

# Restoration Soils

Variance

Case: PZ-21-00117-06

Tiffany Antol, AICP





# Restoration Soils Variance

## Request:

- A request for a Zoning Code Variance from the minimum screening requirements of Section 10-50.50.050.A and the minimum landscape requirements of Division 10-50.60. The applicant proposes to develop a ground-based green waste recycling operation generating mulch and compost without screen walls or fences and without landscaping. The subject property is located at 2661 N El Paso Flagstaff Road and is zoned Highway Commercial (HC) but is proposed to be rezoned to Heavy Industrial (HI).



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## Requirement:

- Section 10-50.50.050 of the Zoning Code requires all outdoor storage areas for materials, mechanical equipment, or vehicles, and all loading/unloading areas or service bays to be screened from street view by a screen wall constructed to a minimum height of six feet and designed in compliance with the standards of the Zoning Code.
- Division 10-50.60 of the Zoning Code requires all new developments (except single-family residential uses) to provide landscaping in accordance with the division. Section 10-50.60.040.B.1.b requires properties within the Industrial Zones to provide a minimum landscape buffer of at least five feet when a six-foot fence or wall is required or ten feet without a screen wall. No peripheral buffering or parking lot landscaping is required for this development.



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## Standards for Granting Variances:

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



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## Standards for Granting Variances:

- 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;**
1. There are only three development sites in the city currently zoned Heavy Industrial. One has an unscreened temporary use adjacent to a residential area, the second has an unscreened industrial use adjacent to the subject site and the other does not have industrial uses nor is it likely to in the future (currently used as a police station, detention facility, and park). The subject site is located within the vicinity of other similar uses, one within the Heavy Industrial Zone, that do not provide screening or landscaping. The applicant is requesting to develop their use subject to the same privileges enjoyed by other properties in the immediate vicinity.
  2. The subject site has a rolling terrain and is a large enough site that a six-foot screen fence or landscaping along the property frontage is unlikely to screen the proposed use which will consist of material stockpiles.



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## Standards for Granting Variances:

- 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;**
  1. There are very few parcels within the City of Flagstaff that are currently zoned Heavy Industrial. This zoning category is intended to provide locations for the most intensive industrial uses possible within the city. As noted above, the property is located within the vicinity of other similar uses that currently do not provide screening or landscaping and are subject to the same conditions as the subject site.



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## Standards for Granting Variances:

- C. The special circumstances applicable to the property are not self-imposed by any person having an interest in the property;**
  1. The site has unique topography which limits the ability for screen fencing or property frontage landscape to adequately screen the proposed use which will include large material stockpiles. The placement of the required screening and landscaping does little to preserve the aesthetic quality of an area that already serves several unscreened industrial uses.



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## Standards for Granting Variances:

- 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.**
- 1. Composting Facility is a permitted use in the Heavy Industrial (HI) zone**
  - 2. The variance will not be an extension of a nonconforming use or structure**
  - 3. The variance would not change the terms of the zone for any portion or all of the subject property**



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## Recommendation:

**Staff recommends that the Board of Adjustment finds that the criteria required for granting of a variance have been met, and approve the variance application subject to the following conditions:**

1. As long as the proposed use operates under a Special Land Use Permit under the ownership of the Arizona State Land Department, the site will not be required to provide screening or landscaping as required by the Zoning Code.