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December 16, 2021

Via Electronic Mail

Adam Cannon
Planner
Maricopa County Planning & Development Department
301 W. Jefferson Street, Suite 170
Phoenix, AZ 85003
adam.cannon@maricopa.gov

Re: Response Letter to 2nd Review of Application Z2021090: WestWing Recycling & Transfer Facility

Dear Adam:

Below in *blue italics* are responses to the second review comments on zoning application Z2021090 for the property approximately 3,060' northeast of the intersection of El Mirage Road and Loop 303 (the "Site").

APPLICATION

- 1) I did not receive an updated application in the submittal documents.

Response: An updated application form is included in this resubmittal.

- 2) Remove POD determination request.

Response: Done.

NARRATIVE

- 1) See minor edits as noted.

Response: Done.

- 2) Remove POD determination request throughout the document, but you may still reference the POD as a site plan.

Response: Done.

- 3) I have underlined a section related to hours of operation in regards to a truck filled with waste and recycling being left overnight. We may propose a condition related to this item.

Response: Acknowledged.

- 4) There has been a rather curious fixation on Staff asking about who will be served by the site. This is an important question to ask and one that could very well be asked in more detail by the Board at a future hearing.

Response: Acknowledged.

- 5) There is a passage in the narrative related to the ADA bathroom. This statement doesn't need to be changed, but you may have to do more than what is noted in the narrative in the event this is approved and moves on to building permits. Check with applicable building code requirements related to bathrooms.

Response: Acknowledged.

- 6) County zoning is cumulative, not Euclidian. This is a previous edit.

Response: Done.

- 7) I have reviewed the economic impact information that has been provided as a part of this submittal. Since the claim is being made that the proposed station could potentially save nearby municipal recycling programs, I think it could be important to provide examples of how the introduction of a WTS into an area does just that. As I previously mentioned, this doesn't have to be Arizona specific (though that would be preferable), but I would think that something like this would be considered in municipal budget decisions. This refers back to the citizen's question regarding effectiveness of transfer stations.

Response: Mayor Hall of Surprise has submitted letter of support for the proposal, indicating that the facility may encourage the City to consider restoring its recycling program. That is because the proximity of a transfer station for recyclables could reduce costs sufficiently to allow a cost-effective provider to support the City's now-canceled program. Currently, there is not a transfer station that is reasonably proximate.

- 8) This is just an informative question and the answer does not need to be stated in the narrative, but why does the overall tax revenue generated from the park drop from \$7 million annually to \$6 million annually at full tenancy, employment and operation?

Response: The \$7 million figure is the expected, one-time tax revenue associated with construction of the Industrial Park. The \$6 million figure is the expected, annual tax revenue associated with operation of the Industrial Park.

- 9) Regarding the development standards chart and justifications:

- a. Staff maintains its recommendation that the site should be limited to a waste transfer station and no other uses.

Response: The site is 10.07 acres, or 438,649.2 square feet. The proposed transfer station is 17,000 square feet. The lot coverage of the main building is less than 4%. Even with the substantial maneuvering spaces provided for vehicles, half the site acreage remains vacant. We have acquired, at significant expense based on its entitlements, a site that is zoned IND-2, and we would like to retain those approved rights in the event there is future demand to develop the vacant portion of our site. This would allow us the opportunity to realize our “reasonable, investment-backed expectations.” However, we agree with staff that some of the permitted uses in IND-2 are not appropriate for this site. As such, we have expressly prohibited those IND-2 uses in the Development Standards table.

- b. Staff believes that there is not sufficient justification to vary the northern (rear) setback line.

Response: Agreed and removed.

- c. The site visibility encroachment item is incorrectly stated. I have some terminology that you may use. I also crossed off a statement related to this in the justification paragraph.

Response: Done.

- d. The screening item in the chart states a solid wall made of masonry or composite materials, but the site plan detail provided shows fencing. This should be clarified to avoid any conflicts at the time of the POD.

Response: Done.

SITE PLAN – THIS PLAN SHOULD BE RETITLED AS “ZONING EXHIBIT”. THE COMMENTS BELOW ARE PROVIDED RELATED TO POTENTIAL CONDITIONS STAFF MAY PROPOSE TO THE SITE.

- 1) See minor edits as noted.

Response: Done.

- 2) The same comments on the narrative development standards chart apply to the chart in the site plan.

Response: Done.

- 3) I believe based on your comment response the gross and the net should be the same. Easements may be included in the overall site – it is only required ROW that

would need to be removed. As I believe that there is no ROW required to be dedicated at this time due to the MCDOT waiver letter the applicant sent

Response: Done.

- 4) The SVTs are placed incorrectly and at least one will need to be requested to be varied. The proposed emergency access should also have SVTs.

Response: Done.

- 5) Is the APS ROW easement an ingress/egress easement or a PUE?

Response: It is a public utility easement.

- 6) Please check the lining on the elevation plan. It appears to be slightly off of where it needs to be.

Response: Done.

CITIZENS PARTICIPATION PLAN – NO REDLINES

- 1) Remove POD determination references.

Response: Done.

DRAINAGE COMMENTS

GENERAL

1. Development of the site is contingent of offsite roadway improvements to access the site. The offsite improvements are not considered part of the entitlement for the Westwing site. 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

Response: Acknowledged.

DRAINAGE PLAN REVIEW

1. OFFSITE HYDROLOGY

- a. **Repeated Comment.** The Drainage Report refers to two (2) offsite drainage areas that impact the site and references “existing” infrastructure to manage these offsite flows. To date, no offsite infrastructure has been approved or constructed. Development of the subject project must either include the required improvements to handle offsite flows (design to be included with revisions); or a separate application to for

development of the Industrial Park Infrastructure must be approved and permitted. The applicant will be prohibited from applying for any building permits until such time that the “offsite infrastructure” is permitted by the various agencies noted above.

Response: Acknowledged.

- b. Repeated Comment. The offsite drainage design appears to include rerouting flows from west of the site, eastward along the north side of the offsite access road, through the site and then south. This violates **MCZO 1205-7.6 & 7.6-9a**, which requires that historic inflow and outflow locations be maintained, The applicant has indicated that these re-routed flows will be conveyed under SR303 at their historic location. However, the historic outfall location through the parcel to the south of the industrial park limits will be altered. This change in the historic outfall location requires consent from the owner of APN 503-53-988.

Response: Acknowledged.

2. ONSITE HYDROLOGY

- a. Comments have been satisfactorily addressed.

Response: Acknowledged.

3. ONSITE RETENTION

4.

- a. New Comment – The proposed contour lines for Basins 1 and 3 must be reinstated on Sheet C3.

Response: Done.

- b. Freeboard (1') is required for each basin deeper than one (1) foot. (**DPSM 6.10.5-2**). See below – added as a condition (1).

Response: Done.

5. RETENTION DISPOSAL

- a. Comments have been satisfactorily addressed.

Response: Acknowledged.

6. CROSS SECTIONS

Comments have been satisfactorily addressed. See condition 2.

Response: Acknowledged.

7. FINISHED FLOORS (PADS)

Comments have been satisfactorily addressed.

Response: Acknowledged.

8. TOPOGRAPHY

- a. **Repeated Comment.** Proposed basin contour lines must be annotated.

Response: Done.

9. FLOODPLAINS

- a. Comments have been satisfactorily addressed.

Response: Acknowledged.

EROSION SETBACKS

- a. This item does not apply to this application.

Response: Acknowledged.

FLOOD CONTROL DISTRICT REVIEW

1. Comments have been satisfactorily addressed.

Response: Acknowledged.

PND TRANSPORTATION PLAN REVIEW

1. A Traffic Study/Statement has been submitted with the POD application and was forwarded to MCDOT's Traffic Division for review. Comments will be provided separately.

Response: Acknowledged.

PND TRANSPORTATION PLAN REVIEW R/W INFORMATION

- a. None. Industrial Park Road will be a private drive.

Response: Acknowledged.

STORM WATER QUALITY REVIEW/INFORMATION

1. None – Site is not located within the County's urbanized area.

Response: Acknowledged.

The following stipulations will apply:

1. Retention basins must be designed to contain one foot (1') of freeboard above the 100 year, 2 hr. runoff volume; and to drain within 36 hours.

Response: Acknowledged.

2. Final design shall include safety railing on the retaining wall located on the wet side of retention basin 2.

Response: Acknowledged.

3. Engineering review of planning and/or zoning cases is for conceptual design only. 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.

Response: Acknowledged.

4. Based on the conceptual design nature of the information submitted, changes to the site layout may be necessitated by the final engineering design of the site's drainage infrastructure.

Response: Acknowledged.

5. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits

Response: Acknowledged.

ADOT COMMENTS

ADOT is neutral on zoning matters. As such, ADOT has no comment. ADOT reserves comment until review of the preliminary site plans and traffic impact analysis/statement (if required) for this project. Please notify ADOT once the project is through zoning and moving forward.

ADOT reserves the right to review any future plans, additions and/or changes to this development in regards to any impact they may have on the State Highway System.

ADOT would like to remind the developer there is ADOT Right of Way in the area and they must not encroach upon it without a permit. No work shall begin on ADOT right of way until said permit is obtained.

Response: Acknowledged.

If you have any questions or would like more information, please contact me at (602) 256-4422 or by e-mail at sanderson@gbllaw.com. Thank you.

Sincerely,
GAMMAGE & BURNHAM PLC

A handwritten signature in black ink, appearing to read 'S. Anderson', with a long horizontal stroke extending to the right.

By
Stephen W. Anderson

SWA/cyg

Enclosures

- Electronic Enclosure 1: Revised Application Form
- Electronic Enclosure 2: Revised Narrative Report
- Electronic Enclosure 3: Revised Site Plan
- Electronic Enclosure 4: Revised Citizen Participation Plan