



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
September 4, 2024**

PLANNING COMMISSION PRESENT:

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

STAFF PRESENT:

Eva Cutro, Planning Manager
 Kole Lyons, Assistant Town Attorney
 Scott Anderson, Council Liaison
 Veronica Gonzalez, Principal Planner
 Keith Newman, Senior Planner
 Nicole Russell, Senior Planner
 Sal DiSanto, Planner 1

PLANNER	CASE	PAGE	VOTE
Eva Cutro	Z24-13	1	
Keith Newman	GP24-02 and Z24-10	2	
Sal DiSanto	DR24-62	6	7-0
Keith Newman	UP24-43	7	7-0
Keith Newman	Z24-04	8	7-0

CALL TO ORDER OF THE WORK SESSION

Chair Mundt called the work session of the Planning Commission to order at 5:08 p.m.

WORK SESSION

1. **Z24-13 LDC TEXT AMENDMENT - ZONING APPLICATIONS:** Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations, Section 6.2 Common Procedures. The effect of the amendment will be to clarify the Code, address administrative completeness of zoning applications, timeframe to approve or deny zoning applications, and make technical and conforming changes. Eva Cutro (480) 503-6782.

Planning Manager Cutro presented an overview of the amendments to the review timeframes of residential projects. It is proposed that the administrative review be completed by staff within 30

days. The process currently takes 10 to 15 days. If the application is incomplete, a list of deficiencies will be provided, and the resubmission review will be completed within 15 days. The proposal does not apply to historic or Native American sites, planned area development (PAD) zones, or residential zones. The Council approval or rejection would take place within 180 days. Staff may grant 30-day extensions to the applicant. A slight amendment to the protest procedures was also proposed. If 20 or more properties surrounding the zoning areas submit written protests, a majority vote would be triggered. Government-owned property does not qualify for protest.

STAFF RECOMMENDATION

Move to initiate the amendments and conduct the Citizen Review.

COMMISSION QUESTIONS/COMMENTS

Commissioner Bianchi inquired about the effect of the new timeframes on staff resources.

Planning Manager Cutro advised that this type of project is not expected to impact resources, although if there are multiple residential applications, the process could take longer. However, there may not be much interest in rezoning adaptive commercial zones to residential. A delay may be experienced with hard-to-interpret bills.

Commissioner Fay asked if the model must be adopted.

Planning Manager Cutro advised that the language was provided by the legislature, that the actual ordinance differs, and that the timeframe applies to residential zoning applications only.

Chair Mundt called for the Council to approve the initiation, and there was no opposition.

There were no comments from citizens.

2. GP24-02 MODERA GABRIELLA POINTE: Request for Minor General Plan Amendment to change the land use classification of approximately 13.50 acres generally located at the northeast corner of Higley Rd. and Elona Dr. from Regional Commercial to General Commercial.

Z24-10 MODERA GABRIELLA POINTE: Request to rezone approximately 13.50 acres located at the northeast corner of Higley Rd. and Elona Dr. from Regional Commercial (RC) zoning district to Mixed Use Large (MU/L) zoning district, with a Planned Area Development overlay zoning district (PAD). Keith Newman (480) 503-6812.

Planner Newman requested Council input concerning the general plan amendment and PAD zone deviations. The applicant requested to rezone the land from regional and general commercial to mixed-use zoning to include a multi-family development at the back and retail and commercial space at the front. The retail space height and number of residential units is unclear. A walkway and parking would connect the commercial and residential areas.

The applicant proposed the following deviations:

- Build-to-Line: That buildings are not required to be within 10 feet of property lines abutting streets or pedestrian, sidewalk, and landscape tracts.
- Driveway Restrictions: That vehicular ingress and egress be permitted along arterial and collector streets.
- Parking Setback: That parking be permitted in front of structures, between public and private streets and building frontages.
- Tract Requirements: That internal streets and major access aisles not be within a designated and recorded tract.

Staff expressed concern to the applicant regarding the zone integrations and the commercial distribution as it is unclear if the area would be accessible to the public. Additional information will be requested from the applicant regarding the commercial zone square footage, residential unit height, parking location as it does not meet the intent of the current guidelines, and other inconsistencies. No surrounding property owners attended the public neighborhood meeting on August 8, 2024.

Although much information is missing, the applicant requested that the project be presented.

COMMISSION QUESTIONS/COMMENTS

Commissioner Gage asked if the project was presented to the Council earlier than usual and noted the lack of integration between zones and that mixed zoning areas intend to decrease PADs, which this project does not do.

Planner Newman advised that the applicant requested that the project be presented in its early stage. Additional review is required by staff to determine where the gates between the commercial and residential areas will be located and if all the deviations are required. The mixed-use zoning intended to cut back the number of deviations, which this project does not.

Commissioner Bianchi asked if the rezoning aims to activate the frontage with activity.

Planner Newman advised that the residential component drives the rezoning request to mixed-use and that placing buildings closer to the frontage increases pedestrian activity. The location may not be appropriate for a mixed-use development.

Commissioner Davis asked what the tract requirement deviation request aims to achieve and expressed interest in increasing activity on the Elona Drive corner.

Planner Newman advised that he would provide additional deviation information at the final hearing.

Commissioner Simon noted that the gates hinder integration and asked if the Martingale Road entrance would be for resident use only. An entrance on Higley Road seems more appropriate,

as entering the site from Elona Drive would affect traffic flow. The commercial area seems better suited for Higley Road. The development does not seem to meet the mixed-use requirements.

Commissioner Andersen questioned why the parking setback and driving restrictions were permitted at other commercial centers but are being questioned for this project. Multi-family developments do not complement commercial areas.

Planner Newman advised that other commercial shopping centers are in less dense areas. Mixed-use zones aim to create pedestrian-friendly spaces without vehicular access from the main streets.

Commissioner Fay advised that he would vote against the project as a single coffee shop does not constitute the project to be mixed-use and the deviations emasculate the requirements. The residential and commercial projects should be separate. Regardless of the applicant's request to present the project to the Council in its early stages, staff should push back as additional information is required to provide meaningful feedback.

Commissioner Davis agreed with Commissioner Fay's comments.

Commissioner Gage agreed that the project should be presented again when additional information is available.

Chair Mundt noted that a leasing office does not deem the project commercial and that it is unclear if the gym is for public or resident use.

Planner Newman advised that staff would discuss the mixed-use requirements with the applicants.

3. DISCUSSION OF REGULAR MEETING AGENDA

Planning Manager Cutro reviewed the meeting agenda, and the Commission agreed to relocate items 8, 9, and 11 to the non-consent agenda and items 7 and 10 to the consent agenda.

ADJOURN WORK SESSION

Chair Mundt adjourned the work session at 5:56 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Mundt called the September 4, 2024, Regular Meeting of the Planning Commission to order at 6:05 p.m.

PLEDGE OF ALLEGIANCE

Chair 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

Chair Mundt called for a motion to approve the agenda.

MOTION: Commissioner Bianchi moved to approve the agenda of the September 4, 2024, meeting of the Planning Commission, amended as follows:

- Items 8, 9, and 11 on the consent agenda, DR24-62 SUPERLITE BLOCK- SITE EXPANSION- PLANT UPGRADE, UP24-43 SIGNATURE AT SANTAN VILLAGE-FENCE MODIFICATION, and Z24-04 BELLA STORIA-PAD AMENDMENT, respectively, to be moved to the non-consent agenda.
- Items 7 and 10, DR24-67 PORTER BROTHERS OFFICE EXPANSION and DR24-58 MISSION COMMUNITY CHURCH-COFFEE HOUSE, respectively, on the non-consent agenda, to be moved to the 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

Commissioner Andersen provided Commissioners Bianchi and Everett with a certificate of appreciation for their time served on the Council, noting that this is their last meeting.

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. **DR24-67 PORTER BROTHERS OFFICE EXPANSION:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.48 acres, generally located southwest of Fiesta Boulevard. and Baseline Road, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay. Nicole Russell (480) 503-6716.

8. **DR24-58 MISSION COMMUNITY CHURCH-COFFEE HOUSE:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 15.49 acres, generally located at the northwest corner of Cactus Yards Way and Elliot Road, and zoned Single Family-6 (SF-6). Sal DiSanto (480) 503-6759.

MOTION: Commissioner Andersen moved to approve the consent calendar as presented and seconded by Commissioner Bianchi. 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.

9. **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.

Planner DiSanto presented the site plan and design for the project located at the corner of Baseline and McQueen Roads, which is surrounded by areas zoned as GI and light GI. The site was originally annexed into the Town of Gilbert as a single manufacturing site and later amended to add a second. The applicant wishes to upgrade the original equipment and proposes a 23,300-square-foot production building along the southern proper line and a 1,600-square-foot employee amenity area along the western property line. Parking requirements would be met by increasing spaces from 16 to 25 on the northeast corner. The site would be screened by CMU block and paneling and a standard seam metal roof. No landscape upgrades are required. The amenity area will be white and palo verde with a gable roof. The new production building will be 32 feet tall, of a neutral color, with a flat green standing seam metal roof. The exterior equipment will be sky blue to mitigate the visual impact on the community.

Staff recommended that Condition H be updated to:

- The application's approval is contingent on the applicant's pending request for a technical variance relating to the Town Public Works and Engineering Standard 4.18.9.2

Deceleration Lanes. Approval of the engineering plans will not be deemed complete, and no building permits shall be issued unless and until the technical variance has been approved.

COMMISSION QUESTIONS/COMMENTS

There were no comments from citizens.

Commissioner Andersen asked if the item's approval is contingent on the technical variance.

Planner DiSanto advised that they are and if denied, the engineering staff would present an alternative to the Council at a future date.

MOTION: Commissioner Bianchi moved to approve 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, subject to the updated Condition H, seconded by Commissioner Fay. The motion **passed 7-0**.

10. 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. Keith Newman (480) 503-6812.

Planner Newman requested to defer the item to the October 2, 2024, Planning Commission hearing as the project requires written approval from surrounding property owners, which has not been received.

Kathleen Dubois advised she occupies the property to the north and sits on the Homeowner Association (HOA) Board. The HOA is reluctant to provide written consent as it is undecided on the height of the wall to separate the two communities. The Board is concerned that their private property will become an alleyway and disturb the community. The HOA opposes a lack of separation and is investigating solutions.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay asked if the HOA approval is a requirement or a support document.

Planner Newman advised that it is a requirement.

MOTION: Commissioner Fay moved to approve continuing UP24-43 to October 2, 2024, seconded by Commissioner Bianchi. The motion **passed 7-0**.

11. **Z24-04 BELLA STORIA-PAD AMENDMENT:** Request to amend Ordinance No. 2884 pertaining to the Bella Stora Planned Area Development by amending the development plan, revising conditions of approval, reconfiguring the zoning boundaries and revising the acreages of the Single Family Detached (SF-D) zoning district from 23.6 acres to 23.5 acres and the Single Family Attached (SF-A) zoning district from 8.5 acres to 8.6 acres, on approximately 32.19 total acres located at the northwest corner of Power Rd. and Williams Field Rd. Keith Newman (480)-503-6812.

Planner Newman advised that the item was removed from the consent agenda due to the conditions of approval.

Cory Hosea, the applicant, requested questions from the Council.

Commissioner Fay expressed concern over Item C, which ties requirements to the platting instead of the ordinance, which could leave the project in a grey zone for several years. Furthermore, Item D, which removes the clause for the developer to reimburse the city for any upfront street upgrades, is inappropriate. Items E, F, and G are requested to be tied to a single Parcel D, which if it is the last to be developed, some requirements could be skipped.

Cory Hosea advised that it is not the developer's intention to delay the project. Item D was included as improvements not required by capital projects, and sidewalks and lighting are already available on Williams Field Road. The developer preferred to have Council approval for the multi-family parcels prior to completing improvements.

Commissioner Fay requested that Planner Newman add an annotation to the application that it would not take years to complete the project.

Planner Newman advised that it is common practice to tie requirements to the platting rather than the ordinance.

Commissioner Fay expressed support for the application if the engineering staff supported it.

Commissioner Gage noted that the 50' by 250' landscape requirement seems excessive.

Planner Newman advised that the original standards aimed to highlight intersections. The current requirements would focus on pedestrian access.

There were no comments from citizens.

MOTION: Commissioner Bianchi moved to approve Z24-04 BELLA STORIA-PAD AMENDMENT: Request to amend Ordinance No. 2884 pertaining to the Bella Stora Planned Area Development by amending the development plan, revising conditions of approval, reconfiguring the zoning boundaries and revising the acreages of the Single Family Detached (SF-D) zoning district from 23.6 acres to 23.5 acres and the Single Family Attached (SF-A) zoning district from 8.5 acres to 8.6 acres, on approximately 32.19 total acres located at the northwest corner of Power Rd. and Williams Field Rd, seconded by Commissioner Davis. The motion **passed 7-0**.

ADMINISTRATIVE ITEMS

Administrative Items are for the Commission/Board discussion and action. It is at the discretion of the majority of the Commission/Board regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a public comment form indicating the number on which they wish to address. The Commission/Board may or may not accept public comment.

PLANNING COMMISSION MINUTES

MOTION: Commissioner Simon moved to approve the August 7, 2024, minutes of the Study Session and Regular Meeting of the Planning Commission, seconded by Commissioner Davis. The motion **passed 7-0**.

EXECUTIVE SESSION

The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3. An Executive Session was not required at this meeting.

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

Chair Mundt thanked Commissioners Everett and Bianchi for contributing to the Council and wished them well.

13. REPORT FROM PLANNING SERVICES MANAGER ON CURRENT EVENTS

Eva Cutro, Planning Manager, thanked Commissioners Everett and Bianchi for their service.

ADJOURNMENT

Chair Mundt called for a motion to adjourn the meeting.

MOTION: Commissioner Simon moved to adjourn the meeting, seconded by Commissioner Fay. The motion **passed 7-0**.

The meeting was adjourned at 6:40 p.m.

Noah Mundt, Chair