



**TOWN OF GILBERT
PLANNING COMMISSION
50 E. Civic Center Drive, Gilbert, AZ
July 12, 2023**

COMMISSION PRESENT:

Brian Andersen, Chairman
William Fay
David Blaser
Lesley Davis
Lisa Gage (Alternate)

STAFF PRESENT:

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

COMMISSION ABSENT:

Jän Simon
Anthony Bianchi
Noah Mundt, Vice-Chairman
Charles Johnson (Alternate)

COUNCIL LIAISON PRESENT:

Scott Anderson

PLANNER	CASE	PAGE	VOTE
Keith Newman	UP22-75	4	5-0
Keith Newman	DR22-177	4	5-0
Kristen Devine	DR23-30	4	5-0
Samantha Novotny	DR23-17	5	5-0
Sal DiSanto	DR22-194	5	5-0
Sal DiSanto	DR23-07	6	5-0

CALL TO ORDER OF THE STUDY SESSION

Chair Andersen called the July 12, 2023, Study Session to order at 5:05 p.m.

STUDY SESSION

- DR23-37 ALDI MULTI FAMILY: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 4.91 acres, generally located east of the southeast corner of Arizona Ave. and Desert Ln., and zoned Multi-Family High (MF/H). Keith Newman (480) 503-6812.**

Planner Keith Newman stated that this 4.91-acre project is part of a larger master site plan being established that spans 10 acres. The building is four stories and contains 257 units.

There are 489 parking spaces, 482 in the garage and seven on the surface at the northwest corner of the site accessed off a shared drive with Aldi. The surface spaces are mainly for perspective tenants to enter the leasing office. This is a 50-dwelling unit per acre project, which is high-density. There are two access points. The fire lane to south of the building will be gated at both ends and surfaced with grasscrete, which is a landscape-type material to comply with open space requirements. The site has drought-tolerant landscaping which is code compliant, and the landscaping makes up 41.8% of the site. There are two pickle ball courts with artificial turf surface proposed, which require the approval of the fire department as they are within the fire lane to the south of the building. Materials used for the building will be stucco, wood-typed paneling, and CMU block, in greys and whites.

COMMISSION QUESTIONS/COMMENTS

Commissioner Gage stated that the pickle ball courts in the fire lane is an interesting solution, but it must be done properly. She asked what would happen if the nets and poles were left up. Planner Keith Newman responded that this information will be sought from the applicant and shared at the public hearing. Commissioner Gage asked where residents would walk their dogs. Planner Keith Newman responded that there is no dog park, and he is not sure where people would walk their dogs, potentially the plaza to the west or the sidewalk along Desert Lane. Commissioner Gage asked if there is anything preventing shoppers from the Aldi utilizing the hammocks. Planner Keith Newman responded that there is not.

Commissioner Davis stated that on the north side of the building there is applied vinyl graphic material, and she expressed concern about the durability of this material in the heat. Planner Keith Newman responded that he would ask the applicant if this material has been successfully used. Commissioner Davis stated that she likes the Alta Gilbert piece, but it could be brighter or white. She expressed concern with the lack of sun protection for the windows.

Chair Andersen asked how the gates would operate on the fire lane. Planner Keith Newman responded that they would have a Knox lock that the fire department can open in case of an emergency. Chair Andersen stated that if the applicant can address comments from the Commission and staff, they can apply for CDs at-risk.

- 2. DR22-85 PANDA EXPRESS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and color and materials for approximately 1.05 acres, generally located at the northwest corner of Val Vista Dr. and Melrose St., and zoned Regional Commercial (RC). Keith Newman (480) 503-6812.**

Planner Keith Newman stated that the site is just north of The Gilmore. The project is part of a larger master site plan which is about two acres. One main access point is proposed, and staff is working with the applicant to have two access points. The building is one story, at 2,661 square feet. The majority of the parking is to the north, with a few spaces to the west. There is a double drive-thru lane. In Phase 1, staff is requiring the applicant to install landscaping along the entire perimeter of the project. The landscaping is 48.5% of the overall site. The building is approximately 17 feet tall, with a concave roof, stucco, darker stone, wood, and metal paneling. Staff supports the design of the building. The colors are different tones of grey, with some red.

COMMISSION QUESTIONS/COMMENTS

Commissioner Gage asked about the drainage of the concave roof. Planner Keith Newman responded that there are drainpipes which will be interior to the wall, and there is a parapet wall above the concave roof.

Commissioner Fay stated that there is a minimal holding area from the ordering point back. He expressed concern with the traffic choke point, as it appears that the inner drive-thru will back into the parking lot, and the outer will back up around the corner and back out into the road.

Chair Andersen stated that he likes the design of the building and the applicant can proceed with CDs at-risk.

- 3. Z23-07 LDC TEXT AMENDMENT: Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Division 3.0 Base Zoning Districts and Use Regulations, Section 3.1 Use Regulations, Table 3.1.2 Use Regulations related to the modifications of Vacation Short-Term Rental within the table; Division 5 Additional Use and Site Regulations, Section 5.1.2 Vacation or Short-Term Rentals related to the deletion of the existing provisions in this section and the addition of language referring to the Gilbert Municipal Code. The effect of this amendment will be to remove Vacation or Short-Term Rentals from the Land Development Code. Regulations related to these sites will be added to the Gilbert Municipal Code. Ashlee MacDonald (480) 503-6748.**

Planner Ashlee MacDonald stated that this text amendment is to remove additional regulations related to vacation and short-term rentals from the Land Development Code (LDC), and to refer to the municipal code. SB1168 was passed in 2022 and allows cities and towns to establish licensing requirements for these types of facilities. In June, 2023, Town Council added regulations related to business licenses for short-term rentals in the Municipal Code, which created redundancies in the LDC.

Chair Andersen called for a Citizen Review; no members of the public were present to provide comments.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay stated that these changes are minimal, and the Council action alone should be sufficient for removal of these statements from the LDC.

Chair Andersen stated that initiation of the text amendment could go forward.

4. DISCUSSION OF REGULAR MEETING AGENDA

Item 12 DR23-17 Arby's was moved from the Non-Consent Agenda to the Consent Agenda.

ADJOURN STUDY SESSION

Chair Andersen adjourned the Study Session at 5:37 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Andersen called the July 12, 2023, Regular Meeting of the Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Andersen led the Pledge of Allegiance.

ROLL CALL

Principal Planner Ashlee MacDonald called roll and determined that a quorum was present.

5. APPROVAL OF AGENDA

Chair Andersen called for a motion to approve the agenda.

MOTION: On a motion made by Commissioner Fay and seconded by Commissioner Davis, it was moved to approve the agenda, as amended. **Motion passed 5-0.**

COMMUNICATIONS

6. 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.

7. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Council Liaison Scott Anderson reported that action was taken on a handbook process for ethics compliance and a code of conduct, which will be shared with the Commission in the next 30 days.

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.

- 8. UP22-75 VERITY AT COOLEY STATION: Request to approve a Conditional Use Permit for approximately 12.1 acres generally located at the southwest corner of Recker Rd. and Somerton Blvd., to allow residential on the ground floor in the Gateway Business Center (GBC) zoning district. Keith Newman (480) 503-6812.**

STAFF RECOMMENDATION

- a. The Project shall be in substantial conformance with the site plan, elevations, renderings, and floor plans shown on the Exhibits provided under Attachment Nos. 5-6. The approval of UP22-75 is contingent upon the approval of DR22-177.
- b. All ground-level units shall have direct ingress/egress access from the exterior patio on the exterior elevations.
- c. The developer shall effectively manage the availability of parking spaces by limiting garages to vehicular parking spaces within tenant lease agreements.

9. **DR22-177 VERITY AT COOLEY STATION:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 12.1 acres, generally located at the southwest corner of Recker Rd. and Somerton Blvd., and zoned Gateway Business Center (GBC) 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 at the July 12, 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.

10. **DR23-30 ACES OF GILBERT CAMPUS EXPANSION:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 4.8 acres, generally located at the southeast corner of Bluejay Drive and Galveston Street, and zoned Neighborhood Office (NO). Kristen Devine (480) 503-6742.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 12, 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. Parking lot and pole-mounted security lighting shall not exceed a maximum lens mounting height of 14 feet within 100 feet of a residential district boundary or within 100 feet of land designated for residential use in the General Plan.

12. **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.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 12, 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. Any portion of a lot or parcel not shown on an approved Master Site Plan depicting buildings, parking, driveways, or sidewalks shall be landscaped with inorganic material for dust control purposes. Areas shown on a Design Review Master Site Plan for future development shall be protected from unauthorized vehicular access.

MOTION: Commissioner Fay moved to approve Item 8 UP22-75 Verity at Cooley Station, Item 9 DR22-177 Verity at Cooley Station, Item 10 DR23-30 Aces of Gilbert Campus Extension, and Item 12 DR23-17 Arby's, seconded by Commissioner Blaser. **Motion passed 5-0.**

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. **DR22-194 WALGREENS – QUEEN CREEK & VAL VISTA:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.39 acres, generally located at the northwest corner of Val Vista Drive and Queen Creek Road, and zoned Shopping Center (SC) 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 at the July 12, 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. Signage must comply with the approved Comprehensive Sign Program. Any changes to the Comprehensive Sign Plan shall require Administrative Design Review prior to submitting for sign permits.

COMMISSION QUESTIONS/COMMENTS

Commissioner Davis asked about the material for S20, which is the white area where the Walgreens sign is. Planner DiSanto responded that he would have to check with the applicant. Commissioner Davis expressed concern with the flatness of the building, which has very little variation of the wall plane changes. She recommended more massing and/or variation of the wall planes. She added that the canopy covering the drive-thru area could be more substantial. Planner DiSanto responded that this site is part of the Vista Del Oro development area and master site plan; therefore, many of the architectural styles, colors, and materials are consistent with the plan. However, there will be a review of the elevations and facades.

Bruce Walkowski, representing Bencor Properties Inc., the seller, and Walgreens, stated that the white material is M3 fiber cement paneling and is cotton colored. In terms of the entrance, this is a new prototype for Walgreens, with a slight bump-out for the sign but not a protective cover.

Commissioner Davis asked about the depths of the M2 corner to the wall behind it. Mr. Walkowski responded that he would estimate 12 inches with the bump-out. Commissioner Davis recommended a recessed entry for weather protection. Mr. Walkowski noted that what was included in the package is part of Walgreens new standards, and it will be difficult to prompt them to make such a change.

Commissioner Blaser stated that on the floor plan, there is a vestibule of some sort, and he asked if it is delineated for foot traffic. He added that there is a median on the landscaping plan.

MOTION: Commissioner Davis moved to approve Item 11 DR22-194 Walgreens, with an added condition that, prior to the construction document submittal, the applicant shall submit revised elevations to planning staff reflecting increases in wall plane changes and modified materials behind the Walgreens sign, seconded by Commissioner Fay. **Motion passed 5-0.**

13. **DR23-07 GERMANN & SILVERADO INDUSTRIAL: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 8.16 acres, generally located at the northeast corner of Silverado Court and Germann Road, and zoned Light Industrial (LI). Sal DiSanto (480) 503-6759.**

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the July 12, 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. Request for a monument sign will require an Administrative Design Review approval prior to sign permitting and construction.
- d. Wall-mounted lighting exceeding 14' shall only be permitted along the eastern elevation.
- e. Submittal of the Construction Drawing shall reflect driveway aprons and sidewalks located within the public right of way at the time of CD submittal.
- f. All gates shall comply with the Gated Entrance standards set forth in the Gilbert Public Works and Engineering Standards.

Planner DiSanto stated that the 202 Business Park was annexed to the Town in 2003 and re-zoned to Light Industrial in 2004. The total gross acreage is roughly 77 acres, and the subject site is roughly 8.16 acres. The site borders the Light Industrial zoning district to the south and west, while the public facility/institutional zoning district is located to the north supporting the San Tan freeway. To the east is the Maricopa canal which currently has no zoning district. The proposal consists of developing a new office/warehouse use, which is approximately 61,430 square feet. Three access points are provided, one of which is to be open and the other two which are to be gated. There is efficient truck and vehicle circulation. All parking will be located on the northern portion of the site and is oriented along the east/west property line. 74 spaces are required, and 74 are provided. Screening methods have been implemented. Concrete paneling will be used, and the color palette is neutral gray with accent colors.

Mike Forst of Sun State Builders apologized for not reaching out to neighbors adjacent to the southern portion of the property ahead of time. He noted that the request for 25-foot lighting is only at the truck yard on the east side of the building.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay stated that this is a great project on an irregular parcel, but he did not realize there was a residence next to the subject site. This makes a big difference, and he did not see this reflected in the package.

Chair Andersen requested confirmation that DR cases do not require a Town Council hearing and Planner DiSanto confirmed.

MOTION: Commissioner Fay moved to approve Item 13 DR23-07 Germann & Silverado Industrial, seconded by Commissioner Blaser. **Motion passed 5-0.**

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.

14. PLANNING COMMISSION MINUTES

MOTION: Commissioner Fay moved to approve the minutes of the Study Session and Regular Meeting of June 7, 2023, as presented, seconded by Commissioner Davis. **Motion passed 5-0.**

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

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

16. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

There was no report from the Planning Services Manager.

Chair Andersen asked if there could be a review of how the economy is impacting the submission of new projects.

ADJOURNMENT

Chair Andersen adjourned the meeting at 6:40 p.m.

Brian Andersen, Chairman

ATTEST:

Tracey Asher