DRAFT

TOWN OF GILBERT
PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
DECEMBER 6, 2017

COMMISSION PRESENT:	Vice Chairman Brian Andersen Commissioner Carl Bloomfield Commissioner David Cavenee Commissioner Greg Froehlich Commissioner Brian Johns Commissioner Joshua Oehler Alternate Commissioner Seth Banda Alternate Commissioner Daniel Cifuentes
COMMISSION ABSENT:	Chairman Kristofer Sippel
STAFF PRESENT:	Gilbert Olgin, Planner II Amy Temes, Senior Planner Nathan Williams, Senior Planner Principal Planner Catherine Lorbeer Planning Manager Linda Edwards
ALSO PRESENT:	Council Liaison Brigette Peterson Attorney Nancy Davidson Recorder Debbie Frazey

PLANNER	CASE	PAGE	VOTE
Amy Temes	DR17-1118	4	Approved
Amy Temes	GP17-1008	3	Approved
Amy Temes	Z17-1015	3	Approved
Amy Temes	GP17-1009	4	Approved
Amy Temes	Z17-1017	4	Approved
Nathan Williams	GP17-1000	4	Approved
Nathan Williams	Z17-1003	4	Approved
Gilbert Olgin	DR17-1104	4	Approved

Gilbert Olgin	DR17-1121	4	Approved
Gilbert Olgin	DR17-1123	4	Approved
Gilbert Olgin	DR17-1132	4	Approved
Nathan Williams	UP17-1034	4	Approved
Catherine Lorbeer	UP17-1035	31	Approved
Catherine Lorbeer	Z17-1019	45	Approved
Nichole McCarty	Z16-07	4	Continued

CALL TO ORDER REGULAR MEETING

Vice Chair Brian Andersen called the December 6 Regular Meeting of the Planning Commission to order at 6:24 p.m.

ROLL CALL

Recording Secretary Debbie Frazey called roll and a quorum was determined to be present.

6. APPROVAL OF AGENDA

Vice Chair Andersen informed the audience that they would be making some changes to tonight's agenda. He said they would be Continuing Item 19, Z16-07, Wireless Communication Facilities to the January 3, 2018 Regular Meeting Consent Agenda. He also said they would be moving Item 22, Report from Council Liaison on Current Events. Item 22 would be heard after Item 7, Communication from Citizens. Vice Chair Andersen then called for a member of the Commission to approve the revised agenda. Carl Bloomfield made a **MOTION** to approve the revised agenda; seconded by Brian Johns; motion passed unanimously.

Motion passed 7-0

7. COMMUNICATION FROM CITIZENS.

At this time, members of the public may comment on matters within the jurisdiction of the Town, but not on the agenda. The Commission/Board response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

Vice Chair Andersen asked if there were any members of the public who wished to speak on something that was not on the agenda. Seeing no members of the public who wished to speak, he invited Council Liaison Brigette Peterson forward to speak. Before Council Liaison Peterson came forward, Vice Chair Andersen informed the audience that if any member of the audience would like to speak on an agenda item, they should fill out a public comment card and bring it to the Staff table.

22. Report from Council Liaison on current events

Council Liaison Brigette Peterson addressed the Commission. She informed the Commission about some upcoming events in Gilbert. The Riparian After Dark event was coming up on December 8-9 and December 15-16. She said the event runs from 5:30 p.m. until 9:00 p.m. She said each night is dedicated to a different cause. She said the Town website would have information on the different causes that were being supported. She said it was a great event to attend. She also said that on Saturday morning, the Gilbert Fire and Rescue would be doing rides with Santa in front of Walmart on Market Street. She said that Santa would be there to take pictures and also do rides on the fire engine. She said the event would take place from 9:00 to 11:00 a.m. She said that Gilbert Fire and Rescue had requested that participants bring an unwrapped toy or clothing, or make a donation for the rides. She also mentioned Alex, a new way to connect to Gilbert's Open Data Portal. She said to receive further information, the Town website could be visited and a demo could be watched about Alex and how she could help residents reach into all of the information and data stored in the Town of Gilbert that can be used in businesses or for information purposes. She thanked the Commission for allowing her to address the Commission out of order. She wished the Commission a Merry Christmas and a Happy New Year. She said she would see them again in January.

PUBLIC HEARING (CONSENT)

All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of the Commission/Board for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Vice Chair Andersen read the Public Hearing (Consent) Agenda (listed by item with Staff Recommendations below) as follows: Item 8, DR17-1118, Holiday Inn Express; Item 9, GP17-1008, Watermark at Gateway Place and Z17-1015, Watermark at Gateway Place; Item 10, GP17-1009, Lyon's Gate Apartments and Z17-1017, Lyon's Gate Apartments (which includes an addendum with changes highlighted in yellow); Item 11, GP17-1000, Anatole and Z17-1003, Anatole; Item 12, DR17-1104, Skyline Steel Site Improvements; Item 13, DR17-1121, TRU Hotel by Hilton and Conceptual Master Plan; Item 14, DR17-1123, Ray Road Storage; Item 15, DR17-1132, Bridges Ward; Item 16, UP17-1034, Heritage District Parking Garage II; Item 19, Z16-07, Wireless Communication Facilities (requesting continuance to January 3, 2018).

Vice Chair Andersen asked if there were any Commissioners that needed to declare a Conflict of Interest. Commissioner Greg Froehlich declared a Conflict of Interest on Item 9, GP17-1015, Watermark at Gateway Place and Z17-1015, Watermark at Gateway Place. Due to the Conflict of Interest, the Commission would vote on this item separately.

Commissioner David Cavenee made a **MOTION** to approve Item 9, GP17-1008 and Z17-1015, Watermark at Gateway Place; seconded by Joshua Oehler; motion passed.

Motion passed 6-0 (with Greg Froehlich abstaining due to Conflict of Interest)

Commissioner David Cavenee made a **MOTION** to approve Item 8, DR17-1118, Holiday Inn Express; Item 10, GP17-1009, Lyon's Gate Apartments (with the addendum provided to the Commission at tonight's meeting); Item 11, GP17-1000, Anatole; Item 12, DR17-1104, Skyline Steel Site Improvements; Item 13, DR17-1121 TRU Hotel by Hilton and Conceptual Master Plan; Item 14, DR17-1123, Ray Road Storage; Item 15, DR17-1132, Bridges Ward; Item 16, UP17-1034, Heritage District Parking Garage II; Item 19, Z16-07, Wireless Communication Facilities (to be Continued to the January 3, 2018 meeting).

David Cavenee then amended his **MOTION** to include Item 10's companion case: Z17-1017, Lyon's Gate Apartments and Item 11's companion case: Z17-1003, Anatole. The motion was seconded by Joshua Oehler; motion passed unanimously.

Motion passed 7-0

8. DR17-1118, HOLIDAY INN EXPRESS: SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS FOR APPROXIMATELY 2.26 ACRES, GENERALLY LOCATED AT THE NORTHWEST CORNER OF POWER ROAD AND GALVESTON STREET AND ZONED BUSINESS PARK (BP) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR17-1118, Circle G Corporate Park – Holiday Inn Express: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 2.26 acres, generally located at the northwest corner of Power Road and Galveston Street and zoned Business Park (BP) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the December 6, 2017 public hearing.

2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.

3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

4. The water line easement on the Preliminary Drainage Map shall be adjusted to match the alignment on the landscape plans.

5. The board form shall match the style and concrete color of the board form used in DR16-48 (see note on Attachment No. 8).

6. Metal elements on fencing, screen walls and refuse enclosures shall be painted Dunn Edwards Charcoal Smudge.

9. GP17-1008, WATERMARK: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 19.98 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF WREN DRIVE AND RAY ROADS FROM RESIDENTIAL >14-25 DU/ACRE TO RESIDENTIAL >8-14 DU/ACRE LAND USE CLASSIFICATION.

Z17-1015, WATERMARK: REQUEST TO AMEND ORDINANCE NOS. 1503, 2180 AND 2569 AND REZONE APPROXIMATELY 19.98 ACRES OF REAL PROPERTY WITHIN THE GATEWAY PLACE PLANNED AREA DEVELOPMENT (PAD), GENERALLY LOCATED AT THE NORTHEAST CORNER OF WREN DRIVE AND RAY ROADS FROM APPROXIMATELY 19.98 ACRES OF MULTI-FAMILY / MEDIUM (MF/M) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY TO APPROXIMATELY 19.98 ACRES OF MULTI-FAMILY / LOW (MF/L) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STAFF RECOMMENDATION

A. Recommend to the Town Council approval of GP17-1008, to change the land use classification of approximately 19.98 acres of real property, generally located at the northeast corner of Wren Drive and Ray Road from Residential >14-25 DU/Acre to Residential >8-14 DU/Acre land use classification; and

B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1015 rezoning approximately 19.98 acres of real property within Gateway Place Planned Area Development (PAD) generally located at the northeast corner of Wren Drive and Ray Road from approximately 19.98 acres of Multi Family / Medium (MF/M) zoning district with a Planned Area Development overlay to approximately 19.98 acres of Multi Family / Low (MF/L) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.

1. Dedication to Gilbert for Ray Road rights-of-way that are adjacent to the Property shall be completed prior to the recordation of a Final Plat or when requested by the Town Engineer, whichever is

sooner. Failure to complete dedication may result in reversion of the zoning to the prior zoning classification.

2. Dedication of Ray Road shall extend 70~~3~~ feet from the center line.

3. Dedication to Gilbert for Wren Drive right-of-way that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Wren Road shall extend 40 feet from the center line.

    a. Dedication to Gilbert for Blue Jay Drive right-of-way that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Blue Jay Drive shall extend 40 feet on each side of the center line, 80 feet total width.

    b. Dedication to Gilbert for Orchid Lane right-of-way that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Orchid Lane shall extend 30 feet from the center line.

    c. Construction of off-site improvements, INCLUDING 2 DECEL LANES ON RAY ROAD AND A TRAFFIC SIGNAL AT THE INTERSECTION OF BLUE JAY DRIVE AND RAY ROAD, to Ray Road, Wren Drive, Blue Jay Drive and Orchid Lane adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property, or whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a building permit for any unit or building constructed on the Property.

    d. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert

constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.

e. 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.

f. 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.

g. 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.

h. 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:

Development Standards	Light Industrial
Minimum Required Perimeter Landscape area (ft)	
Side Setback (MF Res)	**10'**
Side Setback (Employment)	**0'**
Rear Setback (Res)	**10'**
Rear Bldg Setback (Employment)	**0'**

~~Development Standards~~	~~Multi-Family / Medium~~

~~Minimum Perimeter Building Setback (ft)~~	
~~Rear Bldg Setback (Employment)~~	~~**10'**~~
~~Minimum Required Perimeter Landscape area (ft)~~	
~~Rear Bldg Setback (Employment)~~	~~**10'**~~

DEVELOPMENT STANDARDS	MULTI-FAMILY / LOW
MIN. NET LAND AREA PER UNIT	**2,970 SF**
MINIMUM PERIMETER BUILDING SETBACK (FT)	
REAR BLDG SETBACK (EMPLOYMENT)	**10'**
MINIMUM REQUIRED PERIMETER LANDSCAPE AREA (FT)	
REAR BLDG SETBACK (EMPLOYMENT)	**10'**

j. Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following: "This property, due to its proximity to the Phoenix Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may of concern to some individuals."

k. Leasing offices for new multi-family residential projects shall provide notice to prospective lessees that the project is located within an Overflight area. Such notice shall consist of a sign at least 2' x 3' installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of leases and shall not be removed until the leasing office no longer leases units in the new project. The sign shall state the following in letters of at least one inch (1") in height: This subdivision is located within the Phoenix Mesa Gateway Airport Overlay District Overflight Area 2. For additional information please contact the Phoenix Mesa Gateway airport Public Relations Office".

l. The construction, alteration, moving and substantial repair of any building or structure in the new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels (dB). The developer shall submit a signed and sealed letter from a registered architect or engineer certifying that construction materials methods and design employed achieve the required nose reduction. A copy of the certification shall be submitted with the application for a building permit.

m. The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an avigation easement prior to or concurrently with the recordation of any final plat or approval of a final site plan for the new project. The easement shall be in a form approved by the Planning Director.

n. Improvements to Ray Road shall comply with the Gateway Streetscape Standards and Guidelines.

o. TANDEM PARKING IS ALLOWED IN FRONT OF RESIDENTIAL GARAGES WITH A 19 FOOT MINIMUM STALL LENGTH. THE TANDEM PARKING SHALL NOT BE COUNTED TOWARD THE PARKING REQUIREMENT.

10. GP17-1009, LYON'S GATE PHASE 11: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 18.57 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WADE DRIVE AND WILLIAMS FIELD ROAD FROM > 8-14 DU/ACRE TO RESIDENTIAL > 14-25 DU/ACRE LAND USE CLASSIFICATION.

Z17-1017, LYON'S GATE PHASE 11: REQUEST TO AMEND ORDINANCE NOS. 1501, 1829, 2010, 2191 AND 2497 AND REZONE APPROXIMATELY 18.57 ACRES OF REAL PROPERTY WITHIN THE LYON'S GATE PLANNED AREA DEVELOPMENT (PAD), GENERALLY LOCATED AT THE NORTHWEST CORNER OF WADE DRIVE AND WILLIAMS FIELD ROAD FROM APPROXIMATELY 18.57 ACRES OF SINGLE FAMILY - ATTACHED (SF-A) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY TO APPROXIMATELY 18.57 ACRES OF MULTI FAMILY / MEDIUM (MF/M) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STAFF RECOMMENDATION

A. Recommend to the Town Council approval of GP17-1009, to change the land use classification of approximately 18.57 acres of real property, generally located at the northwest corner of Wade Drive and Williams Field Road from Residential >8-14 DU/Acre to Residential >14-25 DU/Acre land use classification; and

B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1017, rezoning approximately 18.57 acres of real property within the Lyon's Gate Planned Area Development (PAD) and

generally located at the northwest corner of Wade Drive and Williams Field Road from approximately 18.57 acres of Single Family Attached (SF-A) zoning district with a Planned Area Development overlay to approximately 18.57 acres of Multi Family / Medium (MF/M) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.

1. The Gateway Area Streetscape Design Guidelines shall be used.

2. The Gilbert Gateway Traditional Neighborhood Design Guidelines, both text and numerical, shall be used as guidelines for both residential and commercial uses in this Project through the remainder of the development review process.

3. New projects located within the Phoenix Mesa Gateway Airport Overflight Area 3 that include a noise sensitive use shall comply with the following:

   a. Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following: "This property, due to its proximity to the Phoenix Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may of concern to some individuals."

   b. Leasing offices for new multi-family residential projects shall provide notice to prospective lessees that the project is located within an Overflight area. Such notice shall consist of a sign at least 4' x 4' installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of any lease and shall not be removed until the leasing office no longer leases units in the project. The sign shall state the following in letters of at least one inch (1") in height and the lettering a minimum of 30 inches above grade: This subdivision is located within the Phoenix Mesa Gateway Airport Overlay District Overflight Area 2. For additional information contact the Arizona Department of Real Estate or Phoenix Mesa Gateway Airport Public Relations Office at 480-988-7618.

   c. The construction, alteration, moving and substantial repair of any building or structure in the new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels (dB). The developer shall submit a signed and sealed letter from a registered architect or engineer certifying that construction materials methods and design employed achieve

the required noise reduction. A copy of the certification shall be submitted with the application for a building permit.

d. The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an avigation easement prior to or concurrently with the recordation of any final plat or approval of a final site plan for the new project. The easement shall be in a form approved by the Town Engineer.

4. DEDICATION TO GILBERT FOR WADE DRIVE RIGHTS-OF-WAY THAT ARE ADJACENT TO THE PROPERTY SHALL BE AS SHOWN ON MCR BOOK 1302 PAGE 12.

5. Landscaping and other improvements within the multiuse easements adjoin Wade Drive shall be maintained by the property owner(s).

6. Developer shall dedicate all easements deemed necessary by Town for offsite improvements, including but not limited to easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) calendar days after the date of Gilbert's written notice regarding said dedication may result in the reversion of the zoning of the Property to the prior zoning classification.

7. 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.

8. At the time of final plat recordation or earlier if required by the Town Engineer, Developer shall create a Homeowner's Association (HOA) or Property Owners Association (POA) Or record common a maintenance agreement for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.

9. At the time of final plat recordation or earlier if required by the Town Engineer, Developer shall record easements to be owned by ~~the HOA or~~ POA or record common a maintenance agreement including: common areas, pedestrian, bicycle, multi-use or trail system purposes as set forth in the final plat. In recognition of the modifications to the underlying zoning regulations set forth herein,

10. Lyon's Gate Phase 11 shall be developed in conformance with Gilbert's zoning requirements for the Multi Family / Medium (MF/M) zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

DEVELOPMENT STANDARDS FOR LYON'S GATE PHASE 11	
Building Stepback	**PRIMARY USES WITHIN THE MF-M DISTRICT LOCATED GREATER THAN OR EQUAL TO 100 FEET FROM SINGLE FAMILY RESIDENTIAL PROPERTY SHALL NOT BE REQUIRED TO PROVIDE A 10 FOOT STEPBACK AT THE 3RD FLOOR.** **PRIMARY USES WITHIN THE MF-M DISTRICT ABUTTING THE EAST PROPERTY LINE SHALL NOT BE REQUIRED TO HAVE BUILDING STEP-BACK OF 10 FEET AT THE THIRD FLOOR.**
Separation Wall	**THE PROJECT SHALL BE ALLOWED TO MAINTAIN THE EXISTING 6 FOOT SOLID SEPARATION FENCE ALONG THE REAR (NORTH) PROPERTY LINE ADJACENT TO SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS INSTEAD OF THE REQUIRED 8 FOOT WALL.**
	A 45 FOOT WIDE LANDSCAPE BUFFER EASEMENT SHALL BE PROVIDED ALONG WILLIAMS FIELD ROAD IN PLACE OF THE REQUIRED 50 FOOT BUFFER.
Gateway District Street Tree	**EVERGREEN ELMS SHALL BE AN ALTERNATIVE STREET TREE TO SISSOO TREES IN THE GATEWAY DISTRICT.**
Accessory Structures	**ACCESSORY STRUCTURE EAVES SHALL BE ALLOWED TO OVERHANG INTO THE WILLIAMS FIELD RD LANDSCAPE BUFFER BY UP TO 3 FEET**

11. GP17-1000, ANATOLE RESIDENTIAL: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF

APPROXIMATELY 13.4 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF RAY ROAD AND LINDSAY ROAD FROM COMMUNITY COMMERCIAL TO RESIDENTIAL > 3.5-5 DU/ACRE LAND USE CLASSIFICATION.

Z17-1003, ANATOLE RESIDENTIAL: REQUEST TO REZONE APPROXIMATELY 13.4 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT THE NORTHWEST CORNER OF RAY ROAD AND LINDSAY ROAD FROM APPROXIMATELY 13.4 ACRES OF COMMUNITY COMMERCIAL (CC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY TO SINGLE-FAMILY-DETACHED (SF-D) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STAFF RECOMMENDATION

A. Recommend to the Town Council approval of GP17-1000, to change the land use classification of approximately 13.4 acres of real property, generally located at the northwest corner of Ray Road and Lindsay Road from Community Commercial (CC) to Residential > 3.5.5 DU/Acre land use classification; and

B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1003 rezoning approximately 13.4 acres of real property generally located at the northwest corner of Ray Road and Lindsay Road from approximately 13.4 acres of Community Commercial (CC) zoning district with a Planned Area Development (PAD) overlay to approximately 13.4 acres of Single Family – Detached (SF-D) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.

a. Dedication to Gilbert for Ray Road and Lindsay Road rights-of-way that are adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer.

b. Dedication of Ray Road shall extend 65 feet from the center line and dedication of Lindsay Road shall extend 65 feet from the center line.

c. Construction of off-site improvements to Ray Road and Lindsay Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier.

d. Prior to the recordation of the final plat, Developer shall repay the Town $759,863 in accordance with Resolution No. 2582, the Development Reimbursement Agreement. Upon full payment, the Town shall record a full release of the Development Reimbursement Agreement.

e. Developer shall create a Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.

f. Developer shall record easements to be owned by the HOA 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.

g. 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:

	Proposed Development for Anatole (Z17-1003)
Minimum Lot Area (sq. ft.)	4,815
Minimum Lot Dimensions (width x depth)	45' x 105'
Maximum Building Height (feet/ stories)	30'/ 2-stories
Minimum Setbacks	
Front	10' to livable or side-load garage 20' to front load garage
Side	5'/5'

12. **DR17-1104, Skyline Site Improvements: Site plan improvements, landscape, elevation improvements, colors and materials for approximately 0.63 acres, generally located northeast of Cooper and Elliot Roads and zoned Light Industrial (LI) Zoning District.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR17-1104, Skyline Site Improvements: Site plan Improvements, landscape, elevation improvements, colors and materials for approximately .63 acres, generally located northeast of Cooper and Elliot Roads and zoned Light Industrial (LI) Zoning District, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the December 6, 2017 public hearing.

2. No plants may be located within 3' of a fire hydrant.

3. Trees may not be located within or within 6' of water line easements.

4. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

13. **DR17-1121, TRU HOTEL: CONCEPTUAL MASTER PLAN, SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS FOR APPROXIMATELY 2.31 ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S. SANTAN VILLAGE PARKWAY AND E. PRIVATE ST. AND ZONED REGIONAL COMMERCIAL (RC).**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR17-1121, Tru Hotel: Conceptual master plan, site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 2.31acres, generally located at the southwest corner of S. Santan Village Parkway and E. Private St. and zoned Regional Commercial (RC), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the December 6, 2017 public hearing.

2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.

3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

14. **DR17-1123, RAY ROAD STORAGE: SITE PLAN, LANDSCAPING, GRADING AND DRAINAGE, BUILDING ELEVATIONS, COLORS AND MATERIALS, AND LIGHTING FOR APPROXIMATELY 3 ACRES, GENERALLY LOCATED SOUTHWEST CORNER OF RAY ROAD AND CORONADO ROAD, AND ZONED GENERAL COMMERCIAL (GC) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR17-1123, Ray Road Storage: Site plan, landscaping, grading and drainage, building elevations, colors and materials, and lighting for approximately 3 acres, generally located southwest corner of Ray Road and Coronado Road, and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the December 6, 2017 public hearing.

2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.

3. Signage is not included in this approval. All signs shall be approved through a separate permitting process.

15. **DR17-1132, BRIDGES WARD: SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS FOR APPROXIMATELY 4.96 ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. AZALEA DRIVE AND RECKER ROAD AND ZONED PUBLIC FACILITY /INSTITUTIONAL (PF/I) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

STAFF RECOMENDATION

Approve the Findings of Fact and approve DR17-1132, Bridges Ward: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 4.96 acres, generally located at the southwest corner of E. Azalea Drive and Recker Road and zoned Public Facility /Institutional (PF/I) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the December 6, 2017 public hearing.

2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.

3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

16. UP17-1034, HERITAGE DISTRICT PARKING FACILITY II; A CONDITIONAL USE PERMIT TO ALLOW A PARKING FACILITY USE, FOR APPROXIMATELY 1.2 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF BRICOMP ROAD AND VAUGHN AVENUE IN THE HERITAGE VILLAGE CENTER ZONING DISTRICT.

STAFF RECOMMENDATION

Move to make the findings of fact and approve UP17-1034 Heritage District Parking Garage II, a Conditional Use Permit to allow a Parking Facility Use, for approximately 1.2 acres of real property at the NEC of future Bricomp Road and Vaughn Avenue in the Heritage Village Center (HVC) zoning district, for the Heritage District Parking Garage II, subject to conditions:

1. The Project shall be in substantial conformance with the site plan under Attachment No. 4.

19. Z16-07: WIRELESS COMMUNICATION FACILITIES: REQUEST TO AMEND THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER I ZONING REGULATIONS, DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.7 WIRELESS COMMUNICATION FACILITIES, SECTIONS 4.701 THROUGH 4.706, ARTICLE 5.6 DESIGN REVIEW, SECTION 5.602 PROCEDURES AND RESPONSIBILITY, CHAPTER II DESIGN STANDARDS AND GUIDELINES AND THE GLOSSARY OF GENERAL TERMS, RELATED TO WIRELESS COMMUNICATION FACILITIES AND THE DEVELOPMENT REGULATIONS THAT GOVERN THEM.

STAFF RECOMMENDATION

Move to continue Z16-07, Wireless Communication Facilities, to January 3, 2018.

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.

17. UP17-1035, COPPER SPRINGS EAST: A CONDITIONAL USE PERMIT TO ALLOW A BEHAVIORAL HEALTH HOSPITAL FOR APPROXIMATELY 7.6 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE

NORTHEAST CORNER OF MELROSE STREET AND ROME STREET IN THE GENERAL OFFICE (GO) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STAFF RECOMMENDATION

Make the Findings of Fact and approve of UP17-1035, Copper Springs East: a Conditional Use Permit to allow a behavioral health hospital for approximately 7.6 acres of real property generally located at the northeast corner of Melrose Street and Rome Street, and zoned General Office (GO) with a Planned Area Development (PAD) overlay, subject to conditions:

1. The Project shall be in substantial conformance with the site plan shown on the Exhibit provided under Attachment No. 5. Additionally, the Project must comply with the site and proposed building design as reviewed and approved under Design Review Case No. DR17-1167.

Principal Planner Catherine Lorbeer began her presentation on Item 17, UP17-1035, Copper Springs East. She indicated that the request before the Commission was for a Conditional Use Permit to operate a Behavioral Health Hospital in the General Office (GO) zoning district. She stated that the site was located in the Val Vista Medical Growth Area. She said this growth area is located just south of the 202 and is bounded on the west by Val Vista, on the east by Greenfield Road and to the south by Queen Creek. She said that Mercy Gilbert Hospital has been the economic catalyst in this growth area. She said due to this growth, other uses have come into the area, such as medical offices, rehab facilities, medical research and care facilities. Principal Planner Lorbeer said that the Town anticipates that this area will continue to grow. She said the subject site is zoned General Office (GO) with a Planned Area Development (PAD) overlay. She also indicated that the adjacent zoning on all four sides was also GO with a PAD. She said the proposed development encompasses five separate vacant parcels for a total acreage of 7.6 acres. She said there are no residential neighborhoods adjacent to the subject property. She shared an aerial view of the subject site. She noted the location of The Oaks, Assisted Living facility, as well as The Center at Val Vista, a skilled nursing and physical rehabilitation center. She said east and south of the site is currently vacant.

She said the request is for a Conditional Use Permit for a Behavioral Health hospital. She said that hospitals require approval of the Use Permit in General Office (GO). She said the applicant is proposing a new single story building. The first phase would have 72 beds and will be approximately 15,000 square feet. Phase II if needed, would add an additional 24 beds and about 11,000 square feet. She said that Copper Springs only accepts voluntary patients, which means that an individual must have the capacity to decide for themselves to seek treatment. She said the average length of inpatient stay is about 8 days. She said the hospital will offer a broad continuum of care with a full treatment team. She said they will have a 24/7 local intake program. They will also have specific patient visiting hours. She said the project has a concurrent case for Design Review for the building elevations, site design, landscaping, etc. She said Staff has completed first review on the Design Review application. She shared the site plan,

noting that Phase 2 was in the upper northeast corner. She said the main access point would be off of Melrose to the south and there will be a secondary access point off of Rome. She said there is also an access easement on the east side, which will offer some additional opportunities for light truck delivery. She said the majority of the site improvements will occur in Phase 1. She indicated that the site will have approximately 220 parking spaces. She said she included the floor plan for reference. Principal Planner Lorbeer shared some of the design features of the site, specifically noting the large courtyard and three secured courtyards in the inpatient area. She said that in order to approve a Conditional Use Permit the project needs to meet four Findings of Fact.

She referenced the Four Findings of Fact (as follows):

FINDINGS

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit. 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:

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.***

   The subject site is surrounded by vacant General Office (GO) zoned lands and other medical uses including the Oaks Assisted Living Facility to the north and the Center at Val Vista (skilled nursing and physical rehab facility) to the west. Complementary uses are located in the vicinity such as the VA Hospital, Mercy Gilbert hospital, medical offices and clinics, surgery centers and other ancillary medical and specialty health care facilities. There are no abutting residential areas.

   The proposed behavioral health hospital will significantly address the gap in services identified by the Town of Gilbert Human Services Needs Assessment (2014) as well as the Dignity Health Study (2016). The proposed hospital will be vital in meeting Gilbert's human service needs and will provide a valuable resource to address mental illness and substance abuse in the community.

   The subject site is well suited for the proposed *Hospital* use and will not be detrimental to the general public. Both fire and police staff have confirmed the need for this type of facility in Gilbert and that it will provide essential services to the community.

2. ***The proposed use conforms to 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.***

   The subject site is located within the Val Vista Medical Growth Area. According to the General Plan, "The Val Vista Medical Growth Area is located south of the Loop 202 Santan

Freeway. It extends one-quarter mile west of Val Vista Road, east to Greenfield Road and Queen Creek Road to the south. The [Mercy Gilbert] hospital is the economic catalyst within this growth area. The hospital, located southeast of the Val Vista Road and Loop 202 Santan Freeway interchange has spurred growth in the medical office, medical research and rehabilitation/care facilities. Support amenities to the above noted uses are quickly being developed. The Town anticipates that this area will continue to grow with medical office, general office and business park land uses supported by mixed-use, commercial and hospitality uses."

The proposed behavioral health hospital is consistent with the Land Use Element goals and policies of the General Plan, as listed below:

- Goal 3.0 – Manage growth to achieve an efficient, orderly and sustainable community.
    - Policy 3.1 – Promote development with the Growth Areas where resources and infrastructure are in place or can reasonable be made available.
- Goal 5.0 – Promote commercial, retail, and employment land uses that are compatible with adjacent land uses and meet economic goals.
- Goal 6.0 – Direct development into identified growth areas.

3. ***The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.***

The proposed use on the 7.6 acre subject site is for a *Health Care Facilities, Hospital*, which is a permitted use in the General Office (GO) zoning district. However, a Conditional Use Permit is required to comply with the Town of Gilbert's Land Development Code.

Article 6.1 of the Land Development Code (LDC) defines a *Health Care Facilities, Hospital* use as "a facility licensed by the State of Arizona that provides inpatient physical or behavioral health services through the diagnosis and treatment of patients and inpatient care by a medical staff".

As conditioned, the project site plan must meet the Land Development Code and applicable ADA, Building and Fire Codes. The proposed site design must meet all requirements of the Land Development Code with regard site setbacks, screening, parking, lighting requirements and landscape buffers from surrounding parcels. Staff notes that the applicant has concurrently requested a Design Review Board application for Copper Springs East (DR17-1167) and that the proposed use permit must comply with the site plan as approved under DR17-1167. Applicable business and state licenses for operating this facility will be required prior to permitting.

4. ***The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.***

The 7.6 acre subject site is surrounded by vacant General Office (GO) zoned lands and other medical uses within the Val Vista Medical Growth Area. There are no abutting residential areas. The hospital will be a locked facility, with cameras both inside and outside the property and secured outdoor areas. Similar to other hospital uses, the facility will operate 24/7 with established patient visiting hours.

The proposed hospital must meet all requirements of the Land Development Code with regard site setbacks, screening, parking, lighting requirements and landscape buffers from surrounding parcels. The proposed hospital will not unreasonably interfere with the use and enjoyment of nearby properties but rather is intended to provide vital behavioral health services and enhance economic activity within the Val Vista Medical Growth Area.

Principal Planner Lorbeer said that Staff is in support of this request and believes that there are complementary uses within the vicinity and that the hospital will significantly address a gap in services that has been identified in recent Needs Assessments. She said the site is well suited for a hospital and is within the Val Vista Medical Growth Area. She indicated that the site plan and the building design must meet all the requirements of the Land Development Code (LDC). She also pointed out that the hospital will provide vital health services to the community and enhance economic activity in the area. She also mentioned that the Commissioner's packets have copies of 11 Letters of Support for the project. She said that Staff had also received one phone call from a business to the north that was interested in knowing more about the project design. She said they had also received one phone call from a nearby resident that expressed some concern about the proximity of a school to the site. The school is ½ mile away and they were concerned with the lack of perimeter walls on the site. She told the Commission that the applicant was in attendance.

Vice Chair Andersen thanked Catherine Lorbeer for her presentation. He then called for questions or comments for Staff.

Question: Joshua Oehler asked where the school was in proximity to the site.
Answer: Catherine Lorbeer said that the school is ½ mile to the west.

Question: Joshua Oehler asked if the school was Campo Verde.
Answer: Catherine Lorbeer answered affirmatively.

Question: Vice Chair Andersen asked about the Letters of Support and if they were from people close to the site.
Answer: Catherine Lorbeer said the Letters of Support are from other service providers that are interested in the facility locating in the area.

Vice Chair Andersen invited the applicant forward to make a 10-minute presentation.

Adam Baugh, introduced himself and said he was there on behalf of Copper Springs East. He said he thought this was a very timely discussion, given recent events that have occurred

nationally. He said there has been a greater awareness of the necessity of these types of facilities. He said there still exists a certain stigma with this type of facility. He said this is understandable, pointing out that unless you deal with a situation personally, you don't realize how great the need is. He said he hopes to dispel some of the myths associated with this type of facility. He briefly discussed behavioral health and told the Commission that it encompassed substance abuse and mental health issues. He said that this type of facility has both state and federal agencies that accredit the facility. He discussed why there is a need in Gilbert for this type of facility, stating statistics for substance abuse and mental health both nationally and locally. He mentioned the fact that they had previously tried to bring this behavioral health hospital into the Town and the prior attempt failed in 2013. At that time, Copper Springs located in Avondale and they have been successfully operating there since they opened and have become a vital part of the community. He discussed the Needs Assessment that the Town of Gilbert had done in 2014. The Needs Assessment indicated that the Town of Gilbert needed to address families in crisis and behavioral health issues. He discussed the recommendations that came out of the Needs Assessment. Adam Baugh also said that in 2016, Mercy Gilbert had performed their own Community Health Needs Assessment and they too had identified the need for this type of facility when they identified that the top three pressing needs were mental health, substance abuse and suicide.

Adam Baugh briefly shared about the Copper Springs facility in Avondale. He said the facility in Avondale has many referral sources that come from the East Valley. He shared the location of the proposed facility at Melrose and Rome Streets. He said it would consist of a 96 bed facility on approximately 7 acres. He said it would include both inpatient and outpatient services. He reminded the Commission that this was a voluntary hospital. He shared a list of conditions that would be treated in the facility. He said the facility would have a full scope of services. He described the patient intake process. He said after the intake process, the Copper Springs Staff will determine if someone needs to have inpatient care or outpatient care. He discussed security protocols that the facility would have in place both inside and out. He shared areas within the Town of Gilbert where hospitals could locate. He said they are allowed in a Regional Commercial or General Commercial zoning district. He said they are also able to locate in a General Office (GO) or a Business Park (BP) area with a Conditional Use Permit and that is why they are before the Commission tonight. He said the area they are proposing to locate in is within the Val Vista Medical Growth Area. Mr. Baugh then discussed the Four Findings of Fact that had to be achieved to approve a Conditional Use Permit. He informed the Commission that the facility in Avondale operates in very similar conditions to the proposed Gilbert facility. In Avondale, the facility is located within 100 feet of a residential neighborhood and within 400 feet of an apartment complex. He said that according to the Town of Gilbert, there is no space requirement regarding proximity to a school, but he pointed out that they would be ½ mile away from the school. He told the Commission that they had received a number of Letters of Support. He finished his presentation by saying that this facility would meet a true need in Gilbert.

Commissioner Greg Froehlich declared a Conflict of Interest on Item 17, UP17-1035, Copper Springs East.

Vice Chair Andersen called for questions or comments from the Commission for the applicant.

Comment/Question: David Cavenee said that he appreciated the additional information. He said that he had a son that was in need of a behavioral health center in the recent past and he shared that there were no beds in Gilbert and they had to travel to northwest Phoenix for a facility for him. He said he agrees that there is a need for this type of facility. He said he thinks the placement in the Medical Growth Area is an ideal place with the other medical around the area. He said he knows there are some concerns and fears about the types of patrons that come to these types of facilities, but he said the fact that the facility has voluntary entry is encouraging to him. He said he has seen the Avondale facility and thinks they have done a great job there. He said from everything he has read; the facility is operating as a model citizen within the City of Avondale. He said he was curious about the type of security they had and how it worked.
Answer: Adam Baugh said they have security protocols in place that include monitoring and patrols. He invited Alexis Baron to the podium to address security.

Comment: Alexis Baron, of Phoenix, introduced herself and briefly described the security that is in place at their facility in Avondale. She said they have a security patrol that goes around in the evenings. She said they also have locked doors throughout the hospital. She said they have keypads and cameras both inside and outside the facility.

Seeing no further questions for the applicant, Vice Chair Andersen informed the audience that he would be allowing each person that had turned in a public comment card to speak. He asked that as he called each name, that they would make their way forward and be ready to speak when it was their turn. He invited Larry Wolf to the podium. He noted that Becky Wolf had requested that her time allotment be given to Larry Wolf. He informed Larry Wolf that he would be allowed 4 minutes to address the Commission. He said that each person would be allowed 2 minutes in which to speak.

Larry Wolf, of Gilbert, introduced himself. He indicated that he owns 2.5 acres directly adjacent to the subject site. He said he is deeply troubled about this development and the impact it will have in the area. He said if this project is approved it will dramatically diminish the value of his land and limit his ability to develop or sell his property. He said, of any property owner in the area, he feels he is the one most directly impacted by this project. He said the facility will house a transient population, many of which will be unstable, and may consist of drug users, abusers and some will even have criminal records. He said some of these patients will be dropped off and picked up allowing them time and opportunity to loiter, prowl and generally cause trouble in the neighborhood. He said this is the wrong location for this type of project. He said when you bring people with mental issues or drug related problems into the community, there are potential consequences, some of them dangerous. He said there is a growing national crisis pertaining to violence and mass shootings perpetrated by individuals clearly suffering from mental issues. He said they could potentially be inviting similar consequences in this neighborhood. He said Mr. Baugh pointed out that there have been many incidents on a national level, but he asked why they would want to bring this type of problem into their neighborhood. He said the developer will claim this is a high end facility that will bring in patients with considerable means.

However, he said that the perpetrator in Vegas was a millionaire and that socioeconomic means has little bearing on individual propensity for crime, violence, drugs or any other type of crime. Additionally, he stated that he didn't believe the public notification process was properly followed. He said he had been in contact with hundreds of residents in the neighborhood and everyone he spoke to is against this proposal. He said these residents were never notified by the Town or the developer. He said that he had been told by the planning department that there would be planning meetings. If these meetings took place, they were not made aware of it. He said the only meetings he was aware of were today's meeting and another meeting that took place at a church. He said he was unable to attend that meeting, but he called the Town and expressed his opposition. He also said it was important to mention that Campo Verde High School is less than a mile away, as well as other nearby schools. He said that The Oaks senior living facility is next door to this project with 134 residents providing immediate access to pharmaceuticals and other narcotics. He said this will make these senior people vulnerable. He said he is not opposed to this project being located in Gilbert, but he believes it should be located in an industrial or more isolated area and be away from children and vulnerable populations. He said he has with him this evening, over 50 letters of opposition (actual count was 43) that he would like to turn over to the Commission. He said he had spoken to an off-duty policeman who lives in the neighborhood and said he has received numerous emails from people who are afraid of the consequences of this project. He said the Town of Gilbert has had the good sense to reject the previous project and tonight this project should be rejected for the same reason. He asked that they would consider the many voices of the nearby property owners, business owners and neighborhood people and prevent this project from moving forward. He then presented the Letters of Opposition to the Staff table.

Vice Chair Andersen then invited Jerry Noble forward to speak.

Jerry Noble, of Scottsdale, introduced himself. He said he has been a commercial real estate broker for 23 years. He said he manages Cushman and Wakefield, which is the manager of the office, which is the largest privately owned real estate company in the world with over 300 employees in Arizona. He said he is also the designated broker for Cushman and Wakefield. He said that Mercy Gilbert Hospital has approximately 750 doctors, providing 200 beds for surgery and care. He discussed the types of services the hospital treated. He said the highest and best use for the land adjacent to the hospital is for private practice groups that serve patients in the hospital. He said these physicians congregate and practice adjacent to the hospital that they provide surgery and care for. He said this project will change the trajectory of the park. He says he believes it will affect the marketability and the value of the adjacent sites. He said he has no financial interest and he doesn't represent anyone in the park. He said although there is a need for this type of facility, he is concerned with what goes on outside of the facility more than what goes on inside of the facility.

Question: Joshua Oehler asked where he would suggest this type of facility be located.
Answer: Jerry Noble said he couldn't speak for Mercy Gilbert and the integrity they hope to maintain for physicians that serve their hospital. He said they all agree the services are needed, but to the extent that this changes the trajectory of the park, it is concerning.

Question: Joshua Oehler said he doesn't think he answered the question.
Answer: Jerry Noble said he must not have understood the question.

Question: Joshua Oehler said that this is a medical area, so he asked if he was looking at this being part of the hospital.
Answer: Jerry Noble said he was not looking for it to be part of the hospital. He was looking for them to be in a location that doesn't affect the rest of the park and the landowners in the park and the integrity of the services in the park that serve the hospital. To the extent this use affects the park that is in its infancy, he finds it concerning.

Comment: Joshua Oehler said he still didn't think Mr. Noble had answered his question but he thanked Mr. Noble.

Derrik Rochwalk said he had a copy of a letter he wished to pass out to the Commissioners. He said it was a letter from his Vice President, Jason Anzalone (sp?). He then read the letter in its entirety. The letter stated that their company had been involved in the health care industry for nearly 30 years and had been involved in a project near the Mercy Gilbert Medical Center for the last 10 years. He said one of their buildings is due north of Oaks Senior Living facility off of Rome Street. He said they are often proponents of community growth, the writer of the letter expressed opposition to the Conditional Use Permit approval for Copper Springs East project. He said they have been owners and neighbors of such facilities and they approach them very cautiously, in an effort to ensure the safety and integrity of the neighborhoods and local school systems. He said this location is simply not appropriate, nor beneficial for the future development of nearby vacant lands. He said this type of project has significant value to communities and residents, but suggested that most are found in less traveled areas to minimize residual traffic and interactions with residents or commercial neighbors. He read that this location is not suited for such use and he strongly urged the Planning Commission to deny the request. He said the letter was signed "Respectfully, Jason Anzalone (sp?).

Debbie McElroy, of Apache Junction, introduced herself and said she was opposed to the project. She had no additional comments.

Richard Herold, of Phoenix, introduced himself, stating that he was an attorney that had been engaged to represent Gilbert Arizona Senior Property, LLC. He said he was there to ask for a Continuance. He said his client currently owns and operates The Oaks, an independent assisted living and memory care facility, located 150 feet from the proposed behavioral health hospital. He stated that his client did not receive a letter from the applicant until Friday of last week. He referenced the Town Code section that states that a 15-day advance written notice is required for all property owners within 300 feet of the site. He said his client never received notice of a neighborhood meeting, which is also required by Town Code. He said his client is only aware that one occurred because a neighbor told his client about it this week. He said, knowing that his client operates an assisted living and memory care facility, he founds it outrageous that the applicant didn't bother to phone or knock to discuss their application. He said that because his

client had to scramble to find legal counsel, and his firm was just engaged today, they are requesting a Continuance, as it is necessary to prepare for the hearing and meet with the applicant. He said the purpose for written notice for stakeholders is to allow stakeholders to participate in this process. He said it would also be inappropriate for the Commission to act tonight because they will have been denied the right to participate in the entire process.

Sarah Knaub, of Gilbert, introduced herself. She said she was in attendance to express her support for the behavioral health hospital and to provide a face to the problem of behavioral health. She said that her family had been thrust into this world when her sister was 13 years old and began displaying extreme mood swings, paranoia and anger. She said she wasn't violent, but she was depressed and she needed help. She said that her sister often ended up in the ER, but they could not help her. The ER could only recommend various resources that she could use, none of which they were comfortable with or were easy to access due to their location. She said because her sister did not receive the treatment she needed, she ended up having to go into an involuntary program. Sarah Knaub said she strongly believes that if her sister would have received the help she needed, at a place like Copper Springs, she wouldn't be standing before the Commission today. She said she has met many people with similar stories to hers and the common thread is that they are normal families that live in normal neighborhoods. She said it is easy to think of people who struggle with mental illness as violent or crazy, and just one step away from being criminals, but in her experience, as well as through her work in the non-profit field as an advocate for those who are mentally ill, she has often found that the opposite is true. They are usually sweet and talented kids, teens and adults who find themselves needing a little extra help. She said that a decision not to build this behavioral health hospital would be ignoring a great need.

Kathleen Dowler, of Gilbert, introduced herself and stated that she was a member of East Valley Behavioral Health Coalition. She shared a Letter of Support for Copper Springs, written by the Coalition's President, Deb Geesling, who was unable to attend the meeting this evening. The letter expressed support for the project. She stated that the Mayor's Task Force to discuss behavioral health began in 2014 at the recommendation of former Mayor John Lewis to better address issues surrounding mental health and substance abuse in Gilbert. The task force has since transitioned to the East Valley Behavioral Health Coalition and is comprised of community members, faith-based leaders and behavioral health professionals, as well as public safety officials. Their efforts are to identify resources and potential programs to address this difficult issue. She said their background in this area makes them uniquely qualified to comment on the Copper Springs application. She read that the applicant for the project presented to their group in September and that the writer of the letter was also able to attend a neighborhood meeting held on September 28, 2017. The letter further stated that at the meeting, further information was provided about the plan to build a state-of-the-art hospital that serves Gilbert and other East Valley communities with treatment for mental health issues and addiction. The letter further stated that they feel the proposed hospital will improve the quality and access to mental issues and substance abuse treatment for residents in the community and would be beneficial for Gilbert, where there are currently no substance abuse or mental health facilities. The letter finished by saying that the Coalition was in support of the proposal and urges the Town to

approve the application. After finishing the leader, Ms. Dowler further stated that as a leader at Dignity Health, their 2016 Needs Assessment had mental health as one of the top seven priorities. She said one of the top reasons for visits to the ER is mental health. She said that the hospital cannot offer the care these patients need. She said that Copper Springs would offer the appropriate level of care and continual care for those Gilbert residents that are discharged from the emergency room or urgent care facilities. She said that individuals with mental health or addiction should have the availability for medical and health services by medical experts the same as anyone with cancer, heart disease or any other condition. She finished by saying that most people likely know at least one person that would benefit from a facility like this. She said that her own daughter needed this type of services and they had to travel an hour away to find it.

Vice Chair Andersen said that he had two additional comment cards. He stated that Thomas Tunny and Judie Tunny were opposed to the item, but did not wish to speak. Vice Chair Andersen stated their concern which was: "The facility is too close to Harvey Claxton Western Ranch [sic] neighborhood."

Vice Chair Andersen invited the applicant back to the podium to address any of the concerns that had been expressed. He informed Adam Baugh that he would allow him five minutes in which to speak.

Adam Baugh stated that both sides have compelling arguments. He wanted to dispel the concern that the facility would attract a transient population. He said that simply was not true. He said this was not a court-ordered facility. He said it would not be a facility in which people would loiter or prowl around. He said he read the petition letter that had been signed by many and stated that he could understand why people would have signed it, because it painted an Armageddon-like scenario. He said that Mr. Wolf reached out through his broker in February with an offer to purchase his property which they declined to do because it was only two acres. He said Mr. Wolf then contacted them in September after receiving his notice letter inviting him to a neighborhood meeting. Mr. Baugh said at that time, he asked Mr. Wolf to sit down and visit with them about the project, but he declined. He also did not attend the neighborhood meeting. He said that as recently as last week, Mr. Wolf had hired a Scottsdale PR firm to go out and canvas the neighborhood to collect petitions to manufacture opposition to this case. He said he thought it was important to understand the facts as they are. In reference to the notice process, Mr. Baugh stated that he has probably never had a case with more notice than this one. He said he met with the Gilbert Chamber of Commerce, the Gilbert Public Schools, East Valley Behavioral Health Coalition and Mercy Gilbert Hospital. He said they also had a community meeting, which is not required in the CUP process, but they held one anyway. He said they met prior to filing their application, in an effort to address concerns before they made their application. Additionally, he said that they have reached out to anyone that has contacted the Town of Gilbert. He said that the notice requirement is 300 feet. He said they doubled the notice requirement and provided notice to 600 feet. He said he realizes that doesn't capture everything beyond that measurement, but he said at some point, you have to draw the line. He said that this figure captured all the property that was within the medical campus area. He said this also included two signs that are posted on the property. He said his letter was sent one time

15 days prior to the neighborhood meeting and the second time, they were sent 15 days prior to today's public hearing. He reminded those that were against the project, that there is an appeal process if they are so inclined to pursue that. He said there will also be a Design Review process, in which additional notice letters will go out. He said there will continue to be ample opportunity for public participation. He reminded everyone that this was everyone's problem. He stated that these were your neighbors, your church members or your own family. He noted that when his daughter required some care they had to drive to Fountain Hills every day. This type of facility would have greatly helped and is needed in the growing Town of Gilbert. He finished by saying that this was a medical facility and they were trying to put it in a medical growth area, which was an appropriate placement for this type of facility.

Vice Chair Andersen asked if any members of the Commission had questions for the applicant.

Question: Joshua Oehler asked if he could address the concerns about loitering. He asked what the protocols were for admittance and discharge.
Answer: He said that because the facility was a voluntary facility where patients self-admit, so within 15 minutes the person is behind a secured door to receive an evaluation. At that point, the process will be described to them, in terms of treatment and expectations. He asked Alexis Barron to come up and further explain admittance and discharge.
Answer: Alexis Barron said that if someone wanted to discharge themselves from the facility, they would do an evaluation to determine that the patient was no risk to themselves or others. If there is not, they would provide three referrals to outside resources, and they would let them discharge. If they need transportation, they will provide that for them. She said they have a transportation coordinator on staff at their Avondale facility, and it is their job to make sure that they have transportation for someone that needs a ride if they don't have family members or friends that can pick them up. They do not want people going out and walking the neighborhood. If someone is considered a risk to themselves or others, they would begin an involuntary process. She said they start a petition, which is sent to one of the hospitals, as that is what is required for an involuntary, court-ordered evaluation. An organization then looks at the petition to the court that says that the person is in need of ongoing treatment. They then send police out to escort that person to a hospital to continue treatment. She said they would hold the patient in their hospital until they were escorted away by the police.

Question: David Cavenee asked to clarify that there would never be a situation where someone would be leaving and just standing outside waiting to be picked up.
Answer: Alexis Barron said she wants everyone to have a ride, so if they don't have a ride, she will help arrange one for them. If the person is waiting for their family member to come, they would wait inside until the family member arrived.

Comment: David Cavenee clarified that there would not be any loitering outside.
Response: Alexis Barron said that there would not be any loitering outside.

Question: David Cavenee asked Adam Baugh about the assertion that the neighboring property (The Oaks) did not receive notice. He asked if there was any explanation for why they would not have received notice.
Answer: Adam Baugh said he had no explanation for that because the letters were sent to the addresses listed on file at the Maricopa County Assessor's Map. He said they put in a radius and the Assessor's Map gives them the mailing addresses for the notice mailing. He said the Town has a copy of the notice letters. The Town also has an affidavit signed by them, as applicant, stating that the letters were mailed out. He said they have had two rounds of letters that have gone out, one for the neighborhood meeting and one for this hearing. He said most of the properties are owned by LLC's and they often have P.O. Boxes and sometimes they are mailed out of state. He said this is the first he has heard of this particular facility having an objection to the proposed project.

Question: David Cavenee asked if there was any way that Staff could confirm that the facility received a letter.
Answer: Linda Edwards said that she had received a question from one of the Town Council members asking about public notice for this project. She said she personally ran the buffer with Maricopa County Assessor's for 300 feet and 600 feet. She said this applicant did notify all within 600 feet. She said she personally checked it.

Question: Vice Chair Andersen asked when the 15-day notice date begins. He asked if it started when it gets postmarked at the post office.
Answer: Attorney Nancy Davidson said that the Town Code doesn't address that specific question, but for the purpose of satisfying the Code, it's the date that the letter is sent, not the date that the letter is received.

Comment: Vice Chair Andersen said that was what he was wanting to know. He said it is out of their control how long an envelope takes once it is at the post office.

Question: Brian Johns said there had been a lot of questions regarding the type of people that were coming around the facility. He said he appreciated the definition of how someone gets a ride out of the facility or is transferred out of the facility. He asked what happens now to this type of clientele that Mercy Gilbert receives in their emergency room. He asked if it was likely that people with mental health and substance abuse issues were already in the waiting room at Mercy Gilbert.
Answer: Alexis Barron answered affirmatively. She said they should couldn't definitively speak on behalf of Mercy Gilbert, but she said that all of the hospitals refer patients that are seen in the emergency room to their Avondale facility. She said these people are sitting in ER's waiting for beds to open up throughout the valley.

Comment: Brian Johns said that these clients are already being serviced within the area.
Response: Alexis Barron said Commissioner Johns was correct.

Question: Joshua Oehler said he had a question for Staff. He said another thing that was mentioned was that this type of facility could be located in an industrial zoning district. He asked if that was a possibility in the Town of Gilbert.
Answer: Catherine Lorbeer said that this type of facility is permitted by right in Regional Commercial (RC) and General Commercial (GC) and with a Use Permit in General Office (GO) and Business Park (BP) and Public Facility / Institutional (PF/I). She said a hospital would not be a permitted use in their Light Industrial (LI) or General Industrial (GI) zoning districts.

Comment: Joshua Oehler clarified that the Town's zoning code looks at it as requiring more of a commercial setting, rather than an industrial setting.
Response: Catherine Lorbeer answered affirmatively.

Vice Chair Andersen closed the public hearing to the public and brought the discussion back up to the dais for further comments or questions.

Comment: Brian Johns said he appreciated everyone's input tonight. He said he appreciated everyone that came up and shared their opinion. He said he feels that there is a portion of the populace needing these services. He said it has been painted that this is going to be a drug den, but from the previous presentation about this facility, he just doesn't see that. He pointed out that tonight's presentation was not the only presentation to the Commission. He said he doesn't see this as a drug trafficking area where people are going to be hanging out in the front of the facility. He said this facility will be treating many levels of mental illnesses. He also stated that this is a use by right. He said from the examples they have received, they see it as a safe and secure location. He said this area seems to be the most proper area to locate, because this is where medical is targeted to go in. He said it isn't a residential area and isn't within a Business Park. This location is targeted to medical uses. He said this is a proper location. He said he feels it meets the four Findings of Fact and he believes this will be an asset that the community needs in the area. He said he realizes that no one wants things like this to go in their backyard, but he said this is a dedicated medical area. He is in favor of the project coming to the area.

Comment: David Cavenee said he really appreciates everyone that has taken time to come out, taken time to write a letter or emails, or taken time to study this issue. He said the Commission doesn't feel alone when the citizens take part in this way. He thanked everyone for sharing their thoughts with the Commission. He said he shared Commissioner Johns' feelings. He said this was in a location where it belongs and he thinks it is a good location for it. He said he doesn't believe it will reduce property values and he doesn't think it will alter the trajectory of the medical park. He thinks that in light of the way Avondale runs their operation, he thinks this will be a good fit for the area. He said he in support of the project.

Comment: Carl Bloomfield said he wanted to make a point that this was before the Commission as a Conditional Use Permit (CUP) and once it is approved, it is a use according to conditions. He said if those conditions aren't met, then the case could be reviewed, so there is a safeguard for the community and for the Town and for the residents in the surrounding area. With that being said, he said he is in support of the project. He said they have heard hours of testimony

when this behavioral health hospital came before them previously when they were looking at a different location. Since that time, he said that they have had opportunities at Study Session to learn more about behavioral health services. He said he has had conversations with friends who are pediatricians and doctors, and they have confirmed what was being said by everyone, that this is a need in the Town of Gilbert. He said it is a dire need in the community and there are many people that need this kind of service, who cannot get it close to home, causing further stress when they have to go across town to find a facility. He said he is in favor of the project and he appreciates everyone coming out to express their concerns or testimony.

Comment: Joshua Oehler said he was in agreement with most of the Commission. He said he wanted to add that they look at this as a medical facility as a Town and the area has been dedicated as Val Vista Medical Growth Area, so these are the types of areas they are looking for. He said previously there was concern about separation because the location was next to a school and there were other misconceptions, but this time, they are being separated by Val Vista which is a very large street in the Town and this separates the facility from the three schools nearby. He said the reason he had asked the question of the real estate agent was because they need to add these services in the Town, and he wanted to know where he would have suggested they add this facility if not within this type of medical growth area. He said he can't find anywhere else that would be a better choice for this type of facility. He said he is in favor of approving the project.

Comment: Vice Chair Andersen said he wouldn't repeat what had already been said by the other Commissioners, but he stated that he favors the project. He said he is involved with a very good Veteran's organization in the Town of Gilbert. The organization does a lot of great things in the Town for the veterans, but since he has been a part of the organization, one of the most disheartening things he has learned, is the limited resources that our veterans have to receive help for their post-traumatic stress. He said the VA community is so overwhelmed with all that they are dealing with, and that a lot of veterans today feel lost and don't know who to turn to, to help them cope on a daily basis. He said to have a facility like this to come to the Town to help the veterans and the surrounding community of veterans, to help deal with these difficult issues, he strongly supports. He said he has also learned that it isn't just the veterans, but also local people on the local police force, as well as members of the fire department, that need coping mechanisms and these are the types of facilities that they can turn to. He said to stigmatize this as a degenerate place is uncalled for and unrealistic. He said there is a large group of people that need these types of facilities.

Seeing no further discussion, David Cavenee made a **MOTION** to make the Findings of Fact and approve UP17-1035, Copper Springs East: A Conditional Use Permit to allow a Behavioral Health Hospital located at the northeast corner of Melrose Street and Rome Street; seconded by Carl Bloomfield; motion passed.

Motion passed 6-0 (with Commissioner Greg Froehlich abstaining due to his Conflict of Interest)

Attorney Nancy Davidson pointed out that this approval is subject to conditions. She asked if Commissioner Cavenee could make the motion again and add that it is subject to conditions.

David Cavenee remade his **MOTION** to make the Findings of Fact and approve UP17-1035, Copper Springs East, subject to conditions in the Staff Report; seconded by Carl Bloomfield; motion passed.

Motion passed 6-0 (with Commissioner Greg Froehlich abstaining due to his Conflict of Interest)

Vice Chair Andersen invited Catherine Lorbeer forward to make her presentation on Z17-1019.

18. Z17-1019: GUIDELINES FOR MULTI-FAMILY (MF) USES IN REGIONAL COMMERCIAL (RC): REQUEST TO AMEND THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER II DESIGN STANDARDS AND GUIDELINES, AND THE GLOSSARY OF GENERAL TERMS, RELATED TO DESIGN GUIDELINES AND DEFINITIONS FOR INTEGRATING MULTI-FAMILY (MF) USES IN REGIONAL COMMERCIAL (RC) ZONING DISTRICTS.

Catherine Lorbeer began her presentation on Z17-1019, Guidelines for Multi-Family (MF) uses in Regional Commercial (RC). She said tonight the Planning Commission is being asked to consider a Text Amendment to the Land Development Code (LDC). She said this public hearing item was Continued from the November 1 meeting, to hold an additional stakeholder meeting. She said that Multi-Family uses are allowed in the Regional Commercial (RC) zoning district only when they are part of an integrated mixed-use plan. She said this requires approval of a Conditional Use Permit and that Use Permit is subject to four additional Findings of Fact. She said they currently have approximately 430 acres of vacant Regional Commercial (RC) land in Gilbert today and about six of these properties are over 20 acres in size. She said they still have some importance pieces in the community that may consider integrating multi-family. Planner Lorbeer discussed the four additional required Findings of Fact that relate to: Mixed Land Uses, Sustainability through Compact Design, Pedestrian Scale and Orientation, and Transportation and Connectivity.

For reference, the existing LDC requirements are shown below:

2.306 Additional Use Regulations

H. ***Multi-Family Use in Regional Commercial District.*** In addition to the findings required in Section 5.403: Required Findings, the Planning Commission shall approve, approve with modifications and/or conditions, or deny a use permit for a multi-family use in a Regional Commercial district only after making the following additional Findings of Fact. Methods to achieve these findings can be found in the Land Development Code, Chapter II: Design Standards and Guidelines.

1. *Mixed Land Uses*. The project is a mixed-use development where land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned). A mixed-use development is an efficient integration (horizontally or vertically) of non-residential and residential uses that cultivates a sense of community in a live, work, and play environment.

2. *Sustainability through Compact Des*ign. Site layout is compact and configures buildings, parking areas, streets, driveways and gathering places in a way that lessens dependence on automobiles, and reduces impacts on the natural environment. Parking for the multi-family residential component meets multi-family residential parking requirements or an approved "shared-parking" model.

3. *Pedestrian Scale and Orientation*. All portions of the development are accessible by a direct, convenient, and safe system of pedestrian facilities and pedestrian amenities, and gathering places are appropriate scaled for the project.

4. *Transportation and Connectivity*. The development provides appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles.

Planner Lorbeer said that they are asking that tonight the Planning Commission adopt these additional guidelines to help Staff continue to implement the goals and policies of the General Plan. She said the majority of the guideline language was crafted by stakeholders in 2014, so an informal working group has recently met to clarify and refine the text. She said the purpose of Design Guidelines is to provide both the project designer and the staff reviewer with a common set of parameters that foster mixed-use and implement the goals of the General Plan. She stated that when a project is submitted for Multi-family in Regional Commercial (RC) that applicant will tell Staff in their narrative and in the design of their project, how they have addressed the Guidelines or how their design shows equally good or superior ways to meet the intent of the Guidelines. Planner Lorbeer said they had held an additional stakeholder meeting on November 15. They sent invitations to developers and representatives of the recent Multi-family projects. The stakeholder meeting was attended by six individuals, as well as Commissioner Oehler and Commissioner Cavenee, as well as Councilmember Brigette Peterson. After that meeting, Staff received some suggested red lines from one of the stakeholders and she shared that these were shown in the Commissioner's packets. She noted that the majority of those red lines were included for their consideration. She said the most significant "red line" change included elimination of the statement under each of the Findings that says: "The proposed project should contain five or more of the following methods to meet the Finding."

Planner Lorbeer shared a copy of a page from the Guidelines. She called attention to the fact that it had an introductory statement with the Findings that the Guidelines are intended to support. She shared some of the General Plan Goals and Policies that adoption of this text amendment would support. She said there are several areas where they talk about promoting appropriate mixed-use development, providing a mix of land uses, and creating connectivity and pedestrian-oriented neighborhoods. She said that Staff is recommending that the Commission recommend approval to the Town Council for Z17-1019 for the Multi-Family in Regional Commercial (RC) Guidelines.

Vice Chair Andersen asked if anyone had any questions for Staff. Seeing none, he invited Brennan Ray, who had turned in a comment card, requesting to speak. He informed Brennan Ray that he would have three minutes in which to speak.

Brennan Ray, introduced himself. He thanked the Commission for the opportunity to speak. He said he spoke last month in support of the Continuance and tonight he planned to keep his comments very brief. He said he was appreciative of Staff and Commissioner Cavenee and Commissioner Oehler for the opportunity to sit down with the development community and review these guidelines and discuss some of the concerns they had with them. He said he is appreciative of Staff's recommendation. He said the majority of their comments and suggested edits to the Design Guidelines were incorporated, and they are grateful for that. He said that they agree with the elimination of the requirement that there be a minimum threshold for each of the Design Guidelines. He said one of the challenges they had when they looked at this, was balancing Guidelines with requirements. He said that doesn't seem to be an equal statement. He said Design Guidelines should just be guidelines that give Planning Staff, the Planning Commission, and the Town Council, the necessary tools, so that on an individual basis, and as a collective group, they can judge for themselves, whether or not the proposed development satisfies the expectations of the Town in general, of people individually in their thoughts, and more importantly, are they able to satisfy the four additional Findings of Fact that are found in the LDC, in order for there to be Multi-Family as a use in a Regional Commercial (RC) zoning district. He finished his presentation by stating that he recommends approval by the Planning Commission in accordance with Staff's recommendation.

Vice Chair Andersen asked if Catherine Lorbeer had anything she would like to add. He then closed the public hearing and brought the discussion back to the dais.

Comment: David Cavenee said he was terribly disappointed with the red line document he received. He said it was not what they had discussed and it is not appropriate. He explained that the original working group was a very diverse group. He said they had those in the group that wanted to make these guidelines some general thoughts with ways to achieve them. He said there were yet others that felt they should be more requirement-based. He said the original working group consisted of six or seven members. He said they were able to work over the course of a few months and create a document they all agreed on. He said no one in the group had a vested interest or was biased in any way towards or against mixed-use or multi-family. He said it was truly an independent group with different perspectives. He said it was also a group

with a ton of expertise. He said at last month's meeting they were asked by Mr. Ray, and he thought that Mr. Ray's applicant may have been involved in the request, to Continue the case for another month so they could take part in discussions about these guidelines. The Commission was agreeable to the idea and they Continued the case to tonight's meeting. They brought in Mr. Ray to discuss the guidelines. He said there was a lot of discussion about whether they should say in the document, that a certain number of criteria per section would be required. They had proposed that 5 of 8 should be achieved. He stated that Mr. Ray and his developer, as well as another developer had concerns with some of that language. They felt that "should" meant "must". Commissioner Cavenee said that "should" did not mean "must", but they felt it did. He said they also felt that 5 out of 8 suggested that they were requirements, rather than guidelines. He said that was not the case. He said they left that meeting with an agreement that they would let Mr. Ray go back and make a few red line changes that might help address those couple of issues. They discussed if the word "should" might be better stated "strive to achieve" and the working group was in agreement with that possible change. He said he was horribly disappointed to see the massive amount of red lines made on the original document. He said this was absolutely inappropriate for Mr. Ray to do this and it was not what he was sent to do. He said he is troubled with the fact that between Staff and half of that working session, that no one understands that guidelines are actually parameters and boundaries. He said they have been working under the assumption that guidelines are simply ideas, thought, recommendations. He said he thinks of guidelines according to their definition: They are lines that guide one's movements or a future course of action. He said he thinks of lines on a road. They get you to a destination. You are not allowed to leave those lines if you want to safely arrive at your destination. They are boundaries or parameters to get you there. He said they are having a very hard time requiring the development community to live within some boundaries and parameters. He said this troubles him because they will not be able to achieve what they want, which is quality mixed-use, if they allow a biased entity to come in and say "here's what you are going to do." In this case, this is what happened. He said Mr. Ray put in red lines to say that they didn't like what you did and we are going to tell you what we need. He said they have in mind their holdings and how they are going to be financially successful. That is not the purview the rest of the group had, which was instead, what would benefit the Town of Gilbert. He further stated that he will not vote to approve this document. He said even if the vote is 6 to 1, he will not vote to approve this document with the red lines. He stated that he will vote to approve it without any of the red lines and if the red lines are not completely gone, he will reject it.

Comment: Joshua Oehler said he has the same spirited feeling that Commissioner Cavenee has. He said he felt highly disappointed when he read the document. He said it through in the face all the work that had been previously completed by the working group. He said that working group had spirited conversations back and forth, yet nobody in the working group had a vested interest in any one property. He said it is about the Town. It's about working hard to develop these guidelines. He said the conversations they have had, even going years back, is this is Regional Commercial (RC). They are looking to integrate residential into this and trying to make it mixed-use. He said the conversations revolved around how they would work with vertical, how they would work with horizontal. He said they had to figure out ways to set the guidelines for mixed-use into the future and getting into the RC. He said this is a Use Permit to get into

Regional Commercial, the densest, best use that they are trying to put in Multi-family. He said they are just turning it into how do they get more Multi-family in. He said the issue is how that got separated. He said he looked at the document and it took out everything. He said it took out anything and everything that they were trying to achieve. He said his viewpoint would also be to eliminate the red lines or they could consider going through and talking about the red lines and see how other Commissioner's would feel about each red line, but even though he would agree that there could be room for movement on the original document, this did not achieve that. He said this is where the discussions were supposed to go. They were supposed to answer how they would make this movement from a discussion of 5 out of 8 and possibly address those globally. He said it wasn't intended to just get rid of everything. He said the way it is written now, it is just a document to look at and it means nothing. He said that is ultimately what that red line has turned out to be. He said he would ultimately look to vote this down or talk about it individually and talk about the red lines.

Comment: David Cavenee said he wanted to clarify something. He said of the four Findings of Fact, they developed, as a working group, eight different criteria by which a developer could create mixed use, and by which the Commission (as an adjudicating body), could measure its achievability. He said there were 32 points of development ability. He said by removing these, a developer could show up now, put a project in front of the Commission, say they want to put Multi-family on Regional Commercial (RC) and they don't have to meet a single criterion. He said there isn't a single threshold of achievability and no measurability at all. He said that by allowing them to do this, they have effectively created a situation in which it is now more prudent for a developer to put Multi-family on Regional Commercial (RC) than it is on Multi-family because they would get denser properties and more yield. He said this change would be like putting a sign on the front door saying "Multi-family developers come to Gilbert and all RC is now Multi-family and it's better Multi-family." He said that is wrong. He said his position at this time, is if they want Multi-family, they should live within the rules of Multi-family. He said otherwise they will lose all of their Regional Commercial (RC) to Multi-family over a short period of time and that will not be good for the town at all.

Comment: Carl Bloomfield said that this discussion has been an ongoing one since he has been on the Commission for the past three years. He told the Commission that the concept took him a long time to wrap his head around, because he didn't always see it as a big deal. He said that Commissioner Cavenee helped build the crown jewel mixed-use development in the Valley with Kierland Commons. He said it the gold standard that everyone strives to achieve to. He said it unique to the area it is in, it could only happen once because it was the right place and the right mix of everything. He said he doesn't see them ever having anything like that in Gilbert, but he said that doesn't mean they shouldn't strive to get a mixed-used. He said he remembers presenting to the Commission 12-14 years ago, when he was looking at developing around the Town Center. He said there were discussions then about mixed-use and shops in the bottom and living in the top. He said that was the goal. He said once he learned what the focus was of this Regional Commercial (RC) district was and how crucial that was, and how unique it was supposed to be in terms of development, he understands where they are coming from. He said they have convened these meetings and worked hard to bring this together and then to have it

gutted by one single person, seems kind of disingenuous to him and the wrong standard to set. He said he tends to agree with Commissioner Cavenee in regards to RC. He said they already have Multi-family zoning. If that is not sufficient, RC should not be Multi-family. Regional Commercial is intended to be blended and to have multiple uses in there. If the category isn't being met to the satisfaction of the development community, there should be another category developed to accomplish that. This is the wrong one for it.

Comment: Greg Froehlich said he appreciates all the time that went into these documents. He said as he read the document and read what it said before and then read the revisions, he said the changes took the meat out of the document. He said even though he wasn't involved in the drafting of the document, when he read it, he asked himself what was the purpose of it at this point. He said it didn't have any meat in it. There were no guidelines. He said guidelines do mean something. He said he works for a roadway design firm and they work for the State of Arizona and the Department of Transportation. He stated that ADOT has roadway design guidelines. He said these guidelines aren't options. He said the guidelines are the way you build roads in Arizona. He said this document, the way it was previously written, allows for a lot of options, because it doesn't use the word must and the word "should" isn't the same as shall. He said it could be debated if some of the language needed to be changed, or a debate could even be had if meeting 20 of the requirements across the board, but not specifically requiring 5 in each segment, but he believes you need some sort of requirements or the document doesn't hold any weight at all.

Question: Brian Johns asked a question of Staff. He asked if the red lines were a collaborative effort. He said coming into this discussion, he thought it was a collaborative between Staff, the working group, and a third party. He asked where most of the red lines came from if that wasn't the case.
Answer: Catherine Lorbeer said that they did receive the red lines from one stakeholder representing their client.

Question: Brian Johns asked to clarify that these weren't Staff red lines also.
Answer: Catherine Lorbeer said that the Commission has in their packet, the document as originally submitted by the stakeholder, and then Staff took the majority of those red lines and showed them in the guideline document. She said there were some red lines that Staff felt were related to the General Plan policies or they were widely held practices, so they didn't include those red lines. She said they did eliminate some of the text, but she said they have both documents in the packet.

Question: Brian Johns tried to clarify that it was a collaboration between Staff and the stakeholder.
Answer: Catherine Lorbeer said it wasn't so much a collaboration, but rather looking through what had been provided and presenting those red lines that they felt could be considered, without changing the substance of a particular sentence. She said that is certainly something that the Commission can consider tonight. If the Commission feels that it is time for this document to

move forward to the Town Council, they can consider a motion including the red lines, or they can consider a motion without the red lines or some variation.

Question: Vice Chair Andersen said he was getting a sense as to what would happen if this document was taken to a vote. He said it appears that the consensus is that there is a vast amount of red comments in the document that are troublesome to a large number of Commissioners. He asked his fellow Commissioners if there was a compromise that they would consider making. He asked if there were any red comments that would be agreeable to them, and others that they would definitely not be willing to change or if it was one or the other – either the original document without red comments or would they consider some type of compromise.
Answer: David Cavenee said that as Commissioner Froehlich pointed out, the red lines take all measurability out of the process. He said to him, all the red lines should be taken out. He said he considers the document worthless with the red lines. He said it would do them no good and they would not be in a better place than they were previously if they approve it with the red lines today.

Question: Vice Chair Andersen asked to clarify what would happen if there is a recommendation for denial. He asked if it is denied, if it would go to Town Council, and be up to them to make the final decision.
Answer: Linda Edwards said that is the process. However, she said that since the Commission has done so much work on this document, and they are the body that reviews and approves Use Permits, she said she thinks their recommendation with some conditions or good reasons for how you would want it to move forward, would be very helpful for the Town Council. She said that the Commission could send this forward either modified or not modified. She said that the Commission are the experts for Use Permits.

Comment/Question: Vice Chair Andersen pointed out that the case had already been Continued once. He asked if a second Continuance was out of the question.
Answer: Linda Edwards said that he was the Chair tonight and his Commission could make that decision. She said because this is a zoning text amendment, it must be approved by the Town Council. She said they could recommend approval of the document with red lines or without red lines or with a mix of the two documents.

Question: Vice Chair Andersen sought to clarify that having a second round of people getting together and trying to work something out, would be out of the question at this point.
Answer: Linda Edwards said that would be at the Commission's discretion.

Question: Vice Chair Andersen asked what the Commission thought about that idea.
Answer: David Cavenee said he would like to get the temperature of the rest of the group, but it was his position that they should approve the document without any of the red lines and move it forward that way. He said that he would be willing to vote for that right now. He said he wasn't willing to vote for it with the red lines, but he would hate to see it denied here and then the Town Council have no idea why they denied it, and then go ahead and approve it. He said that would be problematic, given the fact that they have already put months into this. He said to have the

document stripped out with a set of red lines, by an outside stakeholder at the last minute, just seems unfortunate.

Question: Vice Chair Andersen asked if that was the case, and the item went to Council to recommend approval without the red lines, would the Council have the option to put those red lines back in.
Answer: Linda Edwards said that when a project has been advertised to Public Hearing, and when the Public comes to a hearing and provides input, they have the option to approve as is, deny or approve with modifications. The process is the same for both the Commission and the Town Council.

David Cavenee made a **MOTION** to recommend approval to the Town Council of Z17-1019, Guidelines for Multi-Family (MF) in Regional Commercial (RC), removing all red lines made to the original document provided by Staff; seconded by Joshua Oehler. **This motion was amended later**.

Vice Chair Andersen said that in this particular case, he would like to ask each Commissioner to individually vote on the case. He said he didn't know the term for that. Attorney Nancy Davidson said she believed it was called polling, but she wasn't positive.

Comment: Brian Johns said he would like to table the discussion and have a little further discussion on the item. He said he wanted more time to see what the actual comments are. He said he wasn't at a point where he could vote one way or another.

Comment: David Cavenee said that maybe he could shed some light on some of the talking points from their working sessions. He said it was suggested that they create an equal number of criteria in each of the four Findings of Fact and then have some threshold of achievability, which they set at 5. He said they had quite a bit of discussion about that number. He said they landed on 5 as a number. He said when they Continued the case for a month, they brought in a couple of developers. They then discussed this number once again and whether they should drop it to four or if they should keep it at five or if they should take the number 32 as an aggregate, and say you have to achieve 20 of the 32. He said they also talked about the word "should." He said the wording says they "should" meet 5 of 8. He said there was concern that "should" could mean "shall", so they suggested using the term "strive to achieve" 5 of 8. This change would give the Commission latitude to recognize that the developer met four in a particular category, but they could see the effort that was put in. He said the developers brought up concerns that what is "strive to achieve" today, could be a requirement tomorrow and the possibility that the next Commission could read the term completely differently. He said he doesn't see that happening, because he thinks the words are pretty clear, but that was part of the discussion that took place. He said he believes that is why the red lines took the turn they took. He said he believes they were trying to get away from a future that made these mandates.

Question: Brian Johns asked if there was a discussion of reducing the number from 5 down to a lower number.

Answer: David Cavenee said that there was.

Question: Brian Johns asked if the possibility of instead of an aggregate per category, if an aggregate of the whole thing was considered.
Answer: David Cavenee said it was discussed, but they did not chose to go that direction in the end. He said they stuck with the 5 of 8 in each section. He said he was agreeable with the change to "strive to achieve." He said he was also fine with the word "should" because he didn't believe it was a mandate.

Question: Brian Johns asked if it would be as simple, if that was the biggest discussion during that meeting, just to remove the red lines and to add "strive to achieve". He said they have the right to do that.
Answer: David Cavenee said it is his opinion that it reads that way now. He said "should" is equivalent to "strive to achieve." But if that is the only thing that hung some of the Commission up, he would be glad to make that change. He said he believes those were words that he had proposed and he would be fine with changing the wording to that. However, he pointed out that the Land Use Attorney that made these red lines, struck out anything that had to do with any threshold of achievability.

Comment: Vice Chair Andersen said that one of the words that he had recommended at the Study Session was to strike the word "should" and use the word "encourage." He said that is similar to Commissioner Cavenee's suggestion of "strive to achieve."

Question: Vice Chair Andersen asked what the process would look like if a project comes to the Town within the RC and they leave the document as it is. He wanted to know how much authority Staff would have to make some of these guidelines enforceable onto a project. He wanted to know what would happen if a developer came in and didn't hit any of the points on the document. He asked if there were any measures that Staff could lay onto the developer, to have some sort of enforceability.
Answer: Linda Edwards said that when Multi-family is proposed in Regional Commercial (RC), they are looking at a full range of projects. She said she just met yesterday with a developer who was interested in taking a project in Gilbert in Regional Commercial and actually tear down a building to propose new Multi-family to revitalize a Regional Commercial center. She said as they think about what the criteria provides as guidelines, it is a very different picture than a vacant parcel with no commercial, that they hope will connect with great design features. She said they have a full range of options before them today. She said they have vacant parcels with Multi-Family coming in first, old parcels that are 30-40 years old wanting to revitalize and do the best they can to integrate mixed-use by introducing a new component to a commercial center. She said as she looks at what they have before them, they have a list of criteria with good architectural design expertise, that can be used so that the Commission can make the Findings of Fact. She reminded the Commission that there are four Findings that must be made. She said it really is up to the Commission and their gathered expertise to determine if the developer did the best job they could with the criteria they have or with criteria that they haven't even mentioned yet, because they aren't there yet. She said this is an effort to create the Findings. She said the

Findings have already been established. They are a part of Code. Those four Findings must be met. She said this is a set of ideas that have been broken up into four categories which nicely fit the four Findings that must be made. She said they are dealing with a range of wonderful ideas to meet four Findings and the unknown possibility that they could have a great architect or developer could come up with a great idea that isn't even on the list. She said they don't have to have a number to satisfy what they believe has been met.

Comment: David Cavenee said he wanted to remind the Commission that the apartment complex just outside the Town buildings here, met those four Findings, and it is not a mixed-use development in the slightest. He said what they currently have, just does not achieve the results they desire. He said their hope was, that the Commission, as an adjudicating body, would be able to set up here and say that they at least have some measure of judgment that they can apply. He said the "should" and the "strive for" gave them latitude and it also gave the developer a little latitude, but it also gave targets to achieve. He said the reason they attempted to make these changes was because they don't believe that it was achieved in the two projects that had previously sought for mixed-use. He said both of those met the four Findings, but neither of them comes even close to mixed-use.

Question: Carl Bloomfield asked if he personally was in opposition to the two projects as far as the development was concerned, or was it just that they didn't meet the RC four Findings. He referenced San Tan Flats. He said he thought it was a great project and he was excited about it. He said the challenge was that they were in Regional Commercial (RC) but not really meeting those criteria. He said he still thought it was a great development and appropriate in that location. He said he also thought it needed to be in the Town. He said for that reason, maybe there needs to be another category in place.
Answer: David Cavenee said he also liked the product, but he said his solution would have been to rezone the knob on the south to Multi-Family. He said they didn't want to do that because it would have meant less density. He said they wanted the revenue from that additional density. He said in the meantime, they put a wall between the two properties and they are very different properties. He said they did a little roundabout and they did some signage that kind of paired them up, but he said it wasn't mixed in any other way.

Comment: Carl Bloomfield said those two cases caused the highest number of split votes on the Commission that they have ever had.
Response: David Cavenee said he believed that the Commission had voted them both down.

Comment: Carl Bloomfield said he thought one was voted down and one was approved, but the one that was denied was overturned by the Town Council.
Response: David Cavenee said the Commission's recommendation was overturned.

Comment: Carl Bloomfield said that development is going to occur. He said that everyone is pro-development. He said they like to see development, but they want to see it in the appropriate categories.

Response: David Cavenee said his main concern is the fact that this would open the door to RC being Multi-family with zero requirement. He said a developer could show up and say it's mixed use, and they would get to do it.

Comment: Joshua Oehler said in the previous case, although they knew it wasn't a good example of mixed-use, they didn't have anything to encourage the developer to meet the guidelines for mixed-use. He said they could have turned a couple of buildings around and made a few other changes and achieved more of a mixed-use development. He said that is the point of these guidelines. They want to be able to hold a developer to something. He said that these guidelines are not hard. He also said they are all open to interpretation. He said there are a few of them related to distances, but he said if you try to make a development and you try to match these guidelines, the Commission will all be very happy to see that type of development come in.

Comment: Carl Bloomfield said that as he reads through the changes, they are pretty minor changes, except for where they took the paragraph out that said they had to meet 5 of the 8. He said if they put those four paragraphs back in, and accept the other red lines, it would essentially be the document you would want it to be.
Response: David Cavenee said there are a few more changes than that. He shared that they had thought this would be a benefit for developers because they had, at the onset, an understanding of what would be needed to do mixed-use on Regional Commercial (RC). That way they wouldn't be coming in blind, hoping that they did enough.

Comment: Joshua Oehler said they were helping a developer that was truly trying to get mixed-use. He said they weren't helping a developer who didn't really want mixed-use, but wanted to build an apartment complex and they come back with retail. He said they were not helping that developer, but only helping the developer that truly wanted to do a mixed-use project. It gave that type of developer something to work with. He said the opening paragraph states that they aren't going to hit every one of the points. He said if someone wants to come to them later and suggest changes in ten years that are better for mixed-use, they would consider that. He said there is flexibility in it, for someone who really wants to do a mixed-use development.

Comment: Greg Froehlich said to echo what Commissioner Cavenee was saying, he said it is good to have guidelines for both sides. He said he wouldn't want to develop a project and design it, and come before the Commission and realize that it isn't good enough to hit two of the guidelines in each category. He said he would want to know that ahead of time, or at least a good level. He said they can debate what the number should be. He said he wished he knew a little bit more about those conversations and how that discussion went. He said he would have been interested in that part of it. However, he said it seemed a little disingenuous that we tried to come up with some guidelines to help, and then that portion was taken out. He said that ultimately it will still be heard by the Commission and they could decide they don't like it. He said it would be better for both sides to know what is expected. He said you had to have some sort of number that is reasonable as guidelines.

Comment: Seth Banda said those were some of his thoughts as well. He said the guidelines are beneficial for both sides. He said that as he read through the document earlier, it does concern him because anything that has a hint of strong language has been stricken. He said he gets a little concerned, especially hearing Commissioner Cavenee's comments that the group got together with the most honest and pure intentions, and then they are seeing some of these red lines that have completely changed their original intentions. He said that causes him concern. He said he understands that people want to develop and they want to eliminate as many obstacles as they can. He said that guidelines are there for a good reason and they are there for the benefit of our Town.

Comment: Joshua Oehler said that, regarding the question about the chosen number, there was a lot of discussion on it. He said he wouldn't say that everyone was in agreement in the work group when they were having discussions with the number, but 5 was the number that was chosen, but he said there were definitely people in the working group that didn't like the number. He said he would be willing to talk about changing that number from 5 to 4, which would result in a 50 percent overall measure. But he said the issue to the 5, but he said if you really read the Findings, there is really only one that are hard and fast. He said they are all very open, logical and flexible. Their goal is to try to achieve the desired mixed-use. He said in the example of the apartment complex next to the Town Center, they were a good developer, and they have the ability to do something creative, but they didn't want to, because they didn't see it being needed in the Gilbert market. He said they were able to do that because as a Commission, they had nothing to look at and that was the frustrating part as a Commission. He gave another example of San Tan Flats. He said going back to their original discussions about mixed-use, he and Commissioner Cavenee had a lot of discussion on the dais about mixed-use. He said they tried to give flexibility to the developers, but instead the developer looked for a loophole to avoid doing what they had requested them to do. He said if they are really going to get mixed-use in Gilbert, they should say they aren't doing Regional Commercial and allowing this farce. He said that is how he looks at the documents with all the red lines. He said it is a farce. He said it goes completely against the idea of bringing multi-family into Regional Commercial was to spur development, to spur the ideas of mixing the two portions together. He said they are not getting mixed-use, they are getting apartment complexes.

Comment: Carl Bloomfield said he thinks they have had enough discussion. He said he would propose two options: the first option is voting for the one that has already been on the table or they could vote for some of the red lines. However, he said he understands that they will miss at least three votes if they try to approve the item with the red lines included. He said it is possible that it still might pass, but he said it would be missing at least three votes of approval. He said they could take the guidelines that have already been proposed and vote on it or they could propose another option if they felt like some of the red lines were something they would be willing to give back.

Comment: Joshua Oehler said that if they were looking at making changes, there would definitely be other sections that he would want removed from the red lines.

Comment/Question: Vice Chair Andersen said that he was fine with the document, but he thought it might have been a good idea to expect the applicant to meet a percentage of the total, rather than 5 of 8. He pointed out that there is a total of 32 items that an applicant could achieve, and you have to hit 20 of those. He said that is more than 60 percent. He said he thought that hitting that number of items per Fact would be challenging for a developer to do. He said he was hoping that the suggestion that he had made at the last meeting about changing the word "should" to "encourage" might be helpful, as well as having an overall number that the applicant needed to meet. He said that because the requirement is to meet so many points within a Fact, he was in favor of deleting that paragraph. He said he would like to see it come back into the document, but he would like it to be worded in a certain way that it doesn't handcuff the developer. He said it would also give Staff a lot of leeway to work with the developer to get a good balance with the project. He said when he thinks of this type of project, he thinks of Epicenter. He asked if that was a rezone to Regional Commercial to have that product in there.
Answer: Linda Edwards answered that Epicenter was a permitted use. She said it is called Loft Above in General Commercial which is permitted by right. She said it came in as a Design Review project because the first floor is all retail.

Question: Vice Chair Andersen asked if generally speaking, that was the intent of this Regional Commercial zoning.
Answer: Linda Edwards answered affirmatively.

Comment: David Cavenee said they did consider the aggregate number, rather than the 5 of 8 in each individual section, but the more he thought about it, in order to achieve a balance of the Findings, it made sense to have the threshold be in each section. He said he could agree with the change of "should" to "should strive to achieve." He said in a Commission environment, he is more than willing to look at the conditions of a site, look at the effort of the developer and his effort to achieve, and adjudicate less than five be met. But he said he believes there needs to be a substantial bar in order to make sure they get mixed-use. He said they are not getting mixed-use right now and he is afraid if they aggregate it, they may get 8 of 8 in two Facts and 2 of 8 in the two other Facts, and that will result in a weird mixed-use and not a balanced approach to the Findings.

Comment: Joshua Oehler said that certain things hit across the board in design. He explained how one design feature that met a Finding could help achieve another Finding. He said one point can hit across multiple categories.

Comment: David Cavenee said that some of them are very easy to meet.

Question: Vice Chair Andersen asked what would happen if a designer, architect, engineer or landscape architect, were to come up with an idea that isn't listed. He asked if they would get credit for that.
Answer: David Cavenee said there is a line for that. They will allow some proposals where a developer does a different thing, he said they would be excited for that kind of thing. He said he hopes they do that and they would count it as a point.

Comment: Carl Bloomfield recommended that they take a vote.

David Cavenee proposed that he modify his original motion to change the word "should" to "should strive to achieve." He said he believes it is fair and that it will create a little more latitude on the developer's side and on the Commission's side.

Vice Chair Andersen said he wanted to make sure that it was understood that Commissioner Cavenee was proposing that they would go back to the original document and modify that one paragraph to state "should strive to achieve" instead of "should."

Comment: David Cavenee agreed that was indeed what he was saying and that there would be no other red lines included. He asked if the Vice Chair Andersen was comfortable with that.

Vice Chair Andersen said he thought that was fair to everybody.

David Cavenee made a **MOTION**, for the reasons set forth in the Staff Report, he moves to recommend approval to the Town Council for Z17-1019, with one modification to the original document, no other red lines included, except in each Finding of Fact, where the words state "should meet" 5 of 8, be altered to read "should strive to achieve" 5 of 8; seconded by Joshua Oehler; motion passed unanimously.

Motion passed 7-0

ADMINISTRATIVE ITEMS

Administrative items are for the Commission/Board discussion and action. It is to 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 Item Number on which they wish to address. The Commission/Board may or may not accept public comment.

20. Planning Commission Minutes – Consider approval of the minutes of the Study Session and Regular Meeting of November 1, 2017.

Vice Chair Andersen asked for a motion to approve the minutes of the November 1, 2017 Study Session and Regular Meeting. A **MOTION** was made by Carl Bloomfield to approve the Planning Commission minutes of November 1, 2017, seconded by David Cavenee; motion passed unanimously.

Motion passed 7-0

COMMUNICATIONS

21. Report from Chairman and Members of the Commission on current events.

None.

23. Report from Planning Manager on current events.

Planning Manager Linda Edwards said she wished the Commission a very happy holiday. She said they really appreciate all of their expertise and she can't thank them enough for being leaders in the community.

ADJOURNMENT

With no further business before the Planning Commission, Vice Chair Andersen adjourned the Regular Meeting at 8:40 p.m.

_____

Brian Andersen, Vice Chairman

ATTEST:

_____

Debbie Frazey, Recording Secretary