

**TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE, GILBERT, AZ
JUNE 5, 2019**

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Cavenee
Greg Froehlich
Les Smith
James Torgeson, Alternate

COMMISSION ABSENT:

Brian Johns
Philip Alibrandi, Alternate

COUNCIL LIAISON PRESENT:

Brigette Peterson

STAFF PRESENT:

Sydney Bethel, Planner II
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 Services Manager
Eva Cutro, Planning Division Manager

ALSO PRESENT:

Nancy Davidson, Assistant Town Attorney
Dana Desing, Recorder

CALL TO ORDER

Chair Brian Andersen called the June 5, 2019 Study Session of the Planning Commission to order at 5:08 p.m.

- 1. S19-04 STRATFORD: Request for Preliminary Plat and Open Space Plan for 222 home lots (Lots 1 - 222) on approximately 63.5 acres of real property generally located at the southwest corner of Greenfield Road and Germann Road in the Single Family Detached (SF-D) zoning district with a Planned Area Development (PAD) overlay.**

Z19-07 STRATFORD: Request to rezone approximately 63.5 acres of real property generally located at the southwest corner of Greenfield Road and Germann Road from Town of Gilbert Single Family Residential-6 (SF-6) zoning district with a Planned Area Development overlay district to 63.5 acres of Town of Gilbert Single Family Detached (SF-D) zoning district with a Planned Area Development overlay district.

Nathan Williams, Senior Planner, presented the Stratford request for Preliminary Plat, Open Space Plan and request to rezone approximately 64 acres of town-owned property located at the southwest corner of Greenfield and Germann Roads. The current land use designation is >3.5 - 5 DU/Acre and the Applicant is proposing 222 lots on the subject site, meeting the minimum density. The property was originally envisioned for Parks and Recreation uses, although with the focus on the Regional Park this property has been rezoned by the town from >2 - 3.5 DU/Acre to >3.5 - 5 DU/Acre in order to create a mix of lot types to attract interest from a buyer. The property is currently in escrow with the applicant, Blandford Homes.

The Applicant is requesting to rezone from the current SF-6 PAD zoning to SF-D PAD to allow for oversized lots ranging from 6,000 SF to 7,700 SF as well as several deviations in excess of minimum code requirements. The applicant is also seeking modifications that are below the minimum requirements related to front porch depth, two-story height adjacent to non-residential uses, and separation fence height.

During the pre-application meeting, the site design contained a lot of linear streets in order to be efficient in meeting the density with 222 units. The applicant has since been able to create some movement in the site and active open space areas. The primary access for this gated community is off Germann Road with a secondary

access off Greenfield Road, both will be full motion. To the west will be 156 Street, although there will be no connection to the adjacent subdivision. The private streets will allow parking on both sides. The Open Space Plan shows three amenity areas activated with tot lots or playgrounds. There are trail connections to the north and south. Staff felt the Applicant has done a good job of meeting the minimum density while creating a unique design for this site.

The request includes wall modifications along Germann and Greenfield Roads and to the south from the required 8 feet to a range between 6 and 8 feet. The Code requires that 40-60% of lots must be 6,000-7,000 SF or greater. The Applicant is proposing 64% of the lots to be 6,000 SF or greater and 36% to be 7,000 SF or greater. The arterial corner landscape area is yet to be determined, although Mr. Williams believed it would be above the required 50 by 250 feet.

DISCUSSION:

David Cavenee asked if Traffic had weighed in on the plan. He was concerned with visibility to the south by shortening the wall.

Mr. Williams will double check although no concerns had been noted in that regard during the pre-application.

Commissioner Cavenee would prefer to see an 8-foot wall height along the perimeter. He noted that some people can see over a 6-foot wall, especially if the grade increases with landscaping. He noted the lot sizes to the north and to the southeast are fairly large lots, SF-43 and SF-35. The opposite corner to the east is also fairly dense now because of recent plans that were approved. He asked if this plan was truly a step down or will it immediately go dense.

Mr. Williams noted that Bellamy to the east was approved, as well as Cadiz to the southeast. The Claxton Harvey subdivision to the north has larger lots. It was his opinion that this was not a step down from what the town was trying to achieve when this property was rezoned. The intent was to create an interest in this parcel to develop. The land use density was changed from >2 - 3.5 to >3.5 - 5 with a mix of 6,000 to 7,000 SF lots. The design of this subdivision is packed, although it is at the minimum density.

Commissioner Cavenee felt that was fair enough and he understood the town's intention to make it more attractive to developers. He liked how the Applicant built in some less than purely linear views and felt they did a good job of breaking it up.

Vice Chair Bloomfield remembered when this site was brought forward for zoning and General Plan amendments. He has always been concerned about the Claxton Harveys around us that were so much larger and had expressed that concern at the time. He understood that some deviations are needed here just to meet the minimum densities versus what was required at the time of the town's last rezoning. Initially, he did not like the project and felt it did not match the area in large part, although the area will change and this will contribute to that change. He also felt the property to the east did not match, although he felt it will have to be that way just to price the land. He was okay with the land plan and felt not much could be done about the deviations as they are needed to meet the General Plan requirements. He felt our hands were tied on this project, although he was not a fan.

Commissioner Cavenee asked for clarification on the deviations listed in different colors.

Mr. Williams explained that the requested deviations that were highlighted were below code minimums and the items in white are modifications in excess of code requirements. SF-D allows a three-story 35-foot tall building, and the proposal is for two-story only. The rear setback of 20 feet is not required in SF-D but the Applicant is self-imposing that. The minimum porch depth in SF-D is 6 feet, and a depth of 4 feet is being proposed as they feel that meets with their housing product.

Commissioner Cavenee felt the fence height issue would not affect their plan at all from a layout perspective and he would encourage that to be pushed back to the 8-foot requirement. He was fine with the other modifications, barring any concern from Traffic on the 50 x 250 foot street frontage landscape requirement.

Chair Andersen felt that the 4-foot porch depth did not seem like adequate space to accommodate a chair or allow use of that space. That was the only item on the list that he would object to. He was fine with the remainder of the proposed modifications.

There were no further comments from the Planning Commission.

2. GP19-01 WATERMARK AT GILBERT TOWN SQUARE - Request for Minor General Plan Amendment to change the land use classification of approx. 10.32 acres generally located south of the southeast corner of Gilbert Rd. and Civic Center Dr. from General Office (GO) and Neighborhood Office (NO) to Residential > 14 - 25 DU/Acre land use classification.

Z19-05: WATERMARK AT GILBERT TOWN SQUARE - Request to rezone approximately 10.32 acres of real property generally located south of the southeast corner of Gilbert Rd. and Civic Center Dr. from General Office (GO) zoning district and Neighborhood Office Zoning District to Multi-Family/Medium (MF/M) zoning district with a Planned Area Development (PAD) overlay.

Planner Keith Newman presented the Watermark at Gilbert Town Square General Plan amendment to change the land use classification and rezoning of the 10.32 acre site located south of the Public Safety Training Facility. Both the General Plan designation and the zoning for the west half of the property is General Office (GO) and the east half is Neighborhood Office (NO). The Applicant is proposing to change both of those to a General Plan designation of Residential >14 - 25 DU/Acre with a change in zoning from GO and NO to Multi-Family/Medium (MF/M PAD). The Applicant is proposing 216 apartment units, 6 three-story buildings, and single-story garage units along the perimeter of the development. There will be two access points off of Gilbert Road, with a full-motion main entrance at the south end of the site and a right out exit at the north end.

The Applicant is requesting deviations as the basis for the Planned Area Development zoning. A 10-foot side setback along the north property boundary is being proposed instead of the required 20 feet required per the Land Development Code (LDC) as well as a 10-foot landscape setback along the north property line instead of the 20-foot setback per the Code. The LDC requires an 8-foot solid separation fence adjacent to residential zoning districts. The Applicant is proposing a 6-foot solid masonry wall along the north property line, which is adjacent to the El Paso gas easement. With the landscape buffer for the Public Safety Facility, that overall distance is a little over 75 feet and the Applicant felt it was reasonable to request a 6-foot wall at that property line. On the far east property boundary, the adjacent HOA has an existing 6-foot wall that is set back 10 feet inside their property line, creating a no man's land in between. The Applicant is proposing a 6-foot view fence to be set back a certain distance so there will not be two solid walls adjacent to each other, which may create a corridor of mischief. A 6-foot solid masonry wall is proposed on the south property line. There is an existing 6-foot masonry wall that they are proposing to stay. Staff had a concern with the structural integrity of that existing wall and it only goes three-quarters of the way up that property line. The back quarter of that property appears to have a pipe rail fence that would need to be replaced with a solid wall. Staff also had a concern with the security element adjacent to the Public Safety Facility as an 8-foot wall would normally be required. Staff is looking into those issues and will seek input from Public Safety officials.

The Code requires a step back for 3-story or taller buildings adjacent to residential. In some zoning districts, the Code requires a step back of 10 feet within 100 feet of residential. In this situation for MF-M, the Code does not state a distance requirement. The Applicant is proposing that a step back not be applicable in those situations when there are no buildings in between the Apartment buildings since there is a significant distance between the residential property line and the proposed buildings. Mr. Newman noted that a step back would not be needed if there is a single-story building in front of an apartment building. This would apply to certain buildings in the proposed Development Plan, although other buildings would still need a step back per Code. Staff has requested that those buildings that do not have a single-story garage in front of them provide a higher level of architectural design to minimize the visual impact adjacent to single-family residential.

Staff is requesting input from the Commission on the Development Plan and the requested deviations.

DISCUSSION:

Commissioner Cavenee asked if staff was supportive of the change in use.

Mr. Newman advised that staff is in the process of reviewing all of the documentation and has made some comments on the land use plan. Staff is generally supportive, although the Applicant has been told from the very beginning that the town would like to see a high quality product that fits in and is compatible with the buildings and design in the general area. Staff is moving toward being supportive depending on the design.

Commissioner Cavenee noted the challenges southeast of Gilbert and Warner and the struggle to get commercial uses. A lot of the other components in the area have gone with residential uses, and there are a lot of services to the west of Gilbert Road. He would be supportive of the use and felt it was heading in the right direction for this sliver lot. He would be willing to consider the variation of a 6-foot separation fence depending on where it faces. His preference would be for an 8-foot fence along the north boundary to separate the parking structure and other town facilities from the residential component. He understood the view fence concept. He wondered how the residential homes on the east side would experience this property. He stressed making sure that those homes feel protected and that they will not be more exposed in any way. He was unsure if creating a no man's land alley with two masonry walls would feel safer or if having a 6-foot high view fence would be safer.

Mr. Newman stated the space between the solid wall on the east boundary with it being set back off the HOA property line is 10 feet.

With that clarification, Commissioner Cavenee would be willing to go with a view fence for now. To the south there is only one single-family residence and he would prefer to see the existing fence which is not structurally sound replaced with an 8-foot fence. He clarified that the suggestion was for the town to not require the step back if the architecture is done right. He felt that might be a fair trade off, although they are asking for a PAD with the rezoning and they have not yet submitted to Design Review.

Chair Andersen noted if the south side was loaded with single-family, we would need to adhere to the step back. There is one big structure there.

Mr. Newman believed the property to the south is zoned SF-35 and there is a single-family residence that is used as an event center for weddings.

Commissioner Cavenee had met with the Applicant who shared that it is a single-family residence that is often used for venues and events. He did not feel that it was a formal commercial-type use.

Chair Andersen stated because there is one house centered on that entire lot, he would support not having a step back. He felt the step back would not be required unless there was single-family lining the entire south side of that property. The distance from the proposed buildings to that single-family building would probably measure a couple hundred feet.

Commissioner Cavenee agreed. He asked how tall the garages would be.

Mr. Newman advised that the garage units would be one story in height and would be above the height of an 8-foot wall. As the project has not gone through Design Review, he did not know the exact height at this time.

Commissioner Cavenee felt their placement along the perimeter was more motivation to see that 8-foot wall to help shield those from the adjacent properties.

Vice Chair Bloomfield was in support of the zoning change and the General Plan change. Everything around the site is residential except for the public facilities to the north and he felt this was a good transition property to the residential that is there. He had a hard time believing the property to the south would stay in exactly that condition for a very long time. As of now, he did not feel it would be impacted if we did not have the step back on the south side. He was in support of not having the step back, but would recommend an 8-foot wall all the way around. He assumed the HOA setback was placed there because it is a transition from a commercial aspect to a single-family residential. If that does not continue on south of that, he would recommend the Applicant try to purchase that setback to eliminate it and keep it as one wall. He has looked over that wall from the cul-de-sac

and felt there was no reason to have anything there. He was in support of the project and felt it was on the right track, although there is more to be done through the Design Review. Given the information we have about Watermark and their national presence, he would be in support of this proposal going forward. A lot of the concerns can be resolved through the Design Review process. He was in support of the General Plan Amendment and the zoning change.

Chair Andersen noted on the north property line they are requesting a 10-foot building setback and on the south side they would stay with the 20 feet per the LDC.

It was Commissioner Cavenee's understanding that the only requested deviation was to the north property line setback and he felt that was fine with the 75-foot buffer to the city buildings.

There were no further comments from the Planning Commission.

3. GP19-02 SPRINGS AT COOLEY STATION: Request for Minor General Plan Amendment to change the land use classification of approx. 15.27 gross acres generally located at Recker and Williams Field Roads from Village Center (VC) to Residential > 14-25 DU/Acre.

Z19-06 SPRINGS AT COOLEY STATION: Request to rezone approximately 15.27 gross acres of real property generally located at Recker and Williams Field Roads from Gateway Village Center (GVC) zoning district to Multi-Family/Medium (MF/M) zoning district with a Planned Area Development overlay zoning district (PAD).

Planner Sydney Bethel presented the request for a Minor General Plan Amendment and rezoning for the Springs at Cooley Station. The subject site is approximately 15.27 gross acres located east of the northeast corner of Recker and Williams Field Roads. The hard corner will remain and Gateway Village Center is not part of this proposal. The current land use classification is Village Center (VC) and the Applicant is proposing Residential >14 - 25 DU/Acre. The current zoning designation is Gateway Village Center (GVC) with a PAD overlay and the proposal is for Multi-Family/Medium (MF/M) with a PAD overlay. The Applicant is proposing these amendments in order to build a 276-unit multi-family development.

The site is located within the Gateway Character Area and was annexed into the town in 2006 as part of the larger Cooley Station area. Ms. Bethel provided elevations as well as visuals showing what Cooley Station is envisioned to be. Orenco Station in Hillsboro, Oregon was one of the original inspirations for Cooley Station as a transit-oriented development with the ultimate vision having a central rail line. Recently approved developments in the area include a police station, apartments, multi-family, the Cooley Loop North apartments, Fincher Fields north of the subject site, and the Fry's development.

The Development Plan shows 10 buildings with a mix of two- and three-story buildings. Cooley Loop North will now be referred to as Haskell Street and the buildings have been pulled up to activate the street front. The maximum height proposed is approximately 38 feet with a density of 18 DU/Acre.

Four deviations are being requested with the PAD in order to achieve the streetfront presence. For reference, Ms. Bethel showed what the site would look like with the current GVC zoning with loft above which would have more reduced setbacks as opposed to multi-family. The requested setbacks are supported by staff in order to achieve the ultimate vision for this area. Elevations were provided for reference only.

Staff is seeking input on the Development Plan, the requested deviations and the land use change.

DISCUSSION:

Vice Chair Bloomfield stated Cooley Station has been a dream in the town for a very long time. It was slow going at the beginning and is now picking up speed. His preference would be not to change off of that vision drastically at this time. Development is hot and he suggested giving it time to mature. If the Applicant wants to modify and adjust to better fit the Cooley Station plan, he would highly encourage that. He was unsure whether he would be in favor of making a lot of wholesale changes at this point because we have held on for so long and

turned down other applications that did not work out. As far as the requested deviations, he would like to see the applicant better conform and felt there were not a lot of strengths to the project. For the Applicant to request such drastic changes with no benefits coming back to the town, he would not be in favor of all the deviations being requested.

Commissioner Torgeson was against the change completely and felt it was grabbing low-hanging fruit. He agreed with the comment to wait and let it mature. This can be what it was envisioned to be and he felt there was nothing special about the proposed project.

Commissioner Cavenee asked about the Applicant's motivation for moving to MF/M from the current zoning. Is it due to what the market will bear right now? How does staff feel?

Ms. Bethel stated the Applicant's motivation for this zoning change was to have a ground floor multi-family development. The Cooley Station area is intended to be more dense so staff is not opposed to a denser development within the area since that is part of the vision. They can do residential as stated before and the loft above is an option that is available in almost all of our commercial zoning districts, although many applicants shy away from commercial at the ground floor with residential above as they want a traditional ground floor multi-family.

Senior Planner Amy Temes advised that staff has been working quite a lot in the area of Cooley Station. The whole Village Center (VC) has shifted to the southwest corner of Williams Field and Recker Roads and that is where the focus is with the commuter rail station. As that shifted, we are looking at possible redevelopment of the northeast corner to uses other than VC, which has been refocused down in another quadrant. Staff is not necessarily opposed to multi-family in this location as long as the whole property does not go to multi-family. The town attorney is looking at the development agreement being modified at this time to reflect that. We are trying to stick with the vernacular and the intent of the Village area and not the Village Core or Village Center in this property and making sure it fits in with the overall Cooley area.

Commissioner Cavenee understood from that explanation that the areas for certain zoning designation have moved around and this is not an uncharacteristic component, given that we have already moved the Village Center component.

Ms. Temes stated that was correct. Multi-family was always a component of the Village area, whether it be loft above or stand alone. Staff is looking to make sure that the site plan meets with the intensity and density of what is envisioned in the area, being very streetscape-centric with pedestrian walkability and parking hidden behind, and focusing on bringing the people of the Village toward the Village Center which is at the southwest corner. She noted that even the Fry's development changed dramatically from where it started to incorporate and blend in with the overall theme of the area.

Commissioner Cavenee felt bringing residential to an area that is craving commercial can actually bring the rooftops that justify the commercial. The more we help build some of that population into the area, we can then hope for and expect the Village Center to pop. He was not necessarily opposed and stated he was generally for the request. Fitting in and having the right design is important as we want to keep it to a high standard and keep it very much pedestrian oriented. Given all that, he would be for the proposal as long as we hold them to a high standard on design. Referring to the Vice Chair's comments regarding the deviations, without more context as to why those are being requested, there is little constraint to the design right now. Can we not stay within these setbacks? Perhaps the Applicant can come back in a Regular Session with further details.

Ms. Temes stated order for some of these zoning categories that were not developed as Village Center to still be consistent with the Village or the area concept in a more neotraditional design, staff has encouraged developers to move as forward to the street as possible as utilities and other constraints will allow in order to bring the porches and the people forward. She advised that speeds will be reduced in the near future on Williams Field Road. There is still on-street parking and connectivity with a loop around so that if Williams Field were closed for an event, there are still other circulation routes available. We want the streets to be more traditional as seen

in Boston or other areas back East where there is a brownstone/townhome street-centric scape. Staff did encourage those reductions.

Commissioner Cavenee understood that the reductions were staff promoted and appreciated the explanation.

Chair Andersen was generally in support of the zoning change, and hearing the explanation on the setbacks, he would support that as well. Since the elevations of the building product were included, and having seen a slide of what has already been approved in the area, he did not see a connection between this design and the whole vernacular for Cooley Station. The images show a lot of red brick and he felt that type of language needs to carry over to this project to make the entire area cohesive. When this case comes back before the Planning Commission for the Design Review, he strongly recommends that the Applicant look at their design and try to incorporate some elements out of the Cooley Station designs into this area so that it will look like it fits in.

There were no further comments from the Commission.

4. Z19-11 LDC TEXT AMENDMENT: Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 2 Land Use Designations, and Division 4 General Regulations, Article 4.5 Supplemental Use Regulations and Division 6 Use Definitions, Article 6.1 Use Definitions, related to the cultivation of industrial hemp. The effect of the amendment will be to restrict the growing, cultivation, processing, harvesting and/or transporting of industrial hemp.

Planner Keith Newman advised that on December 20, 2018, the federal Agricultural Improvement Act of 2018 was adopted, authorizing the growing or cultivation of industrial hemp and removing industrial hemp from Schedule I of the Controlled Substances Act. On May 14, 2018, Senate Bill 1098 was signed by Governor Ducey allowing for the commercial growth, cultivation, and marketing of industrial hemp as an agricultural product and directing the Arizona Department of Agriculture to adopt rules to oversee the licensing, production, and management of industrial hemp in Arizona. The Industrial Hemp Program was created and as of May 31 is now under way. Applications can be submitted to grow, cultivate and market industrial hemp. The federal and state laws did not remove local government authority to enact and enforce reasonable zoning regulations regarding commercial industrial hemp consistent with applicable laws.

Under the current Land Development Code, industrial hemp would be permitted as a commercial agricultural use classified as Crop Raising Commercial, and would be permitted in the SF-35 and SF-43 zoning districts. As of now, the town does not have any regulations for this use and staff is asking for feedback as to whether it is necessary to move forward with industrial hemp regulations. Staff is just starting this process and will conduct more research on industrial hemp and potential regulations if there is direction to move forward.

Staff is asking that the Planning Commission initiate a text amendment to the Land Development Code of Gilbert, Arizona Chapter I Zoning Regulations, Division 2 Land Use Designations, and Division 4 General Regulations, Article 4.5 Supplemental Use Regulations and Division 6 Use Definitions, Article 6.1 Use Definitions, related to the cultivation of industrial hemp.

DISCUSSION:

Commissioner Cavenee asked how industrial hemp growing would fit into the SF-35 and SF-43 residential zoning designations.

Mr. Newman stated there is currently nothing in our Code that prohibits someone from obtaining a license through the Arizona Department of Agriculture to grow, cultivate, market and transport industrial hemp and operate in the SF-35 and SF-43 zoning districts. No further restrictions or limitations would be placed on that use.

Commissioner Cavenee asked if the text amendment would limit the growing of industrial hemp in those zoning classifications.

Mr. Newman confirmed that an amendment could provide such limitations. The Arizona League of Cities has looked at regulations in other states similar to medical marijuana restrictions that could be placed into our ordinance. Mr. Newman was not indicating that regulations were needed for industrial hemp. Staff would need to research the matter and explore options before making a recommendation. He was looking for feedback from the Commission as to whether the state regulations would be sufficient or if a text amendment would be needed to address industrial hemp.

Commissioner Cavenee thought it was worth exploring the matter.

Commissioner Torgeson noted that hemp is not marijuana and that regulation is a reduction of freedom. He felt industrial hemp is not something that should be of concern to people as smoking it does not produce a high. He noted that the Town of Gilbert does not regulate cotton. If you can grow cotton, then you can grow hemp. Three full terms of the crop can be grown in a year. It is not something that needs regulating. He suggested staying with the current crop rules. Hemp is no different than any other crop. It is an ugly weed that happens to be pretty useful in making things.

With no further comments from the Commission, Chair Andersen initiated a text amendment to the Land Development Code related to the cultivation of industrial hemp.

Chair Andersen opened a Citizen Review and asked if any members of the public wished to comment on this item. There were no requests to speak.

5. DISCUSSION OF REGULAR MEETING AGENDA:

Chair Andersen acknowledged requests to speak on Public Hearing (Non-Consent) Items 16, DR14-29-C (DR19-13) Agritopia Epicenter; and 17, DR19-29 Gilbert Gateway Commerce Center. He requested that Item 21, UP18-25 Gilbert Recycling Center, and Item 22, DR18-163 Gilbert Recycling Center, be moved to the Consent Agenda since they were requested to be tabled.

ADJOURN STUDY SESSION

With no further business before the Commission, Chair Andersen adjourned the Study Session at 6:08 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary

**TOWN OF GILBERT
 PLANNING COMMISSION REGULAR MEETING
 COUNCIL CHAMBERS
 50 E. CIVIC CENTER DRIVE, GILBERT, AZ
 JUNE 5, 2019**

COMMISSION PRESENT:

Brian Andersen, Chair
 Carl Bloomfield, Vice Chair
 David Cavenee
 Greg Froehlich
 Les Smith
 James Torgeson, Alternate

COMMISSION ABSENT:

Brian Johns
 Philip Alibrandi, Alternate

COUNCIL LIAISON PRESENT:

Brigette Peterson

STAFF PRESENT:

Sydney Bethel, Planner II
 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 Services Manager
 Eva Cutro, Planning Division Manager

ALSO PRESENT:

Nancy Davidson, Assistant Town Attorney
 Dana Desing, Recorder

PLANNER	CASE	PAGE	VOTE
Ashlee MacDonald	DR19-16	3	Approved
Nathan Williams	DR19-46	3	Continued
Nathan Williams	DR19-19	3	Approved
Keith Newman	DR19-41	4	Approved
Stephanie Bubenheim	DR19-26	4	Approved
Sydney Bethel	S19-01	4	Approved
Sydney Bethel	DR19-14	5	Approved
Ashlee MacDonald	DR14-29-C (DR19-13)	6	Approved
Josh Rogers	DR19-29	11	Approved
Nathan Williams	ST18-10	13	Approved
Josh Rogers	GP18-15	14	Approved
Josh Rogers	Z18-29	14	Approved
Keith Newman	UP18-25	5	Tabled
Keith Newman	DR18-163	5	Tabled
Sydney Bethel	Z19-03	20	Approved
Stephanie Bubenheim	Z19-02	23	Approved

CALL TO ORDER OF REGULAR MEETING

Chair Andersen called the June 5, 2019 Regular Meeting of the Planning Commission to order at 6:16 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Bloomfield led the Pledge of Allegiance.

ROLL CALL

Recording Secretary Dana Desing called roll and determined that a quorum was present.

6. APPROVAL OF AGENDA:

Chair Andersen advised that there were requests to speak on Items 16, DR14-29-C (DR19-13) Agritopia Epicenter, and Item 17, DR19-29 Gilbert Gateway Commerce Center. Chair Andersen requested that Item 21, UP18-25 Gilbert Recycling Center, and Item 22, DR18-163 Gilbert Recycling Center, be moved to the Consent Agenda since they were requested to be tabled. Commissioner Froehlich declared a conflict with Item 9, DR19-16 Lakes at Annecy Parcel 3.

Two votes will be held on the Consent Agenda in order to address Item 9 separately. Chair Anderson called for a motion to approve the agenda.

MOTION: Vice Chair Bloomfield moved to approve the Agenda with the recommended changes; seconded by Commissioner Cavenee.

Motion passed 6-0.

COMMUNICATIONS

7. COMMUNICATION FROM CITIZENS:

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission's 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.

There were no communications from citizens.

8. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS:

Councilmember Brigitte Peterson reported that Gilbert is partnering with the Maricopa Association of Governments (MAG) this summer to participate in the heat relief network and will be collecting water bottles, sunscreen, hats, and other items between now and September 2, 2019. Items can be donated at many locations including the Southeast Regional Library, Freestone Recreation Center and all Gilbert fire stations. For more information visit www.gilbertaz.gov/residents/community-resources. She asked everyone to check on elderly family members and neighbors over the summer as they tend to shut the air-conditioning down due to the cost and there is the risk for heat-related deaths. She also reminded everyone to watch their kids around water, don't leave kids or pets in hot cars, and watch out for your dog's feet on the hot ground.

June 6, 2019 is the last day for Gilbert school students from grades 9-12 (ages 14-18) to sign up to be part of the 2019-20 Mayor's Youth Advisory Committee. It is an excellent program for teens to become involved, learn about their government, and get some volunteer hours. Visit www.gilbertaz.gov/myac for more information.

PUBLIC HEARING (CONSENT)

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

Chair Andersen read the Consent Calendar items and asked if there were any conflicts.

Greg Froehlich declared a conflict with Item 9, DR19-16 Lakes at Anney Parcel 3, and that item will be voted on separately.

Chair Andersen opened and closed the Public Hearing (Consent) and called for motions on the Consent Calendar.

This item was voted on separately due to a conflict of interest.

- 9. DR19-16 LAKES AT ANNECY PARCEL 3:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 23.49 acres, generally located at the southwest corner of Santan Village Parkway and Boston Street, and zoned Multi Family-Low (MF-L) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Approve the Findings of Fact and approve DR19-16, Lakes at Anney Parcel 3: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 23.49 acres, generally located at the southwest corner of Santan Village Parkway and Boston Street, and zoned Multi Family-Low (MF-L) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the June 5, 2019 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.

MOTION: Vice Chair Bloomfield moved to recommend approval of Item 9, DR19-16 Lakes at Anney Parcel 3, as written; seconded by Commissioner Cavenee.

Motion passed 5 -0, with Commissioner Froehlich abstaining due to a conflict of interest.

The remainder of the Consent Agenda listed below with Staff recommendations will be voted on through a separate motion.

- 10. DR19-46 MASERATI ALFA ROMEO:** Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.95 acres, generally located south of Pecos Road on the east side of Gilbert Road, and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay. **Continued to July 10, 2019.**

STAFF RECOMMENDATION: Move to continue DR19-46 Maserati Alfa Romeo to the July 10, 2019 public hearing.

- 11. UP19-19 BEEHIVE HOMES OF GILBERT:** Request to approve a Conditional Use Permit for approx. 1.47 acres located at 4423 E. Guadalupe Road, to allow a Congregate Living Facility in the Single Family Residential - 35 (SF-35) zoning district with a Planned Area Development (PAD) overlay, subject to conditions.

STAFF RECOMMENDATION: Make the Findings of Fact and approve UP19-19: Beehive Homes of Gilbert: Request to approve a Conditional Use Permit for approx. 1.47 acres located at 4423 E. Guadalupe Road, to allow a Congregate Living Facility in the Single Family Residential - 35 (SF-35) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

1. The Project shall be in substantial conformance with the site plan identified as Exhibit 4.
2. All requirements approved under DR16-06 shall remain in effect for the subject site.

- 12. DR19-41 NEW HORIZONS WOMEN'S CARE:** site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 1.26 acres, generally located west of the southwest corner of Rome Street and Melrose Street, and zoned Business Park (BP) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Approve the Findings of Fact and approve DR19-41, New Horizons Women's Care: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 1.26 acres, generally located west of the southwest corner of Rome Street and Melrose Street, and zoned Business Park (BP) with a Planned Area Development (PAD) overlay; subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission/Design Review Board at the June 5, 2019 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. A 20' wide access easement from Melrose Street to the southern boundary of the property shall be provided for the land locked property to the south of the subject site. This easement shall be recorded prior to construction permitting.
4. The access easement for the shared entrance along Melrose must be agreed to by the adjacent property owner and recorded prior to construction permitting.

- 13. DR19-26 VJ BASELINE:** Master site plan, site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 10.75 acres, generally located east of the southeast corner of McQueen and Baseline Roads, and zoned General Industrial (GI) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Approve the Findings of Fact and approve DR19-26, VJ Baseline: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 10.75 acres, generally located east of the southeast corner of McQueen and Baseline Roads and zoned General Industrial (GI) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the June 5, 2019 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. A Comprehensive Sign Package approval is required prior to submitting for sign permits.
4. A lot combination shall be processed through the Town of Gilbert Engineering Department and recorded prior to Certificate of Occupancy.
5. If the property proceeds through a minor land division or minor subdivision, cross access easements and/or cross access construction agreements will be required at the time of replat application submittal.
6. The applicant shall coordinate with the City of Mesa right-of-way improvements and required dedications.
7. Decorative scoring on the building shall be 3/4" or greater.

- 14. S19-01 VAL VISTA & PECOS:** Request to approve Preliminary Plat and Open Space Plan for Val Vista and Pecos for a commercial subdivision on approx. 11.2 acres generally located at the northeast

corner of Val Vista Drive and Pecos Road in the Shopping Center (SC) zoning district with a Planned Area Development (PAD) overlay zoning district.

STAFF RECOMMENDATION:

Approve the Findings of Fact and S19-01, Val Vista & Pecos: Preliminary Plat and Open Space Plan for Diversified Partners for approximately 11.2 acres, generally located at the northeast corner of Val Vista Drive and Pecos Road in the Shopping Center (SC) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.

1. The Final Plat and Open Space Plans for S19-01, Val Vista & Pecos and construction of the project shall be in substantial conformance with Exhibit 6, Preliminary Plat, Exhibit 7, Open Space Plan and Exhibit 8, Details as approved by the Planning Commission/ Design Review Board at the June 5, 2019 public hearing.
2. Future proposed signage complying with the Land Development Code shall be approved administratively by Planning Staff prior to submitting for sign permits.

15. DR19-14 VAL VISTA & PECOS: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.2 acres, generally located the northeast corner of Val Vista Drive and Pecos Road, and zoned Shopping Center (SC) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Approve the Findings of Fact and approve DR19-14, Val Vista & Pecos: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 11.2 acres, generally located at the northeast corner of Val Vista Drive and Pecos Road and zoned Shopping Center (SC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the June 5, 2019 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.

21. UP18-25 GILBERT RECYCLING CENTER: Request to approve a Conditional Use Permit for approximately 3.27 acres generally located south of the southwest corner of Baseline Road and McQueen Road to allow a salvage yard in the General Industrial (GI) zoning district. **Tabled.**

STAFF RECOMMENDATION: Move to table UP18-25 Gilbert Recycling Center Conditional Use Permit.

22. DR18-163 GILBERT RECYCLING CENTER: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approx. 3.27 acres, generally located south of the southwest corner of Baseline Road and McQueen Road and zoned General Industrial (GI). **Tabled.**

STAFF RECOMMENDATION: Move to table DR18-163 Gilbert Recycling Center Design Review.

MOTION: Vice Chair Bloomfield moved to recommend approval of the Consent Agenda as follows: Item 10, DR19-46 Maserati Alfa Romeo - Continued to July 10, 2019; Item 11, UP19-19 Beehive Homes of Gilbert; Item 12, DR19-41 New Horizons Women's Care; Item 13, DR19-26 VJ Baseline; Item 14, S19-01 Val Vista &

Pecos; Item 15, DR19-14 Val Vista & Pecos; Item 21, UP18-25 Gilbert Recycling Center- Tabled; and Item 22, DR18-163 Gilbert Recycling Center - Tabled; seconded by Commissioner Froehlich.

Motion passed 6-0.

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission/Board by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item you must fill out a public comment form, indicating the item number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

- 16. DR14-29-C (DR19-13) AGRITOPIA EPICENTER:** Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 21.12 acres, generally located at the northwest corner of Higley and Ray Roads, and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Approve the Findings of Fact and approve DR14-29C (DR19-13), Agritopia Epicenter: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 21.8 acres, generally located at the northwest corner of Higley and Ray Roads and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the June 5, 2019 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. Proposed signage complying with the Land Development Code and Ordinance Number No. 2364 shall be approved administratively by Planning Staff prior to submitting for sign permits.
4. The adopted Agritopia Commercial Design Guidelines for Agritopia Epicenter shall remain in full force and effect.

Planner Ashlee MacDonald presented the Agritopia Epicenter located at the northwest corner of Higley and Ray Roads. This project was originally planned for and approved back in 2014. There are some minor adjustments to the site plan and revised elevations. The site is part of the Agritopia PAD and as such there are additional PAD requirements and modifications to their development standards. The property is located in the General Commercial (GC) zoning district which allows loft above in a multi-use building. This property is 21.8 acres and the Applicant is proposing 49,000 SF of ground floor retail with 320 lot-style units above. The maximum height allowed in the zoning district is 60'-6" which the Applicant is taking advantage of. The parking is well within the required amount, providing 955 spaces broken up between the retail and residential uses. The current site plan is substantially similar to what was approved back in 2014. Residential parking is located at the rear of the site with a number of access points along both Higley and Ray Roads, with some being full-motion signalized intersections as well as some right in/right out turning movements. A signal will be installed as part of this project. A right in/right out access will be shared with Backyard Taco, and leads to the gated portion of the development and parking for the residential units. Flex parking will be located towards the front of the site and wrapping around the building for both residential guest spaces and ground floor retail.

This item came before the Planning Commission back in March as a study session item. The feedback from the study session was that there were very long unarticulated rooflines. Staff had suggested potentially adding some dormers to break up those rooflines. The Applicant has modified their design by varying the rooflines, reducing the pitch to meet the building heights, and adding dormers. Staff is unsure if the dormers actually add to the

development and is seeking additional feedback from the Commission. There were comments at the study session that the balconies were not well-integrated into the development. The Applicant has provided a number of modifications by adding pop-outs to provide privacy between the balconies and recessing to provide a different look and avoid the hotel feel. There was feedback that the roof mounted mechanical equipment was not well-integrated. The Applicant has integrated some mechanical wells within the pitched roof portion and provided screening with parapet walls. The design guidelines suggest that predominant building materials should not include asphalt shingles, except for period architecture. The Applicant has continued to propose the asphalt shingles. Staff looks to the Commission for any modifications in that regard.

Elevations were provided showing the modifications. The balconies were increased in size to meet the minimum standard for a multi-family product. At the rear of the building, there are more subtle changes with more neutral colors. The brick is utilized well in this development. Staff does not feel that the dormers add much to the design and would be comfortable having them removed. There is a nice massing tower with a spire visible from Higley Road. The Applicant has removed the horizontal siding from much of the building and it is now used as an accent feature.

This project is subject to the Agritopia Commercial Design Guidelines which include a Tenant Expression Zone on the bottom floor. Renderings were provided showing how that might allow for some commercial development to activate the commercial space. Those items would come through at a later date when those residential spaces start to develop. The colors and materials are of a similar palette to what was seen at the last study session. Staff is recommending approval of the Agritopia Epicenter project.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Froehlich asked if there are any buildings with asphalt shingles within Agritopia or in the town. What is the town's concern?

Planner Ashlee MacDonald would have to defer to the Applicant as to whether or not asphalt shingles have been used in Agritopia. She believed in Morrison Ranch, the assisted living facility that had similar period architecture is one where the town allowed asphalt shingles. The Design Guidelines call for high quality materials. In this project at such a tall height, it would not be as visible as in a smaller building. That helps staff's comfort level to allow asphalt shingles in this instance.

Commissioner Cavenee was fine with the building and he agreed on the dormers and felt they were small and inconsequential. He would agree for them to go away. He understood the Applicant was trying to get additional parking counts given the mixed-use component, although he was concerned about the parking at the northwest area of the site and how that would integrate into the existing residential. It seems like there would be a parking lot in people's front yards. Looking at the larger plan, there is residential at the northwest edge of the site with no wall or buffer of any kind.

Ms. MacDonald stated there is a screen wall that runs along that portion which is the picket fence seen with Agritopia. There is also considerable landscaping and this plan is consistent with where parking was provided in the original approval in 2014.

Commissioner Cavenee referred to the landscape plan and noted the 15-foot setback. He asked how high the wall would be.

Ms. MacDonald did not know the height of the wall.

Commissioner Cavenee felt the setback would soften it a little bit. Otherwise, he really liked the project and felt it will be a nice addition for that corner. It is very well laid out and he liked how the buildings will be prominent to the corner. He appreciated seeing the ground level commercial integrate with the residential above.

Commissioner Froehlich asked if the signal aligned with the current driveway into Joe's Farm Grill and whether sidewalk ramps or any widening needed for the signal crossing at Ray Road would be done as part of this project.

Ms. MacDonald stated the signal will align with the road to the south. She advised that there are existing sidewalks and ramps there. Any modifications needed for the entrance and the signal will be done as part of the project. The Applicant is also adding a bike lane along the frontage as part of the project.

Commissioner Smith asked about the rooftop sign shown on one of the renderings.

Ms. MacDonald stated there was a rooftop sign. Agritopia is a unique development. When the PAD was adopted for this development, it created a special sign district which outlined a number of unique signs that could exist within this development, including rooftop signs. When the design guidelines for Agritopia were approved in 2014, it solidified the standards of the sign district. That is provided for reference in the packet. This project will still comply with all of those design guidelines that were previously adopted, which does allow for rooftop and other unique sign types.

Chair Andersen invited the applicant to make a presentation.

Joe Johnston, Gilbert resident and partner in the Agritopia project, has been working on Agritopia since 1999, a year after Joe's Real BBQ opened. There are four generations living in Agritopia and this is the capstone piece for the project. Referring to the "topia" part of the name, they have tried to create a community with village life and connectivity where people are known and people of all ages and stages can mix. This capstone project allows people to have more of an urban vibe that brings in the amount of commercial that has been planned since day one to serve the Town of Gilbert focusing on food and health and the best of Arizona. The project provides residential options that allow for people who do not want to own property, but want to have the simpler life with the property managed as an apartment. He advised that the project was ready to pull permits 18 months ago, although a partner had bailed out. There was a silver lining and he was able to find a partner who was even more into architecture, design, quality, and was comfortable with mixed use. That is StreetLights Residential. Mr. Johnston clarified that as part of the agro-commercial area, the Homesteader's House does have asphalt shingles as does the entry monument. It is a material that is used within the community from a historical perspective.

Greg Nadeau, Streetlights Residential, development partner on the Agritopia project, appreciated Ashlee MacDonald and all the town staff for working alongside the team to ensure that the design adhered to all of the town's design criteria that was previously approved for the site. He thanked the Commission for the feedback provided during the March Study Session and subsequent follow-up meetings. The current revisions were influenced by those comments and he felt the team has done a solid job in addressing the Commission and staff comments. He noted that the project architect was in attendance to provide a presentation if the Commission so desired. He offered to answer any questions regarding the project.

Chair Andersen confirmed with the Commission that there was enough information from Ms. MacDonald's presentation and the materials provided that an additional presentation was not needed at this time.

Mr. Nadeau clarified that the screening of the parking at the northwest corner of the site is not a solid wall. There are no solid walls within Agritopia. It is a live screen with a double pipe rail fence that is consistent throughout the neighborhood and the existing retail.

Chair Andersen offered an opportunity for public comment and called upon those that submitted cards.

PUBLIC COMMENT:

Lisa Ballard resides in the Lyon's Gate community across the street from Agritopia. She is vehemently opposed to this design and to the Agritopia Epicenter. Her first reason for her opposition is traffic and congestion. She asked how many board members or the men in suits drive up and down Higley Road on a regular basis. On Higley Road from Ray to Warner, approximately one mile, there are currently six stop lights. She did not want more traffic, more congestion and another stop light added to Ray or to Higley. She noted the congestion from Ray to Warner when the local schools are in session, before or after school, or during events. By adding this complex, you will be adding a huge eyesore, blocking views, and adding more traffic to the already congested area. There have been multiple accidents in and around her neighborhood and even a fatality this past year.

She felt we do not need any more apartments in this area. This project proposes to add 320 more apartments to this area. She asked why? There is an apartment complex on the southeast corner of Higley and Ray. On Power and Ray, there is a large apartment complex currently being built. Near SanTan Village there are two huge apartment complexes already and she understood that the town has approved another one next to the SanTan Mall. There is also an epicenter of apartments being built across from the SanTan Mall on Williams Field and Santan Parkway. On Williams Field between Higley and Recker, there is another large apartment complex. The corner of Higley and Warner is zoned for another apartment complex. On Recker north of Warner, there is a large apartment complex. Within a 5-7 mile radius, we have over 10 large apartment complexes. She moved from her old neighborhood down the street because Gilbert decided to put two large apartment complexes near her home. She did not want to deal with the buildings, the traffic, nor did she want to deal with the type of culture that sometimes comes with those who rent. What is the guarantee that this project and all of these other apartment complexes will fill out? She asked how many have walked the SanTan mall lately? Many of the retail spaces are empty. The Whole Foods building across the street has been empty and passed back and forth and there are multiple spaces behind that currently for rent. The CVS building on Higley and Warner has been vacant and has now been turned into a real estate building. The northeast and southeast corners of Higley and Warner are already zoned for more shopping space. On Recker and Williams Field, Cooley Station is up for more retail spaces and shops, literally within a few miles of this project on Higley and Ray. Most of the newer retail spaces being built have empty spaces that still need to be filled. Why are we building more retail spaces, shops, and restaurants, when you can't even fill the ones that are already built. She grew up in Mesa and there is a reason she moved to Gilbert. When she looks at Mesa, the apartment complexes, the downtown, and the type of complex that Mesa has turned into, she sees what is going to happen to Gilbert in the next 5 to 10 years. She loves Agritopia and the farm feel that Joe Johnston has created, but she is vehemently opposed to what is being proposed there. She voted for a Commission who she thought would represent her in the best interest of Gilbert. She may be one person, although she is a community member in this town. She would like to keep the open feel and the farm feel that Gilbert once had. She asked that this Agritopia Epicenter be reconsidered for this corner and this neighborhood. It does not belong here whether it is a utopia or not. She does not want to see a 60-foot building in her front yard. She wants to see the Superstition Mountains. She asked for the Commission's consideration to either remove this building completely or to redesign it as a single level similar to what is existing in the Agritopia neighborhood.

Chair Andersen noted there were two cards from citizens who were in favor of Item 16, Agritopia Epicenter, but did not wish to speak: Matt Critchley and Kent Xander.

Glen Galatan, Gilbert resident, has lived near Warner and Lindsay Roads for about 15 years. He has known Agritopia and the whole Joe's Farm Grill community and felt Joe Johnston has done so much for this community. Agritopia is a great place and has helped with his property value. As someone who grew up living in apartments, he felt such beautiful apartments would bring in some wonderful people to our community. He is a big supporter of the project and is excited for it. He felt bringing in more business and tax base to the community is something that we need. As one of the fastest growing towns in America, we will need more housing and beautiful housing. He drives those streets every day and has never had a problem with traffic. He was happy that signal lights will be put in that area and felt it will make exiting and entering safer. He rides scooters for a living and safety is a big deal. He supported this project and appreciated that it would bring in more businesses and provide more opportunities for people who do not want houses.

Chair Andersen provided the Applicant an opportunity to respond to the public comments.

Adam Baugh, on behalf of Agritopia Epicenter, understood the sentiments shared, particularly if someone is not aware of the history. What is being proposed today is something that has been in the works dating back a decade or more. The heights, the land uses, the traffic signals, those are all items outside of the purview of design review, but are items related to a zoning case that was established by the City Council by ordinance many years ago. This proposal is in furtherance of that legislative action. At the end of the day, the Streets and Transportation Department determines which traffic signals are warranted and which are not. This proposal is consistent with the zoning that is on the property, the height that are allowed, and uses that have been long

encouraged and approved for this property. This mixed-use retail with residential above has been in the works for a very long time, probably longer than the William Lyons homes have been next door. He appreciated the Commission's consideration for this project.

Commissioner Torgeson clarified that this is a by right use of what is being proposed because of the zoning. As a by right use, he really didn't have anything to say.

Chair Andersen noted as a DR case and going by the design guidelines, it would fit within that zoning.

Nancy Davidson, Assistant Town Attorney, confirmed that was correct.

With no further public comment, Chair Andersen closed the public hearing.

Vice Chair Bloomfield had an opportunity after the last Planning Commission meeting to provide a lot of feedback and comments about the Design Review case. He appreciated the time the team spent to visit and educate him on how they had updated and upgraded the project. Personally, he was excited about the project and felt it fits in well with Agritopia and the dream and the vision. It certainly meets the zoning requirements or zoning cases that have been approved on the property already. All in all, he was pleased with it. Regarding the staff questions on the dormers and shingles, on a pedestrian scale and with the size of the building the dormers won't ever be noticed nor will the shingles. It might be noticed from across the street. He was not necessarily a fan of having the dormers and would leave it to the discretion of the developer, and he was okay with the asphalt shingles. He was in favor of the project.

Commissioner Cavenee appreciated the sentiments of the speakers. One of the unique things that comes with this particular development is the mixed use component. We don't get this much in Gilbert, although where it is done well, we are so lucky to have it. He appreciated having this mixed use opportunity and the Applicant being able to find a developer who is comfortable and willing to do a mixed use piece as it is more complex and unique. One of the speakers mentioned a few nearby sites that are shuttered. This project is unique because it is mixed use. He appreciated that the Applicant went through the trouble with the architect to address many of our concerns. That is well received. He was in favor of this project.

Commissioner Froelich appreciated the explanation that the shingles are incorporated in Agritopia. He was fine with the shingles especially considering the height. The site layout is really good. Where the buildings are closer to Higley, there is commercial on the other side of the road. He felt the Applicant has tried to keep this separated from the communities and closer to the commercial areas. He felt the project brought forth today was much improved over what was seen last time. The team listened to the comments and incorporated them. He felt it was a good product and he would be in favor.

Chair Andersen shared the opinion with other Councilmembers. He was very pleased with the direction the Applicant has gone with the design compared to the original design. It is a tremendous improvement, more so than what was previously approved back in 2014. He appreciated the team listening to the concerns and making those adjustments. As he is originally from the East Coast, he felt dormers just stuck on roofs served no purpose unless they were real dormers that could be used. He would agree to delete the dormers. He suggested including language on the dormers as a stipulation to a motion for approval.

Chair Andersen thanked those who came out to speak on this item.

MOTION: Commissioner Cavenee moved to approve the Findings of Fact and approve DR 19-13 (DR14-29C), Agritopia Epicenter, site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 21.8 acres, generally located at the northwest corner of Higley and Ray Roads and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay, with clarification that the architectural dormers can be removed; seconded by Vice Chair Bloomfield.

Motion passed 6-0.

17. DR19-29 GILBERT GATEWAY COMMERCE CENTER: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 28.63 acres, generally located southwest of Power and Warner Roads, and zoned Light Industrial with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION: Approve the Findings of Fact and approve DR19-29 Gilbert Gateway Commerce Center: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 29 acres, generally located southwest of Power and Warner Roads 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 at the June 5, 2019 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.

Planner Josh Rogers presented the Gilbert Gateway Commerce Center proposed industrial development located southwest of Power and Warner Roads, directly west of the current American Furniture Warehouse. The site is located in Light Industrial (LI) with a PAD. He noted the deviations within the PAD do not affect the Light Industrial site. It was a combined PAD with American Furniture Warehouse and the stipulations only apply to the Regional Commercial (RC) zoning. The Applicant is proposing three light industrial, light manufacturing warehouse buildings totaling approximately 420,000 SF. There is residential to the west and the Applicant has provided a 90-foot retention basin to buffer that residential from the industrial use, which is above and beyond what is required in the Land Development Code (LDC). The separation of the buildings from the western property line equals about 150 feet, which staff feels is above and beyond to help buffer the residential uses to the west. The landscape plan further illustrates the buffer on the western boundary. The elevations were reviewed. The Applicant was aiming for more of an office-type look. The only changes in the elevations from the prior study session is that some colors were switched up for better contrast at staff's insistence. The renderings show a clean, modern, industrial look to the project.

Staff recommends approval of DR19-29 Gilbert Gateway Commerce Center. The applicant was present to answer questions.

Chair Andersen invited the applicant to make a presentation.

Ryan Norris, Trammell Crow, stated he first came to Gilbert about five years ago with a project called Park Lucero, a light industrial project off of Gilbert and the 202. With the success there, we started looking for a new site and worked with American Furniture Warehouse to buy excess land they had purchased on Power Road. This week, the team worked with the neighbors and discussed a separation fence per Town of Gilbert code. It is a requirement to place a block wall fence separating residential from commercial uses on the property line. Discussions have begun with the neighborhood to maintain access to a portion of their residential areas by pushing that back potentially 10 to 15 feet.

The Applicant is providing a 90-foot landscape setback, compared to the 25-foot minimum that is required. The buildings are 150 feet from the property line, compared to the required minimum of 75 feet. The landscape basin on the western side will include non-deciduous trees to help screen the facility from the residential as well as trees clustered in front of the dock areas to screen the truck ports. The majority of the traffic coming into the site will be coming off of Power Road and will enter the site from the east. The buildings have been designed to keep most of the traffic on the eastern half of the site to help with any issues related to the residents.

Chair Andersen offered an opportunity for public comment and called upon those that submitted cards.

PUBLIC COMMENT:

Brandon Ray lives to the west of this project and stated his original concern was answered through the presentation. He noted that 180th Street is a private road on the far west side of the project and he wanted to make sure that the commercial traffic would not be traveling down that road.

Mark Lee lives in one of the five homes that meet up with the west end of the property in question. He expressed his gratitude to the developer for their efforts to expand the buffer area with a nice choice of trees. He felt they really have gone above and beyond. His biggest concern was the block fence that is required by the town zoning on the property line as that could be a potential security risk in his opinion and would not provide adequate leeway for the neighborhood to retain access to the ditch that runs north and south along that corridor. It has been proposed in discussions to extend that 10 to 15 feet beyond the property line, which would be greatly appreciated. The 8-foot wall height for an industrial area seems a bit low. Even though there might be trees there, it would be nice to be able to block some of the sound and to add some security. He would like to have that fence extended perhaps up to 10 feet or so. He understood and appreciated that the developer is willing to work with the neighbors.

Darin Allred also lives west of the subject site. He stated if the wall is pushed up against the property line, it would deter the access to the irrigation ditch. He would like to move that wall a little bit further into the property and extend the wall height beyond the standard 8 feet to block the view of the back of these buildings. He felt the developer has done a great job of creating a nice buffer to the residential considering it is a light industrial area.

Chair Andersen invited the Applicant to address the public comments.

Ryan Norris appreciated the comments from the neighbors. He is working with the neighbors on the location and design of that wall. That will come through per the Town of Gilbert standards as a separation fence modification after this process. The neighbors have been great in meeting with him over the past week and he did not foresee any issues getting that completed.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Vice Chair Bloomfield noted that the buffer on the western side is the downstream side where the project's retention basin will be. If that wall is shifted off the property line, will that impact your retention basin?

Mr. Norris explained that the first 25 feet are generally flat before the basin starts and he did not foresee any issue there. They were initially targeting a 13-foot distance between the property line and the wall, which would allow plenty of room to access and maintain that area. They would not want to move it beyond 25 feet.

Commissioner Cavenee was grateful that the Applicant and residents have been working together. He sensed that the Commission would ultimately be in favor of this project. He would prefer to not necessarily require by any kind of DR deviation height changes or extension of walls. He would leave that to the developer to continue working with the neighbors to accomplish that. He suggested leaving it as a typical DR case with the typical Town of Gilbert standards and let the developer and neighbors work it out.

Chair Anderson suggested as part of the motion for approval to include some broad language in that regard, which would kind of force them to work out any issues.

Principal Planner Catherine Lorbeer stated, as was discussed, there is a separate process called the separation fence modification which will come back to the Commission for approval. Since the Applicant has put on the record their desire to work with the residents to come up with a fence design and appropriate height, she felt that would be adequate for them to come back at a separate time to deal with the fence.

Chair Andersen confirmed that the Commission could approve the item as written as it will come back before the Commission regarding the separation fence. Commissioner Cavenee agreed.

Commissioner Froehlich stated his only concern at the last meeting was the access to the irrigation structure along the road where the residents currently have access. He stated 9 feet was probably not adequate. He would appreciate whatever the applicant can do to work with the community.

There being no further public comment or discussion from the Commission, Chair Andersen closed the Public Hearing and called for a motion.

MOTION: Commissioner Cavenee moved to approve the Findings of Fact and approve DR19-29 Gilbert Gateway Commerce Center: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 29 acres, generally located southwest of Power and Warner Roads and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay, subject to conditions listed in the Staff report; seconded by Commissioner Smith.

Motion passed 6-0.

18. ST18-10, LAYTON LAKES PARCEL 4: Four (4) new Standard Plans (135.1503, 136.1700, 136.1831, and 136.2046) by KB Home, for 75 Lots on approximately 19.6 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.

STAFF RECOMMENDATION: Approve the Findings of Fact and approve ST18-10, Layton Lakes Parcel 4: Four (4) new Standard Plans (135.1503, 136.1700, 136.1831, and 136.2046) by KB Home, for 75 Lots on approximately 19.6 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, subject to conditions:

1. All standard plans shall meet the requirements set forth in the Resolution of the Design Review Board adopting standard residential house plan conditions approved on December 14, 2000.
2. All standard plan elevations shall be built per exhibits approved by the Planning Commission/ Design Review Board as presented at the public meeting of June 5, 2019.

Senior Planner Nathan Williams noted that ST18-10, Layton Lakes Parcel 4, came before the Commission in a study session last fall. The site is located at the northwest corner of Lindsay and Queen Creek Roads and was rezoned last year to Single Family-Detached (SF-D) to allow 75 oversized home lots. There have been a few changes since last fall. The Applicant, KB Home, is now proposing four standard plans, all one story, ranging from 1,500 to just over 2,000 SF. Comments from the previous study session were based on the architectural themes. Staff felt the Applicant has done a nice job of revising items within those themes as outlined in the Staff Report. Staff is recommending approval for ST18-10, Layton Lakes Parcel 4.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Froehlich declared a conflict of interest and recused himself from the discussion.

With no requests to speak from the audience, Chair Andersen closed the public hearing.

There being no discussion from the Commission, Chair Andersen called for a motion.

MOTION: Commissioner Cavenee moved to approve the Findings of Fact and approve ST18-10, Layton Lakes Parcel 4: Four (4) new Standard Plans (135.1503, 136.1700, 136.1831, and 136.2046) by KB Home, for 75 Lots on approximately 19.6 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, subject to conditions listed in the staff report; seconded by Vice Chair Bloomfield.

Motion passed 5-0, with Commissioner Froehlich abstaining due to a conflict of interest.

- 19. GP18-15 CADIZ:** Request for Minor General Plan Amendment to change the land use classification of approx. 9.99 acres generally located south of the southeast corner of Greenfield and Germann Roads from Residential >0-1 DU/Acre to Residential > 3.5-5 DU/Acre.

STAFF RECOMMENDATION: Move to recommend to the Town Council approval of GP18-15, Cadiz: request for minor General Plan amendment to change the land use classification of approx. 9.99 acres generally located south of the southeast corner of Greenfield and Germann Roads from Residential > 0-1 DU/Acre to Residential > 3.5-5 DU/Acre.

- 20. Z18-29 CADIZ:** Request to rezone approximately 9.99 acres of real property generally located south of the southeast corner of Greenfield and Germann Roads from Single Family-43 (SF-43) zoning district to Single Family Detached (SF-D) zoning district with a Planned Area Development overlay zoning district (PAD).

STAFF RECOMMENDATION:

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 Z18-29 rezoning approx. 9.99 acres generally located south of the southeast corner of Greenfield and Germann Roads from Single Family-43 (SF-43) zoning district to approx. 9.99 acres of Single Family-Detached (SF-D) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.

- a. Dedication to Gilbert for Superstition 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 Superstition Drive shall extend 25 feet from the monument or center line.
- b. Construction of off-site improvements to Superstition Drive adjacent to the Property 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.
- c. 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 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.
- 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. 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.

- f. Developer shall record easements to be owned by the HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. Such easements shall be open to public access and use.
- g. 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-D PAD
Minimum Lot Area (sq. ft. per DU)	2,680 sq.ft.
Maximum Height (ft.)/Stories	30’/2-story
Lots Adjacent to Eastern Boundary (See Development Plan)	22’/1 story
Minimum Building Setbacks (ft.) (Lots less than 3,000 sq.ft.)	
Front	10’ (5’ only on lots with the optional detached bonus room)
Side	0’ or 5’.
Rear	5’
Minimum Building Setbacks (ft.) (Lots larger than 4,500 sq.ft.)	
Front	10’ (5’ on up to 50% of the lot)
Side	0’ or 5’
Rear	5’
Maximum Lot Coverage (%) (Lots less than 3,000 sq.ft.)	

One Story	60 % (65% with the optional detached bonus room)
Two Story	56% (65% with optional detached bonus room)
Maximum Lot Coverage (%) (Lots larger than 4,500 sq.ft.)	
One Story	65%
Two Story	56%
Optional Detached Structure (bonus room) (Lots less than 3,000 sq.ft.)	Permitted on 50% of the lots.
Side Setback – required minimum distance between dwelling units per LDC 2.104.D.	5' (1' with optional detached bonus room)
Covered Patios per LDC 2.106.E.2. (Lots less than 3,000 sq.ft.)	60 sf uncovered (hardscaped)
Covered Patios per LDC 2.106.E.2. (Lots larger than 4,500 sq.ft.)	In the side yard, 600 sf uncovered private open space (with minimum of 60 sf hardscaped)
Common Open Space (Gross)	27.5%

- k. A Fair Disclosure Agreements and covenants, all final subdivision plats and public reports filed with the Arizona Department of Real Estate should include the following notice: This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes.
- l. Sales and leasing offices established for new subdivisions and residential development projects should provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice should consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales office or leasing office at each project. The sign should be installed prior to commencement of sales or leases and should not be removed until the sales office is permanently closed or leasing office

no longer leases units in the project. The sign should state the disclosure in note 1 with letters of at least one (1) inch in height.

- m. The developer should be encouraged to incorporate features into the design and construction of buildings where people live, work, or are otherwise received to achieve an outdoor-to indoor noise level reduction of 25 decibels.

Planner Josh Rogers reviewed GP18-15 and Z18-29 Cadiz, request for a General Plan Amendment and rezone for property located south of the southeast corner Greenfield and Germann Roads. He noted that the Stratford piece is proposed at the southwest corner and the future Bellamy residential has been approved to the north. The subject site is approximately 9.99 acres and the Applicant is requesting a minor General Plan change from > 0 - 1 DU/Acre to > 3.5 - 5 DU/Acre. The Applicant is also asking for a rezone of the current Single Family-43 (SF-43) zoning designation to Single Family-Detached (SF-D) with a PAD.

The Landscape Plan was provided for reference only and would come forth with the Preliminary Plat if this request is approved. There are two different lot sizes proposed at just over 2,600 SF and 4,500 SF. The smaller lots are strategically placed on the west side of the parcel with the larger lots on the east to buffer the single family acre-lot residential directly to the east.

The Applicant is requesting deviations to reduce the minimum lot area, increase the maximum lot coverage for each individual lot, reduce the front yard setback on the smaller lots to allow for a bonus room and a similar type of encroachment on the larger lots. Deviations are also requested to decrease the rear yard setback and move what would traditionally be the back yard to the side of the lot. They are requesting to reduce the minimum distance between the dwelling units, and to not require that the patios be covered due to the proximity of the structures. On the smaller lots, the proposed bonus room would be allowed on 50% of the lots and the other 50% would have an open courtyard. On the larger lots, part of the structure would extend into the front yard to provide character to the street front. Staff is recommending approval for these requests. The Applicant is present for any questions.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Chair Andersen referred to letters in opposition from the neighborhood included with the Staff Report as well as one letter in support. He asked how the neighborhood meeting went.

Mr. Rogers stated there were four to five people at the neighborhood meeting and he believed those were the same people that wrote letters regarding concerns with the density.

Vice Chair Bloomfield noted a lot of feedback from the Commission at the previous study session. There have been changes made. He asked if staff was generally in support of this plan and whether they felt the concerns have been resolved.

Mr. Rogers stated staff is generally supportive as the Applicant is offering a significant amount of open space, over 27% gross, 30% net landscape open space directly on Greenfield. This is not a walled-in subdivision so they have attempted to make it as open as possible and conform to the intent of the Santan Character Area.

Vice Chair Bloomfield indicated that Mr. Rogers had inadvertently answered some of his concerns. This is a nice rectangular piece of property that has a lot of requested deviations, with the benefit for the town being the open space as required in this character area.

Mr. Rogers noted that the town requires 10% open space per the Santan Character Area. The Applicant has gone above and beyond what is normally required by the town.

Chair Andersen invited the applicant to provide a presentation.

Attorney Stephen Earl is a resident of Gilbert. He introduced Reed Porter, resident of Gilbert for over 20 years, President of Trend Homes, Ryland Homes, and CalAtlantic Homes, who has built thousands of homes in the

East Valley. Mr. Porter retired from those large corporate homebuilders in order to focus on small infill parcels that basically defy any use. That is what we have here. We are requesting a General Plan amendment and rezoning case in order to fit this project into this specific location. This parcel which is just under 10 acres is located below the recently approved Lennar Bellamy community. To the east is White Wing, to the west is the water treatment plant and the youth Soccer Complex. With the school to the south, Bellamy to the north, and the two single family homes to the east, there really is no other way to expand this site. There was some confusion at the first study session that the Applicant was seeking all two-story and that this would be similar to the project at Ray and Val Vista. This is dramatically different just by way of the Character Area. Both the General Plan and the Character Area call for diversity of housing to meet different income levels, as well as creating innovative housing. One of the challenges from the very beginning, which is the reason for the deviations, is that back then the town did not have a category for detached villa units. They don't fit squarely into a townhome project or an SF-D project. SF-D normally includes a backyard and limited side yard. This project has a large side yard and limited back yard. SF-D was the only one that could be used to zone this property although that did require a series of deviations. He noted the overall density of the corner section, of which this 10 acres is a part, is 2.5. Looking at the larger section, the density is 1.55. The Staff Report also notes a number of large master planned communities in the Santan Character Area such as Seville, Layton Lakes, Freeman Farms, Shamrock Estates, and Adora Trails, all of which have small lot development inside. With regard to the letters previously referred to, Mr. Earl advised that those letters were from residents about a mile away except for one adjacent neighbor. The primary concern raised at that time was having a paved street that ends in a cul-de-sac. The residents had been using a dirt road for many years. They don't have city water, sewer, or even Cox Cable. We are providing all of that to them and have worked out the cul-de-sac so they can get in and out of their lot safely. The plan is 31% net open space, which is unheard of. That was accomplished by moving all the units back from Germann Road. The minimum distance is 55 feet to an internal street, where you would normally see 10 to 20 feet of landscaping. At both the north and south end, there is up to 180 feet. The main entrance features an open space area of more than a football field. The impression from Greenfield Road is that this is a small enclave of beautiful homes in an innovative creative setting that are way back off the road. We are building with Lennar the Superstition Drive to provide access to the east. We will install 24-inch box trees with the species to be determined by the adjacent neighbors outside of our development. On the east side of this development, all of the homes are one story so that no neighbor is next to a two-story home.

Unlike a lot of normal single family detached homes where the backyard might be the predominant area, it is the side yard here with 16 feet in width, which is a significant area that will allow for indoor/outdoor living with outdoor kitchens, water features, hardscape, seating, and shade. Because these buildings are essentially less than 20 feet apart, the only time of day this area won't be shaded is high noon. No private parking will be allowed on the streets at all. The driveways are 20 to 22 feet which will allow for visitors parking. There are a number of places throughout the subdivision where visitors can park along the edges. There are significant trail systems along the north, south, and west sides, which is an important feature for the character area.

The significance of having a portion of the house forward from the garage is to eliminate the garage dominance. Another important feature is that all the front yard landscaping will be installed by the developer and maintained by the HOA. That is important for people who want a beautiful home and want to have simple outdoor living with extremely nice amenities. This item will come back for Design Review. There are no sliding glass doors, but sliding walls to provide outdoor living space. Mr. Earl believed they have met the principles of the Santan Character Area and the General Plan. It is a beautiful plan that people will want to live in. The Applicant agrees with staff's stipulations.

Commissioner Cavenee felt the Applicant has done great a job in a couple other projects that this Commission has reviewed and supported, although he just does not see this one. There is SF-43 to the south and SF-43 to the east. This is being proposed to change from SF-43 to SF-D with a ton of variances to the zoning requirements. He did not think it was a good transition from the existing zoning. He understood the argument that it is an infill parcel, although he does not see it given the area and felt the adjacent properties may not ever change. He cannot get behind the densities. He knows this Applicant provides a great product and they have been very kind

and articulate in sharing how they do things and he did support that. He asked how we can justify that kind of a move from SF-43, with adjacent property still being SF-43, down to SF-D with all of the requested variances.

Mr. Earl understood Commissioner Cavenee's concerns when looking at the Santan Character Area. That is why they have spent a lot of time with staff. He again pointed out the many developments in the Santan Character Area that have some type of small lot development inside. The difference here is that it is out on Germann Road. It is hard to understand how this parcel could be used for anything legitimate with single family small lot development to the north, a school to the south, and the water treatment plant and soccer fields to the west. The concerns of the two lots to the east have been addressed with the buffer, the single story, open space, and the series of trees. According to the General Plan, the principles are a balance of housing types, creating new and innovative housing opportunities accessible to a range of income levels, and infill sites in growth areas where resources and infrastructure are already in place. We looked at all of those things and the principles of the Santan Character Area. This is a very unique situation with a parcel under 10 acres. It is hard to think of any other use that would go here that would make such a great impression as you drive down the street and see this beautiful project set way back with lots of open space.

Commissioner Cavenee heard what Mr. Earl was saying and appreciated all the work that has gone into this plan. He would not give up on this lot for other uses and felt it is a coveted lot with the street frontage.

Commissioner Froelich asked how the deviations compared to the project the Commission approved recently, Andalucia. Are they similar or are you asking for more?

Mr. Earl stated they are very similar. He did not believe there were any that asked for more of a deviation. It has to do with the fact that SF-D was not designed for detached townhomes. There is not a district in the town that calls for a detached townhome. These are unusual innovative villa units. We came back with three times the amount of open space and triple the frontage open space along the street.

Commissioner Froehlich asked about the road that will be constructed on the north side of the property. How wide is that road and will that allow access to your residents as well as to the existing residents? Is the property owner to the east okay with that shared access?

Mr. Earl stated that is called Superstition Drive and it will match what was approved on the north side in Bellamy. It would be a normal full local street with sidewalks, landscaping buffer, water lines, sewer lines, and cable lines, all going back to those two homes. As of now, they are living in the county and have no domestic water or sewer or access to cable. The road provides access to the two residents immediately to our east. It will be a cul-de-sac for their purposes. Our property will be able to access the road as well. The property owner to the east is okay with it because it is a normal full street. Our primary access is off of Greenfield Road.

Commissioner Froehlich appreciated the explanation. That helps him better understand the project. He personally liked the product, although he felt this particular parcel is pretty landlocked. He appreciated the explanation that there are similar densities within larger communities in this Character Area. He liked what was done with the offset from the road and there is a lot of open space. He felt they did a really good job and liked how the two-stories were brought closer to Germann. He would be in favor of the proposal.

Chair Andersen noted the earlier comment that the streets and parking were designed to not allow guest parking on the 26-foot wide drives. He asked how that will be controlled. That type of driveway is what you would typically see in multi-family, not for a single-family development. With a large party, that drive can get congested very quickly.

Mr. Earl stated they have tried to provide a significant amount of guest parking in addition to the driveways in front of the homes. The garages will be used for the homeowner parking so guest space will be available in front of the home. There are a significant number of additional guest spaces provided throughout the project. Too many cars parked on the streets tends to junk up the neighborhood. The homes were designed with the house coming forward, so the driveway is really hidden.

Chair Andersen asked how the guest parking was determined. Per the design code for a single-family you would have to provide a certain amount of parking. Did you just calculate a certain percentage on top of that?

Mr. Earl indicated that is how the amount of guest parking was determined.

Commissioner Froehlich asked how the no parking areas could be regulated. Are there signs?

Mr. Earl advised that there will be signs on all of the local streets that state no parking is allowed on the street.

Chair Andersen offered an opportunity for public comment. There were no requests to speak on the item and he closed the Public Hearing.

Catherine Lorbeer clarified that the project is located on Greenfield Road. It does not front on Germann Road as was stated during the discussion.

Commissioner Cavenee appreciate all the work that has gone into this project. He acknowledged that he may be outvoted, although he did not think this is the right fit for this property. He felt there was plenty of opportunity for this parcel for something better in the future. He will be voting no.

With no further discussion from the Commission, Chair Andersen called for motions.

MOTION: Commissioner Froelich moved to recommend to the Town Council approval of GP18-15, Cadiz: a Minor General Plan Amendment, to change the land use classification of approx. 9.99 acres generally located south of the southeast corner of Greenfield and Germann Roads from Residential > 0-1 DU/Acre to Residential > 3.5-5 DU/Acre, subject to conditions listed in the Staff report; seconded by Commissioner Smith.

Motion passed 5-1, with Commissioner Cavenee opposed.

MOTION: Vice Chair Bloomfield, for the reasons set forth in the staff report, moved to recommend approval to the Town Council for Z18-29 Cadiz, as requested, subject to the conditions listed in the staff report; seconded by Commissioner Froehlich.

Motion passed 5-1, with Commissioner Cavenee opposed.

21. **Z19-03 LDC TEXT AMENDMENT – HIGH DENSITY MULTI-FAMILY:** Request to amend the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 1 General Provisions, Division 2 Land Use Designations, and Division 6 Use Definitions; the Glossary of General Terms; and the Appendix 1 Graphics, related to the creation of a Multi Family – High Density Zoning District.

STAFF RECOMMENDATION: For the reasons set forth in the staff report, the Planning Commission moves to recommended to the Town Council approval of Z19-03, a request to amend the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 1 General Provisions, Division 2 Land Use Designations, and Division 6 Use Definitions; the Glossary of General Terms; and the Appendix 1 Graphics, related to the creation of a Multi Family – High Density Zoning District.

Planner Sydney Bethel reviewed the proposed text amendment related to the creation of a new multi-family zoning district that coordinates with the existing General Plan land use classification of Residential >25 - 50 DU/Acre. This was initially discussed at the fall retreat by Town Council in regards to removing a use permit that would allow multi-family (MF) ground floor in Regional Commercial (RC), and creating a high density multi-family zoning district and a mixed use district. On April 3, 2019, the Commission heard the first presentation on this item and initiated the text amendment. The item was scheduled for a hearing on May 1, 2019, and was continued to allow for further staff research.

The Gilbert General Plan contains a land use designation of Residential >25-50 DU/Acre, however there is no corresponding multi-family zoning district that exists. The two currently existing multi-family zoning districts

are Multi Family - Low (MF-L), 8 - 14 DU/Acre, and Multi Family - Medium (MF-M), 14 - 25 DU/Acre. As we saw with the Agritopia Epicenter presentation tonight, Residential with loft above is permitted by right in certain commercial zoning districts. There is technically no density limit on these loft above units and we have not seen many in Gilbert. The primary goal of the proposed LDC text amendment is to provide a zoning designated to match the existing General Plan land use designation. The new zoning district would allow for a higher density more urban type of development to provide a greater diversity of housing. The intent is to allow for intensive developments on a case by case basis where appropriate. Some ideal locations for denser development would include close proximity to commercial and employment districts in order to support those types of uses.

Ms. Bethel will review some of the highlights of the text changes. The proposed standards, especially setbacks, are similar to the Regional Commercial (RC) zoning district, except that setbacks were further reduced when not adjacent to single family. All of the uses will align with the Multi-family - Medium (MF/M) and there is nothing that deviates from what is allowed or not allowed in MF/M. The required open space was reduced to 25%. The typical for MF-M and MF-L is 40%. The common open space tree requirement was reduced to .25 trees per unit. The traditional is one tree per unit. An alternate activity amenity of 400 SF may be allowed in lieu of a children's play area. Indoor or rooftop pools and amenities can be counted toward the required open space amenities per code. This will provide more flexibility while providing those amenities.

Since the Commission last saw this item, staff has added provisions from the feedback received from the Commission and from multi-family developers. Those provisions include a further reduction in setbacks if adjacent to multi-family or non-commercial and a reduction in setbacks if the development is under 40 feet and adjacent to single-family residential. Forty feet is the maximum height permitted in MF-M. The requirement of 60 SF of private open space is proposed to be reduced or eliminated if an additional 10% in common open space is provided. This is to allow more group activity in lieu of private open space. There are some modifications to the swimming pool/enclosed community facility requirements. As opposed to a strict number currently in the code, it will be based on the unit count; 10 SF per unit is proposed and they can be divided into multiple areas within the development.

Staff recommends approval to the Town Council of the proposed text amendment.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Cavenee noted that the required swimming pool and enclosed community facility would be 10 SF per unit. He asked if that was for each amenity or combined.

Ms. Bethel advised that those are separate provisions that she had combined for convenience in the slide. The swimming pool provision traditionally requires 600 SF and that will stay the same for the MF-L and MF-M. Traditionally, 1,000 SF of community facility is required.

Chair Andersen understood the town was currently going through a General Plan Amendment. He asked if this amendment would be incorporated into that and whether certain designations around town were being explored where these changes would work. If a developer is looking for this designation, would they just need to go through the General Plan amendment and rezoning process?

Principal Planner Catherine Lorbeer advised that through the 2020 General Plan Update, we are not proposing any land use amendments that would change specific areas to the >25-50 DU/Acre. This is something that would occur on a case by case basis as appropriate areas come online, perhaps in vertical overlay areas, growth areas, commercial or other non-residential areas as appropriate. Those cases would come to the Commission and then on to the Council for those decisions.

Chair Anderson asked for confirmation that there are no plans to designate areas as having a right to do this.

Ms. Lorbeer stated no, it would need to go through an amendment process.

Chair Andersen asked how this would work with the parking code as there is currently a hefty requirement for closed garages for these types of products.

Ms. Lorbeer stated there will be a closer look at those standards in the parking section with this zoning district. That was not addressed with this amendment. There is a Council subcommittee looking at an entire refresh of the zoning code. The parking section as a whole is a pretty detailed portion and it will take time to refine those standards. She would appreciate any ideas moving forward.

Chair Andersen offered an opportunity for public comment. There were no requests to speak on the item and he closed the Public Hearing. The discussion was brought back to the dais.

Commissioner Torgeson felt there was less open space by far and the setbacks are reduced by far. If we are trying to maintain some sort of character for this town, why are we expanding that out? If anything, we should keep the setbacks similar to the lower densities and keep the open space at the 40 to 45%. He has lived in something that would absolutely qualify for this back in the 80s. It is not pretty, it is not nice, and it becomes a parking nightmare. Aesthetically, that is exactly what this town has avoided for a very long time. We are encouraging a big gray block that will take up 75% of the acreage that is there. We are encouraging higher density and less space. That does not sound like a quality of life that this group has discussed regularly. He was absolutely flabbergasted that there is no thought process into this. If you want density, build it up, but leave that open space so at least there will be an appearance of quality of life. He was vehemently opposed to this proposal as it is written.

Chair Andersen thought the product that this is trying to attract is more of what is seen along Tempe Town Lake. It is that type of little pockets within the town that we are trying to create. He did not think this was the type of product that would go into something that is strongly residential such as the Islands. In the Santan mall area, he could see a 4 or 5 story product working there or in those types of pockets. He agreed with Commissioner Torgeson's comments, and did not think the way it is written would work for the more residential and suburban areas, but for an urban area that we are trying to create an environment or a vibe like what is happening along Tempe Town Lake where all those 4 and 5 story housing projects are being built. He was familiar with SALT and noted that right now, most of the multi-family projects are infill projects and they are going into 10-12 acre lots and into commercial, regional commercial, and industrial pockets where they are allowed that verticality. He was in support of the text amendment, although there are a couple things he would change as they are challenging to design for multi-family. All in all, this is a good starting point. As we get more cases in Gilbert that want to utilize this new category, it will be a trial and error to see what works and we will continue improving it along the way.

Commissioner Cavenee appreciated the Chair's thoughts. As we have watched products come into Gilbert, we have seen a gradual growth for Gilbert to become more than just a farm-like community. Some products even have a city center kind of feel. We want to do it right, and the way it was previously addressed was through the mixed use opportunity and we ended up with places like the Flats at SanTan and we almost had one at City Gate. Trying to mix it with the mixed use piece wasn't happening. We had to step back and find a way to accommodate the developers' requests to meet this very unique population. It does not belong everywhere in Gilbert, although we can help tailor those locations as projects come in. We want to prepare for the increased densification and perhaps some city center type opportunities as the developers are able to bring that class of product here. We have an opportunity here to carefully utilize this to meet a demand that is happening for this type of product.

There being no further discussion from the Commission, Chair Andersen called for a motion.

MOTION: Vice Chair Bloomfield, for the reasons set forth in the staff report, moved to recommend approval to the Town Council for Z19-03, as requested; seconded by Commissioner Cavenee.

Motion passed 5 -1, with Commissioner Torgeson voting no.

22. Z19-02 LDC TEXT AMENDMENT- GVC AND GBC SIGN CODE: Request to amend the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.4 Sign Regulations; Division 5 Administration, Article 5.6 Design Review; Division 6 Use Definitions; the Glossary of Terms; and Appendix 1 Graphics related to sign regulations in the Gateway Village Center and the Gateway Business Center Zoning Districts.

STAFF RECOMMENDATION: For the following reasons: the proposed regulations 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 Z19-02, a request to amend Land Development Code regulations: related to sign regulations in the Gateway Village Center (GVC) and Gateway Business Center (GBC) zoning districts, create a Gateway Sign Plan for sign programs within the GVC and GBC zoning districts, and create a process for Design Review Board/Planning Commission approval of a Gateway Sign Program.

Planner Stephanie Bubenheim reviewed the Land Development Code (LDC) text amendment to update the sign code in regards to the Gateway Village Center (GVC) and the Gateway Business Center (GBC) zoning districts. This item came before the Commission at the March study session to initiate citizen review and the text amendment. This refers to the Gateway Character Area and the two areas that are still zoned GVC or GBC. There are currently approximately 61 gross acres of GVC and about 38 acres of GBC. She noted that the northeast corner of Williams Field and Recker Roads was under a rezoning case tonight proposed for Multi Family-Medium (MF-M). Currently, the sign code contains no regulations for GVC or GBC. That was intentionally left out in 2017 when the major update was done to the sign code in order to see what would happen with that area. Now that development is coming in, we will be completing that process. The only new addition is a Gateway Sign Plan which was modeled after the Heritage Sign Plan. The power point outlines each section within 4.4 that will be updated. We are also updating Section 5.6 Design Review to make sure the Gateway Sign Plan can be approved by the Design Review Board, Planning Commission, or administratively.

Staff looks to the Planning Commission to recommend approval to Town Council of these text amendment updates.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Cavenee asked what is the distinction when something comes before the Design Review Board versus being administratively approved.

Ms. Bubenheim stated for comprehensive sign plans and the Heritage or Gateway Sign Plan, if a request follows the Code, Section 4.4, Planning staff is able to approve it administratively. If it deviates from the sign regulations, it would come before the Planning Commission.

Chair Andersen offered an opportunity for public comment. There were no requests to speak on the item and he closed the Public Hearing. The discussion was brought back to the dais.

There being no further discussion from the Commission, Chair Andersen called for a motion.

MOTION: Vice Chair Bloomfield, for the reasons set forth in the staff report, moved to recommend approval to the Town Council for Z19-02, as requested; seconded by Commissioner Cavenee.

Motion passed 6-0.

ADMINISTRATIVE ITEMS

23. Planning Commission Minutes - Consider approval of the minutes of the Study Session and Regular Meeting of May 1, 2019.

MOTION: Vice Chair Bloomfield moved to approve the minutes of the Study Session and Regular Meeting of May 1, 2019; seconded by Commissioner Cavenee.

Motion passed 6-0.

COMMUNICATIONS

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

Chair Andersen complimented Catherine Lorbeer on a link that was sent out with a map of Gilbert showing what is happening in the town in terms of developments. It is very nicely done aesthetically. He did not know of other cities or towns with a similar map. It is a cool link to have available to the public.

25. Report from Planning Services Manager on current events:

Catherine Lorbeer appreciated the compliment. Enhancing that public hearing map was the Wildly Important Goal this year and the entire Planning staff contributed to that. It was inspired by a map done by the City of Santa Clara, although we took that even farther and made some great enhancements. That map will continue to evolve over time. She appreciated the feedback.

Chair Andersen commented that the map looks like a million dollars was invested into putting that together.

Ms. Lorbeer stated it was all done using a template and staff resources.

Ms. Lorbeer reported that we are in the next phase of public comment on the General Plan to gather additional input on the themes we are planning to pursue. She encouraged the public to visit the town website and go to the 2020 General Plan. There is a link to the interactive website where people can take a survey and provide comments.

Ms. Lorbeer introduced Eva Cutro, the new Planning Division Manager.

On behalf of the Planning Commission, Chair Andersen welcomed Eva Cutro to the Planning staff.

ADJOURNMENT

With no further business before the Planning Commission, Chair Andersen adjourned the Regular Meeting at 8:13 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary