



**CITY OF TEMPE  
BOARD OF ADJUSTMENT**

**Meeting Date: 04/22/2020  
Agenda Item:02**

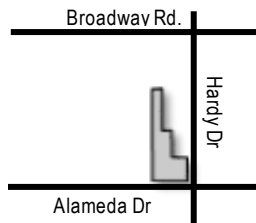
**ACTION:** Request a variance to reduce the required number of street trees along Alameda Drive from eleven (One street tree per thirty (30) feet of street frontage) to zero for THE HUB, located at 2626 South Hardy Drive. The applicant is Michael Bronska of Hardy Tempe, LLC. (PL200130)

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – Approve, Subject to Conditions

**BACKGROUND INFORMATION:** The Hub (PL200130) is located at the intersection of South Hardy Drive and West Alameda Drive on Lot 34 of the Palo Verde Industrial Park subdivision in the GID, General Industrial District zoning district. The applicant, Michael Bronska of Hardy Tempe, LLC, is requesting a reduction in the required number of street trees along Alameda Drive. The request includes the following:

VAR200003 Variance to reduce the required number of street trees along Alameda Drive from eleven (One street tree per thirty (30) feet of street frontage) to zero



Property Owner	Hardy Tempe LLC
Applicant	Michael Bronska of Hardy Tempe, LLC
Zoning District	GID (General Industrial District)
Site Area	4.32 acres
Building Area	50,400 s.f.
Lot Coverage	26.8%

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Robbie Aaron, Planner II (480) 350-8096

Department Director: Chad Weaver, Community Development Director  
Legal review by: N/A  
Prepared by: Robbie Aaron, Planner II  
Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

## COMMENTS

The Community Development Department approved an Elevation Modification for The Hub on August 26, 2019, as well as a Landscape Modification on April 01, 2020.

Per the City of Tempe Zoning and Development Code the applicant would be required to have a minimum of 42 trees on site if this variance were to not be approved. The landscape plan dated June 12, 2020, proposes a total of 62 trees on the site including nine street trees along Hardy Drive.

The request for the variance is specific to planting trees along the street frontage of Alameda Drive. Within the setback adjacent to Alameda, there are the following underground utilities:

- USA irrigation water line (30")
- City of Tempe water (20")
- City of Tempe water (12")
- SRP electrical lines (serving the building, street lighting, and traffic signalization)
- COX Communications fiber optics.

Each utility provider has separate restrictions on planting adjacent to the underground utilities which it manages.

## PUBLIC INPUT

A neighborhood meeting is required for a variance request. However, since there are no Residential Zoning Districts, Neighborhood Associations, or Homeowner's Associations within 1320 feet of the subject property the neighborhood meeting requirement was waived. To date, Staff has received one comment in opposition to the request.

## VARIANCE

The proposed project requires a variance to reduce the required number of street trees from eleven (One street tree per thirty (30) feet of street frontage) to zero within the GID, General Industrial District zoning district.

Section 6-309 D. Variance Approval Criteria (*in italics*):

1. *That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings;* The setback along Alameda Drive frontage where street trees would typically be planted encompasses a myriad of utilities which service the area. Most other properties in the area would likely not encounter the same set of circumstances as seen here.
2. *The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;* The intent of providing street trees at one tree per thirty feet of frontage is to provide adequate shade for pedestrians which the applicant intended to meet. If this requirement is not met, then a project would not be allowed to move forward. However, in this situation a strict application of the code would prevent the applicant's project from moving forward due to requirements outside of this code thus depriving the applicant of privileges enjoyed other property owners.
3. *The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;* approval of the request will not constitute a grant of special privileges as the utility providers will effectively prohibit anyone from planting any street trees adjacent to their underground utility.
4. *A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.* The special circumstances are not self-imposed as the provider for each of the five utilities has very strict requirements on plantings adjacent to the underground utility which are out of the property owners' control.

**REASONS FOR APPROVAL:**

Based on the information provided by the applicant and the above analysis staff recommends approval of the requested Variance. This request meets the required criteria and will conform to the conditions.

**SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.**

**CONDITION(S) OF APPROVAL:**

- 1. This Variance is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

**CODE/ORDINANCE REQUIREMENTS:**

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months of the approval or within the time stipulated by the hearing body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the variance.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through [www.tempe.gov/planning/documents.htm](http://www.tempe.gov/planning/documents.htm) or purchase from Development Services.

**HISTORY & FACTS:**

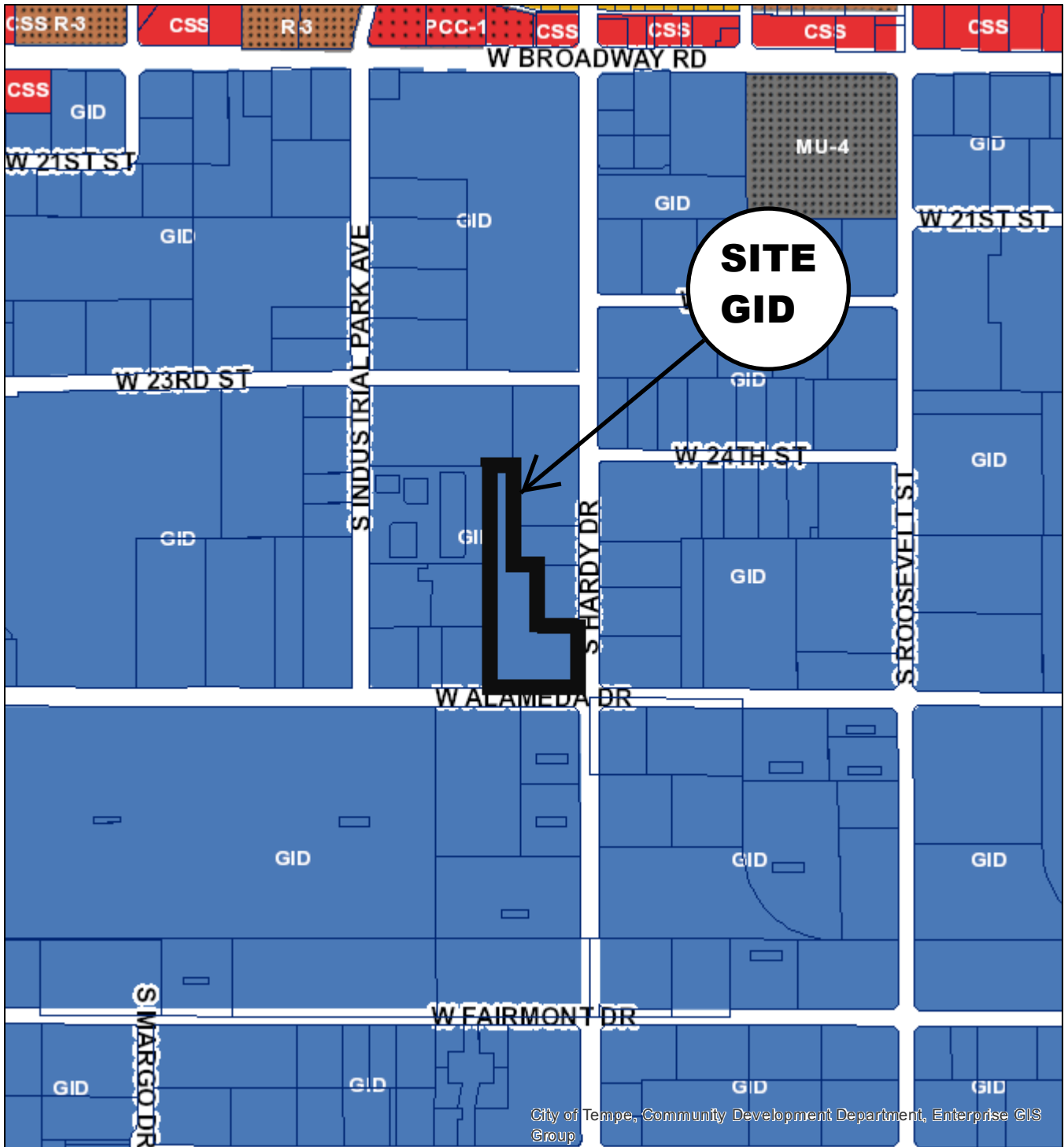
January 10, 1968	Building permit issued for construction of a warehouse building
August 26, 2019	Development Plan Review approved for redevelopment of an existing warehouse building
April 01, 2020	Development Plan Review approved for a minor landscape modification







**ZONING AND DEVELOPMENT CODE REFERENCE:**

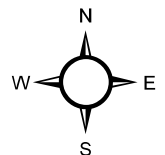
Section 6-309 Variance

# THE HUB

PL200130



- |  |  |
|--|--|
|  General Industrial District (GID)      |  Planned Commercial Center Neighborhood (PCC-1) |
|  Mixed Use High (MU-4)                  |  Single-Family Residential (R1-6)               |
|  Commercial Shopping and Services (CSS) |  Multi-Family Residential Limited (R-3)         |



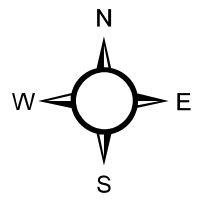


THE HUB



City of Tempe

Aerial Map





June 15, 2020

Mr. Steve Abrahamson  
City of Tempe  
Community Development  
Planning Division  
31 East 5th Street  
Tempe, AZ 85281

Re: The HUB Variance Letter of Explanation

Mr. Abrahamson

We are requesting relief from the standards of the Code pursuant to Section 6-309. The request for the variance is specific to planting trees along the Alameda Road street frontage. The request for this variance is not a result of a self-imposed condition but resulting from the physical conditions of the site. The request for this variance does not constitute a grant of special privileges.

Within the twenty five (25') foot setback along Alameda, there are the following underground utilities:

- USA irrigation water line (30")
- City of Tempe water (20")
- City of Tempe water (12")
- SRP electrical lines (serving the building, street lighting, and traffic signalization)
- COX Communications fiber optics.

As a result of the locations of these underground utilities and the restrictions that each utility provider places on planting adjacent to the underground utilities, it is impossible to plant any tree within the setback area.

The strict application of the requirement to plant one tree for each thirty feet of street frontage would not be possible due to the jurisdictional requirements of each utility and the required separation between the utilities and the tree planting. Based on the location of each utility, along the 320 foot frontage, fifty (50%) is reserved for vehicular access (SRP Power) where planting is restricted to mature plants no greater than one (1') foot. The balance of the frontage, the area where taller plants can be planted is limited to eight feet from the face of the building thus restricting the planting of any tree.



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We are proposing planting groupings of ocotillo and giant hesperaloe in alternating groups along the road. This plant palette will adhere to low water use as well as to create a unique visual showcasing the architecture of the HUB.

Respectfully submitted

A blue ink handwritten signature, appearing to read 'Michael Bronska', written over the typed name.

Michael Bronska  
Chief Operating Officer  
Capital Hall Partners, LLC  
4148 N Arcadia Drive  
Phoenix, AZ 85018  
602.818.6647



CAPITAL HALL  
PARTNERS

4148 N Arcadia Drive  
Phoenix, AZ 85018

**ATTACHMENT 4**

# 2626 S. HARDY DRIVE - THE HUB

2626 S. HARDY DRIVE  
TEMPE, AZ 85282

## Genzler

201 East Washington St  
Suite 750  
Phoenix, AZ 85004  
United States  
Tel 602.523.4900  
Fax 602.523.4949

## Dig Studio

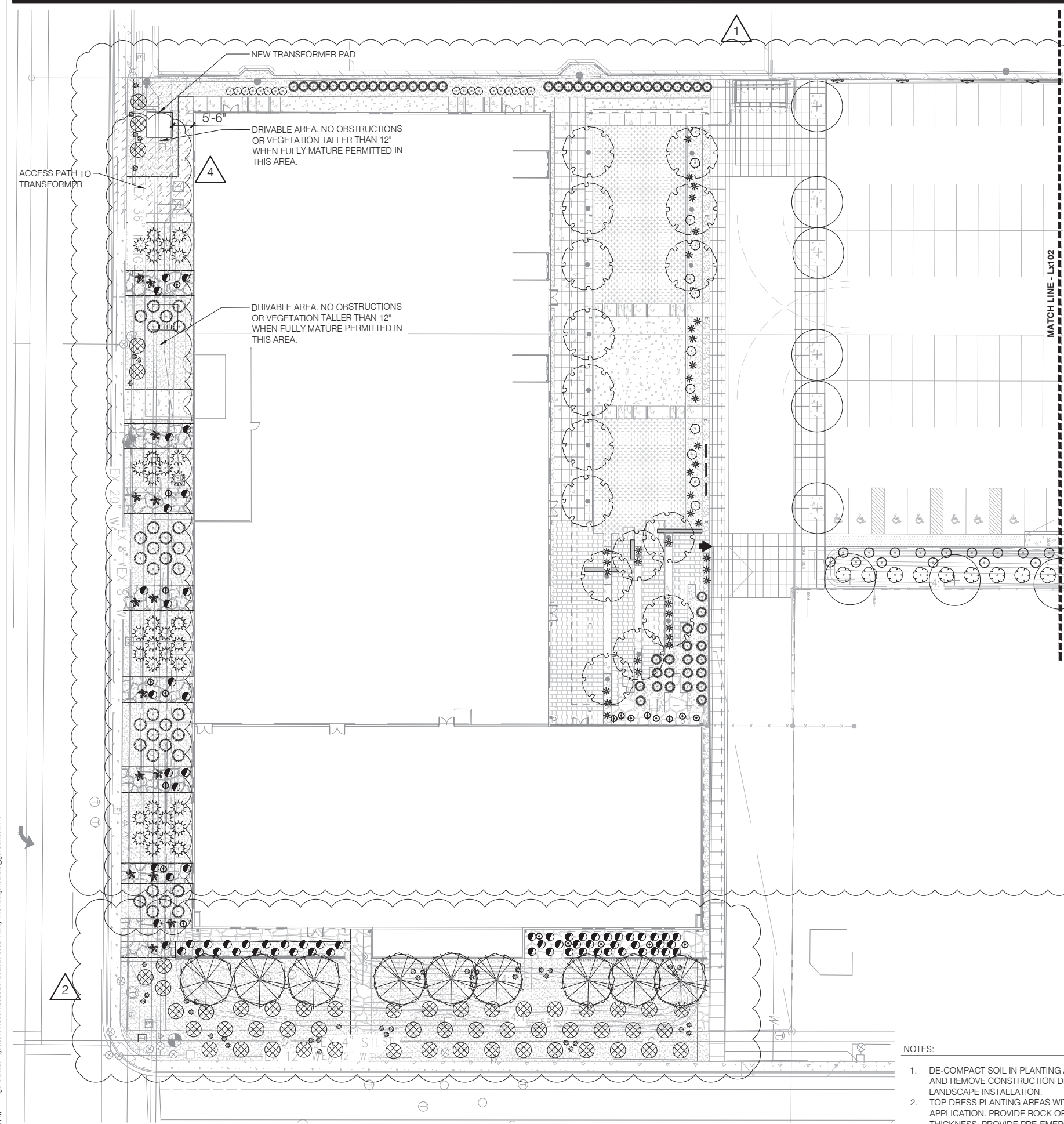
PHOTO: GUY AROBERTS  
PHOTO: PHOTODISC.COM  
PHOTO: PHOTODISC.COM | DIGSTUDIO.COM

Date	Description
08.29.19	ISSUE FOR PERMIT
1 11.05.19	OWNER REVISIONS
2 11.05.19	RESPONSE TO PLAN REVIEW COMMENTS / RESUBMITTAL TO CITY OF TEMPE
3 01.24.20	OWNER REVISIONS
4 05.07.20	SRP REVISIONS

NOTICE OF EXTENDED PAYMENT PROVISION. THIS CONTRACT ALLOWS THE OWNER TO MAKE PAYMENT WITHIN 21 DAYS AFTER CERTIFICATION AND APPROVAL OF APPLICATION FOR PAYMENT.

### PLANT SCHEDULE

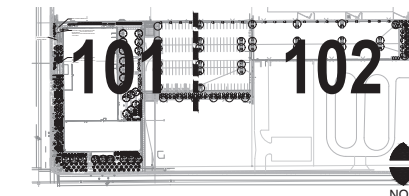
TREES	BOTANICAL / COMMON NAME	SIZE	QTY
+	PARKINSONIA PRAEcox PALO VERDE	1.5" CAL., 24" BOX 18" H X 16" W 1.0" CAL.	36
⊗	PROSOPIs GLANDULOSA 'THORNLESS AZT' THORNLESS HONEY MESQUITE	2.0" CAL., 36" BOX 30" H X 30" W	9
⊙	QUERCUS VIRGINIANA SOUTHERN LIVE OAK	2.0" CAL., 36" BOX 25" H X 25" W	16
SHRUBS	BOTANICAL / COMMON NAME	SIZE	QTY
✱	AGAVE DESMETTIANA DWARF CENTURY PLANT	5 GAL	17
✱	AGAVE PARRYI 'TRUNCATA' PARRY'S AGAVE	5 GAL	44
⊖	ANTIGONON LEPTOPUS CORAL VINE	5 GAL	24
◐	BOUTELOUA GRACILIS BLUE GRAMA	5 GAL	70
⊗	EREMOPHILA GLABRA 'MINGENEW GOLD' OUTBACK SUNRISE EMU	1 GAL	53
⊙	FOUQUIERIA SPLENDENS OCOTILLO	5 SPEARS	32
☀	HESPERALOE CHIANGII GIANT HESPERALOE	5 GAL	32
⊙	HESPERALOE PARVIFLORA 'PERPA'™ BRAKELIGHTS RED YUCCA	5 GAL	21
⊙	LANTANA MONTEVIDENSIS 'PURPLE' PURPLE LANTANA	1 GAL	12
⊙	LANTANA X 'NEW GOLD' NEW GOLD LANTANA	1 GAL	61
⊙	LARREA TRIDENTATA CREOSOTE BUSH	5 GAL	36
⊙	MUHLENBERGIA CAPILLARIS 'REGAL MIST'™ MUHLY	5 GAL	54
⊙	PACHYCREUS SCHOTTII F. MONSTROSUS TOTEM POLE CACTUS	5 GAL	21
⊙	SIMMONDSIA CHINENSIS 'VISTA' COMPACT JOJOBA	5 GAL	21
✱	YUCCA PALLIDA PALE LEAF YUCCA	5 GAL	121



### NOTES:

- DE-COMPACT SOIL IN PLANTING AREAS ON SITE AND IN PUBLIC RIGHT OF WAY AND REMOVE CONSTRUCTION DEBRIS FROM PLANTING AREAS PRIOR TO LANDSCAPE INSTALLATION.
- TOP DRESS PLANTING AREAS WITH A ROCK OR DECOMPOSED GRANITE APPLICATION. PROVIDE ROCK OR DECOMPOSED GRANITE OF 2" UNIFORM THICKNESS. PROVIDE PRE-EMERGENCE WEED CONTROL APPLICATION AND DO NOT UNDERLAY ROCK OR DECOMPOSED GRANITE APPLICATION WITH PLASTIC.

### KEY MAP



Seal / Signature



Project Name  
**2626 SOUTH HARDY DRIVE - THE HUB**

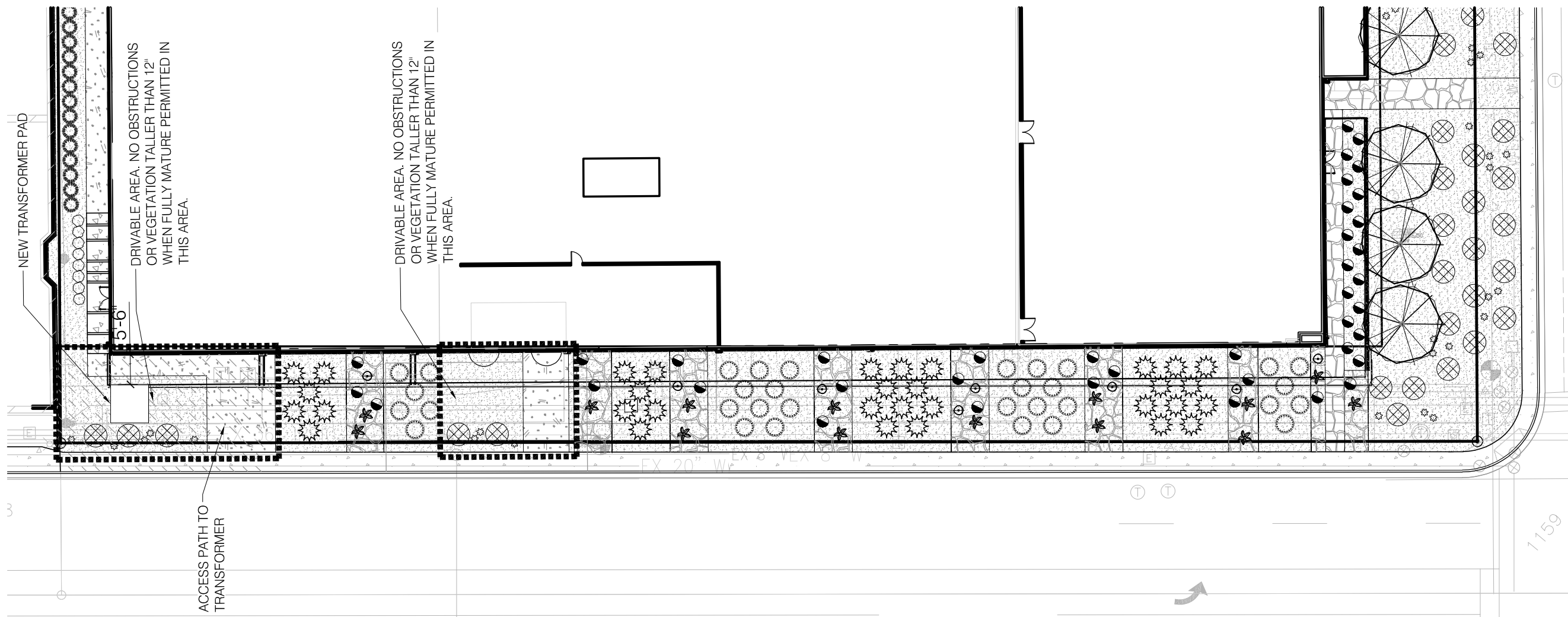
Project Number  
**DPR190093**

Description  
**PLANTING PLAN**



**LP101**

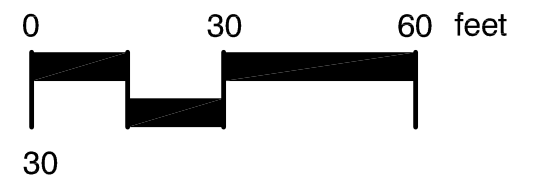
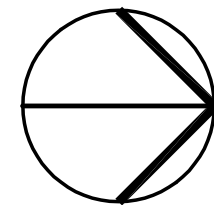


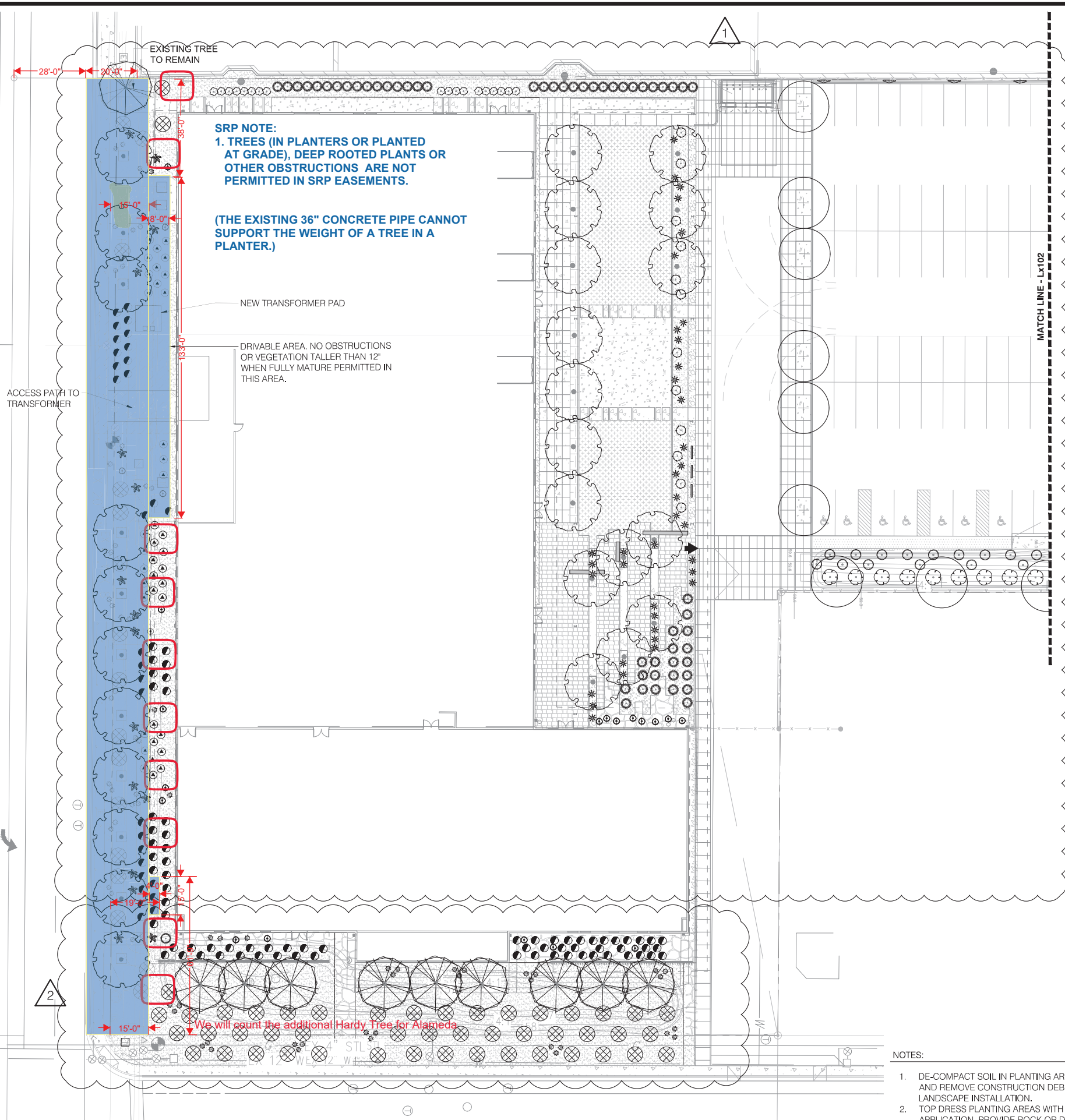


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⊙	QUERCUS VIRGINIANA SOUTHERN LIVE OAK	2.0" CAL., 36" BOX 25" H X 25" W	27
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✱	AGAVE PARRYI 'TRUNCATA' PARRY'S AGAVE	5 GAL	72
⊖	ANTIGONON LEPTOPUS CORAL VINE	5 GAL	25
⊖	BOUTELOUA GRACILIS BLUE GRAMA	5 GAL	89
⊗	EREMOPHILA GLABRA 'MINGENEW GOLD' OUTBACK SUNRISE EMU	1 GAL	64
⊖	EUPHORBIA ANTISYPHILITICA CANDELILLA EUPHORBIA	5 GAL	39
⊖	FOUQUIERIA SPLENDENS OCOTILLO	5 SPEARS	1
⊖	HESPERALOE PARVIFLORA 'PERPA'™ BRAKELIGHTS RED YUCCA	5 GAL	21
⊖	LANTANA MONTEVIDENSIS 'PURPLE' PURPLE LANTANA	1 GAL	12
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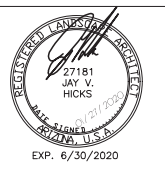
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**Gensler**  
201 East Washington St  
Suite 750  
Phoenix, AZ 85004  
United States  
Tel 602.523.4900  
Fax 602.523.4949



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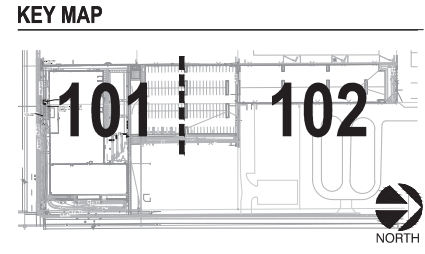
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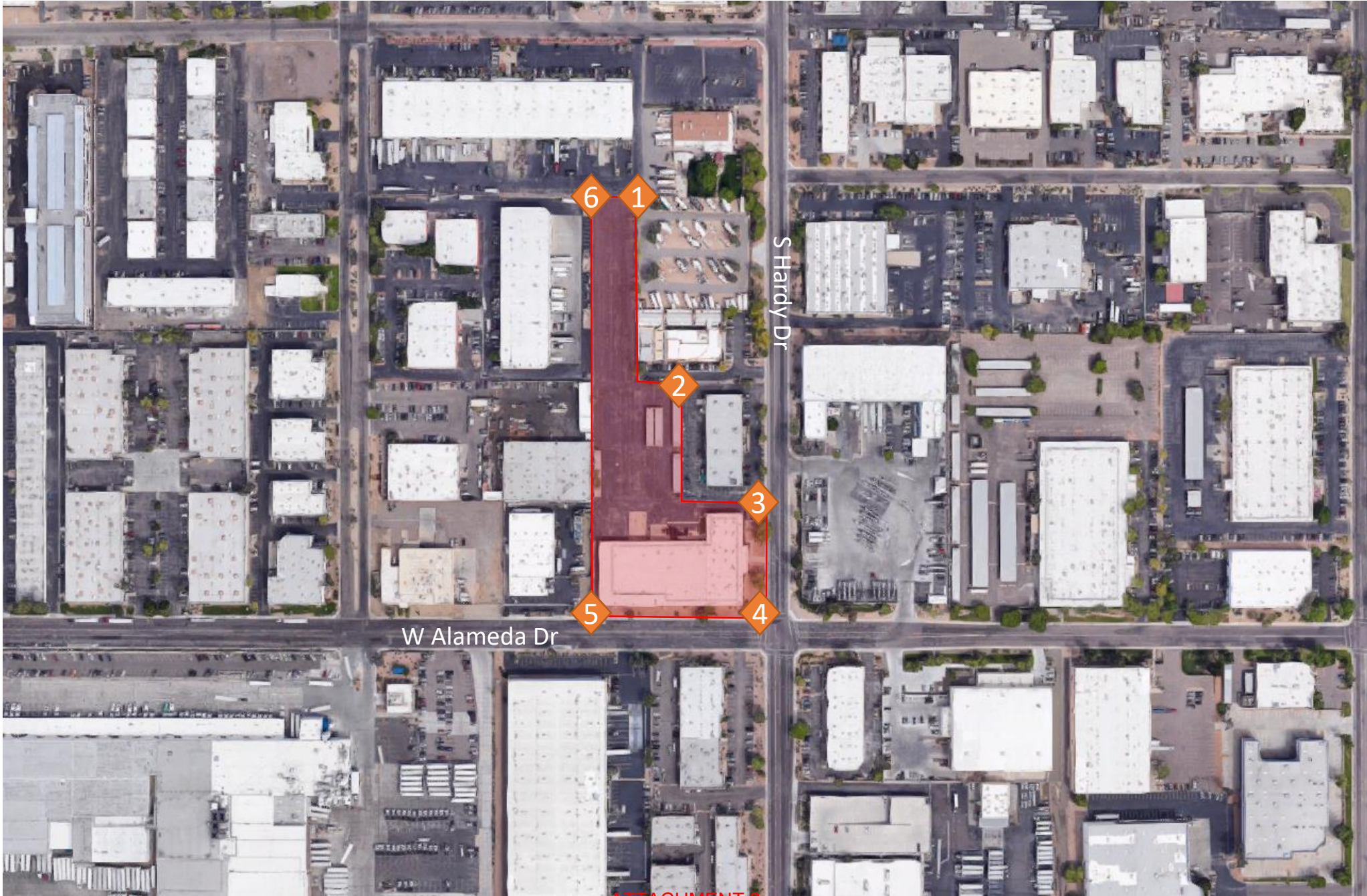
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6/26/2019 6:45:14 PM \\gensler\ad\Projects\Revit\user\jms\2017\2626 South Hardy The Hub\_jms\_lok@gensler.com.rvt

**1 LANDSCAPE LAYOUT**  
1"=20'

**ATTACHMENT 7**



ATTACHMENT 8

NW Corner of Hardy Dr & Alameda Dr

Existing Conditions



North



East

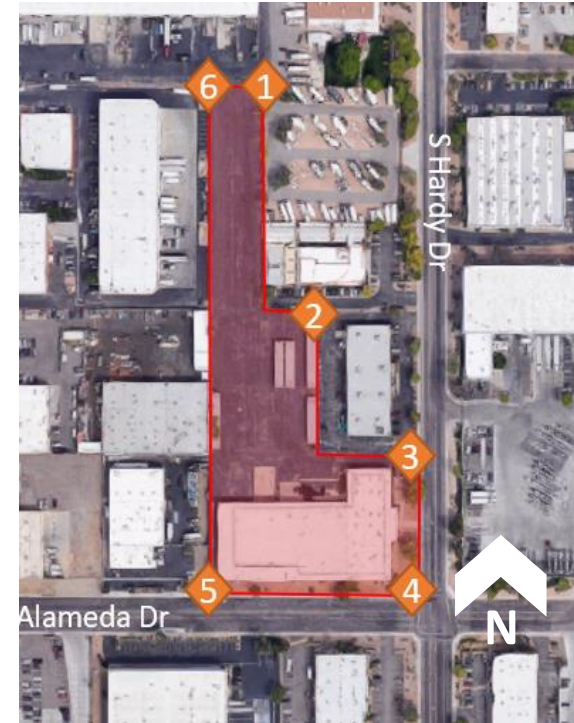


South



West

Viewpoint



ATTACHMENT 9



North



East



South



West

Viewpoint





North



East



South



West

Viewpoint



ATTACHMENT 11



North



East



South



ATTACHMENT 12

West

Viewpoint





North



East



South



West

Viewpoint







North



East



South



ATTACHMENT 14

West

Viewpoint

