



**TOWN OF GILBERT  
PLANNING COMMISSION**  
Gilbert Police Department - Amphitheatre  
75 E. Civic Center Drive, Gilbert, AZ  
January 5, 2022

**COMMISSION PRESENT:**

Jän Simon, Chairman  
Noah Mundt, Vice Chairman  
Anthony Bianchi  
David Blaser  
Tyler Jones  
William Fay  
Brian Johns  
Sean Des Portes

**STAFF PRESENT:**

Eva Cutro, Planning Manager  
Ashlee MacDonald, Principal Planner  
Keith Newman, Senior Planner  
Kristen Devine, Planner II  
Samantha Novotny, Planner I

**COMMISSION ABSENT:**

Brian Andersen

**COUNCIL LIAISON PRESENT:**

Scott September

PLANNER	CASE	PAGE	VOTE
Ashlee MacDonald	DR21-126	4	7-0
Ashlee MacDonald	GP21-02	4	7-0
Josh Rogers	Z21-04	4	6-0
Ashlee MacDonald	GP21-08	5	7-0
Ashlee MacDonald	Z21-10	6	7-0
Samantha Novotny	DR21-137	9	7-0
Ashlee MacDonald	Z20-02	9	6-1

**CALL TO ORDER OF THE STUDY SESSION**

Chair Jän Simon called the January 5, 2022, Study Session to order at 5:06 p.m.

**STUDY SESSION**

- GP21-09 FRED’S PLACE: Request for Minor General Plan Amendment to change the land use classification of Approx. 14.47 acres located at the northeast corner of**

**Recker and Williams Field Roads from Village Center (VC) to 4.95 acres of General Commercial (GC) and 9.52 acres of Residential 8-14 DU/acre Land Use Classification.**

**Z21-12 FRED'S PLACE: Request to rezone approximately 14.47 acres located at the northeast corner of Recker and Williams Field Roads from Gateway Village Center (GVC) Zoning District to 4.95 acres of Shopping Center (SC) and 9.52 acres of Multi-Family/Low (MF/L) Zoning District with a Planned Area Development (PAD) overlay.**

Planner Keith Newman stated the property is within Cooley Station and currently consists of farmland and farm equipment, which will be removed. Frys Marketplace has recently been constructed, and there is an apartment complex nearby. The current land use designation is village center, and the request is to change the designation to residential and commercial. The site is near mixed-use designations. It is part of the Gateway Character Area which provides traditional neighborhood designs. There will be integration of alternative modes of transportation such as bicycles and walking.

The applicant complies with Policy One (to develop a high-quality residential complex), Policy Two (to provide amenities to residents such as swimming pools, covered outdoor space, clubhouses), and Policy Seven (to provide pedestrian and bicycle connection between areas). In addition, the applicant complies with and exceeds Policy Five (providing 10% open space in the complex). Keith Newman has asked the developer for more information on Policy Seven as there only appear to be two pathways.

Policy Four, Eight, and Nine are related to the village center. These policies request a pedestrian experience such as outdoor seating areas, walkability with sidewalks, etc. The applicant does not comply with some policies and will work with staff to address these deficiencies.

There will be three access points. With one entrance, the staff is working with the applicant to create a continuous loop through Cooley Station.

The applicant requests several deviations, such as a variation in setbacks. The intent is to increase the residential experiences.

The applicant held a virtual neighborhood meeting to discuss various concerns. Residents were concerned about the increase of traffic and the neighborhood's character. This was taken into consideration.

#### **COMMISSION QUESTIONS/COMMENTS**

Commissioner Blaser asked if staff had information regarding land allotted to multi-family homes. Planning Manager Cutro answered 3% of total land use is zoned for multi-family. Of the residential, 11% is multi-family. Scottsdale and Mesa are approximately 48% multi-family; Chandler is around 30% multi-family; Phoenix is approximately 40% multi-family; Tempe is about 58%.

Commissioner Jones asked how the setback request compares to other developments. The Cooley Station PAD has been relaxed to eight feet. The intent is to bring homes close to the street to encourage pedestrian traffic. Chair Simon asked for information regarding parking and the larger picture for the development. Applicant Greg Davis noted that the site will have

enough parking for residential and commercial. The current recommendation is that the residential area be gated. This may be complicated for the flow of traffic.

Commissioner Jones asked if staff were supportive. Keith Newman confirmed that the staff is supportive, albeit some details need to be addressed.

There was a discussion regarding having a throughway in the residential area and gate locations.

**2. ST21-21 CORDILLERA VISTA ESTATES: Nine (9) Standard Plans by K.B. Homes for 118 Lots on approximately 39.88 acres generally located at the southwest corner of Higley Road and Riggs Road in the Single Family-6 (SF-6) and Single Family-8 (SF-8) zoning district with a Planned Area Development (PAD) Overlay zoning district.**

Planner Kristen Devine noted that she is requesting information regarding color scheme and elevation. There are 118 lots in the PAD and three elevation styles: Spanish, Craftsman, and Tuscan. There are nine floor plans and nine color schemes, which are a variety of browns and tans. There is a mixture of one- and two-story homes. The staff is concerned with the designs deviating from the themes. Staff requested changes to be more aligned with the themes. The developer has provided unofficial updates to the designs. The rear design is identical in all designs. Staff have requested modifications.

**COMMISSION QUESTIONS/COMMENTS**

Commissioner Johns asked for information regarding window placement to ensure windows do not look directly into adjacent homes.

Commissioner Blaser asked if the Commission reviewed a similar project a few months. He suggested applying the feedback from that project to this one.

**3. Discussion of Regular Meeting Agenda**

Item 10 GP21-02 and Item 11 Z21-04 Marriott Towneplace Suites will be moved off the Public Hearing agenda to the Consent agenda.

**ADJOURN STUDY SESSION**

Chair Simon adjourned the Study Session at 5:44 p.m.

**CALL TO ORDER OF REGULAR MEETING**

Chair Jän Simon called the January 5, 2022, Regular Meeting of the Planning Commission to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

Chair Jän Simon led the Pledge of Allegiance.

**ROLL CALL**

Planning Manager Cutro called roll and determined that a quorum was present.

**4. APPROVAL OF AGENDA**

Chair Simon called for a motion to approve the agenda.

**MOTION:** On a motion made by Vice Chair Mundt and seconded by Commissioner Fay, it was moved to approve the agenda with the amendment that 10 and 11 regarding the Marriott Towneplace Suites be moved to the consent agenda. **Motion passed 6-0.**

## COMMUNICATIONS

### 5. COMMUNICATION FROM CITIZENS:

At this time, members of the public may comment on matters within the Town's jurisdiction but not on the agenda. Therefore, the Commission's 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.

There were no requests to speak.

### 6. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

The Liaison shared the highlights of Gilbert for 2021. Gilbert was the best city for small business recovery, distributing 9.7 million dollars and having the lowest cost for municipal services. In addition, Gilbert regional park was awarded the project of the year.

## PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board may, by a single motion, approve any number of items where, after opening the public hearing, no person requests the item be removed from the consent calendar. If such a request is made, the Commission/Board shall then withdraw the item from the public hearing consent calendar for public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

### 7. DR21-126 EPICENTER MSP: Master Sign Plan for the Epicenter Development on approximately 18.6 acres located at the NWC of Higley and Ray Roads, and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay.

#### STAFF RECOMMENDATION

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the January 5, 2022 public hearing.
2. 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.
3. All signage will require a sign permit.

### 10. GP21-02 MARRIOTT TOWNEPLACE SUITES: Request for Minor General Plan Amendment to change the land use classification of approx. 2.6 acres generally located at the southwest corner of Mercy and Pecos Roads from Public Facility/Institutional to General Commercial. The effect of this amendment will be to change the plan of development to allow commercial development.

### 11. Z21-04 MARRIOTT TOWNEPLACE SUITES: Request to amend Ordinance No. 2210 pertaining to the Celebration Center Campus Planned Area Development overlay zoning district (PAD) by removing from the Celebration Center Campus PAD approximately 2.6 acres of Public Facilities/Institutional (PF/I) zoning district generally located at the southwest corner of

**Mercy and Pecos Roads, approving the Development Plan for the Marriott Towneplace Suites PAD; and changing the zoning classification of said real property from 2.6 acres of Public Facility/Institutional (PF/I) zoning district to 2.6 acres of General Commercial (GC) zoning district, with a PAD, to modify building height requirement and minimum rear building and landscape setbacks.**

STAFF RECOMMENDATION

- a. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert’s written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- b. The property owner is responsible for the maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
- c. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
- d. 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, except as modified by the following:

Site Development Regulations	GC (PAD)
Maximum Building Height (ft.)	61’
Minimum Landscape Setback Rear (Non-Residential)	5’

**MOTION:** Vice Chair Mundt moved to recommend approval of Consent Agenda Items 7. DR21-126 Epicenter MSP, , seconded by Commissioner Fay. **Motion passed 7-0.**

Vice Chair Mundt moved to recommend approval of Consent Agenda Items 10. GP21-02 Marriott Towneplace Suites and 11. Z21-04 Marriott Towneplace Suites, seconded by Commissioner Blaser. Commissioner Fay abstained. **Motion passed 6-0.**

**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 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.

8. **GP21-08 HIGLEY APARTMENTS:** Request for Minor General Plan Amendment to change the land use classification of approx. 8.34 acres generally located east of Higley Road and south of Inverness Ave from Regional Commercial to Residential >25-50 du/acre. The effect of this amendment will be to change the plan of development to allow residential development.
9. **Z21-10 HIGLEY APARTMENTS:** Request to rezone approximately 8.34 acres of real property generally located east of Higley Road and South of Inverness Avenue from Regional Commercial (RC) to Multi-Family - High (MF-H) zoning district with a Planned Area Development overlay zoning district (PAD), as shown on the map available for viewing in the Planning Services Division; to adopt a development plan for the site. The effect of the rezoning will be to establish a development plan for the multi-family development.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP21-08 , to change the land use classification of approx. 8.34 acres, generally located east of Higley Road and south of Inverness Ave from Regional Commercial to Residential >25-50 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 Z21-10 rezoning approx. 8.34 acres of real property generally located east of Higley Road and South of Inverness Avenue from Regional Commercial (RC) to Multi Family - High (MF-H) zoning district with a Planned Area Development overlay zoning district (PAD), subject to the following conditions.
  - a. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert’s written request may result in the reversion of the zoning of the Property to the prior zoning classification.
  - b. 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. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
  - c. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
  - d. 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.
  - e. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.

- f. The Developer shall re-stripe the southbound left turn lane at the intersection of Higley Road and Banner Gateway Drive to accommodate dual left turn lanes. The striping plan shall be submitted as part the Design Review application and Construction Drawings for review and approval.
- g. Developer shall complete any necessary signal improvements to the intersection of Higley Road and Banner Gateway Drive, as determined by the Town Traffic Engineer. The signal design shall be submitted as part of the Construction Drawings for review and approval following the signal template format.
- h. The southeast and northwest approaches for the internal intersection on Banner Gateway Drive, east of Higley shall have no stop sign or yield sign. The other two approaches at this intersection will require yield or stop signs.
- i. Developers shall be responsible for construction of off-site improvements to Banner Gateway Drive and Higley Road adjacent to the Property, including extending the southbound left turn lane to 250 feet of storage. Improvements shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier.
- j. The following fair disclosure agreement and covenant, which would include the following disclosure, shall be recorded as a condition of development approval.

“This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes.”

- k. Any final subdivision plats and public reports filed with the Arizona Department of Real Estate shall include the notice described in condition “j.”
- l. Sales and leasing offices established for residential development projects shall provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice shall consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales or leasing office at each project. The sign shall be installed prior to commencement of sales or leases and shall not be removed until the sales office is permanently closed or leasing office no longer leases units in the project. The sign should state the disclosure in condition “j” with letters of at least one (1) inch in height.

Principal Planner Ashlee MacDonald noted that this has no direct street front, making it unique. There is regional commercial zoning surrounding the area. It is important to note that this is near the Banner Gateway Hospital, which has an expansion under construction. This site will need a zoning change from commercial to residential.

This PAD is unique because there are no deviations. Initially, staff was not supportive of changing the zoning with this site. However, after reviewing the unique restrictions and attributes of the site, it became apparent that residential would be more suited. The development complies with Policy Four, to promote mixed-use development; Policy Five, regarding greater diversity and density; and Policy 19, to support infill development.

The development proposes 261 units in three separate residential buildings with a central amenity area. A neighborhood meeting was held on May 10, 2021, and no residents attended this meeting.

### **APPLICANT PRESENTATION**

Adam Baugh noted that there are special considerations for the site. For example, it has an odd shape with limited street frontage. Access to the site is limited. These factors limit the appeal for commercial development. This site became the bank's property as it had gone into receivership and the bank sold off the parcels as is. It was initially intended for medical buildings to be built to support Banner Gateway Hospital. However, no restrictions forbid this. A convention center was considered. Considering the current landscape with limited gatherings, it is favorable that this development did not occur. Residential developments would support Banner Gateway Hospital, which is expanding and is a major employer in the area.

### **COMMISSION QUESTIONS/COMMENTS**

Commissioner Fay asked about the southern access point. Adam Baugh clarified that there is full access from Baseline, which will allow access to the hotel and other development. The central access point is private property with an easement.

Commissioner Bianchi asked about overflow parking because it is a gated community with limited access. Adam Baugh explained that there would be guest parking outside of the gates. This is included in the 420 parking spots.

Commissioner Jones noted his support for this infill project and asked about the pedestrian connection to Higley Road. Adam Baugh explained that there are various pedestrian connections and sidewalks within the development. Once the hotel construction is done, there will be another connecting point via that development.

**MOTION:** On a motion made by Vice Chair Mundt and seconded by Commissioner Fay, it was moved to approve CP21-08 Higley Apartments with amendments as per the staff presentation. Seconded by Commissioner Fay. **Motion passed 7-0.**

**MOTION:** On a motion made by Vice Chair Mundt and seconded by Commissioner Fay, it was moved to approve Z21-10 Higley Apartments with amendments as per the staff presentation. Seconded by Commissioner Blaser. **Motion passed 7-0.**



12. DR21-137 DUTCH BROS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 0.89 acres, generally located at the southeast corner of Higley Rd. and Inverness Ave., and zoned Regional Commercial (RC).

#### STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the January 5, 2022 public hearing.
- b. 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.
- c. Prior to approval of any construction permits, the applicant shall enter into a development reimbursement agreement with the Town of Gilbert to reimburse the cost of installation of a right turn deceleration lane for future installation should it be determined that the deceleration lane is warranted. Beginning after issuance of the Certificate of Occupancy, the applicant shall conduct quarterly traffic counts over a one-year period, to be submitted to the Town Traffic Engineer for evaluation to determine if the deceleration lane is warranted.

Planner Samantha Novotny noted that this lot is currently vacant. She highlighted that there are no concerns from staff and they believe the project is ready to move forward. This project is in conjunction with a hotel in the area. There are two access points. There is a drive-thru being proposed. Various design factors for safety are in place. The hotel landscaping has improved the current site. The building will be one story and the design considers the hotel aesthetic while staying within the Dutch Bros aesthetics. There will be a freestanding canopy over the drive-thru lane. This will complement the main building.

#### **COMMISSION QUESTIONS/COMMENTS**

Commissioner Jones asked about the shade canopy as it appears that it is not a permanent material. Samantha Novotny explained that this was a compromise between function, aesthetics and design. The columns are steel.

Commissioner Fey suggested that the zoning code's minimum queuing requirements should be looked into to ensure that future users with a similar business model provide for adequate drive-thru lanes design. Commissioner Fey suggested if queued cars in the drive-thru lanes overflows into the Inverness Avenue access point, this should be added as an additional trigger for the decel lane in the Development Agreement. Samantha Novotny made note that it would be brought to staff's attention when writing the details of the Development Agreement.

Commissioner Johns asked to clarify the south setback. Samantha Novotny noted that the site is part of a master site plan and has a zero-foot setback internal to the master site plan.

Commissioner Bianchi asked for more information regarding the 24-hour opening. It was noted that the drive-thru will be open for regular business hours and the building will remain open 24 hours for deliveries. Commissioner Bianchi also noted it was appreciated that the lights of the cars in the drive-thru lanes were directed away from the hotel. **MOTION:** On a motion made by Vice Chair Mundt and seconded by Commissioner Blaser, it was moved to approve DR21-137 Dutch Bros. **Motion passed 7-0.**

13. **Z20-02 - HERITAGE NORTH: Request to amend Ordinance No. 1202 pertaining to the La Vida Serena Planned Area Development overlay zoning district (PAD) by removing from the La Vida Serena PAD approximately 12.17 acres consisting of 12.17 acres of Heritage Village Center (HVC) with a PAD, generally located at the southwest corner of Gilbert Road and Juniper Avenue; approving the Development Plan for the Heritage North PAD; and changing the zoning classification of said real property from 12.17 acres of Heritage Village Center (HVC) zoning district to 12.17 acres of Heritage Village Center (HVC) with a PAD.**

STAFF RECOMMENDATION

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 Z20-02 amending Ordinance No. 1202 pertaining to the La Vida Serena Planned Area Development overlay zoning district (PAD) by removing from the La Vida Serena PAD approximately 11.97 acres of Heritage Village Center (HVC) with a PAD, generally located at the southwest corner of Gilbert Road and Juniper Avenue; approving the Development Plan for the Heritage North PAD; and changing the zoning classification of said real property from 11.97 acres of Heritage Village Center (HVC) zoning district to 11.97 acres of Heritage Village Center (HVC) with a PAD subject to the following conditions.

- a. Construction of off-site improvements to Gilbert Road, Juniper Avenue, Ash Street and the Western Powerline Trail adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier.
- b. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- c. 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 including without limitation the Paseo and the Commons open space. Maintenance responsibilities for common areas and open space areas may be specified on the approved site plan or final plat.
- d. 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. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- e. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.

- f. 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, except as modified by the following:

Maximum Building Heights

	Building Heights	Max Area
Building 1 Roof Ridge Height Amenity Deck Amenity Roof	54’-8” 70’ 63’-2” 78’-10”	11% of total building footprint 5% of total building footprint
Building 2 (Mechanical Screen)	60’-0” (71’-8”)	N/A
Building 7 (Mechanical Screen)	71’-0” (79’-0”)	N/A
Building 8 (Elevator)	45’-0” (57’-6”)	

Minimum Building Heights

	Building Heights
Building 3	30’/1 story
Building 4	22’/1 story
Building 5 and 6	20’/1 story
Building 9	22’/1 story

Building Transparency (%)

	North	South	East	West
Building 1	50	50	50	50

Building 2	50	50	50	25
Building 3	75	75	75	75
Building 4	50	50	75	0
Building 5	75	75	25	75
Building 6	75	75	75	25
Building 7	75	75	75	75
Building 8	50	50	50	50
Building 9	25	25	25	25

\*transparency will be an average of all openings along building frontage

\*\*specialty storefront allowance: less than 50% transparency shall not exceed more than 25% of building frontage and shall be no greater than 50' in width on all commercial buildings.

Setbacks

Minimum Building Setbacks	
Side (Residential)	3'
Rear (Residential)	0'

- g. The maximum number of dwelling units shall be limited to 288.
- h. The applicant shall be responsible for relocation of the driveway on the east side of Gilbert Road to allow for driveway alignment with the subject site's southernmost access along Gilbert Road. Should the applicant be unable to enter into an agreement with the property owner, a full median will be required restricting access to right-in, right-out only at this location.
- i. A Multi-Use Easement (Paseo) shall be required as shown on the Development Plan with a minimum width of 24 feet and minimum pathway width of 20'. Paseo Design details are to be finalized as part of a Design Review application.
- j. The Multi-Use Easement (Paseo) shall be dedicated for public use. Lot owners or the POA shall be responsible for the maintenance of this easement.

- k. Detailed commercial guidelines shall be developed and shall be reviewed and approved through the Design Review Board prior to submitting to the Town a construction drawing permit application for any commercial use. The commercial design guidelines shall identify architectural themes, designs, features, colors and materials to be used with the tenant development zones.
- l. In addition to Developer's obligation to construct and install Heritage District signature signage within the northeast corner of the Project as provided in the Development and Disposition Agreement by and between Developer and Gilbert dated May 16, 2019, as amended, the applicant shall submit as part of the Design Review package, pedestrian scale arrival signage for the Heritage District. Said signage shall be located at the northeast hard corner of the site or within the Gilbert Road median at the north end of the site.
- m. Juniper Avenue shall be re-stripped to accommodate shared bike lanes and a Two-Way Left-Turn (TWLT) from west of Ash Street as necessary to Gilbert Road following the Manual of Uniform Traffic Control Devices (MUTCD) standards and guidelines. The striping plan shall be submitted as part the Design Review application and Construction Drawings for review and approval.
- n. Any signal improvements to the intersection of Gilbert Road and Juniper Avenue, as determined by the Town Traffic Engineer, shall be responsibility of the applicant. The signal design shall be submitted as part of the Construction Drawings for review and approval following the signal template format.
- o. The Project shall maintain a self-contained parking supply, and Developer and its successors and assigns (including any future owner, tenant or occupant of all or any portion of the Project) shall not be permitted to charge, impose or collect any fee, toll, or cost for the use of any parking spaces on the Property. In order to memorialize the perpetual nature of the foregoing obligation, Developer shall within thirty (30) days after the date of adoption of this Ordinance record a covenant running with the Property binding Developer and its successors and assigns to such obligation, in a form and substance satisfactory to Gilbert. Such obligation shall inure to the benefit of Gilbert, its successors and assigns, and may be enforced by injunction, specific performance, or other remedies available in equity or at law. Failure to record such covenant running with the Property within said thirty (30) day period may result in the reversion of the zoning of the Property to the prior zoning classification.
- p. At the discretion of the Town of Gilbert, refuse collection may be limited to a specific time window to alleviate any traffic impacts.
- q. Heritage District Roof Sign for Heritage North shall not be permitted within the Project other than rooftop signage displaying "Heritage District" or similar language approved in writing by Gilbert. In order to memorialize the perpetual nature of the foregoing obligation, Developer shall within thirty (30) days after the date of adoption of this Ordinance record a covenant running with the Property binding Developer and its successors and assigns to such obligation, in a form and substance satisfactory to Gilbert. Such obligation shall inure to the benefit of Gilbert, its successors and assigns,

and may be enforced by injunction, specific performance, or other remedies available in equity or at law. Failure to record such covenant running with the Property within said thirty (30) day period may result in the reversion of the zoning of the Property to the prior zoning classification.

- r. Commons Park and splash pad is to remain a public amenity and available to the general public for use
- s. Public restrooms shall be made available within proximity to the Commons Park.

Principal Planner Ashlee MacDonald noted that the Town owns the property but intends to sell it to the developer. The Town has been working with the applicant on this project for two years. Because it is in the heritage area, there are significant considerations with development. There are deviation requests within the application. There are nine buildings on the site, which comprises residential, retail, office, etc. The PAD request is to decrease the minimum and maximum height requirements, setbacks, etc.

Heritage buildings allow a maximum of four stories and a minimum of two stories; both restrictions are being requested for deviation. The applicant is asking for an exception for window coverage for some of the buildings. Street names will be changed. Within the application, 1500 parking spots are required. Within the plan, 1,305 are provided. This is 14% below the requirements. It is believed that this is sufficient parking for the area based on traffic studies.

#### **QUESTIONS/COMMENTS FROM THE COMMISSION**

Commissioner Jones noted concern regarding the parking metrics. It was explained that parking is not gated to ensure that it is always accessible to everyone using the area. There was discussion regarding parking and the Town's plan for parking downtown. Ashlee MacDonald noted that this was discussed in other commissions and another downtown parking lot is being planned. Amanda Elliot noted that with the removal of this site, there is still a surplus of approximately 400 parking spots. There was extensive parking conversations with the applicant.

#### **APPLICANT PRESENTATION**

Charles Huellmantel, the applicant, noted that the entire project should be evaluated rather than the pieces. The elevations work within the larger context. The layout has taken into consideration festivals and public gatherings.

Commissioner Jones asked if minimums could be met. Charles Huellmantel noted that meeting minimums would negatively impact square footage and unique design features if all accommodations have been met. There was a discussion regarding the timeline. The intent is to move forward quickly. However, this was the intent before COVID-19 and there are additional considerations at this point. Materials and labor are hard to acquire. It was added that this is an urban hotel that will have a valet drop-off. There was also a discussion regarding how this development would impact the heritage element.

**MOTION:** On a motion made by Vice Chair Mundt, it was moved to approve Z20-02 Heritage North. Seconded by Commissioner Fay. **Motion passed 6-1 with Commissioner Jones casting the opposing vote.**

**PUBLIC 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. The Commission/Board may or may not accept public comment.

**14. PLANNING COMMISSION MINUTES** – Consider approval of the minutes of the Study Session and Regular Meeting of December 1, 2021.

**MOTION**

Vice Chair Mundt moved to approve the meeting minutes from the December 1, 2021 meeting seconded by Commissioner Jones. **Motion passed 7-0.**

**ADJOURNMENT**

Chair Simon adjourned the meeting at 7:54 p.m.

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Jän Simon, Chairman

ATTEST:

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Tracey Asher