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## Planning Commission Study Session

TO: PLANNING COMMISSION

FROM: KRISTEN DEVINE, PLANNER II *KD*  
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THROUGH: VERONICA GONZALEZ, PRINCIPAL PLANNER *vg*  
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MEETING DATE: JANUARY 03, 2024

SUBJECT: GP22-16, Z22-16 LUMBERYARD

**STRATEGIC INITIATIVE:** Exceptional Built Environment

To allow for a General Plan Amendment and Rezoning to accommodate a high-density multi-family development.

### REQUEST

- A. GP22-16 LUMBERYARD: Request for a Minor General Plan Amendment to change the land use classification of approximately 8.5 acres generally located east of Neely Street between Cullumber Avenue and the railroad from Industrial (I) to Residential > 25-50 DU/Acre. The effect of this amendment will be to change the plan of development to allow a multi-family residential development.
  
- B. Z22-16 LUMBERYARD: Request to rezone approximately 8.5 acres generally located east of Neely Street between Cullumber Avenue and the railroad from Town of Gilbert General Industrial (GI) zoning district to Multi Family High (MF/H) zoning district with a Planned Area Development overlay zoning district (PAD). The effect of this rezone will be to allow a multi-family residential development with a modified development standard as follows: reduction in open space.

**RECOMMENDED MOTION**

- A. No motion requested, input only.
- B. No motion requested, input only.

**APPLICANT**

Company: Withey Morris Baugh, PLC  
Name: Hannah Bleam  
Address: 2525 E. Biltmore Cir. Unit A-212  
Phoenix, AZ 85016  
Phone: 602-230-0600  
Email: Hannah@wmbattorneys.com

**OWNER**

Company: Foxworth Galbraith  
Lumber Co.

**BACKGROUND/DISCUSSION**

**History**

No historical data was located.

**Overview**

The applicant is requesting to change the existing General Plan land use classification and zoning district for approximately 8.5 gross acres generally located east of Neely Street between Cullumber Avenue and the railroad to construct a multi-family development.

The land use classification is proposed to change from Industrial (I) to Residential > 25-50 DU/Acre with a rezoning request from Light Industrial (LI) to Multi-Family High (MF/H) with a Planned Area Development (PAD) overlay.

**Surrounding Land Use & Zoning Designations:**

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Industrial (I)	General Industrial (GI)	Foxworth Galbraith Lumber, future retention basin
South	Industrial (I)	General Industrial (GI)	General Industrial lots
East	Residential > 14-25 DU/Acre	Multi-Family Medium (MF/M)	District Lofts

West	Parks Open Space (P/O/S)	Public Facility/ Institution (PF/I)	Neely Street then Town of Gilbert sewer treatment facility
Site	Industrial (I)	General Industrial (GI)	Foxworth Galbraith Lumber

**General Plan**

The existing General Plan land use classification is Industrial (I). To develop the property with high-density multi-family units, the applicant is requesting a minor General Plan Amendment to change the land use classification from Industrial (I) to Residential > 25-50 DU/Acre. The site is located within the Heritage District redevelopment area. Per the Redevelopment Plan, the recommended uses for this area include a transit center, a park, and multi-family housing to support the pedestrian oriented village center atmosphere that the downtown area provides.

**General Plan Goals**

The applicant has stated that they believe they conform to the General Plan for the following reasons (applicant response in italics):

**GOAL CM-1: Encourage A Balanced Land Use Framework**

Policy 2: “Encourage high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, market preferences, and incomes.”

*Development of the Property as a multi-family residential use will provide new housing opportunities that can accommodate a variety of lifestyles, households, ages, market preferences, and incomes within an area designated for growth and near existing and future retail and employment.*

*Therefore, the proposed development will further the goal of the General Plan to provide a “balanced land use framework” as it will further housing diversity options for Gilbert residents, which is particularly important near employment and growth areas.*

**GOAL CM-5: Provide Diverse, High-Quality Housing**

Policy 5: “Guide a greater diversity of housing types and densities, retail and commercial centers, and employment opportunities into identified growth areas where significant change is foreseeable.”

*The project will add a new high-quality housing option to the area, near the Heritage/Downtown District, which will be compatible with the surrounding uses, while still meeting the needs of all segments of the Gilbert community. The project strengthens the vitality of the surrounding employment park by adding a complementary use which major employers have demanded. This helps provide retail patrons to the area and add to the employee base. The addition of new residents at this location is appropriate given that it is a designated growth area which will support other uses, including nearby employment uses.*

## Rezoning

The applicant is requesting to rezone the subject site from General Industrial (GI) to Multi-Family High (MF/H) with a Planned Area Development (PAD) overlay. This will allow for the construction of a multi-family development.

The proposed project is a 300-unit apartment complex with three buildings ranging from three to four stories in height. The site will be developed in one phase and will include a central open space/amenity area and surface parking in a variety of options including personal garages, covered parking, and uncovered parking.

Neely Street is the only street providing access and two driveways are provided on either side of the forward most building. The two smaller buildings are placed at the front and rear of the site, with the largest building being placed in the center of the site surrounding the amenity area. Parking is provided along the northern and southern sides of the property, with an 11' landscape buffer between the parking spaces and the property lines.

## Project Data Table

Site Development Regulations	LDC Standards	Proposed MF/H PAD
Minimum Parcel Area (sf.)	35,000	35,000
Maximum Height (ft.)	55'	55'
Minimum Building Setbacks (ft.)		
Front	25'	25'
Side (non-residential)	10'	10'
Rear (multi-family)	10'	10'

Minimum Landscape Area depth in ft.)		
Front	25' (Neely)	25' (Neely)
Side (non-residential)	10'	10'
Rear (multi-family)	10'	10'
Separation between Buildings (ft.)		
Single or Two-Story	20	20
Three Story	20	20
Private Open Space (sf.)	60	60
<b>Common Open Space (minimum)</b>	40%	<b>36%</b>

***Common Open Space:***

The applicant is requesting a small deviation to reduce the common open space requirement from 40% down to 36%. According to the applicant, “this is largely because the Town is acquiring approximately 18 acres of land from this site to construct an adjacent retention basin. While the town has not yet finalized its design for the retention area, it’s logical that area would be viewed as a public amenity to residents in nearby neighborhoods as well as this development. In addition to the common open space, each unit will have private open space area.”

Staff is not generally supportive of the reduction in open space at this time. Common and private open space are two separate requirements, and both should be met. However, with the current proposal being under parked, we understand some changes will need to be made, and we will continue to work with the applicant to come to a solution.

**PUBLIC NOTIFICATION AND INPUT**

Multiple neighborhood meetings have been held throughout the last year. The residents asked questions regarding density, parking, and proximity to the adjacent industrial parcels.

The proposed project will require public notice as specified under Land Development Code (LDC) Section 6.2.6.

## REDEVELOPMENT COMMISSION

Since this project is located within 1,000 feet of the Heritage District, we presented it at the Redevelopment Commission study session on 12/20/23. Some comments and questions from the Commissioners were:

- Consider adding rooftop amenities to make up the 4% of open space they are requesting a deviation on.
- Parking is a concern. Site needs to park itself.
- Appreciated the 3-story building being street front and then working up to four stories for the rear two buildings.

## REQUESTED INPUT

1. Proposed General Plan amendment
2. Proposed PAD Rezone
3. Proposed deviations

Respectfully submitted,

*Kristen Devine*

Kristen Devine  
Planner II

## **Attachments and Enclosures:**

- 1) Aerial Photo
- 2) Land Use Exhibit
- 3) Zoning Exhibit
- 4) Development Plan
- 5) Applicant's Narrative

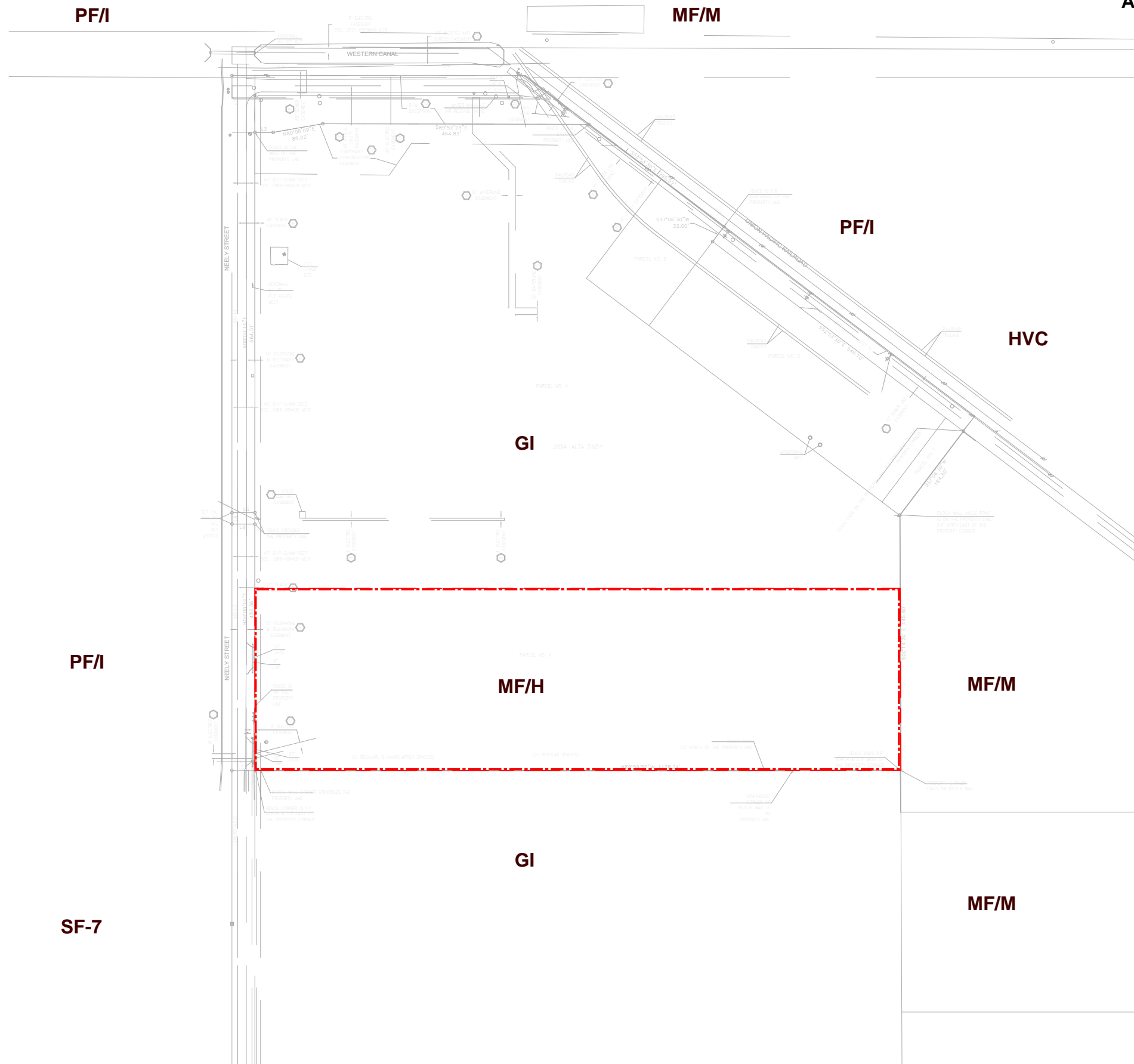


Aerial Map



PROJECT INFORMATION
<b>CURRENT ZONING:</b> • GI (GENERAL INDUSTRIAL)
<b>PROPOSED ZONING:</b> • MF/H (MULTI-FAMILY/HIGH DENSITY)
<b>NET SITE AREA:</b> • ~8.5 ACRES (369,900sf)
<b>DENSITY:</b> • 35.3 DU/AC (300 UNITS / 8.5 ACRES)
<b>COMMON OPEN SPACE:</b> • REQUIRED: 40% (147,960sf / 369,900sf) • PROPOSED: 36% (135,850sf / 369,900sf)
<b>PROPOSED POOL SIZE:</b> • ~3000sf (10sf PER UNIT)
<b>REQUIRED PARKING:</b> • RESIDENT PARKING: 410 CARS (1 SPACE PER BED, ASSUMING 36% 2BED UNITS) • VISITOR PARKING: 75 CARS (0.25 SPACES PER UNIT)
TOTAL PARKING REQUIRED: 485 CARS SPACES REQUIRED: GARAGE (75), COVERED (225), OPEN (185)
<b>TOTAL PARKING PROVIDED: 448 CARS</b> SPACES PROVIDED: GARAGE (72), COVERED (224), OPEN (152)
<b>BUILDING / UNIT STANDARDS:</b> • ALL UNITS TO HAVE COVERED BALCONIES (6ft x 10ft MIN.) • 825 sf AVERAGE UNIT SIZE • 36% 2 BED UNITS
<b>TOTAL UNITS: 300</b>

ZONING REQUIREMENTS
<b>ZONING:</b> • MF/H
<b>REQUIRED PARKING RATIO:</b> • RESIDENT PARKING: 1 CAR PER BED (NOT INCLUDING 3rd BEDROOM) • VISITOR PARKING: 0.25 CARS PER UNIT
<b>SETBACKS:</b> • 25' FRONT/STREET SETBACK • 10' SIDE SETBACK • 10' REAR SETBACK • 10' FROM BUILDING TO PARKING (MINIMUM) • 10' LANDSCAPE BUFFER AROUND PERIMETER OF SITE
<b>BUILDING HEIGHT:</b> • 55' MAX
<b>LANDSCAPE:</b> • 10' LANDSCAPE BUFFER AROUND PERIMETER OF SITE • LANDSCAPE ISLAND EVERY 8 PARKING SPACES
<b>SITE:</b> • COMMON OPEN SPACE MINIMUM - 40% OF NET AREA



GENERAL PLAN EXHIBIT



SF-7



**PROJECT INFORMATION**

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 • MF/H

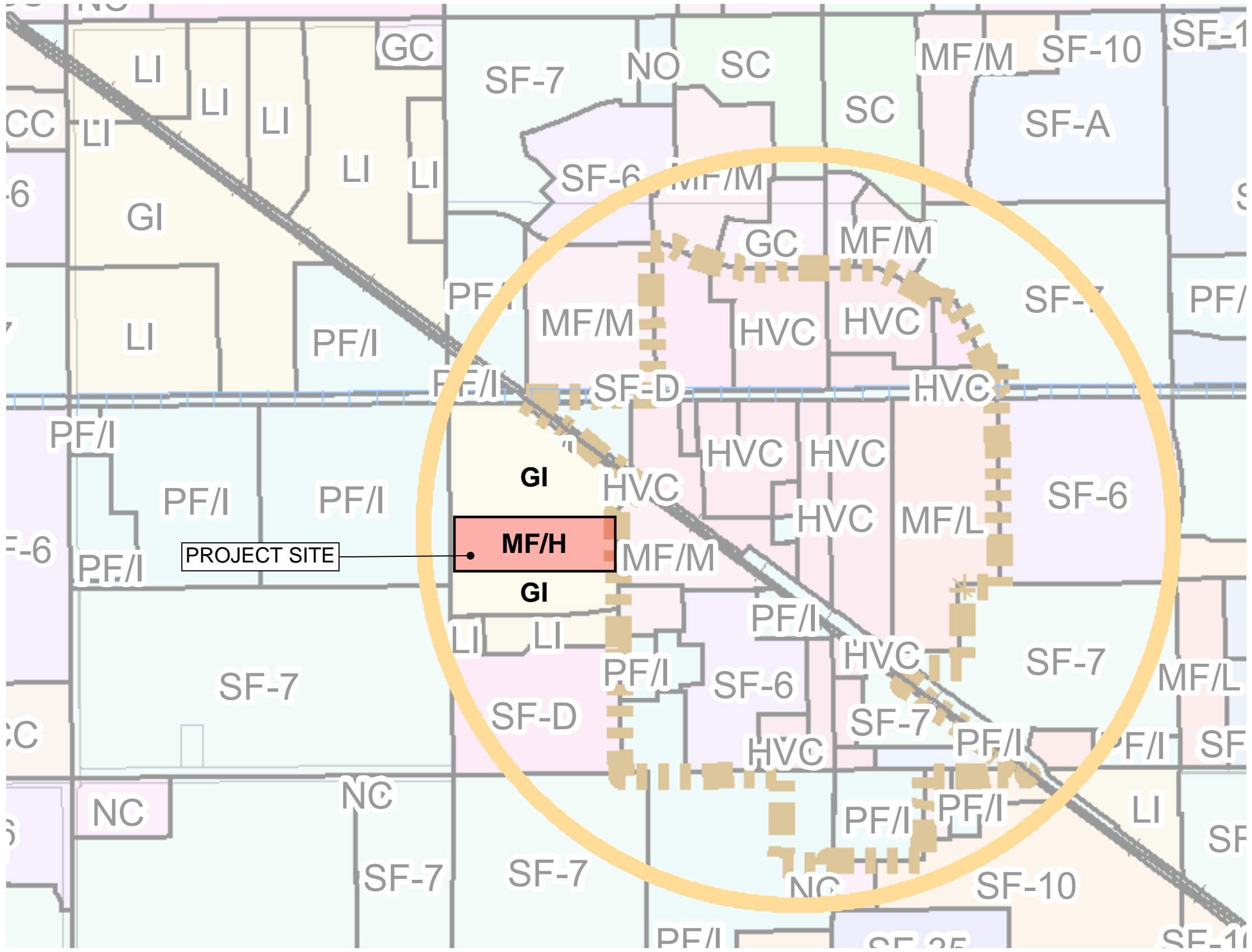
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 • 10' LANDSCAPE BUFFER AROUND PERIMETER OF SITE

**BUILDING HEIGHT:**  
 • 55' MAX

**LANDSCAPE:**  
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**SITE:**  
 • COMMON OPEN SPACE MINIMUM - 40% OF NET AREA

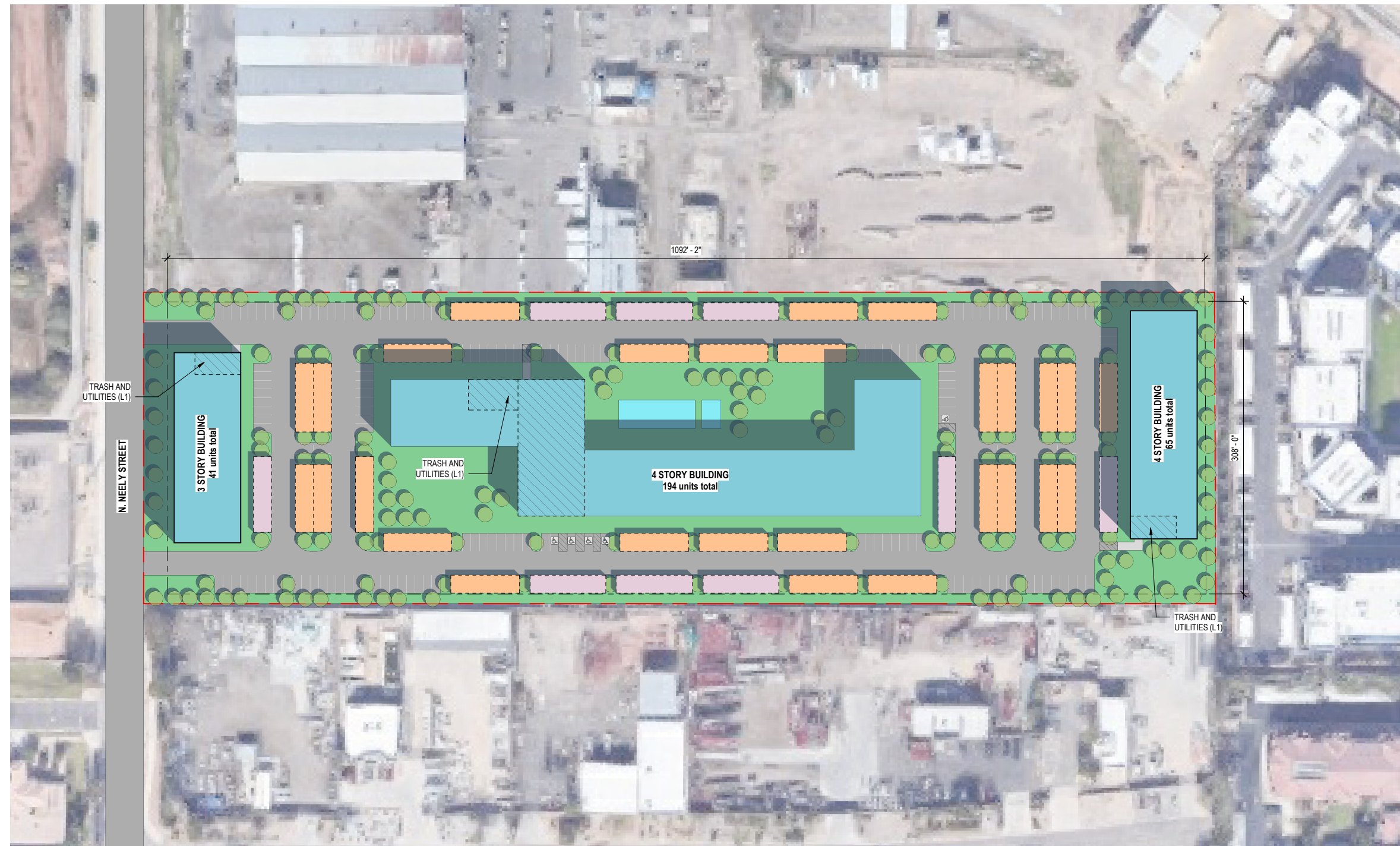


ZONING EXHIBIT

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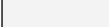



SITE PLAN LEGEND
 RESIDENTIAL BUILDING
 COVERED PARKING
 GARAGE PARKING
 AMENITY SPACES: ~10,000 sf

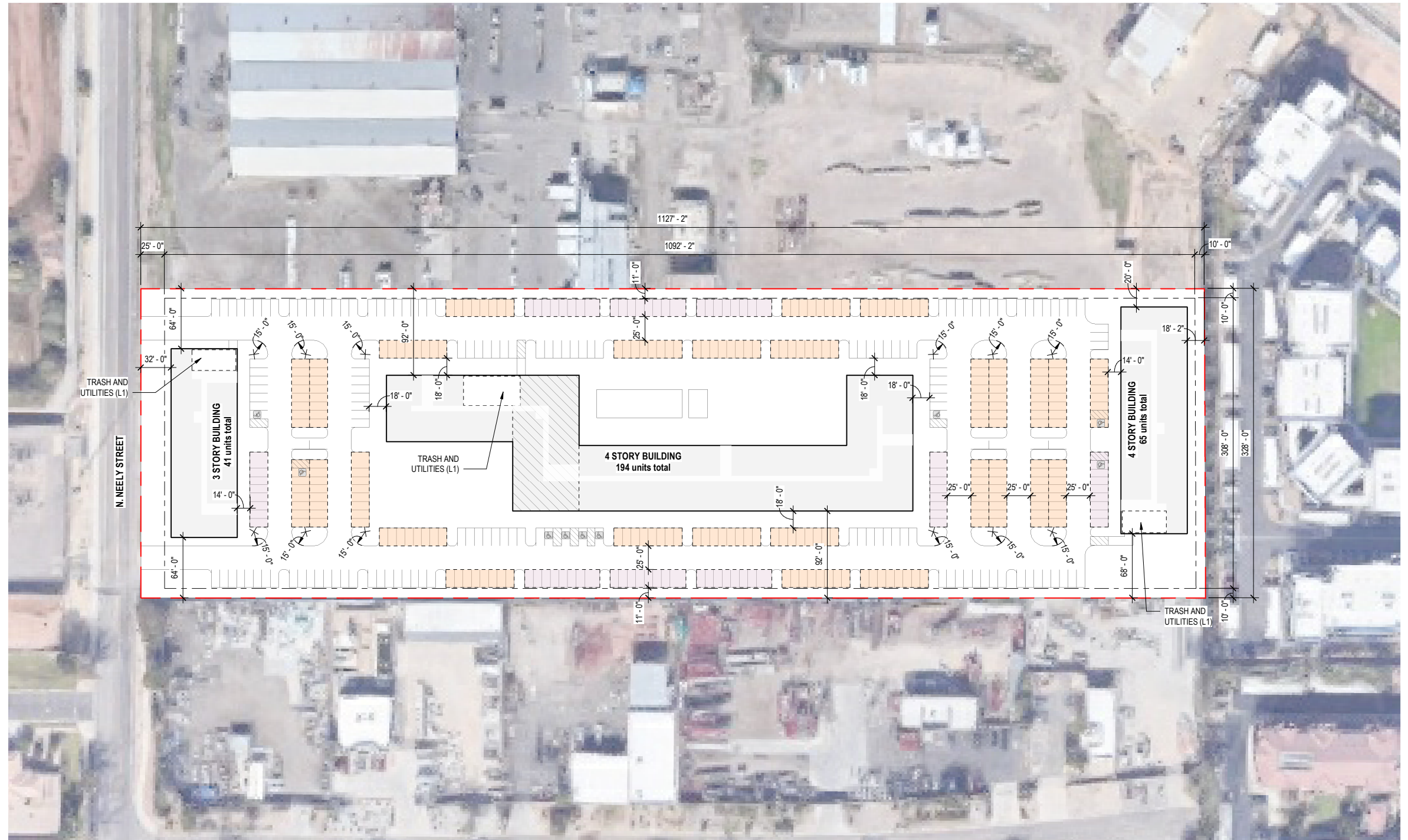


 **SITE PLAN**

PROJECT INFORMATION
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SITE PLAN LEGEND
 BUILDING FOOTPRINT
 COVERED PARKING
 GARAGE PARKING
 AMENITY SPACES: ~10,000 sf



 **SITE PLAN**



## **“The Lumberyard”**

**Rezone and GPA Narrative**  
**Approx. 8.5 acres**  
**located at southeast corner of**  
**Neely Street and Union Pacific Railroad**

**October 2023**

### **Introduction**

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On behalf of Keeley Properties, we submit this proposal for “The Lumberyard” a new multifamily development planned on a portion of the Foxworth Galbraith Lumber Company property. The property is the former lumberyard property located at the southeast corner of Neely Street and Union Pacific Railroad in Gilbert, Arizona (the “Property”). The Lumberyard is a new multifamily development that includes a premium 300-unit residential community with extensive amenities.

The property is uniquely situated on Neely Street, between the Western Canal and the Union Pacific Railroad line, where Neely Street terminates. The Property is close to Downtown Gilbert and a nearby connection to the Heritage District via the Sun Circle pedestrian trail/bridge. This location is appropriate for a residential use as the vicinity is changing and residential uses are encouraged here by the Heritage District Redevelopment Plan.

### **Request**

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- General Plan amendment from General Industrial (GI) to Residential 25-50 du/acre (8.5 acres).
- Rezoning the site to MF-H (8.5 acres) for a multifamily community. The rezoning will also include a PAD overlay with deviations as noted further below.

### **Project Overview**

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For years, the Foxworth Galbraith Lumber company has operated a truss plant at the terminus of Neely Street and the Union Pacific Railroad. While this use made sense in the early days of Gilbert, the heavy industrial nature of this facility no longer makes sense with the residential encroachment in the area, and the resurgence of the Heritage District from a former sleepy downtown.



With the lumberyard relocating to a different location soon, it is time to re-envision this property with something more eclectic and urban in nature given its location along the rail line and adjacent to the Heritage District. That vision must also take into consideration the lack of access north of the site and the ability to utilize and embrace the pedestrian overpass as a new modality.

The Lumberyard is a creative redevelopment opportunity that takes advantage of its proximity to the Heritage District and the newly installed pedestrian bridge that connects Neely Street to the downtown area via the rail line overpass.

## **Proposed Project**

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*The Lumberyard* will consist of three buildings, one 3-story building, and two 4-story buildings. The three-story building will be adjacent to Neely Street to create an inviting pedestrian experience along the street to encourage walkability. This building will provide 41 units. The central four-story building is the largest and will provide 194 units. The other four-story building is positioned to the east on the property and offers 65 units. In total, 300 total units are proposed with this development.

*The Lumberyard* offers various open space amenity areas centrally located within the project that will include a pool, seating areas, shaded recreation areas, and other amenities for residents to enjoy. In addition, there are two access points to and from the project that are from Neely Street. This will ensure easy circulation throughout the project.

The likely amenities may include:

- Courtyard with resort-style pool, grilling stations, and outdoor lounge areas
- Club room with gathering, entertaining, and workspaces
- Business center with conference room and technology
- Fully equipped fitness center
- Pet spa and park
- Complimentary coffee and beverage bar
- Mini market
- Bike and additional storage
- Package delivery system
- Secured building access and individual garage parking
- Onsite management team

## PAD Overlay

This proposal seeks to request some deviations from standards outlined below:

Development Standards	Conventional MF/H	Proposed MF/H PAD
Min. Building Setback Front (Street) Rear (Non-residential) Side (Non-residential)	25' 10' 10'	25' 10' 10'
Min. Landscape Setback Front (Street) Rear (Non-residential) Side (non-residential)	25' 10' 10'	25' 10' 10'
Private Open Space	60 sf	60 sf
Common Open Space Min.	40%	<b>36%</b>
Maximum Building Height	55'	55'
Parking	RESIDENT PARKING: 410 CARS (1 SPACE PER BED, ASSUMING 36% 2-BED UNITS)  VISITOR PARKING: 75 CARS (0.25 SPACES PER UNIT)  TOTAL PARKING REQUIRED: 485 CARS  SPACES REQUIRED: INDIVIDUAL GARAGE (75), COVERED (225), OPEN (185)	<b>TOTAL PARKING PROVIDED: 448 CARS</b>  <b>SPACES PROVIDED: INDIVIDUAL GARAGE (72), COVERED (224), OPEN (152)</b>

### PAD Deviation Justification

- Common Open Space:** The project is requesting a small deviation to reduce the common open space requirement from 40% down to 36%. This is largely because the Town is acquiring approximately 18 acres of land from this site to construct an adjacent retention basin. While the town has not yet finalized its design for the retention area, it's logical that area would be viewed as an amenity to residents in nearby neighborhoods as well as this development. In addition to the common open space



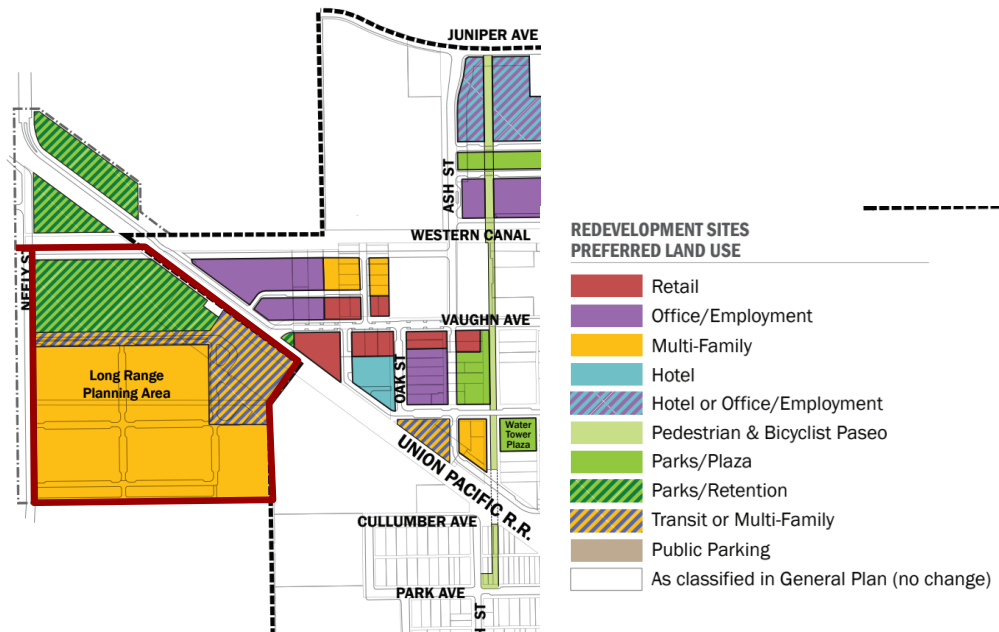
each unit will have private open space areas, which collectively provide sufficient open space for amenities and recreation.

- Parking:** The project is requesting a reduction in the parking requirement, from 485 spaces required to 448 spaces provided. In addition, there will be a small deviation regarding covered parking and individual garage parking, as noted above. The location of the project near the Downtown Heritage District provides an opportunity for residents to walk and bike to work/recreation in the area and be less reliant on a vehicle for local trips. In addition, the parking study attached shows that 448 parking spaces is sufficient for the 300 residential units proposed.

### Heritage District Redevelopment Plan Compatibility

Although the Lumberyard project is not part of the Heritage District, it still achieves some of the goals identified in the Gilbert Heritage District Redevelopment Plan that was updated in 2018. Within the Plan the lumberyard property is identified as a major redevelopment site within the District.

The plan also outlines the vision for the District and identifies the preferred land use on the Property as multifamily, which is consistent with the Lumberyard proposal. See land use map below:



The proposal meets many of the goals, objectives, and steps outlined in the District plan, and as noted below:

*GOAL 1: Promote consistency with the master plan vision and quality urban design with an emphasis on the human scale and preservation of historic character.*

*Objective: Strengthen and protect established residential areas as an essential component of a diverse mix of land uses within the District.*

The proposal includes a residential community that will help provide a diverse mix of land uses necessary to maintain and strengthen the Downtown Gilbert and the District.

*GOAL 2: Improve the economic viability of downtown.*

*Objective: Implement a district-wide land use plan consisting of a distinct mix of retail, restaurant, office, residential, hospitality, and entertainment uses.*

The proposal provides a residential community that helps provide viability to the downtown area. As noted in the District plan, it is essential to have residential within and near the Downtown area to sustain the retail, restaurants, and entertainment uses.

*LAND USE STEP: Add a full range of multi-family housing to strengthen the downtown as a vibrant 18- hour district. A significant employment concentration enhances the multi-family residential market in the District. Housing should be multi-generational and include options for varying incomes, ownership or rental, families and singles.*

One of the key land use steps noted in the District plan is the need to have a range of multifamily options in the district area to strengthen Downtown Gilbert. The proposed housing product will provide an in-demand housing option which will add residents near the Downtown area who will be able to walk to restaurants, retail shops, offices and entertainment uses. This is essential to sustain the District.

## **General Plan Amendment**

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### **1. Why is the current classification not suitable?**

The Town of Gilbert General Plan Land Use Map identifies the surrounding area, close to downtown as Village Center designations to incorporate more commercial and residential uses, and less industrial uses in the area. The existing Industrial designation is not appropriate with the development of Downtown Gilbert. A change to residential in these areas is important to have people living near the Downtown to maintain vibrancy without extra trips.

### **2. How the proposed change is compatible with adjacent properties and other elements of the General Plan.**

As noted above, the proposed designations will provide a better transition to the Village Center designation of Downtown Gilbert. Further, there are goals, policies, and objectives of the

General Plan that support the residential use at this location. The following are some excerpted provisions from the General Plan:

**GOAL CM-1: Encourage A Balanced Land Use Framework**

**Policy 2: “Encourage high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, market preferences, and incomes.”**

Development of the Property as a multi-family residential use will provide new housing opportunities that can accommodate a variety of lifestyles, households, ages, market preferences and incomes within an area designated for growth and near existing and future retail and employment.

Therefore, the proposed development will further the goal of the General Plan to provide a “balanced land use framework” as it will further housing diversity options for Gilbert residents, which is particularly important near employment and growth areas.

**GOAL CM-5: Provide Diverse, High-Quality Housing**

**Policy 5: “Guide a greater diversity of housing types and densities, retail and commercial centers, and employment opportunities into identified growth areas where significant change is foreseeable.”**

The project will add a new high quality housing option to the area, near the Heritage/Downtown District, which will be compatible with the surrounding uses, while still meeting the needs of all segments of the Gilbert community. The project strengthens the vitality of the surrounding employment park by adding a complementary use which major employers have demanded. This helps provide retail patrons to the area and add to the employee base. The addition of new residents at this location is appropriate given that it is a designated growth area which will support other uses, including nearby employment uses.

**3. What unique physical characteristics of the site present opportunities or constraints for the development under the existing classification?**

There are many unique constraints on this site. The key constraint for development is the railroad and canal near the Property. The railroad will not permit an at grade crossing which severely affects the site and its potential uses since access dead ends at the rail line. While this was utilized a great deal by the previous Lumberyard operations, it could be seen as a roadblock for other developments, especially new industrial developments. Modern industrial uses are looking for easy access to and from the highway and this site does not provide easy highway access and would not be a great land use for this area, just west of Downtown Gilbert. Therefore, this site is inappropriate for most modern industrial uses. As a result, heavy industrial uses would be more likely here than modern industrial uses which would not be a benefit to the area residents and could have a more negative impact than this proposal.

**4. Explanation on the availability of public utilities and services.**

The subject property has services in place and will extend/update utilities as needed to serve the development.

**5. 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?**

We believe this use will have a beneficial fiscal impact. This project is a key component of a high-quality development adjacent to Downtown Gilbert. This project should create a net fiscal benefit. This location is next to commercial uses (Downtown Gilbert) that will directly benefit from having residents living nearby and shopping at these locations. We expect it will have tremendous customer support from the residents living in the area. The proposed development should have no negative impact on existing public facilities and services.

**6. 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?**

The proposed amendment does not diminish the ability of the Town to sustain its physical and cultural resources. This development is appropriately located near an existing commercial and office uses. Residential living is the right choice to strengthen a downtown core.

## **Conclusion**

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As noted above, the Property is a prime location with appropriate uses just west of Downtown Gilbert. Residential uses are desired in the downtown area because they contribute to the success of the downtown area. Additionally, industrial uses are becoming less ideal in this vicinity. The proposed project will provide a housing option that is in demand in the Town of Gilbert.