

ORDINANCE 624

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING A REQUEST TO REZONE ASSESSOR'S PARCEL NUMBERS 123-11-006B, 123-11-007, 123-47-106, 123-47-107, 123-47-007, 123-47-006B, AND 123-47-005 FROM A ZONING DISTRICT OF RURAL TRANSITIONAL (RT) TO GENERAL BUSINESS DISTRICT (B2)

WHEREAS, the Owner of the above-referenced property, also described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), as represented by Horrocks Engineers, seeks to develop an RV resort within the City; and

WHEREAS, under the City's zoning code, RV parks must be developed in B-2 General Business districts. While a portion of the Property is zoned B-2, the balance of the Property under ASSESSOR'S PARCEL NUMBERS 123-11-006B, 123-11-007, 123-47-106, 123-47-107, 123-47-007, 123-47-006B, and 123-47-005, is zoned as Rural Transitional zoning. Development of the Owner's project requires a rezoning of these parcels, and the Applicant has requested this zoning change; and

WHEREAS, the City wants to encourage development on the above-described parcels; and,

WHEREAS, rezoning the Property from Rural Transitional (RT) to General Business (B2) is in accordance with the City of Benson General Development Plan; and

WHEREAS, the City believes it has complied with all legal requirements in order for this Ordinance to be adopted; 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 the Mayor and Council discussed the rezoning application during a properly noticed regular City Council meeting held September 11, 2023. Mayor and Council have determined that the Owner's rezoning request is in conformance with the City's General Development Plan and that approval is in the City's best interest,

BE IT NOW HEREBY ORDAINED by the Mayor and Council of the City of Benson, Arizona, that the City of Benson's Zoning Regulations are amended to rezone the Property currently zoned Rural Transitional (RT) to General Business (B2), contingent on the following conditions:

1. Owner and Owner's Representative must execute a waiver of any and all claims against the City pursuant to Proposition 207, A.R.S. § 12-1131 *et seq.*
2. The applicant shall revise the Phase 1 Traffic Impact Statement (TIS) to the satisfaction of ADOT. The TIS shall be accepted by ADOT prior to the issuance of building permits associated with Phase 1 development.

3. Prior to the commencement of Phase 2 development, the applicant shall submit a Category 1 Traffic Impact Analysis with traffic counts to the Arizona Department of Transportation (ADOT). ADOT must provide approval of the Phase 2 TIA prior to the issuance of building permits associated with Phase 2 development.

4. As required by Section 16-A-5 of the City's Zoning Regulations, plans for "other uses," including uses intended primarily to serve the residents of the park, were submitted for Phase 1. These uses include laundry facilities, a check-in store, and a maintenance yard. The Planning and Zoning Commission has reviewed these plans and, in approving the project, found the plans to be sufficient.

5. As required by Section 16-A-7 of the Zoning Regulations, plans for a common recreation area were submitted for Phase 1. These plans include pickleball courts, a dog park, a clubhouse, a landscaped pond with trail, and a pool. The Planning and Zoning Commission has reviewed these plans and, in approving the project, found them to be sufficient.

6. The applicant is limited to the number of RV spaces listed on its application, which is 315 spaces (Phase 1) and 237 spaces (Phase 2).

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 11th day of September, 2023.



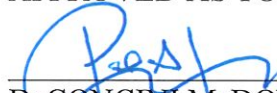
JOE A. KONRAD, Mayor

ATTEST:



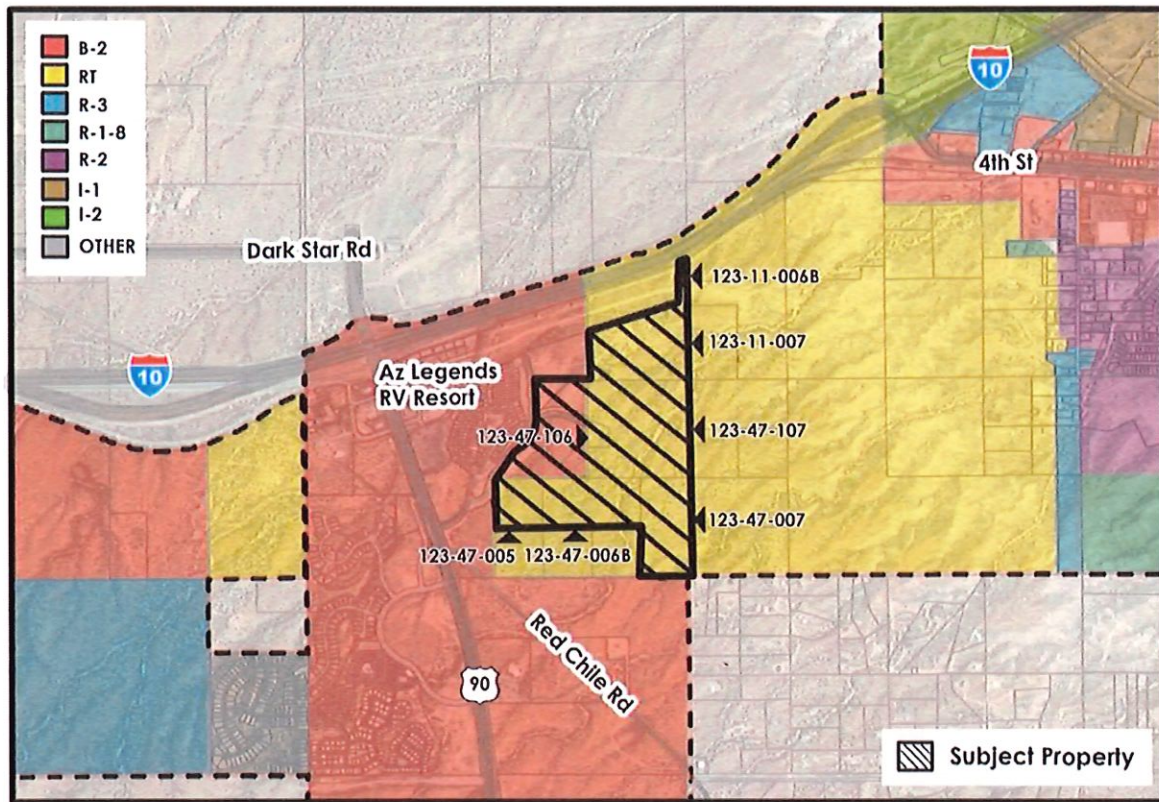
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:



DeCONCINI McDONALD YETWIN & LACY, PC
By Paul A. Loucks
City's Attorney

Figure 3: Zoning

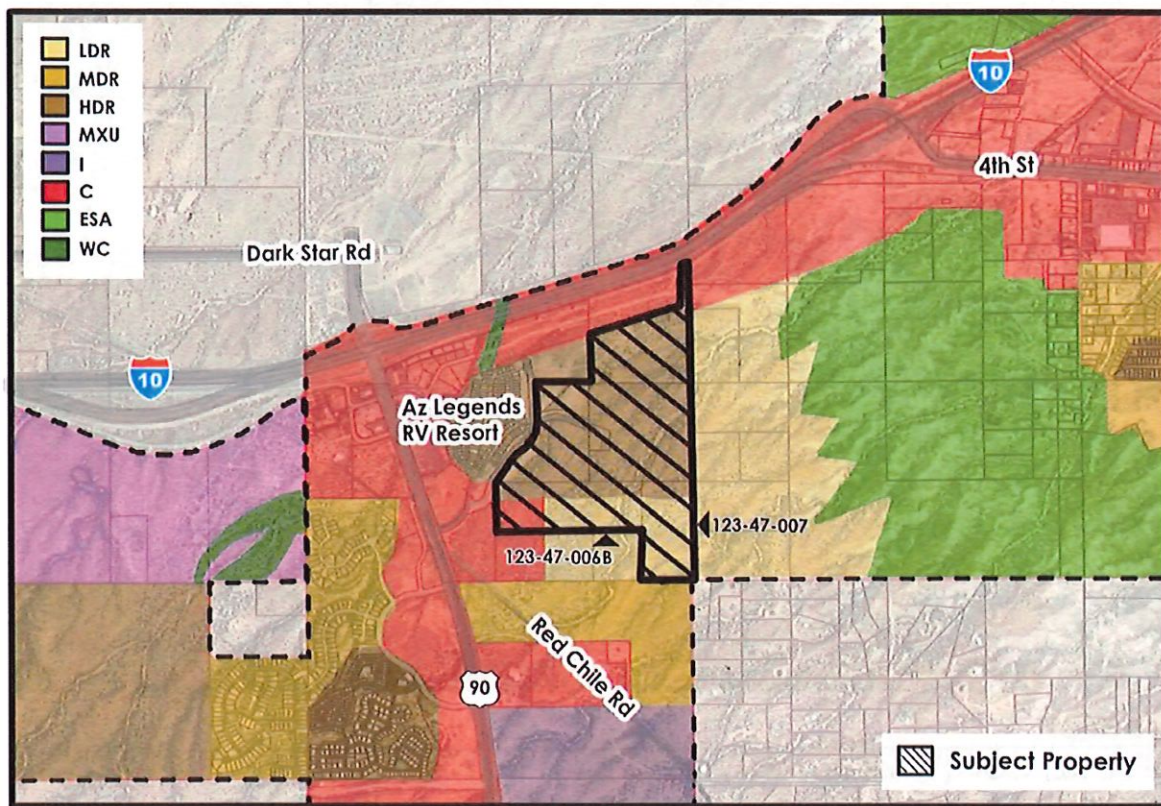


Existing Zoning
GPA, RZ, CUP (Whetstone RV Resort)



Assessor Parcel Numbers 123-11-007, 123-47-005, 006B, 007, 099C, 100, 105B, 106, 107

Figure 2: Land Use Plan

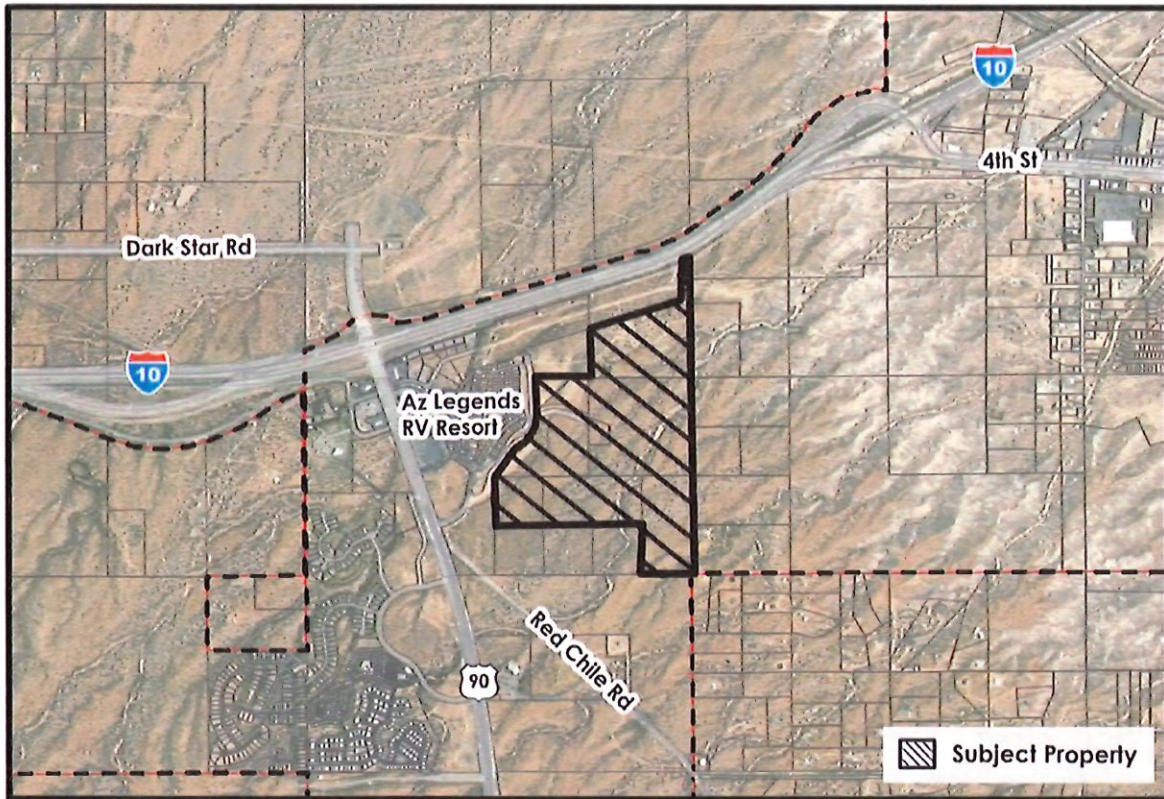


Existing Land Use
GPA, RZ, CUP (Whetstone RV Resort)

N.T.S.
Benson
Arizona
Incorporated 1913
Following the Sun, Please Recycle

Assessor Parcel Numbers 123-11-007, 123-47-005, 006B, 007, 099C, 100, 105B, 106, 107

Figure 1. Location



Location

GPA, RZ, CUP (Whetstone RV Resort)

N.T.S



Assessor Parcel Numbers 123-11-007, 123-47-005, 006B, 007, 099C, 100, 105B, 106, 107

CERTIFICATION OF MAP OF AREA TO BE REZONED I, JOE A KONRAD, 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 624, as shown on said map.

CERTIFIED this 11th day of September 2023.


JOE A. KONRAD, Mayor

ATTEST:


VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

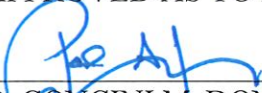

DeCONCINI McDONALD YETWIN & LACY, PC
By Paul A. Loucks
City's Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
of the PROPERTY

APN 123-11-006B, 123-11-007, 123-47-107, 123-47-007, 123-47-006B and 123-47-005

123-11-006B -CASA DEL RIO ST ANDREW & COCHISE KEYSTONE PER BK13 OF M/P PG81A
POR OF BLK X DESC AS FLLWS BEG AT THE NE COR OF BLK X THN S1DEG 16MIN E559.35'
S73DEG 10MIN W91.24' N13DEG 14MIN E111.32' N1DEG 16MIN W445.74' TO NLY LINE OF BLK
X & PT ON NON-TANG CURVE TO LEFT W/RAD OF 2958.56' & LNGTH OF 67.22' TO POB SEC
7-17-20 .793AC

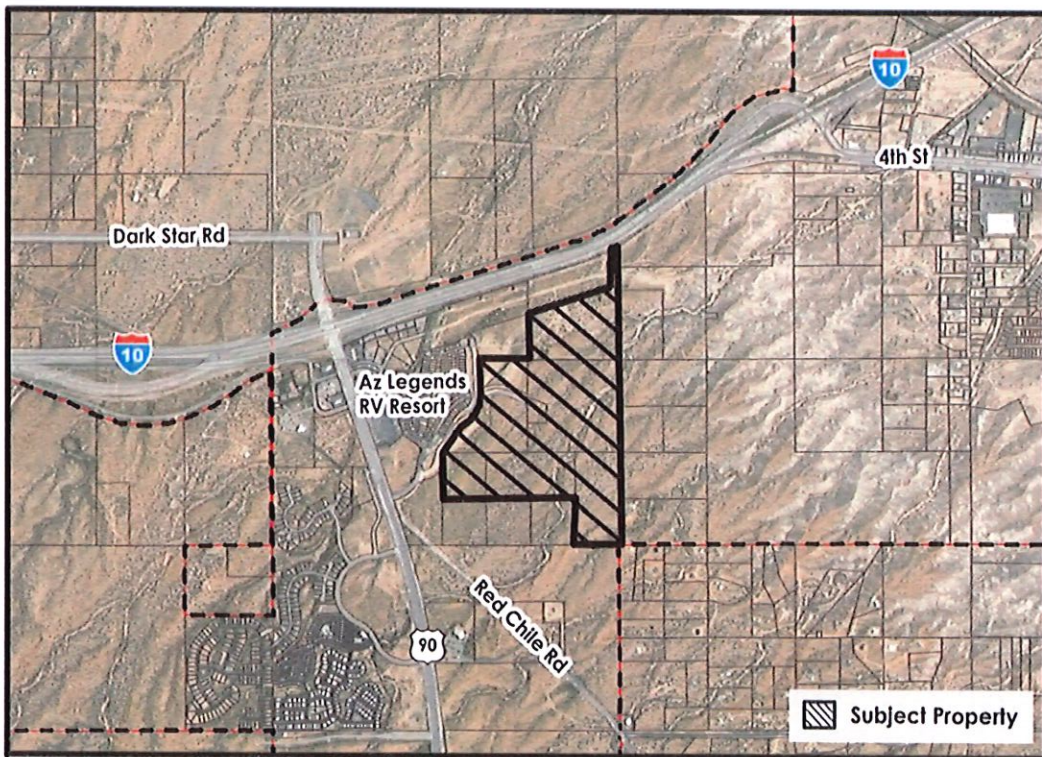
123-11-007 -CASA DEL RIO, ST ANDREW, COCHISE KEYSTONE BK13 PG81 BLK XI SEC 7 17
20 26.137AC

123-47-107 -CASA DEL RIO, STA ANDREW, COCHISE KEYSTONE BK13 PG81 BLK VI SEC 18
17 20 39.273AC

123-47-007 - E2SENE SEC 18 17 20 20AC

123-47-006B -NESWNE & NWSENE SEC 18-17-20 20.06AC

123-47-005 -NWSWNE SEC 18 17 20 10AC



Location
GPA, RZ, CUP (Whetstone RV Resort)

N.T.S. 
Benson
Arizona
Established in 1978
Serving the San Pedro Valley