

Three Rocks Mining

Minor General Plan Amendment and Rezone

Located along the Agua Fria River between Bethany Home Rd and Glendale Ave

GPA24-01 and ZON24-01



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Purpose of Request

Gilbert Blilie PLLC, on behalf of Three Rocks LLC, is requesting a Minor General Plan Amendment from Parks and Open Space (POS)/ Low Density Residential: 1 - 2.5 du/ac (LDR 2.5) to Heavy Industrial (HI) and a Rezone Request from A-1 to M-2 with a Special Use Overlay for the operation of a sand and gravel mine across an approximately 48-acre property located along the Agua Fria River between Bethany Home Rd and Glendale Ave as legally described in **Exhibit A** (referred to herein as the “Property”). The City of Glendale awarded M R Tanner Mining, Inc (Three Rocks LLC) a Real Property Purchase and Sale Agreement (see **Appendix I**) during the City’s regular City Council hearing on November 28, 2023 the right to purchase the Property, which consists of portions of APNs 501-55-003B, 501-55-002A, and 501-55-012C. These parcels and the portions thereof will be combined by the City of Glendale upon the final purchase of the Property.

Site Context

The Property is situated within the Agua Fria floodplain approximately one-quarter mile south of Glendale Ave, one-half mile east of El Mirage Rd, and one-half mile west of the Glendale Municipal Airport. The Agua Fria corridor is an important source of high quality construction materials and a vast majority of this area currently consists of mining and extraction operations roughly ranging from Olive Ave to Indian School Rd. The City of Glendale owns and operates an aquifer recharge facility immediately northeast of the Property. The planned use of the Property will not affect the facility. Three Rocks LLC owns and operates the sand and gravel mine immediately west of the site stretching to El Mirage Rd and which this Property will be an extension of.

	Land Use	Zoning	Existing Conditions
North	HI and PF	A-1	The City of Glendale owns the majority of the land north of the Property up to Glendale Rd, which includes an aquifer recharge facility and an abandoned mining pit. Maricopa County also owns roughly 18 acres within the Agua Fria River floodplain and along Glendale Ave. M R Tanner, Inc has agreed to backfill, compact, and grade a portion of this area as part of the Real Property Purchase and Sale Agreement (see Exhibit B). North of Glendale Rd includes additional mining and extraction operations within the Agua Fria corridor, towing and junkyard uses, as well as the Glendale Regional Public Safety Training Center and Landfill.
East	POS, HI, and BP	RU-43 (Maricopa County)	Additional mining operations are located east of the Property in unincorporated Maricopa County and in the City of Glendale up to the Glendale Municipal Airport
South	Parks/Open Space (City of Phoenix)	RU-43 (Maricopa County)	The land south of the Property consists entirely of mining operations within the Agua Fria corridor.
West	LDR 2.5	RU-43 (Maricopa County)	The land west of the Property is owned by Three Rocks LLC for sand and gravel mining operations up to El Mirage Rd and as far north as Glendale Ave.

Project Overview

The sand and gravel mining operations planned for the Property will excavate unconsolidated sand and gravel resources for processing at the existing crushing, washing, and sorting plant on the adjacent Three Rocks LLC property. Excavation will occur on approximately 86 acres which includes the Property and a contiguous property also owned by Three Rocks LLC, APN501-55-011C, as shown on the site plan submitted with this application. The excavated pit is expected to be approximately 65 feet deep. However, the actual depth of the mining operations is not known until soil samples can be taken to understand the depth of the economical sand and gravel materials that will be extracted.

Operations on the Property will include material excavation using traditional tracked or wheeled excavators, then transport to the adjacent Three Rocks LLC site to the west using off-road trucks for processing. There will be no blasting or use of explosives to mine or process materials, nor will there be any infrastructure or utilities constructed or used on the Property. Finished products will be transported from the adjacent Three Rocks LLC property in the County to their destination as currently occurring on the Three Rocks LLC operation.

Fueling and light maintenance (such as oiling, greasing, and filter replacements) may be performed on the mobile equipment on the Property on an as needed basis, but there will be no fuel storage or major maintenance activities/facilities constructed or conducted on the Property. Offices, parking, restrooms, material and equipment storage, and waste receptacles are all located on the adjacent Three Rocks LLC facility located in unincorporated Maricopa County. So, there will be no buildings or other structures, parking, storage, or disposal of solid or other regulated wastes on the subject Property.

Operating hours are generally limited to daylight hours during the normal business week (approximately 7:00 am to 5:00 pm Monday through Friday). However, operations may be temporarily extended to meet short term project demands or emergency projects on an as needed basis. For this reason, there will be no structured lighting installed on the Property. However, the mobile excavating equipment will have headlights when needed during non-daylight hours. Although, since these headlights will be below grade operating inside the pit, there will be virtually no lighting impacts on surrounding properties. This Property is also not adjacent to any residential homes that would potentially be adversely affected by the use of headlights.

Dust will be mitigated by limiting traffic speed and water applications. Operations, monitoring, recordkeeping, and reporting will be conducted in accordance with an approved Maricopa County air permit.

All mine activities will be regulated by the United States Mine Safety and Health Administration (MSHA) under the approved Mine Site Identification used by Three Rocks LLC. No operations will take place when significant flows occur in the Aqua Fria River and the vertical and horizontal limits of excavation will be in conformance with the approved Aggregate Mined Land Reclamation Plan administered by the Arizona State Mine Inspector (ASMI) and the Floodplain Use Permit (or equivalent entitlement) issued by the City of Glendale.

Once it is determined that the appropriate unconsolidated sand and gravel resources have been excavated from the property, the site will be reclaimed back to its purpose as a primary floodway of the Agua Fria River. The Reclamation Plan will be approved by the ASMI and will include a suitable financial assurance mechanism to guarantee that planned reclamation efforts are conducted in the event of default.

Phasing

This mining operation will be conducted in three phases. Phase one will include the construction of the upstream inlet structure to channel and divert the flow of water through the Agua Fria River to avoid water pooling in the mine pit. The second phase consist of the mining operation conducted across the Site at approximate 10-foot lifts. The third phase will include the installation and construction of the remaining erosion control structures and the preparation of the final reclamation surfaces.

Access

Access to the Property will be provided through the adjacent Three Rocks LLC property to the west, which maintains an existing controlled access point on El Mirage Rd for its current operations. Unpaved mine roads will enter and exit the property to move equipment and transport excavated materials to the adjacent processing area. These roads will be constructed to MSHA standards for heavy equipment and off-road trucks and are adequate for emergency vehicle access. Cross-access easements will be provided where needed between separate properties.

Direct access to Glendale Rd is not determined to be necessary at this time, but may be revisited with the City of Glendale in the future if necessary.

Infrastructure

The sand and gravel mining operations on the Property do not require water and sewer infrastructure to be delivered to the site. Water used for dust control will be brought to the property using a dedicated water truck filled on the adjacent Three Rocks LLC property. No structures, utilities, waste receptacles, or restrooms will be constructed on the Property.

Community Benefits

The proposed amendment furthers the public health, safety and general welfare of the citizens of Glendale. Sand and gravel produces are a needed commodity for nearly all construction projects in the City of Glendale and elsewhere. Extracting these resources in closer proximity to the construction projects where they are utilized reduces the travel time and energy expended to deliver these materials to the construction site, which in turn reduce local costs of construction, minimize road wear and vehicle emissions.

The Aqua Fria River floodplain in the area of the Property has been significantly altered by abandoned mining pits that were never backfilled, wildcat dumping of construction waste, and demolition debris. As a consequence, the river hydraulics have been significantly altered and flows through the property are not typical of efficient riparian systems. As reflected in the Floodplain Use Permit and Reclamation Plan, the planned mining will improve river hydraulics, establish more desirable riparian conditions and may reduce the extent of floodplain and floodway in the area.

Additionally, as part of this mining operation and per the Real Property Purchase and Sale Agreement, M R Tanner Mining, Inc will make improvements to an offsite property approximately 850 feet long and 400 feet wide adjacent to Glendale Rd, inclusive of the northern portion of APN 501-55-003B and the northeastern portion of 501-99-001J. These improvements will include a berm along the south side of Glendale Rd, as well as backfilling, compacting, and grading of a portion of an abandoned aggregate pit.

All mines in Arizona located on private lands are required to obtain an ASMI-approved mined land Reclamation Plan (Plan). The Plan will address means and methodologies for Three Rocks LLC to remove valuable aggregates from the Property and restore the Property consistent with the selected post mining land use, Floodplain Use Permit requirements, and safe and geotechnically stable conditions. The Plan will be prepared by Three Rocks LLC in consultation with the City of Glendale and ASMI approval of the Plan will require notification of the City and the surrounding community. Estimated reclamation costs, detailed in the approved Plan, will be bonded by Three Rocks LLC in the unlikely potential that Three Rocks LLC cannot perform the reclamation as prescribed in the Plan.

Consistency with the General Plan

The requested amendment to the General Plan Land Use Map will be compatible with the adjacent uses as virtually all of the surrounding uses are active mining operations, including those immediately east, west, and south. In fact, the mining operations east and north of the Property are designated as HI on the Land Use Map, equivalent to this request. It should also be noted that the Reclamation Plan that will be prepared in connection with the approved mining activities will restore the land as riparian open space once the mining activities are completed on the Property. This post-mining land use will provide a significant community asset, and will be compatible with the current Parks and Open Space land use designation on the City's General Plan Land Use Map today.

This request is also consistent with and supported by the City's General Plan as shown in the following goals and policies:

Goal LU-1. Development is guided by sound growth management

- *Policy LU-1.3 The City shall work with adjacent jurisdictions to promote compatible land use.*

This use is compatible with all adjacent uses, including those within unincorporated Maricopa County. There are active mining operations all along the Agua Fria river corridor between Olive Ave and Indian School Rd.

Goal LU-6. The City strives for equal protection for residential development and aggregate mining operations by promoting compatible land uses in areas of close proximity to existing or planned aggregate and mineral mining operations.

- *Policy LU-6.1 The City shall discourage new residential zoning where future residences would be adjacent to an existing or planned aggregate / mineral mining operation.*
- *Policy LU-6.2 The City should promote non-residential development, such as business park and industrial uses, adjacent to existing, future or proposed aggregate / mineral mining operations.*

Since the Property is virtually completely surrounded by other active mining operations along and adjacent to the Agua Fria river corridor, residential uses are simply not appropriate in this location. However, the proposed sand and gravel operation will be the most appropriate and compatible use for the subject Property given its context and consistent with this General Plan goal.

Rezone and Special Use Overlay

Although there will be no structures placed on the Property, the use of this Property will be in compliance with the M-2 development standards. A comparison representing the compliance with these development standards is provided below:

Development Standards	M-2	Proposal
Min. Net Lot Area	6,000 SF	47.85 acres
Max. Lot Area	N/A	N/A
Min. Setback		
<i>Front</i>	25'	N/A
<i>Rear</i>	60'	N/A
<i>Side</i>	60'	60'
<i>Street Side</i>	25'	N/A
Max. Structure Height	30'	N/A
Max. F.A.R.	0.30	N/A

A Special Use District Overlay is also required for the operation of this sand and gravel mine to excavate, crush, and process materials per Unified Development Code section 35.2.902C.1.(f). The use of this Property will abide by all requirements and standards of the Special Use District Overlay and other provisions in the City of Glendale Unified Development Code.

Conclusion

The subject Property, which is currently virtually entirely surrounded by sand and gravel mines, was put for bid by the City of Glendale City Council and awarded to M R Tanner, Inc for mining purposes. The approval of this request will simply fulfill M R Tanner's obligation as part of the purchase agreement to entitle the Property for a sand and gravel mining use, which will thus allow the expansion and continuation of an existing mining operation by the adjacent Three Rocks LLC mining operation. The only use of the Property will be sand and gravel mining. As such, there will be no structures or other infrastructure constructed on site. All sand and gravel resources extracted from the subject Property will be hauled to the adjacent property to the west also owned by Three Rocks LLC for processing and distribution.

There are no residences of sensitive businesses within the vicinity of the Property that will be adversely affected by this use. All mine activities will be regulated by the United States MSHA under the approved Mine Site Identification used by Three Rocks LLC.

Importantly, M R Tanner and its subsidiary Three Rocks LLC are committed to reclaiming and backfilling the mine after the appropriate unconsolidated sand and gravel resources have been excavated from the property, which will return the Property back to its purpose as a primary floodway of the Agua Fria River with a financial assurance mechanism to provide assurance that these commitments are met.