



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Police Department - Amphitheatre
75 E. Civic Center Drive, Gilbert, AZ
July 13, 2022**

COMMISSION PRESENT:

Jän Simon, Chairman
William Fay
David Blaser
Brian Andersen
Brian Johns (Alternate)

STAFF PRESENT:

Josh Rogers, Planner II
Eva Cutro, Planning Manager
Keith Newman, Senior Planner
Noah Schumerth, Planner II
Alena Jorquez, Asst Town Attorney

COMMISSION ABSENT:

Noah Mundt, Vice-Chairman
Anthony Bianchi

COUNCIL LIAISON PRESENT:

Scott September

| PLANNER | CASE | PAGE | VOTE |
|----------------|----------|------|------|
| Keith Newman | DR20-177 | 3 | 5-0 |
| Keith Newman | DR21-79 | 4 | 5-0 |
| Keith Newman | DR21-86 | 4 | 5-0 |
| Keith Newman | DR21-175 | 4 | 5-0 |
| Kristen Devine | DR22-23 | 4 | 5-0 |
| Noah Schumerth | DR22-06 | 5 | 5-0 |
| Noah Schumerth | DR22-29 | 5 | 4-0 |
| Noah Schumerth | ST22-01 | 5 | 5-0 |
| Josh Rogers | DR21-173 | 5 | 5-0 |
| Josh Rogers | DR22-08 | 6 | 5-0 |
| Keith Newman | GP21-10 | 6 | 5-0 |
| Keith Newman | Z21-16 | 6 | 5-0 |
| Keith Newman | FM22-01 | 9 | 5-0 |
| Keith Newman | DR22-27 | 9 | 4-1 |

| | | | |
|--------------|---------|----|-----|
| Keith Newman | GP22-02 | 11 | 5-0 |
| Keith Newman | Z21-15 | 11 | 5-0 |
| Eva Cutro | S20-11 | 13 | 4-1 |

CALL TO ORDER OF THE STUDY SESSION

Chair Jän Simon called the July 13, 2022, Study Session to order at 5:36 p.m.

STUDY SESSION

- DR21-179 SUPERSTITION MEADOWS PLAZA: Self Storage: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.5 acres, generally located at the southwest corner of Baseline Road and Meadows Drive, and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay. Kristen Devine (480) 503-6742.**

Planner Josh Rogers presented on behalf of Planner Kristen Devine. This is a design review for a storage facility west of Power Road on Baseline Road. The applicant is proposing four storage buildings. Staff is requesting input on the architectural design and overall site design. Storage facilities are permitted in General Commercial (GC). The three-story storage facility will be approximately 140,000 square feet. The landscape plan meets minimum requirements; however, neighbors have suggested they implement faster growing, taller trees on the side that borders residential homes. The applicant has submitted updated elevations for the Commissions consideration; although staff has not had sufficient time to substantially review the latest version of the elevations, the comments remain generally the same regarding keeping with the architecture of the neighborhood.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay asked about the ability for the HOA to dictate that there be no entrance/exit on Meadows Drive. Planner Josh Rogers responded that there is a non-vehicular access easement along Meadows Drive. With the easement it would not be possible for the site to be accessed from Meadows. .

Commissioner Blaser stated that the older version of the elevations seems to fit in better with the neighborhood if tiles were to be added to the roof.

Commissioner Johns asked about the purpose of the new elevations. Planner Josh Rogers responded that the neighborhood was dissatisfied with the initial elevations, and the applicant sent this new version following first review. Commissioner Johns stated that the original elevations had nice materials. His only concern about the site is vehicle turnaround on the west side with the storage doors. However, he understands only wanting a single entry/exit. Commissioner Johns asked if there is pedestrian access, as it does not appear to be in the presentation. Planner Josh Rogers responded that he believes there is.

Chair Simon agreed that the first draft of the elevations is favorable to the second. The first roof line is preferable. The red may not be in line with the surroundings.

2. DISCUSSION OF REGULAR MEETING AGENDA

Item 6, S21-12 The Orchard has been continued to August 3, 2022, and was removed from the Consent Agenda. Item 11, FM22-01 Alta Gilbert Separation Fence and Item 12, DR22-27 Alta Gilbert were moved from the Consent Agenda to the Non-Consent Agenda. Item 17, DR21-173 Cactus Pipeline Contractors, Item 18, DR22-08 Take 5 Retail, Item 19, GP21-10 The Gilmore, and Item 20, Z21-16 The Gilmore were moved from the Non-Consent Agenda to the Consent Agenda.

ADJOURN STUDY SESSION

Chair Simon adjourned the Study Session at 5:52 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Jän Simon called the July 13, 2022, Regular Meeting of the Planning Commission to order at 6:03 p.m.

PLEDGE OF ALLEGIANCE

Chair Simon led the Pledge of Allegiance.

ROLL CALL

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

3. APPROVAL OF AGENDA

Chair Simon called for a motion to approve the agenda.

MOTION: On a motion made by Commissioner Fay, and seconded by Commissioner Johns, it was moved to approve the agenda, as amended. **Motion passed 5-0.**

COMMUNICATIONS

4. 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.

There were no communications from citizens.

5. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Council Liaison Scott September reported that Gilbert hosted a Fourth of July celebration at Regional Park. Parks staff and the Parks Director did a wonderful job with the event. Fire Chief Jim Jobusch has retired after 40 years of service, and Gilbert wishes him all the best. August 2, 2022, is the primary voting day; there are nine candidates running for four seats.

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. **DR20-177 QUIK TRIP #1405: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials on approximately 2.81 acres of a 12.64-acre site generally located at the northwest corner of Higley Road and Williams Field Road, zoned Shopping Center (SC) and Light Industrial (LI). Keith Newman (480) 503-6812.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the July 13, 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. Monument signage must be submitted for final approval through a Comprehensive Sign Plan application.
8. **DR21-79 PRAXIS RESOURCES: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 4.09 acres, generally located at the southwest corner of Blue Jay Drive and Orchid Lane, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the July 13, 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.
9. **DR21-86 SUN VALLEY CHURCH - PV SHADE CANOPIES: Site plan, landscaping, elevations, and colors and materials for approximately 8.98 acres, generally located east of the northeast corner of Gilbert Road and Ray Road, and zoned Single Family-35 (SF-35). Keith Newman (480) 503-6812.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the July 13, 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. Under-canopy light fixtures cannot extend below the fascia attached to the sides, front, and rear of the solar shade canopies.

10. **DR21-175 PUBLIC STORAGE ADDITION:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 5.8 acres, generally located at the northeast corner of Val Vista Drive and the Union Pacific Railroad, and zoned Community Commercial (CC) with a Planned Area Development (PAD) overlay, and pending rezoning to General Commercial (GC) zoning district with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the July 13, 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.
13. **DR22-23 CITY GATE MEDICAL COMMONS:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.99 acres, generally located southeast of Higley and Baseline Road, on Gary Way, and zoned Regional Commercial (RC). Kristen Devine (480) 503-6742.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission for DR22-23 at the July 13, 2022, public hearing and the City Gate Preliminary Plat (S14-07) approved at the November 5, 2014, public hearing and administratively amended by Town staff on September 27, 2022 (S21-04).
 - 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 building permit submittal, the applicant shall submit to water resources specifications for the proposed soil moisture sensor for approval.
14. **DR22-06 COPPER SPRINGS EAST EXPANSION:** Site plan, landscape, grading and drainage, elevations, floor plans, lighting, and colors and materials for expansion of existing structure on approximately 6.6 acres, generally located at the northeast corner of Rome Street and Melrose Street and zoned General Office (GO) with Planned Area Development zoning (PAD). Noah Schumerth (480) 503-6729.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 13, 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 building permit issuance, the applicant shall submit lighting product cutsheets indicating the model and photometric details of wall-mounted lighting on the proposed structure.
15. **DR22-29 MULTI-TENANT AT FULLER COMMERCE CENTER II:** Site plan, landscape, grading and drainage, elevations, floor plans, lighting, and colors and materials for

approximately 2.02 acres, generally located south of the southwestern corner of Baseline Road and Horne Street and zoned Light Industrial (LI). Noah Schumerth (480) 503-6729.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 13, 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. Administrative Design Review approval is required for monument signs prior to submitting for sign permits.
- d. Prior to building permit issuance, the applicant shall submit a revised photometric plan reflecting a maximum wall lighting height of 14 feet.
- e. Prior to building permit issuance, the applicant shall complete a revised Non Per Capita Conservation Form (NPCCP) form to indicate compliance with water resource management policy in the Town for non-residential developments.

16. **ST22-01 LAMB LANE BY NEW VILLAGE HOMES: Eight (8) new standard plans by New Village Homes on Lots 1-18, generally located east of the southeast corner of Ray and Lindsay Roads and zoned Single-Family Detached (SF-D) with a Planned Area Development (PAD) overlay. Noah Schumerth (480) 503-6729.**

STAFF RECOMMENDATION

- a. All standard plans shall meet the requirements set forth in the Resolution of the Design Review Board adopting standard residential house plan conditions approved on December 14, 2000.
- b. All standard plan elevations shall be built per exhibits approved by the Planning Commission/Design Review Board as presented at the public meeting of July 13, 2022.

17. **DR21-173 CACTUS PIPELINE CONTRACTORS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.01 acres, generally located southwest of the southwest corner of Neely Street and Guadalupe Road, and zoned Light Industrial (LI). Josh Rogers (480) 503-6589.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 13, 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. Administrative Design Review approval is required for any monument signage prior to permitting. All signs will require a sign permit.
- d. Determining Multiple and Large Water Meter User forms shall be submitted and approved by Town staff prior to submitting for Construction Document review.

18. **DR22-08 TAKE 5 RETAIL:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 0.75 acres, generally located south of the southwest of Boston and Market Street, and zoned Regional Commercial (RC) 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 July 13, 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 part of the SanTan Village Phases 3, 4, 5 and Parcels G1 and G2 Master Sign Program (DR05-139-K, most recent amendment). Signage must comply with the MSP and can proceed through sign permitting. Administrative Design Review approval is required prior to permitting for any amendments to the sign program.
 - d. A cross-access easement will be required with the submittal of any lot split and shall be noted on the Final Plat.
 - e. Refuse enclosure shall comply with applicable Town standards, as noted on Exhibit 6.
19. **GP21-10 THE GILMORE:** Request for Minor General Plan Amendment to change the land use classification on approximately 7.85 acres located north of the northwest corner of Val Vista Drive and Germann Road from Regional Commercial (RC) to Residential >25-50 DU/Acre Land Use Classification. Keith Newman (480) 503-6812.
20. **Z21-16 THE GILMORE:** Request to rezone approximately 40.7 acres located at the northwest corner of Val Vista Drive and Germann Road from Regional Commercial (RC) Zoning District to 32.8 acres of Regional Commercial (RC) Zoning District with a Planned Area Development (PAD) overlay and 7.85 acres of Multi-Family/High-Zoning District with a Planned Area Development (PAD). Keith Newman (480) 503-6812.

STAFF RECOMMENDATION

- a. Recommend to the Town Council approval of GP21-10 The Gilmore, to change the land use classification on 7.85 acres located north of the northwest corner of Val Vista Drive and Germann Road from Regional Commercial (RC) to Residential > 25-50 DU/Acre land use classification.
- 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 Z21-16 The Gilmore, to rezone approximately 32.8 acres of real property generally located at the northwest corner of Val Vista Drive and Germann Road from the Regional Commercial (RC) zoning district to Regional Commercial (RC) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions:
- c. Dedication to Gilbert for Val Vista Drive 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. Failure to complete dedication prior to or at the time of

recordation of the final plat or sooner as required by the Town Engineer may result in reversion of the zoning to the prior zoning classification.

- d. Dedication of Val Vista Drive shall extend 70 feet from the monument line.
- e. Dedication to Gilbert for Quartz Street and Melrose Street right-of-way 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 Quartz Street and Melrose Street shall extend 40 feet from the monument line. Failure to complete dedication prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer may result in reversion of the zoning to the prior zoning classification.
- f. Construction of off-site improvements to Quartz Street 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. In addition, Quartz Street and Germann Road intersection will require improvement to make the northbound/southbound direction lanes operate as a right-only lane and a left/through lane to a left-only lane and right/through lane. Through lanes are required to align through the intersection. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
- g. Construction of off-site improvements to Germann Road, including extending the eastbound left-turn lanes to 350 feet of storage and other improvements as may be warranted, 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.
- h. Developer shall construct, at the Developer's expense, dedicated right-turn lane(s) at any proposed access from Germann Road and Val Vista Drive right-of-way into the site. The dedicated right-turn lane(s) shall be completed and accepted by the Town of Gilbert prior to certificate of occupancy for any building or unit on the site.
- i. Developer is required to make traffic signal improvements as required by the Town's Traffic Engineer at Quartz Street and Germann Road intersection. Improvements 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.
- j. Prior to issuance of the first building permit or at the time of recordation of the final plat, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements adjacent to the property for Germann Road and Val Vista Drive as completed as part of its capital improvements program, project No. ST1450. Failure by Developer to execute a Development Reimbursement and Lien Agreement may result in reversion of the zoning to the prior zoning classification.
- k. 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.

- l. Developer shall create a Homeowner’s Association (HOA) and Property Owners’ 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. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.
- m. Developer shall record easements to be owned by the HOA & 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.
- n. 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.
- o. Prior to the Town Council hearing, the applicant shall address all outstanding Traffic Engineering comments as noted on the attached Development Plan.
- p. The Project shall be developed in conformance with Gilbert’s zoning requirements for the zoning district and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Regional Commercial (RC) District

| Site Development Regulations | Proposed RC PAD |
|--|--------------------------|
| Minimum Building Setbacks (ft.) | |
| Side (Street) | 13’ (Melrose St.) |
| Minimum Required Perimeter Landscape Area (ft.) | |
| Side (Street) | 13’ (Melrose St.) |
| Drive Aisle Setback at Arterial Street Entrances | 48’ |

Multi-Family Low (MF/H) District

| Site Development Regulations | Proposed MF/H PAD |
|---|-----------------------------------|
| Minimum Building Setbacks (ft.) | |
| Side (Street) | 13’ (Melrose St.) |
| Side (Non-residential) | 0’ (Adjoining Proposed RC) |
| Rear (Non-Residential) | 0’ (Adjoining proposed RC) |
| Minimum Required Perimeter Landscape Area (ft.) | |
| Front | 13’ (Quartz St.) |

| | |
|---------------------------------|---|
| Side (Street) | 13' (Melrose St.) |
| Rear Adjacent (Non-Residential) | 0' (Adjoining proposed RC) |
| Side (Non-Residential) | 0' (Adjoining proposed RC) |
| Common Open Space (minimum) | 36% |
| Parking Lot Island Spacing | No more than 12 consecutive parking spaces without a landscape island where parking canopies are proposed |

MOTION: Commissioner Johns moved to recommend approval of Consent Agenda Item 7 DR20-177 Quick Trip #1405, Item 8 DR21-79 PRAXIS Resources, Item 9 DR21-86 Sun Valley Church – PV Shade Canopies, Item 10 DR21-175 Public Storage Addition, Item 13 DR22-23 City Gate Medical Commons, Item 14 DR22-06 Copper Springs East Expansion, Item 16 ST22-01 Lamb Lane by New Village Homes, Item 17 DR21-173 Cactus Pipeline Contractors, Item 18 DR22-08 Take 5 Retail, Item 19 GP21-10 The Gilmore, and Item 20 Z21-16 The Gilmore, seconded by Commissioner Blaser. **Motion passed 5-0.**

MOTION: Commissioner Fay moved to recommend approval of Consent Agenda Item 15 DR22-29 Multi-Tenant at Fuller Commerce Center, seconded by Commissioner Blaser.

Motion passed 4-0. Commissioner Johns abstained.

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.

- 11. **FM22-01 ALTA GILBERT SEPARATION FENCE:** Request to waive the separation fence between the Commercial and Multi-Family zoning districts on approximately 11.30 acres, generally located at the northwest corner of McQueen and Elliot Roads, and zoned Community Commercial (CC) and Multi-Family/High (MF/H) with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.

STAFF RECOMMENDATION

- a. The Project shall be in substantial conformance with the site plan shown on the exhibit provided under Attachment No. 4.

Planner Keith Newman stated that he was going to discuss FM22-01 and DR22-27 at the same time, but starting with FM22-01. The request under FM22-01 is to waive the required 8-foot-tall solid separation fence along the shared property line between the multi-family residential and commercial portion of the development. The applicant has stated that removing the boundary wall will allow for a more integrated mixed-use design. They have proposed an uncovered amenity area to activate the space instead. There will be a three-foot wall to help screen parking.

Commissioner Johns stated that he agrees the wall would impede the continuous use and access of the site.

Commissioner Blaser stated that it is a beautiful project with a good design. The deletion of the site walls makes sense.

Chair Simon stated that removing the site walls makes sense and the design is well thought out.

12. **DR22-27 ALTA GILBERT: Site plan, landscaping, grading and drainage, elevations, lighting, and colors and materials for approximately 11.30 acres, generally located at the northwest corner of McQueen and Elliot Roads, and zoned Community Commercial (CC) and Multi-Family/High (MF/H) with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the July 13, 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 outdoor space to the west of the building may only be used as an active amenity area and not as outdoor dining space.
- d. The commercial elevations must be revised reducing the amount of standing seam metal siding which is only permitted as an accent material. Revised elevations are to be submitted to Planning for review prior to submittal of construction drawings.
- e. Monument signage has been included in this approval and will require a sign permit prior to construction.
- f. Site lighting levels cannot exceed 0.3-foot candles at the property line at the main entrances off McQueen and Elliot Roads.
- g. Prior to building permit submittal, the applicant shall address the following Water Resources concerns/comments:
 - i. Complete the Determining Multiple and Large Water Meter Users Form for indoor water use;
 - ii. Complete the new version of the NPCCP Form, noting what model US EPA WaterSense smart controller will be used for the development;
 - iii. Make corrections on the new version of the NPCCP concerning reclaimed water usage on the site;
 - iv. Complete a Reclaimed Water Use Agreement.

- h. Prior to building permit submittal, the applicant shall address all outstanding Engineering comments as noted on the attached Grading & Drainage Plans, Sheet 2 of 5.
- i. Required private open space on the ground floor of all buildings must be screened by a minimum four (4) foot tall wall or fence as required by the LDC.

Planner Keith Newman stated that this request is for a design review for a 278-unit apartment complex and 8,100-square-foot restaurant, which includes the patio area. There are two four-story buildings adjacent to the industrial and two three-story buildings. The site was rezoned in October 2021, from Community Commercial to Multi-Family High. The commercial corner kept the same zoning. There are 62 parking spaces for the restaurant and in excess of 400 spaces for the apartment site. There is 40% landscaping in both the Multi-Family and Commercial. There is a dog park and two pickle ball courts. There is a retention basin to the north and a pool area. The four-story buildings have garages on the ground floor. The buildings have a modern farmhouse look, with stucco, limestone, and wood siding.

Commissioner Andersen asked if the Town accepts that the ground-floor units have private open space that is not walled. Planner Keith Newman responded that he is uncertain whether that door leads to a unit or not, but if it is a unit, a shorter wall is required. It is not on the 2D elevations either, so an amendment may need to be made to meet LDC requirements, as no deviation was requested. Ralph Pew spoke on behalf of the applicant and stated there would be fences to separate the private open space.

Planning Manager Eva Cutro recommended that a condition of approval be added to state that the required private open space be met by enclosing the required 60 sq. ft. area with a min. 4 ft tall solid wall as required per the LDC.

Ralph Pew stated there will be fences around the private open space areas for each unit, it just doesn't show on the elevations.

Commissioner Anderson stated that the required walls don't show on any elevations and he wanted to make sure they are meeting the LDC requirements unless there is a Deviation in the zoning case.

Ralph Pew stated he agrees with the condition suggested by the Planning Manager that a condition should be added to address the screening of the 60 sq ft private open space.

Commissioner Anderson states that other than that the project looks very nice.

Resident William Rowell stated that the project does not look good at all. He lives near this intersection. The design does not make sense at this location. People in the neighborhood have not been aware of this complex being built, and he does not think they would be in support of it. This project would be better suited downtown. The only amenities at this intersection are a gas station, McDonald's, dog kennel, and warehouse.

Ralph Pew stated that two neighborhood meetings were conducted per Town requirements. There were petitions in favor of the project. The issue of land use was fairly debated and there was discussion on both sides of the issues and whether the use was appropriate Town

Council ultimately approved the Multi-Family zoning. Proper community outreach did take place.

Commissioner Johns stated that the elevations seem adequate. They did a good job in breaking the building out into different materials and verticals. It meets the scale of the large industrial to the south and is a good buffer to the industrial in the west.

Commissioner Fay stated that there are three entranceways. Two are right in right out because of the raised median, but the primary traffic access will be the US60, and people will have to make a left on the northern entrance of the eastern side. He asked if the engineers have looked at this. David Fabiano, Town Engineer, responded that he is not prepared to speak on this, but it has been reviewed by traffic engineering. Clint Emery, Assistant Traffic Engineer, responded that the setbacks account for the queuing that will occur. Full access to the south could not be provided because of the storage needed. Two egresses were made so that people can turn right to mitigate the delay. But during peak hours, there will be a delay.

Chair Simon thanked the resident for coming to speak in opposition. Community input is important. At this point, the town is past the land use approval, and this is only a design review. There is no way to stop residential on this site.

MOTION: Commissioner Andersen moved to recommend approval of Item 11 FM22-01, Alta Gilbert Separation Fence subject to staff recommendations and conditions, seconded by Commissioner Blaser. **Motion passed 5-0.**

MOTION: Commissioner Andersen moved to recommend approval of Item 12 DR22-27 Alta Gilbert subject to staff recommendations and conditions, and the stipulation that the ground-floor units with the 60-foot required open space be delineated by a fence or wall to be approved by staff, seconded by Commissioner Blaser. **Motion passed 4-1. Commissioner Fay against.**

- 21. **GP22-02 TOWN STORAGE AT RECKER: Request for Minor General Plan Amendment to change the land use classification on approximately 2.92 acres generally located at the southwest corner of Recker Road and Pecos Road from Neighborhood Commercial (NC) to General Commercial (GC) Land Use Classification. Keith Newman (480) 503-6812.**
- 22. **Z21-15 TOWN STORAGE AT RECKER: Request to rezone approximately 2.92 acres located at the southwest corner of Pecos Road and Recker Road from Neighborhood Commercial (NC) Zoning District to Shopping Center (SC) Zoning District. Keith Newman (480) 503-6812.**

STAFF RECOMMENDATION

- a. Dedication to Gilbert for Pecos 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. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- b. Dedication of Pecos Road shall extend 70 feet from the monument line.

- c. Dedication to Gilbert for Recker Road right-of-way and roadway easements 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 Recker Road right-of-way shall extend 33 feet from the monument line. Dedication of a 12.5-foot roadway easement that is adjacent to the new right-of-way on Pecos Road that run parallel to the property.
- d. Construction of off-site improvements to Pecos Road and Recker Road 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. Construction shall also include an additional lane or right-turn lane on Pecos Road and associated improvements necessary to make improvements. Construction shall also align Recker Road north and south of Pecos Road and address left turns so that the intersection of Recker Road and Pecos Road does NOT operate as a split phase for the signal phasing. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
- e. Developer is required to make traffic signal improvements as required by the Town's Traffic Engineer at Pecos Road and Recker Road. Improvements 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. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
- f. Prior to issuance of the first building permit or at the time of recordation of the final plat, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- 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. Maintenance responsibilities for common areas, open space areas, and landscaping within all rights-of-way shall be specified on the approved site plan or final plat.
- i. 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.

Planner Keith Newman presented items 21 (GP22-02) and 22 (Z21-15) together. He stated that this is a conventional rezone with no PAD deviations. The purpose of the zoning change

would to be construct a two-story storage facility. The current zoning permits storage units, but the applicant desires to build a larger storage facility than what is allowed. The design was presented for reference only and is not being voted upon at this meeting. The applicant held a virtual neighborhood meeting and one surrounding property owner attended and expressed support. Six emails were received from residents in opposition, who expressed concern with increased traffic congestion, crime in the area, negative visual impact, hours or operation, noise level of moving trucks, and that it would be the wrong use of the property across from Higley High.

Resident Monica Nichols expressed concern with the impact on traffic in the area. There are two storage facilities within less than a mile of the area. There could be an increase of rodents in the area.

Resident Michelle Osbourne stated that she has lived in Gilbert for 28 years and has a house on Loback Lane. She expressed concern with security breaches, as transient people not from the community will have access to dump things in the area. She indicated there are schools and a church nearby and it is unknown if the storage facility owners will check if people attending on site are sex offenders. She expressed concern with privacy and the potential for patrons to be able to see into backyards if a two-story building is built. She shared that property value in the neighborhood will decrease and that those in the neighborhood did not receive the notification letter on this project. Finally, she indicated that there are four storage facilities within less than a mile from her home.

Resident Megan Cooper stated that Legacy Traditional School is just north of Higley High. The lines for picking up children are extremely backed up, and parents park in other places to avoid the line. There is a safety issue for the children with this facility.

Applicant Adam Baugh stated that the two-acre lot does not lend itself well as a subdivision. It has been zoned commercial since San Tan Ranch neighborhood was initially zoned. He understands the resident feedback, but storage facilities are the lowest traffic generator of all land uses except for a cemetery. There is no place for transients to exist. The area is completely monitored, and there will be no crime associated with the facility. This project makes good use of a property with difficult access points. Development and pest control will address rodents. There are no exterior windows that would affect privacy for those in the area.

Commissioner Fay stated that the roads are mismarked on the exhibit. He asked if there is access of Recker Road, and Adam Baugh responded this is a driveway/dirt road into the site and does not have through access. The road would be paved. There is no access off Pecos Road.

Commissioner Fay stated that this is the perfect use for this property, and it can be there by right.

Commissioner Johns asked if everything would be accessed through Recker Road, with no access from the back or open doors. Planner Keith Newman responded that the only access point is two drives off Recker Road. The applicant will have to improve and widen Recker Road to their south property line as part of the design review. There will be a condition in the

staff report to his effect. Commissioner Johns stated that if there are any windows looking down on neighbors, they should be addressed with the design review.

Chair Simon stated that this is a minimal use. People try to use storage units as close to them as possible, and there will likely not be people coming from far away. The two-story aspect will affect sightlines, but this could be mitigated in the design review to ensure it is aesthetically pleasing. He appreciates neighbors coming out to speak on the issue. He does not agree with the traffic concern, as the site will be low traffic.

Commissioner Andersen stated that the Planning Commission makes recommendations to Town Council, and there is another level after this for residents to voice their concerns.

MOTION: Commissioner Fay moved to recommend approval of Item 21, GP22-02 Town Storage at Recker subject to staff recommendations and conditions, seconded by Commissioner Blaser. **Motion passed 5-0.**

MOTION: Commissioner Fay moved to recommend approval of Item 22 Z21-15 Town Storage at Recker subject to staff recommendations and conditions, seconded by Commissioner Blaser. **Motion passed 5-0.**

23. **S20-11 GILBERT SAN TAN: Request to approve Preliminary Plat and Open Space Plan for Bela Flor Communities, for 42 home lots on approximately 32.25 acres located at the southwest corner of 172nd Street and San Tan Boulevard in the Single Family-15 (SF-15) zoning district. Eva Cutro (480) 503-6782.**

STAFF RECOMMENDATION

- a. The Final Plat and Open Space Plans for Gilbert San Tan and construction of the project shall be in substantial conformance with Exhibit 5, Preliminary Plat and Exhibit 6, the Open Space Plan approved by the Planning Commission/Design Review Board at the July 13, 2022, public hearing.
- b. As identified in the Open Space Plan for the development, any walls which are to be replaced by new wall structures shall be reconstructed in a manner consistent with the Open Space Plan. Construction of double walls shall not be permitted. Reconstruction of walls shall be coordinated with the adjoining property owner to mitigate disturbance during construction. All costs associated with said reconstruction shall be the responsibility of the developer.
- c. Subdivision entry signs will require a sign permit prior to installation.

Planning Manager Eva Cutro stated that the property is currently vacant and bordered by existing residential homes and a Junior High School. The proposal is for 42 lots and zoned Single Family 15; no rezoning or deviations are requested. The main entrance would be off San Tan Boulevard, with a secondary access off 172nd Street. The lots are clustered to the north, as there are fissures on the southern portion. Amenities will be proposed between the fissures, including basketball, bocce ball, cornhole, walking paths, tot lot, zip-line, and pickle ball. There are many trees lining San Tan Boulevard and 172nd Street. There is 40% open space proposed with the preliminary plat. Public notification was sent out and concerns from

neighbors included the access from 172nd Street, two-story homes proposed on the perimeter, the overall density, and the proposed lighting.

Chair Simon asked about the specifics of the concern with access from 172nd Street. Planning Manager Eva Cutro responded that the concern is regarding traffic. This is the secondary access point, but it is full motion with gated entry. Traffic and access has been reviewed by traffic engineering. Assistant Town Traffic Engineer, Clinton Emery added that this is mitigated by the fact that it is gated entry. It will only generate 40 trips coming and going during the peak hour.

Resident Greg Fisher expressed concern that the plat is not in line with the Gilbert Town Plan and the San Tan Character Area. All lots to the west are one acre, and significantly smaller to the east. The plan specifies the density of the homes should be the same; there must be a border or buffer zone if there is a greater density, and there is no buffer zone proposed. There will likely be more than one trip per home, given deliveries. He requested that the plat not be approved as is proposed.

Reese Anderson spoke on behalf of the applicant. The plat conforms to all Gilbert regulations and the land development code. Traffic is not an issue, due to the fact that the development is gated on both sides.

Commissioner Fay agreed that traffic is not an issue, although he is struggling with the density.

Commissioner Blaser asked about the need for a buffer as raised by Resident Greg Fisher. Planning Manager Eva Cutro responded that this is not a rezoning or General Plan amendment. No deviations are requested. The General Plan is a visionary document and is evaluated with rezoning or General Plan amendment requests.

MOTION: Commissioner Andersen moved to recommend approval of Item 23 S20-11 Gilbert San Tan subject to staff recommendations and conditions, seconded by Commissioner Blaser. **Motion passed 4-1. Chair Simon against.**

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.

24. PLANNING COMMISSION MINUTES

There were no planning commission minutes to approve.

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

There was no report from the Chair or Members of the Commission.

26. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

Planning Manager Eva Cutro stated that a new Principal Planner was hired, Veronica Gonzales. Planner 2, Kristen Devine, had a baby girl.

ADJOURNMENT

Chair Simon adjourned the meeting at 7:38 p.m.

Jän Simon, Chairman

ATTEST:

Tracey Asher

DRAFT