



Planning Commission Staff Report

TO: PLANNING COMMISSION / DESIGN REVIEW BOARD

FROM: KEITH NEWMAN, SENIOR PLANNER W

(480) 503-6812, KEITH.NEWMAN@GILBERTAZ.GOV

THROUGH: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER

(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

MEETING DATE: SEPTEMBER 4, 2024

SUBJECT: UP24-43, SIGNATURE AT SANTAN VILLAGE-FENCE

MODIFICATION

STRATEGIC INITIATIVE: Exceptional Built Environment

This project would allow for the elimination of a separation fence adjoining a landscape tract within a neighboring subdivision.

RECOMMENDED MOTION

Make the Findings of Fact and approve UP24-43 Signature at Santan Village-Fence Modification: Request to approve modifications to separation fence requirements allowing the elimination of the required separation fence along the northern boundary on approximately 30.37 acres generally located north of the northwest corner of Williams Field Rd. and San Tan Village Pkwy., and zoned Regional Commercial (RC) zoning district with a Planned Area Development (PAD) overlay.

<u>APPLICANT</u> <u>OWNER</u>

Oakbrook, AZ 60523

Company: Kensington Development Company: Lesueur Investments II LLC.

Name: Francisco Garcia Name: Ty Lesueur

Address: 700 Commerce Dr. Suite 130 Address: 3850 E Baseline Rd. Ste 114

Mesa, AZ 85206

Phone: 630-566-2181 Phone: 480-424-3424

Email: francisco@kensingtondev.com Email: Ty@lesueurinvestments.com

BACKGROUND/DISCUSSION

History

Date	Description		
January 25, 1999	Town Council approved Z98-27 by adopting Ordinance No. 1142, rezoning approximately 523 acres from R-43 (Maricopa County Rural Residential) to PAD (Planned Area Development) with the underlying zoning designation of C-2 (General Commercial).		
November 16, 1999	Town Council approved Ordinance No. 1230 by adding 63 acres to the Crossroads Center PAD and rezoning those 63 acres from R-43 (Maricopa County Rural) to C-2 with underlying PAD; adding new conditions; and amending the development plan of Crossroads Center Planned Area Development.		
December 11, 2003	Design Review Board approved DR03-97, Phase II at Santan Village Marketplace.		
March 9, 2006	Design Review Board approved a master sign program and entry features for Parcels G-1 and G-2 at Santan Village Marketplace (DR05-139).		
August 13, 2012	Design Review Board approved DR-5-139-A, The addition of Parcels A, C, D and E, the addition of 2 new signs and minor modifications to 2 signs for Santan Village Master Sign Plan Amendment.		
June 5, 2024	Planning Commission approved DR24-38, Signature at Santan Village Design Review.		

Overview

Signature at Santan Village is a 30.37-acre commercial development located north of the northwest corner of Williams Field Rd. and San Tan Village Pkwy. The subject site is approximately 30.37-acres and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay. The development, recently approved by the Planning Commission on June 5, 2024, includes a total of 324,119 sf of building area across eleven buildings, featuring a mix of retail uses.

Per the Crossroads Center PAD, the zoning code in place at the time of the rezoning of the property identified as the Unified Land Development Code (ULDC) regulates all zoning requirements on the subject site. Per the ULDC buffering criteria, a 6' tall solid wall is required on the property line adjacent to single family residential uses

(ULDC 2.2.1). The applicant is proposing an alternative to the above requirement as follows:

1. Waive the required 6' tall solid separation fence along the northern boundary.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Residential > 5 - 8 DU/Acre and Regional Commercial (RC)	Single Family-6 (SF-6) and Regional Commercial (RC)	Fincher Farms Subdivision, then Coronado Rd. and Santan Village Apartments
South	Regional Commercial (RC)	Regional Commercial (RC)	Birdcall Restaurant and Living Spaces
East	Santan Village Pkwy then Regional Commercial (RC)	Santan Village Pkwy then Regional Commercial (RC) with PAD overlay	Santan Village Pkwy. then Santan Village Regional Shopping Center
West	Residential>3.5-5	Single Family-6 (SF-6)	Gilbert Ranch Subdivision
Site	Regional Commercial (RC)	Regional Commercial (RC) with PAD overlay	Vacant

Discussion

The Unified Land Development Code (ULDC), Section 2.2.1 requires a 6' tall solid wall be constructed on the property line when a commercial use is adjacent to a single-family district or use. The ULDC states that when the owners of an existing use and the developer of a proposed use on an adjacent parcel agree on a landscape buffering technique that is not specified in the code (elimination of the required 6' wall and proposed landscaping), the agreed upon buffer shall be considered as a viable alternative in satisfying the landscaped buffer yard requirements and can be approved during Site Plan (Design Review) approval. During the Design Review approval for the subject site the Planning Commission approved the development with a condition stating that the elimination of the required 6' wall along the northern property line would require the approval of separation fence modification application, which is the reason for the current request.

Per the request, the applicant is proposing to eliminate the required 6' tall wall along the northern property line of the subject property. This area includes a 40' landscaped buffer/setback and an existing 20'-22' wide tract/RWCD easement

that contains an existing trail and a wall along the north side of the tract owned by the Fincher Farms HOA. All required trees and shrubs will be provided within the 40' landscaped buffer/setback.

According to the applicant, the approval to remove the requirement for separation fencing along their northern property line will eliminate a safety/security issue that could arise from having an unsafe trail corridor on the Fincher Farms property. The request seeks to provide a clear line of sight thus reducing potential safety concerns for residents of the neighborhood at all times of the day. In addition, the proposed landscaping plan includes the planting of trees along the north side of the property to serve as a natural buffer between the commercial development and the existing residential. This approach not only enhances the visual appeal of the area but also fosters a more harmonious integration with the Fincher Farms neighborhood.

FINDINGS

The Planning Commission is required to make four findings in order to approve a Wall and Fence Modification. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

- The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to abutting property, to the neighborhood, or to the general welfare of the town as a whole.
 - According to the applicant, the proposed modification to waive the requirement for a 6-foot screen wall on the north side of the Santan Village development will not be detrimental to the health, safety, or general welfare of persons living or working in the surrounding area. On the contrary, maintaining a single existing screen wall rather than adding a second one will enhance pedestrian safety. A second wall could potentially create an unsafe corridor prone to criminal activity and vandalism. By opting for a landscaping approach with strategically placed trees, we ensure a natural buffer that maintains safety without compromising the aesthetic appeal of the area.
- 2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council.
 - According to the applicant, the proposal aligns with the purposes, intent, and policies of the General Plan and relevant adopted plans of the Town Council.

The decision to rely on landscaping for visual screening reflects our commitment to sustainable urban development practices that prioritize environmental sensitivity and community integration. By enhancing the visual aesthetics with greenery rather than additional built structures, we contribute positively to the overall aesthetic and functional goals outlined in the General Plan.

 The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements.

According to the applicant, the proposal complies with all conditions, requirements, and standards specified in the Zoning Code and other applicable local, state, and federal regulations. The design and implementation of our landscaping plan adhere to zoning requirements for visual screening and safety measures. We are committed to meeting all necessary standards while enhancing the livability and sustainability of the Santan Village development.

4. The project is compatible with abutting and nearby development.

According to the applicant, the project is designed to be compatible with abutting and nearby developments. By opting for a natural buffer of trees instead of a second screen wall, we maintain a harmonious transition between the commercial development of Santan Village and the adjacent residential areas. This approach respects the existing neighborhood character while promoting a cohesive community environment. It ensures that our development integrates seamlessly with the surrounding built environment, contributing positively to the overall quality of life for residents and stakeholders.

Pursuant to the above analysis, Staff believes the applicant's request to eliminate the 6' tall wall along the northern property boundary is warranted as it will maintain an appropriate level of safety for pedestrians in the trail corridor and create an approximately 60' wide buffer that will further integrate the two developments by providing an attractive wide open space to further minimize any negative impacts between the existing residential and future commercial development.

PUBLIC NOTIFICATION AND INPUT

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 no comment from the public as of the writing of this report.

STAFF RECOMMENDATION

Make the Findings of Fact and approve UP24-43 Signature at Santan Village-Fence Modification: Request to approve modifications to separation fence requirements allowing the elimination of the required separation fence along the northern boundary on approx. 30.37 acres generally located north of the northwest corner of Williams Field Rd. and San Tan Village Pkwy., and zoned Regional Commercial (RC) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

1. The Project shall be in substantial conformance with all exhibits associated with this case.

Respectfully submitted,

Keith Newman, Senior Planner

Attachments and Enclosures:

- 1) Findings of Fact
- 2) Notice of Public Hearing
- 3) Aerial Photo
- 4) Applicant's Narrative (3 pages)
- 5) Site Plan (2 pages)
- 6) Trail Corridor Photos (4 pages)

FINDINGS OF FACT

UP24-43 Signature at Santan Village Fence Modification

- 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
- 2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
- 3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
- 4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

Notice of Attachment 2: Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, September 4, 2024* TIME: 6:00 PM

LOCATION: Municipal Building I

Council Chambers

50 East Civic Center Drive

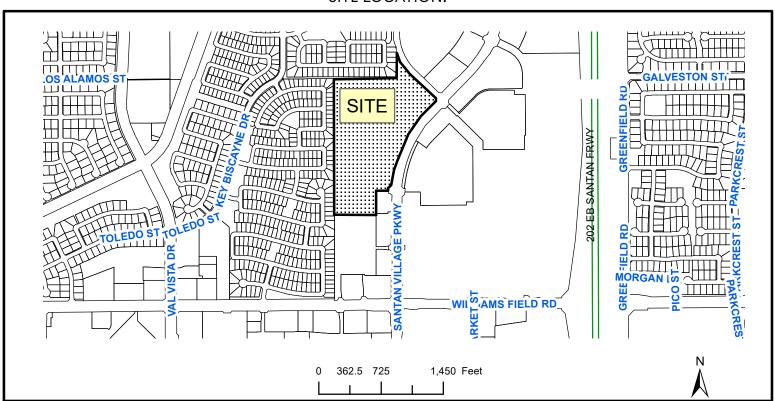
*Call Planning Division to verify date and time: (480) 503-6812

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:

UP24-43 Signature at Santan Village-Fence Modification: Request to approve modifications to separation fence requirements allowing the elimination of the required separation fence along the northern boundary on approx. 30.37 acres generally located north of the northwest corner of Williams Field Rd. and San Tan Village Pkwy., and zoned Regional Commercial (RC) zoning district with a Planned Area Development (PAD) overlay.

SITE LOCATION:



APPLICANT: Kensington Development Partners

CONTACT: Francisco Garcia

ADDRESS: 700 Commerce Drive Suite 130

Oakbrook IL, 60523

TELEPHONE: (630) 566-2181

E-MAIL: francisco@kensingtondev.com

UP24-43 Signature at Santan Village - Fence Modification Attachment 4: Applicant's Narrative (3 pages)



July 12,2024

Town of Gilbert, AZ

Subject: Signature at Santan Village – Conditional Use Application for Wall/Perimeter Fence Relief

Dear Planning Department,

Introduction

Kensington Development Partners is seeking relief from the requirement to construct a 6-foot masonry screen wall on the north property line of the Signature at Santan Village development project in Gilbert, Arizona as depicted in the attached Site Plan.

Background

The Signature at Santan Village development is poised to become a vibrant commercial hub that integrates seamlessly with the existing residential zones nearby. Our design incorporates thoughtful landscaping and strategic planning to mitigate potential impacts on the surrounding environment and community.

Rationale for Relief

- 1. **Existing Screen Wall**: There is an existing 6-foot masonry wall on the north side of the development, separating it from the adjacent residential zone. Adding a second wall would create an unnecessary and potentially unsafe corridor for pedestrians. Such corridors are known to attract mischief, increase the likelihood of crime, and become targets for vandalism and graffiti.
- 2. **Pedestrian Safety**: Maintaining a clear line of sight and reducing potential hiding spots is crucial for pedestrian safety. A second screen wall could obscure visibility and compromise the safety of those traversing the area, especially during non-daylight hours.
- 3. Aesthetic and Environmental Considerations: The proposed landscaping plan includes the strategic planting of trees along the north side of the property. These trees will serve as a natural buffer between the commercial development and the existing residential zone. This approach not only enhances the visual appeal of the area but also fosters a more harmonious integration with the surrounding neighborhood.



Section 6.4.4.B Findings Required for Approval of Wall and Fence Modifications

Finding 1: The proposed modification will not be detrimental to health, safety, or general welfare.

Response: The proposed modification to waive the requirement for a 6-foot screen wall on the north side of the Santan Village development will not be detrimental to the health, safety, or general welfare of persons living or working in the surrounding area. On the contrary, maintaining a single existing screen wall rather than adding a second one will enhance pedestrian safety. A second wall could potentially create an unsafe corridor prone to criminal activity and vandalism. By opting for a landscaping approach with strategically placed trees, we ensure a natural buffer that maintains safety without compromising the aesthetic appeal of the area.

Finding 2: The proposed modification conforms with the purposes, intent, and policies of the General Plan and other adopted plans.

Response: Our proposal aligns with the purposes, intent, and policies of the General Plan and relevant adopted plans of the Town Council. The decision to rely on landscaping for visual screening reflects our commitment to sustainable urban development practices that prioritize environmental sensitivity and community integration. By enhancing the visual aesthetics with greenery rather than additional built structures, we contribute positively to the overall aesthetic and functional goals outlined in the General Plan.

Finding 3: The proposed modification conforms with all other conditions, requirements, or standards of the Zoning Code and applicable regulations.

Response: We have thoroughly reviewed and ensured that our proposal complies with all conditions, requirements, and standards specified in the Zoning Code and other applicable local, state, and federal regulations. The design and implementation of our landscaping plan adhere to zoning requirements for visual screening and safety measures. We are committed to meeting all necessary standards while enhancing the livability and sustainability of the Santan Village development.

Finding 4: The project is compatible with abutting and nearby development.

Response: Our project is designed to be compatible with abutting and nearby developments. By opting for a natural buffer of trees instead of a second screen wall, we maintain a harmonious transition between the commercial development of Santan Village and the adjacent residential areas. This approach respects the existing neighborhood character while promoting a cohesive community environment. It ensures that our development integrates seamlessly with the surrounding built environment, contributing positively to the overall quality of life for residents and stakeholders.

Conclusion

In conclusion, we respectfully request the Planning and Zoning Commission's favorable consideration of our conditional use application to waive the requirement for a 6-foot screen wall on the north side of the Santan Village development. The existing screen wall, coupled with our proposed landscaping, will



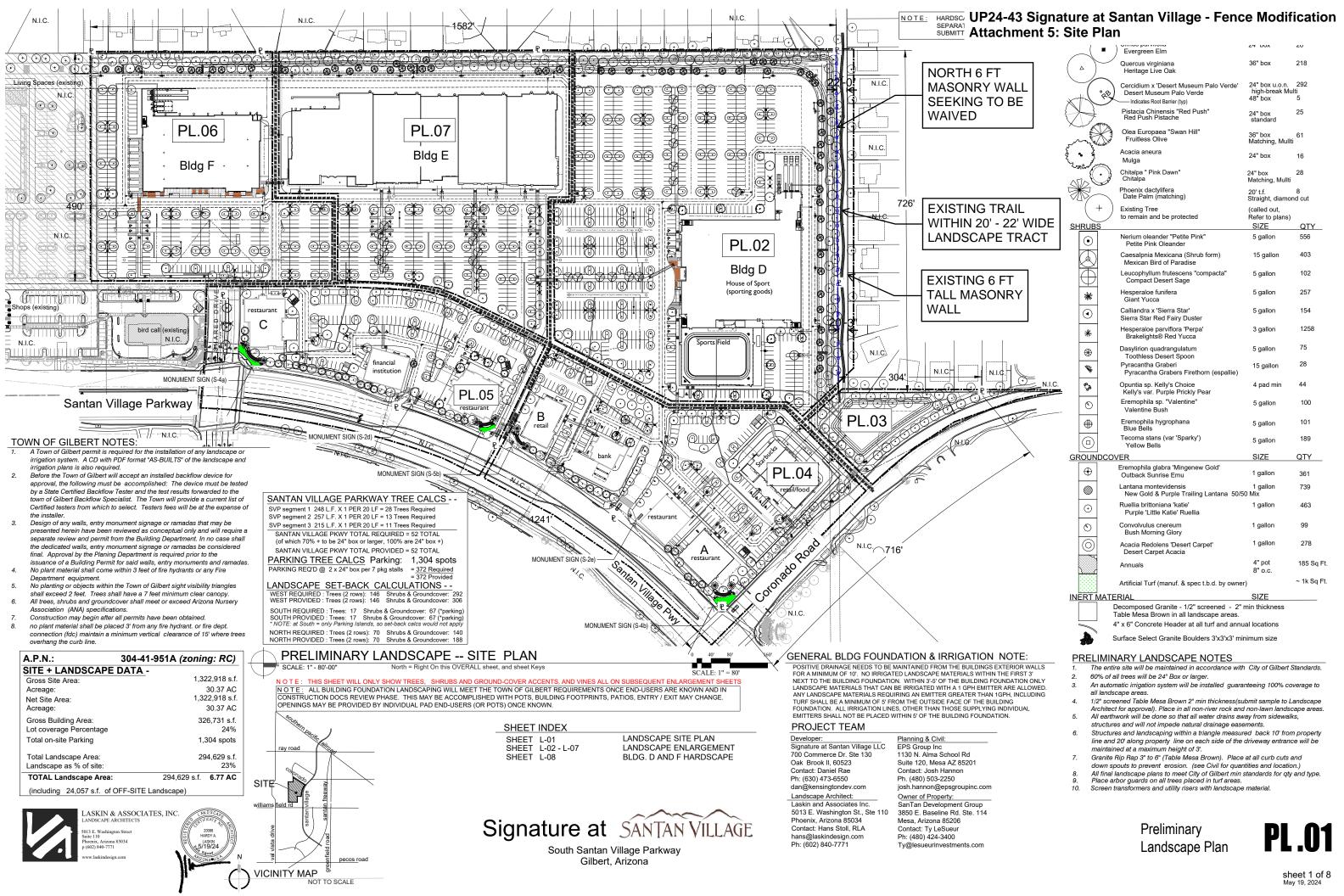
effectively achieve the objectives of visual screening and safety without compromising the pedestrian experience or inviting potential issues associated with additional walls.

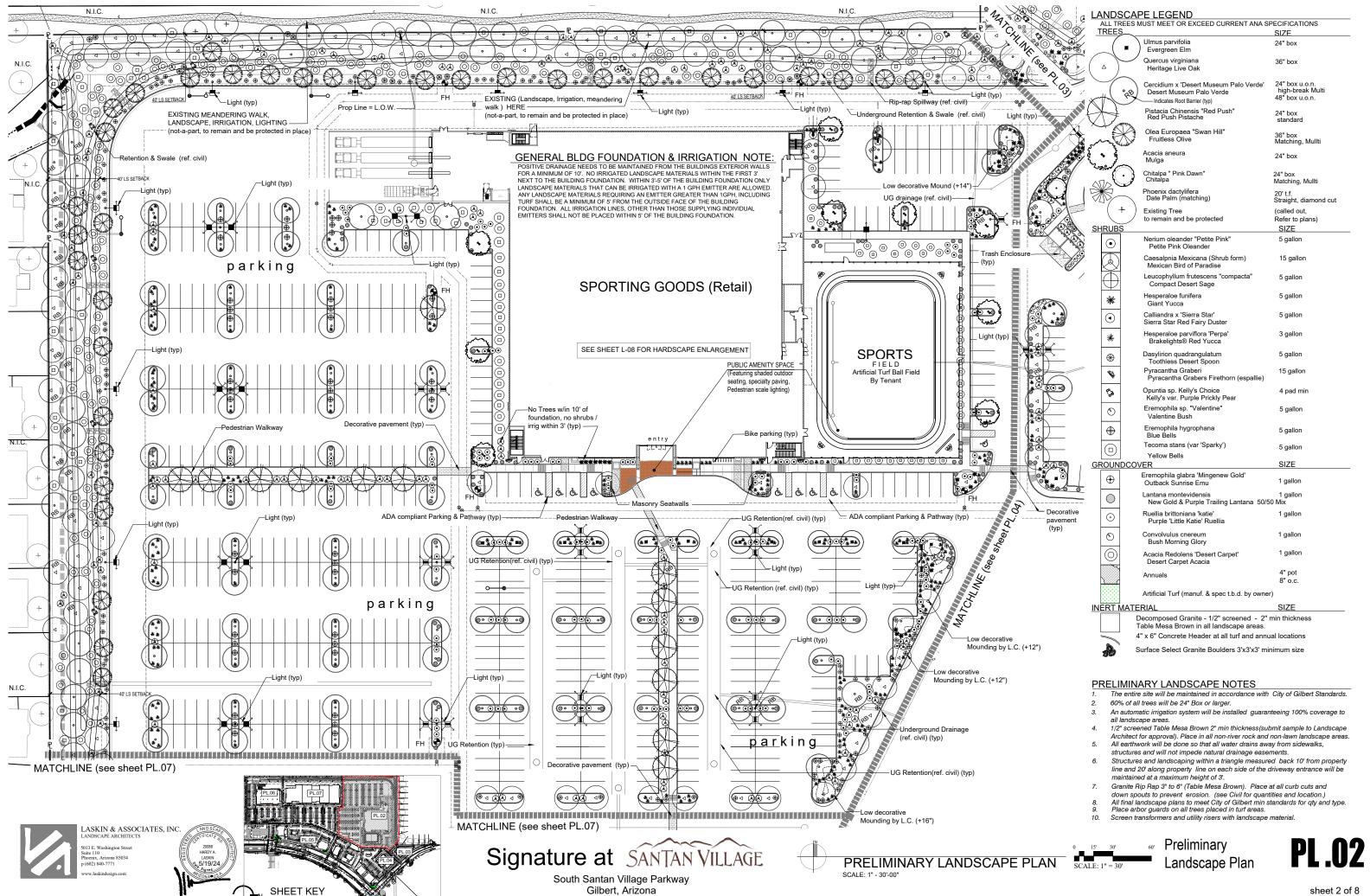
Thank you for your time and consideration of this important matter.

Sincerely,

Francisco Garcia

Francisco Garcia
Development Services Manager
Kensington Enclave, LLC
700 Commerce Drive |Suite 130 | Oak Brook, IL 60523
630-566-2181 | francisco@kensingtondev.com





North = Right in Key, Not-to-







