ORDINANCE 567

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING A REQUEST TO REZONE ASSESSOR'S PARCEL NUMBERS 124-01-010F AND 124-01-010G, FROM A ZONING DISTRICT OF RURAL TRANSITIONAL (RT) TO GENERAL BUSINESS (B-2)

WHEREAS, the City desires to encourage the development in the above named area which is currently zoned Rural Transitional (RT); and,

WHEREAS, San Pedro Partners L.L.C., the owner of the property, more specifically described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), has requested that the City change the zoning of the Property from Rural Transitional (RT) to General Business (B-2); and

WHEREAS, rezoning the Property from Rural Transitional (RT) to General Business (B-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 March 12, 2014 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 May 12, 2014 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, Ordinance No. 243, as amended, be hereby further amended to rezone the Property currently zoned Rural Transitional (RT) to General Business (B-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.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 12rd day of May, 2014.

TONEY D. KING, 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 567, as shown on said map.

CERTIFIED this 13th day of May, 2014.

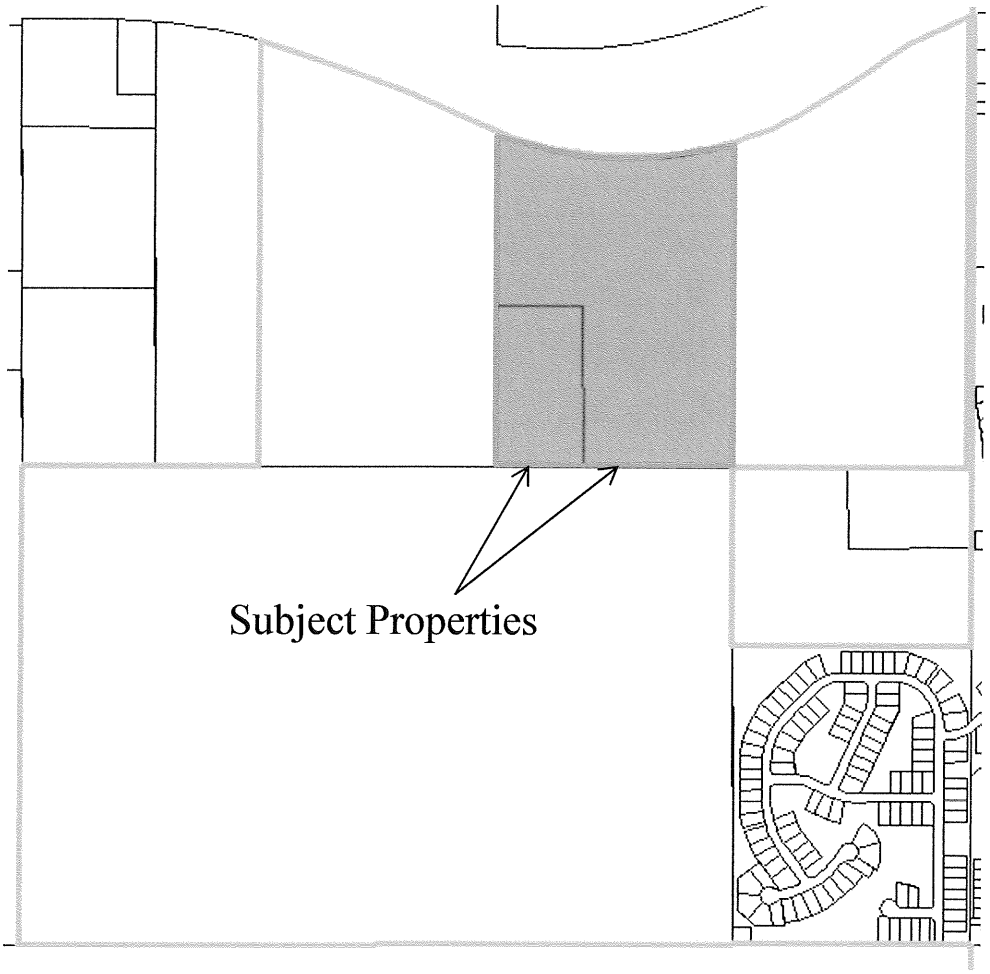
TONEY D. KING – Mayor

ATTEST:

VICKI L. VIVIAN, CMC – City Clerk

APPROVED AS TO FORM:

MESCH, CLARK & ROTHSCHILD
By GARY J. COHEN – City's Attorney

Exhibit A

APN 124-01-010F AND 124-01-010G