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Planning Commission
Staff Report

TO: **PLANNING COMMISSION**

FROM: **JOSH ROGERS, PLANNER II** JR
(480) 503-6589, JOSH.ROGERS@GILBERTAZ.GOV

THROUGH: **AMY TEMES, INTERIM PRINCIPAL PLANNER**
(480) 503-6729, AMY.TEMES@GILBERTAZ.GOV

MEETING DATE: **AUGUST 1, 2018**

SUBJECT: **Z18-15, WETTA VENTURES: REQUEST TO REZONE APPROXIMATELY 19.68 ACRES OF REAL PROPERTY GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF POWER AND WARNER ROADS FROM MARICOPA COUNTY AIRPORT DISTRICT THREE (AD-3) ZONING DISTRICT TO TOWN OF GILBERT LIGHT INDUSTRIAL (LI) ZONING DISTRICT.**

STRATEGIC INITIATIVE: Economic Development

To allow industrial business development per the General Plan.

RECOMMENDED MOTION

A. For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z18-15, as requested, subject to the conditions listed in the staff report.

APPLICANT/OWNER

Company:	Gammage & Burnham, P.L.C.	Company:	Beverly Ann Howard Trust
Name:	Michael T. Maerowitz	Name:	Beverly Howard

Address:	2 N. Central Ave, 15th Floor Phoenix, AZ 85004	Address:	4562 E. Encanto St. Mesa, AZ 85205
Phone:	602-256-4437	Phone:	N/A
Email:	mmaerowitz@gblaw.com	Email:	N/A

BACKGROUND/DISCUSSION

History

Date	Description
August 2, 2018	Town Council will hold the first public hearing on A18-04 for annexation of the subject site.
To be determined	Town Council will hold the second public hearing on A18-04 for annexation of the subject site.

Overview

The subject site is located approximately a quarter-mile west of Power Road on the south side of Warner Road and is currently pending annexation into the Town. The applicant is requesting to rezone approximately 19.68 acres from Maricopa County Airport District – Three (AD-3) to the Town of Gilbert Light Industrial (LI) zoning district.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Business Park	Business Park (BP) Planned Area Development (PAD)	Warner Road then Vacant
South	Light Industrial / Regional Commercial	Light Industrial / Regional Commercial (PAD)	Vacant/American Furniture Warehouse
East	Light Industrial	Light Industrial / Maricopa County AD-3	Warehousing/Misc. Industrial Uses
West	General Office	General Office	Vacant
Site	Light Industrial	Maricopa County AD-3	Vacant

Rezoning

The applicant is requesting a rezone from Maricopa County Airport District – Three to Town of Gilbert Light Industrial on 19.68 acres. The proposed Light Industrial zoning district is considered a comparable zoning district to its current County zoning designation and conforms to Gilbert's General Plan land use classification of Light Industrial. As a part of this zoning request, the applicant will be dedicating land for expanding the existing Warner Road right of way to the north, the Nunnelly Road right-of-way to the south, and the future Swan Drive to the west. Future development of the vacant site will require Design Review.

Project Data Table (conventional zoning)

Site Development Regulations	Proposed LI
Maximum Height (ft.)/Stories	55'/3
Minimum Building Setbacks (ft.)	
Front	30'
Side	20'
Minimum Required Perimeter Landscaping Area (ft.)	
Front (Arterial)	25'
Front (Collector)	20'
Side (Street)	20'

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

A neighborhood meeting was held on April 30, 2018 at 6 p.m. No residents attended the meeting.

Staff has not received any comments from the public.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.

2. All required public notice has been conducted in accordance with applicable state and local laws.

3. All required public meetings and hearings have been held in accordance with applicable state and local laws.

4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."

STAFF RECOMMENDATION

A. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approve of Z18-15 rezoning approx. 19.68 acres generally located west of the southwest corner of Power and Warner Roads from approx. 19.68 the Maricopa County Airport District – Three zoning district to approx. 19.68 acres of Light Industrial zoning district subject to the following conditions.

a. Dedication to Gilbert for the Warner Road 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.

b. Dedication of Warner Road shall extend 70' feet from the center line.

c. Dedication to Gilbert for Swan Drive and Nunnelley Road right-of-ways that are adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Swan Drive shall extend 40 feet from the property line or as otherwise approved by the Town Engineer. Dedication of Nunnelley Road shall extend 30 feet from the property line.

d. Construction of off-site improvements to Warner Road, Swan Drive, and Nunnelley Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earliest. If Gilbert constructs the improvements to Warner Road required by this Ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to the earlier of issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.

e. Prior to the earlier of issuance of the first building permit or at the time of recordation of the final plat, Developer shall enter into a Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements to Warner Road as part of its capital improvements program. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Reimbursement and Lien Agreement.

f. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.

g. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.

h. 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.

Respectfully submitted,

Joshua Rogers

Josh Rogers
Planner II

Attachments and Enclosures:

1) Notice of Public Hearing
2) Aerial Photo
3) Zoning Exhibit
4) Legal Description

Notice of Public Hear

PLANNING COMMISSION DATE: ***Wednesday, August 1, 2018* TIME: 6:00 PM***

*** Call Planning Department to verify date and time: (480) 503-6589**

LOCATION: Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive
Gilbert, Arizona 85296

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission.

REQUESTED ACTION:

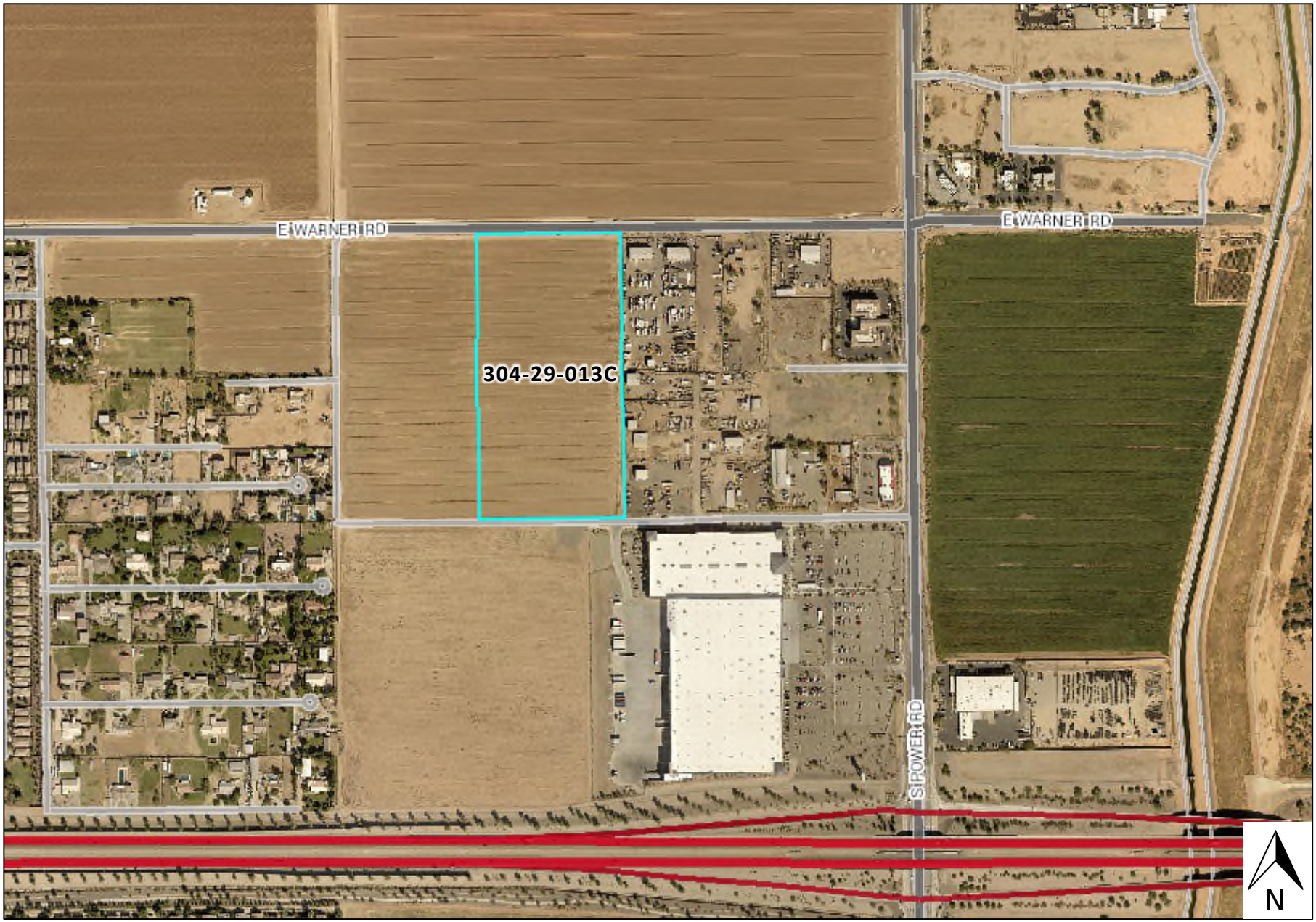
Z18-15: Request to rezone approximately 19.68 acres of real property generally located west of the southwest corner of Power and Warner Roads from Maricopa County Airport District Three (AD-3) zoning district to Town of Gilbert Light Industrial (LI) zoning district. The effect of the rezoning will be to give the property comparable Town of Gilbert zoning and to dedicate Right of Way's to the Town.

SITE LOCATION:

APPLICANT: Gammage & Burnham PLC
CONTACT: Michael Maerowitz
ADDRESS: 2 N Central Avenue, 15th Floor
Phoenix, AZ 85004

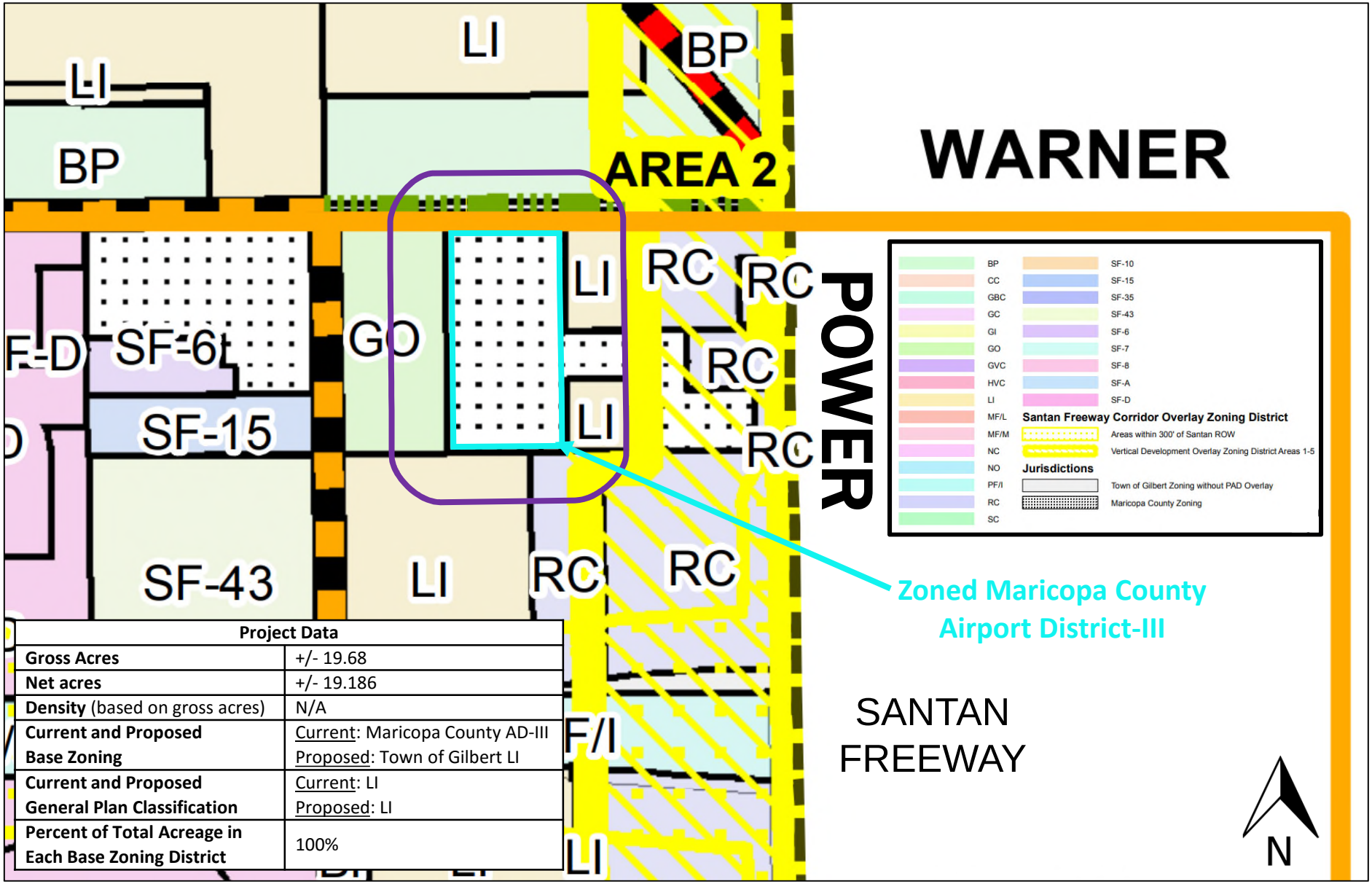
TELEPHONE: (602) 256-4437
E-MAIL: mmaerowitz@gblaw.com

AERIAL MAP



Prepared April 16, 2018

ZONING EXHIBIT



Project Data	
Gross Acres	+/- 19.68
Net acres	+/- 19.186
Density (based on gross acres)	N/A
Current and Proposed Base Zoning	Current: Maricopa County AD-III Proposed: Town of Gilbert LI
Current and Proposed General Plan Classification	Current: LI Proposed: LI
Percent of Total Acreage in Each Base Zoning District	100%

Prepared April 16, 2018

Maricopa County APN 304-29-013C

Zoning within 300-feet

GROSS DESCRIPTION FOR WETTA VENTURES GILBERT

The East half of the West half of the North half of the Northeast quarter of Section 24, Township 1 South, Range 6 East of the Gila and Salt River Base and Meridian, being more particularly described as follows;

COMMENCING at the Northeast corner of said Section 24, monumented with a brass cap in handhole which bears, North 01 degrees 05 minutes 51 seconds West 2628.46 feet from the East quarter corner of said Section 24, monumented with a brass cap in handhole;
Thence along the North line of the Northeast quarter of said Section 24, South 89 degrees 14 minutes 25 seconds West 1303.88 feet to the Northeast corner of the East half of the West half of the North half of the Northeast quarter of said Section 24, said point being the POINT OF BEGINNING;
Thence along the East line of the East half of the West half of the North half of the Northeast quarter of said Section 24, South 01 degrees 03 minutes 35 seconds East 1314.34 feet to the Southeast corner of the East half of the West half of the North half of the Northeast quarter of said Section 24;
Thence along the South line of the East half of the West half of the North half of the Northeast quarter of said Section 24, South 89 degrees 14 minutes 07 seconds West 652.65 feet to the Southwest corner of the East half of the West half of the North half of the Northeast quarter of said Section 24;
Thence along the West line of the East half of the West half of the North half of the Northeast quarter of said Section 24, North 01 degrees 01 minutes 21 seconds West 1314.39 feet to the Northwest corner of the East half of the West half of the North half of the Northeast quarter of said Section 24;
Thence along the North line of the Northeast quarter of said Section 24, North 89 degrees 14 minutes 25 seconds East 651.80 feet to the POINT OF BEGINNING.

Comprising 19.680 acres or 857,252 square feet, subject to all easements of record.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
31020
G. BRYAN
GOETZENBERGER
Date signed 6/25/18
ARIZONA, U.S.A.

EXPIRES 3/31/21

JOB NO.: 180403
SECTION: 24
TOWNSHIP: 1 NORTH
RANGE: 6 EAST
DATE: JUNE 25, 2018
SHEET 1 OF 2

ALLIANCE LAND SURVEYING, LLC
STATEWIDE SERVICE IN ARIZONA
www.alliancelandsurveying.com
7900 N. 70th AVENUE TEL (623) 972-2200
SUITE 104 FAX (623) 972-1616
GLENDALE, AZ 85303

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31020
G. BRYAN
GOETZENBERGER
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ARIZONA, U.S.A.

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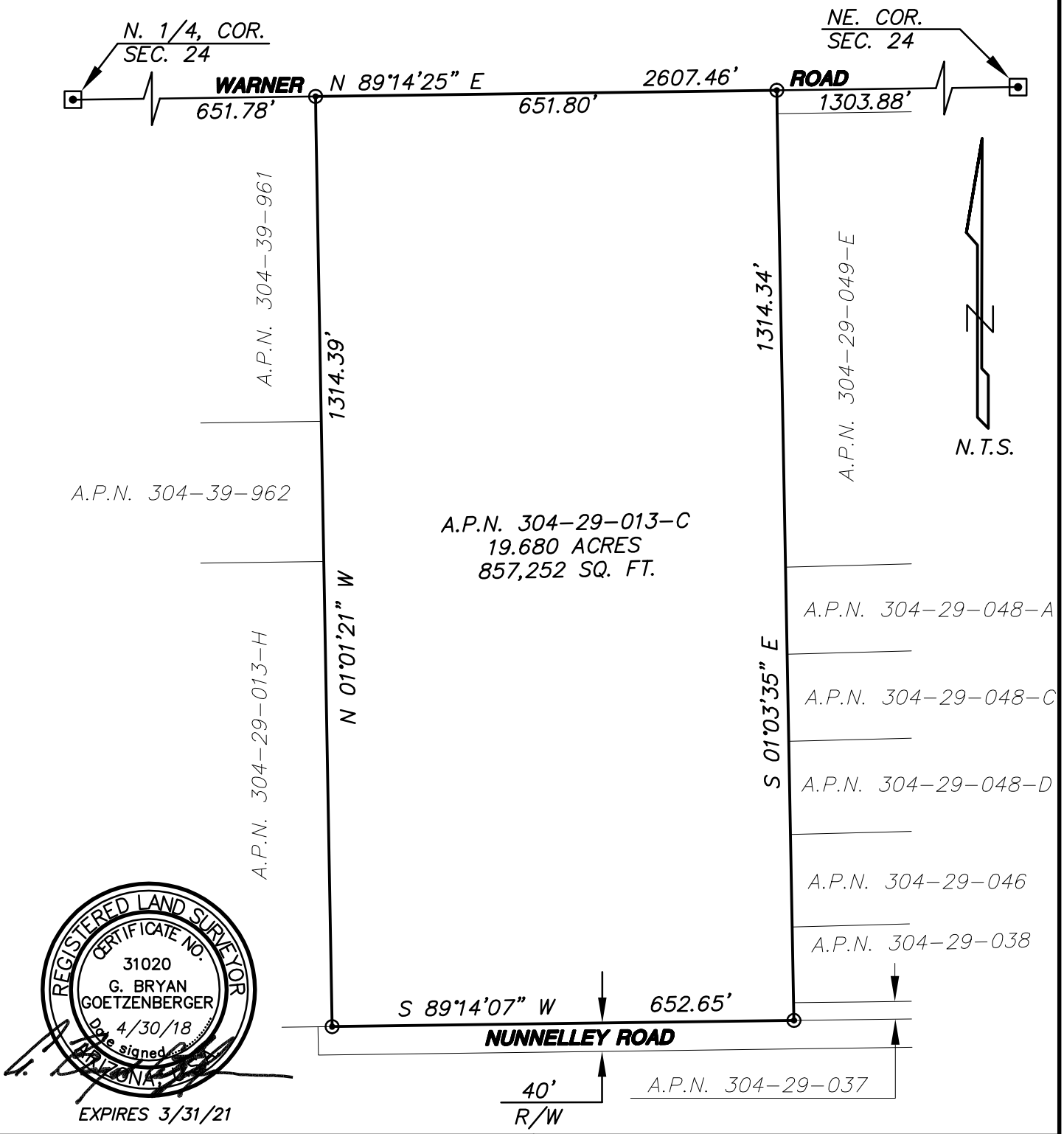
GROSS EXHIBIT FOR
WETTA VENTURES GILBERT



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