



**TOWN OF GILBERT
PLANNING COMMISSION
Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
April 5, 2023**

COMMISSION PRESENT:

Jän Simon, Chairman
Noah Mundt, Vice-Chairman
Brian Andersen
William Fay
David Blaser

Lesley Davis
Anthony Bianchi
Lisa Gage (Alternate)

COMMISSION ABSENT:

Charles Johnson (Alternate)

STAFF PRESENT:

Ashlee MacDonald, Principal Planner
Eva Cutro, Planning Manager
Samantha Novotny, Planner I
Veronica Gonzalez, Principal Planner
Sal DiSanto, Planner I
Alena Jorquez, Assistant Town Attorney

COUNCIL LIAISON PRESENT:

Scott Anderson

PLANNER	CASE	PAGE	VOTE
Keith Newman	DR22-164	4	7-0
Sal DiSanto	DR22-48	4	7-0
Ashlee MacDonald	DR22-143	6	7-0
Samantha Novotny	DR22-94	8	7-0
Samantha Novotny	DR22-160	9	7-0
Samantha Novotny	GP22-10	11	7-0
Samantha Novotny	Z22-09	11	7-0

CALL TO ORDER OF THE STUDY SESSION

Chair Simon called the April 5, 2023, Study Session to order at 5:30 p.m.

STUDY SESSION

- GP23-12 RESIDENCES AT THE RANCH: Request for Minor General Plan Amendment to change the land use classification of approximately 39 acres generally located near the southwest corner of Power and Elliot Roads from Industrial (I), General Office (GO) and General Commercial (GC) to 14.9 acres of Residential > 14-25 DU/AC, 18.1 acres of Residential > 25-50 DU/AC and 5.9 acres of General Commercial (GC).**

Z23-04 RESIDENCES AT THE RANCH: Request to rezone approximately 39 acres generally located near the southwest corner of Power and Elliot Roads from Light Industrial (LI), Business Park (BP) and General Commercial (GC) to 14.9 acres of Multi-Family/Medium (MF/M), 18.1 acres of Multi-Family/High (MF/H) and 5.9 acres Mixed-Use/Large (MU/L). Veronica Gonzalez (480) 503-6720.

Planner Veronica Gonzalez stated that this is a separate 39 acres out of the larger 302-acre Ranch site. The initial proposal was a request for a minor general plan amendment to change Industrial, General Office and General Commercial to Residential >14-25 du/ac, Residential >25-50 du/ac and General Commercial. The rezoning request included rezoning from Light Industrial, Business Park and General Commercial to Multi-Family/Medium, Multi-Family/High and Mixed-Use/Large. The proposal has since been revised. The major general plan amendment and re-zoning case heard in October 2022, was contentious and received a significant amount of neighborhood opposition. In response to that, the developer has proposed a development intended to buffer the residents of Morrison Ranch from the less desirable industrial type uses. So the revised proposal is a minor general plan amendment to change from Industrial, General Office and General Commercial to Residential >14-25 du/ac and General Commercial. The rezoning request is now to rezone from Light Industrial, Business Park and General Commercial to Multi-Family/Medium, Mixed-Use/Small and General Commercial. The property is located within two areas of the general plan: the Power Road Growth Corridor, where mixed-use developments are encouraged so long as they are designed as an integral part of the community and the Morrison Ranch Character Area where the land use policies of the character area encourage neighborhoods with a variety of uses as long as they integrate with the rural character of the area. Preliminary design concepts have been submitted, but building and site design will be approved in future. Though staff finds the design attractive, the zoning request does not include a PAD overlay, and a PAD is needed to guarantee that future development occurs in accordance with what is shown. Input from the Commission is being requested on the proposed minor general plan amendment and rezoning.

COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi asked if there was any discussion on the residential alignment. Planner Veronica Gonzalez responded that the north/south portion of the development is intended as a buffer. Commissioner Bianchi asked about the width of the proposal. Planner Gonzalez responded that the north/south portion is approximately 440 feet wide; the length of this portion is about 2,771 feet; the east/west portion is approximately 1,486 feet wide; and the portion parallel to Power Road is approximately 345 feet wide. Commissioner Bianchi asked if this request will be heard with the larger industrial and general commercial case. Planner Gonzalez responded that this is a separate request, but the intent is for both proposals to go to Town Council at the same time.

Commissioner Andersen asked if the residents in the area feel more comfortable with the proposal given the proposed buffer. Planner Gonzalez responded that there have been ongoing discussions between the applicant and a smaller group from Morrison Ranch and this plan is the result of those discussions. There will be a follow-up meeting with the whole neighborhood in the coming weeks. Commissioner Andersen asked about the reason for the

multi-family along Elliot Road. Planner Gonzalez responded that it is a component that the applicant has presented as part of the overall development.

Commissioner Davis also asked if the residents were on board with this plan or if we might see something different after the neighborhood meeting.

The Applicant, Sean Lake of Pew & Lake PLC, expressed appreciation for Planner Gonzalez. Applicant Lake stated they have been working with the seven leaders of Morrison Ranch who have been in discussions on a plan that works. They have been working hand-in-hand with the neighbors on both packages that all parties can agree to. The multi-family along the West side is two stories, intended to buffer the existing Morrison Ranch community. The multi-family along Elliot Road is intended to be a barrier to truck traffic going north, as well as a visual buffer.

Commissioner Bianchi expressed concern with the density and site circulation. However, this proposal does provide a transition between uses.

Commissioner Gage asked if there is a plan against Elliot Road, as it is somewhat narrow. Applicant Lake responded that the goal is to create a pedestrian area and a restaurant/retail row. Commissioner Gage noted that the maps in the narrative are square and north goes to the right and requested this be corrected.

Chair Simon asked if the package has been updated in regard to the multi-family since it was distributed to the Commission. Planner Gonzalez responded the multi-family high component is changing to multi-family medium, with 14 to 25 dwelling units per acre. Applicant Lake added that would be a maximum of 650 to 700 units but may be much less once Town development standards are applied and limiting to two-story.

Commissioner Davis stated that she appreciates these changes and it is achieving what she was hoping for the neighborhood. But expressed concern with the multi-family units next to the industrial within the site and stated we need to make sure we're creating a livable environment.

Commissioner Fay stated that the Morrison Ranch community was concerned with truck traffic, and it seems that this proposal makes traffic worse on Elliot Road.

Chair Simon agreed that this change will drive additional traffic to the area and make Elliot Road that much busier. He noted that the zoning approval is only about the maximum capacity for units. Without a PAD, there is nothing locking the developer into the design. Residents feel there are too many apartments in Gilbert, and this is another 39 acres of multi-family. It should be noted that 40 acres requires a major general plan amendment and this is just under. He appreciates the community's involvement and believes this is a huge leap forward.

2. DISCUSSION OF REGULAR MEETING AGENDA

Item 6 DR22-143 Stillwater Rivulon was moved from the Consent Agenda to the Non-Consent Agenda.

ADJOURN STUDY SESSION

Chair Simon adjourned the Study Session at 6:00 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Simon called the April 5, 2023, Regular Meeting of the Planning Commission to order at 6:08 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.

3. 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 Davis, it was moved to approve the agenda, as amended. **Motion passed 7-0.**

COMMUNICATIONS

4. 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.

5. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Council Liaison Scott Anderson stated that volunteers in the community were recognized on the evening of April 4, 2023. He extended that recognition to all Commissioners. Two sub-committees have been created, one for communications and the other on ethics.

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. **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 Street and Melody Avenue, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the April 5, 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. All Staff comments issued to the applicant on March 30, 2023, at third review must be addressed prior to the submittal of construction permits.

8. DR22-48 CORBELL ENERGY STORAGE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.05 acres, located at 510 N. Ithica Street, and zoned General Industrial (GI) with a Planned Area Development (PAD) overlay. Sal DiSanto (480) 503-6759.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the April 5, 2023, public hearing.
- b. All signs will require a sign permit. Any monument signs or wall signs will require an Administrative Design Review approval prior to sign permitting and construction.
- c. Development of this site shall comply and conform with all standards set forth by the Fire Marshall.
- d. All proposed driveways must provide a concrete apron from the existing ribbon curb to the right-of-way.
- e. Developer shall complete a looped water system to feed the existing water line in Ithica Street adjoining the property prior to obtaining a Certificate of Occupancy. The looped water system shall be shown on the first submittal of construction drawings for this project.
- f. All staff comments issued to the applicant on March 29, 2023, at third review must be addressed prior to the submittal of construction permits.

MOTION: Vice-Chair Mundt moved to recommend approval of Item 7 DR22-164 Melody Ave Buildings 1 & 2, and Item 8 DR22-48 Corbell Energy Storage subject to staff recommendations, 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.

6. DR22-143 STILLWATER RIVULON: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 10.31 acres, generally located south and west of the southwest corner of Lindsay and Pecos Roads and zoned Multi-Family/High (MF/H) 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 April 5, 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. Signage is not included in this approval. The existing Master Sign Plan for Rivulon will need to be amended to include this phase of development and all signage shall comply with the Master Sign Plan, as amended.

Commissioner Blaser recused himself from the discussion and vote on this item.

Planner Ashlee MacDonald stated that this project is set back from arterial intersections by 590 feet at Pecos Road and 760 feet at Lindsay Road. There are three parcels denoted in white in the center of the site which are part of County Islands, and not part of Rivulon. The site is 10.31 acres of the larger 280-acre Rivulon development. The general plan was changed to residential 20-50 dwelling units per acre earlier this year. The primary building in the center of the site is the multi-family, with a garage building in the north. There are four access points to the site and significant pedestrian connectivity. There are 353 units proposed, and it is a five-story building. The parking requirement is being met with 535 spaces. The site meets all setback and open space requirements. The landscaping plan for the development only pertains to the multi-family, as the surrounding roads have their own landscaping. The elevations are consistent with the last presentation, which the Commission was supportive of. The multi-family is 58'6" tall and the garage is 11'9". The materials are largely stucco, cement, and fiber wood paneling. Several residents, including Resident Brett Packer, submitted concerns with the project, namely regarding traffic.

COMMISSION QUESTIONS/COMMENTS

Commissioner Andersen asked about the height of the office buildings. Planner MacDonald responded that the office buildings vary, but some of the office buildings are 50 to 60 feet tall, which is to be expected in the Rivulon development.

Commissioner Fay stated that there seems to have been a lack of public notification. Planner MacDonald responded that the applicant was required to notify property owners within 300 feet and HOAs within 1,000 feet, and the requirements were met.

The Applicant, Adam Baugh of Withey Morris PLC, stated that there have been many public hearings as the case has gone forward. The scope for the Commission is to ensure the design conforms with the PAD approved in fall of 2022 and consistent with the character of the Rivulon area.

PUBLIC COMMENT

Richard Hall stated that he learned about this project the day before the meeting, despite being directly opposite the site, and Gilbert does not need additional apartments. The closest park to the site is in Vintage Ranch, which is paid for through HOA fees. To have other people use these facilities is a cause of concern, as there is not adequate outdoor space within the proposal. He also expressed concern with traffic and home values in the area.

Mary Delai echoed the comments of the previous speaker. Pecos Road has two lanes on each side, and the density that these five-story apartments would add to the traffic must be considered more closely.

Tony DeSantos stated that there are 45,000 cars per day that go down Lindsay Road, and this project would add another 1,000. Residents of the area are being ousted.

Elizabeth Gandara stated that people park in the dark ends of the area, do drugs on the corner, and jump her fence. People race up and down the street. The street sweepers attend the area at 1:00 a.m. The buildings nearby are two stories, and this complex is five stories, and it is unclear whom this will bring in. Trash thrown on the street blows into her yard and poisons her sheep.

Thomas Haskell-Kinard stated that there is a lot of traffic in the street and Vintage Ranch Park even without additional apartments. There are enough apartments in the area.

Thomas Gandara stated that there is a lot of speeding and traffic in the area, as well as an open water well. He put up his own fence, as people drive by at 50 to 60 miles per hour. He spoke to the police and believes the crime rates will skyrocket with this development.

Trent Grossarth stated that he acknowledges that the rezoning has already been approved and would like to speak about design. The Vintage Ranch and Allen Ranch communities are small, and the park brings the community together. The park and basketball/pickleball courts are amenities the neighborhood pays for, and there are not enough appropriate amenities for residents of this development to stay in the area.

Robert Mitchell stated that real estate taxes from high property values benefit Gilbert, and this would drive those down. There is not enough entertainment within the development for its residents. Lindsay Road has a ramp to the freeway, and there will be more noise from roaring traffic on the road.

COMMISSION QUESTIONS/COMMENTS

Commissioner Gage asked if there is a dog park within the plan. Applicant Baugh responded that there is not a dog park, but there is a linear park that spans the entirety of Rivulon. Pet trash receptacles will be placed in the area. It is likely residents would use Freestone Park, which has a greater variety of amenities.

Commissioner Bianchi stated that he would prefer to see more roofline articulation. In terms of noise from the development, the Town has a noise ordinance which would need to be adhered to. He does not have any issues with the design itself, which is being voted on tonight.

Commissioner Davis stated that she likes the roofline but agrees with Commissioner Bianchi otherwise. In terms of amenities, there is the walking path to the north and additional amenities interior to the site. For building heights, this development is permitted to be higher than other buildings in the area.

Chair Simon stated that, because of where the property sits, the initial 300 feet does not apply. It was the HOA's responsibility to deliver the notice to neighbors when it was distributed. The traffic will likely filter more to the south along Rivulon Boulevard. Gilbert is close to build-out, and there must be more vertical. Apartments make sense in certain areas of the town, and this is one of them, as it is an employment corridor and density is needed to support businesses in the area. The design fits the executive level of the area.

Commissioner Fay stated that there is an overlay that allows commercial buildings to go taller than this by right. The site plan does not look like it has 30% open space. He does not see an issue with traffic, and the rural feel of the area cannot go on forever.

Commissioner Andersen noted that this project will not go to Council again.

MOTION: Commissioner Andersen moved to recommend approval of Item 6 DR22-143 Stillwater Rivulon subject to staff recommendations seconded by Commissioner Gage. **Motion passed 7-0.**

9. **DR22-94 COBBLESTONE #48: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.7 acres, generally located north of the northwest corner of Higley Road and Williams Field Road, and zoned Shopping Center (SC), subject to conditions. Samantha Novotny (480) 503-6602.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the April 5, 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. Should any of the plant material fail to be maintained to establishment or maturity, the developer and/or landowner shall be responsible for replacing the plant material with the recommended species found in the Gateway Area Right-of-Way Improvements Standards and Streetscape Design Guidelines or a comparable species.

Planner Samantha Novotny stated that the master site plan for this area was approved in July 2022, and this site is the next design review in the multi-phase plan. The building coverage is 9% of the 1.45-acre site. It is a car wash that is just under 6,000 square feet with covered canopies for vacuum areas making it 6,500 square feet. There is a tunnel entrance on the west with an exit on the east. There are approximately 40 spaces, with two ADA-designated spaces. The site is in the Gateway Character Area and meets the associated right-of-way guidelines. The applicant is proposing denser plantings of evergreen trees to provide a screen for the adjacent neighborhood. The entrance tunnel is 200 feet from the property line on the west. Staff feels that the blade wing wall with a height of 25 feet should be reduced to 23 feet, and recommends the following additional recommendation:

- d. The red accent blade wall, as shown on the elevations exhibit, shall be further reduced by 2 feet in height and 1 foot in width. A revised elevation exhibit shall be reviewed and approved by Planning staff before building permit issuance.

COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi asked if the vacuums are silenced due to the interior housing, whether they are at each stall, if there will be air guns, and whether the dryers are blowing on the east side to mitigate noise for the neighborhood. Planner Novotny responded that the vacuums are at each individual stall, there is no silencing of the vacuums, there will likely be air guns, and the dryers are facing Higley Road. Commissioner Bianchi asked if the applicant provided feedback on the lesser height on the blade wing wall. Planner Novotny responded

that the blade wing wall was 28 feet, so they did lower it, but they have not weighed in on the request for 23 feet as it just came in.

Commissioner Andersen asked about the reasoning for lowering the blade wing wall. Planner Novotny responded that it is purely staff opinion regarding the scale, as the height requirement is met regardless. Commissioner Andersen stated that he is indifferent to its height.

The Applicant, Jesse Macias of M3Design LLC, stated that the team is not in agreement to the additional reduction in height of the blade wing wall to 23 feet.

Commissioner Davis asked if the location at Ellsworth Road and Pecos Road has a 28-foot blade wing wall. Applicant Macias responded that the height at that site is 40 feet.

Applicant Macias noted that the central vacuum system where the noise is generated is within the building with a roof. Where people vacuum, there is almost no noise.

Commissioner Fay stated that he likes the blade wing wall. He asked if the vacuum bays are counted as parking spaces. Planner Novotny responded that the vacuum bays are not considered parking in the conventional sense; there are three open parking spaces for employees/visitors and two ADA vacuum spaces. Applicant Macias noted that the two ADA spaces shown in the plan are actually three regular spaces. Planner Novotny noted that the LDC parking requirement is met regardless. Commissioner Andersen stated that one additional ADA space that is not a vacuum space is still required.

Vice-Chair Mundt stated that he has no issue with the height of the blade wing wall.

Commissioner Bianchi agreed that the applicant has already reduced the height of the blade wing wall once, and the height requirements are met. In regard to the noise, there is a 35-foot landscape setback and a smaller CMU near the drive aisle, which addresses this concern.

MOTION: Vice Chair Mundt moved to recommend approval of Item 9 DR22-94 Cobblestone #48 subject to staff recommendations, without the addition of recommendation d, and complying with ADA requirements, seconded by Commissioner Fay. **Motion passed 7-0.**

10. **DR22-160 INTESYS SHELL BUILDING: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 5.6 acres, generally located south and east of Fiesta Boulevard and Baseline Avenue, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Samantha Novotny (480) 503-6602.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the April 5, 2023, public hearing.
- b. Remaining staff comments on the Grading and Drainage exhibit shall be addressed and incorporated into the construction document submittal that is to be reviewed by the Town of Gilbert Engineering Division.
- c. 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.

- d. The screen wall on the east side of the loading truck bays shall be raised to a height of 14 feet to fully screen the loading truck bays from the public street as is required by the Employment Design Guidelines.
- e. The parking screen wall shall be shifted out of the 20' front landscape setback; this change shall be reflected in the construction document submittal.
- f. Future monument signage will require the establishment of a Comprehensive Sign Plan through an Administrative Design Review prior to sign permitting and construction as is described in the Signage section of this staff report.

Planner Samantha Novotny stated that the site is within the Fiesta Tech industrial area, as part of the Northwest growth area. There is access along Fiesta Boulevard, shared with existing buildings to the south. The general site layout includes a large parking area to the north of the building, with a circulation drive which continues to the west and connects to a secured truck loading area and the existing buildings to the south. The loading area is proposed to be screened with an 8-foot screening wall on the west and south. There was a landscape master plan codified for the area in 1983, which shows turf as the intended preference of the area. This proposal involves removal of the turf, replacing it with xeriscape drought-tolerant plants. Staff requested an authorization letter from the Fiesta Tech HOA regarding the turf, but they showed preference in keeping a portion of the turf. The revised landscape plan shows turf being kept in the first 30 feet of frontage; however, Arizona's water management plan prohibits plants that are not in the low water use list in the public right of way. Therefore, staff recommends the following additional recommendations:

- g. Turf shall be separated from other landscape areas by a 6-inch-wide concrete header curb.
- h. Turf shall be removed from the public right-of-way and a revised landscape plan shall be submitted of the Town of Gilbert Planning Division for review and approval before building permit issuance.

Planner Novotny stated that the building is approximately 44 feet tall to the parapet and 36 feet to the flat roof surface. Concrete tilt-up panels are proposed, with metal canopies at the doorways and entries. The color palette is neutral gray, consistent with the adjoining building to the south. The screen walls utilize two colors from the main building.

COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi asked if the colors and materials are consistent with the master site plan. Planner Novotny responded affirmatively. There will be an administrative design review regarding the south portion of the building, and she will oversee that to ensure it ties together. Commissioner Bianchi asked if the 40-foot public utility easement (PUE) will be abandoned in moving the drive entry, and whether utility access will still be provided. The Applicant, Jon Schewe of DLR Group, responded that the whole utility system is being relocated to the south drive, with a 12-foot water PUE and a sewer PUE. The PUEs surrounding the existing drive will be abandoned for the new drive.

Commissioner Davis stated that, regarding the Arizona Department of Water Resources (ADWR), existing turf can stay; therefore, the turf could be maintained to keep the look along the street, and the areas where the driveway is relocated could be revegetated with

xeriscape. Planner Novotny responded that this is correct; however, after discussion with the applicant, quite a bit of the existing turf will be removed for grading purposes, and the grass could not be re-installed within the right of way.

Applicant Schewe stated that the owner does not want the turf, and he has no problem removing it from the PUE and installing low-water-use plants in the right-of-way. Chair Simon asked about the right of Town given the plan from 1983 and the move to low-water-use plants. Planner Novotny responded that the ordinance does not have a strict provision regarding the turf, and staff feels an argument could be made to move away from the turf. However, the Fiesta Tech HOA was consulted as this would be the first project to remove the turf. Chair Simon asked about regulations for natural versus artificial turf, and whether they apply to commercial as well. Planner Novotny responded affirmatively, as per the Phoenix Fourth Management Plan, but artificial turf could be utilized.

MOTION: Commissioner Andersen moved to recommend approval of Item 10 DR22-160 Intesys Shell Building subject to staff recommendations, including the addition of recommendations g and h, seconded by Commissioner Fay. **Motion passed 7-0.**

11. **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 (I) to General Commercial (GC). Samantha Novotny (480) 503-6602.
12. **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 Light Industrial (LI) to Shopping Center (SC). Samantha Novotny (480) 503-6602.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP22-10 Higley Industrial to Commercial, 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 (I) to General Commercial (GC); and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission recommends approval to Town Council for Z22-09 Higley Industrial to Commercial, rezoning approximately 2.6 acres generally located north of the northwest corner of Higley Road and Williams Field Road from Light Industrial (LI) to Shopping Center (SC), subject to the following conditions:
 - a. Dedication to Gilbert for 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 Higley Road shall extend 70 feet from the monument line.
 - c. Construction of off-site improvements to Higley Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of

any building constructed on the Property or at the time requested by Gilbert, whichever is earlier.

- d. 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.
- e. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) and any associated improvements at any proposed access on 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 as described in the approved traffic study, unless a technical variance is approved by the Town Engineer to modify the geometry of the dedicated right turn lane(s).
- f. Developer shall design and construct, at the Developer's expense, re-striping of the intersection of Williams Field Road and Higley Road to improve each approach to accommodate dual left turn lanes. Improvements will also include a new longer traffic signal mast arm, post, and foundation in the northwest corner to meet the latest national standards outlined in the Manual on Uniform Traffic Control Devices and any associated improvements necessary to provide a full functioning traffic signal 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.
- g. The existing median on Higley Road is required to be modified to provide an additional 50 feet of storage for the northbound left turn lane at Pioneer Driveway.
- h. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.
- i. Developer shall record easements benefitting the POA for cross access including 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. Such easements shall be open to public access and use.

Planner Samantha Novotny stated that there were minor tweaks to the conditions, which is the reason this is on the non-consent agenda. The self-storage will remain on the light industrial, with general commercial to the south. The zoning is going from light industrial to shopping center, which is compatible with the area. Neighborhood meetings were held in February 2022, and December 2022. Recommendation i from the packet has been updated, and recommendation j has been removed.

COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi asked if the light industrial is remaining for the storage units and why this rezoning is being done one case at a time. Planner Novotny responded that it is piecemeal, which is the nature of master site planning. This particular property owner likes

to move fast, which is why multiple cases are coming in back-to-back. The storage units will remain light industrial.

MOTION: Vice Chair Mundt moved to recommend approval of Item 11 GP22-10 Higley Industrial to Commercial subject to staff recommendations, seconded by Commissioner Bianchi. **Motion passed 7-0.**

MOTION: Vice Chair Mundt moved to recommend approval of Item 12 Z22-09 Higley Industrial to Commercial subject to staff recommendations, with recommendation i replaced and recommendation j removed, seconded by Commissioner Fay. **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: Commissioner Bianchi moved to approve the minutes of the Study Session and Regular Meeting of March 1, 2023, as presented, seconded by Vice Chair Mundt. **Motion passed 7-0.**

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

Chair Simon reported that volunteers were recognized on the evening of April 4, 2023. He extended this recognition to the Commissioners.

15. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

Planning Manager Eva Cutro introduced Erica Prater, Planner I, and Nicole Russell, Senior Planner.

ADJOURNMENT

Chair Simon adjourned the meeting at 7:46 p.m.

Jän Simon, Chairman

ATTEST:

Tracey Asher