

**THE WORKSESSION
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD APRIL 16, 2012, AT 6:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Vice Mayor McGoffin called the meeting to order at 6:10 p.m. with the pledge of allegiance.

ROLL CALL:

Present were: Vice Mayor Lori McGoffin, Councilmembers David Lambert, Nick Maldonado, Chris Moncada and Al Sacco. Absent was: Mayor Toney D. King, Sr. and Councilmember Ron Brooks. Vice Mayor McGoffin informed those present that Mayor King was in the hospital and was excused from the Council meeting.

NEW BUSINESS:

1. Discussion and possible direction to Staff regarding the General Development Plan Update, the Zoning Regulations Update and proposed Chapters 7 and 7.1 of the City Code

Building Official Luis Garcia stated this is a continuation of the worksession held on April 9, where the major changes were presented, but the zoning districts were not. Mr. Garcia then stated Michelle Johnson would present the rest of the zoning regulations update as well as give a presentation on the General Development Plan.

Michelle Johnson then addressed Council stating she would briefly go over the actual zoning districts, reviewing what is in the existing regulations and what is in the proposed draft. Ms. Johnson stated there is now a clause that says you are required to conform to the regulations in your district and gives a list of the statutory exemptions, along with a list of the historical districts, which means the districts that exist now, adding current districts will continue to exist, although as time goes by and people request to rezone property, they will be rezoning to new districts, so the current districts will eventually become historical.

Ms. Johnson then stated the proposed draft has a chapter that now addresses annexations and vacating property, such as how to deal with annexed land and land abandonments and how to work with the zoning map to create it, identify it and how to amend it. Ms. Johnson then stated the new chapter also addresses following right-of-way lines, and parcel lines, adding none of the processes have changed.

Ms. Johnson then addressed the zoning districts beginning with the RT district, stating it is the default zoning upon annexation. Ms. Johnson stated one change had to do with the animal and agricultural services and allowing it without a conditional use permit instead of the conditional use permit process for it currently. Ms. Johnson stated the current regulations stated all the rights of Cochise County were retained and Cochise County did not require a conditional use permit, adding if the Council chose to maintain the current conditional use permit process for this, they could decide to do so. Councilmember Sacco asked about the Table One setbacks being valid with Ms. Johnson stating Table One would be valid for the existing districts, but for all the new districts, with new names, all the information in Table One is now in the text, so when you print out a zoning district, don't have to print out the text and then print out Table One as a separate document. Mr. Garcia then stated Table One would be in the appendix of the proposed Zoning Regulations, with Ms. Johnson adding it would still be applicable to all the existing districts, but as we move forward, it would be phased out. Ms. Johnson then stated the proposed draft removed the minimum dwelling unit size and the minimum parcel dimensions, adding that was done for every single zoning district, since the building codes address minimum dwelling unit size and staff didn't feel it was necessarily the City's business to dictate what size house a person could have, especially when looking at Benson's demographics and the General Development Plan, adding we have quite an increase of senior residents, who don't necessarily want a 3,000 sq. ft. house. Ms. Johnson then stated in the RT district, the setbacks increased slightly to 20' which matches the County regulations, adding this is to maintain consistency with the County, so if property is annexed, it would have consistent regulations across the

board.

Ms. Johnson then reviewed the Urban Farm district, which is completely new in the proposed draft, stating the City is trying to match with the proposed General Development Plan in having a bit of a rural lifestyle, adding we're trying to allow more people in the City of Benson have their livestock or animals and the district requires 1 acre minimum with 20' setbacks, which is the same as RU4 and RT in the County's requirements. Ms. Johnson stated the current zoning regulations say a person will have 1 acre plus living space, which is a bit onerous on both Staff and the property owner, since land is not usually sold by the acre plus living space. Ms. Johnson then stated the difference between Urban Farm and RT is acreage, adding Urban Farm is only 1 acre, so there are tighter restrictions on what type of and how many animals a property owner can have. Ms. Johnson then stated there is still the possibility of commercial users such as a vet or farrier, as in RT, and if Council wanted to require a conditional use permit, they needed to let Staff know. Discussion was then on the number of animals a property owner could have with Ms. Johnson stating when someone annexes into the City limits under Urban Farm or RT, the number of animals is dependent on the acreage. Ms. Johnson then stated for example, the Highlands at Whetstone Ranch has 1 to 3 acre lots, so if the developer chose to rezone to this, he could then market the property to people who may want to have a horse that live technically in a subdivision with City amenities, as opposed to living in the County.

Ms. Johnson then reviewed Single Family Residential (SFR) stating the difference between SFR and Urban Farm is it does not allow animals, even though you're talking about the same 1 acre parcel, so again, Highlands at Whetstone Ranch could go either way, should they choose to rezone. Ms. Johnson then stated the City kept the ½, ¼ acre and 7,000 sq. ft. lots, which all exist today, but the proposed draft adds 5,000 sq. ft. lots, adding we have several locations where those would be valid. Councilmember Lambert asked about the next step up in zoning districts with Ms. Johnson stating the next proposed zoning district is SFR12 and SFR21, stating these currently exist as R-1-12 and R-1-21, but the City doesn't have any areas currently zoned for either of those districts.

Ms. Johnson then reviewed Manufactured Homes stating they and their accessories are allowed and when we talk about a subdivision of the manufactured home, which we do have we are requiring 5,000 sq. ft. lots, stating the current minimum lot size for a single family site built is 7,000 and the current minimum lot size for a manufactured home is 5,000, adding we now have the minimum lot size of 5,000 sq. ft. across the board. Councilmember Lambert asked if the pre-existing manufactured home subdivisions were exempt with Ms. Johnson stating they were, but everything in existence already meets the minimum 5,000 sq. ft. lot, adding the proposed draft also removes the minimum dwelling unit size since it is regulated by the building codes and parcel dimension requirements.

Ms. Johnson then stated when the proposed draft addressed manufactured home parks, it is proposing they be processed as a Planned Area Development rather than just allowing them here and there, adding we are hoping this will add flexibility so people can choose their sites and Staff can work with people on a case by case basis. Ms. Johnson noted one change is the park size, stating currently there is a hard and fast rule the park must be 5 acres, regardless of the number of proposed homes, and the proposed draft changes the park size to be dependent on what the property owner wants to put in, adding they must still have enough room for the structures, roads, parking, and utilities, as well as other things they may want to put in such as laundry facilities, boat storage, or other park-wide accessories. Ms. Johnson then stated as far as lighting, street lights, underground utilities, public or private paving, parking on the site and guest parking; all of that has stayed the same. Ms. Johnson then stated when the regulations address the individual manufactured home spaces, size, setbacks, parking for two spaces, accessories such as a carport or a ramada or a barbeque area; all of that has also stayed the same, adding the main change is how a park will be processed and Staff is hoping it adds flexibility for property owners.

Ms. Johnson then reviewed Multi-Family Residences, stating these may be apartments, complexes, condos or townhouses, adding this is now defined in the proposed regulations as opposed to our current documents which just say multi-family residential. Ms. Johnson then stated as noted previously, the proposed draft removes the minimum parcel dimension and minimum dwelling unit size, however, in this district, it allows some smaller parcels for multifamily structures, adding the current regulations stated a minimum lot of

5,000 sq. ft., but that is for each unit and as you're getting more compact and going up stories, you would need a smaller space for the same footprint of building, so the proposed draft has very specific lot sizes for various types of multi-family complexes, rather than saying a certain number of sq. ft. across the board.

Ms. Johnson then reviewed the Cottage Overlay district, stating this is totally new and slightly different than multi-family, adding multi-family is trying to cluster people and get a more dense infill development, and while Cottage Overlay is trying to do the same thing, in multi-family the resident may or may not own the land, such as in apartments, whereas in Cottage Overlay, we are trying to allow people to split their parcels further and sell the smaller pieces. Ms. Johnson then stated this would be approved by the conditional use permit process, on a case by case basis, adding components looked at would be where the land is, who is interested and how many small residential units would fit. Ms. Johnson then stated Staff would like to have a large enough parcel to be split into 3 cottages, to try to avoid the duplex appearance of rental unit after rental unit, and is hoping these would be sold instead of rented, adding they could be retirement homes, smaller single family or newly married starter homes, since we desperately need starter housing in Benson. Councilmember Sacco asked how long the conditional use permit was valid with Ms. Johnson stating for something permanent like this, the permit would be indefinite, but for something temporary in nature, the Council could put a time limit on it, or require that construction must be started within a certain timeframe to be valid. Mr. Garcia then addressed the Council stating the intent of the Cottage Overlay district was both revitalization of the existing housing stock and to provide more affordable housing than we currently have in the City of Benson. Councilmember Sacco asked if the property owner would be required to obtain a conditional use permit every time something changed with Mr. Garcia stating it would be the property owner's choice to have the Cottage Overlay, so it would be a one-time overlay request that would allow lots to be split. Ms. Johnson then stated there are a lot of parcels that are long and narrow with many people owning more than one with their home across lot lines, adding sometimes the house isn't in good shape since they are older neighborhoods, and right now, based on current zoning districts, they could rehabilitate that house or build a new one, but would be required to do it on those two parcels, whether they merged them or kept two separate parcels, adding Staff hopes something like this would allow the possibility of the two individual parcels being used for 2 or possibly 3 structures, increasing their sale value and providing smaller more affordable housing, since going back to our demographics show a need for this type of housing. Councilmember Sacco asked about the minimum size for a cottage with Ms. Johnson stating the dwelling unit is governed by the building codes and Mr. Garcia stating the building would have to meet the definition of a dwelling, with the required amenities, but no minimum size requirements, adding this allows for creative ideas in dwelling designs. Ms. Johnson then stated the minimum lot size would be 3,000 sq. ft., so it would be very similar to what would be considered as a parcel for an apartment. Ms. Johnson then stated this would allow a mix of housing in a single family neighborhood, which currently, would be prohibited.

Ms. Johnson then reviewed Commercial districts, stating they are very much the same and allow some multi-family residential and dwellings attached to the business, professional retail, restaurants, beauty, car washes and accessories to the business, but added health and fitness establishments, which was a recommendation Staff received, adding we do have a few in the City. Ms. Johnson then stated the proposed draft also removes the minimum parcel size of 3,750 sq. ft. which was smaller than the smaller residential requirement, but increased the setbacks. Ms. Johnson stated the proposed draft also removed the single family subdivisions, stating the City was getting into issues where because our zoning was cumulative, with everything stacked on top of each other, no one would ever choose a single family zoning when they could choose a business zoning and have both business and single family uses.

Ms. Johnson then reviewed General Commercial districts stating they are also very much the same as the existing district with the same uses such as office parks, retail sales and RV parks, adding the proposed draft also removes the minimum parcel size but increases the set backs and again removes single family subdivisions. Ms. Johnson then stated the proposed draft addressing adult establishments that are not addressed at all in the current zoning regulations, adding that may be something for Council consideration if they would like to require a conditional use permit. Ms. Johnson then stated in addressing 4th Street and the possibility of something like a western façade, the language is currently one paragraph in the historic preservation chapter, but is now addressed in this district, where it can be easily found. Ms. Johnson stated

also in the proposed draft is the idea of an office park, which is a little more mixing of the uses, such as wholesale, distribution, professional offices and noted in the current regulations manufacturing of any kind is not found in either commercial districts. Ms. Johnson then stated there is no minimum lot size, but again, it has the same setbacks as general business, so it's requiring a functional size lot.

Ms. Johnson then reviewed Light Industrial districts stating this would be for manufacturing and finishing of products as opposed to the extraction or making of them, transportation, wholesale, warehousing similar to the office park and a little bit of retail. Ms. Johnson stated the proposed draft removes the parcel size, but increases the setbacks and addresses cultural uses. Ms. Johnson then stated it would also be for construction mobilization, adding we do not have any permanent storage yards, and looking at all the work being done on Interstate 10 and State Route 90, it is easy to see if a property owner wanted to store those types of equipment permanently, we currently don't allow it, unless it went under storage rental facilities in general, adding the storage facilities we currently have are by conditional use.

Ms. Johnson then reviewed Heavy Industrial districts stating this would be for the actual extraction of raw materials and the first step of producing goods, adding the proposed draft removes the minimum parcel size, increased the setbacks and added waste facilities, stating obviously that would be in a Heavy Industrial type use and anything dealing with hazardous materials is definitely Heavy Industrial, adding our current Zoning Regulations do not address this at all.

Ms. Johnson then reviewed Open Space Overlay, stating this will hopefully allow the identification of a developed open space for recreation such as golf courses and parks, adding currently these are just zoned commercial or business, and someone looking at the map wouldn't know there's a park there. Ms. Johnson then stated it would also include undeveloped open space which would be washes, adding the General Development Plan has some 15 washes called out, with some of them being major washes, and with this part of the overlay, someone looking at that map could see the wash.

Ms. Johnson then reviewed Private Open Space stating there isn't a lot of that right now, but an example would be Turquoise Hills Golf Course. Ms. Johnson then stated if and when larger residential developments come in, they might have a private club for archery or something else and this will allow us to delineate those things. Ms. Johnson then added this open space can contain structures such as dug outs, restaurants or golf pro shops, but they would have to deal with the recreational function of that location.

Ms. Johnson then reviewed the RV Park overlay stating the proposed draft defines the location which is basically a function of the street capacity. Ms. Johnson then stated this is currently designated by zoning districts and Staff is trying to designate it by street function as well with more prominence on that. Ms. Johnson stated the same park-wide accessory uses are allowed such as laundry facilities or a wash station, as well as individual accessories. Ms. Johnson then stated the setbacks stayed the same and the requirements for parking is 1 space per RV space with 10 RVs equaling 1 guest parking space, adding things like this stayed the same, including requiring a common recreation area, the sizes for individual pull ins and outs. Ms. Johnson then stated the proposed draft does reduce the park size from 5 acres to 3 acres, because Staff had a specific request that was turned down because the property was only 3.1 acres instead of the currently required 5 acres. Ms. Johnson then stated Council may want to consider doing the same thing with an RV park that was done with a Manufacture Home park of deleting a hard and fast number and simply saying a property must have enough space to accommodate all the proposed and required functions. Councilmember Sacco asked about RV parks and if they must include accessories with Ms. Johnson stating the regulations don't require the accessories, but regulate what is allowed, adding the proposed draft allows accessories that are currently allowed.

Ms. Johnson then reviewed Historical districts, stating those are the currently existing districts that, if the proposed regulations are adopted, over time would hopefully become phased out. Ms. Johnson stated there is a clause at the end of the proposed draft that states these districts do exist and the existing regulations do remain in effect, noting the existing regulations are in the proposed draft as an appendix. Councilmember Sacco asked if there were any changes to any historical districts with Ms. Johnson stating there we no changes to the historical districts, but as people request a rezoning, they would choose a new district and over time, the historical districts would be phased out.

Ms. Johnson then gave a brief presentation on the General Development Plan stating there haven't been many changes, adding the General Development Plan is to address the next 10 years, but hopefully is closer to 15 or 20 years. Ms. Johnson stated the City is required to create and amend a General Development Plan with public participation and it must conform with the State. Ms. Johnson then spoke of the required elements of the General Development Plan and that it must address such as land use and circulation, adding these two elements take location, the extent of housing, density, recreation, vehicles, pedestrians and bicycles into consideration. Ms. Johnson then stated the proposed General Development Plan also addressed open space, the growth area, environmental planning, the cost of development and water resources. Ms. Johnson then stated these are the requirements for cities that have a population between 2,500 and 10,000 with 2% average annual growth rate, which the City does not meet, but since these elements were addressed in the current General Development Plan, it made no sense to remove them and have to possibly add them back in at a later date. Ms. Johnson then stated the housing chapter was also not required for the City, but since it is in the current General Development Plan, it was carried forward in the proposed draft.

Ms. Johnson then addressed the vision statement noting there weren't many changes, but Staff did receive a comment that someone did not like the word "progressive" so Council may consider removing it from the statement. Ms. Johnson then addressed the goals and objectives stating neither of these changed much, adding this is due to the goals and objectives still being relevant since the economic climate hindered progression.

Ms. Johnson then addressed the updated land use and circulation maps and stated the proposed draft defines minor and major amendments, adding minor amendments can be done continuously throughout the year, but major amendments, regardless of the number of major amendments, must be done together since they can only be done at one time each calendar year. Ms. Johnson then addressed multi-year Capital Improvement Projects (CIP), stating how they're scheduled and the various tracking methods haven't changed.

Councilmember Sacco asked if there had been any current legislation that changed the timing of the adoption of the General Development Plan with Mr. Garcia stating the State has extended the adoption date of the General Development Plan for municipalities due to the economic situation, but since the City is well into the process, we have continued to move forward. Ms. Johnson stated the first requirements of a General Development Plan were put into place in 1998, so cities started to adopt them in 1999, 2000, 2001, adding ours was in 2002, so everyone's 10 year cycle to re-adopt their General Development Plan is coming to an end or has ended, but because of the economic climate, the State pushed the 10 years back to 12 years. Councilmember Sacco then asked if Senate Bill 1598 (SB1598) passed with Ms. Johnson stating SB1598 did pass and the proposed draft of the General Development Plan addresses aggregates as required by the legislation. Mr. Garcia states the City of Benson does not have any mapped or known locations of aggregate, so the proposed draft has the added sentence that says we will keep aggregates in mind as we're going through development scheduling, adding this information was confirmed with the State Mining Inspector.

Ms. Johnson then addressed briefly the various land use elements, goals and policies, land use, circulation, economic development, housing, water resources, cost of development, growth area, open space and environmental planning. Ms. Johnson then stated when we talk about the implementation program, these projects were based on some of the existing projects that were already in the General Development Plan that have not been accomplished in the past 10 years, adding some of them were added in for new CIP projects Council adopted in the budget. Ms. Johnson gave the Benson Area Transit (BAT) as an example, stating the program is new and elements such as routing and bus stops are now addressed in the draft General Development Plan. Councilmember Sacco asked how we intended to quiet the railroad with Mr. Garcia stating it could be done, but would be very expensive.

Ms. Johnson then addressed the map with Mr. Garcia stating the proposed map was recommended for approval by the Planning & Zoning Commission, adding there were other changes and a different proposal heard at the Commission level, however this edition is the one that was recommended for approval by the

Planning & Zoning Commission. Ms. Johnson continued reviewing the proposed map stating one of the major changes was the Whetstone Ranch area being changed to Industrial by the property owner's request. Ms. Johnson then pointed out existing Industrial and existing and new Commercial. Ms. Johnson then stated the General Development Plan used to have a category, called RV Parks/Manufactured Home Parks, but it was deleted on the premise that an RV park is mainly going to be based on road arterial and location and a Manufactured Home park will be a Planned Area Development on a case by case basis. Ms. Johnson stated rather than just designating the areas, RV parks became Commercial, since they are really commercial. Ms. Johnson then pointed out San Pedro Golf Estates was zoned Commercial and was in the General Development Plan as commercial, but has been changed to High Density Residential since that is what is platted and that is what it's going to be used as some day, adding Cottonwood Bluffs also changed to High Density Residential instead of Commercial, because it's already built, it's already residential and it isn't going to be Commercial. Ms. Johnson then stated the upper area of the San Pedro Golf Course, at the request of the property owner, was removed from Open Space and turned into High Density Residential, adding the property owner has plans of putting condos in there someday and the Ironwood Subdivision, which is Manufactured Homes was previously Medium Density, but was actually platted and built High Density Residential, which is reflected on the proposed map. Ms. Johnson then stated Manufactured Home parks on the map such as Cochise Terrace, the SKP park, San Pedro Resort, Pato Blanco also became High Density Residential, since that is what they are and we no longer have the RV Park/Manufactured Home Park designation. Ms. Johnson then noted 6th Street was currently categorized Commercial, adding the proposed map corrects it to Medium Density Residential and The Highlands at Whetstone Ranch which currently is designated a mixed use in Commercial has been corrected to Low Density Residential. Ms. Johnson then stated by the San Pedro Golf Course, at the southern part of the course, the property owner requested Low Density Residential instead of Open Space. Ms. Johnson then reviewed the mixed use designations on the proposed map, stating the location by the Interstate 10 and State Route 90 interchange was by property owner request and the lower part of the railroad on the eastern side used to be Industrial, was also requested to be changed to mixed use. Ms. Johnson then stated Smith Ranch, which is out of the City's jurisdiction, was also requested as mixed use, a change from the current Low Density Residential. Ms. Johnson then stated Turquoise Hills Golf Course is now listed as Open Space on the proposed map, adding the proposed map is trying to reflect what currently exists.

Councilmember Sacco stated he had additional questions, but would submit them to Staff. Councilmember Lambert asked about the Zoning Regulations being updated with Mr. Garcia stating from the initial creation of the Zoning Regulations, there have been updates, but never an update to the entire existing regulations.

Ms. Johnson then briefly reviewed the circulation map, stating the map plans for the future and noted it shows Post Road connecting from Highway 80 to State Route 90, which is something that currently exists, the concept of Nueva Jennella, which is also a new commercial strip, the possibility of a frontage road, the extension of Aviation Drive and a northern route to Mescal, which is something that has been talked about in the past and Pomerene Road, although it is out of the City's jurisdiction, trying to make it a regional road at some point. Ms. Johnson then stated all of these updates are in agreement with the Cochise County long-term transportation plan. Mr. Garcia then stated there were other map proposals that were heard but the proposed map is what was presented to and recommended for approval by the Planning & Zoning Commission.

ADJOURNMENT:

Councilmember Sacco moved to adjourn at 7:02 p.m. Seconded by Councilmember Maldonado. Motion passed 5-0.

Lori McGoffin, Acting Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk