



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
January 3, 2024**

COMMISSION PRESENT:

Noah Mundt, Chairman
Anthony Bianchi, Vice-Chairman
Brian Andersen
Lesley Davis
Lisa Gage
Jän Simon
Louis DeGravina (Alternate)
Thomas Everett (Alternate)

STAFF PRESENT:

Eva Cutro, Planning Manager
Alena Jorquez, Assistant Town Attorney
Kristen Devine, Planner II
Ashlee MacDonald, Principal Planner
Keith Newman, Sr. Planner
Sal DiSanto, Planner I

COUNCIL LIAISON ABSENT

Scott Anderson

COMMISSION ABSENT:

William Fay

PLANNER	CASE	PAGE	VOTE
Keith Newman	DR23-38	8	7-0
Sal DiSanto	GP22-15	10	7-0
Sal DiSanto	Z22-15	10	7-0

CALL TO ORDER OF THE STUDY SESSION

Chair Mundt called the study session of the Planning Commission to order at 5:01 p.m.

STUDY SESSION

1. **GP22-16 LUMBERYARD:** Request for Minor General Plan Amendment to change the land use classification of approximately 8.5 acres generally located east of Neely Street between Cullumber Avenue and the railroad from Industrial (I) to Residential > 25-50 DU/Acre. The effect of this amendment will be to change the plan of development to allow a multi-family residential development. Kristen Devine (480) 503-6742

Z22-16 LUMBERYARD: Request to rezone approximately 8.5 acres generally located east of Neely Street between Cullumber Avenue and the railroad from the Town of Gilbert General Industrial (GI) zoning district to Multi-Family High (MF/H) zoning district with a Planned Area Development overlay zoning district (PAD). The effect of this will be to allow a multi-family

residential development with modified development standards as follows: reduction in open space. Kristen Devine (480) 503-6742

Planner Devine reported that the applicant is proposing to rezone the site to build a multi-family community. The Planning Commission's feedback is required on the proposed general plan amendment, proposed PAD rezoning, and the proposed deviations for open space reduction. The 8.5-acre site is currently classified as industrial. The applicant is proposing a general plan amendment to residential, 25-50 dwelling units per acre. The applicant is also requesting a rezoning from a general industrial to a multi-family high.

The site is located within the long-range planning area in the Heritage District Redevelopment Plan. In that plan, the preferred use of the site is multi-family, park, retention, and transit. The proposed use falls within the preferred land use and will be beneficial to the Heritage District by providing a density of housing within and around the Heritage District, which produces an 18-hour downtown, attracts retail users, and supports the vitality of the district, creating a more sustainable and self-supporting downtown.

The site has a proposed density of 35.3 dwelling units per acre, with a total of 300 units. It will have three buildings: one three-story building will face Neely Street, one four-story building at the back of the site, and one building in the center of the site, which will be four stories. Access to the site will be from Neely Street. Parking is included on-site. Planner Devine noted that the project does not currently include adequate parking, and staff are working with the applicant on this issue.

Planner Devine presented supplemental renderings of the site, which are not to be considered part of the review.

With the rezoning, the applicant is requesting a PAD with two deviations: a parking reduction and a reduction in open space. Planner Devine indicated that a PAD is not an eligible avenue to request a parking deviation, and the applicant has been asked to remove this request from all documents and subsequent submittals. The open space requirement for the project is 40%, and the applicant is requesting a reduction to 36%.

Planner Devine reported that multiple neighborhood meetings were held in 2023, and resident concerns included issues such as density, parking, and proximity to neighboring industrial uses.

This proposal was presented at the Redevelopment Commission study session on December 20, 2023. The Redevelopment Commission's feedback included concerns about inadequate parking, support for the three-story street front building, and a recommendation to potentially allow the use of rooftop amenities to support the open space requirements.

After the Redevelopment Commission study session, staff held a follow-up meeting with the applicant. The applicant proposed two options for modifications to meet the onsite parking requirements. Both options require a reduction in density and open space and an increase in the acreage of the site. Staff continue to work with the applicant on a path forward.

Planner Devine concluded the presentation, and the floor was opened for questions and comments.

COMMISSION QUESTIONS/COMMENTS

Commissioner Simon asked whether rooftop amenities are being considered as a means of meeting open space requirements. Planner Devine confirmed that this is the case. Commissioner Simon supported a reduction in the open space requirement to ensure adequate parking and noted that, in areas where density is desired, this may be an acceptable trade-off. He also supported the inclusion of rooftop amenities but was concerned about setting an undesired precedent in using rooftop amenities as a means of meeting open space requirements. In closing, Commissioner Simon noted no other issues with the proposed requests.

Vice Chair Bianchi agreed with Commissioner Simon's comments regarding open space. He understands the reasons that a reduction in open space has been proposed and recommended caution in setting a precedent regarding the use of amenities to support open space requirements. Overall, he supported the proposal.

Vice Chair Bianchi asked whether the proposed site is intended to be gated and noted that staff can continue working through the process to determine whether it might be an issue.

In response to a question from Vice Chair Bianchi, Planner Devine also confirmed that the classification of the site would remain the same including the proposed density and unit reductions.

Vice Chair Bianchi requested additional information about how the site amenities would be tied into the Heritage District amenities and how site users would access the Heritage District amenities.

Commissioner Andersen expressed support for the open space deviation due to the location of the site in the downtown Heritage District, where a dense urban environment is desired. He noted that past projects in the Town of Gilbert allowed the use of rooftop amenities to meet open space requirements. In addition, these types of projects provide many internal amenity areas.

Commissioner Andersen asked when the land development code regarding parking was presented to the Planning Commission and whether the Commission's recommendations regarding residential parking have been presented to council. Planner Devine reported that the recommendations will be presented to Town Council on January 9, 2024, and will include the Planning Commission's recommendation that any requests for reduction to residential would be through a use permit that would be presented to the Planning Commission for consideration.

Commissioner Andersen stated that he would not support the proposed deviations to parking through the PAD and the applicant's request must be submitted through the use permit process.

Commissioner Davis remarked that the site is isolated and inaccessible from the downtown area, although the bridge on the north side of the site provides a pedestrian access point. For these

reasons, she supported both the need to ensure adequate parking is provided onsite and the use of rooftop amenities to meet the open space requirements.

Commissioner Davis noted the importance of an adequate buffer due to the site's proximity to industrial land uses. She noted that properties with intense industrial uses are located to the south of the proposed site and since they are individually owned, their industrial use is unlikely to change. Planner Devine noted that the Town of Gilbert is planning to construct a ten-acre retention basin adjacent to the site.

Commissioner Simon asked whether the Town of Gilbert has an agreement to purchase the retention basin site and if so, whether the engineers have reviewed the site and determined the appropriate size of the basin. He wondered whether this area might provide the applicant with some additional space for parking and open space. Planner Devine reported that the development of the retention basin is in the early stages, ten acres are required for 100 years of retention, no designs have been developed to date and the economic department is leading this project. She also noted that Council has approved the purchase of the ten-acre lot with an option to purchase an additional eight acres.

Commissioner Simon asked whether the retention basin would be included in the watershed and run-off plans. Planner Devine did not have a response at this time.

In closing, Chair Mundt stated that parking is more important than the proposed open space deviation. Due to the path of the future boardwalk through the Heritage District, the site is tied into its surroundings. Despite some reservations about rooftop green space, Chair Mundt indicated that a small variation on open space would be reasonable since the retention basin is nearby. He encouraged staff to ensure that the parking requirements are met.

2. 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 Road, and zoned Heritage Village Center (HVC) PAD with a Planned Area Development overlay. The effect of this amendment will be to modify the approved development plan and conditions of approval. Ashlee MacDonald (480) 503-6748

Planner MacDonald presented an overview of the request. She reported that the PAD for this project was originally approved in January 2022 and the design review and use permits were approved in February 2022. The applicant is currently requesting an amendment to Ordinance No. 2814 to amend the development plan to allow the development to be built in phases, including two construction phases instead of a single phase, as previously approved. The effect of this amendment will be to modify the approved development plan and conditions for approval.

Planner MacDonald reviewed the original project. It is a mixed-use development with nine buildings, including multi-family dwellings hotel, office and retail space, parking garages, commons open space, water tower way (previously known as the paseo), and improvements to the western power line trail.

The project was intended to be built in one phase. Due to market conditions, the applicant is proposing a multi-phased approach. Phase one would include the multi-family building, north garage, buildings 3, 5, 6, and 9, commons open space, water tower way, offsite improvements, and some temporary surface parking. The applicant proposes to defer the development of the hotel to phase two depending on whether a hotel user is identified. The second phase would also include the installation of the south garage and the office building. Deferral of the construction of the parking garage would require the creation of a temporary surface parking lot. Planner MacDonald stated that the new development plan would include phase one, the temporary surface parking lot and temporary fences around the deferred areas. The second phase would include the development of the remainder of the site including the hotel, buildings 4 and 7, and the south parking garage.

The applicant would also like to modify the condition that they do not charge, impose, or collect any fees, tolls, or costs for the use of parking spaces on the property. The applicant proposed charging residents for reserved parking and charging employees for reserved parking in the office building. In phase 1, the applicant is also proposing that no more than 500 spaces be reserved for hotel guests or multi-family residence, and a minimum of 200 public parking spaces be provided free of charge. Upon completion of phase 2, the entirety of the project shall have no more than 990 spaces reserved for office employees, hotel guests or multi-family residents and there shall be a minimum of 300 public parking spaces provided free of charge. Planner MacDonald emphasized that this wording was provided by the applicant, the staff is reviewing and evaluating it, and the language will change. Further information is required from the applicant before staff can verify the adequacy of the request. Staff are also suggesting the inclusion of language to limit the reservation of certain parking spaces during certain hours (e.g., during the week to ensure spaces are free on weekends).

Planner MacDonald stated that staff will continue to work with the applicant on the parking requirements and any new conditions relevant to phasing. Staff will also evaluate whether any new conditions need to be added (e.g., enhanced construction fencing) to accommodate the inclusion of construction phases.

Planner MacDonald reported that the PAD amendment would be presented to the Redevelopment Commission, Planning Commission and Town Council. The previously approved design review must be amended before it is presented to the Redevelopment Commission; if approved, it will follow the PAD.

Two use permits were previously approved for a hotel in the Heritage District and to allow ground floor residential. These permits will be presented to the Planning Commission for approval so they do not expire before project completion.

Planner MacDonald concluded the presentation, and the floor was opened for questions and comments.

COMMISSION QUESTIONS/COMMENTS

Commissioner DeGravina noted the number of pending multi-family developments and asked whether staff monitor housing unit types to ensure that the proportion of multi-family units and

single-family units is appropriate and the town is affordable for a range of families. Planner MacDonald confirmed that housing unit percentages are tracked. She indicated that in December 2023, 12% of the residential units were multi-family. This information is regularly presented to the Town Council. She also noted that her department works closely with the economic development department when properties are rezoned to ensure the Town's needs are met. Chair Mundt also pointed out that 12% is low for a suburban area, and in the surrounding areas such as Chandler and Mesa, the proportion of multi-family units is higher.

Vice Chair Bianchi sought clarification as to whether the Town's development agreement provides for phased construction. Planner MacDonald confirmed that in October 2023, the Town Council agreed to amend the development schedule to allow for phasing.

Vice Chair Bianchi asked whether the hotel could be built in phase one. Planner MacDonald reported that the developer is looking for a hotel operator, and if they find one, the hotel will be included in the first phase of development.

Vice Chair Bianchi expressed concern with the proposed parking deficit and the potential for the site to be developed in a disjointed manner.

Commissioner Simon asked whether the site's parking needs would be met if phasing was allowed and construction of the second parking garage was delayed. Planner MacDonald replied that staff will evaluate the design of the surface parking to ensure the site's parking requirements are met when the design review is submitted. During construction, there might be a deficit and staff will continue to work with the applicant on this issue.

Commission Andersen asked how the applicant is planning to ensure adequate parking. Planner MacDonald explained that the north garage is meant to provide parking for the multi-family component of the site. She noted that there were excess spaces in the garage that were to be allocated to the hotel. As part of the new phase, the excess spaces would be used to meet retail and hotel needs. The south garage would meet most of the remaining requirements. She also noted that the original approval of the project included an AUP allowing a reduction in parking based on a captive adjustment. There are also surface parking spaces along the street. Staff need more information from the design review application to determine how parking will be handled during project phasing.

Commissioner Andersen asked whether the parking needs of the broader Heritage District are being considered.

Planner MacDonald replied that the Town's economic development group conducted a parking study of the Heritage District to determine the needs of the broader area. She noted that the use of parking spaces in Town garages by applicants is tracked. In this case, the applicant is required to meet all parking needs on-site.

Planner MacDonald stated that the site is owned by LGE.

Chair Mundt pointed to a potential land rights issue regarding the potential responsibility of the new landowner to continue to provide current on-site parking. He supported the idea that the

development should continue to provide the free parking that is currently provided. Chair Mundt stated that the proposed phasing is reasonable and highlighted the need to ensure that the phasing is completed in a way that meets parking needs.

3. DISCUSSION OF REGULAR MEETING AGENDA

Chair Mundt reported that there were no public members in attendance. Chair Mundt reviewed the meeting agenda, and no changes were requested.

ADJOURN STUDY SESSION

Chair Mundt adjourned the Study Session at 5:36 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Mundt called the January 3, 2024, Regular Meeting of the Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Mundt led the Pledge of Allegiance.

ROLL CALL

A roll call was conducted, and it was confirmed that quorum was present.

4. APPROVAL OF AGENDA

Chair Mundt called for a motion to approve the agenda.

MOTION: Vice Chair Bianchi moved to approve the agenda of the January 3, 2024, meeting of the Planning Commission, as presented, seconded by Commissioner Simon. **Motion passed 7-0.**

COMMUNICATIONS

5. 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 comments from citizens.

6. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

No report from the Council Liaison on current events was heard.

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 the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

7. DR23-38 THE GILMORE: Site plan, landscaping, elevations, floor plans, lighting, colors and materials, and design guidelines for approximately 40 acres, generally located at the northwest corner of Val Vista Drive and Germann Road and zoned Regional Commercial (RC) and Multi-Family/High with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812

MOTION: Commissioner Simon moved to approve the consent item, DR23-38 THE GILMORE, as stated, seconded by Vice Chair Bianchi. **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 in 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.

Chair Mundt reported that the following two items would be discussed as one agenda item.

8. GP22-15 SEC LINDSAY ROAD AND LEXINGTON STREET: 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. Sal DiSanto (480) 503-6759

AND

9. Z22-15 SEC LINDSAY ROAD AND LEXINGTON STREET: Request to rezone approx. 2.7 acres generally located 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. Sal DiSanto (480) 503-6759

Planner DiSanto presented an overview of the site. The subject site is approximately 2.7 acres and is located at the southeast corner of Lindsay Road and Lexington Street. The site is being

reviewed with a concurrent application for an annexation, which is to be heard by the Town Council on January 23, 2024, for a final decision.

The request is for a minor general plan amendment from General Office to General Commercial and for a rezone to General Commercial. The general plan exhibit outlines the boundaries of the property and lays out the proposed general plan designation. Staff believes that this is appropriate land use since the General Commercial designation would allow the generation of commercial uses that will assist the surrounding residential and business park areas.

The zoning exhibit shows that the property is currently zoned Maricopa County RU-43, which will become SF-43 through the annexation process, and the proposal is to rezone to General Commercial. The intention of the proposed change is to provide neighboring employment and residences with new commercial opportunities.

Planner DiSanto reported that this is a conventional rezoning and general plan request without a proposed PAD, and anything developed on the site would follow the development regulations set out in the LDC for the general commercial zoning district.

A neighborhood meeting was held on March 25, 2022. It was attended by four community members who expressed general curiosity about potential development in the area and concern about potential noise, odor, and lighting impacts.

Planner DiSanto noted that the report provided to the Planning Commission before the meeting included three conditions. After review, staff recommended removing condition c) from the report. Staff recommends that the Planning Commission recommend approval to the Town Council for GP22-15 and Z22-15, subject to the conditions in the staff report and the removal of condition c).

COMMISSION QUESTIONS/COMMENTS

Vice Chair Bianchi asked for an explanation of the types of uses that might be applied if the site were rezoned. Planner DiSanto replied that commercial uses such as a gas station, quick service restaurant, or regular restaurant might be built on the site with the intent of providing some commercial options for the residences to the east and the business park to the west of the site.

Vice Chair Bianchi was concerned about the potential negative impact on the land parcels to the south and wondered if there would be any opportunity for shared access off Lindsay Road for future development. Planner DiSanto noted that shared access from Lindsay Road to the south property has been discussed. Staff believes that a General Commercial designation would provide development options. There may also be opportunities to rezone the south lot as a General Commercial or for small-scale office development in the future. Chair Mundt asked whether one owner owns both parcels of land. Planner DiSanto will verify the owners and report back to the Commission.

Commissioner Simon noted that the aerial map in the presentation was not provided in the staff report. The map clearly illustrates the misalignment of Rivulon Boulevard with Lexington Road,

and Commissioner Simon wondered if this would pose any future issues. Planner DiSanto indicated that the proposed condition b) for a 40-foot right-of-way dedication would help align Rivulon Boulevard and Lexington Road as traffic flows east to west.

Commissioner Simon asked whether condition c) was removed at the request of staff or the applicant's request and will its removal affect the Town's ability to purchase the land from the developer in the future. Planner DiSanto replied that the decision was made after staff conversed with the applicant. He noted that condition a) mentions the 40-foot-right-of-way dedication while condition c) refers to the Town's request to purchase an extra 22 feet in the future. The alignment of Rivulon and Lexington will be possible under condition a) so condition c) is no longer required.

REPORT FROM THE DEVELOPER

Adam Baugh, Withey Morris Baugh introduced themselves and their colleagues, Gina Schuh and Hannah Blean. He thanked the staff for helping them work through the issues for the amendment requests.

Mr. Baugh presented a map showing the site in relation to the surrounding area and noted that the property has a different consideration today due to the addition of the offramp at Lindsay Road. The ramp provides more opportunities for office users in the area, and changing the designation of this property would benefit Rivulon businesses and guests, the commercial offices to the north, and arterial traffic going to and from the freeway ramps.

He noted that there is an existing right of way dedicated to the office buildings to the north, and there is a property owned by Gina Schuh that has some improvements in it that were not conveyed to the Town, which his team is sharing with staff.

Mr. Baugh presented a map showing Gina Schuh's property, the property in question, the right of way that was acquired by the Town of Gilbert and established in 2019-2020, the area where an additional 40-foot dedication is required (condition a), the area where the Town was considering requesting the reservation of an additional 22 feet dedication for future purposes (condition c) and the building envelope that is left once all setbacks are included. He pointed out that the drainage easements and the setbacks could be considered to ensure a more adequate building envelope. The removal of condition c) allows the building envelope to move closer to the street. He was pleased that staff are willing to discuss setback variances in the future.

Overall, Mr. Baugh stated that there is sufficient space on the property to construct a commercial use. However, Mr. Baugh expressed concern that such a small property is required to absorb so much of the right-of-way dedication and recommended consideration of other solutions such as using a mix of dedication and easement to create the necessary alignment. He stated that with staff commitment to work together in the spirit of compromise, he is comfortable moving forward with the proposal as stated.

COMMISSION QUESTIONS/COMMENTS

Commissioner Davis sought clarification on whether the property to the south of this property is residential or a business park and wondered about access. Mr. Baugh replied that there is a desire to provide cross-access between the two properties to facilitate more commercial opportunities to the south. Commissioner Davis agreed that cross-access is desirable and suggested that when the developer comes for a site plan, cross-access should be included.

Commissioner Andersen asked Mr. Baugh why he was not seeking any deviations on the setbacks. Mr. Baugh replied that the application was launched five years ago by a different applicant who backed out. Since that time, other applicants have also backed out. Currently, there is no specific user for the property; one will be identified after the zoning has been changed.

Commissioner Gage asked Mr. Baugh for confirmation that he agrees with the proposal as it has been presented and with the removal of condition c). Mr. Baugh agreed and noted that the current working relationship with staff is a benefit for moving forward cooperatively. Commissioner Gage thanked the staff for working with the developer on this project.

Chair Mundt confirmed that there were no comment cards and no one from the public who wished to speak, and he closed the public session.

MOTION: Commissioner Gage moved to approve the non-consent item GP22-15, SEC LINDSAY ROAD, AND LEXINGTON STREET, seconded by Commission Simon. **Motion passed 7-0.**

MOTION: Commissioner Gage moved to approve the non-consent item Z22-15, SEC LINDSAY ROAD, AND LEXINGTON STREET, seconded by Commission Simon. **Motion passed 7-0.**

10. ADMINISTRATIVE ITEMS

Administrative Items are for the Commission discussion and action. It is at the discretion of the majority of the Commission 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 may or may not accept public comment.

There were no administrative items.

COMMUNICATIONS

11. **EXECUTIVE SESSION:** The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S.§38-431.03.A.3.

An Executive Session was not required at this meeting.

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

There were no reports from the Chairman or members of the Commission on current events.

13. REPORT FROM THE PLANNING SERVICES MANAGER ON CURRENT EVENTS

Eva Cutro, Planning Manager, reported that interviews will be held to fill the vacant planner position.

ADJOURNMENT

Chair Mundt called for a motion to adjourn the meeting.

MOTION: Commissioner Simon moved to adjourn the meeting, seconded by Vice-Chair Bianchi.
Motion passed 6-0, with one abstention.

The meeting was adjourned at 6:18 p.m.

Noah Mundt, Chair

ATTEST:

Tracey Asher