



Development Services  
Department  
90 E. Civic Center Drive  
Gilbert, AZ 85296  
(480) 503-6700 Phone  
(480) 497-4923 Fax  
[www.gilbertaz.gov](http://www.gilbertaz.gov)

# **General Plan Application & Process Guide**

Town of Gilbert  
Planning Services Division  
<http://www.gilbertaz.gov/departments/development-services/planning-development>

## General Plan Application Procedures

The following information is provided to assist in the preparation and submittal of an application for a General Plan text or map amendment for property within the Town of Gilbert. The General Plan request will be heard by the Planning Commission and the final decision will be made by the Town Council.

### 1. *Pre-Application Review Process*

Prior to filing an application for a General Plan amendment, the applicant must complete the Pre-Application review and Neighborhood Meeting process. Forms and instructions for the Pre-Application review and Neighborhood Meeting are available through the Development Services Department or on the Town's website (<http://www.gilbertaz.gov/planning/default.cfm>). The Pre-Application process, including the Neighborhood meeting, takes approximately three weeks.

### 2. *Application Completeness*

For an application to be accepted, the Applicant must provide all of the required information described on the submittal checklist, as incomplete applications **will be** rejected. Ensuring the accuracy of the application is the responsibility of the Applicant.

- a. Major Amendments – Applications for major amendments to the General Plan will be considered once a year. The Gilbert General Plan defines what constitutes a major amendment. Submittals are accepted until May 31<sup>st</sup> of each calendar year in order to be considered in that year.
- b. Minor Amendments – Minor General Plan amendments include any change to the General Plan not defined as a Major Amendment. Applications may be filed at any time during the year.

### 3. *Forms/Review*

- a. Administrative Completeness Review (see Planning Division Project Review Timelines): Staff will review the application to make sure all required documents and information have been included. If required information is missing, Applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be required.
- b. Substantive Review (see Planning Division Project Review Timelines): When complete, the application will be routed to Town staff and affected agencies for review and comment. After this review is completed, the comments are consolidated and returned to the Applicant. The Applicant is responsible for addressing staff comments, revising and amending the application as required, and submitting a complete set of revised plans for a second review to ensure all comments have been addressed to the satisfaction of the Town. If all comments have been adequately addressed, the legislative process will begin by scheduling the rezoning for a public hearing before the Planning Commission.
- c. If all comments and issues identified in the Substantive Review have not been addressed to the satisfaction of Staff in the resubmission, the application will be denied. In lieu of denial, the Applicant may, either in writing or electronically, agree



to allow Gilbert to submit supplemental requests for additional information. If Gilbert issues a comprehensive written or electronic request or a supplemental request, the Substantive Review timeframes are suspended until the additional information is submitted by the Applicant.

#### **4. *Neighborhood Notice***

Neighborhood Notice is required for map amendments only. The Town will prepare the Notice of Public Hearing for the General Plan amendment and provide a copy to the applicant. For each required public hearing, the applicant must mail the Notice of Public Hearing by first class-mail at least fifteen (15) calendar days prior to the date of the hearing to the following:

- a. All property owners of record within three hundred (300) feet of the site, unless the site is located within the General Plan Santan Character Area, in which case property owners within six-hundred sixty (660) feet are to be notified;
- b. All Homeowners Associations within one thousand (1,000) feet of the site registered with the Town of Gilbert Neighborhood Services Office, the Arizona Corporation Commission or identified on the Maricopa County Assessor's website ([www.maricopa.gov/assessor](http://www.maricopa.gov/assessor));
- c. All neighborhoods within one thousand (1,000) feet of the site registered with the Town of Gilbert Neighborhood Services Office;
- d. To the owner, if the application is initiated by a person other than the owner; and
- e. Any person or group who has requested notice in writing.

The Planning & Development Services Manager may expand the notification area set forth in this section if it is determined that the potential impact of the project extends beyond the required notification boundary. The applicant must submit a signed affidavit of mailing prior to public hearing. Failure of the applicant to provide evidence of mailing will result in a postponement of the public hearing item. The applicant may be charged a fee for the postponement.

#### **5. *Property Posting (Sign)***

The Town will prepare the Notice of Public Hearing Sign Template for the General Plan amendment and provide a copy to the applicant. The sign must be posted at least fifteen (15) calendar days prior to the date of each public hearing (Planning Commission & Town Council). The applicant is responsible for posting the sign on the property, subject to the following specifications and requirements:

- a. Posting, maintenance and removal of signs are the responsibility of the applicant. The applicant must remove all signs within ten (10) days following the public hearing. If the sign is not removed on time, the Town will remove the sign and may charge the applicant a removal fee;
- b. The applicant must submit a signed and dated affidavit of posting and color photos of the posted signs prior to the public hearing; and
- c. Failure of the applicant to provide evidence of posting will result in a postponement of the public hearing. The applicant may be charged a fee for the postponement.

#### **6. *Staff Reports***

After the Staff comments have been addressed and the project has been scheduled for the public hearings, the Planning Division will prepare reports describing and evaluating the proposed project and making recommendations to the Planning Commission and



Town Council. Copies of the staff reports will be made available to the public and sent to the applicant prior to each public hearing.

**7. *Planning Commission Hearing***

The Planning Commission must conduct at least one public hearing for a Minor General Plan amendment and at least two public hearings for a Major General Plan amendment. Hearings on Major General Plan amendments must be held in two separate locations within the Town. Regular Planning Commission hearings occur on the first Wednesday of each month at 6:00 p.m. Regular meetings are held at the Municipal Center in the Council Chambers, 50 E. Civic Center Drive, although special meetings may be held at a different location. The applicant or a project representative must be present at the hearing. The Commission will provide a recommendation to the Town Council.

**8. *Town Council Hearing***

Town Council hearings occur on Thursdays of each month at 7:00 p.m. and are held at the Municipal Center in the Council Chambers, 50 E. Civic Center Drive. Please refer to the Town website [www.gilbertaz.gov](http://www.gilbertaz.gov) for published meeting dates. The applicant or project representative must be present at the hearing. The Town Council will make the final decision regarding the application. Approval of any Major General Plan amendment requires an affirmative vote by at least two-thirds of the members of the Council. The Resolution approving the project will become effective thirty (30) days after the resolution is signed by the Mayor, usually the day following the Council action.

**9. *Inactive Cases***

All applications are required by the Land Development Code to be actively pursued to a decision. If no activity has occurred on an application for 180 days, the application will be determined to be inactive, deemed to be withdrawn and the file will be closed. The applicant may submit a written request that the application remain active, with an explanation for the inactivity. The Planning Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period.



# General Plan Amendment Application Requests

## General Plan

### 1. Project Narrative

- Description of proposed General Plan changes; and
- Explanation on how the proposed change is compatible with adjacent properties and other elements of the General Plan; and
- Explanation on the availability of public utilities and services.

### 2. Map Exhibit

- Vicinity Map;
- Scale, north arrow, and dimensions;
- Existing roadways;
- Table indicating proposed roadway classifications.
- Proposed land use classification boundaries;
- Adjacent land use classifications within 300 feet;
- Project Data Table:
  - Gross and net acres;
  - Current and proposed General Plan Classification(s); and
  - Percent of total acreage in each land use classification.

### 3. Traffic Study (if applicable)

- The Town may require a market study to be performed to evaluate the economic and fiscal impact of the proposed amendment on the Town and other land uses. Market studies will be the financial responsibility of the applicant and contracted by the Town to ensure objectivity. The Town Engineer may require a Traffic Impact analysis to determine the impacts of the request.



## Narrative Statement / Project Justification

A narrative is required for Town evaluation of all proposed General Plan amendments. The narrative must address the following questions:

1. Why is the current classification not suitable?
2. Does the proposal conform with land use goals? Will the proposed change:
  - a. Support the goals and policies of the General Plan;
  - b. Conform to the proposed range of land uses, densities and intensity of uses, hierarchy of transportation systems; and
  - c. Avoid creation of isolated uses that will cause incompatible community form and a burden on services and improve the efficiency of circulation systems?
3. What unique physical characteristics of the site present opportunities or constraints for the development under the existing classification?
4. What is the ability and capacity of the water and sewer system to accommodate development that may occur as a result of the General Plan amendment without system extensions or improvements?
5. What is the ability of existing Police and Fire department personnel to provide adequate emergency services according to acceptable response standards set by the community?
6. What is the ability of the proposed public and private open space, recreation, schools and library facilities to meet the projected demand of future development without reducing services below community standards?
7. What is the proposed fiscal impact of future development based on evaluation of projected revenues and the additional cost of providing public facilities and services to accommodate projected increases or decreases in population and development that could occur as a result of the General Plan amendment?
8. How will the proposed amendment affect the ability of the community to sustain the physical and cultural resources, including air quality, water quality, energy, natural and human-made resources necessary to meet the demands of present and future residents?
9. What changes in Federal or State laws or policies substantiate the proposed amendment?







**A.R.S. § 9-843. Prohibited acts by municipalities and employees; enforcement; notice**

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.



## General Plan Amendment Checklist

<b><u>Required Materials</u></b>	<b>Applicant Checklist</b>	<b>Staff Verification</b>
PDF copy on disk of ALL required items on checklist with images formatted no larger than <b>11" x 17"</b> , saved in a <b>single layer with no write protection</b> .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Submit hard copy of ALL required items below:</b>		
<b>Application</b> .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Fee</b> (see Planning fee schedule).....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Project Narrative</b> .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Proposition 207 Waiver Form with required Exhibits:</b>		
• Exhibit A – Title Report..... <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Exhibit B – Legal Description & Map of Site..... <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Exhibit C – Requested action setting forth any modifications, changes, deletions, or additions .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Pre-Application Meeting Comments</b> .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response to Pre-Application Meeting Comments</b> .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Market Study</b> (if required by the Town).....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Traffic Impact Analysis</b> (If required by Traffic Engineer).....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Legal Description</b> (Metes and bounds description required for unplatted property) including total gross acreage, sealed and signed by a registered engineer or surveyor (8.5" x 11").....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Maricopa County Assessor Parcel Map</b> (8.5" x 11") (Highlight project area and provide parcel numbers).....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Documentation of the Neighborhood Meeting including:</b>		
• A typed listing of persons that attended the meeting including their names, addresses, and telephone numbers.....	<input type="checkbox"/>	<input type="checkbox"/>
• Minutes of the meeting addressing neighborhood concerns, topics discussed, and how the applicant addressed such concerns.....	<input type="checkbox"/>	<input type="checkbox"/>
• Copy of the letter notifying property owners of the meeting.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Land Use or Map Exhibit</b> (N/A for text amendments):		
• 1 (11" x 17" laser print to scale).....	<input type="checkbox"/>	<input type="checkbox"/>



**Neighborhood Notice:**

- A parcel map highlighting properties within 300 feet or 660 feet for properties in the Santan Character Area. Homeowners Associations and neighborhoods within 1,000 feet of the property of the site .....
- Typed names and addresses of all property owners identified on highlighted parcel map.....



TOWN OF GILBERT

AGREEMENT TO WAIVE CLAIMS FOR DIMINUTION IN VALUE

PURSUANT TO A.R.S. § 12-1134

I/We, \_\_\_\_\_, (“Owner”) am/are all of the owner(s) of real property (“Property”) generally located at \_\_\_\_\_, consisting of approximately \_\_\_ acres, as shown in the evidence of ownership ( *Exhibit A* ) and is legally described and shown on the map in *Exhibit B*, both of which are attached to this Agreement.

The Property is subject to the land use laws of the Town of Gilbert, Arizona. For purposes of this Waiver, “land use law” shall be defined as set forth in A.R.S. § 12-1136.

I/We have requested that the Town take/approve the land use action (“Requested Action”) as set forth in *Exhibit C*, which is attached to this Agreement.

I/We acknowledge that as the request is processed for approval, changes may be made to the details and requirements for approval of the request. Some of these changes may materially alter the request, so that the final approval may be substantially different than originally requested. I/We understand and agree that execution of an additional waiver will be required for approval if the request is altered.

I/We acknowledge that the Requested Action may alter my/our rights to use, divide, sell or possess our Property, and that, pursuant to A.R.S. § 12-1134, as the owner of property directly regulated by a land use law, I/we may be entitled to compensation from the Town for diminution of value in the property if the action I/we have requested from the Town reduces the fair market value of the above described property.

By signing this Agreement, I/we hereby agree to waive any and all claims for diminution in value for the Property which may arise pursuant to A.R.S. § 12-1134 as a result of the Town’s actions, including but not limited to approvals, denials or conditions of approvals with respect to the above-described Requested Action.

I/we hereby further understand that the Town is acting in reliance upon my/our representations in this waiver.



Project No. \_\_\_\_\_  
Waiver of Claims for Diminution in Value  
Signature Page

\_\_\_\_\_  
Property Owner

Date: \_\_\_\_\_

By Its \_\_\_\_\_

STATE OF ARIZONA )

) ss.

County of Maricopa )

SUBSCRIBED AND SWORN before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by

\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

