

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/10/2019
Agenda Item: 4**

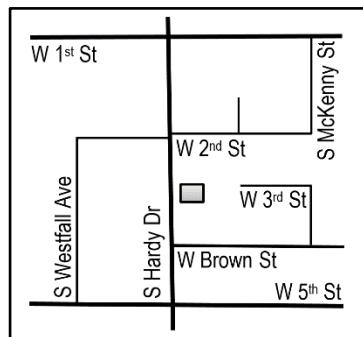
ACTION: Request two (2) Use Permit Standards to increase the maximum building height from 30 to 33 feet, and to reduce the minimum rear building setback from 15 to 13 feet for **3 ON HARDY**, located at 325 South Hardy Drive. The applicant is K&I Homes, LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: **3 ON HARDY (PL190270)** is a new 3-unit three-story attached single-family development proposed on a parcel of land located on the east side of South Hardy Drive between West 2nd Street and West Brown Street in the R-3, Multi-Family Residential District. The maximum building height increase will allow for standard 9-foot high ceilings on each floor of each unit. The rear building setback reduction will allow additional front yard area for open space and required stormwater retention. Each unit will provide four bedrooms, two-and-a-half bathrooms, and a two-car garage on fee-simple lots. The project will conform to all other general development standards of the R-3, Multi-Family Residential District. Subsequently, the project will require a Minor Development Plan Review and an Amended Subdivision application. Vehicular access to each unit is provided by means of a private ingress/egress easement from the dedicated alley one lot to the south, which saddles the adjacent lots to the east, south, and southeast. The request includes the following:

- ZUP190075 Use Permit Standard to increase the maximum building height by 3 feet from 30 to 33 feet.
- ZUP190086 Use Permit Standard to reduce the minimum rear building setback by 2 feet from 15 to 13 feet.



Property Owner	325 SHD, LLC
Applicant	Kristjan Sigurdsson, K&I Homes, LLC
Zoning District	R-3
Site Area	8,988 s.f. (0.21 ac)
Building Area	11,184 s.f.
Lot Coverage	41.2% (50% max. allowed)
Landscape Coverage	42.8% (25% min. required)
Building Height	33'-0" (30'-0" max. allowed)
Building Setbacks	39' front, 10' side, 13' rear (20', 10', 15' min. required)
Vehicle Parking	7 spaces (6 min. required)
Building Code Occupancy	R-3

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The site is located between West 2nd Street, West Brown Street, South Hardy Drive, and South McKenny Street.

Existing entitlements for this property that will remain in effect are: none

Existing uses on the site include: vacant parcel

The request includes the following:

1. Use Permit Standard to increase the maximum building height by 3 feet from 30 to 33 feet.
2. Use Permit Standard to reduce the minimum rear building setback by 2 feet from 15 to 13 feet.

The applicant is requesting the Development Review Commission take action on items one and two. For further processing, the applicant will need approval for a Minor Development Plan Review and an Amended Subdivision Plat to create individual for-sale attached single-family units.

PUBLIC INPUT

Staff received a phone call in opposition to the requests from the owner of the property directly to the east at 839 West 3rd Street. The owner believes the R-3 development standards for maximum building height and minimum rear building setbacks are sufficient for the proposed development.

USE PERMIT STANDARDS

The proposed design requires two (2) Use Permit Standards to increase the maximum building height from 30 feet to 33 feet, and to reduce the minimum rear building setback from 15 feet to 13 feet, within the R-3, Multi-Family Residential District.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed building height increase and setback reduction does not provide the ability for additional units and will therefore not significantly increase vehicular or pedestrian traffic.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the proposed building height increase and setback reduction is not expected to generate emissions of odor, dust, gas, noise, vibration, smoke, heat or glare greater than ambient conditions that would otherwise cause a nuisance.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*; the proposed building height increase and setback reduction is not in conflict with the City's adopted plans. The design and use meet the objectives of the Character Area 3 Plan and conforms with the designated land use and density of the General Plan 2040.
4. *Compatibility with existing surrounding structures and uses*; the proposed building height increase and setback reduction along is consistent with the new development directly to the north as well as other new developments located along South Hardy Drive.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; the proposed building height increase and setback reduction is intended for attached single-family uses, which, by nature, is not expected to cause disruptive behavior.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received, and the above analysis, staff supports the requested Use Permit Standards. These requests meet 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. The Use Permit Standards are valid only after a Minor Development Plan Review approval and a Building Permit have been obtained, 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.
2. The Use Permit Standards are valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

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.

USE PERMIT STANDARD:

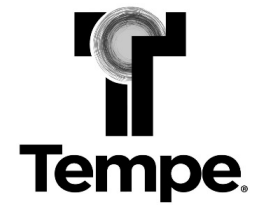
- The Use Permit Standard approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- 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 <http://www.tempe.gov/zoning> or purchase from Development Services.

HISTORY & FACTS:

February 27, 2007	Development Review Commission approved three (3) Use Permit Standards to increase the maximum allowable building height from 30 to 33 feet, to reduce the minimum north side yard setback from 10 to 8 feet, and to reduce the minimum south side yard setback from 10 to 8 feet for ARIZONA CONDOMINIUMS (PL060594), located at 312 South Hardy Drive in the R-3, Multi-Family Residential District.
December 8, 2015	Development Review Commission approved a Use Permit Standard to increase the maximum building height from 30 to 33 feet and a Development Plan Review for a new 8-unit, attached single-family development for HARDY TOWNHOMES (PL150108), located at 506 South Hardy Drive in the R-3, Multi-Family Residential District.
August 8, 2017	Development Review Commission approved a Use Permit to allow tandem parking; a Use Permit Standard to increase the maximum allowed building height from 30 to 32 feet; and a Development Plan Review for a new 20-unit, attached single-family development for 2 ND & HARDY TOWNHOMES (PL170371), located at 225 South Hardy Drive in the R-3, Multi-Family Residential District.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 4-201A Use Permit Standard
Section 4-202 Development Standards for Residential Districts
Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE

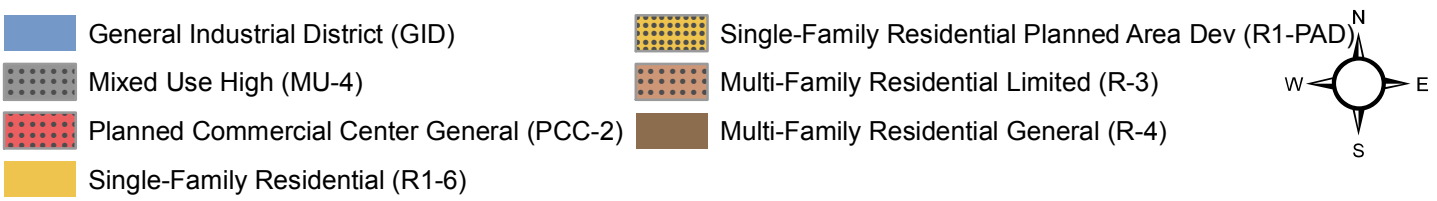
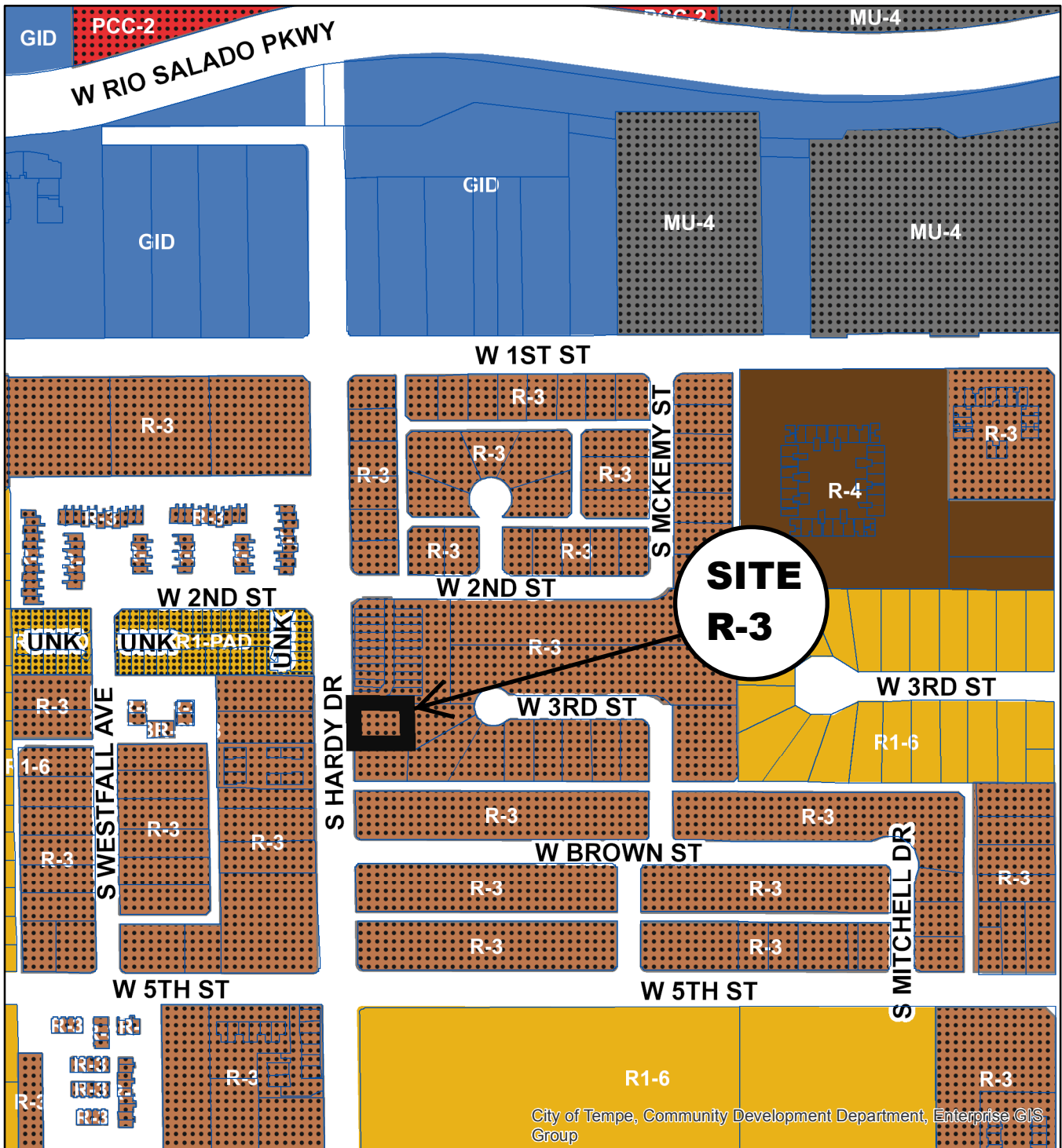
for
3 ON HARDY
(PL190270)

ATTACHMENTS:

1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
6. Floor Plan
7. Building Elevations
- 8-12. Site Context Photos

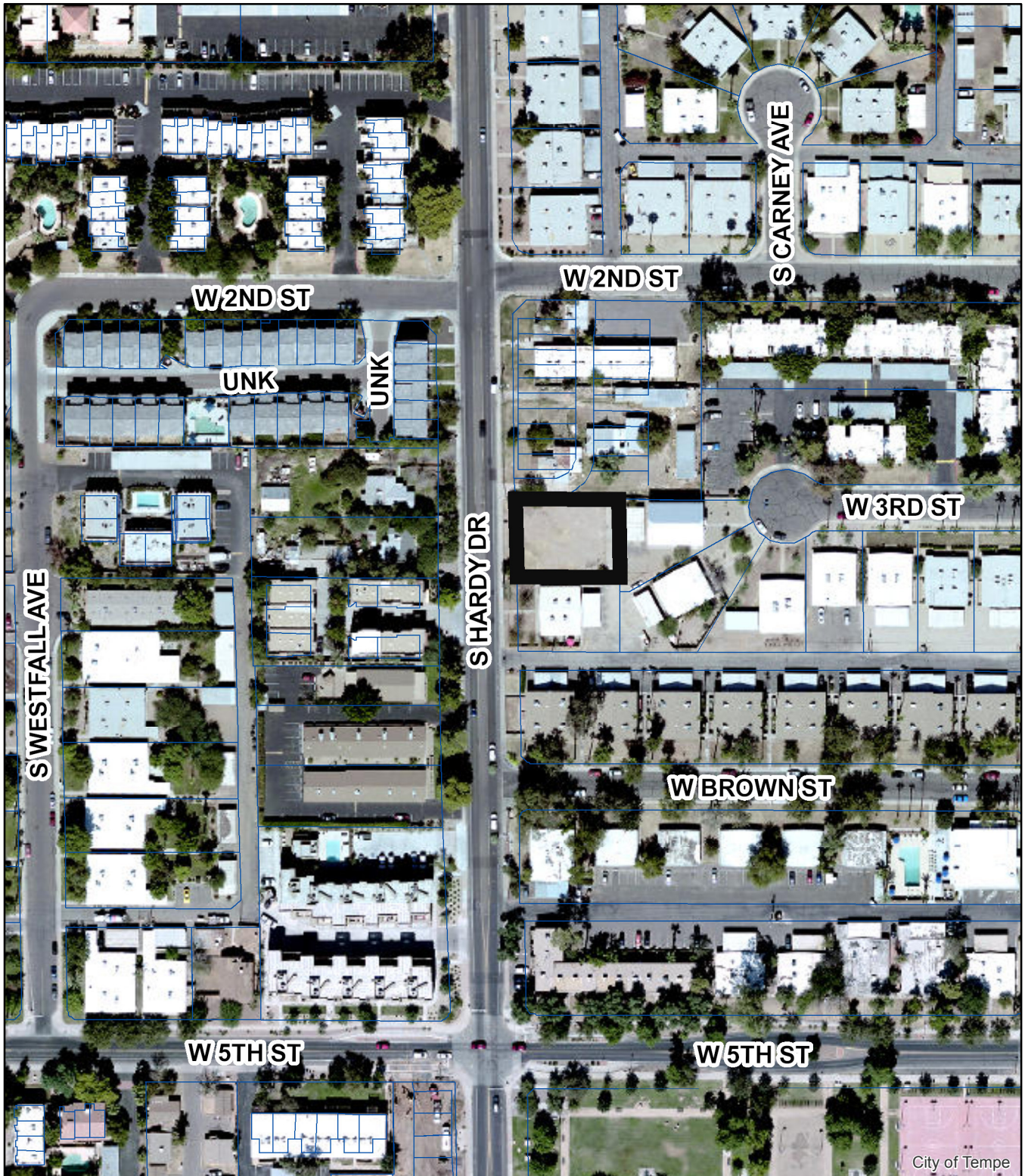
3 on Hardy

PL 190270

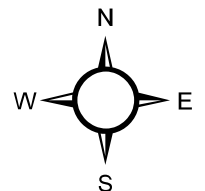


3 on Hardy

PL 190270



Aerial Map





LETTER OF EXPLANATION

November 5, 2019 revised

Planning Staff
City of Tempe – Community Development Department

Re: **3 on Hardy – 325 South Hardy drive**
 Use Permit Standard Application

This proposed project is for three, 3 story, townhomes on a small 0.21 acre infill lot, zoned R-3. The site is surrounded by a variety of townhomes and multi-family buildings of varying age, height and density.

This application is requesting a Use Permit Standard for building height and rear building setback, within the standards allowed per ZDC Table 4-202B

A use permit is requested to increase the building height by 10%, from 30 feet to 33 feet, as the existing top of curb elevation at the street is almost 2 feet below the required finish floor elevation. This will allow standard 9-foot-high ceilings at each floor. Recently constructed townhome development immediately to the West of the site was built under the same standard.

A use permit is also requested to reduce the rear building setback from 15 feet to 13 feet, in order to increase the usable front yard for the homeowner and accommodate the required retention within the front yard area. The rear building setback is within an access easement leading from the existing alley, and functions as an alley in all other respects. Reducing the setback still provides adequate vehicular access and is compatible with surrounding structures and uses.

The above requests will not be detrimental in any way to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or to the public welfare in general, and will conform to the following standards and ZDC Criteria Section 6-308(E):

a. Any significant increase in vehicular or pedestrian traffic

The requested use permits will have no impact or change in vehicular or pedestrian traffic.

- b. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions*

The requested use permits will have no impact on the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare.

- c. *Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*

The requested use permits will not contribute to the deterioration of the neighborhood or to downgrading of property values in any way. To the contrary, the proposed high-quality development project will significantly improve the neighborhood and should increase property values for the surrounding parcels.

- d. *Compatibility with existing surrounding structures and uses*

The requested use permits are compatible with existing surrounding structures.

Recently constructed townhome development immediately to the West of the site was built under the same standard for building height.

Rear setbacks from the alley/accessway are very similar for adjacent properties that share the access.

- e. *Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.*

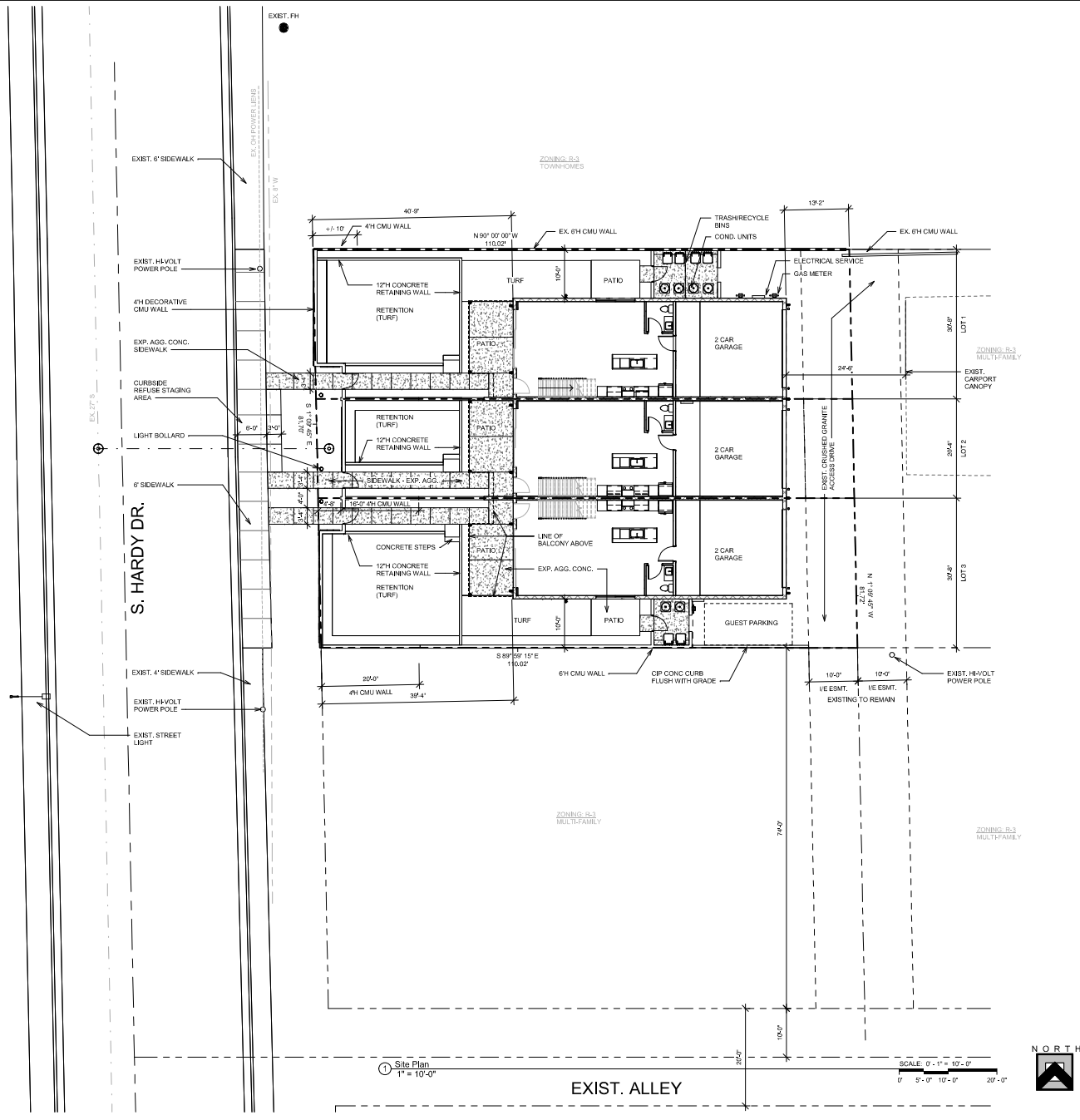
The requested use permits due not contribute in any way to disruptive behavior inside or outside the premises and will not create a nuisance to the surrounding area or public in general.

Should you require any clarification or additional information in regard to the above, please don't hesitate to give me a call.

Sincerely,



Kristjan Sigurdsson, Principal
K&I Homes, LLC



PROJECT INFO

PROJECT NAME: 3 on Hardy
APPLICANT / CONTACT: KRISTIAN SEIGURSSON, ARCHITECT
 K&H HOMES, LLC
 6125 E INDIAN SCHOOL RD #2005
 SCOTTSDALE, AZ 85261
 PHONE: 602-905-2928
 EMAIL: KRISTIAN@K&HINDIAPHOMES.COM

LEGAL DESCRIPTION:
 THE WEST 110.00 FEET OF TRACT "A", MONTEREY VILLAGE PLAT NO. 2 AMENDED, ACCORDING TO BOOK 185 OF MAPS, PAGE 1, RECORDS OF MARICOPA COUNTY, ARIZONA. EXCEPT THE SOUTH 80.00 FEET THEREOF TO BE RE-PARTITIONED INTO THREE SEPARATE LOTS WITH COMMON TRACT OR EASEMENTS FOR ACCESS, UTILITIES AND DRAINAGE

A.P.N.: 124-21-098D

SITE ADDRESS: EXISTING 325 S. HARDY DRIVE
 PROPOSED 325 S. HARDY DR., LOT 1
 327 S. HARDY DR., LOT 2
 329 S. HARDY DR., LOT 3

PROPOSED USE / SCOPE OF WORK: THREE - 3 STORY TOWNHOMES EACH WITH 4 BEDROOMS, 2 1/2 BATH AND A 2 CAR GARAGE

USE PERMIT STANDARD:
 1. INCREASE BLDG HEIGHT BY 10% - FROM 30 FT TO 33 FT
 2. REDUCE REAR BLDG. SETBACK - FROM 15' TO 13'

PARCEL SIZE: NET 8,988 SF = 0.21 AC

GENERAL PLAN 2046: PROJECTED LAND USE: RESIDENTIAL MEDIUM TO HIGH (UP TO 25 DU / ACRE)
 PROJECTED DENSITY:

EXISTING ZONING: R-3 MULTY-FAMILY RESIDENTIAL DISTRICT
BUILDING CODE: 2018 IRC WITH CITY OF TEMPE AMENDMENTS

ACCESSIBILITY (IBC 117.1):
 ALL TOWNHOMES MEET THE REQUIREMENTS OF A TYPE "C" UNIT IN ACCORDANCE WITH SEC. 1105 OF THE ICC A117.1.

BUILDING AREAS:	CALCULATED PER 2018 IBC, SEC. 2009	2018 IBC, SEC. 2009	TOTAL
LOT 1	1,234 SF	1,234 SF	1,260 SF
LOT 2	1,234 SF	1,234 SF	1,260 SF
LOT 3	1,234 SF	1,234 SF	1,260 SF
TOTAL	3,702 SF	3,702 SF	3,780 SF

OCCUPANCY GROUP: R-3 SINGLE FAMILY ATTACHED
CONSTRUCTION TYPE: V-B
FIRE SPRINKLERS: NO - NOT REQUIRED PER COT AMENDED IFC 903.2.6.1
FIRE ALARM: NO - NOT REQUIRED

DEVELOPMENT STANDARDS	TABLE 4-202B	PROVIDED	REMARKS
DENSITY	20 DU/AC	14.3 DU/AC	3 DU / 21 AC
MIN. LOT AREA PER DU	2,100 SF	2,238 SF	MIDDLE LOT 2
BUILDING HEIGHT	30 FT	33 FT	WITH USE PERMIT STD.
MAX. LOT COVERAGE	50%	41.2 %	3,702 / 8,988
MIN. LANDSCAPE AREA	25%	42.0 %	3,775 / 8,988

SETBACKS:
 FRONT BUILDING: 20 FT / 39 FT
 FRONT OPEN STRUCTURES: 15 FT / 10 FT
 SIDE: 0 FT COMMON / 0 FT
 REAR: 15 FT / 13 FT WITH USE PERMIT STD.

PARKING: REQUIRED (TABLE 4-602) 2 SPACES / UNIT = 6 / PROVIDED 2 SPACES / UNIT = 6 + 1 GUEST = 7

LANDSCAPE AREA DETAIL:	LOT AREA	FRONT SB	PRIVATE YARD	TOTAL	% OF LOT
LOT 1	3,375 SF	58 SF	699 SF	1,201 SF	45.4 %
LOT 2	2,238 SF	118 SF	699 SF	817 SF	36.5 %
LOT 3	3,375 SF	83 SF	1,448 SF	1,501 SF	44.5 %
TOTAL	8,988 SF	259 SF	2,075 SF	2,349 SF	42.6 %

ROW IMPROVEMENTS PROVIDED: LANDSCAPING 940 SF

GENERAL SITEPLAN NOTES

- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
- NO STRUCTURES, LIGHTS, POLES, TREES, DEEP-ROOTED PLANTS, ETC. ALLOWED IN EASEMENTS OR ABOVE UNDERGROUND UTILITIES
- ALL NEW UTILITIES OR ADJACENT TO SITE MUST BE PLACED UNDERGROUND.
- WITHIN SIGHT DISTANCE TRIANGLES AT DRIVEWAY TO STREET INTERSECTIONS:
 - TREES SHALL BE TRIMMED TO 8' HEIGHT CLEAR FROM GROUND
 - SHRUBS SHALL BE TRIMMED AND MAINTAINED AT 2' HIGH MAXIMUM
 - NO MULTI-TRUNK TREES ALLOWED
- OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAYS WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHT-OF-WAYS, ACCORDANCE WITH APPROVED PLANS.
- AFTER FINAL APPROVAL, THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY.
- ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
- ANY EXISTING BROKEN OR OUT-OF-GRADE CURBS AND SIDEWALK ON THE PROJECT SITE, AS WELL AS, ANY NEW CURBS OR SIDEWALK DAMAGED DURING CONSTRUCTION SHALL BE REPLACED.

VICINITY MAP

K & H HOMES, LLC
 6125 E INDIAN SCHOOL RD, SUITE 2005, SCOTTSDALE, AZ 85261
 PH: 602-905-2928

SPARROW HAWK

SPR 19096

3 ON HARDY
 325 South Hardy Drive
 TEMPE, ARIZONA

Revisions

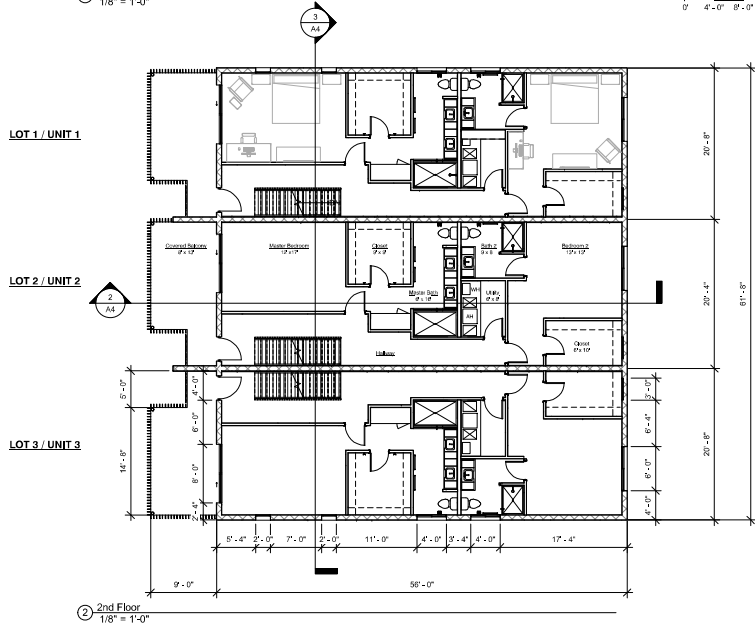
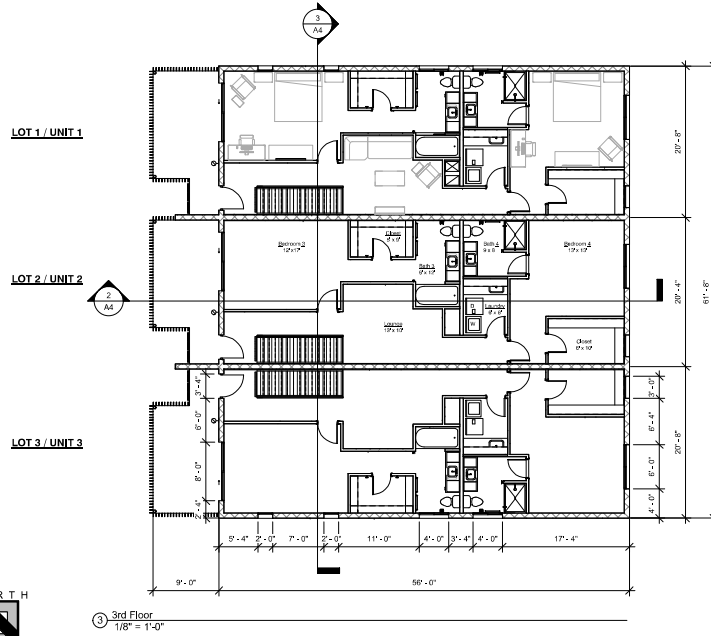
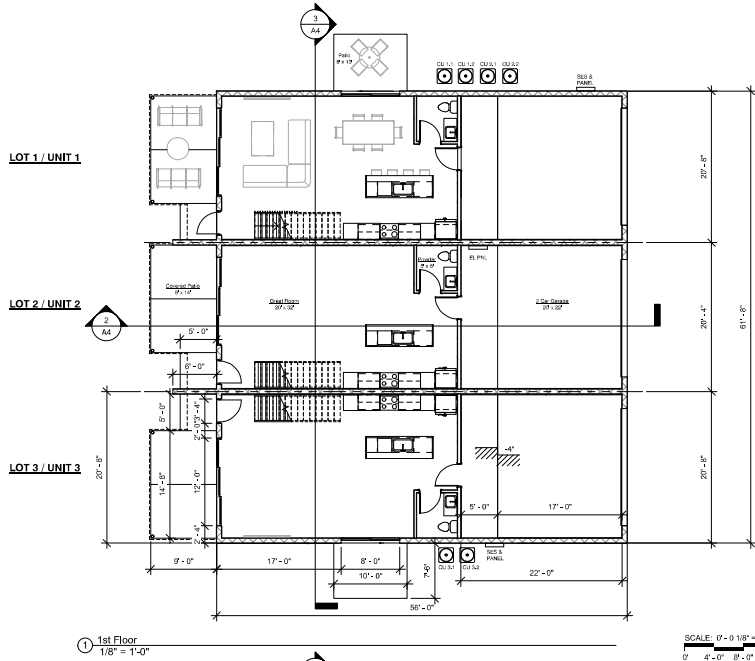
#	Description	Date

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JOB NUMBER: Project Number
DRAWN BY: KS
CHECKED BY: KS
ISSUE DATE: 11/06/2019

SHEET TITLE: Site Plan
SHEET NUMBER: A1.1

USE PERMIT



K & I HOMES, LLC
6125 E. INDIAN WOODS, INC.
SUITE 200
SCOTTSDALE, AZ 85251
PH: 602-959-2828



**SPARROW
HAWK**

SPR 19096

3 ON HARDY
325 South Hardy Drive
TEMPE, ARIZONA

Revisions		
#	Description	Date

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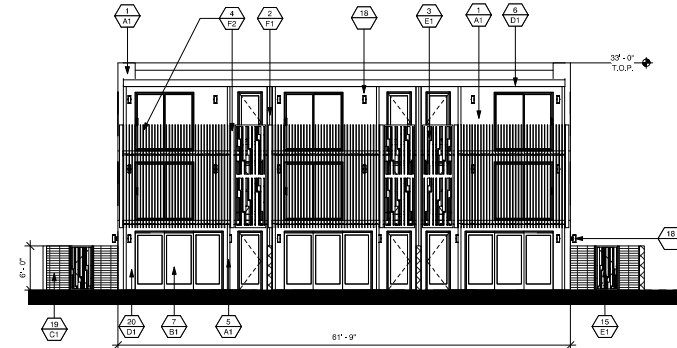
JOB NUMBER/Project Number
DRAWN BY: KS
CHECKED BY: KS
ISSUE DATE: 08/22/2019



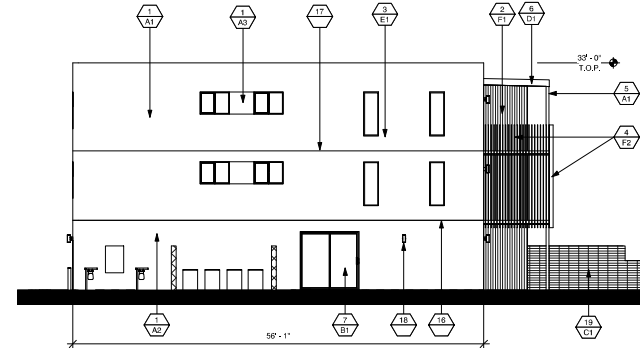
SHEET TITLE:
Floor Plans

SHEET NUMBER:
A2

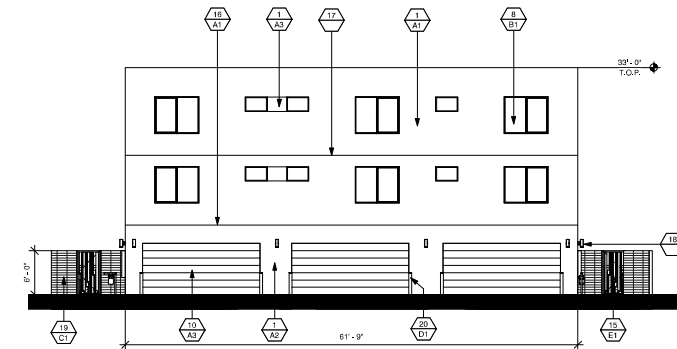
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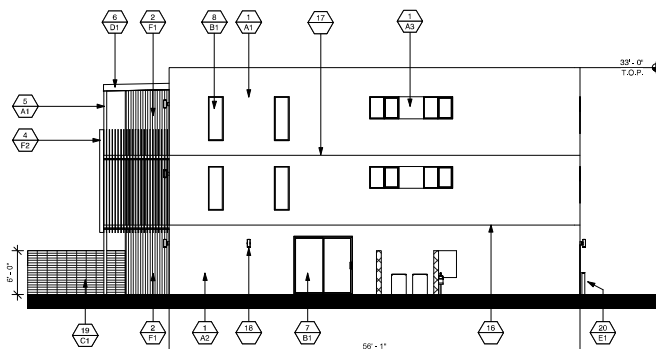
1 FRONT - West Elevation
1/8" = 1'-0"



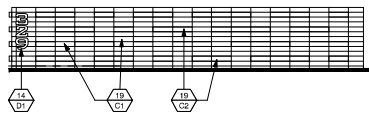
2 SIDE - North Elevation
1/8" = 1'-0"



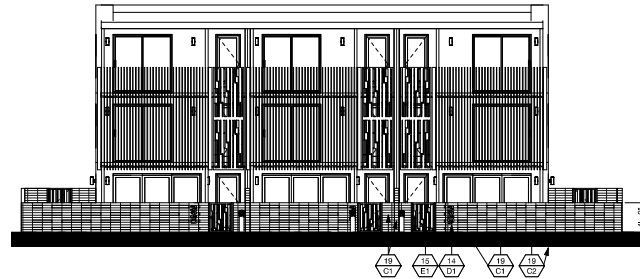
4 REAR - East Elevation
1/8" = 1'-0"



3 SIDE - South Elevation
1/8" = 1'-0"



6 FRONT - Site Wall Elevation
1/4" = 1'-0"



5 FRONT - West Elevation Streetscape
1/8" = 1'-0"

MATERIAL / COLOR SCHEDULE

MATERIALS / KEYNOTES MATERIAL / KEYNOTE COLOR

1. STUCCO SYSTEM OVER INSULATED HERCOWALL PANEL
2. VERTICAL WOOD SIDING
3. TUBE STEEL AND LASER CUT PANEL GUARDRAIL - FACTORY FINISH
4. 1X6 WOOD FNS - FACTORY CLEAR FINISH
5. STEEL COLUMN - PAINTED
6. ROOF EDGE WITH METAL FACIA - POWDERCOATED
7. SLIDING ALUMINUM GLASS PATIO DOORS - FACTORY FINISH - SEE SCHEDULE
8. FRIEDRIDGE SLIDING ALUMINUM WINDOW - FACTORY FINISH - SEE SCHEDULE
9. WALL MOUNTED LIGHT FIXTURE
10. SECTIONAL GARAGE DOOR - FACTORY FINISH
11. PROTECTIVE STEEL BOLLARD
12. EXPOSED MASONRY - STACKED BOND
13. PROTRUSIVE CMU AGENT - 1" OFFSET CORE - STACKED BOND
14. ADDRESS SIGNAGE - REVERSE PAN LETTERS - POWDERCOATED
15. STEEL GATE WITH LASER CUT PANEL - POWDERCOATED
16. 1/2" STUCCO REVEAL
17. STUCCO CONTROL JOINT
18. WALL MOUNTED UP/DOWN LIGHT CYLINDER - FACTORY FINISH - BLACK
19. CMU WALL - STACKED BOND
20. 4" DIA. PROTECTIVE STEEL BOLLARD

COLORS

- PAINT: (DUNN EDWARDS '02)
- | | | |
|-----------------------------|--------------------------|---------|
| A1. MAIN FIELD (LIGHT GRAY) | DET. 617. WINTER MOON | -LRV 70 |
| A2. ACCENT (MEDIUM GRAY) | DET. 618. INDUSTRIAL AGE | -LRV 42 |
| A3. ACCENT (DARK GRAY) | DET. 619. CELLULOID | -LRV 8 |

ALUMINUM WINDOW, SLIDING GLASS DOORS AND STOREFRONT
B1. ARCADIA #25 'BLAOK' ABS ANODIZED

MASONRY: (SUPERLITE BLOCK)
C1. 4X16R16 SUPERLITE - SMOOTH FACE - INTEGRALLY COLORED - BLACK
C2. 4X10X16 SUPERLITE - SMOOTH FACE - INTEGRALLY COLORED - GRAY

METAL PANEL ROOF FACIA AND LASER CUT PANELS
D1. KYNAR 500 (OR EQUAL) MATTE BLACK

LASER CUT METAL BALCONY PANELS (ARTESIAN PANELS)
E1. 3/16" THICK LASER CUT PATTERN # 447 BLACK

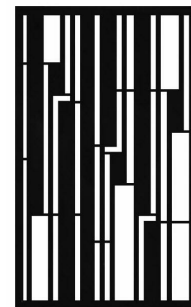
WOOD SIDING: (SUGAN TIMBER CO.)
F1. 1/2" TAG CHARRED WESTER RED CEDAR TRUMAN VERTICAL H/STALL

WOOD FENS: (DELTA MILLWORK)
F2. 1X6 S4S / SQUARE EDGE / PLAIN SAWN KEBONY SELECT GRADE CLEAR FINISH

GENERAL NOTES

1. STUCCO SYSTEM TO BE "BASP" DIRECT APPLIED TO EXTERIOR HERCOWALL PANEL, WITH FINISH TEXTURE INTEGRAL COLORED FINISH TO MATCH PAINT COLOR SPECIFIED. SYSTEM TO BE INSTALLED OVER INTEGRATED WATER RESISTIVE BARRIER COATING, PER APPROVED EVALUATION REPORTS.
2. PAINT ALL EXTERIOR MOUNTED ELECTRICAL AND MECHANICAL PANELS/BOXES TO MATCH ADJACENT SURFACE OF THE BUILDING.
3. ALL EXPOSED CMU TO HAVE RIBBED JOINTS
4. RESIDENTIAL WINDOWS TO HAVE DUAL INSULATED GLAZING WITH SUNCOAT LOW-E MIN. U-FACTOR: 0.51 (SLIDING DOORS), .49 (OPERABLE WINDOWS), .45 (FIXED WINDOWS MIN. SHGC = .25)

LASER CUT PANEL DETAIL



EXT. LIGHT FIXTURE



K & J HOMES, LLC
9125 E. WILSON AVENUE, SUITE 200, AZ 85251
PH: 602-959-0326



SPARROW HAWK

SPR 19096

3 ON HARDY
325 South Hardy Drive
TEMPE, ARIZONA

Revisions		
#	Description	Date

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JOB NUMBER/Project Number
DRAWN BY: KS
CHECKED BY: KS
ISSUE DATE: 11/06/2019



SHEET TITLE:
Exterior Elevations

SHEET NUMBER:

A3

USE PERMIT



Map





1



2



3



4



5



6



7



8



9



10



11



12



13



14



15



16