

**THE WORKSESSION
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD APRIL 9, 2012, AT 6:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 6:04 p.m. with the pledge of allegiance.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Vice Mayor Lori McGoffin, Councilmembers Ron Brooks, David Lambert, Nick Maldonado, Chris Moncada and Al Sacco.

NEW BUSINESS:

1. Discussion and possible direction to Staff regarding the General Development Plan Update and the Zoning Regulations Update

Building Official Luis Garcia stated the City has embarked on a statutory mandated General Development Plan update, adding this is the 10 year update renewal and parallel with this plan, a much needed update to the City of Benson Zoning Regulations has been done. Mr. Garcia then stated over the past few months, numerous workshops have been held in an attempt to foster dialogue with citizens along with Councilmembers who attended. Mr. Garcia then stated Michelle Johnson of the Planning & Zoning Department has a presentation to review the changes that have been proposed. Ms. Johnson then addressed Council stating the General Development Plan is our long-term plan, mandated by the State that is done every 10 years, adding the plan itself looks forward at least 10 years, preferably closer to 20 years. Ms. Johnson then stated the part that is mandated are the actual elements such as land use, circulation, housing, traffic, safety, public buildings and those type of elements. Ms. Johnson then stated it is also mandated to have a vision statement and to clarify goals and objectives of the City. Ms. Johnson then stated the second part of the document is how the goals and objectives will be accomplished, adding this is done year by year and through 5 year blocks that are in the Capital Improvement Plan which is shown every year during the budget process. Ms. Johnson then stated the Zoning Regulations deal with what's here right now in the immediate vicinity, adding the goal of zoning has been around for over 100 years, has gone through the Supreme Court and has been deemed legal and constitutional and is to prevent harm and infringement of your immediate surroundings to and from your immediate neighbors and to help build in health and safety. Ms. Johnson then stated at this point, we're not so much worried about tenant apartments and smoke stacks, so we have the luxury, if you will, of considering aesthetics and open space, adding when you think of design review boards and architecture boards, that is aesthetics. Ms. Johnson then stated we are allowed to do this by State law, as opposed to the General Development Plan, which we are mandated to do by State law, however, the Zoning Regulations need to be in conformance with the General Development Plan so we can continue moving ahead with the General Development Plan through our Capital Improvement budgets. Ms. Johnson then stated the Zoning Regulations can certainly be updated later, but it will mean we will have to come back and amend the General Development Plan, which is not only done at the Council level, but at the Planning & Zoning Commission level. Ms. Johnson then stated this would require sending the amendments to various State agencies, additional public hearings with the Planning & Zoning Commission as well as the Council, adding by having the update in conjunction with the General Development Plan, the requirements for both the General Development Plan update and the Zoning Regulations update have been able to piggyback on each other.

Ms. Johnson then stated neither the General Development Plan nor the Zoning Regulations got as much of an overhaul as people are expecting, adding in the General Development Plan, the biggest changes were actually in the appendix, due to the updated census data and other statistics such as the employment and business statistics, which are all in the appendix. Ms. Johnson then stated Senate Bill 1598 required one new sentence to be added in the land use, regarding the use of aggregate, adding we don't have any known

aggregate or known mining within the City of Benson, but since it was something passed by the Senate, it is in the list of changes made. Ms. Johnson then stated the goals and objectives in the current plan really haven't changed and are still relevant: clean town, small town feel, safe traffic and quality housing and the goals and objectives are still relevant.

Ms. Johnson then stated the Zoning Regulations did change more with 10 new chapters, but even with 10 new chapters, the document only increased about 30 pages. Ms. Johnson then stated those chapters are entirely new in the sense they address things not addressed at all in our current Zoning Regulations. Ms. Johnson then stated one of the big issues not addressed was performance standards, adding we do not have any explosive industries in Benson right now, but if one wanted to come in, such as a fireworks factory, we do not have anything regulating how noisy it could be, or how to store explosives other than State and Federal regulations. Ms. Johnson then stated the same lack of regulations existed with vibrations, adding we don't have any industry right now that causes shaking, but we could at some point. Ms. Johnson then stated the other big change is with definitions, adding the current Zoning Regulations have a pretty thin definitions chapter, with only about 10 pages, and it has now increased to about 35 pages. Ms. Johnson then stated this was due to moving some things around from other chapters, such as lighting and sign definitions that used to be in the lighting and sign chapters. Ms. Johnson then stated we did add 5 new zoning districts, noting we kept our existing 8 zoning districts, although they have new names. Ms. Johnson then stated the currently named districts are still in existence but have been moved to the appendix which is approximately 16 pages, adding when people talk about the document getting quite a bit larger, this is where the increased number of pages have come from.

Ms. Johnson then gave a presentation on the Zoning Regulations changes, going through each section, reviewing what had changed and what had remained the same.

Mayor King then noted the time, with Ms. Johnson stating she had two more presentations; one on the zoning districts and one on the General Development Plan. Discussion then focused on when to continue the worksession with Council deciding it would be held on April 16, at 6:00 p.m. prior to the Special Council Meeting. Council also concurred if they had any questions; individual Councilmembers should meet with Staff prior to the Council worksession.

Councilmember Brooks stated he had a problem with the final approval of this document, adding the City hired a service to do the General Development Plan 10 years ago and the Zoning Regulations are going to affect the City for many years, so he felt it would be appropriate to have a Planning & Zoning attorney review the document before it was presented to Council for approval. Councilmember Brooks stated he wanted to make sure the City isn't going to end up in lawsuits and he has had a lot of comments from other people who have a serious concern about the regulations. Councilmember Brooks then suggested reviewing and approving the Zoning Regulations section by section, adding he knows the Zoning Regulations are tied to the General Development Plan, but he thinks it would be better to do it that way. Mr. Garcia recognized the General Development Plan was done by a professional consultant before, but stated it substantially stayed the same, adding all Staff did was update the statistics.

Councilmember Brooks stated he was ok with the General Development Plan, but the Zoning Regulations were changed entirely, and while he's not saying it's not for the better, he isn't comfortable and would prefer to have an outside service paid whatever we need to have them look the Zoning Regulations over and either say they look good or there may be some problems that need to be addressed before approving it. Councilmember Sacco agreed stating he knew there was a time limit on the General Development Plan, but there was no reason to rush into the new Zoning Regulations.

Vice Mayor McGoffin then stated Staff has been working on these for over a year, had done their homework and had utilized other cities and towns regulations that stood the test of time in addition to our own attorney reviewing them. Vice Mayor McGoffin then stated she felt Staff has done a very good job and doesn't feel we need to hire out a consultant and waste tax dollars, when she feels Staff has done a good job.

Councilmember Lambert then stated he would like to commend Ms. Johnson and Mr. Garcia and Staff for the excellent job they did, adding the proposed new Zoning Regulations were much easier to read with everything in the proper place and format, adding again, they did an excellent job. Mayor King agreed.

ADJOURNMENT:

Mayor King moved to adjourn at 6:55 p.m. Seconded by Vice Mayor McGoffin and Councilmember Brooks. Motion passed 7-0.

ATTEST:

Toney D. King, Sr., Mayor

Vicki L. Vivian, CMC, City Clerk