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### Planning Commission Staff Report

**TO:** PLANNING COMMISSION

**FROM:** **NICOLE RUSSELL**, SENIOR PLANNER *NR*  
(480) 503-6716, NICOLE.RUSSELL@GILBERTAZ.GOV

**THROUGH:** VERONICA GONZALEZ, PRINCIPAL PLANNER *VG*  
(480) 503-6720, VERONICA.GONZALEZ@GILBERTAZ.GOV

**MEETING DATE:** MAY 1, 2024

**SUBJECT:** UP23-47, CHIPOTLANE: A CONDITIONAL USE PERMIT FOR APPROX. 2.44 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF HIGLEY ROAD AND PALMER STREET, TO ALLOW A DRIVE-THROUGH IN CONJUNCTION WITH A QUICK SERVICE RESTAURANT IN THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

**STRATEGIC INITIATIVE:** Exceptional Built Environment

Allow a drive-through quick service restaurant on an undeveloped parcel at the entrance to a neighborhood.

#### RECOMMENDED MOTION

Make the Findings of Fact and approve UP23-47, Chipotlane: A Conditional Use Permit for approximately 2.44 acres generally located at the northeast corner of Higley Road and Palmer Street, to allow a drive-through in conjunction with a quick service restaurant in the Neighborhood Commercial (NC) zoning district with a Planned Area Development (PAD) overlay, subject to conditions.

| APPLICANT                     | OWNER                         |
|-------------------------------|-------------------------------|
| Company: Evolve Ventures, LLC | Company: Higley & Palmer, LLC |

|  |   |
|--|---|
| Name: Amy Malloy   |   |
| Address: 13348 W. Via Caballo Blanco<br>Peoria, AZ 85383 | Address: 401 N Michigan Ave, Ste 3300<br>Chicago, IL, 60611 |
| Phone: 602-531-7762                                      |   |
| Email: amalloy@evolveventuresphx.com                     |   |

**BACKGROUND/DISCUSSION**

**History**

| <b>Date</b>              | <b>Description</b>  |
|--------------------------|---|
| <i>April 25, 2000</i>    | Town Council approved Ordinance No. 1263 (A99-23) annexing approximately 1,625 acres, including subject property.   |
| <i>April 25, 2000</i>    | Town Council approved Ordinance No. 1264 (Z99-62), to rezone the Seville Master Planned Community PAD, an approximate 1,382-acre Master Planned Community with the subject site zoned Public Facility/Open Space (PF/OS).             |
| <i>April 12, 2001</i>    | Town Council approved DR01-20 for the Seville Non-Residential Design Guidelines for the commercial portions of the Seville Development.   |
| <i>September 3, 2002</i> | Town Council approved Ordinance No. 1414 (Z02-04), to rezone the Seville Master Planned Community PAD, Tracts C and G, including the subject site, from Public Facility/Open Space (PF/OS) to C-1 (Light Commercial) zoning district. |
| <i>March 3, 2005</i>     | Town Council adopted the Land Development Code (LDC) that modified the zoning of the subject site, Seville Tract 'C' and 'G' from C-1 (Light Commercial) to Neighborhood Commercial (NC).   |
| <i>May 2, 2007</i>       | The Planning Commission approved UP06-19, to allow a bank facility within the Neighborhood Commercial (NC) zoning district, located on the subject site, Seville Tract 'C' and 'G'.   |
| <i>May 10, 2007</i>      | The Design Review Board approved DR06-132 for MidFirst Bank.  |
| <i>December 7, 2022</i>  | The Planning Commission heard a Study Session for the Black Rifle Coffee Design Review (DR22-108). The application was withdrawn August 21, 2023.   |

**Overview**

The applicant is proposing to construct a 2,473-sf drive-through restaurant on a portion of a 2.44-acre site. The site is generally located on the northeast corner of Higley Road and Palmer Street and is zoned Neighborhood Commercial (NC) with a Planned Area Development Overlay (PAD). The proposed drive-through restaurant will occupy a portion of the site north of the corner of Higley and Palmer. A Use Permit is required for a drive-through per the 2001 Seville Non-

Residential Design Guidelines. This application is being considered in conjunction with Design Review and Master Site Plan case, DR23-167.

**Surrounding Land Use & Zoning Designations:**

|       | <b>Existing Land Use Classification</b>                 | <b>Existing Zoning</b>                                  | <b>Existing Use</b>                              |
|-------|---|---|--|
| North | Residential>2-3.5 DU/acre                               | Single Family 8 (SF-8) PAD                              | Single family homes (Marbella Vineyards Phase 1) |
| South | Residential>2-3.5 DU/acre, then General Commercial (GC) | Single Family 6 (SF-6) PAD                              | Palmer Street, then residential landscape tract  |
| East  | Residential>2-3.5 DU/acre                               | Single Family 6 (SF-6) PAD                              | Single Family homes (Seville Parcel 1)           |
| West  | Residential>2-3.5 DU/acre                               | Single Family 8 and Single Family 10 (SF-8 & SF-10) PAD | Higley Road, then Shamrock Estates Phase 1       |
| Site  | Neighborhood Commercial (NC)                            | Neighborhood Commercial (NC) PAD                        | Undeveloped                                      |

**Project Data Table**

| <b>Site Development Regulations</b> | <b>LDC Standards for NC</b>   | <b>Proposed</b> |
|-------------------------------------|---|-----------------|
| Maximum Height (ft.)/Stories        | 25'/one-story   | 22'3"           |
| Minimum Building Setbacks (ft.)     |   |                 |
| Front                               | 20'   | 65'             |
| Side (Residential)                  | 15'   | 50'             |
| Side (Street)                       | 15'   | 15'             |
| Rear (Residential)                  | 15'   | 151.6'          |
| Minimum Required Landscape Area     |   |                 |
| Front                               | 20'   | 34'-42'         |
| Side (Residential)                  | 15'   | 20'             |
| Side (Street)                       | 15'   | 18'             |
| Rear (Residential)                  | 15'   | 33'8"           |
| Total Site Landscaping %            | 15%   | 15%             |
| Parking Spaces                      |   |                 |
|                                     | 1 space/100 sf. + 1 space/400 sf. outdoor dining area (29 required) | 32              |

**DISCUSSION**

The proposed Conditional Use Permit is for a drive-through restaurant associated with a Design Review and Master Site Plan case (DR23-167). A drive-through restaurant is a permitted use within the Neighborhood Commercial (NC) zoning district; however, the Seville Non-Residential Design Guidelines require a Use Permit for drive-through uses within the Seville PAD area. The proposed 2,473-sf drive-through restaurant is intended to be for online order pick-up only. While this is not a typical drive-through, the LDC standards for a traditional drive-through use have been applied to the site plan design. The site plan includes a 32-space parking lot with internal and perimeter landscaping. Two access points are shown on the site plan, one via Higley Road and one via Palmer Street. The site is proposed to be constructed in two phases, with Chipotlane being the first phase.

The Seville Non-Residential Design Guidelines, approved in 2001 as case DR01-20, mandated that drive-through restaurants obtain a Use Permit through the Town of Gilbert. Although these design guidelines pre-date the 2021 update to the LDC, which removed the Use Permit requirement for drive-through restaurants in the NC zoning district, the proposed development must still secure approval of a Use Permit to comply with the Seville Non-Residential Design Guidelines.

## **FINDINGS**

The Planning Commission is required to make four findings in order to approve a Use Permit. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

- 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.***

According to the applicant, the proposed drive up Chipotlane project will not be detrimental to the health, safety or general welfare of the community and will, in fact, be improving the health and quality of life for Gilbert residents and their families by adding a desirable neighborhood commercial use. Additionally, as this project resides in the San Tan Character Area and is also subject to the Seville Non-Residential Design Guidelines, all setbacks from adjacent residential will be maintained and the design, landscape and building materials will all be reflective of the high level of design in the immediate vicinity. The site is currently undeveloped with overgrown weeds and no pedestrian improvements. The applicant states that the project will improve the site and turn an eyesore into a community serving use.

- 2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.***

The applicant states that the proposed project is consistent with the General Plan land use designation of Neighborhood Commercial for this area. This proposed project maintains all development standards from the NC zoning district, the Seville PAD, and Character Areas.

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

The applicant indicates that this project is consistent with the current zoning designation of Neighborhood Commercial, as well as with both the San Tan Character Area and the Seville Non-Residential Design Guidelines. As conditioned, the proposed development will conform to applicable codes, ordinances, and development standards.

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

Per the applicant, this project is in both the San Tan Character Area and the Seville PAD and the proposed restaurant use is consistent with the nearby commercial activity to the south of the project site. Strict adherence to both the development standards governing this site as well as to the Seville Non-Residential Design Guidelines will allow for large landscape setbacks and mitigate any noise or traffic created through the development of this site.

The subject parcels were rezoned from Public Facility and Open Space in 2002 to C-1 (Light Commercial) and in 2005 the zoning was changed to the current Neighborhood Commercial (NC) zoning district. The proposed use of a drive-through restaurant is a permitted use in the Neighborhood Commercial (NC) zoning district. A Conditional Use Permit is required per the Seville Non-Residential Design Guidelines that the Town approved with DR01-20 in 2001. The overall approval of the Seville subdivision set parameters for commercial development in the Seville PAD area, the proposed Chipotle conforms to the LDC requirements for a drive-through restaurant and the Seville Non-Residential Guidelines.

Pursuant to the above analysis, Staff is of the opinion that the project meets the four findings required for granting the Conditional Use Permit

#### **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 Section 6.2.6.

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 6.2.2 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

**STAFF RECOMMENDATION**

Make the Findings of Fact and approve of UP23-47, Chipotle: A Use Permit for approx. 2.44 acres generally located at the northeast corner of Higley Road and Palmer Street, to allow a drive-through restaurant in the Neighborhood Commercial (NC) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the May 1, 2024 public hearing.
- b. 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.

Respectfully submitted,



Nicole Russell  
Senior Planner

**Attachments and Enclosures:**

- 1) Findings of Fact
- 2) Notice of Public Hearing/Vicinity Map
- 3) Aerial Photo
- 4) Site Plan
- 5) Applicant’s Narrative

**FINDINGS OF FACT**

**UP23-47, Chipotlane**

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

# Notice of Public Hearing

UP23-47 Chipotlane  
Attachment 2: NOPH

PLANNING COMMISSION DATE: *Wednesday, May 1, 2024\** TIME: 6:00 PM

LOCATION: *Municipal Building I - Council Chambers  
50 East Civic Center Drive*

\*Call Planning Division to verify date and time: (480) 503-6716

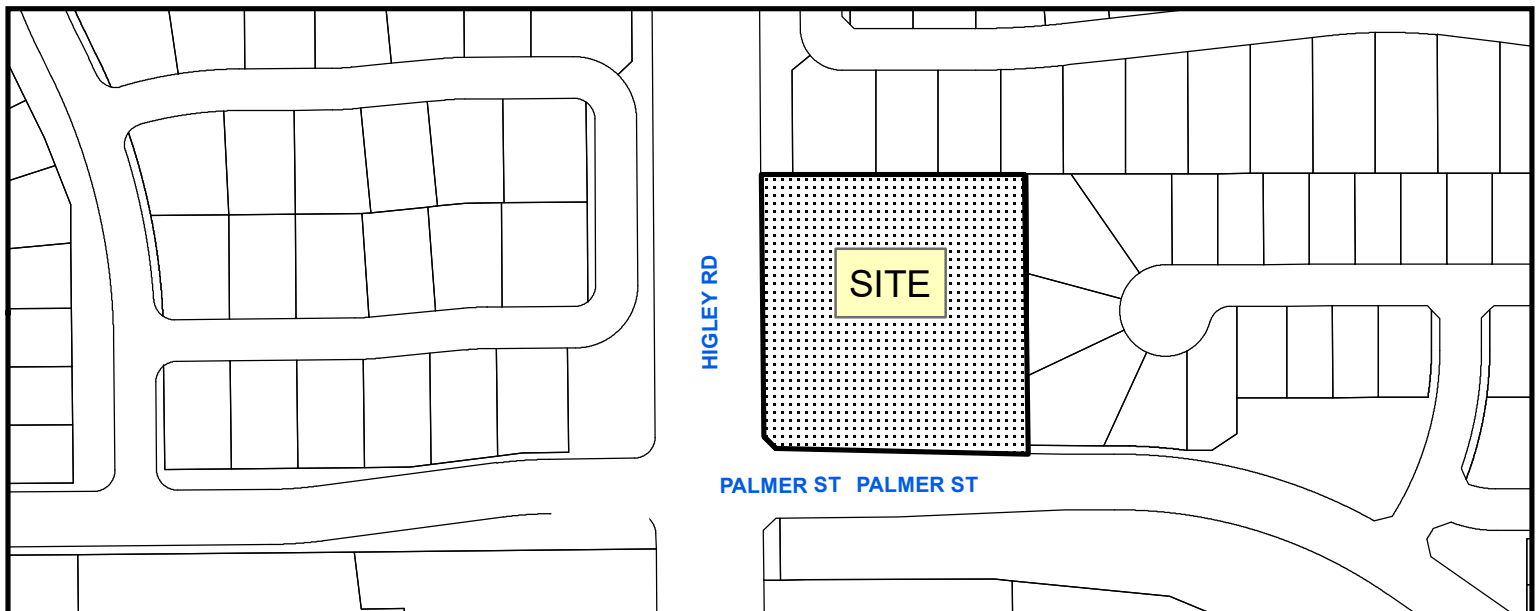
The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports and the agenda are available prior to the meeting at [www.gilbertaz.gov/departments/development-services/planning/planning-commission](http://www.gilbertaz.gov/departments/development-services/planning/planning-commission)

## REQUESTED ACTION:

DR23-167 CHIPOTLANE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.44 acres, generally located northwest of Chandler Heights Road and Higley Road, and zoned Neighborhood Commercial (NC) with a Planned Area Development (PAD) overlay.

UP23-47 CHIPOTLANE: Request to approve a Use Permit for approximately 2.44 acres of real property located at the northwest corner of Higley Road and Palmer Street to allow a Drive Through in conjunction with a quick service restaurant in the Neighborhood Commercial (NC) with a Planned Area Development (PAD) overlay.

## SITE LOCATION:



0 75 150 300 Feet

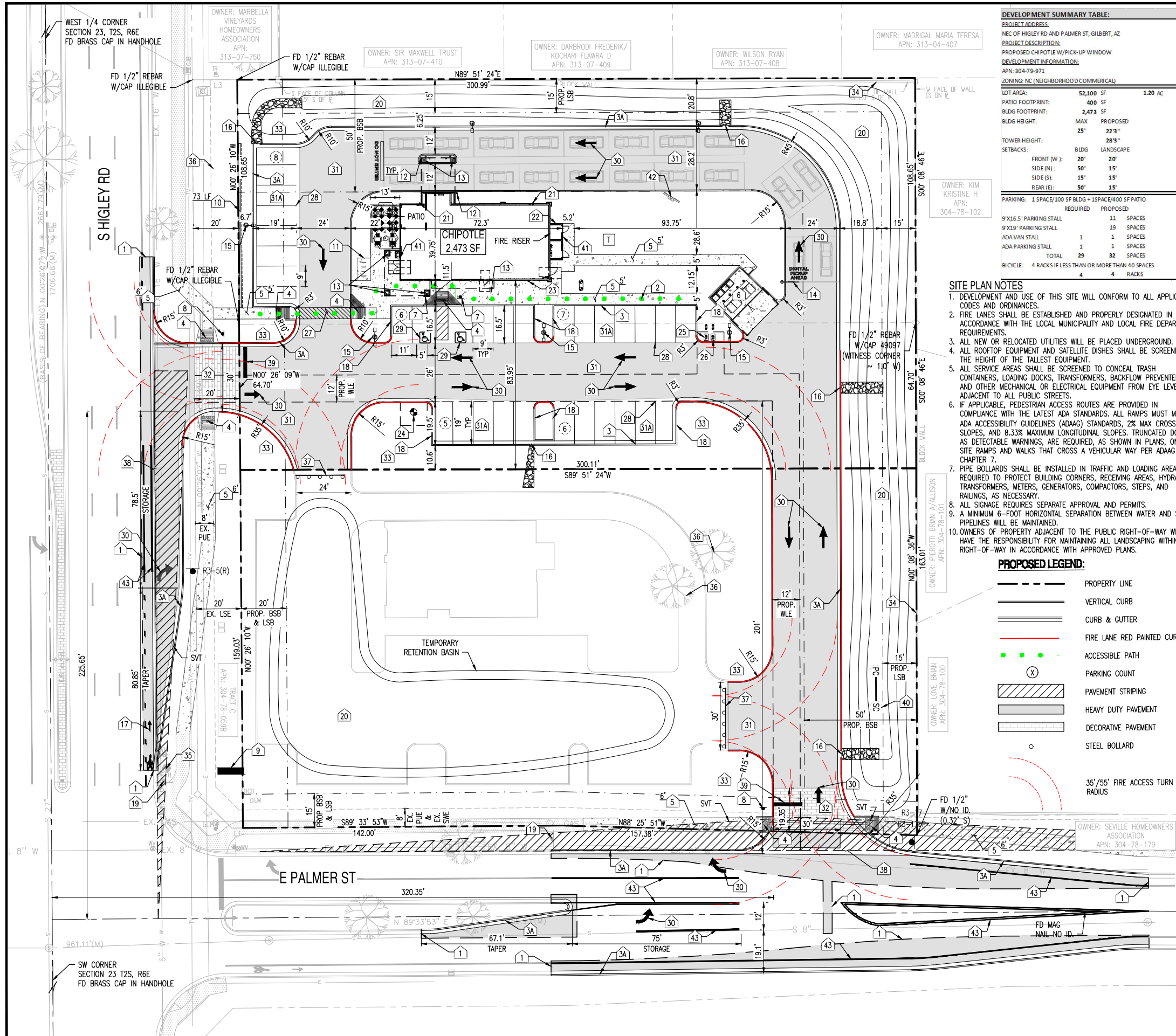


APPLICANT: *Evolve Ventures, LLC*  
CONTACT: *Amy Malloy*  
ADDRESS: *13348 W. Via Caballo Blanco*  
*Peoria, AZ 85383*

TELEPHONE: *(602) 531-7762*  
E-MAIL: *amalloy@evolveventuresphx.com*







**DEVELOPMENT SUMMARY TABLE:**

PROJECT ADDRESS:  
NEC OF HIGLEY RD AND PALMER ST, GILBERT, AZ

PROJECT DESCRIPTION:  
PROPOSED CHIPOTLE W/PICK-UP WINDOW

DEVELOPMENT INFORMATION:  
APN: 304-79-971  
ZONING: NC (NEIGHBORHOOD COMMERCIAL)

|                  |           |                |
|------------------|-----------|----------------|
| LOT AREA:        | 52,100 SF | 1.20 AC        |
| PATIO FOOTPRINT: | 400 SF    |                |
| BLDG FOOTPRINT:  | 2,473 SF  |                |
| BLDG HEIGHT:     | MAX 25'   | PROPOSED 22'3" |
| TOWER HEIGHT:    |           | 28'3"          |
| SETBACKS:        | BLDG      | LANDSCAPE      |
| FRONT (N):       | 20'       | 20'            |
| SIDE (N):        | 50'       | 15'            |
| SIDE (S):        | 15'       | 15'            |
| REAR (E):        | 50'       | 15'            |

PARKING: 1 SPACE/100 SF BLDG + 1SPACE/400 SF PATIO

|                        |   |
|------------------------|---|
| 9'X16.5' PARKING STALL | 11 SPACES                                   |
| 9'X19' PARKING STALL   | 19 SPACES                                   |
| ADA VAN STALL          | 1 SPACES                                    |
| ADA PARKING STALL      | 1 SPACES                                    |
| TOTAL                  | 29 SPACES                                   |
| BICYCLE:               | 4 RACKS IF LESS THAN OR MORE THAN 40 SPACES |
|                        | 4 RACKS                                     |

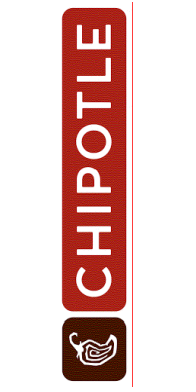
- SITE PLAN NOTES**
- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
  - FIRE LANES SHALL BE ESTABLISHED AND PROPERLY DESIGNATED IN ACCORDANCE WITH THE LOCAL MUNICIPALITY AND LOCAL FIRE DEPARTMENT REQUIREMENTS.
  - ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
  - ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
  - ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
  - IF APPLICABLE, PEDESTRIAN ACCESS ROUTES ARE PROVIDED IN COMPLIANCE WITH THE LATEST ADA STANDARDS. ALL RAMP MUST MEET ADA ACCESSIBILITY GUIDELINES (ADAAG) STANDARDS, 2% MAX CROSS SLOPES, AND 8.33% MAXIMUM LONGITUDINAL SLOPES. TRUNCATED DOMES, AS DETECTABLE WARNINGS, ARE REQUIRED, AS SHOWN IN PLANS, ON ALL SITE RAMPS AND WALKS THAT CROSS A VEHICULAR WAY PER ADAAG CHAPTER 7.
  - PIPE BOLLARDS SHALL BE INSTALLED IN TRAFFIC AND LOADING AREAS AS REQUIRED TO PROTECT BUILDING CORNERS, RECEIVING AREAS, HYDRANTS, TRANSFORMERS, METERS, GENERATORS, COMPACTORS, STEPS, AND RAILINGS, AS NECESSARY.
  - ALL SIGNAGE REQUIRES SEPARATE APPROVAL AND PERMITS.
  - A MINIMUM 6-FOOT HORIZONTAL SEPARATION BETWEEN WATER AND SEWER PIPELINES WILL BE MAINTAINED.
  - OWNERS OF PROPERTY ADJACENT TO THE PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY IN ACCORDANCE WITH APPROVED PLANS.

**PROPOSED LEGEND:**

|  |                            |
|--|----------------------------|
|  | PROPERTY LINE              |
|  | VERTICAL CURB              |
|  | CURB & GUTTER              |
|  | FIRE LANE RED PAINTED CURB |
|  | ACCESSIBLE PATH            |
|  | PARKING COUNT              |
|  | PAVEMENT STRIPING          |
|  | HEAVY DUTY PAVEMENT        |
|  | DECORATIVE PAVEMENT        |
|  | STEEL BOLLARD              |

- SITE PLAN KEYNOTES:**
- SAWCUT LINE.
  - ADA PATH OF TRAVEL.
  - 6" VERTICAL CURB PER MAG STD. DET. 222 TYPE "B".
  - INSTALL 6" CONCRETE CURB AND GUTTER PER MAG STD. DET. 220-1 TYPE "A".
  - ACCESSIBLE RAMP PER MAG STD. DET. 238-1.
  - CONCRETE SIDEWALK PER MAG STD. DET. 230. WIDTH PER PLAN.
  - TRASH ENCLOSURE PER TOG STD. DET. GIL 181 & 189.
  - ADA SIGN STALL PER DET. 1/C2.10.
  - STOP SIGN PER DET. 5/C2.10.
  - MONUMENT SIGN.
  - 3' HIGH SCREEN WALL. LENGTH PER DET 6/2.20
  - BIKE RACK PER DET. 2/C2.10.
  - BOLLARD PER DET. 3/C2.10.
  - CANOPY COLUMN.
  - HEIGHT CLEARANCE BAR.
  - LIGHT POLE. REFER TO PHOTOMETRIC PLAN.
  - CURB OPENING AND RIP-RAP.
  - BIKE LANE PAVEMENT MARKING.
  - PROVIDE 2' WIDE CLEARANCE OF VERTICAL OBSTRUCTION MORE THAN 6" IN HEIGHT EXCLUSIVE OF LANDSCAPING. LANDSCAPING IN THE SIDE CLEARANCE SHALL BE LOCATED AS TO NOT OBSTRUCT TYPICAL ACCESS TO A VEHICLE.
  - EXISTING SIGN. REFER TO C6.00.
  - RETENTION POND.
  - ROOF DRAIN.
  - FIRE RISER ROOM.
  - FIRE DEPT. CONNECTION (FDC).
  - FIRE HYDRANT.
  - 2" DOMESTIC WATER METER AND BACKFLOW PREVENTION DEVICE.
  - 1" IRRIGATION METER AND BACKFLOW PREVENTION DEVICE.
  - 5' PEDESTRIAN PATHWAY WITH 4" WIDE YELLOW PAINT, AT 45' 2 FEET O.C.
  - 4" WIDE WHITE PAINTED STRIPING.
  - ADA PAINTED SYMBOL OF ACCESSIBILITY PER DET. 4/C2.10.
  - DIRECTIONAL PAVEMENT MARKING.
  - HEAVY DUTY ASPHALT PAVEMENT.
  - LIGHT DUTY ASPHALT PAVEMENT.
  - DECORATIVE ASPHALT PAVEMENT.
  - ALL LANDSCAPE TO BE GRAVEL/CRUSHED GRANITE. REFER TO LANDSCAPE PLANS.
  - EXISTING WALL.
  - EXISTING FIRE HYDRANT.
  - EXISTING TREE.
  - BARRICADE.
  - VALLEY GUTTER.
  - 18" WIDE WHITE PAINTED STOP BAR. LENGTH PER PLAN.
  - DRYWELL.
  - KNOX KEY. REFER TO ARCHITECTURAL PLANS.
  - FUTURE MENU BOARD FOR DRIVE THROUGH STACKING REQUIREMENTS.
  - PAVEMENT STRIPING.

PRELIMINARY  
NOT FOR  
CONSTRUCTION

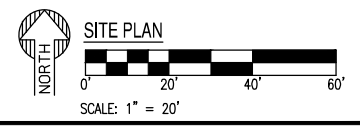


PROJECT:  
CHIPOTLE

LOCATION:  
NEC HIGLEY & PALMER,  
GILBERT, ARIZONA

|               |                   |            |
|---------------|-------------------|------------|
| DRAWN:        | PP                | 04/10/2024 |
| DESIGNED:     | PP, AH            | 04/10/2024 |
| CHECKED:      |                   |            |
| FINAL CC:     |                   |            |
| PROJ. MGR.:   | AF/GB             | 04/10/2024 |
| DATE:         | 04/10/2024        |            |
| ISSUED FOR:   | CUP/DESIGN REVIEW |            |
| REVISION NO.: |                   | DATE:      |
|               |                   |            |
|               |                   |            |
| JOB NO.:      | 231031            |            |
| SHEET TITLE:  | SITE PLAN         |            |

5 OF 6  
C2.00



THIS DRAWING IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF SUSTAINABILITY ENGINEERING GROUP. AND SHALL REMAIN THEIR PROPERTY. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT IS PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE.

## Chipotle Commercial Project – NEC Higley Rd. and Palmer Street

Project Narrative- Town of Gilbert CUP Submittal

11/28/23

### Site Overview:

The property consists of three currently vacant parcels at the northeast corner of Higley Rd. and Palmer St; APNs 304-79-972, 304-79-971, 304-78-059B. The parcels total approximately 2.44 acres. Surrounded by both residential and commercial developments, this proposed corner retail development is a perfect neighborhood complement to the existing surrounding uses. Parts of all three of these parcels will be a part of our proposed project.

We previously proposed this project with a drive-through coffee user on the south parcel and a car service use for the north parcel. We are still proposing to construct an infill commercial development. The project's new scope and intended use is consistent with the existing zoning for the parcels, but now includes a new Chipotle concept, "Chipotlane", for the north parcel. We continue to propose a drive-through restaurant use on the south parcel, reserved for future development. While we are not advancing a specific use for the southern lot, we propose to keep a master site plan for the entire site, inclusive of both parcels. Although the southern parcel (APN 304-79-972) does not have a specific land use proposed, its inclusion in the redevelopment is critical for ingress and egress. Our Master Site plan assumes a two phased project, with the northern lot included in Phase 1 and the future development of the southern lot as part of Phase 2.

The site is currently zoned Neighborhood Commercial (NC), which permits our contemplated use(s) at the Property. We are requesting a Use Permit to accommodate the drive-up window. We are not requesting any modifications to the zoning or General Plan designations for this development. The project is in compliance with the existing zoning and General Plan.

### Site Proposal:

The proposed development includes a newly designed, state-of-the-art Chipotle concept called "Chipotlane". This Chipotle format features a drive-up window for customers who preorder and pay in advance through Chipotle's mobile app. It also includes traditional indoor and outdoor dining areas. The Chipotlane drive-up window has a significantly lower traffic impact than a standard drive through restaurant as it does not have a traditional menu board to order in-line. This low impact use averages a stack of 2 vehicles, and rarely exceeds 4 vehicles during a peak 15 min time-period. While this is a much lower volume than a traditional drive-through use, we are still requesting the Use Permit to accommodate for the drive-up window.

Our proposal is to develop the following:

- Approximately +/- 2,500 sf Chipotlane building on the north parcel

- Potential future commercial tenant with drive through use for south parcel
- A minor land division process will need to be initiated to effectuate lot line adjustments to accommodate the two new commercial tenants on the north and south lots
- It is anticipated that the project will need to obtain a use permit for the drive through use for the future southern tenant and potentially for the drive up Chipotle window

The development will adhere to all CC&Rs for the adjacent residential uses on two sides; the north and east site boundaries, and will maintain 50' setbacks for all buildings.

To accommodate the new traffic to the area, off-site improvements will be constructed. The off-site improvements will be built to the specifications of the Town's traffic department and an independent traffic study, which has been conducted. These improvements include:

- Reworking of the median on Palmer, shortening it to meet the new driveway access off Palmer into the site
- Right hand turn lanes off Palmer and onto Higley
- Decel lane off of Higley into new driveway from Higley into the project

#### Proposed Design Standards:

The project resides in the San Tan Character Area and the Seville PAD. It is subject to the design standards and guidelines as detailed in the Seville Commercial Design Guidelines (CDGs). These guidelines, as originally approved in 2001, focus on a strong theme that blends the traditionally rural, citrus grove feel evident in the San Tan Area Plan guidelines with the more Spanish-themed architecture and colors paramount in the adjacent Seville.

In our proposed project, we are utilizing the warmer color hues and natural building materials shown in the Spanish design of the older Seville commercial developments. We plan to modernize the roofline and façade design to accommodate the more traditional Chipotle branding. The goal is to create a strong transitional design out of the very rigid and older Spanish architecture and the more sharply defined modern design elements. These design changes are shown in the attached colored elevations.

The site lighting, signage and landscape design will also incorporate the feel of the Seville CDGs and will utilize the approved plant palette to maintain a consistent theme with the adjacent development. This is evidenced in the attached site plan and landscape plan.

Additionally, as per the Commercial Development Standards in LDC Section 3.4.5, our proposed development will adhere to the following provisions:

- Building Stepback: Where development in the GC or RC district is within 100 feet of any parcel line of a single-family dwelling unit, buildings shall be stepped back one (1) horizontal foot for each vertical foot of the building that rises above two (2) stories or 35 feet is required for habitable space. Our proposed height will not exceed one (1) story.

- Commercial Uses Abutting Residential Districts: While the LDC allows for commercial activity occurring within 50 feet of any property zoned residential shall be conducted within an enclosed building, per the Seville CDGS, no commercial activity can be conducted outdoors within 50' of the adjacent residential property.
- Building Setback and Landscape Areas: Setbacks and required areas internal to an approved master site plan, commercial subdivision or development plan may be reduced or eliminated, provided the project meets applicable Design Guidelines, provides significant pedestrian paths, hierarchy of internal vehicular circulation, shared public easements and shared parking. Tract C of our proposed project is a shared utility easement and will remain.

Additional Site Provisions include the following:

- Refuse and Recycling Enclosures: Per LDC Section 5.2.13, they will not be located in any required perimeter landscape area, and will be set back a minimum of 3 feet from any drive aisles and parking spaces; gates may not open into access aisles, driveways, parking spaces or landscape areas.
- Driveways are shown per LDC 5.3.11.
- Retention Basins are shown per LDC Section 5.4.7.
- Building drainage will all be internalized with no external downspouts.
- All ground mechanical equipment are shown fully screened from public view.
- Parking: Off-Street Parking Requirements per LDC Section 5.3.6.B require 1 space per 100 sf; plus 1 space per 400 sf of outdoor dining area, with bicycle parking per LDC Section 5.3.19. For our proposed development at these standards, 18 parking spaces would be required and our site is proposing 38 spaces, which more than exceeds the standards.
- Landscape: In addition to the Seville CDGs, the site is located within the Evergreen Elm and Palo Verde Streetscape Theme areas and the site will take these areas into account while adhering to the cohesive tree and planting requirements in the Seville CDC. Parking lot landscaping per LDC Section 5.4.6, and our plant palette proposed will be low water use plants, which will contribute to a more sustainable development.
- Lighting: Proposed site lighting, including parking lot lighting, will be consistent with the Seville Design Guidelines under Section VII for lighting specifics.
- Signage: Proposed project signage will be on the corner monument sign, as well as on future identification signs, as approved by the Town. Proposed Signage, including wall signage, will be processed via a separate permit. It will all adhere to the LDC Section 5.6 and Seville Design Guidelines Section VI.
- Low water use plants, LED lighting as applicable, enhanced and landscaped setbacks will all help to mitigate environmental impacts, including heat island effect, energy and water use.

Our goal is to create an attractive, high-quality project that protects this zoned neighborhood commercial corner for commercial uses. The addition of the new Chipotle concept is a perfect addition to the area and provides important neighborhood servicing retail. The inclusion of an additional restaurant use on the north parcel will further enhance the intersection and create vitality on a vacant and underperforming parcel. The size of the lots and the offsite improvements will allow for adequate access, circulation, and parking to accommodate all of the commercial uses without creating any detriment to the adjacent residential community.

Findings for a Conditional Use Permit:

1. *The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.*

The proposed drive up Chipotle project will not be detrimental to the health, safety or general welfare of the community and will, in fact, be improving the health and quality of life for Gilbert residents and their families by adding a desirable neighborhood commercial use. Additionally, as this project resides in the San Tan Character Area and is also subject to the Seville Commercial Design Guidelines, all setbacks from adjacent residential will be maintained and the design, landscape and building materials will all be reflective of the high level of design in the immediate vicinity. The site is currently undeveloped with overgrown weeds and no pedestrian improvements. We intend to fully improve the site and turn an eyesore into a community serving use.

2. *The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.*

As a proposed Chipotle restaurant use, this project is consistent with the General Plan land use designation of this Neighborhood Commercial for this area. This proposed project maintains all development standards from the zoning, overlay area and Character Areas.

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

This project is consistent with the current Zoning designation of Neighborhood Commercial, as well as with both the San Tan Character Area and the Seville Commercial

Design Guidelines, as well as with the Nuisance Guidelines per Section III, J. of the Seville Design Guidelines, namely it will NOT include any of the following:

- a. *Any use of the lot or site which emits dust, sweeping, dirt or cinders into the atmosphere, or discharge liquid, solid wastes or any other harmful matter into any stream, river, or other waterway which, in the opinion of the Approving Agent may adversely affect the health, safety or comfort of persons withing the area or the intended use of their property. (No waste nor any substance or materials of any kind shall be discharged into any public sewer serving the subject, property or any part thereof in violation of any regulation of any public body having jurisdiction over such public sewer);*
  - b. *The escape or discharge of any fumes, odors, gasses, vapors, steam, acids or other substance into the atmosphere which discharge, in the opinion of the Approving Agent, may be detrimental to the health, safety or welfare of any person or may interfere with the comfort of persons within the area, or which may be harmful to property or vegetation;*
  - c. *The radiation or discharge of intense glare or heat or atomic electromagnetic, microwave, ultrasonic, laser or other radiation. An operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such manner that the glare, heat or radiation omitted will not be discernable from any point exterior to the site or lot upon which the operation is conducted;*
  - d. *The emission of excessive noise outside the plane of any kind.*
4. *The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.*

As this project is in the is in the immediate vicinity of both the San Tan Character Area and the Seville Planned Area Development Overlay and the proposed restaurant use is consistent with the nearby commercial activity just to the projects south. Strict adherence to both the development standards governing this site as well as to the Seville Design Guidelines will allow for large landscape setbacks and mitigate any noise or traffic created through the development of this site.