

Restoration Soils Yard

1-12-2022

Project Narrative (Variance Request)

Owner

Arizona State Land Department
c/o Van Robinson | Sales and Commercial Leasing
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Developer & Preparer

Restoration Soils
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Flagstaff, AZ 86001
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Property Data:

Site address: None, TBD
Assessor's parcel number: None, ASLD
Gross Site (acres): 8.95 Acres
Net Site (acres): 4.04
Existing zoning classification(s): Highway Commercial
Proposed zoning classification(s): Heavy Industrial - Open

Project Request:

Create a ground-based green waste recycling operation generating mulch and compost. Request is for approval of grading, fire safety, and stormwater for site. No permanent improvements are proposed for the site as they are not allowed by ASLD under the Special Land Use Permit governing this operation. No structures are proposed. Existing zoning of HC is requested to be changed to HI.

Rezone is proposed for entire 8.95 acre site. Site plan/Grading Permit is only for 4.04 acres of site. Future expansion into the remaining 4.91 acres shall be conducted under a new site plan/grading permit. Minor plan amendment is for the entire ASLD parcel excluding the Rio de Flag.

Variance Request:

The applicant requests a variance from the requirements of *10-50.50.050 Screen Walls* and *Division 10-50.60: Landscaping Standards*, specifically that no landscaping and no screen walls or fences be required for the site plan/rezoning approval for this project.

The variance is requested, as the Arizona State Land Department (ASLD) does not allow permanent improvements on its land as part of a Special Land Use Permit (SLUP). Any improvements must be

temporary and must be removed from the property by and at the cost of the user at the expiration of the SLUP.

While it is therefore possible for the user to install the landscaping and screening as described in the code, they would be required to remove it at the termination of the lease. The cost of meeting these requirements to then have them destroyed and the money effectively wasted with no benefit to future users, neighbors, or the city of Flagstaff creates an unnecessary hardship that undermines the spirit of these regulations to promote and protect public safety and welfare.

Variance Findings:

A. That, because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zone.

Response:

The special circumstances are that the parcel in question shall remain under the ownership of the Arizona State Land Department/Trust. Application of the requirement for landscaping and screening necessarily requires that the applicant provide facilities for the benefit of the city/public that they do not have the ability to retain. Any other property not subject to these special circumstances enjoys the privilege of retaining their improvements to their property.

B. That a grant of a variance will be subject to conditions to ensure that the adjustment authorized is the minimum variation needed and that it will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Response:

We are not aware of any other properties zoned Heavy Industrial, subject to these requirements, that are also ASLD land, and that would therefore be subject to these same limitations. The other properties in the vicinity, including the CEMEX storage facility and the City of Flagstaff wastewater treatment plant, are not compliant with *10-50.50.050 Screen Walls* or *Division 10-50.60: Landscaping Standards*.

C. The special circumstances applicable to the property are not self-imposed by any person having an interest in the property.

Response:

The requirements of the ASLD regarding Special Land Use Permits are determined by statute, not the department or the applicant.

D. The variance will not allow the establishment of a use which: (1) is not otherwise permitted in the zone, (2) would result in the extension of a nonconforming use or structure, or (3) would change the terms of the zone of any or all of the subject property.

Response:

The use as described in the project request is allowed in the zone, neither another use nor any use not permitted in the HI zone will be established, created, or facilitated by this variance. There is no existing nonconforming use or structure to be extended. The requested variance is not specific to the use or zone of the subject property, it relates to requirements that exist across all zones, so therefore does not change the terms of the HI zone of the property.



