

CITY OF BENSON PLANNING AND ZONING COMMISSION NOVEMBER 6, 2024 – 5:00 P.M. PUBLIC HEARING

THE PLANNING AND ZONING COMMISSION OF BENSON, AZ
WILL HOLD A PUBLIC HEARING ON NOVEMBER 6, 2024, AT 5:00 P.M.,
AT THE CITY COUNCIL CHAMBERS, 599 S. DRAGOON ST. BENSON, AZ

Pursuant to A.R.S. § 38-431.02(H), the public will have physical access to the meeting place
fifteen (15) minutes prior to the start of the meeting.

Abbie Johnson, Engineer Aide/Permit Technician

A G E N D A

The Commission may discuss, direct, consider and take possible action as indicated below pertaining to the following:

CALL TO ORDER: The Call to Order will consist of the Chair calling the Commission to order. The Chair or his designee shall then lead those present in the Pledge of Allegiance.

Meeting called to order at 5:01PM by the Chairman.
The commission lead the group in the Pledge of Allegiance.
The Chairman stated the ground rules for the meeting.

ROLL CALL: The Chair shall call the roll of the members, and the names of those present shall be entered in the minutes.

The Chairman called the roll: Present were Rhonda Boone, Lonnie Posegate, Deanna Donovan, and Blaine Lewis. Absent was Bill Mehrer. A quorum is four or more commissioners. The Chairman stated that a quorum was present.

CALL TO THE PUBLIC: This is the time for the public to comment on items not on the agenda.

No citizen commented.

NEW BUSINESS:

1. Discussion and possible action regarding zoning text amendments for RVs, Small livestock and fowl, and casitas and accessory dwelling units.

ZONING TEXT AMENDMENTS FOR RVs:
There were 20 people present and 4 commissioners present.

Ms. Christine McLachlan stated the purpose of this zoning text amendment:

Section 16a of the Zoning Regulations regulates recreational vehicle parks in Benson. Intent of Section 16a: "encourage development of well-planned recreational vehicle parks, and to provide minimum standards for the parks. These regulations govern recreational vehicle parks that offer spaces for rent, lease, or sale." This is a staff-initiated amendment, in response to direction from the Benson Board of Adjustment.

Ms. McLachlan then explains the edits and shows the edited document to the board.

EDITS: Ms. McLachlan explains that the changes are to better organize section into Parkwide Standards (Section 16-A-7.1) and Individual Space Requirements (16-A-7.2), To remove requirement for accessory structures to be "architecturally compatible with the recreational vehicle or park model itself", and to amend minimum width, depth, and space sizes to make them consistent for RVs and park models. Ms. McLachlan states that this text amendment applies city wide so we have to notify all affected citizens, since this was city wide we did not send out individual letters but instead we put a display ad with the changes in the newspaper.

Ms. McLachlan opens the floor to the commissioners for comments or questions.
There were no questions.

Ms. Chairman opened the floor to the audience for the public hearing for comments or questions.
There were no questions.

Ms. Chairman opened the floor for the Planner's Summary. Ms. McLachlan states that staff recommends forwarding the zoning amendment section 16a (RV Park Regulations) to City Council with a recommendation of approval.

Motion for approval to City Council was made by Mr. Lewis.
Motion was seconded by Mr. Posegate.
An all-in-favor vote was taken with a 4-0 vote in approval.

ZONING TEXT AMENDMENT FOR CASITAS:

Ms. McLachlan stated the purpose for this zoning text amendment:
In May of 2024 a house bill dealing with casitas was passed.
Guest houses are currently permitted in Benson in certain zoning districts.
The city does not currently have a supplemental standard section for ADUs.
This is a staff-initiated amendment, to bring the city in compliance with state law changes.
State law prohibits cities from requiring: covenants as a condition of permits for ADUs, additional on-site parking, building height requirements for ADUs that are more restrictive than the principal building, and setbacks greater than five (5) feet from the side and rear property lines.

Ms. McLachlan explains the edits and shows the edited documents to the board.
EDITS: included in new section of Article 12 of the Zoning Regulations, updated definition of ADU, updated reference from "guesthouse/servant's quarters" to "accessory dwelling unit" under permitted Accessory Uses, Section 5 (R-1), and table 1 amended- specifying minimum size restrictions are for principal units, adding a reference to new section in Article 12.

Ms. McLachlan opens the floor to the commissioners for comments or questions.

Mr. Posegate asked how the utilities will work for ADUs.

Ms. McLachlan explained that it would be combined with the main dwelling, it would not get a separate meter.

Mr. Posegate asked what the setbacks would be for these units.

Ms. McLachlan explained that the intent is to keep the 5-foot setbacks for separation and for the fire code.

Mr. Posegate asked what would happen with already existing ADUs.

Ms. McLachlan explained that this change would on be for new incoming ADUs.

Ms. Donovan asked if the ADUS would have to run their own wire for electric or have a subpanel or how exactly the electric would work for the ADUS.

Mr. Hamilton explained that it would need to follow the electric code and he would imagine that would mean it would need a subpanel. He explained that this would be reviewed in the permitting process.

Ms. Boone asked Ms. Donovan if SSVEC tells you if you need a different panel for another unit.

Ms. Donovan explained that the electrical code would state what to use. She explains that customers come to /SSVEC to ask and they have to show their expected load then SSVEC can help decide what they will need.

Mr. Posegate asked if ADUs will be for family members only or available for rent.

Ms. McLachlan explained that they could be allowed for rent. The state is trying to promote this and open it up for more housing. Unless the city has an ordinance that restricts renting these ADUs they would be allowed to be rented out. The city could develop an ordinance to restrict using them as Airbnb's and could maintain a list of current Airbnb's.

Mr. Posegate asked if they can add to or subtract from the way it's been edited.

Ms. McLachlan explains that it cannot be more restrictive than what the state allows and it must meet the states minimum standards but you could reword it some.

Ms. Chairman opened the floor to the audience for the public hearing for comments or questions.
There were no questions.

Ms. Chairman opened the floor for the Planner's Summary. Ms. McLachlan states that staff recommends forwarding the ADU zoning amendment, definitions, section 5, table 1, section 12 (ADUs) to City Council with a recommendation of approval.

Motion for approval to City Council was made by Ms. Boone.
Motion was seconded by Ms. Donovan.
An all-in-favor vote was taken with a 4-0 vote in approval.

ZONING TEXT AMENDMENT FOR SMALL LIVESTOCK AND FOWL:

Ms. McLachlan stated the purpose for this zoning text amendment:
Section 13.03 of the zoning regulations regulates small livestock in Benson city limits.
Intent of Section 13 (Keeping of Livestock and Pets): "to allow small scale, non-commercial animal husbandry activities."
This is a staff-initiated amendment, in response to state law changes House Bill 2325- Backyard Fowl Regulations.

EDITS: Ms. McLachlan explains the edits and changes to the current regulations and shows the documents to the board.
"Fowl" and "small livestock" definitions are added.
Adjustment to the number of permitted livestock.
Added regulation: all small livestock enclosures on residential zoned parcels where the total parcel size is less than one acre in size shall be shorter than the fence line of the property.
Change in maintenance requirement: the proposed requires that "enclosures be maintained and manure picked up and disposed of or compacted at least twice weekly."

Ms. McLachlan opened the floor to the commission for comments and questions.
Mr. Posegate asked who will enforce this regulation.
Ms. McLachlan explained that code enforcement would take care of this. She explained that it is more proactive on the citizens to report these type of issues, but if they turn in a complaint with code enforcement he will investigate it.

Ms. Chairman opened the floor for the public hearing.
There were no comments.

Ms. Chairman called for the Planner's Summary. Ms. McLachlan states that staff recommends forwarding the zoning amendment, section 13.03 (small livestock) to City Council with a recommendation of approval.

Motion for approval to City Council was made by Ms. Donovan.
Motion was seconded by Mr. Posegate.
An all-in-favor vote was taken with a 4-0 vote in approval.

2. Discussion and possible action regarding Aluminum Dynamics' application for a conditional use permit for the height of their building.

Ms. McLachlan explains that this is a Conditional Use Permit request from Aluminum Dynamics for the height of their building. This would be a height of 88 ft when the current regulation is 30 feet. The City Planning staff received 7 response letters in favor of this project and 1 response letter opposing this request.

Ms. McLachlan explains factors in favor of the Conditional Use and some factors not in favor of the Conditional Use:
FACTORS IN FAVOR:

- This is a permitted use in heavy industrial zoning.
- This will create jobs, increase tax revenue, and diversify the local economy.
- The business relies heavily on rail, which is present on site, and will reduce road impacts. The site also has access to Highway 80 and will not rely on local roads for service.
- The site is visually buffered on the north and west sides of the site by the right-of-way for the rail, the Turquoise Family Golf Center to the south, and the San Pedro River to the east. It is also set back many hundred feet from Highway 80.

Additional height is necessary for operational reasons.
FACTORS NOT IN FAVOR:

There is a small pocket of low density residential to the southeast.
Visually, this is much taller than surrounding buildings.

Ms. Chairman opened the floor for the applicant's statement.

Mr. Koutz, Vice President of Aluminum Dynamics, spoke about their company and their project. Mr. Koutz explained that they are an aluminum slab recycling facility. Mr. Koutz said they melt down aluminum cans into a 30-ton slab of pure aluminum and ship them to Mississippi and roll them into slabs for new beverage cans and automotive parts. They anticipate hiring a little over 90 employees. Some of their property tax will go to Cochise County and some to the City of Benson. This will be a 2.5 million dollar facility.

Mr. Koutz opened the floor to the commission for questions or comments.

Mr. Posegate clarified that it was the building height that would be 88 feet.

Mr. Koutz clarified that 88 feet height would be just the singular building.

Mr. Posegate asked if they owned the land yet.

Mr. Koutz said they are in agreement with the Railroad to buy the land but they want to get their permits first.

Ms. Donovan asked what the height of the La Habra apartments are so she can get a visual comparison.

Mr. Hamilton said the apartments are 2 story so they are probably 20-30 feet high.

Mr. Lewis asked what their time frame was for permits and overall project.

Mr. Koutz explains that the hardest permit to get is the Title 5 Permit he doesn't think the application has been filed yet but it could take up to 9 months to get this permit. Once the permit is in hand it will be full steam ahead and will take about a year for construction.

Ms. Donovan asked what the level of impact was from the permit.

Mr. Koutz explained that it's easier to go ahead and get it no than years down the road. They can't start construction without this permit anyway. The melting of the cans creates hydrochloric acid, they have bag houses that clean this and the Title 5 permit is what requires them to clean it.

Ms. Donovan asked what the water impact would be and what kind of water does it take to run the facility.

Mr. Koutz explained that they will be using the city water and no discharge will go into the river. He explained that the gray water will go to the city's golf course.

Ms. Donovan stated that there was an elevation drop at their site.

Mr. Koutz explained that there is an elevation drop so from a distance you would probably only see 20-30 feet of the building.

Mr. Posegate asked what roads would be used to get to this location.

Mr. Bill Glaser explains that an early development called Rosemont was supposed to be in this area and did a traffic study with a proposed turn signal and lane going into the property. He explains that they will do a traffic study and have ADOT decide the best route. He explains that 15-20 employees will get to the site using Country Club and the they will repave Country Club or Grapevine if necessary too. He explains that semi-trucks WILL NOT be using Country Club Road to get to site.

Mr. Posegate states that he thinks this project will be a good thing for the city.

Ms. Chairman closed the floor for the public hearing.

There were no comments.

Ms. Chairman called for the planner's summary. Ms. McLachlan states that staff recommends approval of the conditional use request with the following conditions attached:

The applicant shall submit an emergency response plan in coordination with local emergency services, including evacuation procedures and safety drills.

The applicant shall submit a traffic impact analysis to assess and properly manage vehicular traffic.

The applicant shall submit water conservation plan that minimizes water usage and maximizes onsite recycling.

Motion for approval with 3 conditions was made by Mr. Posegate.

Motion was seconded by Ms. Donovan.

An all-in-favor vote was taken with a 4-0 vote in approval.

ADJOURNMENT

Meeting adjourned at 5:50PM.

POSTED this 5th day of November 2024.

All facilities are handicapped accessible. If you have a special accessibility need, please contact Vicki L. Vivian, City Clerk, at (520) 586-2245 or TDD: (520) 586-3624, no later than eight (8) hours before the scheduled meeting time.