

ORDINANCE 596

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING A REQUEST TO REZONE ASSESSOR'S PARCEL NUMBERS 123-07-007A, 123-07-007B, 123-07-007C, 123-26-001F, 123-26-002A, 123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-07-024D, 123-07-024E, 123-07-024F, 123-07-024G, 123-07-024H, 123-07-025 FROM A ZONING DISTRICT OF SINGLE FAMILY RESIDENTIAL (R-1-43) TO MULTI-FAMILY RESIDENTIAL (R-2)

WHEREAS, the City desires to encourage residential development in the above named area which is currently zoned Single Family Residential R-1-43 which allows single family residences on one acre or larger parcels; and,

WHEREAS, San Pedro Real Estate, L.L.C. and the City of Benson, the owners of the property, more specifically described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), have requested that the City change the zoning of the Property from Single Family Residential R-1-43 to the higher density Multi-Family R-2 residential zoning which allows both single family and multi-family dwellings on parcels of 5,000 square feet or greater; and

WHEREAS, rezoning the Property from Single Family Residential R-1-43 to Multi-Family Residential R-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 April 2, 2019 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 April 22, 2019 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, as amended, be hereby further amended to rezone the Property currently zoned Single Family Residential (R-1-43) to Multi-Family Residential (R-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.
2. That San Pedro Real Estate, L.L.C., or any successors, must use the remainder areas of the Property as described by the 2016 rezoning application and approved by the Benson City Council by Ordinance 584.
3. That the maximum number of dwelling units to be located within the boundary of the rezoned property is 152 dwelling units. **Revised as follows: San Pedro Real Estate L.L.C, or any successors, are limited to a maximum of 152 dwelling units upon their property located within the boundary of the rezoning.**

4. That the final number of dwelling units will be determined after considering the approved traffic impact analysis, provided by San Pedro Real Estate, L.L.C., in addition to other planning and platting documents, which may result in fewer than 152 dwelling units on the rezoned property. Through its application, Applicant San Pedro Real Estate L.L.C expressly authorizes Mayor and Council to amend this rezoning ordinance to place on the rezoned property a cap on the number of developable units that Mayor and Council determines to be appropriate based on the information available.

5. That if the project has not progressed within 7 years from the date of this rezoning, as demonstrated by plats or development plans submitted to City, that the area will revert to the prior R-1-43 zoning district without the need of Mayor and Council taking additional action.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 22nd day of April, 2019.



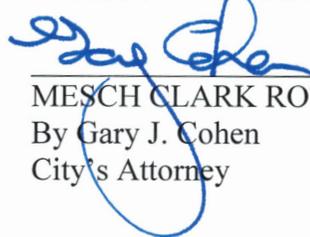
TONEY D. KING, SR., Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

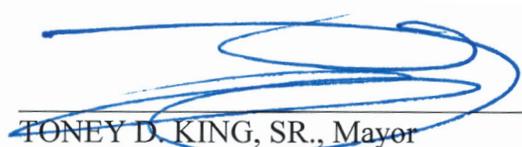


MESCH CLARK ROTHSCHILD
By Gary J. Cohen
City's Attorney

**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 597, as shown on said map.

CERTIFIED this 22nd day of April, 2019.



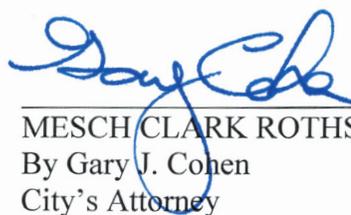
TONEY D. KING, SR., Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

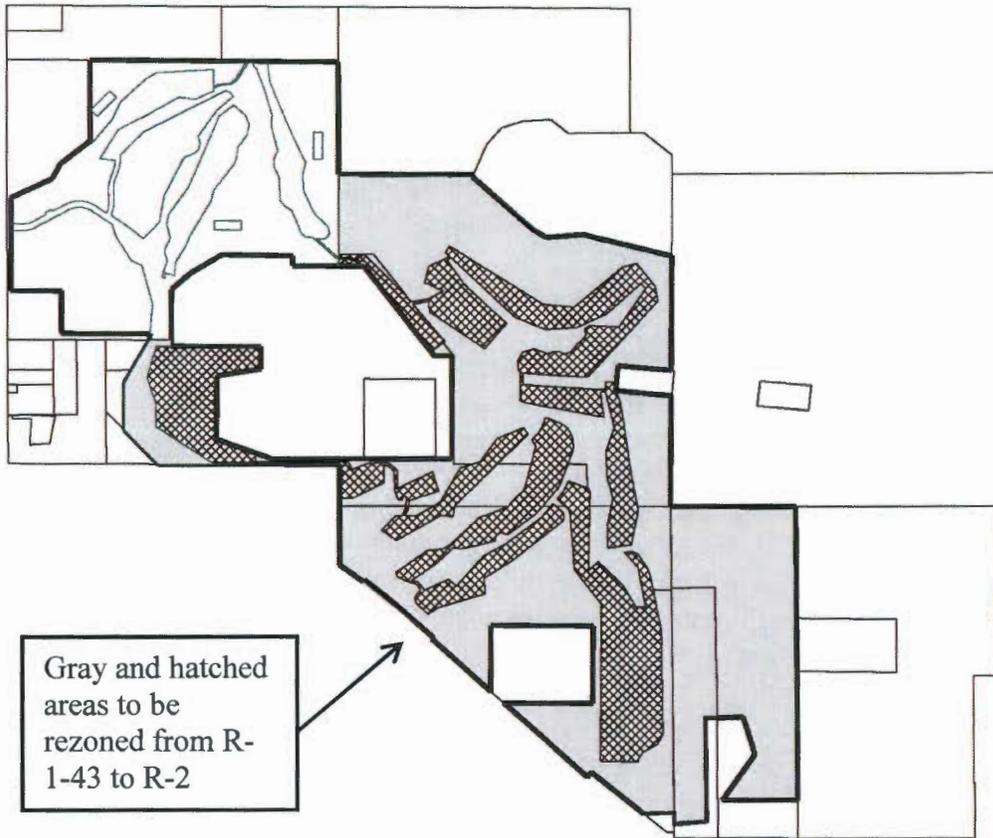
APPROVED AS TO FORM:



MESCH CLARK ROTHSCHILD
By Gary J. Cohen
City's Attorney

Exhibit A

APN 123-07-007A, 123-07-007B, 123-07-007C, 123-26-001F, 123-26-002A, 123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-07-024D, 123-07-024E, 123-07-024F, 123-07-024G, 123-07-024H, 123-07-025



Legal Description

Portions of Sections 3, 10 and 11, Township 17 South, Range 20 East of the Gila and Salt River Base and Meridian, County of Cochise, State of Arizona, more particularly described as follows:

Commencing at the Southwest corner of said Section 3, being a 2" capped pipe; thence along the West line of said Section 3, North 00°06'40" West, 1324.39 feet; thence leaving said line, South 89°38'04" East, 1129.62 feet to the **True Point of Beginning**;

Thence North 00°21'56" East, 50.00 feet; thence North 89°38'04" West, 703.02 feet; thence North 00°06'40" West, 334.01 feet; thence North 89°38'04" West, 394.01 feet to a point lying 33.00 feet Easterly of said West line of Section 3; thence along a line parallel with said West line, 33.00 feet distant therefrom, North 00°06'40" West, 737.31 feet; thence leaving said line, North 64°56'36" East, 357.46 feet; thence North 28°50'02" East, 137.42 feet; thence North 52°28'19" East, 295.85 feet; thence North 00°01'15" West, 642.68 feet; thence South 89°24'37" East, 1974.97 feet; thence South 00°00'15" East, 892.12 feet; thence South 89°32'31" East, 1065.40 feet; thence South 24°04'40" West, 19.00 feet; thence South 48°36'20" East, 633.00 feet; thence South 59°19'20" East, 128.00 feet; thence North 86°07'40" East, 300.00 feet; thence South 76°21'20" East, 706.00 feet to a point on the East line of said Section 3; thence along said line, South 00°05'57" West, 913.50 feet; thence leaving said line, North 84°39'35" West, 419.50 feet; thence South 05°20'25" West 200.00 feet; thence South 84°39'35" East, 437.84 feet to a point on said East line of Section 3; thence along said line, South 00°05'57" West, 882.80 feet to the corner common to Sections 2, 3, 10 and 11; thence along the North line of said Section 11, South 89°46'56" East, 986.91 feet; thence leaving said line, South 00°21'05" East, 2333.97 feet to a point on the boundary line of land according to Record of Survey Map Book 11, page 92; thence along said boundary, North 89°46'06" West, 597.17 feet; thence North 35°29'32" East, 443.80 feet; thence North 17°19'14" West, 312.40 feet; thence South 87°42'43" West, 203.96 feet; thence South 89°29'34" West, 86.59 feet; thence South 00°07'23" East, 818.63 feet; thence South 85°29'04" West, 258.55 feet to a point on the East line of said Section 10; thence along said line, North 00°30'26" West, 91.01 feet; thence leaving said line, South 88°09'44" West, 242.55 feet to a point on the Northeasterly right of way line of Interstate 10; thence along said line, North 51°21'44" West, 527.61 feet; thence South 41°49'31" West, 50.00 feet; thence North 48°10'29" West, 888.92 feet; thence leaving said right of way, South 89°27'05" East, 707.15 feet; thence North 00°32'55" East, 614.00 feet; thence North 89°27'05" West, 810.44 feet; thence South 00°32'55" West, 523.33 feet to a point on said Northeasterly right of line of Interstate 10; thence along said line, North 48°10'29" West, 623.64 feet; thence North 41°49'31" East, 16.00 feet; thence North 48°10'29" West, 300.03 feet to the beginning of a tangent 4753.66 foot radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 05°00'00", a distance of 414.83 feet; thence on a radial line to said curve, South 36°49'31" West, 16.00 feet to the beginning of a tangent 4737.66 foot radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 02°43'55", a distance of 225.89 feet; thence leaving said curve and right of way line, North 00°08'13" West, 467.73 feet to an ADOT brass cap monument at the

South one-quarter corner of Section 3; thence North 00°00' 15" West, 330.00 feet; thence North 89°43'37" West, 1436.98 feet; thence North 44°49'06" West, 380.83 feet; thence North 00°00'07" West, 380.00 feet; thence North 30°36'02" East, 398.16 feet; thence South 89°38'04" East, 1.92 feet to the **Point of Beginning**.

Excepting therefrom, the following described parcel lying within said Section 3;

Beginning at a point lying South 89°38'04" East, 169.51 feet from the above-described Point of Beginning; thence North 00°22'00" East, 398.40 feet; thence North 49°48'29" East, 201.37 feet; thence North 59°24'26" East, 285.47 feet; thence South 88°58'35" East, 561.65 feet; thence South 00°27'35" West, 80.00 feet; thence South 89°32'25" East, 564.76 feet; thence South 37°57'18" East, 907.99 feet; thence North 89°51'48" East, 138.11 feet; thence South 00°18'04" West, 824.45 feet; thence North 89°38'57" West, 1429.83 feet; thence North 70°09'59" West, 461.25 feet; thence North 00°30'56" East, 507.06 feet; thence North 81°23'43" East, 350.00 feet; thence North 00°21'56" East, 180.51 feet; thence North 89°38'04" West, 708.42 feet; thence North 00°22'00" East, 51.29 feet to the **Point of Beginning**.