



**TOWN OF GILBERT
 PLANNING COMMISSION WORK SESSION
 Gilbert Municipal Center
 Council Chambers
 50 E. Civic Center Drive, Gilbert, AZ
 August 7, 2024**

PLANNING COMMISSION PRESENT:

Noah Mundt, Chairman
 Brian Andersen
 Lesley Davis
 William Fay
 Lisa Gage
 Jän Simon
 Thomas Everett

STAFF PRESENT:

Eva Cutro, Planning Manager
 Alena Jorquez, Assistant Town Attorney
 Scott Anderson, Council Liaison
 Keith Newman, Senior Planner
 Veronica Gonzalez, Principal Planner
 Sal DiSanto, Planner I
 Nicole Russell, Senior Planner
 Ashlee MacDonald, Principal Planner
 Kristen Devine, Senior Planner

PLANNER	CASE	PAGE	VOTE
Keith Newman	DR24-68	4	7-0
Sal DiSanto	Z24-01	5	7-0
Veronica Gonzalez	Z24-06	6	7-0
Nicole Russell	GP23-13	7	7-0
Nicole Russell	Z23-11	7	7-0
Ashlee MacDonald	GP24-01	8	7-0
Ashlee MacDonald	Z24-07	8	7-0
Kristen Devine	DR24-46	9	7-0

CALL TO ORDER OF THE WORK SESSION

Noah Mundt called the work session of the Planning Commission to order at 5:30 p.m.

- DR24-24 ALDI GILBERT: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors, and materials on approximately 3.63 acres, generally located at the southeast corner of Arizona Ave. and Desert Ln., and zoned General Commercial (GC). Keith Newman (480) 503-6812.**

Planner Newman presented an overview of the project to develop an Aldi grocery store on the southwest corner of Arizona Avenue and Desert Lane. The site is part of a larger 10-acre master site plan that also includes a multi-family apartment complex. The site is zoned general commercial and will include 94 parking spaces. Planner Newman noted the site's pedestrian access. The plan includes 37.1% open space, primarily in the parking lot. Building elevations will be approximately 25-feet tall with a generally flat roof. The applicant wished to move forward with a review of CDs at risk.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay inquired if the design stipulations related to parking on Desert Lane had been addressed. Planner Newman stated that these matters were addressed as the apartment complex would no longer have parking along Desert Lane. He noted another stipulation around the drive entrance on the east side, which had also been addressed.

There were no comments from citizens.

2. Z24-09 LDC TEXT AMENDMENT - ADAPTIVE REUSE: Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Section 2.0 Terms, Section 3.0 Base Zoning Districts and Use Regulations, and Section 5.0 Supplemental Regulations. The effect of the amendment will be to clarify the Code, address adaptive reuse, and make technical and conforming changes. Veronica Gonzalez (480) 503-6720.

Planner Gonzalez discussed the proposed text amendment to the Land Development Code (LDC) and reviewed requested input that included conducting a citizen review and initiating the text amendment to align with new legislation, House Bill (HB) 2297. The Bill has specific requirements for building standards to allow multi-family residential development or adaptive reuse on up to 10% of existing commercial, office, or mixed-use buildings without a public hearing.

COMMISSION QUESTIONS/COMMENTS

Commissioner Everett inquired about the criteria for exemptions to the Bill requirements. Planner Gonzalez noted that the Town could designate certain commercial or employment areas as exempt and for these buildings, a public hearing would be required. This provision is for areas where the Town wishes to preserve existing commercial uses.

Chairman Mundt sought to clarify that if the Town did not specify exempt areas, the Bill would apply to all areas. Planner Gonzalez clarified that this is the case, but noted that the Bill only refers to existing buildings on parcels of at least one acre and no more than twenty acres in size. She noted that the Bill does allow for site plan review.

There were no comments from citizens.

Chairman Mundt confirmed that the Commission was in agreement to initiate the amendment.

3. DISCUSSION OF REGULAR MEETING AGENDA

Chairman Mundt reviewed the meeting agenda, noting that DR24-62 SUPERLITE BLOCK-SITE EXPANSION-PLANT UPGRADE would be continued to September 4, 2024, and Z24-06 LDC TEXT AMENDMENT would be moved to the non-consent agenda. On the regular agenda, DR23-170 COBBLESTONE EXPRESS AUTO SPA would be continued to October 2, 2024.

ADJOURN WORK SESSION

Chairman Mundt adjourned the work session at 5:48 p.m.

CALL TO ORDER OF REGULAR MEETING

Chairman Mundt called the August 7, 2024, Regular Meeting of the Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Chairman Mundt led the Pledge of Allegiance.

ROLL CALL

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

4. APPROVAL OF AGENDA

Chairman Mundt called for a motion to approve the agenda.

MOTION: Chairman Mundt moved to approve the agenda of the August 7, 2024, meeting of the Planning Commission, amended as follows:

- Item 7 on the consent agenda, DR24-62 SUPERLITE BLOCK- SITE EXPANSION-PLANT UPGRADE, to be moved to the non-consent agenda.
- Item 8 on the consent agenda, Z24-06 LDC TEXT AMENDMENT, to be moved to the non-consent agenda.

The motion passed 7-0.

COMMUNICATIONS

5. COMMUNICATIONS FROM CITIZENS

At this time, members of the public may comment on matters within the jurisdiction of the Town. The Commission/Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to state law, action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration.

There were no comments from citizens.

6. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Council Liaison Anderson thanked everyone, in particular the Chairman, for their participation in electoral process over the last month.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board may, by a single motion, approve any number of items where, after opening the public hearing, no person requests the item be removed from the consent calendar. If such a request is made, the Commission/Board shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

- 7. DR24-68 GILBERT CHRISTIAN HIGH SCHOOL-ATHLETIC BUILDING: Site plan, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 9.12 acres, generally located at the northeast corner of Wade Dr. and Jasper Dr., and zoned Single Family-6 (SF-6) with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.**

MOTION: Commissioner Simon moved to approve the consent calendar as presented and seconded by Commissioner Davis. **The motion passed 7-0.**

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission/Board by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item you must fill out a public comment form, indicating the Item Number on which 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/Board.

- 8. DR24-62 SUPERLITE BLOCK- SITE EXPANSION- PLANT UPGRADE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 8.8 acres, generally located at the southwest corner of McQueen Road and Baseline Road, and zoned General Industrial (GI). Sal DiSanto (480) 503-6759. CONTINUE TO SEPTEMBER 4, 2024.**

MOTION: Commissioner Simon moved to continue item DR24-62 SUPERLITE BLOCK- SITE EXPANSION- PLANT UPGRADE to September 4, 2024, seconded by Commissioner Fay. **The motion passed 7-0.**

9. **Z24-01 SEC of Val Vista & Elliot – Rezone: Request to amend Ordinances 633, 698, 722, 975, 1179, and 1200 to amend the development plan, conditions of development, and a request to rezone approximately 4.5 Acres generally located at the southeast corner of Val Vista Drive and Elliot Road from Approx. 4.5 acres of Shopping Center (SC), all with a Planned Area Development Overlay Zoning District (PAD), To 4.5 Acres of General Commercial (GC) With A Planned Area Development (PAD) Overlay. The effect will be to allow the Property to be Developed Subject to the Development Standards for the General Commercial (GC) Zoning District as set forth in the Land Development Code to permit Non-Residential Office/Commercial uses. Sal DiSanto (480) 503-6759.**

Planner DiSanto discussed the rezoning request and described the site location. The request was a three-part PAD amendment to rezone 4.5 acres of the property from Shopping Centre (SC) to General Commercial (GC); to amend, delete, and add certain conditions of development related to the Val Vista and Elliot Center PAD, and to modify the established development plan.

Planner DiSanto reviewed the specific modifications to the development plan, which included a provision that all restaurants would have an outdoor seating area and allowance for the established building on the site to remain in its current place with its 60'4" setback. He noted that no members of the public attended the neighborhood meeting on August 17, 2023, and no community comments were received about the proposed rezoning.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay inquired if the deletion of Condition J would come back to the Commission. Planner DiSanto stated that they would be brought to the Commission again for the follow-up design review, but the condition would not go to Town Council. Commissioner Fay asked why the condition was not left as is with the reference to Town Council removed. Planner DiSanto agreed that this would be a better approach.

Commissioner Fay inquired about the modification to Condition LL and if this change would modify a public amenity to outdoor seating for a restaurant. Planner DiSanto stated that in discussions with the applicant, the condition was established early on and there was no current pedestrian plaza on the site as an amenity. He noted that a pedestrian pathway would still connect the center of the site to Elliot Road. Commissioner Fay sought to clarify that the planner is no longer concerned about the issue and is letting it go. Planner DiSanto agreed.

The applicant, Adam Baugh, presented an aerial map to help clarify the intended site usage. He noted that the current zoning is capping the square feet that can be developed. The original building on-site was a gym that was purpose built and not easy to repurpose. He noted that Withey Morris Baugh wishes to purchase the building and modify it into a self-storage facility that will not require the large parking lot currently on-site. The zoning request is intended to permit more of the site to be used for commercial development. Mr. Baugh noted that the site is

currently subject to mischief that is a detriment to nearby residences and suggested that redevelopment would make the site less attractive to this activity.

Chairman Mundt reviewed comments from citizens.

Mr. Todd Watson was opposed to the item and did not wish to speak.

Mr. Jon Watson was opposed to the item and did not wish to speak.

Mr. Stephen Cherry stated that he had lived in Gilbert for 27 years with his wife and raised his family in the city. He has been monitoring the site for trash and vandalism, which includes broken plate glass windows, burning windows, and piles of trash, and reporting these matters to the city. He noted that the esthetics of the site are terrible and a detriment to local property values. He would like to see the site better maintained and stated that some junk has been there for five years. Mr. Cherry noted that the day listed on the public hearing notice was incorrect.

Commissioner Davis stated that development of the location would address many of the concerns raised by Mr. Cherry.

Chairman Mundt closed public comment and asked for discussion or a motion from the Commission.

Commissioner Fay agreed that converting the site from abandoned to developed would ameliorate the potential mischief issues.

Commissioner Simon concurred, but noted that he is not entirely in favor of more storage facilities. He agreed that development of the site would address the public concerns.

MOTION: Commissioner Simon moved to approve item Z24-01 SEC of Val Vista & Elliot – Rezone, seconded by Commissioner Davis. **The motion passed 7-0.**

10. Z24-06 LDC TEXT AMENDMENT: Request to amend the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Section 5.2 Site Regulations. The effect of the amendment will be to clarify the Code, address backyard fowl, and make technical and conforming changes. Veronica Gonzalez (480) 503-6720.

Planner Gonzalez presented the proposed text amendment for backyard fowl, noting that the Governor signed HB2325 pertaining to backyard fowl on residential properties on May 21, 2024. The Bill permits up to six fowl on each lot of a half-acre or less where our current code requires at least 6,000 square feet to keep fowl. This text amendment will also allow 12 additional fowl for each additional 10,000 square feet of lot area. The Bill allows limits on male fowl and regulates the size and location of enclosures. The current LDC allows 1 rooster for each 20,000 square feet of lot area, which will be maintained in this update. Enclosures will be limited in size to 200 square feet, a maximum height of 8' or no taller than the fence on lots less than an acre, and must be at least 20' from a neighboring property line.

A question from Council during the August 6 study session was whether the 20' required setback for enclosures from neighboring property should apply if the neighboring property abuts a road, canal, or an open space that was a common or public space. Planner Gonzalez suggested an allowance for a setback of 5' for enclosures in these cases.

COMMISSION QUESTIONS/COMMENTS

Commissioner Davis asked whether the reduced setback allowance is permitted if the maximum height of the enclosure would be changed. Planner Gonzalez clarified that there would be no change to the guidelines for enclosure heights.

Commissioner Simon asked how the height limit would apply if the fence adjoining a public space were only a four-foot, chain-link fence. Planner Gonzalez noted that in this case, the maximum height of the enclosure would be four feet.

There were no comments from citizens.

MOTION: Commissioner Simon moved to approve Z24-06 LDC TEXT AMENDMENT and a recommendation of a reduced setback for enclosures where the neighboring property are roads, canals, or open spaces that are public or common spaces, seconded by Commissioner Fay. **The motion passed 7-0.**

11. GP23-13 COBBLESTONE EXPRESS AUTO SPA – LINDSAY & GERMANN: Request for Minor General Plan Amendment to change the land use classification of approx. 1.52 acres generally located southwest corner of Lindsay Road and Germann Road from Neighborhood Commercial (NC) to General Commercial (GC). The effect of this amendment will be to change the plan of development to allow the commercial development of an auto wash.

Z23-11 COBBLESTONE EXPRESS AUTO SPA – LINDSAY & GERMANN: Request to rezone approx. 1.52 acres generally located southwest of the intersection of Lindsay Road and Germann Road from Neighborhood Commercial (NC) to Community Commercial (CC). The effect will be to allow for an auto wash. Nicole Russell (480) 503-6716.

Planner Russell presented the general plan amendment and rezoning requests for Cobblestone Express Auto Spa and described the site boundaries, location, and history. She noted that a convenience store and fueling station are typically included with a car wash and that the requested rezoning is compatible with the intended site use. Planner Russell presented the proposed site plan, and noted that no member of the public attended the neighborhood meeting on November 6, 2024. Staff had received a petition of non-opposition from ten surrounding community businesses and was recommending approval of the requests subject to the conditions in the staff report.

COMMISSION QUESTIONS/COMMENTS

Commissioner Simon asked whether there was only one point of ingress/regress and if the approach was right-in only. Planner Russell confirmed that this was the case and that the existing convenience store would work in conjunction with the car wash site to ensure there was through traffic.

Paul Gilbert spoke on behalf of the applicant and noted that the staff report was complete and he had no additional information to present. He emphasized that the application was supported from staff and the neighborhood, and that no member of the public had spoken in opposition of the site. He stated that he was in agreement with all conditions set out in the staff report.

MOTION: Commissioner Anderson moved to approve **GP23-13 COBBLESTONE EXPRESS AUTO SPA – LINDSAY & GERMANN**, seconded by Commissioner Fay. **The motion passed 7-0.**

MOTION: Commissioner Anderson moved to approve **Z23-11 COBBLESTONE EXPRESS AUTO SPA – LINDSAY & GERMANN**, seconded by Commissioner Gage. **The motion passed 7-0.**

12. DR23-170 COBBLESTONE EXPRESS AUTO SPA: Master Site Plan Amendment, Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.92 acres, generally located southwest of the intersection of Lindsay Road and Germann Road, and zoned Neighborhood Commercial (NC) and to be rezoned to Community Commercial (CC) by case Z23-11. Nicole Russell (480) 503-6716. CONTINUE TO OCTOBER 2, 2024.

MOTION: Commissioner Anderson moved to continue item DR23-170 COBBLESTONE EXPRESS AUTO SPA to October 2, 2024, seconded by Commissioner Everett. **The motion passed 7-0.**

13. GP24-01 GILBERT 2024 GENERAL PLAN UPDATE: Request for a Minor General Plan Amendment to revise the Gilbert General Plan to designate a Central Business District, and make technical and conforming changes.

Z24-07 LDC TEXT AMENDMENT: Request to amend the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Section 2.0 Terms. The effect of the amendment will be to add a definition for central business district, and make technical and conforming changes. Ashlee MacDonald 480-503-6748.

Planner MacDonald presented the general plan update and text amendment request in relation to HB2721 Middle Housing/Central Business District, which was signed by the Governor in May 2024 with an effective date of September 14, 2024. Staff recommended adopting a General Plan amendment identifying the Heritage District as the Central Business District (CBD) and adopting a Land Development Code text amendment adding a definition for the CBD.

Planner MacDonald reviewed the background of the request, including the provisions set out in HB2721 requiring the development of duplexes, triplexes, fourplexes, and townhomes on lots

zoned for single family within the municipality's CBD. She noted that if a CBD were not defined, the new zoning requirements would apply to all areas within the city.

Planner MacDonald reviewed the proposed boundaries for the CBD and the buffer area around the CBD. Planner MacDonald asked to update the General Plan to state that the Heritage District had been defined as Gilbert's CBD.

COMMISSION QUESTIONS/COMMENTS

Commissioner Everett asked how many lots near the CBD were currently undeveloped. Planner MacDonald stated that of just under 9,000 lots, 55 were currently undeveloped. She noted that the statute would not prevent redevelopment of lots that were currently developed.

MOTION: Commissioner Gage moved to approve item GP24-01 GILBERT 2024 GENERAL PLAN UPDATE and Z24-07 LDC TEXT AMENDMENT, seconded by Commissioner Fay. **The motion passed 7-0.**

MOTION: Commissioner Gage moved to approve item Z24-07 LDC TEXT AMENDMENT, seconded by Commissioner Fay. **The motion passed 7-0.**

14. DR24-46 OASIS CHURCH EXPANSION: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 5 acres, generally located southeast of Greenfield Road and Queen Creek Road, and zoned Single Family-43 (SF-43). Kristen Devine (480) 503-6742.

Planner Devine described the site location and original development plan, noting that Phase 1 is complete and Phase 2 is pending and would include 16,547 of developed space. She noted that the project has chosen to exceed the minimum landscaping requirements and has proposed use of thornless mesquite trees instead of sissoo trees to comply with staff recommendations. Planner Devine reviewed the site elevations and noted that the new building would match the design of the existing building on the site. Planner Devine noted that staff recommended approval of the new site plan.

COMMISSION QUESTIONS/COMMENTS

Commissioner Gage inquired about the red bubbles on the site plan. Planner Devine stated that the bubbles were used by the applicant to show the location of mechanical equipment.

Chairman Mundt reviewed comments from citizens.

Ms. Cheri Smith spoke in opposition to the request, stating that she lives directly north of the proposed building and had moved into her property before the proposed site plan. She expressed concerns about the development, noting that her home is situated far back on her lot and will be very close to the proposed building. She asked for clarification on how close the building would be to her property. Ms. Smith stated that when the first building was constructed, a tall block wall was added to the rear of 2455 E. Queen Creek Road to provide privacy, but her property at 2475

E. Queen Creek Road has a shorter wall and is situated higher on the lot, allowing people in the church building to see into her property. She also expressed concern about parking lot lights behind her home.

Ms. Smith noted that her lot is entirely impacted by the new development and zoning should be protective of residential lots and asked for clarification of zoning allowances for building sizes and proximity to residential lots.

Planner Devine clarified that the building would be approximately 115 feet from the residential property line, whereas the required distance is 25 feet. The proposed parking spaces are closer to the residential properties but are not within the 25-foot landscape setback. She noted that as the location is zoned residential, parking lot lighting cannot exceed 14 feet, and the lighting foot candles cannot exceed zero past the northern property line.

Chairman Mundt asked for clarification of the wall provided for Ms. Smith's property. Planner Devine stated that she could follow up on this question.

Commissioner Everett noted that a double row of mesquite trees would be between the site and Ms. Smith's property and may help screen out the parking lot light.

Commissioner Davis encouraged Ms. Smith to work with the planning office and the church to find out if there is an opportunity to have the wall raised. Chairman Mundt concurred that if a wall was built for a resident during Phase 1, a contiguous wall may be appropriate.

Commissioner Gage asked whether the applicant could be requested to add light shields to the parking lot lights. Planner Devine noted that this could be added as a condition. Commissioner Andersen stated that the current plans indicate lighting that has a dark side.

Chair Mundt closed the public hearing and asked for a motion.

MOTION: Commissioner Davis moved to approve item DR24-46 OASIS CHURCH EXPANSION, seconded by Commissioner Gage. **The motion passed 7-0.**

ADMINISTRATIVE ITEMS

PLANNING COMMISSION MINUTES

MOTION: Commissioner Everett moved to approve the minutes of the Study Session and Regular Meeting of June 5, 2024, seconded by Commissioner Davis. **The motion passed 7-0.**

JOINT PLANNING COMMISSION AND REDEVELOPMENT COMMISSION MINUTES

MOTION: Commissioner Davis moved to approve the minutes of the June 11, 2024, Joint Planning Commission and Redevelopment Commission, seconded by Commissioner Simon. **The motion passed 7-0.**

MOTION: Commissioner Davis moved to approve the minutes of the July 10, 2024, meeting of the Work Session and Regular Meeting of the Planning Commission, seconded by Commissioner Everett. **The motion passed 7-0.**

EXECUTIVE SESSION

There was no executive session

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

There was no comment on current events.

16. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

Eva Cutro thanks the commissioners for their service to the town and reminded them that four commissioners' terms were coming to a close. She invited them to submit an application to continue.

ADJOURNMENT

Chairman Mundt called for a motion to adjourn the meeting.

MOTION: Commissioner Simon moved to adjourn the meeting, seconded by Commissioner Davis. **Motion passed 6-1.**

The meeting was adjourned at 7:18 p.m.