

DRAFT MINUTES BOARD OF ADJUSTMENT JULY 22, 2020

Minutes of the regular hearing of the Board of Adjustment, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Study Session 5:40 PM

Present:

Staff:

Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Robbie Aaron, Planner II
Board Member Richard Watson	Brittainy Nelson, Administrative Assistant
Board Member Whitney Baker	
Board Member Raun Keagy	
Board Member John 'Jack' Confer	
Board Member Robert Miller (Alternate)	

- **The Hub**

Mr. Aaron went over the new email that he received earlier during the week. He also informed the board of the sign removal problem.

Regular Meeting 6:06 PM

Present:

Staff:

Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Robbie Aaron, Planner II
Board Member Richard Watson	Brittainy Nelson, Administrative Assistant
Board Member Whitney Baker	
Board Member Raun Keagy	
Board Member John 'Jack' Confer	
Board Member Robert Miller (Alternate)	

1) Voting of the Meeting Minutes

Motion by Vice Chair Frazey to approve the Meeting Minutes of April 22, 2020; second by Board Member Baker. Motion passed on 6-0 vote.

Ayes: Chair David Lyon, James Frazey, Richard Watson, Whitney Baker, Raun Keagy, John Confer

Nays: None

Abstain: Robert Miller

Absent: Kevin Cullens

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- 2) 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)

Presentation from Applicant: Michael Bronska

Mr. Bronska informed the board that he is the managing member of Hardy Tempe LLC. The Hub is a redevelopment of an old obsolete and abandon warehouse. It is in the newly formed Maker District. It is the first redevelopment in the district. The property was purchased in May of 2019. In order to renew and rejuvenate the old building and to showcase the opportunities of repurposing the older building in the historical industrial area. Since May of 2019 the project has been through plan submittals, demolition of the interior, and then the exterior started in December of 2019. Once the project is complete it would be over 10 million invested. Working to create environmentally stable economically feasible and socially responsible projects. An example would be that there is a carefully designed sunshade structure around the building which shades the windows of the south and eastern areas of the property. Almost half of the parking lot is constructed with a stabilized decomposed pavement that will reduce stormwater drain water runoff and heat effect. There is a 14,000 square foot workspace located on the North side of the building and faces all the future employee parking that is divided into several zones. The area is covered with 13,000 square foot that is covered with photovoltaics that will generate enough power to off set the energy use in the building by well over 60 percent on an annual basis. Underneath the area is where tenants will use for conferencing. If one was to stand under the panel structure in a 110-degree weather is 10-15 degrees cooler because of the way the panels are set. The property is located at the northwest corner of Hardy and Alameda. The site has approximately 370 liner feet along Alameda and 260 feet along Hardy. According to the zoning requirements there is a 25-foot setback along Alameda and there is a 40-foot setback along hardy. Along Alameda within the setback nearly the entire set back has been filled with numerous underground utility and services dating back to the 1960's. As one can imagine SPR irrigation is one of them. There are also restrictive easements that cover all the utilities. The restriction includes the size and height of any kind of planting. Construction within the easement. Overhead clearance and setbacks for any construction that may be accepted. The easements run the length of the property along Hardy and Alameda. The easements cover most of the setback area along most of the length of the building which is 320 feet. Within that 25-foot setback is a 30-inch irrigation line that is owned by the USA and managed by SRP. There is a 20-inch water line that is owned by the City of Tempe as well as a 12-inch water line. There is a six-conduit fiber duct bank

that is located behind the irrigation line easement that is owned by Cox. There is a 10-foot easement for electric and then another 15-foot easement for electric. SRP does not permit planting anything that is of 12 inches at mature height adjacent to the electrical or areas adjustment to certain transformers switch cabinet. This is to provide them room so they can pull wire if needed. The City of Tempe approved Plans for construction in December of 2019 after Planning and Zoning approval. Civil Engineering stipulated that the trees planted along Alameda where to be placed no closer than 16 feet from any water or gas line. There is no gas going to the building on Hardy. But at this point there is a 30-inch irrigation line 20-inch water line and a 12-inch water line. With that 16 feet would leave 9 feet from the face of the building to the closet location that a tree can be planted. Due to that problem the a few options have been proposed. One option was to put 10 trees in planters adjacent to the right of way. That plan was agreed upon until the signing of easements with SRP. Due the irrigation line that is so old SRP rejected the ideal of planting anything on top of the irrigation line that is 30 inches. Which then leaves 42 feet that the planters cannot go due to the powerline that runs through and fiber optic lines. There was no other choice but to request the Variance. City Staff has been very supportive in the situation. While the development will not have trees there will be a lush desert landscape that consist and meets the criteria of SRP and all the easements that are there.

Chairman Lyon asked the Board if they had any questions for Mr. Bronska.

The Board had no questions at this time.

Presentation by Staff, Robbie Aaron, Planner II

Mr. Aaron informed the Board that the variance is to reduce the required number of street trees along Alameda Drive from 11; which is one street tree per thirty feet of street frontage; to zero. He provided the Board with Site Context Photos and explained the area. Mr. Aaron also informed the Board that there are several easements the USA irrigation water line at 30 inches, City of Tempe water line at 20 inches, City of Tempe water line at 12 inches, SRP electrical lines serving the building, street lighting, and traffic signalization also Cox communications Fiber optics. Mr. Aaron provided the board with the landscape plan that Mr. Bronska is proposing. 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. Staff has received two emails in opposition of the request. One email to inform staff that the signs came down. Both oppositions stated that the trees would be needed in this kind of environment along the sidewalk to help revitalize the area and look less like an Industrial zone.

Chairman Lyon asked the Board if they had any questions for Mr. Bronska or Staff.

Chairman Lyon acknowledged Vice Chair Frazey.

Vice Chair Frazey asked were there trees originally in the easement and removed during the remold of the property.

Mr. Bronska stated that there were trees planted originally however SRP asked them to remove them.

Vice Chair Frazey asked the easement between the waterline and the irrigation line is on the North side of the building.

Mr. Bronska stated that is correct and that while there were trees there, they still were not compliant with the one tree per 30.

Vice Chair Frazey asked if there was a bus stop in the area.

Mr. Bronska stated that there was no bus stop along Alameda. There is a bus stop at Hardy and Alameda on the East side of Hardy and on the south so the NE corner of Hardy and Alameda and at the Southwest corner of Hardy and Alameda.

Chairman stated that he likes the offer that Mr. Bronska made to consider donating trees to the City of Tempe for Parks. It is a noble gesture, but he does not feel that can not be part of this request. It could look as if one is

purchasing the Boards approval. However, if it is something that Mr. Bronska is wanting to do please contact Mr. Abrahamson or another member of City Staff and work out some terms in which one can donate trees. However, the Board will move forward without that being part of the motion.

Public Comment:

No public Comments

Public Comments Closed

Commission Discussion

Chairman Lyon acknowledged Board Member Keagy.

Board Member Keagy stated that in reviewing the application the restrictions that are applied because of utilities in place obviously are not in any doing of the applicant. That certainly helps with the ideal that this was not something self-imposed this is something that is pretty much a textbook example of what a variance is. There are the ordinance in place and special circumstance leaving things that are beyond ones control. He is in support of the application.

Chairman stated that he is in full support and agrees with Board Member Keagy.

Chair Lyon called for a motion:

Motion by Board Member **Miller** to approve the 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; second by Board Member Keagy. Motion passed on **7-0** vote.

Ayes: Chair David Lyon, James Frazey, Richard Watson, Whitney Baker, Raun Keagy, John Confer, Robert Miller

Nays: None

Abstain: None

Absent: Kevin Cullens

Mr. Abrahamson announced that there is one agenda item for the Board next Month which will be on Wednesday August 26, 2020 starting with the study session at 5:30pm.

Hearing adjourned at 6:52pm

Prepared by: Brittainy Nelson, Administrative Assistant
Reviewed by:

Steve Abrahamson, Principal Planner

SA:bn