



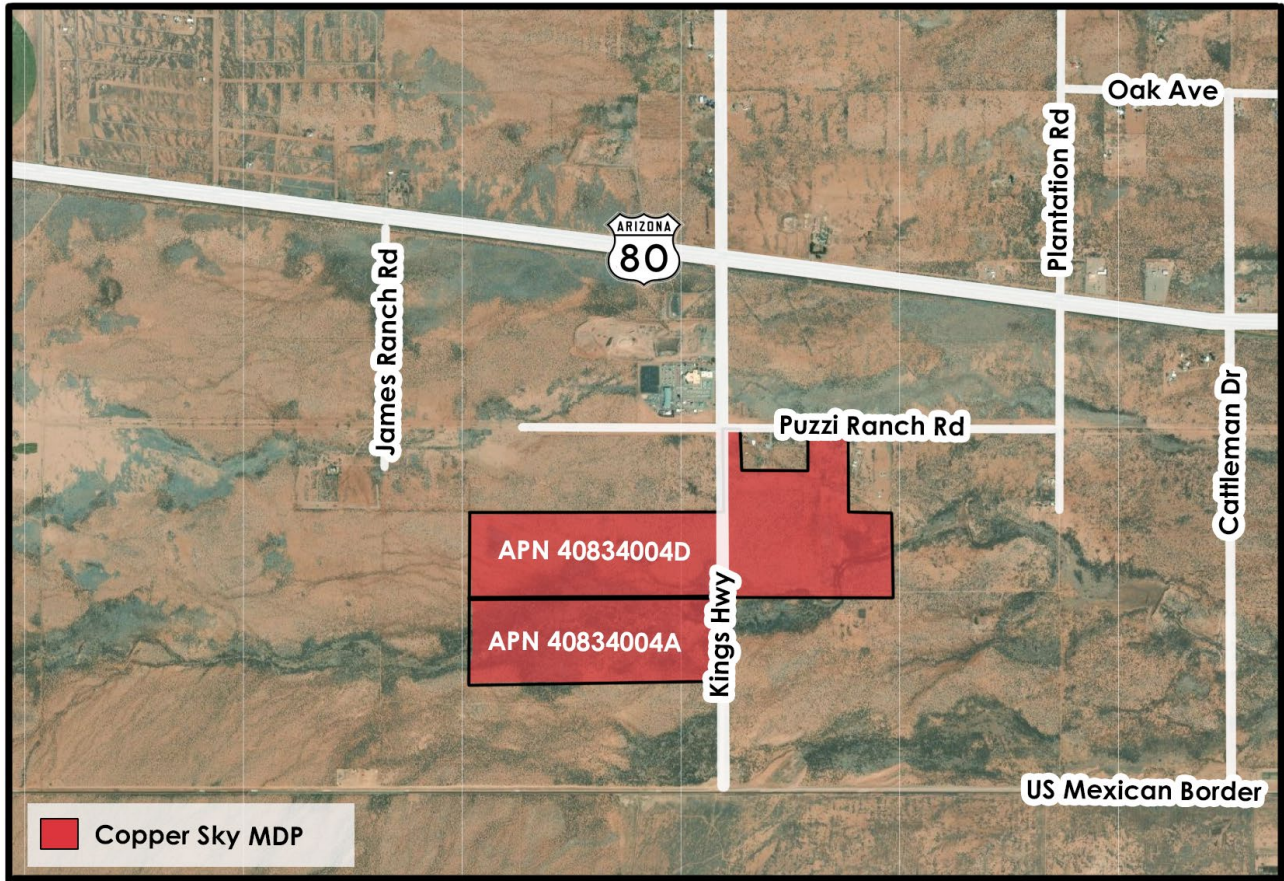
MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: Docket MDR 22-01 (Copper Sky MDP Revoke)
DATE: May 11, 2022, for the May 24, 2022, Meeting

Docket MDR 22-01 (Copper Sky MDP Revoke)

The applicant, Ardent Investments, LLC. (Paul Fiel, Agent) requests a revocation of the conditional approval granted in August of 2008 by the Board of Supervisors for the Copper Sky Master Development Plan (MDP) and rezoning. This is a mixed-use project on approximately 369 acres (parcel numbers 409-34-004D and 408-34-004A) located 3.5-miles west of the City of Douglas and south of State Highway 80 in the vicinity of North Kings Highway and West Puzzi Ranch Road (see Figure 1). The original approval rezoned the property from RU-4 (Rural; one dwelling per 4 acres) to GB (General Business), RU-2 (Rural; one dwelling per 2 acres), R-36 (Residential; one dwelling per 36,000 sq.-ft.), R-18 (one dwelling per 18,000 sq.-ft.) and R-9 (one dwelling per 9,000 sq.-ft.), pursuant to the plans included in the original application. The Master Development Plan and Rezoning was approved in August 2008. A three-year extension to the conditional approval was granted in December of 2011. To date, no phases of the plan have been completed. The applicant wishes for the Board to formally revoke the approval of the master development plan at this time. If granted, the zoning for the parcels subject to the request will revert to the original RU-4 zoning and will no longer be subject to the conditions of approval for the MDP/rezoning.

Figure 1: Request Location



Location

MDR 22-01 Copper Sky MDP Revoke

N.T.S



I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size:	368.38-Acres
Zoning:	See Figure 2
Growth Area:	Master Development Plan (MDP)
Plan Designation:	Master Development Plan
Area Plan:	Copper Sky MDP
Existing Uses:	Vacant, undeveloped
Proposed Uses:	None

II. SITE HISTORY

- August of 2008: Board of Supervisors approval granted for the MDP and associated rezonings
- December of 2011: Conditional extension granted by the Board of Supervisors
- April 2022: Revocation of MDP application submitted by landowner

III. REQUEST DESCRIPTION

According to Section 406.01 of the Zoning Regulations, "A Master Development Plan is a duly adopted component of the Cochise County Comprehensive Plan that provides a detailed plan for the coordinated development of a specific area. A master development plan will address, at a minimum: basic densities and water adequacy; specific future land uses and boundaries thereof; the general character, extent, and location of major thoroughfares, collector streets, and other modes of transportation; major drainageways and flood control structures; open space; schools, parks, utility installation and community facilities as applicable, for a designated area of Cochise County."

The Copper Sky Master Development was envisioned as a phased, mixed-use community 3.5 miles west of the City of Douglas. More specifically, the project was designed to be compact and "walkable" and would include approximately 1,340 residential units with a mix of housing types, including single-family residences, but with an emphasis on providing an array of multi-family options. School and fire station sites would be dedicated as well, and approximately 43 acres would remain RU-4 as open space. At the time of approval, full build-out of the Copper Sky project was projected for completion by 2024.

The MDP approval granted in 2008 was conditioned upon all the following being submitted prior to plat approval or permit issuance as applicable:

1. *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;*
2. *The Applicant shall provide a letter of intent to serve from the supporting fire district (Pirtleville or Douglas);*
3. *The Applicant will provide the following transportation facilities when warranted per the approved TIA for the Copper Sky project:*
 - 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; and*
 - 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.*
4. *Dedicated right-of-way for West Puzzi Ranch Road, North Kings Highway and SR 80 shall be recorded;*
5. *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;*
6. *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;*

7. *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. 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); and*
8. *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.*

In December 2011, a three-year extension was granted by the Board of the Supervisors. This request was intended to secure development agreements for potable water and wastewater service, secure capital, and make on-the-ground progress. The following condition was imposed, which amended the condition 1, listed above:

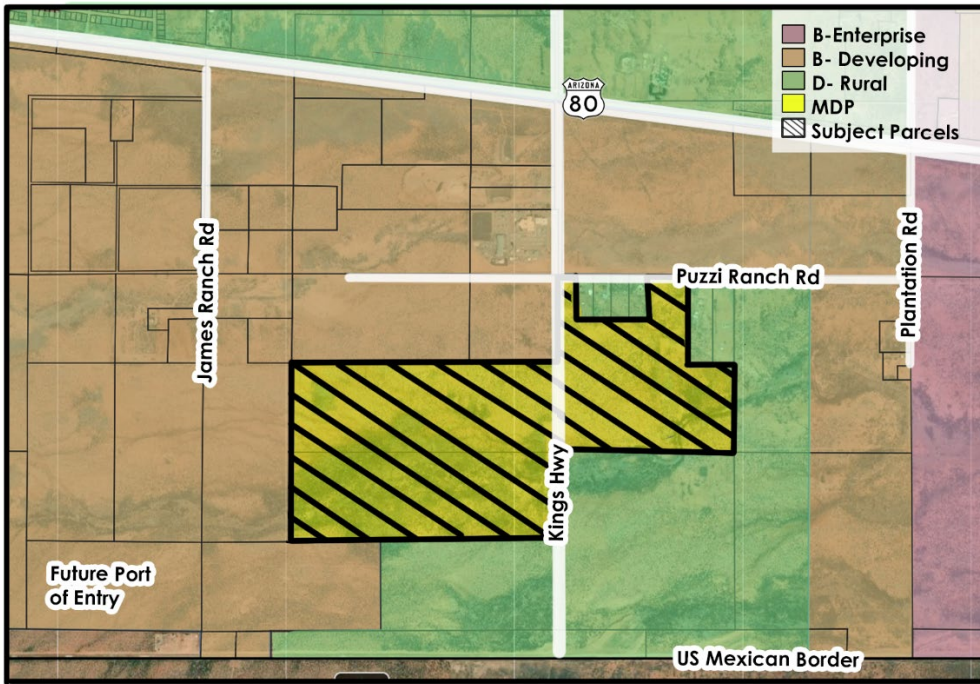
- *The applicant must provide the Community Development Department with documentation of an executed development agreement for potable water and sanitary sewer service by the City of Douglas or an alternate provider within three (3) years of the date of this approval, with evidence that such service is approved by the ADEQ and ADWR, and is adequate to accommodate all structures and uses proposed in the Copper Sky MDP and submit a subdivision plat within three (3) years of the date of this Resolution. **If these and other conditions are not timely met, the Board of Supervisors may consider reverting the zoning of the parcels and revoking the Master Development Plan and Comprehensive Plan Amendment.***

Since that time, no development has occurred, no extensions have been requested or granted, and without a formal revocation by the Board of Supervisors, the entitlements and the path forward for future development on these parcels is unclear. In March of 2022, the Board of Supervisors granted approval of the first of two Minor Comprehensive Plan Map Amendments near the proposed Douglas commercial port of entry. This MDP was not included within that amendment but is anticipated to be a part of the second phase on the Comprehensive Plan Map Amendments associated with the Port, which will occur later this year. The developer/landowner is recalibrating his plans for these parcels, which will consider current market conditions. The expansion of key infrastructure to the terminus of James Ranch Road will positively impact this area of the County, making supporting commercial and industrial development much more feasible in the near future.

Pursuant to Section 407.10 of the Zoning Regulations, "If the Board revokes its approval of a master development plan, the plan shall no longer provide a basis for any future development. If the developer has completed certain phases of the project as required by the approved plan, any such specific areas shall continue to be subject to the applicable, approved uses, densities, site development standards, and conditions of the master development plan. All uncompleted phases will be subject to the plan area, category, site development standards and densities of the original Zoning District, 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."

On April 25, 2022, the development, Ardent Investments LLC, represented by Paul Fiel, applied for a revocation of the MDP. The following maps graphically illustrate the current and proposed land use and zoning designations.

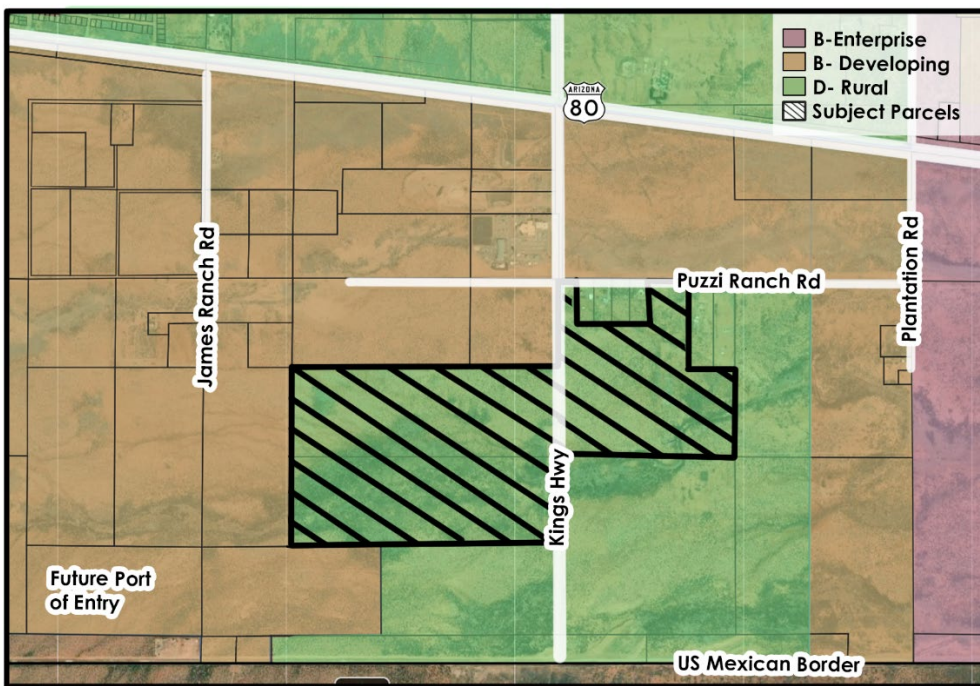
Figure 2: Current Land Use



Current Land Use
MDR 22-01 Copper Sky MDP Revoke



Figure 3: Proposed Land Use



Proposed Land Use (Following Revoke/Reversion)
MDR 22-01 Copper Sky MDP Revoke

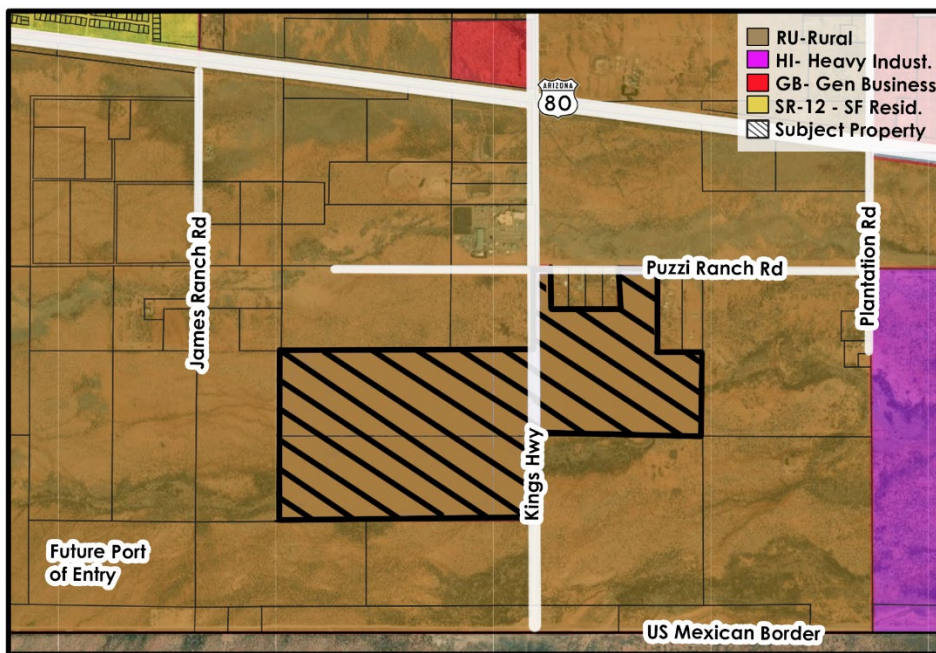


Figure 4: Current Zoning*



* Although not a condition, the acceptance of conditions letter states the following, "The Planning Department will require you [applicant] to submit surveys for each zoning district so that we can delineate each district accurately on our map." To date, no surveys have been submitted.

Figure 5: Proposed Zoning (following revoke/reversion)



Proposed Zoning (Following Revoke/Reversion)

MDR 22-01 Copper Sky MDP Revoke



IV. RECOMMENDATION

The applicant is aware of the ramifications of this request. While he will lose significant residential entitlements by reverting to the reduced density of the original RU-4 zoning designations, it will also remove the conditions attached to the MDP/rezoning, which, to-date, have served as considerable barriers to the proposed development breaking ground. Staff is working with the developer. Given the size and location of these parcels, there is potential for this project to serve as a development catalyst for the greater Douglas Port of Entry area.

Staff recommends approval of the revocation of the MDP and the reversion of the zoning to RU-4.

Attachments:

- MDR 22-01 MDP Revoke Application Copper Sky MDP
- Board of Supervisors Memo, Dates August 12, 2008, Copper Sky MDP and Rezoning
- Board of Supervisors Memo, Dated December 20, 2011, Copper Sky MDP Extension Request



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Permit #: MDR22-000001

Project #: 22-001491

Status: Under Review

Balance Due: \$200.00

Address: 40834004D2, 40834004A

Description: Copper Sky Master Development - 5 miles west of Douglas immediately adjacent to CBP station and the new Commercial Port of Entry

Permit

Reviews

Documents

Inspections

Permit #:

MDR22-000001

Permit Type:

Master Development Plan Revoke Application

Sub Type:

Master Development Plan Revoke Application

Issue Date:

Expiration Date:

Total Acreage in MDP:

369

Original MDP Approval Date:

06/02/2008

Extension Date(s), if applicable:

06/01/2012

Have any phases or improvements been completed to date? If so, describe below:

Zero

I understand, pursuant to Section 407.10 of the Zoning Regulations, if the Board of Supervisors approves the revoke of the master development plan, the plan shall no longer provide a basis for any future development.

If the developer has completed certain phases of the project as required by the approved plan, any such specific areas shall continue to be subject to the applicable, approved uses, densities, site development standards, and conditions of the master development plan.

All uncompleted phases will be subject to the plan area, category, site development standards and densities of the original Zoning District, 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.

I hereby certify that I am the owner or duly authorized owner's agent and that all information on this form is accurate. I understand that if any of this information is false, it may be grounds for denial.

Applicant Signature:

signature.png



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

MEMORANDUM

To: Board of Supervisors
 From: Michael Turisk, Planner II
 For: Susan Buchan, Planning Director
 Subject: Docket MDP-08-01/Z-08-04 (Copper Sky)
 Date: July 28th, 2008 for the August 12th, 2008 Board of Supervisors meeting

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT (MASTER DEVELOPMENT PLAN) & REZONING

Dockets MDP-08-01/Z-08-04 : This is a request for a Master Development Plan (MDP) and rezoning approval for the Copper Sky development, a mixed-use community on 369 acres (Parcel Numbers 408-33-006C; 006D; 007F and 408-34-004A; 004B; 004C) located several miles west of the City of Douglas and south of State Highway 80 in the vicinity of North Kings Highway and West Puzzi Ranch Road, southeast of the Douglas U.S. Border Patrol Station. The Copper Sky project includes commercial uses, an approximately 8.5 acre school site, as well as a mix of different housing types, including single-family residences, town homes and apartments. Therefore, the Applicant has requested a mixed rezoning from RU-4 (Rural; one dwelling per 4 acres) to GB (General Business), RU-2 (Rural; one dwelling per 2 acres), R-36 (Residential; one dwelling per 36,000 sq.-ft.), R-18 (one dwelling per 18,000 sq.-ft.) and R-9 (one dwelling per 9,000 sq.-ft.) to accommodate the mixed uses/housing types. The Applicant has proposed 1,344 residential units, and of the 96 acres proposed for General Business zoning, 77 acres will be dedicated to single- and multiple-family residential uses with 19 acres devoted to mixed commercial uses. Approximately 43 acres will remain RU-4 zoning and be reserved as open space areas. The Copper Sky project is projected to be completed by 2024.

Applicant(s): Ardent Investments, LLC. Jim Huff, ShadeTree Consulting, Agent

I. DESCRIPTION OF SUBJECT PARCELS

Total Parcel Size: 369 acres
 Current Zoning: RU-4 (Rural; minimum lot size of 4 acres)
 Proposed Zoning: RU-2; R-9; R-18; R-36; GB
 Existing Plan Designation: Rural
 Existing Growth Area: D
 Proposed Growth Area: MDP
 Existing Development: None (vacant)
 Proposed Use: Mixed residential and commercial; school site; fire station

Surrounding Zoning & Land Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	U.S. Border Patrol Station; low-density residential
South	RU-4	vacant
East	RU-4	vacant
West	RU-4	vacant

Planning and Zoning Commission Hearing on July 9th, 2008

At the Planning and Zoning Commission meeting, Mr. Jim Huff of Shadetree Consulting, Inc., agent for the Applicant, discussed the approach in designing the Copper Sky development, one that provides mixed densities and a variety of commercial uses. Mr. Huff also explained that the site's proximity to the Douglas Border Patrol Station will offer employees opportunities to live, shop and recreate close to their workplace. Mr. Huff emphasized the uniqueness of the Copper Sky concept and suggested that a need exists for this brand of mixed-use project in Cochise County. He also offered insight into how the open space features and multi-use trail system will integrate into the development.

The Commission was reminded that the Department has received a Letter of Intent to serve from the City of Douglas indicating provision for water and wastewater services to the site; at the Commission meeting, Carlos de la Torre, Public Works Director for the City of Douglas, reaffirmed that intent.

Few citizens commented on the project, however, one neighboring parcel owner expressed concern over the impacts of potential flooding on area residents. However, Staff indicated that, if approved, the Applicant must provide a Drainage Report that would adequately address this concern.

Commissioner Martzke made a motion to approve with the Conditions stated by Staff. Commissioner Silva seconded. *The vote was unanimous (8-0) to recommend approval of the Copper Sky rezoning and MDP with the Conditions listed at the end of this report.*

II. PARCEL HISTORIES

There is no history on record for the subject parcels.

III. NATURE OF THE REQUEST

A. Master Development Plan (MDP)

The Cochise County Zoning Regulations define a Master Development Plan (MDP) as:

A duly adopted component of the Cochise County Comprehensive Plan that provides a detailed plan for the coordinated development of a specific area.

An MDP is required under Section 406.02 of the Cochise County Zoning Regulations for this proposal as it meets the following condition:

A proposed zoning amendment for 10 or more acres, if the amendment includes multiple zoning districts and a mixture of new residential and non-residential zoning districts.

Master Development Plans (MDPs) are useful tools where a variety of uses and impacts may be proposed on one property. They address larger planning issues, rather than the minutia of a more detailed site plan and as such, address characteristics of density, open space, access, internal circulation, water use, topography, drainage, access, and the general location of uses, while offering flexibility in addressing building placement, for example. One purpose of the MDP is to provide for a mixture of housing types and uses within a carefully planned setting and to ensure that the intent of the planned community is met. The MDP identifies the layout, design, and details of the project and identifies a core area that is designed to establish community character for the development, one which seeks to create an innovative and unique neighborhood representative of the intent of the MDP process. Approval of MDPs ensures that the uses on the land are arranged to provide for compatibility with the surrounding area, to provide environmental protection, to avoid adverse impacts on surrounding properties, and ensure that the necessary facilities, roads, and improvements are available or provided to support the development. *MDP developments shall only be approved in conformance with the policies in the Cochise County Comprehensive Plan and are considered amendments to the Comprehensive Plan, like a new growth area and its subsequent designations.*

Compliance with Submittal Requirements for Master Development Plans (Section 406.06)**A. The applicant shall submit a master development plan map, drawn at a scale of either 50, 100, or 200 feet to one inch, or at a scale approved by the Zoning Inspector, and including the following information: (Complies)**

1. *Title of the development, a legal description of the property, parcel number(s), name of the developer and registered land surveyor or engineer, date of the plan, a north arrow and scale.*
2. *A vicinity map showing the general location of the property, development and any incorporated city boundaries within three miles of the development.*
3. *Boundary lines and ties to at least two section corners or quarter corners and dimensions of plan area boundaries. Section lines and mid-section lines shall be clearly designated.*
4. *Existing land uses, existing zoning status, roads and wash corridors within the designated area and within ¼ mile of the proposed plan area.*
5. *Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage).*
6. *General topography, at 10-foot contour intervals, all drainage ways having a contributing drainage area of 150 acres or more, and all flood hazard zones.*
7. *Major street layout, including: existing major thoroughfares serving, traversing, abutting, or otherwise affecting or affected by the proposed plan area; proposed collector and arterial streets; existing easements and rights-of-way within the plan area.*
8. *If more than one zoning district is proposed, boundaries of the different zoning districts.*
9. *Locations of proposed and existing structures, land use locations, major off-street parking and loading areas, open space, pedestrian circulation systems, bike and/or equestrian trails, public facilities such as schools, and approximate densities.*

Regarding the nine requirements above, the proposed structure locations and conceptual lot layouts have been indicated, including the 8.5 acre school site and minimum ½ acre emergency services substation site. Major off-street parking and loading areas are also shown, including on-street parking. All proposed open space areas and the pedestrian and bicycle trail system are indicated on the Copper Sky Master Development Plan Map. The pedestrian and bicycle trail system will provide connectivity and a raised crosswalk will serve as a traffic calming component along Kings Highway. Due to the large number of multi-family residential units planned, Copper Sky's gross density is estimated at 3.65 residences per acre, with an average lot size of 11,326 square feet (0.27 acre).

10. General location of utilities, easements and other service facilities: (Complies)

Shown on the preliminary Record of Survey dated August 15, 2007.

11. Intended phasing of the development, if applicable: (Does not comply – see Condition 9)

Typically, MDPs have a long build-out. There is uncertainty regarding the approximate timeframes for various phases of the project. Cochise County has at least two MDPs that are defunct or should be considered for abandonment, and therefore, Staff recommends Condition 9 should the Copper Sky project fail to develop.

B. The Master Development Plan map shall be accompanied by a written report, to be adopted as a part of the Master Development Plan, that includes the following information:

1. Methods of screening and buffering, where incompatible land use configurations necessitate protection for the proposed development or surrounding development (Complies)

Per the Applicant, there is no occurrence of a residential land use abutting directly against a non-residential use. The village center and office pods maintain either a retention facility or roadway as buffer areas against any nearby residential pods. All residential lots adjacent to Copper Sky Boulevard on the western portion of the development are proposed to be buffered by a screening wall. Furthermore, all non-residential land uses and the apartment community will maintain fully screened trash receptacle areas.

2. Provisions for creation, use and maintenance of open space, recreation areas and preservation of scenic features of the land (Complies)

There is a major wash to the west of Kings Highway that will be adapted to meet the standards outlined in the Master Drainage Report. Trail improvements in the wash to the east of Kings Highway will be created once the buildout of Pods 11 and 12 enable access and noninterference with continuing construction activities. Parks are proposed in each pod and will be constructed when the respective neighborhood pod provides for access and non-interference with continuing construction activities. A Copper Sky Community Association will serve as an interim steward for all maintenance of community landscaping and open spaces until such time as annexation to the City of Douglas can be effected and can be transitioned to the City's parks and recreation department. The application package establishes basic design guidelines that have been crafted to ensure that the architecture, landscape elements and amenities of the individual neighborhoods and commercial areas, open space, street network, gateway elements and screening, among others, will be in keeping with the overall vision for the project.

3. General provisions for pedestrian, bicycle and equestrian circulation throughout the development (Complies)

An eight-foot wide pedestrian and bicycle trail system is proposed to encourage alternative mobility and interconnectivity. The trail system has an approximate total area of 4.5 acres and an approximate length of 4.5 linear miles. Secondary pedestrian circulation shall be provided via sidewalks throughout the development.

4. Statement specifying how roads, State-approved waste disposal, water supply, fire protection, and utilities will be provided, with approximate timing and location, including closest sewer and community waterlines and capacity to serve this development: (Does not comply – see Conditions 4 and 6)

Subject to final approval of the Traffic Impact Analysis (TIA), improvements to the intersections of U.S. Highway 80 and King's Highway, King's Highway and West Puzzi Ranch Road and West Puzzi Ranch Road and a new development minor collector (Copper Sky Boulevard) are planned for construction by the developer. Planning for the extension of the City of Douglas water and sewer services connection is on-going and will require extensive off-site improvements to extend these services to Copper Sky, as well as to improve the wastewater treatment system.

- **Electricity:** APS has provided a conditional letter of intent to serve Copper Sky and shall provide engineering and design of a system capable of supplying sufficient power to meet the current and future needs.
- **Natural gas:** Southwest Gas has provided a conditional letter of intent to serve.
- **Telephone:** Qwest has provided a conditional letter of intent to serve.
- **Water supply and sanitary sewer:** See discussions in Sections 7 and 8 below.
- **Fire protection:** The Pirtleville Fire District shall provide fire protection services, however, a letter of intent to serve has not been provided (see Condition 4). The project's size and mixed-uses and densities necessitate an expansion of the fire district's service area. A small portion of the site is planned to be designated at the northeast intersection of North Kings Highway and Copper Sky Boulevard to facilitate this expansion.

5. Statement specifying how amenities are to be provided (sidewalks, open space, parks, recreational facilities, streetlights, curb and gutter, landscaping) including approximate timing and location: (Complies)

Project amenities are proposed to be phased when each neighborhood Pod is constructed. Amenities located within the main roadway easements or other public areas, including the development's primary boulevard will be installed at the time of that respective public infrastructure improvement construction. *Project amenities will be provided in the following manner:*

Sidewalks: An extensive sidewalk network will be provided. Sidewalks will be required to be in accord with the development standards set forth in the Cochise County Zoning Regulations, Subdivision Regulations and Cochise County Road Construction Standards and Specifications for Public Improvements.

Open Space: Open space is provided in Pods 1 - 6 and Pods 8 – 12, in addition to the large open space areas found in the western and eastern floodplain preservation areas. *The total approximate amount of open space in the development is 67 acres representing approximately 18.5% of the total project area.*

**COPPER SKY RESIDENTIAL COMMUNITIES
PARK & OPEN SPACE AREAS**

POD 1	RU-2 (SFR)	5.05 AC
POD 2	TR-18 (SFR)	4.61 AC
POD 3	TR-36 (SFR)	2.97 AC
POD 4	RU-2 (SFR)	2.75 AC
POD 5	TR-36 (SFR)	3.23 AC
POD 6	TR-9 (SFR)	2.69 AC
POD 8	GB (MIXED USE)	1.55 AC
POD 9	GB (APARTMENT)	2.03 AC
POD 10	GB (TOWNHOME)	3.15 AC
POD 11	GB (DUPLEX)	2.75 AC
POD 12	GB (TOWNHOME)	1.45 AC
W. FLOODPLAIN OPEN SPACE		11.9 AC
E. FLOODPLAIN OPEN SPACE		22.8 AC

Fig 3; Parks & Open Space

Recreational Facilities: Active and passive open spaces and parks will be featured within each pod. As mentioned previously, the pedestrian and bicycle trail system will connect all pods throughout the development and the Village Center will offer a 1.55 acre commons style open space area. The apartment community will feature playground areas, gathering areas and a swimming pool facility.

Streetlights: All project streetlights will have a uniform appearance, height and placement and meet the policies of the Cochise County Light Pollution Code.

Curb and Gutter: Curb and gutter infrastructure shall be installed along the public roadways areas consistent with the development standards set forth in the Cochise County Zoning Regulations, Subdivision Regulations and Cochise County Road Construction Standards and Specifications for Public Improvements.

Landscaping: The project will feature extensive public and private landscaped areas throughout. The focus will be on vegetation which is consistent with desert landscaping – plant materials which require minimal irrigation, with xeriscape landscape design principles emphasized.

6. Statement of general kinds of development standards intended to be controlled through deed restrictions (i.e., architectural design, building height, construction materials, common area development and maintenance, landscaping, screening and buffering of individual sites: (Complies)

Per the applicant, development standards will be enforced through recorded deed restrictions. The types of standards proposed include: structure size and architectural design, exterior structural materials and color schemes, commercial and office structure design guidelines, streetscape and street furnishing guidelines for all commercial, office and mixed use pods, landscaping, common area use and maintenance.

7. Statement of the projected population and anticipated impact of the development upon existing regional utilities and community facilities and services including, but not limited to water, electricity, sewer and solid waste disposal, schools and parks, police and fire protection: (Generally complies)

Per the Applicant, total population at full build out will range from 3,781 - 2,902. In calculating a population estimate for Copper Sky upon build out, Staff used the 2000 U.S. Census Bureau standard for Cochise County of 2.55 persons per household (1,344 units x 2.55 = 3,427 residents; in comparison, the latest Census Bureau estimates indicate Pirtleville's population at 1,550 and Douglas' at 14,312). As mentioned previously, letters of intent to serve have been received from Qwest, Southwest Gas, APS and the City of Douglas and 8.5 acres has been identified for transfer to the Douglas Unified School District for a school site of undetermined size or level once capacity to handle Copper Sky students. The Douglas Schools Superintendent has indicated that the District can currently absorb and support the influx of students expected from the development. The scope of this project necessitates an expansion of the Pirtleville Fire District's mission (if not annexed by the City of Douglas) and a site has been designated at the northeast intersection of North Kings Highway and Copper Sky Boulevard to facilitate this expansion. *As a Condition of Approval, prior to the issuance of any building permits, the Applicant will provide a Letter of intent to serve from the Pirtleville Fire District* Per Condition 2, the City of Douglas proposes to provide water and sanitary sewer service to the Copper Sky development, provided that the developer bears the cost of extending service to the site and any related expansion and upgrade of Douglas' sewage treatment plant required by the Arizona Department of Environmental Quality (ADEQ).

8. Report or narrative assessing adequacy of water supply to serve the proposed development (Complies with Condition 2)

The City of Douglas is recognized by the Arizona Department of Water Resources (ADWR) as a municipal water provider designated as having an adequate water supply. Copper Sky plans to make use of this designation and plans to enter into a written development and service agreement to satisfy this requirement. Staff has received correspondence dated June 12, 2008 indicating that the City is committed to providing water and wastewater services conditioned upon both parties entering into a development agreement (see attached memorandum and Condition 2).

9. Projected trip generation for the entire project at completion. If projected trip generation is of sufficient magnitude to significantly increase traffic, thereby reducing the level of service on one or more abutting or surrounding streets, or where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near, at, or over capacity, a traffic impact study including the following additional information is necessary (Complies)

a. Survey of thoroughfares, existing and planned, within at least ½ mile of the proposed plan area and may extend to collector and arterial streets serving the site.

b. Consolidation of existing traffic data; estimates of future traffic.

c. Trip assignments and their effect on traffic flow along streets serving the site, proposed thoroughfare alignments, capacities, signalization requirements, lanes, intersection configurations, etc.

d. Timing and methods of right-of-way improvements as necessary to serve projected traffic loads.

e. Current level of improvement of major routes serving the site (i.e. built to County standards)

f. An inventory and analysis of off-site improvements to be made, with approximate timing for each phasing.

g. Provisions for controlling access to major streets.

Criterion 9 is addressed in the draft Traffic Impact Analysis dated February 29, 2008 (see attached Staff and ADOT comments).

10. Provisions for water conservation measures such as effluent re-use, recharge facilities, low-flow appliances, deed restrictions governing water use, drought-tolerant landscaping, limitations on irrigation, or others (Generally complies)

As noted previously, Copper Sky will feature desert landscaping practices and vegetation materials; to further this commitment to water conservation, xeriscape landscape design principles will be utilized. Plants whose natural requirements are appropriate to the Cochise County climate will be emphasized. The primary entryway features will be located at the N. Kings Hwy. & Copper Sky Boulevard intersection on selected corners. A secondary community entryway feature will be located at the corner of W. Puzzi & Copper Sky Boulevard incorporating uniform design, color and planting xeriscape landscaping techniques. Desert landscaping materials will be installed within the medians along Copper Sky Boulevard throughout the western portion of the project area. The gateway to the village center and adjacent residential neighborhoods will also feature desert landscaping. The narrative does indicate that other water conservation efforts will be incorporated into the project, including hot water on demand systems and prohibiting evaporative coolers as the sole source for cooling. However, there is no mention of incorporating gray water plumbing features or rainwater harvesting. *Although this submittal requirement does speak to the need for provisions for energy conservation or efficiency, it should be noted that the narrative suggests incorporating solar panels on some rooftops in order to augment traditional power sources.* The Copper Sky project essentially represents a new town and Staff believes the language in the narrative represents an inadequate objective. Therefore, Staff, recommends Condition 8 which requires the developer incorporate a minimum of 15% "solar ready" rooftops into the project (*note that the Arizona Corporation Commission has mandated that by 2025, 15% of all electricity sold in Arizona must come from renewable sources. Condition number would require this target efficiency measure*).

In addition to the commercial and public landscaping measures stated above, Copper Sky shall minimize overall water use by implementing, at a minimum, the below-listed water conservation measures for both commercial and residential uses. These requirements shall be codified during the subdivision development and review process. Additionally, Copper Sky shall enhance ground water recharge by using storm water recharge and flood control basins throughout the development area. Since water conservation is of supreme importance, measures and policies are listed below:

a. All landscaping shall consist of low water use, drought tolerant plants as defined by the Cochise County Non-Residential Properties Category A&B Areas: Low Water Use/Drought Tolerant Plant List, unless a waiver is requested in writing by the lot owner, reviewed and approved by the Design Review Committee, and a waiver granted.

b. "Water-Wise" publications and contact information will be required as a part of the sales contract to homebuyers and renters.

c. In new construction, a hot water system will be installed to provide hot water on demand at the point of use in sinks and baths/showers. Recirculation devices shall include timers, temperature sensors or remote control operation.

d. Evaporative coolers as a sole source of air conditioning shall be prohibited. Dual systems shall be allowed. Single-pass coolers shall not be allowed.

e. Outdoor sprinkler systems shall include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time.

f. Outdoor use of groundwater on non-permeable surfaces shall be limited to maintenance purposes.

The Applicant does not propose water harvesting features or greywater reuse facilities in residences or commercial structures. All units should have individual water meters, including all commercial spaces.

11. Soils analyses for any proposed plan area shown on the most recent soil survey (USDA, Natural Resources Conservation Service) as containing soils having moderate to severe erosion hazard or corrosivity: (Complies)

The Applicant has provided a Soils Evaluation Report as part of the on-site application package. However, there is concern that the current Drainage Report shows on-site stormwater channeled and flowing off-site both in a new location and at greater volumes and velocity. This does not meet State or local regulations and Condition 7 would require the Applicant to correct this.

12. Statement of development not to exceed 5 years from approval unless otherwise approved by the Board of Supervisors: (Does not comply – see Condition 9)

The Applicant requests waivers from Cochise County Zoning Regulations (Sections 406.06B12 and 2208.03B1) regarding time limits because the project will require substantive engineering and negotiations to provide for extending water and sewer services from the City of Douglas. The waivers requested are as follows:

- 1. Section 406.06B12 (MDP application): Development shall not exceed six (6) years from approval vice the five (5) years as written; and*
- 2. Section 2208.03B1: (Rezoning application) Subdivision plat to be submitted within two (2) years of approval vice the one (1) year as written.*

Compliance with Applicable Site Development Standards for Master Development Plans (Section 1503)

Master Development Plans are intended to be designed with the intent to minimize negative impacts to properties adjacent to the development, minimize impacts upon community facilities and services, prevent undue hazards to people or property on or off site from traffic, flooding, erosion, subsidence, soil slipping or other dangers, annoyances or inconveniences and protect the visual and physical character of the site.

1503.01 Minimum Development Area: (Complies)

The minimum site area allowed for MDPs is 10 acres; at 369 acres, the Copper Sky project easily meets this standard.

1503.02 Density: (Complies)

Maximum densities are not restricted, provided that the proposed infrastructure and improvements will adequately handle the proposed maximum number of residential units at 1,334. The Copper Sky project as proposed, assuming water and wastewater services are provided by the City of Douglas, will be able to handle the projected influx of structures and residents.

1503.03 Site Coverage and Design: (Complies)

Site coverage is flexible in order to encourage innovative site design. Site coverage ratios for similar uses in other zoning districts shall generally be used as guides to appropriate site coverage ratios and shall be evaluated in terms of integrated use of open space, drainage, topography, vehicular and pedestrian circulation. *More detail-specific design evaluation will occur at the subdivision review stage.*

1503.04 Setbacks: (Complies)

Setbacks for all uses, including site design, building design, screening, landscaping, and open space, are provided to alleviate potential land use conflicts. *Again, more detail-specific design evaluation will occur at the subdivision review stage.*

1503.05 Open Space: (Minimally complies)

Open space is that area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for the use of the public or the residents of the development. Development under this provision is intended to provide an innovative site planning design in harmony with the natural features and constraints of specific sites, among others. If the Applicant had proposed any PD (Planned Development) Zoning Districts, a minimum of 50% open space would be required. As proposed, Copper Sky will dedicate approximately 12% of the project area as open space. The Applicant does intend to leave the floodplain on the site generally undisturbed, save for several pedestrian/bike crossings.

1503.06 Non-Residential Uses: (Complies)

A predominantly residential MDP District should be designed to provide non-residential services for the use of the development's residents and guests in order to minimize potential off-site average daily traffic. The Copper Sky project will include a commercial component intended to primarily serve residents and guests.

1503.07 Sanitary Sewer and Water Systems: (Complies with Condition 2)

Per the Zoning Regulations, no building permits shall be issued for development until provisions have been made for connection onto community water and sanitary sewer systems or some other Arizona Department of Environmental Quality-approved waste disposal system. Water and wastewater services will be provided by the City of Douglas, assuming that jurisdiction can meet the standards set forth by the ADEQ and ADWR, or will be provided by an alternate system approved by ADEQ and ADWR.

1503.08 Access, Circulation, and Street Improvements: (Would comply with Condition 5)

The Zoning Regulations indicate that MDPs shall have external access to at least one publicly maintained collector or arterial street and that the site shall be designed to discourage direct access to a predominantly residential street outside of the development. One additional external access to a collector or arterial street improved to minimum County standards is encouraged at Plantation Rd. to improve overall circulation and provide emergency access. The Copper Sky project will take access from State Highway 80. *However, Staff and ADOT are requiring that the apron at Plantation Rd. and State Highway 80 be improved to ADOT standards to ensure a measure of safety for those who choose to use Plantation Rd. as another means of access.*

D. Design of Pedestrian Circulation Systems: (Complies)

An integrated pedestrian system is required. If appropriate, bicycle and equestrian paths may be integrated into this system as well. The system shall form logical, safe, and convenient pedestrian access to all dwelling units, project facilities, recreational open space and principal off-site pedestrian destinations.

D. Design of Pedestrian Circulation Systems (cont):

Walkways to be used by substantial numbers of children as play areas or routes to school or other destinations shall be located and safeguarded as to minimize contacts with normal automotive traffic. Pedestrian ways, equestrian and bicycle paths shall be, to the maximum extent feasible, separate and protected from vehicular access points. Where there are crossings of such ways and vehicular routes, such crossings shall be safely located, marked, and controlled, and, where such ways are exposed to substantial vehicular traffic, safeguards may be required to prevent crossings except at designated points. Bicycle and/or equestrian paths shall be designated so that street crossings are minimized.

1503.10 Landscaping: (Complies)

Per the Zoning Regulations, development shall be landscaped and non-residential sites within district shall be landscaped in a manner consistent with the site development standards described in Section 1806.02B. The Copper Sky project proposes landscaping consisting of primarily of drought-tolerant species and the site will make best use of low-water use native vegetation, as well as adhering to the principles of xeriscaping.

A. Rezoning Request

Of the 369 acres that make up the Copper Sky project site, the area requested for rezoning totals approximately 325 acres. Much of the proposed General Business zoning will be dedicated to multiple-family residential, as the General Business districts allow for higher-density, multiple-family uses. A smaller portion of General Business zoning will be dedicated to commercial uses, including retail and professional services the intent of which is to primarily serve the Copper Sky community. The majority of the project site is proposed for Residential zoning - R-9, R-18 and R-36 (minimum lot sizes 9,000 sq. ft., 18,000 sq. ft. and 36,000 sq. ft., respectively). Approximately 25% of the site is proposed for RU-2 (Rural; minimum lot size 2 acres) and approximately 12% will remain discontinuous RU-4 zoning (Rural; minimum lot size 4 acres) as undeveloped open space. The primary use within the Copper Sky development is residential (including much of the acreage designated General Business), with the purpose of offering mixed densities being greater opportunity for a more compact and walkable residential community. With enough people residing in a relatively small area, this will allow prospective residents a number of housing options that are best suited to their particular lifestyles. What's more, shopping and a school within walking distance generally become more feasible, so ideally, mixed-uses provide the community with a variety of mutually-supporting retail, service, office and residential uses. *In approving the rezoning, the MDP will be accepted as a Condition of the rezoning.*

COPPER SKY COMMUNITY BREAKDOWN		
POD 1	RU-2 (SFR)	65.5 AC
POD 2	TR-18 (SFR)	23.4 AC
POD 3	TR-36 (SFR)	28.7 AC
POD 4	RU-2 (SFR)	21.4 AC
POD 5	TR-36 (SFR)	33.5 AC
POD 6	TR-9 (SFR)	32.3 AC
POD 7	GB (OFFICE)	3.7 AC
POD 8	GB (MIXED USE)	14.9 AC
POD 9	GB (APARTMENT)	19.8 AC
POD 10	GB (TOWNHOME)	17.3 AC
POD 11	GB (DUPLEX)	25.1 AC
POD 12	GB (TOWNHOME)	15.1 AC
POD 13	SCHOOL SITE	8.5 AC

Fig. 3; Zoning District Breakdown & Proposed Uses

IV. ANALYSIS OF IMPACTS

Summary of Compliance with Rezoning Factors

Section 2208.03 of the Zoning Regulations provides a list of 14 evaluation factors in addition to compliance with an area or master plan, with factors 8 (Traffic Circulation) and 9 (Development Along Major Streets) combined below. This rezoning complies with seven factors, complies with conditions with three and generally complies with one factor, with two factors not applicable to the request, thereby creating a *presumption in favor of approval*:

1. Compliance with an Adopted Area Plan or Master Development Plan: (Complies)

Although the Copper Sky project is not within an approved Area Plan, if approved, the Copper Sky development will need to proceed in substantial conformance with the approved Master Development Plan which is an element of the Comprehensive Plan. MDPs allow Staff the opportunity to review and evaluate the significant characteristics for a particular development with enough detail to justify the rezoning request

2. Land Use/Concept Plan: (Generally Complies – see Condition 3)

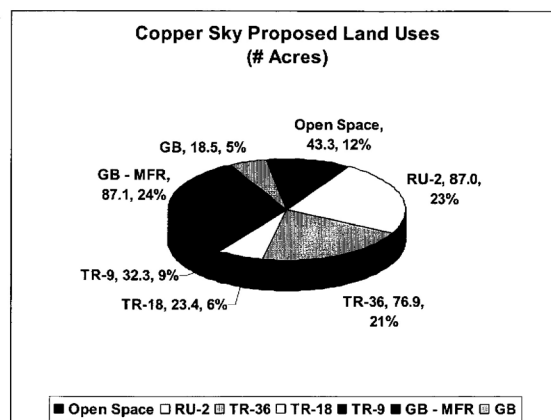
The Applicant submitted an MDP in accordance with Article 4 of the Zoning Regulations, including an MDP and rezoning application, conceptual site plans (called the Pattern Book), Traffic Impact Analysis (TIA), hydrological report and a master development plan map and narrative. The submitted materials illustrate the configuration of the pods, including the residential and commercial uses, including the proposed village center and school site. The conceptual plans are drawn to scale, however the applicant will be required to submit a more detailed site with each permit application.

3. Compliance with Applicable Site Development Standards: (Complies)

At first blush, all sites within the proposed districts appear capable of meeting applicable site developments standards, however the plans submitted are conceptual in nature, and the developer will be required to submit detailed subdivision plats for review, as well as site drawings for the commercial element of the project prior to the issuance of any building permits. All development will be more closely scrutinized for compliance with applicable site development standards at the permit application stage, including minimum setbacks, screening and landscaping requirements. Note that the General Business proposed for this development is being measured by the pre-June 20, 2008 standard of no minimum lot size for dwelling *units*, rather than the new standard of one dwelling per 3,600 square-feet of land area within the GB District which was adopted as part of the June 20, 2008 Zoning Regulations update.

This rezoning request contains the following districts and uses:

Copper Sky Rezoning Proposed Land Uses				
Zoning	Pod	Existing Zoning	Proposed Zoning	Proposed Use
RU-4	N/A	368.5	43.3	Open Space
RU-2	1,4		87.0	SFR
TR-36	3,5		76.9	SFR (Includes 14.6 acres ROW)
TR-18	2		23.4	SFR
TR-9	6		32.3	SFR
GB	9,10,11,12		87.1	MFR (Includes 10.16 acres ROW)
GB	7,8		18.5	Office, Mixed Use
Totals:		368.5	368.5	



4. Adjacent Districts Capable of Development: (Complies)

Adjacent properties would remain capable of development if this proposal were approved. The GB district intended to accommodate higher-density housing and commercial is the only district being of sufficient size and shape to accommodate those uses.

5. Limitation on Non-Conforming Uses: (Complies)

MDPs are allowed some flexibility in terms of site coverage, design and density; however, the proposed rezoning would not create any non-conforming uses as proposed.

6. Compatibility of Existing Development: (Complies)

The surrounding area is characterized by several rural homesites, large swaths of vacant land and grazing activities. As was mentioned previously, the U.S. Border Patrol Douglas Station lies just north of the project site.

7. Rezoning to More Intense Districts: (Complies with Condition 3)

The developer will be required to develop residential uses under the subdivision process and all applicable site development standards will be fully addressed during that process. Non-residential uses will be required to be developed as separate development plans consistent with the MDP.

8. Adequate Services and Infrastructure: (Would comply with Conditions 2 and 4)

The City of Douglas intends to annex the site in the future and water and sewage treatment will be provided by that jurisdiction. The City of Douglas has provided a Letter of Intent to serve the Copper Sky project with water and hookup to the City's wastewater treatment facility. The Applicant has provided copies of letters of intent to serve from Arizona Public Service (APS), Southwest Gas and Qwest. The Applicant had indicated that the Pirtleville or Douglas Fire District will provide emergency services; however, documentation showing commitment to serve Copper Sky has not been submitted. *A letter of intent to serve from the Pirtleville or Douglas Fire District will be required as a Condition of Approval.*

9. Traffic Circulation/ Development Along Major Streets: (Would comply with Conditions 5 and 6)

Primary access to the site is south from State Highway 80 onto S. Kings Highway. There is a secondary access south off of W. Puzzi Ranch Rd. S. Kings Ranch Rd. is County maintained from State Highway 80 south to W. Puzzi Ranch Rd. (about 1 mile) and W. Puzzi Ranch is County-maintained eastward from S. Kings Highway to Plantation Rd. The project site is just south of the end of the County maintained section of the road, which when constructed, was not built to County standards. A low-speed minor collector (Copper Sky Boulevard) will serve the development. The Applicant submitted a revised TIA (dated June 3, 2008) which Staff deems adequate. Although Plantation Rd. has not been identified as a secondary means of access by the Applicant, County Staff and ADOT concluded that Plantation Rd. would likely serve as a secondary access despite being unimproved, due to its proximity to the project site. The identification of Plantation Rd. as a secondary access point means that construction of a paved apron to ADOT standards is required to be provided by the developer as Condition 6. **Staff has made the following traffic and circulation related suggestions that would address and mitigate as appropriate, the following issues:**

- a. An overall circulation plan of the site showing roads, sidewalks, trails, parking areas and bus stops. The overall circulation plan for this site should incorporate *Safe Routes to School* features (Safe Routes to Schools is a program designed to decrease traffic and pollution and increase the health of children. The program promotes walking and biking to school through education and incentives. The program also addresses the safety concerns of parents by encouraging greater enforcement of traffic laws, educating the public, and exploring methods for creating safer streets).
- b. The left-turn phasing on the SR80 signal should be evaluated for installation for peak hour use earlier in the development phases than recommended in the TIA. Evaluation of the intersection need for left-turn phasing should occur after the completion of the fueling station (which has the potential of generating an estimated 1,685 daily trips) (see Condition 5.b).

- c. Lengthen the existing eastbound left turn lane and westbound right turn lane on SR80 (see Condition 5.b).
- d. Although at the present time few collisions occur in this area, this is directly related to the low traffic volumes and existing densities in the area. As the subdivision builds out traffic volumes will increase and this in turn will increase the potential for conflicts between vehicles, bicycles, and pedestrians as well as the need to accommodate existing traffic and construction related vehicles.
- e. Right-of-way for West Puzzi Ranch Road, North Kings Highway and SR 80 should be identified in the Site Accessibility Analysis (see Condition 6)
- f. Although a transit and/or bus system does not currently exist in the area, this development should consider the potential for one in the future. Future bus stop locations with pull-outs should be identified in the circulation plan. Travel Demand Management techniques, indicated as unwarranted on this site by this analysis are still a circulation management tool that should be considered. Given the proximity of several large employers and the intention of this subdivision to market to these existing and future employees, planning for a "bike and ride lot" and/or car-pooling queue or vanpool site, possibly partnered with a coffee shop type retail vender, could be both a unique amenity of this site and would serve to reduce vehicular traffic.
- g. Support for pedestrian travel should be described and enhanced throughout the site. Providing a shared-use path (separated pathway for non-motorized use) to this site would be an appropriate infrastructure feature to minimize impacts, reduce energy consumption, improve air quality and help to maintain an adequate vehicle level of service.

10. Infill: (Not Applicable)

This project is in a Rural plan area, and is therefore not considered to be infill development.

11. Water Conservation: (Complies)

Provisions for water conservation measures such as effluent re-use, recharge facilities, low-flow appliances, deed restrictions governing water use, drought-tolerant landscaping, limitations on irrigation, have been addressed in the MDP analysis. The subject properties are not located within an adopted Water Conservation Overlay District; however, all residential and non-residential uses will be required to comply with Section 1820 of the Cochise County Zoning Regulations governing water conservation measures. Staff encourages water conservation measures be extended to include water meters, greywater plumbing facilities and rainwater harvesting features in at least a portion of the development.

12. Public Input: (Complies)

The Applicant's public notification process was completed and is fully documented in the Citizen Review Report submitted by the Applicant. On January 11, 2008, the Applicant mailed notification packets to eighteen (18) property owners within 1,500 feet of the subject parcels; however, no comments in support or protest were received. Planning Staff mailed letters to property owners within 1,500 feet of the site, published legal notices in the Sierra Vista Herald and the Douglas Dispatch and posted notices of public hearing on and near the site. The Applicant developed a pro-active public input and outreach process, as noted in their application. They held a public meeting on February 17, 2008 at the Faras Elementary School in Pirtleville of which 18 people attended and sent out newsletters to people in the Pirtleville/Douglas area. Copies of their fliers and documentation of their briefings as well as sign-in sheets from public meetings were included with their application. Also, public notices were posted at a number of locations in the vicinity of the proposed project, including the Pirtleville Post Office, City of Douglas City Hall, Douglas Unified School District Administration Building, Faras Elementary School, Cochise College and the U.S. Border Patrol Station. Furthermore, an advertisement in the Douglas Dispatch was published in January 2008. The public involvement campaign may have been very successful if indicated by the lack of inquiries received by the Planning Department concerning this project. What's more, the Department has yet to receive correspondence opposed to the proposed development. This process closely parallels the intent of the County's proposed requirement of a Citizen Review process by Applicants prior to submitting an application. Given the rather extensive public involvement campaign, the lack of opposition should be considered favorable.

13. Hazardous Materials: (Not applicable at this time)

No hazardous materials are proposed at this time. However, permits for the proposed fuel station will be required to address concerns related to hazardous materials storage and handling at the time of application.

Summary

The Applicant has requested a mixed rezoning on the 369-acre subject site located several miles west of the City of Douglas in the vicinity of the Douglas U.S. Border Patrol Station from RU-4 to General Business, RU-2, R-36, R-18 and R-9 to accommodate the Copper Sky MDP. The Copper Sky MDP project includes a mix of different housing types, including single-family residences, town homes and apartments, as well as a village center, an 8.5 acre school site, and approximately 43 acres dedicated to open space. The project includes 1,344 residential units, with most of the land proposed as General Business dedicated to single- and multiple-family residential uses with the remaining General Business land devoted to commercial uses. Water and sewer services will be provided by the City of Douglas and it is expected that the City will annex the property. Should that not occur in a timely fashion, alternate potable water and wastewater treatment systems approved by the ADEQ and ADWR could be allowed. Traffic and circulation improvements, as well as flood control measures will be completed by the developer. **Note: This docket requires three separate motions; one for the MDP, one for the Rezoning and one for the two waivers. The factors in favor and factors against of both motions (MDP & Rezoning) are presented together.**

Factors in Favor of the MDP & Rezoning:

1. The development meets the requirements of a Master Development Plan, as all zoning districts within the MDP are designed to work as a planned, cohesive development;
2. The project will offer a variety of housing types, including apartments and townhouses;
3. Housing units will be provided through the subdivision process/a developed plan rather than by lot-splitting;
4. The project has received support, and only little protest, which, while important, is a minimal amount of negative input for a project of this scope and size;
5. The subject property will provide housing, recreation and employment for future residents, including a variety of residential densities and retail and service areas;
6. Amenities proposed in the development include open space, trails, and a village center. Land for a school and fire station will be provided gratis;
7. The site is located near a major transportation corridor;
8. The projected build-out (approximately 15 years) will allow Copper Sky to grow with the demands for housing in this area;
9. The Copper Sky project is innovative in its mixed-use and compact development and will likely set a new standard for more sustainable and creative development design in Cochise County;
10. A commitment by the City of Douglas to provide water delivery and wastewater treatment services will minimize the impacts normally associated with unregulated water use, exempt wells and septic systems; and
11. The commercial development will increase tax base for the City of Douglas upon annexation.

Factors for Denial of MDP & Rezoning:

1. Additional traffic will be added to State Highway 80 during construction and build-out; and
2. Until fully constructed and tax revenues are realized, a development of this size could have impacts on local infrastructure and services, such as hospitals and law enforcement.

Recommendation

Based on the Factors in Favor and the unanimous recommendation in favor by the Planning and Zoning Commission, the Planning Department recommends that MDP-08-01/Z-08-04, a Master Development Plan and rezoning request for the Copper Sky development, be **conditionally approved** by the Board of Supervisors with the following conditions:

1. 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;
2. Prior to plat approval or permit issuance as applicable, the developer shall provide documentation of an executed development agreement for potable water and sanitary sewer service by the City of Douglas or an alternate provider. 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, the Applicant shall 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; and*
 - 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.*
6. Dedicated right-of-way for West Puzzi Ranch Road, North Kings Highway and SR 80 shall be recorded;
7. 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;
8. 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 structures with conduits to allow for integration of solar thermal systems;

9. 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. 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); and
10. 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.

Staff also recommends recommending approval of the following waivers:

1. Reg. 406.06B12 (MDP application): Development shall not exceed six years from approval rather than the five years as written; and
2. Reg. 2208.03B1: (Rezoning application) Subdivision plat to be submitted within two years of approval rather than the one year as written.

Attachments

Comprehensive Plan Amendment and Rezoning Applications including:

Narratives

Conceptual Layout/Maps

Citizen Review Report and Comments

Staff and Agency Comments



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Board of Supervisors
Through Michael Ortega, County Administrator

FROM: Michael Turisk, Interim Planning Director
For: Carlos de la Torre, P. E., Community Development Director

SUBJECT: Docket MDP-08-01A/Z-08-04A (Copper Sky)

DATE: December 6, 2011 for the December 20, 2011 Board of Supervisors meeting

APPLICATION FOR EXTENSION OF A CONDITIONALLY APPROVED COMPREHENSIVE PLAN AMENDMENT (*COPPER SKY MASTER DEVELOPMENT PLAN*) AND REZONING

Description and Background

This is a request to extend the conditional approval granted by the Board of Supervisors in August of 2008 for the Copper Sky Master Development Plan (MDP), a phased, mixed-use project on 369 acres located approximately 3.5 miles west of the City of Douglas. The conditional approval of the MDP was accompanied by a rezoning of the project site from RU-4 to RU-2, General Business, and Residential zoning of various lot densities. The project is designed to be compact and “walkable” and would include approximately 1,340 residential units with a mix of housing types, including single-family residences, but with an emphasis on providing an array of multi-family options. A school site would be dedicated as well, and approximately 43 acres remain RU-4 and are intended as open space. At the time of approval, full build-out of the Copper Sky project was projected for completion by 2024.

This request was triggered by a condition of approval that required the applicant to provide the Community Development Department with documentation of a development agreement for potable water and sanitary sewer services from the City of Douglas (or another provider) within three years from approval. In 2008, the City communicated intent to annex the site at an undetermined time, and the developer received a letter of intent to serve indicating provisions for water and hookup to the City's wastewater treatment facility. However, a formal development agreement remains to be executed. This condition essentially prohibits permit issuance until provisions have been made for connection into community water and sanitary sewer systems or some other ADEQ- and ADWR-approved waste disposal system. Resultantly, no development has occurred, and per the applicant, an additional three years would provide opportunity to obtain a formal development commitment, or provide a viable alternative means of services to the development, namely on-site water and wastewater treatment facilities. The applicant has cited challenges in wooing project investors in this harsh economy as another reason why the project has stalled and substantive on-the-ground progress hasn't occurred.

At this time, there are no considerable changes to the MDP which would require additional site analysis, so the information from the approved plan in 2008 remains relevant. However, incorporating an on-site water and wastewater facility would alter the project's design to some degree. The applicant has provided staff with a development analysis as it relates to the Copper Sky project, copies of which were provided to you. The remainder of this memorandum provides a brief background of other salient facets of the project, namely water conservation and traffic and circulation.

Water

The subject properties are not located within an adopted Water Conservation Overlay District; however, all residential and non-residential uses would be required to comply with Section 1820 of the Zoning Regulations governing water conservation measures. However, the Copper Sky project has provisions for water conservation measures that go beyond those which are required by the Zoning Regulations, such as effluent re-use, low-flow appliances, hot water on demand systems, deed restrictions governing water use, xeriscaping, limitations on irrigation -- all were addressed in the comprehensive MDP analysis in 2008. In addition to the commercial and public landscaping measures stated, Copper Sky would minimize overall water use by implementing, at a minimum, the below-listed conservation measures for both commercial and residential uses. These requirements would be codified during the subdivision plat and review process. Additionally, the project would enhance ground water recharge by using storm water recharge and flood control basins throughout. The policies are listed below:

- All landscaping shall consist of low water use, drought tolerant plants as defined by the Cochise County Non-Residential Properties Category A&B Areas: Low Water Use/Drought Tolerant Plant List, unless a waiver is requested in writing by the lot owner, reviewed and approved by the Design Review Committee, and a waiver granted.
- “Water-Wise” publications and contact information will be required as a part of the sales contract to homebuyers and renters.
- In new construction, a hot water system will be installed to provide hot water on demand at the point of use in sinks and baths/showers. Recirculation devices shall include timers, temperature sensors or remote control operation.
- Evaporative coolers as a sole source of air conditioning shall be prohibited. Dual systems shall be allowed. Single-pass coolers shall not be allowed.
- Outdoor sprinkler systems shall include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time.
- Outdoor use of groundwater on non-permeable surfaces shall be limited to maintenance purposes.

Traffic and Circulation

Primary access to the site is south from SR 80 onto S. Kings Hwy., and secondary access is provided south off of W. Puzzi Ranch Rd. S. Kings Ranch Rd. is County-maintained from SR 80 south to W. Puzzi Ranch Rd. (about 1 mile) and W. Puzzi Ranch Rd. is County-maintained eastward from S. Kings Hwy to Plantation Rd. The project site is just south of the end of the County maintained section of the road, which when constructed, was not built to County standards. A low-speed minor collector (“Copper Sky Blvd.”) would serve the development. A Traffic Impact Study was submitted by Kleingers and Associates to determine future roadway needs as they relate to the significant increase in residential housing and commercial development. The study estimates that the overall project would produce approximately 2,571 daily trips. County Staff made the following traffic and circulation-related comments that would address and mitigate the following issues:

- An overall circulation plan of the site showing roads, sidewalks, trails, parking areas and bus stops. The overall circulation plan for this site should incorporate *Safe Routes to School* features (Safe Routes to Schools is a program designed to decrease traffic and pollution and increase the health of children. The program promotes walking and biking to school through education and incentives. The program also addresses the safety concerns of parents by encouraging greater enforcement of traffic laws, educating the public, and exploring methods for creating safer streets).

- The left-turn phasing on the SR80 signal should be evaluated for installation for peak hour use earlier in the development phases than recommended in the TIA. Evaluation of the intersection need for left-turn phasing should occur after the completion of the fueling station (which has the potential of generating an estimated 1,685 daily trips).
- Lengthen the existing eastbound left turn lane and westbound right turn lane on SR80.
- Although at the present time few collisions occur in this area, this is directly related to the low traffic volumes and existing densities in the area. As the subdivision builds out traffic volumes will increase and this in turn will increase the potential for conflicts between vehicles, bicycles, and pedestrians as well as the need to accommodate existing traffic and construction related vehicles.
- Right-of-way for W. Puzzi Ranch Rd., N. Kings Hwy. and SR 80 should be identified in the Site Accessibility Analysis.
- Although a transit and/or bus system does not currently exist in the area, this development should consider the potential for one in the future. Future bus stop locations with pull-outs should be identified in the circulation plan. Travel Demand Management techniques, indicated as unwarranted on this site by this analysis are still a circulation management tool that should be considered. Given the proximity of several large employers and the intention of this subdivision to market to these existing and future employees, planning for a "bike and ride lot" and/or car-pooling queue or vanpool site, possibly partnered with a coffee shop type retail vender, could be both a unique amenity of this site and would serve to reduce vehicular traffic.
- Support for pedestrian travel should be described and enhanced throughout the site. Providing a shared-use path (separated pathway for non-motorized use) to this site would be an appropriate infrastructure feature to minimize impacts, reduce energy consumption, improve air quality and help to maintain an adequate vehicle level of service.

Summary and Recommendation

The applicant requests a three-year extension in order to make overall substantive progress on the Copper Sky MDP; specifically, to solidify the method water and wastewater services and to obtain additional capital investment. Although little, if any, progress has been made since approval in 2008, Staff recommends *conditional approval*. Three years could be considered an aggressive timeframe, as oftentimes it takes, at minimum, one year to redefine the project and obtain capital, an additional year to redesign and reengineer, and another year to obtain ADEQ and ADWR permitting. The Board's may obviously exercise a great deal of discretion -- one option would be to automatically "sunset" the project if progress has not been made within three years of approval.

Attachments

1. As you are aware letter dated 20 August 2008.
2. Correspondence from the Law Offices of Mark Lewis & Associates dated 24 November 2011.

Copper Sky Master Development Plan

Copper Sky is intended as a mixed use, planned community with an arrangement of diverse housing types focused around a core area and which incorporates a neighborhood commercial center and a village center intended to function as a community gathering space, to provide residents and visitors a site for year-round outdoor activities and events.

Copper Sky was designed to foster the design of differing housing types and densities by:

- *Providing a retail center with a variety of shops within walking distance of residents to enable communal activity and to provide for basic needs.*
- *Designing “business district” buildings on a pedestrian scale to encourage interaction and foster identity.*
- *Providing a variety of residential options that would appeal across all age groups and income levels.*
- *Providing a connected network of streets and trails that emphasize outdoor activity and social opportunities.*
- *Providing common design themes that provide a connection between neighborhoods while allowing for individual neighborhood identity, character and ambiance.*
- *Ensuring neighborhoods provide dedicated open space to promote communal gathering opportunities.*

Summary

The Applicant has requested a mixed rezoning on the 369-acre subject site located several miles west of the City of Douglas in the vicinity of the Douglas U.S. Border Patrol Station from RU-4 to General Business, RU-2, R-36, R-18 and R-9 to accommodate the Copper Sky MDP. The Copper Sky MDP project includes a mix of different housing types, including single-family residences, town homes and apartments, as well as a village center, an 8.5 acre school site, and approximately 43 acres dedicated to open space. The project includes 1,344 residential units, with most of the land proposed as General Business dedicated to single- and multiple-family residential uses with the remaining General Business land devoted to commercial uses. Water and sewer services will be provided by the City of Douglas and it is expected that the City will annex the property. Should that not occur in a timely fashion, alternate potable water and wastewater treatment systems approved by the ADEQ and ADWR could be allowed. Traffic and circulation improvements, as well as flood control measures will be completed by the developer.

Recommendation

Based on the Factors in Favor, the Community Development Department recommends that this request for extension for the Copper Sky Master Development Plan and rezoning be **conditionally approved** with the following conditions:

Attachments

Comprehensive Plan Amendment and Rezoning Applications including:

Narratives

Conceptual Layout/Maps

Citizen Review Report and Comments

Staff and Agency Comments