



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Police Department - Amphitheatre
75 E. Civic Center Drive, Gilbert, AZ
October 5, 2022**

COMMISSION PRESENT:

Jän Simon, Chairman
William Fay
Brian Andersen
Lesley Davis
Anthony Bianchi
Charles Johnson (Alternate)

STAFF PRESENT:

Veronica Gonzalez, Principal Planner
Eva Cutro, Planning Manager
Noah Schumerth, Planner II
Keith Newman, Senior Planner
Ashlee MacDonald, Principal Planner
Samantha Novotny, Planner I
Sal DiSanto, Planner I

COMMISSION ABSENT:

Noah Mundt, Vice-Chairman
David Blaser
Lisa Gage (Alternate)

COUNCIL LIAISON:

Scott September

PLANNER	CASE	PAGE	VOTE
Samantha Novotny	DR21-181	4	6-0
Noah Schumerth	DR22-102	5	5-0
Josh Rogers	DR21-180	9	6-0
Noah Schumerth	Z22-04	12	6-0

CALL TO ORDER OF THE STUDY SESSION

Chair Jän Simon called the October 5, 2022, Study Session to order at 5:00 p.m.

STUDY SESSION

1. OATH OF OFFICE

Lesley Davis, William Fay, and Charles Johnson swore to the Oath of Office, led by Council Liaison Scott September.

2. GP22-11 BELLA STORIA: Request for Minor General Plan Amendment to change the land use classification on approximately 7.18 acres located at the northwest corner of Power Road and Williams Field Road from General Commercial to Residential > 14-25 DU/Acre Land Use Classification.

Z22-10 BELLA STORIA: Request to rezone approximately 79.71 acres located at the northwest corner of Power Road and Williams Field Road from Maricopa County Rural-43

(RU-43) Zoning District to 30.94 acres of Town of Gilbert Multi-Family Medium (MF/M) zoning district, 24.94 acres of Single Family Detached (SF-D) Zoning District, 16.58 acres of General Commercial (GC) zoning district and 7.25 acres of Single Family Attached (SF-A) zoning district, with a Planned Area Development overlay (PAD). Keith Newman (480) 503-6812.

Planner Keith Newman stated that Bella Stora is a proposed master plan community. The land is currently owned by the Dibella Family and is within Maricopa County. This application is to annex the property into the Town of Gilbert. There are several districts involved. The entire site is 79.71 acres. There will be 63.13 acres of Residential, with 13.48 Dwelling Units per acre (which will be increased based on comments from staff). There will be 30.94 acres of Multi Family, with 851 units. There will be 32.19 acres of Single Family, with 238 lots. The proposal includes setback deviations from 25' and 20' to 10' and 5', which staff is not in support of. For Parcel B, the MF/M, the applicant is proposing a stepback deviation from 100' and 90', which is still being discussed. Staff is not in support of the proposed decrease in private open space from 60 square feet to 50, or the reduction from common open space from 40% to 32%. For Parcel C, the applicant proposes going from 40% to 39.28% for common space, but staff believes the applicant can meet the full requirement. For the SF/D, staff is in support of the deviations for minimum lot area from 3,000 to 2,300 square feet, and maximum lot coverage for the Two/Three Story increasing from 50% to 65%. There was a virtual neighborhood meeting held on January 27, 2022. Only two property owners attended and asked if there was a potential grocery store and about the height of the units. Both were in favor of the project. Staff feels that the east side of the proposed shopping center is too traditional and suburban and does not comply with the vision of the Gateway Character Area. The western half is a good village center type design that meets the vision, but the east half of the development needs less drive through's and larger buildings located closer to the street to create a more Cooley Station/Gateway Character Area compliant design that focuses on a higher quality pedestrian environment and design.

COMMISSION QUESTIONS/COMMENTS

Commissioner Johnson expressed concern with the deviation on the residential, with 10' separations. He expressed concerns that the developer is packing in as many units as possible. Doesn't think it is sound planning and feels that greater separation is needed to create a better quality of life for the residents in the single-family areas.

Commissioner Bianchi asked if any of the single-family homes will be rentals. Planner Keith Newman responded that he believes they will all be owned. Commissioner Bianchi stated that he counted 19 deviations and asked if there would be a master site plan submitted for consideration. Planner Keith Newman responded affirmatively. Commissioner Bianchi stated that the GP request seems minor and reasonable, and he understands the rezoning request given the general plan designations and the Gateway Character area, however, the sheer number of deviations will take more convincing for him given the fairly standard site plan and the auto centric site plan along for the commercial site.

Commissioner Davis stated that she is in agreement with staffs concerns, especially pedestrian connectivity. For the apartments the southwest side on Pad B, the amenity area seems to be isolated within a lot of parking and she appreciates the buildings are along the edges and agrees with the pedestrian connectivity to the street and it would be valuable to connect these units to the open space given the high number of deviations.

Commissioner Fay stated that he does not have concerns with Parcel C or the GC. Parcel B with multi-family seems too packed in, but would be okay with the design if all the other parcels are designed well. . Parcel A is problematic and is also too packed in and looks worse than it is because of the orphan open space parcel at the northwest corner of the site. Regardless he would have a hard time accepting the deviations for Parcel A.

Commissioner Andersen asked, if the Development were to be approved; the applicant cannot deviate from it during the DR case. Planner Keith Newman responded that once the development plan is approved by Council, this design will be locked in, and the DR case will have to be in substantial conformance with the development plan. Substantial conformance could allow minor site adjustments. Commissioner Andersen supported staff opinion on the deviations, especially the GC parcel and the setbacks on the front and side as 5' along Williams Field is awfully tight. Expressed concerns with the angled parking on the commercial site and it would be better if it was 90-degree parking.

Chair Simon asked if the applicant is meeting open space on the residential side. Planner Keith Newman responded that the apartment complexes are not meeting open space, especially for Parcel B. The commercial and single family are meeting open space requirements. Staff has met with the applicant and is working with them on complying with the open space standards for both multi-family parcels. Chair Simon expressed concern with the apartments at the southwest corner, as it seems institutional and does not have connectivity. The applicant needs to work on pedestrian and horizontal throughout the entire development.

- 3. DR22-143 STILLWATER RIVULON: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 10.31 acres, generally located south and west of the southwest corner of Lindsay and Pecos Roads. The site is currently zoned Business Park (BP), but a rezone is being considered to change the zoning designation to Multi Family - High (MF-H) with a Planned Area Development (PAD) overlay. Ashlee MacDonald (480) 503-6748.**

Planner Ashlee MacDonald stated that this site is within the Rivulon Development Area. There are companion General Plan amendment and rezoning applications that will need approval by Town Council prior to design review. The site is located interior to the Rivulon Development and set back from both Lindsay and Pecos Roads. There are four access points along La Arboleta and Rivulon Blvd. In addition, pedestrian connections are provided at multiple points providing interconnectivity in the master development. Two separate buildings are being proposed, the first is a garage building and the second is the residential building. The project is early in the review stage, and compliance in areas such as open space are still being evaluated. A variety of materials are being used for the elevations, including stucco, brick, and fiber cement. Staff is interested in Commission opinion on whether there is too much repetition in the elevations.

COMMISSION QUESTIONS/COMMENTS

Commissioner Davis stated that the project is elegant, and she likes the soffit material of the composite wood. Commissioner Davis asked for clarification on the brick under the windows and if that was vertical. Planner Ashlee MacDonald responded that additional information on that will be sought from the applicant. Commissioner Davis likes the overhang of the roof for some areas of the building.

Commissioner Bianchi asked if anything is planned adjacent to these buildings to help it blend into the area. Planner Ashlee MacDonald responded that the west has the Rivulon Commons Development with four office buildings, and in review there is Building E to the north of this project. East of the subject site, there are no plans at this time. Commissioner Bianchi asked if the additional height would take away the possibility of variation in roof lines. Planner Ashlee MacDonald responded that they would be limited by the request. Code does allow for additional height up to 5' for parapets, so it would have to be assessed where they added the height to see if it is allowed. Commissioner Bianchi stated that the roof line looks too stark and linear. The area focusses on glass and stone over brick. He likes how the amenities are located internal to the site.

Commissioner Johnson stated that Rivulon is one of the best gateway projects in the Town. He asked if there is a way to develop thematic material in line with the Rivulon area that makes this another great character area.

Commissioner Fay stated that he is in support of the project overall, but it does not look like they will meet their open space. Planner Ashlee MacDonald responded that this is the reason for the delay in the rezoning application.

Chair Simon stated that this is a great project for the area and is needed to support the development in the area. He does not have an issue with the design at this time.

4. DISCUSSION OF REGULAR MEETING AGENDA

Item 8 DR22-102 Morrison Ranch II was moved from the Consent Agenda to the Non-Consent Agenda. Item 16 DR21-181 Gilbert Fiesta – New PAD Building, Item 18 DR22-64 BBQ Island, Item 20 GP22-04 Highland Park, and Item 21 Z22-03 Highland Park were moved from the Non-Consent Agenda to the Consent Agenda.

ADJOURN STUDY SESSION

Chair Simon adjourned the Study Session at 5:50 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Jän Simon called the October 5, 2022, Regular Meeting of the Planning Commission to order at 6:00 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.

5. APPROVAL OF AGENDA

Chair Simon called for a motion to approve the agenda.

MOTION: On a motion made by Commissioner Andersen, and seconded by Commissioner Johnson, it was moved to approve the agenda, as amended. **Motion passed 6-0.**

COMMUNICATIONS

6. 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.

7. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

There was no report from the Council Liaison, to make time for all who wished to speak at the meeting.

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.

16. **DR21-181 GILBERT FIESTA - NEW PAD BUILDING:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 0.4 acres, generally located south of the southeast corner of Gilbert Road and Williams Field Road, and zoned Shopping Center (SC) with a Planned Area Development overlay. Samantha Novotny (480) 503-6602.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the October 5, 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.
18. **DR22-64 BBQ ISLAND:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.6 acres, generally located at the southwest corner of William Dillard Drive and Elliot Road, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Samantha Novotny (480) 503-6602. Continue to November 2, 2022.

20. **GP22-04 HIGHLAND PARK: Request for Minor General Plan Amendment to change the land use classification of approximately 16.2 acres generally located south of the southeast corner of Val Vista Road and Warner Road from Residential 0-1 DU/Acre (R > 0-1) to Residential 8-14 DU/Acre (R > 8-14). The effect of this amendment will be to change the plan of development to allow for the provision of two housing types on the site, enable the transfer of density on the site, and prepare for a second phase of the proposed residential development. Noah Schumerth (480) 503-6729. TABLE**
21. **Z22-03 HIGHLAND PARK: Request to rezone approximately 16.2 acres of real property generally located south of the southeast corner of Val Vista Drive and Warner Road from Maricopa County Single-Family Residential (RU-43) and Town of Gilbert Single-Family Residential (R-43) zoning district to Town of Gilbert Single-Family Residential (R-43) zoning district with a Planned Area Development overlay zoning district (PAD) to modify perimeter landscape setbacks, building separation requirements, and common open space requirements. The effect will be to allow for the provision of two different housing types on the site, enables the transfer of density on the site, and allows for expansion into a future second phase of the proposed residential project. Noah Schumerth. (480) 503-6729. TABLE**

MOTION: Commissioner Fay moved to recommend approval of Consent Agenda Item 16 DR21-181 Gilbert Fiesta – New PAD Building, continue Item 18 DR22-64 BQQ Island to November 2, 2022, and table Item 20 GP22-04 Highland Park and Item 21 Z22-03 Highland Park, seconded by Commissioner Johnson. **Motion passed 6-0.**

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.

8. **DR22-102 MORRISON RANCH II: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 16.7 acres, generally located at the southeastern corner of Elliot Road and Beebe Street, and zoned Multi-Family Medium (MF/M) with a Planned Area Development (PAD) overlay. Noah Schumerth (480) 503-6729.**

STAFF RECOMMENDATION

- a. An updated site plan shall be submitted indicating an increase of building separation distance from 18' to 20' between Buildings 28 and 30 as indicated in the Site Plan Exhibit attached to this report.
- b. All fire riser rooms for non-commercial structures utilizing NFPA13 systems shall be 5' x 5' and be indicated with dimensions on all floor plan exhibits provided for building review and permitting.
- c. An updated site plan or narrative document indicating the location of a maintenance garage or building, or the presence of a maintenance facility servicing the development

off-site, shall be provided prior to building review and permitting. Site plan and construction documents (as applicable to development) shall indicate the location or status of a maintenance garage or building servicing the development.

- d. No portion of any permanent building ladder shall extend beyond the maximum roof grade height provided for each building type and elevation style.
- e. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the October 5, 2022, public hearing.
- f. 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.
- g. Monument signage must be submitted for final approval through a Comprehensive Sign Plan application.

Commissioner Andersen abstained from the discussion and vote on this item.

Planner Noah Schumerth stated that the applicant will use a split rail fence consistent with the Morrison Ranch theme to fit into the design of the surrounding neighborhood more seamlessly. The site includes a mixture of 8-, 16-, 2-, and 4-unit buildings, set within a heavily landscaped environment, consistent with the surrounding Elliot Grove neighborhood. Most of the site will have internal drainage in storage tanks under the open space spine of the development and along the western landscape setback of the development. There are two areas near Elliot Road and Morrison Ranch Parkway which will drain into existing retention basins, fitting within their design capacities. Staff worked closely with the architect to work on the elevations based on DR feedback from the August 3, 2022 Study Session with the Design Review Board. Awning and secondary roof lines were added on the Prairie-style buildings, corrections were made to the roofline and window placement of the Ranch-style buildings, and the rear elevations of the Carriage Houses were worked upon quite a bit. The addition of windows alongside elevations on Craftsman and Prairie-style buildings was intended to promote a residential character. The clubhouse and accompanying fitness center buildings were separated from one another, as they were a single building in previous versions of this project, and have more windows and board and batten siding added to them to better align with theming within Morrison Ranch. The fitness center, as a separate building, includes farm doors and agricultural theming elements. There are additional traffic configurations required to meet the MUTCD standards, and Town standards for deceleration lanes.

MOTION: Commissioner Bianchi moved to recommend approval of Item 8, DR22-102, Morrison Ranch II subject to staff recommendations and conditions, seconded by Commissioner Davis. **Motion passed 5-0. Commissioner Andersen abstained.**

- 9. **GP22-05 THE RANCH:** Request for Major General Plan Amendment to change the land use classification of approx. 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). Josh Rogers (480) 503-6589.
- 10. **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 accessory structure height. Josh Rogers (480) 503-6589.

STAFF RECOMMENDATION

a. Staff requests Planning Commission input.

Planner Veronica Gonzalez stated the site is approximately 302 acres and is located between Elliot and Warner Roads adjacent to the west side of Power Road. Planner Veronica Gonzalez explained that a major general plan amendment is defined as any change of a non-residential land use map classification of 40 acres or more. This process involves 60-day agency review, two Planning Commission public hearings, the first being held tonight and the second to take place on October 20, and Town Council action by the end of the calendar year. The property is identified in the General Plan as part of the Power Road Growth Corridor, which is a prime area for significant employment uses due to its access to the larger Phoenix metro area as well as nationwide access. It is also located in the Area 2 of the Vertical Development Overlay District, which allows for bonus height along the eastern half of the property. Within Area 2, heights up to 60' are allowed for General Commercial and Business Park zoning districts and up to 75' in Regional Commercial and Office uses. There are nine other recent development projects in the area in various stages of development. The applicant's request is to change the existing General Plan land use classifications from Industrial, General Office and General Commercial to Industrial and General Commercial with accompanying rezoning. The proposed conceptual site plan includes largely industrial uses with retail/commercial at the Power and Warner and Power and Elliot corners. The conceptual landscape plan proposes a Morrison Ranch streetscape, approximately 22% of the site will be landscaped which equals about 2.6 million square feet of onsite landscape area. The landscape proposal includes a buffer along the western edge that is up to 80' wide, a double row of trees and a trail that ties into the Morrison Ranch trail. The rezoning request includes a PAD overlay, with one deviation to increase the maximum height for accessory structures from 55' to 65'. Planner Veronica Gonzalez corrected an error in the staff report that stated building heights up to 75' were approved in the General Commercial zoning district. The 2009 zoning case actually approved building heights of up to 75' for portions of the General Commercial and Business Park zoning districts generally located along the eastern portion of the property. The proposal does include standards that exceed Town minimum requirements. There will be increased building setbacks for both the main and accessory structures from 75' to 200', landscape setback along the west side adjacent to the residential from 30' to 60'. The net landscaping will be increased from 15% to 22%. There have been three neighborhood meetings held. The first virtual meeting was in March and approximately 7 property owners attended. A follow up virtual meeting was held on September 1st and approximately 130 property owners attended. An in-person meeting was held September 28 and approximately 97 property owners attended. There has been resident opposition on building height, lack of transition to current residential, proposed land use not meeting the Morrison Ranch vision, noise, and truck traffic. Next steps include a second hearing to be held October 20th at the Southeast Regional Library, an anticipated Town Council hearing to take action on November 15th and a Design Review hearing to be determined in the future.

Chair Simon stated that no action will be taken at this hearing, and the purpose is to satisfy the two required hearings as per state statute and receive public input.

Commissioner Bianchi requested confirmation that the applicant can stipulate or prohibit uses as part of the PAD. Planner Veronica Gonzalez responded that uses cannot be limited through a PAD rezoning. However, the property owner can impose limitations through deed restrictions and CCRs.

Adam Baugh, representing the applicant, stated that he lives in the area of this development. Developments such as this are opportunities to create jobs, revenue, and infrastructure. He believes in the merits of the land use case and will walk through why the request is proper and appropriate. As a Commission, you review these requests for what is in the best interest of the Town. You will hear a lot about General Plan changes, character areas and growth areas, dock doors, building heights, battery plants, buffers and children's safety and traffic trips among many other things. His goal is to receive some direction and instruction from the Commission. General Plan amendments are heard by this Commission regularly. The General Plan is a policy document that guides development and changes as the Town grows. The proposal is for 17 industrial buildings and two retail corners. The retail corners equal about 19 acres. The building setbacks are over 200' from residential. Building heights will be 42' to 55', but accessory structures such as material silos and satellites could reach 65'. Such accessory structures will be 600' from the western property line. Buildings range from about 70,000 to 600,000 square feet. The commercial corners may include retail uses, restaurants, fitness, dining and they would be thrilled if a secondary grocer was interested. The zoning today is so challenging because it is a really odd pattern. When it was zoned in 2009 it went from Industrial with some golf course uses to what you see today with Business Park, Light Industrial and General Commercial. General Commercial and maybe Business Park had the greatest amount of acreage on the site. There was no development plan at the time, it was a concept to put in a better position to be marketed and sold. 75' tall building heights were put on about 75% of the property. Basically, most of the GC and BP along Power Road to create more intensity, more jobs, more shopping. The idea was conceptual, and 13 years have gone by without a user or development proposal. 101 acres of commercial is not the local coffee shop, it is a large power retail center. The current plan is not viable. The applicant has carefully considered the options. 101 acres of commercial is not really viable, given that this site is in the airport flight path homes are not encouraged in this area. There are not many that would risk developing 300 acres of Business Park on spec as there is the 300 acres of Business Park on Rivulon that is going at a casual pace. Which tells you that Business Park in this location is less likely to succeed. With Cactus Yards next door to this site, a big public facility or park is not likely and so there are not many other options. The prior zoning was Industrial and included golf course amenities. The General Plan in the 1990's was for Industrial uses. The Town wanted to create an employment hub on the east side of the town. Putting Industrial on this side of town made sense because of freeway access and Power Road as a road of regional significance. There is also significant economic opportunity with this General Plan amendment. There are several elements of the development that do adhere to the General Plan. There are not enough jobs available today for the available workforce, and this development would improve that. Substantial tax revenues would be generated that are beneficial to the Town.

Another reason to consider amending the General Plan is this is what the Power Road Growth Corridor calls for because of its quick transportation access and is a catalyst for development. The proposed project makes good land use sense considering the goals of the Town. The 2009 plan was a creative effort but there was no interest in it. Approved developments in the area demonstrate that this is an intensive corridor with a lot of traffic, building heights and a lot of industrial uses. There is a desire and demand for this use in the market. There are few properties that offer this economic opportunity along Power Road, which is a key corridor in the area. This makes sense because there is a reduction in the impacts related to heights, setbacks, and trips. In 2008 when the Town adopted the Vertical Development Overlay more than half the property was allowed to have 60' tall buildings. The proposed buildings are equal to or less than the heights allowed today. Proposed setbacks are greater than what current zoning next to the neighbors allows. The proposed use estimates fewer average daily traffic trips than the current zoning. Commercial zoning, by nature, generates more traffic trips. Benefits of this project include two new commercial shopping centers, an employment hub that creates new jobs, industries, revenues, businesses and infrastructure and the Power Road Growth Corridor recommends these types of uses. It is consistent with the zoning pattern already along Power Road. The intensity of this request is different than any other General Plan amendment and that is why it is necessary. This makes good business sense and land use sense and the other options don't work. There is still work to be done and the benefit of this process is that it demonstrated they need to take a better look at the plan. They do believe in the merits of the plan.

Commissioner Johnson asked if the Town of Gilbert needs to achieve job resident parity, considering the economic sub zone of the entire east valley. Jennifer Graves, Economic Development Department, responded that there is a focus on economic benefits for the community that focus on STEM and STEM related jobs. Gilbert will likely never have more jobs than the labor force, but there is a vision of creating more jobs for residents to be able to work more closely to home, which creates a better quality of life.

Chair Simon stated that the following residents submitted online opposition to this item: Greg Patrick, Debbie Patrick, Chris Cox, Stephanie Cox, Craig Addington, Murphy Addington, Josh Castro, Noelle Castro, Brad Smith, Morgan Smith, Matthew Eckman, Amanda Eckman, Tim Wallace, Theresa Wallace, Kerolann Haslam, Brian Mosley, Kyle Graf, CJ Cottrell, Olivia Abromovitz, Nellie Moller, Michael Abromovitz, Amanda Abromovitz, Shanna Mosley and Ryan Handlesman.

Chair Simon read comment cards in opposition to this item from the following residents who did not wish to speak: Brittany Yonkin, Kelly Fortier, Debbie Patrick, Tim Wallace, Jennifer Wada, Roy Haney, Michael Layer, Ryan Handlesman, Daniel Strasa, Tom Arcid, Christina Haney, Steve Pomeroy, Tim Everett, Ross Chambers, Lauren Layer, Michael Barnardt, Lynn Hippenhammer, Terry Hippenhammer, Corey Hayst. The comment cards expressed concern that the project does not adhere to the general plan ratified in 2020 and does not fit with the character of the area.

Daniel Peyton, resident, spoke in opposition. He stated that elsewhere in Gilbert, golf courses and other mitigating factors insulate homes from industrial uses. In the earlier plans there were meaningful breaks in land and interconnected communities, rather than monolithic

concrete structures that potentially span five football fields. The central theme was light industrial insulated by Morrison Ranch apartments and Warner Commons insulating the other use to the south. The voters ratified the General Plan and rely on this information when making decisions. 90 acres of light industrial was rezoned three years ago under GP18-09, because there was no demand, and now it is being stated that there is that demand. There is a reason one does not see 4 million square feet of industrial usage next to a residential community, because it does not make sense.

Karen Arndt, resident, spoke in opposition. The 2020 General Plan encourages a balanced land use framework. Gilbert has a history of being a well-planned community. We must effectively utilize our land supply and manage our development patterns while maintaining our community character. This project will not make the community more liveable, in consideration of the traffic impact on the area. Cross dock traffic is more intense than other traffic in the area. The 92% of industrial use does not make the community more livable. The proposed amendment obliterates aspects that make this a livable community. The current zoning could be a mixed-use development, with high-quality housing for all income levels and ages, which would be complimentary to Morrison Ranch. There are other developments in flight paths that have been approved for housing usage. Mixed-use could mean many things. It could be hotel with retail and restaurants, office spaces with retail below.

Sarah Strasa, resident, spoke in opposition. There should be compatible commercial uses and community services, to cater to needs of the neighborhood. 92% industrial does not integrate access to daily needs into residential neighborhoods. Most of this development will never be patroned by surrounding residents. Restaurants, doctors' offices, dentists, and business park uses are needed in the area to drive consumer spending and increase the propensity of businesses to increase the tax base. The current zoning supports mixed use development with appropriate land use classifications, and the amendment leads to the exact opposite. The potential amendment eliminates the opportunity for mixed uses. There are no meaningful retail or loft apartment opportunities within this proposed development. The supposed job creation is a guess. While there is potential to draw employment, it's currently unknown. This project obliterates a defined character area adjacent to a residential neighborhood. There is no transition from residential to 500,000 square feet of industrial warehousing in the proposal. Other industrial uses in Gilbert have appropriate transitions. The land hasn't been vacant for the last 13 years because of zoning. It's because Morrison Ranch has been developing over the last 13 years and now it's a more desirable area. Rezoning from the current zoning would hurt the potential to have a really great area.

Jackie Cattrell, resident, spoke in opposition. The General Plan states that Gilbert's identity is significantly shaped by the design, form, and architectural style of the built environment. Both residents and visitors should be able to appreciate the high-quality development and redevelopment of the area. This proposed amendment does not provide a sense of place. It is out of place for this location. The area has Mission Church, Cactus Yards, schools, and residential homes. This is not a place pedestrians would be able to enjoy. The land is currently zoned for 15% to 17% light industrial, and the proposed increase to almost 92% light industrial is not compatible with the area.

Jenny Everett, resident, spoke in opposition. New developments should support the existing character area. The proposed amendment is to rezone a defined character area. The area is part of a master plan, included in several ordinances. The developer and IndiCap do not know what lighting demands will be required for this area. The proposed amendment is over 4 million square feet of concrete buildings, the largest of which are five to six stories. This project is the definition of a heat island. There should be a heavily landscaped feel as per the General Plan. This project is far too intense and in the wrong location. These warehouses are backing up to residents' homes.

Barbara Lucas, resident, spoke in opposition. The general plan does need to be flexible, but there should be compelling reasons to change it, rather than opportunistic reasons. There have been many acres of industrial approved on all sides of the area except one. When people look into buying their houses, they look at the general plan. The purchase of a house is the biggest financial investment a person can make and putting industrial of this size this close to a residence decreases its value. Barbara Lucas and other residents met with the developer, but there has been no indication that they will help transition the development to the residences and meet the requirements of the general plan. This development does not fit the General Plan intent or Morrison Ranch character. This will negatively impact quality of life for all Morrison Ranch residents, given traffic and safety concerns.

Patty Pomeroy, resident, spoke in opposition. The developers have tried to tell the neighborhood that this will be a great development with well-designed buildings and a nice entrance, but it's still a large industrial development. Adam Baugh is a great man with a great family, but he will not experience the immediate impact of this development. Some residents have indicated that they would sell their homes if this development were to be undertaken, not to mention the value of their homes will be decreased when they attempt to sell. This project does not enhance the community, and residents of the area will not be working in a complex such as this. It does not bring the type of jobs this area requires.

Brent Henningson, resident, spoke in opposition. Residents of Morrison Ranch purchased their homes based on the zoning and the current general plan. To drastically change the zoning would be a breach of trust and financially injure residents of Morrison Ranch. This development would destroy the character of the Morrison Ranch community. Swaths of towering structures would be inconsistent with the surrounding area. The applicant has not demonstrated that the Ranch would be an improvement over the current zoning. Changing the proposed zoning to allow massive buildings to tower over residential homes would be irresponsible and damage the reputation of those who approve it.

Kevin Marvin, resident, spoke in opposition. There could be something meaningful to transition into the buildings that are proposed in the middle of the site. If none of the Commissioners live in Elliot Groves, would they want to live there if this development were to be approved. Property values will decrease. This project just doesn't make sense.

Preston Yeschik, resident, spoke in opposition. The excessive commercial, high-density residential areas, and concrete mega lots going up across Gilbert are against the spirit of the Town. There are complaints about traffic, but the problem is not addressed at its source, as development opportunities like this continue to be approved. Developers herald the jobs they create, but they violate the values that make Gilbert so appealing. This is not

appropriate in the area. As Gilbert’s precious remaining land dwindles, it should be carefully considered which developer proposals are entertained.

Adam Baugh, representing the applicant, stated that there is always something new being built at the edge of a growing town. Mixed use requires a residential component, which there is no market for in the area. This is an industrial corridor, which is indicated by the three other industrial projects approved in the area. Industrial is low in the land use category, as opposed to the significant residential out there. It should be considered how long the town should wait for the present zoning to be used. GC in the middle of the property does not have any viability. The applicant is considering smaller buildings with lower heights, landscaping, theming walls, and amenity spaces, based on feedback from the community.

Commissioner Johnson stated that, in 1927, there was a famous case, Euclid versus Ambler, which is the genesis of urban planning. A small community came up against an industrial developer, and the courts found in favor of the community. It is curious what happens in history and the time machine of what happened here in Gilbert.

Commissioner Davis asked how the building sizes compare to those north of the airport, such as the Dexcom building. Commissioner Andersen responded that the Dexcom building is approximately 650,000 square feet.

Chair Simon stated that this has always been envisioned as an employment hub and the Power Road corridor. The types of uses that can go in this area must be considered in this light. There is room for improvement in the site layout. He agrees with residents that the size of buildings proposed against residential could be concerning. However, the applicant has done a great job with the 262’ distance they have given. There is merit to the development, but changes need to be made to the western edge, which the applicant has acknowledged.

Commissioner Bianchi stated that public discourse often leads to a better proposal. This proposal is the largest he has seen in recent memory, and it is at the Town’s eastern gateway along two major arterials. Major plan amendments deserve and get scrutiny. The short-term gains must be considered against the long-term goals. This proposal would fundamentally change the look and feel of Morrison Ranch, so he currently is struggling with it.

Commissioner Davis stated that she does have concern with the cross-dock facilities and the type of traffic this will involve. The applicant needs to look at ways to design the site plan to better buffer the neighborhood.

11. **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.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the October 5, 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 prior to submitting for sign permits.
- d. Revised elevations showing roof-mounted mechanical equipment fully screened by a parapet wall or other architecturally integrated building element equal to or exceeding the height of the mechanical units by at least 10% shall be reviewed and approved by Town staff prior to building permit submittal.
- e. Staff comments noted on Exhibit 6 shall be addressed and incorporated into the Construction Document submittal.
- f. The applicant shall provide documentation that the Design Review has been reviewed by Salt River Project (SRP) in the Construction Document submittal.
- g. 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. If a filing is needed, an FAA determination notice of no hazard to air navigation shall be provided.

Planning Manager Eva Cutro stated that this proposal is for a 125,000 square foot Major Grocery Anchor, which is a Frye's, with an additional 17,000 square feet of attached retail. In addition, there is a fuelling station, and five PAD sites proposed. The landscape plan exceeds code at 21% rather than 15%. The landscape plan has white vinyl fences, pink oleanders, and pecan trees. They are meeting the rural design of the Morrison Ranch community, with fibre cement board, metal accents, and brick. Prior to building permit, the applicant will work with staff to better shield the rooftop mechanical units. The fueling centre follows the same theme.

MOTION: Commissioner Johnson moved to recommend approval of Item 11, DR21-180, Morrison Ranch II subject to staff recommendations and conditions, seconded by Commissioner Bianchi. **Motion passed 6-0.**

- 12. **GP22-09 STILLWATER RIVULON: Request for Minor General Plan Amendment to change the land use classification on approximately 10.31 acres located south and west of the southwest corner of Lindsay and Pecos from General Office (GO) to Residential > 25-50 du/acre Land Use Classification. Ashlee MacDonald (480) 503-6748. Continue to November 2, 2022.**
- 13. **Z22-07: STILLWATER RIVULON: Request to rezone approximately 10.31 acres located south and west of the southwest corner of Lindsay and Pecos from Business Park (BP) with a Planned Area Development (PAD) overlay to Multi Family-High (MF-H) Zoning District with a Planned Area Development (PAD) overlay district. Ashlee MacDonald (480) 503-6748. Continue to November 2, 2022.**

Brett Ryan, resident, spoke in opposition to these items, more specifically to the MF-H usage. There is a lot of MF-H in Gilbert, and it should be considered whether there is a need for more. The Rivulon area has a great design and landscaping, and the proposed development at five storeys does not suit Rivulon. On the third floor and up, you will see into the yards of \$800,000 homes. The design needs work. They are asking to borrow parking from the adjacent, empty offices next door, to put 20 acres on a 10-acre site.

Laura Ruez, resident, spoke in opposition to these items. She asked when the last feasibility and impact study was done for this area, and how education, public resources, and traffic

would be impacted by this project. There are four to six residences per acre currently. 10 acres at the current zoning would be 250 people, and the current schools were based on this zoning and density. With the proposed zoning, there could be 2,000 individuals in this one development, which could translate to 1,000 new students for the elementary and high school in the area. Quartz Hill High School only has a capacity of 500 students. The student/teacher ratios are already in excess. Additional students would result in reduced test scores and a less educated workforce in future.

Commissioner Fay stated that there is a disproportionate number of residents who have stated that they were not notified of this development. Planning Manager Eva Cutro stated that said residents are outside the notification area, and the requirements were met.

MOTION: Commissioner Bianchi moved to continue Item 12 GP22-09 Stillwater Rivulon and Item 13 Z22-07 Stillwater Rivulon to November 2, 2022, seconded by Commissioner Fay. **Motion passed 6-0.**

14. **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. Keith Newman (480) 503-6812.**
15. **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.**

STAFF RECOMMENDATION

- a. No motion requested; the special meeting of the Planning Commission is to receive public input and comments for GP22-06, Lindsay 202 Industrial Business Park Major General Plan amendment on 94.07 acres, located at the northeast corner of Lindsay and Germann Roads. The Major General Plan amendment is scheduled for the October 20, 2022, regular Planning Commission hearing for consideration of a recommendation to Town Council;
- b. No motion requested; the special meeting of the Planning Commission is to receive public input and comments for Z22-06, Lindsay 202 Industrial Business Park rezone on 94.07 acres, located at the northeast corner of Lindsay and Germann Roads. The rezone is scheduled for the October 20, 2022, regular Planning Commission hearing for consideration of a recommendation to Town Council.

Planner Keith Newman stated that the conceptual site plan will not be approved with the proposed general plan amendment in rezone; its purpose is visualization. There is a concurrent design review case that will come before the Commission in the coming months. The site has 87.90 net acres and employment/ industrial uses of 1,395,600 square feet. There will be 54,000 square feet of office space over six industrial/employment buildings. The retail/commercial in the northwest corner has a large restaurant/ retail building. The design review for this is ongoing. There are approximately 1,832 parking spaces. Site landscaping is about 20%, which well exceeds the requirement. There have been two virtual neighborhood

meetings. Residents expressed concerns about additional traffic, truck noise, noise from users, LI adjacent to residential communities, and building size/proximity. The applicant has addressed concerns and many of those residents are not in support of the project.

Commissioner Bianchi asked how the applicant will encourage traffic entry of trucks in and out of Lindsay Road, away from Germann Road and the high school. Planner Keith Newman responded that there has been staff feedback to this effect. Aaron Pinkerton, Traffic Engineer, stated that there has been work with the developer to make accesses the most usable on the southwest corner to flow better with the fire building across the street. There is work to ensure there will not be congestion to the freeway. There is no signal on Germann Road.

Benjamin Tate, representing the applicant, stated that this project is being developed by Creation, which is an arm of LGE Design Group. The intention is to develop Lindsay 202, which is an Industrial Business Park, adding economic benefit to the site which did not exist with the General Office (GO) zoning. This would be a six-building employment campus, with a 55' height to the top of the parapet. The purpose is to attract a range of potential users, such as tech-focussed individuals. It is to be a flexible space to attract high-value tenants and users to the space. There will be a small 3.3 net acre retail component with restaurants. There have been several neighborhood meetings, and resident feedback has been taken into consideration. The economic impact is the most compelling piece of the project. From construction alone, there will be \$238.7 million in wages, \$567.5 million in total economic output, and \$7 million in taxes going directly to Gilbert. There have been significant changes to the circulation to direct the majority of traffic through the signal at Lindsay Road. Fewer daily trips will be generated than would be under the current zoning. Buildings have been oriented so that truck doors do not face neighborhoods to mitigate truck noise.

Tara Gramza, resident, spoke in favor of the project. The developer and team have worked with neighbors for months to address their concerns.

Krista Vandermullen, resident, spoke in favor of the project. The developer and team have gone to great lengths to address specific community concerns for the past six months.

Chair Simon noted that this item was for discussion and no motion is required.

17. **Z22-04 GABRIELLA POINTE: Request to rezone approximately 39 acres, generally on the southeast corner of Warner Road and Martingale Road, from Multi-Family Medium (MF/M) and Multi-Family Low (MF/L) to Multi-Family Medium (MF/M) with a Planned Area Development (PAD) overlay and Multi-Family Low (MF/L) with a Planned Area Development (PAD) overlay. The effect will be to allow for a one-story increase in building height adjacent to an existing vertical development area with appropriate screening and additional open space provision to offset building height increases. Noah Schumerth (480) 503-6729.**

STAFF RECOMMENDATION

- A. 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; recommend approval of Z22-04 to Town Council, to rezone approximately 39

acres generally located at the SE corner of Warner Road and Martingale Road from approximately 19.5 acres of the Multi-Family/Medium (MF/M) zoning district and 19.5 acres of the Multi-Family/Low zoning district to approximately 19.5 acres of the Multi-Family/Medium (MF/M) zoning district and 19.5 acres of the Multi-Family/Low zoning district with a Planned Area Development (PAD) overlay encompassing the 39 acres of the property, and subject to the following conditions:

- a. Per Ordinance 2693, dedication to Gilbert for Higley Road and Warner 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 Town Engineer.
- b. Per Ordinance 2693, construction of off-site improvements to Higley Road and/or Warner Road adjacent to the Property, including but not limited to roadway widening, intersection improvements, sidewalk and streetlight installation, utility improvements or modifications, new traffic signals and/or traffic signal modifications, and deceleration lanes at all access locations, 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 the 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.
- c. Per Ordinance 2693, a detailed Master Traffic Impact Study for the Property in which Ordinance 2693 was applied, including the Property subject to this Ordinance, shall be submitted by the Developer at its sole cost and approved by the Town Traffic Engineer prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Any replat application or substantial land use change on the Property shall require an amendment to the Master Traffic Impact Study. Access points for the Property shall be evaluated and approved by the Town based on this detailed Master Traffic Impact Study completed for the Property identified in Ordinance 2693.
- d. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) and any associated improvements at any proposed access on Warner Road right-of-way into the site. The minimum geometry of the dedicated right turn lane(s) shall be an 80 feet storage, 85 feet taper, and 12 feet wide. 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.
- e. Per Ordinance 2693, prior to the issuance of the first building permit or at the time of the recordation of the final plat, Developer shall enter into a Developer 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 as required herein 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.

- f. 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.
- g. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan(s) or official narrative documents.
- h. 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:

Zoning Provision	MF/M (Town of Gilbert)	MF/M (PAD) Gabriella Pointe
Maximum Building Height		
Maximum Height	40’	56’
Maximum Floors	None	4
Required Open Space		
Total Net Open Space	40%	43%
<i>All other provisions of the MF-M zoning district of the Land Development Code shall be met by the Project or any other proposed development within the area subject to the Gabriella Pointe PAD.</i>		

- i. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
- j. The Project shall be developed in conformance with the following additional conditions related to the design and construction of any Project and accompanying development:
 - i. No building exceeding the maximum height of the MF/M base zoning district (40’) shall be located within 1,100 feet of the eastern boundary of the Project area as defined by the Legal Description (Exhibit 1).
 - ii. No building exceeding the maximum height of the MF/M base zoning district (40’) shall be located within 230’ of the northern boundary of the Project area as defined by the Legal Description (Exhibit 1).
 - iii. No building exceeding the maximum height of the MF/M base zoning district (40’) shall be located outside of the boundary of Area 4 of the Vertical Development Overlay District, as established by the Town of Gilbert Land Development Code.
 - iv. No building under any circumstances shall exceed four stories in height.
 - v. No more than three buildings within the site shall exceed the maximum height of the MF/M base zoning district (40)’.

- vi. All buildings greater than 40' in height must be setback a minimum of 40' from the adjacent street.
- vii. All structures constructed above the maximum height of the MF/M base zoning district must be adjoining direct pedestrian connections to a recreation center building or other area conducive for active recreation uses.
- k. The following fair disclosure agreement and covenant, which would include the following disclosure, shall be recorded as a condition of any 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.
- l. All final subdivision plans and public reports filed with the Arizona Department of Real Estate should include the notice described in Condition "n" above.
- m. Sales and leasing offices established for new subdivisions and residential development projects should provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice should consist of a sign at least 4 feet by 4 feet installed at the entrance to the sales office or leasing office at each project. The sign should be installed prior to commencement of sales or leases and should not be removed until the sales office is permanently closed, or leasing office no longer leases units in the project. The sign should state the disclosure in Condition "n" with the letter of at least one (1) inch in height.
- n. 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. An FAA determination notice of no hazard to air navigation shall be provided.
- o. 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. An FAA determination notice of no hazard to air navigation shall be provided.
- p. The applicant shall provide a revised development plan which reflects the required 40' street side setback for buildings with height greater than 40' agreed upon between staff and the applicant.

Chair Simon stated that the following residents submitted online opposition to this item: Debbie Patrick, Nelly Molar, Barbara Lucas, Olivia Abramovitz, Michael Abramovitz, Amanda Abramovitz.

Commissioner Bianchi stated that he has an overall issue with unit counts, but the combined use is at 19 units per acre, so it ends up being less than the total units allowed by zoning on the site.

MOTION: Commissioner Bianchi moved to recommend approval of Item 17, Z22-04 Gabriella Pointe subject to staff recommendations and conditions, seconded by Commissioner Davis. **Motion passed 6-0.**

19. **S22-02 ARBORETA ESTATES: Request to approve a Preliminary Plat and Open Space Plan for Arboreta Estates, for 15 lots (Lots 1-15) and 2 tracts (Tracts A and B) on approximately 17 acres located at the northeast corner of Greenfield Road and Germann Road in the Single Family-35 (SF-35) zoning district. Samantha Novotny (480) 503-6602. Continue to November 2, 2022.**

MOTION: Commissioner Fay moved to continue Item 19, S22-02 Arboreta Estates to November 2, 2022, seconded by Commissioner Johnson. **Motion passed 6-0.**

22. **Z22-13 MIXED USE ZONING DISTRICTS: Citizen review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Section 2.0 Terms, Section 3.0 Base Zoning Districts and Use Regulations, Section 4.0 Overlay District Regulations, Section 5.0 Supplemental Regulations, and Chapter 2 Design Guidelines and Standards, related to the creation of three new base zoning districts Mixed-Use/Small (MU/S), Mixed-Use/Large (MU/L), and Mixed-Use/Regional (MU/R). The effect of the amendment will be to create site development standards, use regulations, and design standards appropriate to a mixed-use zoning district, and to update and add definitions, terms, and graphics for clarity and consistency. Samantha Novotny (480) 503-6602, Noah Schumerth (480) 503-6729.**

STAFF RECOMMENDATION

- a. Staff requests the Planning Commission initiate a text amendment to the Town of Gilbert LDC, Chapter 1 Zoning Regulations, Section 2.0 Terms, Section 3.0 Base Zoning Districts and Use Regulations, Section 4.0 Overlay District Regulations, Section 5.0 Supplemental Regulations, and Chapter 2 Design Guidelines and Standards; and
- b. Conduct a Citizen Review meeting to discuss the proposed Land Development Code text amendment pertaining to the creation of three new base zoning districts: Mixed-Use/Small (MU/S), Mixed-Use/Large (MU/L), and Mixed-Use/Regional (MU/R).

Planner Samantha Novotny stated that this request is to initiate a text amendment and conduct a citizen review, which is required of the LDC. Mixed-use zoning has been of great interest to Gilbert, as far back as 2011 with an ASU Graduate Capstone course that collaborated with Gilbert to explore the concepts of mixed-use zoning. Planning Commission initiated a similar text amendment in 2019, which has since been withdrawn. Staff feels this is needed in Gilbert because there is a gap in properly administering the LDC, there has been an increase in mixed-use proposals, and there are currently cumbersome agreements required with the development proposals, and this would allow for more transparency.

Planner Noah Schumerth stated that there would be a move away from complicated PAD and development agreements. In the General Plan, implementing mixed-use zoning is a foundational element, throughout both the policy and implementation sections. Growth

areas, goals, and character areas benefit from mixed-use zoning being added as a tool. The mixed-use definition already exists and was added to the LDC in 2014. Epicenter, BLDG 313, Verde, and Heritage Marketplace are recent examples of mixed-use developments. Mixed-use already exists around Gilbert and inspire staff on ways to usher similar good development through mixed-use zoning. This LDC text amendment does not result in any property being automatically rezoned or reclassified. They must apply for a rezoning application and must correspond with appropriate General Plan categories.

Commissioner Johnson stated that he supports mixed-use use in principle. He asked if all mixed-use projects would go through a design review. Planner Noah Schumerth responded affirmatively. Commissioner Johnson asked if there could be waivers or changes throughout the design review process through the new ordinance. Planner Samantha Novotny responded that if a layer of creativity were to be added, they could do that with an additional PAD. However, it is hoped that with three mixed-use districts, the regulations will be apparent upfront, for developments to be more predictable and flexible rather than just relying on the PAD tool. Commissioner Johnson expressed liking the idea of placemaking and use Cooley Station as a model for this sort of application. Planner Noah Schumerth responded mixed-use development design guidelines would be included to accompany the mixed-use districts to provide an opportunity for placemaking while promoting dialogue between developers and planners.

Commissioner Fay is in favor of mixed-use concepts. He asked if mixed-use must involve residential based on the existing definition and wanted to ensure the definition is built with flexibility for mixed-use developments without residential Planner Noah Schumerth responded that it will not be limited to residential, and that will be reflected in the details of the LDC text amendment proposal amended text. Staff will take into account the feedback to ensure the definition aligns with the proposal.

Commissioner Bianchi asked about the acre minimums and maximums for small, medium, and large. Planner Samantha Novotny responded that this is to be determined and the details of this LDC text amendment will be brought forward in a study session on October 20, 2022. Commissioner Bianchi looks forward to the next discussion and also agrees that this will be a welcome addition to the LDC.

Chair Simon granted staff permission to move forward on this item.

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.

23. 2023 PLANNING COMMISSION MEETINGS

MOTION: Commissioner Johnson moved to approve the 2023 Planning Commission Meetings Calendar, seconded by Commissioner Andersen. **Motion passed 6-0.**

24. PLANNING COMMISSION MINUTES

MOTION: Commissioner Bianchi moved to approve the minutes of the Study Session & Regular Meeting of September 7, 2022, seconded by Commissioner Fay. **Motion passed 6-0.**

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 relayed that Josh Rogers, Planner II, has resigned from the Town and he will be missed. Samantha Novotny, Planner I, was recently presented with her five-year service award. There is now a Senior Planner and Planner II vacancy.

ADJOURNMENT

Chair Simon adjourned the meeting at 8:53 p.m.

Jän Simon, Chairman

ATTEST:

Tracey Asher