

RESOLUTION NO. 34-2004

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, ADOPTING A MINOR AMENDMENT TO THE CITY'S GENERAL DEVELOPMENT PLAN PURSUANT TO ARIZONA REVISED STATUTES §9-461.06, AMENDING THE LAND USE DESIGNATIONS AS SET FORTH IN SECTION I, "B", "PLAN ELEMENTS AND GOALS AND OBJECTIVES", ENTITLED "LAND USE", SUBSECTION V. "LAND USE DESIGNATIONS" TO CHANGE THE DESIGNATION OF AN APPROXIMATELY 46.04 ACRE PARCEL LOCATED ON THE EAST SIDE OF OCOTILLO AVENUE FROM "BUSINESS PARK / INDUSTRIAL PARK" TO "COMMERCIAL"; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.**

WHEREAS, through the adoption of the "Growing Smarter/Plus Legislation" as set forth in Arizona Revised Statutes, §9-461.05 et seq., as may be amended from time to time, the Arizona Legislature required the City to adopt a General Plan providing for the development of the municipality in accordance with the Act; and

WHEREAS, after extensive public participation in the adoption process, a draft of the "City of Benson General Development Plan" was considered by the City of Benson Planning and Zoning Commission at a public meeting on August 27, 2002, resulting in a vote by the Commission to recommend adoption of the same by the City Council; and

WHEREAS, after a public hearing held October 7, 2002, the City Council adopted the "City of Benson General Development Plan" by Resolution No. 2002-24 on October 21, 2002 and the same was ratified by the voters on March 11, 2003; and

WHEREAS, on July 23, 2004, Tom Hartley submitted an application requesting that his 46.04 acre parcel of property located on the East side of Ocotillo Avenue be rezoned to a lower zoning classification from I-1 "Light Industry" to B-2 "General Business" therefore, in conforming with the change in the zoning district, an amendment to the General Plan is required to change the Land Use Designation from "Business Park / Industrial Park" to "Commercial"; and,

WHEREAS, the criteria for determining whether a proposed amendment to the General Development Plan is a major or minor amendment is set forth in Section II of the General Development Plan, in accordance with ARS 9-461.06; and

WHEREAS, in accordance with the criteria set forth for determining a minor or major amendment in Section II of the General Plan document, the City Manager has made the determination that the required amendment is a minor amendment; and

WHEREAS, in accordance with the requirements of Arizona Revised Statutes, §9-461.06, the Planning and Zoning Commission held a public hearing on said amendment at its regular meeting on October 27, 2004, and voted to forward the same to the City Council with a recommendation for approval, and the City Council held a public hearing on the amendment at its regular meeting on December 6, 2004; and,

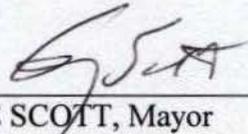
WHEREAS, the City Council finds that the minor amendment to the General Development Plan is for the good of the entire community, enhances the land usage relationship with the surrounding properties and minimizes potential impact upon public infrastructure, and the amendment is consistent with the Vision, Guiding Principles, Goals and Policies of the General Development Plan;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Benson, Arizona, as follows:

The Land Use Designations as set forth in the General Development Plan starting at page 12, et seq., are hereby amended to remove the 46.04 acre parcel of real property owned by Tom Hartley from the "Business Park / Industrial Park" designation and include said property in the "Commercial" land use designation category as shown on Exhibit "A" attached hereto and be reference incorporated herein.

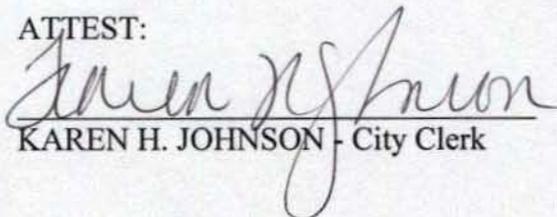
**This Resolution shall be effective after its passage and approval according to law.**

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA, this 20th day of December 2004.



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GEORGE SCOTT, Mayor

ATTEST:

  
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KAREN H. JOHNSON - City Clerk

APPROVED AS TO FORM:

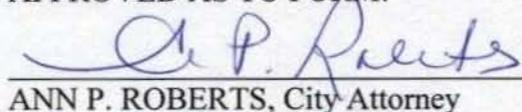
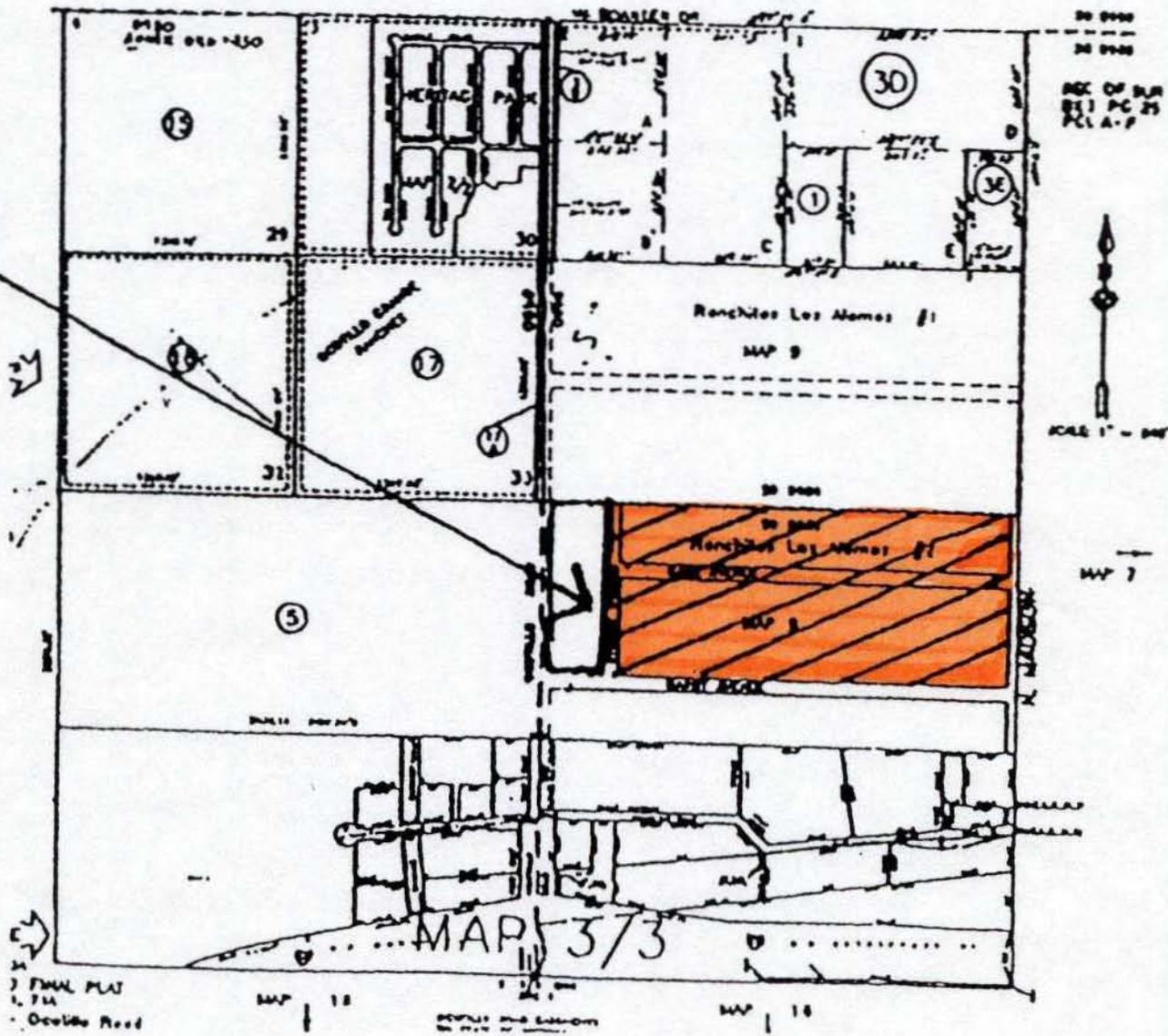
  
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ANN P. ROBERTS, City Attorney

EXHIBIT "A"

SEC 4 T17 R20

BOOK 1  
MAP 8

Proposed  
Rezone



LAND USE DESIGNATION FROM "BUSINESS PARK/  
INDUSTRIAL PARK" TO "COMMERCIAL"