



**TOWN OF GILBERT
PLANNING COMMISSION
Council Chambers
90 E. Civic Center Drive, Gilbert, AZ
May 3, 2023**

COMMISSION PRESENT:

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

STAFF PRESENT:

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

COMMISSION ABSENT:

Anthony Bianchi
Lisa Gage (Alternate)

COUNCIL LIAISON PRESENT:

Scott Anderson

PLANNER	CASE	PAGE	VOTE
Noah Schumerth	DR22-141	8	7-0
Noah Schumerth	GP23-11	8	7-0
Noah Schumerth	Z23-02	8	7-0
Sal DiSanto	Z22-17	8	7-0
Kristen Devine	DR22-115	9	7-0
Veronica Gonzalez	GP23-12	14	5-1
Veronica Gonzalez	Z23-04	14	5-1

CALL TO ORDER OF THE STUDY SESSION

Chair Simon called the May 3, 2023, Study Session to order at 5:03 p.m.

STUDY SESSION

- DR22-129 DISTRICT AT COOLEY STATION: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, colors and materials, and a master site plan for approximately 15 acres, generally located at the northwest corner of Williams Field Road**

and Recker Road, and zoned Gateway Village Center (GVC) with a planned area development (PAD) overlay. Keith Newman (480) 503-6812.

Planner Keith Newman provided a context map for the site within the rest of Cooley Station. For this project, 612 units are proposed in two four-story buildings. There will be a future retail phase with timing to be determined, which will contain approximately 25,000 square feet of free-standing commercial space with a second-story office/residential component. Each residential building will have approximately 13,500 square feet of commercial space on the ground floor. There are interior clubhouse and amenity areas. There are close to 70 on-street parking spaces, some of which are existing, in addition to the surface parking and the garages for each residential building. There is 12.33% on-site landscaping. Staff has expressed concern with the general design of the proposed residential buildings and have recommended that they be redesigned to comply with the neo-traditional design principles which have already been established in Cooley Station. Staff recommends long stretches of flat roofing with decorative cornices, gable roofing, longer and wider wall plane masses, cupulas, weathervanes, mock shutters, ornamental brackets, ornamental railings, etc.

COMMISSION QUESTIONS/COMMENTS

Commissioner Johnson stated that Epicenter has a very specific signature and “neo-traditional” seems to be a flat treatment of buildings. He would like to see more excitement in the design.

Commissioner Andersen stated that the project seems to fit in with Cooley Station in terms of the massing, colors, and materials. He agreed that cornices would help to articulate the buildings. Hardy board could be added as another material to achieve a different look.

Commissioner Davis stated that the proposed architecture seems much of the same. Incorporating the neo-traditional elements could create the opportunity to do something different with this cluster of buildings.

Commissioner Fay stated that the landscape percentage is confusing, as it is listed as 5%, 33%, and 12% in different places. On the arterial roadway cross-sections, there is no 18-inch curb and gutter, which prevents oils ponding on the asphalt.

Vice-Chair Mundt stated that he agrees on the layouts, as it is currently very repetitive and monotonous. Otherwise, he likes the project.

Commissioner Andersen asked how the refuse is treated for the multi-family. Planner Keith Newman responded that there are compactors and recycling bins on the first floor of each parking garage.

Chair Simon stated that there is some monotony in the elevation plan and there could be changes to the roof line, but he does not have any issues with the project overall.

2. **DR23-17 ARBY'S: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.88 acres, generally located at the northwest corner of Power Road and Germann Road, and zoned General Commercial (GC) in the Power Ranch Planned Area Development (PAD) overlay. Samantha Novotny (480) 503-6602.**

Planner Samantha Novotny stated that this case is a design review for a limited-service restaurant and includes a future pad. The proposed user is an Arby's. The proposed building is 2,579 square feet, and there is a request for construction documents at-risk. Staff is seeking feedback on the architecture and cohesion with existing buildings, general site layout of the current and future phases, feedback on the angled parking and trash enclosure, and general feedback in advance of the CD's at-risk request. Arby's is looking to split the lot and develop 1.06 acres of the 1.88 acres for the Arby's. Staff recommends moving the trash enclosure out of the landscape setback. There will be a change to angled parking. The site complies with setbacks and parking standards. Staff has not had the chance to review the landscape plan. The future pad will have its own design review in future. The surrounding buildings has a wide range of styles; therefore, Arby's can stick to its brand identity while pulling in some other colors and materials from the area to ensure a more cohesive appearance. There must be one more review with major comments resolved before applying for CDs at-risk. This case will return to Planning Commission for a public hearing.

COMMISSION QUESTIONS/COMMENTS

Commissioner Andersen asked if the main color is white or grey. Planner Novotny responded that this must be clarified by the applicant. He asked if the roof access ladder on the side elevation must be screened in any way. Planner Novotny responded that it does, and the applicant is aware of this. Commissioner Andersen noted that the CDs at-risk is the applicant's risk to take.

Commissioner Davis agreed on the roof access ladder. She stated that it would be nice to see the base color tie into the other buildings.

Chair Simon stated that a darker tone instead of white could fit in with the rest of the buildings.

3. **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.**

Planner Sal Di Santo stated that the proposal consists of developing an energy storage facility, classified as Utilities Facilities Large Scale by the LDC, which is permitted under the General Industrial (GI) zoning district. There will be 100 outdoor rated modular unoccupiable battery packs on-site; these are classified as utility cabinets and, therefore, only the accessory structures will follow the base zoning development standards. This project will provide new sustainable energy resourcing while assisting the existing Corbell SRP substation to the east. The Arizona Corporation Commission has provided all necessary approvals. Parking will not be required on-site, as the use will not be accessible to the general public. Access is only permitted for periodic maintenance. The landscape plan includes bushes and trees along the eastern and southern property lines. The colors Traffic White and Silver Grey will be used throughout the site. Three unoccupiable accessory structures will be placed on the western portion of the site, meeting the LDC standards. The interior substation fencing will be chain link, 8 feet in height and caramel colored. An 8-foot split faced block will be used as a screening method.

COMMISSION QUESTIONS/COMMENTS

Commissioner Johnson asked if the 8-foot wall is standard for a project such as this. Planner Di Santo responded that this is standard per the LDC when the industrial street is adjacent to the street or other industrial uses.

Commissioner Fay asked where the maintenance people will park. Planner Di Santo responded that maintenance will only take place one to two times per year, parked along the interior drive aisle. Commissioner Fay stated that public facilities have to comply with ADA standards.

Vice-Chair Mundt stated that this area is a good place to put a project such as this.

4. **Z23-05 TRAX AT COOLEY STATION: Request to amend Ordinance Nos. 1900 and 2179 to amend the development plan and add new deviations to increase permitted building heights and reduce building and landscape setbacks on Parcel 4 within the Cooley Station Residential, Office and Shopping Center Planned Area Development (PAD) for approximately 25.12 acres of Multi-Family/Medium (MF/M) zoning district generally located at the southeast corner of Williams Field Road and Wade Drive. Keith Newman (480) 503-6812.**

Planner Keith Newman stated that this project is at the west end of Cooley Station. There is a request to amend the existing development plan approved in 2006 to add new deviations to increase building heights and reduce landscape setbacks. The existing zoning of the site is Multi-Family Medium (MF/M), and this will not change. The plan is for 10 residential buildings with 568 apartment units in total. The developer submitted a pre-application in 2021 to develop the site, but Somerton Boulevard needed to be extended to Wade Drive. Prior to the submittal of the current application, the Town negotiated the purchase of the needed right of way to build Somerton with the Cooley family in December 2022. As part of that agreement, Town staff and the applicant agreed that a PAD amendment would be an appropriate zoning tool to allow the additional building height and reduce landscape setbacks. The applicant would like to go to five stories at 69' which is a bonus height permitted with approval of a PAD, and staff is in support of this. The applicant wants to reduce from 20' to 10' on the side and reduce the landscape setback from 15' to 10'.

COMMISSION QUESTIONS/COMMENTS

Vice-Chair Mundt asked if the road improvements have been completed. Planner Newman responded that they have not and are expected to start construction close to the same time as the apartment complex if it is approved.

Commissioner Blaser asked if there will be a screen wall where the landscape setback reduction is. Planner Newman responded that this will be known during the design review case, but a wall is anticipated.

Commissioner Andersen stated that the deviations seem miniscule, and the building height is allowed through the overall PAD as long as process is followed.

5. **DISCUSSION OF REGULAR MEETING AGENDA**

Item 11 GP23-11 Gilbert Spectrum Building 3, Item 12 Z23-02 Gilbert Spectrum Building 3, and Item 14 Z22-17 Baseline Commercial were moved from the Non-Consent Agenda to the Consent Agenda.

ADJOURN STUDY SESSION

Chair Simon adjourned the Study Session at 6:01 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Simon called the May 3, 2023, Regular Meeting of the Planning Commission to order at 6:13 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.

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

COMMUNICATIONS

7. 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.

8. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Council Liaison Scott Anderson reported that on May 29, 2023, there is a Memorial Day celebration at Town Hall.

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.

9. DR22-141 FAIRFIELD INN BY MARRIOTT: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.7 acres, generally located at the southeast corner of Market Street and Val Vista Drive and zoned

Regional Commercial (RC) with a Planned Area Development (PAD) overlay. Noah Schumerth (480) 503-6729.

STAFF RECOMMENDATION

- a. A temporary construction easement shall be recorded and fully executed prior to the issuance of any building permit associated with this design review. The easement area shall include all proposed improvements encumbering Phase III of the Master Site Plan (APN: 304-53-520) as shown on Exhibit 5, Site Plan, including a partial shared access aisle (13'), eleven parking spaces, and a temporary retention basin. This easement shall be in effect until retention and parking facilities for Phase III (APN: 304-53-520) as approved under DR22-115 are constructed and accepted by Town.
- b. Prior to building permit issuance, the applicant shall submit a copy of a recorded and fully executed shared access agreement with adjoining property to the west. The shared access agreement shall provide for access to any improvements for drive aisles, parking, and retention within the agreement area. The agreement area is to include a partial shared access aisle (13') and eleven parking spaces needed to satisfy the parking requirement for the hotel site. The agreement shall run with the lifetime of the use as proposed.
- c. Should construction of the shared parking spaces and shared drive aisle on the Phase III site (APN: 304-53-520, DR22-115) not be completed prior to development of the subject site, the applicant shall be responsible for construction of at least (a) eleven additional parking spaces, (b) a 13' addition to drive aisle pavement along the western property boundary of the site, and (c) temporary retention facilities with capacity to provide runoff retention from all improvements outside of the boundaries of the subject site, pursuant to the recorded and fully executed temporary construction easement and shared access easement on neighboring Phase III parcel (APN: 304-53-520). Proposed parking, drive aisle, and retention basin improvements shall be identified on all construction documents in separate notation from other proposed improvements on Phase III site to the west of the subject site. With submittal of construction documents, the applicant shall submit a revised grading and drainage plan indicating an additional fire hydrant connection on a landscape island northeast of the proposed building. The grading and drainage plan shall indicate public water line easements within which all looped water systems for fire hydrant systems are located.
- d. An additional life safety plan document shall be provided at the time of construction document submittal.
- e. With submittal of construction documents, the applicant shall submit an updated site plan indicating the relocation of the FDC connection to the east elevation of the building and within 150' of a proposed fire hydrant.
- f. All public water easements shall be 12' in width throughout the entire length of each easement located on the site.

- g. With submittal of construction documents, a table indicating the number of parking spaces shared from each site within the master site plan (15 spaces from Phase I, 11 spaces from Phase III) shall be provided on all site plan drawings.
 - h. Construction of the project shall conform to the exhibits approved by the Planning Commission at the May 3, 2023, public hearing.
 - i. 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.
 - j. Signage is not included in this approval. Signage compliant with the Main Street Commons/Val Vista Square Master Sign Program may proceed directly to sign permitting. An Administrative Design Review approval amending the MSP is required prior to submitting for sign permits for any signage not in conformance with the Main Street Commons/Val Vista Square MSP.
10. **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. Continue to June 7, 2023.
 11. **GP23-11 GILBERT SPECTRUM BUILDING 3:** Request for Minor General Plan Amendment to change the land use classification of approximately 9.05 acres generally located near the southwest corner of McQueen and Elliot Roads from General Commercial (GC) to Industrial (I). Noah Schumerth (480) 503-6729.
 12. **Z23-02 GILBERT SPECTRUM BUILDING 3:** Request to rezone approximately 9.05 acres, generally located near the southwest corner of McQueen and Elliot Roads, from Community Commercial (CC) to Light Industrial (LI) with a Planned Area Development (PAD) overlay. Noah Schumerth (480) 503-6729.

STAFF RECOMMENDATION

- A. Recommend to Town Council approval of GP23-11: Gilbert Spectrum Building 3, a request to change the land use classification of approximately 9.05 acres generally located near the southwest corner of McQueen and Elliot Roads from General Commercial (GC) to Industrial (I).
- 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 moves to recommend approval of Z23-02 Gilbert Spectrum Building 3, a request to rezone approximately 9.05 acres generally located near the southwest corner of McQueen and Elliot Roads from Community Commercial (CC) to Light Industrial (LI) with a Planned Area Development (PAD) overlay, subject to the following conditions:
 - a. If above-ground off-site retention is relocated underground on an adjoining lot or tract as a required element in the development of the Property, the off-site retention

area shall only be approved in conjunction with a recorded, non-cancelable lease, in a form approved by the Town Attorney. The lease shall remain permanently in effect to satisfy the retention requirements relating to the maintenance, repair, and replacement obligations of the new underground retention facility. A copy of the executed and recorded lease shall be provided to the Town Engineer prior to approval of the first building permit issued on the Property.

- b. A Property Owners' Association (POA)/Master Association shall be made responsible for ownership, maintenance, landscaping, improvements, and preservation of all common areas, tracts, open space areas, and landscaping within the rights-of-way. Maintenance responsibilities for common areas, tracts, and open space areas shall be specified on the approved site plans and all plat revisions to Gilbert Spectrum plat.
- c. The maximum height of any lighting pole constructed within the first parking row of the Property, along Elliot and McQueen Road frontages, shall be 20' with wattage that shall not exceed 240 watts. All lighting fixtures, including metal halide lighting fixtures, shall be fully shielded.
- d. The Property shall be developed in conformance with the Town's zoning requirements for the Light Industrial (LI) zoning district.

14. Z22-17 BASELINE COMMERCIAL, A PAD Amendment: Request to amend Ordinance No. 1161 to amend the conditions of development within the Joe Porter Planned Area Development (PAD) overlay zoning district for approximately 11.82 acres generally located at the southwest and southeast corners of Baseline and Lindsay Roads, consisting of 11.82 acres of General Commercial (GC), all with a PAD. The request is to amend or delete certain conditions of development within Ordinance No. 1161. Sal DiSanto (480) 503-6759.

STAFF RECOMMENDATION

For the following reasons: The development proposal conforms with the intent of the Joe Porter PAD and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, for the reasons set forth in this staff report, move to recommend approval to the Town Council for Z22-17 Baseline Commercial, a request to amend Ordinance Nos. 1161 and 1709 to amend the conditions of development within the Joe Porter Planned Area Development (PAD) overlay zoning district for approximately 11.82 acres generally located at the southwest and southeast corner of Baseline and Lindsay Roads, consisting of 11.82 acres of General Commercial (GC), all with a PAD. All dedications, development requirements, and development conditions set forth in Ordinance Nos. 1161 and 1709 relating to the Joe Porter PAD shall remain in full force and effect except as amended by revising development condition(s) w, hh, mm, and nn to read as follows: (additions shown in ALL CAPS, deletions shown in strikeout)

- w. ~~A master plan for water, sewer, and drainage for the Project shall be reviewed and approved by the Town Engineering Department prior to the issuance of any permits.~~ RESTRICTIONS ON CONSTRUCTION WITHIN THE EASEMENT AREA AS

DESCRIBED IN MCR 2005-0754128 AND 2005-0754129, LOCATED WITHIN THE SOUTHERN 15 FEET OF THE PARCEL AND ALSO NORTH OF THE SEWER LIFT STATION AT THE SOUTHWEST CORNER OF THE SITE, SHALL BE STRICTLY ADHERED TO.

hh. ~~A minimum of two hundred twenty (220) feet shall be provided between driveways, measured center line to center line.~~

mm. ~~A convenience store (including gas dispensing facility if a use permit is obtained) or restaurant with a drive through, but not both, are permitted with the location to be limited to the southwest corner of Lindsay and Baseline Roads.~~

nn. There shall be an eighty (80) foot building setback adjacent to the west-facing lot immediately to the south of the parcel on the east side of Lindsay Road. There shall be a sixty (60) foot building setback from the other residential lots. ~~No parking shall be allowed in the sixty (60) foot building setback.~~ NO PARKING SHALL BE ALLOWED IN THE SIXTY (60) FOOT BUILDING SETBACK FOR DEVELOPMENT ON THE EAST SIDE OF LINDSAY ROAD.

MOTION: Vice-Chair Mundt moved to recommend approval of Item 9 DR22-141 Fairfield Inn by Marriott, Item 11 GP23-11 Gilbert Spectrum Building 3, Item 12 Z23-02 Gilbert Spectrum Building 3, and Item 14 Z22-17 Baseline Commercial A PAD Amendment subject to staff recommendations and continue Item 10 DR22-48 Corbell Energy Storage to June 7, 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.

13. DR22-115 VAL VISTA AND MARKET DRIVE-THROUGHS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.47 acres, located at the southeast corner of Val Vista Road and Market Street, and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay. Kristen Devine (480) 503-6742.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the May 3, 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. Modifications to signage within the approved master sign plan will require an Administrative Design Review approval prior to sign permitting and construction.
- d. FDC shall face the natural approach side of building typical for both buildings.

Planner Kristen Devine stated that this is a design review for two drive-throughs on 1.47 acres. PAD A is 3,200 square feet and has interior seating, and PAD B is 767 square feet and has

exterior service only. The site has 26% landscaping, above the 15% requirement. PAD A is a single-story building with a deep red accent color and stone veneer and is currently proposed as a Farmer Boys. PAD B is 22'9" tall and does not yet have a user proposed. It has stone veneer and a metal canopy.

COMMISSION QUESTIONS/COMMENTS

Commissioner Davis asked about how the drive-through and pickup window works on the southwest corner of PAD B. Bryan Babits, the applicant, responded that it would be a double drive-through on the north side that goes around into a single drive-through, with a window on the west end. Commissioner Davis asked about the gap on the north elevation, as there cannot be an exterior ladder. Grant Spika of RKAA responded that it is just a design element.

Commissioner Andersen stated that there are inconsistencies between the site plan, floor plan, and elevations. There are two doors on the north elevation and only one on the site plan. The canopy is not on the site plan. Bryan Babits responded that it is there, it is just difficult to tell. Commissioner Andersen added that the placement of the building on the site plan with the turning lane does not align with the elevations and the sliding door appears to be right where cars are turning and has landscaping in front of it. He stated that the door should be shifted to the middle of the building. Grant Spika noted that the door is where it is because it mitigates stacking.

Chair Simon asked if the stacking is a code issue. Planner Devine responded that with the double drive-through lanes, they meet the stacking requirements; therefore, the door could hypothetically move. Chair Simon noted that one car length will be lost if the door is moved, and the stacking could wrap out onto the private drive as a result.

Commissioner Johnson noted that there are issues with traffic congestion during main use hours if they are both food uses. Bryan Babits noted that one is a coffee user which will have use in the morning, the other is a hamburger restaurant that will have use in the afternoon and evening, and people park at the hotel at night.

Vice-Chair Mundt stated that the different mixed uses with different high-use times is forward thinking. He personally does not take issue with the door, as there are uses where this layout exists.

MOTION: Commissioner Davis moved to recommend approval of Item 13 DR22-115 Val Vista and Market Drive-Throughs, subject to staff recommendations, with the addition of a condition to close the gap on the north elevation to match the existing wall plane and further consideration of how the landscape interacts with the sliding doors, seconded by Commissioner Johnson. **Motion passed 7-0.**

15. **GP23-12 RESIDENCES AT THE RANCH: Request for a 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 35.76 acres of Residential > 14-25 DU/AC and 3.82 acres of General Commercial (GC). Veronica Gonzalez (480) 503-6720.**
16. **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 14.92 acres of Multi-Family/Medium (MF/M), 9.07 acres of Mixed-Use/Small (MU/S), 11.77 acres of Mixed-Use/Large (MU/L), and 3.82 acres of General Commercial (GC), all with a Planned Area Development (PAD) overlay zoning district to establish minimum design standards for the site. Veronica Gonzalez (480) 503-6720.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP23-12 The Residences at The Ranch, to amend the General Plan land use classification on 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 35.76 acres of Residential > 14-25 DU/AC and 3.82 acres of 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 moves to recommend approval of Z23-04 The Residences at The Ranch, 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 14.92 acres of Multi-Family/Medium (MF/M), 9.07 acres of Mixed-Use/Small (MU/S), 11.77 acres of Mixed-Use/Large (MU/L), and 3.82 acres of General Commercial (GC), all with a Planned Area Development (PAD) overlay zoning district, subject to the following conditions:
- a. Dedication to Gilbert for Elliot 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. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
 - b. Dedication of Elliot Road shall extend 65 feet from the monument line.
 - c. Construction of off-site improvements to Elliot Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of the first 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 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 design and construct dual egress lanes at any full-access locations onto the Town's right-of-way from the site. Improvements shall be completed in accordance with the approved construction phasing plan or as directed by the Town Traffic Engineer, whichever is earlier.
 - f. Developer shall design and construct the first drive aisle from Elliot Road right-of-way to the distance described in the traffic study at all full-access locations adjacent to the Town's right-of-way.

- g. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) and any associated improvements at constructed access points on Elliot Road 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 as described in the approved traffic study for Elliot Road.
- h. Developer shall design and construct, at the Developer's expense, modifications to the traffic signal at Elliot Road and Cactus Yards Way as required by the Town Traffic Engineer. Improvements shall be completed in accordance with the approved construction phasing plan or as directed by the Town Traffic Engineer, whichever is earlier.
- i. 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.
- j. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use, or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- k. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan except within the 14.92-acre Multi-Family/Medium where the maximum density shall not exceed 16 DU/AC.
- l. The developer shall reserve one well site that will be owned and operated by Gilbert. The well site will be 150 feet by 150 feet and generally located near the intersection of Elliot Road and the Owl Drive alignment. This well site shall be reserved for future acquisition of fee title by the Town of Gilbert for a purchase price based on fair market value through purchase or eminent domain. Fair market value shall be based on an appraisal prepared by a qualified appraiser approved by the Town and Developer. The reservation shall expire upon recordation of the final plat for the final phase of the Project, unless a purchase contract has been entered into for the well site prior to recordation of the final plat or an eminent domain action is pending.
- m. This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high-performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes.

- n. An aviation easement shall be recorded concurrently with or prior to the recordation of a subdivision plat or issuance of a building permit holding the Town, the public, and the Phoenix-Mesa Gateway Airport Authority harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or any other effects that may be caused by aircraft landing, departing or operating at or near a designated Airport, not including the physical impact of aircraft or parts thereof.
- o. Any proposed permanent or temporary structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. An FAA determination notice of no hazard to air navigation shall be provided.
- p. The Project shall be developed in conformance with the following additional conditions related to the design and construction of any Project and accompanying development:
 - 1. Must meet minimum LDC requirement of at least 20% of the floor area within the 11.77 ac. Mixed-Use/Large shall be non-residential uses.
 - 2. The maximum density within the 11.77 ac. Mixed-Use/Large shall not exceed 25 du/ac.
 - 3. The maximum building height within the 11.77 ac. Mixed-Use/Large shall be 45'/three stories as shown on the Development Plan.
 - 4. Total multi-family units within the Mixed-Use/Large shall not exceed 294 units.
 - 5. Total maximum multi-family units for the development shall not exceed 750 units.
 - 6. The maximum building height within the 14.92 ac. Multi-Family/Medium shall be 35'/two stories as shown on the Development Plan.
 - 7. The maximum density within the 14.92 ac. Multi-Family/Medium shall not exceed 16 du/ac.
 - 8. Drive-through facilities not permitted within the 3.82 ac. General Commercial.
 - 9. Mixed-Use/Small shall develop as multi-family with a minimum of 15,000 square feet of ground floor non-residential uses.
 - 10. Design elements shall substantially conform with the Master Plan & Preliminary Design renderings (Exhibit 7).

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

Planner Veronica Gonzalez stated that, since the study session last month, the applicant has updated the rezoning request. The minor general plan amendment remains the same, but the rezoning now has the addition of Mixed-Use/Large and a PAD overlay. The development plan is for 39 acres. The additional Mixed-Use/Large provides a better transition between the General Commercial and Light Industrial zoning categories. The PAD overlay standards include a maximum height of 35 feet/two stories and a maximum density of 16 dwelling units per acre for the Multi-Family Medium, no drive-through facilities in the General Commercial, the Mixed-Use/Small must have at least 15,000 sf of ground floor non-residential uses, maximum height of 45 feet/three stories and a maximum density of 25 dwelling units per acre for the Mixed-Use/Large. There will also be minimum design standards. The maximum

unit count for the site is approximately 750 units. The applicant has proposed a minimum of 15,000 sf of non-residential uses in the Mixed-Use/Large. Staff recommends the minimum LDC requirement of 20% of the floor area be dedicated to non-residential uses and this is reflected in the conditions of approval.

The site is identified within two areas of the General Plan. One is the Power Road Growth Corridor. Mixed-use developments are encouraged within growth areas of the town where the higher density residential components are designed as an integral part of the development. The site is located within the Morrison Ranch Character Area as well where the land use policy encourages neighborhoods with a variety of densities as long as they integrate with the rural character of the area.

Site planning and building design will be at a future review.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay asked if the original approval in October 2022, will still stand even with this update. Planner Gonzales responded that the case would move forward at the June 20, 2023, Town Council hearing. The 271-acre proposal will need to be re-advertised and re-posted but will not come back to the Commission.

Sean Lake of Pew & Lake PLC, the applicant, provided a history of the project and thanked Town staff and neighbors. The project is now largely contained within 39 acres of the larger 270-acre site. The plan is now 71.1% industrial and 12.1% commercial. Almost the entire length of the west side is a large open space buffer, approximately 12 football fields long. The mix of uses are an effort to provide interesting destination spaces for the neighborhood. Flexibility is built into the design depending on whether there is market for retail, restaurants, or residential. There will be \$20 million of off-site improvements on Power, Warner, and Elliot Roads. The industrial was pulled back 870 feet away since the last presentation to create a visual buffer for the residents. There is a commitment to build 47,000 square feet of restaurant, boutique, and retail. Applicant Lake expressed concern with Condition P1 as written, for 20% of the floor area of Mixed-Use/Large to be non-residential uses, as it will take the retail up to 78,000 square feet and likely lead to vacancies. He recommended adding the word "ground" before "floor area" which would still take the non-residential to 69,000 square feet.

Commissioner Andersen asked about the Restricted Light Industrial portion. Applicant Lake responded that this is not part of this application, but rather the major plan amendment. It is the Light Industrial proposed by the Commission, where height, uses, and development standards have been restricted to look more like Business Park and have a restricted number of uses. The docks have also been re-oriented to face east.

Chair Simon stated that it appears that traffic will be filtered onto Warner Road. Applicant Lake responded that it could filter out onto the westernmost access of Warner Road. Chair Simon asked if this would be gated, and Applicant Lake confirmed.

Commissioner Johnson agreed with the developer on revised Condition P1, as retail cannot be forced when the market cannot sustain it.

PUBLIC COMMENT

Jennifer Wada stated that she has been part of the small group of neighbors working with the developer toward a project that provides some benefits to the neighborhood. There have been positive comments about the increase in commercial and inclusion of restaurants and retail places. Of the handful of negative comments, the majority were about the industrial portion. The non-industrial along Elliot Road allows for separation to be maintained between the industrial growth on Power Road and the community and prevents truck traffic on Elliot Road. She feels if the current plan is accepted, it is something the neighborhood could potentially enjoy.

Ryan Handelsman stated that, six months ago, he was strongly in opposition to this project, but it is now bearable. 71% industrial is still high, but if the plan presented today were approved, he looks forward to being able to support the small businesses on-site. He thanked Councilmembers Tilque and Torgeson in helping facilitate the conversation that led to these changes.

Stacy Brimhall of Langley Properties LLC thanked the Morrison Ranch neighborhood for working with the team on this project. The neighbors were professional, cordial, kind, and willing to listen. Commitments were made early on from both sides.

COMMISSION QUESTIONS/COMMENTS

Commissioner Andersen asked if Condition P1 is clearly defined in the LDC as it seems that it should be ground floor area and not total floor area. Planning Manager Eva Cutro responded that the LDC is for total floor area, not ground floor area, because Mixed-Use does not have to be in one building. Commissioner Andersen asked if the deviation requested by the applicant to this effect could be granted, because he agrees that if the standard is adhered to as written, there will likely be unoccupied retail. Planning Manager Cutro responded that there is a PAD, so deviations from the LDC can be requested; however, she clarified that Condition P1 does not stipulate that it must be retail or commercial, just that it must be non-residential.

Commissioner Davis asked if this could include fitness and amenity areas for the Multi-Family. Planning Manager Cutro responded that this use would not be included unless they were open to the public.

Commissioner Andersen stated that it would benefit the Town to deviate from this standard as proposed by the applicant. Planner Gonzalez noted that staff wanted 20% of the total floor area to prevent only one building from being Mixed-Use, with all other buildings as all Multi-Family. Commissioner Andersen agreed with this intent and suggested that this could be stipulated in the recommendation for approval. Applicant Lake noted that it is planned for three to four of the nine buildings.

Commissioner Davis noted that there is a lot of commercial already approved in this area, and it is not reasonable to expect this development to carry that much commercial and make it viable. However, she agrees it should not be limited to one building.

Chair Simon asked the applicant to expand on the addition of the L-shape. Applicant Lake responded that the purpose of the west side portion is to create a visual, physical, distance buffer from the industrial. There is Restricted Light Industrial, transitioning into the two-story residential, transitioning into Mixed-Use/Small. This creates a physical height separation as

well. This is wrapped around along Elliot Road to push the industrial buildings south into the site and create a layer of commercial. There was a compromise with staff to implement Mixed-Use on the second tier. Stark industrial buildings will not be seen when coming down Elliot Road. Reducing the Light Industrial was a non-negotiable for neighbors.

Chair Simon asked who will maintain the large open space. Applicant Lake responded that an association for the property would.

Commissioner Davis requested confirmation that the industrial portion is going through Council but did not include a site plan and was only the development plan. Planner Gonzalez confirmed. Commissioner Davis noted that, in that case, the cross-dock facility can be addressed with the site plan in future.

Chair Simon requested confirmation that the Commission already approved the major general plan amendment, so it does not need to come before the Commission again, and the Council has tabled it awaiting the decision at this meeting. Planner Gonzalez confirmed and noted that if the Council wants to remand the general plan amendment – they can.

Commissioner Johnson stated that he is in support of the logic of how the pieces of this project will fit together.

Vice-Chair Mundt stated that this is a good showcase of how the process can and does work, by finding common ground with those who were initially strongly opposed. Even when the process was heated, it was civil, and this project has come a long way.

Commissioner Davis agreed with Vice-Chair Mundt. She did not support this project initially because of the lack of buffer between industrial and residential neighborhood, and now it has been implemented. She appreciates the work of the community, staff, and the developer. She does not support having a cross dock where the Mixed-Use is off Elliot Road; she would rather see buildings akin to what is along Power Road with storage areas in the rear, so she hopes to see this on the site plan. The buffers will need to be carefully considered as well as which buildings end up next to the residential.

Chair Simon stated that he was initially opposed to this project because he was concerned with the buffering and the amount of opposition from neighbors. He is pleased with where the project is today but is concerned with the cross dock against the Mixed-Use. He will be looking at this in the site plan. The proposed pricing for the rental units is high, so the quality of living must be maintained. He would like to see some smaller flex industrial.

MOTION: Vice Chair Mundt moved to recommend approval of Item 15 GP23-12 Residences at the Ranch, subject to staff recommendations, seconded by Commissioner Johnson. **Motion passed 5-1. Commissioner Fay against. Commissioner Blaser abstained.**

MOTION: Vice Chair Mundt moved to recommend approval of Item 16 Z23-04 Residences at the Ranch, subject to staff recommendations, with Condition P1 amended to indicate “ground floor area” and that it must be “across multiple buildings”, seconded by Commissioner Johnson. **Motion passed 5-1. Commissioner Fay against. Commissioner Blaser abstained.**

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 Johnson moved to approve the minutes of the Study Session and Regular Meeting of April 5, 2023, as presented, seconded by Commissioner Davis. **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.

15. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

Planning Manager Eva Cutro thanked staff for their presentations this evening, especially Planner Sal DiSanto, as it was his first time presenting.

ADJOURNMENT

Chair Simon adjourned the meeting at 7:52 p.m.

Jän Simon, Chairman

ATTEST:

Tracey Asher