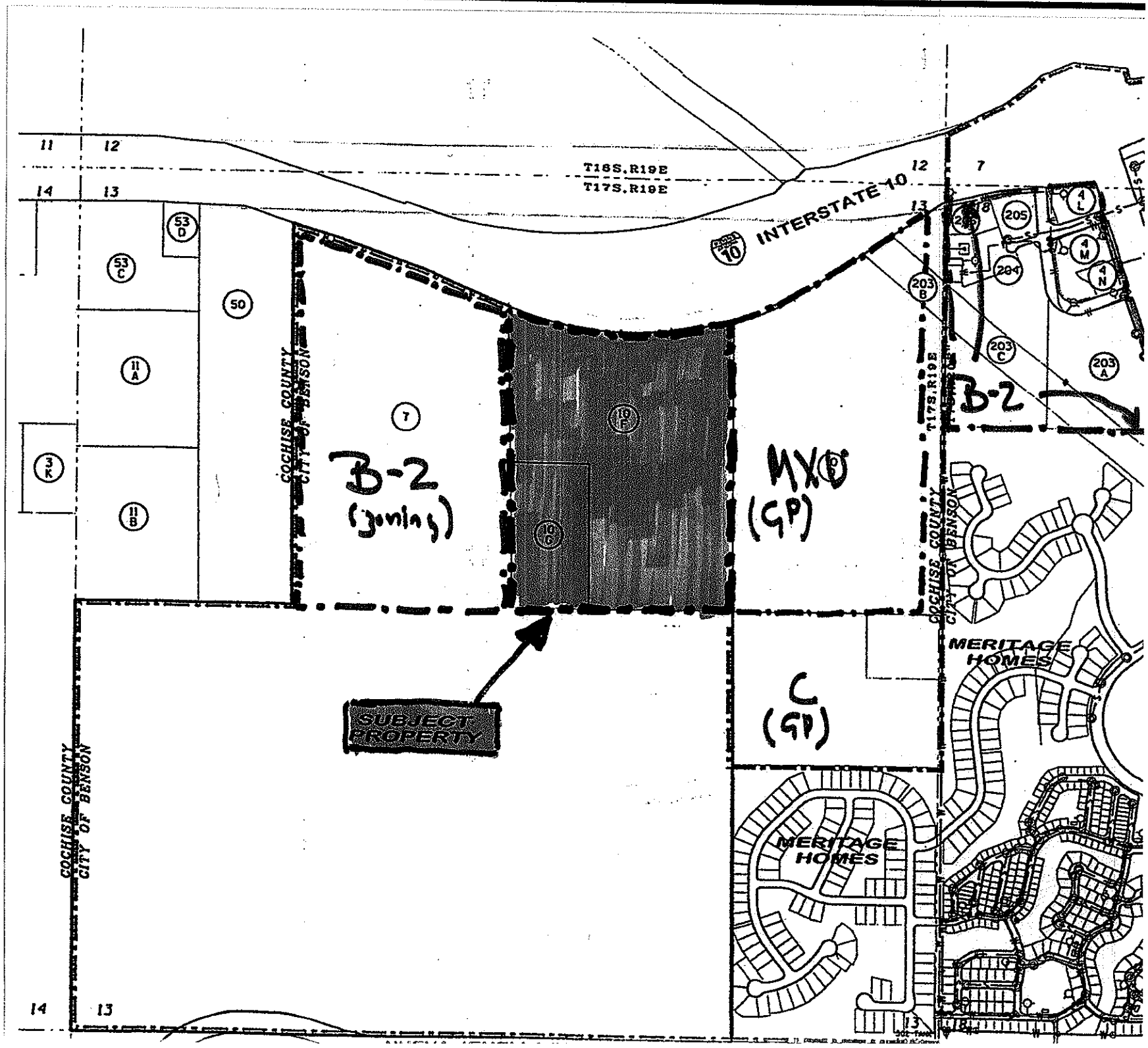
This property is situated in the SW Quadrant of the new I-10/SR 90 interchange. It is a logical extension of the existing commercial along the I-10 corridor. The adjoining properties on the east & west are zoned B-2 or MXU in the General Plan. (MXU allows for B-2 zoning) Water and sewer are available. The area can be attractive to out-of- state business interests looking for ready-to-develop property. This will "set the table" for the opportunity to attract development and jobs to the area.

I, the undersigned, do hereby file with the City of Benson Planning and Zoning Department this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the City of Benson Planning Department staff to enter the property herein described for the purposes of conducting a field visit.

Jerry DeGrazia partner
San Pedro Partners LLC

Applicant's Signature

1/31/14
Date


T16S,R19E
T17S,R19E
INTERSTATE 10
10
11
12
14
13
7
53 D
53 C
50
11 A
3 K
11 B
7
10 F
10 C
203 B
203 C
203 A
205
204
4 L
4 M
4 N
B-2
B-2
(zoning)
MXD
(GP)
C
(GP)
SUBJECT PROPERTY
COCHISE COUNTY
CITY OF BENSON
T17S,R19E
MERITAGE HOMES
MERITAGE HOMES

2010-07439
Page 1 of 8
Requested By: PIONEER TITLE AGENCY
Christine Rhodes - Recorder
Cochise County , AZ
04-05-2010 04:11 PM Recording Fee $17.00

at the request of Pioneer Title Agency, Inc.

When recorded mail to
SAN PEDRO PARTNERS, L.L.C.
4030 N. PAINTED QUAIL PLACE
TUCSON, AZ. 85750

00959823-KSL

Tax Code: 124-01-010G-1

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, I or we,

MATTHEW J. MCDONALD, an unmarried man and DEBRA L. MCDONALD, an unmarried woman, who acquired title as Matthew J. McDonald and Debra L. McDonald, husband and wife

do/does hereby convey to

SAN PEDRO PARTNERS, L.L.C., an Arizona Limited Liability Company

the following real property situated in COCHISE County, Arizona:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

The Grantor warrants the title against all persons whomsoever.

DATED this **25th day of March, 2010**

Signed in counterpart
MATTHEW J. MCDONALD

DEBRA L. MCDONALD

State of Arizona }
} ss.
County of COCHISE }

The foregoing instrument was acknowledged before me this 25 day of March, 2010, by **DEBRA L. MCDONALD.**

NOTARY PUBLIC

My commission expires:
10-19-2012

OFFICIAL SEAL
DEBRA L. CAMINO
NOTARY PUBLIC - State of Arizona
COCHISE COUNTY
My Comm. Expires October 19, 2012

Recording Requested by:
First American Title Insurance Company

When recorded mail to:
San Pedro Partners, LLC
4030 N Painted Quail Place
Tucson, AZ 85750

WARRANTY DEED

File No. **234-4581976 (emk)**

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

Eutimio G. Mendivil and Socorro M. Mendivil, husband and wife, the GRANTOR does hereby convey to

San Pedro Partners, LLC, an Arizona limited liability company, the GRANTEE

the following described property situate in **Cochise** County, **Arizona**:

THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 SOUTH, RANGE 19 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, LYING SOUTH OF INTERSTATE NO. 10.

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN PATENT FROM UNITED STATES OF AMERICA.

EXCEPT ANY PORTION LYING SOUTH OF HIGHWAY 80 IN CONDEMNATION RECORDED JULY 19, 1977 AS DOCKET 1183, PAGE 161.

EXCEPT THE SOUTH 892.62 FEET OF THE WEST 488.00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 SOUTH, RANGE 19 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, LYING SOUTH OF STATE HIGHWAY INTERSTATE NO. 10.

Subject To: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

And the GRANTOR binds itself and its successors to warrant the title as against its acts and none other, subject to the matters set forth.

DATED: October 13, 2005

Eutimio G. Mendivil

Socorro M. Mendivil

STATE OF AZ)
)ss.
County of Pima)

On 11/14/05, before me, the undersigned Notary Public, personally appeared **Eutimio G. Mendivil and Socorro M. Mendivil,** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 11/11/08

Notary Public

OFFICIAL SEAL
EMELYE M. KUREY
NOTARY PUBLIC-ARIZONA
PIMA COUNTY
My Comm. Exp. Nov. 11, 2008

Citizen Review Session: San Pedro Partners Rezoning
March 8, 2014

Planning Technician Michelle Johnson introduced the application and explained the process, noting the difference between the prior GDP amendment and this request to rezone. She stated that the GDP category is now Mixed Use, which allows a mix of uses-both residential and commercial. She explained that both rezoning choices (B-1 and B-2) allow all types of residential uses (single family home subdivisions, multifamily homes and complexes, manufactured homes, etc.) so this rezoning stage largely determines what intensity of commercial will be allowed in the area. She further explained that the relative intensity and scale of large commercial vs small commercial would change as Benson grows and changes.

Applicant Jerry DeGrazia introduced himself, explaining he owns 305 acres, including the parcels to the west and south of the 2 parcels in question; he noted that the smaller parcel has a home on it, but the larger parcel is unimproved. He pointed out that the GDP amendment did include the Harlan parcel to the east, but this rezoning does not include those specific parcels.

Jerry DeGrazia explained that his parcel furthest to the west was already zoned B-2 and the commercial parcels furthest to the east where the hotel and restaurants are located are also already zoned B-2. He stated that he is requesting the same zoning on these two parcels between the existing two B-2 parcels.

Jerry DeGrazia explained that the B-2 zoning district provides the most flexibility, with the largest mix of residential and commercial possibilities. He noted that industrial uses are not permitted in the B-2 district. Mr. DeGrazia stated that his responsibility as the developer includes preparing the background paperwork and conditions so the property is ready for sale to the end user, whomever that may be. He gave several examples of large end users that are currently looking at Arizona in general (Tesla) and Benson in particular (Rosemont Copper). He further explained that even if Benson does not get a major employer or headquarters, potential satellite industries of Tucson firms could locate in Benson if there is land prepared. Mr. DeGrazia acknowledged that the entire concept is dependent on a general improvement in the economy.

Jerry DeGrazia acknowledged that Benson is a prime location for crossing…Highway 90 with Interstate 10, fiber optic lines, gas lines, electric transmission lines and a nearby international airport. Mr. DeGrazia acknowledged that nearby residents should have concerns about noise, light and traffic, but also stated the city has ordinances and standards to deal with those known and expected issues.

James Lane, a resident off Titan Road, asked how additional traffic on Titan would be handled. Mr. DeGrazia stated that he had already purchased land where Gracie's Station restaurant is located with the idea of constructing a new road originating at the light on Highway 90 to remove traffic from the S-curve between Village Loop and Titan Road. He acknowledged that this road would pass through the neighboring property, owned by

the Harlan Family, into his property. When asked if the Harlan family was aware of this proposed road, Mr. DeGrazia stated that they were and were generally supportive because it would open up their land for development as well. He confirmed that the Harlan family parcels had been involved with the GDP amendment at the end of 2013, but was not part of this rezoning. Additionally, Mr. DeGrazia noted that construction of a segment of Nueva Janella along the southernmost parcel was completed to provide access to the southernmost parcel. Jerry DeGrazia noted the southernmost parcel was zoned R-3, which is strictly residential and could fit upwards of 800 homes, but he was uncertain if he wants to keep that designation due to the lack of residential market.

Resident James Lane asked if the community would get a say in who buys the property to which Mr. DeGrazia responded that it would be selling private property, just as if he sold his property and the community does not get a say in the purchase process though those end users will go through a public site plan process to build.

Mr. Lane asked if there would be a guarantee that Titan Road would not be used as an access. Mr. DeGrazia replied that the site plan process for each proposed parcel use would look at traffic. Planning Technician Michelle Johnson interjected that a formal traffic analysis would be performed as parcels or blocks are developed over the years. She acknowledged that a small development, perhaps a small office building or a few houses, could be permitted to use Titan Road, but eventually the threshold of what Titan Road can handle (per both the City and ADOT since ADOT owns Titan) would require either major improvements to Titan Road or an entirely new road as proposed next to Gracie's Station.

Jerry DeGrazia reiterated that he would like to bring vitality to Benson and provide opportunities for young people to stay in Benson. He stated his belief that Benson needs balanced growth and his hope that new growth along Highway 90 would stimulate downtown growth and revitalization as well. He stated that as the developer he can and may impose additional regulations on purchasers and end users beyond what the city ordinances requires because he too wants some control over what occurs on the land because he doesn't want poorly planned results either.

When asked about other infrastructure, such as water and sewer, Mr. DeGrazia replied that infrastructure agreements had been formalized back in 2009 when the parcels were originally annexed into the city. Both he and Michelle Johnson confirmed that water rights had been acknowledged and rebates for infrastructure improvements were contained in that agreement.

When asked about fire coverage, Planning Technician Michelle Johnson confirmed that fire protection is a current internal discussion, but often the developer sets aside land to construct a police/fire station.

Jeff Cook asked about the rebates on infrastructure improvements. Jerry DeGrazia replied that prior to annexation hydrological studies were performed for ADWR to prove 100 years' worth of water supply. He acknowledged that he would be reimbursed some of

the infrastructure improvement costs based on how much water he is able to supply the city, over and above the amount of water used on his parcels as they is developed.

Jeff Cook asked about the existing zoning district for the parcels in question and the Harlan parcel. Mr. DeGrazia responded that all parcels were RU-4 in the county and upon annexation to the city were default zoned into the city's RT district which is the same as the county's RU-4 district. He reiterated that he is requesting the B-2 district to provide the most flexibility and match the existing B-2 zoning on the western and easternmost sides. Mr. Cook further asked if the intent of Nueva Janella and the proposed road by Gracie's Station was to feed the properties from different directions. Mr. DeGrazia responded that two roads would allow the properties to receive traffic from both a northern and southern entrance, and that both roads could be extended further west toward J-6.

Jeff Cook then requested aerials at the next meeting to see the context of properties in question.

CITIZEN REVIEW REGARDING: Proposed rezoning of parcels 124-01-010F AND 124-01-010G from Rural Transitional (RT residential) to General Business (B-2)

March 12, 2014
7:00 P.M.
BENSON CITY HALL, 120 WEST SIXTH STREET, BENSON, AZ 85602

NAME	ADDRESS	PHONE
Rolland + Barbara Arney	1002 S. Limestone	520 720-6115
James + Petra Lane	285 S. Stallion Ranch Rd	520 349-8342
EDMARD GRAY	1016 S. LIMESTONE ST.	520-720-6110
CHUEZ DEANG	600 SAGUARO DR	520-265-2312

PLANNING AND ZONING MINUTES
MINUTES OF THE BENSON PLANNING AND ZONING COMMISSION
APRIL 8, 2014

1. CALL TO ORDER- Vice-Chair Randy Robichaud called the meeting to order at 7:00pm.

2. PLEDGE- Vice-Chair Randy Robichaud led the pledge.

3. ROLL CALL- Angel de la Torre, Jim Thelander, Randy Robichaud and David Thompson were present. Cliff Deane, Debbie Braatz, and Bob Baden were absent. A quorum was present.

4. CALL TO PUBLIC-There was no answer to the call.

5. APPROVAL OF MINUTES-
November 21, 2013
Commissioner David Thompson motioned to approve the minutes. Commissioner Jim Thelander seconded. Motion passed 4-0.

6. OLD BUSINESS- There was no old business.

7. PUBLIC HEARING
Vice-Chair Randy Robichaud opened the Public Hearing at 7:02pm.

George Scott introduced himself as representing the Southeastern Economic Development Group located in Benson. He stated that his group, as well as the city staff, has been working with San Pedro Partners for several years. He asked that the Commission approve the rezoning and forward that recommendation to Council.

Jeff Cook introduced himself and thanked Jerry DeGrazia for giving him a tour of the property in question. He stated that he had been concerned about the proximity of the property to the Kartchner Vista subdivision as several neighbors had requested a buffer during the GDP process in late 2013. He stated that he had looked at maps at City Hall and estimates the parcels under discussion to be at least 900 feet from the subdivision-3 times the 300 foot buffer that was requested during the GDP process. Jeff Cook further acknowledged that the requested B-2 zoning district is in line with the Mixed Used GDP category and will provide the applicant with the most flexibility to develop. He requested that the Commission approve the rezoning.

8. NEW BUSINESS
Rezoning of approximately 53 acres to Rural Transitional RT to General Business B-2
Mr. Jerry DeGrazia introduced himself as representing San Pedro Partners, which owns nearly 400 acres in the area of I-10 and Hwy 90. He stated his request to have two parcels, both currently categorized as Mixed Used in the General Development Plan, rezoned from Rural Transition (RT) to General Business (B-2). He stated that the B-2

zoning district will provide maximum flexibility when the area becomes active. He also pointed out that parcels directly to the west and south are already zoned B-2 and parcels to the east near Hwy 90 are also already zoned B-2. The one remaining parcel between the existing and proposed B-2 parcels is currently zoned Rural Transition, but is expected to request a rezoning to B-2.

Mr. DeGrazia pointed out the I-10 frontage, which he hopes will maximize visibility. He noted that both water and sewer infrastructure can extend to the property, at the developer's cost, from their existing locations on Hwy 90. He acknowledged that access to the properties will be from the new Nueva Jennella road located south of the San Pedro Partners land and a proposed, but still unbuilt, road across the mid-northern portions of the properties. Mr. DeGrazia acknowledged that the existing Titan Road, owned by ADOT, would remain to some extent, but no engineering had been performed to determine what that extent would be. Mr. DeGrazia stated that he wants land entitlements settled so he can market a fully useable property.

Commissioner Angel de la Torre stated his opinion that the project seems like a good intent, though very much into the future.

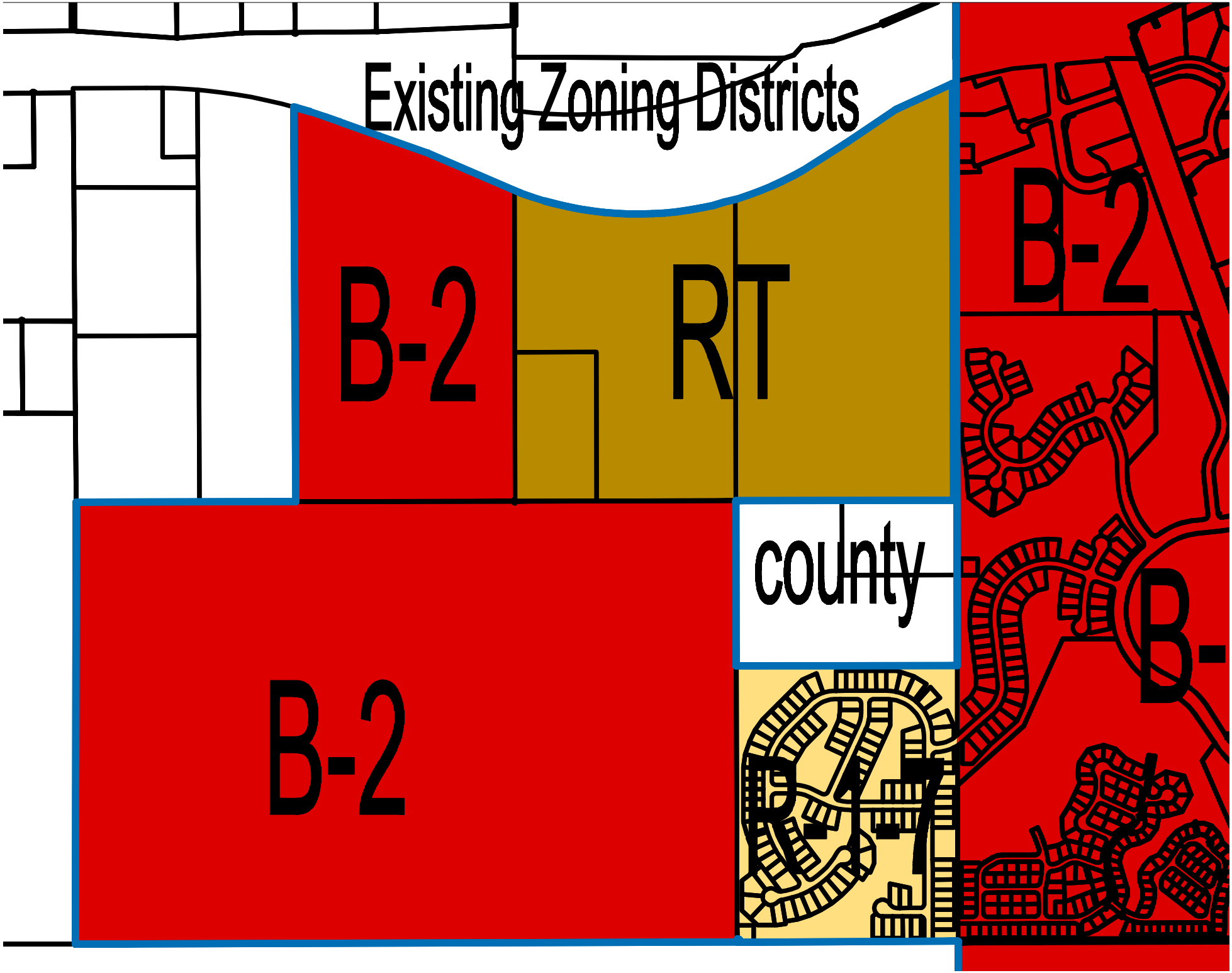
Vice Chair Randy Robichaud asked Mr. DeGrazia if he had purchased the Harlan property. Mr. DeGrazia responded that he had not purchased Harlan's property and that he expects the Harlan family to request their own B-2 rezoning request after they resolve land issues including securing ADWR's assured water supply and removing the railroad easement. Mr. DeGrazia clarified that San Pedro Partners had purchased the land where Gracie's Station is located to build a road to the SPP parcels since Titan Road in known to be inadequate for further development.

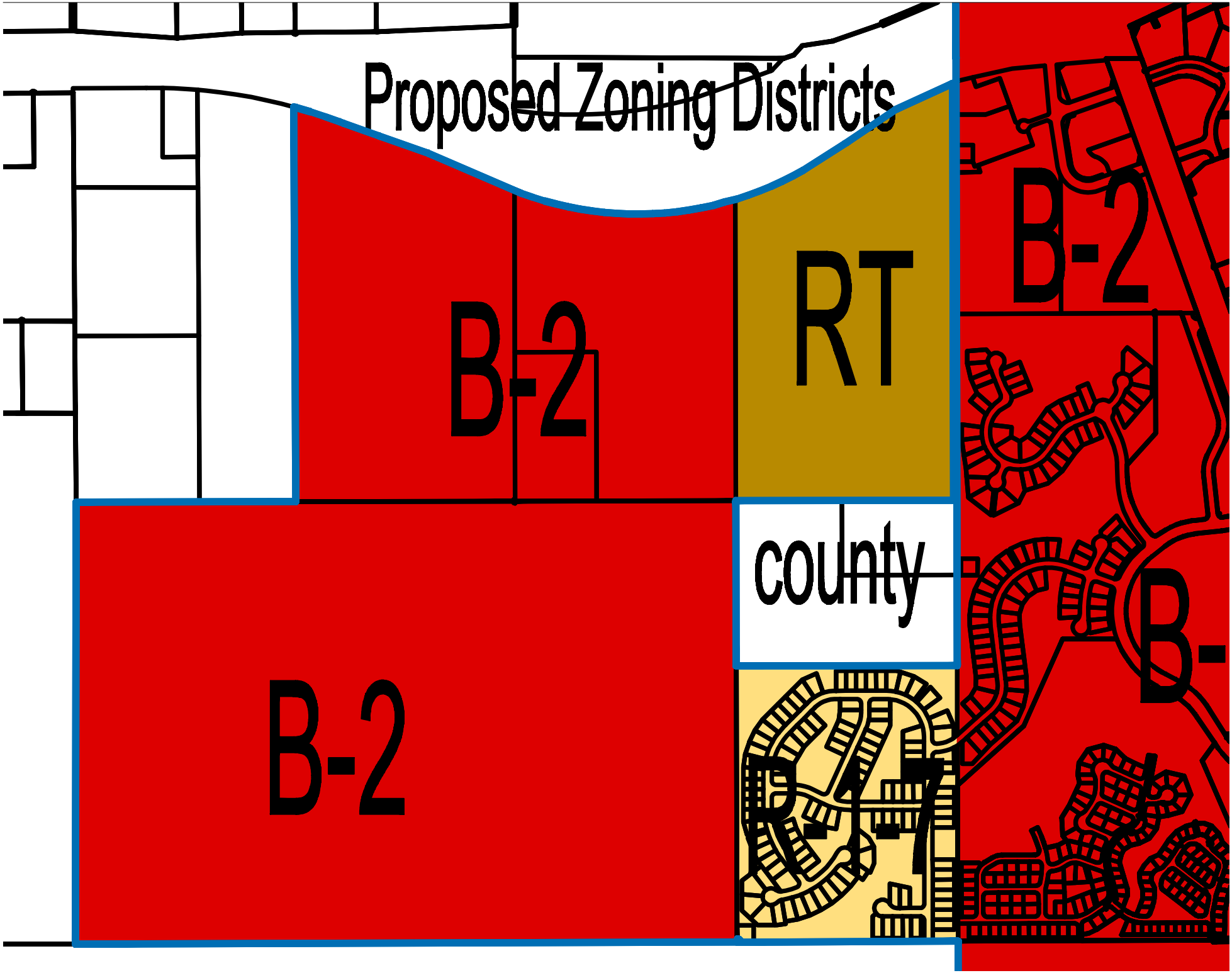
Commissioner Jim Thelander wanted confirmation that the General Development Plan had been amended by City Council to Mixed Use; Planning Technician Michelle Johnson confirmed the GDP amendment had been approved in late 2013.

Commissioner Jim Thelander motioned to recommend approval of the rezoning.
Commissioner Dave Thompson seconded. Motion passed 4-0.

Commissioner Dave Thompson motioned to adjourn.
Commissioner Jim Thelander seconded. Motion passed 4-0 and the meeting adjourned at 7:15pm.

DRAFT


Existing Zoning Districts
B-2
RT
B-2
county
B-2
R-7
B-2
B-


Proposed Zoning Districts
B-2
RT
B-2
county
B-2
R-7
B-2
B-