

Staff Summary Report



Hearing Officer Hearing Date: September 21, 2010

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **ENVIRONMENTAL RECYCLING** located at 1931 East Rio Salado Parkway for one (1) use permit.

DOCUMENT NAME: 20100921cdsl02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **ENVIRONMENTAL RECYCLING (PL100275)** (Phyllis Sorkin/Environmental Recycling, applicant; Boyle Revocable Trust, property owner) located at 1931 East Rio Salado Parkway in the GID, General Industrial District for:

ZUP10097 Use permit to allow a recycling business.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

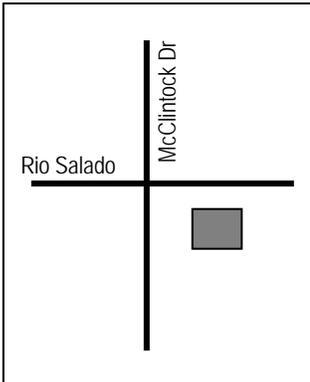
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



Environmental Recycling is requesting approval of a use permit to allow a recycling collection center located at 1931 East Rio Salado Parkway in the GID, General Industrial District. The proposed business will occupy a vacant site; substantial upgrades to the property will be required prior to commencing business on the site. Staff is recommending approval of the request with conditions. To date, staff has received no public input regarding this request.

PAGES:

1. List of Attachments
2. Comments;
3. Reasons for Approval; Conditions of Approval;
4. History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
- 5-9. Preliminary Site Plan Review Comments
10. Zoning Verification letter to property owner
11. Staff Photograph(s)

COMMENTS:

Environmental Recycling is currently operating another location at 1803 East Rio Salado Parkway in the GID, General Industrial District. The applicant is proposing to relocate their business to 1931 East Rio Salado Parkway and is requesting approval of a use permit to allow a recycling collection center. The proposed business will occupy a vacant property.

The site is located east of McClintock Drive and is on the south side of Rio Salado Parkway. Across Rio Salado Parkway is Tempe Marketplace, (RRC) Regional Commercial Center. To the south and east of the site are industrial properties (GID), General Industrial District.

The recycling center specializes in metals such as aluminum, copper, brass and steel. The materials are collected, sorted and placed into one of four storage containers for 3-5 business days until the containers are picked up and replaced with an empty container. Most of the customers reside in Tempe and the operation services between 50-100 customers per day. The proposed hours of operation are Monday through Friday from 8:00 AM to 5:00 PM., Saturday from 8:00 AM to 4:00 PM, and closed on Sunday.

The existing vacant property has legal non-conforming rights to be used as outdoor storage without further upgrades to the property. A recycle collection business is more intense than outdoor storage which requires the site to be brought into compliance with current Zoning and Development Code requirements. At a minimum the applicant will need to provide a 8-10 foot high screen wall to be placed at the front yard setback (25'); provide street frontage landscape with a minimum of one street tree per every thirty (30) lineal feet of frontage; on site paving for customer parking and refuse/fire maneuvering; on site retention; on site lighting to the minimum foot candle standards and a modular office building that meets building code requirements for employee/public use. Staff will condition that all building permits for the required improvements to be submitted for within 30 days of use permit approval and all improvements installed within sixty days of the issuance of building permits and all improvements to be completed within 180 days maximum.

Use Permit

The Zoning and Development Code requires a Recycling Center to obtain a use permit in the GID, General Industrial District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is a recycling center use; there should be minimal nuisances (noise) within this industrially zoned area.
- 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 proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding industrial zoned areas. Compatibility with existing surrounding structures and uses;
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with the surrounding uses.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding are or general public:
 - The proposed use requires the creation of a security plan with the Tempe Police Department to address transactions of metals and management of the establishment.

Conclusion

Staff recommends approval of use permit, subject to compliance with conditions of approval and completing required site upgrades.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

1. The use permit is valid for Environmental Recycling and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Provide ordinance required improvements to property.
3. Submit for applicable building permits by 10/21/10.
3. All improvements to property to be completed or installed within 60 days of issuance of building permits with total process including permits to be completed within 180 days maximum or by 03/21/10.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. All business signs shall receive a Sign Permit. Please contact Planning staff at 480-350-8331.
6. A sales tax license from the City of Tempe Tax and License Division shall be obtained prior to the use permit becoming effective.
7. The applicant shall work with the Tempe Police Department to create a Security Plan for the business. Contact the Crime Prevention Department at 480-858-6330.

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.

- The use permit shall commence within twelve months from the date granted, on or before January 13, 2010 or the use permit approval will expire.
- Specific requirements of the **Zoning and Development Code** 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, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated September 8, 2010. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by

planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

- **STANDARD DETAILS:**
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering or purchased from the Engineering Division, Public Works Department.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov or may be obtained at Development Services.

- **ACCESS AND CIRCULATION:**
 - Provide a plan for on site paving and circulation for customer, fire and refuse maneuvering and parking; refer to ZDC, Part 4, Chapter 5.

- **WALLS AND LANDSCAPING:**
 - Design screen walls and street frontage landscape per the requirements of ZDC, Part 4, Chapter 7 requirements

- **ENGINEERING AND LAND SERVICES:**
 - 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

- **REFUSE:**
 - Provide a solid waste plan for refuse removal. Contact Sanitation Division (480-350-8131) to verify that vehicle maneuvering and access to the enclosure is adequate.

- **LIGHTING:**
 - Follow requirements of ZDC Part 4 chapter 8
 - Follow the guidelines listed under appendix E "Photometric Plan" of the Zoning and Development Code.
 - Indicate the location of all exterior light fixtures on the site, landscape (and photometric) plans. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.

- **SIGNS:** Obtain sign permit for any identification signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Separate Development Plan Review process is required for signs ZDC Part 4 Chapter 9 (Signs).

HISTORY & FACTS:

June 5, 2007

The Hearing Officer approved a use permit for Environmental Recycling located at 1805 E. Rio Salado Parkway, subject to conditions.

DESCRIPTION:

Owner – Boyle Revocable Trust
Applicant – Phyllis Sorkin/Environmental Recycling
Existing Zoning – GID, General Industrial District

ZONING AND DEVELOPMENT

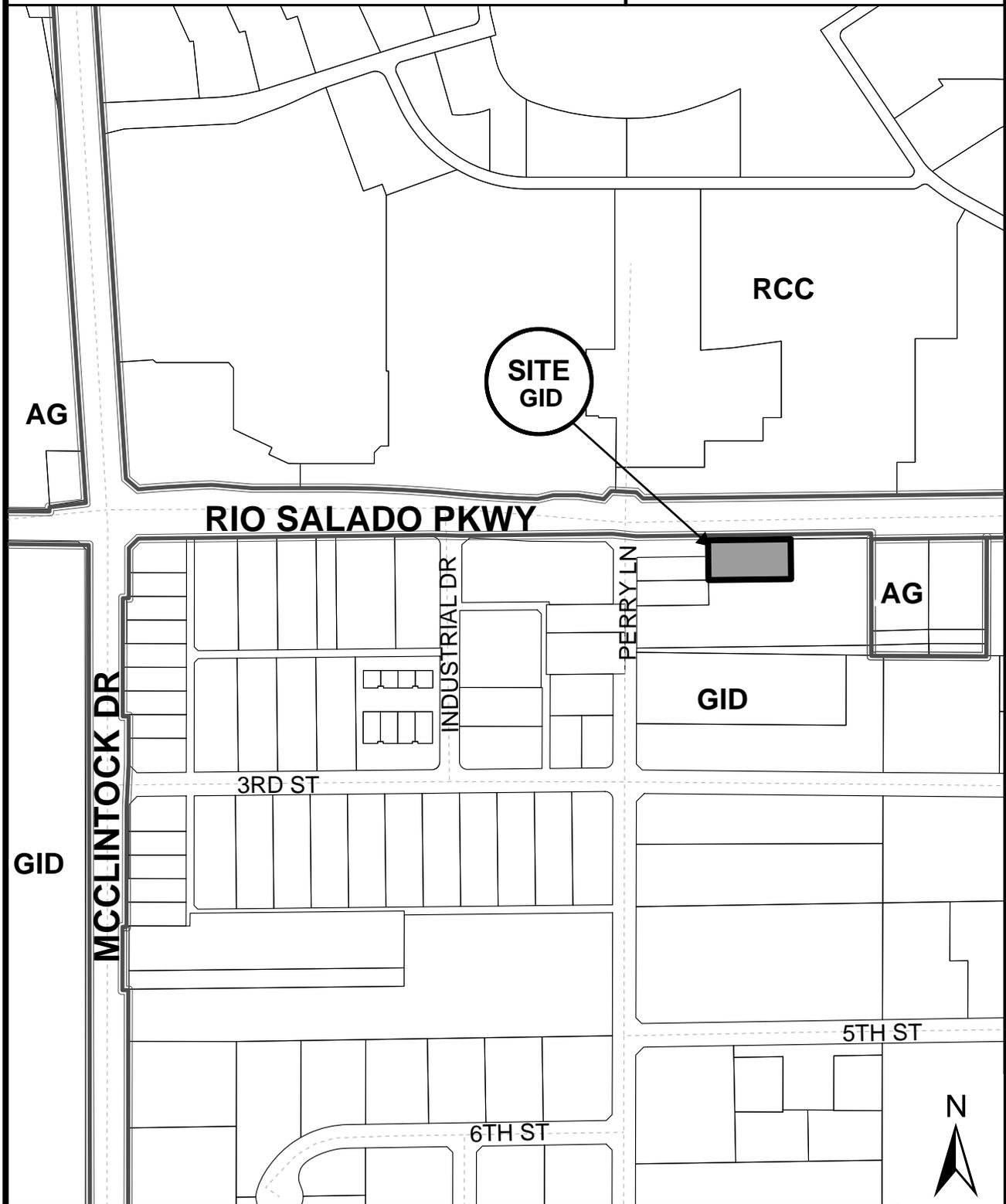
CODE REFERENCE:

Part 3, Chapter 3, Section 3-302
Permitted Uses in Office/Industrial Districts – Table 3-302A –Recycling Collection Center in GID, General Industrial District requires a use permit;

Part 6, Chapter 3, Section 6-308 -Use Permit.

ENVIRONMENTAL RECYCLING

PL100275



Location Map



ENVIRONMENTAL RECYCLING (PL100275)

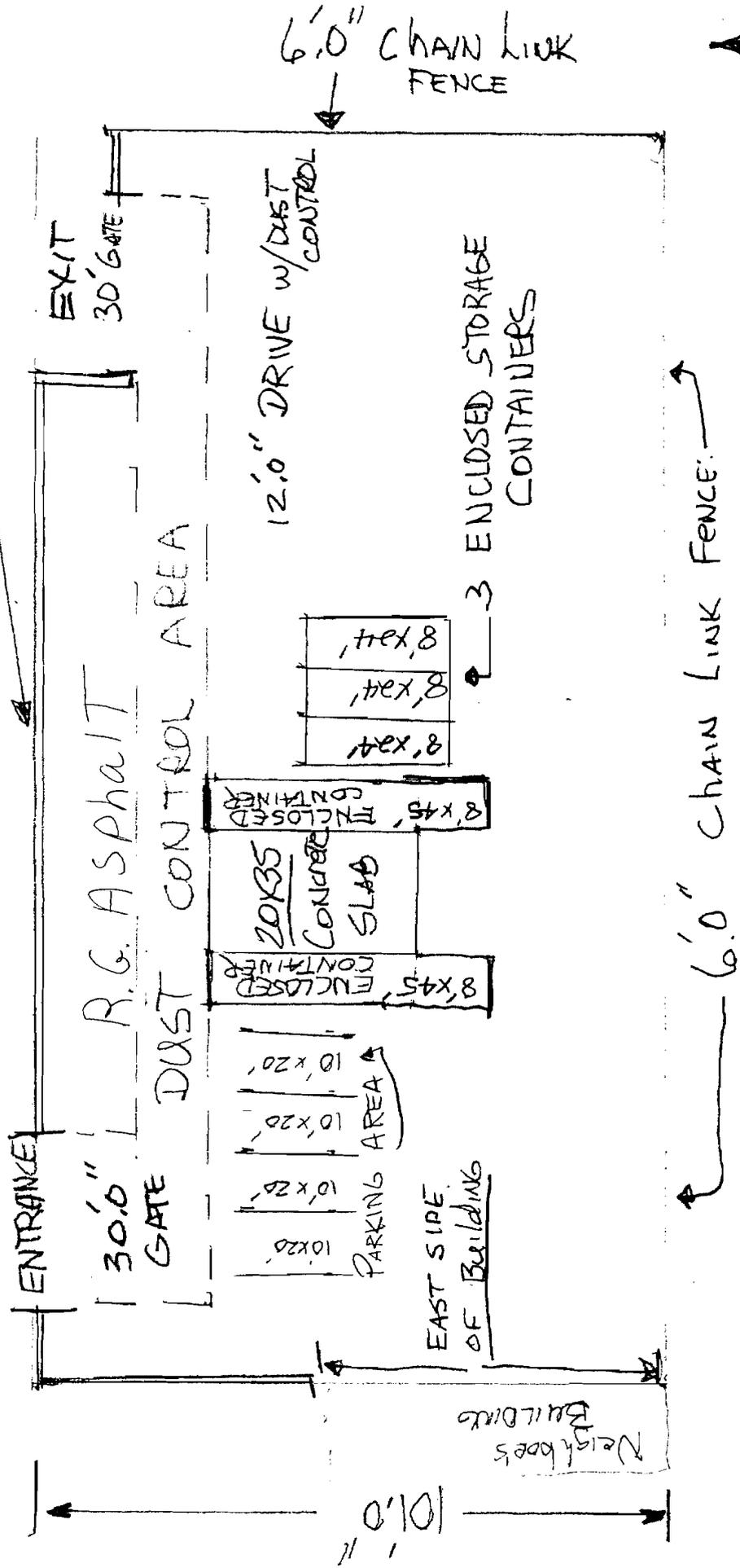
8/24/10

ENVIRONMENTAL Recycling Collection Center will purchase household recyclables from the public for Environmental purposes as well as supplying extra income during this recession and hard economic times. All items will be containerized there will be no processing of materials on the premises.

Phyllis Luper
owner

RIO SALADO PARKWAY

8.10 WROUGHT IRON FENCE W/ SCREENING
6" SPACING



**PUBLIC WORKS DEPT. COMMENTS
INTERDEPARTMENTAL STAFF MEETING
AGENDA
DATE: 09/08/2010**

**#1 PROJECT: ENVIRONMENTAL RECYCLING
ADDRESS: 1931 E. RIO SALADO PARKWAY
NUMBER: DS100880-SPR10070
COMMENTS: USE PERMIT FOR COLLECTION/RECYCLING CENTER**

Engineering: 100 year onsite retention is current designation for this property. Drainage clearance is required verifying onsite runoff volume if property is to be developed. Utility plan is required if sewer or water services are being added or abandoned.

Land Services: *No comment provided*

Traffic: Entry gate must remain open during business hours.

Transit: *No comment provided*

Refuse: Please submit to Solid Waste a plan for refuse removal.

Fire: Gates will require Knox pad lock

W.U.D.: No comment

Communications: *No comment provided*

Art in Private
Development: *No comment provided*

City of Tempe
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
www.tempe.gov



Development Services
Building Safety Division

Preliminary Site Plan Review – Building Safety Division Comments

September 8th, 2010

Project Name: Environmental Recycling
Address: 1931 E Rio Salado Pkwy
DS100880
SPR10070

Project Specific Comments:

5' clearance required between storage containers per Sec 903.2.1 or fire sprinklers are required.

903.2.1 New buildings or structures.

[F] 903.2.1 Group A.

All areas of new buildings or structures, and other locations required by this Chapter, shall be provided with an automatic fire sprinkler system complying with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 as applicable.

Exceptions: Unless the use of the facility otherwise requires automatic fire sprinkler protection, fire sprinkler systems shall not be required for the following:

6. Shipping containers used for storage purposes and not closer than 5 feet to any building, property line or other container.

Attachment: None

Building Codes and Amendments:

<u>Type</u>	<u>Code Reference</u>
Administrative	Tempe Administrative Code
Residential	2006 International Residential Code (IRC) w/amendments
Existing Building	2006 International Existing Building Code (IEBC) w/amendments
Building	2006 International Building Code (IBC) w/amendments
Mechanical	2006 International Mechanical Code (IMC) w/amendments
Electrical	2008 National Electrical Code (NEC) w/amendments
Plumbing	2006 International Plumbing Code (IPC) w/amendments
Energy	2006 International Energy Conservation Code (IECC) w/amendments
Fuel Gas	2006 International Fuel Gas Code (IFC) w/amendments

Building Safety Division information is available at www.tempe.gov/bsafety

- 1) City of Tempe Amendments – click on admin, boards & codes/amendments
- 2) Plan Review Target Turn Around Times - click on permit issuance & plan review
- 3) Plan Review Submittal Check List - click forms & applications
- 4) Plan review and permit fees – click on fees

This Building Safety “**Site Plan Overview**” is meant to provide the applicant with an indication of the overall viability of a “conceptual project”. This is not a complete or comprehensive review code review. It is meant to identify any **major** issues that could derail a project as it is currently proposed to be built. Therefore, it is a valuable tool for design professionals to use in order to determine how cost effective major project elements are, which would need to be changed to meet code requirements, which would require special approval, and which are prohibited. This information can be invaluable as the design professionals then develop a comprehensive set of construction documents for city review, permitting, and construction.

Building Code questions contact Roger Vermillion, Plan Review Administrator, at 480-350-8071 or email roger_vermillion@tempe.gov

Permit submittal requirements and processing questions contact Lisa Loyd, Development Project Coordinator, at 480-350-8644 or email @ lisa_loyd@tempe.gov



Development Services • 31 E. 5th St. • Tempe, AZ 85281

Project/Cause #: **SPR10070**

Meeting Date: **09/21/2010**

Address: **1931 E RIO SALADO PKWY**

Section: **13N**

Zoning: **GID**

For Further Processing Provide:	
Floor plans	<input checked="" type="checkbox"/>
Elevations (all sides)	<input checked="" type="checkbox"/>
Bld. Sections w/ Mech. Equip.	<input checked="" type="checkbox"/>
Grading and Drainage	<input checked="" type="checkbox"/>
Landscape Plan and Lighting Loc.	<input checked="" type="checkbox"/>
Photometrics and cut sheets	<input checked="" type="checkbox"/>

Application Process	
Development Plan Review	<input checked="" type="checkbox"/>
PAD Overlay	<input type="checkbox"/>
Zoning Map Amendment	<input type="checkbox"/>
General Plan Amendment	<input type="checkbox"/>
Subdivision / Condo Plat	<input checked="" type="checkbox"/>
Use Permit	<input type="checkbox"/>
Variance	<input type="checkbox"/>

Staff Review Meeting	
City of Tempe, Arizona	
Refer to attached previous comments and contact staff indicated	
Staff / Contact Number	Contact Number
SHERRI LESSER (480)350-8486	Planning Division
	Engineering Division
	Transportation Division
	Refuse Division
	Bld. Safety Division
	Fic Division
	Land Services Division
	Other

Preliminary Site Plan Review DISCLAIMER
 Preliminary Site Plan Review process is intended to provide project input regarding the requirements of the City Code, General Plan, Zoning and Development Code, Building Codes, and other relevant city policies and regulations. The process involves routing a proposed project to all departments involved in development to gather initial comments on the project, identifying requirements/recommendations that might affect the design or feasibility of the project and guide the customer on the formal process procedures. *Preliminary Site Plan Review is not an approval process, nor does it imply support or opposition for a proposed concept.* The comments provided by staff are *preliminary*, based on the information provided, and are not comprehensive; additional comments and requirements may be generated when a complete formal submittal is processed for entitlements. Building permits may not be obtained until the formal entitlement process is complete.



City of Tempe
P. O. Box 5002
20 East Sixth Street
Tempe, AZ 85280
480-350-8331 FAX: 480-350-8872 TDD: 480-350-8400
www.tempe.gov



Planning and Zoning

To: Maria Boyle,
Mtb58@sbcglobal.net

Re: Zoning Verification for:
1921 East Rio Salado Parkway (formerly 1931 East 1st Street)
Parcel # 132-38-005

Dear Ms. Boyle:

This is to confirm that the property located at 1921 East Rio Salado Parkway, in Tempe, Arizona, is currently zoned GID, General Industrial District. The GID District allows office, warehouse, manufacturing, and other uses as shown on the Tempe Zoning and Development Code, Part 3, Section 3-302. <http://www.tempe.gov/zoning>

Our records indicate the property has always been used as storage, and may continue the use of outdoor storage. The property is considered legal non-conforming. Should the property be rezoned or accommodate a use other than storage yard, improvements, such as landscaping, lighting, an 8-foot high masonry wall, parking lot, etc., would be required at that time.

Please feel free to call me at (480) 350-8369 or write should you have additional questions on this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Grace DelMonte Kelly'.

Grace DelMonte Kelly, AICP
Planner II



ENVIRONMENTAL RECYCLING

1931 EAST RIO SALADO PARKWAY

PL100275

**FRONT OF PROPERTY – VIEW FROM
RIO SALADO TO SOUTHWEST**

