



**TOWN OF GILBERT  
PLANNING COMMISSION  
Gilbert Police Department - Amphitheatre  
75 E. Civic Center Drive, Gilbert, AZ  
April 6, 2022**

**COMMISSION PRESENT:**

Jän Simon, Chairman  
Noah Mundt, Vice-Chairman  
Anthony Bianchi  
William Fay  
Tyler Jones  
Brian Johns (Alternate)  
Brian Andersen

**STAFF PRESENT:**

Ashlee MacDonald, Principal Planner  
Josh Rogers, Planner II  
Kristen Devine, Planner II  
Eva Cutro, Planning Manager  
Samantha Novotny, Planner I

**COMMISSION ABSENT:**

David Blaser

**COUNCIL LIAISON PRESENT:**

Mayor Brigette Peterson

PLANNER	CASE	PAGE	VOTE
Josh Rogers	DR21-128	2	7-0
Kristen Devine	DR21-159	2	7-0
Keith Newman	DR21-125	3	7-0
Kristen Devine	Z21-13	3	6-1

**CALL TO ORDER OF REGULAR MEETING**

Chair Jän Simon called the April 6, 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**

Principal Planner Ashlee MacDonald called roll and determined that a quorum was present.

**1. 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 as amended. **Motion passed 7-0.**

## COMMUNICATIONS

### 2. COMMUNICATIONS 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.

Resident Sabrina James expressed concern about the lack of restrictions on investment companies that purchase and rent out homes to Arizona residents. As a result, there is a housing shortage and rent prices are rising.

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

Mayor Peterson thanked the Commission for taking time to serve the community in light of National Volunteer Month.

## 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.

- 4. **DR21-128 FLOOR AND DECOR: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.7 acres, generally located south of the southeast corner of Gilbert and Germann Roads, and zoned General Commercial with a Planned Area Development (PAD) overlay. Josh Rogers (480) 503-6589.**

### STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the April 6, 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. Signage is not included in this approval. Future signage will require an amendment to the established Crossroads Town Center CSP to accommodate the proposed expansion.
  - d. Prior to building permit issuance, the applicant shall submit documentation of final approval of the driveway location along Gilbert Road by the City of Chandler.
- 5. **DR21-159 WARNER COMMONS MSP: Master Sign Plan for the Warner Commons Development on approximately 27.45 acres located at the NEC of Warner Road and Wren Drive, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Kristen Devine (480) 503-6742.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the April 6, 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. All signage will require a sign permit.
6. **DR21-125 COOPER'S HAWK WINERY & RESTAURANT: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.3 acres, generally located north of the northwest corner of Santan Village Parkway and Williams Field Road, and zoned Regional Commercial with a Planned Area Development (PAD) overlay. Eva Cutro (480) 503-6782.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the April 6, 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. The site is within the San Tan Village Parcels A, C, D, and E Master Sign Plan; all signage must follow the sign program to proceed to sign permitting.
- d. Cross access easement locations shall be documented as an addendum to the CC&R's or recorded as a separate instrument; cross access easements shall be noted on the final plat.

**MOTION:** Vice-Chair Mundt moved to recommend approval of Consent Agenda Item 4. DR21-128 Floor and Decor, Item 5. DR21-159 Warner Commons MSP, and Item 6. DR21-125 Cooper's Hawk Winery & Restaurant, seconded by Commissioner Fay. **Motion passed 7-0.**

**PUBLIC HEARING (NON-CONSENT)**

Non-Consent Public Hearing items will be heard at an individual public hearing and acted upon by the Commission by a separate motion. Anyone wishing to comment in support of or in opposition to a Public Hearing item may do so during the Public Hearings. If you wish to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number 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.

- 7. **Z21-13 GILBERT 13: Request to rezone approximately 12.19 acres generally located northwest of Lindsay Road and Galveston Street from Single Family-43 (SF-43) to Single Family-35 (SF-35). Kristen Devine (480) 503-6742.**

STAFF RECOMMENDATION

- 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.

Planner Kristen Devine stated that the applicant will not deviate from SF-35 standards and will not have a PAD overlay. The required lot width will be reduced from 145 feet to 140 feet. The side setbacks will be reduced from 30 feet to 20 feet. A virtual neighborhood meeting was held on June 14, 2021. The main concern was a desire for only single-story homes in the area. The applicant is proposing to develop a 13-lot site development, which is down from their original desire for 14 lots. In May, 2021, the two lots to the south of this parcel were rezoned to SF-35.

Commissioner Fay requested confirmation that the Commission would not be voting on the site development plan at this meeting. Planner Kristen Devine confirmed.

Commissioner Bianchi asked if this whole plot will be developed in a single phase. Jessica Sarkissian of UPFRONT Planning & Entitlements responded they will likely be sold off individually as semi-customs. The roadways would be put in for shop usage.

Vice-Chair Mundt stated that Page 2 of the report appears to have a house as part of the parcel and asked whether it is just the land between the homes. Planner Kristen Devine responded that there was a minor land division adjustment. The bottom corner lot with the house was once part of the parcel but is no longer.

Commissioner Johns requested confirmation that the setback of 40 feet would be the same for both SF-43 and SF-35, and Planner Kristen Devine confirmed.

Jessica Sarkissian of UPFRONT Planning & Entitlements stated that the right-of-way dedication for the internal road made the lot smaller, and the rezoning is necessary for emergency vehicles to enter. The lot is currently vacant.

Resident Jason Gibbs, 1937 S 131<sup>st</sup> Place, Gilbert, AZ, stated that he is behind Lot 7, which is the narrowest and longest, with the oddest shape. He is concerned about the impact of this development on surrounding properties. There is a discrepancy on the lot size between what was sent in the mail and what was presented this evening.

Resident Ryan Boehme, 1920 S Lindsay Road, Gilbert, AZ, stated that he owns 1.25 acres at the north entrance to the development, and this would decrease the value of the property. He is concerned with the entrance into this subdivision because he has a 15-foot right-of-way, and the proposed roadway is large at 50 feet. There will also be more traffic.

Resident Perry Kastanis, 2139 S Porter Street, Gilbert, AZ, stated he lives close to the proposed development. He bought the home because of the size, neighborhood, and acre lots. The other lots which were rezoned SF-35 were poorly advertised. There is no guarantee

this development will not be higher than one story. The SF-43 size must be maintained, as it has been in place for eons.

Planner Kristen Devine stated that the site plan shown is only one unit greater than what is allowed under SF-43. But a private easement cannot be created under SF-43, which is the issue for emergency vehicles. The SF-35 standards are being exceeded in every way otherwise. Lot lines could potentially be revised for the rear lots, but the 140-foot width of the lots will need to be maintained.

Commissioner Jones stated that the general plan for this area is 0 to 1 dwelling per unit, and this plan exceeds that at 1.05. Planner Kristen Devine responded that Town staff have decided it is within the general plan. Commissioner Jones asked how many units there could be under SF-43, considering the need for emergency vehicles. Planner Kristen Devine responded there could have been 12, but it is unclear whether that would have worked out with the dedicated roadway and sewer.

Vice-Chair Mundt stated that the business at hand does not have anything to do with lots. Planner Kristen Devine agreed and stated that no general plan amendment has been requested, so the petitioner must comply with the 0 to 1 dwelling units per acre.

Commissioner Fay stated two-story buildings are allowed under SF-43, so it does not matter as relates to the zoning. He asked if there is room for the 50-foot roadway. Planner Kristen Devine responded that there is room; this was considered with the parcel which was removed under the minor land division adjustment.

Vice-Chair Mundt requested confirmation that the neighbor to the north has a driveway not on Lindsay Road, therefore his driveway will be maintained. Planner Kristen Devine responded that the easements will become dedicated, and therefore, he will be able to access his driveway through the town roadway.

Commissioner Bianchi stated that this is a reasonable in-fill request, and 40 feet is consistent with rear setbacks. The site development regulations are being met. He is in support of this.

Commissioner Andersen stated that the applicant is only requesting one additional lot. It is a good area for an in-fill project.

Commissioner Jones stated he does not see the justification for this re-zoning. The general plan states 0 to 1 dwelling units per acre, which this development exceeds. It is not accurate to say one extra lot if it is unclear whether 12 lots could be fit into the area under SF-43. He does not support this.

Vice-Chair Mundt stated that the shape of the parcel and that it is an in-fill piece are why the re-zoning is necessary. The number of lots is not being voted on tonight. He is in favor of this.

**MOTION:** Commissioner Andersen moved to recommend approval of Item 7. Z21-13 Gilbert 13 subject to staff recommendations and conditions, seconded by Commissioner Fay.  
**Motion passed 6-1. Commissioner Jones against.**

**MOTION:** Vice-Chair Mundt moved to approve the continuance of Item 8. DR21-153 Portillo’s Hot Dogs, Item 9. GP21-07 Valor Christian Center, and Item 10. Z21-09 Valor Christian Center until May 4, 2022, seconded by Commissioner Johns. **Motion passed 7-0.**

**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.

**11. PLANNING COMMISSION MINUTES**

**MOTION:** Vice-Chair Mundt moved to approve the minutes of the Special Meeting of February 15, 2022, and Study Session & Regular Meeting of March 2, 2022, seconded by Commissioner Bianchi. **Motion passed 7-0.**

**12. REPORT FROM CHAIRMAN AND MEMBERS OF THE COMMISSION ON CURRENT EVENTS**

Commissioner Andersen asked about the progress on the Town Council chambers and offices which have been in construction for some time. Mayor Peterson responded that there is no end date, and she appreciates the patience of Commissioners. It could be much later in 2022 than expected due to supply chain issues.

**13. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS**

Planning Manager Eva Cutro reported that there are two new employees in the Planning Division, Erica Prater and Jasmine Carter, who are Planning Techs. There will soon be advertisements for Senior Planner, Principal Planner, and Transportation Planner.

**ADJOURNMENT**

Chair Simon adjourned the meeting at 6:46 p.m.

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Jän Simon, Chairman

ATTEST:

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Tracey Asher

DRAFT