

RESOLUTION NO. 13-__

A RESOLUTION OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA AMENDING CERTAIN COCHISE COUNTY ZONING DISTRICT BOUNDARIES FROM, RU-4 (RURAL, (ONE DWELLING PER 4 ACRES), TO PD (PLANNED DEVELOPMENT), PURSUANT TO THE APPLICATION OF THE INDE MOTORSPORTS RANCH, LLC AND THE PLANNING CENTER, AGENT FOR APPLICANT..

WHEREAS, ARS § 11-814 allows property owners or their authorized agent to request amendments to the Zoning District boundaries through the Board of Supervisors in a public hearing;

WHEREAS, the Cochise County Board of Supervisors recognizes that zoning amendments can affect land use patterns and therefore warrant careful consideration of local and regional impacts at a public hearing;

WHEREAS, the Cochise County Board of Supervisors promotes effective, early and continuous public participation by citizens;

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning District boundaries, hereby known as Dockets MDP-13-01/Z-13-02, and voted to recommend approval;

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendments to the Zoning District boundaries proposed by Inde Motorsports Ranch, LLC and The Planning Center;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY ARIZONA, THAT THE COCHISE COUNTY ZONING DISTRICT BOUNDARIES SHALL BE AMENDED AS FOLLOWS:

The zoning classification for 312-acres of the 458-acre subject property known as Inde Motorsports Ranch (tax parcel 209-86-006B), is changed from RU-4 (Rural; minimum lot size 4 acres) and shall herein be zoned PD (Planned Development). Approximately 146-acres will remain RU-4 zoning and be reserved as open space areas. The property is located approximately five miles west of the City of Willcox and is further described as being situated in Sections 09, Township 14, Range 23E, of the G&SRB&M, Cochise County, Arizona.

The change in zoning classification is conditioned as follows:

1. At the time of Tentative Plat submittal, documentation shall be provided indicating evidence that the proposed method(s) of wastewater treatment is approved by the ADEQ and is adequate to accommodate all structures and uses proposed;
2. Prior to first permit issuance, a formal plan for water conservation shall be submitted as part of any draft CC&Rs for the residential developments and/or as a stand-alone water conservation document;
3. Detailed site plans shall be submitted for each phase for review by the appropriate County Departments and agencies. All residential development is subject to the County's subdivision process and must conform to the requirements of the subdivision process;
4. The Applicant shall ensure that noise levels are kept at 65 decibels (Dba) or below along the eastern property boundary for any 30-minute continuous period of operation for the new track;
5. At the time of the first Tentative Plat submittal, a Traffic Impact Analysis (TIA) shall be submitted and approved by the Community Development Department;
6. The Applicant shall submit the first Tentative Plat within one year from the date of approval from the Board of Supervisors. If build out of the MDP as proposed is not completed within 15-years from the date of approval, any undeveloped portions of the PD district shall revert to the original RU-4 zoning;
7. Within 90 days from the date of Board of Supervisors approval, the Applicant shall submit a legal description for that portion of the subject property rezoned to Planned Development;
8. The Applicant shall be required to obtain all other necessary permits and licenses prior to the construction or operation of any use described in the MDP. Any use that is not deemed to be in substantial conformance with the submitted MDP application shall be subject to review by the Community Development Department and may be required to undergo an MDP amendment process; and
9. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of approval from the Board of Supervisors.

The following zoning regulation requirements are hereby waived:

1. Section 406.06B13 which requires development not to exceed 5-years from approval unless otherwise approved by the Board of Supervisors; and
2. Section 1503.09 which requires interior (on site) screening of residential portions of PD districts from non-residential uses.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY,
ARIZONA, THIS 23rd DAY OF JULY 2013.

ANN ENGLISH, Chairman

ATTEST:

APPROVED AS TO FORM:

JAMES E. VLAHOVICH
Interim Clerk of the Board

BRITT W. HANSON
Chief Deputy County Attorney