



Planning and Development Department

DATE: January 27, 2022

TO: Planning and Zoning Commission

FROM: Adam Cannon, AICP, Planner

SUBJECT: Z2021090 – WestWing Recycling & Transfer Station
Agenda Item: #3

Since the publishing of the report for the above case, it is noted there is a typographical error with regard to condition 'o' of the recommendation. Shown below is the amended condition in leg-edit format with eliminated language struck-through and new language underlined and bolded.

- o. Conditions 'f' through 'i' will expire upon the successful acceptance of five annual status reports as required of condition '~~an~~'.

The recommendation for **approval** of **Z2021090** subject to conditions 'a' – 'u' should read as follows (with correction to condition 'o') shown in final format:

- a. Development of the site shall be in conformance with the Legal Description entitled "Warranty Deed", consisting of 4 pages, dated June 19, 2018, and stamped received August 5, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "WestWing Transfer Facility", consisting of 6 full-size sheets, dated December 14, 2021, and stamped received December 17, 2021, except as modified by the following conditions. Staff of the Planning & Development Department may determine slight refinements to remain in substantial conformance to this exhibit/plan in a future Plan of Development application. Major and minor amendments to a Plan of Development will be determined in accordance with Chapter 3 of the zoning ordinance.
- c. Development of the site shall be in substantial conformance with the Narrative Report entitled "WestWing Recycling & Transfer Facility Narrative", consisting of 28 pages, dated December 16, 2021, and stamped received December 17, 2021, except as modified by the following conditions.
- d. The following Planning Engineering conditions shall apply:

1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to number of proposed building lots/units, drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 2. No permits for development of this project shall be issued until permits for the construction of the required offsite infrastructure are issued. Development of the site is contingent of offsite roadway and utility improvements to access and serve the site. The offsite improvements are not considered part of the entitlement for this application. Permitting for the offsite improvements requires approval from a multitude of permitting agencies (PA) as follows:
 - a. El Mirage Road at Loop 303 (PA: ADOT)
 - b. El Mirage Road from Loop 303 to E/W Connector Road (PA: MCDOT)
 - c. E/W Connector (Private) Road within FCDMC Owned Property(McMicken Dam Outflow) (PA: FCDMC)
 - d. Remainder of E/W (Private) Connector Road (PA: PND)
 - e. ASLD approval for all public/private R/W
 3. Engineering review of re-zone cases is conceptual in nature. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- e. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years, within which time the Plan of Development and initial subdivision infrastructure or Plan of Development and initial construction permit must be obtained.
 - f. All recycling and waste shall be transferred off of the facility floor on a daily basis leaving the floor to rest overnight empty of waste and debris.
 - g. All floors within the recycling and waste transfer shall be swept free of debris and cleansed at the end of daily operations.
 - h. A single loading truck is permitted to remain within the facility overnight.
 - i. Under no circumstance shall trucks harboring recycling or waste be permitted to be stored overnight on the exterior of the facility beyond the hours of operation stated in the applicant's narrative.

- j. No alternative storage container shall harbor recycling or waste overnight.
- k. The recycling and waste transfer facility bay doors shall be closed overnight.
- l. One day per month, the operator of the recycling and waste transfer facility shall host a free bulk trash disposal day in accordance with the regular public hours of operation stated in the narrative and in accordance with public participation documents submitted by the applicant.
- m. The operator of the recycling and waste transfer facility shall provide a dedicated hotline for community complaints or questions in accordance with the public participation documents submitted by the applicant.
- n. Following final construction permit approval of a transfer station, an annual status report shall be submitted by the owners of the property for the first five years of operation. The status report shall be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board) to review compliance with the conditions of approval, upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning. The status report shall address the following:
 - 1. Compliance with the conditions of approval;
 - 2. Number of free bulk trash disposals processed as part of the community's monthly free bulk disposal day;
 - 3. The nature of any complaints received by members of the public and resolution actions taken;
- o. Conditions 'f' through 'i' will expire upon the successful acceptance of five annual status reports as required of condition 'n'.
- p. The following IND-3 IUPD standards shall apply:
 - 1. Height: 40'
 - 2. Min. Front Yard: 10'
 - 3. Min. Side Yard: 5'
 - 4. Min. Rear Yard: 25'
 - 6. Parking: Nine (9) regular parking spaces including one (1) ADA space shall be required for the recycling and waste transfer facility only. All other uses developed shall be required to adhere to MCZO Chapter 11 – Section 1102 parking regulations.

7. Sight Visibility Triangles: Two (2) required sight visibility triangles at the primary ingress and egress proposed in the zoning exhibit are waived.
8. Screening: A 6' tall solid wall or a fence made of composite materials or masonry shall be required and shall be fully opaque. Slatted chain link and chain link fencing for perimeter screening shall be prohibited.
9. Directory Signs: Maximum sign area of 24 sq. ft. and shall not exceed 8' (h).
10. Directional Signs: Maximum sign area of 12 sq. ft.
11. Wall Signs:
 - a. The total aggregate area of all wall signs on a property shall not exceed fifteen percent (15%) of one (1) face/plane of a single/multitenant building, or wall plane of an individual business frontage where more than one (1) tenant occupies the building.
 - b. Face plane is measured as a vertical plane from the ground to top of parapet or eave line of pitched, or mansard roof. Where a parapet is behind a hip roof, shall follow the eave line.
 - c. If a property has multiple buildings, the property owner may choose which building face plane is used to calculate aggregate sign area.
12. Freestanding Sign including Center Identification Signs:
 - a. One (1) freestanding sign shall be allowed oriented and located adjacent to the Loop 303 Freeway subject to the following:
 1. Shall not exceed 60' in height.
 2. Shall not exceed 250 sq. ft. in sign area per face.
 3. Shall not be included in the calculation of the total number of other freestanding signs outlined below and/or wall signs permitted.
 4. Minimum separation: 200' separation from any other freeway freestanding sign or off-site advertising sign.
 5. 50' from non-freeway lot lines, 200' from rural or residentially zoned properties.
 6. No EMDs allowed with freeway freestanding sign.
 7. Base of sign must be at least 35% of the full sign width.
 - b. All other freestanding signs shall comply with the following development standards:
 1. Shall not exceed 150 sq. ft. in sign area.
 2. Shall not exceed 24' provided that any signs within 100' of a rural or residential zone, unless developed for non

residential use, shall not exceed 12' in height; however, for each 5' beyond the 100', the maximum may increase 1' to the maximum height of 24'.

- c. May be a moving, rotating or revolving sign; however, no sign shall rotate faster than seven (7) revolutions per minute.
 - d. Remaining permitted standards of industrial signage that are not shown herein shall be permitted.
- q. The following uses shall be permitted in the IND-3 IUPD zoning district:
- 1. Recycling and waste transfer station; and,
 - 2. All uses permitted in the IND-2 IUPD zoning district.
- r. Administrative approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of a building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
- s. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- t. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- u. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.