



## Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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**Cases:** 1. CPA2018008 – Eyherabide Dairy  
2. Z2018115 – Eyherabide Dairy Change

**Hearing Date:** January 17, 2019

**Supervisor District:** 4

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**Applicant:** Ashley Marsh, Tiffany & Bosco, PA

**Owner:** Eyherabide Properties, LLC / Vincent and Rose-Ann Eyherabide Family Trust

**Requests:** 1. Comprehensive Plan Amendment to change the White Tank / Grand Ave. Area Plan land use designation from Large Lot Residential (1-2 d.u./ac) to Single Family – Transitional Lot (3-5 d.u./ac)  
2. Zone change from Rural-43 to R1-6 Residential Unit Plan of Development (RUPD)

**Site Location:** Generally located at the NWC of Indian School Rd. and Perryville Rd.

**Site Size:** 187 Acres

**Density:** 3.6 dwelling units/acre

**County Island:** No

**County Plan:** White Tank/Grand Ave. Area Plan -- Large Lot Residential (1-2 d.u / ac)

**Municipal Plan:** Buckeye – Rural (0-1 d.u./ac)

**Municipal Comments:** Goodyear

**Support/Opposition:** Three e-mails of support, one e-mail of opposition

**Recommendation:** **Approve with conditions**

**Project Summary:**

1. The applicant, Tiffany & Bosco, PA is requesting a Comprehensive Plan Amendment to change the White Tank/Grand Avenue Area Plan land use designation on approximately 187 acres from Large Lot Residential to Single Family – Transitional Lot. In addition, the applicant is requesting a zone change from Rural-43 to R1-6 RUPD to allow for a maximum of 675 single family lots.
2. The proposed project is located at the northwest corner of Indian School Rd. and Perryville Rd. The proposed project is within the City of Buckeye’s planning area, however the City of Goodyear is adjacent to the site on the east. The site is currently being used as a dairy farm. The project will provide a minimum of 15 percent open space (27.4 acres) as shown in the proposed exhibit on page 7.
3. The CPA narrative report asserts that the proposed development meets the Comprehensive Plan Amendment criteria in the following manner:

***Whether the amendment constitutes an overall improvement to the Vision 2030 Comprehensive Plan and the White Tanks and Grand Avenue Area Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.***

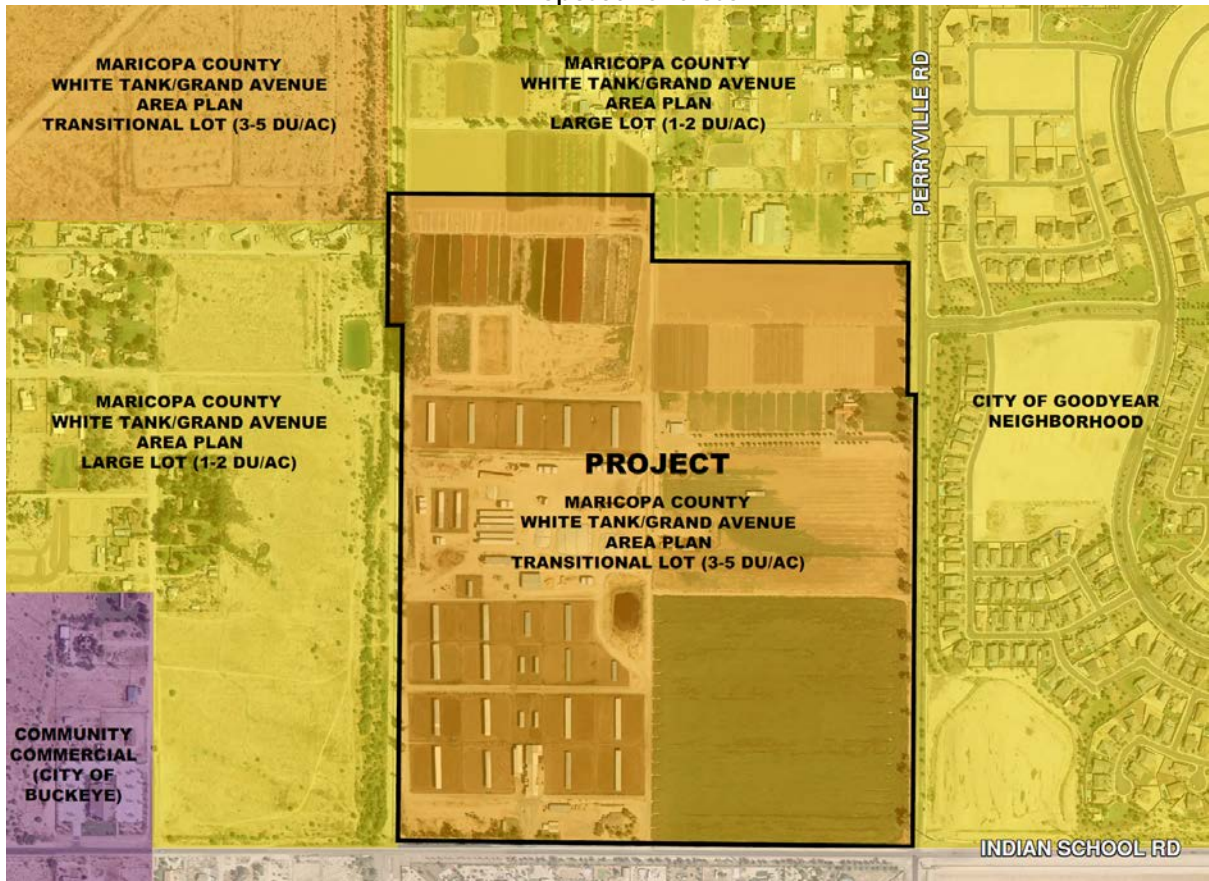
*“The proposed CPA will improve upon the current Vision 2030 Comprehensive Plan and the White Tanks and Grand Avenue Area Plan. The requested Vision 2030 Comprehensive Plan’s Single Family – Transitional Lot (3-5 du/ac) designation will not only increase the potential for housing diversity, but also organically create diverse neighborhoods. Added lot size variety and density will create greater homeownership opportunities for residents. Although the amendment modifies the underlying land use designation, the CPA does not negatively impact the intent of the Vision 2030 Comprehensive Plan.”*

***Whether the amendment will adversely impact all or a portion of the planning area by:***

***a. Altering acceptable land use patterns to the detriment of the plan.***

*“Approval of this amendment will not alter land use patterns to the detriment of the White Tank / Grand Avenue Area Plan and Vision 2030 Comprehensive Plan. Much of the surrounding White Tank / Grand Avenue land use designations and existing/planned uses are compatible with the requested Single Family – Transitional Lot 3 - 5 du/ac land use Designation. The anticipated residential gross density of 3.6 du/ac is slightly higher than surrounding developments, but falls well below the maximum allowable density for the requested category. Additionally, the proposed density is below Luke AFB’s Graduated Density Concept (GDC) of 4.0 – 6.0 du/ac designation for this area.” (See figure on page 5).*

## Proposed Land Use



- b. Requiring public expenditures for larger and more expensive infrastructure improvements to roads, sewer, or water systems than are needed to support the planned land uses.**

*"No public expenditures are needed to provide the necessary infrastructure to serve the Community and much of the offsite infrastructure is already available for the Project. The overall right-of-way dedication for the Project will match the Principal Arterial (Maricopa County) roadway design specifications for Indian School Road and the Minor Arterial for Perryville Road. The Project will also finance the required water and wastewater infrastructure, which will be provided by private utility companies, and therefore will not require any public expenditures. No public expenditures are required to meet traffic needs for the Project."*

- c. Adversely impacting planned uses because of increased traffic.**

*"There will be no adverse impacts to the area due to increased traffic. A Traffic Impact Statement will be provided at the time of preliminary plat. The Community will access directly to both Indian School Road, a principal arterial, and Perryville Road, a minor arterial, both of which can easily accommodate the traffic generated by the project."*

- d. Affecting the livability of the area or the health or safety of present and future residents.**

*"The proposed development and CPA will have no negative effects on livability, health, or safety of present and future residents. Moreover, the Project provides for varied, quality*

housing and a generous amount of open space. The open space will be a combination of both passive and active areas, and may include ramadas, barbeques, seating nodes, tot lots, and play fields. Overall, the proposal will create a livable and healthy community.”

**e. Adversely impacting the natural environment or scenic quality of the area in contradiction to the plan.**

“The Site’s current use as agricultural and a dairy farm is typically seen as a less than desirable land use adjacent to new residential development in the area. The proposed CPA will positively impact the surrounding community by redeveloping the site into a single-family residential community that will reduce or eliminate current negative environmental impacts such as air quality, soil quality, and odor. Development of the land would be a clear aesthetic upgrade, as the Site currently offers no visual appeal for current residents in the surrounding area.”

**Whether the amendment is consistent with the overall intent of both the Vision 2030 Comprehensive Plan and the White Tanks/Grand Avenue Area Plan.**

“The requested Comprehensive Plan Amendment is consistent with the overall intent of both the Vision 2030 Comprehensive Plan and White Tank / Grand Avenue Area Plan. The White Tank / Grand Avenue Area Plan seeks a variety of housing types and mixed housing densities. The CPA will allow the Community to develop with an underlying land use designation appropriate and compatible with surrounding developments and the Luke Air Force Base Graduated Density Policy, but flexible enough to allow for a differing residential density.”

**The extent to which the amendment is consistent with the specific goals and policies contained within the plan.**

“This particular area of the County is guided by noise contour boundaries and GDC Policies of Luke AFB located approximately 3.5 miles to the northeast of the Property. What would normally be lower density development scenarios away from the valley’s urban core and surrounding cities and towns, the GDC zone for Luke AFB promotes lower residential densities closer to the base, with higher densities transitioning away from the base. This policy has been in place to protect the military operations of the base, while at the same time providing an appropriate housing density to support the growth in the west valley.

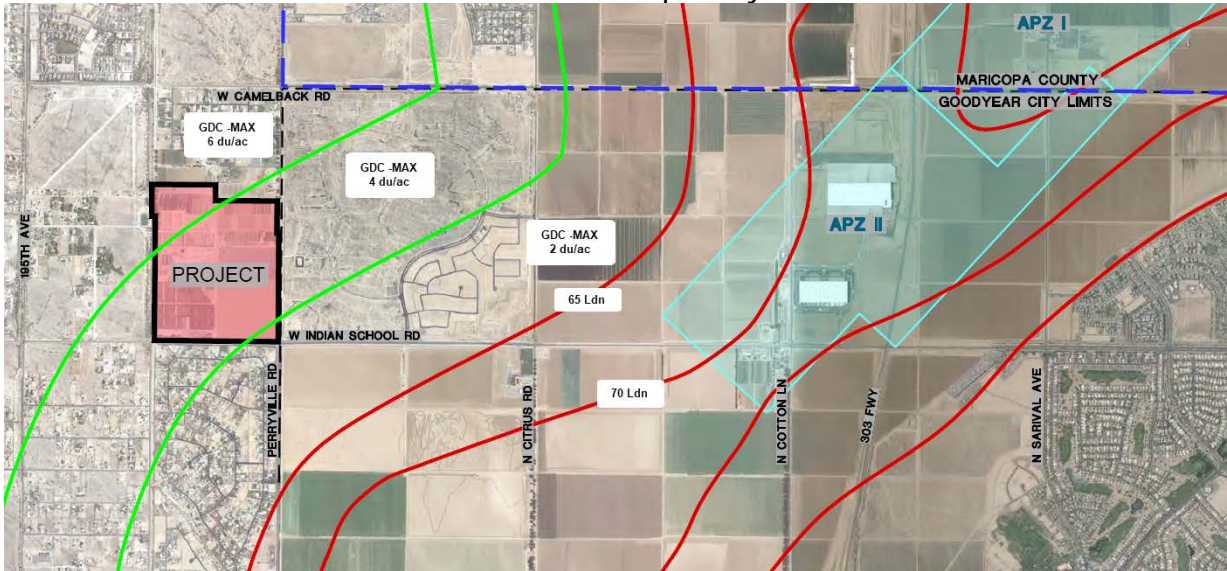
Without adherence to the density restrictions near the base policies, the military operations and economic impact of Luke AFB would be at risk. Conversely, without adherence to the densities promoted by the GDC, the west valley would not be able to provide housing diversity and housing options to sustain the fast paced growth demands. In short, communities cannot sustain healthy growth or provide utilities with large areas of very low density.

Being 3.5 miles from the base, the Property is located within the “Territory in the Vicinity of a Military Airport” but outside of the 65 Day-Night Average Sound Level (Ldn) noise contour. The GDC mapping for this area of the County indicates the Property to be largely located within the 4 and 6 du/ac maximum categories as shown on Figure 5, Luke



AFB Compatibility . The proposed CPA Single Family – Transitional Lot 3 - 5 du/ac designation, coupled with the zoning district and RUPD overlay with density of 3.6 du/ac, will conform with the GDC policies and help to protect the mission and operations of Luke AFB (Z2018115). Located at the southeast corner of the Community is a small area of approximately 3.5 acres, or less than 2% of the overall project area, that resides in the 2 du/ac maximum GDC zone. As part of the future planning of Community, it is anticipated that this area will largely be retained as open space or retention. In addition to supporting the Luke AFB compatibility policies, the CPA supports the following specific goals and policies of the Vision 2030 Comprehensive Plan and the White Tanks/Grand Avenue Area Plan.”

Luke AFB Compatibility



- An RUPD is requested to modify development standards of the R1-6 zoning district:

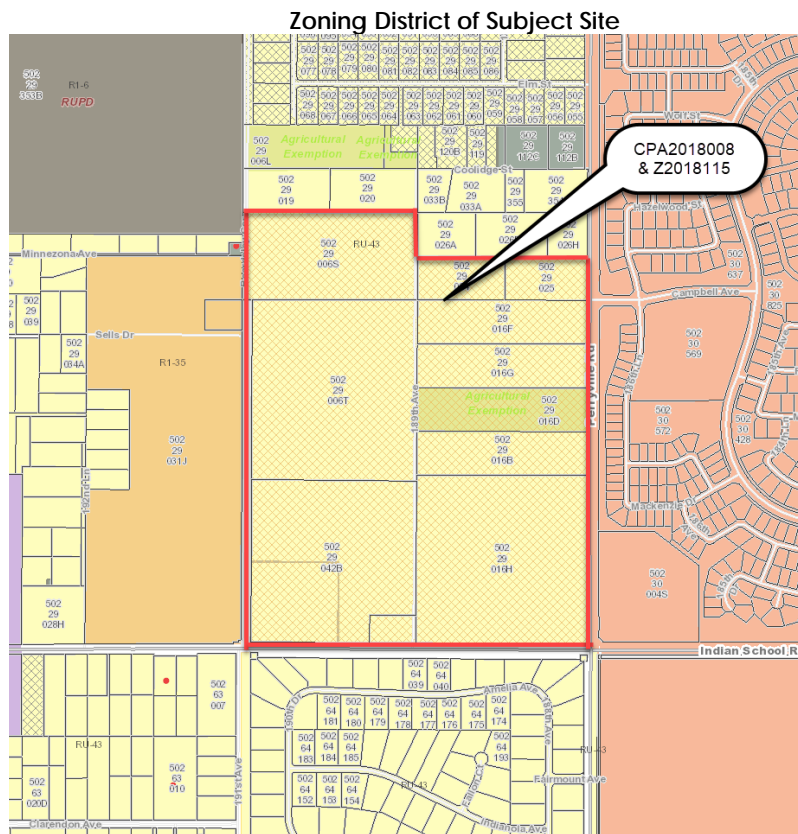
R1-6 RUPD Development Standards		
	R1-6 Base Zoning District Standards	Proposed R1-6 RUPD
Height	30'	30' /2-stories
Front Yard	20'	<b>18' (with a front loaded garage) 12' for side loaded garage or livable area of dwelling unit</b>
Side Yard	5'	5'
Street Side Yard	10'	10'
Rear Yard	25'	<b>20'</b>
Minimum Lot Area	6,000 sq. ft.	<b>5,175 sq. ft.</b>
Minimum Lot Width	60'	<b>45'</b>
Lot Area per Dwelling Unit	6,000 sq. ft.	6,000 sq. ft.
Lot Coverage	50%	<b>55%</b>

Per the applicant the justifications for the proposed modifications are to create development standards that allow for variations in housing product, meet today’s buyer preferences, and provide flexibility for homebuilders and ultimately homeowners,

allowing for housing opportunities that appeal to a greater range of home buyers. The justification for a minimum lot size of 5,175 sq. ft. from 6,000 sq. ft., coupled with the reduced lot width of 45' from 60' and request for increased lot coverage, will add variety to the lot sizes available in the area and increase the diversity of home ownership opportunities that are consistent with the recent growth in the west valley. This design approach is also consistent with homeowners' desires for yards with reduced maintenance obligations because of easy access to shared community amenities that are maintained by a homeowner's association. The increased lot coverage allows for greater square footage in single-story homes, which are popular with homebuyers in all stages of life. Additionally, these modifications allow for a varied streetscape and more innovative housing product.

The front yard setback modification is a slight adjustment to accommodate the option for a side loaded garage, which is aesthetically pleasing and popular among home consumers. This deviation allows builders flexibility in their product offerings and the ability to offer the same to potential homeowners.

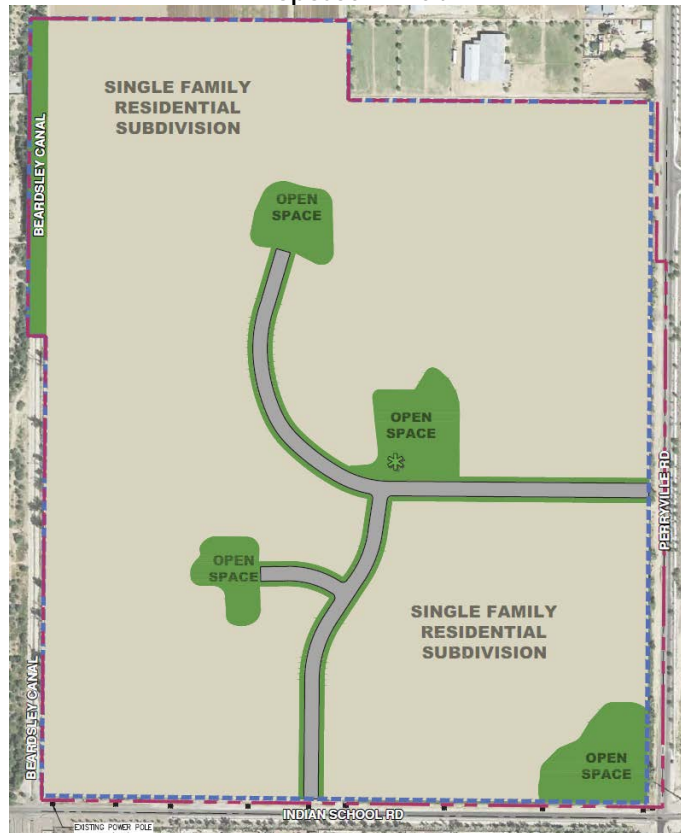
- To meet the lot area per dwelling unit the proposed development will offer a variety of lot sizes of: 45' x 115'; 50' x 120'; and 63' x 125', with minimum lot areas ranging from 5,175 sq. ft. to 7,875 sq. ft. A large, centrally located park provides a core of amenities that foster community pursuits and social interaction, including active and passive spaces. It is anticipated that a combination of amenities including playgrounds, other recreational features such as ramadas, barbeques, and/or benches will be provided. Pedestrian paths will be provided throughout the community to link the different neighborhoods with the open space amenities and create a larger community feeling. The project will provide a minimum of 15% open space as well.



Aerial-photo of Subject Site



Proposed Exhibit



**Existing On-Site and Adjacent Zoning / Land Use:**

- 6. On-site: Rural-43 / Dairy Farm
- North: Rural-43 / Single- Family Residential
- South: Arterial then Rural-43 / Indian School Rd. then Single-Family Residential (Litchfield Farms 2)
- East: City of Goodyear jurisdiction / Perryville Rd, then Single-Family Residential (Sedella Parcel 4A subdivision, Goodyear)
- West: Canal, R1-35, Rural-43, and R1-6 RUPD / Beardsley Canal, mostly vacant/undeveloped, with small portion of Single Family Residential within the Rural-43 zoning district

**Utilities and Services:**

- 7. Water: Arizona Water Company
- Wastewater: Liberty Utilities
- School Districts: Litchfield Elementary School District / Agua Fria Union High School District
- Fire: Buckeye Valley Fire District
- Police: Maricopa County Sheriff’s Department (MCSO)

**Right-of-Way:**

- 8. The following table includes existing and proposed half-width right-of-way and the future classification based upon the Maricopa County Department of Transportation (MCDOT) Major Streets and Routes Plan.

Street Name	Half-width Existing R/W	Half-width Proposed R/W	Future Classification
Indian School Rd.	33’	65’	Principal Arterial (Current)
Perryville Rd.	0’	65’	Minor Arterial (Current)
191 <sup>st</sup> Ave.	0’	50’	Local Road

Perryville Rd. east of the project site is within the City of Goodyear’s jurisdiction. Coordination with Goodyear regarding R/W and permitting will occur during the plat stage.

**Adopted Plans:**

- 9. **White Tank / Grand Ave**, adopted 2000: the site is within the White Tank/Grand Ave. Area Plan and is designated Large Lot Residential (1-2 dwelling units/acre). The proposed Comprehensive Plan Amendment would change the designation to Single-Family – Transitional Lot (3-5 dwelling units/acre). With a proposed density of 3.6 du/ac, the “Single Family – Transition Lot” land use designation is the most appropriate land use designation with a range of 3 – 5 du/ac. This land use designation creates diversity in the area with both Small Lot and Large Lot land use designations nearby, and matches the revised land use designations of the Vision 2030 Comprehensive Plan that were not available for earlier developments.



10. **Buckeye General Plan:** City of Buckeye's General Plan 2008 has the site designated as Rural (0 – 1 du/ac).
11. The applicants narrative states, the proposed Comprehensive Plan Amendment and zone change is consistent with the goals and policies outlined in the comprehensive plan:

***Land Use Policy #16: Maricopa County supports directing new urban development to the urban growth area identified in this plan.***

*"As stated in the Comprehensive Plan, growth areas should occur in efficient, orderly, and responsible manner. Infrastructure and services are an important consideration. The Project is located less than 3 miles west of the Loop 303, 2 ¼ miles north of I-10, and is adjacent to the arterial street network, with Indian School Road to the immediate south and Perryville Road to the east; making this Property a prime location for the proposed density ranges in the Single Family – Transitional Lot category. Additionally, increased housing availability and urban development is needed in this area to support the expected growth of industrial and employment generating uses along the Loop 303 as well as the need to support the mission of Luke AFB."*

***Land Use Policy #24: Maricopa County supports land use compatibility within the High Noise of Accident Potential Zone of Luke Air Force Base.***

*"The Project is located approximately 3.5 miles southeast of the southwest boundary of Luke AFB. The Property is located within the "Territory in the Vicinity of a Military Airport" outside of the 65 Day-Night Average Sound Level (Ldn) noise contour, within the maximum 4.0 and 6.0 du/ac GDC zones for Luke AFB. The overall Project density of 3.6 du/ac is well within the range of the densities permitted within GDC zones on the Project. There is a small area of approximately 3.5 acres located at the southeast corner of the site that resides in the maximum 2.0 du/ac GDC zone. It is anticipated that this area will be planned for retention or open space during the platting process."*

Additional examples are outlined in the narrative for the CPA (attached).

#### **Public Participation Summary:**

12. The applicant complied with the Maricopa County Public Participation Process with the required posting of the property and notification by first class mail to the adjacent property owners within 300' of the subject site and interested parties. Staff received three letters of support and one letter of opposition indicating concerns of increased traffic in the area (attached). The applicant also received correspondence to the request and are outlined in Citizen Participation Results Report. One neighbor adjacent to the proposed site inquired if the new neighbors would be aware of roping activities on his property.
13. Staff received a letter from Luke Air Force Base (AFB) indicating the request falls within the guidelines of the Graduated Density Concept and would not have a negative impact on the flying operations at Luke AFB (attached).
14. Through the Technical Advisory Committee (TAC) staff sent case materials to the City of Buckeye and the City of Goodyear on October 24, 2018 for review and comment. Staff

did not receive comments from the City of Buckeye. However, the City of Goodyear sent comments regarding Perryville Rd. (attached). Any R/W or permitting would occur at the plat stage and further coordination would occur with Goodyear during this time. No additional correspondence was received.

#### **Outstanding Concerns from Reviewing Agencies:**

15. N/A

#### **Staff Analysis:**

16. While the proposed development is an increase in density for the area staff believes it is compatible with surrounding communities. The proposed CPA and zone change justifies the increase in density. Also, through the public participation process the feedback from the community has largely been in support due to the current land use of a dairy farm and the changing land uses that are occurring around the area. The concerns with increased traffic will be addressed at the plat stage where a traffic study will be required.

#### **Recommendation (Two motions CPA2018008 & Z2018115):**

17. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to conditions 'a' – 'd', of CPA2018008.
  - a. Development of the site shall be in general conformance with the Narrative Report entitled "Eyherabide Dairy, Comprehensive Plan Amendment," consisting of 22 pages, dated and stamped received December 7, 2018, except as modified by the following conditions.
  - b. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the uses existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.
  - c. The total number of residential units shall not exceed 675 dwelling units.
  - d. The following Planning Engineering condition shall apply:
    1. Right-of-way dedication and perimeter road improvements will be required as part of future entitlements. This includes Indian School Road, Perryville Road and possibly 191st Avenue.

18. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to conditions 'a' – 'j', of Z2018115.

a. Development of the site shall be in general conformance with the Zoning Exhibit entitled "Eyherabide Dairy Exhibit", consisting of one 11x17, dated November 2018 and stamped received December 7, 2018, except as modified by the following conditions.

b. Development of the site shall be in general conformance with the Narrative Report entitled "Eyherabide Dairy", consisting of 28 pages, dated December 7, 2018, and stamped received December 7, 2018, except as modified by the following conditions.

c. The following Planning Engineering conditions shall apply:

1. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.

2. Dedication of right-of-way along the following roadway alignments will be required prior to any development on the site:

1. Indian School Road: 65 feet (ultimate half-width);
2. 191st Avenue: 50 feet (unless otherwise waived by MCDOT);
3. Perryville Road: 65 feet (ultimate half-width), or as otherwise required by the City of Goodyear

Note that the above widths are considered minimum widths. Additional dedication may be required pending improvements that may be required by the MCDOT approved Traffic Impact Study.

d. All buildings shall be subject to noise attenuation as per ARS § 28-8482(B).

e. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- f. The following R1-6 RUPD standards shall apply:
  - 1. Front Yard: 18' with a front loaded garage; 12' for side loaded garage or livable area of dwelling unit
  - 2. Rear Yard: 20'
  - 3. Lot Area: 5,175 sq. ft.
  - 4. Lot Width: 45'
  - 5. Lot Coverage: 55%
- g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- j. Owner shall provide written notification to future residential owners that rural residential, equestrian and agricultural activities may occur proximate to the site.



Such notification shall be in subdivision public reports, and/or Covenants, Conditions & Restrictions (CC&Rs). Such notice shall state:

“You are purchasing property near a rural residential property that has livestock and engages in horse roping activities. Such activities may produce dust, noise, light and odor among other things.”

Documentation of the conveyance documents public report and CC&Rs shall be provided to the Planning & Development Department.

Presented by: Jaclyn Sarnowski, Planner  
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case Maps (2 pages)  
Vicinity Maps (2 pages)  
CPA2018008 Narrative Report Summary (15 pages)  
Z2018115 Narrative Report Summary (14 pages)  
CPA2018008 & Z2018115 Legal Description (2 pages)  
Z2018115 Exhibit  
CPA2018008 & Z2018115 Planning Engineering Memos (3 pages)  
CPA2018008 & Z2018115 MCESD comments (2 pages)  
CPA2018008 & Z2018115 MCSO comments (1 page)  
CPA2018008 & Z2018115 Luke AFB comments (2 pages)  
CPA2018008 & Z2018115 City of Goodyear (2 pages)  
CPA2018008 & Z2018115 Emails of Support (3 pages)  
CPA2018008 & Z2018115 Email of Opposition (1 page)