

DRAFT

**TOWN OF GILBERT
PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
JUNE 7, 2017**

COMMISSION PRESENT: Chairman Kristofer Sippel
Vice Chairman Brian Andersen
Commissioner Carl Bloomfield
Commissioner David Cavenee
Commissioner Greg Froehlich
Commissioner Brian Johns
Commissioner Joshua Oehler
Alternate Commissioner Mary Harris (in attendance, but did not participate in discussion)

COMMISSION ABSENT: Alternate Commissioner Seth Banda

STAFF PRESENT: Bob Caravona, Senior Planner
Ashlee MacDonald, Planner II
Nichole McCarty, Planner II
Gilbert Olgin, Planner II
Amy Temes, Senior Planner
Planning Manager Linda Edwards

ALSO PRESENT: Attorney Nancy Davidson
Council Liaison Brigitte Peterson
Recorder Debbie Frazey

PLANNER	CASE	PAGE	VOTE
Bob Caravona	UP17-1011 (UP16-09-A)	5	Approved
Nathan Williams	GP17-1001	5	Approved
Nathan Williams	Z17-1004	5	Approved
Gilbert Olgin	DR17-1010	5	Approved
Gilbert Olgin	DR17-1015	5	Approved
Nathan Williams	S17-1004 (S16-14)	9	Approved
Ashlee MacDonald	GP17-01	14	Approved
Ashlee MacDonald	Z17-01	15	Approved

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CALL TO ORDER REGULAR MEETING

Chair Sippel called the Regular Meeting of the Planning Commission to order at 6:10 p.m.

ROLL CALL

Recording Secretary Debbie Frazey called roll and a quorum was determined to be present.

8. COMMUNICATION FROM CITIZENS.

At this time, members of the public may comment on matters within the jurisdiction of the Town, but not on the agenda. The Commission/Board response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

Chair Sippel asked if there were any members of the public who wished to speak on something that was not on the agenda. Seeing none, Chair Sippel moved on to the next item on the agenda.

7. APPROVAL OF AGENDA

Chair Sippel realized that he had skipped Agenda Item #7 so he called for a motion to approve tonight's agenda. Vice Chair Brian Andersen made a **MOTION** to approve the Agenda as written; seconded by Carl Bloomfield; and passed unanimously.

Motion passed 7-0

PUBLIC HEARING (CONSENT)

All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of the Commission/Board for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Sippel read the Public Hearing (Consent) Agenda (listed with Staff Recommendations below) as follows: Item 9, UP17-1011, Pagel's Second Dwelling; Item 10, GP17-1001, Warner Greenfield Square, Request for Minor General Plan Amendment; Item 11, Z17-1004, Warner Greenfield Square, Request to rezone approximately 7.8 acres; Item 12, DR17-1010, San Tan Village Parcel A Pad 5; and Item 13, DR17-1015, San Tan Village Parcel A, Pad 5.

9. UP17-1011 (UP16-09-A): REQUEST TO APPROVE MODIFICATIONS TO CONDITIONAL USE PERMIT (UP16-09) FOR APPROXIMATELY 0.66 ACRES OF REAL PROPERTY LOCATED AT 426 E. CAMPBELL ROAD TO CHANGE BUILDING MATERIALS ON A SECONDARY DWELLING UNIT IN THE SINGLE FAMILY-15 (SF-15) ZONING DISTRICT.

STAFF RECOMMENDATION

Make the Findings of Fact and approve of UP17-01011, Pagel's Residence: Modifications to Conditional Use Permit changing building materials to a Secondary Dwelling unit for approximately 0.66 acres of real property generally located at 426 E. Campbell Avenue and zoned Single Family-15 (SF-15), subject to conditions.

1. The Project shall be in substantial conformance with the site plan, site utilities, elevations, and color elevations details shown on the Exhibits provided under Attachment Nos. 4, 5, 6, and 7.
2. Secondary Dwelling Unit shall be compatible in design with the primary dwelling by incorporating plank exposure and painted to match primary dwelling, trim color and roof shingles to match primary structure as presented on the Color and Materials Board.
3. Secondary Dwelling Unit shall be compatible in design with the primary dwelling by incorporating the architectural details of the full covered porch's River Rock base and column (less railing and spindles between columns), 3 board shutters and lattice porch cover.

10. GP17-1001, WARNER GREENFIELD SQUARE: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 8.5 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GREENFIELD ROAD AND WARNER ROAD FROM NEIGHBORHOOD COMMERCIAL (NC) TO COMMUNITY COMMERCIAL (CC) LAND USE CLASSIFICATION.

11. Z17-1004, WARNER GREENFIELD SQUARE: REQUEST TO REZONE APPROXIMATELY 7.8 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GREENFIELD ROAD AND WARNER ROAD FROM NEIGHBORHOOD COMMERCIAL (NC) TO COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP17-1001, to change the land use classification of approximately 8.5 acres of real property, generally located at the southwest corner of Greenfield Road and Warner Road from Neighborhood Commercial (NC) to Community Commercial (CC) land use classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1004 rezoning approximately 7.8 acres

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of real property generally located at the southwest corner of Greenfield Road and Warner Road from Neighborhood Commercial (NC) to Community Commercial (CC) zoning district, subject to the following conditions.

1. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
2. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. Such easements shall be open to public access and use.

12. DR17-1010, SANTAN VILLAGE PARCEL A PAD 5 (FIREBIRDS SITE): SITE PLAN IMPROVEMENTS ONLY, INCLUDING LANDSCAPE, GRADING AND DRAINAGE, AND LIGHTING FOR APPROXIMATELY 1.71 ACRES, LOCATED AT NORTHEAST CORNER OF SAN TAN VILLAGE PARKWAY AND WILLIAMS FIELD ROAD AND ZONED REGIONAL COMMERCIAL (RC) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY; SUBJECT TO CONDITIONS.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR17-01010, Santan Village Parcel A Pad 5 (Firebirds Site): site plan improvements only, including landscape, grading and drainage, and lighting for approximately 1.74 acres, located at northeast corner of San Tan Village Parkway and Williams Field Road and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the June 7, 2017 public hearing.
2. Firebirds Wood Fired Grill (DR17-1015) Certificate of Occupancy will be contingent upon completion of all required site improvements for Firebirds Site (DR17-1010) application.
3. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
4. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

13. DR17-1015, SANTAN VILLAGE PARCEL A PAD 5 (FIREBIRDS WOOD FIRED GRILL): SITE PLAN, LANDSCAPING, ELEVATIONS, FLOOR PLANS, COLORS AND MATERIALS FOR AN APPROXIMATELY 7,000 SQUARE FOOT BUILDING ON APPROXIMATELY 1.74 ACRES,

LOCATED AT THE NORTHEAST CORNER OF SAN TAN VILLAGE PARKWAY AND WILLIAMS FIELD ROAD AND ZONED REGIONAL COMMERCIAL (RC) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY; SUBJECT TO CONDITIONS.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR17-01015, Santan Village Parcel A Pad 5 (Firebirds Wood Fired Grill): Site plan, landscaping, elevations, floor plans, colors and materials for an approximately 7,000 square foot building on approximately 1.74 acres, located at the northeast corner of San Tan Village Parkway and Williams Field Road and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the June 7, 2017 public hearing.
2. Firebirds Wood Fired Grill (DR17-1015) Certificate of Occupancy will be contingent upon completion of all required site improvements for Firebirds Site (DR17-1010) application.
3. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
4. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

After reading the Consent Agenda, Chair Sippel asked if there was anyone who wished to speak on any of the items. Seeing none, Chair Sippel then called for a motion to approve the Public Hearing Consent Agenda. Vice Chair Andersen made a **MOTION** to approve the Consent Agenda; seconded by Carl Bloomfield; motion passed unanimously.

Motion passed 7-0

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission/Board by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item, you must fill out a public comment form, indicating the item number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission/Board.

Chair Sippel told the audience that if any member of the public wished to speak on any of the Public Hearing (Non-Consent) items, they should fill out a public comment card and turn it in at the Staff table.

14. S17-1004 (S16-14), BB LIVING AT VAL VISTA: REQUEST TO APPROVE THE PRELIMINARY PLAT AND OPEN SPACE PLAN FOR 217 SINGLE FAMILY HOME LOTS ON APPROXIMATELY 21.26 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF ROME STREET AND GERMANN ROAD AND ZONED MULTI-FAMILY/ LOW (MF/L).

STAFF RECOMMENDATION

Move to approve the Findings of Fact and S17-1004 (S16-14), BB Living at Val Vista Preliminary Plat and Open Space Plan for approximately 21.26 acres consisting of 217 single family lots, generally located at the northeast corner of Rome Street and Germann Road and zoned Multi-Family/ Low (MF/L), subject to conditions:

1. The Final Plat and Open Space Plans for BB Living at Val Vista and construction of the project shall be in substantial conformance with Exhibits 4, 5, 6, 7, 8 and 9 approved by the Planning Commission/ Design Review Board at the June 7, 2017 public hearing.

Planner Amy Temes indicated to the Commission that she would be presenting S17-1004 on Nathan William's behalf. She then began her presentation and asked for direction from the Commission as to whether they would like a full presentation or a short presentation. Planner Temes reminded the Commission that they had seen this project in the January Study Session. She shared the location of the project at Germann Road and Rome Street, just south of the 202, near Val Vista and Germann. She noted that the request was for a Preliminary Plat and Open Space Plan for 217 single family home lots on 21.26 acres. She stated that the units were 2-story units and that the applicant was meeting all their parking requirements and minimum landscape requirements. Planner Temes said that the comments they had received from the Study Session were largely related to the overall site plan, layout and circulation. There had also been some concerns about trash and parking. She shared a side-by-side comparison of what the proposed project looked like back in January and the revised layout that they are seeing tonight. She mentioned that the applicant had taken care of some of the long, dead-end alleys. The applicant also centered the Open Space area more. She also pointed out that parking had been distributed throughout the community, as well as the trash enclosures. She indicated that Planner Williams was very pleased with the changes that had been made.

Planner Temes shared the Preliminary Plat, noting that the lots are shown with the basic footprints of the buildings. She said there may be some building adjustment of those footprints as they move forward to Design Review, but pointed out that as long as it is substantially the same, it should be acceptable. She shared a color rendering of the Open Space Plan. She noted the varying building heights, indicating the design called for 4-plexes, 5-plexes, and 6-plexes. She stated that the development was walled in on the north and the east, but the rest of the community is very open and is not gated and will be quite visible from both Rome and Germann. She shared that the walls and fences will be a nice block with articulation on the columns and some banding underneath the decorative cap, which will add a nice contemporary touch to the overall design style of the project. She shared the contemporary entry features. She shared a

rendering of some of the amenities including the play structure, the pool area, volleyball courts, and a tot lot. Planner Temes shared some details on the trash enclosures and the mailboxes. She also shared the colors and materials. She also stated that they were modifying the cross sections of the private drive. She pointed out that the parking was distributed throughout the community. She mentioned that an addendum had been added to the Staff Report. She told the Commission that the addendum had been given to each member of the Commission. She pointed out that the addendum related to the Phasing Plan and clarified what was being constructed during each phase. She indicated that the addendum detailed how each of the phases would be developed and what is anticipated to be developed during each of the phases. She indicated that the main street system and utilities would be developed with the initial first phase, as well as some of the sidewalks. She said the landscape would come in with the various phases adjacent to the buildings, so that the landscape wouldn't be disturbed during construction of the additional residential units. She informed the Commission that Staff was recommending approval. Planner Temes finished her presentation.

Chair Sippel thanked Planner Temes for her presentation and called for questions or comments

Question: Joshua Oehler asked for clarification on the phasing. He said he understood what was being built in Phase 1, but he was curious about the other phases. He asked if they were phasing each building.

Answer: Amy Temes answered that they are planning multiple phases and the applicant's phasing plan includes the potential for 41 phases. She said that depending on how sales go, some of the phases may be combined.

Question: Joshua Oehler sought to clarify that during Phase 1, they would be building the first 6 lots. He asked if all the amenities and the loop would be built.

Answer: Amy Temes answered affirmatively that the 6 lots would be built first and that the amenities would be built. She also indicated that the phasing would be done in a clockwise direction around the site.

Chair Sippel invited the applicant forward to make a brief presentation.

Ralph Pew, introduced himself, stating that he was here on behalf of BB Living. He shared that he was accompanied by Brandon Lombardi and Troy Peterson. He thanked Amy Temes for pinch hitting for Planner Williams. He indicated that he had compiled a list of all the concerns that were raised during the Study Session and the answers to all of them. He stated that he didn't want to bore the Commission with those details, but he said he believes they have answered the major concerns the Planning Commission raised during Study Session. He thanked the Commission for giving them direction and he acknowledged that the result was a much better project. He offered to walk the Commission through every change that they had made if they desired, and he encouraged the Commission to approve the project.

Chair Sippel called for questions or comments for the applicant.

Comment/Question: Joshua Oehler stated that he was concerned about Lot 140-111 on the east side of the project. However, first he shared that he believes the design in its current form is 10 times better than it was previously, if not 100 times better. He also said he appreciated the hard work that the applicant had put in. He then addressed his concern that the current design had a basically flat end at the end of all the buildings. He indicated that he realizes that they probably looked at rotating the building and it likely didn't work out with the unit count. He asked about the possibility of articulating the side that runs along that particular street with patios or something more than a flat run of houses on the side.

Answer: Ralph Pew responded that they did try to turn one of the pods so that it would be angled like the others, but it just didn't work from an engineering standpoint or a design standpoint. He shared that it was their hope that because it was on the east side of the project and they had already taken 18 dead-end areas and consolidated them down to 6, they were hopeful that change would achieve what they were looking for. He stated that there might be a possibility of changing the architecture on the buildings so there might be patios and open areas, and that was something they could look into, but he invited Brandon Lombardi to address the question more specifically.

Comment: Brandon Lombardi revealed that when they looked at different possibilities, it came down to the fact that they would fall below the Open Space requirement if they turned the building and had to re-route the circulation by adding additional pavement. He said it just didn't work from an engineering and a design perspective.

Response: Joshua Oehler stated that he could understand and appreciate that. He said he could accept that, but he was suggesting that they consider the boulevard that they are creating and attempt to do something such as wrap-around patios or something to enhance the design, because otherwise the whole side is just one flat end. He acknowledged that he hadn't seen their new architecture, but the design shown in the previous architecture was a very minimal amount of architecture on that side. He suggested the new design have a little more architecture.

Comment: Brandon Lombardi said that next month when they bring the design before the Commission, they will see a lot more 4-sided architecture and massing that will meet the desires of the Commission and brighten up the streetscape on the eastern side of the project.

Response: Joshua Oehler reiterated that they have made tremendous progress from Study Session to now in their design.

Question: David Cavenee noted that he wasn't in attendance when this case was before the Commission previously. He pointed out that he wasn't aware of the furor that had apparently occurred. He said when he looks at the project functionally, he wonders about the project having only two entrances. He wondered if there is a deceleration lane off of Germann into the main entrance or a deceleration lane at Rome. He asked if that had been considered.

Answer: Ralph Pew said that Commissioner Cavenee missed a fun time in January. He indicated that it had been determined that the deceleration lane was not needed.

Question: David Cavenee said he didn't see any of the dead-ends that weren't private drives.

Answer: Ralph Pew answered that they were alley-loaded private drives.

Question: David Cavenee asked to clarify that the public would not need to go down there for any reason.

Answer: Ralph Pew answered affirmatively.

Comment: David Cavenee said the only other thing he noticed and had some concern about, was guest parking. He stated that he realized that they have met the requirements for guest parking, but he thinks there will be some parking challenges, unless parking along curbside is sufficient. However, he pointed out that curbside parking will narrow their streets and possibly create problems.

Response: Ralph Pew responded that they have designed the streets to have 28' widths instead of 24' widths, so consequently there is room for curbside parking if the HOA decides to use signage and striping to have parking on some of the sides of the loop road.

Comment: David Cavenee said that overall, he was impressed with what he saw. He shared that he was glad that he could see the comparison between the old design and the present one.

Chair Sippel again asked if there were any members of the public who wished to speak on S17-1004. Seeing no members of the public who wished to speak, he closed the public hearing and brought the discussion back up to the dais.

Seeing no further comments or questions, Chair Sippel called for a motion to approve S17-1004. David Cavenee made a **MOTION** to recommend approval of the Findings of Fact on Item 14, S17-1004, BB Living at Val Vista, Preliminary Plat and Open Space Plan, inclusive of the Addendum dated June 7, 2017 and as stated in the Staff Report; seconded by Carl Bloomfield, motion passed unanimously.

Motion passed 7-0

15. GP17-01, VELDE FAMILY TRUST: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 1.61 ACRES OF REAL PROPERTY LOCATED AT 6317 S. 154TH STREET FROM RESIDENTIAL > 0-1 DU/ACRE TO RESIDENTIAL > 1-2 DU/ACRE LAND USE CLASSIFICATION.

16. Z17-01, VELDE FAMILY TRUST: REQUEST TO REZONE APPROXIMATELY 1.61 ACRES OF REAL PROPERTY LOCATED AT 6317 S. 154TH STREET, FROM SINGLE FAMILY – 43 (SF-43) TO SINGLE FAMILY – 35 (SF-35) ZONING DISTRICT.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP17-01, to change the land use classification of approximately 1.61 acres of real property, located at 6317 S 154th Street from Residential > 0-1 DU/Acre to Residential > 1-2 DU/Acre land use classification; and

B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-01 rezoning approximately 1.61 acres of real property located at 6317 S. 154th Street from Town of Gilbert Single Family -43 (SF-43) zoning district to Single Family – 35 (SF-35) zoning district, subject to the following conditions.

1. The Project shall be developed in conformance with Gilbert’s zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code.

Chair Sippel invited Planner Ashlee MacDonald to begin her presentation on GP17-01 and Z17-01, Velde Family Trust. He indicated that both Item #15, GP17-01 and Item 16, Z17-01 would be heard simultaneously.

Planner Ashlee MacDonald began her presentation on GP17-01, Velde Family Trust Request for Minor General Plan Amendment and Z17-01, Velde Family Trust, Request to Rezone. She told the Planning Commission that they would be discussing the two cases together, but that they would require two separate motions. She shared the location of the property East of Val Vista Road and north of Chandler Heights Road. She said the site receives its direct access off of 154th Street, which is a private access easement and not a public roadway. She shared an aerial photograph of the property, noting that properties along 154th Street are developed residentially with the property right off of Chandler Heights and the subject site remaining vacant at this time. She shared the location of the area that was Maricopa County unincorporated land immediately adjacent to the east and farther north of the subject site. She stated that the request before the Commission is for a General Plan Amendment as well as a Rezoning on 1.6 acres. The request for the General Plan is to change it from Residential > 0-1 DU/Acre to Residential > 1-2 DU/Acre. She said the zoning request would coincide with that and change the zoning from Single Family 43 (SF-43) which are one acre lots to Single Family 35 (SF-35) which are 35,000 square foot lots.

Planner MacDonald revealed that the surrounding properties are designated Residential > 0-1 DU/Acre, but when Staff looked at the area, they noted that there are a number of properties that are under one acre in size, so they felt that this request would still maintain the context of the area and the development pattern in the area. She stated that not all of the lots within this classification are one acre in size. She indicated that the change in designation would allow 35,000 square foot lots which would coincide with the rezoning request and the density would then be Residential > 1-2 DU/Acre. She mentioned that the property sits within the Santan Character Area. She said that Staff feels this request is in keeping with the context of the Santan Character Area and provides accommodation of rural and suburban neighborhoods and also places an emphasis on outdoor living and enjoyment. In terms of the zoning request, Planner MacDonald shared that they are requesting to take this one lot and divide it into two lots. Each lot would then be slightly more than 35,000 square feet. She noted that the surrounding

properties are zoned Single Family 43 (SF-43) so this request would reduce that slightly. She stated that they are not requesting any deviations with the request. In terms of development standards on the site, Planner MacDonald shared that there would only be one change to setbacks. The side setback would be reduced with this request from 30' to 20'. The front and rear setbacks would remain 40'. She said that Staff recommends approval of both GP17-01 and Z17-01. Ashlee MacDonald let the Commission know that Staff had received three letters in opposition from surrounding property owners. She informed the Commission that they had received a copy of each of the three letters.

Chair Sippel thanked Ashlee MacDonald for her presentation and called for questions or comments.

Question: Joshua Oehler asked to see the map. He asked to clarify that everything to the east of the property was County land.

Answer: Ashlee MacDonald answered affirmatively.

Question: Joshua Oehler asked about the property directly next to it. He asked if it was one large parcel.

Answer: Ashlee MacDonald answered affirmatively.

Question: Joshua Oehler asked about the other properties surrounding the site that are located in the Town of Gilbert. He indicated that it looked like they were all smaller than 70,000 square feet.

Answer: Ashlee MacDonald answered that the surrounding properties were roughly one acre in size. She said aside from the subject property, she thought the next largest property was 56,000 square feet.

Question: Carl Bloomfield asked if this parcel were to be split, would they have access to a sewer line. He shared that typically one acre lots are required in order to have a septic system.

Answer: Ashlee MacDonald said that she had contacted Maricopa County and she had worked with the Town's Development Engineer to determine this information. She indicated the location of a sewer just off of Chandler Heights Road. She pointed out that it is about 260' from the subject property. The Town's municipal code requires that new residential development within 660' are required to connect to sewer. The subject property, under strict application of the Code, would be required to connect to the sewer. However, she suggested that if they are able to provide documentation that this would be a financial hardship, they can waive the requirement. She said that Maricopa County would be agreeable to a septic system on the property, if the Town of Gilbert is in agreement to that as well.

Chair Sippel asked if the applicant would like to make a brief presentation. The applicant did not wish to do so. Chair Sippel invited any members of the public that wished to speak, to fill out a public comment card. Seeing no members of the public that wished to speak, Chair Sippel closed the public hearing and brought the discussion back to the dais.

Comment: David Cavenee pointed out that one other lot was 56,000 square feet, but the majority of the lots are in the 44,000 to 46,000 square foot range, which makes the average size lot 45,000 square feet, and just over an acre. He pointed out that the 76,000 square foot lot is substantially larger than the average.

Comment: Joshua Oehler stated that he worries about established neighborhoods in the Santan Character Area. He shared that he didn't want to lose the one acre lots because this was the area they were designated to be in. He said he appreciated that the applicant wasn't trying to go to three or four lots, but was trying to stay within the character of the area. He stated that he had to ask himself if 35,000 square feet would fall out of the character of the area. He said he believes it still holds well to the character of the area. Another concern he had, was that allowing this modification would lead to other requests to divide parcels in half. He indicated that he doesn't see any other large parcels in this area that could be divided. He stated that initially he did worry a little about setting some kind of precedent, especially because this parcel sits next to County land, but he said he doesn't think it will set a precedent for that.

Comment: David Cavenee said he wanted to acknowledge the letters that had been received from the concerned citizens. He shared the main point he heard in the letters was that they didn't want to set a precedent, like Commissioner Oehler mentioned. David Cavenee said he would agree that doing this one lot wouldn't set a precedent. He stated that the other concern was that this division would reduce value to the adjacent properties. He mentioned that he would like to hear the thoughts of other Commission members, but he personally did not think this would reduce property values, given the isolated nature of this particular set of lots. He said he didn't see either of the two concerns the citizens had mentioned, as being critical to this decision.

Comment: Joshua Oehler said that he also had read through the letters and he appreciates the comments from the community. He mentioned that the one thing he did think of, was that the house would be smaller, because it would be built on a smaller lot and the lot coverage would be 30%. However, he suggested that this would still allow a pretty large house on a pretty large lot.

Comment: Carl Bloomfield said he had also read the letters from the citizens and taken a look at the area. He stated that the roadway there is in a roadway easement, which this parcel did not contribute towards. He noted that the adjoining property boundaries to the east are at their property line and the roadway is completely on the adjacent parcels. He shared that when he looks at it from that perspective, he understood the concern of at least one of the residents who claimed that they had not gotten access appropriately. Commissioner Bloomfield said they do have access because it is a public easement, but he acknowledged that he understood and appreciated this particular concern. He stated that this lot split serves only the applicant and doesn't do anything to benefit anyone around them. However, he pointed out that keeping the lot as it is, would be limiting the amount of value in the area by that one lot. He revealed that he is torn on this case and he is looking forward to hearing input from the other Commissioners on what they had to say. He said that initially he is opposed to it.

Question: Referring to Commissioner Bloomfield's comments, David Cavenee said if the roadway is under other property and not owned or contributed to by this parcel, he wanted to

know if that would impact the sewer line. He asked if they would be able to get access at that road on either side of it, if they don't even own it.

Answer: Carl Bloomfield stated that he thought that was a fair question. He said as he looks at the ownership, he believes that because the applicant is the owner of the parcel to the south, he thinks that he could grant an easement across his parcel to get out if required. He stated that he didn't know if the owner was willing to do that or what kind of impact that would create. He further shared that he thought it could still be accomplished even if they couldn't get into the street.

Question: Brian Johns asked if they were saying that this lot did not contribute to the roadway.

Answer: Carl Bloomfield answered that the roadway easement is completely on the lots to the west of this parcel. He said this parcel's boundary line is the east side of the roadway and all of that roadway easement is on the adjacent parcels.

Question: Brian Johns stated that he noticed a 10' easement that goes to the center of this lot. He asked if that was a utility easement. If it is, he wondered if it would continue on over into the next lot.

Answer: Ashlee MacDonald answered that it was a utility easement. She said she could also address the easement concern of 154th Street. She noted that this was raised in one of the letters from the citizens, so she did look into it. She shared that when the easement was dedicated, the entire length of 154th Street was all under ownership of Circle R Investments. The conveyance of that easement for access, as well as utilities, was made to these specific properties.

Question: Brian Johns asked to clarify that it does continue onto the lot to the west.

Answer: Ashlee MacDonald said it continues to the lot to the north.

Question: Brian Johns asked if it shouldn't have gone all the way through.

Comment: Carl Bloomfield answered that it typically would have. He didn't know what the 10' easement was for. He asked Ashley MacDonald if she had any idea.

Answer: Joshua Oehler noted that on the survey, it says Utility and Irrigation. He said he wonders if it was irrigation and then got abandoned on the parcel to the south.

Comment: Brian Johns stated that it goes to the center of the lot, like there was intent to provide this. He noted that on the County Side, there are a large number of lots that are less than 35,000 square feet. He revealed that he was on the fence on this at this point.

Response: Ashlee MacDonald said that the easement is an irrigation easement that goes along the property line (she pointed out the property line) for these property owners. Additionally, she stated that the applicant indicated that they paid for this access easement, so there was a transfer of funds for access.

Question: Greg Froehlich said Planner MacDonald had made mention that there were some other 1-2 DU/Acre in the area. He asked if she could point out where those other parcels were located.

Answer: Ashlee MacDonald indicated their location, noting that they were not contiguous to the subject property, but were to the northeast.

Comment: Greg Froehlich stated that after reading the letters, he understood that the property owners in the area have a certain feel for their community and he respects that. He said that it might not seem like going to 1-2 DU/Acre would be a big deal, but noted that it is probably a big deal to them. He indicated that he is currently opposed to the request because it is in the middle of the subdivision. He said if there were other properties like it, he wouldn't have a problem with splitting, but since there isn't anything else in the area like it, he would oppose it.

Comment: Joshua Oehler stated that he would like to have more discussion because he is currently on the fence as to his position.

Question: Carl Bloomfield asked if the 10' easement that goes across Parcel B was a creation of this lot split, or if it was there previously.

Answer: Ashlee MacDonald responded that it was a creation of this lot split.

Comment: Carl Bloomfield clarified that it was a creation of this lot split to provide utility and irrigation on Parcel A.

Response: Ashlee MacDonald answered affirmatively.

Comment: David Cavenee suggested that he wasn't on the fence. He stated that he feels this lot is substantially larger than any other in the neighborhood. He said this would bring it down to something more commensurate with what is average in the neighborhood. He shared that he doesn't think it meets either of the criteria cited as concerns by those who wrote letters. He mentioned the fact that he doesn't think it reduces value and he doesn't think it is a problem for access and he doesn't think it sets a precedent. He said he appreciates the people that wrote letters, but he doesn't see a problem with allowing this split to happen. He believes it will make the lots more commensurate with one another, instead of having this one massive lot. He stated that even if you put a large home on a 70,000 square foot lot, it isn't going to fit with the rest of the homes in the area. He shared that he believes this will actually bring it into more of a fit. He said he is for it and will vote for it.

Comment: Vice Chair Andersen indicated that he agrees with Commissioner Cavenee.

Comment: Chair Sippel said he also agrees. He said the lot is 20,000 square feet over an acre, versus going 9,000 square feet under an acre. He thinks bringing it down to two 35,000 square foot lots is a reasonable request by the applicant and he stated that he is in favor of the change. He reminded the Commission that they did not have to be 7-0 on a decision.

Comment: Joshua Oehler said he liked Chair Sippel's comment, despite the fact that the math was a little off. He pointed out that it was actually 8,000 square feet under an acre. He said looking at it that way helped him realize that it is coming closer to the 43,000 square feet versus being tremendously over 43,000 square feet.

Comment: David Cavenee also stated that if you have a 35,000 square foot lot, you would probably be more likely to maintain, manicure and keep it improved than if you are trying to

maintain, manicure and care for a 70,000 square foot lot. He thought this might provide a better look and feel which would benefit the neighborhood, rather than have half of this property stay unkempt because it is a lot to take care of for a single family home.

Chair Sippel called for a motion. David Cavenee began to make a motion on Z17-01, but Planning Manager Linda Edwards reminded Commissioner Cavenee that they would need to make a motion on GP17-01 first, because they wouldn't be able to recommend zoning without the General Plan amendment. David Cavenee made a **MOTION** to recommend to the Town Council approval of GP17-01, Velde Family Trust, as outlined in the Staff Report; seconded by Vice Chair Brian Andersen; motion passed.

Motion passed 5-2

Aye – Chair Kristofer Sippel
Aye – Vice Chair Brian Andersen
Aye – Commissioner David Cavenee
Aye – Commissioner Brian Johns
Aye – Commissioner Joshua Oehler
Nay – Commissioner Carl Bloomfield
Nay – Commissioner Greg Froehlich

Chair Sippel called for a motion on Z17-01. David Cavenee made a **MOTION**, for the reasons set forth in the Staff Report, he moved to recommend approval to the Town Council for Z17-01 as requested and subject to the conditions listed in the Staff Report; seconded by Vice Chair Andersen; motion passed.

Motion passed 5-2

Aye – Chair Kristoffer Sippel
Aye – Vice Chair Brian Andersen
Aye – Commissioner David Cavenee
Aye – Commissioner Brian Johns
Aye – Commissioner Joshua Oehler
Nay – Commissioner Carl Bloomfield
Nay – Commissioner Greg Froehlich

ADMINISTRATIVE ITEMS

Administrative items are for the Commission/Board discussion and action. It is to the discretion of the majority of the Commission/Board regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a public comment form indicating the Item Number on which they wish to address. The Commission/Board may or may not accept public comment.

- 17. Planning Commission Minutes** – Consider approval of the minutes of the Study Session and Regular Meeting of May 3, 2017.

Chair Sippel asked for a motion to approve the minutes of the May 3, 2017 Study Session and Regular Meeting. A **MOTION** was made by Vice Chair Brian Andersen to approve the Planning Commission minutes of May 3, 2017, seconded by Carl Bloomfield, motion passed unanimously.

Motion passed 7-0

Chair Sippel informed the audience that they would temporarily recess the Regular Meeting as the next item on the agenda was Open Meeting Law training. He said they would take a 7-minute break and then reconvene the Study Session. After they finished the Study Session, they would reopen the Regular Meeting. He then recessed the Regular Meeting at 6:53 p.m.

Chair Sippel called the Regular Meeting of the Planning Commission back to order at 7:27 p.m. He invited Attorney Nancy Davidson to begin her presentation on Open Meeting Law.

18. Open Meeting Law Training – Nancy Davidson, Attorney

Nancy Davidson began her presentation on Open Meeting Law. She provided the required yearly training for the Planning Commission covering the following topics: Open Meeting Law, Public Records, Conflicts of Interest, The Use of Town Equipment and the Code of Ethics.

Les Presmyk began his portion of the presentation on Parliamentary Procedures. He told the Commission that Robert's Rules of Order had been around for about 100 years. He then gave examples of the appropriate way to conduct a meeting, including information on chairmanship, the making of motions, amending motions, discussion and voting, as well as the use of an agenda, how to call for a point of order and how to handle a conflict of interest.

Question: Brian Johns asked about the motion to amend and if the motion to amend could happen after a motion has been seconded.

Answer: Les Presmyk responded that it has to happen after the second. He pointed out that until you have a motion that has been seconded, it is not an official motion. He said generally there will be discussion after the second.

Question: Brian Johns pointed out that usually you wouldn't want to interrupt the Chair while he/she is talking. He asked if it is appropriate to jump in and say "I would like to motion to amend."

Answer: Les Presmyk answered that each of the Commissioners have the right and the authority and the responsibility, if they feel that the motion needs to be amended, to step up and take action. He said that they could say: "Mr. Chair. I would like to amend this motion to include..."

Question: Chair Sippel asked if he had to accept the amendment.

Answer: Les Presmyk indicated that the Chair has to allow the amendment to be heard and then it is the Chair's responsibility to ask the rest of the Commission if there is a second. He said the

Chair does not have the authority to turn back any motion, any second or any amendment to the motion.

Chair Sippel thanked Les Presmyk for his presentation.

COMMUNICATIONS

19. Report from Chairman and Members of the Commission on current events.

Chair Sippel asked if any member of the Commission had anything they wanted to share. Seeing none, he moved on to the next item on the agenda.

20. Report from Council Liaison

Council Liaison Brigitte Peterson told the Commission that she watched last month's very long meeting after the fact. She said she appreciated their discussion and found it very helpful. She noted one thing that she wanted to call their attention to was that sometimes when someone is making a motion, they actually say "I'm making a movement." She asked that they try to remember to avoid this type of statement. She announced that the Town of Gilbert has a new Chief of Police. He was sworn in officially on Monday. His name is Michael Soelberg. He is a longtime resident of Gilbert and comes to Gilbert from the Mesa Police Department where he served as a Commander and an Assistant Chief. She shared that she looks forward to working with him and suggested that the Commission take the opportunity to meet him. She mentioned that she was fortunate to sit in and meet all of the candidates. She pointed out that on June 14th from 6:00 to 8:00 p.m. there will be a public meeting regarding the Lindsay Road/ 202 Santan Freeway Interchange. She said it will be held at the Southeast Regional Library. She also mentioned that they have something new to the Town of Gilbert and it is called Gilbert 311. This is a new app that they are using in the Town. She said it can be downloaded to a phone or it can be used on a computer, and it allows someone to report anything that is going on in the Town. If someone see a pothole, or a streetlight that is out, they can report it. She stated that it is an awesome way for residents of the Town to interact with Town Staff and get things done that need to be done or just to report things. She reminded everyone to drive safely because there had been some really serious accidents over the past couple of weeks.

21. Report from Planning Manager on current events.

Linda Edwards thanked the Commission. She told them to keep an eye on the Town web page to get information on July 4th festivities that will be announced. She also asked if the Commission could direct Staff to schedule a special meeting and/or get some volunteers to get the Multi-Family in Regional Commercial kicked off so that a subcommittee could be created. She said she would welcome the Commission's direction to put that on the agenda. She also gave a special thank you to Planner Amy Temes for filling in for Nathan Williams as he welcomed his new family member into the world this week. She also thanked Nancy Davidson and Les Presmyk for providing the Open Meeting and Parliamentary Procedure training. She also thanked Debbie Frazey for doing a great job. She said that she is very thankful for the level of

deliberation the Commission brings to each project and the way they go about making the best and fairest decisions for the community.

David Cavenee said that he was interested in volunteering to be involved in the subcommittee that would be taking a look at Multi-Family in Regional Commercial and he thought Joshua Oehler was also interested in volunteering. He suggested that Chair Sippel might want to act on Planning Manager Edward's suggestion. Chair Sippel looked to Linda Edwards for direction. Linda Edwards stated that the initial step was to direct Staff to place the item on the agenda. Chair Sippel then asked Linda Edwards to place that item on the agenda. Linda Edwards shared that as they direct Staff to place it on the agenda, it will come back to the Commission for discussion and at that time, appointments can be made to serve on the subcommittee.

ADJOURNMENT

With no further business before the Planning Commission Chair Sippel adjourned the Regular Meeting at 8:14 p.m.

Kristofer Sippel, Chairman

ATTEST:

Debbie Frazey, Recording Secretary