

## Board of Adjustment

### *Staff Report*

**CASE NUMBER:** BOA18-00720  
**STAFF PLANNER:** Charlotte Bridges, Planner I  
**LOCATION/ADDRESS:** 431 S Stapley Drive #21  
**COUNCIL DISTRICT:** District 4  
**OWNER:** 431 Stapley LLC  
**APPLICANT:** Josh Hannon, EPS Group Inc.

**REQUEST:** *Requesting a Special Use Permit (SUP) to allow a Small Indoor Recycling Collection Facility in the LC District.*

### **SUMMARY OF APPLICANT'S REQUEST**

The applicant is requesting a Special Use Permit (SUP) to allow a small indoor recycling collection facility inside an existing office/warehouse building located at 431 South Stapley Drive, #21, in the LC district.

### **STAFF RECOMMENDATION**

*Staff recommends **approval** of case BOA18-00720, with the following conditions:*

- 1. Compliance with the floor plan dated October 22, 2018 and "JC Recycling's Special Use Permit - Written Request" revised October 22, 2018, as submitted except as modified by the conditions below.*
- 2. Compliance with all requirements of the Development Services Department in the issuance of building permits.*
- 3. All material to be stored in bags within an enclosed building. No outdoor storage is allowed.*
- 4. No power-driven equipment is allowed.*
- 5. Facilities shall be maintained free of litter and other undesirable materials.*
- 6. Bags containing recycled material shall be clearly marked to identify the type of material contained in the bags.*
- 7. Provide an attached sign less than 6 SF in area on the exterior of the building identifying the name and telephone number of the facility operator, the hours of operations and stating that no material shall be left outside of the building.*

### **SITE CONTEXT**

**CASE SITE:** Multi-tenant office/warehouse development, zoned LC  
**NORTH:** Existing carwash and multi-tenant commercial building, zoned LC  
**EAST:** (Across Alley) Existing single-family residential, zoned RS-6  
**SOUTH:** (Across Alley) Existing single-family residential, zoned RS-6  
**WEST:** (Across Stapley Drive) Existing commercial development, zoned LC

### **STAFF SUMMARY AND ANALYSIS:**

The applicant is proposing a small indoor recycling collection facility for plastic bottle and aluminum can material in an existing building located ±200' south of Broadway Road and ±410' east of Stapley Drive, within an existing office/warehouse development at 431 South Stapley Drive #21. The site is in the LC district. The Mesa Zoning Ordinance (MZO) Table 11-6-2: Commercial District (Land Use Regulations), requires approval

of a Special Use Permit to allow a small indoor recycling collection facility in the LC district. In addition, MZO 11-31-23.A outlines specific development standards for recycling collection facilities. The following table summarizes the MZO development standards for a small indoor recycling collection facility, the applicant's proposal and staff's recommendation for the site.

**DEVELOPMENT STANDARDS FOR RECYCLING COLLECTION FACILITIES:**

Development Standard per MZO 11-31-23.A	Applicant's Proposal	Staff's Recommendation
<b>Location:</b> The facility must be established in conjunction with an existing commercial use or community service facility and not obstruct pedestrian or vehicular circulation.	The proposed facility is located in an existing building within an existing office/warehouse development (Stapley Industrial Park) in the LC district. All proposed activity and storage is within the building.	Meets code
<b>Minimum Distance</b> from an R (RS, RSL or RM) Zone shall be 100 feet.	The proposed facility is ±120' away from the nearest R (RS-6) district.	Meets code
<b>Maximum Size:</b> 1. The maximum size allowed for a Small Indoor Collection Facility shall be no more than 1,000 square feet. 2. Reverse Vending Machines shall occupy no more than 350 square feet of space.	The total area of the collection facility is 966 SF, not including the office and bathroom areas.  A reverse vending machine is not proposed as a part of this facility.	Meets code  Meets code
<b>Power-Driven Equipment:</b> Power-driven processing equipment, except for reverse vending machines, is not permitted.	No power-driven equipment or reverse vending machine is proposed.	Meets code
<b>Storage Container:</b> All recyclable material must and will be stored in containers and shall be stored within an enclosed building, when required by the zoning district. For reverse vending machines, such containers shall be stored within the machine.	Storage containers are not proposed, but all material will be bagged and stored within the enclosed building per the requirements of the LC district.	Meets code
<b>Maintenance:</b> Facilities must be maintained free of litter and any other undesirable materials, and mobile facilities for which truck or containers are removed at the end of the collection day, must be swept at the end of the collection day.	The facility is maintained by both the property management and the JC Recycling owner. The site is kept free of litter and other undesirable materials.	Meets code
<b>Required Container Information:</b> Containers shall be clearly marked to identify the type of materials that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside of the building or reverse recycling machine.	Containers are not proposed; however, the storage area and types of materials will be clearly marked. Additionally, the name, phone number, facility operator, hours of operation, and sign stating that no material shall be left outside of the building will be posted upon approval.	Meets code
<b>Reduction of Parking:</b> Occupation of parking spaces by a reverse vending facility and by the attendant (if present) may not reduce available parking spaces below the minimum number required for the site.	No reverse vending machine is proposed, so parking will remain clear.	Meets code

**MZO 11-70-5: Special Use Permit**

MZO 11-70-5 provides required findings for approval of a SUP. To approve the request, the Board must find the following criteria are met:

REQUIREMENT	FINDINGS
Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;	This project is located in the Neighborhood Village character type of the Mesa 2040 General Plan and advances the goals and objectives of and is consistent with the policies of the General Plan by promoting a commercial use that serves the neighborhood and helps grow a diverse and stable economy.
The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;	The project, as presented in the project narrative and floor plan, is consistent with the standards of MZO 11-31.23.A and the LC district (with a SUP) and conforms with the General Plan.
The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and	The proposed project operates inside an existing building with no outdoor storage. In addition, the project narrative indicates that both the JC Recycling owner and the property management will maintain the facility and keep the site clean. Consequently, staff does not foresee this project being detrimental or injurious to the surrounding properties, the neighborhood or the City.
Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	The proposed project is served by existing City of Mesa utilities and public infrastructure.

**FINDINGS:**

1. The proposed small indoor recycling collection facility is located in an existing office/warehouse building in the LC district.
2. MZO Table 11-6-2: Commercial District (Land Use Regulations), requires approval of a Special Use Permit to allow a small indoor recycling collection facility in the LC district.
3. The proposed small indoor recycling collection facility as presented in the floor plan and described in "JC Recycling's Special Use Permit - Written Request", revised October 22, 2018, meets MZO 11-31-23.A development standards for a small indoor recycling collection facility.
4. The project advances the goals and objectives of and is consistent with the policies of the General Plan by promoting a commercial use that serves the neighborhood and helps grow a diverse and stable economy.
5. The project will not be detrimental or injurious to the surrounding properties, the neighborhood or the City of Mesa.
6. The project is served by existing City of Mesa utilities and public infrastructure.

### **ORDINANCE REQUIREMENTS:**

#### **11-31-23: Recycling Collection and Processing Facilities**

- A. Recycling Collection Facilities, as described in Section 11-86-5 shall be located pursuant to the requirements of Article 2, and developed and operated in compliance with the following standards:
1. Location. The facility must be established in conjunction with an existing commercial use or community service facility and not obstruct pedestrian or vehicular circulation.
  2. Minimum Distance from an R (RS, RSL or RM) Zones shall be 100 feet.
  3. Maximum Size:
    - a. Small Indoor Collection Facility shall occupy no more than 1000 square feet of space.
    - b. Reverse Vending Machines shall occupy no more than 350 square feet of space
  4. Power-Driven Equipment. Power-driven processing equipment, except for reverse vending machines, is not permitted.
  5. Storage Container. All recyclable material must be stored in containers. Materials may not be left outside of containers. Containers shall be stored within an enclosed building, when required by the zoning district. For reverse vending machines, such containers shall be stored within the machine.
  6. Maintenance. Facilities must be maintained free of litter and any other undesirable materials, and mobile facilities for which truck or containers are removed at the end of the collection day, must be swept at the end of the collection day.
  7. Required Container Information. Containers shall be clearly marked to identify the type of materials that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside of the building or reverse recycling machine.
  8. Reduction of Parking. Occupation of parking spaces by a reverse vending facility and by the attendant (if present) may not reduce available parking spaces below the minimum number required for the site.

#### **11-70-5: Special Use Permit**

- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
  2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
  3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
  4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.