



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Municipal Center – Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
February 1, 2023**

COMMISSION PRESENT:

Jän Simon, Chairman
Noah Mundt, Vice-Chairman
Brian Andersen
David Blaser
William Fay
Lesley Davis
Anthony Bianchi
Charles Johnson (Alternate)
Lisa Gage (Alternate)

STAFF PRESENT:

Eva Cutro, Planning Manager
Ashlee MacDonald, Principal Planner
Samantha Novotny, Planner I
Noah Schumerth, Planner II
Veronica Gonzalez, Principal Planner

COUNCIL LIAISON PRESENT:

Scott Anderson

PLANNER	CASE	PAGE	VOTE
Ashlee MacDonald	DR21-65	4	7-0
Noah Schumerth	DR22-169	4	7-0
Samantha Novotny	DR22-51	5	7-0
Eva Cutro	Z22-18	6	7-0

CALL TO ORDER OF THE STUDY SESSION

Chair Simon called the February 1, 2023, Study Session to order at 5:09 p.m.

STUDY SESSION

- UP22-39 SELF-STORAGE FACILITY:** Request to approve a Conditional Use Permit for approximately 2.4 acres located north of the northwest corner of Higley Road and Williams Field Road to allow an indoor self-storage facility use in the Light Industrial (LI) zoning district, subject to conditions.

DR22-104 SELF-STORAGE FACILITY: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.4 acres, generally located north of the northwest corner of Higley Road and Williams Field Road, and zoned Light Industrial (LI), subject to conditions. Samantha Novotny (480) 503-6602.

This item was moved off the agenda during the meeting.

2. **DR22-127 MODERA GILBERT: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 15.39 acres, generally located on the southwest corner of Higley and Ray Roads, and zoned Shopping Center (SC) with a Planned Area Development (PAD) overlay. Noah Schumerth (480) 503-6729.**

Planner Noah Schumerth stated that in 2022, this area was rezoned from Shopping Center (SC) to Multi-Family/Medium (MF/M), General Commercial (GC), and Shopping Center (SC). This design review relates specifically to the General Commercial (GC) parcels and the Multi-Family/Medium (MF/M) parcel. The proposal is for a set of four buildings of varying uses: two loft-above buildings totalling 63 units, and two multi-family buildings with amenities. The site design includes a public plaza, private green spine, and pedestrianized internal street network. There are three primary changes from the original staff report. Firstly, an Administrative Use Permit is being filed to allow for shared parking. Secondly, a reduction in the parking requirement due to reduction in total commercial floor area. And thirdly, a tie-in of Shopping Center parcels to the Master Site Plan. Staff is seeking feedback on whether the retail spaces at the front of Building 4 should be encouraged long term. Landscape plan changes include the addition of a dog park, direct connections between the private open space spine and the multi-family buildings, adjustments to the front landscaping to match the Streetscape Theme, and changes to landscaping materials. Planner Noah Schumerth presented the proposed elevations and perspectives. Staff is seeking input on the use distribution. There HOA has significant capacity to take on the irrigation load for the project.

COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi stated that the pet park appears to have been reduced in the presentation versus what was in the staff report. He asked if the Shopping Center (SC) parcel could be used for additional parking. Planner Noah Schumerth responded that parking is close to the count required, but it has a lot to do with how parking is distributed throughout the site. The Town has a policy that pushes for Multi-Family developments to park themselves completely. There are 80 spaces in the underground parking for Building 1 and Building 2 versus the 90+ spaces required, so some parking would need to be outside the gates. The goal is for every unit to have one dedicated parking spot. There would be approximately 101 visitor parking allocated outside of the gated areas. Commissioner Bianchi stated that a line of open space could be nice with some pedestrian connectivity, and the pocket park on the north side of the parcel could be more toward the center. Epicenter has a variety of elevations. This project is relatively flat, and more roof articulation could bring more similarities to what is at the opposite corners.

Commissioner Andersen stated that the location on the callbox for the Multi-Family could be improved, as visitors would need to go around the circular area to get to it where it currently is. He expressed concern with the ability for emergency responders to get into the courtyards in the Multi-Family. Planner Noah Schumerth responded that there can be a conversation with the developer on the callbox location, and Fire has not expressed concerns with the site. Commissioner Andersen expressed concern that there is no natural breezeway, so heat could be an issue in July and August in the courtyards. He likes the architecture and volume of materials and colors.

Commissioner Davis stated that she would be supportive of the mixed-use zoning being revisited; however, this will impact the parking, and she likes the elevations. Planner Noah Schumerth responded that there would be a review process to make sure the parking impacts are taken into account.

Vice-Chair Mundt stated that he likes the architecture; however, the parking is of concern. The dog park seems small, but this could be because the buildings are massive.

Commissioner Fay expressed concern with the volume of items on the site and stated that this is impacting the open space and parking. The dog park being small could impact other parks in the neighborhood. On the middle of the east side, there are three driveways, one of which appears blocked in the middle, and he is partial to cross access. Planner Noah Schumerth responded that the primary reason for that is how much traffic is filtered through the commercial. The drive aisle along Building 2 is already existing, which allows for ingress and egress from Ray Road, which may play a role in this decision.

Chair Simon expressed concern with site circulation, as it is limiting. Working with the landowner on the pieces not involved in the project is important for connectivity, as this is an anchor corner within a character area for the Town. He agreed with Commissioner Andersen in regard to the airflow issue. He likes the elevations, but he would be concerned with parking. There are three entrances within a 500 meter space, which could cause rear-end situations.

3. DISCUSSION OF REGULAR MEETING AGENDA

There were no amendments to the agenda.

ADJOURN STUDY SESSION

Chair Simon adjourned the Study Session at 5:49 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Simon called the February 1, 2023, 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.

4. APPROVAL OF AGENDA

Chair Simon called for a motion to approve the agenda.

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

COMMUNICATIONS

5. 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.

6. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Councilmember Scott Anderson thanked the Commission for their service. He stated that Arizona is not running out of water, but actions must be considered on conserving water from the Colorado River. Six of the seven basin states have drafted points of agreement that will soon be shared with the public; however, California did not come on board, unfortunately. There is a shortage at the river, but there is not a shortage at the tap.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board may, by a single motion, approve any number of items where, after opening the public hearing, no person requests the item be removed from the consent calendar. If such a request is made, the Commission/Board shall then withdraw the item from the public hearing consent calendar for public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

- 7. DR21-65 KEYSTONE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 15 acres, generally located at the southeast corner of Sanders Drive and Warner Road, and zoned Multi-Family/Low (MF/L) with a Planned Area Development (PAD) overlay. Ashlee MacDonald (480) 503-6748.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the February 1, 2023, 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.
- 8. DR22-169 SPRINGHILL SUITES HOTEL - NORTHSIDE AT SANTAN VILLAGE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.35 acres, generally located north of the northeast corner of Williams Field Road and San Tan Village Parkway, and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay. Noah Schumerth (480) 503-6729.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the February 1, 2023, 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. Additional documentation of material selection and design shall be provided, including a minimum of the following documents, prior to building permit application submittal:
 - i. Renderings of the proposed hotel building on-site with visualized material detailing;

- ii. Material sample of “CM-1” and “CM-2” materials – CMU Trendstone Ground Face Masonry Veneer – Old Castle finish with “Opal” aggregate coloration and finish.
 - d. A revised site plan drawing shall be provided indicating the location of an approved hammerhead drive configuration on the easternmost parking drive aisle within 150’ of ingress to drive aisle, pursuant 2018 International Fire Code adopted by the Town of Gilbert. Revised drawing shall be provided to planning staff prior to building permit application submittal.
 - e. A revised site plan drawing shall be provided indicating the addition of parking spaces within the east parking field to meet total required parking spaces for use (134 spaces), subject to approval by planning staff. Parking spaces shall be compliant with PAD overlay zoning regulations for the site (Z99-41), with spaces measuring at least 18’ in length and 9’ in width, of 15’6” in length with a 30” overhang and 9’ in width. Any additional drive aisle area provided to support the additional spaces shall be a minimum of 24’ in width. Revised drawing shall be provided to planning staff prior to building permit application submittal.
9. **DR22-63 MORRISON RANCH MULTI-FAMILY:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 15.08 net acres, generally located east of the northeast corner of Higley and Warner Roads and zoned Multi-Family/Low (MF/L) with a Planned Area Development (PAD) overlay. Ashlee MacDonald (480) 503-6748. Continue to March 1, 2023.
10. **DR22-153 PERFORM AIR INTERNATIONAL:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.19 acres, generally located southwest of the intersection of Hamilton Court and Rawhide Avenue, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Noah Schumerth (480) 503-6729. Continue to March 1, 2023.

MOTION: Vice-Chair Mundt moved to recommend approval of Consent Agenda Item 7 DR21-65 Keystone and Item 8 DR22-169 Springhill Suites Hotel, and to continue Item 9 DR22-63 Morrison Ranch Multi-Family and Item 10 DR22-153 Perform Air International to March 1, 2023, seconded by Commissioner Fay. **Motion passed 7-0.**

PUBLIC HEARING (NON-CONSENT)

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

11. **DR22-51 WHATABURGER AND MASTER SITE PLAN:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.7 acres, generally located at the northeast corner of Higley Road and Gary Way, and zoned Regional Commercial (RC). Samantha Novotny (480) 503-6602.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the February 1, 2023, 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. Drive-through uses shall utilize one of the allowed screening options as is defined in the Circulation, Parking, and Loading section of the LDC.
- d. Roof-mounted mechanical equipment shall be fully screened with materials and design that is incorporated into the overall building architecture.

Planner Samantha Novotny stated that this is a Master Site Plan for a vacant three-lot section in the City Gate area. The Whataburger is proposed in Lot 3. Lots 1 and 2 will be approved at a later phase. The Whataburger lot is 1.45 acres of the 3.7 total acres and has a by-right shared parking revision at one space per 200 square feet. There are 63 spaces, and only 49 required. In 2014, there was a Streetscape and Open Space Plan approved, encompassing 61 acres of the City Gate area. The landscape plan for the site drew from the compliance for those 2014 approvals. The landscape requirement is 15%, and they have almost doubled that at 28%. There will be a sign review in future. A resident requested that this be added to a future agenda, as he felt that the neighborhood notice was not performed to LDC standards, and stated he is not in favor of the right-turn deceleration lane entry along Higley Road. However, Planner Samantha Novotny stated that the applicant satisfied public notice requirements.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay asked if every HOA within 1,000 feet was notified, and Planner Samantha Novotny confirmed. Commissioner Andersen asked if it is possible that the notification was sent to the HOA itself, but a management company is the one that interacts with the residents. Planner Samantha Novotny responded that she cannot confirm whether that happened in this case, but that is a common scenario.

Commissioner Andersen stated that the architecture looks good.

Commissioner Fay stated that this is a good model for the drive-through, with traffic all to be held on-site, and the deceleration lane on Higley Road is positive.

Chair Simon agreed that he appreciates the deceleration lanes and is in favor of the project.

MOTION: Commissioner Andersen moved to recommend approval of Non-Consent Agenda Item 11 DR22-51 Whataburger and Master Site Plan, seconded by Commissioner Fay. **Motion passed 7-0.**

- 12. **Z22-18 LDC TEXT AMENDMENT:** Request to amend the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Section 2.0 Terms, related to the definitions of Building Attached, Building Setback (front, rear and side) and Building Setback Area (front, rear and side). The effect of the amendment will be to clarify when a building is considered attached and clarify the definition of Building Setbacks and Building Setback Area, especially for irregular shaped lots. Eva Cutro (480) 503-6782.

Planning Manager Eva Cutro stated that, on a continual basis, staff seeks ways to improve the content and usefulness of the Land Development Code (LDC). Staff receives requests for

front yard determinations regularly and believes additional criteria would aid in decisions. The language for a building “attached” could be more descriptive. The current definition states “a structure which has at least part of a wall in common with another building or is connected by a solid or semi-solid roof structure”. There have been applications which fulfill the criteria but do not appear or function as one main structure. Staff recommends the following language:

- Attached. A structure which has:
 - At least part of a wall in common with another building.
 - A continuous roofline.
 - A maximum separation of ten (10) feet between structures.
 - Direct doorways under the continuous roofline from one structure to the other (if there is a separation).
 - Matching architecture to assure the building appears to be a single structure.

Staff is recommending that “or is connected by a solid or semi-solid roof structure”, and that an additional antiquated definition from the zoning ordinance, be removed. Staff also recommends the additional following criteria in the Zoning Code for determining a front yard:

- For a lot with double or multiple frontages, including the Corner Lots, the primary frontage shall be determined based upon the majority of the following four (4) criteria:
 - The direction the front door faces.
 - As depicted on the recorded subdivision plat; or where the primary frontage is not shown on the subdivision plat, as is consistent with and in harmony with the original subdivision design.
 - As is consistent and in harmony with other, adjacent front yards.
 - On the street that is a lower level in the Town’s Street Classification System.

Staff is recommending striking the “Other” section and removing the current definition of Corner Lot, as it is covered in the new language for double or multiple frontages. The following new language is also proposed:

- If a front yard is not already designated, or is being changed, the applicant requesting to designate or change the location for the front yard shall notify all property owners within 300 feet of the property line. Within fifteen (15) days after such notification, the Zoning Administrator shall render a decision regarding the proposed change in the front yard designation. Following the decision, the property owner or owner of any property within 300 feet of the subject property may appeal the decision to the Board of Adjustment. Application for appeal to the Board of Adjustment shall be submitted to the Town, together with the fee prescribed in the Fee Schedule within ten (10) days after the ruling.

Staff recommends removing the word “singular” under the Rear definition. Lastly, staff recommends removing the following language from the graphic in the code: “The front is typically the narrowest portion of the lot facing a street or point of access”.

COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi asked if the updated definitions for front yards are consistent with other cities and/or APA guidance. Planning Manager Eva Cutro responded that this is consistent with other municipalities. Commissioner Bianchi agreed with the proposed changes.

Commissioner Fay asked if this issue has ever come up in Gilbert before or if the Town is being proactive. Planning Manager Eva Cutro responded that it has come up before.

Commissioner Andersen asked how staff came up with the maximum ten (10) feet distance between structures. Planning Manager Eva Cutro responded that she has worked with larger lots in the past which had a twenty (20) foot separation; however, Gilbert has smaller lots, and the fire department signed off on this distance. Certain properties could be measured from the eaves rather than the walls, in the case of French doors for example.

Chair Simon asked whether, under Section 2.0, and the definition of Attached, it should be made clear that the structure must have all of those items, and it is not an “or”. Planning Manager Eva Cutro responded that this is just a typo on the slide.

MOTION: Commissioner Bianchi moved to recommend approval of Non-Consent Agenda Item 12 Z22-18 LDC Text Amendment, seconded by Vice-Chair Mundt. **Motion passed 7-0.**

ADMINISTRATIVE ITEMS

Administrative Items are for the Commission/Board discussion and action. It is to the discretion of the majority of the Commission/Board regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a public comment form indicating the Item Number. The Commission/Board may or may not accept public comment.

13. PLANNING COMMISSION MINUTES

MOTION: Vice-Chair Mundt moved to continue approval of the minutes of the Study Session & Regular Meeting of December 7, 2022, and January 4, 2023, to the next meeting, seconded by Commissioner Bianchi. **Motion passed 7-0.**

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

There was no report from the Chairman or members of the Commission on current events.

15. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

Planning Manager Eva Cutro welcomed Councilmember Scott Anderson as the new liaison and wished Ashlee MacDonald a happy birthday.

ADJOURNMENT

Chair Simon adjourned the meeting at 6:38 p.m.

Jän Simon, Chairman

ATTEST:

Tracey Asher

DRAFT