

**RESOLUTION NO. 22-\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS REVOKING THE APPROVAL OF THE COPPER SKY MASTER DEVELOPMENT PLAN (DOCKET MDP-08-01) AND THE ASSOCIATED REZONING (DOCKET Z-08-04), THEREBY REVERTING THE LAND USE CATEGORY AND DESIGNATION TO D-RURAL AND REVERTING THE ZONING TO RU-4 ON APN 408-34-004D AND APN 408-34-004A PURSUANT TO THE MASTER DEVELOPMENT PLAN REVOCATION APPLICATION OF ARDENT INVESTMENTS, LLC**

**WHEREAS**, A.R.S. § 11-829 allows property owners or their authorized agent to request amendments to the Zoning District boundaries through the Board of Supervisors in a public hearing; and

**WHEREAS**, Cochise County Zoning Regulation 406.02 requires the adoption of a master development plan, which serves to amend the County Comprehensive Plan, where the proposed zoning amendment is for 10 acres or more, and the amendment includes multiple zoning districts and a mixture of new residential and non-residential zoning districts; and

**WHEREAS**, pursuant to Dockets MDP-08-01 and Z-08-04, on August 12, 2008, the Board of Supervisors conditionally approved the Copper Sky Master Development Plan, as well as related amendments to the Comprehensive Plan and rezonings, including the conditions noted below; and

- A. Parcels 408-33-006C; 006D; 007F and 408-34-004A; 004B; 004C, (369 acres) herein known as Copper Sky, shall be subject to the densities, uses, provisions, policies, and conditions of the approved Copper Sky Master Development Plan. The zoning classification for the 369-acre subject properties known as Copper Sky (tax parcels 408-33-006C; 006D; 007F and 408-34-004A; 004B; 004C), is changed from RU-4 (Rural; minimum lot size 4 acres) with 106 acres (Parcel Numbers 408-33-006C; 408-33-006D; 408-33-007F) shall herein be zoned GB (General Business), 87 acres (Parcel Numbers 408-34-004A and 408-34-004B) rezoned to RU-2 (Rural; one dwelling per 2 acres), 77 acres (Parcel Numbers 408-34-004A and 408-34-004B) rezoned to R-36 (Residential; one dwelling per 36,000 sq.-ft.), 23 acres (Parcel Numbers 408-34-004A and 408-34-004B)

A Resolution of the Board of Supervisors Revoking the Approval of the Copper Sky Master Development Plan (Docket Mdp-08-01) and the Associated Rezoning (Docket Z-08-04), Thereby Reverting the Land Use Category and Designation to D-Rural and Reverting the Zoning To RU-4 on APN 408-34-004D and APN 408-34-004A Pursuant to the Master Development Plan Revocation Application of Ardent Investments, LLC

rezoned to R-18 (one dwelling per 18,000 sq.-ft.) and 32 acres (Parcel Number 408-34-004B) rezoned to R-9 (one dwelling per 9,000 sq.-ft.) 43 acres shall remain RU-4 zoning reserved as open space areas, as long as the property is in conformance with the Cochise County Zoning Regulations, the approved Master Development Plan, and the conditions stated below. The properties are located east of the City of Douglas and are further described as being situated in Sections 17 and 18 Township 24S, Range 27E, of the G&SRB&M, Cochise County, Arizona.

- B. The change in zoning district boundaries, approval of the Master Development Plan and the amendments to the Comprehensive Plan, are conditioned as follows:
1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS § 12-1134 signed by the property owner of the subject property within thirty (30) days of approval from the Board of Supervisors.
  2. Prior to plat approval or permit issuance as applicable, the developer shall provide the Planning Department with documentation of an executed development agreement for potable water and sanitary sewer service by the City of Douglas or an alternate provider. If the developer has not received a commitment from the City of Douglas within three (3) years to provide for water and sanitary sewer service, the matter will come back to BOS for consideration as to whether or not the zoning of the parcels will revert. Furthermore, the developer shall provide evidence that such service is approved by the ADEQ and ADWR, and is adequate to accommodate all structures and uses proposed in the Copper Sky MDP.
  3. Prior to plat approval or permit issuance as applicable, the applicant shall submit detailed site plans for each district for review by the appropriate County Departments. All residential development is subject to the County subdivision process and must conform to the appropriate site development standards. All commercial development shall require a complete development plan.

4. Prior to plat approval or permit issuance as applicable, the Applicant shall provide a letter of intent to serve from the supporting fire district (Pirtleville or Douglas).
5. Prior to permit issuance or plat approval, as applicable, the Applicant will provide the following transportation facilities when warranted per the approved TIA for the Copper Sky project:
  - a. A traffic signal conforming to ADOT specifications at the corner of SR 80 and Kings Highway.
  - b. Lengthening the existing eastbound left turn lane and westbound right turn lane on State Highway 80 per ADOT standards in order to accommodate the traffic volumes expected.
  - c. Improvements (to ADOT standards) to the apron at Plantation Rd. (to the east) and State Highway 80 in order to ensure a measure of safety for those who choose to travel on Plantation Rd.
  - d. Dedicated right-of-way for West Puzzi Ranch Road, North Kings Highway and SR 80 shall be recorded.
6. Prior to plat approval or permit issuance as applicable, the Applicant will provide a Drainage Report that meets the standards and requirements of the County Highway and Floodplain Department and other applicable State and Federal Laws.
7. Prior to plat approval or permit issuance as applicable, the developer will coordinate with Staff to design, at a minimum, 15% of the lots/structures within the Copper Sky development as solar ready. For example, lots and/or structures could be oriented in an east-west fashion, serving to maximize passive and active solar energy potential. Other design features which could be integrated include, but are not limited to, equipping solar ready structures with conduits to allow for integration of solar thermal systems.
8. The developers shall make application for all necessary permits, including building permits for at least 50% of the number of dwelling units permitted in the first Pod proposed for development within six years of this approval.

A Resolution of the Board of Supervisors Revoking the Approval of the Copper Sky Master Development Plan (Docket Mdp-08-01) and the Associated Rezoning (Docket Z-08-04), Thereby Reverting the Land Use Category and Designation to D-Rural and Reverting the Zoning To RU-4 on APN 408-34-004D and APN 408-34-004A Pursuant to the Master Development Plan Revocation Application of Ardent Investments, LLC

If full build out of the Copper Sky MDP is not completed by the year 2024, any undeveloped parcels will revert to their original zoning (RU-4).

9. The developers 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 this MDP application shall be subject to review by the Planning Department and may be required to undergo an MDP amendment process.

**WHEREAS**, none of these conditions were timely met and no development occurred; and

**WHEREAS**, pursuant to Resolution 11-60, on December 12, 2011, the Board of Supervisors approved a conditional three-year project extension; and

**WHEREAS**, the approval of Resolution 11-60 was conditioned as follows:

- A. Provide the Planning Department with documentation of an executed development agreement for potable water and sanitary sewer service by the City of Douglas or an alternate provider within three years of the date of this Resolution, with evidence that such service is approved by the ADEQ and ADWR, and is adequate to accommodate all structures and uses proposed in the Copper Sky MDP.
- B. Submit a subdivision plat within three years of the date of this Resolution.

**WHEREAS**, neither condition was timely met, and no development has occurred; and

**WHEREAS**, Resolution 11-60 also authorized that, if those conditions were not timely met, the Board of Supervisors could consider reverting the zoning of the parcels and revoking the Master Development Plan and Comprehensive Plan Amendment; and

**WHEREAS**, on April 25, 2022, the applicant applied for a Master Development Plan Revocation; and

A Resolution of the Board of Supervisors Revoking the Approval of the Copper Sky Master Development Plan (Docket Mdp-08-01) and the Associated Rezoning (Docket Z-08-04), Thereby Reverting the Land Use Category and Designation to D-Rural and Reverting the Zoning To RU-4 on APN 408-34-004D and APN 408-34-004A Pursuant to the Master Development Plan Revocation Application of Ardent Investments, LLC

**WHEREAS**, the Board of Supervisors held a duly noticed public hearing to consider the revocation of the Copper Sky Master Development Plan including the associated amendments to the Zoning District boundaries.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY ARIZONA THAT:**

Pursuant to Section 407.10 of the Zoning Regulations, following approval of the Master Development Plan Revocation, the Copper Sky MDP plan, the location as depicted on the attached "Exhibit A," shall no longer provide a basis for any future development. As no phases have been initiated, all property included within the original MDP will revert to the original land use category and designation (D-Rural) and the zoning will revert to the original zoning of RU-4, as if the master development plan had never been implemented, until such time that a new Comprehensive Plan amendment is adopted and/or new Zoning District is approved.

**PASSED AND ADOPTED** BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, THIS 24th DAY OF MAY 2022.

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Ann English, Chair  
Cochise County Board of Supervisors

**ATTEST:**

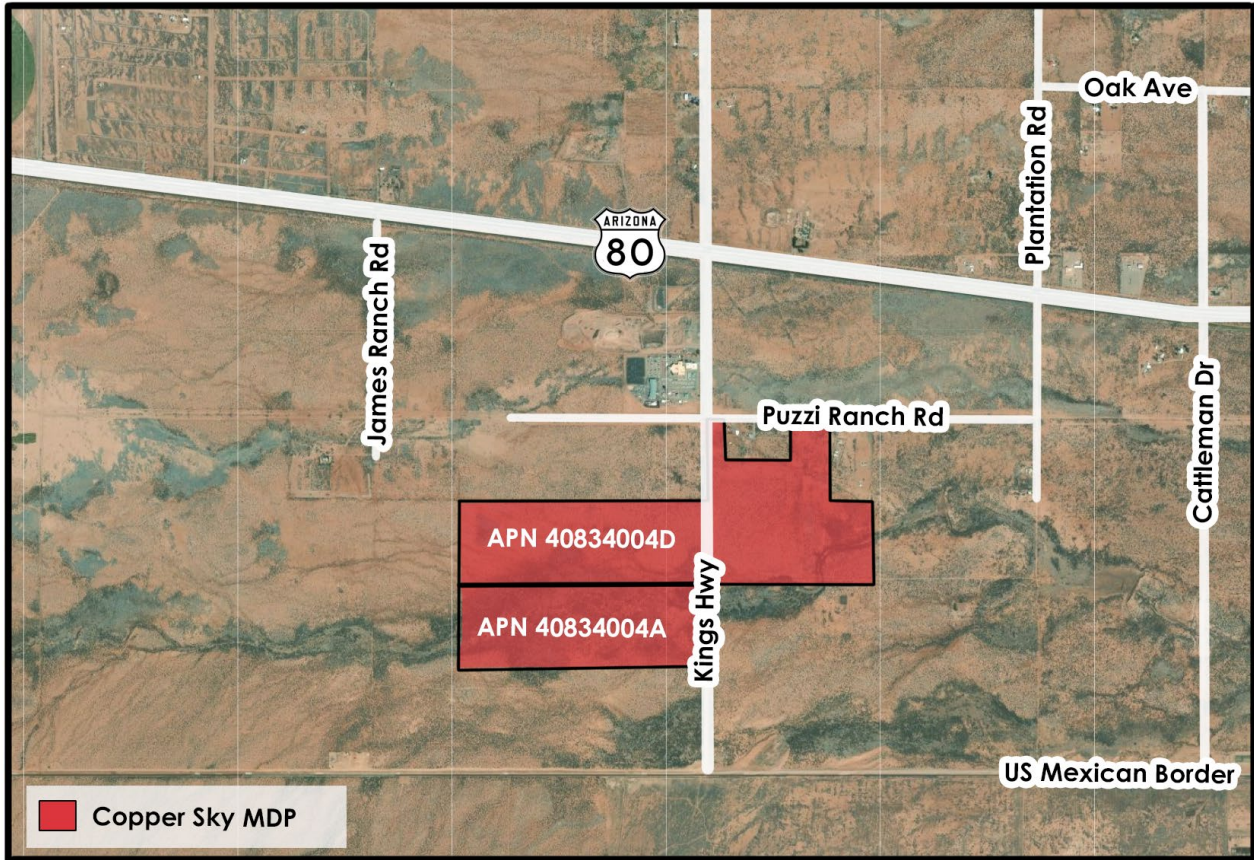
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Tim Mattix  
Clerk of the Board

**APPROVED AS TO FORM:**

*Paul Correa*  
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Paul Correa, Esq.  
Civil Deputy County Attorney

# “Exhibit A”



Location  
MDR 22-01 Copper Sky MDP Revoke

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