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Planning Commission Staff Report

TO: PLANNING COMMISSION

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

THROUGH: EVA CUTRO, AICP, PLANNING MANAGER *EC*
480) 503-6782, EVA.CUTRO@GILBERTAZ.GOV

MEETING DATE: MARCH 6, 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

For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z23-08, Heritage North, as requested, subject to conditions.

APPLICANT/OWNER

Company Withey Morris Baugh, PLC for LGE Design Build

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.
<i>January 17, 2024</i>	Redevelopment Commission recommended approval of Z23-08 a PAD amendment for Heritage North

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.

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 public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 6.2.6.

Staff has received one phone call from a nearby business owner who expressed concern over the installation of a median in Gilbert Road as part of the proposed project. Staff shared with this business owner that the Gilbert Road improvements were part of the original approval, and not under the purview of the current application.

Redevelopment Commission Study Session

At the Redevelopment Commission Study Session, the Commission asked:

- Will the proposed temporary parking lot be surfaced with asphalt?
Following the study session, a Design Review submittal was made and staff has been able to verify that the applicant is proposing asphalt for the surface parking lot. Final details will be part of the design review process
- What is the timeframe between the end of phase one and the beginning of phase 2?
The revised development agreement set a schedule of development that included completion of phase 1 retail no later than March 2026 and completion of the multifamily no later than September 2026. The schedule proposes the start of construction of phase 2 as December 2025 with completion of phase 2 by December 2027. In conversations with the applicant, staff has expressed a need to better understand the phase 2 construction schedule to ensure parking needs are met through the construction phase. This will be part of the Design Review application.
- Was the west side of building 7 considered for the temporary phase 1 parking?
With submittal of the Design Review application, staff has been able to verify that parking needed for phase 1 can be met through the temporary lot at the southwest portion of the site, and additional overflow is not needed. However, staff is still working through the details of parking needs during the construction of the garage, and it is anticipated that parking will need to be moved during garage construction.

- Does the request of parking modifications align with the original parking study?
The parking for phase one is in alignment with the parking ratios approved with the original parking study. There were no reductions proposed or granted for residential parking.

Planning Commission Study Session

- Does the Town’s development agreement provide for phased construction?
In October 2023, the Town Council agreed to amend the development schedule to allow for phasing.
- Concern was shared regarding the proposed parking deficit and the potential for the site to be developed in a disjointed manner.
There is a condition of approval that has been added to this case that requires the applicant to submit a plan as part of the Design Review identifying how parking will be accommodated during construction of phase 2.
- Will the site’s parking needs be met if phasing is allowed and construction of the second parking garage is delayed?
Since the study session, a Design Review application has been submitted and it has been verified that phase 1 parking can be accommodated with the surface lot. During construction, there might be a deficit and staff will continue to work with the applicant on this issue. The residential garage provides sufficient parking for the multi-family units with additional parking excess.
- Are the parking needs of the broader Heritage District being considered?
The Town’s Office of Economic Development conducted a parking study of the Heritage District to determine the needs of the broader area. Additionally, 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.

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 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.”

REDEVELOPMENT COMMISSION RECOMMENDATION

On January 17, 2024 Redevelopment Commission unanimously recommended approval of Z23-08.

Staff notes that since the time the item was heard by the Redevelopment Commission, the applicant has provided an updated site plan to show surface parking on the building 7 pad. Additionally, the applicant has continued to work with staff to refine condition “O”.

STAFF RECOMMENDATION

For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z23-08, an amendment to Ordinance 2814 by amending condition O and adding new conditions (additions shown in ALL CAPS, deletions shown in strikeout):

- 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 Amenity Deck Amenity Roof	54'-8" 63'-2" 78'-10"	11% of total building footprint 5% of total building footprint
Building 2 (Mechanical Screen)	60'-0" (71'-8")	N/A
Building 7 (Mechanical Screen)	71'-0" (79'-0")	N/A
Building 8	45'-0"	

(Elevator)	(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-stripped 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 OF THE PUBLIC parking spaces on the Property EXCEPT AS OUTLINED HEREIN. IN PHASE ONE, NO MORE THAN 477 SPACES MAY BE RESERVED FOR GUESTS OF THE HOTEL OR MULTIFAMILY RESIDENTS AND GUESTS. ALL SURFACE PARKING SHALL REMAIN PUBLIC PARKING, INCLUDING A MINIMUM OF 20 SPACES ON LEVEL ONE OF THE RESIDENTIAL GARAGE. UPON COMPLETION OF PHASE TWO AS

DEPICTED IN THE MASTER DEVELOPMENT PLAN DATED 11/29/2023, THE ENTIRETY OF THE PROJECT SHALL HAVE NO MORE THAN 963 SPACES RESERVED FOR OFFICE EMPLOYEES, HOTEL GUESTS, OR MULTIFAMILY RESIDENTS AND GUESTS AND THERE SHALL BE A MINIMUM OF 327 PUBLIC PARKING SPACES DURING BUSINESS HOURS (7:00AM – 5:00PM). ANY RESERVED PARKING SPACES IN THE SOUTH GARAGE SHALL ONLY BE RESERVED BETWEEN THE HOURS OF 7:00 AM AND 5:00 PM; THE STALLS SHALL BE SIGNED AS SUCH TO ALLOW PUBLIC PARKING OUTSIDE THESE HOURS. 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), ~~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. ANY CHANGES TO THE APPROVED DEVELOPMENT PLAN WILL REQUIRE RECONSIDERATION OF THE NUMBER OF RESERVED PARKING SPACES. “PUBLIC PARKING SPACES” SHALL MEAN PARKING SPACES PROVIDED EXCLUSIVELY FOR THE PARKING OF PASSENGER VEHICLES BY THE GENERAL PUBLIC FOR NO FEE, TOLL OR COST.

- 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. AS PART OF THE DESIGN REVIEW APPLICATION, THE APPLICANT SHALL SUBMIT AN EXHIBIT IDENTIFYING HOW PARKING WILL BE ACCOMMODATED DURING PHASE 2 CONSTRUCTION.
- T. TEMPORARY CONSTRUCTION FENCING INSTALLED AROUND THE FUTURE PHASE SHALL BE ENHANCED FENCING AND APPROVED AS PART OF THE DESIGN REVIEW APPLICATION.
- U. SHOULD THE HOTEL BE CONSTRUCTED AS PART OF PHASE 1, THE APPLICANT SHALL UTILIZE VALET PARKING DURING PEAK HOURS UNTIL PHASE 2 CONSTRUCTION IS COMPLETE, TO ACCOMMODATE REQUIRED HOTEL PARKING.

Respectfully submitted,

Ashlee MacDonald, AICP
Principal Planner



Attachments and Enclosures:

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

Notice of Public Hearing

**Z23-08: Heritage North
Attachment 1 - NOPH**

REDEVELOPMENT COMMISSION DATE:

Wednesday, January 17, 2024* TIME: 6:00 PM

PLANNING COMMISSION DATE:

Wednesday, February 7, 2024* TIME: 6:00PM

LOCATION: Municipal Building I
Council Chambers
50 East Civic Center Drive

*Call Case Planner to verify date and time: (480) 503-6748

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:

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. The effect of this amendment will be to modify the approved development plan and conditions of approval.

SITE LOCATION:



APPLICANT: Withey Morris

CONTACT: Alex Hayes

ADDRESS: 2525 E Arizona Biltmore CIR Unit: A-212
Phoenix, AZ 85016

TELEPHONE: (602) 230-0600

E-MAIL: hayes@wmbattorneys.com

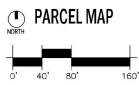
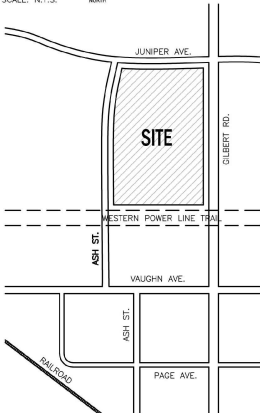
Z23-08 Heritage North PAD Amendment



T23-08: Heritage Park PAD Amendment Attachment 3 - Zoning Exhibit

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	$\Delta = 81^{\circ}0'16"$	750.00'	106.96'	N03°07'38"E	106.87'
C2	$\Delta = 61^{\circ}0'21"$	1280.00'	137.89'	S87°51'39"E	137.83'

VICINITY MAP
SCALE: N.T.S. NORTH



APN# 302-15-366A
ZONING DISTRICT: MF/M
OWNER: DR HORTON INC

APN# 302-14-910
ZONING DISTRICT: HVC
OWNER: CITY OF GILBERT

APN# 302-14-003H
ZONING DISTRICT: HVC
OWNER: FALCONER FUNERAL HOME INC

APN# 302-14-900
ZONING DISTRICT: SF-D
OWNER: KEY CONSTRUCTION INC

APN# 302-14-083
ZONING DISTRICT: GC
OWNER: VALLEY OF THE SUN VETERINARY INVESTMENTS LLC

APN# 302-14-088
ZONING DISTRICT: GC
OWNER: SCORISE ASSEMBLY OF GOD INC

APN# 302-14-049
ZONING DISTRICT: GC
OWNER: 42 WEST OLIVE LLP

APN# 302-14-050
ZONING DISTRICT: GC
OWNER: 45 WEST OLIVE LLP

APN# 302-14-051 A &
APN# 302-14-052A
ZONING DISTRICT: GC
OWNER: ROBE JOHN FREDERICK/TONI

APN# 302-14-056A
ZONING DISTRICT: GC
OWNER: 20 & 25 W JUNIPER AVENUE LLC

APN# 302-14-053C
ZONING DISTRICT: GC
OWNER: AMERICAN WAY ENTERPRISES INC

APN# 304-12-903
ZONING DISTRICT: GC
OWNER: GILBERT CLSTOM LLC

APN# 313-11-801
ZONING DISTRICT: MF/M
OWNER: EAST OLIVE STREET INVESTORS LLC

APN# 304-12-975
ZONING DISTRICT: GC
OWNER: HUE EUGENE & WANDA YEE RT EIAL

APN# 304-12-002
ZONING DISTRICT: HVC
OWNER: D A ROBERTS ENTERPRISES INC

APN# 304-12-972
ZONING DISTRICT: HVC
OWNER: VEDRES FARM INV PRITHUNGAR K J AJA V R

APN# 304-12-00H
ZONING DISTRICT: HVC
OWNER: OAKESON & COOK LLC

APN# 304-12-973
ZONING DISTRICT: HVC
OWNER: EVIDENT LIFE MINISTRIES INC

APN# 304-12-019
ZONING DISTRICT: HVC
OWNER: GILBERT ROAD SELF STORAGE LLC

APN# 302-16-112
ZONING DISTRICT: HVC
OWNER: TOWN OF GILBERT

APN# 302-16-111
ZONING DISTRICT: HVC
OWNER: TOWN OF GILBERT

APN# 302-16-277
ZONING DISTRICT: HVC
OWNER: MD HERITAGE LLC

APN# 302-16-874
ZONING DISTRICT: HVC
OWNER: MD HERITAGE LLC

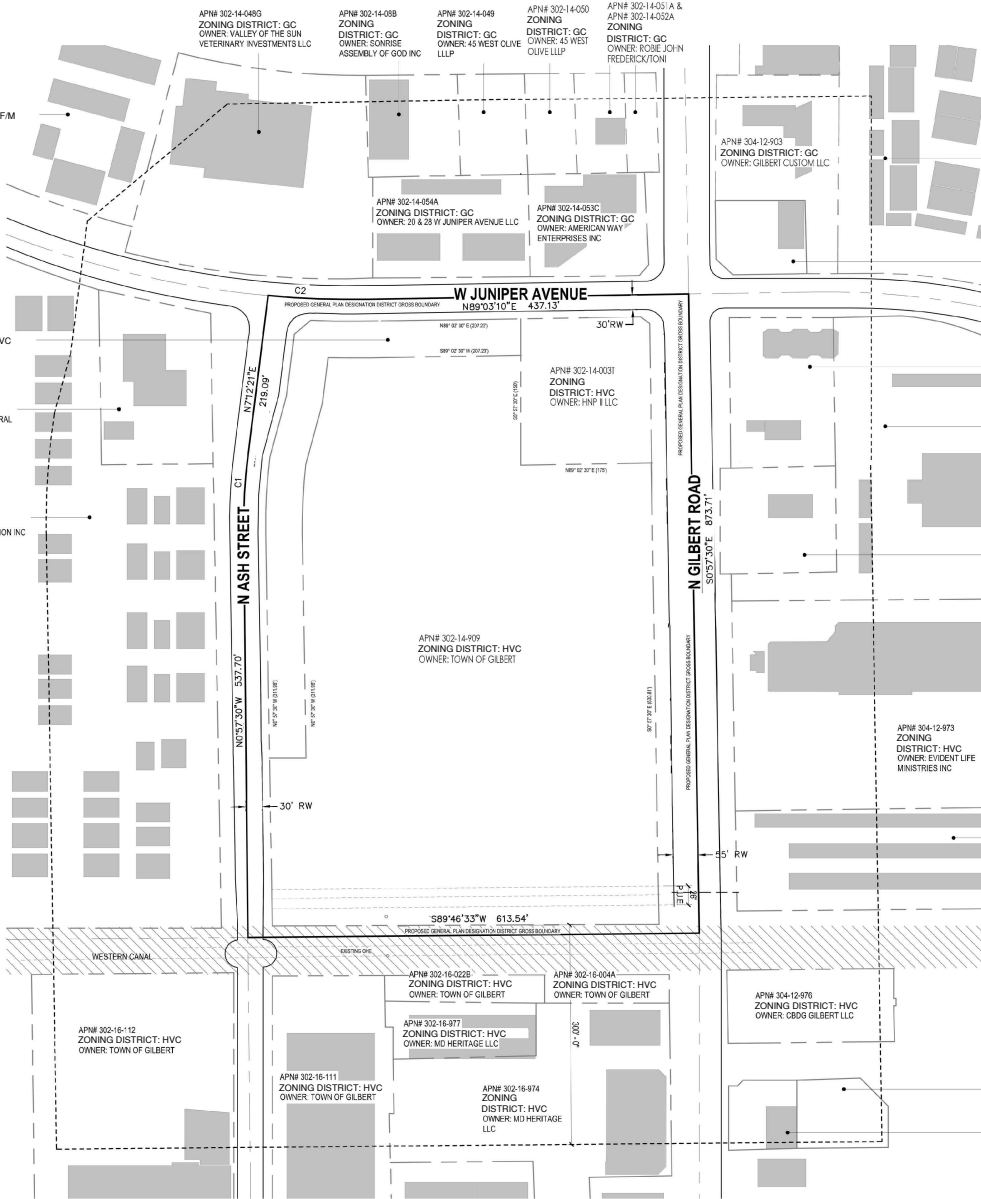
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ZONING DISTRICT: HVC
OWNER: TOWN OF GILBERT

APN# 302-16-044
ZONING DISTRICT: HVC
OWNER: TOWN OF GILBERT

APN# 304-12-976
ZONING DISTRICT: HVC
OWNER: CSOG GILBERT LLC

APN# 304-11-165B
ZONING DISTRICT: HVC
OWNER: MILLENAL PROPERTY INVESTORS LLC

APN# 304-11-134C
ZONING DISTRICT: HVC
OWNER: BARLOW #43 LLC



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.03 - OFFICE / COMMERCIAL MIX (2 LEVELS)	31,134 SF
BLDG.04 - COMMERCIAL MIX	4,129 SF
BLDG.05 - COMMERCIAL MIX	7,784 SF
BLDG.06 - COMMERCIAL MIX	5,767 SF
BLDG.07 - OFFICE / COMMERCIAL MIX (5 LEVELS)	154,761 SF
BLDG.08 - GARAGE (6 LEVELS)	273,393 SF
BLDG.09 - KIOSK - COMMERCIAL MIX	400 SF
TOTAL BUILDING AREA:	839,658 SF
	FAR: (839,658 SF / 431,491 SF) = 192%

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

CURRENT ZONING DISTRICT:
T00S = (HVC/PAD)

PROPOSED ZONING DISTRICT:
T00S = (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 4 - Development Plan

P.A.D. - MODIFIED DEVELOPMENT STANDARDS

SITE DEVELOPMENT REGULATIONS	(M/C) STANDARDS	(PAD)
MIN FLOOR F.A.R.	25%	192%
MIN BUILDING HEIGHT / (STORES)	35' 2 - STORES	SEE TABLE 1.0 BELOW
MAX BUILDING HEIGHT / (STORES)	55' 4 - STORES	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"

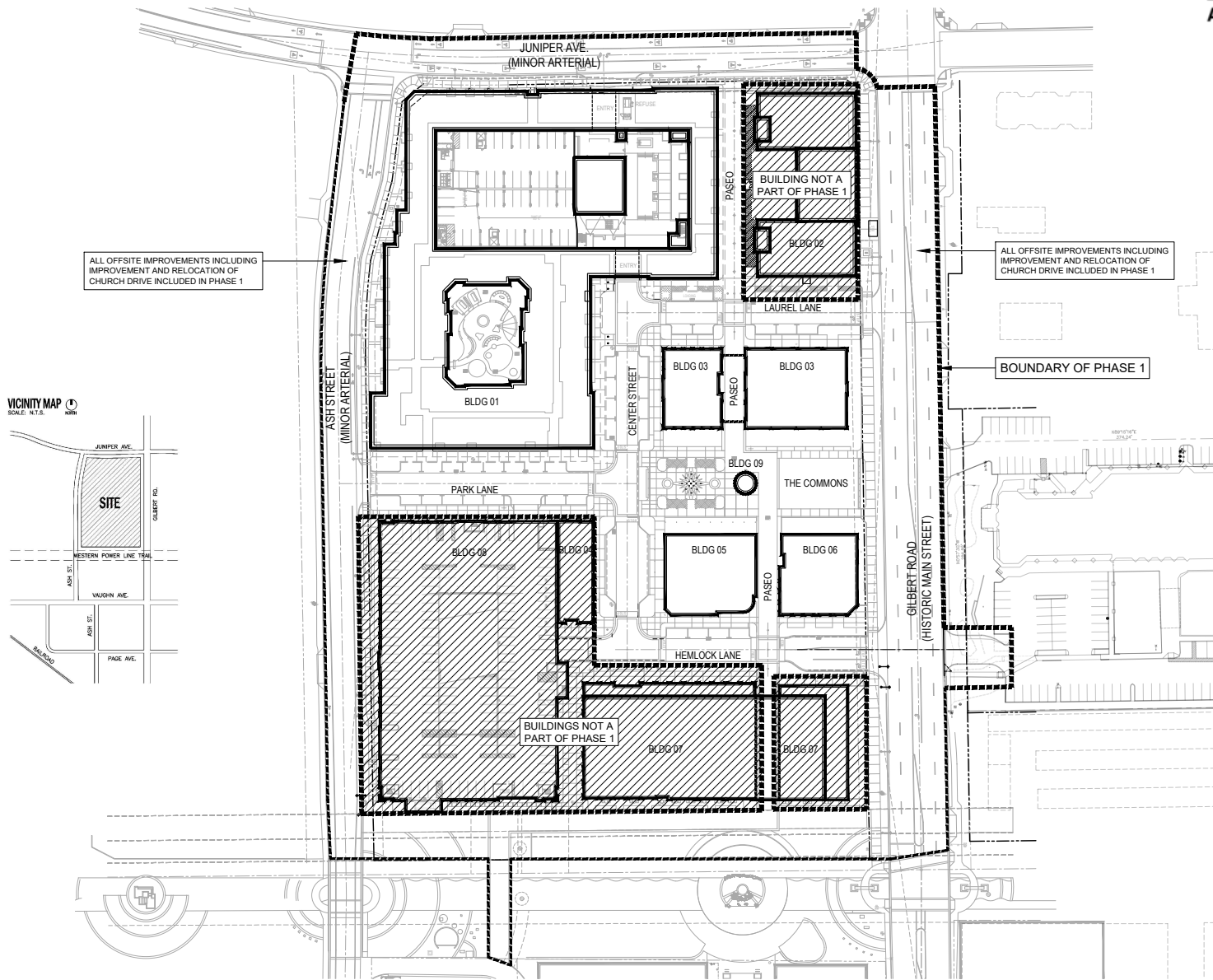
TABLE 2.0 - BUILDING TRANSPARENCY

	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%

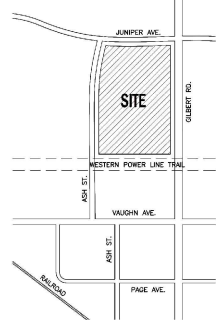
TRANSPARENCY WILL BE AN AVERAGE OF ALL OPENINGS ALONG BUILDING FRONTAGE.
SPECIALTY STOREFRONT ALLOWANCE: LESS THAN 50% TRANSPARENCY, SHALL NOT EXCEED MORE THAN 25% OF BUILDING FRONTAGE AND NO GREATER THAN 50' IN WIDTH ON ALL COMMERCIAL BUILDINGS. ALTERNATIVE METHODS OF SIDEWALK ACTIVATION MAY REPLACE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

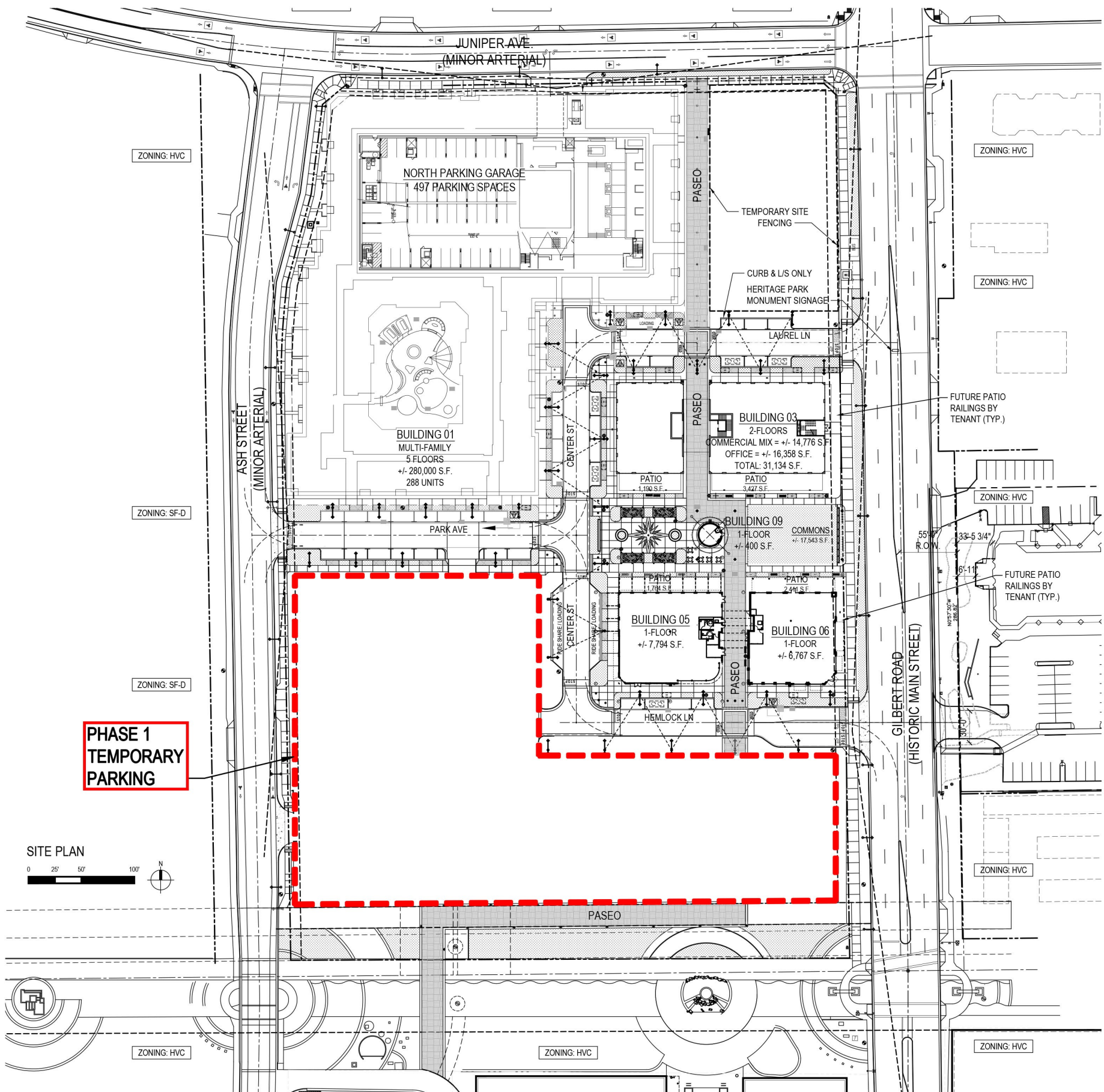
SEPARATE SUBMITTALS

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



VICINITY MAP
SCALE: N.T.S.





SITE NOTES

- ALL UTILITY LINES LESS THAN 89 KV ON OR CONTIGUOUS TO THE SITE SHALL BE INSTALLED OR RELOCATED UNDERGROUND.
- ALL TRASH ENCLOSURES SHALL INCLUDE FULLY OPAQUE SCREENING GATES, FINISHED AND PAINTED TO MATCH THE ENCLOSURE. SCREENING GATES SHALL NOT OPEN INTO VEHICULAR DRIVE AISLES. TRASH ENCLOSURES ARE NOT REQUIRED IN INDUSTRIAL DISTRICTS IF LOCATED INSIDE AN ENCLOSED YARD WHICH IS SCREENED BY A PERIMETER WALL AT LEAST 6 FEET IN HEIGHT.
- ALL OUTDOOR STORAGE AREAS FOR STORAGE OF MATERIALS AND EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW BY A 6' SOLID MASONRY WALL. INDUSTRIAL STORAGE SCREEN WALLS SHALL BE FINISHED WHERE THEY ARE EXPOSED TO PUBLIC VIEW FROM STREETS OR ADJACENT NON-INDUSTRIAL USES.
- S.E.S. PANELS AND ANY OTHER ABOVE GROUND UTILITY CABINET SHALL BE FULLY SCREENED FROM VIEW FROM STREETS OR FROM AREAS ACCESSIBLE TO CUSTOMERS AND THE GENERAL PUBLIC. SCREENING MAY BE ACCOMPLISHED BY ANY ONE OF THE FOLLOWING METHODS:
 - FULLY RECESSING THE CABINET INTO THE BUILDING AND ENCLOSING IT BY A SOLID DOOR OR DOORS SEPARATE FROM THE CABINET.
 - SCREENING WITH A DECORATIVE MASONRY WALL OF THE SAME HEIGHT AS THE PANEL. THE SCREEN WALL MAY BE L-SHAPED, U-SHAPED OR A STRAIGHT WALL PARALLEL TO THE CABINET, DEPENDING ON THE LOCATION OF THE CABINET.
 - AN ALTERNATIVE SCREENING METHOD APPROVED BY THE PLANNING DEPARTMENT PRIOR TO ISSUANCE OF ANY PERMITS.
- THE LOCATION OF ALL ELECTRICAL UTILITY EQUIPMENT SHALL BE IDENTIFIED ON THE CONSTRUCTION PLANS.
- ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY EITHER ONE OF THE FOLLOWING METHODS:
 - THE PARAPET WALL OF THE BUILDING SHALL EQUAL OR EXCEED THE HEIGHT OF THE MECHANICAL UNITS, OR
 - BY LOCATING THE MECHANICAL EQUIPMENT BEHIND THE ROOF PLANES IN THE CASE OF MANSARD, HIP OR OTHER THAN FLAT ROOF.
- ROOF MOUNTED MECHANICAL EQUIPMENT ENCLOSURES OR EQUIPMENT SCREEN WALLS SHALL NOT PROJECT ABOVE THE ROOF PARAPET. TO THE EXTENT PERMITTED BY LAW, SATELLITE DISHES SHALL BE FULLY SCREENED BY A PARAPET WALL.
- GROUND MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY GROUND MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW (FROM STREETS OR SURROUNDING COMMERCIAL USES) BY A COMBINATION OF DECORATIVE WALLS AND AN EVERGREEN VEGETATIVE HEDGE EQUAL TO OR EXCEEDING THE HEIGHT OF THE EQUIPMENT.
- PNEUMATIC TUBES, WHETHER METAL OR PLASTIC, SHALL BE PNEUMATIC TUBES, WHETHER METAL OR PLASTIC, SHALL BE EITHER:
 - ENCLOSED IN PILASTERS, COLUMNS OR OTHER ARCHITECTURAL ENCLOSED IN PILASTERS, COLUMNS OR OTHER ARCHITECTURAL FEATURES OF THE CANOPY OR BUILDING, OR
 - ROUTED UNDERGROUND. ROUTED UNDERGROUND.
- ALL BACKFLOW PREVENTION DEVICES 2" OR LARGER SHALL ALL BACKFLOW PREVENTION DEVICES 2" OR LARGER SHALL OR LARGER SHALL BE SCREENED WITH LANDSCAPE LOCATED WITHIN A 6' RADIUS OF THE DEVICES. ALL BACKFLOW PREVENTERS LESS THAN 2" SHALL BE PLACED IN A WIRE CAGE. PAINTED TO MATCH THE PRIMARY BUILDING COLOR.
- ALL FREESTANDING LIGHT POLES SHALL:
 - BE LOCATED WITHIN LANDSCAPED AREAS, PLANTER ISLANDS OR URBAN PARKWAY ZONES.
 - HAVE CONCRETE BASES PAINTED TO MATCH THE PRIMARY BUILDING COLOR OR FINISHED TO MATCH PARKING SCREEN WALLS. CONCRETE BASES FOR LIGHT POLES SHALL NOT EXCEED A HEIGHT OF 30" FROM ADJACENT GRADE.
 - BE LOCATED TO AVOID CONFLICT WITH TREES.
- SITE LIGHTING SHALL COMPLY WITH THE LIGHT AND GLARE CRITERIA SET FORTH IN SECTION 4.103 OF THE LDC, INCLUDING A MAXIMUM FREESTANDING LIGHT FIXTURE HEIGHT OF 25'.
- LANDSCAPED AREAS ADJACENT TO PUBLIC RIGHT-OF-WAY SHALL BE MOUNDED AND NATURALLY CONTOURED. NO MORE THAN 50% OF THE REQUIRED (RIGHT-OF-WAY AND LANDSCAPING TRACTS) LANDSCAPING FRONTING ADJACENT STREETS MAY BE USED FOR RETENTION. RETENTION AREA SIDE SLOPES SHALL BE VARIED, AND NO SLOPE SHALL EXCEED A 4:1 MAXIMUM.
- COMMERCIAL BUILDING DOWNSPOUTS SHALL BE INTERNALIZED. INDUSTRIAL BUILDINGS MAY USE EXPOSED DOWNSPOUTS IF ARTICULATED WITH THE ARCHITECTURE OF THE BUILDING AND BUILT WITH A DURABLE MATERIAL SUCH AS STEEL.
- COMMERCIAL DEVELOPMENT VEHICULAR ACCESS POINTS AND PEDESTRIAN ACCESS WAYS SHALL INCLUDE SPECIAL PAVING TREATMENT SUCH AS INTEGRAL COLORED STAMPED CONCRETE, BOAMMANTIE, OR SIMILAR ALTERNATIVE. LOCATION AND MATERIAL SHALL BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- CUSTOMER, EMPLOYEE AND VISITOR PARKING SHALL BE SCREENED FROM STREET VIEW BY LOW MASONRY WALLS. THE PARKING SCREEN WALLS SHALL BE FINISHED ON BOTH SIDES USING THE SAME MATERIALS AND COLORS, AND A DESIGN TO COMPLEMENT THAT OF THE MAIN BUILDING.
- ALL EXTERIOR METAL SHALL BE FINISHED OR PAINTED TO MATCH THE APPROVED PROJECT COLORS.
- EXISTING ON-SITE PLANT MATERIAL DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH COMPARABLE SPECIES AND SIZE.

LANDSCAPE SITE NOTES

NO LANDSCAPE DIRECTLY ADJACENT TO INDIVIDUAL BUILDINGS. REFER TO LANDSCAPE PLAN. REFERENCE COMM-2022-00281

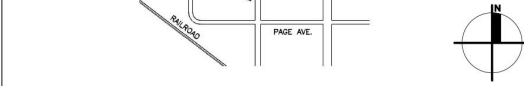
TOWN OF GILBERT REFERENCE #

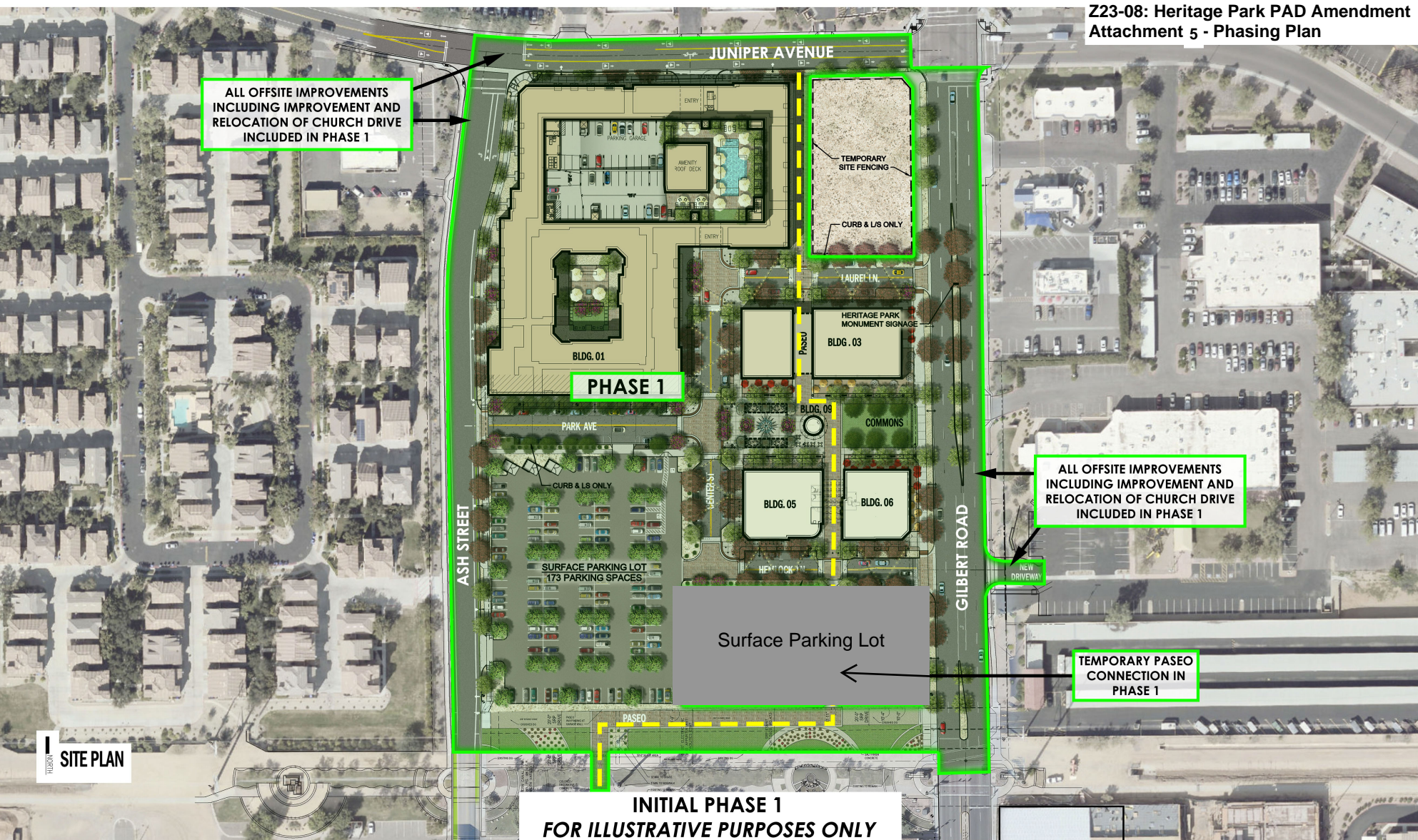
- TOWN OF GILBERT APPROVALS:
 REZONING - Z20-02
 DESIGN REVIEW: DR20-48
- BUILDING APPLICATION #:
 BUILDING 03 - COMM-2022-00287
 BUILDING 04 - COMM-2022-00288
 BUILDING 05 - COMM-2022-00289
 BUILDING 06 - COMM-2022-00290
 BUILDING 07 - COMM-2022-00290
 BUILDING 08 - COMM-2022-00281 (SITE PLAN PACKAGE)
 BUILDING 09 - COMM-2022-00291

PROJECT DATA:

PROJECT NAME:	HERITAGE PARK
PROJECT ADDRESS:	422 NORTH GILBERT ROAD GILBERT, AZ 85224
PROJECT SCOPE:	MIXED USE
ASSESSOR PARCEL NO.:	303-14-909, 302-14-003T
CURRENT ZONING:	HVC (HERITAGE VILLAGE CENTER) - REFERENCE: Z20-02
SITE AREA:	GROSS +/- 521,473 SF = 11.971 ACRES NET +/- 431,491 SF = 9.906 ACRES
LOT COVERAGE:	PHASE 1 BLDG FOOTPRINTS: 87,310 S.F. / 431,491 S.F. = 20.2%
OPEN SPACE AREA:	186,890 S.F. / 431,491 S.F. = 43%
STORIES:	MULTI
BUILDING AREA (GROSS):	BLDG 01 - MULTI-FAMILY (288 UNITS) 280,000 S.F. BLDG 01 - RETAIL (COFFEE SHOP) 1,281 S.F. BLDG 03 - OFFICE / COMMERCIAL MIX (2 LEVELS) 31,134 S.F. BLDG 05 - COMMERCIAL MIX 7,794 S.F. BLDG 06 - COMMERCIAL MIX 6,767 S.F. BLDG 09 - KIOSK - COMMERCIAL MIX 400 S.F.
TOTAL BUILDING AREA:	327,376 S.F.
F.A.R.:	(327,376 S.F. / 431,491 S.F.) = 75.9%
BUILDING HEIGHT(S):	BLDG 01 - ROOF (84%) 64'-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'-0") 20'-0" BLDG 06 - (ARCH EMBELLISHMENT 31'-0") 20'-0" BLDG 09 - (ROOF) 22'-6"

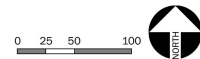
VICINITY MAP:

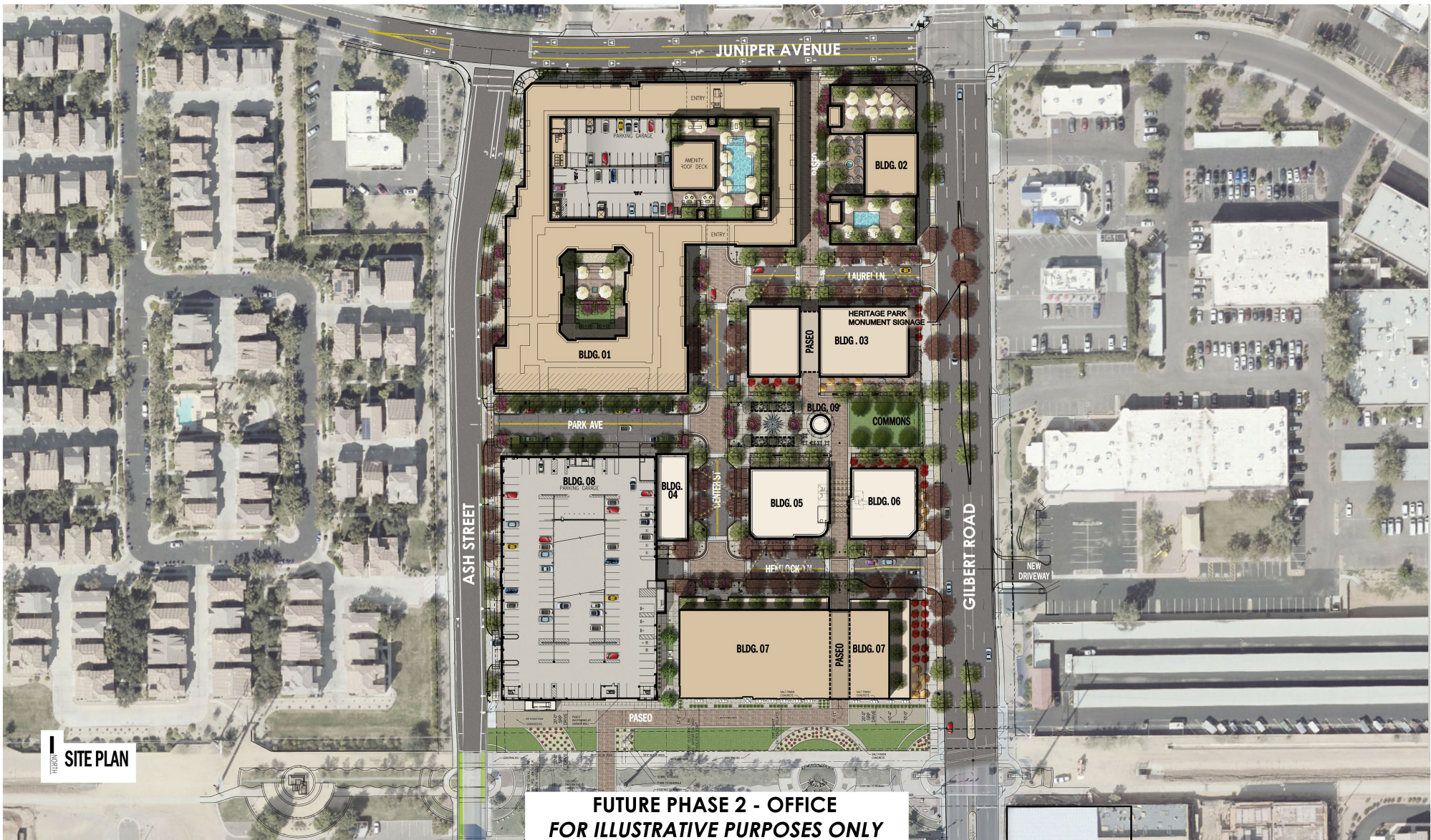




SITE PLAN

**INITIAL PHASE 1
FOR ILLUSTRATIVE PURPOSES ONLY**





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

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-stripped 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.

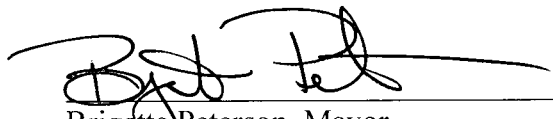
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 11th day of January, 2022, by the following vote:

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

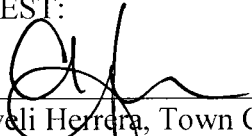
NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

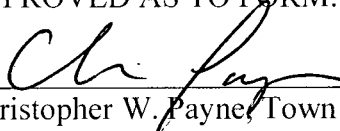
APPROVED this 11th day of January, 2022.



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;

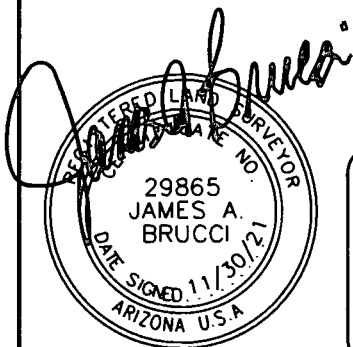
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 8°10'16" AN ARC LENGTH OF 106.96 FEET;

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

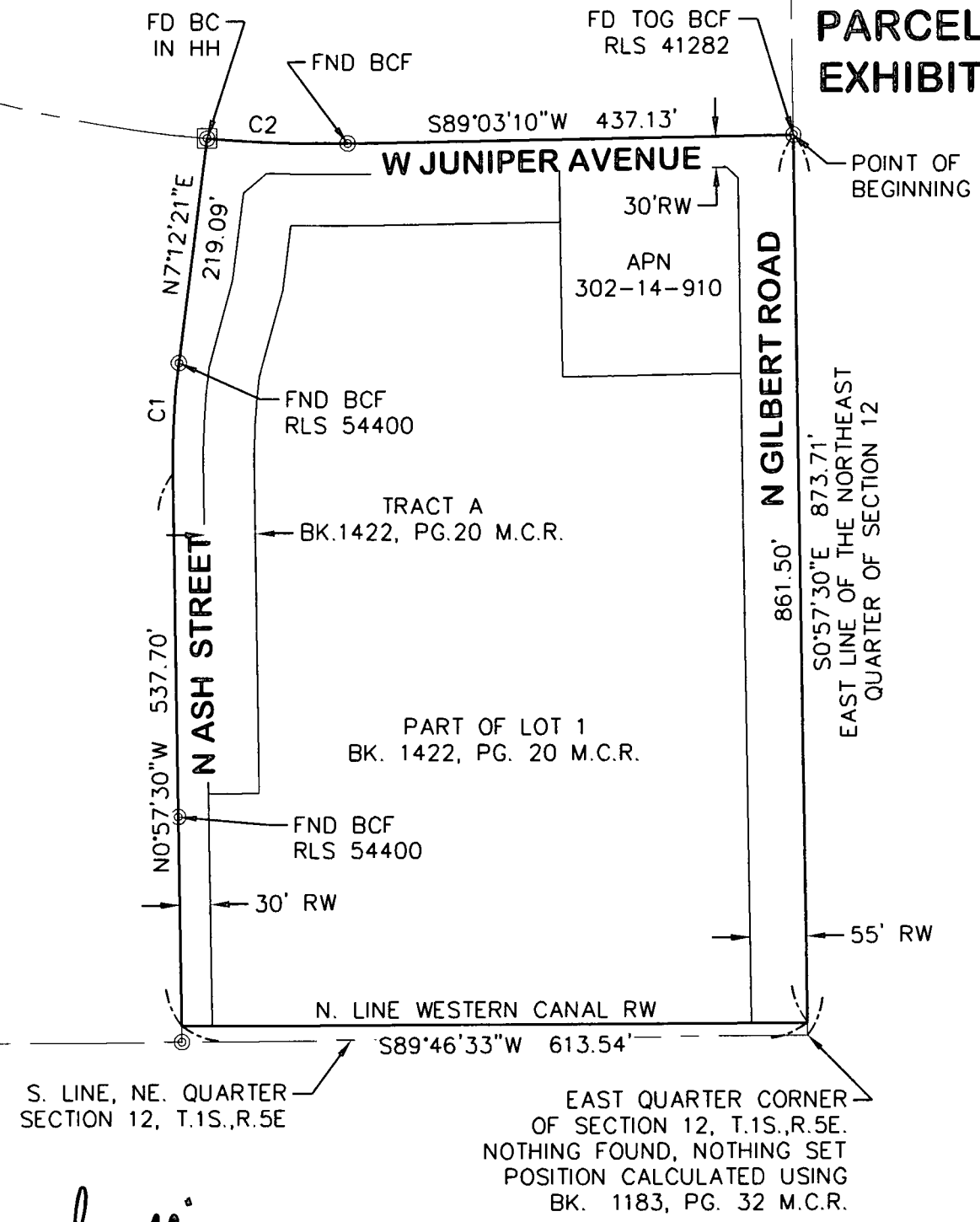
ENGINEERING

CIVIL AND SURVEY

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

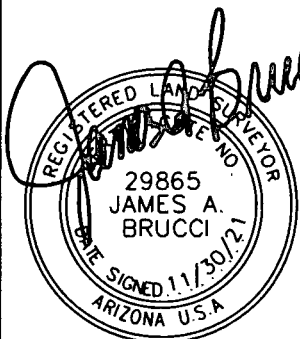
PROJ NO/LGEC263/XB04.DWG

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.



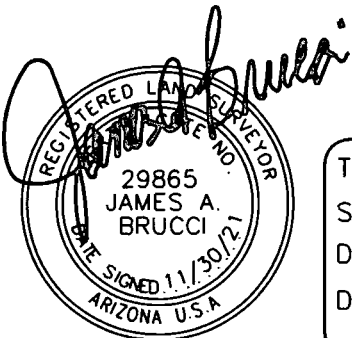
PAGE 2 OF 3

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

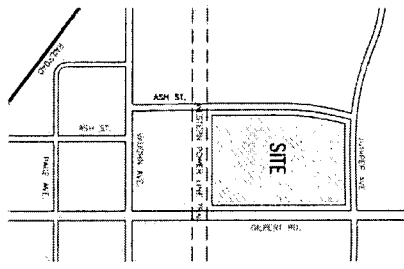
CIVIL AND SURVEY

PROJ NO/LGEC263/XB04.DWG

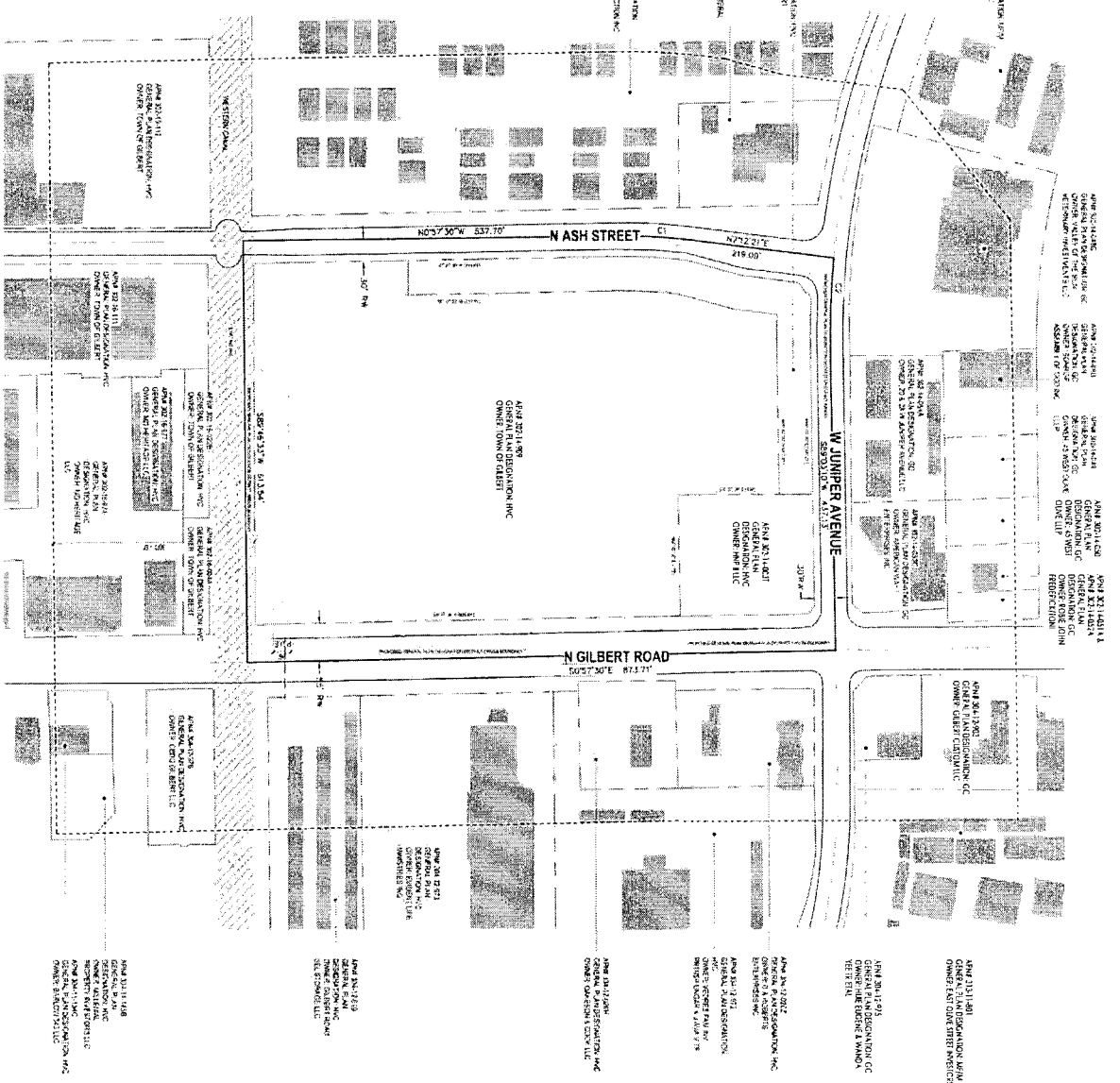
**Z20-02: Heritage North
Attachment 4 -
Exhibit 2 - Zoning Exhibit**

CLONE	BELTA	STAGES	LENGTH	WIDTH	PERCENT	CHORD LENGTH
C1	3.487618'	129.00'	108.36'	103.07'	24.1%	102.81'
C2	3.487618'	129.00'	131.99'	55.75'	13.7%	131.82'

VICINITY MAP
SCALE: 1/8" = 1'



PARCEL MAP
SCALE: 1" = 50'-0"



HERITAGE PARK - GILBERT, AZ
DEVELOPER: TEAM, LLC DESIGN BUILD, DESIGN, CONCEPT COMMUNITIES
DESIGN TEAM: G&B DESIGN GROUP, ARCHITECTS PLANNING AND DESIGN STUDIO, MARTIN ENGINEERS, TRINIDAD LANDSCAPE ARCHITECTURE STUDIO, ZEE ARCHITECTS

ZONING EXHIBIT 8.00
DEVELOPER: TEAM, LLC
2024 DEC 1

REVISIONS

NO.	DATE	DESCRIPTION
1	11/15/24	ISSUED FOR PERMITS
2	12/10/24	REVISED TO REFLECT PERMITS

GENERAL NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. DIMENSIONS ARE GIVEN TO THE CENTERLINE UNLESS NOTED OTHERWISE.
3. ALL LOT AREAS ARE APPROXIMATE.
4. THE TOTAL AREA OF THE SITE IS APPROXIMATELY 1,200,000 SQ. FT.
5. THE TOTAL AREA OF THE ZONING EXHIBIT IS APPROXIMATELY 1,200,000 SQ. FT.

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