

**CITY OF GOODYEAR  
COUNCIL ACTION REPORT**

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| <b>SUBJECT: Use Permit for hazardous process in I-2 area of Airport Commercenter PAD</b> | <b>STAFF PRESENTER:</b> Joe Schmitz, Long Range Planner<br><br><b>CASE NUMBER:</b> 18-300-00008<br><br><b>OTHER PRESENTER:</b> Sheldon L. Trubatch, representing Arizona Isotopes Science Research Corp. |
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**PROPOSED ACTION:**

1. Conduct a public hearing to consider a request for a Use Permit for a hazardous process on a 5.0-acre parcel on the south side of W. La Estrella, about 1,000 feet east of Bullard Avenue (14535 W. La Estrella), in the I-2 General Industrial area of the Airport Commercenter Planned Area Development (PAD).
  - a. Open the Public Hearing
  - b. Staff Presentation
  - c. Applicant Presentation
  - d. Receive Public Comments
  - e. Close the Public Hearing
  
2. Approve a request for a Use Permit for a hazardous process on a 5.0-acre parcel at 14535 W. La Estrella in the I-2 General Industrial area of the Airport Commercenter Planned Area Development (PAD), subject to the following stipulations:
  1. The development of the subject property with a facility to manufacture, process, and store radioactive isotopes shall be done in conformance with the statements in the Narrative, dated November 25, 2018, submitted with the Use Permit application;
  
  2. Approval of the Use Permit does not constitute approval of a Site Plan or Building Plan. All future development will be subject to Site Plan and Building Plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, safety plans, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation;
  
  3. The owner of the facility shall obtain the appropriate license(s) from the Arizona Bureau of Radiation Control prior to commencing operation of the cyclotron on the subject property and shall operate the facility in conformance with said license(s) and all applicable rules and regulations of the Arizona Bureau of Radiation Control and any state or federal agencies having jurisdiction;

4. The owner of the facility shall notify the City of Goodyear of any application to modify the license issued by the Arizona Bureau of Radiation Control to produce other isotopes at the time such an application is filed with the Arizona Bureau of Radiation Control;
5. The City of Goodyear reserves the right to initiate revocation of the Use Permit in the event that the Use Permit is not operated in compliance with the stipulations stated herein or in the manner represented in the Use Permit application; and,
6. Prior to the issuance of any building permit for any proposed construction on the subject property, including temporary construction equipment, the owner of the facility shall file a FAA Form 7460-1, Notice of Proposed Construction, with the Federal Aviation Administration, obtain a Determination of No Hazard, and provide evidence of such determination to the City.

### **BACKGROUND AND PREVIOUS ACTIONS:**

The subject property is a portion of Parcel C of the Airport Commercenter Subdivision No. 4 and is zoned I-2 General Industrial by the Airport Commercenter PAD that was approved in 1985. The property to the east and south is vacant and zoned the same as the subject property. The property to the north is developed with a Del Monte canning facility in the I-1 Light Industrial Park area of the Airport Commercenter PAD and the land to the northeast is vacant and similarly zoned. The property to the west is occupied by Rudolfo Brothers Plastering Company, which is also in the I-2 General Industrial area of the Airport Commercenter PAD.

### **STAFF ANALYSIS:**

#### **Current Policy:**

The Zoning Ordinance requires any use that involve hazardous processes or explosives storage in the I-2 General Industrial Park District be approved by the Fire Chief and obtain a Use Permit pursuant to Section 3-4-2 C.6. Article 2-2 of the Zoning Ordinance defines hazardous materials or explosives as “Any substance characterized as flammable solids, corrosive materials, radioactive materials, etc.” If a Use Permit is obtained, the proposed hazardous process still must comply with all other codes and ordinances. Also, pursuant to Section 3-4-3 B.3.e., no use shall be established, maintained or conducted which may cause potential hazards (fire, explosion, radioactive or any similar cause) to property in the same or adjacent district. Lastly, Article 8-4 of the Zoning Ordinance states that storage of hazardous materials are subject to Fire Department review and may be ordered removed if such storage fails to comply with the performance standards of said Article.

Since isotope production involves the creation and handling of radioactive material, it meets the definition of a hazardous process, the Fire Chief’s approval and a Use Permit is required. Chief Luizzi has approved the issuance of a Use Permit. A Use Permit is to be reviewed by the Planning and Zoning Commission and approved by the City Council for compliance with Section 1-3-2 A. of the Zoning Ordinance that requires a determination that the proposed use will not be materially detrimental to persons residing or working in the vicinity adjacent to the

property, to the neighborhood, or to the public welfare; and, that the proposed use is reasonably compatible with uses permitted in the surrounding area.

**Details of the Request:**

- Arizona Isotopes Science Research Corporation is requesting a Use Permit to allow the construction of a cyclotron to produce radioactive isotopes for use in medical imaging and diagnosis. Due to the presence of radioactive material, by definition, it is considered a potentially hazardous process. The 5.0-acre site for the proposed isotope production facility is zoned I-2 General Industrial area within the Airport Commercenter PAD. The Narrative submitted with this requests contains a more detailed description of the proposed use and how it will be constructed and operated so as not to be a hazard to persons on site or on adjacent properties.

- The isotopes will be manufactured using a cyclotron which is a particle accelerator that uses electrical power to accelerate charged particles in a spiral path. The cyclotron to be used at this site is a Cyclone 70 which is a 140-ton unit with a diameter of about 4 meters (12 feet) and produces variable proton acceleration in the energy range of 30 to 70 MeV (Million electron Volts). The cyclotron will be encased within a vault that has 10-foot thick concrete walls and will be accessed through doors with a similar thickness which must be closed in order to activate the cyclotron. The cyclotron will convert Rubidium into Strontium-82 that decays into Rubidium-82 which is used in Positron Emission Tomography (PET) scans to diagnose medical conditions, such as cardiovascular disease. The cyclotron also can be used to produce other radioactive isotopes for medicine, industry and scientific research, but only Strontium-82/Rubidium-82 will be produced in Phase 1.

- The proposed building will have a total of 83,668 square feet constructed in two phases: 42,580 square feet in Phase 1 and 41,088 square feet in Phase 2. The initial construction will include a 25,000 square foot vault room which will house one cyclotron with the balance of the square footage devoted to offices, labs, and support space, such as mechanical and electric rooms. The vault room will have a height of 42 feet while the rest of the building will be about 20 feet tall. In Phase 2, a second cyclotron will be installed with associated offices, labs and support space.

- The number of off-street parking spaces required for the site at buildout will be about 104 spaces, or about 52 spaces per phase. There are 36 spaces shown on the conceptual site plan for Phase 1, but there appears to be adequate space on the site for the minimum number of spaces required.

- Vehicular access to the site will be provided by two driveways off of W. La Estrella. This street currently extends east from S. Bullard Avenue for a distance of about 1,300 feet. A right-of-way for the extension of this street eastward was dedicated on the plat for the Airport Commercenter Subdivision No. 2, but an application to abandon this right-of-way has been submitted to the City by the owner of the abutting property in order to consolidate the lots and road right-of-way into one or more large parcels. At a minimum, a cul-de-sac bulb (or turnaround) will be provided at the east terminus of W. La Estrella if this right-of-way is vacated.

**Evaluation Criteria:**

The Zoning Ordinance, Section 1-3-2 (Use Permits), provides that the Planning and Zoning Commission and City Council must determine that the proposed use meets the following findings prior to granting a Use Permit:

1. *The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare.*

The nearest residential structure is located over 1,100 feet to the west of the subject property in an area that is zoned AG Agricultural, but is designated as Industrial on the Land Use and Transportation Plan Map in the Goodyear 2025 General Plan and is likely to be displaced in the future by commercial or industrial development. Although the manufacture, processing and storage of radioactive material, by definition in the Zoning Ordinance, is considered a hazardous process, any hazards or risks associated with such a process can be mitigated and minimized through proper design and monitoring. The applicant has provided information indicating that the facility will be designed so that all radioactive material will be contained within the building and will not be allowed to effect surrounding properties. Besides encasing the cyclotron in a sealed concrete vault and providing an air filtration system to capture any emissions, the building will be equipped with the appropriate dry and wet fire suppression systems that will contain and isolate any incident that may occur within the building. In addition, the facility will be subject to licensing and monitoring by the Arizona Bureau of Radiation Control (BRC) which will include review of facility construction plans, construction inspections, and subsequent monitoring of facility operations. As such, it is believed that approval of the proposed Use Permit to allow a potentially hazardous process involving radioactive material will not be materially detrimental to any persons residing or working in the surrounding vicinity, to any neighborhoods, or to the public welfare.

2. *The proposed use is reasonably compatible with uses permitted in the surrounding area.*

The area surrounding the subject property either already is, or will be, developed with manufacturing or other industrial uses that are consistent with the existing Light Industrial or General Industrial Park zoning districts and the Industrial land use classification specified in the Goodyear 2025 General Plan Land Use and Transportation Plan Map. The outward appearance of the proposed isotope production and research facility will look like the other industrial buildings in the surrounding area. Likewise, the operation of the cyclotron will not generate any noise, odor, smoke or other emissions that could adversely affect adjoining properties since the cyclotron will be located within a sealed vault with walls that are ten feet thick and any exhaust from the building will be directed through an air filtration system. As such, the proposed use will be reasonably compatible with surrounding uses.

In addition to satisfying these review criteria, the applicant has provided further justification for the issuance of the Use Permit in the Narrative submitted with the application for this request, a copy of which is attached to this report.

**Luke Air Force Base:**

The subject property is not located within the vicinity of a military airport. Given the location of the property and the industrial nature of the proposed use, base operations will not be adversely impacted by the issuance of this Use Permit.

**Phoenix Goodyear Airport:**

The subject property is located within the Phoenix-Goodyear Traffic Pattern Airspace, but outside of the 60 LDN noise contour. Since the property is about within 4,000 feet of the airport’s runway and the proposed building will be 42 feet tall, the owner will have to file a Notice of Proposed Construction (FAA Form 7620-1) and obtain a Determination of No Hazard prior to commencing construction on the site. Given the location of the property and the industrial nature of the proposed use, airport operations should not be adversely impacted by the proposed use. The City of Phoenix Aviation Department was notified of the proposed Use Permit and had no objection.

**Fire Response:**

The subject property will be served by Fire Station No. 181/184 located at 16161 West Yuma Road, or by Fire Station No. 182 at S. Estrella Parkway and Spring Drive.

| Nearest Fire Station | Shortest path |       | Longest path |       | 2nd nearest Fire Station | Shortest path |       | Longest path |       |
|----------------------|---------------|-------|--------------|-------|--------------------------|---------------|-------|--------------|-------|
|                      | Mins          | Miles | Mins         | Miles |                          | Mins          | Miles | Mins         | Miles |
| #181/184             | 8.46          | 4.23  | 8.56         | 4.28  | Station #182             | 12.78         | 6.39  | 12.80        | 6.40  |

An emergency response could also come from Avondale Fire Station No. 171 which is at the intersection of E. 5<sup>th</sup> Street and Western Avenue. The response times from that station would be about 6.0 minutes via the shortest route (2.8 miles) and 7.0 minutes via the longest route (3.7 miles). The proposed building housing the cyclotron will be equipped with a fire suppression system. The system within the vault will utilize a dry chemical due to the electrical equipment within the vault. Outside of the vault the fire protection system will be a combination of wet and dry systems as appropriate. The Fire Department will be working with the applicant to issue an operational permit that will identify procedures for responding to any type of incident on the site to ensure the safety of the first responders and the general public.

**Police Response:**

The subject property is located within an existing patrol beat and the current level of service within the beat can accommodate development of the property.

**Solid Waste:**

Solid waste service will be provided by a private commercial hauler. As noted in the Narrative, the process will generate a small amount of low-level radioactive waste. Any special waste generated by this facility will be disposed of at an appropriate site that is licensed to accept radioactive waste.

**Streets/Transportation:**

The subject property is served by W. La Estrella which extends east about 1,000 feet from its connection to Bullard Avenue, an arterial street. Currently the right-of-way for W. La Estrella continues to the east through the Airport Commercenter No. 2 subdivision where it would connect to a planned collector street (Airport Way) that would extend south from MC 85 to Broadway Road. However, the new owner of most of the property in the Airport Commercenter No. 2 has submitted an application requesting abandonment of most of the street right-of-way in that subdivision in order to consolidate the lots into one or more large parcels. The proposed abandonment application includes eliminating W. La Estrella east of its current terminus at the northeast corner of the subject property. If the abandonment is approved, it is likely that, at a minimum, a turnaround or cul-de-sac bulb would be provided at the east end of W. La Estrella. The Fire Department has reviewed the abandonment request and this proposed Use Permit and advised that the creation of a 1,000-foot long dead end street in this industrial area would not adversely affect Fire Department operations and the Department has no objection to this proposal. The site will have two points of access to W. La Estrella and adequate off-street parking and circulation on site for emergency access.

**Water/Wastewater:**

Water and wastewater service will be provided by the city of Goodyear. The water system that will be used to cool the process will be a closed-loop system that reuses the water and creates no discharge to the sanitary sewer system.

**PUBLIC PARTICIPATION:**

In accordance with the City’s Citizen Review Process, since there were no residential uses within 500 feet of the site, an alternate notification process was used, and notices were sent to adjoining owners on November 2, 2018. No comments or public inquiries have been received to date from any of the adjoining owners.

Notice for the public hearings before the Planning and Zoning Commission and City Council included a postcard mailed to the owners of property within 500 feet of the subject property, a legal notice published in the Arizona Republic, and a notice of public hearing sign posted on the property. To date, staff has not received any public inquiries on this request.

**Planning and Zoning Commission Action:**

At the Planning and Zoning Commission meeting held on December 5, 2018, following a presentation by staff, the Commission voted 5 to 0 (2 Commissioners absent) to recommend approval of the Use Permit, subject to the stipulations recommended by staff. Comm. Barnes asked why the building needed to be 42 feet tall. Mr. Sheldon Trubatch representing Arizona Isotopes Science and Research Corporation said that while the cyclotron is not that tall, they need room for a bridge crane over the unit to be able to move it into place. Brian Goretzki, Chief of the Arizona Bureau of Radiation Control, appeared and offered to answer any questions. He said he worked with Mayo Clinic when they installed their cyclotron which had a higher energy requirement than the one proposed here. There were no further questions from the Commission and no one else from the public appeared to speak. Chairman Bray commented that he would love to tour the facility once it was constructed.

**FISCAL ANALYSIS:**

Although a fiscal impact analysis has not been conducted on this Use Permit request, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permit fees, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. The proposed Use Permit will not have any direct fiscal impact on the city's budget.

**RECOMMENDATION:**

As noted above, the Fire Chief approved the proposed use permit and staff and the Planning and Zoning Commission find that the proposed hazardous process use will be compatible with the existing and planned land uses within the area and will not be a detriment to surrounding properties or persons. The production and handling of radioactive material will be done within the confines of a facility that is specifically designed and constructed for such use and will be built and operated in conformance with a license issued by the Arizona Bureau of Radiation Control (BRC). The proposed use is located in an industrial area and is surrounded by other industrial uses. Accordingly, staff and the Planning and Zoning Commission recommend approval subject to the stipulations contained herein.

**ATTACHMENTS:**

1. Aerial Photo
2. Narrative
3. Site Plan
4. Building Elevations