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Planning Commission Public Hearing

TO: PLANNING COMMISSION / DESIGN REVIEW BOARD

FROM: EVA CUTRO, AICP, PLANNING MANAGER
(480) 503-6782, EVA.CUTRO@GILBERTAZ.GOV

MEETING DATE: NOVEMBER 2, 2022

SUBJECT: 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 3.80 acres of General Commercial (GC), 8.66 acres of Multi-Family/Medium (MF/M), and 2.93 acres of Shopping Center (SC) zoning districts, with a Planned Area Development overlay zoning district (PAD).

STRATEGIC INITIATIVE: Exceptional Built Environment

To allow for a mixed-use development on a vacant parcel.

RECOMMENDED MOTION

For the reasons set forth in this staff report, move to recommend approval to the Town Council for Z22-12 MODERA-GILBERT Mixed Use Development, as requested, subject to the conditions listed in the staff report.

APPLICANT

Company: Burch & Cracchiolo
 Name: Brennan Ray
 Address: 1850 N. Central Ave, Ste 1700
 Phoenix, AZ 85004

OWNER

Company: Mill Creek Residential
 Name: Tyler Wilson
 Address: 15210 N. Scottsdale Rd.
 Scottsdale, AZ 85254

Phone: 602-234-8794
Email: bray@bcattorneys.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>July 22, 2003</i>	The Town Council approved a Z02-32 (Ordinance No. 1501) a rezoning creating the 586.5 acres Lyon’s Gate PAD located at the southeast corner and southwest corner of Higley and Ray Roads.
<i>May 14, 2015</i>	Design Review Board approved DR15-05 Valero/CST Store for a fueling facility and overall site master plan.
<i>March 3, 2021</i>	Planning Commission reviewed DR20-109 Gilbert Pavilion at Study Session.
<i>September 7, 2022</i>	Planning Commission reviewed Z22-12 at Study Session

Overview

The subject site is an approximate 15.4-acre parcel located in the Gateway Character Area on the southwest corner of Higley and Ray Roads, directly south of the Epicenter mixed-use development. An existing fueling facility with car wash was approved on the hard corner in 2015. This was Phase 1 to a master planned vision for the whole site. Phase II did not come to fruition. The applicant is requesting a Rezone and Design Review to introduce a new mixed-use development with approximately 22,000 square feet of ground floor commercial/retail space and 276 residential units divided among loft units above retail space and traditional multi-family residential buildings.

Currently there isn’t a singular zoning district in the Land Development Code that could encompass the proposed development plan. Therefore, the applicant is requesting three zoning districts with a Planned Area Development to meet existing Town standards for their mixed-use proposal. The request is to rezone from Shopping Center (SC) to a mix of General Commercial (GC) on 3.8 acres, Multi-Family Medium (MF/M) on 8.66 acres, and Shopping Center (SC) on 2.9 acres with a PAD. Town staff is currently in the early stages of creating a mixed-use zoning district. If approved, the applicant proposes to utilize this district to convert a portion of the MF to commercial use.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	General Commercial	General Commercial (GC) PAD and Shopping Center (SC) PAD	Ray Road, then Agritopia Epicenter and Air Guitar
South	Residential >3.5-5	Single Family Detached (SF-D) PAD	Lyons Gate
East	Neighborhood Commercial and Residential >3.5-5	Neighborhood Commercial (NC) PAD and Multi-Family Medium (MF-M) PAD	Higley Road, then Dunkin Donuts and Apartment Homes
West	Residential >3.5-5	Single Family Detached (SF-D) PAD	Banning Street, then Lyons Gate
Site	General Commercial	Shopping Center (SC) PAD	Fueling Station /Undeveloped

Gateway Character Area

The subject site is located within the Gateway Character Area identified in the 2020 General Plan.

Gateway Character Area (GCA)– *The Gateway Character Area identifies desirable physical characteristics that will enhance Gilbert’s unique identity and bring back traditional neighborhoods. It provides for traditional village/neighborhood design concepts which are reminiscent of the heritage of Gilbert. It promotes pedestrian/ bicycle/ transit-oriented design, and integrates residential, commercial, employment, schools, places of worship, and parks with rail and bus transit, bikeways, and pedestrian paths. It affords an opportunity for small-scale urban agriculture.*

- Gilbert 2020 General Plan

Modera Gilbert has a unique opportunity within the Town. There are two areas within Gilbert where residents have envisioned premier mixed-use locations, the Heritage District and within the Gateway Character Area (GCA). The Gateway vision has been in place for some time and was recently reaffirmed by our residents in the 2020 General Plan adoption. In the past few years, local landowners, developers, residents, and Town staff have worked together to move that vision forward within two major areas of the GCA – Agritopia/Epicenter and Cooley Station. Modera proposes to continue that vision.

According to the applicant, their proposal meets the following General Plan Goals and Policies:

- Policy 1. Ensure the Town maintains a land use framework that supports a highly livable community through the efficient use of land and resources. The changes requested will allow for a mixed-use development that responds to the need for thoughtful commercial development and current housing trends needed in the Town, including the need for high-quality housing. The change will also allow for a higher quality development with a cohesive design, landscaping, theming, etc., that the current designation cannot support. (Goal CM-1)

The resultant efficiency and connectivity of the mixed-use development planned for the Site will complement the surrounding uses and provide additional connectivity . (Goal CM-5)

- Policy 2. Encourage high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, market preferences, and incomes. Gilbert’s demographics are changing, and its population is becoming more diverse in terms of household size, age composition, and income levels. Thus, diversity in housing products of the type that will be possible through the proposed changes will meet the needs of these residents. (Goal CM-1).

The diverse high-quality housing options anticipated will help create dwelling options for individuals and families of different income levels and demographics, including aging seniors and empty nester’s, multi-generational households, young professionals, young families, and members of the local workforce. (Goal CM-5)

- Policy 3. Support placement of compatible commercial uses and community services that integrate access to daily needs into residential neighborhoods. The mix of commercial and residential uses that can be achieved by the proposed changes will be balanced with the needs of the greater area for a more diverse land use mix that helps promote the community character. (Goal CM-1)

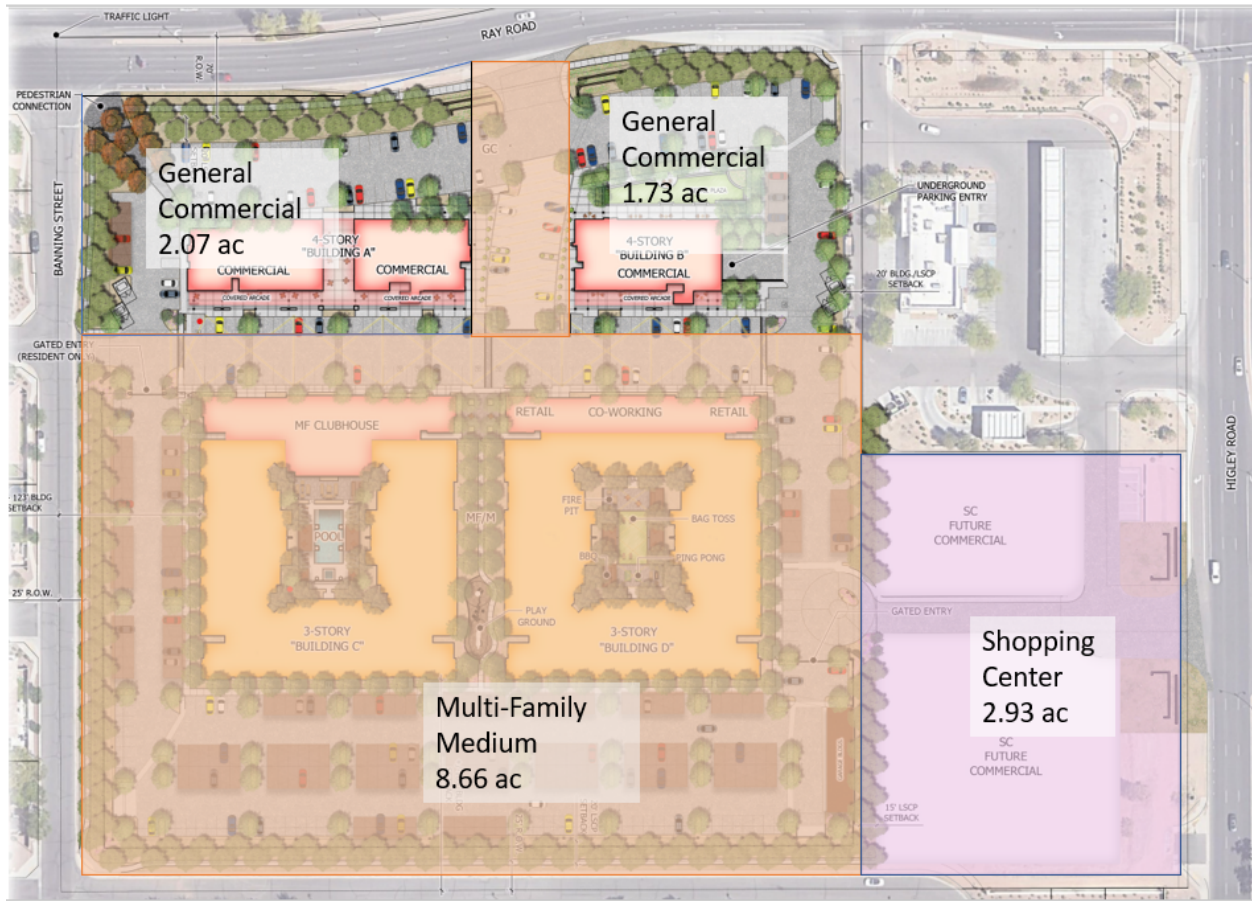
The proposed mixed-use development will help create a vibrant gathering place with close pedestrian and bicycle access to the existing Town facilities in the area. (Goal CM-3)

The combination of commercial and residential uses can help to reduce automobile trips by encouraging walking, biking, and other alternative means of transportation. (Goal OP-2)

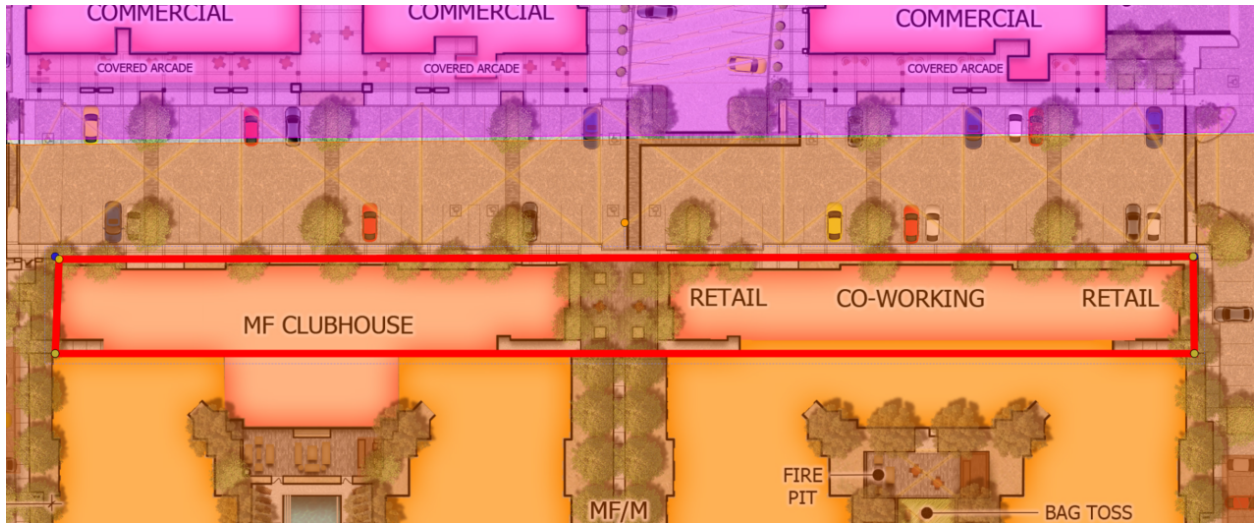
Rezoning

The applicant is requesting to rezone the 15-acre subject site from Shopping Center (SC) PAD to General Commercial (GC), Multi-Family/Medium (MF/M), and Shopping Center (SC) with a Planned Area Development (PAD) overlay. This will allow for the development of a mixed-use commercial development with loft above residential units on the northern section of the site, a multi-family component on the south, and two undeveloped pads along the Higley Road frontage. The requested rezoning designation is proportioned as follows:

Zoning Designations	Current Approximate Acreage	Proposed Approximate Acreage
General Commercial (GC)	0	3.8
Multi-Family/Medium (MF/M)	0	8.66
Shopping Center (SC)	15.4	2.93
Total	15.4	15.4



The General Commercial zoning designation was initially intended to extend further south, across the drive-aisle, and into the multi-family buildings to create ground floor commercial with loft-above residential on both sides of the internal drive. The plan was to create an internal pedestrian oriented “paseo-like” area; however, staff advised against having multiple zoning districts on one building. Therefore, the applicant will still be constructing the southern frontage of the paseo (highlighted in RED below) for retail space and activate it when/if the potential mixed-use zoning district comes to fruition.



PAD and Development Plan

The applicant is requesting deviations to the Land Development Code standards to increase the building height, reduce the front landscape setback along Ray Road, and to the reduce/increase the overall landscape area requirements in the General Commercial and Multi-Family/Medium zoning districts as shown below.

Data Table

Site Development Regulations	LDC	Proposed
General Commercial (GC)		
Maximum Height (ft.)/Stories	45'	55'
Minimum Landscape Area Setbacks (ft.)		
Front	25'	20'
Minimum Landscaping (% of net area)	15%	43%
Multi-Family/Medium (MF/M)		
Maximum Height (ft.)/Stories	40'	48'
Minimum Landscaping (% of net area)	40%	31%

According to the applicant, the request to increase building height is to accommodate the increased internal height needed for the ground floor retail spaces in the vertical mixed-use areas of the proposed development.

In talks with Town staff, the applicant has stated the intent of the deviations to the overall landscape and open space percentage is necessitated to better spread the landscape across the entire site. While the percentage in the MF/M zone is less than required, the open space percentage in the GC zone far exceeds minimums. The overall open space percentage for the entire site also exceeds minimums – required is 33.6%, 34.3% is provided.

The applicant states that the slight reduction in the front setback is to allow more social spaces throughout the remainder of the site.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205. Property posting and mailing notices were completed on October 18, 2022 with affidavits provided.

The applicant has held three neighborhood meetings on October 25, 2021, February 17, 2022, and June 29, 2022. Approximately 60 residents attended the virtual October 2021 meeting, approximately 37 at the virtual February 2022 meeting, and approximately 12 attended the in-person June 2022 meeting.

Resident Input - October 25, 2021 Neighborhood Meeting

Applicant presented a proposal to change the site to straight Multi-Family/Medium (Attachment 7). Summary of the resident input:

- Predominantly concerned with the loss of commercial and the loss of potential services the community has been looking forward to.
- Apartments are not a good fit here as there are already apartments located on the NWC and the SEC of Higley and Ray.
- Concerns with the added dwelling units exacerbating the already high traffic volume in the area.

Resident Input - February 17, 2022 Neighborhood Meeting

Applicant presented a proposal to change the site to a vertical mixed-use Multi-Family/High and General Commercial (Attachment 8). Summary of the resident input (Applicant response in *ITALICS*):

- MF/H will have more crime, services calls, etc.

- *This will be a Class A plus planned market rate multifamily development. Rents will be competitive with what is around the area. There is a high demand to live in this area.*
- What type of retail is proposed?
 - *There will be approximately 18,000 sf of retail. Will not include big box stores or fitness centers. Will most likely include restaurants.*
- What about the traffic? Will the MF & retail have more traffic?
 - *With the potential site plan shown with 130,000sf of retail, could generate a.m. peak traffic at 231 trips and p.m. peak traffic and 693 trips.*
- Why doesn't the current zoning district work for the site?
 - *Because of the everchanging landscape, especially retail. No longer building grocery stores at every corner. Big box stores are no longer in demand. Retail market has shifted. This will be a successful addition to the area.*

Resident Input - June 29, 2022 Neighborhood Meeting

Applicant presented a proposal to change the site to a vertical mixed-use Multi-Family/Medium and General Commercial (Attachment 9). Summary of the resident input (Applicant response in *ITALICS*):

- There is a park on the south side of the development in the existing residential community. What will keep apt dwellers from using their park?
 - *The park sits on the edge of a public street. The apts will be a gated community with the gates being located on the east and west sides. There will not be a gate in the area of their park. There will be internal amenities for the apt dwellers, including a 10,000sf pocket park.*
- Who will be the primary tenants?
 - *With so much employment and office uses in the area and the regional hospital nearby, there are people who will want to work and live in the same area. Demographics will be a wide cross section of tenants from families to singles, old and young. There will be 1, 2 & 3 bedroom units. This is a lifestyle choice where people choose to live in this type of setting – urban and walkable. In addition, there will be a co-working space.*

- Will it meet parking code?
 - *Parking will meet code. There will be 505 parking spaces or 1.8 parking spaces per home. There will be 78 spaces underground and there will be 63 units above the retail. The 1.8 parking spaces per home is higher than industry.*

- This is one of the last commercial corners, why are you rezoning it? Why not develop a commercial shopping center?
 - *The retail market is shrinking. Online shopping is taking over. In the future, estimated that 2/3 of all purchases will be online. This site is no longer viable for a 15 acre retail center. According to Jenn Daniels, the Gilbert Planning Dept put out a report on multi-family housing and if it has a higher impact for services and the answer was no. The Wayfair Solution shifted how sales taxes were done. Now online retailers are required to pay local sales taxes to wherever packages are delivered. 6-10% of the housing stock is MF and Gilbert is now below that.*

Additional Resident Input Submitted to Staff

Staff received an email from a resident in the week prior to the Study Session Hearing with the following input:

- The rezoning of the lot to MF from SC and installing apartments would have 3 separate apartment complexes at that intersection, is that what Gilbert is about?

- The rezoning chips away at the last remaining property zoned SC in Gilbert;

- Asking the residents to absorb an increase in calls for service and increased traffic issues without any added benefit;

- Adding strain to an already overcrowded area of commercial. (wait times for the restaurants in the area are typically 30-65 minutes)

Instead of MF...

- Keep the entire lot commercial and allow for loft over commercial.
- Increase parking area for the commercial onsite and residents.

Planning Commission Study Session, September 7, 2022:

During the Study Session, the following comments were brought forth by the Planning Commission Members:

- Will there be a PAD.? Planner Josh Rogers responded affirmatively and added that there will be an associated development plan.
- Are they 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.
- With units going from 300 to 274, are they 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.
- Will there be shared parking with the mixed use commercial and are there 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.
- Is there 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.
- It was noted 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.
- There was discussion of the landscaping coming up short, as it seems there is space to honor the requirement.

SCHOOL DISTRICT

Efforts are being coordinated with the Higley Unified School District throughout the entitlement process to ensure that adequate educational facilities are maintained for the neighborhood. Notice was provided to the Higley Unified School District. At this time, no comment has been received.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 6.2.2 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports and maintains the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."

STAFF RECOMMENDATION

- A. For the reasons set forth in this staff report, move to recommend approval to the Town Council for Z22-12 MODERA-GILBERT Mixed Use Development, as requested, subject to the following conditions:
 - a. Dedication to Gilbert for Ray Road and Higley 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.
 - b. Dedication of Ray Road shall extend 70 feet from the monument and dedication of Higley Road shall extend 70 feet from the monument line.
 - c. Dedication to Gilbert for Banning 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 Banning Street shall extend 25 feet from the center line.
 - d. Dedication to Gilbert for Dublin 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 Dublin Street shall extend 25 feet from the center line.
 - e. Construction of off-site improvements to Ray Road, Higley Road, Dublin Street, and Banning 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.

- f. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) and any associated improvements at any proposed access on Ray Road and Higley Road right-of-way into the site. The minimum geometry of the dedicated right turn lane(s) shall be 80 feet storage, 85 feet taper, and 12 feet wide or per the storage per as described in the approved traffic study.
- g. Developer shall design and construct, at the Developer's expense, dual lefts for each approach and any associated improvements at the intersection of Ray Road and Higley Road. Improvements will include any traffic signal improvements necessary as required by the Town's Traffic Engineer. 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.
- h. Developer shall design and construct the first drive aisle from Higley Road and Ray Road right-of-way to the distanced described in the traffic study at all full access locations adjacent to the Town's right-of-way.
- i. Developer shall provide, at the Developer's expense, a traffic study to determine the impacts and provide mitigations caused from the proposed development to the Town's road network. The developer is required to make any improvements as described in the traffic study provided with subsequent construction document submittal. The traffic study shall be reviewed and accepted by the Town's Traffic Engineer prior to any Design Review approval.
- j. Vehicle storage in front of gates shall have at least 100 feet of storage within the Property unless a technical variance is approved by the Town Engineer. Gates blocking vehicular traffic must not block drive aisles or cause traffic to queue within the Town of Gilbert right-of-way.
- k. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.

- l. Developer shall create a 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.
- m. 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.
- n. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
- o. 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	LDC	Proposed
General Commercial (GC)		
Maximum Height (ft.)/Stories	45’	55’
Minimum Landscape Area Setbacks (ft.)		
Front	25’	20’
Multi-Family/Medium (MF/M)		
Maximum Height (ft.)/Stories	40’	48’
Minimum Landscaping (% of net area)	40%	31%

- p. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
- q. 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.”

- r. Any final subdivision plats and public reports filed with the Arizona Department of Real Estate shall include the notice described in condition “q”
- s. Sales and leasing offices established for residential development projects shall provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice shall consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales or leasing office at each project. The sign shall be installed prior to commencement of sales or leases and shall 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 “q.” with letters of at least one (1) inch in height.
- t. The developer shall incorporate features into the design and construction of buildings where people live, work, or are otherwise received to achieve an outdoor to indoor noise level reduction of 25 decibels.

Respectfully submitted,

Eva Cutro, AICP
Planning Manager

Attachments and Enclosures:

- 1) NOPH/Vicinity Map
- 2) Aerial Photo
- 3) Zoning Exhibit
- 4) Development Plan
- 5) Applicant's Narrative (6 pages)
- 6) Neighborhood Meeting – June 29, 2022 (4 pages)
- 7) Resident Emails (16 pages)

Notice of Public Hearing

PLANNING COMMISSION DATE:
LOCATION: 75 E Civic Center DR
Police Department - Amphitheater

Wednesday, November 2, 2022* TIME: 6:00 PM

TOWN COUNCIL DATE:
LOCATION: Public Safety Training Facility
6860 S Power RD Gilbert, AZ 85297

Tuesday, December 13, 2022* TIME: 6:30 PM

*Call Planning Division to verify date and time: (480) 503-6782

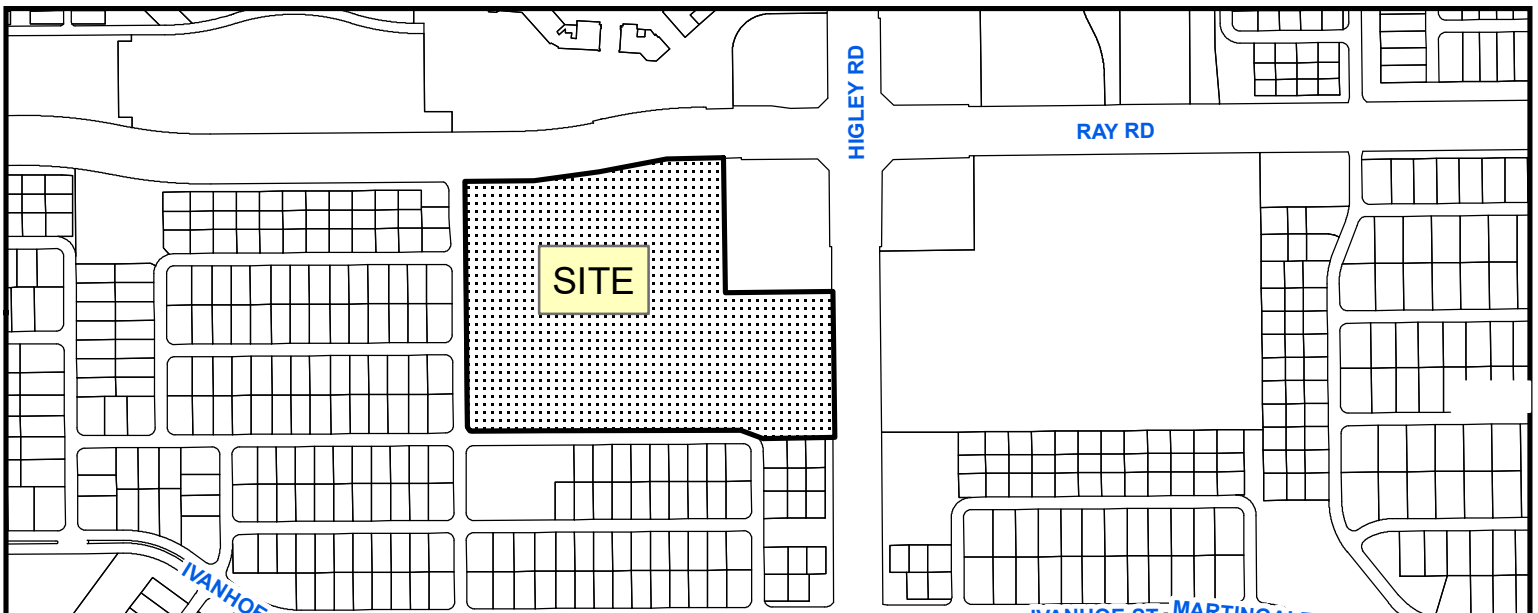
The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports and the agenda are available prior to the meeting at www.gilbertaz.gov/departments/development-services/planning/planning-commission

Z22-12 Modera-Gilbert
Attachment 1: NOPH/Vicinity Map

REQUESTED ACTION:

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 3.80 acres of General Commercial (GC), 8.66 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, as shown on the exhibit, available for viewing in the Planning Services Division. The effect will be to provide for mixed use development.

SITE LOCATION:



0 170 340 680 Feet



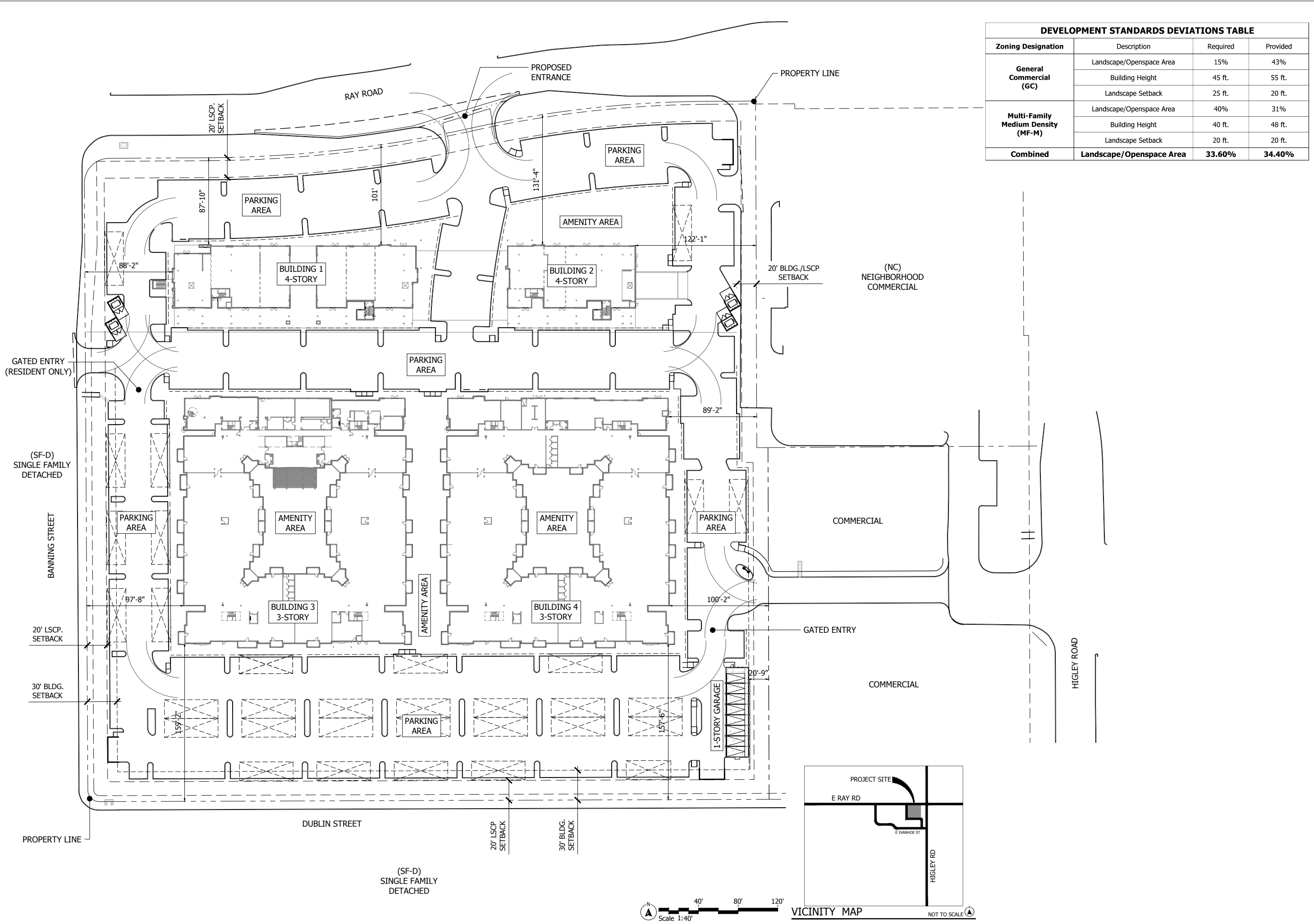
APPLICANT: Burch & Cracchiolo, PA
CONTACT: Brennan Ray
ADDRESS: 1850 N Central AVE Unit: 1700
Phoenix, AZ 85004

TELEPHONE: (602) 234-8794
E-MAIL: BRay@bcattorneys.com

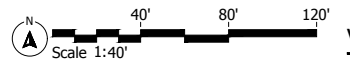
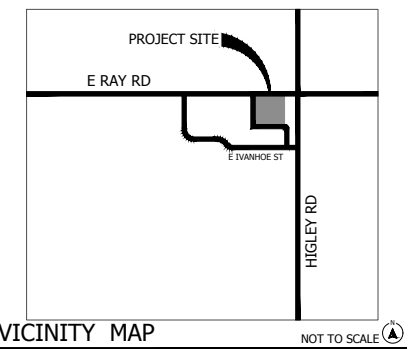


Aerial Map- Parcel 304-40-909





DEVELOPMENT STANDARDS DEVIATIONS TABLE			
Zoning Designation	Description	Required	Provided
General Commercial (GC)	Landscape/Openpace Area	15%	43%
	Building Height	45 ft.	55 ft.
	Landscape Setback	25 ft.	20 ft.
Multi-Family Medium Density (MF-M)	Landscape/Openpace Area	40%	31%
	Building Height	40 ft.	48 ft.
	Landscape Setback	20 ft.	20 ft.
Combined	Landscape/Openpace Area	33.60%	34.40%



MODERA GILBERT
 Mill Creek Residential
 SWC of Ray Road & Higley Road
 Gilbert, AZ 85296
 SHEET TITLE: ZONING DEVIATION SITE PLAN

MILL CREEK RESIDENTIAL

ABLA
 310 E. RIO SALADO PARKWAY
 TEMPE, ARIZONA 85281
 OFFICE: 480-530-0077
 WEB: ABLASTUDIO.COM

DATE: 10-21-2022
 ISSUED FOR: City Submittal
 DRAWN BY: ES
 CHECKED BY: BR
 PERMIT NUMBER:
 ABLA PROJECT NUMBER:
 314-006-22

PG: 1 OF 1

Rezone Narrative

South and West of the Southwest corner of
Higley Road and Ray Road

Case No.: Z22-12

Submitted: July 29, 2022
Updated: October 22, 2022

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Development Team

Developer:

Mill Creek Residential

Attn: Tyler Wilson
Mark Sanford
15210 N. Scottsdale Road, Suite 210
Scottsdale, Arizona, 85254

Landscape:

ABLA

Attn: Andy Baron
Brian Rogers
310 E. Rio Salado Parkway
Tempe, Arizona 85281
(480) 530-0077

Civil Engineer:

Kimley-Horn

Attn: Bryce Quigley
7740 N. 16th Street, Suite 300
Phoenix, AZ 85020

Zoning/Entitlements:

Burch & Cracchiolo, P.A.

Attn: Brennan Ray
Andrew Miller
1850 N. Central Ave., Suite 1700
Phoenix, Arizona 85004
(602) 234-8794

Narrative

I. INTRODUCTION

Continuing its reputation of building high-quality developments, Mill Creek Residential (“MCR”) is the proposed developer of 15.39± gross (12.86± net) acres south and west of the southwest corner of Higley Road and Ray Road (the “Site”). MCR anticipates developing this infill site with a vibrant mixed-use development known as “Modera Gilbert.” Modera Gilbert will be a highly-amenitized, pedestrian-experience oriented development consisting of approximately 22,000 square feet of retail space and 276 luxury residences in multiple buildings. This exciting mixed-use development will be an attractive presence in the area, providing addition commercial and living opportunities in the area. To achieve this, MCR requests to rezone the Site from Shopping Center (SC) to:

- General Commercial (GC) on 3.8± gross acres;
- Multi-Family/Medium (MF/M) on 8.66± gross acres; and
- Shopping Center (SC) on 2.93± gross acres with a Planned Area Development (PAD) Overlay.

Modera Gilbert will be a recognizable presence and strong, viable development for the Town of Gilbert (the “Town”) given its location and proximity to the Loop 202. The development plans that will be included with the Design Review application include design concepts and plans that portray superb quality and an extraordinary sense of community, compatibility, and sustainability. Development on the Site incorporates high-quality residential and commercial uses in an integrated manner. The landscaping, walls/fences, and open space areas will unify the land uses in a cohesive manner. Appropriate vehicular and pedestrian circulation will be provided throughout the Site, with pedestrian linkages between the uses. Furthermore, the proposed development creates additional employment opportunities in the immediate area and provides much needed housing to the Town and immediate area. This development plan provides the opportunity for people to live, work, shop, and dine within close proximity to major employment areas and commercial developments, thereby reducing trips, trip lengths, travel times, and environmental impacts.

II. SITE AND SURROUNDING AREA

An aerial of the Site is included as *Exhibit 1, Aerial*. The Town’s General Plan designates the Site as General Commercial (GC). The General Plan designations, zoning, and uses for the surrounding area are as follows:

	General Plan	Zoning	Existing Use
North	General Commercial	SC, GC	Commercial; Residential
South	Residential > 3.5 - 5	SF-D	Single-family development
East	Residential > 3.5 - 5	MF/M; SF-D	Single-family development
West	Residential > 3.5 - 5	SF-D	Single-family development

III. REZONING REQUEST

A. Proposed Zoning Districts and Uses

As stated above, MCR is requesting the Site be rezoned from SC to General Commercial (GC) on 3.80± gross acres; Multi-Family/Medium (MF/M) on 8.66± gross acres; and Shopping Center (SC) on 2.93± gross acres with a Planned Area Development (PAD) Overlay. Anticipated uses include commercial and multi-family.

B. Compliance with General Plan

Because the Policies in the General Plan can relate to and fulfill more than one Goal—from Community Goals to Opportunity Goals to Connectivity Goals—this application will address the Policies being met or satisfied in their numerical order and then note the individual Goals that are met by the requested change in land use designation for the Site, whether they relate to Community, Opportunity, or Connectivity Goals.

- **Policy 1. Ensure the Town maintains a land use framework that supports a highly livable community through the efficient use of land and resources.** The changes requested will allow for a mixed-use development that responds to the need for thoughtful commercial development and current housing trends needed in the Town, including the need for high-quality housing. The change will also allow for a higher quality development with a cohesive design, landscaping, theming, etc., that the current designation cannot support. **(Goal CM-1)** The resultant efficiency and connectivity of the mixed-use development planned for the Site will complement the surrounding uses and provide additional connectivity. **(Goal CM-5)**
- **Policy 2. Encourage high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, market preferences, and incomes.** Gilbert's demographics are changing, and its population is becoming more diverse in terms of household size, age composition, and income levels. Thus, diversity in housing products of the type that will be possible through the proposed changes will meet the needs of these residents. **(Goal CM-1)**. The diverse high quality housing options anticipated will help create dwelling options for individuals and families of different income levels and demographics, including aging seniors and empty nester's, multi-generational households, young professionals, young families, and members of the local workforce. **(Goal CM-5)**
- **Policy 3. Support placement of compatible commercial uses and community services that integrate access to daily needs into residential neighborhoods.** The mix of commercial and residential uses that can be achieved by the proposed changes will be balanced with the needs of the greater area for a more diverse land use mix that helps promote the community character. **(Goal CM-1)** The proposed mixed-use development will help create a vibrant gathering place with close pedestrian and bicycle access to the existing Town facilities in the area. **(Goal CM-3)** The combination of commercial and residential uses can help to reduce automobile trips by encouraging walking, biking, and other alternative means of transportation. **(Goal OP-2)**
- **Policy 4. Promote mixed-use development within appropriate land use classifications.** Integrating compatible land uses in compact development patterns helps to utilize land resources **(Goal CM-1)** and foster vibrant gathering places more efficiently. **(Goal CM-3)**. Future workforce characteristics such as family size, income, age, and tastes require diverse housing choices that can be achieved through the proposed amendment. **(Goal CM-5)**. The contemplated mixed-use development can promote the use of alternative modes of transportation, which can positively influence secondary outcomes such as physical activity

and air quality measures in a community. (Goal CN-2)

- **Policy 6. Support the provision of appropriate transitions between sites having distinct changes in types or intensities of land uses.** The amount of vacant developable land within the Town is steadily diminishing, which makes the change in uses for the Site important and “context-sensitive” to the adjacent land uses and compatible with those existing uses. Consistent with good planning principles, the proposed changes and future development plans will transition from more intense uses north of the Site and at the Higley Road/Ray Road intersection to less intense residential uses to the west and south. Having commercial uses along Ray Road creates an appropriate buffer and an appropriately balanced land use framework. (Goal CM-1)
- **Policy 19. Support infill development that is designed to acknowledge the surrounding context.** The change to a mix of land uses will support a transition of the Site from its undeveloped status to an infill development that complements the surrounding area. (Goal CM-4) Additional high-quality housing will provide for additional housing options for people looking to live in this area. (Goal CM-5)
- **Policy 71. Grow the Town’s fiscal health.** The additional commercial and residential use will encourage job growth and add short-term (increased sales taxes) and long-term (increased property taxes) revenue streams to the Town’s finances. (Goal OP-1).

C. Proposed PAD

MCR requests the following PAD modifications to the base district development standards:

	LDC Standard	Proposed Standard
GC		
Landscape/Open Space Area	15%	43%
Building Height	45 ft.	55 ft.
Landscape Setback	25 ft.	20 ft.
MF/M		
Landscape/Open Space Area	40%	31%
Building Height	40 ft.	48 ft.
Landscape Setback	20 ft.	20 ft.

The proposed modifications are appropriate under the circumstances. The Site is a high-quality mixed-use development on in-fill site. Because the Town does not have a single zoning district for this mixed-use development, two different zoning districts were necessary to achieve the type of development required for the area. Modera Gilbert’s design is intended to create a vibrant experience for users, residents, and passers-by though the use of thoughtfully planned open space areas strategically located to create gathering areas. The reduced setbacks are necessary to maximize the amount of social spaces throughout the Site. When taken as a whole, the open spaces areas for the proposed GC and MF/M zoning districts far exceed what would typically be required of a mixed-use development on an in-fill site. Additionally, the increase in height is in keeping with other developments in the immediate area.

IV. SUMMARY

The proposed Rezoning for a high-quality, mixed-used development is supported by the Goals and Policies of the Town's General Plan. This exciting development combines commercial and multi-family uses in a vibrant, dynamic setting with a unified theme. Modera Gilbert will provide a variety and mix of commercial opportunities and housing choice, the design of which will meet or exceed the Town's development criteria and expectations. The development plans and design guidelines/standards accompanying the Rezoning case will portray superb quality and an extraordinary sense of community, compatibility, and sustainability. We request your approval.

MILL CREEK RESIDENTIAL – MODERA GILBERT

6/29/2022 NEIGHBORHOOD MEETING

Attendees

Mark Sanford – Mill Creek Residential
Tyler Wilson – Mill Creek Residential
Brandon Finnie – Mill Creek Residential
Jenn Daniels – Horizon Strategies
Katie Prendergast – Horizon Strategies
Brennan Ray – Burch & Cracchiolo
Ricki Horowitz – Burch & Cracchiolo
Bo Breunig, Owner
Josh Rogers – Town of Gilbert
Sal DiSanto – Town of Gilbert
12 Neighbors (see sign in sheet)

Introductions, Overview & Exhibit Board Presentation (by Brennan Ray)

- This meeting is one of a series of steps
- Had previous virtual meetings in October 2021 and February 2022
- Mill Creek has done developments across the country and in Arizona
- Previous plan showed 130,000sf+/- of commercial/retail shopping center – more traffic and more trips
- Our 10/2021 site plan at first neighborhood meeting showed 3- and 4-story apts with 4 townhomes
- The February 2022 site plan added about 18,000sf of retail for a mixed use site. Had ground floor of retail and 3 floors of apts – approximately 308 units
- New plan now shows 274 units with 4-story only along Ray Road (about 10' shorter than Epicenter)
- Plan will be a vibrant, dynamic experience with a pedestrian friendly atmosphere
- Moved buildings further north, remaining apts (on south) are 3 story, and increased setbacks to 50' (30' allowed)
- Staff wanted to see more connectivity, more amenities and more of a pedestrian friendly community
- Application has not been filed yet
- Intend to file GPA from GC to Res and GC and Rezone from MF/H to MF/M
- Deviation will be a slight increase in allowed density of 25 du/ac to 26 du/ac. Also deviations with open space and height
- Will need to go through PC and TC. Public hearings may be in last quarter of 2022

Questions, Answers and Comments

1. There is a park on the south side of the development in the existing residential community. What will keep apt dwellers from using their park?
 - A. **The park sits on the edge of a public street. The apts will be a gated community with the gates being located on the east and west sides. There will not be a gate in the area of their park. There will be internal amenities for the apt dwellers, including a 10,000sf pocket park.**
2. Will there be a park for the residents in this community?
 - A. **Yes. We are still working on the sketches.**
3. Who will be the primary tenants?
 - A. **With so much employment and office uses in the area and the regional hospital nearby, there are people who will want to work and live in the same area. Demographics will be a wide cross section of tenants from families to singles, old and young. There will be 1, 2 & 3 bedroom units. This is a lifestyle choice where people choose to live in this type of setting – urban and walkable. In addition, there will be a co-working space.**
4. What about the price range?
 - A. **Without an offer to sell and at today's prices, the average price will be \$2,000.**
5. What about parking?
 - A. **Parking will meet code. There will be 505 parking spaces or 1.8 parking spaces per home. There will be 78 spaces underground and there will be 63 units above the retail. The 1.8 parking spaces per home is higher than industry.**
6. Has the owner tried for retail only uses at this site?
 - A. **Owner has tried for retail; however, there is no market or demand for big box stores, gym, grocery stores.**
7. Where are the entrances located?
 - A. **Higley Road will have full movement – right in/out and left in/out. We are rezoning the out property along Higley so there will be vehicle and pedestrian access. Ray Road will have 2 full movements, and there will be a traffic signal at Ray & Banning. Banning Street will have full access. There will be a stop sign for tenants to stop before they access onto Banning.**
8. What about construction hours and is there enough sewer and water?
 - A. **The development is reviewed by numerous Town depts (traffic, fire, engineering, building, water & sewer, etc.) The Town will let us know if they have any concerns. The Town has codes for construction hours and will be mindful of the residents around the site. There are water and sewer lines existing in the paseo area. Those lines are not being removed or disturbed.**
9. It is impossible to turn left on Higley Road.
 - A. **There is a full movement access along Higley to the Site.**
10. What about the pump station? Are we irrigating? One neighbor heard the pump station needs to be updated for our site to use it.
 - A. **Lions Gate put the pump station in. Our site was always contemplated to use the pump station. It will only be used for landscaping. Our site will cover about 3% of the entire system. We have a desire that the system continue to function. We think the community manager would determine if the system needed to be updated.**

11. What is the size of the commercial spaces?
A. The average space will be about 2,000sf. Maybe up to 12 spaces with 1 co-working space.
12. Isn't it true that higher density creates more crime?
A. No, it doesn't and we'd be happy to provide you with the statistics from PD.
13. Has a traffic study been done?
A. A traffic study will be submitted with the applications.
14. This is one of the last commercial centers in Gilbert?
**A. The retail market is shrinking. Online shopping is taking over. In the future, estimated that 2/3 of all purchases will be online. This site is no longer viable for a 15 acre retail center. According to Jenn Daniels, the Gilbert Planning Dept put out a report on multi-family housing and if it has a higher impact for services and the answer was no. The Wayfair Solution shifted how sales taxes were done. Now online retailers are required to pay local sales taxes to wherever packages are delivered. 6-10% of the housing stock is MF and Gilbert is now below that.
Now restaurant total sales are higher than retail sales.**
15. What about our property values?
A. There is more worry when a site is vacant because of the fear of the unknown. Studies have been done that MF has no effect on property values.
16. What about property taxes?
A. Do not know about property taxes.
17. This will be the third apartment builder coming in. Flooded with apartments on 3 corners. Will add additional 600 cars every day and it is already busy.
A. Brennan explained how traffic engineers look at traffic – they look at it by the number of trips. They also look at a.m. and p.m. peak hours – average daily trips. A shopping center site would increase the average daily trips by 1,800.

NEIGHBORHOOD MEETING

Wednesday, June 29, 2022 / 6:00 pm

Mill Creek Residential – Modera Gilbert (West of SWC Higley Road and Ray Road)

SIGN-IN SHEET (PLEASE PRINT)

NAME (Please print)	ADDRESS (Include City & Zip)	PHONE NO.
Orlando Cadiz Michelle Cadiz	1775 S. Balboa Gilbert 85295	480 206 9052
JIM PERRITT	3115 E. FRANKLIN AVE, GILBERT 85295	714-226-9950
My Ngo AKA Tina	3025 E. Megan St. Gilbert, AZ 85295	(602) 326-9708
ceilia Chen	2553 E Mayberry Ave Gilbert	602 677 6885
Steve Martin	3121 E Dublin St 85295	480 296 8551
Jenn Daniels	2928 E. Spring Walnut Ln 85296	480-482-0505
Mark Mandell	2765 E. Virginia St Gilbert 85296	480 201 6042
Sarah Toig	3109 E. Ivanhoe St Gilbert AZ 85295	—
Rae-Ann Wood	3109 E. Ivanhoe St Gilbert AZ 85295	480-241-7701
Rich Adams	3024 E Patrick St Gilbert AZ 85295	480-522-0655
Echo Love	17015. Rockwell St., Gilbert AZ 85295	480-766-3317
Bo Breunig	7653 S. Ashby Ln Gilbert AZ 85298	602 625 1286
Preston B.		480 895-5763

Josh Rogers

From: Kyle Mieras
Sent: Wednesday, August 31, 2022 10:38 AM
To: Josh Rogers
Cc: Eva Cutro; Ashlee MacDonald
Subject: FW: Concern about building proposal at Elliot and Power

Josh - FYI

From: Jaimie Hardy [REDACTED]
Sent: Wednesday, August 31, 2022 10:24 AM
To: Ashlee MacDonald <Ashlee.MacDonald@GilbertAZ.gov>; Eva Cutro <Eva.Cutro@GilbertAZ.gov>; Kyle Mieras <Kyle.Mieras@gilbertaz.gov>
Subject: Concern about building proposal at Elliot and Power

Good morning,

My name is Jaimie Hardy, I live at 4381 E Rawhide St, Gilbert, AZ 85296, in Morrison Ranch, Elliot Groves. I have recently become aware of the proposed re-zoning of the land next to my house.

I am writing to firmly express that this plan cannot move forward. I am honestly shocked that this kind of zoning is even entertained. Large structures do not belong parked next to residential areas, especially one like Morrison Ranch with such beautiful aesthetics. There are other areas of the valley that are more appropriate for large, industrial buildings - this is not it.

When we bought this house we knew that our view of the Superstitions and Four Peaks would probably not last, as we figured the land would eventually be developed. Our hope would be for something at least smaller, with less height than what is currently being proposed. Additionally, something that would permit more small businesses/shops/stores that more synchronously compliment being immediately proximal to a neighborhood of houses. Our hope would be places that we could walk to, that would enhance our experience of living here. Like shops to walk to with our children, a grocery store, etc. Something akin to the Bashas shopping strip near the silos.

I do not know what is swaying this consideration of large buildings. Are they offering more money? Do they have some kind of extra political influence over the leaders here? It's honestly just weird and doesn't make sense. Please think clearly about this and what would make for a more cohesive neighborhood. I am deeply disappointed that the leaders here would even consider letting this fly.

Please contact me for any questions, and I would be happy to invite you to my home and give you a walk around to give you an idea of just how greatly this would impact us.

Thank you!

Respectfully,
Jaimie Hardy
[REDACTED]

Josh Rogers

From: Eva Cutro
Sent: Thursday, September 01, 2022 1:42 PM
To: Josh Rogers
Subject: FW: Concern Regarding Rezoning of Northwest Corner of Warner and Power Road

From: Jackie Cottrell [REDACTED]
Sent: Thursday, September 1, 2022 1:17 PM
To: Eva Cutro <Eva.Cutro@GilbertAZ.gov>
Subject: Concern Regarding Rezoning of Northwest Corner of Warner and Power Road

To Whom It May Concern,

I am a resident of Elliot Groves neighborhood and am emailing about the proposed zoning changes that are trying to get passed on the field west of Power Road between Elliot and Recker.

My first concern is that these buildings are going to be 65 feet tall. It is currently zoned for Business Park which is 35 feet and General Commercial which is max 45 feet tall. 65 foot buildings, regardless of how far they say they will be from our homes, will tower over us. The building that they built off Warner Road between Power Road and Recker Roads is proof of that. And what IndiCap is wanting to build is taller and larger than that building. If you haven't seen it, I encourage you to drive into the Warner Meadows neighborhood to see how that large building completely destroys the feel of the neighborhood.

Another concern is all the traffic that would follow building these large warehouses. Large trucks coming and going, possibly at all hours of the day. There are horrible accidents already at the intersection of Elliot and Power. Multiple people have died and there are teenagers driving to school this way. We don't need anymore congestion, but especially large trucks that would only increase the chance for more accidents/deaths.

Right now, it is zoned for only a small industrial area on that lot. The majority is Business Park and General Commercial. What IndiCap is proposing is increasing the Industrial portion from about 17% to over 90%. There are plenty of other areas that would be more suited for these large industrial buildings without having to place them right next to peoples homes.

We also have Cannon Beach going in on Power and a new Fry's. Putting these industrial buildings between those two is completely out of place. The area would benefit from having a Business Park, retail, and restaurants here rather than huge storage buildings.

Another important reason is that these large buildings will significantly lower the value of our homes. No one would want to live in a home where you walk out your front door and you see a massive gray wall the length of half the neighborhood. I am sure most people bought in the neighborhood or moved to the neighborhood knowing what the area was zoned for.

As much as I would love to have this area remain a field, I know eventually it will be built on. All I am asking is for you to please uphold the current zoning.

Thank you,
Jackie Cottrell

Josh Rogers

From: Ashlee MacDonald
Sent: Thursday, September 01, 2022 12:48 PM
To: Josh Rogers
Subject: FW: Elliot groves master plan change proposal

Ashlee MacDonald, AICP
Principal Planner
Development Services

Shaping a new tomorrow, today.

-----Original Message-----

From: Amanda Moller [REDACTED]
Sent: Wednesday, August 31, 2022 11:15 AM
To: Ashlee MacDonald <Ashlee.MacDonald@GilbertAZ.gov>
Subject: Elliot groves master plan change proposal

Hello Ashlee,

My name is Amanda, I am a resident of Elliot Groves in the Morrison Ranch community. I am writing regarding the proposal to overturn the Morrison Ranch master plan and what Gilbert voters approved of for this area. The developers are proposing a change to the current zoning to allow for mega tall warehouses. This is directly against what this community was planned to be, against what homeowners were told the land would be used for, home values will be destroyed, Gilbert residents will lose jobs, invite traffic from semi trucks into our community of small children and families. This is not what we voted for and not what we want in our family community. We as long time residents, homeowners, and families oppose this proposal and changes that the developers are trying to deceive and push through. We are asking for your support with our community to deny their changes and keep this land as it was intended for business park and small scale buildings.

Thank you,
Amanda Abromovitz

Josh Rogers

From: Kyle Mieras
Sent: Wednesday, August 31, 2022 11:07 AM
To: Josh Rogers
Cc: Eva Cutro; Ashlee MacDonald
Subject: FW: Elliot groves master plan proposed changes

Josh - here is another one. Was there a recent neighborhood meeting? Do we need to update Council?
Thx
Kyle

-----Original Message-----

From: Amanda Moller [REDACTED]
Sent: Wednesday, August 31, 2022 10:51 AM
To: Kyle Mieras <Kyle.Mieras@gilbertaz.gov>
Subject: Elliot groves master plan proposed changes

Hello Kyle,

My name is Amanda, I am a resident of elliot groves in the Morrison ranch community. I am writing regarding the proposal to overturn the Morrison ranch master plan and what Gilbert voters approved of for this area. The developers are proposing a change to the current zoning to allow for mega tall warehouses. This is directly against what this community was planned to be, against What homeowners were told the land would be used for, home values will be destroyed, Gilbert residents will lose jobs, invite traffic from semi trucks into our community of small children and families. This is not what we voted for and not what we want in our family community. We as long time residents, homeowners, and families oppose this proposal and changes that the developers are trying to deceive and push through. We are asking for your support with our community to deny their changes and keep this land as it was intended for business park and small scale buildings.

Thank you,
Amanda Abromovitz

Josh Rogers

From: Eva Cutro
Sent: Wednesday, August 31, 2022 3:35 PM
To: Josh Rogers
Subject: FW: Gilbert Resident - Against Rezoning!

From: Kevin Mulvaney [REDACTED]
Sent: Wednesday, August 31, 2022 3:15 PM
To: Ashlee MacDonald <Ashlee.MacDonald@GilbertAZ.gov>; Eva Cutro <Eva.Cutro@GilbertAZ.gov>; Kyle Mieras <Kyle.Mieras@gilbertaz.gov>
Subject: Gilbert Resident - Against Rezoning!

Dear Gilbert Planning Commission,

I am a Gilbert resident and homeowner in Elliot Groves, a subdivision of Morrison Ranch that borders farmland that is currently zoned for mostly commercial use. I am writing to let you know **I vehemently oppose the rezoning proposal from the developer IndiCap** (represented by attorneys at Withey Morris). The proposal wants to turn a large stretch along Power Rd. into an industrial warehousing complex. This will be an eyesore and depreciate my home value significantly. In addition, with all the new single family homes in the area, we are in need of additional shopping and restaurants in the area. This is a residential area with lots of homes, schools, parks (including Cactus Yards), children, and churches. This is not an appropriate area for this type of use - **PLEASE DO NOT APPROVE THIS REZONING.**

Thanks,
Kevin Mulvaney
[REDACTED]

Josh Rogers

From: Ashlee MacDonald
Sent: Thursday, September 01, 2022 11:25 AM
To: Josh Rogers
Subject: FW: Industrial park proposed for East of Elliott Groves

I'm sure you've already been sent this, but just wanted to make sure!

Ashlee MacDonald, AICP
Principal Planner
Development Services

Shaping a new tomorrow, today.

-----Original Message-----

From: Casey Block [REDACTED]
Sent: Wednesday, August 31, 2022 6:34 PM
To: Brigitte Peterson <Brigitte.Peterson@GilbertAZ.gov>
Cc: Ashlee MacDonald <Ashlee.MacDonald@GilbertAZ.gov>; Eva Cutro <Eva.Cutro@GilbertAZ.gov>; Kyle Mieras <Kyle.Mieras@gilbertaz.gov>
Subject: Industrial park proposed for East of Elliott Groves

As a five year resident of Elliot Groves at Morrison Ranch I could not be more disheartened by the proposed industrial Park plans East of our neighborhood that are being reviewed.

This major change would go against the Morrison Ranch master plan and Gilberts voter approved general plan.

This park would ruin the quality of living that we enjoy in this neighborhood. The massive walls will ruin the personality of Elliot Groves.

The traffic that it will bring will be a nuisance, and it massively encroaches on our green belts.

These buildings will not bring more jobs they are just storage warehouses.

My family is very saddened to see the proposed plans that we are getting in the mail and our neighbors are all feeling the same discouragement.

Please protect the integrity of our neighborhood and oppose these plans from getting approved.

I appreciate all that you do for our community!

Sincerely,

Casey Block
[REDACTED]

Josh Rogers

From: Ashlee MacDonald
Sent: Thursday, September 01, 2022 1:47 PM
To: Josh Rogers
Subject: FW: Opposition to the proposed rezoning east of Elliot Groves (Morrison Ranch) neighborhood

Ashlee MacDonald, AICP

Principal Planner
Development Services



[Shaping a new tomorrow, today.](#)

From: Town of Gilbert <gilbert.digital@gilbertaz.gov>
Sent: Wednesday, August 31, 2022 1:57 PM
To: Ashlee MacDonald <Ashlee.MacDonald@GilbertAZ.gov>
Subject: Opposition to the proposed rezoning east of Elliot Groves (Morrison Ranch) neighborhood

Message submitted from the <Town of Gilbert, Arizona> website.

Site Visitor Name: Brent Henningson

Site Visitor Email: [REDACTED]

Ms. MacDonald,

I am writing to express my strong opposition to the proposed rezoning east of the Elliot Groves (Morrison Ranch) neighborhood.

The proximity of the proposed industrial buildings relative to existing single family homes will create issues, including a decrease in our property values.

I urge you to disapprove the proposed rezoning. From discussions with my neighbors, I know my opinions are shared by many who may not have attended meetings or written letters or emails.

Thank you for your continued service and support of our communities.

Best regards,

Brent Henningson

Josh Rogers

From: Ashlee MacDonald
Sent: Thursday, September 01, 2022 10:40 AM
To: Josh Rogers
Subject: FW: Power Road and Elliot Road Proposed Zoning Changes

In case this one just came to me...

Ashlee MacDonald, AICP

Principal Planner
Development Services



[Shaping a new tomorrow, today.](#)

From: Michael Lehrer <[REDACTED]>
Sent: Wednesday, August 31, 2022 8:37 PM
To: Ashlee MacDonald <Ashlee.MacDonald@GilbertAZ.gov>
Subject: Power Road and Elliot Road Proposed Zoning Changes

Good Evening,

You may have already been contacted by concerned citizens in Morrison Ranch regarding the proposed zoning changes at the corner of Power and Elliot. The proposed development and zoning changes stand in stark contrast to the recently ratified Gilbert General Plan.

<http://general.gilbertaz.gov/generalplan2020/index.html?fbclid=IwAR0RNU1Wdv9AGh-0uso4u714NgyKw0592DbfVIJ8-7knheLnV2eIJGqICQ>

Morrison Ranch is a shining example of what is best about Gilbert and Arizona, winning many awards and attracting young families, like mine, from all over the country. The responsible development of Gilbert has made our town the crown jewel of Arizona.

The proposal to build 50-75 foot concrete industrial buildings feet away from an award winning residential neighborhood full of young families like mine is extremely difficult to fathom. We have already gotten a taste of what this will look like with the current construction of similar, but smaller buildings along Recker and Warner (If you have not seen them, I would encourage you to drive by the intersection and see what is happening to a once desirable residential location).

I strongly oppose these proposed zoning changes as do hundreds of families and thousands of residents who will be directly affected. I wholeheartedly request that you and your office oppose these zoning changes and stay true to the Gilbert General Plan from 2020.

Thank You,
Michael Lehrer

Josh Rogers

From: Ashlee MacDonald
Sent: Thursday, September 01, 2022 1:32 PM
To: Josh Rogers
Subject: FW: Property – NW Corner of Warner Rd & Power Rd

Ashlee MacDonald, AICP

Principal Planner
Development Services



[Shaping a new tomorrow, today.](#)

From: Stephen Park [REDACTED]
Sent: Thursday, September 01, 2022 12:04 PM
To: Brigitte Peterson <Brigitte.Peterson@GilbertAZ.gov>; Aimee Yentes <Aimee.Yentes@GilbertAZ.gov>; Scott Anderson <Scott.Anderson@GilbertAZ.gov>; Laurin Hendrix <Laurin.Hendrix@GilbertAZ.gov>; Yung Koprowski <Yung.Koprowski@GilbertAZ.gov>; Scott September <Scott.September@GilbertAZ.gov>; Kathy Tilque <Kathy.Tilque@GilbertAZ.gov>; Ashlee MacDonald <Ashlee.MacDonald@GilbertAZ.gov>; Eva Cutro <Eva.Cutro@GilbertAZ.gov>; Kyle Mieras <Kyle.Mieras@gilbertaz.gov>
Subject: Property – NW Corner of Warner Rd & Power Rd

To the Mayor, Vice Mayor, Council Members, and Planning Commission Members, of Gilbert, AZ:

As homeowners on the southeast corner of Beebe and East Mesquite streets, my wife and I would like to add our voices to those opposing the planned rezoning/relocating of the property located at the northwest corner of Warner Road & Power Road.

We find this attempt to turn said property into a major industrial complex, with tall buildings and greatly increased large-truck traffic, not to mention the noise that is inherent in such an operation, to be reprehensible, if not downright duplicitous.

We urge you to stick with the initial plan for this property, which stressed business park and commercial usage over an increased industrial concept; the first two will lead to jobs & economic growth, while the third will not.

Please do right by your Morrison Ranch constituents. We are counting on you!

Sincerely,

Stephen & Anneliese Park

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Josh Rogers

From: Ashlee MacDonald
Sent: Thursday, September 01, 2022 12:22 PM
To: Josh Rogers
Subject: FW: Proposed Rezoning Elliot/Power/Warner

Another one you probably already have, but just in case...

Ashlee MacDonald, AICP

Principal Planner
Development Services



[Shaping a new tomorrow, today.](#)

From: Shanna Mosley [REDACTED]
Sent: Wednesday, August 31, 2022 3:54 PM
To: Shanna Mosley [REDACTED]
Subject: Proposed Rezoning Elliot/Power/Warner

To Whom It May Concern:

My name is Shanna Mosley and I am a resident here in Gilbert. I live in Morrison Ranch in the Elliot Groves Neighborhood. I recently became aware of the petition put forth by Withey Morris PLC on behalf of Indi Cap, Inc. to rezone the farm land that lines Warner/Power/ Elliot Roads, the farmland that is a stone's throw from my home. I would like to voice my opposition to the rezoning of this land to light industrial. I would like the General Plan that I voted for as a resident of Gilbert to stay in place. Allowing 65 foot buildings a little over 200 feet from the end of my street is horrible. It will completely destroy the appeal of the neighborhood and adversely affect my home's value. To make things more real, there are 460 homes in Elliot Groves. If these buildings are built every single one of our homes (average sq ft 2,500) would fit in just the 3 closest buildings they want to build next to our neighborhood, and that is not even all of the buildings they want to build. On average a Costco is 146,000 SF with a height of 35 feet....this proposal would be putting 27 Costco's on the farm land that connects to my neighborhood, and those Costco's would be 85% taller than normal. That is insane! I built my home with the intention of raising my family here, we worked hard to be able to afford to live in our community. We specifically chose the town of Gilbert for its family friendly appeal, however allowing Indi Cap to move forward with it's proposal will make our community feel less family centered and make my neighborhood feel more like a prison surrounded by huge concrete walls. Letting Indi Cap, Inc change the exciting zoning from 17% industrial to over 93.5% would be a travesty. As of now the developers site plan shows 917 trailer parking spots, and over 1,000 dock high or grade level doors. I am worried about the negative impact having so many trucks coming in and out of the area at all times day and night not only for the noise but also the increased traffic especially industrial sized trucking that would accompany such a development. I have teenagers who drive along Power Rd and Elliot to get to and from school, traffic is already a nightmare with tragic accidents already occurring way too frequently at the intersection of Power and Elliot. I can't even imagine it getting worse. The builders are spinning this development as "The Ranch" with smaller, more aesthetically pleasing buildings closer to the main roads and massive structures at the back of the property closer to our homes. This is NOT MY RANCH, this is my home, my community, it is where I want my kids to grow up, but that will not happen if this rezoning goes through. I plead with you to think if this is something you

would want as your nextdoor neighbor, and then vote to support the residents of Gilbert who call this home, and not give into the big corporate entities that want to take Gilbert away from us. Please honor the voters who have repeatedly voted on the General Plan that did not allow for Industrial development to overtake this property.

I appreciate your time and thoughtful consideration of this rezoning.

Shanna Mosley

[REDACTED]
[REDACTED]

Josh Rogers

From: Eva Cutro
Sent: Thursday, September 01, 2022 8:29 AM
To: Josh Rogers
Subject: FW: Rezoning of Parcel for "The Ranch"

From: Chad Connors [REDACTED]
Sent: Wednesday, August 31, 2022 10:16 PM
To: Eva Cutro <Eva.Cutro@GilbertAZ.gov>
Subject: Rezoning of Parcel for "The Ranch"

Dear Ms. Cutro,

I am writing to voice my deep concern for the proposed rezoning of the mixed use property west of Power Rd and adjacent to Elliot Groves. My wife and I purchased our home in Elliot Groves in 2015. After viewing homes in the area we sat down with our realtor and discussed issues in the surrounding area. The proximity of Mesa-Gateway Airport and the surrounding land that was undeveloped at that time were a topic of concern. We went over the town 's master plan carefully for the parcels between Recker and Power, and Elliot and Warner as they are in such close proximity to our home. The plan was a diverse mix of residential and commercial use that created a balance for residents and businesses alike. It seemed to be well thought out and considered the needs of existing as well as future occupants. We made our purchase in this neighborhood based on that master plan.

The proposed rezoning completely ignores the town approved plan that our purchase was based on. I thought that a master plan was supposed to provide predictability in what can be built in close proximity to our property. This rezoning discards all of the planning which our neighborhood based its design on. Massive structures directly adjacent to a meticulously master planned community is unacceptable. Anyone who supports this abrupt change to the town's master plan is abandoning its residents and betraying the promises made by our town in the agreed plan.

I don't doubt that the rezoning of this property will be a huge financial windfall for the landowners developing this property. The contribution to this community will be a net loss. I have great concerns about the traffic and noise generated by commercial vehicles operating just outside my door. Morrison Ranch was designed to resemble a "park," with trees and grass throughout creating a lush, peaceful aesthetic. Developing industrial property adjacent to it completely ignores the plan that this community was built upon. The community also relies on commercial businesses such as restaurant, retail, and other services that will be effectively removed with this rezoning.

I expect that you will honor the town's plan that so many of us have made a home here based on. I have no interest in seeing our beautiful community ruined to increase the returns for a few. Those who will profit from the development of this land have no vested interest in this community. I expect that the town will represent those that are here to stay.

Chad Connors

Morrison Ranch Elliot Groves Resident



Josh Rogers

From: Andy Greenwood <[REDACTED]>
Sent: Thursday, September 01, 2022 9:32 AM
To: Josh Rogers
Subject: Planning Review of GP22-05, Z22-05, DR22-96, DR22-118 The Ranch

Mr. Rogers,

I am a resident of Morrison Ranch, on Rawhide Street and live 4 doors away from this proposed development. I found the description and generic building elevations through the Town website under "What's Developing Around Me" and I'm in need of the full submittal documents that are under review.

Could you please forward the documents, or point me to where I can find them on the website?

Thank you,
Andy Greenwood
[REDACTED]

Josh Rogers

From: Eva Cutro
Sent: Wednesday, August 31, 2022 1:35 PM
To: Kyle Mieras; Josh Rogers
Cc: Ashlee MacDonald
Subject: RE: Elliot groves master plan proposed changes

I'm receiving these same comments.

Should we be responding in anyway?

Thanks,
Eva

-----Original Message-----

From: Kyle Mieras <Kyle.Mieras@gilbertaz.gov>
Sent: Wednesday, August 31, 2022 11:07 AM
To: Josh Rogers <Josh.Rogers@GilbertAZ.gov>
Cc: Eva Cutro <Eva.Cutro@GilbertAZ.gov>; Ashlee MacDonald <Ashlee.MacDonald@GilbertAZ.gov>
Subject: FW: Elliot groves master plan proposed changes

Josh - here is another one. Was there a recent neighborhood meeting?

Thx
Kyle

-----Original Message-----

From: Amanda Moller [REDACTED]
Sent: Wednesday, August 31, 2022 10:51 AM
To: Kyle Mieras <Kyle.Mieras@gilbertaz.gov>
Subject: Elliot groves master plan proposed changes

Hello Kyle,

My name is Amanda, I am a resident of elliot groves in the Morrison ranch community. I am writing regarding the proposal to overturn the Morrison ranch master plan and what Gilbert voters approved of for this area. The developers are proposing a change to the current zoning to allow for mega tall warehouses. This is directly against what this community was planned to be, against What homeowners were told the land would be used for, home values will be destroyed, Gilbert residents will lose jobs, invite traffic from semi trucks into our community of small children and families. This is not what we voted for and not what we want in our family community. We as long time residents, homeowners, and families oppose this proposal and changes that the developers are trying to deceive and push through. We are asking for your support with our community to deny their changes and keep this land as it was intended for business park and small scale buildings.

Thank you,
Amanda Abromovitz

Josh Rogers

From: Kyle Mieras
Sent: Wednesday, August 31, 2022 2:27 PM
To: Eva Cutro; Josh Rogers
Subject: RE: Opposition to the proposed rezoning east of Elliot Groves (Morrison Ranch) neighborhood

Yep, I got the same one

From: Eva Cutro <Eva.Cutro@GilbertAZ.gov>
Sent: Wednesday, August 31, 2022 2:12 PM
To: Kyle Mieras <Kyle.Mieras@gilbertaz.gov>; Josh Rogers <Josh.Rogers@GilbertAZ.gov>
Subject: FW: Opposition to the proposed rezoning east of Elliot Groves (Morrison Ranch) neighborhood

Not sure if you received this one.

From: Town of Gilbert <gilbert.digital@gilbertaz.gov>
Sent: Wednesday, August 31, 2022 1:55 PM
To: Eva Cutro <Eva.Cutro@GilbertAZ.gov>
Subject: Opposition to the proposed rezoning east of Elliot Groves (Morrison Ranch) neighborhood

Message submitted from the <Town of Gilbert, Arizona> website.

Site Visitor Name: Brent Henningson

Site Visitor Email [REDACTED]

Ms. Cutro,

I am writing to express my strong opposition to the proposed rezoning east of the Elliot Groves (Morrison Ranch) neighborhood.

The proximity of the proposed industrial buildings relative to existing single family homes will create issues, including a decrease in our property values.

I urge you to disapprove the proposed rezoning. From discussions with my neighbors, I know my opinions are shared by many who may not have attended meetings or written letters or emails.

Thank you for your continued service and support of our communities.

Best regards,

Brent Henningson