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Planning Commission Study Session

TO: PLANNING COMMISSION

FROM: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER *AM*
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THROUGH: EVA CUTRO, AICP, PLANNING MANAGER *EC*
(480) 503-6782, EVA.CUTRO@GILBERTAZ.GOV

MEETING DATE: JANUARY 3, 2024

SUBJECT: Z23-08, HERITAGE NORTH: REQUEST TO AMEND ORDINANCE NO. 2814 TO AMEND THE HERITAGE NORTH PLANNED AREA DEVELOPMENT (PAD) FOR APPROXIMATELY 11.97 ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GILBERT RD AND JUNIPER AVENUE, AND ZONED HERITAGE VILLAGE CENTER (HVC) PAD WITH A PLANNED AREA DEVELOPMENT OVERLAY.

STRATEGIC INITIATIVE: Exceptional Built Environment

This PAD amendment will allow for the development of a mixed-use project within the Heritage District.

RECOMMENDED MOTION

No motion requested.

Company: Withey Morris Baugh, PLC for LGE Design Build
 Name: Alex Hayes
 Address: 2525 E Arizona Biltmore CIR A-212
 Phoenix, AZ 85016
 Phone: 602-230-0600
 Email: hayes@wmbattorneys.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>September 14, 1999</i>	Town Council approved Z99-29 (Ordinance No. 1202) rezoning the subject site to General Commercial with a Planned Area Development and creating the La Vida Serena PAD
<i>February 1, 2005</i>	Town Council approved Ordinance 1625 adopting the Land Development Code and rezoning the subject site from C-2 to HVC
<i>May 6, 2020</i>	Planning Commission heard Z20-02, UP20-06 and UP20-08 as a study session item
<i>October 20, 2021</i>	Redevelopment Commission Heard Z20-02, UP20-06, UP20-08 and DR20-48 as a study session item.
<i>December 15, 2021</i>	Redevelopment Commission recommended approval of Z20-02 to Planning Commission
<i>January 5, 2022</i>	Planning Commission Recommended approval of Z20-02 to Town Council
<i>January 11, 2022</i>	Town Council Approved Z20-02 a Planned Area Development for the subject site.
<i>February 2, 2022</i>	Planning Commission Approved UP20-06 and UP20-08 to allow a Hotel and Ground Floor Residential in HVC.
<i>February 16, 2022</i>	Redevelopment Commission approved DR20-48, Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials.

Overview

Heritage North is an 11.97 gross acre site located at the north entry into the Heritage District at the southwest corner of Gilbert Road and Juniper Avenue. The site is zoned Heritage Village Center (HVC) with a Planned Area Development (PAD) overlay. The Heritage North PAD was approved in January of 2022 with approval of the Design Review following. Heritage North is a mixed-use development that will include a variety of building types and uses. The Heritage North site includes nine buildings with a mix of six retail and office buildings, a boutique hotel, a multi-family residential building with an attached parking garage, and a stand-alone parking garage.

Surrounding Land Use & Zoning Designations:

	<i>Existing Land Use Classification</i>	<i>Existing Zoning</i>	<i>Existing Use</i>
<i>North</i>	General Commercial	General Commercial (GC)	Juniper Avenue, then commercial and office uses
<i>South</i>	Utility/Transportation Corridor	Public Facility/Institutional (PF/I)	Existing Western Powerline Corridor Trail
<i>East</i>	Village Center	Heritage Village Center (HVC)	Gilbert Road, then commercial uses
<i>West</i>	Residential > 8-14 DU/Acre	Single Family - Detached (SF-D)	Arbor Walk residential community
<i>Site</i>	Village Center	Heritage Village Center (HVC)	Vacant

Project Data Table

Site Development Regulation	Standard per LDC or Ord 2814
Minimum Floor Area (FAR)	192%
Minimum Height (ft./stories)	20'-0"/1
Maximum Height (ft./stories)	79'/5
Minimum Building Setbacks (ft.)	
Front	0'
Side (street)	0'
Side (residential)	3'
Side (non-residential)	0'
Rear (residential)	0'
Rear (non-residential)	0'

DISCUSSION

As originally approved, the Heritage North site was anticipated to be built in a single phase, however, the applicant is requesting approval to allow the construction of the development in two phases.

Phase 1 is proposed to include the retail buildings, multifamily, the Commons Open Space, Water Tower Way and off-site improvements. In order to accommodate required parking, surface parking is proposed on site as a temporary condition until Phase 2 improvements commence. Phase 2 is proposed to include the south office building and the south parking garage. The hotel may be built in either phase as market conditions warrant.

In addition, the applicant has also requested modifications to the approved Condition “O” provided below.

The Project shall maintain a self-contained parking supply, and Developer and its successors and assigns (including any future owner, tenant, or occupant of all or a portion of the Project) shall not be permitted to charge, impose or collect any fee, toll, or cost, for the use of any parking spaces on the Property. In order to memorialize the perpetual nature of the foregoing obligation, Developer shall within thirty (30) days after the date of adoption of this Ordinance record a covenant running with the Property binding Developer and its successors and assigns to such obligation, in a form and substance satisfactory to Gilbert. Such obligation shall inure to the benefit of Gilbert, its successors and assigns, and may be enforced by injunction, specific performance, or other remedies available in equity or at law. Failure to record such covenant running with Property within said thirty (30) day period may result in the reversion of the zoning of the Property to prior zoning classification.

The applicant requests modification of this condition to allow for payment of reserved parking spaces as is common with these types of mixed-use developments. For example, hotel guests may be charged for valet or overnight parking while multi-family residents and employees of commercial office tenants may be charged monthly fees for reserved parking spaces. The applicant has indicated that ability to charge for reserved parking is a key component of project financing.

Review of this PAD amendment is limited to project phasing and the requested condition modification. The overall development plan and standards of development previously approved are not under consideration with this PAD amendment request.

Public Notification and Input

A neighborhood meeting was held on November 13, 2023. One resident attended the meeting indicating they were not opposed and wanted to hear an update on the project status.

Chamber of Commerce

The Gilbert Chamber of Commerce has provided an email of support for the proposed project and phasing.

Proposition 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF RECOMMENDATION

A. Staff requests Planning Commission input

Respectfully submitted,

Ashlee MacDonald, AICP
Principal Planner



Attachments and Enclosures:

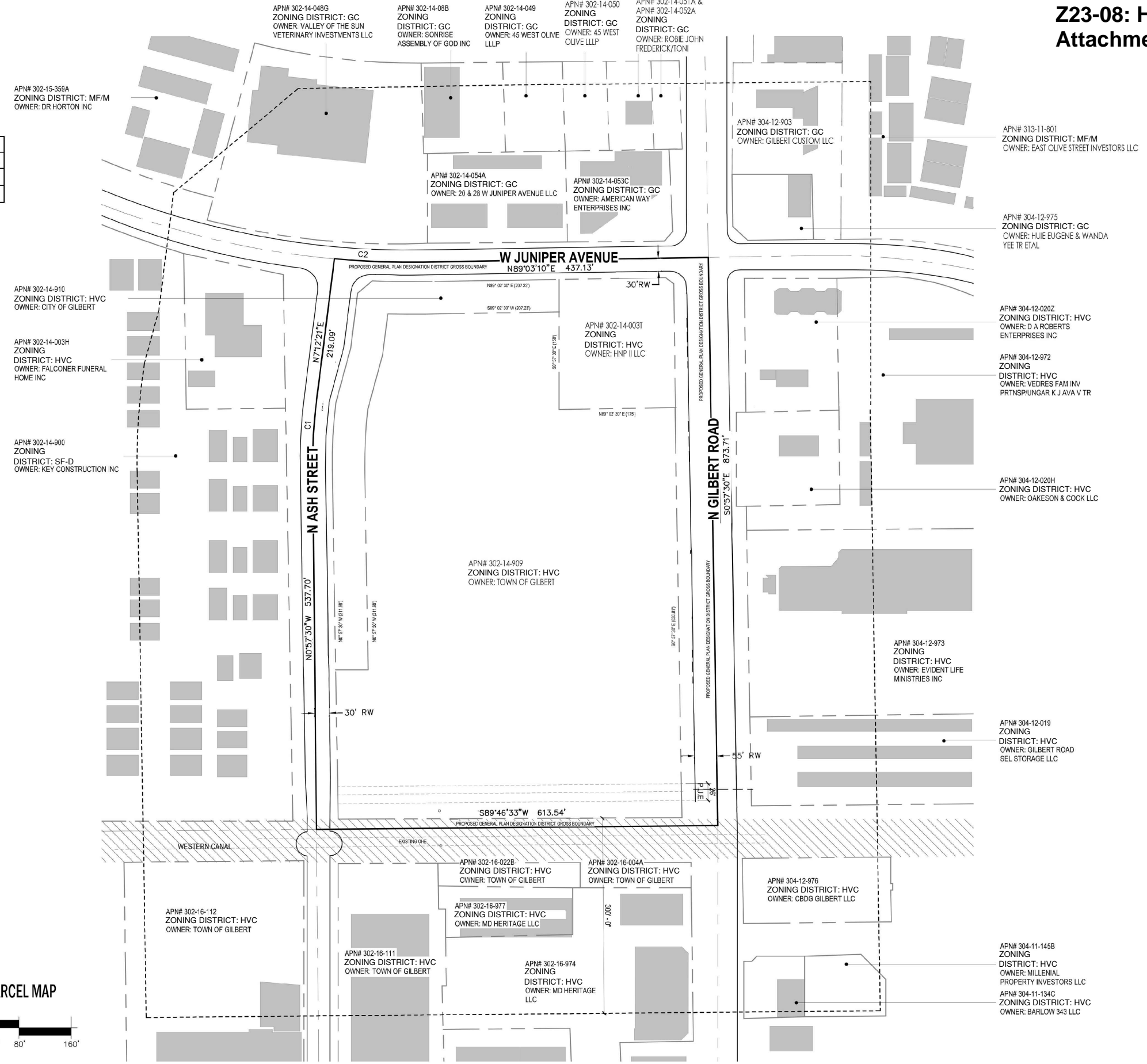
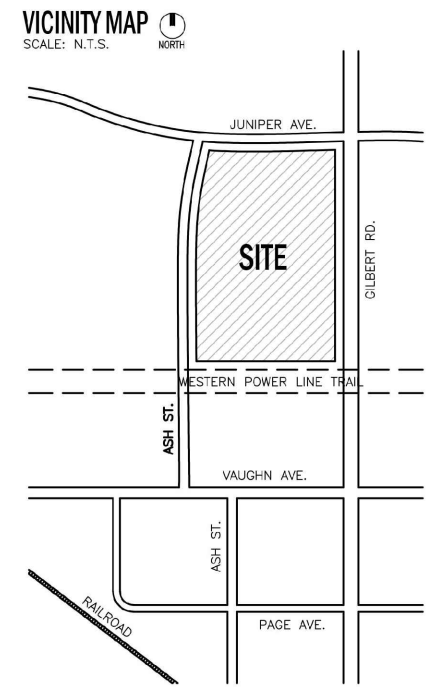
1. Aerial Map
2. Zoning Exhibit
3. Development Plan
4. Phasing Plan
5. Applicant’s Narrative
6. Ordinance 2814

Z23-08 Heritage North PAD Amendment



Z23-08: Heritage Park PAD Amendment Attachment 2 - Zoning Exhibit

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	$\Delta = 8^{\circ}10'16''$	750.00'	106.96'	N03°07'38"E	106.87'
C2	$\Delta = 6^{\circ}10'21''$	1280.00'	137.89'	S87°51'39"E	137.83'



BUILDING AREA:		
BLDG.01 - MULTI FAMILY (288 UNITS)	280,000 SF	
BLDG.01 - RETAIL (COFFEE SHOP)	1,281 SF	
BLDG.02 - HOTEL (100 UNITS)	80,000 SF	
BLDG.02 - OFFICE / COMMERCIAL MIX (2 LEVELS)	31,134 SF	
BLDG.04 - COMMERCIAL MIX	4,129 SF	
BLDG.05 - COMMERCIAL MIX	7,794 SF	
BLDG.06 - COMMERCIAL MIX	5,767 SF	
BLDG.07 - OFFICE / COMMERCIAL MIX (5 LEVELS)	154,761 SF	
BLDG.08 - GARAGE (5 LEVELS)	273,393 SF	
BLDG.09 - KIOSK - COMMERCIAL MIX	400 SF	
TOTAL BUILDING AREA:	839,658 SF	
	FAR: (839,658 SF / 431,491 SF) = 195%	

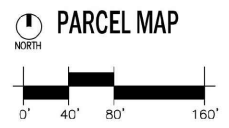
RESIDENTIAL DENSITY: (288 UNITS / 11,971) = 24 UNITS PER ACRE

CURRENT ZONING DISTRICT:
100% = (HVC/PAD)

PROPOSED ZONING DISTRICT:
100% = (HVC/PAD)

GENERAL PLAN LAND USE CLASSIFICATION:
VC

SITE AREA:
GROSS: +/- 521,473 S.F. (11.971 ACRES)
NET: +/- 431,491 S.F. (9.906 ACRES)



Z23-08: Heritage Park PAD Amendment Attachment 3 - Development Plan

P.A.D. - MODIFIED DEVELOPMENT STANDARDS

SITE DEVELOPMENT REGULATIONS	(HVC) STANDARDS	(PAD)
MIN FLOOR F.A.R.	25%	192%
MIN BUILDING HEIGHT / (STORIES)	35' / 2 - STORIES	SEE TABLE 1.0 BELOW
MAX BUILDING HEIGHT / (STORIES)	55' / 4 - STORIES	SEE TABLE 1.0 BELOW
MIN BLDG SETBACK		
FRONT	0'	0'
SIDE (STREET)	0'	0'
SIDE (RESIDENTIAL)	10'	3'
SIDE (NON-RESIDENTIAL)	0'	0'
REAR (RESIDENTIAL)	20'	0'
REAR (NON RESIDENTIAL)	0'	0'
BUILD-TO-LINE (FT)		
FRONT	10'	10'
SIDE (STREET)	10'	10'
STOREFRONT AND ACCESS	YES	YES
BUILDING TRANSPARENCY	YES	SEE TABLE 2.0
DRIVEWAY RESTRICTIONS	YES	YES
PARKING SETBACK	YES	YES

TABLE 1.0 - BUILDING HEIGHTS

BLDG.01 - ROOF (84%)	54'-8"
BLDG.01 - AMENITY DECK (11%)	63'-2"
BLDG.01 - AMENITY ROOF (5%)	78'-10"
BLDG.03 - (MECH SCREEN 37'-0")	30'-0"
BLDG.05 - (MECH SCREEN 28")	20'-0"
BLDG.06 - (ARCH EMBELLISHMENT 30'-0")	20'-0"
BLDG.09 - ROOF	22'-6"

TABLE 2.0 - BUILDING TRANSPARENCY

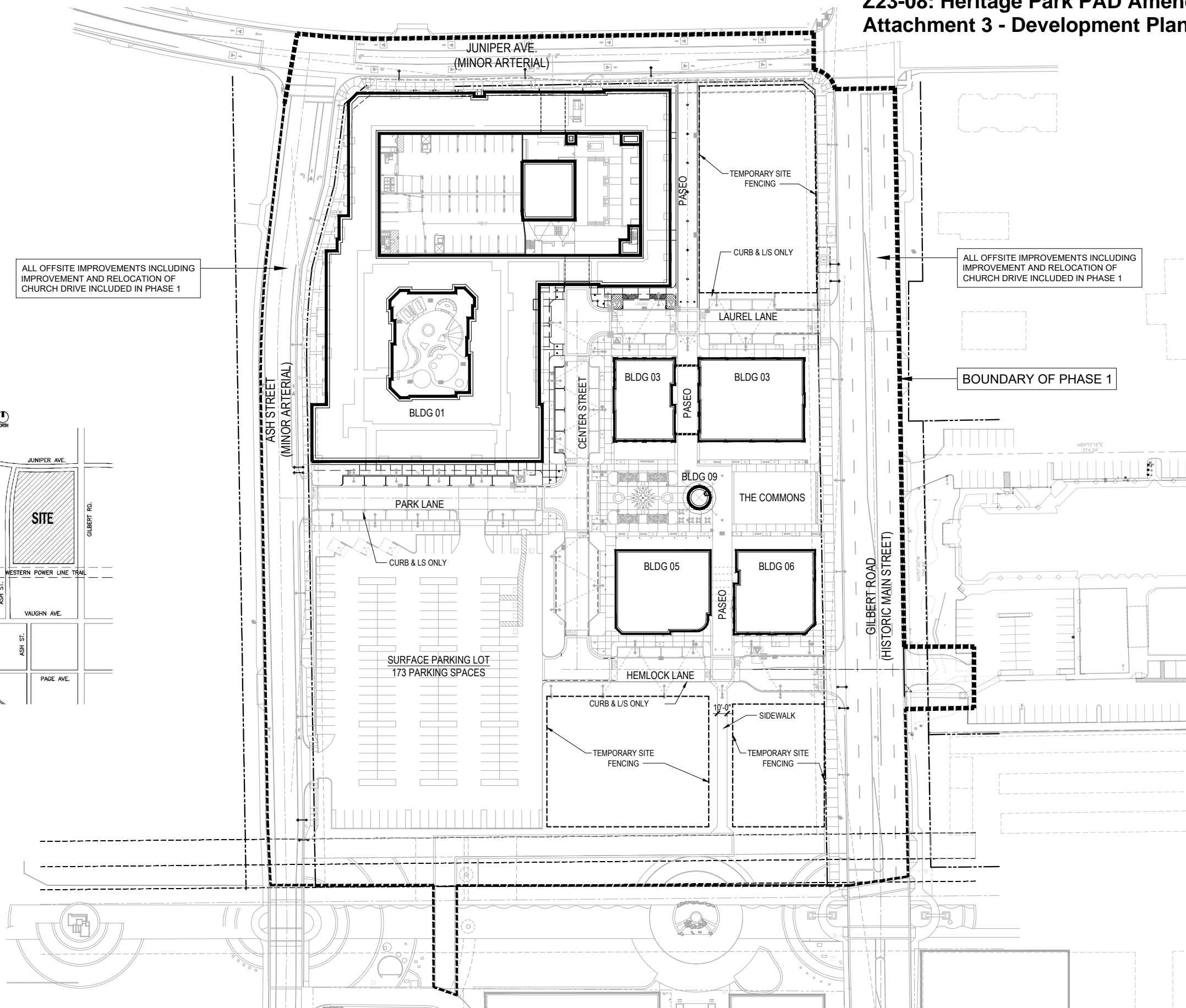
	NORTH	SOUTH	EAST	WEST
BLDG.01 - MULTI FAMILY	50%	50%	50%	50%
BLDG.03 - COMMERCIAL	75%	75%	75%	75%
BLDG.05 - COMMERCIAL	75%	75%	25%	75%
BLDG.06 - COMMERCIAL	75%	75%	75%	25%
BLDG.09 - COMMERCIAL	25%	25%	25%	25%

TRANSPARENCY WILL BE AN AVERAGE OF ALL OPENINGS ALONG BUILDING FRONTAGE.

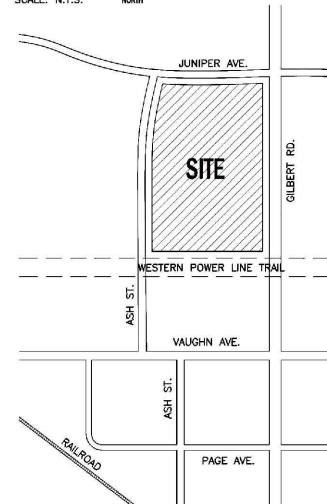
SPECIALTY STOREFRONT ALLOWANCE: LESS THAN 50% TRANSPARENCY, SHALL NOT EXCEED MORE THAN 25% OF BUILDING FRONTAGE AND NO GREATER THAN 50' IN WIDTH ON ALL COMMERCIAL BUILDINGS. ALTERNATIVE METHODS OF SIDEWALK ACTIVATION MAY REPLACE REMAINING TRANSPARENCY REQUIREMENT.

SEPARATE SUBMITTALS

1. COMPREHENSIVE SIGN AND ART PLAN WILL BE SUBMITTED SEPARATELY FOR REVIEW AND APPROVAL.



VICINITY MAP
SCALE: N.T.S.



P.A.D. - MODIFIED DEVELOPMENT STANDARDS

SITE DEVELOPMENT REGULATIONS	(HVC) STANDARDS	(PAD)
MIN FLOOR F.A.R.	25%	192%
MIN BUILDING HEIGHT / (STORIES)	35' 2 - STORIES	SEE TABLE 1.0 BELOW
MAX BUILDING HEIGHT / (STORIES)	55' 4 - STORIES	SEE TABLE 1.0 BELOW
MIN BLDG SETBACK		
FRONT	0'	0'
SIDE (STREET)	0'	0'
SIDE (RESIDENTIAL)	10'	3'
SIDE (NON-RESIDENTIAL)	0'	0'
REAR (RESIDENTIAL)	20'	0'
REAR (NON RESIDENTIAL)	0'	0'
BUILD-TO-LINE (FT)		
FRONT	10'	10'
SIDE (STREET)	10'	10'
STOREFRONT AND ACCESS	YES	YES
BUILDING TRANSPARENCY	YES	SEE TABLE 2.0
DRIVEWAY RESTRICTIONS	YES	YES
PARKING SETBACK	YES	YES

TABLE 1.0 - BUILDING HEIGHTS

BLDG.01 - ROOF (84%)	54'-8"
BLDG.01 - AMENITY DECK (11%)	63'-2"
BLDG.01 - AMENITY ROOF (5%)	78'-10"
BLDG.02 - (MECH SCREEN 71'-8")	60'-0"
BLDG.03 - (MECH SCREEN 37'-0")	30'-0"
BLDG.04 - (MECH SCREEN 26'-8")	22'-0"
BLDG.05 - (MECH SCREEN 28')	20'-0"
BLDG.06 - (ARCH EMBELLISHMENT 30'-0")	20'-0"
BLDG.07 - (MECH SCREEN 79'-0")	71'-0"
BLDG.08 - (ELEVATOR 57'-6")	45'-0"
BLDG.09 - ROOF	22'-6"

TABLE 2.0 - BUILDING TRANSPARENCY

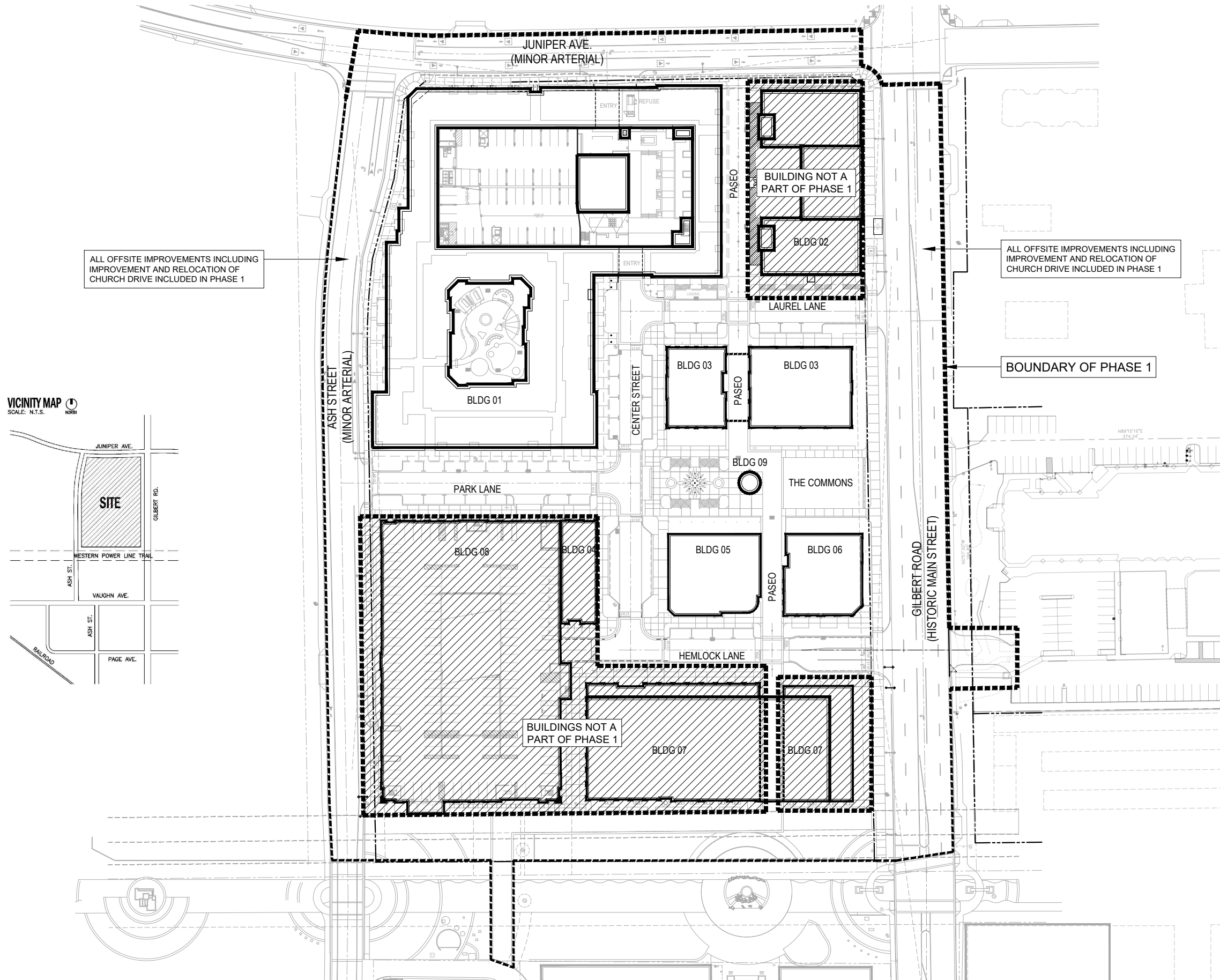
	NORTH	SOUTH	EAST	WEST
BLDG.01 - MULTI FAMILY	50%	50%	50%	50%
BLDG.02 - HOTEL	50%	50%	50%	25%
BLDG.03 - COMMERCIAL	75%	75%	75%	75%
BLDG.04 - COMMERCIAL	50%	50%	75%	0%
BLDG.05 - COMMERCIAL	75%	75%	25%	75%
BLDG.06 - COMMERCIAL	75%	75%	75%	25%
BLDG.07 - COMMERCIAL	75%	75%	75%	75%
BLDG.08 - PARKING GARAGE	50%	50%	50%	50%
BLDG.09 - COMMERCIAL	25%	25%	25%	25%

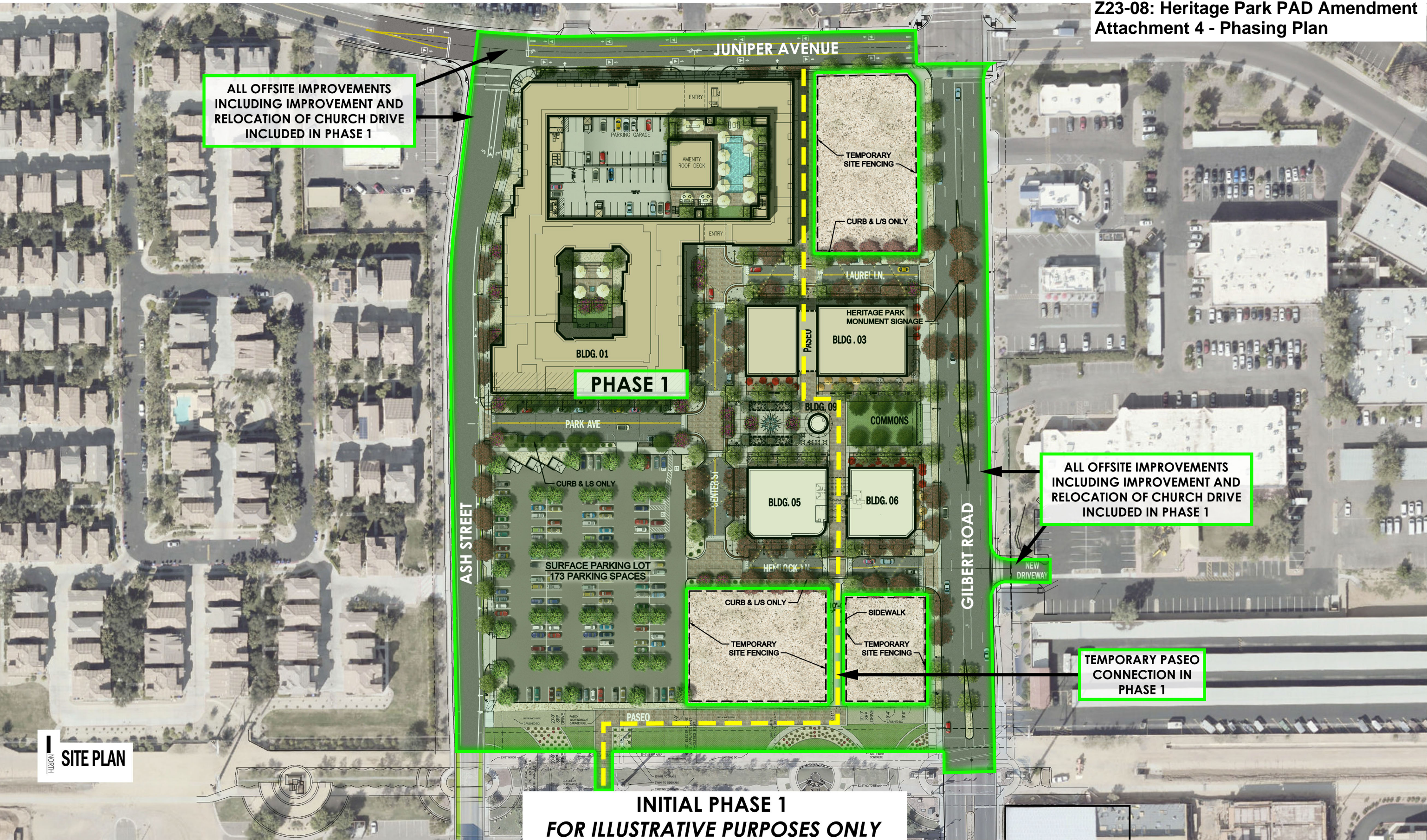
TRANSPARENCY WILL BE AN AVERAGE OF ALL OPENINGS ALONG BUILDING FRONTAGE.

SPECIALTY STOREFRONT ALLOWANCE: LESS THAN 50% TRANSPARENCY, SHALL NOT EXCEED MORE THAN 25% OF BUILDING FRONTAGE AND NO GREATER THAN 50' IN WIDTH ON ALL COMMERCIAL BUILDINGS. ALTERNATIVE METHODS OF SIDEWALK ACTIVATION MAY REPLACE REMAINING TRANSPARENCY REQUIREMENT.

SEPARATE SUBMITTALS

1. COMPREHENSIVE SIGN AND ART PLAN WILL BE SUBMITTED SEPARATELY FOR REVIEW AND APPROVAL.

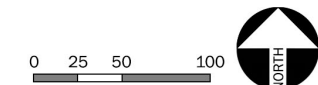




SITE PLAN

HERITAGE PARK - GILBERT, AZ

DEVELOPMENT TEAM: LGE DESIGN BUILD . CREATION . CRESCENT COMMUNITIES
DESIGN TEAM: LGE DESIGN GROUP . ARCHITECTS ORANGE . AV3 DESIGN STUDIO . HUNTER ENGINEERING . TRUEFORM LANDSCAPE ARCHITECTURE STUDIO . ZEE ENGINEERING



SITE EXHIBIT

2023 . NOV . 29



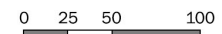
SITE PLAN

**FUTURE PHASE 2 - HOTEL
FOR ILLUSTRATIVE PURPOSES ONLY**

HERITAGE PARK - GILBERT, AZ

DEVELOPMENT TEAM: LGE DESIGN BUILD . CREATION . CRESCENT COMMUNITIES

DESIGN TEAM: LGE DESIGN GROUP . ARCHITECTS ORANGE . AV3 DESIGN STUDIO . HUNTER ENGINEERING . TRUEFORM LANDSCAPE ARCHITECTURE STUDIO . ZEE ENGINEERING



SITE EXHIBIT

2023 . NOV . 29



HILSON
SITE PLAN

**FUTURE PHASE 2 - OFFICE
FOR ILLUSTRATIVE PURPOSES ONLY**

HERITAGE PARK - GILBERT, AZ

DEVELOPMENT TEAM: LGE DESIGN BUILD . CREATION . CRESCENT COMMUNITIES

DESIGN TEAM: LGE DESIGN GROUP . ARCHITECTS ORANGE . AV3 DESIGN STUDIO . HUNTER ENGINEERING . TRUEFORM LANDSCAPE ARCHITECTURE STUDIO . ZEE ENGINEERING



0 25 50 100



SITE EXHIBIT

2023 . NOV . 29

Heritage North

Rezone (Condition of Approval Amendment) Narrative



CREATION

R	E
P	E

 WITHEY
MORRIS
BAUGH

Development Team

Developer:

CREATION 

Creation Equity

1200 N 52nd Street

Phoenix, AZ 85008

Contact: David Sellers

dsellers@lgedesignbuild.com

(480) 966-4001

Attorney:

 **WITHEY
MORRIS
BAUGH**

Withey Morris Baugh, PLC

2525 E. Arizona Biltmore Circle, Suite A-212

Phoenix, AZ 85016

Contact: Adam Baugh

adam@wmbattorneys.com

(602) 230-0600

Project Location

The subject property is generally located at the southwest corner of Juniper Ave and Gilbert Road (APNs 302-14-909, 302-14-910, and 302-14-003T; the “Property”). **See Aerial Map, Tab 1.** The Property is approximately 11.97 acres and is vacant.

Request

This application requests to amend Condition of Approval “O” for Z-20-02 and modify the Development Plan to include phases.

Background

Heritage North (the “Project”) is a comprehensive, interconnected, multi-use development that incorporates contemporary design while embracing the historical character of the Heritage District. The Project will be a valuable addition to the area, providing new residences, offices, a hotel, and retail uses, all with walkability and the pedestrian experience at the forefront.

On January 11, 2022, the Gilbert Town Council approved Z-20-02, establishing the Heritage North PAD. **See Staff Report, Tab 2.** The PAD included deviations to the Property’s underlying Heritage Village Center (HVC) zoning and established a development plan for the Project. The Project is comprised of a total of nine buildings with a mix of retail and office, a boutique hotel, a multi-family residential building with an attached parking garage, and a stand-alone parking garage.

The ordinance approving Z-20-02 included a number of conditions of approval. Relevant to this application, Condition “O” requires the following:

The Project shall maintain a self-contained parking supply, and Developer and its successors and assigns (including any future owner, tenant, or occupant of all or a portion of the Project) shall not be permitted to charge, impose or collect any fee, toll, or cost, for the use of any parking spaces on the Property. In order to memorialize the perpetual nature of the foregoing obligation, Developer shall within thirty (30) days after the date of adoption of this Ordinance record a covenant running with the Property binding Developer and its successors and assigns to such obligation, in a form and substance satisfactory to Gilbert. Such obligation shall inure to the benefit of Gilbert, its successors and assigns, and may be enforced by injunction, specific performance, or other remedies available in equity or at law. Failure to record such covenant running with Property within said thirty (30) day period may result in the reversion of the zoning of the Property to prior zoning classification.

Pursuant to this condition, the Applicant entered into a Covenant Agreement for Parking (the “Agreement”) with the Town of Gilbert on March 16, 2022, which was recorded on March 23, 2022. **See Parking Covenant, Tab 3.**

Phasing Plan

Recognizing the scarcity of office development financing and equity, and the fact that any hotel use must be a boutique hotel per the approved Development Agreement, a phasing plan is Included with this PAD amendment.

Phase 1

Phase 1 shall include the retail, multifamily, public open space improvements including Water Tower Way, and off-site improvements as shown on the Phasing Plan, subject to the Town approved development agreement.

Phase 2

Phase 2 would include the office building and the second parking garage. The hotel component could be built in either phase as market conditions warrant.

By including the office portion in Phase 2, the added time allows capital markets to normalize and creates the ability to pursue de-risking strategies such as preleasing efforts. While the office project may not build immediately, Creation plans to immediately market it for prelease, which would drastically improve the financeability of the Project.

In this manner, the phasing plan allows achievable project components to move forward today without holding the site in limbo waiting for improved economic conditions and market forces beyond the Town's or Applicant's control. The phasing plan will be included as part of the PAD amendment for the Council's consideration.

Proposed Amendment to Condition of Approval

The intent of Condition "O" and the subsequent Agreement was to ensure that adequate parking is provided to the public free of charge. However, the Applicant requests to amend Condition "O" so that the non-public components (e.g. office, hotel, retail, and multi-family) can pay for their fair share of reserved parking as is customary with these types of mixed-use developments. For example, hotel guests may be charged for valet or overnight parking while multi-family residents and employees of commercial office tenants may be charged monthly fees for reserved parking spaces. The ability to do so is a key component of Project financing.

Nevertheless, a sufficient number of public parking spaces to meet anticipated demand will be available at no cost, and without physical restriction, ensuring the intent and practical effect of Condition "O" are satisfied. In Phase 1, a minimum of 200 spaces will be available for public use free of charge. At full buildout, a minimum of 300 spaces will be available for public use free of charge. Accordingly, the Applicant requests that Condition "O" be amended to state:

The Project shall maintain a self-contained parking supply, and Developer and its successors and assigns (including any future owner, tenant, or occupant of all or a portion of the Project) shall not be permitted to charge, impose or collect any fee, toll, or cost, for the use of any Public Parking Spaces on the Property. In Phase 1, no more than 500 spaces may be reserved for guests of the hotel or multifamily residents and there shall be a minimum of 200 Public Parking

Spaces provided free of charge. Upon completion of Phase 2 as depicted in the Development Plan, the entirety of the Project shall have no more than 990 spaces reserved for office employees, hotel guests, or multifamily residents and there shall be a minimum of 300 Public Parking Spaces provided free of charge. In order to memorialize the perpetual nature of the foregoing obligation, Developer shall within thirty (30) days after the date of adoption of this Ordinance record an amendment to the existing Covenant Agreement for Parking (Maricopa County Recorded Document No. 20220261438), running with the Property binding Developer and its successors and assigns to such obligation, in a form and substance satisfactory to Gilbert. Such obligation shall inure to the benefit of Gilbert, its successors and assigns, and may be enforced by injunction, specific performance, or other remedies available in equity or at law. Failure to record such covenant running with Property within said thirty (30) day period may result in the reversion of the zoning of the Property to prior zoning classification.

Conclusion

Heritage North is intended to be a crown jewel for the Heritage District in Gilbert. With top tier design and construction, the Project will provide an exceptional experience for residents, commercial tenants, guests, and customers. The Applicant looks forward to bringing the Project to fruition and creating a dynamic environment that will provide substantial economic impact to Downtown Gilbert.

ORDINANCE NO. 2814

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE OFFICIAL ZONING MAP OF GILBERT, ARIZONA BY AMENDING ORDINANCE NO. 1202 PERTAINING TO THE LA VIDA SERENA PLANNED AREA DEVELOPMENT (PAD) BY REMOVING FROM THE LA VIDA SERENA PAD REAL PROPERTY CONSISTING OF APPROXIMATELY 11.97 ACRES, LOCATED AT THE SOUTHWEST CORNER OF GILBERT ROAD AND JUNIPER AVENUE, IN ZONING CASE Z99-29; APPROVING THE DEVELOPMENT PLAN FOR THE HERITAGE NORTH PLANNED AREA DEVELOPMENT; AND CHANGING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY FROM 11.97 ACRES OF TOWN OF GILBERT HERITAGE VILLAGE CENTER (HVC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT TO 11.97 ACRES OF HERITAGE VILLAGE CENTER (HVC), ZONING DISTRICT, ALL WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Gilbert General Plan, any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws;

WHEREAS, the La Vida Serena PAD was created by Ordinance No. 1202, pursuant to the provisions of the Town of Gilbert Unified Land Development Code, which was repealed February 1, 2005; and

WHEREAS, pursuant to the adoption of the Town of Gilbert Land Development Code and the Official Zoning Map, the underlying zoning classifications of the La Vida Serena PAD were amended to Single Family – 7 (SF-7), Single Family – 6 (SF-6), Multi Family/Medium (MF/M), General Commercial (GC) and Heritage Village Center (HVC) zoning districts; and

WHEREAS, by adoption of this Ordinance, the Town Council desires to modify base zoning district regulations permit unique or mixed-use development.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

1. The Official Zoning Map of the Town of Gilbert is hereby amended by amending Ordinance No. 1202 relating to the La Vida Serena PAD to remove from the La Vida Serena PAD property consisting of approximately 11.97 acres described in the legal description, Exhibit 1, and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated by reference herein.

2. The Heritage North Planned Area Development Plan, defined in Paragraph 4 herein and attached hereto as Development Plan, Exhibit 3, is hereby approved.

3. The Official Zoning Map of the Town of Gilbert, Arizona, is hereby amended by changing the zoning classification of property consisting of approximately 11.97 acres described in the legal description, Exhibit 1, and shown on the Zoning Exhibit (map) in Exhibit 2, from approximately 11.97 acres of Town of Gilbert Heritage Village Center (HVC), all with a PAD overlay zoning district to approximately 11.97 acres of Heritage Village Center (HVC) zoning districts, all with a PAD overlay zoning district as shown on and in accordance with the Development Plan, Exhibit 3 hereto.

4. The following definitions shall apply:

- a. "Project" shall mean the Heritage North PAD consisting of approximately 11.97 acres, located at the southwest corner of North Gilbert Road and West Juniper Avenue.
- b. "Development Plan" shall mean that certain document submitted pursuant to Section 3.104 of the Land Development Code, as follows:

Exhibit 3: Development Plan Exhibit of Heritage North Planned Area Development, dated November 1, 2021.

5. The Property described in Paragraph 2 of this Section shall be used and developed in accordance with the Development Plan and the Land Development Code of the Town of Gilbert. In addition to conformance with the Development Plan, development of the Property shall be subject to the following conditions:

- a. Construction of off-site improvements to Gilbert Road, Juniper Avenue, Ash Street and the Western Powerline Trail 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.
- b. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the

reversion of the zoning of the Property to the prior zoning classification.

- c. 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 including without limitation the Paseo and the Commons open space. Maintenance responsibilities for common areas and open space areas may be specified on the approved site plan or final plat.
- d. 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.
- e. 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.
- f. 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:

Maximum Building Heights

	Building Heights	Max Area
Building 1		
Roof	54’-8”	
Ridge Height	70’	
Amenity Deck	63’-2”	11% of total building footprint
Amenity Roof	78’-10”	5% of total building footprint
Building 2	60’-0”	
(Mechanical Screen)	(71’-8”)	N/A
Building 7	71’-0”	
(Mechanical Screen)	(79’-0”)	N/A

Building 8 (Elevator)	45'-0" (57'-6")	
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Minimum Building Heights

	Building Heights
Building 3	30'/1 story
Building 4	22'/1 story
Building 5 and 6	20'/1 story
Building 9	22'/1 story

Building Transparency (%)

	North	South	East	West
Building 1	50	50	50	50
Building 2	50	50	50	25
Building 3	75	75	75	75
Building 4	50	50	75	0
Building 5	75	75	25	75
Building 6	75	75	75	25
Building 7	75	75	75	75
Building 8	50	50	50	50
Building 9	25	25	25	25

*transparency will be an average of all openings along building frontage

**specialty storefront allowance: less than 50% transparency shall not exceed more than 25% of building frontage and shall be no greater than 50' in width on all commercial buildings.

Setbacks

Minimum Building Setbacks	
Side (Residential)	3'
Rear (Residential)	0'

- g. The maximum number of dwelling units shall be limited to 288.

- h. The applicant shall be responsible for relocation of the driveway on the east side of Gilbert Road to allow for driveway alignment with the subject site's southernmost access along Gilbert Road. Should the applicant be unable to enter into an agreement with the property owner, a full median will be required restricting access to right-in, right-out only at this location.
- i. A Multi-Use Easement (Paseo) shall be required as shown on the Development Plan with a minimum width of 24 feet and minimum pathway width of 20'. Paseo Design details are to be finalized as part of a Design Review application.
- j. The Multi-Use Easement (Paseo) shall be dedicated for public use. Lot owners or the POA shall be responsible for the maintenance of this easement.
- k. Detailed commercial guidelines shall be developed and shall be reviewed and approved through the Design Review Board prior to submitting to the Town a construction drawing permit application for any commercial use. The commercial design guidelines shall identify architectural themes, designs, features, colors and materials to be used with the tenant development zones.
- l. In addition to Developer's obligation to construct and install Heritage District signature signage within the northeast corner of the Project as provided in the Development and Disposition Agreement by and between Developer and Gilbert dated May 16, 2019, as amended, the applicant shall submit as part of the Design Review package, pedestrian scale arrival signage for the Heritage District. Said signage shall be located at the northeast hard corner of the site or within the Gilbert Road median at the north end of the site.
- m. Juniper Avenue shall be re-striped to accommodate shared bike lanes and a Two-Way Left-Turn (TWLT) from west of Ash Street as necessary to Gilbert Road following the Manual of Uniform Traffic Control Devices (MUTCD) standards and guidelines. The striping plan shall be submitted as part the Design Review application and Construction Drawings for review and approval.
- n. Any signal improvements to the intersection of Gilbert Road and Juniper Avenue, as determined by the Town Traffic Engineer, shall be responsibility of the applicant. The signal design shall be submitted as part of the Construction Drawings for review and approval following the signal template format.

- o. The Project shall maintain a self-contained parking supply, and Developer and its successors and assigns (including any future owner, tenant or occupant of all or any portion of the Project) shall not be permitted to charge, impose or collect any fee, toll, or cost for the use of any parking spaces on the Property. In order to memorialize the perpetual nature of the foregoing obligation, Developer shall within thirty (30) days after the date of adoption of this Ordinance record a covenant running with the Property binding Developer and its successors and assigns to such obligation, in a form and substance satisfactory to Gilbert. Such obligation shall inure to the benefit of Gilbert, its successors and assigns, and may be enforced by injunction, specific performance, or other remedies available in equity or at law. Failure to record such covenant running with the Property within said thirty (30) day period may result in the reversion of the zoning of the Property to the prior zoning classification.
- p. At the discretion of the Town of Gilbert, refuse collection may be limited to a specific time window to alleviate any traffic impacts.
- q. Heritage District Roof Sign for Heritage North shall not be permitted within the Project other than rooftop signage displaying “Heritage District” or similar language approved in writing by Gilbert. In order to memorialize the perpetual nature of the foregoing obligation, Developer shall within thirty (30) days after the date of adoption of this Ordinance record a covenant running with the Property binding Developer and its successors and assigns to such obligation, in a form and substance satisfactory to Gilbert. Such obligation shall inure to the benefit of Gilbert, its successors and assigns, and may be enforced by injunction, specific performance, or other remedies available in equity or at law. Failure to record such covenant running with the Property within said thirty (30) day period may result in the reversion of the zoning of the Property to the prior zoning classification.
- r. Commons Park and splash pad is to remain a public amenity and available to the general public for use.
- s. Public restrooms shall be made available within proximity to the Commons Park.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and shall have no force or effect.

Section IV. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

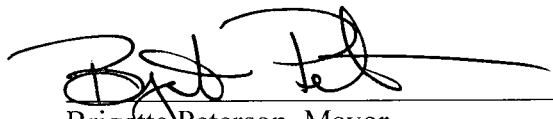
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 11th day of January, 2022, by the following vote:

AYES: Anderson, Hendrix, Koprowski, Peterson, September, Tilque, Yentes

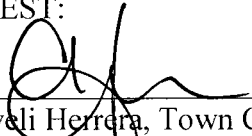
NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

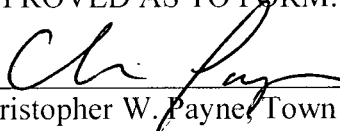
APPROVED this 11th day of January, 2022.



Brigette Peterson, Mayor

ATTEST:


Chaveli Herrera, Town Clerk

APPROVED AS TO FORM:


Christopher W. Payne, Town Attorney

I, CHAVELI HERRERA, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2814 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 11TH DAY OF JANUARY, 2022, WAS POSTED IN FOUR PLACES ON THE 12TH DAY OF JANUARY, 2022.



Chaveli Herrera, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)
3. Development Plan

HERITAGE NORTH ZONING LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED BELOW:

BEGINNING AT A BRASS CAP SET FLUSH AT THE INTERSECTION OF JUNIPER AVENUE AND GILBERT ROAD FROM WHICH THE CALCULATED POSITION OF THE EAST QUARTER CORNER OF SAID SECTION 12 BEARS SOUTH 00°57'30" EAST, A DISTANCE OF 873.71 FEET;

THENCE SOUTH 00°57'30" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12 AND THE MONUMENT LINE OF GILBERT ROAD, A DISTANCE OF 861.50 FEET;

THENCE SOUTH 89°46'33" WEST, ALONG THE NORTH EASEMENT LINE OF THE WESTERN CANAL, A DISTANCE OF 613.54 FEET TO A POINT ON THE MONUMENT LINE OF ASH STREET;

THENCE THE FOLLOWING 3 COURSES ALONG SAID MONUMENT LINE OF ASH STREET:

THENCE NORTH 00°57'30" WEST, A DISTANCE OF 537.70 FEET TO A POINT OF CURVATURE CONCAVE EASERLY WHOSE RADIUS IS 750.00 FEET;

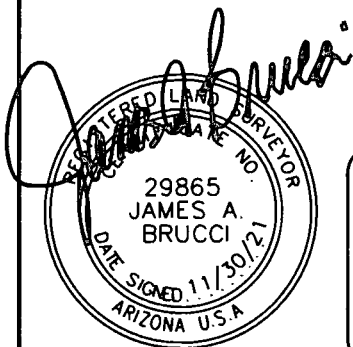
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 8°10'16" AN ARC LENGTH OF 106.96 FEET;

THENCE NORTH 07°12'21" EAST, A DISTANCE OF 219.09 FEET TO A POINT ON THE MONUMENT LINE OF JUNIPER STREET, SAID POINT BEING ON A CURVE, CONCAVE NORTHERLY WHOSE RADIUS IS 1280.00 FEET AND WHOSE CHORD BEARS SOUTH 87°51'39" EAST A CHORD DISTANCE OF 137.83 FEET;

THENCE EASTERLY ALONG SAID MONUMENT LINE AND CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 6°10'21" AN ARC LENGTH OF 137.89 FEET;

THENCE NORTH 89°03'10" EAST, ALONG SAID MONUMENT LINE, A DISTANCE OF 437.13 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINING 11.97 ACRES±.



PAGE 1 OF 3

TITLE: XB04
DATE: 11/30/21
DESC: HERITAGE NORTH
ZONING PARCEL

HUNTER

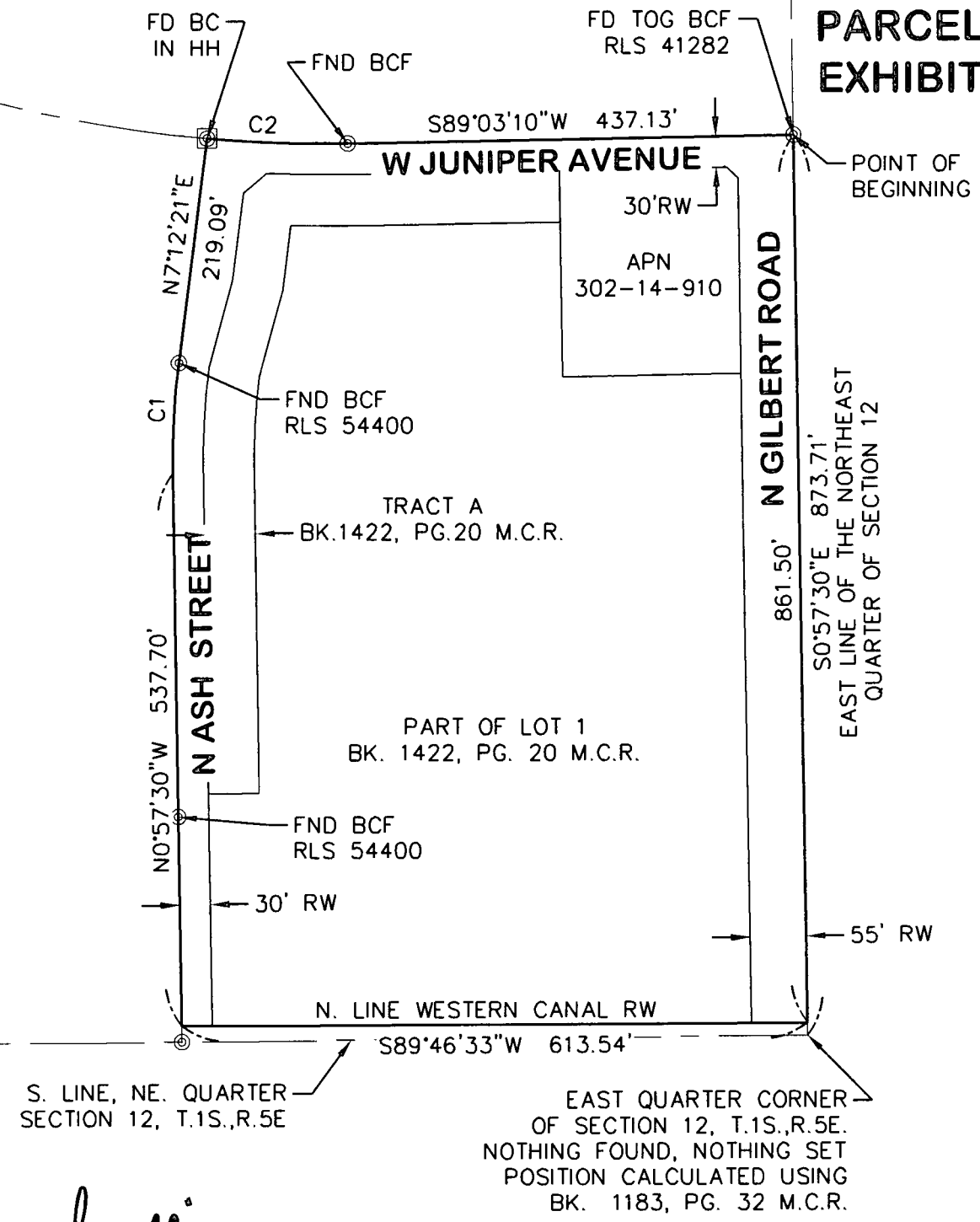
ENGINEERING

CIVIL AND SURVEY

10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

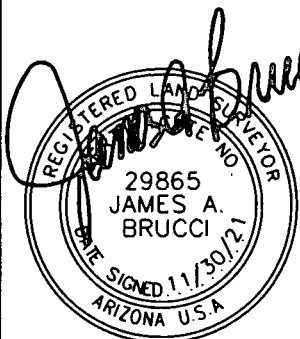
PROJ NO/LGEC263/XB04.DWG

ZONING PARCEL EXHIBIT



S. LINE, NE. QUARTER SECTION 12, T.1S., R.5E

EAST QUARTER CORNER OF SECTION 12, T.1S., R.5E. NOTHING FOUND, NOTHING SET POSITION CALCULATED USING BK. 1183, PG. 32 M.C.R.



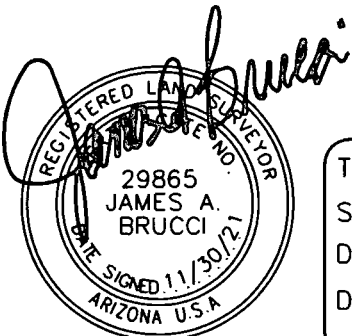
PAGE 2 OF 3

TITLE: XB04
 SCALE: 1"=150'
 DATE: 11/30/21
 DESC: ZONING PARCEL

HUNTER	
ENGINEERING	CIVIL AND SURVEY
10450 N. 74TH ST., SUITE 200 SCOTTSDALE, AZ 85258 T 480 991 3985 F 480 991 3986	
PROJ NO/LGEC263/XB04.DWG	

ZONING PARCEL EXHIBIT

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	$\Delta = 8^{\circ}10'16''$	750.00'	106.96'	N03°07'38"E	106.87'
C2	$\Delta = 6^{\circ}10'21''$	1280.00'	137.89'	S87°51'39"E	137.83'



PAGE 3 OF 3

TITLE: XB04
SCALE: 1"=150'
DATE: 11/30/21
**DESC: ZONING
PARCEL**

HUNTER
ENGINEERING

10450 N. 74TH ST., SUITE 200
 SCOTTSDALE, AZ 85258
 T 480 991 3985
 F 480 991 3986

CIVIL AND SURVEY

PROJ NO/LGEC263/XB04.DWG

When recorded mail to:

Town of Gilbert

Town Clerk

90 East Civic Center Drive

Gilbert AZ 85296

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20220035335 01/12/2022 10:43, N
ELECTRONIC RECORDING
GILBERT2255-9-1-1--

This area reserved for County Recorder

CAPTION HEADING
Ordinance 2814

DO NOT REMOVE

Exhibit 1, Exhibit 2, and Exhibit 3 were adopted with and are incorporated into Ordinance 2814 and are available for viewing at 90 E. Civic Center Dr., Gilbert, AZ, 85296.

Exhibit 1
Exhibit 2
Exhibit 3

Legal Description
Zoning Exhibit (Map)
Development Plan