

12,13

Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: JOSH ROGERS, PLANNER II \mathcal{T}

(480)503-6589, JOSH.ROGERS@GILBERTAZ.GOV

THROUGH: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER

(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

MEETING DATE: FEBRUARY 2, 2022

SUBJECT: A. GP21-06 HOPEWELL INDUSTRIES: REQUEST FOR MINOR

GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 12.81 ACRES GENERALLY LOCATED SOUTH OF THE SOUTHWEST CORNER OF SWAN DR. AND WARNER RD. FROM GENERAL OFFICE TO INDUSTRIAL.

B. Z21-08 HOPEWELL INDUSTRIES: REQUEST TO REZONE APPROXIMATELY 12.81 ACRES GENERALLY SOUTH OF THE SOUTHWEST CORNER OF SWAN DR. AND WARNER RD. FROM

GENERAL OFFICE (GO) TO LIGHT INDUSTRIAL (LI).

STRATEGIC INITIATIVE: Prosperous Community

Permit a new industrial commerce park on undeveloped land.

RECOMMENDED MOTION

A. Move to recommend to Town Council approval of GP21-06 Hopewell Industries: Request for Minor General Plan Amendment to change the land use classification of approximately 12.81 acres generally located south of the southwest corner of Swan Dr. and Warner Rd. from General Office to Industrial land use classification; and

B. For the reasons set forth in the staff report, move to recommend approval of Z21-08 Hopewell Industries: Request to rezone approximately 12.81 acres generally south of the southwest corner of Swan Dr. and Warner Rd. from General Office (GO) to Light Industrial (LI), subject to the conditions listed in the staff report.

<u>APPLICANT</u> <u>OWNER</u>

Company: Withey Morris, PLC Company: PAS Investment Group, LLC

Name: William F. Allison Name: Paul Sieczkowski Address: 2525 E. Arizona Biltmore Cir. Address: 1101 E. Warner Rd.

Phoenix, AZ 85016 Tempe, AZ 85284

Phone: 602-346-4615 Phone: 602-410-0232

Email: bill@witheymorris.com Email: paul.sieczkowski@colliers.com

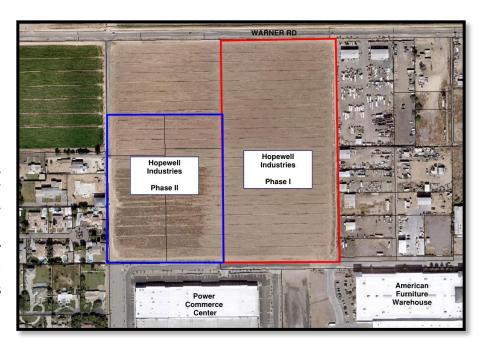
BACKGROUND/DISCUSSION

Date	Description		
September 26, 2006	Town Council annexed 20 acres at Warner Road and 181s		
	Street Alignment under Ordinance No. 1823.		
December 5, 2006	Town Council adopted Ordinance No. 1874 rezoning 20 acres of property from Maricopa County Rural – 43 to Town of Gilbert Light Industrial with a Planned Area Development Overlay.		
October 30, 2014	own Council adopted Resolution No. 1409 and Ordinance No. 507, changing the land use and zoning from Light Industrial to beneral Office to allow a senior care facility.		

Located approximately a quarter-mile west of Power Road (just west of Swan Drive) on the south side of Warner Road, the applicant is requesting a minor General Plan amendment from General Office to Industrial and to rezone approximately 12.8 acres from General Office (GO) to the Town of Gilbert Light Industrial (LI) zoning district.

When the subject site was initially annexed into the Town in 2006, it was zoned Light Industrial to fulfill the Town's vision for an industrial and commercial corridor within the Power Road Growth Area that could easily take advantage of its close proximity to Phoenix-Mesa Gateway Airport. However, after nearly a decade of remaining vacant, the property owner requested a rezone to General Office to accommodate a senior care facility, as the appetite for industrial in this area didn't come to fruition as quickly as was hoped. Unfortunately, the economic uncertainty caused by the Great Recession put a damper on those plans as well.

The current applicant is seeking to revert the land use and zoning designation on the subject site back to Light Industrial to complement the small commerce park (Phase I) approved by Town Council and the Design Review Board earlier this year located on the parcel directly east of this site (Phase II).



Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	General Office	General Office (GO)	Vacant then Warner Road
South	Industrial	Light Industrial (LI) PAD	Gilbert Gateway Commerce Center
East	Industrial	Light Industrial (LI)	Hopewell Industries Phase I
West	Residential >1-2 DU/Acre	Town of Gilbert SF-15 / Maricopa County RU- 43	Residential Community
Site	General Office	General Office (GO)	Vacant

General Plan

The applicant is requesting to revert the land use classification of the site from General Office back to Industrial as what was originally envisioned for this area when annexed in 2006. The subject site is located within the Power Road Growth Area which focuses on using the proximity to the Phoenix-Mesa Gateway Airport and quick access to the Santan Freeway as a catalyst for development of industrial, business park, and commercial shopping centers.

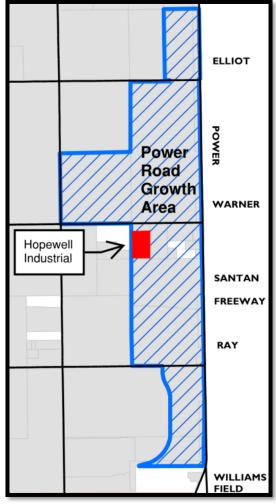
The applicant believes that this development in the Power Road Corridor will allow new or relocated small to medium scaled businesses a prime location for distribution of goods and services to the area and region. In addition, the proposed land use reversion is supported by the following goals and policies of the 2020 General Plan:

- Goal CM-2: Focus on Quality Development
- Goal Opportunity Goal -1: Encourage Job Growth
- Goal Opportunity Goal-45 Expand and maintain areas for manufacturing and distribution of products, services, and ideas

Staff concludes the proposal is in conformance with the overall land use vision for the Town, the goals of the Power Road Growth Area, and is supported by the goals, policies, and objectives of our residents through the 2020 General Plan.

Rezoning

The applicant is requesting a conventional rezone from General Office (GO) to Light Industrial (LI). The proposed Light Industrial zoning district is consistent with the growing industrial base in this area, with similar developments recently constructed directly south and currently about to be constructed on the parcel directly east of the site.



As a part of this zoning request, the applicant will be dedicating land for the creation of Swan Drive to the east as well as the minor dedication for connecting the Nunnelly Road right-of-way to Swan Dr. In addition, the applicant is in the process of completing a development agreement with the Town for additional contributions to the proposed traffic signal at the Swan Dr. and Warner Rd. intersection.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

A neighborhood meeting was held virtually on June 21, 2021. No residents attended the meeting.

To date, no comments from the public have been received.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

- The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
- 2. All required public notice has been conducted in accordance with applicable state and local laws.
- 3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
- 4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP21-06 HOPEWELL INDUSTRIES: Request for Minor General Plan Amendment to change the land use classification of approximately 12.81 acres generally located south of the southwest corner of Swan Dr. and Warner Rd. from General Office to Industrial 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 Z21-08 HOPEWELL INDUSTRIES: Request to rezone approximately 12.81 acres generally south of the southwest corner of Swan Dr. and Warner Rd. from General Office (GO) to Light Industrial (LI), subject to the following conditions.
 - a. Dedication to Gilbert for Swan Drive right-of-way adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Swan Drive shall extend 40 feet from the property line.
 - b. Dedication to Gilbert for Nunnelley Road roadway easement that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of the Nunnelley Road roadway easement shall extend 25 feet from the property line or as needed for site access, as approved by the Town Engineer.
 - d. Construction of off-site improvements to Swan Drive and Nunnelley Road adjacent to the Property 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.
 - e. Developer shall submit a Traffic Study for review and approval by the Town within 30 days of the effective date of this Ordinance.
 - f. Developer shall enter into a Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert 25% of the estimated costs of design and construction of a future traffic signal at Warner and Swan, including any off-site improvements that are identified in the Town-approved Traffic

Study (see Condition 2.e., above). Payment for these improvements shall be made by the Developer prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property.

- g. 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.
- h. 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.
- i. 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.
- j. 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.

Respectfully submitted,

Joshua Rogers

Josh Rogers Planner II

Attachments and Enclosures:

- 1) Notice of Public Hearing/Vicinity Map
- 2) Aerial Photo
- 3) Land Use Exhibit
- 4) Zoning Exhibit
- 5) Legal Description
- 6) Applicant's Narrative

GP21-06 and Z21-08 Hopewell Notice of Attachment 1 -Notice of Public Hearing/Vicinity Map

PLANNING COMMISSION DATE:

Wednesday, February 2, 2022* TIME: 6:00 PM

LOCATION: Gilbert Police Department - Amphitheater

75 E Civic Center Dr., Gilbert, AZ 85296

TOWN COUNCIL DATE:

Tuesday, February 8, 2022* TIME: 6:30 PM

LOCATION: Public Safety Training Facility

6860 S Power Rd., Gilbert, AZ 85297

*Call Planning Division to verify date and time: (480) 503-6589

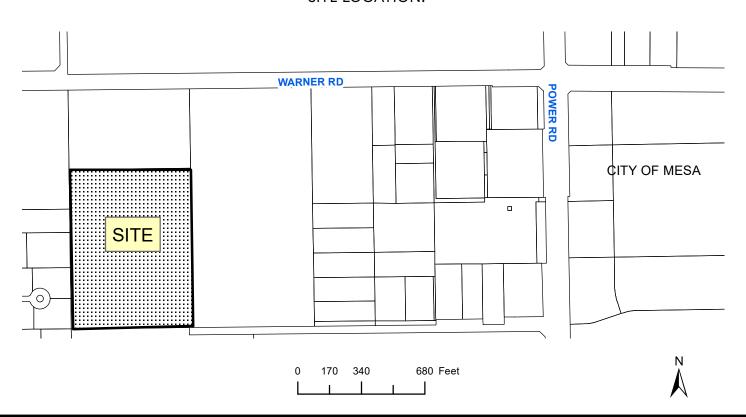
The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports are available prior to the meeting at www.gilbertaz.gov/departments/development-services/planning/planning-commission and www.gilbertagendaonline

REQUESTED ACTION:

GP21-06 Hopewell Industries: Request for Minor General Plan Amendment to change the land use classification of approx. 12.81 acres generally located south of the southwest corner of Swan Dr. and Warner Rd. from General Office to Industrial. The effect of this amendment will be to change the plan of development to allow for a new industrial commerce park.

Z21-08 Hopewell Industries: Request to rezone approx. 12.81 acres generally south of the southwest corner of Swan Dr. and Warner Rd. from General Office (GO) to Light Industrial (LI). The effect will be to allow for a new industrial commerce park.

SITE LOCATION:



APPLICANT: Withey Morris, PLC CONTACT: William F. Allison

ADDRESS: 2525 E Arizona Biltmore Cir., A-212

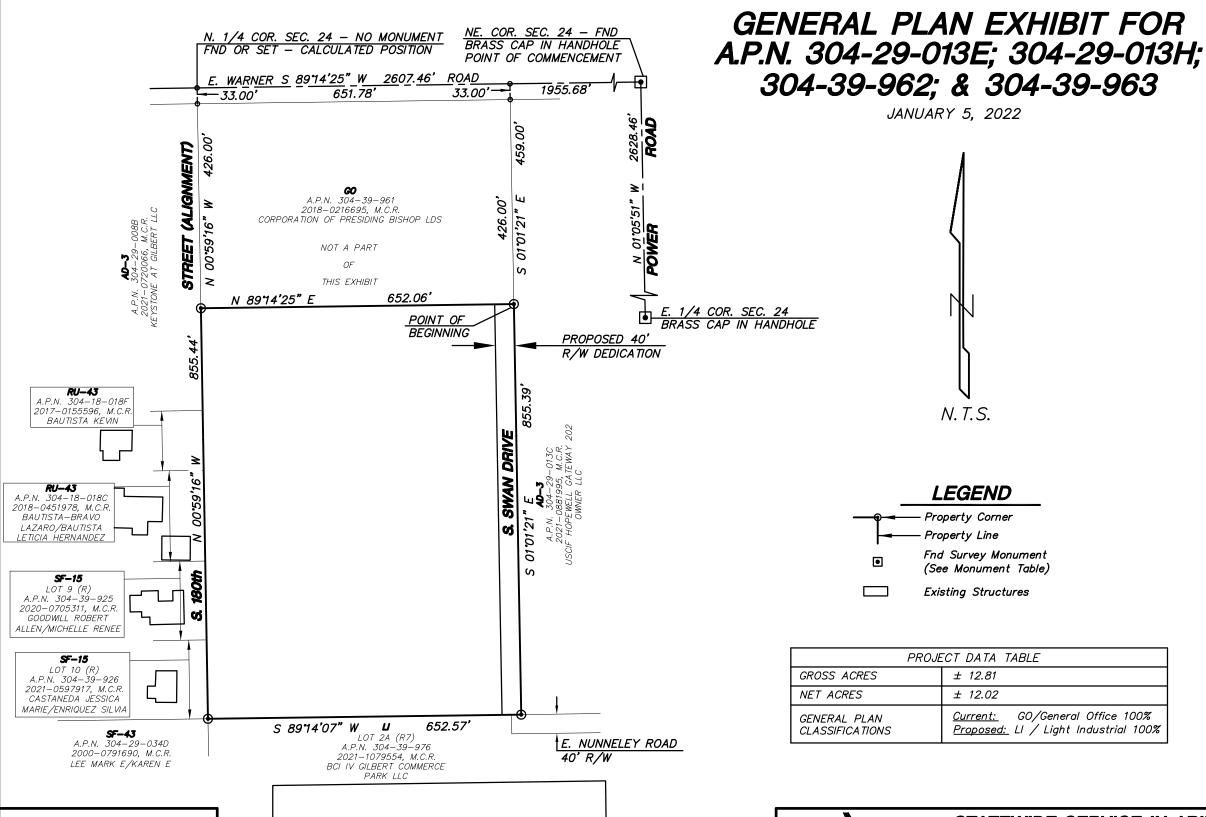
Phoenix, AZ 85016

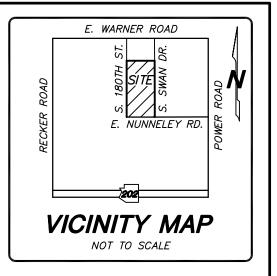
TELEPHONE: 602-346-4615 E-MAIL: bill@witheymorris.com

GP21-06 and Z21-08 Hopewell Attachment 2 - Aerial Photo



NEC 180th Street and Nunneley Rd, Gilbert





SITE INFORMATION

<u>A.P.N.:</u> 304–29–013E; 304–29–013H; 304–39–962; & 304–39–963

LAND AREA: 12.810 ACRES - 557,995 SQ. FT.

UTILITY NOTE

The utility information shown is limited to visible above ground evidence and/or records provided by the respective utility companies. This survey may not depict all of the underground utilities either in service or abandoned that may exist adjacent to or within the boundaries of the subject property. No representation is made to the accuracy or completeness of any third party maps, records or information used to depict the underground utilities. An underground utility locator was not contacted and should be retained prior to excavation or construction to determine the precise location of all utilities that may exist adjacent to or within the boundaries of the subject property. The certification on this survey does not guarantee or provide any warranty to the exact location or presence of any underground utilities that may actually exist adjacent to or within the boundaries of the subject property. Prior to any excavation please call an underground utility locator or "BLUE STAKE" at (602)263-1100 for the precise location and extent of all utilities in



STATEWIDE SERVICE IN ARIZONA www.alliancelandsurveying.com

7900 N. 70th AVENUE TEL (623) 972-2200 SUITE 104 FAX (623) 972-1616 GLENDALE. AZ 85303



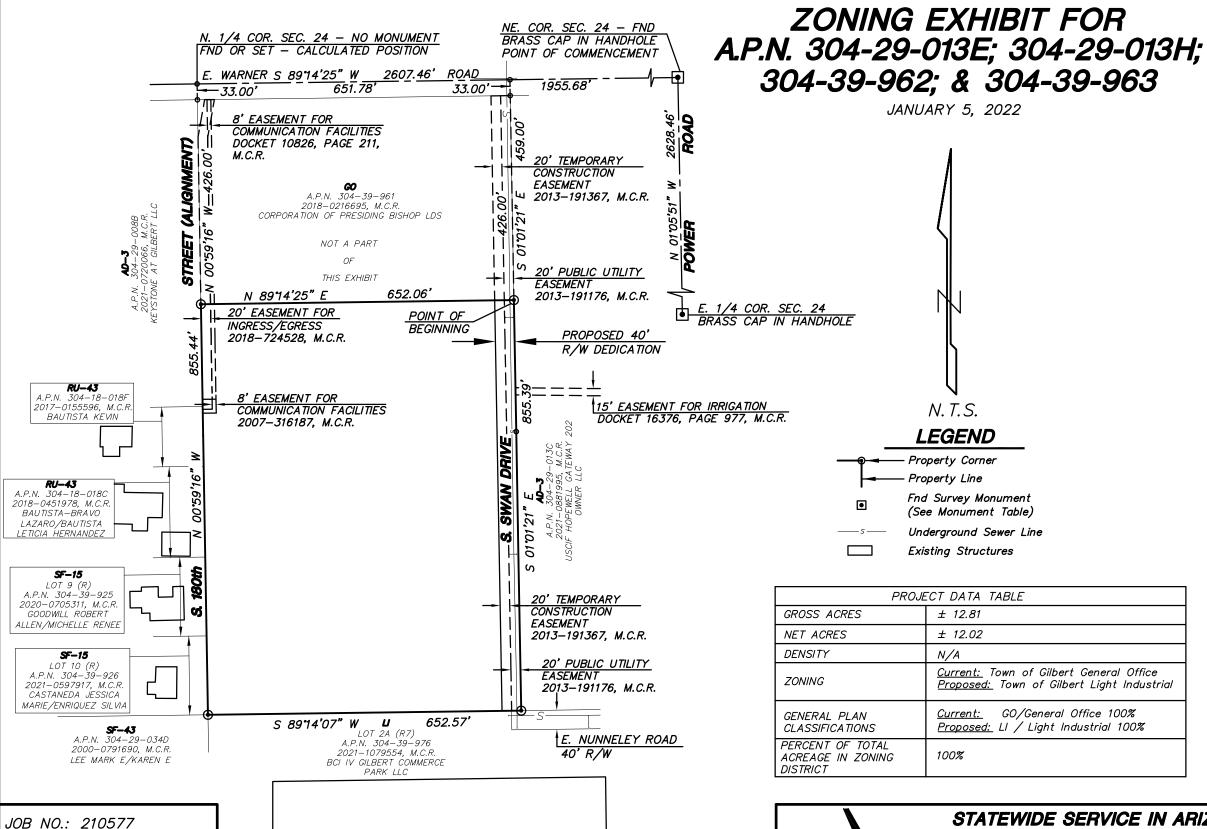
SHEET 1 OF 1

SECTION: 24

JOB NO.: 210577

TOWNSHIP: 1 SOUTH RANGE: 6 EAST

DATE: JANUARY 5, 2022

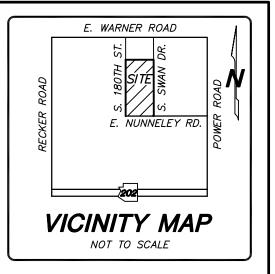


SECTION: 24

SHEET 1 OF 1

TOWNSHIP: 1 SOUTH RANGE: 6 EAST

DATE: JANUARY 5, 2022



SITE INFORMATION

<u>A.P.N.:</u> 304-29-013E; 304-29-013H; 304-39-963

LAND AREA: 12.810 ACRES - 557,995 SQ. FT.

UTILITY NOTE

The utility information shown is limited to visible above ground evidence and/or records provided by the respective utility companies. This survey may not depict all of the underground utilities either in service or abandoned that may exist adjacent to or within the boundaries of the subject property. No representation is made to the accuracy or completeness of any third party maps, records or information used to depict the underground utilities. An underground utility locator was not contacted and should be retained prior to excavation or construction to determine the precise location of all utilities that may exist adjacent to or within the boundaries of the subject property. The certification on this survey does not guarantee or provide any warranty to the exact location or presence of any underground utilities that may actually exist adjacent to or within the boundaries of the subject property. Prior to any excavation please call an underground utility locator or "BLUE STAKE" at (602)263-1100 for the precise location and extent of all utilities in



STATEWIDE SERVICE IN ARIZONA www.alliancelandsurveying.com

7900 N. 70th AVENUE TEL (623) 972-2200 SUITE 104 FAX (623) 972-1616 GLENDALE. AZ 85303



PARCEL DESCRIPTION FOR A.P.N. 304-29-013E; 304-29-013H; 304-39-962; & 304-39-963

A portion of the West half of the Northwest quarter of the Northeast quarter of Section 24, Township 1 South, Range 6 East of the Gila and Salt River Base and Meridian, being more particularly described as follows;

COMMENCING at the Northeast corner of said Section 24, monumented with a brass cap in handhole which bears, North 01 degrees 05 minutes 51 seconds West 2628.46 feet from the East quarter corner of said Section 24, monumented with a brass cap in handhole:

Thence along the North line of the Northeast quarter of said Section 24, South 89 degrees 14 minutes 25 seconds West 1955.68 feet to the Northeast corner of the West half of the Northwest quarter of the Northeast quarter of said Section 24;

Thence along the East line of the West half of the Northwest guarter of the Northeast quarter of said Section 24, South 01 degrees 01 minutes 21 seconds East 459.00 feet to a point on a line 459.00 feet South of and parallel with said North line, said point being the POINT OF BEGINNING;

Thence continuing South 01 degrees 01 minutes 21 seconds East 855.39 feet to the Southeast corner of the West half of the Northwest quarter of the Northeast quarter of said Section 24:

Thence along the South line of the West half of the Northwest quarter of the Northeast quarter of said Section 24, South 89 degrees 14 minutes 07 seconds West 652.57 feet to the Southwest corner of the West half of the Northwest quarter of the Northeast quarter of said Section 24;

Thence along the West line of the West half of the Northwest guarter of the Northeast quarter of said Section 24, North 00 degrees 59 minutes 16 seconds West 855.44 feet to a point on a line 459.00 feet South of and parallel with the North line of the West half of the Northwest quarter of the Northeast quarter of said Section 24;

Thence along said parallel line, North 89 degrees 14 minutes 25 seconds East 652.06 feet to the POINT OF BEGINNING

Comprising 12.810 acres or 557,995 square feet, subject to all easements of record.



JOB NO.: 210577 SECTION: 24 TOWNSHIP: 1 SOUTH RANGE: 6 EAST

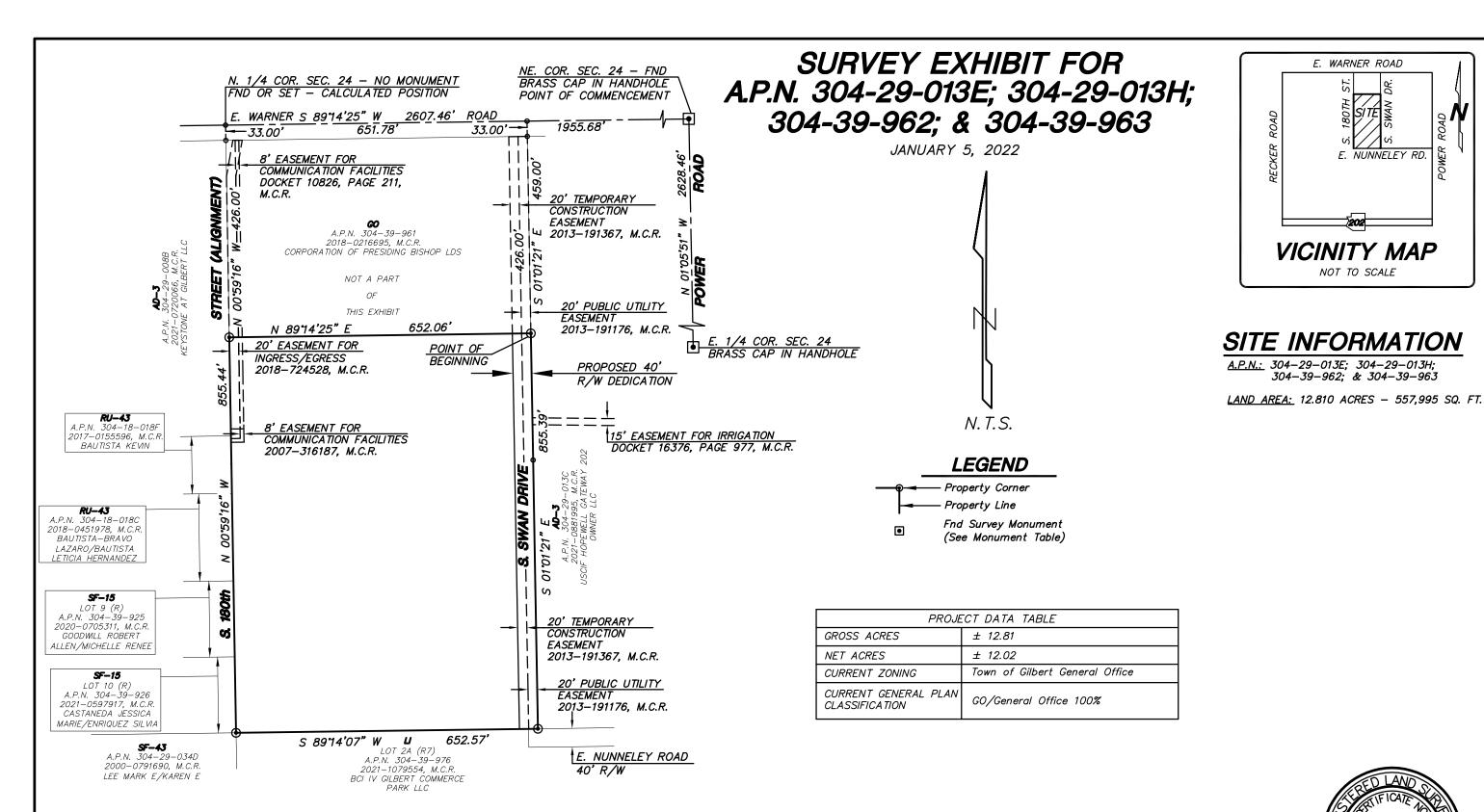
DATE: JANUARY 5, 2022

SHEET 1 OF 1



STATEWIDE SERVICE IN ARIZONA www.alliancelandsurveying.com

7900 N. 70th AVENUE TEL (623) 972-2200 SUITE 104 FAX (623) 972-1616



STATEWIDE SERVICE IN ARIZONA www.alliancelandsurveying.com 7900 N. 70th AVENUE TEL (623) 972-2200 SUITE 104

LAND SURVEYING, LLC

GLENDALE. AZ 85303

FAX (623) 972-1616



E. WARNER ROAD

VICINITY MAP

NOT TO SCALE

304-39-962; & 304-39-963

E. NUNNELEY RD.

JOB NO.: 210577 SECTION: 24

TOWNSHIP: 1 SOUTH RANGE: 6 EAST

DATE: JANUARY 5, 2022

SHEET 1 OF 1



GP21-06 & Z21-08 Hopewell Attachment 6 Applicant's Narrative

PHONE: 602-230-0600

fax: 602-212-1787

2525 E. Arizona Biltmore Circle, Suite A-212, Phoenix, AZ 85016

REZONE AND MINOR GPA SUBMITTAL +/- 13 GROSS ACRE SITE NEC 180TH STREET AND NUNNELLEY ROAD

PROJECT NARRATIVE

A. <u>Request</u>

This application includes a rezoning and minor General Plan Amendment to change the land use classification for approximately 13 gross acres located at the northeast corner of 180th Street and Nunnelley Road, Gilbert, from GO/General Office to LI/Light Industrial and to rezone the site from GO/General Office to LI/Light Industrial. The parcels included are known as Maricopa County APNs 304-39-962 and 963 and 304-29-013E and 013H (collectively references as the "Property").

B. PROJECT LOCATION

As noted above, the Property is at the northeast corner of 180th Street and Nunnelley Road in Gilbert, Arizona. The site is vacant and has been used for agricultural purposes historically. The parcels to the west across 180th Street are a combination of some vacant land, some large lot residential in unincorporated Maricopa County, and SF-15 residential development within Gilbert; the contiguous parcels to the east were annexed into Gilbert and rezoned in June 2021 to LI/Light Industrial for development of a small commerce park; the land to the south, across Nunnelley Road is zoned LI/Light Industrial within Gilbert and is under development for light industrial use.

C. SITE ENTITLEMENT HISTORY

This project team is aware of no entitlement history for the Property.

D. DESCRIPTION OF PROPOSED PROJECT

Hopewell Development proposes to construct two pairs of commerce park/light industrial buildings with each pair centered on a shared truck court. The buildings will be between 78,720 and 124,800 square feet with a total building area on site of approximately 203, 520 square feet. Landscape buffers/setbacks will be provided along both street frontages – 180th Street and Nunnelley Road – per Gilbert requirements. The buildings will be designed with varying depths and will be able to accommodate multiple tenants, likely small to medium-sized distribution companies with ancillary offices, showroom retail users or similar facilities.

E. GENERAL PLAN COMPLIANCE

The goals, policies and objectives of the Plan for Our Future 2020 Gilbert General Plan support these applications and the proposed development. With the proximity of the site to the Power Road Corridor and the Santan Freeway within the Power Road Growth Area, it is well situated for the proposed General Plan classification, zoning and anticipated uses. The following are relevant provisions excerpted from the General Plan:

COMMUNITY GOALS

Goal CM-1: Encourage a Balanced Land Use Framework

Goal CM-2: Focus on Quality Development

Policy 1: Ensure the Town maintains a land use framework that supports a highly livable community through the efficient use of land and resources.

Policy 12: Encourage substantial drought tolerant landscaping in public and private projects to maintain a heavily landscaped feel to the community while reducing the consumption of water.

The proposed development promotes an appropriate land use framework with placement of new commerce park uses compatible with the surrounding General Plan land uses and zoning, which, as noted above, are a variety of industrial and residential classifications. The design of the project will incorporate drought tolerant plantings in a lush pattern to support the desired appearance of Gilbert development with reduced water needs.

GROWTH AREAS FRAMEWORK

POWER ROAD: With quick transportation access to the Santan Freeway and the Power Road Corridor, the focus of the Growth Area is industrial and business park employment supported by commercial shopping centers.

The proposed development fits squarely within the General Plan's vision for the Power Road Growth Area in which the site is located. The project will bring new light industrial users and employment to the area with easy access to both the Santan Freeway and the Power Road Corridor.

OPPORTUNITY GOALS

Goal OP-1: Encourage Job Growth

Goal OP-2: Promote Health and Wellness

Goal OP-3: Maintain Public Safety

Goal OP-5: Protect our Natural Environment

Policy 1: Ensure the Town maintains a land use framework that supports a highly livable community through the efficient use of land and resources.

Policy 12: Encourage substantial drought tolerant landscaping in public and private projects to maintain a heavily landscaped feel to the community while reducing the consumption of water.

Policy 13: Apply principles that ensure a safe and welcoming environment when designing individual structures or master planned developments.

Policy 43: Support the development, growth and retention of small businesses.

Policy 45: Expand and maintain areas for manufacturing and distribution of products, services and ideas.

Policy 74: Conserve water and encourage its beneficial use.

Policy 76: Encourage the use of green building techniques in public and private development projects and establish Gilbert as a leader in green building.

The proposed development promotes an appropriate land use framework with placement new commerce park uses compatible with the surrounding General Plan land uses and zoning, which, as noted above, are a variety of industrial, office and residential classifications. The design of the project will incorporate drought tolerant plantings in a lush pattern to support the desired appearance of Gilbert development with reduced water needs. The design will also be safe and inviting for employees and customers and, as possible, explore the use of green building techniques or products. This development in the Power Road Corridor will allow new or relocated small to medium scaled businesses a prime location for distribution of goods and services to the area and region.