



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Police Department - Amphitheatre
75 E. Civic Center Drive, Gilbert, AZ
September 7, 2022**

COMMISSION PRESENT:

Jän Simon, Chairman
Noah Mundt, Vice-Chairman
William Fay

David Blaser
Brian Andersen
Anthony Bianchi
Brian Johns (Alternate)

STAFF PRESENT:

Eva Cutro, Planning Manager
Ashlee MacDonald, Principal Planner
Veronica Gonzalez, Principal Planner
Sal DiSanto, Planner I
Keith Newman, Senior Planner
Noah Schumerth, Planner II
Josh Rogers, Planner II
Samantha Novotny, Planner I
Alena Jorquez, Assistant Town Attorney

COUNCIL LIAISON PRESENT:

Scott September

PLANNER	CASE	PAGE	VOTE
Keith Newman	DR21-101	6	7-0
Noah Schumerth	ST22-06	6	7-0
Noah Schumerth	ST22-07	6	7-0
Noah Schumerth	ST22-08	6	7-0
Sal DiSanto	DR22-76	7	7-0
Josh Rogers	DR21-180	7	7-0
Keith Newman	GP21-09	8	7-0
Keith Newman	Z21-12	8	7-0

CALL TO ORDER OF THE STUDY SESSION

Chair Jän Simon called the September 7, 2022, Study Session to order at 5:07 p.m.

STUDY SESSION

- GP22-06 LINDSAY 202 INDUSTRIAL BUSINESS PARK: Request for Major General Plan Amendment to change the land use classification on approximately 94.07 acres located at the northeast corner of Lindsay Road and Germann Road from General Office (GO) to**

90.17 acres of Industrial (I) Land Use Classification and 3.90 acres of General Commercial (GC) Land Use Classification.

Z22-06 LINDSAY 202 INDUSTRIAL BUSINESS PARK: Request to rezone approximately 94.07 acres located at the northeast corner of Lindsay Road and Germann Road from Business Park (BP) Zoning District to 90.17 acres of Light Industrial (LI) Zoning District and 3.90 acres of General Commercial (GC) Zoning District. Keith Newman (480) 503-6812.

Planner Keith Newman provided an overview of the major general plan amendment process, which is any change of a non-residential land use map classification of 40 acres or more. The process consists of a 60 day outside agency review which is currently underway and two Planning Commission public hearings which will be held to discuss this project on October 5, 2022, and October 10, 2022. Town Council action will need to be taken by the end of 2022. For the Major General Plan amendment, we are only providing general information and not requesting input or feedback. Planner Keith Newman requested Commission input only on the proposed rezone is requested. The applicant is proposed a Major General Plan Amendment on 90.17 acres from General Office to Industrial and on 3.90 acres from General Office to General Commercial. The applicant is also requesting a conventional rezone from Business Park (BP) to Light Industrial (LI) on 90.17 acres, and Business Park (BP) to General Commercial (GC) on 3.90 acres. A concurrent Design Review case is currently being processed by Staff. The proposed conceptual site plan includes 6 total warehouse buildings with 1,395,600 SF, 54,000 SF of office space in the warehouse buildings, 9,800 SF retail/commercial space with 1,832 parking spaces, and 20% landscaping. More details concerning the design of the site will come forward for approval when the design review case comes before the commission for approval. Code standards will be met for setbacks, landscaping, and building height; therefore, no PAD deviations are required. There were two virtual neighborhood meetings held, one in January of 2022 where approx. 20 surrounding property owners were in attendance and expressed concerns about traffic, truck noise, building size, and impact on adjacent neighborhoods. A second meeting was held by the applicant in April 2022 and approx. 14 surrounding property owners attended and expressed a lot of the same concerns were expressed however many of them were resolved by the applicant. **COMMISSION QUESTIONS/COMMENTS**

Commissioner Bianchi asked if Gilbert Public Schools has weighed in on this proposal due its location next to Campo Verde High School. Planner Keith Newman responded that he has not yet heard back from the school district.

Commissioner Bianchi asked if a PAD or development plan could establish prohibited uses if neighbors are concerned about certain uses. Planner Keith Newman responded that it has not been the town practice to limit uses through PADs. The applicant may choose to limit uses on the site through private CC&R's.

Commissioner Bianchi stated that he would like to know more about the traffic projected and its impact on the area, especially on Germann Road, as a development was just approved at Val Vista Drive and Germann Road.

Commissioner Andersen asked if the applicant is requesting a huge change in zoning and whether or not the request is equal for equal essentially to the zoning district that is on the site today. Planner Keith Newman responded that the intensity of an industrial use is probably less from a traffic generation standpoint, but from a use standpoint light Industrial has the potential to generate more elements such as noise. So, when you compare the two use types the impacts of light industrial are comparable from a use standpoint to the increased traffic intensity that would be generated by an office development. Commissioner Andersen noted that there could still be truck noise under the current use, and he does not anticipate truck noise or traffic to be a serious concern.

Vice-Chair Mundt asked about the type of activities under Light Industrial (LI). Planner Keith Newman responded that warehousing, light manufacturing and research and development are some of the uses permitted in Light Industrial, and there are not many outdoor activities that generate a lot noise. It is anticipated that the site will be developed for warehousing with some office space in each building.

2. **GP22-05 THE RANCH: Request for Major General Plan Amendment to change the land use classification of approximately 311 acres generally located at the northwest corner of Power and Warner Roads from approximately 50.5 acres of Industrial (I), 179.8 acres of General Office (GO) and 80.9 acres of General Commercial (GC) to 286.5 acres of Industrial (I) and 24.7 acres General Commercial (GC).**

Z22-05 THE RANCH: Request to rezone approximately 311 acres generally located at the northwest corner of Power and Warner Roads from approximately 50.5 acres of Light Industrial (LI), 179.8 acres of Business Park (BP) and 80.9 acres of General Commercial (GC) to 286.5 acres of Light Industrial (LI) and 24.7 acres General Commercial (GC), all with a Planned Area Development overlay zoning district (PAD) to increase maximum building height. Josh Rogers (480) 503-6589.

Planner Ashlee MacDonald provided an overview and site context of existing and proposed developments in the corridor. The request is to change the existing General Plan land use classifications from Industrial (I), General Office (GO) and General Commercial (GC) to largely industrial uses, with commercial on the corner. Accompanying that application is a rezoning application where they are proposing Light Industrial (LI) and General Commercial (GC) zoning. They will remove about 179 acres of Business Park (BP) zoning. The property was initially part of the Morrison Ranch PAD and was always anticipated to be for employment uses. In 2009, it was removed from the Morrison Ranch PAD and became the Morrison Ranch Business Center. They added in Business Park uses along with Commercial with the hope that it would spur additional development on this site. That hasn't happened so now we have a proposal to develop the site as Light Industrial with those Commercial corners. The site is within the Power Road growth corridor, which anticipates employment type uses. Because of its proximity to the 202 freeway, it has good access as well as good access to Phoenix-Mesa Gateway Airport. This area has been identified for many years as a growth corridor. The site is also partially within the Vertical Development Overlay District. Those areas are intended

to focus development vertically to get a greater density and intensity of uses. This allows for additional height for business park uses and commercial uses, not Light Industrial so this project would not automatically qualify for an increase in height. The applicant is submitting a development plan along with the rezoning application. When a development plan accompanies a PAD, it locks in the site to that development plan. Any future development would have to substantially comply with the PAD. This is one of the things we are seeking feedback from the Commission. Are there things that should be modified as a part of this development plan? The project has 16 buildings that vary in size from 70,000 square feet to 600,000 square feet. The smaller buildings are on Elliot and Warner and the Power Road frontages to allow for greater visibility for those smaller users. The larger buildings are 200 to 237 feet from the west property line. The commercial corner on Elliot Road is anticipated to be various pad users that would mirror development on the north side of Elliot Road. The Warner Road corner is anticipated to be a fitness center, fueling station and other restaurant type uses. The applicant has submitted a Design Review application and we are in first review. That will be presented in a future study session. This is following the Major General Plan amendment process where these applications have to be submitted by May 31 of the calendar year and must be completed by the end of the same calendar year that they're submitted in. Major General Plan amendments have more onerous requirements for notification. We are in the 60-day agency review period. Tonight, we are holding our study session to introduce the project to the Commission. There will be two Planning Commission public hearings on October 5th at the regular meeting and another special meeting on October 10th that will be at the Southeast Regional Library. Town Council will have to take action on this item by the end of the calendar year. The application held two neighborhood meetings on March 1, 2022, and September 1, 2022. There were 7 attendees at the first meeting March. There were concerns with the departure from the original plan and questions about building heights and setbacks. At the September 1st meeting there were 130 attendees who had a lot of concern about the suitability of this site for industrial type uses, the size of the buildings, height, proximity to residential, and concerns that residents expected the site would develop with the current plan when they bought their homes. With that, staff is happy to answer any questions you might have about the project and if there is any feedback on the deviation requests we're happy to hear those as well.

COMMISSION QUESTIONS/COMMENTS

Commissioner Blaser asked about staff's opinion on losing the vertical development associated with the property. Planner Ashlee MacDonald responded that there are locations throughout the Town that have the vertical development overlay and folks are encouraged to take advantage of it because we hope to have intensity of development; however, it is up to the applicant whether they choose to take advantage of it. Under the current zoning district, if the applicant's vision didn't require the development to be that tall, they may not use it. There is no guarantee that this kind of development could be secured.

Commissioner Bianchi asked if the PAD request to increase the height to 65 feet is for the whole parcel. Planner Josh Rogers responded that the request is across the site, but they may only need it for potential accessory structures built as tenants fill out.

Commissioner Andersen asked if the height is the only requested deviation for the site and if it was possible for the applicant to request any additional deviations in the future Planner Josh Rogers confirmed it was the only deviation requested and explained that if any other deviations were requested, the applicant would have to start the whole public hearing process over again. Commissioner Andersen noted that October 10, 2022, when the public hearing is proposed, is Columbus Day. Planning Manager Eva Cutro noted that Columbus Day is a working day for town staff.

- 3. GP22-13 MODERA GILBERT: Request for Minor General Plan Amendment to change the land use classification of approximately 8.13 acres generally located at the southwest corner of Higley and Ray Roads from General Commercial (GC) to 8.13 acres of Residential 14-25 DU/Acre.**

Z22-12 MODERA GILBERT: Request to rezone approximately 15.39 acres located at the southwest corner of Higley and Ray Roads from Town of Gilbert Shopping Center (SC) zoning district to 4.3 acres of General Commercial (GC), 8.13 acres of Multi-Family/Medium (MF/M), and 2.93 acres of Shopping Center (SC) zoning districts, all with a Planned Area Development overlay zoning district (PAD) to increase maximum building height, increase landscape area, and reduce the minimum required front landscape area in the General Commercial (GC) zoning district, and to increase maximum building height and decrease landscape area in the Multi-Family (MF/M) zoning district. Josh Rogers (480) 503-6589.

Planner Josh Rogers stated that the applicant is proposing a Minor General Plan amendment from General Commercial (GC) to Residential 14-25 dwelling units per acre and a rezoning to change 4 acres of General Commercial (GC) to Multi-Family Medium (MF/M) and Shopping Center (SC) with a Planned Area Development (PAD). This project is in the Gateway Character Area. There are specific goals in the 2020 General Plan to guide development in the area, with traditional village/neighborhood design, promoting pedestrian, bicycle, and multimodal-oriented design to integrate residential with its surroundings. The request is to change 15 acres of General Commercial (GC) and reducing to 7 acres of General Commercial and a little over 8 acres to Residential 14 to 25 dwelling units per acre. With the rezone, they would like to change most of the zoning from Shopping Center (SC) with a Planned Area Development and removing the property from the Lions Gate PAD and change to General Commercial (GC) and Multi-Family/Medium (MF/M) while keeping some of the existing Shopping Center. They are also requesting a Planned Area Development with deviations to increase the building height, reduce the front landscape setback and rearrange how the landscaping interacts with the site, and staff is still working with them on the percentages. Previous development proposals included auto-centric uses such as car washes and drive-through coffee shops. We've had extensive discussions with the developer about the Gateway Character Area and what our vision and expectations are. This proposal is four or five iterations based off of neighborhood feedback and staff input. The developer is trying to accomplish something similar to Epicenter across the street to the north. There are plans for commercial with loft-above residential toward the north end with multi-family to the south; however, there cannot be split zoning in one building so everything south of the main drive has to remain one zoning district until the mixed-use zoning is approved. The applicant is requesting a reduction from the minimum landscape setback adjacent to Ray Road. The

applicant is also looking to rearrange the landscape on the site because they are using multiple zoning districts. In the General Commercial they are increasing the minimum landscape area from the required 15% to 40% and reducing the Multi-Family Medium landscaping from 40% to 28%. The goal is to have the same amount of landscaping just spread differently across the site. They are about 5,000 square feet short so we're still working with them. The applicant would also like to increase the maximum height from 45 feet to 55 feet for the ground floor commercial units, the purpose of which is not to add additional residential units but to increase the ceiling height. A design review has been submitted that will follow and want to get the Commission's feedback on the proposed zoning district. Neighborhood meetings were held on October 25, 2021, February 17, 2022, and June 19, 2022, and neighbors proposed to keep the whole site commercial.

COMMISSION QUESTIONS/COMMENTS

Commissioner Andersen asked if the site plan would be locked into with the PAD. Planner Josh Rogers responded affirmatively and added that there will be an associated development plan. Commissioner Andersen asked if they are meeting the LDC garage requirement for the MF/M. Planner Josh Rogers responded that they are meeting the requirement. The four-story "Building B" has 75 spaces of underground parking, exclusively for residential units above the commercial areas.

Commissioner Bianchi asked about the units going from 300 to 274, and whether this is still within the 25 units per dwelling acre. Planner Josh Rogers responded that they are slightly exceeding it at 26 units on the land zoned MF/M due to the inability to have a singular zoning district across the entire project and staff is working with the applicant on this. Commissioner Bianchi asked if there will be shared parking with the mixed use commercial and whether there are parking concerns. Planner Josh Rogers responded that there are ongoing discussions on the parking. There is the possibility of shared parking, but a substantial parking study would have to be undertaken.

Commissioner Johns asked if there has been staff support for this project. Planner Josh Rogers responded that it is early; however, the project is mostly in line with the vision for the Gateway Character Area.

Commissioner Blaser stated that it is clear there has been a lot of work by the applicant and staff to create a project that meets the town's vision.

Commissioner Fay stated that the only piece he takes issue with is the landscaping coming up short, as it seems there is space to honor the requirement.

Chair Simon stated that this was a great presentation, and his only concern is parking for both commercial and residential.

- 4. GP21-03 KEYSTONE: Request for Minor General Plan Amendment to change the land use classification of approximately 15 acres generally located at the southeast corner of Sanders Drive and Warner Road from Residential 5-8 DU/Acre to Residential 8-14 DU/Acre. The effect of this amendment will be to change the plan of development to allow for increased density of residential development.**

Z21-05 KEYSTONE: Request to rezone approximately 15 acres of real property generally located at the southeast corner of Sanders Drive and Warner Road from Maricopa County Airport District-3 (AD-III) zoning district to Town of Gilbert Multi Family-Low (MF/L) zoning district with a Planned Area Development overlay zoning district (PAD) to reduce the landscape setback adjacent to the western access drive.

DR21-65 KEYSTONE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 15 acres, generally located at the southeast corner of Sanders Drive and Warner Road, and zoned Maricopa County Airport District III (ADIII). Josh Rogers (480) 503-6589.

Planner Josh Rogers stated that this project was brought forward in April 2021, regarding the proposed general plan amendment from residential 5 - 8 to residential 8-14 and rezone from Maricopa County Airport District III, which is equivalent to Town of Gilbert Light Industrial, to Multi-Family Low (MF/L) with a Planned Area Development. The applicant is requesting an increase in density from 5-8 to 8-14. Across the street is the Warner Commons industrial project, which is under construction. To the east, there are two Hopewell Industrial projects. To the south is a wildcat subdivision, with acre properties. We are requesting input on the requested Planned Area Development, the deviations and the overall design and the elevations. The applicant is proposing condominium units in the north, and single-story detached bungalows are suggested on the south. The idea is to provide a transition from large-lot residential, to intense industrial units, and staff feels this is in line with the uses of the area. There is a deviation to reduce the landscaping in one area as needed because staff requested for the entry drive to line up with the existing drive on the other site. Another deviation is a reduction from 20 feet to 10 feet in terms of building separation internal to the site. This should not be an issue because these are smaller, one-story units. The bungalows have a lot of variation with visual distinction but are all in the ranch style. We'd like input on the minor GP and rezone, the deviations and the overall site design and elevations.

COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi asked if these are proposed rental units or purchased units. Planner Josh Rogers responded that they are proposed to be rental units.

Vice-Chair Mundt stated that the Multi-Family looks nice, but the Single-Family could be improved.

Chair Simon requested confirmation that there are no drive aisles for the bungalows at the south side and that this is a walking path. Planner Josh Rogers confirmed. Chair Simon asked if there are any concerns with the parking being 100 yards away, as some people will be carrying their groceries in hot weather. Planner Josh Rogers agreed that this is a valid concern. Chair Simon asked about the access point for police and fire on the lack of drive aisles. Otherwise, it is a well-planned project.

Vice-Chair Mundt asked if the bungalow units will be rental units as well. Planner Josh Rogers confirmed.

5. DISCUSSION OF REGULAR MEETING AGENDA

The agenda was approved as circulated.

ADJOURN STUDY SESSION

Chair Simon adjourned the Study Session at 6:14 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Jän Simon called the September 7, 2022, Regular Meeting of the Planning Commission to order at 6:21 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.

6. 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 Andersen, it was moved to approve the agenda, as presented. **Motion passed 7-0.**

COMMUNICATIONS

7. 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.

Citizen Karen Wolf expressed concern with the due diligence of the developers for GP22-05 The Ranch. Chair Simon encouraged her to attend the October 5, 2022, public hearing, as this item cannot be commented on by the public until then.

Citizen Brent Moseley noted that October 5, 2022, is a fall holiday and many residents will be out of town. The last neighborhood meeting for GP22-05 The Ranch was held on the Thursday before the Labor Day weekend and the first session was held on the eve of the presidential state of the union. The placement of signs was on a jogging trail away from the road. Selective questions were read at the neighborhood meeting. Alena Jorquez, Attorney for the Town of Gilbert, stated that Item 2, GP22-05 The Ranch, was part of this agenda's study session, and a study session does not allow for public comment.

8. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Council Liaison Scott September reported that the fire chief, Jim Jobusch, has retired after 40 years of service and the new fire chief is Rob Duggan. Owens Corning has signed a lease in town and will be providing 250 jobs to Gilbert when the project is completed in two years.

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.

9. **DR21-101 RESIDENCE INN HOTEL: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.13 acres, generally located at the southeast corner of Val Vista Drive and Mercy Road, and zoned Business Park (BP) 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. Monument signage must be submitted for final approval through a Comprehensive Sign Plan application.
10. **ST22-06 WATERSTON CENTRAL – PHASE 1 – PARCEL 1: Four (4) new standard plans (50-1, 50-2, 50-3, 50-4) by Tri Pointe Homes for 21 lots (92-93, 99-117), generally located at the southwest corner of Val Vista Drive and Ocotillo Road and zoned Single-Family Residential (SF-8) 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 August 3, 2022.
11. **ST22-07 WATERSTON CENTRAL – PHASE 1 – PARCEL 3: Four (4) new standard plans (40-5, 40-6, 40-7, 40-8) by Tri Pointe Homes for 19 lots (176-179, 201-215), generally located at the southwest corner of Val Vista Drive and Ocotillo Road and zoned Single-Family Residential (SF-7) 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 August 3, 2022.
12. **ST22-08 WATERSTON CENTRAL – PHASE 1 – PARCEL 2: Four (4) new standard plans (4504, 4505, 4506, 4507) by Tri Pointe Homes for 31 lots (55-65, 75-89, 94-98), generally located at the southwest corner of Val Vista Drive and Ocotillo Road and zoned Single-Family**

Residential (SF-7) 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 August 3, 2022.
- 13. DR22-76 BLIZZARD BEER SYSTEMS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.21 acres, generally located at 1332 N Melba Ct, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Sal DiSanto (480) 503-6759.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the September 7, 2022, public hearing.
- b. All signs will require a sign permit. Any monument signs will require an Administrative Design Review approval prior to sign permitting and construction.
- c. An 8' Wrought Iron Fence shall be constructed along the western property line in place of the perimeter block wall.
- d. Parking lot and pole mounted lighting directly adjacent to residential shall have a maximum lens mounting height of 14 feet.

MOTION: Vice-Chair Mundt moved to recommend approval of Consent Agenda Item 9 DR21-101 Residence Inn Hotel, Item 10 ST22-06 Waterston Central – Phase 1 – Parcel 1, Item 11 ST22-07 Waterston Central – Phase 1 – Parcel 3, Item 12 ST22-08 Waterston Central – Phase 1 – Parcel 2, and Item 13 DR22-76 Blizzard Beer Systems, 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.

- 14. DR21-180 MORRISON RANCH COMMERCIAL CENTER: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 21.14 acres, generally located at the northwest corner of Power and Elliot Roads, and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay. Josh Rogers (480) 503-6589. Continue to October 5, 2022.**

Planner Josh Rogers stated that this proposal is for a Fry's and a retail facility. The town is in the process of review and is not yet ready for a public hearing.

Resident Brent Moseley stated that he is in favor of the Fry's, but there has not been consideration of the existing PAD for Morrison Ranch. Under Ordinance 2219 from 2009, there was agreement that a property owner's association would provide all landscaping, including a 6+ acre area available to the residents. Instead, Morrison Ranch is being sold off in pieces. He stated that the Planning Department and Commission should consider the obligations made to the residents nearby.

MOTION: Vice-Chair Mundt moved to continue Item 14 DR21-180 Morrison Ranch Commercial Center to the October 5, 2022, public hearing, seconded by Commissioner Fay. Motion passed 7-0.

15. **GP21-09 FRED'S PLACE:** Request for Minor General Plan Amendment to change the land use classification of approximately 14.47 acres located at the northeast corner of Recker and Williams Field Roads from Village Center (VC) to 4.95 acres of General Commercial (GC) and 9.52 acres of Residential 8-14 DU/acre Land Use Classification. Keith Newman (480) 503-6812.
16. **Z21-12 FRED'S PLACE:** Request to rezone approximately 14.47 acres located at the northeast corner of Recker and Williams Field Roads from Gateway Village Center (GVC) Zoning District to 4.95 acres of Shopping Center (SC) and 9.52 acres of Multi-Family/Low (MF/L) Zoning District with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.

STAFF RECOMMENDATION

- a. Recommend to the Town Council approval of GP21-09 Fred's Place, to change the land use classification on 14.47 acres located at the northeast corner of Recker and Williams Field Roads from Village Center (VC) to 4.95 acres of General Commercial (GC) and 9.52 acres of Residential 8-14 DU/acre Land Use Classification; 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 Z21-12 Fred's Place, to rezone approximately 14.47 acres of real property generally located at the northeast corner of Recker and Williams Field Roads from Gateway Village Center (GVC) Zoning District to 4.95 acres of Shopping Center (SC) and 9.52 acres of Multi-Family/Low (MF/L) Zoning District with a Planned Area Development (PAD) overlay, subject to the following conditions:
 1. Dedication to Gilbert for Williams Field Road and Recker 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 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.
 2. Dedication of Williams Field Road shall extend 48 feet from the monument line and dedication of Recker Road shall extend 48 feet from the monument line.
 3. Dedication to Gilbert for Haskell 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 Haskell Street shall extend 30 feet from the center line.

4. Construction of off-site improvements to Haskell 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.
5. 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.
6. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) at any proposed access from Williams Field Road and Recker Road right-of-way into the site. The dedicated right turn lane(s) and other improvements as may be warranted, including any required improvements to the pedestrian path and sidewalk, shall be completed and accepted by the Town of Gilbert prior to certificate of occupancy for any building or unit on the site. The minimum geometry of the dedicated right turn lane(s) shall be 80 feet storage, 85 feet taper, and 12 feet wide for the storage distance.
7. Developer shall construct, at the Developer's expense, traffic signal improvements as required by the Town's Traffic Engineer at Williams Field Road and Recker 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.
8. Developer shall construct, at the Developer's expense, off-site improvements to the intersection of Williams Field Road and Recker Road including constructing the westbound right turn lane and other improvements as may be warranted. These improvements shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier. The minimum geometry of the dedicated right turn lane shall be 125 feet storage, 85 feet taper, and 12 feet wide for the storage distance.
9. Developer shall construct, at the Developer's expense, off-site improvements to the intersection of Williams Field Road and Haskell Street including constructing the northbound right turn lane and other improvements as may be warranted. These improvements shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier. The minimum geometry of the dedicated right turn lane shall be 80 feet storage, 85 feet taper, and 12 feet wide for the storage distance.
10. 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. "Maintenance

responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.”

11. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
12. The Project shall be developed in conformance with Gilbert’s zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Development Regulations for Shopping Center (SC) District

Site Regulations	Development	Required per LDC SC	Proposed SC PAD
Minimum Building Setbacks (ft.)			
Side (Street)		20’	18’ (Williams Field Rd.)
Minimum Perimeter Landscape Area (ft.)	Required		
Side (Street)		20’	18’ (Williams Field Rd.)
Arterial to Arterial Intersection Landscape Setback		50-foot-wide by 250-foot-long landscape area established and maintained along the street frontage.	18’ wide along Williams Field Rd. 25’ wide along Recker Rd.

Site Development Regulations for Multi-Family Low (MF/L) District

Site Regulations	Development	Required per LDC MF/L	Proposed MF/L PAD
Minimum Building Setbacks (ft.)			
Front		25’	20’ (Recker Rd.)
Side (Street)		25’	15’ (Haskell St.)
Rear Adjacent to Multi-Family or Non-Residential)		20’	15’ (East Boundary)
Separation Between Buildings (ft.)			
Single or two story		20’	10’

Minimum Perimeter (ft.)	Required Landscape Area		
Side (Street)		20'	15' (Haskell St.)
Side (Adjacent to Multi-Family or Non-Residential)		20'	0' (south boundary) 0' (west boundary)
Rear Adjacent to Multi-Family or Non-Residential)		15'	15' (East Boundary)

13. Developer shall set forth pedestrian, sidewalk, and landscape tracts abutting Williams Field and Haskell Street on the final plat.
14. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
15. Prior to Planning Commission, the applicant must submit revised General Plan, Zoning and Development Plan exhibits showing 48 feet of right-of-way along Recker Road.
16. The following fair disclosure agreement and covenant, which would include the following disclosure, shall be recorded as a condition of development approval: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high-performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."
17. Any proposed permanent, or temporary, structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities.

Planner Keith Newman stated that this project was brought forth as a study session item in December 2021 and is for a general plan amendment and rezone on existing vacant land currently used as a farming operation. This was zoned under one of the original Cooley

Station PADs. The request is to remove the site from the Cooley PAD and create their own PAD. More specifically the applicant is requesting to change the existing General Plan designation on the site from Village Center to 4.95 acres of General Commercial (GC) and 9.52 acres of Residential 8-14 DU/acre Land Use Classifications, which is consistent with the proposed density of 9.7 DU/Acre. The second request is to change the zoning of the property from Gateway Village Center (GVC) to Multi-Family/Low (MF/L) and Shopping Center (SC). A 4.65 acre commercial development is proposed on the northeast corner of Williams Field and Recker with approx. 20,000 SF of leasable space. An apartment complex with 93 units consisting of single- and two-story buildings is proposed on the residential portion of the site. The size of the shopping center tenant spaces is not yet known, as not all tenants have been chosen yet. T Recker Road will have hardscaping and more traditional landscaping similar to what has been constructed at the southwest corner of the Williams Field & Recker along the frontage of the Verde at Cooley Station Development. Staffs goal is to create a neo-traditional streetscape design. There is a drive aisle and access from E. Haskell Street through the residential to provide access to the commercial. Planner Keith Newman provided an overview of the requested deviations, as outlined in the chart above. Town staff supports all deviations. A neighborhood meeting was held on September 23, 2021. Some concerns were with the number of apartments, increased traffic congestion, and necessary capacity for schools to accommodate additional students.

The applicant Greg Davis of Iplan Consulting stated that this is a legacy project. The current zoning allows for intensive uses, with a density of 50 units per acre, which is why there has not been much pushback from the community on this project. This use is considered to be favorable.

Citizen Bob Bower asked about the perimeter of notification for a neighborhood meeting. Planner Keith Newman responded that, by state statute, the perimeter is 300 feet for any surrounding property owner and 1,000 feet for any HOA. Citizen Bob Bower stated that he is Vice-President of the HOA, and he has not heard anything about this. He expressed concern with the amount of parking for the commercial and the overall density, as there are too many rental properties in the area. Traffic is already becoming a problem in the area, and the additional connection to E. Haskell Street is concerning as it is narrow. The homes on E. Haskell Street have parallel parking and there is frequent stopping in the road.

Greg Davis stated that the code requirement is being exceeded for the commercial parking. The residential parking meets code. The street parking will be wiped out on Recker Road, but there will be public spaces along E. Haskell Street. The drive thru is a unique design, hidden from the street and has plenty of stacking. This project is less intense in terms of density than it could be under the current zoning, with 93 units rather than several hundred. There were efforts to avoid the drive line to E. Haskell Street, but town staff requested it. The project will allow interconnectivity for the community.

Vice-Chair Mundt spoke in favor of the project, as it is better than the current zoning allows.

Commissioner Johns stated that this project follows the character concept for the area, and he likes that it has a commercial aspect. The applicant has a lot of work ahead of them in terms of cleanup in the area.

MOTION: Commissioner Andersen moved to recommend approval of Item 15 GP21-09 Fred’s Place, seconded by Commissioner Johns. **Motion passed 7-0.**

MOTION: Commissioner Andersen moved to recommend approval of Item 16 Z21-12 Fred’s Place, 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.

17. PLANNING COMMISSION MINUTES

MOTION: Commissioner Bianchi moved to recommend approval of the minutes of the Study Session & Regular Meeting of August 3, 2022, seconded by Commissioner Fay. **Motion passed 7-0.**

COMMUNICATIONS

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

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

19. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

Planning Manager Eva Cutro stated that the NPP awards are for employees who exemplify the town’s values, and there were over 90 nominations this year. Josh Rogers was among the nominees and won the Bold Award.

ADJOURNMENT

Chair Simon adjourned the meeting at 7:09 p.m.

Jän Simon, Chairman

ATTEST:

Tracey Asher