



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-26-11-8
April 8, 2014

South Mountain Village Planning Committee Meeting Date April 8, 2014

Planning Commission Hearing Date May 13, 2014

Request From: A-2 RSIO (1.06 acres)

Request To: A-2 RSIO HAZMAT/WVR (1.06 Acres)

Proposed Use Hazardous material recycling center

Location Approximately 500 feet north of the northwest corner of 16th Street and Elwood Street

Owner Daniel P. Gillespie

Applicant/ Representative Sean Higgins
Mark Tomecak

Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Designation		Commerce/ Business Park	
Street Map Classification	16th Street	Major Arterial	50-foot half-street
	Elwood Street	Minor Collector	40-foot half-street
	Victory Street	Private	25-foot-half-street
<p>LAND USE ELEMENT, GOAL 8 INCOMPATIBLE LAND USES: HOUSING ADJACENT OR WITHIN THE VICINITY OF INCOMPATIBLE LAND USES SHOULD BE PROTECTED FROM THE IMPACTS OF THOSE LAND USES, TO THE GREATEST EXTENT FEASIBLE.</p> <p>Policy 4: Recognize that the potential for facilities to emit toxic air pollutants should be a major factor in siting them, to minimize the potential for harm associated with these emissions.</p> <p>The proposed facility would be located in an area surrounded by similar land uses and adjacent to a mining operation.</p> <p>NEIGHBORHOOD ELEMENT, GOAL 2 COMPATIBLE NEIGHBORHOOD DEVELOPMENT: NEW DEVELOPMENT SHOULD BE COMPATIBLE WITH EXISTING USES.</p> <p>The proposed development would be compatible with existing and planned uses in the area.</p>			

Area Plan	
<u>RIO SALADO BEYOND THE BANKS AREA PLAN</u>	
The site is located within the Rio Salado Beyond the Banks Area Plan which is a policy plan that is intended to guide development decisions for an area surrounding the banks of the Rio Salado. The potential impact would promote the recycling of metals associated with the metal recovery oven.	

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Industrial Buildings	A-2 RSIO
North	Industrial and Salt River	A-2 RSIO
South	Industrial Buildings and Salvage Yard	A-2 RSIO
East	Vacant/Sand and Gravel Operation	A-2 RSIO
West	Industrial Buildings	A-2 RSIO

Commerce Park/Industrial		
<u>Standards</u>	<u>Requirements</u>	<u>Met or Not Met</u>
<i>Building Setbacks</i>		
Street	30 feet	50 feet – Met
Side	0, 20 feet	10, 20 feet – Met
Rear	0	50 feet – Met
<i>Landscaped Setbacks</i>		
Street	20 feet	20 feet – Met
Side	5, 20 feet	20 feet – Met
Rear	0	Met
Lot Coverage	50%	27% – Met
Building Height	56 feet	22 feet – Met
Parking	15 Spaces	16 Spaces – Met

Background/Issues/Analysis

REASON FOR REQUEST

1. This is a request to rezone a 1.06-acre parcel from A-2 RSIO to A-2 RSIO HAZMAT/WVR for the development of a hazardous material recycling center located approximately 500 feet north of the northwest corner of 16th Street and Elwood Street.

2. While the property is already zoned A-2, the HAZMAT/WAIVER is an additional requirement to allow processing of hazardous materials, which is not a permitted use within the City limits. Without the waiver, the proposed recycling could not occur.

PLANNING AND ZONING CONTEXT

3. The site is bordered to the north by an existing commerce park and the Rio Salado Habitat Restoration Project. Industrial buildings and storage yards lie west and south of the site. A legally non-conforming sand and gravel mine lies directly east. The proposed use is consistent with the surrounding land uses.
4. The Rio Salado Beyond the Banks Area Plan makes recommendations for economic revitalization to the area beyond the boundaries of the Rio Salado Project. The proposed use will provide job opportunities and possible economic impacts to neighboring recycling facilities. It will provide an alternative way to address the disposal of the metal waste resulting from the dismantling of the Polychlorinated Biphenyl (PCB) ballasts. Currently, 100% of the separated products leave the city and state. Once the metal recovery oven is in operation, only 10% of the separated products will be transported out of state.

As a means of positively impacting the Rio Salado Habitat Restoration Project and add to the long-term value to adjacent land, the Rio Salado Interim Overlay District (RSIO) was developed. All new land uses or new development on land zoned industrial (A-1 and A-2) and within the boundaries of the RSIO are subject to higher standards for visual appearance and compatibility with other land uses. The RSIO places additional regulations requiring administrative review of all development proposals within 500 feet of the boundary of the Rio Salado Project.

In June 2011, the subject site received RSIO administrative review. Additional requirements included enhanced landscape along 16th and Victory Streets, a three foot high masonry wall (in the front yard setback) and no outdoor storage visible from the public street. A stipulation has been included that the development be in general conformance to the existing site plan and elevations date stamped February 19, 2014.

5. The General Plan Land Use Map designates this site for Commerce/Business Park. Although the proposed use is not consistent with the General Plan; a general plan amendment is not required because the site is less than 10 acres.

BACK GROUND

6. Lighting Resources, LLC (Lighting Resources) is an existing business located at 1522 East Victory Street (see exhibit A, item 1). The facility accepts Polychlorinated Biphenyl (PCB) containing waste for treatment at the existing facility and spent fluorescent lamps, batteries, and e-waste that are transferred to other recycling facilities. The PCB waste is dismantled and the components are sent off-site for permanent treatment, disposal, or destruction. US EPA Region IX regularly inspects the location.

7. Lighting Resources has applied to the Environmental Protection Agency (EPA) and to Maricopa County for permits necessary to expand their business and operate a metals recovery oven at this location. This will enable Lighting Resources to remove the PCB liquids from metallic equipment and smelt the equipment for metals recycling, thus reducing their disposal costs and gaining an additional revenue stream.
8. In 2011, Lighting Resource LLC constructed a two-suite building (south of their existing business- see exhibit A) to house their expanded operations.

In the future, the south suite at 3540 East 16th Street (see Exhibit A, item 2- 4,800 square feet) will house a metal recovery oven, afterburner, scrubber, and exhaust stack. The metal components from PCB ballasts will be transferred to the oven from the existing location in 55 gallon drums. The oven process will remove any remaining PCB materials to allow those components to be recycled as non-hazardous waste. The byproduct out the emission stack is steam, carbon dioxide, and carbon monoxide. Maricopa County Air Quality (MCAQ) issues an air permit for the oven to ensure sure that MCAQ requirements are met. The EPA will verify that the PCBs are removed under Toxic Substances Control Act (TSCA) guidelines via the MCAQ permit

The most common ballast countered for disposal as PCB waste is associated with fluorescent lights (manufactured through 1979). They are normally mounted on the light fixture between the fluorescent tubes and are protected by a metal plate. The typical ballast contains a reactor core/ coil assembly, a thermal protector (switch) and a capacitor, held in place by an asphalt-silica mixture (ASM), which performs a dual role function of heat transfer. The value in the ballast is the copper coils that are recovered from the capacitor.

The north suite (see Exhibit A, item 2- 4,000 square feet) is listed by ADEQ as a Large Quantity Handler, Transporter of Hazardous Waste, and Universal Waste Destination. Lamps, batteries, and e-waste from customers will be collected at this location for transfer to other treatment facilities. Enforcement is handled by both US EPA Region IX and ADEQ.

DEPARTMENTAL REVIEW

9. In response to Lighting Resources request to expand their facility located at 1522 East Victory Lane, the company submitted documentation to the Planning and Development Department. The Office of Environmental Programs (OEP) retained Terracon to review this submittal. Terracon's scope of work included review of:
 - a) public records (both regulatory and financial) regarding the facility and company;
 - b) design and performance features of LRI's proposed Scrap Metal Recycling Oven (SMRO);
 - c) the completeness and accuracy of LRI's submission to the city; and
 - d) a summary of technical, environmental and business concerns regarding the project.

10. Terracon found that Lighting Resources responded to the detailed information adequately. Follow-up discussion concluded that existing (and overlapping) permits adequately manage risk to air and groundwater, as well as providing financial assurance of proper facility closure. Further, it was agreed that the overall potential impact of Lighting Resources paled in comparison to the potential impact of other chemical sites, and transport facilities, in the local Salt River watershed.

OTHER

11. The site has been issued penalties from the EPA and AQEQ from past inspections for having containers that did not have the proper labels, items that were shipped with incorrect or missing documentation, and PCB that exceeded allowable levels on the floors. A Consent Decree was issued and a penalty was paid by Lighting Resources LLC. None of these violations resulted in a release of hazardous material into the environment. It should be noted that competitors in the industry have also been found in violation of similar requirements and have adjusted their operations as well.
12. All operations at the facility are inside, and materials arrive in an enclosed truck in secondary containers. All incoming materials are solids, including ballasts. The TSCA permit requires concrete surfaces impacted by the operation to be tested, both during operation and after closure. Other permits regulate how long waste items can remain on site and how much waste material can be present at the facility. It should be noted that the facility plans to store 10 x 55-gallon drums of PCB ballasts at a maximum.
13. Lighting Resources LLC has been in operation for several years at its current location, transporting both PCB and non-PCB items. The addition of the SMRO will decrease the frequency and toxicity of PCB shipments, because decontaminated scrap metal will be accumulated and shipped locally instead of shipping contaminated PCB ballasts regionally. Normal operations at the facility may include a few tractor-trailer entries and exits per day.
14. It has been determined that this parcel/location is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2145 H of the Flood Insurance Rate Maps (FIRM) dated September 30, 2005.

GENERAL

15. Development and use of this site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Zoning adjustments or other formal actions may also be required independent of the zoning request.

Findings

1. The proposed rezoning provides employment opportunities for the surrounding area.
2. The proposed zoning is consistent with the established uses and zoning pattern in the surrounding area.

Stipulations

SITE PLAN AND ELEVATIONS

1. The development shall be in general conformance with the site plan and elevations date stamped February 19, 2014, as approved or modified by the Planning and Development Department.
2. The property owner shall record a "Notice to Prospective Purchasers of Proximity to Airport" in order to disclose the existence and operational characteristics of the Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the template and instructions provided which have been review and approved by the City Attorney.

Writer

Kasandra Zobrist

Team Leader

Josh Bednarek
April 8, 2014

Attachments

Zoning sketch

Aerial

Exhibit A

Site Plan date stamped February 19, 2014

Elevations date stamped February 19, 2014

Section of Scrap Metal Recycling Oven February 19, 2014 (2)

A-2

VICTORY ST

16TH ST

ELWOOD ST

16TH PL

17TH ST

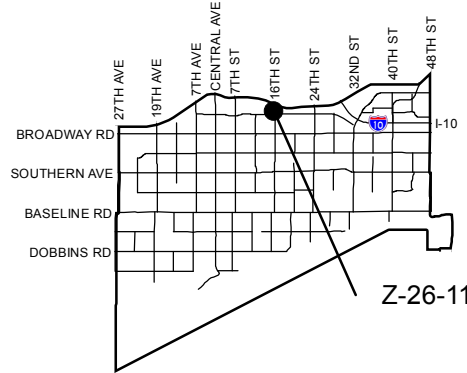
A-1 *
Z-359-85

APP
A-1 *
Z-43-85



300 150 0 300 Feet

CITY OF PHOENIX PLANNING DEPARTMENT
SOUTH MOUNTAIN VILLAGE
CITY COUNCIL DISTRICT: 8



APPLICANT'S NAME:

Mark Tomcak

REQUESTED CHANGE:

FROM: A-2 RSIOD, (1.06 a. c.)

TO: A-2 RSIOD HAZMAT/WVR, (1.06 a. c.)

APPLICATION NO.

Z-26-11

DATE:

11/3/11

REVISION DATES:

2/20/14

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

1.06 Acres

AERIAL PHOTO &
QUARTER SEC. NO.

Q6-30

ZONING MAP

E-9

MULTIPLES PERMITTED

A-2 RSIOD

A-2 RSIOD HAZMAT/WVR

CONVENTIONAL OPTION

N/A

N/A

* UNITS P.R.D. OPTION

N/A

N/A

* Maximum Units Allowed with P.R.D. Bonus



KIVA 07-5339

Zoning A-2

Existing 8,864 S.F. Building



EXHIBIT A

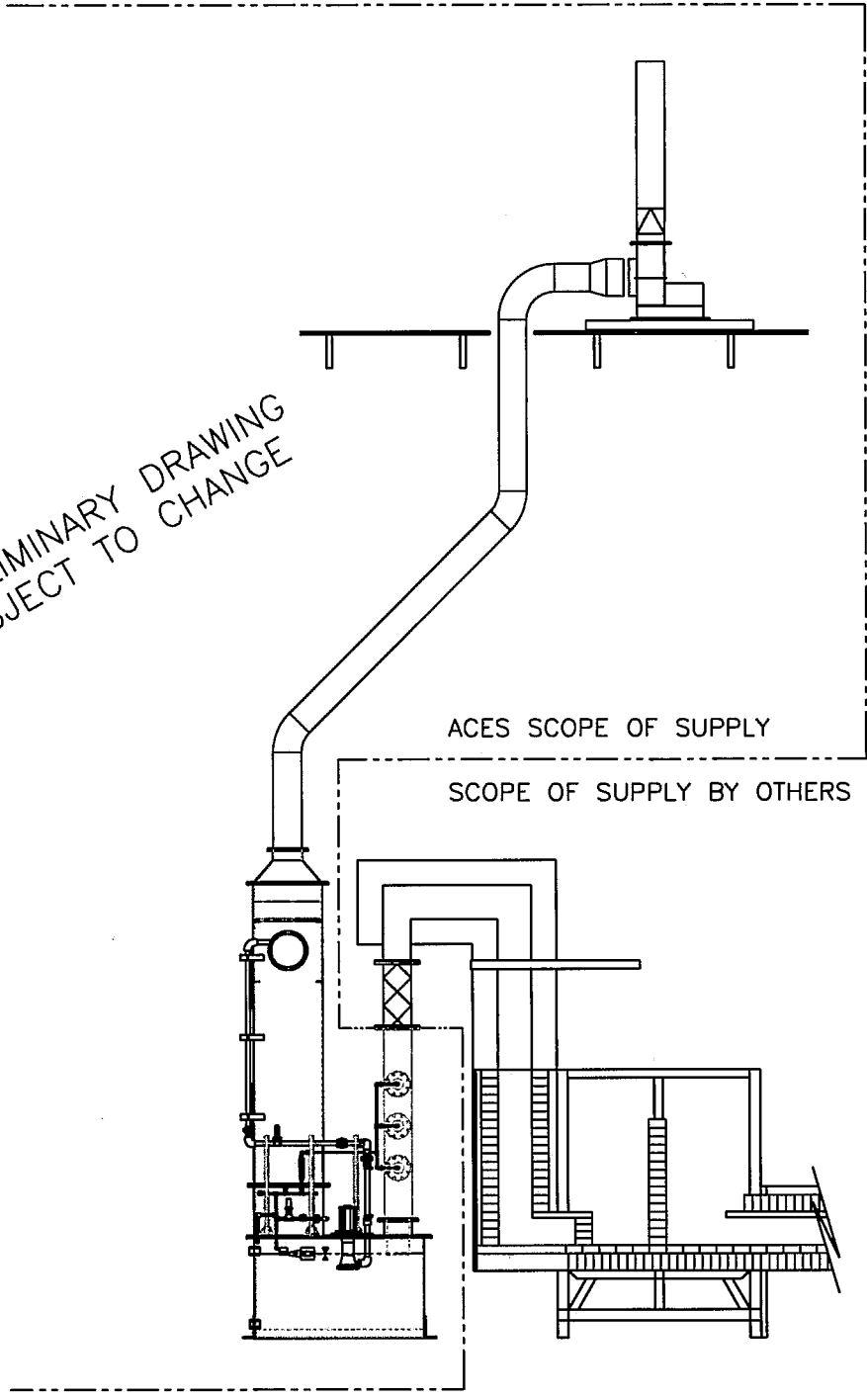
Z-26-11-8

Zoning A-2

1- Existing business location

2- South Suite 4,800 Sq. ft.
North Suite 4,000 Sq. ft.

PRELIMINARY DRAWING
SUBJECT TO CHANGE




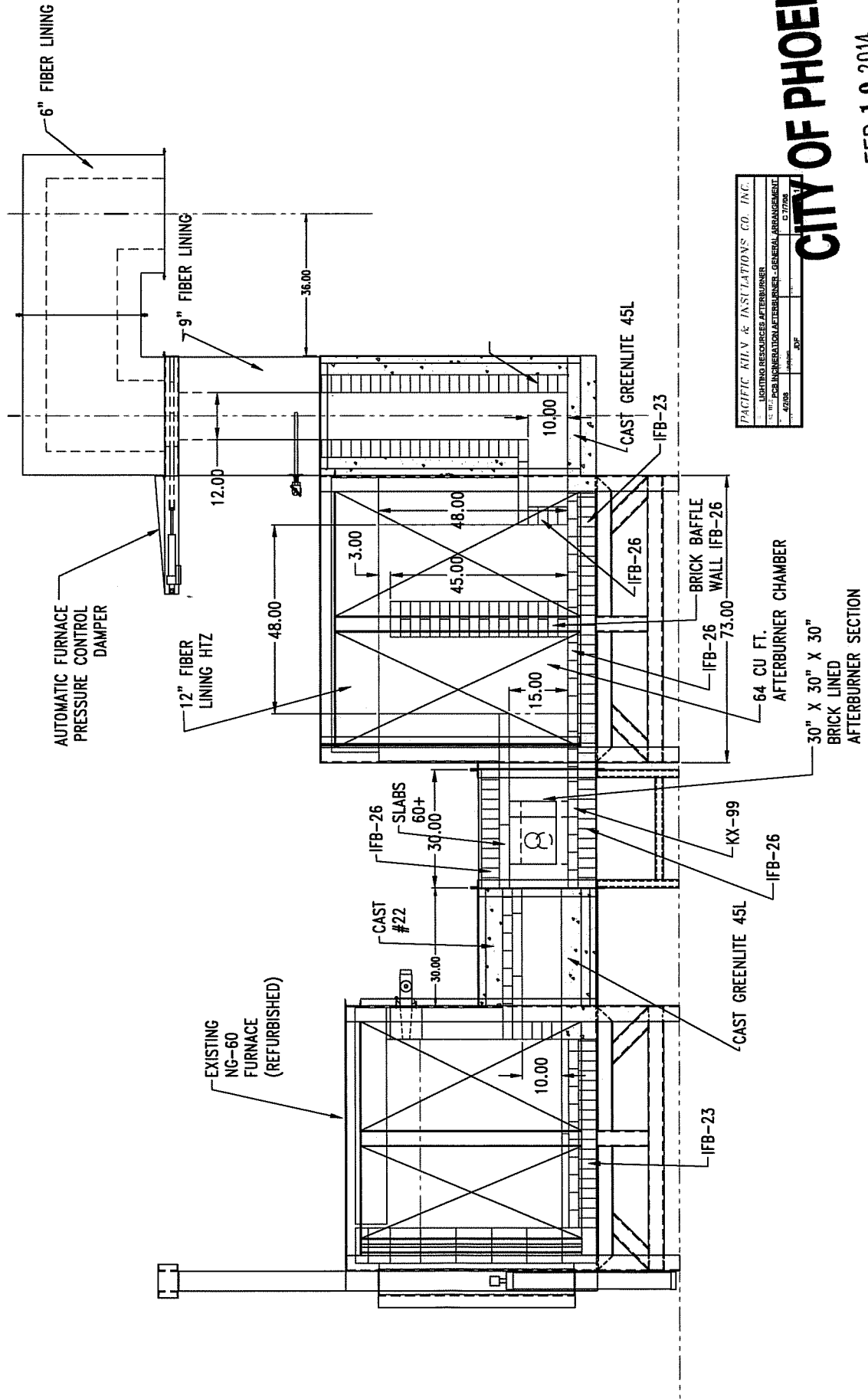
ACES SCOPE OF SUPPLY

SCOPE OF SUPPLY BY OTHERS

CITY OF PHOENIX
FEB 19 2014
Planning & Development
Department

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 AIR CHEM ENG. SYSTEMS, LLC FRP MUNICIPAL & INDUSTRIAL AIR POLLUTION EQUIP. 2841 E. La Palma Ave Anaheim, CA 92806 Phone: (714) 238-9099 Fax: (714) 630-9655	JOB NO. J5133	DRAWING NO. G1	REVISION NO. 1	DATE: 9/4/12
	DRAWN BY: M. JOHNSON	TITLE: GENERAL ARRANGEMENT		
	SCALE: 3/16" = 1'-0"	CUSTOMER / PROJECT LIGHTING RESORCES		



PACIFIC KILN & INSULATIONS CO. INC.	
LIGHTING RESOURCES AFTERBURNER	
NO. 111 - POLYMERIZATION AFTERBURNER - GENERAL ARRANGEMENT	
4/2/08	C. 7/7/08
DATE	BY

CITY OF PHOENIX

FEB 19 2014

**Planning & Development
Department**