

**TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
NOVEMBER 5, 2018**

COMMISSION PRESENT: Chairman Brian Andersen
Vice Chair Carl Bloomfield
Commissioner Seth Banda
Commissioner David Cavenee (via conference call)
Commissioner Greg Froehlich
Commissioner Brian Johns
Commissioner Les Smith

COMMISSION ABSENT:
Alternate Commissioner Daniel Cifuentes

STAFF PRESENT: Stephanie Bubenheim, Planner II
Ashlee MacDonald, Senior Planner
Keith Newman, Planner II
Josh Rogers, Planner II
Nathan Williams, Senior Planner
Amy Temes, Interim Principal Planner
Catherine Lorbeer, Interim Planning Manager

ALSO PRESENT: Attorney Nancy Davidson
Council Liaison Brigette Peterson
Recorder Debbie Frazey

CALL TO ORDER

Chair Brian Andersen called the November 5, 2018 Study Session of the Planning Commission to order at 5:04 p.m.

- 1. ST18-03 WHISPERING ROCK STANDARD PLANS BY AV HOMES:** 3 new standard plans for 23 lots on approximately 12.4 acres generally located west of the northwest corner of Greenfield and Germann Roads and is zoned Single Family-10 with a Planned Area Development (PAD) overlay.
Josh Rogers began his presentation on ST18-03, Whispering Rock. He shared the location of the site and noted that the project is 23 lots on 12 acres. He indicated that the applicant is bringing forth three different plans of three different styles. He shared the three styles: Andalusian, Old World and Rural Mediterranean. He said Staff's only

Town of Gilbert Planning Commission
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concern on these Standard Plans was the similarities between the Andalusian and the Rural Mediterranean and they also have concerns with the authenticity of the Rural Mediterranean. He said that Rural Mediterranean is very similar to the Spanish with light colors and red roof tiles. He said Staff feels that the Rural Mediterranean elevations in this plan aren't really on par with what that Rural Mediterranean theme has historically looked like. He said Staff also has concerns if it was authentic, would it be too similar to the Andalusian. He asked for input from the Commission, if some tweaks could be made to the Rural Mediterranean, or if those tweaks were made, if it would look too similar to the Andalusian.

Comment: Carl Bloomfield said he sees that the size of the subdivision is 23 homes so he doubts that there is a huge need to make a lot of differentiations between these because there isn't much likelihood that the designs would be placed close enough that they would look similar given that there are nine different options.

Comment: Chair Andersen said that Commissioner Bloomfield had made a good observation given the size of the site and the fact that they had many different options. He said overall, he was okay with the architecture of it.

Comment: Brian Johns said he supports Staff. He believes that because it is a smaller subdivision, having three is a good number, but he believed they could go a little further with the Rural Mediterranean. He said he did agree that it would match the Andalusian.

2. ST18-10: LAYTON LAKES PARCEL 4: SIX (6) NEW STANDARD PLANS (1706, 1838, 2053, 2400, 2711 AND 3094) BY KB HOME, FOR 75 LOTS ON APPROXIMATELY 19.5 ACRES WITHIN THE LAYTON LAKES PAD, GENERALLY LOCATED AT THE NORTHWEST CORNER OF LINDSAY ROAD AND QUEEN CREEK ROAD AND ZONED SINGLE FAMILY DETACHED (SF-D) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

Greg Froehlich declared a Conflict of Interest with Item 2, ST18-10.

Nathan Williams began his presentation on ST18-10, Layton Lakes Parcel 4. He said this was a set of Standard Plans for Layton Lakes Parcel 4, a site of just under 20 acres. He shared the location and the fact that it had recently been rezoned to Single Family Detached with a PAD. He said the request is for 75 home lots (typically 46' x 116'). He said the applicant is proposing six new Standard Plans. Three of the plans are 1-story and three are 2-story homes. He said the proposed architectural themes are: Spanish Colonial, Tuscan and Ranch. He shared a graphic of the widths, depths and height of the project. He shared the Plat to jog the memory of the Commission regarding the site location and to bring their attention to a number of lots that will back either to Open Space areas or public streets. He said this was important because, in addition to the requested input, the residential conditions that are part of the Town's regulations, require that additional articulation be provided for those sides and rear elevations that back to

Open Space and public streets. He said that was an important consideration when considering Standard Plans in this subdivision or any subdivision. He told the Commission that his Staff Report provided a lot more detail, but said Staff, generally speaking, felt that the elevations could use some additional articulation, as well as authentically address the architectural themes they are proposing. He offered to show the Commission any elevations they wanted to see. He shared the different 1-story plans, noting the roof plans and the 2 car front-loaded garages with front porch pop-outs. He then shared the 2-story plans. He shared a comparison matrix of the different options and the roof plans. He shared a graphic that showed the proposed streetscape. He shared the colors and materials. He said that Staff had commented on color schemes, base colors, body colors, roof tiles and styles. Staff desired that those be a little more authentic to the architectural style and they didn't feel the design was quite there yet. He said he had provided comments in the Staff Report.

Comment: Brian Johns said he feels that this case is similar to the last one. He said he thought it would be nice if it were true to what they were calling it and if they were bringing those elements out. He said they are using a lot of rich and different materials, but they aren't bringing the materials out well. He said he agrees with Staff that there isn't a lot of deviation around the building. He said he doesn't expect four-sided architecture, because a lot of these will be right up next to each other, but he pointed out that the neighbors would be looking back at this. He said they did a lot with the roof in the front, but that's just barely in the front. He said he isn't asking them to do a lot of deviation, because he knows that adds a lot of cost, but he thinks there are a lot of low cost items they could use to enrich the elevations and be true to the form of what they are calling it. He said he agrees with Staff's comments.

Comment: Seth Banda said in conferring with the other Commissioners, they are all in agreement with Staff's comments. He said they would like to see the designs be truer to what they are calling the names and they'd like the applicant to articulate some of the deviations that Staff has recommended.

3. ST17-1010, COOLEY STATION PARCELS 9, 11 & 30 BY FULTON HOMES. TWENTY-ONE (21) NEW STANDARD PLANS BY FULTON HOMES FOR LOTS 1-592 ON APPROXIMATELY 114.80 ACRES GENERALLY LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF RECKER AND WILLIAMS FIELD ROADS AND ZONED SINGLE FAMILY-DETACHED (SF-D) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY,

Greg Froehlich declared a Conflict of Interest with Item 3, ST17-1010.

Stephanie Bubenheim began her presentation on ST17-1010, Cooley Station Parcels 9, 11 and 30. She said this was a total of 21 Standard Plans. She said she requested feedback regarding architecture, elevations and diversity of elevation types between the Mediterranean, Cottage, Craftsman and Farmhouse and to ensure that the plans are meeting the intent of the Gateway Character Area. She shared the location of the subject

site, noting that the entire site was 114 acres. She said there would be a total of 592 lots and there would be three series of plans: Seaboard series (9 plans) on 52' wide lots; Southern Pacific (6 plans) on 35' lots and Union Pacific series (6 plans) on 40' wide lots. She again shared the four styles, pointing out that there would be a total of 16 color schemes. She shared the Site Plan, but said the Final Plat was still in Final Review, so they don't have a recorded plat yet. She said the yellow lots shown on her graphic were the Seaboard series and the brown lots are the Union Pacific and Southern Pacific. She stated that they are intermingled and the intent of the Gateway Character Area is a neo-traditional style of streetscapes, so there is different size and variation of houses intermingled within the same street. She shared the breakdown of how many lots there were for each series. She discussed setbacks. She then shared Front Elevations and Rear Elevations for the different products. She shared the streetscapes. She said the first two series are rollovers with minor improvements from Cooley Station's previously approved plan. She said the Southern Pacific series is a completely new product that the Commission hasn't seen before. She said that part of the Gateway Character Design Guidelines for neo-traditional neighborhoods require that at least 50% of the series must have porches or balconies. She said the definition in the Code is "a minimum porch size is 6' from the face of building wall to the post of the porch." She said in the Southern Pacific series, while they appear to be porches, they aren't meeting the exact dimensions. She requested input on the porches, noting that approximately five out of six are not meeting the requirements of a porch at the moment. She shared the colors and materials board, noting that there are four colors for each corresponding style. She said that on the 2-story product, she feels that sometimes they are having difficulty meeting the Cottage intent because it's a 2-story height when Cottage elevations tend to be smaller.

Comment: Les Smith asked for clarification on the porch question.

Response: Stephanie Bubenheim stated that within the Gateway Character Design Guidelines for the neo-traditional neighborhoods, it emphasizes that a minimum of 50% of the plans should have either a porch or a balcony. She shared that the definition of a porch, requires a minimum 6' distance between the building wall to the post. She said most of these are between 4' and 5', but they aren't meeting the actual 6' for Staff to label it as a porch. If it isn't a porch, they would have to label it as an entry.

Comment: Carl Bloomfield said that because it's a new series, he thinks the architect needs to be aware of it. He said he has been impressed with Fulton Homes and their ability in this Character Area to create some homes that are interesting. He said he likes the streetscapes and overall, he likes the product that they have there. He agreed with Staff's comments that they have provided to the applicant and said he thought those comments were spot on.

Comment: Brian Johns said that he thought these designs were a little truer to their style than those they had seen earlier, but he said it would be nice if they pulled a little more detail around the buildings. He said he was a bit concerned about the size. He said he appreciates the small details along the windows. He said he supports Staff on expecting them to meet the neo-traditional requirements.

Comment: Chair Andersen said he likes the architecture, but every time he came across one that looked weird, it was always the Farmhouse. He said he thinks that design looks really weird. He said he thinks it is the use of the horizontal siding that is grabbing his eye. He said he doesn't know if there is a better way to do it. He said where they are placing the horizontal siding is really weird. He said he doesn't know what a fix would look like, but he recommends they look at something to make it look better.

4. DR18-175 OCOTILLO SURGERY CENTER. SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS, FOR APPROXIMATELY 2.4 ACRES, GENERALLY LOCATED NORTH OF THE NORTHWEST CORNER OF GERMANN ROAD AND ROME STREET, AND ZONED BUSINESS PARK (BP) AND COMMUNITY COMMERCIAL (CC) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

Keith Newman began his presentation on DR18-175, Ocotillo Surgery Center. He shared the project location. He shared the Site Plan, noting that it was one parcel of about 2.4 acres in size. He said the parcel has two different zoning designations: the north half of the property is zoned Business Park (BP) and the south half is zoned Community Commercial (CC). He said that designation continues all the way over to Val Vista Road. He said the use of the medical complex is permitted in both zoning districts and the applicant is meeting all of the development standards for both zoning districts. Planner Newman said the project would be developed in two phases. The first phase will consist of an 8,212 square foot medical building on the north half of the site and the second phase will be an attached addition to the building to the south. He pointed out the crosshatched section on the Site Plan indicated the location of the second phase. He said the future addition would be a little over 7,000 square feet. He discussed access points, access drive, parking and landscape. He then shared the Elevations, noting that the building itself was just over 20' in height and the design was a mixed modern architectural design. He said the rooflines had varying lines, heights and pop-out elements that are typical of a lot of buildings in the area. He told the Commission that during 1st Review, Staff had expressed concerns over the articulation of the west elevation. He pointed out that the west elevation is completely blank. He said Staff feels that elevation needs to have a lot of the same articulation and design characteristics as the other elevations. He said although that side would not be highly visible to the public right now, it would be in the future when other businesses are built next to it. Additionally, Staff had expressed concerned to the applicant regarding the east elevation. He said it appears that the east elevation is overly articulated with some unrelated features. He pointed out the vertical fins on the perspective drawing. He said they don't appear to relate to the massing and the rooflines of the building. He asked for feedback from the Commission on those fins and how they interact with and relate to the overall massing. Lastly, he said Staff had expressed some concerns with the columns on the east elevation, noting that there were quite a few of them. He said Staff would like

Commission feedback on the number of columns and their relationship to the rest of the elements of the building.

Question: Les Smith asked if the columns that Planner Newman had expressed concern about were weight bearing. He asked if they could be reduced in number and not have an effect on the aesthetics of the building.

Answer: Keith Newman said he did not know how load-bearing the columns were. He said he believes that most of them are for the window canopies, so he doesn't think they are load-bearing, but he acknowledged that some of them might be. He said the majority of them appear to be supporting either the window canopies or the canopy that comes out over the patient drop-off area.

Question: Les Smith asked if there was a possibility that they could be reduced.

Answer: Keith Newman answered affirmatively. He said that Staff feels that might be a good solution.

Comment: Carl Bloomfield said he likes the building on three sides, but the west side is a blank canvas and his desire would be for them to do something back there. He said it is their back wall and there is no frontage to the west of them. He pointed out that they were heavily landscaping the area by the retention basin, so he wasn't sure how much he would be in favor of pushing for. He said he agrees with Staff's concern that it is blank and it would be nice if they did something else to it. He said he would suggest some articulation up on the roofline, but he said if the trees were going to be tall enough to provide screening, he wasn't sure that he would be concerned.

Question: David Cavenee (via conference call) asked Planner Newman to elaborate on what the use was to the west of the building.

Answer: Keith Newman sought to clarify the question as Commissioner Cavenee was hard to hear.

Question: Brian Johns said that Commissioner Cavenee was asking a question that he also wanted answered regarding what is planned for the property to the west and what would be looking at this building in the future.

Answer. Keith Newman said that as of right now, they are not aware of any plans for the property to the west. He said it is zoned Business Park (BP) and Community Commercial (CC), so the chances of it developing into something similar to what the applicant is proposing are likely. He said Staff's rationale for asking for more articulation is based on the fact that one day the property to the west will be a lot more visible than it is now to the general public and from business owners building on the site.

Comment: David Cavenee said his recommendation was for minor improvements to the west side with some roofline articulation. He also said he was agreeable to the columns.

Question: Brian Johns asked if the second phase expansion was to the south.

Answer: Keith Newman answered affirmatively.

Question: Brian Johns asked if the sidewalk and the parking and everything else would be put in during the second phase. He said he was concerned because that was where the public access was located, so he wanted to know how this would be developed.

Answer: Keith Newman indicated that everything that is crosshatched on his graphic will be the second phase, but everything that is not, including the existing entrance to the south will be built during phase one. He said they will only be adding 25-30 parking stalls later. He said the sidewalks around the 7,000 square foot building would also be added, but everything else would be built in phase one.

Question: Brian Johns asked to clarify that it would have a driveway and a connection to Kelly Automotive.

Answer: Keith Newman answered affirmatively. He said that connection is already existing today.

Comment/Question: Brian Johns said it had taken him a while to figure out where this project was located because it didn't have a cross-section map. He suggested that in the future, that be included for the Commission. He said he apologized if he had just missed that information. He asked about some dead-end parking in two places on the site map. He said if a vehicle gets to the end and there is no parking space, it has to back all the way out. He said he realizes it is a hard solution to fix, but suggested that Staff might take a look at that. He also asked if they met all the setbacks for the mechanical yard.

Answer: Keith Newman said that they meet the setbacks for the mechanical yard, noting that because it is Business Park adjacent to another Business Park zoning district, it is only a 5' requirement.

Question: Brian Johns asked if they just added the dense landscaping behind the building or if it was required.

Answer: Keith Newman said that the requirement was only 5'.

Question: Brian Johns asked if Staff had asked for that much landscaping.

Answer: Keith Newman said that Staff had not specifically asked for that much landscaping, but that the applicant had decided that's what they wanted to do behind the building.

Question: Seth Banda asked if the additional landscaping was an attempt to counter the lack of articulation on the west wall.

Answer: Keith Newman said that was a good question, but he hadn't actually talked to the applicant about the additional landscaping. He said he could assume that, but he wasn't certain. He offered to talk with the applicant and provide more information.

Comment/Question: Brian Johns said that the design standards call for four-sided architecture. He said you can cover it up with trees and landscaping, but that has never been an element to justify the requirement of four-sided architecture. He said he realizes it is backing up to another building, but the building behind it might have parking all the

way around it and there might be a point in the future where it will be looked at. He thought they should bring it up closer to the standard. He said it was very eclectic in the front. He said it could be a little more elegant in the way that the columns play with the overhangs and the drop off area. He said he thought it could be fine-tuned a little more to look a little more elegant. He said he appreciated the use of unique materials. He said he agreed with Staff that the wing wall appears to be a little spindly and doesn't really tie to the architecture. He said it is kind of sitting back and doesn't have the mass to be able to support that size of entry. He said it just doesn't feel right, so he suggested they work on that. He asked if there was a parapet on the project since they were using the mechanical yard.

Answer: Keith Newman said the mechanical units are on the roof, so they do have a parapet wall.

Question: Brian Johns asked why they had a mechanical yard if the mechanicals were on the roof.

Answer: Keith Newman said the mechanical yard was for some type of specialty equipment.

Comment: Brian Johns recommended a little more articulation, but appreciated the use of materials and color blocking. He said they are headed in the right direction. He said there are a lot of buildings in the area that have a rich design and he said he appreciates that they are trying to go in that direction.

Comment: Seth Banda said he didn't have a problem with the vertical fence. He said he didn't fully understand it, but he thinks they look kind of nice. He said he sees a lot of movement. He said he is concerned about the west side. He thinks it lacks articulation. He said he wouldn't care too much if there were to be no future development, but given the fact that future development is likely to come, he thought even the two layers of trees wouldn't provide enough to cover the fact that it is a 100% plain wall. He said he would like them to consider doing something, considering the other sides have a lot of design features.

Comment: Greg Froehlich said he echoes some of the other comments. Regarding the west elevation, because of the fact that the road will connect all the way to Val Vista someday, he is in agreement that something needs to be done on that side. He said it isn't just the articulation, but they also aren't using different colors or materials. He said he is agreeable to the columns on the building.

Comment: Chair Andersen said they don't need to do a whole lot, but should do a little something. He didn't want to change their floor plan and realized that because they had two operating rooms, they probably weren't able to add windows due to sterilization needs, but he thought, at the location of the sterilization room, they could bump out the wall, providing an opportunity to do a material change.

5. ST18-06: GREENFIELD RANCH STANDARD PLANS BY TAYLOR MORRISON

Josh Rogers began his presentation on ST18-06. He shared a vicinity map showing the location of the property, as well as a Community Detail map. He said they are proposing two zoning districts on the parcel: Single Family – 15 (SF-15) and Single Family – 10 (SF-10). He said that the SF-15 zoning is to buffer the adjacent larger lot homes. He said that tonight they would be focusing on the Standard Plans for the 51 lots of SF-10. He requested input from the Commission on similarity in roofline and massing, the authenticity of the Tuscan theme, the monochromatic color palette and the minimal articulation on the rear elevations. He said the Tuscan theme is usually light colors with lighter shades of stone and red roof tiles with more of a Mediterranean feel. He said Staff feels that this doesn't quite match that. He also pointed out that the rooflines are the exact same from plan to plan. Regarding massing, he pointed out that on Plans 6033 and Plan 6043, the massing is just flip-flopped with no uniqueness about either one. He also discussed the level of detail on the Prairie elevations. He said in the Elevation Matrix in the Commission's staff packet, it shows the Prairie Elevations as having stone, but the stone is optional. He noted the actual standard design on his graphic with no stone. He also asked about the level of detail on the Spanish Elevations and if it meets the level of detail expected of this area. He said this area is expected to be a higher-end community. He also pointed out the similarities between authentic Spanish and Tuscan styles. He said if the Tuscan was a little truer to its stated style, the two would look very similar in Staff's opinion.

Comment: Carl Bloomfield said when he looked at the plans, he noted that they did a different layout and he really likes the layout of the development and thinks it was a great step in the right direction. He said given the fact that it is an upscale, higher-end type development, he agreed with Staff that there is more uniformity than he would have expected in the rooflines and in the buildings. He said these are nice homes and he likes the layout and the floor plans, but to keep this an upscale type of a home, he expects a little more differentiation between the different architectural styles.

Response: Josh Rogers provided a graphic showing the colors and pointed out that they are very similar and monochromatic.

Question: Chair Andersen asked if Planner Rogers had come up with any suggestions as to how the designs could be improved.

Answer: Josh Rogers said that Staff had made some suggestions. He said that the applicant had originally come in with a Santa Barbara theme and this was what they came back with. He said that Staff was hoping for a little more difference between the two styles.

Question: Chair Andersen asked if they had given any specific suggestions.

Answer: Josh Rogers said that they had asked for a Farmhouse design because the project is located in the southern portion of Gilbert to match the character of the area, but they opted to come in with Tuscan instead.

Question: Chair Andersen specifically asked Planner Rogers if there was anything on the Tuscan design that Staff recommended they add or subtract.

Answer: Josh Rogers said he didn't pretend to be an architect, but he said a Mediterranean style should have lighter colors that reflect the sun. He said they also were looking for a prominent red roof in an effort to differentiate the design.

Comment: Brian Johns said he agreed with Staff and thought they should bring in some elements that would be true to what they are calling the design. He suggested changing some of the materials and some of the lines to achieve that. He said the rooflines are very similar all the way across. He said on some of the Spanish designs they do have a lot of details in and around the windows. He said if there isn't stone on the Prairie design as standard, it would really take away a lot from the design. He suggested if they weren't going to do the stone as standard, they might do some pop-outs that carry all the way down to replace the stone. He said he thought they could take a few more steps without adding a lot of costs and better meet the requirements of the area. Regarding colors, he thought it looked like there was a lot of variety of colors on the elevations. He said he was more concerned with how they were laying out the designs on their site and how they were placing the different styles of buildings with the different colors of buildings so that they wouldn't have similar colors in a row.

Comment: Les Smith asked to see the color palette. He said he would reiterate what Commissioner Johns had just said. He said apparently the California Mission was an option in an earlier subdivision, but didn't appear to be an option in this development. He said not having that additional style kind of lends to that cookie cutter feel.

Response: Josh Rogers said there is a California Mission design in the SF-15 lots, just not in the SF-10 lots.

6. ST18-08, BELLA VERDE: FOUR (4) NEW STANDARD PLANS (PLANS P721, P740, P723 AND P725) BY RICHMOND AMERICAN HOMES ON LOTS 1-58, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GILBERT AND RAY ROADS AND ZONED SINGLE-FAMILY-DETACHED (SF-D) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY, SUBJECT TO CONDITIONS.

Stephanie Bubenheim began her presentation on ST18-08, Bella Verde. She said Staff was requesting feedback on overall architecture and elevations. She said there were three architectural themes: Spanish, Craftsman and Cottage. She shared the location of the site. She said the standard lot size is 50' x 100'. She said there are 18 different color schemes with six color schemes for each architectural theme. She shared a graphic which showed the front elevations of all of the homes being offered. She stated that there are four standard plans. She requested input regarding differentiation between Cottage and Craftsman. She shared the rear elevations and asked for comments on the rooflines on the rear elevations. She also shared the side elevations. She shared the colors and materials, noting that the browns were highly similar. She said in the Craftsman, she had

been looking for more earthy colors like blues or greens, instead of just the browns and beiges.

Comment: Seth Banda said he likes the different elevations more on this presentation than he did on the last one. He said there seems to be more variation between the Spanish and the Craftsman and the Cottage. Regarding color on the Craftsman, he agreed with Planner Bubenheim that he would love some more earthy colors, as opposed to just beiges.

Comment: Carl Bloomfield said as he looks through the plans, he likes the architectural diversity. He said he can see what Planner Bubenheim is saying regarding differentiation between the Cottage and the Craftsman, but he didn't have any specific suggestions to change it or to make it better. He did agree that they were similar and he would like to see them a little bit different. He said he was agreeable to Staff working with the applicant on that. He said he felt like the diversity of the colors and the architectural styles will make for a nice subdivision.

Comment/Question: Brian Johns said seeing the perspectives always helps. He asked to clarify where the design names were located.

Answer: Stephanie Bubenheim said they were naming them "P" series numbers.

Comment: Brian Johns said he was good with everything, but wanted to see one of the 2-story designs. He said it appeared that two of the designs were almost exactly the same. He suggested doing something to break them up a bit, specifically P723 all the way down the line. He suggested varying the windows on the front elevations.

7. ST18-07 HEIRLOOM AT MORRISON RANCH BY CAMELOT HOMES. FOUR (4) NEW STANDARD PLANS FOR 56 LOTS ON APPROXIMATELY 18 ACRES GENERALLY LOCATED NORTHEAST OF HIGLEY AND WARNER ROADS AND ZONED SINGLE FAMILY-10 (SF-10) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

Commissioner Greg Froehlich declared a Conflict of Interest on this item.

Josh Rogers began his presentation on ST18-07, Heirloom at Morrison Ranch. He said this project was for four standard plans. He said that Staff had no concerns on the elevations and thinks the applicant did a great job with the variety of styles and color palette. He just asked for any additional input before Staff approved the project administratively.

Chair Andersen called for questions or comments from the Commission.

Comment: Chair Andersen said that everyone agrees the plans look very good.

With no further comments or questions, Chair Andersen then proposed the following changes to the Regular Meeting Agenda. He suggested moving Item 15, GP18-06, Item 16, Z18-09, Item 20, GP18-13 and Item 21, Z18-27 to the Consent Agenda. The other Commissioners were agreeable to the proposed change. Due to the public interest in Item 19, he suggested swapping the order and hearing Item 22, GP18-09 first and then hearing Item 19, Z18-21, followed by Item 23, Z18-17.

ADJOURN STUDY SESSION

With no other business before the Commission, Chair Andersen adjourned the Study Session at 6:07 p.m. He announced that they would begin the Regular Meeting at 6:15 p.m.

Brian Andersen, Chairman

ATTEST:

Debbie Frazey, Recording Secretary

**TOWN OF GILBERT
 PLANNING COMMISSION REGULAR MEETING
 COUNCIL CHAMBERS
 50 E. CIVIC CENTER DRIVE
 GILBERT, AZ
 NOVEMBER 5, 2018**

COMMISSION PRESENT: Chairman Brian Andersen
 Vice Chair Carl Bloomfield
 Commissioner Seth Banda
 Commissioner Greg Froehlich (left meeting at 7:50)
 Commissioner Brian Johns
 Commissioner Les Smith

COMMISSION ABSENT:
 Commissioner David Cavenee
 Alternate Commissioner Daniel Cifuentes

STAFF PRESENT: Stephanie Bubenheim, Planner II
 Ashlee MacDonald, Senior Planner
 Keith Newman, Planner II
 Josh Rogers, Planner II
 Nathan Williams, Senior Planner
 Amy Temes, Interim Principal Planner
 Catherine Lorbeer, Interim Planning Manager

ALSO PRESENT: Attorney Nancy Davidson
 Council Liaison Brigette Peterson
 Recorder Debbie Frazey

PLANNER	CASE	PAGE	VOTE
Keith Newman	DR17-1139	10	Approved
Nathan Williams	DR18-117	10	Approved
Ashlee MacDonald	DR18-98	3	Approved
Keith Newman	S18-03	10	Approved
Ashlee MacDonald	GP18-06	10	Approved
Ashlee MacDonald	Z18-09	10	Approved
Ashlee MacDonald	GP18-08	15	Approved
Ashlee MacDonald	Z18-18	16	Approved
Ashlee MacDonald	Z18-21	41	Approved
Stephanie Bubenheim	GP18-13	10	Approved
Stephanie Bubenheim	Z18-27	10	Approved

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Ashlee MacDonald	GP18-09	24	Approved
Keith Newman	Z18-17	44	Approved

CALL TO ORDER REGULAR MEETING

Chair Brian Andersen called the November 5, 2018 Regular Meeting of the Planning Commission to order at 6:18 p.m.

ROLL CALL

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

9. APPROVAL OF AGENDA

Chair Andersen told the audience that it had been suggested that the Commission move Item 15, GP18-06 and Item 16, Z18-09, Terraza; Item 20, GP18-13 and Item 21, Z18-27, Residences at Santan Village from the Public Hearing (Non-Consent) Agenda to the Public Hearing (Consent) Agenda. He said they would also be swapping Item 19, Z18-21 with Item 22, GP18-09. Vice Chair Carl Bloomfield made a **MOTION** to approve the consent agenda with suggested changes; seconded by Greg Froehlich; motion passed unanimously.

Motion passed 6-0

10. 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.

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 moved on to the next item on the agenda.

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.

Chair Andersen asked if any member of the Commission had a Conflict of Interest with an item on the Consent Agenda.

Commissioner Greg Froehlich declared a Conflict of Interest with Item 13, DR18-95.

Chair Andersen stated that they would make a motion on Item 13 separately (listed below with Staff Recommendations).

13. DR18-98, GILBERT REGIONAL PARK PHASE 1 AND PHASE 1B: SITE PLAN, LANDSCAPE, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS FOR APPROXIMATELY 54 ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF QUEEN CREEK AND HIGLEY ROADS, AND ZONED PUBLIC FACILITIES/INSTITUTIONAL (PF/I).

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR18-98, Gilbert Regional Park Phase 1 and 1b: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 54 acres, generally located at the southwest corner of Queen Creek and Higley Roads, and zoned Public Facilities/Institutional (PF/I), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the November 5, 2018 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. As part of the construction document submittal, the applicant shall update the parking lot to incorporate 1 parking lot landscape island every eight parking spaces in accordance with the Land Development Code section 4.2012.
4. Prior to construction document submittal, the applicant shall submit to Planning for review and approval colors and materials for the Phase 1B bandshell.

Chair Andersen asked for a separate motion to approve Item 13 on the Consent Agenda, DR18-98, Gilbert Regional Park. Vice Chair Carl Bloomfield made a **MOTION** to approve Item 13, DR18-98; seconded by Brian Johns; motion passed 5-0 with one abstention.

Motion passed 5-0 with Commissioner Greg Froehlich abstaining due to Conflict of Interest.

PUBLIC HEARING (CONSENT AGENDA) – Continued

11. DR17-1139, Stratton Builders Office Building: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 2.07 acres, generally located at the northwest corner of Melody Avenue and Marvin

Street, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR17-1139, Stratton Builders Office Building: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 2.07 acres, generally located at the northwest corner of Melody Avenue and Marvin Street, and zoned Light Industrial (LI) 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/Design Review Board at the November 5, 2018 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. Internalize roof drain elements including gutters and downspouts within the building or apply an architectural feature where visible from streets and public areas.
5. Prior to submittal of construction drawings, a revised Lighting Photometric Plan shall be provided to Planning demonstrating that the level of illuminance does not exceed 0.3 foot-candles at the property line.

12. DR18-117, MEWS MEETINGHOUSE: SITE PLAN, LANDSCAPING, GRADING AND DRAINAGE, ELEVATIONS, FLOOR PLANS, LIGHTING, COLORS AND MATERIALS, FOR APPROXIMATELY 5.92 ACRES, GENERALLY LOCATED SOUTH OF THE SOUTHEAST CORNER OF HIGLEY ROAD AND MEWS ROAD, AND ZONED SINGLE FAMILY RESIDENTIAL 15 (SF-15).

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR18-117, Mews Meetinghouse: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 5.92 acres, generally located south of the southeast corner of Higley Road and Mews Road, and zoned Single Family Residential 15 (SF-15), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission/ Design Review Board at the November 5, 2018 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.

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

14. S18-03: ANDALUCIA VILLAS - Request to approve Preliminary Plat and Open Space Plan for New Village Homes, for 101 SINGLE FAMILY home lots on approx. 14.27 acres generally located at the southwest corner of Val Vista Drive and Ray Road and zoned Single Family Detached (SF-D) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Move to Approve the Findings of Fact and S18-03, Andalusia Villas Preliminary Plat and Open Space Plan for New Village Homes, for approximately 14.27 acres consisting of 101 single family lots, generally located at the southwest corner of Val Vista Drive and Ray Road and zoned Single Family Detached (SF-D) with a Planned Area Development (PAD) overlay, subject to following conditions.

1. The Final Plat and Open Space Plans for Andalusia Villas and construction of the project shall be in substantial conformance with Exhibits 4: Development Plan, 5: Preliminary Plat, 6: Parking Exhibit and Exhibit 7: Open Space Plan approved by the Planning Commission/Design Review Board at the November 5, 2018 public hearing.
2. The existing perimeter wall will be used as is or if needed, will be repaired or replaced by the Developer in coordination with adjacent property owners.
3. Future proposed signage complying with the Land Development Code shall be approved administratively by Planning Staff prior to submitting for sign permits.

15. GP18-06 TERRAZA: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROX. 21.3 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF RECKER AND OCOTILLO ROADS FROM RESIDENTIAL > 0-1 DU/ACRE TO RESIDENTIAL > 1-2 DU/ACRE LAND USE CLASSIFICATION.

16. Z18-09 TERRAZA: REQUEST TO REZONE APPROXIMATELY 23 ACRES LOCATED AT THE SOUTHWEST CORNER OF RECKER AND OCOTILLO ROADS FROM MARICOPA COUNTY RURAL - 43 (RU-43) ZONING DISTRICT TO 21.3 ACRES OF TOWN OF GILBERT SINGLE FAMILY - 10 (SF-10) AND 1.7 ACRES OF PUBLIC FACILITIES/INSTITUTIONAL (PF/I) ZONING DISTRICTS, ALL WITH A PLANNED AREA DEVELOPMENT OVERLAY.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP18-06, to change the land use classification of approx. 21.3 acres, generally located at the southwest corner of Recker and Ocotillo Roads from Residential > 0-1 DU/Acre to Residential > 1-2 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 Z18-09 rezoning approx. 23 acres generally located at southwest corner of Recker and Ocotillo Roads from Maricopa County Rural - 43(RU-43) zoning district to 21.3 acres of Town of Gilbert Single Family – 10 (SF-10) and 1.7 acres of Public Facilities/Institutional (PF/I) zoning districts, all with a Planned Area Development (PAD) overlay, subject to the following conditions.
- a. Dedication to Gilbert for Recker 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 Recker Road shall extend 40 feet from the monument line.
 - c. Dedication to Gilbert for Stone Crest 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 Stone Crest Drive shall extend 25 feet from the monument line.
 - d. Construction of off-site improvements to Recker Road and Stone Crest Drive 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. If Gilbert constructs the improvements to Recker Road 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 certificate of occupancy or final approval of any building constructed on the Property. As an alternative to installing street lights on Stone Crest Drive, developer may elect to provide Gilbert cash in lieu of construction in an amount as approved by the Town Engineer
 - e. Prior to issuance of the first building permit or at the time of recordation of the final plat, Developer shall enter into a 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 to Recker Road as part of its capital improvements program. Failure by Developer to execute a Reimbursement and Lien Agreement 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 Reimbursement and Lien Agreement.

- f. 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.
- g. 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.
- h. 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.
- i. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
- j. 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:

Site Development Regulations	SF-10 PAD
Minimum Lot Area	12,250sf and 16,250sf
Minimum Lot Dimensions	85’x130’ – lots 1-8, 12-19, 26-29 110’x135’ – lots 9-11, 20-25
Maximum Building Height (ft)/stories	30/1**
Minimum Building Setback	
Front	20’/15’*
Side	10’
Rear	30’

*Side entry garages; Livable areas of dwelling units with detached garages; or Dwelling units with front-facing garages that are recessed by 20 feet or more from the front plane of the livable area

** The applicant has offered to restrict the housing development to single story.

20. GP18-13, RESIDENCES AT SANTAN VILLAGE: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROX. 15.77 ACRES GENERALLY LOCATED SOUTH AND WEST OF THE SOUTHWEST CORNER OF SANTAN VILLAGE PARKWAY AND RAY ROAD FROM REGIONAL COMMERCIAL TO RESIDENTIAL > 14-25 DU/ACRE LAND USE CLASSIFICATION.

21. Z18-27, RESIDENCES AT SANTAN VILLAGE: REQUEST TO REZONE APPROX. 15.77 ACRES GENERALLY LOCATED SOUTH AND WEST OF THE SOUTHWEST CORNER OF SANTAN VILLAGE PARKWAY AND RAY ROAD FROM REGIONAL COMMERCIAL (RC) TO MULTI-FAMILY/MEDIUM (MF/M) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP18-13, to change the land use classification of approx. 15.77 acres, generally located at the southwest corner of Santan Village Parkway and Ray Road from Regional Commercial (RC) to Residential >14-25 DU/Acre (R>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 Z18-27 rezoning approx. 15.77 acres generally located south and west of the southwest corner of Santan Village Parkway and Ray Road from approx. 15.77 acres of Regional Commercial (RC) zoning district to approx. 15.77 acres of Multi-Family/Medium (MF/M) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.
 - a. Dedication to Gilbert for Santan Village Parkway 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. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
 - b. Existing right-of-way on Santan Village Parkway varies from 53.58 feet to over 70 feet from centerline. Dedication of Santan Village Parkway shall extend a minimum 70 feet from centerline. Any dedication required west

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of the existing right-of-way on Santan Village Parkway shall be by roadway easement.

- c. Construction of off-site improvements to Santan Village Parkway and Ray 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 earliest
- d. 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.
- e. Should the Property include any landscaping, open space, private street, utilities or other facilities held in common ownership (collectively “common areas”) as described in Article 4.9 of the Land Development Code, Developer shall create a Homeowner’s Association (HOA) or Property Owners’ Association (POA) at the time of final plat recordation or earlier if required by the Town Engineer for the maintenance and operation of said common areas, and Developer shall record those public easements for pedestrian, bicycle, multi-use or trail system purposes required by the final plat.
- f. Recorded documentation of cross access agreements will be required at the time of final plat application submittal
- 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:

LDC Development Standards	Development for Residences at Santan Village PAD MF/M
Maximum Building Height (LDC Table 2.204)	55’
Minimum Building Setback – Front (Santan Village Parkway) (LDC Table 2.204)	20’
Minimum Building Setback – Side Street (Ray Road)	25’

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LDC Development Standards	Development for Residences at Santan Village PAD MF/M
(LDC Table 2.204)	
Minimum Building Setback - Side / Minimum Required Perimeter Landscape Area (to D3-Regional Commercial parcel to east) (LDC Table 2.204)	0'
Common Open Space (minimum) (LDC Table 2.204)	25%
Minimum height of separation wall to Nonresidential Zoning District or Uses (D3) (LDC – 4.109.A.2(b))	4'
Access to nonresidential property through residential property (LDC – 2.205.E.)	Permitted only at location shown on development plan

- h. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
- i. The two egress driveways along Columbus Street to the west shall remain Exit Only gates with a pressure plate used on the interior side of the gate.
- j. Tandem uncovered parking spaces behind garages may be used towards minimum parking requirements.
- k. A revised Trip Generation Statement and Traffic Signal Warrant Analysis shall be submitted to the Town Traffic Engineer. If any off-site improvements are required per the revised Traffic Signal Warrant Analysis the applicant shall be responsible for the improvements.

Carl Bloomfield then made a **MOTION** to approve the remainder of the Public Hearing (Consent Agenda) as follows (listed above with Staff Recommendations): Item 11, DR17-1139, Stratton Builders Office Building; Item 12, DR18-117, Mews Meetinghouse; Item 14, S18-03, Andalucia Villas, Item 15, GP18-06, Terraza; Item 16, Z18-09, Terraza; Item 20, GP18-13, Residences at Santan Village; and Item 21, Z18-27, Residences at Santan Village; seconded by Seth Banda; motion passed unanimously.

Motion passed 6-0

PUBLIC HEARING (NON-CONSENT)

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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. GP18-08: GABRIELLA POINTE COMMERCE CENTER - REQUEST FOR MAJOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROX. 152.9 ACRES LOCATED AT THE SOUTHEAST CORNER OF HIGLEY AND WARNER ROADS FROM 39.6 ACRES OF REGIONAL COMMERCIAL (RC) AND 113.3 ACRES OF BUSINESS PARK (BP) TO 56.4 ACRES OF REGIONAL COMMERCIAL (RC), 57.5 ACRES OF BUSINESS PARK (BP), 19.5 ACRES OF RESIDENTIAL > 8-14 DU/ACRE, AND 19.5 ACRES OF RESIDENTIAL > 14-25 DU/ACRE LAND USE CLASSIFICATION.

18. Z18-18: GABRIELLA POINTE COMMERCE CENTER - REQUEST TO REZONE APPROX. 152.9 ACRES LOCATED AT THE SOUTHEAST CORNER OF HIGLEY AND WARNER ROADS FROM APPROX. 39.9 ACRES OF LIGHT INDUSTRIAL (LI), 24.9 ACRES OF MULTI FAMILY/LOW (MF/L), AND 14.2 ACRES OF MULTI FAMILY/MEDIUM (MF/M) ZONING DISTRICTS, ALL WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY, AND 73.9 ACRES OF MARICOPA COUNTY RURAL – 43 (RU-43) ZONING DISTRICT, TO APPROX. 56.4 ACRES OF REGIONAL COMMERCIAL (RC), 19.5 ACRES OF MULTI-FAMILY/LOW (MF/L), 19.5 ACRES OF MULTI-FAMILY/MEDIUM (MF/M), AND 57.5 ACRES OF BUSINESS PARK (BP) ZONING DISTRICTS.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP18-08, to change the land use classification of approximately 152.9 acres of real property generally located at the southeast corner of Higley and Warner Roads from 39.6 acres of Regional Commercial (RC) and 113.3 acres of Business Park (BP) to 56.4 acres of Regional Commercial (RC), 57.5 acres of Business Park (BP), 19.5 acres of Residential > 8-14 DU/Acre, and 19.5 acres of Residential > 14-25 DU/Acre land use classifications; 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 Z18-18 rezoning approximately 152.9 acres of real property generally located at the southeast corner of Higley and Warner Roads from approximately 39.9 acres of Light Industrial (LI), 24.9

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acres of Multi Family/Low (MF/L), and 14.2 acres of Multi Family/Medium (MF/M) zoning districts, all with a Planned Area Development overlay (PAD), and 73.9 acres of Maricopa County Rural – 43 (RU-43) zoning district, to approximately 56.4 acres of Regional Commercial (RC), 19.5 acres of Multi-Family/Low (MF/L), 19.5 acres of Multi-Family/Medium (MF/M), and 57.5 acres of Business Park (BP) zoning districts, subject to the following conditions:

- a. Dedication to Gilbert for Higley Road and Warner 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 Higley Road shall extend 70 feet from the monument line and dedication of Warner Road shall extend 70 feet from the monument line.
- c. Construction of off-site improvements to Higley Road and Warner Road adjacent to the Property, including but not limited to roadway widening, intersection improvements, sidewalk and streetlight installation, utility improvements or modifications, new traffic signals and/or traffic signal modifications, and deceleration lanes at all access locations, shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier. 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 certificate of occupancy or final approval of any unit or building constructed on the Property.
- d. A detailed Master Traffic Impact Study for the entire Property shall be submitted by the Developer and approved by the Town Traffic Engineer prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Access points for the Property will be evaluated and approved by the Town based on this detailed Master Traffic Impact Study.
- e. Prior to issuance of the first building permit or at the time of recordation of the final plat, 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 as required herein 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.
- f. 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.

- g. Developer shall create a Homeowner's Association (HOA) or 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. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.
- h. Developer shall record easements to be owned by the HOA or 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. Such easements shall be open to public access and use.
- i. *Final Plats.* Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following language: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."
- j. Sales and leasing offices for residential developments shall provide notice to prospective buyers and tenants that the project is located within Overflight Area 3. The notice shall consist of a 4 x 4 foot freestanding sign installed at the entrance to each sales or leasing office prior to commencement of sales, including pre-sales, or leasing and shall remain in place until the sales or leasing office is permanently closed. The following language in letters of at least 1 inch in height: "This subdivision is located within the Phoenix-Mesa Gateway Airport Overlay District Overflight Area 3. For additional information contact the Arizona Department of Real Estate at: 602-771-7700 or Phoenix-Mesa Gateway Airport Public Relations Office at: 480-988-7565)." Shall be located at least 30 inches above grade.
- k. Subdivision public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."
- l. All building construction in a new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 20 decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. As part of an application for Design Review, the developer shall submit a sealed letter from a registered architect or engineer certifying that the construction materials, methods, and design employed will achieve the required noise reduction. A copy of the certification shall also be submitted with each application for a building permit and shall be noted on the construction plans.

- m. *Avigation Easement.* 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 Design Review plan for the new project. The easement shall be in a form approved by the Town Attorney.

Ashlee MacDonald began her presentation on Item 17, GP18-08 and Item 18, Z18-18, Gabriella Point Commerce Center. She stated that this case was a Major General Plan Amendment in conjunction with a Rezoning request. She shared the location of the property and noted the variety of uses around the subject site. She said it was important to note that the western half of the property is currently under the jurisdiction of Maricopa County so they are currently processing an annexation application in conjunction with this project. She said they will be changing the designation on that property from a Maricopa County zoning district. She stated that a Major General Plan Amendment takes place when there is land area in excess of 40 acres. She said this site is 152.9 acres in size. She said the applicant is looking to increase the Business Park land use designation by 17 acres, reduce the Regional Commercial (RC) by 56 acres and introduce 19.5 acres of Residential > 8-14 DU/Acre and 19.5 acres of Residential > 14-25 DU/Acre. She reminded the Commission that the introduction of the multi-family is to recognize land use entitlements on the property. She said there is existing multi-family zoning on the subject site. She said the current General Plan designation currently consists of Business Park (BP) and Regional Commercial (RC). She shared some of the goals that the subject site conforms with in terms of General Plan.

Planner MacDonald then discussed the Rezoning request, noting that the ultimate goal of this is that it will match the General Plan that she had previously described. She said they would be changing the Maricopa County Rural 43 (RU-43) designation of 73.0 acres in conformance with the proposed General Plan. She said they would be reducing the amount of Multi Family / Low (MF/L) zoning that exists on the property and increasing the Multi Family / Medium (MF/M). She said they would also be removing the Light Industrial (LI) and introducing Regional Commercial (RC) and Business Park (BP) in conjunction with the General Plan Amendment request. She discussed the existing zoning and the proposed zoning district, noting that the change provided a more developable configuration. She stated that when the Commission heard this at Study Session, they indicated that they would like to see how this might develop as a cohesive development. She said the applicant is not proposing a PAD, but they had provided a Conceptual Plan to give an idea of what the applicant's vision is for the property. Planner MacDonald discussed the 60-Day Agency Review period, noting the responses from Phoenix Mesa Gateway, who indicated they prefer the current land use on the site and also from the Gilbert Chamber of Commerce, who said they support the requested change. She said that Staff recommends approval of both the General Plan Amendment and the Rezoning request subject to Staff Recommendations.

Question: Chair Andersen sought to clarify that Ashlee MacDonald's presentation covered both Item 17 and Item 18.

Answer: Ashlee MacDonald answered affirmatively.

Question: Carl Bloomfield asked to clarify that when they heard this case at the recent Special Meeting at the Southeast Regional Library, that the Chamber hadn't weighed in on the case yet.

Answer: Ashlee MacDonald said that they had already heard from the Chamber on this case at that time.

Question: Seth Banda asked to clarify that the Chamber was opposed to downsizing.

Answer: Ashlee MacDonald said the Chamber is in support of this project.

Chair Andersen then invited the applicant forward and informed him he would have 10 minutes in which to speak.

Greg Davis, of Iplan Consulting, introduced himself and said he was in attendance on behalf of the Michelon family. He said he didn't need to make a full presentation because the Commission had just heard the case at the October 24 Special Meeting. He said he wanted to reiterate that this was a very important long-term project for the Michelon family. He said the project has been named after a family member. He noted that it has taken them several years to assemble this land and they desire to come up with a more cohesive land design that will result in a sustainable project. He said this is the first step in the process, but noted there are several land use entitlement issues. He said by supporting this change, the Commission will be giving the applicant the opportunity to build a sustainable project.

Comment: Vice Chair Bloomfield thanked the applicant. He said he is excited about this area developing on the one hand, but because he lives near it, he will miss the fields and the agricultural feel of Gilbert. He said that is the path of development. He said his only concern is regarding the Regional Commercial (RC) on the corner. He said in the past they have seen very dense multi-family housing come into an RC zoning district and although it is permitted, there have been some recommended conditions to accommodate that. He said he wanted the applicant to be cognizant of the entities around them as they work on their plans over the coming months and years, and try to make it blend in nicely. He cautioned against high density residential.

Response: Greg Davis said they are cognizant of that concern and it isn't their intent.

Chair Andersen asked if any member of the public wished to speak on this item. Seeing none, he asked if the Commissioners had any comments or questions for Staff. Seeing none, he closed the Public Hearing and brought the discussion back to the dais. There was no discussion.

Chair Andersen then called for a motion. Commissioner Brian Johns made a **MOTION** to recommend approval to Town Council of Item 17, GP18-08, Gabriella Pointe Commerce Center; seconded by Seth Banda; motion passed unanimously.

Motion passed 6-0

Chair Andersen then called for a motion on Item 18, Z18-18, Gabriella Pointe Commerce Center. Brian Johns made a **MOTION** for approval to Town Council of Item 18, Z18-18; seconded by Seth Banda; motion passed unanimously.

Motion passed 6-0

Attorney Nancy Davidson informed the Commission that the Staff table had received a public comment card after the motion was made for Item 12, which was on the Consent Agenda. She said there was no request to speak, but she told the Planning Commission that if they so desired, they could make a motion to rescind the previous motion. She read into the record that Frank Antilley did not have a specific request, but wrote on his form that “there are too many in the area.” Chair Andersen said they did not wish to rescind the previous motion, but said they would note it on the record.

- 22. GP18-09: NEC WARNER AND RECKER ROADS - REQUEST FOR MAJOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROX. 124.8 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF RECKER AND WARNER ROADS FROM 28.4 ACRES OF BUSINESS PARK (BP), 87.5 ACRES OF LIGHT INDUSTRIAL (LI) AND 8.9 ACRES OF COMMUNITY COMMERCIAL (CC) TO 15.3 ACRES OF RESIDENTIAL > 8-14 DU/ACRE (R>8-14DU/AC), 15.9 ACRES OF RESIDENTIAL > 5-8 DU/ACRE (R>5-8DU/AC), 85.4 ACRES OF RESIDENTIAL > 3.5-5 DU/ACRE (R>3.5-5DU/AC), AND 8.2 ACRES OF NEIGHBORHOOD COMMERCIAL (NC) LAND USE CLASSIFICATIONS.**

RECOMMENDED MOTION

Recommend to the Town Council denial of GP18-09, to change the land use classification of approx. 124.8 acres, generally located at the northeast corner of Recker and Warner Roads from 28.4 acres of Business Park (BP), 87.5 acres of Light Industrial (LI) and 8.9 acres of Community Commercial (CC) to 15.3 acres of Residential > 8-14 DU/Acre, 15.9 acres of Residential > 5-8 DU/Acre, 85.4 acres of Residential > 3.5-5 DU/Acre and 8.2 acres of Neighborhood Commercial (NC) land use classifications

Ashlee MacDonald began her presentation on Item 22, GP18-09, NEC Warner and Recker Roads. She shared the location of the property and the surrounding uses. She said this was another General Plan Amendment on 124.8 acres. She said the applicant is looking to remove the employment type land uses and develop a residential community. She said the net effect of the proposed change is a reduction of Business Park (BP) by 28.4 acres, a reduction of Light Industrial (LI) by 87.5 acres and the applicant is requesting to swap out Community Commercial (CC) for Neighborhood Commercial (NC). She said they also want to introduce three residential categories on 85.4 total acres: Residential > 8-14 DU/Acre; Residential > 5-8 DU/Acre and Residential > 3.5-5 DU/Acre. She shared the Existing General Plan Land Use Map. She said

she wanted to note that when the site was planned and developed, it included multi-family at the northeast corner. She said that portion has been developed as the Liv Northgate community. She discussed required 60' landscape buffers that were included to buffer the residential to the north. She said additionally, Morrison Ranch provides a 55' Open Space area along their southern border, further increasing the separation between that Business Park (BP) and the multi-family that exists there today. She also noted that at build-out, both Recker and Warner Roads are planned at 140' wide, further separating the employment land uses from the surrounding residential. She shared the location of the proposed residential zoning, as well as the commercial corner. She stated that the change to residential on the subject site will negatively impact the adjacent employment land uses by virtue of increased setbacks for the property owner. Planner MacDonald said it is an unexpected consequence for the property owner to the east that they aren't anticipating because that additional setback requirement isn't a condition that they experience today. She said that the subject site is located within the Power Road Growth Area that has been identified in the Town's General Plan. She said the focus of the Growth Area is industrial and business park employment supported by commercial centers. She said because this area was part of the General Plan, it was vetted and adopted by the voters. She said that Staff had reviewed a market analysis received from the applicant. She said that Staff had also conducted their own analysis and it was part of the Staff report. She shared some of the fiscal impacts of the proposed change which tip the scale in favor of the existing land use designation. She said that currently retail and food services top the list of the Town's employment land uses, but those types of uses don't lead to the high wage job that the Town is seeking. She said that Staff would argue that they are trying to build the kind of community that can weather storms, is resilient and will make it through a recession if one comes. She addressed the findings of the market analysis regarding growth occurring in the adjacent Mesa 85212 zip code, noting that they cannot be competitive with that growth if they don't have the land available to compete. She shared an overlay which provided some regional context on a broader section of land. She shared some current employment locations in Gilbert. She said that Staff believes the next place for employment to develop is along this Power Road Growth Area. She said that a change of this kind is a missed opportunity for Gilbert to remain competitive. She then discussed Opportunity Zones, noting that at the last meeting, it had been suggested that these Opportunity Zones would drive all development to Mesa and make this piece less viable. She said she discussed Opportunity Zones with Economic Development and they shared that the national trend is for Opportunity Zones not to spur development. She said because they serve as a tax shelter, they are seeing on the national level, that companies are buying the land and parking their money there without developing anything. She said if Economic Development thought they were losing opportunities because of the Opportunity Zone that exists in Mesa, they could implement policies where they offer their own incentives to compete. She then shared the Town-wide land use classification distribution. She said that Staff recognizes there is a huge desire for residential builders to locate in Gilbert, but they have to decide what their community vision is and what is important. She said they must create a diversity mix. She said that the applicant had provided a Conceptual Development Plan. She said it wasn't Staff's desire to say that the design wasn't a good one, but rather to ask if this was the right location for the plan. She also questioned whether the applicant had proven that the existing General Plan didn't work at the location in question. She said Staff would argue that they haven't made a mistake with their

General Plan. She shared the results of the 60-day Agency Review. The Chamber of Commerce opposes the downzoning request and requests that the Commission support Staff's recommendation for denial. She said they also received comments from Phoenix Mesa Gateway that they are in support of the existing land use classifications. Planner MacDonald finished her presentation and recommended denial of the project.

Question: Brian Johns asked if anyone was in attendance tonight from the Economic Development office.

Answer: Ashlee MacDonald answered affirmatively.

Question: Brian Johns asked if someone from Economic Development could speak to the Commission to make it clearer.

Answer: Ashlee MacDonald answered affirmatively.

Dan Henderson, Economic Development Director, introduced himself.

Question: Brian Johns asked Mr. Henderson to clarify the difference between what the Commission had been previously told when they met at the library and what they were being told tonight regarding Opportunity Zones. He said his main question was if this would be a valuable piece of property in the future or not. He asked for additional clarification on Opportunity Zones and how they were impacting this Power Road Growth Area.

Answer: Dan Henderson said there is a tremendous amount of uncertainty around what is and what is not an Opportunity Zone. He said Gilbert has an Opportunity Zone in and around its Heritage District and they are excited about the opportunities these OZ's will create. He said he wasn't a tax expert, but the rules and regulations create a vehicle for which you can place money into an investment and place investment into these areas. He said there are tax benefits depending on the length of time you place your money into these areas. He said at no point, do OZ's suggest you have to actually do development. He said he has attended several conferences in an effort to gain a better understanding of what is and what is not a benefit of these OZ's. He said it is still a relatively new program, but nationally the trend they are seeing is that people are trying to park money into the OZ's. They aren't putting money into investments or asset classes to build a light industrial product. He said when you put money into these areas, they are loosely linked to developers or those that want to do development, but there is no rule that says you have to develop. He said the tax benefits can be received, whether or not you ever work or have a business in an OZ, as long as you invest in a recognized fund and elect to defer the tax on that gain. He said none of this guarantees that physical development is actually going to take place. He finished by saying that overall, the trend they are seeing is people are placing their money into these funds, but not into development. He said the idea that Gilbert is going to lose, because on the other side of Power Road is an Opportunity Zone and Mesa will subsequently win every time, is not accurate.

Comment: Chair Andersen said that it sounded like everything he was saying was just speculation as to what the developer would do, but he said he has experience with two projects of his own, in which the developer he was working with, upon finding out that the property was in

an Opportunity Zone, decided to develop those projects now because in the long run, they would be making more money. He said he is sure there are instances of people parking money in these types of projects, but he believes the developer loses out in the long run if they park their money there. He said he thinks they make their money by developing the land and unloading it later on. He said he thought it would be speculation to say that all the hundreds of acres of OZ in Mesa won't be developed.

Response: Dan Henderson said he wasn't speculating. He said he was telling the Commission what the trends are nationwide. He said if the applicant is telling the Commission what is going to happen in an Opportunity Zone, he is also speculating. He said they would need to bring in a tax lawyer if they wanted absolute direction on OZ's.

Chair Andersen then invited the applicant forward to speak and informed him he would have 10 minutes to speak.

Ralph Pew, introduced himself, and said he was there on behalf of Lennar Homes. He also noted that the property owners were in attendance at tonight's meeting. He also said that a representative of Rockefeller Group, the previous owner of the property, was in attendance. He reminded the Commission that many important points were made at the previous meeting. Regarding Opportunity Zones, he said this was not a fight between the applicant and the Town and Economic Development. He said it is just a conversation about reasonable land use. He said the one entity that is the ultimate decision maker is not here tonight. He said the ultimate decision makers are industrial employment developers and pointed out that their voice is not being heard on this case. Mr. Pew said the voices of those developers have been heard the last decade by choosing not to do anything with this site at Recker and Warner. He said that Economic Development is a very healthy thing, but it must be done with respect to the property owner and the development potential that exists. He reminded the Commission that he was representing Lennar Homes, the largest homebuilder in the country. He said they did lots of good things in the community by employing hundreds or thousands of people. He said they should look at this as a balance and ask if this 125 acre site is really ideally situated for development. He said he believes the answer is categorically no. He said he believes it is the least important property for economic and industrial development on the list of properties that the Economic Development department has, because it has no frontage on Power Road, no freeway access, and no visibility from the freeway. He told the Commission that Recker is a residential street and no one thinks about building a business along Recker Road. He said that the Power Road Growth Area is only a one-half mile corridor and that this piece of property is just an appendage that morphed into the area when Rockefeller came along and zoned the property. The reason that Rockefeller did that is because they thought they could make it work. Because of that effort, the current property owner is burdened with the vision that the Town now has, that this would be a marvelous property. He said they believe they should move this property back to where it was before Rockefeller began their vision and development efforts. He said they also desire to remove the Business Park that is on the south half of the site and make it residential. He briefly discussed what he had stated regarding Opportunity Zones at the last meeting. He asked the Commission that when they make a decision on a close call, that they err on the side of private property owners and in favor of development. He said the only entity that

ultimately decides is the one who spends money and builds on it and that speaks louder than any dream they might have as a community. Mr. Pew said they should not burden a private property owner with carrying a dream and a vision that isn't going to happen. He discussed the Conceptual Plan that had been provided. He provided a list of reasons why this wasn't a good site for economic development. He discussed the results of the graphic from the Town which indicated the site would generate more income in its present form. He said that assumed that development would take place right away and revenue would be generated immediately. He said that developers would not choose this site. He discussed the zip code analysis. He said the Power Road Growth Area is important, but it had not emerged and other areas have grown much faster and with much better development. He said that the zip code where the property they are discussing is located, is the least performing zip code in the East Valley area. He discussed the memo from the Chamber of Commerce and compared a similar situation at Val Vista and Ray, in which the Commission had approved a project. He questioned the Chamber's conclusion that Power Road is the most highly sought after area in the valley for economic development. He said that is an overly generous comment and Power Road is not the highest and most sought after area in the valley. He shared a rendering of the intersection of Recker and Warner, stating that if this was such a vital part of the Town, then why hasn't the Town taken the effort to make it a real intersection with real lights to encourage people to come to the area. He urged the Commissioners to consider that this site is not well situated for economic development and to approve the General Plan Amendment.

Chair Andersen called for questions or comments for the applicant.

Seeing none, he stated that he had received one public comment card and then invited the member of the audience forward to speak.

Mark Singleman, introduced himself, and said he was the Vice President and Regional Director for the Rockefeller Group in Arizona. He said that they had purchased the property in 2007 and rezoned it from half Residential and half Business Park (BP) to primarily Light Industrial (LI). He said they wanted the whole thing to be Light Industrial (LI), but after a meeting with Scott Morrison, they were told by him that they couldn't put light industrial up against their single family, so they introduced the apartment as a buffer element between the Light Industrial (LI) and the Single Family. He said that Liv Northgate has been a hugely successful project, but they continue to market the balance of the property. He said they chalked up the reason they got no interest from light industrial users or developers, for the first few years (2010-2013) to the recession, but by 2014, the area had started to recover and by 2015, it dawned on them, that they might have made a mistake and misread the market. He said they are now of the opinion that this property should have stayed residential and that its highest and best use is residential. He said they worked with Economic Development, GPEC, and Collier's to market this property for 10 years to light industrial and retail users and they got nowhere. He said the only thing they were able to do was the apartment complex and they sold a 5 acre site to a church, who never built and that was also a disappointment.

Question: Chair Andersen asked Mr. Singleman how long Rockefeller owned the land.

Answer: Mark Singleman said they owned it from 2007 to 2017.

Question: Chair Andersen asked him what year they rezoned it.

Answer: Mark Singleman said they rezoned the property in 2009.

Question: Seth Banda said it looked like they had sought after 60 different companies and there was still no interest in the site. He asked Mr. Singleman to share the primary reasons people weren't interested in the site.

Answer: Mark Singleman shared a few of the reasons that were given: Recker doesn't have an exchange at the freeway. Warner essentially dead-ends at the canal. The traffic study back in 2009 showed that there was more traffic on Recker than on Warner. He said the arterial has less traffic than the minor arterial and that is an indication of problems. He said the lack of freeway visibility and proximity to the freeway was a big problem. He said that industrial users want to be as close to the freeway as they can get, because they manufacture or warehouse and distribute goods and the closer they are to the freeway, the less cost they have for operations. He said the property having residential on three sides was also a concern. He said they never even got a chance to do a Letter of Intent with anyone. He said they have been in the development business for 90 years and they know how to develop Light Industrial and Retail. He said when you've been in business for 90 years, you learn that not every decision you make is the right one. He said they took a huge financial hit on this property and they know today that the highest and best use for this property is residential, as evidenced by the success of Liv Northgate.

Comment: Seth Banda said he had his own assumptions, but it was nice to hear back from somebody that owned the property for 10 years, on what the feedback was as to why the property was rejected by 60 plus developers. He said he sees various issues, one of which being that Recker Road is a quiet street and is surrounded by residential.

Chair Andersen invited Ralph Pew back to the podium for a final statement.

Ralph Pew said he wanted to address a comment that was made in the Staff Report regarding the total number of residential acres remaining available for development in the Town. He said the question was raised as to why Lennar couldn't build somewhere else. He said the statement was made that there are 2,800 acres of residential land undeveloped in the Town of Gilbert. He said there's 2,800 of vacant residentially-zoned land, but not available land. He said 560 acres of that number are in escrow today with homebuilders and 600 plus acres have already closed and been purchased by homebuilders. He said there are actually only about 400 to 600 acres of isolated parcels throughout the Town, none of which Lennar would buy to develop a master planned community.

Question: Les Smith asked how much development time was needed to move ahead with this project.

Answer: Ralph Pew said that they could move ahead immediately. He said they have a zoning case pending and they would move as quickly as they could process that case through the public

hearings, and then move forward with Final Plats and development. He said he thought it could definitely be done in the year 2019 and by the end of 2019 or early 2020, they could be building.

Question: Brian Andersen asked for clarification on the zoning case.

Answer: Ralph Pew said that the zoning case had been filed. He said it was following this case, but wasn't on the exact same track. He said if the Council votes to approve the General Plan Amendment, then the zoning case will be back within a few months at the latest.

Question: Brian Andersen asked about the Standard Plans and the DR portion of the case.

Answer: Ralph Pew asked to clarify what plan Chair Andersen was asking about.

Question: Brian Andersen said he was asking about the Standard Plans they would have to submit for the houses.

Answer: Ralph Pew said that the Standard Plans would follow and they hope they would coincide with the zoning case and the Plat.

Comment: Brian Andersen said that was the information he was looking for, because that would tell them how serious Lennar is about this project.

Response: Ralph Pew said that not only are they serious, but said that the Row Townhouses are very similar to the product that Lennar is building in Anney on Val Vista south of the mall. He said they have done very well with that product.

Chair Andersen asked Planner MacDonald to come back to the podium.

Question: Chair Andersen stated that the Town was going through their Major General Plan Update. He asked if there were other areas within the Town that could be designated Light Industrial (LI) in case this property was to be rezoned to something else.

Answer: Ashlee MacDonald said that was a great question. She pointed out that they are really early in the development of the General Plan. She said they have had a couple of outreach sessions with their General Plan Advisory Group, one community meeting, and a website is up and available for comments. She said they haven't reached a point where they are suggesting that type of information for developing a new plan. She suggested that Catherine Lorbeer might be able to provide more information on the process.

Comment: Catherine Lorbeer said that overall, they won't see any dramatic land use changes in the upcoming General Plan Update, but more refinements of the existing plan. She said she didn't believe they had areas that they would be targeting for additional employment lands because so much of the community is reaching build-out.

Ashlee MacDonald said that although the Town has occasionally been agreeable with the rezoning or downzoning of a commercial corner, they are usually small commercial corners. She said this is a significantly different scenario because the applicant is looking at changing the designation of 100 plus acres of employment land uses. She said this isn't commercial, but is employment. She also wanted to point out that nothing has developed along Power Road in

terms of a significant employment corridor to date, but they are starting to see trends that the industrial development is heading that direction. She said with Eastmark to the east of the property, they are seeing the center point shifting further east. She said that right now, it might seem like Power Road is too far to the east or not close enough to some of the corridors, but the trend is that development is heading that way. She said they want to make sure they are considering the long-term impacts of this kind of short-sighted decision just because there is a developer in front of them today. She said there would always be a market for residential in the Town of Gilbert, but they want to make sure to position themselves to be competitive in the long run and that they don't make land use changes for short-term gains.

Question: Brian Andersen asked if there had been any development in the Light Industrial section that is to the east where you cross over Power.

Answer: Ashlee MacDonald said that there has not been.

Question: Brian Andersen asked if there were any applications.

Answer: Ashlee MacDonald answered that she wasn't aware of any. She said they have had a school develop north of Elliot in a Light Industrial piece, but in terms of employment land uses, there has not been significant investment along the Power Road Growth Area to date.

Question: Greg Froehlich said that Planner MacDonald had provided some examples before of some developments like Rivulon that have good access. He asked if any of the examples she had provided were similar to this location, where they didn't have direct access to a freeway.

Answer: Ashlee MacDonald pointed out a location of Light Industrial development that is located in the northern portion of the Town, noting that the site had access to the railroad, but the US60 was a distance away. She pointed out that the industrial developed in that area doesn't have immediate access to that freeway.

Chair Andersen closed the Public Hearing and brought the discussion back to the dais.

Comment: Greg Froehlich thanked both sides for presenting. He said the difficulty with this site, is that they try to share the Town's vision and the Town wants to deny the project, as well as the Chamber of Commerce. He said when he looks at Recker, there is no Light Industrial (LI), but rather churches, schools and residential properties. He said there is no further plan for a Traffic Interchange to Recker Road. He said he believes access to a freeway is why they have had such success at Rivulon and a few of the other developments. He said it is interesting that there hasn't been activity on Power Road because there is freeway access there. He said he thinks some of the Light Industrial (LI) in the northwest corner of the Town is adjacent to the railroad and that tends to be one of the best locations for industrial uses. He said overall, he does see some value in the project that was presented today. He said that in fairness to the Town regarding the intersection, there isn't a traffic demand at that intersection to warrant it. He said Town projects are driven by traffic or they wait for development to do their half street improvements. He said that it looks like the property owner sat on the land for 10 years and he asked if it was a good idea to sit on the land for another ten years or more when they have a viable project. He said he wishes there were some other opportunities where they could swap

out some other land to have some more Light Industrial (LI), but he doesn't personally see this particular corridor ever developing.

Comment: Carl Bloomfield said he liked what Commissioner Froehlich had to say and he had similar thoughts. He said he drives by the area weekly. He said on the south side of the Recker and Warner intersection, there are two charter schools. He said he doesn't know how the traffic would be patterned through the Light Industrial (LI) compared to how it is currently, but if it were to develop in that way, and if traffic came down the roads right by the schools, he could potentially see that being a problem. He said that schools have such an impact on traffic early in the mornings, he could see it being a conflict. He said it would still be a conflict, even if the site is developed as residential, but at least it wouldn't include large trucks or heavy equipment. He said he is inclined to recommend approval, rather than denial.

Comment: Brian Johns said when he first heard this case, it went against his grain, because he hates to see downzoning, especially of Light Industrial. He said they have heard this case several times and he has been swayed at different times by both sides and he believes both sides presented very well. He said that coming into this, they have been driven by the needs they have, and thus far, the need has been for charter schools and churches. He said the existing multi-family has already set the pace. He also said that one of the deciding factors is the fact that the owner is ready to move forward and develop it. He said this wasn't originally Light Industrial zoning, but was originally residential zoning. He said that is a heavy factor that weighs on him. He said he agrees with a lot of what he has heard tonight.

Comment: Brian Andersen said they have had two very reputable developers involved in this land. Rockefeller, who purchased it and couldn't find anyone to develop on the land and now they have Lennar, that wants to develop on the land. He said the land has been vacant for ten years, so the Town isn't taking any financial risk if they keep this zoned Light Industrial, but if it stays vacant for another ten years, they just lost out on a good development and the landowner loses out on their opportunity to sell the land. He doesn't think it should be their decision to handcuff people to a decision, just because in the future they think it will be developed. He said if the Town had even one application for Light Industrial, that would have made a strong case, but without that, he would side with approving the application.

Vice Chair Bloomfield made a **MOTION** to recommend approval of GP18-09, NEC Warner and Recker Roads for a Major General Plan Amendment; seconded by Greg Froehlich; motion passed unanimously.

Motion passed 6-0

Chair Andersen said that this case would be heard again before Town Council on December 6, 2018. Chair Andersen said that they would move to the next item on the Agenda, Item 19, Z18-21, Enclave at Madera Parc.

Chair Andersen declared a Conflict of Interest with Item 19, Z18-21.

Chair Andersen further explained that he would recuse himself from this case due to Conflict of Interest and he would turn the meeting over to the Vice Chair.

19. Z18-21, ENCLAVE AT MADERA PARC: REQUEST TO AMEND ORDINANCE NOS. 475, 693, AND 765 PERTAINING TO THE MADERA PARC PLANNED AREA DEVELOPMENT (PAD) GENERALLY LOCATED EAST OF COOPER RD. AND SOUTH OF MADERA PARC DR. BY REMOVING FROM SAID PAD APPROXIMATELY 4.72 ACRES WITH AN UNDERLYING ZONING CLASSIFICATION OF SINGLE FAMILY - 7 (SF-7) (“M.P. PROPERTY”); AMEND ORDINANCES NOS. 479, 691, AND 730 PERTAINING TO THE GATEWAY CENTER (CANDLEWOOD) PAD GENERALLY LOCATED EAST OF COOPER RD. AND NORTH OF SMOKE TREE RD. BY REMOVING FROM SAID PAD 5.74 ACRES WITH AN UNDERLYING ZONING CLASSIFICATION OF SF-7 (“G.C. PROPERTY”); APPROVE A DEVELOPMENT PLAN FOR THE ENCLAVE AT MADERA PARC PAD; AND CHANGE THE ZONING CLASSIFICATION OF THE M.P. PROPERTY FROM SF-7 WITH A PAD OVERLAY TO SINGLE FAMILY - DETACHED (SF-D) WITH THE NEW ENCLAVE AT MADERA PARC PAD OVERLAY AND CHANGE THE ZONING CLASSIFICATION OF THE G.C. PROPERTY FROM SF-7 WITH A PAD OVERLAY TO SF-D WITH THE NEW ENCLAVE AT MADERA PARC PAD OVERLAY

STAFF RECOMMENDATION

A. 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 Z18-21 amending Ordinance Nos. 475, 693, and 765 pertaining to the Madera Parc Planned Area Development (PAD) generally located east of Cooper Rd. and south of Madera Parc Dr. by removing from said PAD approximately 4.72 acres with an underlying zoning classification of Single Family - 7 (SF-7) (“M.P. Property”); amend Ordinances Nos. 479, 691, and 730 pertaining to the Gateway Center (Candlewood) PAD generally located east of Cooper Rd. and north of Smoke Tree Rd. by removing from said PAD 5.74 acres with an underlying zoning classification of SF-7 (“G.C. Property”); approve a development plan for the Enclave at Madera Parc PAD; and change the zoning classification of the M.P. Property from SF-7 with a PAD overlay to Single Family - Detached (SF-D) with the new Enclave At Madera Parc PAD overlay and change the zoning classification of the G.C. Property from SF-7 with a PAD overlay to SF-D with the new Enclave at Madera Parc PAD, subject to the following conditions.

- a. Construction of off-site improvements to Madera Parc Drive and Smoke Tree Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit constructed on the Property.
- b. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert’s written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- c. Developer shall create a 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.
- d. 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.
- e. 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	Enclave at Madera Parc PAD
Minimum Lot Area	3,200sf
Minimum Lot Dimensions	
Width	45ft
Depth	72ft
Max Height	32ft/2 Stories
Minimum Building Setbacks	
Front	10ft
Side	5ft and 5ft
Rear	10ft
Access to nonresidential property	Access to the rear church parking lot shall be permitted from the private residential street

- f. Prior to approval of the final plat, the developer shall provide a final drainage report, sealed by a Professional Engineer registered in the State of Arizona, verifying the retention requirements meet or exceed the pre-construction 50-year,

24-hour storm retention volumes entering the Property, plus any additional retention required as a result of this Project.

- g. The developer shall provide sidewalks paths that connect the neighborhoods along the eastern and southern perimeter of the development in substantially the same location as they currently exist.
- h. The developer shall extend that sidewalk connection from the Hackamore alley alignment to the future open space area within the Enclave at Madera Parc PAD.
- i. The developer shall construct and maintain a continuous fence along the southern and eastern perimeters except for an opening where the sidewalk path currently exists at Hackamore alley alignment, and where the emergency access gate is proposed.
- j. View fencing shall be installed along the southern property line next to the open space area, a 6-foot tall integral color block wall shall be constructed along the balance of the southern property line, and a view fence shall be constructed along the eastern property line next to the Lago Estancia open space area.

Ashlee MacDonald began her presentation on Item 19, Z18-21, Enclave at Madera Parc. She shared the location of the site, behind the First United Methodist Church off of Cooper Road on the south side of Madera Parc Drive. She said that Smoke Tree touches the bottom corner of the site, as well as along the southern boundary. She shared the Site Map, noting that it is part of the Madera Parc PAD that exists to the north and Candlewood PAD, that exists to the south. She said as part of this request, the applicant will be removing the subject site from both Madera Parc and Candlewood PAD's and creating a new Planned Area Development (PAD) called the Enclave at Madera Parc. She said the site is 10.9 acres in size and is currently owned by the First United Methodist Church. She said the proposal is for 52 lots. She said the existing General Plan designation on the site is Residential > 3.5-5 DU/Acre. She said at 52 lots, the site comes out to just under 5 DU/Acre, so there is no accompanying General Plan Amendment request. She said the existing zoning on site is Single Family – 7 (SF-7) and the applicant is requesting a zone change to Single Family – Detached (SF-D) and requesting removal from the two existing PAD's. She said that in conjunction with the rezoning request, they are including that Planned Area Development (PAD) overlay. She said that will define the plan of development. She said they are proposing to increase the minimum lot size and decrease maximum building height and make some modifications to the setback, as well as establishing minimum lot dimensions. She said that the SF-D doesn't have minimum lot dimensions, so they have made some proposals. She shared the zoning exhibit, noting the church site. She said they will be creating a new parcel. She shared the dividing lines between the two entities. She said the site is surrounded by a number of established communities that were built in the 1980's. She shared the Development Plan and proposed access points. She said they have proposed private streets throughout the development. She shared the applicant's deviation request (see below):

Project Data Table

Site Development Regulations	Required per LDC	Proposed
Minimum Lot Area (sq. ft. per DU)	3,000	3,200
Minimum Lot Dimensions (width x depth)	n/a	45' x 72'
Maximum Height (ft.)/Stories	36/2	30/2
Minimum Building Setbacks (ft.)		
Front	10'	10'
Side	0'/5'	5'/5'
Rear	10'	10'
Maximum Lot Coverage (%)		
One Story	60	60
Two Story	50	50

She shared the area where the applicant was proposing their Open Space amenity, as well as retention. She said the Commission can expect to hear some opposition from the public regarding retention. She said the site is currently the retention basin for both the Madera Parc and Candlewood properties. In developing the site, the applicant will be required to maintain the volume of water that it currently retains, as well as any new retention based on this development itself. She said the applicant has proposed meeting this requirement through underground retention, as well as surface retention on site. She said they have not had the drainage report reviewed as of yet, but there is a condition of approval, that prior to Final Plat, they have to receive approval. She finished her presentation and said that Staff recommends approval.

Vice Chair Bloomfield called for questions or comments for Staff.

Question: Brian Johns asked about the lot requirement for SF-7.

Answer: Ashlee MacDonald said that SF-7 is 7,000 square foot lots.

Question: Brian Johns asked how much that was per acre. He asked if per acre was about the same.

Answer: Ashlee MacDonald said that each lot is roughly 4,000 square feet smaller. She said they are going from 7,000 square feet lots down to 3,200 square feet.

Question: Brian Johns said that the site has a lot of challenges because it is such a large basin. He asked if they were looking at about the same acres per lot as with this layout.

Answer: Ashlee MacDonald said they didn't go through the exercise of seeing what it could have developed at under the SF-7.

Comment/Question: Brian Johns said he thought it might come down to that tonight. He said it appears they are getting about the same per acre, but he said he could ask the applicant. He said

the site looks a lot different than what they saw before. He asked if this had always been the same design. He thought the project had been presented with more lots previously.

Answer: Ashlee MacDonald said this is substantially similar to what they had submitted, but he might be recalling a previous iteration, where they showed the underground tanks used for retention. She said there was some drawings of the tanks on the rendering.

Comment: Brian Johns said he thought that area was more lots.

Response: Ashlee MacDonald said they did have some images on that, but they had them removed so they don't have to tie those down to their Development Plan and include it in an ordinance. She said that might be what Commissioner Johns was recalling.

Question: Brian Johns asked if he heard correctly that there were no deviations from what they are asking for.

Answer: Ashlee MacDonald said the only deviations they are proposing are increasing the standards of SF-D. She said they aren't looking at any setback reductions or anything like that. She said they are increasing side setbacks and reducing building height.

Vice Chair Bloomfield said that they had received 23 public comment cards. He suggested that if the group could designate a couple of spokespersons to appoint, they could each take 10 minutes.

A member of the public spoke loudly from the audience expressing concern that they wouldn't receive their allotted time.

Vice Chair Bloomfield said that he would be glad to listen to each person individually and give everyone their allotted time, but it was usually helpful to have a spokesperson.

Comment: Brian Johns said that the Commission is happy to listen to each individual for as long as it takes, but they often ask someone to represent the common thoughts of the group and they give them more time. He said they could give the members of the audience a few minutes to prepare and choose a spokesman. He said choosing a spokesperson was usually the standard of what they do when they have a large group. He said it isn't that the Commission is trying to take away any one person's time, but there is no need to hear the same comment over and over again. He said in his history on the Board, it is usually more successful when the audience has a good spokesperson come up.

Comment: Seth Banda said that they could give the members of the public five minutes for discussion with one another and during that time, they could choose a couple of different spokespeople. He said that in the past, they still allow other people to come forward if they have comments to make in addition to those already made. He said they are trying to avoid repetition.

Vice Chair Bloomfield said they would take a five-minute break so the audience could have a discussion. He said if there is no consensus at the end of that time, they will hear everyone.

Vice Chair Bloomfield called the meeting back to order after the five-minute break. He announced that Commissioner Froehlich had a previous commitment and had to leave the meeting, but noted that they still had a quorum present. He said he believed they had one spokesperson for Lago Estancia and two spokespersons for Candlewood. He said they would give each spokesperson 10 minutes and then if other individuals have new points to express, they will be given two minutes each to do so after they hear from the applicant.

Adam Baugh introduced himself and began his presentation. He said he was there on behalf of Craig Prouty and his development team. He said he would be happy to answer any questions and if he didn't know the answer, he would be happy to find the answer. He said this has been a long process. He said he has been involved since March, but the developer has been involved for much longer. He said there are two key principles related to this development. He shared a General Plan Land Use Map, noting that developers should be able to rely upon that General Plan Map. He said that the cities themselves rely on that to steer development in a certain pattern consistent with the map. He then explained the challenges with an infill development, noting that they are often passed over because of odd geography, unusual topography or encumbrances or easements. He said these infill parcels get skipped over, but there is always the hope that eventually one day someone will solve those problems and develop the site. He said the Town of Gilbert has always encouraged infill development because someone is finally ready to develop what someone else has bypassed. He said the Town encourages flexibility and creative solutions to solve the problem. He shared the history of the site and noted the existence of development on all four sides. He said the parcel has a very odd and unusual shape. He said this property was originally zoned in 1986. In 2005, the Town adopted a new Code and the new zoning category for the site was Single Family – 7 (SF-7). Originally, it was intended to be a school site on the north side and a retention basin on the south side, which would ideally also serve as a ball field for the future school. The school had the land for 14 years, but didn't have the need or capacity to build a school on the site. Great Hearts had expressed some interest in building a school on the site, but they were met with some difficulty and determined they didn't want to pursue building a school on the site. The church had interest in the site. They desired to build a day care and wanted to acquire part of the property, but the school's position was that they had to acquire it all or they couldn't have any. Since then, the church landscaped the retention basin and thought they might be able to lease it to little league teams, but they couldn't capture revenue. As a result, it has been an ongoing maintenance issue for the church. The church isn't a landowner or a developer, but trying to find a meaningful use for the property is important to them. He said at the beginning of the year, a proposal was submitted and shared with the neighbors. He said he wasn't involved in the project then, but the project was for multi-family zoning for a condominium development community. He said the project was met with resistance right from the beginning. He said the input from the neighbors was a bit surprising to the developer. He said when he got involved, he determined that they needed to better understand what was going on, so they held two more meetings in April – one for the north side of the community and one for the south side of the community. He said they held a follow-up meeting in June, and have held several individual meetings since then. He then shared the plan that was presented back in January for 64 condo units. He shared some of the concerns at that time. He said he told the developer that he didn't think they would be successful with a multi-

family product so they went back to the drawing board. He said the General Plan allowed up to five homes per acre, so they created another design for 60 single family homes. They met with individual stakeholders. He said in June, they held another neighborhood meeting and took the total number of units down to 55 lots. He said they removed the access to the south, so it would be emergency only. He said since that time, they have further revised the plan and it is now for 52 lots. He shared an aerial map to provide context with the surrounding area. He said it is consistent with the General Plan and there are landscape buffers on all four sides. He said they deliberately removed any homes that could abut any adjacent property owner. He said they have kept the park and retention area and made sure that it will be turf. He said they have maintained no access to Smoke Tree Road. He said they have also included a key pedestrian pathway that connects Candlewood from the South, to Lago Estancia to the east and back up to Madera Parc to the north. He said the key stakeholders have steered them into certain conditions that they want to see adopted if this were to be approved. He called attention to those conditions in the Staff Report. He said they have made significant changes, including adopting these stipulations, to make this compatible with the desires of the residents. He shared a rendering of the proposed development, noting that the developer already has a similar product in the Town of Gilbert. He said the lots are smaller than the SF-7 that are around them. He said they think they have found a great niche with a developer that wants to build homes at the high \$200's up into the \$300's. He said it would be hard to find more affordable housing in the Town of Gilbert. He shared the way the applicant has responded to comments from the neighboring residents. He said the retention does meet all of the current drainage requirements and will also meet the new community's drainage requirements. He said it would be impossible to get a case approved in the Town of Gilbert without proving that the engineering can be met. He said they will maintain the park, noting that it is smaller than the retention basin before, but it is sufficient to serve the area. He said it would be an HOA park. He said up until now, it has been maintained by the church. He said the Traffic Impact Analysis required by the Town shows that the volumes this development creates are substantially low and won't have a significant impact on the surrounding roadway system. He said they have made sure that no homes front onto Madera Parc. He said they have made sure they have provided sufficient guest parking with 58 spaces. He said that Staff recommends approval because they know when a project makes sense.

Vice Chair Bloomfield thanked Adam Baugh for his presentation and called for questions or comments for the applicant. Seeing none, he called Alan Kranzberg forward to speak.

Alan Kranzberg, introduced himself, and said he was in attendance tonight as a resident, but he was also the Lago Estancia HOA Board President. He said Lago Estancia is a 713 home community just east of the proposed development. He said he and his entire board were against the zoning change. He said there were several reasons for this and noted that he would be speaking as an individual homeowner, but he would try and represent other members of the community as best he could. He expressed concern about water retention. He said without a fully vetted water retention plan, he would postpone approval. He said he is also against the zoning change because he would like to see lot sizes more commensurate with the surrounding community. He said it would be ideal to take an existing infill project like this and make it a part of an existing PKID, like Madera Parc. He said he appreciates the work that the Town Staff has

done in their review and analysis. He said he is concerned about the size of the HOA with only 52 homes. He said even in their community, they have vehicles that encroach and extend onto the public sidewalk. He said he would be concerned with this issue given the smaller lot sizes. He discussed his concern about the possibility of a 52 home HOA not being successful in the long term. He again talked about water retention and the cost of maintaining dry wells. He asked that the Town consider more options for an infill project like this. He said he doesn't feel that the zoning change is appropriate and he would appreciate the Commission's consideration, if for no other reason than to make sure that the water retention is fully vetted.

Vice Chair Bloomfield invited Veronica Ross forward to speak.

Veronica Ross, introduced herself and said she was a resident of Candlewood. She said her community had three major concerns they had asked of the developer. They had asked for there to be no access along Smoke Tree Road and for the current fence line to remain the same. She said they have local residential streets on their side with homes facing the road. She said they had asked for a decrease in the density, particularly in the retention basin, because of their fear of flooding. She said she has lived there for 30 years and the retention is approximately four acres in size. She said in the course of 30 years, she has seen the basin completely fill to the point that kids can boogie board and boat in the water. She said this past month has brought an unusual amount of rain, but it hasn't been particularly a monsoon deluge. She said even so, the retention basin is still wet. She said you practically need a can of Raid to walk past the site. She said without seeing the engineering report and studies done on how this new development would handle storm and water runoff, there is no way that the Candlewood HOA can support this zoning change. She said she has been the HOA President since 1992, and in the course of that time, with 136 homes, they have had a good and frugal board, a good property management company and have been able to put money away. She fears for 52 homes that have to maintain private streets, the landscaping around those streets, a tot lot, streetlights, and a retention basin that is going to have to handle all of the water that this 4 acre lot now retains. She said they have had this view and the park that was donated to the Gilbert Public Schools by Continental Homes to be used as an amenity and a water retention basin for the Candlewood HOA. She said this is a tough pill for them to take. She said that until they have received all of the information, they couldn't support the project. She said the density is too much. She asked that the Commission take this into consideration until they see some numbers and they can do some math on this.

Vice Chair Bloomfield invited Mike Vanek forward to speak.

Before coming to the podium, Mike Vanek provided a copy of a handout he had created to members of the Planning Commission and to the Staff table. He then came to the podium and introduced himself, saying that he was part of the Candlewood community. He said they have tried to get input from the three developments and he said that they basically all object to the rezoning. He said he has talked to hundreds of different households and homeowners of the three adjacent neighborhoods and everybody, without question, has objected to the rezoning. He said when Adam Baugh went through the community feedback, all of that still stands, but they are missing the point. They didn't suggest that they go build single family houses because they

didn't want apartments. He said they were saying they wanted to keep the integrity of the Master Plan and the General Plan and keep it SF-7 zoning. He said they are united and here to say that. He said the additional concern he has is his disagreement that this complies with the General Plan. He said it is a matter of perspective, but whether the church owns the land or the school district, they had to keep certain parameters around the Plat of the retention basin to handle a 50-year-flood. He called attention to the second page of his handout where he had explained his concern. He said he also had filmed a video on October 2 when they had experienced a heavy rain. He said the video showed the way in which the retention pond filled up with water.

Vice Chair Bloomfield said he would read the remaining public comment cards. He told the audience as he read the cards, if anyone else wished to speak, they should let him know when he called their name. He read the name of Janet Davis, who was opposed to the item and wished to speak.

Janet Davis, of Gilbert, introduced herself as a resident of Madera Parc. She expressed her concerns about the traffic that already exists in their neighborhood, noting that to go south on Cooper is very difficult and sometimes takes four or five minutes because there are four to five cars ahead of you. She said the place that the new community would come out onto Madera Parc is on a curve and she feels it is already somewhat dangerous, but more traffic will worsen the danger.

Vice Chair Bloomfield read the name of William Fisher. He said he was opposed to the item, but didn't wish to speak.

Vice Chair Bloomfield read the name of Kim Mehales. She was opposed to the item and wished to speak.

Kim Mehales, of Gilbert, introduced herself and said she lived in Madera Parc. She said she is concerned about the traffic, not just in her neighborhood, but also on Cooper. She said she is concerned with getting to and from work. She said at 7:45 when she leaves Madera Parc, there is a line of five cars and as soon as you are able to turn right, the traffic from Elliot is all the way backed up to where the church is. She said she is already driving through other neighborhoods to get to hers because the traffic is so bad. She said if you were coming southbound on Madera Parc from Elliot and you need to turn left on Rawhide, it's a blind spot and you can't see people coming or going. She said it is very unsafe, so to add 52 more houses into a neighborhood that is already too congested, isn't a good idea. She said they are probably looking at adding a minimum of 100 more cars. She said this development needs to go somewhere else. She asked them to consider that this change negatively effects three neighborhoods.

Vice Chair Bloomfield read the name of Deborah Fisher. She was opposed to the item and didn't wish to speak.

Vice Chair Bloomfield read the name of Robert Peckham. He was opposed to the item and wished to speak.

Robert Peckham, of Gilbert, introduced himself and pointed out the tremendous unity among the 23 people that filled out the form to register their opposition from three very different neighborhoods. He said he lived in Madera Parc. He said he appreciated Mr. Vanik doing some research for them and measuring the water on October 2nd. He said those that live nearby, look at the applicant's plan, and think that it can't possibly work to retain the water properly. He said they have regularly seen the effect of rain. He also expressed concerns regarding traffic on Madera Parc and Cooper. He said when Cooper and Guadalupe was reconstructed, the effect on traffic was horrible and it has continued to be a problem with the addition of Weinberger. He said to consider adding 52 more homes into an area where they are already experiencing congestion, seems going over the top. He said it was presented that an infill is an inevitability, but why can't they just leave some infills open and comply with the SF-7. He said they love the Town of Gilbert and pleaded with the Commission that it would continue similar to what it is now.

Vice Chair Bloomfield read the name of Susan Stewart. She was opposed to the item, but didn't wish to speak.

Carl Bloomfield read the name of Sarah Vanek. She was opposed to the item, but didn't wish to speak.

Carl Bloomfield read the name of Michael Umbarger. He was opposed to the item and wished to speak.

Michael Umbarger, of Gilbert, introduced himself. He said he lives in the Candlewood subdivision. He expressed his concerns about privacy for some homes in Candlewood. He said there is an approximately 8' difference in height on the Madera Parc side to the area where the retention basin is. He said from the church side, you can look straight into the back of his house. He said if they put a 2-story house there, it will tower over the homes in the Candlewood subdivision. He attempted to show the area on the map. He said there is already a privacy issue, but adding a 2-story house will really exaggerate the problem. He also expressed his concern about traffic.

Vice Chair Bloomfield read the name of Jon Weber. He was opposed to the item and wished to speak.

Jon Weber, of Gilbert, introduced himself. He said he lives in Madera Parc. He said during the previous meetings at the church, the location of the signs that were posted to alert the community about the meetings were located in a prominent place. He said now that the important meetings are taking place, the signs are much less prominent and the whole community doesn't see the sign. He said they have 447 homes in Madera Parc, but they only have a fraction of concerned neighbors in attendance, compared to the number that came out to the church meetings. He also brought up a concern about 200 cars per exit out of the neighborhood. He said to put the exit out of the new development where they were putting it, was a mistake.

Vice Chair Bloomfield read the name of John Navas. He was opposed to the item and wished to speak.

John Navas, of Gilbert, introduced himself. He said he lived in Madera Parc. He said that the northern portion of the project doesn't belong to the PKID because it first belonged to the school and then it belonged to the church. He said their PKID maintains all the landscaping along Madera Parc Drive and all the landscaping along Cooper Road. He said by trying to take this exempt status because it's a church property, and now they are trying to take it out and dump it onto Madera Parc, but not contribute to their PKID. He said they will have to maintain all the landscaping up and down Madera Parc Drive and everything around Madera Parc, while they will have the same access, but not be paying for it. He wants to know how that is possible. He said the developer talked about the school being designed to come out onto Madera Parc, but he said that entrance is already taken by the church, because the church has an exit onto Madera Parc further up.

Vice Chair Bloomfield read the name of Chad Janz. He was opposed to the item, but did not wish to speak.

Vice Chair Bloomfield read the name of Karen Friedl. She was opposed to the item and wished to speak.

Karen Friedl, of Gilbert, introduced herself. She said she lived in Madera Parc. She wanted to ask the developer if the walls were communal on the single family homes. She said she didn't see any yards at all. She said not having a yard, indicates to her that they are not single family homes, making them out of compliance with the integrity of their neighborhood. She said that is the biggest problem that everyone has – that they are going to put a little slum in the middle of a beautiful neighborhood. She said they bought into the neighborhood because of the integrity and the open spaces and the fact that everyone had a yard. She said she has seen their product in Gilbert and it is nothing like their homes. She said they are planning on building 3,000 square foot lots. She said there are 43, 560 square feet in an acre, which comes out to 14.52 houses per acre. She said right now, they have 6.22 houses per acre. She said this is why they are opposed to the zoning change. She also asked what happened to the other Commissioners. She asked if they just went home.

Carl Bloomfield said that the other Commissioner had a prior commitment and that the Chair had recused himself because of a Conflict of Interest.

Question: Karen Friedl asked if that meant he was part of this project.

Answer: Carl Bloomfield said he was not, but he was the architect that was hired to take a look at it, when it was a multi-family. He is no longer involved in the project, but he thought it best to recuse himself.

Karen Friedl said they should be able to tell from the turnout tonight, that they all have pretty strong feelings about a zoning change for a project that none of them are in favor of. She asked the Commission not to give them their zoning change and not to allow them to move forward with this project. She said they told them they would support their project if they would design a project that was within the same integrity as the rest of the community.

Vice Chair Bloomfield read the names of the following people, who were opposed to the item, but did not wish to speak: Alvin Roscoe, Jean McQuiller, Christina Umbarger, Ted (last name unknown), David Olson, Michael Umbarger and John Steinacker.

Vice Chair Bloomfield thanked all of the members of the public for coming out to tonight's meeting. He said the Commission appreciates them coming out and giving their perspective. He then called Adam Baugh back to the podium to address the concerns raised by the neighboring residents.

Adam Baugh returned to the podium. He said it has been interesting to work with three different communities surrounding this project and try to find ways to incorporate plan changes, even though would still get beat up by them anyway. He said they do that because they want to be a responsible development and try to find solutions, even when they know they are going to still have opposition. He said they also recognize that if the change is approved, they would want it to be approved in a manner that is most compatible. He said he appreciates the work the neighbors have done and he believes they have been very effective advocates on behalf of their community. Regarding the comment about public notice, Mr. Baugh stated that they have gone beyond the meeting notice requirements. He said they have also shared the information with the three key stakeholders so they could publicize the meeting within each of their communities. He said they also use an app called "Next Door" so the message can be broadcast even further than what the notification requirement would reach. He said although they made a lot of changes, they still knew they were going to experience tremendous opposition for this project. He continued to answer the questions brought up. He said that a zoning case is just a change in the land use on a map, but filing a Preliminary Plat and a Final Plat require that the site has been engineered correctly, noting that if you can't engineer it correctly, it can't be built. He said they have taken some preventative steps, knowing that this is a necessary component later on and that it is a concern even today. He said they can prove that they satisfy the engineering requirements and they have provided Staff with that information. He addressed a comment about a PKID. He said a PKID is unique to Gilbert. He said a long time ago, the town built parks in communities and was maintaining those parks even though they were being used exclusively for the residents in that area. The Town then said that if there is a park in a community, they should help pay for that park and that is why the PKID's were formed in much older communities. He said now they have HOA's and as part of the requirement with the Town of Gilbert, you have to build your own park and properly maintain it by your own HOA. He said in this situation, a PKID isn't necessary because they have their own park and they don't need to use the neighbor's park. He said they also have their own dues and those dues will go towards maintenance of that park. He said they also have to maintain the existing frontage along Madera Parc for their property, just like the church has their obligation to maintain their part of that frontage as well. He then

discussed Madera Parc traffic. He reminded the audience that this was originally designed to be a school, pointing out that a school generates a lot more trips daily, especially during the morning and afternoon, far greater than what this small community will create. He said during the peak time of the period of 7:00 – 9:00 a.m., they will create approximately 40 trips and 50 trips in the afternoon. He said that is a low and insignificant number created by the subdivision. He addressed the concern about privacy and pointed out the location of the house that the man who had expressed concern lived in. He pointed out that the nearest rear wall is 55' from his house. He said there are 2-story homes, but their 2-story homes will be significantly set back away from that area. He said they have also been strategic in making sure that no home abuts any adjacent property owner today. Regarding placement of public notices, they don't decide where to place the signs, they are given a map by the Town of Gilbert and they place those signs where they are supposed to place them. He said there has been lots of communication within the neighborhood and this wasn't a situation where people didn't know what was happening. He said they have done more than what is required for notice and mailing. He said they had been asked not to put access onto Smoke Tree. He attempted to answer the question about whether the walls were communal, but said he wasn't sure what was meant by the comment. He said that their walls were no different than any other single family subdivision that's approved by the Town of Gilbert. He said they do have private rear yards, with yards about 15' deep. He said this is a unique product and requires a bit of creativity. He said given the infill nature of the site, in order to make this work, they are bringing in a product at a price point that you just can't find in Gilbert. He said with lots of 3,200 square feet, this isn't a drastic departure from what is in the area. He said he appreciated some of the comments made by Ms. Ross. He said she invited him to her home to work with her and she pointed out some key things she wanted him to do. He explained how they had accommodated all of her requests, except the one regarding density. He said he couldn't reduce the density any further, because they need the density to make the project work. He explained why he thought this was a good project. He said that he recognizes that many new projects understandably create opposition.

Vice Chair Bloomfield called for questions or comments for the applicant.

Question: Brian Johns asked about the concern regarding retention. He said it sounded like they had an engineering plan that had accommodated for the water retention. He asked if the site was originally even designed or was it put together for the school. He said is it currently designed retention and asked if it had been maintained.

Answer: Adam Baugh showed four boxes on a rendering that were circled. He pointed out that they satisfy the requirements. He said when Candlewood and Madera Parc were designed it was 1986, 1987 and 1988 and the engineering standards were completely different than today. He said while there may be some apparent flaws in the design today, they aren't required to change that. He said today's standards are much more onerous. He said he doesn't know why it was designed the way it was, but they can readjust basins by adjusting grading to accommodate that requirement as it exists in 2018, not as it was in 1988. He invited his engineer, Dave Soltysik, to come forward and answer any specific questions related to grading and drainage. He said there is some ponding on Smoke Tree Road, but that was the way it was designed to be.

Question: Brian Johns said it seemed odd to him that the church has been picking up the cost of the retention basin for the neighborhood. He asked if they get any kind of money or compensation for the retention basin on their property from surrounding neighborhoods.

Answer: Adam Baugh answered that they did not. He said when the retention area and the school was created, there was an expectation that the area be landscaped and have some type of retention to serve Candlewood to the south. When the school acquired the property, they had that understanding and when the church acquired the property, they also had that understanding. He said it doesn't say how, or what form or what quantity, but they do know that they cannot develop this without providing for that required retention and landscaping within the retention area.

Question: Brian Johns asked if there were any kind of dry wells in there right now.

Answer: Adam Baugh said there are some wells.

Question: Brian Johns asked if the wells had been maintained up to this point.

Answer: Adam Baugh said he didn't believe they had been maintained.

Question: Brian Johns asked about a question someone had about the cost of the landscaping. He asked if the landscaping that is adjacent to this property was being taken over by this development.

Answer: Adam Baugh said that the developer has an obligation to maintain the landscaping along its frontage. He said when there is a median in the middle of the road, the developer has an obligation to maintain that median landscape. He said it doesn't exist here, but for the frontage along their property along Madera Parc, they must maintain it.

Question: Brian Johns asked if the applicant's HOA would be taking it over from the other HOA.

Answer: Adam Baugh answered affirmatively. He said he would love to see the PKID assessments to see if the linear length of the front along Madera Parc might already be being paid through some type of assessment on this property.

Question: Brian Johns asked if that was something Staff could check into.

Answer: Ashlee MacDonald said that when this product first came in, that was something that they looked up to see the PKID and what property they impacted. She said the frontage along Madera Parc is not part of that.

Question: Brian Johns asked to clarify that there isn't a PKID.

Answer: Ashlee MacDonald said there isn't one that would affect this property.

Answer: Adam Baugh said that they will maintain their own costs for the frontage of the linear aspect of their property.

Question: Brian Johns asked about the size of this development compared to the other sizes of development around it. He asked if this was a smaller size or a comparative size.

Answer: Ashlee MacDonald said it was a smaller size. She shared the location of the neighboring developments.

Question: Brian Johns asked if this parcel was smaller than the subdivisions around it.

Answer: Ashlee MacDonald answered affirmatively.

Comment: Brian Johns said that the neighbors had a concern that this was going to impact them more than a school would have.

Response: Andrew Smigielski of Southwest Traffic Engineering of Phoenix introduced himself. He said that a school would generate a lot more traffic. He said with only 52 homes, it would generate significantly less traffic.

Comment: Brian Johns suggested that this would probably have been an elementary school and would have had around 750 to 800 students.

Answer: Andrew Smigielski said that was still a very big number. He said most people drive their own kids to school and pick up and drop off. He said the trips that are generated by this site are so low that they do not even trigger a full blown Traffic Impact Analysis by the Town of Gilbert.

Question: Brian Johns asked to clarify that the Town of Gilbert did not require a Traffic Impact Analysis.

Answer: Andrew Smigielski said they did a Traffic Impact Statement, where they took a look at the trips that were generated, but they weren't required to do a full blown study.

Question: Seth Banda asked if Mr. Smigielski was familiar with the charter school analysis on number of trips per hour.

Answer: Andrew Smigielski said he was actually working on three charter schools right now and they are trying to create queues because one of the schools has 1400 students and they are required to provide almost half a mile of onsite queueing based on the current standards.

Comment: Seth Banda said he knows that a lot of charter schools don't provide buses, so the students must be dropped off and picked up.

Vice Chair Bloomfield called for any additional comments or questions.

Question: Les Smith asked if they would have an HOA even though the subdivision was smaller.

Answer: Adam Baugh said they would have an HOA. He said that this particular developer, Porchlight Homes, has a subdivision in Gilbert called Higley Pointe with an HOA. He shared some other examples of smaller communities with HOA's. He discussed the process of doing a Reserve Study, noting that this helps a developer determine what the HOA fee should be.

Question: Seth Banda asked to clarify that this homebuilder is building another subdivision in Gilbert at Power and Guadalupe.

Answer: Adam Baugh answered affirmatively.

Question: Seth Banda asked what the size of that community was.

Answer: Adam Baugh said it had about 76 homes.

Question: Seth Banda asked about the general feedback from the surrounding neighbors on that property.

Answer: Adam Baugh said he wasn't involved in that case and doesn't really know.

Question: Seth Banda asked if that subdivision was adjacent to Highland High School.

Answer: Adam Baugh answered affirmatively.

Question: Seth Banda said that those were larger lots and asked if he was familiar with the zoning in that area.

Answer: Adam Baugh said he wasn't familiar. He said he believed they were larger properties.

Comment/Question: Carl Bloomfield said he thought Mr. Baugh had done a good job of addressing most of the concerns raised, but he said he had heard some concerns about whether the HOA, given the massive retention requirements and private streets, could be viable. He said he believes Mr. Baugh has addressed the answer to that question by pointing out that the client, Porchlight Homes, has experience doing this. He said the conflict he sees is that there aren't a lot of homes there to be able to do this and you need to have higher density to be able to justify the cost of this. He pointed out that Mr. Baugh had even stated this himself, but noted that in the end, Mr. Baugh had stated that at 52 homes, they could make it viable. He asked if that was a fair statement.

Answer: Adam Baugh answered affirmatively.

Comment/Question: Carl Bloomfield said that in his engineering world, they deal with drainage and retention often. He said if there's drainage coming from different parties, generally there is a fee assessed back to them. He said they have heard testimony tonight that in this case, that is not the situation and it was intended to be kind of a regional treatment for all drainage because it was a school. He said this has been kicked down the road with every additional buyer. He said that will be the case with this developer. He asked the engineer if he felt confident that this would work. He asked if he had any concerns about being able to accommodate this retention going underground and above ground. He also asked how many dry wells he thought it would take to dry this within 36 hours.

Answer: Dave Soltysik said they had looked at the numbers and feel confident that the area's rain can be accommodated through their proposed retention. He said they are essentially taking approximately one-third of the required retention and putting it underground in tanks. He said there are approximately 11 drywells existing on the site today. He said he doesn't believe they are being maintained. He said with the new development, five of the drywells will remain in place and they will need approximately nine more, based on certain assumed standards for percolation rates.

Question: Seth Banda asked from the time they developed this property to now, what the percolation rate changes were. He asked if they anticipated it would be faster drainage or if it would be equivalent. He said he had heard a comment from a homeowner about mosquitos. He asked if the water would be lingering longer or if it would be better.

Answer: Dave Soltysik said it would be different and better. He said they are taking about 4 acres of retention area and consolidating it into 1 1/2 to 2 acres. He again stated that they would be putting one-third of it underground. He said the results of a typical nuisance storm event are all going to be stored underground, so none of that water will actually be sitting. He said they will do percolation tests during construction to make sure that they meet the Town requirements.

Question: Seth Banda asked to clarify that they will have less standing water above ground.

Answer: Dave Soltysik answered affirmatively that they would have less during a typical rain.

Question: Carl Bloomfield asked to clarify that in the higher events, it would be deeper and longer.

Answer: Dave Soltysik said that during the higher storm events (like a 50 year 24-hour storm event) the high water that they are proposing is the same as it is currently designed.

Comment: Carl Bloomfield said that explained the need to take it underground.

Response: Dave Soltysik answered affirmatively.

With no further questions for the applicant or the engineer, Carl Bloomfield closed the Public Hearing and brought the discussion back to the dais.

Comment: Seth Banda thanked the members of the public for coming out and participating. He said it was helpful to hear their thoughts, their arguments, and their concerns for their neighborhood. He said he appreciated them coming as citizens and as a community and conducting themselves very well. He said that as a Commissioner he is cognizant of trying to understand where the public is coming from and the importance of property rights.

Comment: Carl Bloomfield thanked the community members for coming out. He said the process was very helpful. He said there were some things that were brought out that they wouldn't have considered and so he appreciated that those things were brought to their attention. He said as he has listened to this case, he agrees that this property was not intended to be a residential community, but was intended to be a school. However, he said it has gone a long time without being a school. He said while the church has been a good neighbor and participated, this has had a cost and an impact on their ability to administer their mission and what their hope was for their church. He said he agrees that they should have the opportunity to bring this property to sale. He said that will have its own impacts and all of those impacts will be carried forward onto the property and to the new owner. He said for that reason, the new owner will be required to take care of the retention basin and the retention capacity. He said that is one of the conditions of the approval here tonight and is written into this approval. He said if they choose to move forward with it, that's what will happen. He said their job as a Commission is to recommend approval or denial to the Town Council and it is Staff's responsibility to

recommend approval or denial to the Commission. He said that in his opinion, he thinks this piece of property will be benefitted by this. He said he understands that it is going to be a change and a struggle because it's traditionally been open and available for use and enjoyment of the surrounding neighbors. However, because they don't own it, the only way for it to remain this way, is to buy it from the church and have it remain open and bear the cost. He said he thinks the church should have the opportunity to sell it and the new owners have the opportunity to develop it and bring their case. He said he thought they had made a good case here tonight. He will support the project.

Seeing no further comments, Vice Chair Bloomfield called for a motion. Seth Banda made a **MOTION** to approve Item 19, Z18-21, Enclave at Madera Parc; seconded by Les Smith; motion passed unanimously.

Motion passed 4-0

Vice Chair Bloomfield told the members of the public that they could attend the Town Council meeting. He then called the next item on the agenda.

23. Z18-17 ACCESSORY STRUCTURES LDC TEXT AMEND: REQUEST TO AMEND THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER 1 ZONING REGULATIONS, DIVISION 2: LAND USE DESIGNATIONS, ARTICLE 2.1 SINGLE FAMILY RESIDENTIAL DISTRICTS, SECTION 2.106 ADDITIONAL DEVELOPMENT REGULATIONS, RELATED TO THE SETBACKS AND HEIGHT OF ACCESSORY STRUCTURES.

POTENTIAL MOTIONS

1. For the reasons set forth in the staff report, the Planning Commission moves to recommend to the Town Council DENIAL of Z18-17, a request to amend the Land Development Code regulations by increasing the height of accessory structures.
 - a. The effect would be to RETAIN the maximum allowable height of accessory structures at six (6) feet when placed a minimum of five (5) feet from the property line in the side and rear yards. For structures greater than six (6) feet in height, there is an additional one (1) foot setback for each additional one (1) foot in height.
2. For the following reasons: the proposed regulation will provide for better land development, code clarity, and maintain the public's welfare, the Planning Commission moves to recommend APPROVAL to the Town Council for Z18-17, a request to amend the Land Development Code regulations by increasing the height of accessory structures.
 - a. The effect would be to INCREASE the maximum allowable height of accessory structures from six (6) feet to ten (10) feet when placed five (5) feet from the

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property line in the side and rear yards. For structures greater than ten (10) feet in height, there is an additional one (1) foot setback for each additional one (1) foot in height.

Keith Newman began his presentation on Item 23, Z18-17, Accessory Structures LDC Text Amend. He reminded the Commission that Staff has been before them a couple of different times with this project. He said they have done two Study Sessions and now they are at the Public Hearing stage. He said this is for a Text Amendment to the LDC for Accessory Structures. He said he wouldn't go into a lot of detail because the Commission has heard this twice. He said based on the previous two Study Sessions and what they have heard from the Commission, it was suggested that the current regulation should remain in place and that a change was not needed as only larger lots would be able to build these types of taller structures closer to property lines. He said that it was stated that if a change was to be made, a height of 9' or 10' at the 5' setback line would allow structures to have an 8' plate height which is fairly common for single story structures. He shared the graphics to indicate how the height regulations are administered today. He said tonight the Commission has two options to move forward with. He shared the two potential motions that could be made (listed above under Potential Motions) He said the Commission can recommend denial to the Town Council and leave the Standard the way it is today, which appeared to be the consensus at the last meeting or they can move forward to recommend a change to the Council, and could move forward with changing it to be 10' or a 10' tall structure at the 5' setback from the property line. For every foot of height, the building would be set back 1'. He finished his presentation.

Question: Les Smith asked what brought this notion up of increasing the height.

Answer: Keith Newman said this was something that was requested of the Staff by one of the Town's Council members. He said when they went forward to change the location of Accessory Structures, one of the Council members wanted to take a look at potentially allowing taller structures closer to the property line.

Question: Les Smith asked if, with that being the case, if it would be appropriate to make a motion.

Answer: Carl Bloomfield said that Commissioner Johns had a question.

Question: Brian Johns said that last time, it was a Study Session. He asked if this time it was really up for a change.

Answer: Keith Newman said the last two times it was in Study Session, but this time they are asking for a recommendation as to whether the Commission thinks the regulation should stay the same as it is, or if they think a change is needed.

Question: Brian Johns asked if there was Staff support for a change or not.

Answer: Keith Newman said that the consensus shared at the last meeting, was that increasing the height to 10' would be detrimental to the use and enjoyment of neighboring properties.

Question: Brian Johns asked to clarify if the item didn't have Staff's support or if on items like this, they didn't say one way or the other.

Answer: Keith Newman said it was the Commission's prerogative to make the recommendation to the Council.

Question: Brian Johns asked if they could put stipulations on it with approval.

Answer: Keith Newman said that they could technically, but they would just be crafting some more specifics for the Ordinance and wouldn't actually be conditions.

Comment: Brian Johns said that Planner Newman had thrown out there that they could make it 10' so he thought Staff was supporting the change.

Response: Keith Newman said that was something they discussed at the last Study Session, so Staff was just listing the possibilities if the Commission really decided they wanted to change it. If they move forward with the change, anything less than 10' would be really reasonable. He said he didn't think it would be a useful structure for somebody to build with a plate height at 6' tall.

Question: Les Smith said that 10' would be the maximum.

Answer: Keith Newman answered affirmatively.

Question: Seth Banda asked to clarify that there were certain zones where this is not allowed on the side of the property.

Answer: Keith Newman said that this would be applicable to all of their single family residential zoning districts. He said all of them today allow structures to encroach into the rear or side yard setback area. He said it would be very hard to administer if they only allowed it in certain zoning districts.

Question: Brian Johns asked to see the diagram that compared how other municipalities handled this.

Answer: Keith Newman provided the table of other municipalities.

Comment: Carl Bloomfield said that a lot of these properties are the ones that were brought in or annexed from the County 10 or 15 years ago. He said because of that, the thoughts that he has had since the last Study Session, are that maybe it does make sense to do that so that they are closer to what Maricopa County was, because that's what half of those properties have on them currently. He said right now the Town and the County have different requirements. He said in an effort to make those uniform, he thinks it makes sense to take it to 10'. He said he liked the idea of giving that latitude to those larger property owners.

Question: Seth Banda asked if CC&R's could potentially overrule this.

Answer: Keith Newman said that a neighborhood can have any CC&R's they desire and can implement any requirement that they see fit.

Comment: Seth Banda said that even if they did permit this, a development could say in their CC&R's that they wouldn't allow it, so they could give them the latitude.

Vice Chair Bloomfield asked if any members of the public wished to speak on this item. Seeing none, he closed the Public Hearing and called for a motion.

Les Smith made a **MOTION** to recommend approval of Z18-17 with proposed Option 2 (highlighted in yellow above); seconded by Seth Banda; motion carried.

Motion carried 3-1 with Brian Johns casting the dissenting vote.

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.

- 24. Minutes** – Consider approval of the minutes of the Study Session and Regular Meeting of October 3, 2018 and approval of the minutes of the Special Meeting of October 24, 2018.

Vice Chair Bloomfield called for a motion to approve the minutes of the October 3, 2018 Planning Commission Study Session and Regular Meeting and the minutes of the Special Meeting on October 24, 2018. A **MOTION** was made by Commissioner Les Smith; seconded by Brian Johns; motion passed unanimously.

Motion passed 4-0

COMMUNICATIONS

- 25. Report from Chairman and Members of the Commission on current events.**

Vice Chair Bloomfield said he had nothing to report. No other members of the Commission had anything to report.

- 26. Report from Council Liaison on current events.**

Brigette Peterson said that tomorrow was Election Day. She reminded everyone to go out and vote. She said Gilbert has one question on the ballot. She advised turning in early ballots at a polling place tomorrow.

- 27. Report from Planning Services Manager on current events.**

Interim Planning Services Manager Catherine Lorbeer thanked the Commission for their patience in listening to the citizens this evening. She said it was a long night, but always well worth it. She reminded the Commission that next Tuesday was their joint meeting with the Town Council. She said it would be upstairs in Room 300 and would begin at 5:00 p.m. and last for about an hour.

ADJOURNMENT

With no further business before the Planning Commission, Vice Chair Bloomfield adjourned the Regular Meeting at 9:45 p.m.

Brian Andersen, Chairman

ATTEST:

Debbie Frazey, Recording Secretary

DRAFT