



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
December 6, 2023**

COMMISSION PRESENT:

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

STAFF PRESENT:

Eva Cutro, Planning Manager
Ashlee MacDonald, Principal Planner
Keith Newman, Senior Planner
Alena Jorquez, Assistant Town Attorney

COMMISSION ABSENT:

Lesley Davis

COUNCIL LIAISON:

Scott Anderson

PLANNER	CASE	PAGE	VOTE
Ashlee MacDonald	Z23-06	7	6-1

CALL TO ORDER OF THE STUDY SESSION

Chair Mundt called the December 6, 2023, Study Session to order at 5:00 pm.

STUDY SESSION

1. Heritage District Wayfinding and Place Marketing Plan (Discussion only: no action)

Nicole Morgan from Multistudio presented the Wayfinding and Place Marketing Plan for the Heritage District. The project aims to capture the district's character, improve wayfinding, and balance modern and historical aspects. Extensive research was conducted through interviews, surveys, and stakeholder engagement. The main challenges identified were finding parking availability, defining the area as more than just downtown Gilbert, and keeping people in the district to discover new businesses. The design concept is centered around "cultivating character" by celebrating the district's history and diversity.

Icons representing three distinct landmarks (canal, water tower, railway) are used for navigation purposes while telling their unique stories. A unifying mark with an offset H represents the entire heritage district. A modular sign system has been created to provide flexibility in future changes or replacements of panels without replacing entire signs. Color choices are based on durability

against fading, with strategic use of colors to guide people toward service amenities like parking and restrooms. An existing banner structure along Gilbert Road will be utilized to promote vibrancy within the district while allowing for changeable promotional content or public art displays.

The planner discussed the subtlety of the patterns in the laser-cut metal panels and their lighting options. She mentioned an arrival moment that spans Gilbert Road and is inspired by a historical precedent. The project impact covers the entire heritage district, not just Gilbert Road between Vaughn and Paige. The project is being developed and budgeted in two phases, with Phase One addressing the primary objectives that arose from the survey, including parking, movement, and wayfinding within the district. The Phase Two will focus on place marketing and design. The next steps include confirming location plans for the Phase One signage and wayfinding pieces. The project deliverables include a guidelines document for the branding elements that have been created, a design intent document, and drawing set.

COMMISSION QUESTIONS/COMMENTS

Vice-Chair Bianchi asked why the H is offset in the unifying mark. Nicole Morgan replied that it is a design choice intended to convey movement. Vice Chairman Bianchi commented that this project will help bring interest to the district.

2. DR23-120 Voltera Commercial EV Charging Facility: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting and color & materials for approximately .72 acres, generally located at the northeast corner of Guadalupe Rd. and Acacia Dr. and zoned Light Industrial (LI). Keith Newman (480) 503-6812.

The Volterra site is located on Acacia Drive, off Guadalupe Road, between Cooper and McQueen, on Lot #18 of the Fiesta Ranch Commerce Park. This is one of the final parcels to be developed in the park. Planner Newman is seeking input on the applicant's proposed building elevations, and discussing moving forward with the construction documents at risk.

The applicant is proposing a plain prefabricated building. On first review, the staff commented that this building does not look like a permanent structure, and currently does not meet the employment design guidelines. A site-built building with visual design elements that align with buildings within and surrounding the park is required. Planner Newman has met with the applicant, who is currently working to improve the building's design.

COMMISSION QUESTIONS/COMMENTS

Commissioner Anderson stated that he had no objections to the proposed design, as the building is small and not highly occupiable, but was interested to see the applicant's revised design. Commissioner Anderson asked about the location and position of the refuse enclosure, as it would require refuse trucks to drive around the site. Planner Newman stated that during the site design process, the applicant contacted the sanitation department about placing the refuse enclosure, and the present site was selected. The applicant is working with the sanitation department to potentially find a different location for the refuse enclosure or determine if a refuse enclosure is needed on site, given the building's small size. Commissioner Anderson noted that the risk lies with the applicant.

Commissioner Simon asked if the charging station's spaces were dedicated to a specific corporation, or if they were intended for lease. Planner Newman replied that he believed they were intended for commercial fleet vehicles, but could not confirm the information, and that the applicant would be able to answer this question if necessary. Commissioner Simon replied that the question was not necessary. Commissioner Simon stated that he had no objections to the building's design, given that it will be hidden within the park, and noted perhaps a site build is not necessary. Commissioner Simon added that he also questioned the refuse enclosure's location but had no other issues with the construction documents at risk at this time.

Commissioner Everett asked for clarification about how many vehicles will be occupying the charging station, if there will be vehicles waiting to charge, and if so, where they will wait. Commissioner Everett added that he did not object to moving forward with the construction documents at risk.

Commissioner Gage stated that she also did not object to the proposed building's design but requested that the air conditioners be moved down if possible and that they be properly screened. She stated she is fine with the proposal as there really won't be many people using the building.

Commissioner Fay stated that he did not object to the construction documents at risk or the proposed building's design. Commissioner Fay noted that the building's layout suggests it will be utilized as a waiting room for drivers who are charging their vehicles, and not for its stated purpose as an employee-only building. Commissioner Fay asked if this would change the building's classification if true. Planner Newman replied that he will ask the applicant for more information about how the building will be used prior to it being presented for final consideration.

Vice-Chairman Bianchi asked if the industrial park has an owner's association that dictates design standards for landscaping or the design of the buildings in the park. Planner Newman replied that he would investigate this, however they are required to meet Town landscape requirements and Employment Design Guidelines. Vice-Chairman Bianchi added that he doesn't have an issue with the applicant proceeding forward with CD's at Risk.

Chairman Mundt asked what level the EV chargers are, which determines the charging speed. He stated that drivers will need to wait in the building or utilize a shuttle service while their vehicles are charging, and asked Planner Newman to clarify this with the applicant, as the site does not have any other parking spots. He added that an EV charging station is very much needed in the area. It fits the area and is a much-needed service.

3. DISCUSSION OF REGULAR MEETING AGENDA

The Regular Meeting Agenda was discussed, including continuance of Items 9 and 10, and consent to approve Items 8 and 12. Planning Manager Eva Cutro stated that, to her knowledge, no members of the public wished to speak on Item 8.

ADJOURN STUDY SESSION

Chair Mundt adjourned the Study Session at 5:40 pm.

CALL TO ORDER OF REGULAR MEETING

Chair Mundt called the December 7, 2023, Regular Meeting of the Planning Commission to order at 6:00 pm.

PLEDGE OF ALLEGIANCE

Chair Mundt led the Pledge of Allegiance.

ROLL CALL

Planning Manager Cutro called roll and determined that a quorum was present.

4. APPROVAL OF AGENDA

Chair Mundt called for a motion to approve the agenda.

MOTION: Vice Chair Bianchi moved to amend the agenda, keeping Item 7 on consent, and moving Items 8, 9, 10 and 12 to consent 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

Councilmember Andersen stated he had nothing specific to report and wished happy holidays to all.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission 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 shall then withdraw the item from the public hearing consent calendar for public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

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

Staff Recommendation

1. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the December 6, 2023, public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Monument signage must be submitted for final approval through a Comprehensive Sign Plan application.
4. The installation of perimeter landscaping along Val Vista Dr., Melrose St. and along the western and northern boundaries must be installed prior to the issuance of the first certificate of occupancy for the first building that is constructed.
5. A cross access easement agreement for access to the phase 2 property to the north of Panda Express shall be submitted as part of the construction drawing submittal.
6. Prior to submitting construction drawings, the applicant is required to submit revised elevations to the Planning Department for review and approval addressing all comments issued on October 25, 2023, regarding the proposed monument sign and drive-through menu board.
7. All remaining Engineering comments on the Grading, Drainage and Utility Plans issued to the applicant on November 30, 2023 must be addressed during the review of the construction permits. Any changes to the attached exhibits will require the approval of an Administrative Design Review application.

8. DR23-86 FUTURE RETAIL 2: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.1 acres, generally located north of the northwest corner of Higley Road and Williams Field Road, and zoned Shopping Center (SC). Samantha Novotny (480) 503-6602.

Staff Recommendation:

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the December 6, 2023, public hearing.

- b. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
- c. Signage is not included in this approval. Prior to submission of sign permits, approval of a Comprehensive Sign Plan shall be created to establish sign design standards and coordination of multiple uses.
- d. If this project has been approved by the Planning Commission to provide and install an outdoor dining/seating/patio area, and prior to or during construction, deletion/removal of this area is warranted, the area shall be landscaped to maintain the integrity of the project. A revised site plan must be submitted to Planning for review and approval.
- e. A final plat shall be submitted at the time of construction drawing submittal for town approval of lots created through Maricopa County.
- f. A Property Owners Association (POA) shall be established prior to permit issuance for the initial phase of development to maintain and operate all landscaping, open space, recreation facilities, private streets, private sidewalks, parking area, utilities, and/or other facilities.

9. 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. Sal DiSanto (480) 503-6759. Continue to January 3, 2023

10. 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. Sal DiSanto (480) 503-6759. Continue to January 3, 2023

12. Z23-10-A LDC TEXT AMENDMENT: Amendment to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations; Section 3.4.3 General Commercial landscape area; Section 3.4.4 Regional Commercial Landscaping %; Section 3.7.4 General Industrial front setback; Section 5.1.15 Marijuana Facilities; and, Section 6.7.2 Initiation of Amendments. The effect of the amendment will be to clarify the Code, address specific applicant concerns, and address scrivener's errors. Eva Cutro (480) 503-6782.

Staff Recommendation:

For the reasons set forth in the staff report, staff requests that Planning Commission move to recommend to the Town Council approval of Z23-10 an LDC Text Amendment to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Section 3 Base Zoning Districts and Use Regulations, Subsection 3.4.4 Commercial Development Regulations; Subsection 3.7.4

Employment Development Regulations; Section 5 Additional Use and Site Regulations; Subsection 5.1.15 Marijuana Facilities; and Section 6 Administrations; Subsection 6.7.2 Initiation of Amendments; and 6.7.3 Procedures, related to clarifying and technical changes, initiation of amendments, and Marijuana Facilities. The effect of the amendment will be to clarify the Code, address specific applicant concerns, and address scrivener's errors.

Chair Mundt called for a motion to approve the consent item agenda.

MOTION: Commissioner Simon moved to approve the consent item agenda, including Item Seven, the continuance of Items Nine and Ten, and consent to approve Items Eight and Twelve, seconded by Commissioner Fay. **Motion passed 7-0.**

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and acted upon by the Commission by a separate motion. Anyone wishing to comment in support of or in opposition to a Public Hearing item may do so during the Public Hearings. If you wish to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

11. Z23-06 LDC TEXT AMENDMENT - PARKING CODE UPDATE: A text amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Section 2.0 Terms and Section 5.0 Supplemental Regulations, related to the update of parking ordinances including the creation of new parking requirements and additional review procedures. Ashlee MacDonald (480) 503-6748.

STAFF RECOMMENDATION:

- a. Proposed parking reductions between 1% and 10% of the total requirement for off street parking may be approved administratively by the planning manager pursuant to administrative relief.
- b. Proposed parking reductions above 10% and up to 25% of the total requirement for off street parking may be approved by an administrative use permit.
- c. Proposed parking reductions between 25% and 50% require a conditional use permit to be reviewed by the Planning Commission.
- d. Reorganizing the parking ordinance, including: 1) Revision of Scrivener's errors; 2) Deleting parking reduction/deferral from Section 5.3.3, and associated renumbering; 3) Consolidating Sections 5.3.4 (Commercial Vehicle Parking in Residential Districts) and 5.3.5 (Additional Parking on Single Family Residential Lots) into one Section; 4) Renaming Section 5.3.4 Off Street Parking Deferrals and Reductions, to include the new provision and the standards deleted from 5.3.3; 5) Adding the following language to Sections 5.3.4

A – Parking Reductions, and 5.3.4B – Shared Parking: “Any parking reduction approvals shall terminate if the use or uses change.”, to align with language in the deferrals section.

Principal Planner MacDonald stated that five guiding principles from the 2022 parking code report commissioned from Walker Consultants have been identified by staff. These include updating, simplifying, and modernizing the parking requirements and design standards in the Land Development Code, removing parking barriers, creating innovative and flexible parking solutions that can adapt to changing developments, developing new and effective tools that are consistent with other town codes and plans, and streamlining the parking review process. Specific areas of interest identified in the Walker study include parking ratios and parking requirements, design standards for off-street parking areas, opportunities for administrative relief from parking standards for sites with unique use conditions, parking standards for new modes of transportations such as rideshares and EVs, and parking ordinance reorganization. Planning Manager MacDonald stated that administrative relief from parking standards for sites with unique use conditions and parking ordinance reorganization were identified as the key items in Phase One of the parking code update. An administrative reduction option for mixed use projects that share parking was also recommended in the Walker study. The intent is to streamline parking reductions in these specific scenarios. The code outlines minor and major parking study requirements for the parking reduction scenarios.

COMMISSION QUESTIONS/COMMENTS

Commissioner Simon asked if termination of the parking reduction approval applies to existing structures or new developments. Planning Manager MacDonald responded that it applies to any development receiving approval for a parking reduction if the use or uses change. Property owners will be responsible for assuring that tenants comply with the original approval and seek a reevaluation if necessary.

Vice-Chair Bianchi asked if a Prop 207 waiver would still protect the town if parking reductions were requested but not granted at any of the three levels. Alena responded that the Code requires submission of a waiver along with any application for a use permit, which covers the shared parking deferrals under the existing code. She added that under this draft, it does not appear that a waiver would be required for scenarios that do not require an administrative use permit and advised amending the recommendation to include Town Council’s examination.

Vice-Chair Bianchi asked if there is an appeal process if applications for reductions are denied. Planning Manager MacDonald replied that administrative applications can be appealed to the Planning Commission, and the conditional use permit can be appealed to the Town Council.

Vice-Chair Bianchi asked if the proposed changes align with the Walker study’s recommendations and if staff made additions to the recommendations. Planning Manager MacDonald replied that the proposed changes are consistent with Walker’s recommendations and align with best practices in comparable cities; there were additional recommendations that are pending further study and were not included at this time.

Vice-Chair Bianchi asked how staff determine which use cases meet the criteria of unique parking demands. Planning Manager MacDonald replied that applicants must demonstrate their unique situation in their application. Vice Chair Bianchi stated that parking reductions may be

abused, but he is reassured that staff can use their discretion to deny an application or terminate the parking reduction.

Commissioner Fay commented that he is skeptical of parking reductions and is concerned about abuse by developers who are looking to cut costs, as it leaves the city responsible for any resulting traffic issues. He added that he is skeptical that parking reductions would be terminated for use changes once approved. He asked about the process of reserving land for parking deferrals. Planning Manager MacDonald replied that the current code requires developers who receive parking deferrals to demonstrate they have reserved a space for parking if it becomes necessary, but this provision is rarely required.

Commissioner Fay asked if parking reductions are restricted to specific use types, including multifamily. Planning Manager MacDonald replied that parking requirements for multifamily development are typically firm, and that most requests for parking reductions come from warehouses, storage facilities, and medical offices. She added that staff are prepared to give honest feedback to potential applicants, particularly those requesting a large reduction. Commissioner Fay stated that, in his opinion, the current multifamily parking requirements are inadequate; he is concerned this process will be abused by multifamily developers.

Chair Mundt asked how staff will test which applicants meet the requirements for a parking reduction, particularly large reductions of up to 50%. Planning Manager MacDonald replied that reductions at this level require a major parking study, including an evaluation of similar sites. She added that the current code allows for parking reductions of up to 50%, which informed the proposed cap, and that small sites such as infills with low parking requirements will have a higher percentage of reductions. The intent is to allow these sites to see an impact from the possible reduction. Chair Mundt asked about the mechanism for reversing parking deferrals, should additional parking be required. Planning Manager MacDonald replied that complaints about parking overflow could trigger a conversation with the owner about utilizing deferred parking spaces.

Commissioner Anderson noted that the use permit for reductions up to 50% requires approval from the Planning Commission, which provides an added layer of security guarding against abuse.

Commissioner Everett asked if grading and drainage are considered in the case of deferred parking, and how stormwater is accommodated if the parking is increased. Planning Manager MacDonald replied that in the past, applicants have been required to submit revised plans to ensure they are meeting these requirements.

Vice-Chair Bianchi remarked that some cities with dense population areas are considering removing parking requirements entirely, but Gilbert is not equipped for that. Planning Manager MacDonald replied that removing parking requirements may be suitable for cities with mass transit, but this is not being considered in Gilbert. Vice Chair Bianchi asked for more information about the administrative use permit. Planning Manager MacDonald described the submission

and review process, which includes engineering and traffic review, and public notification and review of feedback prior to a decision being issued. The decision may be appealed.

Vice-Chair Bianchi asked if the other Commissioners are comfortable with the parking reduction percentages in each category. Chair Mundt closed the public hearing for discussion.

Changes to the wording were made. "Proposed reductions between 1% and 10% of the total requirement for off street parking for nonresidential development may be approved administratively by the planning manager pursuant to administrative relief. Proposed reductions above 10% and up to 25% of the total requirement for nonresidential development may be approved by an administrative use permit. Nonresidential reductions between 25% and 50%, and all residential reductions, require a conditional use permit to be reviewed by the Planning Commission."

Chair Mundt called for a motion to approve item Z23-06.

MOTION: Commissioner Simon moved to approve Item Z23-06, with the following modifications: all residential reductions will require a conditional use permit and Prop 207; any parking reduction approval shall terminate if the use or uses changes to 505.3.4A and B, seconded by Commissioner Fay. **Motion passed 6-1.**

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.

13. PLANNING COMMISSION MINUTES: Consider approval of the minutes of the Study Session & Regular Meetings of November 1, 2023.

MOTION: Vice-Chair Bianchi moved to approve the Planning Commission Minutes from the meeting held on November 1, 2023 with an amendment to Study Session Item 2, stating that the Commission moved to initiate the amendment, and no one was requested to speak as it was a citizen's review, seconded by Commissioner Simon. **Motion passed 7-0.**

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.

No Executive Session was required at this meeting.

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

There was no Report from the Chairman and Members of the Commission on current events required at this meeting.

13. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

There was no report from Planning Manager Cutro on current events required at this meeting.

ADJOURNMENT

Chair Mundt called for a motion to adjourn the meeting.

MOTION: Vice-Chair Bianchi moved to adjourn the meeting, seconded by Commissioner Everett. **Motion passed 7-0.**

The meeting was adjourned at 6:57 pm.

Noah Mundt, Chairman

ATTEST:

Tracey Asher