

ORDINANCE NO. O24-25

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED EAST OF THE SOUTHEAST CORNER OF GLENDALE AVENUE AND EL MIRAGE ROAD FROM A-1 (AGRICULTURAL), R-6 (SINGLE RESIDENCE) AND SR-30 (SUBURBAN RESIDENCE) TO M-2 (HEAVY INDUSTRIAL) WITH A SPECIAL USE DISTRICT TITLED, "MR TANNER THREE ROCKS MINING" AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE IS RECORDED.

WHEREAS, the City of Glendale Planning Commission held a public hearing on June 27, 2024, in zoning case ZON24-01, in the manner prescribed by law for the purpose of rezoning property located east of the southeast corner of Glendale Avenue and El Mirage Road from A-1 (Agricultural), R1-6 (Single Residence) and SR-30 (Suburban Residence) to Heavy Industrial (M-2);

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner provided by law, including publication of such notice in *The Arizona Republic* on June 5, 2024; and

WHEREAS, the City has considered the individual property rights and personal liberties of the residents of the city before adopting this zoning ordinance; and

WHEREAS, the City of Glendale Planning Commission recommended to the mayor and the council the zoning of property as described above and the mayor and the council desire to accept such recommendation and rezone the property described on Exhibit A to M-2 (Heavy Industrial).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That a parcel of land in Glendale, Maricopa County, Arizona located south of the southeast corner of Glendale Avenue and El Mirage Road and more specifically described in Exhibit A is rezoned to M-2 (Heavy Industrial).

SECTION 2. That the rezoning provided for is conditioned and subject to the following:

1. Development shall be in substantial conformance with the applicant's project narrative date stamped May 17, 2024.
2. Development shall be in substantial conformance with the applicant's site plan, date stamped May 17, 2024.

3. The developer shall construct site improvements in conformance with the Real Property Purchase and Sale Agreement recorded with the Maricopa County Recorder on December 12, 2023.
4. A ten-foot-tall (from grade) berm along the northern boundary of parcel 501-55-003B and the eastern portion of the northern boundary of parcel 501-99-001J shall be installed prior to the start of business operations.
5. All proposed site improvements shall require Luke Air Force Base Approval and City of Glendale design and construction plan review prior to installation.
6. All proposed road improvements to El Mirage Road require coordination with the Maricopa County Department of Transportation for review and approval.
7. Any future proposed access from Glendale Avenue will require City of Glendale Transportation Department review and approval. As part of this approval, the road will require design and construction plan approval.
8. All operations, monitoring, recordkeeping, and reporting will be conducted in accordance with an approved Maricopa County air permit for dust control.
9. 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 and the Floodplain Use Permit (or equivalent entitlement) issued by the City of Glendale.
10. 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 Arizona State Mine Inspector and will include a suitable financial assurance mechanism to guarantee that planned reclamation efforts are conducted in the event of default.

SECTION 3. The City of Glendale Zoning Map is amended by this ordinance to reflect the change in districts referred to and the property described in Section 1 above as shown in Exhibit B.

SECTION 4. That the provisions of this ordinance will become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

SECTION 5. The City Clerk is instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

[Signatures on the following page]

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 13th day of August, 2024.

\_\_\_\_\_  
Mayor Jerry P. Weiers

ATTEST:

\_\_\_\_\_  
Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael D. Bailey, City Attorney

REVIEWED BY:

\_\_\_\_\_  
Kevin R. Phelps, City Manager



**Exhibit A**

**Legal Description  
City of Glendale  
Sale Transfer Parcel**

Job No. 21-1022-002

3/21/2022

A portion of the East Half of Section 12, Township 2 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

**BEGINNING** at the Center Quarter Corner of said Section 12, being marked by a found 1/2" rebar, from which the North Quarter Corner of said Section 12, being marked by a found 3" brass cap in handhole, bears North 0 degrees 11 minutes 45 seconds East, 2639.67 feet;

thence along the West line of the Northeast Quarter of said Section 12, North 0 degrees 11 minutes 45 seconds East, 1196.06 feet;

thence South 38 degrees 51 minutes 50 seconds East, 844.45 feet;

thence South 43 degrees 20 minutes 59 seconds East, 232.39 feet to the beginning of a non-tangent curve, concave Southwest, from which the radius point bears South 57 degrees 48 minutes 04 seconds West a distance of 1350.00 feet;

thence Southeasterly 557.47 feet along the arc of said curve to the right through a central angle of 23 degrees 39 minutes 35 seconds;

thence South 8 degrees 32 minutes 21 seconds East, 260.65 feet;

thence South 0 degrees 12 minutes 26 seconds West, 100.00 feet;

thence South 89 degrees 47 minutes 34 seconds East, 366.76 feet to a point on the East line of the East Half of the West Half of the Southeast Quarter of said Section 12, from which the Northeast Corner thereof, being marked by a found 1/2" rebar, bears North 0 degrees 12 minutes 26 seconds East, 497.68 feet;

thence along said East line, South 0 degrees 12 minutes 26 seconds West, 2143.24 feet to a point on the South line of said Southeast Quarter;

thence along said South line, North 89 degrees 28 minutes 08 seconds West, 646.56 feet;

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thence along the West line of the East Half of the West Half of the Southeast Quarter of said Section 12, North 0 degrees 11 minutes 14 seconds East, 2640.31 feet to the Northwest corner thereof, being marked by a found 1" iron pipe;

thence along the North line of said Southeast Quarter, North 89 degrees 31 minutes 23 seconds West, 645.59 feet to the **POINT OF BEGINNING**.

Contains 2,084,423 square feet or 47.8518 acres, more or less.

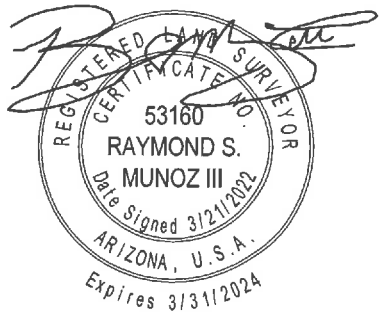
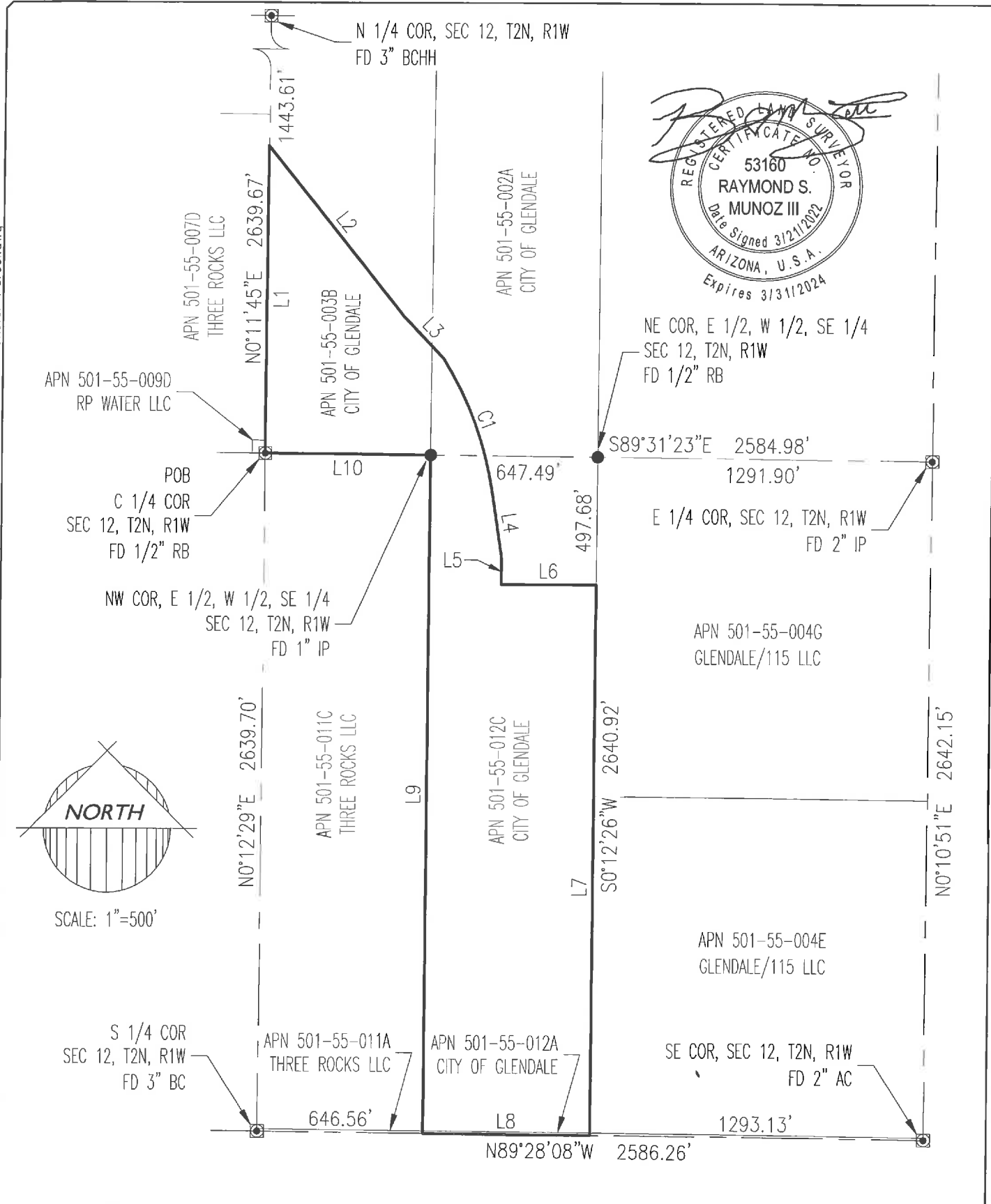



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EXHIBIT B

Mar 21, 2022 1:25pm S:\Projects\2021\21-1022-002\21-1022-002\_Agua\_Fria\_Property\Land\_Survey\Legals\21-1022-002\_LD01\_Sale\_Transfer\_Parcel.dwg

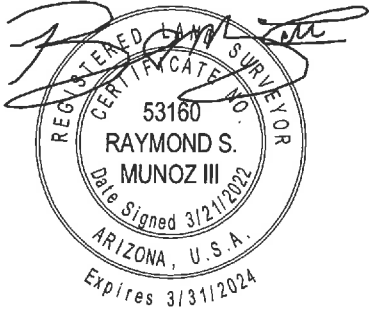


<p>21-1022-002</p>	<p><b>City Of Glendale</b>                  Sale Transfer Parcel</p>	 <p>1130 N Alma School Rd                  Ste 120 Mesa, AZ 85201                  T:480.503.2250   F:480.503.2258                  www.epsgroupinc.com</p>
	<p>Exhibit</p>	

21-1022-002

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°11'45"E	1196.06'
L2	S38°51'50"E	844.45'
L3	S43°20'59"E	232.39'
L4	S08°32'21"E	260.65'
L5	S00°12'26"W	100.00'
L6	S89°47'34"E	366.76'
L7	S00°12'26"W	2143.24'
L8	N89°28'08"W	646.56'
L9	N00°11'14"E	2640.31'
L10	N89°31'23"W	645.59'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C1	557.47'	1350.00'	23°39'35"	282.76'	553.52'	S20°22'08"E



City Of Glendale  
Sale Transfer Parcel

Exhibit SHEET 2 OF 2



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