

AGENDA ITEM #: \_\_\_\_\_

DATE: May 8, 2017

COAC #: 17-6058

**CITY OF GOODYEAR  
CITY COUNCIL COMMISSION ACTION FORM**

**SUBJECT:** Special Use Permit to allow an inert material landfill

**STAFF PRESENTER:** Karen Craver, AICP  
Planner III

**CASE NUMBER:** 17-350-00001

**OTHER PRESENTER:** Brian Greathouse,  
Burch & Cracchiolo, P.A.

**PROPOSED ACTION:**

1. Conduct a public hearing to consider a Special Use Permit to allow an inert material landfill.
  - a) Open public hearing
  - b) Staff presentation
  - c) Receive public comment
  - d) Close public hearing
2. Approve a Special Use Permit for an Inert Material Landfill to allow for the reclamation of an existing public project borrow pit at the southwest corner of Roosevelt Street and 158<sup>th</sup> Avenue, subject to the following stipulations:
  1. The Special Use Permit shall not become effective until Ordinance No. 17-1342 becomes effective.
  2. Prior to issuance of any permit for onsite work, the owner/operator shall be required to contract a certified Geotechnical Engineer experienced with land creation. The Geotechnical Engineer shall stipulate and oversee all testing necessary to ensure that existing and future conditions of the property have, and will have, adequate compaction for future development of the site. The Geotechnical Engineer shall provide recommendations for any repair of existing conditions, for the processing, placement, compaction, and testing of future materials, so as to provide acceptable subgrade for development of any future buildings. The recommendations shall include what type and frequency of inspections shall be conducted. These recommendations shall be provided to the City of Goodyear in a report that will be reviewed by a 3<sup>rd</sup> party, and if found acceptable, approved by the City Engineer. Owner shall comply with all recommendations of the Geotechnical Engineer. Upon approval of the recommendations, the Geotechnical Engineer shall designate who shall perform the inspections (must be a credentialed inspector), and submit the reviewed inspection reports with a sealed letter indicating compliance of recommendations has been followed bi-annually throughout the duration of the project to the City Engineer. The Geotechnical Engineer shall provide direction on how to correct any deficiencies identified in the reporting and verify compliance with approved recommendations has been restored. This protocol shall

remain in place throughout the duration of the project. All operations shall be in conformance with the approved report;

3. Prior to the issuance of any permit for onsite work, the owner/operator shall pave the portion of Roosevelt Street west of 158<sup>th</sup> Avenue, up to the western most edge of the construction entrance. Prior to obtaining a grading permit, Roosevelt paving plans must be review and approved by the Engineering Department;
4. Prior to the issuance of any permit for onsite work, the owner/operator shall remove all materials that have been dumped outside of the perimeter fence;
5. Prior to the issuance of any permit for onsite work, the owner/operator shall place “No Parking” signs on the Roosevelt Street right-of-way west of 158<sup>th</sup> Avenue leading to Wade Acres;
6. If necessary, as determined by the Zoning Administrator, the owner/operator shall relocate a portion of the perimeter fence to the outside boundary of the project site to ensure that no illegal dumping occurs outside of the fenced area;
7. Prior to the commencement of any onsite work, the owner/operator shall attach the heavy black cloth mesh (a sample of which was provided to the city) to the chain link fence around the entire project site;
8. The owner/operator shall maintain the perimeter fence and cloth mesh in good condition, and shall control access to the site at all times to only authorized personnel and delivery of material;
9. Fill operations shall be in strict compliance with the Goodyear Land Reclamation Management Plan prepared by Fusaro LLC. Updates on operations shall be provided to the City Engineering Inspector on a monthly basis;
10. The approved traffic circulation plan must be followed. Site ingress and egress shall be on West Roosevelt Street only;
11. The owner/operator shall strictly observe the following schedule:
  - a. Crushing & Sorting Material
    - i. First 60 days after grading permit: 9am-5pm, Monday through Friday
    - ii. After first 60 days: 10am-3pm, Monday through Friday
  - b. Delivery of Material
    - i. October 16<sup>th</sup> through April 14<sup>th</sup> (per City Code winter period): 7am-5pm, Monday through Saturday (No Sundays)
    - ii. April 15<sup>th</sup> through October 15<sup>th</sup> (per City Code summer period): 6am-5pm, Monday through Friday, 7 am to 5 pm, Saturday (No Sundays)

12. Prior to the commencement of any onsite work, the owner/operator shall install and maintain a permanent track-out pad that is compliant with AZPDES requirements;
13. The Special Use Permit is for land reclamation involving inert materials exclusively. No other landfill activities are included in the Special Use Permit and are not approved by the city. The land reclamation operation shall comply with city, county, and state requirements;
14. The owner/operator shall be responsible for ensuring that no materials are dumped outside the fence. Any such materials shall be removed immediately by the owner/operator;
15. "White noise" back-up alarms shall be used on all Fusaro equipment;
16. The decibel level at the property lines must be maintained at 65dB or lower. If the City receives at least 5 complaints within a 30-day period regarding noise from residents within 500-feet of the subject property, the City will measure the noise level. If the City finds the decibel level is higher than 65dB, then the developer will have to provide a noise study and implement mitigation measures to ensure the noise level is at 65dB or lower. The City will measure the noise level after mitigation measures have been enacted;
17. A site plan amendment shall be required under the circumstances listed below. When a site plan amendment is triggered, a site plan application, updated traffic study, and any documents typically required for a site plan amendment will be submitted to the City for review and approval and owner shall comply with the terms of the site approval.
  - a. The construction trailer is moved
  - b. The approved traffic plan must be amended
  - c. If operations are not in conformance with an applicable city regulation, or stipulation of approval, and modifications to the site are required to bring operations into conformance
  - d. Other site improvements or changes that typically trigger a site plan review as described by the Zoning Ordinance;
18. Land reclamation operations shall be suspended immediately upon notification by the city, county, or state of any operational violations. Land reclamation operations may resume if the violation is remediated within 5 business days, or as otherwise authorized by the Zoning Administrator. If the violation is not remediated, the Special Use Permit shall be revoked; and,
19. Provided the land reclamation operations occur without a violation of any city, county, or state regulation, the Special Use Permit shall be valid for a period of five (5) years from the date of City Council approval of the permit. If the land reclamation operations are not complete at the end of the 5 year period, the owner/operator will need to re-apply for a Special Use Permit to resume operations.

## **BACKGROUND AND PREVIOUS ACTIONS:**

On March 27, 2017, the City Council, upon recommendation of the Planning & Zoning Commission, adopted Ordinance No. 17-1342 approving a zoning ordinance text amendment to allow inert material landfills in any zoning district by Special Use Permit.

This specific Special Use Permit request has not previously been presented to the City Council.

## **STAFF ANALYSIS:**

### **Current Policy**

Pursuant to the approved zoning ordinance text amendment, a Special Use Permit for an inert material landfill can only be granted if it meets the existing Zoning Ordinance criteria for all Special Use Permit requests, as detailed in Section 1-3-4 of the Zoning Ordinance:

1. The inert material landfill will be desirable or necessary to the public convenience or welfare; and,
2. The inert material landfill will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites;
3. The inert material landfill is in conformance with the adopted General Plan and any adopted Area Plans; and,
4. The inert material landfill will not be detrimental to surrounding properties or persons in the area due to:
  - a. Impact on the circulation system of the adjacent neighborhood;
  - b. Excessive noise or light generated from within the site;
  - c. Excessive scale or height in relationship to surrounding properties;
  - d. Hours of operation;
  - e. Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties; and
  - f. Inconsistency with the development character or architecture of the adjacent properties.

Staff has determined that the Fusaro Land Reclamation Management Plan submitted with the Special Use Permit request, along with the stipulations of approval recommended by staff, will ensure compliance with all of the above criteria.

### **Surrounding Area**

North: Canyon Trails single family residential

South: Travis Park single family residential

East: Travis Park single family residential

West: Wade Acres single family residential

### **Details of the Request**

Fusaro, LLC, a land reclamation company out of Colorado, has submitted this Special Use Permit (SUP) request to obtain approval to continue and complete reclamation of the existing borrow pit

the company purchased at Roosevelt Street and 158<sup>th</sup> Avenue. The borrow pit was originally excavated during the construction of I-10 many years ago, and the initial reclamation project, by the previous owner, began approximately 10 years ago. The grading permit that was issued for the initial reclamation has since expired.

Initially, Fusaro will clean up the site by placing the material that has been left outside the fence, since the previous property owner ceased operations, into the borrow pit. Fusaro will then go through a process of sorting and crushing the existing material in the borrow pit to ensure adequate compaction of the material. All Fusaro equipment that will be utilized to do the sorting and crushing will be equipped with “white noise” back-up alarms, rather than the typical beeping noise.

When the existing material is adequately compacted, new material will be accepted. Fusaro will continue to operate the land reclamation project similar to its historical layout. Trucks carrying construction debris and other inert fill material will enter the site at the northeast corner through a gated entrance and check in at a construction/office trailer. After checking in, trucks will proceed through the pit, empty the construction debris and other inert material, and exit at the same location where they entered. All trucks will arrive at and leave the site via Roosevelt Street. According to the Traffic Impact Analysis submitted with the Special Use Permit request, a typical operating day was estimated to have 35 trucks per day (70 weekday daily trips in and out) between 8am and 5pm (based on a 5-year schedule with approximately 200,000 cubic yards per year imported to the site). Occasionally, for large construction projects, the worst case estimate was 100 trucks per day (200 weekday daily trips in and out). To be conservative, the traffic analysis was based on the worst case scenario of 100 trucks per day. The City Traffic Engineering Division determined that the existing Roosevelt Street cross-section can accommodate the estimated truck traffic.

Fusaro has agreed to visually screen operations at the site by securing a heavy black mesh material to the existing chain link fence around the perimeter of the site. Fusaro has also agreed to the following hours of operation for the various operational activities:

1. Crushing & Sorting Material
  - a. First 60 days after grading permit: 9am-5pm, Monday through Friday
  - b. After first 60 days: 10am-3pm, Monday through Friday
2. Delivery of Material
  - a. October 16<sup>th</sup> through April 14<sup>th</sup> (per City Code winter period): 7am-5pm, Monday through Saturday (No Sundays)
  - b. April 15<sup>th</sup> through October 15<sup>th</sup> (per City Code summer period): 6am-5pm, Monday through Friday, 7 am to 5 pm, Saturday (No Sundays)

With Fusaro’s estimated fill rate of 200,000 cubic yards per year, it is anticipated that the land reclamation project will be completed in 4 to 5 years. However, if it is not completed in 5 years, the owner/operator may apply for another Special Use Permit to continue the project to completion. When the project does reach final elevation, Fusaro will close it out by performing final topographic studies and creating a final drainage plan. The property will then be marketed for development as a use that is compatible with the surrounding single family neighborhoods. Prior to development of the property, the new owner will process a rezoning application for the property, as it is currently zoned AG – Agricultural District.

## **Staff Evaluation**

Large public construction projects often obtain construction material by extraction from nearby vacant properties, leaving behind a hole that is known as a borrow pit. The borrow pit at Roosevelt and 158th is one of two in Goodyear left from the construction of Interstate 10. Because leaving the borrow pit can create an attractive nuisance, it is beneficial to reclaim the pit by allowing an inert material or construction debris landfill, subject to regulations, to remove the attractive nuisance and create new developable property. Inert material is non-biodegradable, and therefore, does not create obnoxious odors and gasses associated with sanitary landfills. Inert material typically includes concrete, dirt, sand, and brick. Organic material, such as tree limbs and other vegetative waste, would not be permitted.

The zoning ordinance text amendment, to allow an inert material landfill to facilitate land reclamation for a public project borrow pit in any zoning district with a Special Use Permit, affords staff, the Planning & Zoning Commission and the City Council the opportunity to create stipulations of approval to mitigate potential impacts of noise, aesthetics, traffic, and dust that may be created by an inert material landfill. The recommended stipulations for the Fusaro Special Use Permit request have been written to address the concerns of the neighborhood, as well as to require conformance with city, county, and state regulations.

## **Impact to City Services**

### **Fire Response:**

The Fusaro Land Reclamation site is served by Fire Station #184/181, located at 16161 W. Yuma Road. Emergency response times and distances are below.

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#185	5.28	2.64	5.50	2.75	#185	6.30	3.15	6.99	3.49

### **Police Services:**

The site is located within an existing police patrol beat and the current level of service within the beat can accommodate the land reclamation operation.

### **Water & Wastewater:**

Public water and wastewater services will not be utilized at the site.

### **Stormwater:**

A storm water management system and a storm water pollution prevention plan have been developed for the land reclamation operation, in accordance with City of Goodyear Engineering Design Standards.

### **Streets/Access:**

All trucks delivering inert material to the landfill will access the site via Roosevelt Street. The emptied trucks will leave the site via Roosevelt as well. 158<sup>th</sup> Avenue will not be utilized.

**Solid Waste/Recycling:**

Solid waste and recycling services will not be utilized at the site.

**Fiscal Impact:**

Although a financial analysis has not been prepared for the land reclamation operation, it is not anticipated to have a significant fiscal impact on the city.

**Public Participation**

Pursuant to the Citizen Review process, a neighborhood meeting was held on March 1, 2017. Postcards were sent to the owners of all property within 500 feet of the boundaries of the Special Use Permit request informing them of the meeting. A public notice was also placed in the Southwest Edition of the Arizona Republic. Six residents of the adjacent single family neighborhoods attended the meeting. Although the residents were all in support of the borrow pit being filled in, they also all had concerns regarding dust, noise, hours of operation, and truck traffic.

To provide notice of the April 19, 2017, Planning and Zoning Commission meeting and the May 8, 2017, City Council meeting, a second postcard was sent to the owners of all property within 500 feet, a second legal notice was placed in the Arizona Republic, and a sign was posted on the property. To date, staff has not received any inquiries as a result of the additional notifications.

**Planning & Zoning Commission Meeting**

Following presentations by both staff and by the applicant at the April 19, 2017, Planning and Zoning Commission meeting, the Commission asked questions regarding the operation of the inert material landfill, as well as questions regarding how potential impacts of the operation would be addressed. No member of the public attended the Commission meeting.

Upon a determination that potential impacts would be addressed through the Fusaro Land Reclamation Management Plan and through the recommended stipulations of approval, the Commission voted unanimously (6 to 0) to recommend approval of the Special Use Permit.

**RECOMMENDATION:**

Pursuant to the evaluation of the Special Use Permit request, staff recommends approval of the permit, subject to the stipulations in the staff report.

**ATTACHMENTS:**

1. Aerial Photo Exhibit
2. Project Narrative & Exhibits
3. Civil & Site Plan Set

**Internal Review**

☒ Legal Review Complete

Date: 4/27/2017

Reviewed By: Sarah Chilton, Assistant City Attorney

☒ Finance Review Complete

Date: 4/28/2017

Reviewed By: Tamara Blonar, Budget and Research Analyst