



**TOWN OF GILBERT  
PLANNING COMMISSION  
Council Chambers  
50 E. Civic Center Drive, Gilbert, AZ  
September 13, 2023**

**COMMISSION PRESENT:**

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

**STAFF PRESENT:**

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

**COMMISSION ABSENT:**

Brian Andersen  
Charles Johnson (Alternate)

**COUNCIL LIAISON PRESENT:**

Scott Anderson

PLANNER	CASE	PAGE	VOTE
Keith Newman	DR23-37	3	7-0
Kristen Devine	DR23-16	3	7-0
Ashlee MacDonald	S23-02	4	7-0
Sal DiSanto	DR23-32	4	7-0
Samantha Novotny	UP22-39	5	7-0
Samantha Novotny	DR22-104	5	7-0
Keith Newman	DR22-129	5	7-0
Veronica Gonzalez	S21-02	6	7-0
Nicole Russell	Z23-03	6	7-0
Kristen Devine	DR23-41	8	7-0
Sal DiSanto	DR23-26	8	6-1
Keith Newman	GP22-11	10	7-0

## CALL TO ORDER OF THE STUDY SESSION

Chair Simon called the September 13, 2023, Study Session to order at 5:34 p.m.

## STUDY SESSION

1. **DR23-67 HOMEWOOD SUITES: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.7 acres, generally located east of the southeast corner of Val Vista Drive and Mercy Road and zoned Business Park (BP) with a Planned Area Development (PAD) overlay. Sal DiSanto (480) 503-6759.**

Planner DiSanto stated that this project is within an existing master site plan, in the Val Vista Medical Growth Area and Vertical Development Overlay District Area 5. There are three access points to allow for circulation amongst the neighboring parcels. A five-story, 130-guestroom hotel is proposed under the Homewood Suites brand. The parking spaces north of the structure show a north-south orientation and the drive aisles in an east-west orientation. All other drive aisles and parking areas remain in substantial conformance with the previously approved development plan. Landscaping is consistent with the developments in the north and east. The color palette relies heavily on desert tones which is in conformance with the neighboring structures in the growth area.

## COMMISSION QUESTIONS/COMMENTS

Commissioner Davis asked if the vents, especially where there is WS1, could be painted out to match the wall color.

Commissioner Bianchi asked if the height of 70 feet is covered under the Vertical Development Overlay in this area. Planner DiSanto confirmed. Commissioner Bianchi asked if there was any concern with the setback or feedback to move it closer to Mercy Road. Planner DiSanto responded that staff has not had concerns with the 300-foot setback.

## 2. DISCUSSION OF REGULAR MEETING AGENDA

Item 13 UP22-39 Self-Storage Facility and Item 14 DR22-104 Self-Storage Facility were moved from the Non-Consent to the Consent Agenda. Item 6 DR22-129 District at Cooley Station was moved from the Consent Agenda to the Non-Consent Agenda.

## ADJOURN STUDY SESSION

Chair Simon adjourned the Study Session at 5:44 p.m.

## CALL TO ORDER OF REGULAR MEETING

Chair Simon called the September 13, 2023, Regular Meeting of the Planning Commission to order at 6:02 p.m.

## PLEDGE OF ALLEGIANCE

Chair Simon led the Pledge of Allegiance.

## ROLL CALL

Planning Manager 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 Gage, it was resolved 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

There was no report from the Council Liaison.

## 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. **DR23-37 ALDI GILBERT MULTI-FAMILY: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, colors, materials, and approval of a master site plan 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.**

## STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the September 13, 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. The installation of perimeter landscaping along Arizona Avenue and Desert Lane, shown in Phase 1.5 on the Phasing Plan, must be installed prior to the issuance of the first certificate of occupancy for the first building that is constructed.
- d. Construction of the fire lane adjoining the western boundary of the site, providing secondary fire access, shown in Phase 1.5 on the Phasing Plan, must occur prior to the issuance of the first certificate of occupancy for the first building that is constructed.

8. **DR23-16 WHATABURGER:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.42 acres, generally located at the southeast corner of Gilbert Road and Warner Road, 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/Design Review Board at the September 13, 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. Existing CSP for the center shall be amended to include the proposed Whataburger building, prior to sign permitting.
9. **S23-02 EMERALD ACRES:** Request to approve Preliminary Plat for A.M. Properties and Investments, for 13 home lots (Lots 1-13) on approximately 12 acres located near the northwest corner of Lindsay Road and Galveston Street in the Single-Family Residential (SF-35) zoning district. Ashlee MacDonald (480) 503-6748.

STAFF RECOMMENDATION

- a. The Final Plat and Open Space Plans for S23-02: Emerald Acres and construction of the project shall be in substantial conformance with Exhibit 5, Preliminary Plat, Exhibit 6, Landscape Plan, and Exhibit 7, Wall and Fence Plans, approved by the Planning Commission/Design Review Board at the September 13, 2023, hearing.
  - b. As identified in Exhibit 6, Landscape Plan, and Exhibit 7, Wall and Fence Plans, any walls which are to be replaced by new wall structures shall be reconstructed in a manner consistent with the Open Space Plan. Construction of double walls shall not be permitted. Reconstruction of walls shall be coordinated with the adjoining property owner to mitigate disturbance during construction. All costs associated with said reconstruction shall be the responsibility of the developer.
  - c. Any future proposed signage complying with the Land Development Code shall be approved administratively by Planning Staff prior to submitting for sign permits.
10. **DR23-32 ELLIOT COMMERCE PARK – LOT 16:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.11 acres, generally located south of the southeast corner of Hamilton Ct. and Rawhide Ave. and zoned Light Industrial (LI) 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 September 13, 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 future monument signage will require an Administrative Design Review approval prior to sign permitting and construction.
- d. All gates shall comply with the Gated Entrance standards set forth in the Gilbert Public Works and Engineering Standards.
- e. The parking screen wall located west of the proposed ADA spaces shall be replaced with a continuous landscaping hedge as a screening method. The continuous landscaping hedge shall utilize shrubs proposed with this development.

**13. UP22-39 SELF-STORAGE FACILITY: Request to approve a Conditional Use Permit for approximately 2.4 acres located north of the northwest corner of Higley Road and Williams Field Road to allow an indoor self-storage facility use in the Light Industrial (LI) zoning district, subject to conditions. Samantha Novotny (480) 503-6602.**

STAFF RECOMMENDATION

- a. The project shall be in substantial conformance with the site plan and floor plan shown under attachment Nos. 4 and 5. The approval of UP22-39 is contingent upon the approval of DR22-104.

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

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the September 13, 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.

**MOTION:** Vice-Chair Mundt moved to approve Item 7 DR23-37 Aldi Gilbert Multi-Family, Item 8 DR23-16 Whataburger, Item 9 S23-02 Emerald Acres, Item 10 DR23-32 Elliot Commerce Park – Lot 16, Item 13 UP22-39 Self-Storage Facility, and Item 14 DR22-104 Self-Storage Facility, 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. DR22-129 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.

STAFF RECOMMENDATION

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the September 13, 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. Fire apparatus access locations must be further reviewed and finalized during construction permitting.

Planner Newman made the following minor corrections to the staff report:

- There was a date correction in Condition 1 from November to September.
- The Maximum Building Height in the Site Development Regulations table was corrected from 44 feet to 46 feet.

**MOTION:** Vice-Chair Mundt moved to approve Item 6 DR22-129 District at Cooley Station, seconded by Commissioner Blaser. **Motion passed 7-0.**

11. **S21-02 HAPPY ROAD ESTATES: Request to approve Preliminary Plat and Open Space Plan for Craft Development, for six home lots (Lots 1-6) and Tracts A-D on approximately 3.87 acres located south of the southeast corner of Higley Road and San Tan Boulevard in the Single Family-15 (SF-15) zoning district. Veronica Gonzalez (490) 503-6720.**

STAFF RECOMMENDATION

- a. The Final Plat and Open Space Plans for Happy Road Estates and construction of the project shall be in substantial conformance with Exhibit 4, the Preliminary Plan, and Exhibit 5, the Open Space Plan, approved by the Planning Commission/Design Review Board at the September 13, 2023, public hearing.
- b. Proposed signage complying with the LDC shall receive approval of a sign permit prior to installation.

Planner Gonzalez stated that the properties adjacent to the site are either vacant or have single-family homes and are also zoned SF-15. The proposal is for a six-lot subdivision. There would be four tracts with an internal street network. The landscape and open space plan includes a centrally located retention basin that doubles as an amenity area with a horseshoe pit, clustered seating, and landscaping. There is an eight-foot theme wall along the Higley Road frontage, with entry signage incorporating the same material as the theme wall with raised steel letters.

**MOTION:** Vice-Chair Mundt moved to approve Item 11 S21-02 Happy Road Estates, seconded by Commissioner Blaser. **Motion passed 7-0.**

12. **Z23-03 GILBERT SAN TAN: Request to rezone approximately 30.6 acres of real property generally located east of the southeast corner of Higley Road and San Tan Boulevard from Single Family-15 (SF-15) zoning district to Single Family-15 (SF-15) zoning district with a Planned Area Development (PAD) overlay zoning district to modify lot coverage and setbacks. Nicole Russell (480) 503-6716.**

STAFF RECOMMENDATION

- a. Dedication to Gilbert and Maricopa County for San Tan Boulevard and to Gilbert for 172<sup>nd</sup> Street 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 San Tan Boulevard shall extend 40 feet from the monument line and dedication of 172<sup>nd</sup> Street shall extend 10 feet from the monument line (from Flintlock Drive to the south property line) and 25 feet from the monument line (north of Flintlock Drive).
- c. Construction of off-site improvements to San Tan Boulevard and 172<sup>nd</sup> Street 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. Prior to issuance of the first building permit or at the time of recordation of the final plat, Developer shall enter into an Amended and Restated Agreement for Deferral of Installation of Off-Site Improvements (Agreement), related to Instrument No. 2014-0654723 in the Official Records of Maricopa County, agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements that are required by this ordinance and will be constructed by Gilbert in the future. Failure by Developer to execute the Agreement may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Agreement.
- e. 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 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.
- f. Developer shall create a Homeowners' Association (HOA) for the ownership, maintenance, landscaping, improvements, and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
- g. Developer shall record easements to be owned by the HOA 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.
- h. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Regulations	Development	Required per LDC SF-15	Proposed
Minimum Lot Area		15,000	15,000
Maximum Building Height (ft.)/(Stories)		30'/2	One-story
Minimum Building Setback (ft.)			
Front		30'	25' (front-facing garage), 15' (side entry, patio, and livable area)
Side		15'	10'
Maximum Lot Coverage (%)		35	45

Planner Russell shared the vicinity map for the proposed project. The request is to rezone 30.6 acres from SF-15 to SF-15 with a PAD overlay to modify the lot coverage, setbacks, and building height. The final plat was approved last month by Town Council. The increase in lot coverage would allow for a creative home footprint, which is comparable to the existing build environment. The applicant had a neighborhood meeting in November 2022, which proposed two-story homes. There were concerns with the height and access gate, and the proposal was changed to one-story, and the gate moved. A petition of support has since been submitted from eight nearby property owners.

Applicant Reese Anderson stated that there was a small typo on a sign which required this proposal to be presented again. This is a self-imposed restriction of single story with an increase in lot coverage to better fit the surrounding neighborhood. There are approved civil plans for this project, including both entrances.

**PUBLIC COMMENT**

Resident Wadette Allen stated that the gate proposed on 172<sup>nd</sup> Street poses a safety concern. Drivers already race up and down the street and a gate will create more traffic coming off Hunt Highway. There are no streetlights in Breckenwood Estates.

Resident Blake Allen stated that residents have met with the applicant and developer. Copper Bend Community is at the other end of 170<sup>th</sup> Street and was supposed to have an exit onto 172<sup>nd</sup> Street. However, as 172<sup>nd</sup> Street is a one and a half lane country road with no lighting, a crash gate was made instead. A crash gate would be preferred in this case as well.

**APPLICANT RESPONSE**

Applicant Reese Anderson responded that this project has an approved final plat and civil plans. The gate was thoroughly reviewed by town and developer engineers. A traffic analysis was conducted, and the gate was not deemed to be an issue.



## COMMISSION QUESTIONS/COMMENTS

Commissioner Fay asked why the developer is not being asked to conduct street improvement on 172<sup>nd</sup> Street. Applicant Anderson responded that street improvements are being made on the southern half of 172<sup>nd</sup> Street. The northern half is still within the county, but an off-site deferral agreement is also being paid on that half.

Vice-Chair Mundt asked what a crash gate would do. Commissioner Fay responded that a crash gate does not open or close; its sole purpose is for a fire truck to ram it and it could not be used for most people to exit. Vice-Chair Mundt stated that it seems that may cause more of a traffic backup and potential for danger.

Commissioner Fay and Commissioner Davis agreed that the traffic numbers for these many homes will be small.

Chair Simon acknowledged resident safety concerns. However, the developer is developing the south portion of 172<sup>nd</sup> Street and the town has a plan for the north.

**MOTION:** Vice-Chair Mundt moved to approve Item 12 Z23-03 Gilbert San Tan, seconded by Commissioner Gage. **Motion passed 7-0.**

15. **DR23-41 3-MINUTE EXPRESS CAR WASH:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.29 acres, generally located at the southwest corner of Gilbert Road and Guadalupe Road and zoned Shopping Center (SC) 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/Design Review Board at the September 13, 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. Administrative Design Review approval is required to amend the existing comprehensive sign program, prior to submitting for sign permits.

Planner Devine stated that the existing drive-thru on the site would be demolished and the car wash built in its place. There would be 17 covered vacuum bays in addition to the main car wash building. Entrance is in the east and there is a bailout exit prior to entering the car wash building. All parking spaces are vacuum spaces, with no designated employee spaces. The applicant revised the site plan to convert two vacuum bays to employee spaces based on a condition added by staff. The landscaping along Gilbert Road is being expanded to 25 feet to meet LDC standards. The screen wall will be relocated so that it is not within the landscaping setback. The building varies in height from 17 feet to 32.4 feet at the top of the tower.

## COMMISSION QUESTIONS/COMMENTS

Commissioner Gage asked if the two employee spaces could be next to each other rather than at other ends of the lot. Planner Devine responded that this could be explored.

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Chair Mundt noted that it may make sense to have them separate. Applicant James Day stated that the single space in the northeast is expensive to run a vacuum to which is why the space was chosen. Commissioner Fay stated that the applicant should be able to put the spaces wherever he wants as long as there are two.

Commissioner Bianchi asked why the noisiest end with the dryers and blowers is not oriented toward Gilbert Road, but rather the adjacent uses and residential. Applicant James Day responded that it is the less aesthetic end of the building. The noise dissipates quickly as you enter the parking lot.

**MOTION:** Vice-Chair Mundt moved to approve Item 15 DR23-41 3-Minute Express Car Wash with the added condition by staff to have two dedicated staff parking spaces, seconded by Commissioner Blaser. **Motion passed 7-0.**

16. **DR23-26 BASELINE COMMERCIAL:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.79 acres, generally located at the southwest corner of Lindsay and Baseline Roads, and zoned General Commercial (GC) 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 September 13, 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. Prior to sign permit issuance, the applicant must apply and receive approval through a Comprehensive Sign Program (CSP) application.
- d. Site plan must be amended to meet the standards provided in 5.2.11 of the Land Development Code, prior to the issuance of building permits.

Planner DiSanto stated that the subject site is within the Joe Porter PAD, and the proposed project meets the requirements of said PAD. There are three PADs for commercial use: a drive-thru restaurant, oil change facility, and retail restaurant building. There are two access points off Baseline Road, one of which is already constructed. Parking on-site will be located along north and south property lines. A future amendment will need to be submitted to town staff, as there are distancing issues with the oil facility roll-up doors and the residential to the south. The minimum landscaping requirement is being exceeded. Planner DiSanto presented the elevations, colors, and materials for the three PADs. There are two lighting styles on-site.

**COMMISSION QUESTIONS/COMMENTS**

Chair Simon asked about the distancing issue. Planner DiSanto responded that the roll-up doors are currently approximately 163 feet from the existing residential, which was a misinterpretation of code on his part and will be corrected by moving the building slightly.

Commissioner Fay expressed concern with the entrance despite the will of Mesa. The entrances currently line up, which creates an ad hoc intersection which is not ideal on a major arterial. He noted that this would not pass a warrant study without a signal.

**MOTION:** Vice-Chair Mundt moved to approve Item 16 DR23-26 Baseline Commercial, seconded by Commissioner Blaser. Motion passed 6-1. Commissioner Fay against.

17. **GP22-11 BELLA STORIA:** Request for Minor General Plan Amendment to change the land use classification of approximately 11.79 acres located at the northwest corner of Power Road and Williams Field Road from General Commercial (GC) to Residential >14-25 du/acre Land Use Classification on 11.60 acres, and from Residential >14-25 du/acre to General Commercial (GC) Land Use Classification on 0.19 acres. Keith Newman (480) 503-6812.
18. **Z22-10 BELLA STORIA:** Request to rezone approximately 76.14 acres located at the northwest corner of Power Road and Williams Field Road from Maricopa County Rural-43 (RU-43) Zoning District to 28.61 acres of Town of Gilbert Multi-Family Medium (MF/M) zoning district, 23.69 acres of Single-Family Detached (SF-D) Zoning District, 8.51 acres of Single-Family Attached (SF-A), and 15.33 acres of General Commercial (GC) zoning district, with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.

#### STAFF RECOMMENDATION

- a. Dedication to Gilbert for Williams Field 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 prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer may result in reversion of the zoning to the prior zoning classification.
- b. Dedication of Williams Field Road shall extend 70 feet from the monument line.
- c. Dedication to Gilbert for Delatorre Boulevard right-of-way that is 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. Dedication of Somerton Boulevard shall extend 33 feet from the monument line from Williams Field Road to Haskell Street. Dedication of Delatorre Boulevard shall extend 66 feet from Haskell Street to Blue Jay Drive. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- d. Construction of off-site improvements to Williams Field Road, Power Road, and Delatorre Boulevard adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
- e. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) and any associated improvements at any proposed access on Williams Field 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 Williams Field Road.
- f. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) and any associated improvements at proposed access location(s) on Power Road as described in the approved traffic study.

- g. Developer shall design and construct, at the Developer's expense, a traffic signal on Williams Field Road and the access location approximately 1,000 feet east of Somerton Boulevard and 1,000 feet west of Power. 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. In addition to the signal improvements, raised median modifications are required along Williams Field Road per the Town of Gilbert to direction to address access control.
- h. Delatorre Boulevard alignment shall be constructed per the Town of Gilbert standards or receive an approved technical variance approval from the Town Engineer.
- i. Developer shall design and construct the first drive aisle from Williams Field and Power Road right-of-way to the distance described in the traffic study at all full-access locations.
- j. 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 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.
- k. Power Road sidewalks, driveways, and deceleration lanes are required to be in the City of Mesa right-of-way, which may require additional right-of-way or easements dedications.
- l. The courtyard or cluster-type home design that does not allow for curbside pickup (in front of customer's home) of solid waste and recyclable barrels is required to meet GIL-190-1 and GIL-190-2 in the Supplement to MAG Uniform Standard Details for Public Works Construction.
- m. Haskell Street shall be a private road in a public tract per the approved cross sections associated with this case.
- n. Prior to issuance of the first building permit or at the time of recordation of the final plat, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- o. 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 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.
- p. Developer shall create a Homeowner's Association (HOA) for single-family residential developments, or a Property Owners' Association (POA) for multi-family and non-residential developments, 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.
- q. Developer shall record easements to be owned by the HOA and/or 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.

- r. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer
- s. The Project shall be developed in conformance with Gilbert’s zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

**General Commercial (GC) District**

Site Development Regulations	Standard per LDC GC	Proposed GC PAD
Minimum Building Setbacks (ft.)		
Front	25'	20' (Power Rd.)
Minimum Required Perimeter Landscape Area (ft.)		
Front	25'	20' (Power Rd.)
Arterial to Arterial Intersection Landscape Setback	50' wide by 250' long landscape area established and maintained along the street frontage.	20' wide along Power Rd. 20' wide along Williams Field Rd.

**Single-Family Detached (SF/D)**

Site Development Regulations	Standard per LDC SF/D	Proposed SF/D PAD
Minimum Lot Area (sf.)	3,000	2,800
Maximum Lot Coverage (%)		
Two/Three Story	50%	52%

**Single-Family Attached (SF/A)**

Site Development Regulations	Standard per LDC SF/D	Proposed SF/D PAD
Separation Between Buildings	15'	10'

- t. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
- u. The area between the buildings on parcels B and D shall contain active amenities and direct pedestrian access from each residential unit to further integrate the two developments.

- v. Direct pedestrian access/sidewalk connections shall be provided from each ground floor unit facing Williams Field Rd., Delatore Blvd., Haskell St., and along the eastern boundary adjacent to the proposed commercial.
- w. Common open space shall not include the leasing portion of the proposed clubhouse for each multi-family parcel.
- x. The following fair disclosure agreement and covenant, which would include the following disclosure, shall be recorded as a condition of any development approval: “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.”
- y. All final subdivision plats and public reports filed with the Arizona Department of Real Estate should include the notice described in condition m above.
- z. Sales and leasing offices established for new subdivisions and residential development projects should provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice should consist of a sign at least 4 feet by 4 feet installed at the entrance to the sales office or leasing office at each project. The sign should be installed prior to commencement of sales or leases and should not be removed until the sales office is permanently closed or leasing office no longer leases units in the project. The sign should state the disclosure in condition j with letters of at least one inch in height.
- aa. 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.

Planner Newman stated the site is vacant and there is a concurrent annexation proposal, which will be heard by Town Council before the other two proposals. A re-zone for a portion of the site from GC to Residential >14-25 du/acre is requested. There is a proposed PAD rezone with deviations. There are 14 acres of MF/M, 15 acres of GC, 8.5 acres of SF-A, and 23.5 acres of SF-D proposed. The SF-D lots are 40 feet wide, and the larger lots are 47 feet wide. There is a park in the central open space, and another park toward the entrance to the commercial. The overall master plan is 73.5 acres. There is 16 acres of commercial. There is a pedestrian plaza with good integration. When the project came for Study Session, there were 19 deviations. There has been work with the applicant to reduce this to six. The commercial deviations are the front setback at 20 feet, the front landscape at 20 feet, and the arterial-to-arterial landscape setback at 20 feet. The deviations for the single-family detached are a minimum lot area of 2,800 sf., and maximum lot coverage of 52% for two/three story. The deviation for the single-family attached is a separation between buildings of 10 feet. There was a virtual neighborhood meeting on January 27, 2022, and there has been no feedback

since. Planner Newman presented a modified condition #8 relating to the alignment and geometry of the Delatorre and Blue Jay intersection.

### **COMMISSION QUESTIONS/COMMENTS**

Commissioner Bianchi asked if the internal streets will be public or private. Planner Newman responded that he believes the single-family portion will have public streets apart from Haskell. Commissioner Bianchi asked how the 16% open space is being achieved in the SF zoning, and if they are using the portion of the site west of Delatorre as open space or retention as it seems quite packed in. Planner Newman responded that the applicant is using some area to the west of Delatorre Boulevard and that it is not yet know what that are will be developed into yet. There is a main amenity at three acres in the middle and another open space area to the southeast an some open space between some of the lots to the west of the main amenity area and that there could be an opportunity for a park space when the Preliminary plat is being approved. 16.9% open is provided which is 6.9% more than the 10% required by the design standards. Commissioner Bianchi asked if the 50-foot local street width is typical with parking on both sides. Traffic Engineer Clint Emery responded that 50 feet is the standard width for right of way, with street width of 32 feet and parking on both sides. We have a new standard with respect to cluster homes that requires garbage cans to placed out on the street and parking would be restricted along those streets where cans will be placed. All streets within the single-family areas will be right of way. Haskell St. will be a private street.

Chair Simon asked if the buildings are being locked in where they are plated as it is part of a PAD even though the plat is not being approved tonight. Planner Newman responded that the final design during the platting stage submitted by the applicant would have to be in substantial conformance with the proposed development plan. Major changes to the design would require a PAD Amendment and approval by the Planning Commission and Town Council. Chair Simon asked if there will be integration with the existing apartment complex or are they going to wall it off. Planner Newman responded that there is a perimeter wall around the existing apartment complex and the applicant will not change the existing condition Chair Simon asked if the single-family homes will be for sale or lease product. Planner Newman stated that is a question the applicant will have to answer. Chair Simon asked if notice needs to be re-posted since the last community meeting was in January 2022. Planner Newman responded that they met the requirement to hold that one neighborhood meeting, but the applicant has sent notices to all surrounding property owners and posted signs on-site and will not have to send out new notices. Also, since only two people showed up to the meeting the applicant was not required to hold a second neighborhood meeting.

### **APPLICANT RESPONSE**

Applicant Ralph Pew gave a history of the site. There has been consultation on fire lanes, trash collection, traffic, etc., to ensure they are done right. The residential portion of the proposal is not suitable for general commercial and fits nicely with the surrounding properties. The amount of commercial can be marketed, built, and developed at this size. The site is subject to Vertical Development Overlay District 3.

## COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi asked if the Delatorre Boulevard area is part of the open space in the single family. Applicant Pew responded that the plat will substantially conform to this plan, but the northwest corner is still under design for the open space. In terms of density, seven units per acre is consistent with the property to the west.

Chair Simon asked if the density could be lower. Applicant Pew responded that the general plan category is residential 14-25, and the project was initially hovering around 13 units per acre, which had to be increased.

Commissioner Fay asked if it is allowable for the density to go lower in density and still be compliant with the zoning. Do you have to rezone to have less density. Mr. Pew stated that the general plan category is the issue and it needed to be increased to get it up to 14 du/acre. Planner Newman stated that the density is designed to stay within the required density ranges and would have to rezone to go lower. Planner MacDonald noted that lower density can be requested as long as the zoning is consistent with the General Plan designation. If their looking to rezone to a property to something that is lower than our General Plan, we would find it not in conformance with what our General Plan anticipated. If an applicant has zoning that already exists that is lower than what our general plan would anticipate or expect the applicant can build to that existing district.

Commissioner Bianchi noted that SF-A and SF-D could be close to a five to eight dwelling unit density. He expressed concern with locking into this plan without considering more multi-family units or lower density to single family.

Commissioner Fay asked if staff would have prevented the project if the applicant came forward with 12 or 13 dwelling units per acre without the need for deviations. Planner Newman responded that they were asked to hit 14, as it is written in the zoning code that there must be a certain density. He added that this is in conformance with projects in the area.

Chair Simon stated that although the project fits the area, there are often concerns raised with parking when there are areas of tight density. Assistant Town Attorney Jorquez responded that staff is applying a statutory direction. Planner Newman noted that 16.9% open space is well above the 10% requirement already. Planner Bianchi noted that the open space areas are thrown into corners, but there could be a nice amenity if the density was decreased.

Commissioner Davis asked if any of that 16.9% will be lost in realigning Delatorre Boulevard. Planner Newman responded that it is unknown what the intersection will look like following the reconfiguration. Commissioner Fay stated that there should be a condition that that piece must remain open space.

Commissioner Gage asked if there would have to be a general plan amendment if the number of homes is impacted by the street realignment. Planner Newman responded affirmatively. Commissioner Gage stated that it feels substantial that this is unknown at this point.

Commissioner Fay noted that it is only Parcel A which has concerns about it and Chair Simon agreed.



**MOTION:** Vice-Chair Mundt moved to approve Item 17 GP22-11 Bella Stora, seconded by Commissioner Blaser. **Motion passed 7-0.**

**MOTION:** Vice-Chair Mundt moved to approve Item 18 Z22-10 Bella Stora with the modified condition of the Delatorre Boulevard realignment as shown on the development plan, seconded by Commissioner Blaser. **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.

Council Liaison Scott Anderson acknowledged the service of Commissioner Blaser.

### **19. 2024 PLANNING COMMISSION MEETINGS**

**MOTION:** Vice-Chair Mundt moved to approve the 2024 Planning Commission Meetings as presented in the package, seconded by Commissioner Blaser. **Motion passed 7-0.**

### **20. PLANNING COMMISSION MINUTES**

**MOTION:** Commissioner Bianchi moved to approve the minutes of the Study Sessions & Regular Meetings of July 12, 2023, and August 2, 2023, seconded by Vice-Chair Mundt. **Motion passed 7-0.**

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

Chair Simon asked if there could be a Town discussion about Phoenix passing the ability to build casitas and secondary homes in backyards.

### **22. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS**

Planning Manager Cutro thanked Commissioner Blaser for his service and all Commissioners for volunteering their time. Planner Schumerth has moved to Chicago and a new planner will be sought. At the State Planning Conference, Planner Schumerth and Planner Novotny performed a session on Gilbert's new Mixed-Use Ordinance, which won an award for best ordinance, regulation, or adopted policy in the state. The Gilbert Transportation Master Plan also won an award for best master plan, project, study, or transportation plan in the state.

### **ADJOURNMENT**

Chair Simon adjourned the meeting at 8:29 p.m.

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Jän Simon, Chairman

ATTEST:

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Tracey Asher