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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: SAL DISANTO, PLANNER I *SD*
(480) 503-6759, SAL.DISANTO@GILBERTAZ.GOV

THROUGH: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

MEETING DATE: JANUARY 3, 2024

SUBJECT:

A. GP22-15 SEC LINDSAY RD AND LEXINGTON ST: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROX. 2.7 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LINDSAY ROAD AND LEXINGTON STREET FROM GENERAL OFFICE TO GENERAL COMMERCIAL. THE EFFECT OF THIS AMENDMENT WILL BE TO CHANGE THE PLAN OF DEVELOPMENT TO ALLOW COMMERCIAL /NON-RESIDENTIAL DEVELOPMENT.

B. Z22-15 SEC LINDSAY RD AND LEXINGTON ST: REQUEST TO REZONE APPROX. 2.7 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LINDSAY ROAD AND LEXINGTON STREET FROM THE TOWN OF GILBERT SINGLE FAMILY - 43 (SF-43) (MARICOPA COUNTY RU-43) ZONING DISTRICT TO THE TOWN OF GILBERT GENERAL COMMERCIAL (GC) ZONING DISTRICT. THE EFFECT WILL BE TO PERMIT NON-RESIDENTIAL OFFICE/COMMERCIAL USES.

STRATEGIC INITIATIVE: Exceptional Built Environment

The effect will be to designate areas for the commercial and service needs of the surrounding area.

RECOMMENDED MOTION

- A. Move to recommend to Town Council approval of GP22-15 SEC Lindsay Rd and Lexington St, a Minor General Plan Amendment; and
- B. Move to recommend approval to Town Council for Z22-15 SEC Lindsay Rd and Lexington St, as requested, subject to the conditions listed in the staff report.

APPLICANT

Company: Withey Morris
Name: Hannah Bleam
Address: 2525 E Biltmore Cir. Unit:
A-212
Phoenix, AZ 85016
Phone: (602) 230-0600
Email: hannah@witheymorris.com

OWNER

Company: N/A
Name: Gina Schuh
Address: N/A
Phone: (209) 631-5466
Email: ginaschuh@gmail.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>April 4, 2023</i>	Town Council held a public hearing on Annexation Case A22-04. No motion was requested, this hearing was to receive input from community members and Town Council.
<i>December 6, 2023</i>	Planning Commission continued Minor General Plan amendment case GP22-15 and Rezoning Case Z22-15 to the January 3, 2024, Planning Commission hearing.

Overview

The subject site is approximately 2.7 acres and located at the southeast corner of Lindsay Road and Lexington Street, just east of Rivulon. The applicant is proposing two requests:

- 1) A Minor General Plan amendment to change the land use designation from General Office (GO) to General Commercial (GC); and
- 2) A rezone from Town of Gilbert Single Family - 43 (SF-43) (Maricopa County RU-43) to the General Commercial (GC) zoning district.

With these proposals, the effect will be to permit retail, office, and commercial uses allowed under the GC zoning district.

Surrounding Land Use & Zoning Designations:

	Existing Zoning	Existing Land Use Classification	Existing Use
North	Business Park (BP)	General Office	San Tan Professional Village
South	Business Park (BP)	General Office	Vacant
East	Business Park (BP) and Maricopa County RU-43	Utility/Transportation Corridor and General Office	Canal and Single Family Residential
West	Business Park (BP)	General Office	Vacant
Site	Single Family - 43 (SF-43)	General Office	Vacant

General Plan

The subject site is located at the southeast corner of Lindsay Road and Lexington Street. This proposal requests a minor General Plan amendment from General Office (GO) to General Commercial (GC). Staff considers this an appropriate land use change, as the General Commercial is expected to develop commercial needs that will provide services to the surrounding business park and residences.

The amendment request conforms to the Town of Gilbert General Plan and is supported by the following implementation actions:

- CM-1.E: Continue to evaluate commercial uses throughout the Town to determine how much commercial property the Town can support and where it should be located.
- CM-5.1: Ensure the Town maintains a land use framework that supports a highly livable community through the efficient use of land and resources.

Rezoning

With a successful rezoning from General Office (GO) to General Commercial (GC), the applicant and current site user intend to develop the site for commercial purposes that will provide the neighboring residential and office uses with commercial options.

New development is required to conform to the Land Development Code (LDC) development regulations for the General Commercial (GC) zoning district as shown in the table below.

Development Regulations Table (GC Zoning District)

Site Development Regulations	LDC Standard
Maximum Height (ft.)/Stories	45'
Minimum Building Setbacks (ft.)	
Front	25'
Side (street)	20'
Side, Rear (residential)	75'
Side, Rear (nonresidential)	20'
Separation between Buildings (ft.)	
Single-Story	15'
Two-Story	20'
Minimum Perimeter Landscape Setback (ft.)	
Front	25'
Side (street)	20'
Side, Rear (residential)	40'
Side, Rear (nonresidential)	20'
Parking	Varies depending on use
Landscaping (%of net area)	15%

PUBLIC NOTIFICATION

The applicant held a neighborhood meeting on March 25, 2022. Four members of the public attended the meeting along with one representative of the development team and one member of Town staff. Commentary from the public included:

- General curiosity around potential development in the area.

- Concerns about the future commercial use and its potential impacts to surrounding residences to the east. Concerns were centralized around noise, odor, and lighting.

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required places with the Town, and neighborhood notice was provided per the requirements of the LDC 6.2.6.

No comments have been received to date.

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 6.2.2 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP22-15 SEC of Lindsay Rd and Lexington St, to change the land use classification of approximately 2.7 acres generally located at the southeast corner of Lindsay Road and Lexington Street from General Office (GO) to General Commercial (GC); and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice

and meetings have been held, the Planning Commission recommends approval to Town Council for Z22-15 SEC of Lindsay Rd and Lexington St, rezoning approximately 2.7 acres generally at the southeast corner of Lindsay Road and Lexington Street from the Single Family - 43 (SF-43) (Maricopa County RU-43) to General Commercial (GC), subject to the following conditions:

- a. Dedication to Gilbert for Lexington Street 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 Lexington Street shall extend 40 feet south from the existing survey markers in the intersections of Lindsay Road and Lexington Street and 144th street and Lexington Street (Center Line of Lexington Road).
- b. Developer shall construct, at the Developer's expense, dedicated right turn lane(s) and any associated improvements at constructed access points on Lindsay 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.
- c. The developer shall reserve an additional 22 feet south of the required right-of-way dedication on Lexington Street. This land shall be reserved for future acquisition of fee title and/or roadway easement by the Town of Gilbert for a purchase price based on fair market value through purchase or eminent domain. Fair market value shall be based on an appraisal prepared by a qualified appraiser approved by the Town and Developer. The reservation shall expire upon recordation of the final plat for the final phase of the Project, unless a purchase contract has been entered into prior to recordation of the final plat or an eminent domain action is pending.
- d. Prior to issuance of the first building permit or at the time of recordation of the final plat, the applicant shall record a cross access easement or public access easement providing vehicle and pedestrian access to the property south of the subject site.
- e. Construction of off-site improvements to Lindsay Road and Lexington Street 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.

- f. 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.
- g. 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.
- h. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.
- i. Developer shall record easements 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. Such easements shall be open to public access and use.
- j. 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.

Respectfully submitted,

Sal DiSanto

Sal DiSanto
Planner I

Attachments and Enclosures:

- 1) Notice of Public Hearing/Vicinity Map
- 2) Aerial Photo
- 3) Land Use Exhibit
- 4) Zoning Exhibit
- 5) Applicant's Narrative

Notice of Public Hearing

GP22-15 & Z22-15 SEC Lindsay Rd and Lexington St
Attachment 1: Notice of Public Hearing/Vicinity Map

PLANNING COMMISSION DATE:

Wednesday, December 6, 2023* TIME: 6:00 PM

LOCATION: Council Chambers

50 E Civic Center Dr

TOWN COUNCIL DATE:

Tuesday, January 9, 2024* Time: 6:30 PM

LOCATION: Council Chambers

50 E Civic Center Dr

*Call Case Planner to verify date and time: 480 503-6759

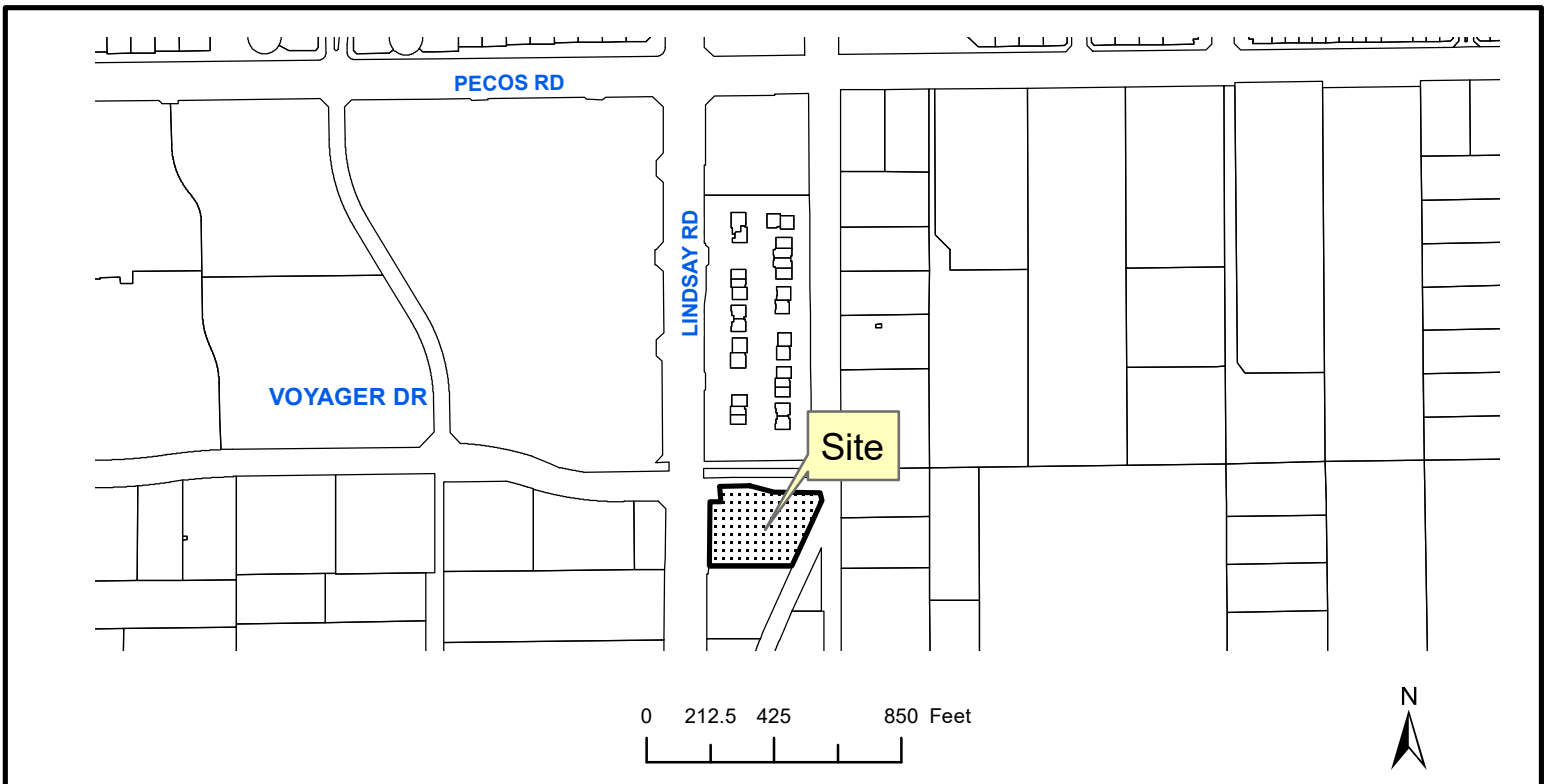
The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports and the agenda are available prior to the meeting at www.gilbertaz.gov/departments/development-services/planning/planning-commission

REQUESTED ACTION:

GP22-15: SEC LINDSAY RD AND LEXINGTON ST: Request for Minor General Plan Amendment to change the land use classification of approx. 2.7 acres generally located at the southeast corner of Lindsay Road and Lexington Street from General office to General Commercial. The effect of this amendment will be to change the plan of development to allow commercial /non-residential development.

Z22-15: SEC LINDSAY RD AND LEXINGTON ST: Request to rezone approx. 2.7 acres generally located at the southeast corner of Lindsay Road and Lexington Street from the Town of Gilbert Single Family - 43 (SF-43) (Maricopa County RU-43) zoning district to the Town of Gilbert General Commercial (GC) zoning district. The effect will be to permit non-residential office/commercial uses.

SITE LOCATION:



APPLICANT: Withey Morris
CONTACT: Hannah Bleam
ADDRESS: 2525 E Biltmore CIR Unit:A-212
Phoenix, AZ 85016

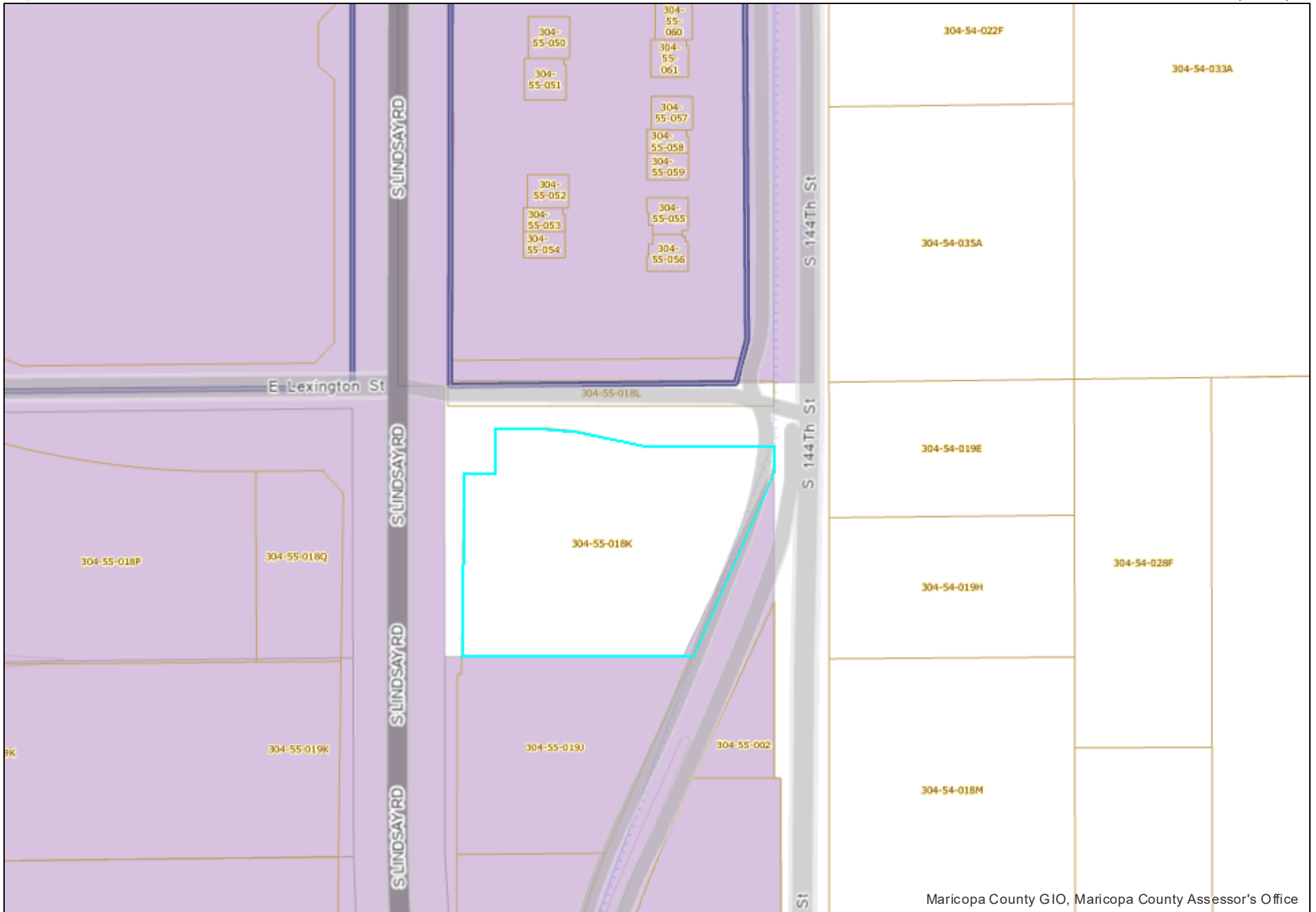
TELEPHONE: 602-230-0600
E-MAIL: hannah@witheyorris.com

Map





Map



**GENERAL PLAN EXHIBIT FOR
14329 E. LEXINGTON STREET**

IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA

A.P.N.: 304-55-461
NRI-RIVULON LLC
ZONING: BUSINESS PARK

A.P.N.: 304-55-072
SAN TAN PV CONDO ASSOCIATION
ZONING: BUSINESS PARK

E. LEXINGTON STREET
N 89°17'09" E 422.34'



N 00°10'11" W 327.67'

S. LINDSAY ROAD

EXISTING GENERAL PLAN: BUSINESS PARK
PROPOSED GENERAL PLAN: GENERAL COMMERCIAL
GROSS AREA: 2.30 ACRES

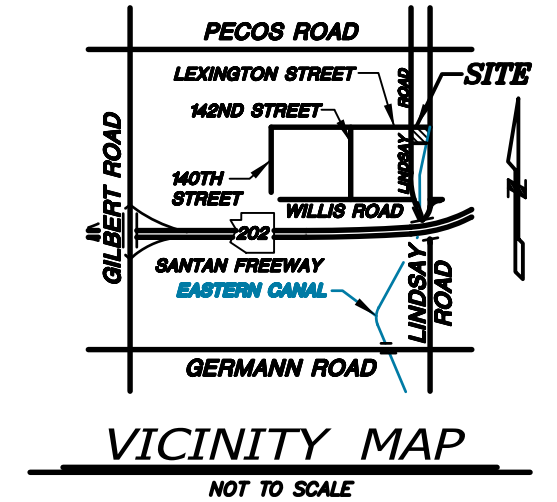
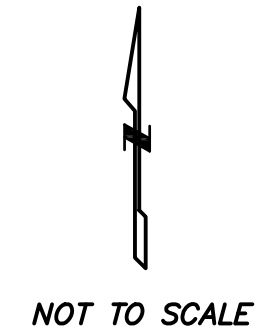
S 20°15'45" W 350.53'
EASTERN CANAL

S 89°13'03" W 299.97'

A.P.N.: 304-55-019E
OPI-LINDSAY 202 LLC
ZONING: BUSINESS PARK

A.P.N.: 304-55-019D
NATIONWIDE REALTY
INVESTORS LTD.
ZONING: BUSINESS PARK

A.P.N.: 304-55-018F
NRI-RIVULON LLC
ZONING: COUNTY RESIDENTIAL



PROJECT TEAM

PROPERTY OWNER
GINA SCHUH REVOCABLE TRUST
14329 E. LEXINGTON STREET
GILBERT, AZ 85297
CONTACT: GINA SCHUH

CONSULTANT
SUPERIOR SURVEYING SERVICES, INC.
2122 W. LONE CACTUS DRIVE, SUITE 11
PHOENIX, AZ 85027
TEL: (623) 869-0223
FAX: (623) 869-0726
CONTACT: DAVID KLEIN

PROJECT DATA

A.P.N.:
CURRENT LAND USE:
EXISTING ZONING:
PROPOSED ZONING:

304-55-018J
RESIDENTIAL
COUNTY RESIDENTIAL RU-43
GENERAL COMMERCIAL

EXISTING GENERAL PLAN:
PROPOSED GENERAL PLAN:

BUSINESS PARK (100%)
GENERAL COMMERCIAL (100%)

GROSS AREA:

±2.30 ACRES

GENERAL PLAN EXHIBIT
14329 E. LEXINGTON STREET
GILBERT, AZ 85297



2122 W. Lone Cactus Dr., Ste. 11
Phoenix, AZ 85027
623-869-0223 (office)
623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

DATE: 1/19/2023

JOB NO.: 190724

**ZONING EXHIBIT FOR
14329 E. LEXINGTON STREET**
IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA

A.P.N.: 304-55-461
NRI-RIVULON LLC
ZONING: BUSINESS PARK

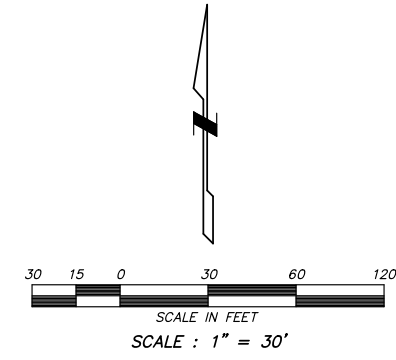
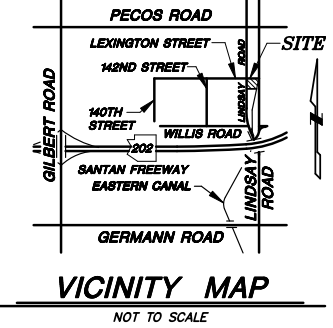
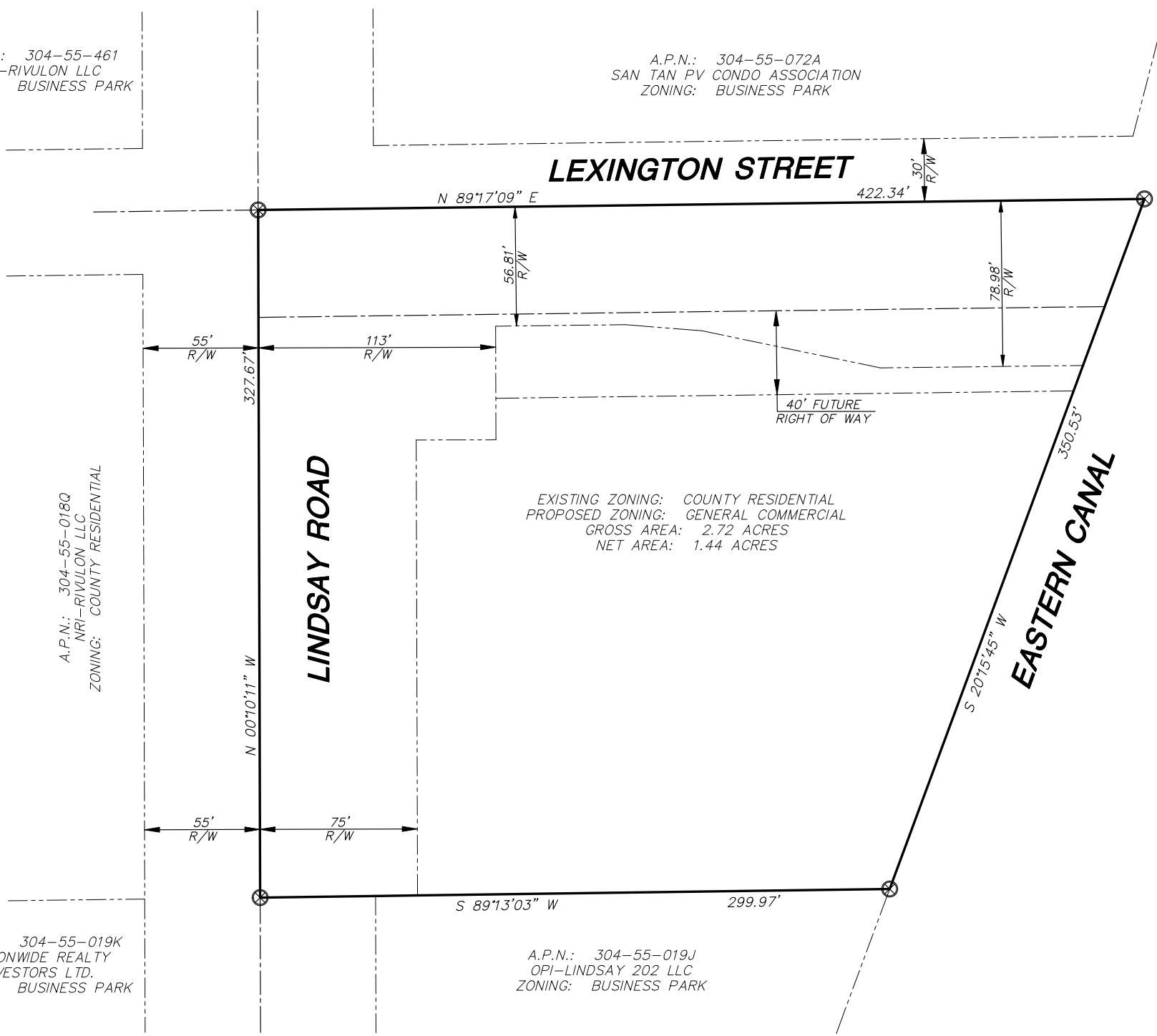
A.P.N.: 304-55-072A
SAN TAN PV CONDO ASSOCIATION
ZONING: BUSINESS PARK

A.P.N.: 304-55-018Q
NRI-RIVULON LLC
ZONING: COUNTY RESIDENTIAL

A.P.N.: 304-55-019K
NATIONWIDE REALTY
INVESTORS LTD.
ZONING: BUSINESS PARK

EXISTING ZONING: COUNTY RESIDENTIAL
PROPOSED ZONING: GENERAL COMMERCIAL
GROSS AREA: 2.72 ACRES
NET AREA: 1.44 ACRES

A.P.N.: 304-55-019J
OPI-LINDSAY 202 LLC
ZONING: BUSINESS PARK



PROJECT TEAM

PROPERTY OWNER GINA SCHUH REVOCABLE TRUST 14329 E. LEXINGTON STREET GILBERT, AZ 85297 CONTACT: GINA SCHUH	CONSULTANT SUPERIOR SURVEYING SERVICES, INC. 2122 W. LONE CACTUS DRIVE, SUITE 11 PHOENIX, AZ 85027 TEL: (623) 869-0223 FAX: (623) 869-0726 CONTACT: DAVID KLEIN
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PROJECT DATA

A.P.N.:	304-55-018K
CURRENT LAND USE:	RESIDENTIAL
EXISTING GENERAL PLAN:	BUSINESS PARK
PROPOSED GENERAL PLAN:	GENERAL COMMERCIAL
EXISTING ZONING:	(COUNTY) RESIDENTIAL RU-43 (100%)
PROPOSED ZONING:	GENERAL COMMERCIAL (100%)
GROSS AREA:	±2.72 ACRES
NET AREA:	±1.44 ACRES

NET AREA IS THE GROSS AREA LESS DEDICATED ROADWAY
ALONG LINDSAY ROAD AND LEXINGTON STREET AND LESS
FUTURE RIGHT OF WAY ALONG LEXINGTON STREET

ZONING EXHIBIT
14329 E. LEXINGTON STREET
GILBERT, AZ 85297

2122 W. Lone Cactus Drive, Suite 11
Phoenix, AZ 85027
623-869-0223 (office) 623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com





PHONE: 602-230-0600

FAX: 602-212-1787

2525 E. Arizona Biltmore Circle, Suite A-212, Phoenix, AZ 85016

**Annexation, Rezone, and GPA
Approx. 2.7 acre located
at 14329 E. Lexington Street (the "Property")**

Project Narrative

A. Request

This firm represents Gina Schuh Revocable Trust (the "Applicant"), regarding its proposed rezoning of the vacant parcel located at 14329 East Lexington Street. The parcel is approximately 2.7 gross acres and is currently in Maricopa County but will be annexed into the Town of Gilbert as a part of this request. The current Maricopa County zoning is RU-43 and the Gilbert general plan designation on the site is BP (Business Park). However, following the annexation the Town of Gilbert will rezone to the most compatible zoning district, which is SF-43. The applicant proposes a rezoning and general plan amendment to General Commercial (GC) to provide additional commercial options to serve the many offices and businesses within the Rivulon development to the west of the site.

B. Project Location

The Property is located at located at 14329 East Lexington Street and is currently vacant. In addition, it is located caddy corner from the Rivulon development.

C. Surrounding Zoning and Uses

The parcel is currently in Maricopa County and zoned RU-43. The current Gilbert General Plan designation is Business Park (BP). However, following the annexation the Town of Gilbert will rezone to the most compatible zoning district, which is SF-43.

To the north is an office complex development zoned Business Park (BP). To the east, across the canal, are single-family home zoned RU-43 and within Maricopa County. To the south is vacant land zoned Business Park (BP). To the west and north across S. Lindsay Road, is a Business Park zoning within the Rivulon development.

Due to the Property's location along a major arterial road, rezoning to neighborhood office entirely compatible with the surrounding uses. The office/design studio use is a low traffic use and creates less impact than the current church operations, particularly on nights and weekends.

D. Proposal

The proposal is simply to rezone the property in order to allow future commercial uses on the site. The site has remained vacant for years with the Business Park

zoning and a C-2 zoned property will allow more ancillary uses to help serve the offices in the Rivulon development.

E. Annexation

The proposed annexation for this site will bring it from Maricopa County into the Town of Gilbert. The following is how this is meeting the requirements for an annexation:

1. The Property is surrounded by the Town of Gilbert property on at least three (3) sides.
2. The size and shape of the parcel are a minimum 200 feet in width at all points; and
3. The annexation of the Property by the Town of Gilbert will not create a County island and all other requirements are met.

As noted above, the annexation proposal meets State Law requirements for the annexation.

F. General Plan Amendment

1. Why is the current classification not suitable?

The Town of Gilbert General Plan Land Use Map identifies the current as Business Park, yet the parcel has remained undeveloped. There are many other business park parcels near the Property that are developed with those uses. This site is small and therefore does not have enough land to compete with the existing office uses. Therefore this site is not appropriate for a business park development; however, is appropriate for a commercial use to support those businesses.

2. How the proposed change is compatible with adjacent properties and other elements of the General Plan.

As noted above, the proposed designations will provide an opportunity for commercial uses that will serve the nearby residents, offices and businesses.

Further, there are goals, policies, and objectives of the General Plan that support the residential use at this location. The following are some excerpted provisions from the General Plan:

GOAL CM-1: Encourage a Balanced Land Use Framework
Ensure the Town maintains a land use framework that supports a highly livable community through the efficient use of land and resources.

The commercial uses proposed will help to bring additional commercial uses that can serve the offices located in the area. In addition, it is appropriately located off of a major arterial roadway.

Goal CM-3: Foster Vibrant Gathering Places

Support placement of compatible commercial uses and community services that integrate access to daily needs into residential neighborhoods.

The proposed use of commercial will provide the surrounding neighborhood and businesses more opportunities for community uses and services that will serve the nearby residents.

3. What unique physical characteristics of the site present opportunities or constraints for the development under the existing classification?

The site is very small, and near a lot of existing offices to the north and within Rivulon. Therefore, this site is not appropriate for a business park use.

4. Explanation on the availability of public utilities and services.

The subject property has services in place and will extend/update utilities as needed to serve the development.

5. What is the proposed fiscal impact of future development based on evaluation of projected revenues and the additional cost of providing public facilities and services to accommodate projected increases or decreases in population?

This location is next to office uses and residential uses that will directly benefit from having commercial uses at these locations. We expect it will have tremendous customer support from the residents living in the area. The proposed development should have no negative impact on existing public facilities and services.

6. How will the proposed amendment affect the ability of the community to sustain the physical and cultural resources, including air quality, water quality, energy, natural and human-made resources necessary to meet the demands of present and future residents?

The proposed amendment does not diminish the ability of the Town to sustain its physical and cultural resources. This development is appropriately located in an existing employment area and at a major freeway on ramp, and near key town employers. Supportive commercial uses are appropriate in this location.