



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

**COMMISSION PRESENT:**

Jän Simon, Chairman  
Noah Mundt, Vice-Chairman  
Anthony Bianchi  
Lesley Davis  
Lisa Gage (alternate)  
William Fay  
Charles Johnson (alternate)

**STAFF PRESENT:**

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

**COMMISSION ABSENT:**

Brian Anderson  
David Blaser

**COUNCIL LIAISON PRESENT:**

Scott September

PLANNER	CASE	PAGE	VOTE
Kristen Devine	DR21-179	5	7-0
Ashlee MacDonald	UP22-66	7	7-0
Keith Newman	GP22-12	9	7-0
Keith Newman	Z22-11	9	6-1

**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. Elect Chair and Vice Chair**

**MOTION:** Commissioner Fay nominated Chair Simon to continue as Chairman, seconded by Vice Chair Mundt. **Motion passed 7-0.**

**MOTION:** Commissioner Fay nominated Vice Chair Mundt to continue as Vice Chair, seconded by Commissioner Bianchi. **Motion passed 7-0.**

**2. DR22-155 INDUSTRIAL FLEX BUILDING: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately .68 acres, generally located west of Cooper Road and south of**

**Baseline Road and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Kristen Devine (480) 503-6742.**

**MOTION:** Vice Chair Mundt moved to table discussion of item DR22-155 Industrial Flex Building to a later date. Motion seconded by Commissioner Johnson. **Motion passed 7-0.**

3. **GP22-10 HIGLEY INDUSTRIAL TO COMMERCIAL:** Request for Minor General Plan Amendment to change the land use classification of approximately 2.6 acres generally located north of the northwest corner of Higley Road and Williams Field Road from Industrial to General Commercial. The effect of this amendment will be to change the General Plan to designate areas for the commercial and service needs of the surrounding area.

**Z22-09 HIGLEY INDUSTRIAL TO COMMERCIAL:** Request to rezone approximately 2.6 acres generally located north of the northwest corner of Higley Road and Williams Field Road from the Light Industrial (LI) to Shopping Center (SC). The effect will be to permit retail, offices, and commercial establishments. Samantha Novotny (480) 503-6602.

Planner Samantha Novotny attended the meeting virtually. She explained that the subject site is approximately 2.6 acres, located north of the northwest corner of Higley Road and Williams Field Road in the Gateway Character Area. The cases were presented as a study session item, and the requested Planning Commission feedback was for two proposed requests:

- 1) A Minor General Plan amendment to change the land use designation from Industrial to General Commercial; and
- 2) A rezone from Light Industrial (LI) to Shopping Center (SC) zoning district.

The cases will be presented to Planning Commission again for a recommendation, and the final deciding body will be Town Council. With these proposals, the effect will be to permit retail, office, and commercial uses allowed under the SC zoning district. Planner Novotny displayed an overhead visual of the current site conditions. A master site plan was approved earlier in the year and is expected to be used to guide the upcoming improvements, which include a Cobblestone, Public Storage, and Quik Trip.

Planner Novotny showed a slide of the General Plan categories of the site and the surrounding areas. The site is located in the Gateway Character Area. The Town's Office of Economic Development did not foresee the land use change to be problematic as the area predominately developed as commercial and is outside the large employment growth areas. This is a conventional rezoning request without additional deviations. One neighborhood meeting took place on February 1, 2022, and the Applicant intends to hold an additional meeting on December 15, 2022. She ended the presentation and asked for questions and comments.

#### **COMMISSION QUESTIONS/COMMENTS**

Commissioner Bianchi asked to clarify the layout and phasing of the master site plan slide. He also asked whether access would be maintained the other nearby sites. He

was stated he wanted the uses to be consistent and interacting with each other on this entire site. Planner Novotny answered yes access would be maintained and was cohesively solidified during the master site plan approval earlier this year.

Chair Simon asked if whether the parcel could potentially fit with the Mixed-Use Zoning District. Planner Novotny answered she had not considered whether the parcel would be used for the Mixed-Use Zoning District. She stated the Applicant's intention from the beginning has been to use the Shopping Center zoning district. Chair Simon also wanted to ensure that the Public Storage and light industrial zoning portion would have access to and from the remainder of the site.

**4. DR22-164 MELODY AVE BUILDINGS 1 & 2: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.1 acres, generally located at the southwest corner of Horne St. and Melody Ave., and zoned Light Industrial with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.**

Planner Keith Newman stated that the proposal consists of two new industrial warehouse buildings with approximately 48,880 square feet, located at the southeast corner of Horne St. and Melody Ave.

The 3.1-acre site is currently vacant land and consists of Lots 7, 8, and 9 within the Fuller Commercial Center II subdivision. The lots will be combined to accommodate the proposed development. Access to the site will take place along Melody Ave. from two existing curb cuts and one new entrance in the middle of the site, which will be utilized as the main access for large trucks entering the site. The proposed buildings are located parallel to Melody Ave with all overhead doors and truck docks in the center of the site between the two buildings. Vehicular circulation will take place on the south side of the buildings and lead out to the site entrances off Melody Ave.

The main request concerns whether or not the Commission would endorse moving forward with CDs at risk. He outlined the site plan with an aerial photo and outlined the access. He noted that the site is currently slightly deficient on parking, and the Applicant is working on complying with the parking requirements. The landscaping plan is currently only conceptual, and Staff is working with the Applicant to make it more specific. Additional landscaping will be added around the main entrances.

Planner Newman reviewed the grading and drainage plan, noting the site does not have any on-site retention; water flows out on to Melody Ave. and will be retained in a regional retention basin along the northern boundary of the industrial park. The elevations are standard, with concrete tilt walls. He commented that the north elevations require more articulation, and he intends to request that the Applicant to look at nearby buildings for inspiration in order to enhance the north elevation.

Planner Newman requested authorization to move forward to CDs at risk, and asked for any other feedback from the Commission.

## COMMISSION QUESTIONS/COMMENTS

Vice Chair Mundt stated he did not have an issue with CDs at risk. He also recommended that the Applicant did not need to do very much with the articulation, as the site is isolated without major thoroughfare.

Commissioner Johnson inquired where the extra parking might be located. Planner Newman stated that he anticipated the additional parking would likely be located between buildings 1 and 2.

Commissioner Fay stated that he is not against regional retention basins, but the problem is that no retention analysis has been done. He also questioned whether the retention basins were owned by someone outside of the HOA. If this is the case, then Commissioner Fay would be against the CDs at risk. Normally a CDs at risk would be issued liberally, but in this case proceeding with caution is recommended until the issue is clarified.

Commissioner Davis agreed that the north elevation could use additional articulation. She suggested better defining the entrances and providing additional weather protection by adding canopies over each entrance.

Commissioner Bianchi stated that his main concern was the deficient parking, and agreed with Commissioner Davis regarding the entrances and articulation.

The Chair stated he agreed with everything that had already been stated.

- 5. DR22-108 BLACK RIFLE COFFEE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately .91 acres, generally located at the northeast corner of Higley Road and Palmer Street, and zoned Neighborhood Commercial (NC) with a Planned Area Development (PAD) overlay. Kristen Devine (480) 503-6742.**

Planner Kristen Devine presented the proposal for Black Rifle Coffee. The applicant is proposing to construct a 2,718 square foot coffee shop with a drive-thru on a 0.91-acre site. The site is located on the northeast corner of Higley Road and Palmer Street, and is zoned Neighborhood Commercial (NC) with a Planned Area Development Overlay (PAD). The proposed drive-thru coffee shop building will occupy a portion of the site on the hard corner of Higley and Palmer, with lot line adjustments proposed in the future in order to allow two additional future developments.

She was seeking the Commission's feedback regarding elevations and site plan layout. The current site plan shows the northeast corner not being developed. Pedestrians currently have easy access to the site. Planner Devine presented the current site conditions, including the landscaping and parking lot, and noted that perimeter landscaping must be installed during the first phase of development.

Planner Devine also reviewed the proposed building materials, noting that the site is located in the Seville neighborhood, which mostly has a Spanish style architecture with pitched and tiled roofs. The proposed site plan is modern in style, with a muted, neutral color palate and a flat roof.

## **COMMISSION QUESTIONS/COMMENTS**

Commissioner Bianchi inquired if Seville had its own PAD or architecture committee. Planner Devine answered that the site was located in the Seville PAD, and she was uncertain whether they had an architectural committee.

Commissioner Davis noted that the site plan shows a reduced set-back. She also stated that the colors could be warmed up; however, the building form was acceptable in her opinion. Planner Devine stated that the site plan was still in the review process and the exact set-back was unavailable at this time.

Commissioner Fay expressed concern regarding the site layout and noted that drive-thru heavy businesses must be designed so that excess cars waiting in the drive-thru queue do not spill out onto the public way. Commissioner Fay recommended adding a curb to the site plan to prevent this from happening.

Commissioner Johnson echoed Commissioner Fay's concerns regarding the drive thru. He also suggested that signage could potentially provide more visual interest or color to the design.

Commissioner Gage noted that a nearby Starbucks is busy and often backs up onto the public way. She suggested that the intercom be moved in order to prevent backing up into the public way and stated that she looked forward to seeing a full site plan and welcomed development on the lot.

Chair Simon supported Commissioner Fay's recommendation to reconfigure the islands to ensure that the line wraps around the parking lot. He also stated that he was interested to see the conceptual plans for the entire lot. Regarding the design, he suggested that there may be some adjustments that can be made to the design to better fit with the architecture of the neighborhood.

## **6. DISCUSSION OF REGULAR MEETING AGENDA**

Item 13, S22-02 Arboreta Estates, continuation to a date uncertain was moved from the Non-Consent Agenda to the Consent Agenda.

## **ADJOURN STUDY SESSION**

Chair Simon adjourned the Study Session at 5:53 p.m.

## **CALL TO ORDER OF REGULAR MEETING**

Chair Simon called the December 7, 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.

## **7. APPROVAL OF AGENDA**

Chair Simon called for a motion to approve the agenda.

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**MOTION:** On a motion made by Vice Chair Mundt, and seconded by Commissioner Bianchi, it was moved to approve the agenda, as amended. **Motion passed 7-0.**

## **COMMUNICATIONS**

### **8. 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.

### **9. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS**

Council Liaison Scott September stated that wished everyone a happy holiday season. The Commission wished him well in his future endeavors.

## **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.

10. **DR22-125 EARNHARDT SERVICE CENTER BUILDING:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 8.02 acres, generally located near the southwest corner of Val Vista Drive and Drivers Way and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay. Noah Schumerth (480) 503-6729.
11. **S22-02 ARBORETA ESTATES:** Request to approve a Preliminary Plat and Open Space Plan for Arboreta Estates, for 15 lots (Lots 1-15) and Tract A on approx. 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. Continuance issued to a date uncertain.

**MOTION:** Vice Chair Mundt moved to approve the Consent Agenda. Motion seconded by Commissioner Bianchi. **Motion carried 7-0.**

## **PUBLIC HEARING (NON-CONSENT)**

Non-Consent Public Hearing items will be heard at an individual public hearing and acted upon by the Commission by a separate motion. Anyone wishing to comment in support of or in opposition to a Public Hearing item may do so during the Public Hearings. If you wish to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

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

STAFF RECOMMENDATION

- A. The construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the December 7, 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. Future additions or changes to monument signage will require an Administrative Design Review approval prior to sign permitting and construction.

Planner Devine stated that the site is located on the southwest corner of Baseline Road and Meadows Drive. The proposed storage facility consists of four buildings: three (3) single-story drive-up unit buildings totaling 11,791 square feet, and one (1) three-story building with a basement totaling 138,106 square feet. Currently, eight parking spaces are proposed on-site. The site includes two access points located off of Baseline Road. The main access to be used by patrons provides right-in, right-out access only. The second, western driveway will be designated for emergency access only.

In addition, there are four proposed buildings on the site with eight proposed parking spaces, meeting Town LDC requirements. The site includes a 12-foot pedestrian/equestrian easement on the southern boundary of the property, which prevents construction; thus, the property owner is proposing to place their fence 40 feet from the shared property line to the south, where the landscape setback ends. The proposed multiple-story building will be 39 feet, 4 inches tall at the highest point and consist of both pitched and flat rooflines. The pitched roofs were requested by the neighboring residents in order to make the facility look more residential to blend into the surrounding area. The building is made up of stucco and brick in varying shades of brown, flat metal canopies near the office entrance, and pitched metal paneling along the top of the second floor. Faux windows have been added along the street front elevation.

The Applicant's representative, Taylor Earl, was present to speak to the Commission. He presented background information about the developer. He noted that several changes were made to the plan in response to some concerns that were raised from the public, such as the colors and roof line. He mentioned that the neighbors had expressed concern about the easement on the south side. The Applicant decided to push the fence further north to create more of an open space and less of an alley space. He outlined the landscaping plan and the materials being used on the project that were selected and redesigned to better emulate the style in the neighborhood. Other changes made in response to public comment included changing the roof line and adding faux windows. He noted that the site is an allowed use. There is a photometric plan that shows that there is no light spillage on the neighbors to the south.

Commissioner Johnson inquired if Mr. Earl anticipated a continued market demand for storage units.

Mr. Earl answered that he believed there will be an increase moving forward, as he is seeing less need for commercial parcels. Other factors that contribute to the increasing demand for storage space include rising housing costs forcing people to live in smaller spaces, more people under 30 living with their parents, and more people working in spare bedrooms that previously would be used for storage.

Commissioner Gage noted that the colors seem dark, and inquired if that was representative of the neighborhood. The Applicant responded that the colors were selected to match other developments nearby.

Resident Greg Prince commented that his property director abuts the site, and that he was satisfied with the improvements made to the site, as its aesthetic matches other sites in the neighborhood. He expressed concern that the equestrian trail could be used for encampments and recommended ensuring video surveillance and adequate access for police.

Mr. Earl responded that because they could not close the trail altogether, the Applicant decided to open it up to make it less of an alleyway. There could be cameras looking into that area; however, there is no camera plan as of yet. There will not be a curb cut for police to access the area.

Commissioner Davis suggested having some landscape lighting so that cameras would be able to monitor the area without light spillage onto the abutting residential properties. She also recommended speaking with police for their recommendations, and potentially reducing the number of shrubs.

Resident David Ebara stated that his property also directly abutted the site, and he echoed Mr. Prince's concerns. He added that the nearby UPS site housed an encampment, and without an easement, police would have a difficult time monitoring the site.

There was some discussion regarding the fencing along the back wall, and the need for adequate video surveillance.

The Chair closed the public discussion.

Chair Simon stated that the design of the building was well done. His only concern was potential security or encampment issues along the back fence, and he encouraged staff to work with police and fire departments in order to improve the lighting and landscaping plans. He suggested approving the plan with this added as a stipulation.

**MOTION:** Vice Chair Mundt moved to recommend approval of DR21-179 Superstition Meadows Plaza Self Storage, with the stipulation that the applicant and staff continue to work on the lighting and landscaping plans, pending approval from the Planning Manager. Motion seconded by Commissioner Johnson. **Motion carried 7-0.**

13. **UP22-66 TOWN OF GILBERT NORTH WATER TREATMENT PLANT: Request to approve a Special Use Permit for approximately 52 acres located at the southwest corner of Higley and Guadalupe Roads to allow a water treatment facility in the**



**Public Facilities/Institutional (PF/I) zoning district, subject to conditions. Ashlee MacDonald 480-503-6748.**

STAFF RECOMMENDATION

Make the Findings of Fact and approve UP22-66 Town of Gilbert North Water Treatment Plant. Request to approve a Special Use Permit for approximately 52 acres located at the southwest corner of Higley and Guadalupe Roads to allow a wastewater treatment facility in the Public Facilities/Institutional (PF/I) zoning district, subject to the following condition:

- A. The Project shall be in substantial conformance with the site plan shown on the Exhibits provided under Attachment No. 5.

Principal Planner, Ashlee MacDonald, gave an overview of the project. She stated that the project was originally constructed in the 1990s and is in need of renovation. The proposed project will expand slightly in the Nichols Park, necessitating approval of a Special Use Permit. The proposal will meet all require setbacks. She stated that there are five findings of fact that must be met for approval of a Special Use Permit and staff is of the opinion that these findings are met.

Jeanne Jensen, Project Manager, explained that the site is no longer able to meet the needs of the larger community if left as is, and that delays in the project should be avoided at all costs to ensure that the Town of Gilbert has an adequately safe water supply. She outlined the various reasons why the plant's existing conditions can no longer supply adequate water, which included shifting weather patterns, population changes, fires, and water quality changes. Upon inspection, poor construction quality of the original site was also noted as a contributing factor. The reconstructed plant would come online in 2026.

Ms. Jensen outlined some of the technological advances that would be installed in the refurbished plant. The project would be built in five phases, and phases 1 and 2 had already been approved by Council. The final architectural plans were not yet ready for presentation. She noted that there was a phone number and webpage for the public to report disturbances, questions, or concerns.

Commissioner Bianchi inquired about the duration of construction and any service disruptions. Ms. Jensen responded that primary construction would be completed in 2026, and the entire project would be completed 2027. Any outages would be very limited in duration, but no substantial outages or service interruptions are anticipated throughout the project.

Resident Danny Stewart stated that he lives across from the facility and was concerned that the park would not be useable for five years and it is used heavily by the community for football and cricket. He hoped that the park would be protected, and usage restored. He also inquired about the parking lot and empty land in front of the basin, and asked what intention is for the property. Lastly, he expressed concern about the equestrian trails, and inquired if the setbacks could be widened.

Ms. Jensen responded that alternative spaces would be used in the meantime, and that the park would be used for storage and access, and not for construction, so in theory it could remain a sports field after the project's completion. The equestrian trails lands were part of the retention basin and could not be altered.

Pam Stewart, Gilbert resident, stated that there are homeless people are in the park and recommended installing cameras, and inquired whether the upgraded facility would be noisier. She also inquired about the park plan and asked about the anticipated lifespan of the facility and height of the facility.

Ms. Jensen stated that the height would be within the requirements but would be an increase from the existing height. The exact set-back and screening are under consideration. Some of the anticipated noise would be blocked by landscaping and other sound mitigation efforts. Extensive camera coverage is already in place; however, a camera plan for the updated facility has not yet been made.

Commissioner Fay noted that Nichols Park will be closed for five years, which is not entirely necessary and would negatively impact citizens.

Commissioner Fay inquired how construction trucks will enter the site.

Ms. Jensen responded that trucks will enter from Higley

A member of the public Elizabeth noted that the suburban ranchers are concerned about noise. She also inquired about the truck circulation plans.

Ms. Jensen answered that trucks will enter the site on Higley and exit on Guadalupe Road, and the contractor would be subject to the same noise limitations as any other resident. There is a hotline that is available 24/7 for any public complains or concerns, including noise complaints. She encouraged members of the public to call the number, so that information can be forwarded to the crews and changes made accordingly.

**MOTION:** Commissioner Bianchi moved to recommend approval of UP-2566 Town of Gilbert North Water Treatment Plant subject to conditions. Motion seconded by Commissioner Mundt. **Motion carried 7-0.**

14. **GP22-12 ALDI-GILBERT: Request for Minor General Plan Amendment to change the land use classification on approximately 5.51 acres located east of the southeast corner of Arizona Ave. and Desert Lane from General Commercial (GC) to Residential > 25-50 DU/Acre Land Use Classification. Keith Newman (480) 503-6812.**
15. **Z22-11 ALDI-GILBERT: Request to amend Ordinance Nos. 356, 504 and 601 pertaining to the Fiesta Tech Planned Area Development (PAD) by removing from the Fiesta Tech PAD approx. 10 acres generally located at the southeast corner of Arizona Ave. and Desert Lane from General Commercial (GC) zoning district to 4.5 acres of General Commercial (GC) and 5.51 acres of Multi-Family High (MF/H) zoning district. Keith Newman (480) 503-6812.**

#### STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP22-12 ALDI-GILBERT: Request for Minor General Plan Amendment to change the land use classification on

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approximately 5.51 acres located east of the southeast corner of Arizona Ave. and Desert Lane, from General Commercial (GC) to Residential 25-50 DU/Acre Land Use Classification; and for the following reasons:

- B. The development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z22-11 Aldi-Gilbert, to amend Ordinance Nos. 356, 504 and 601 pertaining to the Fiesta Tech Planned Area Development (PAD) by removing from the Fiesta Tech PAD approximately 10 acres generally located at the southeast corner of Arizona Ave. and Desert Lane and rezone from General Commercial (GC) zoning district to 4.5 acres of General Commercial (GC) and 5.51 acres of Multi-Family High (MF/H) zoning district., subject to the following conditions:
- C. Construction of off-site improvements to Desert Lane and Arizona Avenue 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.
- D. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) and any associated improvements at any proposed access on Arizona Avenue's right-of-way into the site. The minimum geometry of the dedicated right turn lane(s) shall be 230 feet storage, 90 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. Developer shall construct, at the Developer's expense, dedicated northbound right turn lane and any associated improvements at the intersection of Arizona Avenue and Desert Lane. The minimum geometry of the dedicated right turn lane(s) shall be 230 feet storage, 90 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.
- F. Developer shall re-stripe, at the Developer's expense, the southbound left turn to extend the existing storage and any associated improvements at the intersection of Arizona Avenue and Desert Lane. The minimum geometry of the southbound left turn lane shall be 250 feet storage. 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.
- G. Developer shall design and construct, at the Developer's expense, signal modifications at the intersection of Arizona Avenue and Desert Lane per the direction of 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. On-street parking along Desert Lane or Colorado Street is not permitted unless the Town of Gilbert approves a technical variance modifying the standard cross-section for a local industrial street.
- I. Access spacing locations between driveways and Colorado Street on Desert Lane shall meet the Town of Gilbert's spacing requirement, unless the Town of Gilbert approves a technical variance.
- J. At the written request of the Town of Gilbert, the 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 at the time of construction document approval shall result in withholding of permits and approvals to construct.
- K. To the extent that any landscaping, open space, recreational facility, private street, utility, or other facility is held in common ownership, the Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of said areas as required by the Town of Gilbert Land Development Code.
- L. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.

Planner Newman stated that the existing General Plan land use classification on the 10-acre site is currently General Commercial and consists of an abandoned vehicle sales parking lot on the west half of the lot and vacant land on the east half. The applicant is requesting to change the existing General Plan Land Use designation on a 5.51-acre portion on the east half of the 10-acre site from General Commercial (GC) to Residential; 25-50 DU/Acre to accommodate a future high-density multi-family apartment complex. The west portion of the site will maintain the existing General Commercial (GC) land use designation in order to accommodate a future Aldi grocery store.

Planner Newman presented a conceptual design that showed an apartment complex on the east half of the site, and an Aldi grocery store on the west half of the site, with a parking garage in the middle wrapped by apartment units. He cautioned that the rendering was conceptual and was not being submitted for review or approval at this time. The Applicant had held one virtual neighborhood meeting. No direct abutting residents or property owners attended the meeting, and staff has not heard from anyone concerning this request. The requested recommendation was that the Commission provide a favorable recommendation, with conditions. Planner Newman noted that Staff has added Conditions 6 & 7 to the amended staff report to address Staff's concerns with regards to potential on-street parking along Desert Lane and the alignment of the eastern most entrance location shown on the conceptual site plan which doesn't line up correctly with Colorado St. at the northeast corner of the site.

Commissioner Fay inquired if northbound traffic would be right in, asking about the stipulations on southbound traffic and recommending a median.

Clint Emory Assistant Town Traffic Engineer stated that ADOT reviewed the Traffic Study and that the southern access is intended to be right in right out. The applicant will have to submit permits to ADOT to build a median in Arizona Avenue.

Commissioner Bianchi inquired about the parking based on the number of units and whether this met the requirement, or would the Applicant be requesting a variance.

Planner Newman stated that they are not at the design review stage, so this information is not yet known and that Town Staff has concerns about the safety of on street parking and felt adding a condition at the zoning stage would be appropriate so Town Council could weigh in on it. The applicant would have to receive approval of a modified cross section for Desert Ln. To have on street parking.

The Applicant's representative, Wendy Reddell presented some background information about the Applicant Aldi. The Applicant has had difficulty in developing this site due to not knowing exactly how the rest of the site is going to be developed. The Applicant requested that stipulations 6 and 7 relating to potential on street parking and the alignment of the eastern most entrance with Colorado St. be removed, because there is no site plan yet as this is not a zoning issue and should be addressed later upon the submittal of the Design Review case when more site design details are available.

Commissioner Bianchi inquired whether there was anticipated density variance.

Ms. Reddell responded that they would stay within range.

The Chair inquired if the Applicant intended to build consecutively or so Aldi is not sitting vacant.

Ms. Reddell responded that that was the intention.

The Chair reported there were no comment cards and closed the floor to public comment.

Commissioner Bianchi asked for clarification regarding the request to strike conditions 6 and 7, and stated their inclusion may not be needed until a site plan is presented.

Chair Simon asked if it's typical to place Design Review type conditions on a zoning case.

Planner Newman elaborated that design related conditions depend on the project and have been included in the past. The specific conditions such as conditions were included in order to allow review further along in the process and to address safety concerns which staff believes Town Council should have the opportunity to weigh in on. Due to the safety concerns Staff wants the ability to require the applicant to go through a technical variance process to approved on street parking.

Chair Simon stated that the condition for on street parking seemed a little premature since they are not reviewing a site plan.

Commissioner Davis inquired if the public can park on the public street in question today.

Planner Newman explained that parking was currently prohibited on the street.

Clint Emory stated that the street is signed no parking today and that our biggest concern is the curve of Colorado Street and Desert Lane.

Chair Simon stated we may be premature with adding the conditions as we don't even have a site plan to review yet and doesn't understand the purpose.

Commissioner Fay stated that he disagreed and that in general design related conditions belong at the Design Review level unless their big strategic issues and that some of the big existing driveways in an existing roadway or the fact that you may have to accommodate parking on a road the currently does allow it today may be big enough that they need to be on the record before the design is started and thinks the proposed conditions are warranted and doesn't want them pulled out.

Planner Newman stated that the addition of the conditions does not say they can't have on street parking in the future, they can request approval of a technical variance to permit it.

Wendy Reddell stated that the technical variance is an existing process and is at a disadvantage as there is not a site plan to review and that the conditions are not appropriate for a zoning case.

Commissioner Gage stated that with a Technical Variance the applicant can still get what they want but feels this is the wrong time to address the on-street parking issue and that the stipulation is not needed.

Chair Simon asked if there's a way to soften the conditions so Staff and the applicant are both getting what they want.

Wendy Reddell stated she appreciated the effort to compromise and feels that part of the challenge is the premature nature and what can be done. We can state on the record that were well aware that a Technical Variance is required based on concerns raised by Staff.

Chair Simon asked Staff is there's a way to work through this.

Planner Newman stated Staff has worked with the applicant to soften the conditions and the changes to the original conditions give them a way to still apply for what they may want to do in the future with regards to potentially adding on street parking. It was also stated that it is not uncommon to address major design related concerns at the zoning early on in the process prior to Design Review submittal.

Commissioner Mundt stated that you can't have parking along Arizona Ave. But feels this getting too confusing and that it seems necessary to add these conditions.

Commissioner Bianchi asked if were looking at approving up to 50 Du/Acre on 5 acres is this a protection the Town is looking to get with garage costs so that the developer doesn't just push parking out into the street. He understands Wendy Reddell's points, but do we just go ahead and add this stipulation at Design Review.

Planner Newman stated again it is to address a safety concern on a street where on street parking doesn't in an area where none of the streets in the surrounding have it. Don't want to create more conflicts for vehicles in this area.

Commissioner Bianchi asked if these are conditions or protections that can be added at the Design Review case level.

Planner Newman stated that yes but wanted to add them earlier in the process.

Wendy Reddell stated that these issues are premature and part of a broader discussion and that it isn't really looking for more parking spaces for the apartments, but not having enough parking for the commercial and retailers is part of a broader discussion and still feels it's premature.

Planner Newman stated that Staff did see a conceptual site plan very early on in the process showing some level of design which is why the concerns are being brought up and why the conditions are proposed.

Commissioner Davis stated that the ability to control on street parking is already provided with signage then why do we need the conditions.

Commissioner Gage stated that were reaching too far into design review and that this is General Plan and zoning case. Feels Staff is trying to keep the control and that is not what the goal should be here.

The Chair closed the public hearing.

**MOTION:** Commissioner Faye moved to recommend approval GP22-12 Aldi Gilbert Minor General Plan Amendment. Motion seconded by seconded by Vice-Chair. **Motion carried 7-0.**

**MOTION:** Chair Simon moved to recommend approval of Z22-11 Aldi Gilbert to amend ordinances 356, 504 and 601, and to strike stipulations 6 and 7. Motion seconded by Commissioner Gage. **Motion carried 6-1.**

#### **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 on which you wish to address. The Commission/Board may or may not accept public comment.

#### **16. PLANNING COMMISSION MINUTES**

Commissioner Bianchi requested the following amendment to the minutes of October 20, 2022: The meeting was located in the Southeast Regional Library, and to note that Commissioner Bianchi voted against the continuance.

**MOTION:** On a motion made by Commissioner Fay, seconded by Commissioner Bianchi, it was resolved to approve the minutes from the Special Meeting held on October 20, 2022, as amended. **Motion carried 7-0.**

Commissioner Davis requested the following amendment to the draft minutes of November 2, 2022. On page 28, Commissioner David is referred to as "he" rather than "she."

**MOTION:** On a motion made by Vice Chair Mundt, seconded by Commissioner Johnson, it was resolved to approve the Study Session & Regular Meeting Minutes of November 2, 2022, as amended. **Motion carried 5-0 with 2 abstentions.**

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

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

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

Eva Cutro reminded the Commission that the next meeting would take place in Municipal Building 1, and wished everyone happy holidays.

**ADJOURNMENT**

Chairman Simon adjourned the meeting at 8:23 p.m.

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Jän Simon, Vice-Chairman

ATTEST:

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Tracey Asher

DRAFT