

STAFF REPORT

CASE # CUP17-02

To: City Council

Through: Planning and Zoning Commission

From: Rodolfo Lopez, Senior Planner

Meeting Date: September 5, 2017

Agenda Language:

Conditional Use Permit (CUP) 17-02:
 Arizona Wood Grinding and Recycling LLC is requesting a use permit to operate a wood-chip recycling yard on 6.40 acres of land located at the Northeast corner of Ralston Road and State Route 238.
DISCUSSION AND ACTION.

REQUEST SUMMARY

CUP17-02: Arizona Wood Grinding and Recycling LLC, is requesting a use permit as required per the pre-existing and entitled Zoning District, CI-2 Sec. 1801 of the Old Zoning Code, to operate a wood chip-recycling yard on 6.40 acres of land located at the Northeast corner of Ralston Road and State Route 238.
DISCUSSION AND ACTION.

Surrounding Zoning; Use:

Direction	Existing Zoning	Existing Use
North	N/A	Gila River Reservation
East	CI-2 Zoning	Landfill facility
South	CI-2 Zoning	Industrial Business
West	CI-2 Zoning	Vacant Land

PROPERTY LOCATION/AERIAL N↑



Property Zoned:
 CI-2 Industrial Zone

Site Area:	6.40 Acres
Current Land Use:	Wood Grinding (without Zoning Approval)
Existing Zoning:	CI-2 (Industrial Zone)
Existing General Plan Land Use:	Employment
Flood Zone:	Not within a floodplain
Parcel #	510-80-008

COUNCIL PRIORITIES CONSIDERED

- Transportation Connectivity
- Quality of Life
- Economic Sustainability
- Managing the Future
- Public Safety

APPLICANT

Arizona Wood Grinding and Recycling LLC
2733 E. Superior Ave.
Phoenix, AZ 85040

Phone: 480-335-1454
Contact: Bruce Fennig
Email: azwoodgrinding@gmail.com

OWNER

ATLAS Commercial LLC Shane Graser,
6250 E. Cheney Dr.
Paradise Valley, AZ 85253

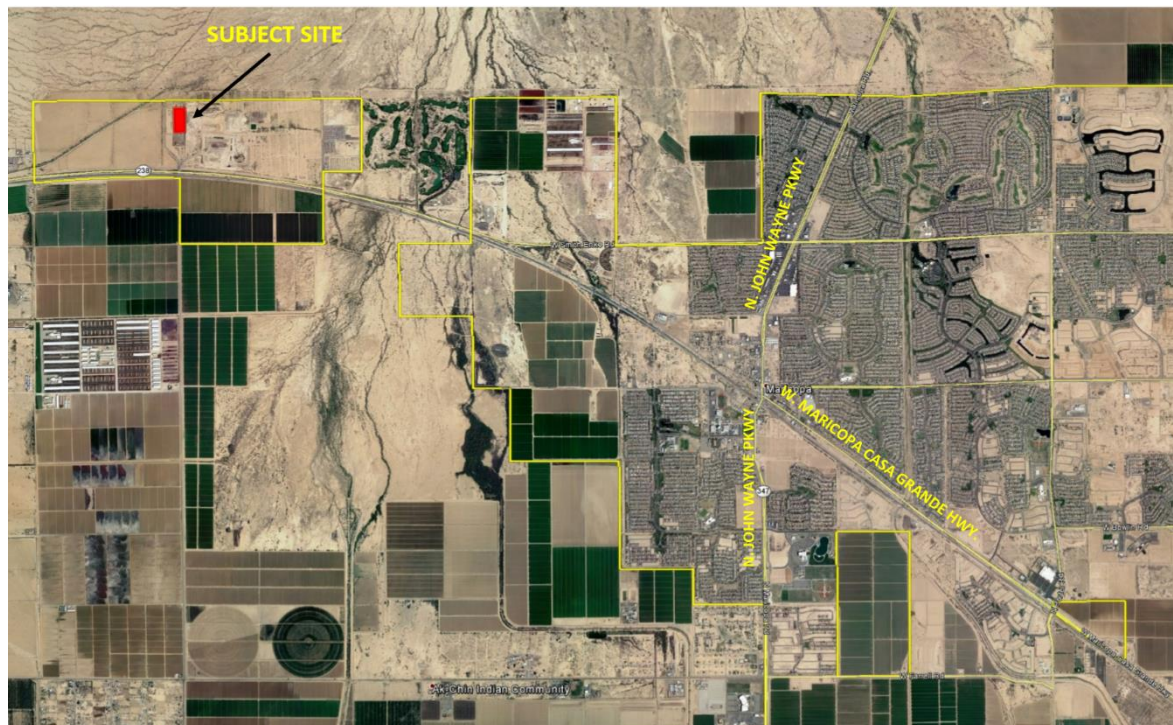
Phone: 480-499-4444
Contact: Alfonso Larriva
Email: alfonso.larriva@atlacapitalllc.com

HISTORY SUMMARY

- **2003:** County Board of Supervisors approves rezoning from General Rural (GR) to Industrial (CI-2) Zone, case # PZ-07-63.
- **2006:** On April 9, 2007, City Council approves annexation petition that includes the subject property (ANX 06-02).

PROJECT INFORMATION**Site Data:**

Site Area:	6.40 Acres
Current Land Use:	Wood Grinding (without Zoning Approval)
Existing Zoning:	CI-2 (Industrial Zone)
Existing General Plan Land Use:	Employment
Flood Zone:	Not within a floodplain
Parcel #	510-80-008

Aerial and Site Description:

STAFF ANALYSIS

Arizona Wood Grinding and Recycling LLC is requesting an Industrial Use Permit (Conditional Use Permit) to operate a wood-chip recycling yard. An Industrial Use Permit is required per previous Zoning Code, Article 18, Sec. 1801(d). The property was rezoned in 1963 as part of a large rezoning request from General Rural (GR) to Industrial Zoning (CI-2). The property was then incorporated into the City's jurisdiction in 2007 as part of annexation petition request ANX06-02.

When the City of Maricopa adopted its current Zoning Code in 2014, the adoption did not re-designate existing zoning districts to the compatible zoning districts in the new zoning code. Instead, property owners retained their current zoning district under the previous zoning code; however, all development and improvement standards such as lighting, parking, screening, landscaping, etc., are regulated under the new Zoning Code. During this time of transition, property owners are encouraged to rezone their properties to the applicable zoning district within the new Zoning Code. The only instance where the applicant will be required to rezone is when the proposed use is not a permitted use listed under the previous Zoning Code, and the applicant is forced to rezone to an applicable zoning district that will allow such use.

In the case of Arizona Wood Grinding and Recycling, a wood chip-recycling yard is listed as a permitted use within the previous Zoning District of CI-2 Article 18. However, per Sec. 1801 (d) an Industrial Use Permit (IUP) is required to be heard by the Planning and Zoning Commission and City Council, and shall consider if the 'use' will create any foreseeable flood, traffic, health safety hazards or nuisances. This request is being processed through a Conditional Use Permit (CUP), which is the most compatible zoning application for the City of Maricopa, however being reviewed with a level of scrutiny as an IUP. The process of the IUP is an addition to the city's site plan review process (Development Review Permit), which will be presented for review and approval at a later date.

Operation of the facility includes chipping landscape trimmings into various small sizes. The trim landscaping is then placed in windrow piles where they are watered down on a scheduled basis to naturally decompose into mulch. Access to the site will be from the public roadway on Ralston Road, and storage containers along screener machine are proposed within the yard. The site logistics will be reviewed separately via a Development Review Permit, which will require conformance to applicable Zoning Code, Building Code, Fire Code and Engineering Standards. For further information on the proposed facility, please refer to Exhibit A – Narrative and Exhibit B – Site Plan. Per previous Zoning Code, Article 18, Sec. 1801 (d) the following items were required to be submitted by the applicant:

1. Application and concept site plan.
2. A public notice published in a newspaper of general circulation.
3. Site posting on the property of the scheduled public meetings.
4. The applicant held a neighborhood meeting to solicit input on the request, per the City's Zoning Code, Sec. 502.05 (B).

In reviewing the CUP request, the following items are reviewed to assure that the use will not generate flooding, traffic, or create any health safety hazards or nuisances to the area.

1. **Planning Maricopa (General Plan):** The subject site is designated as Employment, which is defined as a broad designation to accommodate numerous types of development. Preferred uses include lighter industrial use such as light manufacturing and business park development, professional offices, medical facilities, etc.

Being that the site is tucked away in the back portion of the overall development, staff is amenable to the proposed use on site. Further, it implements, and is compatible with the General Plan Land Use Map.

2. **Site Design:** Site concept layout shows windrows from east to west somewhat perpendicular to Ralston Rd. alignment. Adhering to the city's buffer landscape requirements with dense vegetation and fencing standards, or by providing a decorative fencing material other than chain link fencing will help mitigate any visual nuisance from the use (Refer to Exhibit B, Conceptual Site Plan).
3. **Preliminary Drainage:**
The Engineering Division has reviewed the preliminary design and does not anticipate major issues regarding drainage.
4. **Preliminary Traffic Data:**
The Engineering Division does not anticipate major issues regarding traffic congestions.
5. **Technical Advisory Committee (TAC) Review:**
The application was presented to the TAC on March 7, 2017. No major comment or concerns were made during the review.

PUBLIC NOTIFICATION/COMMENTS

Notification letters were sent out to property owners within 300 feet of the property letters advertising the proposed request and scheduled public meetings. Public notice signs were also posted on the property and a legal notice was published in the Maricopa Monitor and Casa Grande Dispatch advertising the public meeting date and times (refer to Exhibit C, Citizen Participation Report).

At the time of writing this report, staff has not received any form of objection to the use request, except for the property owner to the west. The property owner representative expressed several items that were addressed by the applicant (refer to Exhibit C, p. 15).

PLANNING AND ZONING COMMISSION

This item was presented to the Planning and Zoning Commission on August 14 and received the recommendation of approval with the additional stipulation of staff visiting the site before City Council hearing for documentation of any nuisance of flies from the proposed use. Refer to Exhibit E Site Visit and Observation Notes.

CONCLUSION

Staff finds the submittal items of CUP17-02 Arizona Wood Grinding and Recycling to be significantly compliant with Sec. 1801 of the old Zoning Code.

Staff recommends **Approval of CUP17-02 Arizona Wood Grinding and Recycling** subject to the following conditions:

1. Application for Development Review Permit shall be submitted and reviewed in accordance with Article 505 Development Review Permit, and any other applicable sections of the current Zoning Code of the city such as, but not limited to, Lighting, Landscaping, Parking, Screening, and Performance Standards.
2. The development shall adhere to all applicable current sections within the city's Subdivision Ordinance and/or subsequent standards that the City adopts.
3. If, and when the city initiates a mass rezoning of properties to comply with the current Zoning Code (adopted 2014), the applicant shall be willing to participate and comply in the

rezoning process of the property to a comparable zoning district of the city's new Zoning Code.

4. The applicant shall submit and secure all required applications, plans supporting documents submittals, approvals and permits from the applicable federal, state, county and any other agencies, as applicable.
5. The development and operation of the proposed Facility shall be in accordance with all applicable Arizona Department of Environmental Quality (ADEQ) requirements, if applicable, and other regulatory agencies rules and regulations.
6. Due to this area (Northwestern Pinal County) being designated as the air quality non-attainment area, the applicant will be required to obtain any necessary permits and to be in full compliance with Pinal County Air Quality Control District (PCAQCD) rules and regulations for air quality mitigation.
7. The applicant/property owner shall have met and complied with all applicable fire codes under the IFC 2012, including amendments, as well as related National Fire Protection Agency (NFPA) guidelines, to the satisfaction of the Maricopa Fire Department.
8. Landscaping and or berming shall be installed on the westerly portion of the yard (refer to Exhibit D).

EXHIBIT ATTACHMENTS

Exhibit A – Narrative

Exhibit B – Conceptual Site Plan

Exhibit C – Citizen Participation Report

Exhibit D – Landscape Screening Condition

Exhibit E – Site Visit and Observation Notes

-- End of staff report --