



**TOWN OF GILBERT
PLANNING COMMISSION
Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
May 1, 2024**

COMMISSION PRESENT:

Noah Mundt, Chair
Anthony Bianchi, Vice-Chairman
Brian Andersen
Lesley Davis
William Fay
Lisa Gage
Jän Simon
Tom Everett
Louis DeGravina

STAFF PRESENT:

Eva Cutro, Planning Manager
Alena Jorquez, Assistant Town Attorney
Keith Newman, Senior Planner
Sal DiSanto, Planner I
Tom Condit, Development Engineering Manager
Nicole Russell, Senior Planner

Scott Anderson, Council Liaison

PLANNER	CASE	PAGE	VOTE
Sal DiSanto	DR24-44	1	
Keith Newman	DR24-38	2	
Tom Condit	Z24-03	3	6-1
Eva Cutro	Z24-02	4	6-1
Nicole Russell	DR24-13	6	7-0
Nicole Russell	UP23-47	7	7-0
Nicole Russell	DR23-167	7	7-0

CALL TO ORDER OF THE STUDY SESSION

Chair Mundt called the study session of the Planning Commission to order at 5:06 p.m.

STUDY SESSION

- DR24-44 GILBERT ADVOCACY CENTER:** Site plan, landscaping, grading and drainage, elevations, floorplans, lighting, and colors and materials for approximately 8.7 acres, generally located at the southwest corner of American Heroes Way and Civic Center Drive, and zoned Public Facility/Institutional (PF/I) with a Planned Area Development (PAD) overlay. Sal DiSanto (480) 503-6759.

Planner DiSanto presented an overview of the project, which is about building an advocacy center for victims of crime within the Gilbert Public Safety Complex in Gilbert, Arizona. The center will be developed in two phases, with the first being a 28,000-square-foot facility and the second being a 30,000-square-foot, two-story structure. The site is located at the southwest corner of American Heroes Way and Civic Center Drive, adjacent to the Town of Gilbert municipal buildings, residential subdivisions, and commercial and multifamily properties. The site has two access points along American Heroes Way and internal drive aisles shared with the existing public safety complex. The site will have various drought-resilient trees, shrubs, and accent plants along all property lines and around the building. The landscaping will meet the minimum 15% net landscaping percentage required by the PFI zoning district. The site will also have a landscape buffer along the southern property line, where there is an SRP irrigation ditch easement. The building will have a height of 23 feet to the top of the parapet, with varying roofline elements and architectural features. The building will use a mix of split face CMU, EIFS, and mesa stone, with a neutral gray color palette and some accent colors.

The building will have a metal canopy system from the north to the east and west sides, a large storefront, and glass windows for natural light and transparency. Its primary entrance will be to the north, facing the public safety complex. The project aims to provide a safe and secure facility for victims of crime to seek services from professionals such as counselors, advocates, and law enforcement. The project is requesting general input from the Planning Commission and permission to submit construction drawings at risk.

Planner DiSanto concluded the presentation, and the floor was opened for questions and comments.

COMMISSION QUESTIONS/COMMENTS

There were no comments from the commissioners.

2. DR24-38 SIGNATURE AT SANTAN VILLAGE: Site plan, landscaping, grading and drainage, elevations, floorplans, lighting, colors and materials, design guidelines and approval of a Master Site Plan for approximately 30.37 acres, generally located north of the northwest corner of Williams Field Rd. and SanTan Village Pkwy., and zoned Regional Commercial (RC) zoning district with a Planned Area Development (PAD) overlay. Keith Newman (480) 503-6812.

Planner Newman provided an overview of the design review approval for a 34-acre commercial development at Santan Village, north of Williams Field and Santan Village Parkway. He described some of the changes that have been made to the site plan and the building elevations since the last meeting with the Planning Commission based on staff and Commission comments. One of the significant changes is the elimination of the easternmost driveway along Coronado Street, which was too close to the corner, and the increase of tree quantities along the northern and western boundaries to provide better screening for the neighbors.

Elevations modifications:

Planner Newman also explained how the elevations for some of the buildings have been modified to incorporate more roofline variation, wall plane movement, and enhanced rooftop screening by increasing the heights of the parapet walls. He mentioned that a companion application for a conditional use permit for the field portion of the Dick's Sporting Goods store will be presented to the commission, as the field will be used for product testing and other activities that require a permit.

Planner Newman concluded by asking the Commission for any further input on the elevations or the overall design of the site.

COMMISSION QUESTIONS/COMMENTS

There were no comments from the commissioners.

3. Z24-03 LDC TEXT AMENDMENT: Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter 3 Subdivisions, Section 1.1 Subdivision Regulations; Section 1.1.4 Final Plat Overview relating to final plat approval and appeals; Section 1.1.5 Amendments to Previously Approved Plats relating to final plats; Section 1.2 Minor Land Division and Minor Subdivision; Section 1.2.4 Minor Subdivision Overview; Section 1.2.5 Appeals. Tom Condit (480) 503-6815.

STAFF RECOMMENDATION

A. Staff requests the Planning Commission initiate a text amendment to the Town of Gilbert Land Development Code, Chapter 3 Subdivisions, Section 1.1; Section 1.1.4 Final Plat Overview relating to final plat approval and appeals; Section 1.1.5 Amendments to Previously Approved Plats relating to final plats; Section 1.2 Minor Land Division and Minor Subdivision; Section 1.2.4 Minor Subdivision Overview; Section 1.2.5 Appeals; and

B. Conduct a Citizen Review meeting to discuss the proposed Land Development Code text amendment pertaining to final platting procedures.

Tom Condit explained the purpose of the update to Chapter 3 subdivisions, which is intended to streamline the final platting process by allowing administrative approval of plats without Council action, as permitted by Senate Bill 1103. The development service director or designee can approve plats up to 300 lots, but the preliminary platting process remains unchanged and requires Planning Commission and Council review and approval. Applicants can appeal to the Council if they are not satisfied with the administrative approval. The update will speed up the development process and reduce the workload for the Council, as most final plans are minor and technical.

COMMISSION QUESTIONS/COMMENTS

Commissioner Fay expressed concern about staff approving a 300-home subdivision without Council input. He noted that the Council may have different opinions on development-related platforms. Eva Cutro explained that discussions on the amendment were scheduled for a Town

Council work session at the end of May 2024 and then for a hearing in June 2024. Commissioner Fay expressed concern about the loss of Council authority and oversight and the potential impact on the public input. Eva Cutro stated that the planning process is not legislative; it is administrative. Commissioner Fay questioned about going public with the plan without the Council's approval. Eva Cutro explained that the Council cannot vote no if the preliminary plat has been approved and all criteria have been met.

Commissioner Andersen asked whether the application was only for subdivisions or if it would apply to other types of projects in town. Tom Condit replied that it is any subdivision, commercial, or residential, split lots into more than three parts.

The Commission voted 6-1. The vote passed.

4. Z24-02 LDC TEXT AMENDMENT: Citizen Review and initiation of amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations Section 2.0 Terms; Section 5.0 Supplemental Regulations; Subsection 5.3 Circulation, Parking and Loading relating to inoperable and abandoned vehicles. Eva Cutro (480) 503-6782.

STAFF RECOMMENDATION

A. Staff requests the Planning Commission initiate a text amendment to the Town of Gilbert Land Development Code, Chapter 1 Zoning Regulations Section 2.0 Terms; Section 5.0 Supplemental Regulations; Subsection 5.3 Circulation, Parking, and Loading relating to inoperable and abandoned vehicles. The effect will be to clarify the Code and make technical and conforming changes; and

B. Conduct a Citizen Review meeting to discuss Chapter 1 Zoning Regulations, Section 2.0 Terms, Section 5.0 Supplemental Regulations, and Subsection 5.3 3 Circulation, Parking, and Loading relating to inoperable and abandoned vehicles. The amendment will clarify the Code and make technical and conforming changes.

Eva Cutro provided an overview of the purpose of the text amendment, which is to remove the terms and regulations for parking and loading related to inoperable and abandoned vehicles from the Land Development Code (LDC) and have them covered by the Community Preservation Ordinance (CPO) instead. The CPO has been in the works for over five years, and it is a collaboration between code enforcement, legal, and planning departments. It would establish minimum standards for the exteriors of buildings and maintenance of residential and non-residential building structures, as well as vacant and improved land. The development services will enforce the CPO, and it will address issues such as deteriorated roofs, fences, windows, trash, debris, inoperable vehicles, dead plant material, and green pools. Code enforcement will be more reactive than proactive and will try to work with the residents before issuing violations. The commission does not consider the CPO itself, as it is part of the municipal code and not the LDC. The commission only has to vote on changing the LDC to remove the inoperable vehicle section. The CPO will go straight to the Council, which has initiated and guided the drafting process.

COMMISSION QUESTIONS/COMMENTS

Commissioner Andersen expressed concern about code enforcement in non-HOA communities, seeking more information on the process and potential consequences. Eva Cutro explained that code enforcement is reactive, with inspectors working with residents to address issues and provide time for compliance, but they also can issue violations and fines.

Commissioner DeGravina expressed concern about backyards being a blight or a concern for neighbors. Alena Jorquez noted that they would conduct a more in-depth study session once the Town Council's feedback is received.

Commissioner Simon requested to see the revised Land Development Code (LDC) before it is enacted.

Commissioner Gage proposed moving language to the Community Preservation ordinance.

The Commission voted 6-1. The vote passed.

5. DISCUSSION OF REGULAR MEETING AGENDA

Chair Mundt reviewed the meeting agenda, and no changes were requested.

ADJOURN STUDY SESSION

Chair Mundt adjourned the Study Session at 5:56 p.m.

CALL TO ORDER OF REGULAR MEETING

Chair Mundt called the May 1, 2024, Regular Meeting of the Planning Commission to order at 6:04 p.m.

PLEDGE OF ALLEGIANCE

Chair Mundt led the Pledge of Allegiance.

ROLL CALL

A roll call was conducted, and it was confirmed that a quorum was present.

6. APPROVAL OF AGENDA

Chair Mundt called for a motion to approve the agenda.

MOTION: Commissioner Simon moved to approve the agenda of the May 1, 2024, meeting of the Planning Commission as presented, seconded by Commissioner Andersen. **Motion passed 6-1.**

COMMUNICATIONS

7. COMMUNICATIONS FROM CITIZENS

At this time, members of the public may comment on matters within the jurisdiction of the Town. The Commission/Board may not discuss items that are not explicitly identified on the agenda. Therefore, pursuant to state law, action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration.

There were no comments from citizens.

8. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Councilmember Scott Anderson shared that the Town Council repealed the Code of Ethics and put in its place a Code of Conduct will affect the Commission as well as the Council.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board 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/Board shall then withdraw the item from the public hearing consent calendar for public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

9. **DR24-13 VICTORY PLAZA PAD E & F: Site plan, landscaping, grading and drainage, elevations, floorplans, lighting, and colors and materials for approximately 7.07 acres, generally located at the southwest corner of Queen Creek Road and Greenfield Road, and zoned Community Commercial (CC) with a Planned Area Development (PAD) overlay. Nicole Russell (480) 503-6716.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR24-13, Victory Plaza PAD E & F: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 7.07 acres, generally located at the southwest corner of Queen Creek Road and Greenfield Road and zoned Community Commercial 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.

- c. Signage is not included in this approval. Approval of a Comprehensive Sign Plan is required in order to establish sign design standards, coordination of uses, and building architecture compatibility expected in this project area. The Sign Plan must be approved prior to submitting for sign permits.
- d. Permits must be issued for off-site improvements to Greenfield Road and Queen Creek Road prior to issuance of building permits for pad sites within Victory Plaza per Ordinance 2747 and DR20-173.

MOTION: Vice Chair Bianchi moved to approve the consent calendar as presented, seconded by Commissioner Fay. The motion **passed 7-0**.

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/Board.

10. 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. Nicole Russell (480) 503-6716.

STAFF RECOMMENDATION

Make the Findings of Fact and approve of UP23-47, Chipotlane: 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.

11. 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. Nicole Russell (480) 503-6716.

Approve the Findings of Fact and approve DR23-167, Chipotle: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.44 acres, generally located northeast of Chandler Heights Road and Higley Road, and zoned Neighborhood Commercial (NC) with a Planned Area Development (PAD) overlay, subject to conditions:

- e. Construction of the project shall conform to the exhibits approved by the Planning Commission at the May 1, 2024 public hearing.
- f. 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.
- g. Signage is not included in this approval. Approval of a Comprehensive Sign Plan (CSP) is required in order to establish sign design standards, coordination of uses, and building architecture compatibility expected in this project area. The Sign Plan must be approved prior to submitting for sign permits.
- h. A Property Owners Association (POA) shall be established prior to permit issuance for the initial phase of development to maintain and operate all landscaping, open space, recreation facilities, private streets, private sidewalks, parking area, utilities, and/or other facilities.

Planner Russell presented the applications for a conditional use permit and a design review to approve a master site plan and other aspects for a Chipotle restaurant with a drive-through lane in a neighborhood commercial zoning district. The site is located at the northeast corner of Higley Road and Palmer Street and was rezoned from public facilities and open space to commercial in 2002 and then to neighborhood commercial in 2005. A bank with a four-lane drive-through was approved on the site in 2007 but was not built. The proposed Chipotle restaurant is a new concept that features a drive-through lane for online pickup orders only instead of a standard drive-through. The project will be developed in two phases; the first phase includes Chipotlelane, the off-site improvements, and the landscaping on the perimeter. The building is a 2,473-square-foot structure with a 50-foot setback from residential areas, as required by the code.

The design is a modern take on old-world Spanish architecture, with stone accents, two-tone stucco, red tile roofs, and embellishments on the north and south sides. The landscaping consists of a varied plant palette of trees and shrubs, such as desert willow, palo brea, southern live oak, evergreen elm, bougainvillea, Texas ranger, Mexican petunia, coral fountain, and red yucca. The staff requested the commission to approve the findings of fact and approve the conditional use permit and the design review for the Chipotle project, which require two separate motions.

COMMISSION QUESTIONS/COMMENTS

Commissioner Gage inquired about the master site plan. Planner Russell clarified that the master site plan starts with the first phase of development. The second phase, depending on the size of the building, can come through an administrative design review. Therefore, the first phase would include all the off-sites as well as landscaping in whichever portion is first. She added that it would

still go through staff review and meet all code requirements. Traffic and development engineering will also be looking at the plan. Therefore, if it meets the criteria for being processed as an administrative design review, the Planning Commission would not see it.

Commissioner Davis questioned whether there would be a speaker box, raising concern about the neighbors on the north side. Planner Russell shared that staff requested that the applicant put a menu board and an order area on the site plan to ensure that the stacking for a potential future user would meet the code requirements for a drive-thru.

Vice-Chair Bianchi asked whether the applicant had received all necessary approvals from the Seville HOA through their design guidelines. Planner Russell noted that the applicant did meet with the Seville HOA and provided staff with a letter of approval. They indicated that about 50 members of the public who attended that meeting in Seville HOA were in favor of the proposed design. Vice-Chair Bianchi also inquired about the drive-thru and use permit regarding standard hours of operation. Planner Russell explained that the NC district requires that it cannot be open later than 10:00 p.m. However, the applicant is amenable to that restriction for the NC zoning district. She added that the Black Rifle Coffee Company application was withdrawn before this application was brought to the Planning Commission. She also explained that if another drive-through were requested to be on the second pad site, it would need a use permit, which would go before the planning commission.

Amy Malloy, representing the landowner, spoke about the future phasing of the site, the building elevation, the Chipotle lane concept, the master site plan, and the traffic circulation. She also mentioned the collaboration with the Seville HOA and the Town staff.

Vice-Chairman Bianchi asked about the dual-lane drive-through and its intended operation.

Commissioner Fay commented on the number of parking spaces and traffic circulation. Amy Malloy explained that the applicant had no intention of using a dual lane. It is just a planning requirement to ensure that it can be accommodated if necessary.

Commissioner Fay expressed his excitement about the new Chipotle and mentioned the potential problem of parking during peak hours, referencing Dairy Queen on Gilbert Road.

Commissioner Gage expressed her excitement about the new Chipotle and said she would anticipate the parking issue in the future.

A citizen, Mr. Brian Pierotti, spoke in opposition to the item, expressing concerns about waste, traffic, rodents, and noise. He suggested beautifying the area with landscaping instead of adding another fast-food drive-through.

The applicant clarified that the site is zoned for neighborhood commercial and that deliveries and landscaping will be restricted to buffer the site from the adjacent residential area.

Vice Chairman Bianchi mentioned that the zoning allows for restaurant use and that the use permit for the drive-through is acceptable. He suggested ensuring that the trash enclosures are adequately maintained.

MOTION: Commissioner Gage moved to approve UP23-47 CHIPOTLANE 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-thru in conjunction with a quick-service restaurant in the Neighborhood Commercial (NC) with a Planned Area Development (PAD) overlay, seconded by Commissioner Simon. The motion **passed 7-0**.

MOTION: Commissioner Gage moved to approve 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, seconded by Commissioner Simon. The motion **passed 7-0**.

ADMINISTRATIVE ITEMS

Administrative Items are for the Commission/Board discussion and action. It is at the discretion of the majority of the Commission/Board regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a public comment form indicating the Item Number on which they wish to address. The Commission/Board may or may not accept public comment.

There were no administrative items.

12. PLANNING COMMISSION MINUTES

MOTION: Vice Chairman Bianchi moved to approve the minutes of the April 3, 2024, study session and regular meeting, seconded by Commissioner Davis. **Motion passed 7-0**.

COMMUNICATIONS

EXECUTIVE SESSION: The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

An Executive Session was not required at this meeting.

13. REPORT FROM THE CHAIRMAN AND MEMBERS OF THE COMMISSION ON CURRENT EVENTS

There was nothing to report.

14. REPORT FROM THE PLANNING SERVICES MANAGER ON CURRENT EVENTS

Eva Cutro, Planning Manager, noted that a joint meeting of the RDC and the Planning Commission will be held on June 11, 2024, at the Park University building in the heritage district. The meeting will tentatively start around 4:00 p.m., and Dinner will be served. It may go as late as 8:00 p.m.

ADJOURNMENT

Chair Mundt called for a motion to adjourn the meeting.

MOTION: Vice-chair Bianchi moved to adjourn the meeting, seconded by Commissioner Fay.
Motion passed 6-1.

The meeting was adjourned at 6:44 p.m.

Noah Mundt, Chair

Attest:

Tracey Asher

DRAFT