



Planning Commission Staff Report

TO: PLANNING COMMISSION / DESIGN REVIEW BOARD

FROM: KRISTEN DEVINE, PLANNER II *KD*
(480) 503-6742, KRISTEN.DEVINE@GILBERTAZ.GOV

THROUGH: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

MEETING DATE: APRIL 6, 2022

SUBJECT: Z21-13 GILBERT 13: REQUEST TO REZONE APPROX. 12.19 ACRES GENERALLY LOCATED NORTHWEST OF LINDSAY ROAD AND GALVESTON STREET FROM SINGLE FAMILY-43 (SF-43) TO SINGLE FAMILY-35 (SF-35). THE REZONE WILL ALLOW DEVELOPMENT OF 35,000 SQUARE FOOT LOTS AND ALLOW AN INCREASE IN RESIDENTIAL DENSITY.

STRATEGIC INITIATIVE: Exceptional Built Environment

To allow a rezoning of undeveloped land from SF-43 to SF-35.

RECOMMENDED MOTION

For the reasons set forth in this staff report, move to recommend approval to the Town Council for Z21-13 Gilbert 13, as requested, subject to conditions.

APPLICANT

Company: Upfront Planning
 Name: Jessica Sarkissian
 Address: 2733 N. Power Rd Unit: 102-482
 Mesa, AZ 85215

OWNER

Name: Mike Jarman
 Address: 1817 S. Horne Rd #7
 Mesa, AZ 85204

Phone:
 Email: jessica@upfrontplanning.com

Phone: 480-217-2388
 Email: mikejarman119@gmail.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>June 20, 2006</i>	Town Council approved A06-32 (Ord. No. 1769) annexing the subject site.
<i>April 20, 2021</i>	Town Council approved Z20-13 (Ord. No. 2796), rezoning approximately 2.3 acres directly south of the subject site from SF-43 to SF-35.

Overview

Located northwest of the northwest corner of Lindsay Rd. and Galveston St., the applicant has proposed a rezone from Single Family-43 (SF-43) to Single Family-35 (SF-35). The 12.19 acre site is currently undeveloped land and has been used for agricultural purposes. The applicant is proposing a future 13 lot subdivision on the site.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Residential >0-1 DU/acre	Single Family-43 (SF-43)	Residential homes
South	Residential >0-1 DU/acre	Single Family-43 (SF-43) and Single Family-35 (SF-35)	Residential homes
East	Residential >2-3.5 DU/acre	Single Family-15 (SF-15)	Lindsay Rd, then residential homes and vacant land
West	Residential >0-1 DU/acre	Single Family-43 (SF-43)	Residential homes
Site	Residential >0-1 DU/acre	Single Family-43 (SF-43)	Vacant land

Project Data Table

Site Development Regulations	Required per LDC SF-35
Minimum Lot Area (sf.)	35,000
Minimum Lot Dimensions (ft.)	
Width	140'
Depth	150'
Maximum Building Height (ft.)/Stories	35'/2 stories
Minimum Building Setbacks (ft.)	
Front	40'
Side	20'
Rear	40'
Maximum Lot-Coverage (%)	
One-Story	30%
Two-Story	30%

Rezoning

The applicant has requested a rezone from Single Family-43 (SF-43) to Single Family-35 (SF-35). The request is to increase residential density to allow a future 13 lot subdivision on the currently undeveloped 12.19 acre site. The applicant is not requesting a PAD and will conform to the SF-35 standards set forth by the LDC.

The rezoning conforms with the existing General Plan land use designation of Residential>0-1 DU/Acre.

PUBLIC NOTIFICATION AND INPUT

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 (LDC) Article 5.205.

A virtual neighborhood meeting was held on June 14, 2021. A few of the surrounding neighbors joined to ask questions and gather more information. Main concerns from the neighbors were the desire to only have single-story homes and for the setback on the western border of the property to continue to retain SF-43 standards. No opposition to the project was 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

1. 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.

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 Z21-13 rezoning approx. 12.19 acres of real property generally located northwest of the northwest corner of Lindsay Rd. and Galveston St. from Single Family-43 (SF-43) to Single Family-35 (SF-35) zoning district, subject to conditions.

- A. Dedication to Gilbert for Lindsay Road rights-of-way that are 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 Lindsay Road shall extend 65 feet from the monument line
- 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 Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.

Respectfully submitted,

Kristen Devine

Kristen Devine
Planner II

Attachments and Enclosures:

- 1) Notice of Public Hearing
- 2) Aerial Photo
- 3) Applicants Narrative (2 pages)
- 4) Zoning Exhibit
- 5) Legal Description

Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, April 6, 2022* TIME: 6:00 PM

LOCATION: Gilbert Police Department-Amphitheater
75 E Civic Center Dr.
Gilbert, AZ 85296

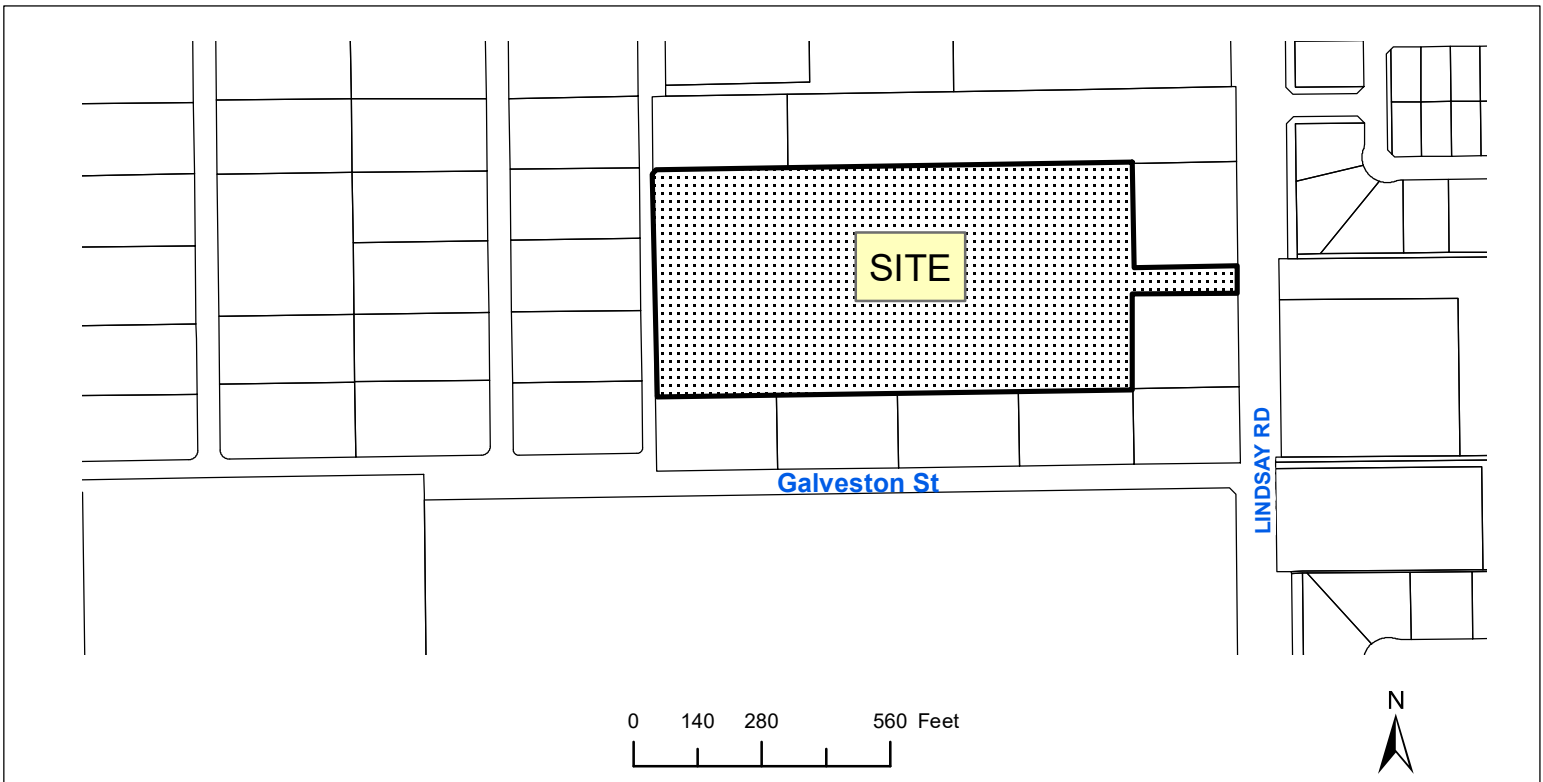
*Call Planning Division to verify date and time: (480) 503-6742

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

REQUESTED ACTION:

Z21-13 GILBERT 13: Request to rezone approx. 12.19 acres generally located northwest of Lindsay Road and Galveston Street from Single Family-43 (SF-43) to Single Family-35 (SF-35). The effect will be to allow development of 35,000 square foot lots and allow an increase in residential density.

SITE LOCATION:



APPLICANT: Upfront Planning & Entitlements, LLC
CONTACT: Jessica Sarkissian
ADDRESS: 2733 N Power Rd., Unit: # 102-482
Mesa, AZ 85215

TELEPHONE: (480) 221-6150
E-MAIL: jessica@upfrontplanning.com

Parcel Map





REZONE NARRATIVE FOR

GILBERT 13

Submitted to:

Town of Gilbert
Planning Division
90 E Civic Center Drive, Gilbert, AZ 85296
480-503-6700

Prepared for:

AM Properties & Investments
1817 S Horne #7
Gilbert, AZ 85295

Prepared by:

Upfront Planning & Entitlements, LLC
3514 N. Power Road, #115
Mesa, AZ 85215
480-221-6150

February 2022

I. INTRODUCTION

Gilbert 13 is a proposed 13-lot residential development located on 12.1891 gross acres located just west of Lindsay Road and north of Galveston Road in Gilbert, Arizona. The property was annexed into Gilbert in 2006 and is currently agricultural in use. This request is to rezone from the existing SF-43 zoning to SF-35 for large lot residential lots.

II. SURROUNDING AREA AND EXISTING ZONING

The existing Gilbert General Plan indicates the site is designated as Residential 0-1 du/ac. To the north, south, east and west of the site it is also designated as Residential 0-1 du/ac, except for the school just to the south is designated Public Facility Institutional and directly across Lindsay Road is designated as Residential 2-3.5 du/acre.

The existing zoning for this site is SF-43 and is currently used for agriculture. Adjacent to the site on the north, south, east and west is land zoned SF-43 with large lot homes on them. The site is an infill piece surrounding by existing residential homes. Access will be provided via an easement which will connect to Lindsay Road through the existing shared driveway for the existing home.



III. GENERAL PLAN

The existing Residential 0-1 du/acre General Plan designation for the site is in line with the proposed rezone and project density of 0.97 du/acre. See *Exhibit 3, Existing General Plan Map*.

IV. REZONE REQUEST

This request is to change the zoning from (SF-43) to (SF-35) and allow for 13 residential units for an overall project density of 1.06 du/ac. This proposed change is compatible with the General Plan and surrounding area.

The project shall meet the development standards set forth within the SF-35 zoning district and is a compatible use to the surrounding developed large lot residential properties. Two of the lots exceed the acre lot size and the site design provides for a quality infill site plan to match the existing General Plan designation and large lots while also being able to provide the required infrastructure to serve the site.

V. GRADING AND DRAINAGE

The project site is currently agriculture in nature. As shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) 04013C2734M dated November 4, 2015, the project site is in Zone X. Zone X is defined as areas of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level. The project will provide on lot retention for the proposed lots to accommodate the 100-year, 2-hour storm, per Town of Gilbert standards.

VI. CIRCULATION

The entrance into the subdivision will be constructed off of Lindsay Road. Traffic within the community will circulate by means of a single, main access road that shall be a minimum of 28' wide from back of curb to back of curb.

VII. PHASING

The project is anticipated to be developed in a single phase.

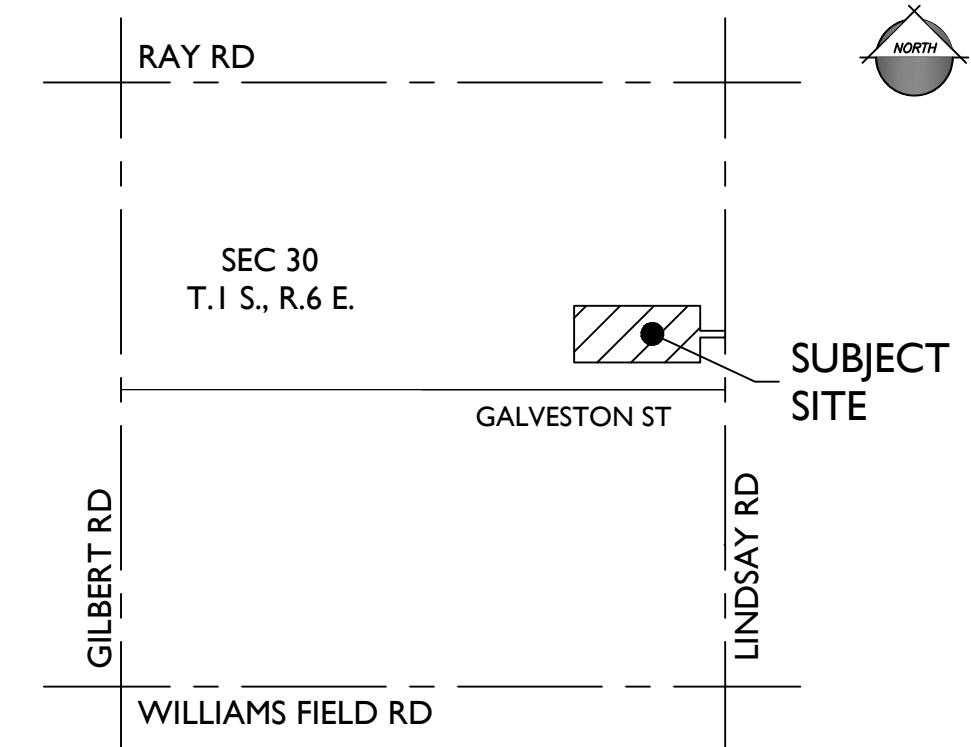
VIII. UTILITIES

Electricity:	Provided by Salt River Project (SRP).
Gas:	Provided by Southwest Gas
Telephone:	Provided by Century Link
Cable TV:	Provided by Cox Communications.
Water:	Provided by the Town of Gilbert
Sewer:	Individual Septic

ZONING EXHIBIT FOR GILBERT 13

A PORTION OF THE NORTHEAST QUARTER OF SECTION 30,
T.1 S., R.6 E., GILA AND SALT RIVER MERIDIAN, MARICOPA
COUNTY, ARIZONA

VICINITY MAP
N.T.S.



PROJECT TEAM

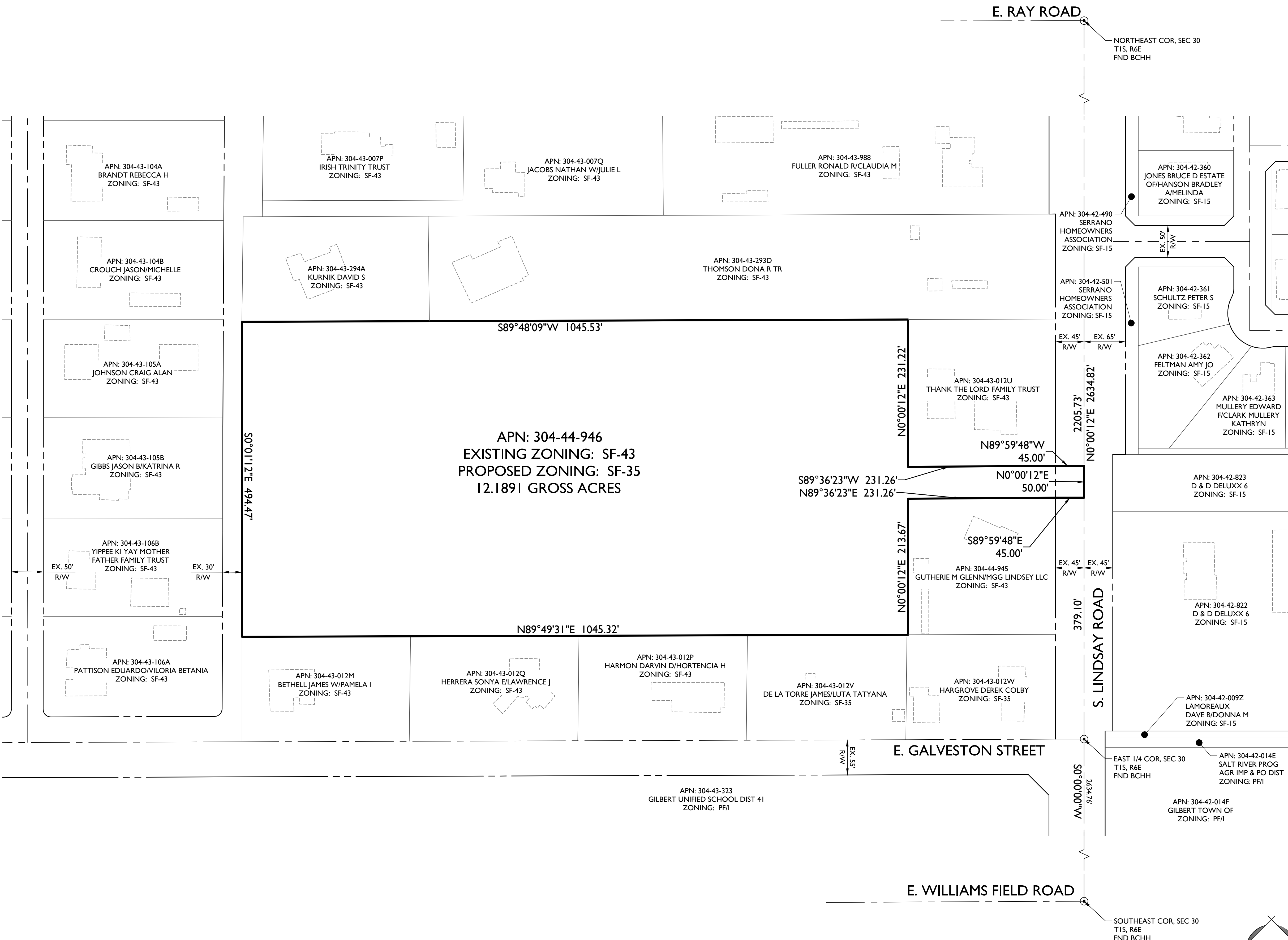
DEVELOPER COPPER SKY HOMES 1817 S. HORNE STE. #7 MESA, AZ 85204 TEL: (480)-346-2686 CONTACT: MIKE JARMAN EMAIL: mikejarman119@gmail.com	ENGINEER EPS GROUP, INC. 1130 N. ALMA SCHOOL RD., SUITE 120 MESA, AZ 85201 TEL: (480)-503-2250 CONTACT: KYLE MILLETT, P.E. EMAIL: kyle.millett@epsgruoinc.com
LAND PLANNER UPFRONT PLANNING & ENTITLEMENTS, LLC 3514 N. POWER RD., SUITE 115 MESA, AZ 85207 CONTACT: JESSICA SARKISSIAN jessica@upfrontplanning.com	

PROJECT DATA

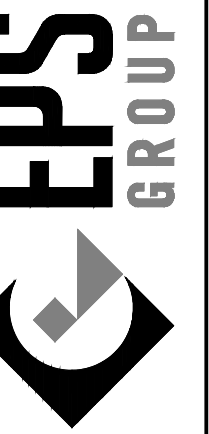
A.P.N.:	304-44-946
EXISTING GENERAL PLAN:	RESIDENTIAL > 0-1 DU/AC
EXISTING ZONING:	SF-43
PROPOSED ZONING:	SF-35 (12.1891 ACRES - 100%)
GROSS AREA:	± 12.1891 ACRES
NET AREA:	± 12.1375 ACRES

21-0518

Feb 03, 2022 5:07pm SA:\Projects\2021\21-0518\Civil\Due Diligence\Exhibit\Zoning Exhibit\21-0518 - ZN01.dwg kmillett



1130 N Alma School Road
Suite 120
Mesa, AZ 85201
T: 480-503-2250 | F: 480-503-2258
www.epsgruoinc.com



Gilbert 13
Gilbert, AZ

Zoning Exhibit

Project

Revisions:

DECEMBER 8, 2021 - 1ST ZONING SUBMITTAL
FEBRUARY 3, 2021 - 2ND ZONING SUBMITTAL



Designer: KDM
Drawn by: KDM

Preliminary
Not For
Construction
Or
Recording

Job No.
21-0518

ZN01

Sheet No.
1
of **1**

Z21-13

LEGAL DESCRIPTION
GILBERT 13

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS.

A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30 FROM WHENCE THE EAST QUARTER CORNER BEARS SOUTH 00 DEGREES 00 MINUTES 12 SECONDS WEST, A DISTANCE OF 2634.82 FEET;

THENCE ALONG SAID EAST LINE A DISTANCE OF 2205.73 FEET SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 59 MINUTES 48 SECONDS WEST TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF S. LINDSAY ROAD, A DISTANCE OF 45.00 FEET;

THENCE SOUTH 89 DEGREES 36 MINUTES 23 SECONDS WEST, A DISTANCE OF 231.26 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 231.22 FEET;

THENCE SOUTH 89 DEGREES 48 MINUTES 09 SECONDS WEST, A DISTANCE OF 1045.53 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 12 SECONDS EAST, A DISTANCE OF 494.47 FEET;

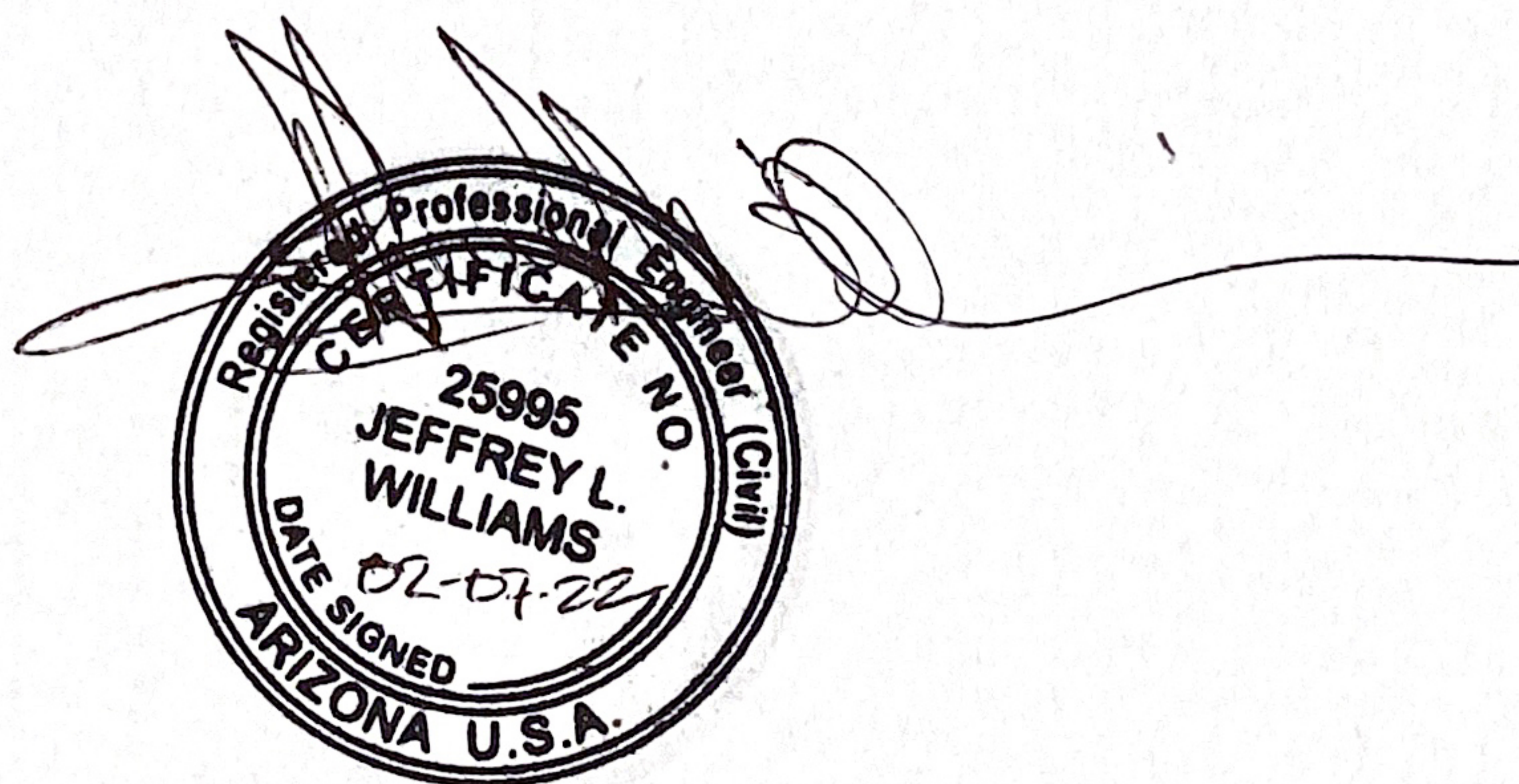
THENCE NORTH 89 DEGREES 49 MINUTES 31 SECONDS EAST, A DISTANCE OF 1045.32 FEET;

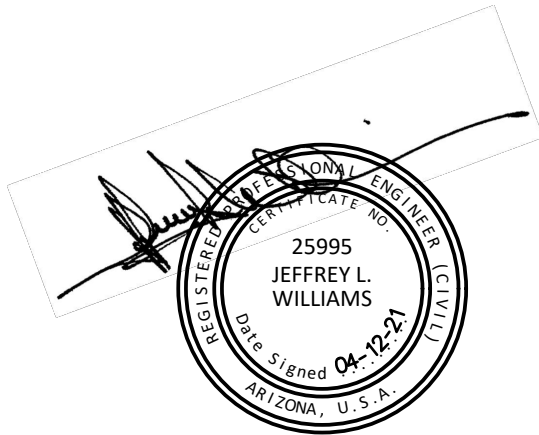
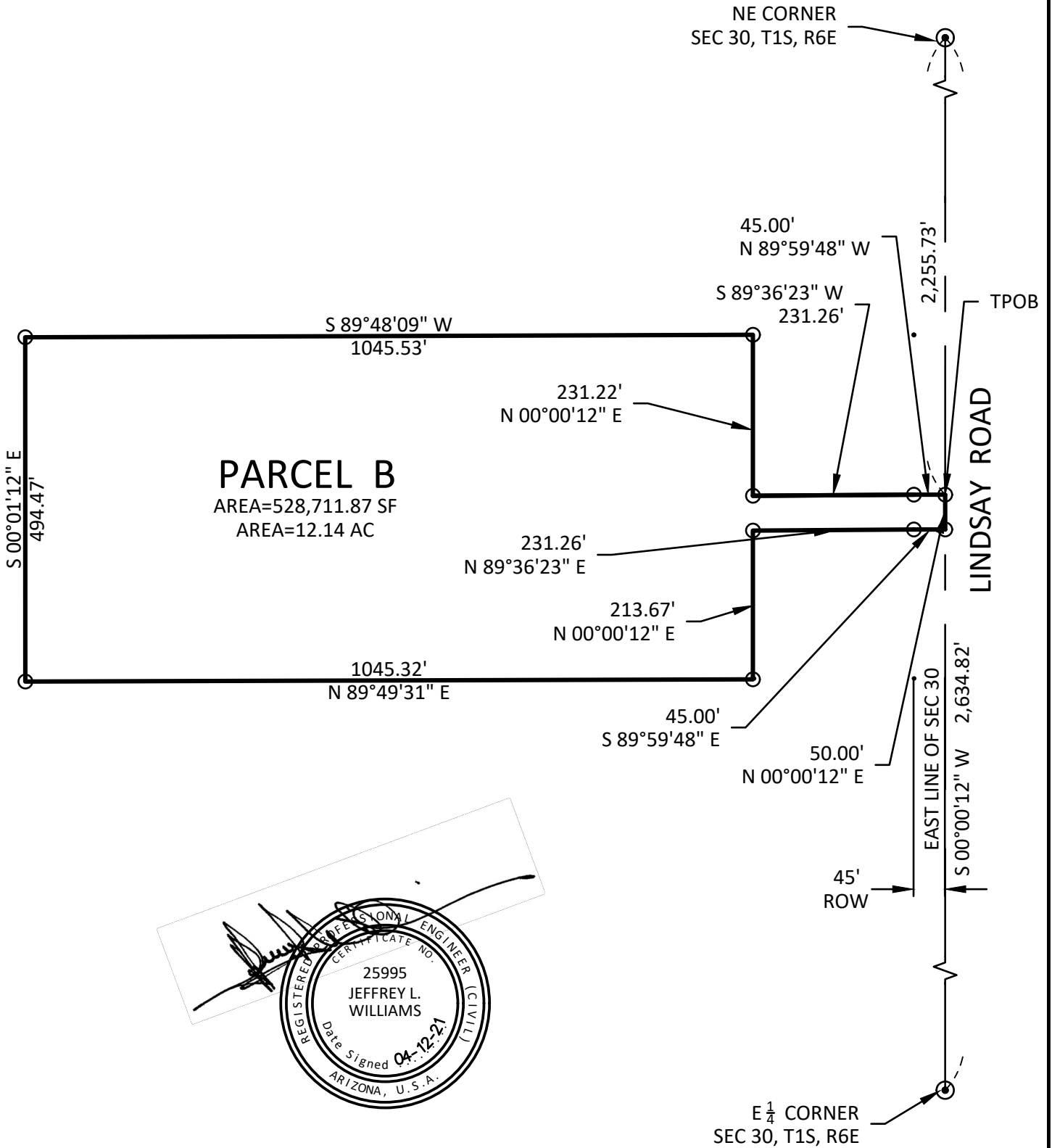
THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST A DISTANCE OF 213.67 FEET;

THENCE NORTH 89 DEGREES 36 MINUTES 23 SECONDS EAST, A DISTANCE OF 231.26 FEET TO A POINT ON THE SAID WESTERLY RIGHT-OF-WAY OF S. LINDSAY ROAD;

THENCE SOUTH 89 DEGREES 59 MINUTES 48 SECONDS EAST A DISTANCE OF 45.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 30;

THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST A DISTANCE OF 50.00 FEET TO A POINT SAID POINT BEING THE TRUE POINT OF BEGINNING.





R.B. WILLIAMS & ASSOCIATES, INC.
CONSULTING ENGINEERS

1921 S. ALMA SCHOOL RD., STE 101 PHONE: (480) 424-2352
MESA, ARIZONA 85210 FAX: (480) 424-2353



**EXHIBIT
PARCEL B**