



PLANNING COMMISSION REPORT

CASE: GPA24-01 & ZON24-01 M R TANNER MINING LOCATED EAST OF THE SOUTHEAST CORNER OF GLENDALE AVENUE AND EL MIRAGE ROAD

CASE #: GPA24-01, ZON24-01

MEETING DATE: 06/27/2024

FROM: Christina Lavelle, Senior Planner, Planning, CLavelle@glendaleaz.com, 623-930-2553

SUBJECT

GPA24-01, ZON24-01 - A request by Gilbert Blilie, PLLC, on behalf of Three Rocks, LLC, to amend the General Plan Designation from POS (Parks and Open Space) and LDR 2.5 (Low-Density Residential 1-2.5 d/u per acre) to HI (Heavy Industrial) and to rezone from A-1 (Agricultural), SR-30, and R1-6, to M-2 (Heavy Industrial) with SUP (Special Use District) to allow for a sand and gravel (aggregate) mining operation on approximately forty-eight (48) acres located east of the southeast corner of Glendale Avenue and El Mirage Road, within the Yucca District.

Presented by: Christina LaVelle, Sr. Planner

REQUEST

The request is for a General Plan Amendment and a Rezone with a SUP (Special Use District) to allow for a sand and gravel aggregate mining operation over forty-eight (48) acres.

APPLICANT/OWNER

Paul Gilbert, Mary Grace McNear, Kurt Waldier, Gilbert Blilie, PLCC / City of Glendale

REQUIRED ACTION

The Planning Commission must conduct a public hearing and determine if this request is in the best long-term interest of this neighborhood and is consistent with the General Plan.

SUMMARY

M R Tanner is requesting a General Plan Amendment and Rezone with a Special Use District, for forty-eight (48) acres to allow mining of inert aggregate materials to support their existing mining operation which is located to the direct west of the site. Raw aggregate materials will be provided on-site and transported to Three Rocks LLC for processing at the existing sorting, washing, and crushing plant. Resource Extraction and Processing is allowed in the BP (Business Park), M-1 (Light Industrial), and M-2 (Heavy Industrial), zoning districts with a Special Use District. To allow mining operations, the site must be rezoned to M-2 with a Special Use District. The SUP

imposes specific regulations on a defined geographic area to ensure compatibility with the surrounding uses of a specific geographic area. To provide consistency between the zoning classification and the City of Glendale Envision 2040 General Plan, the General Plan Designation of the property must be amended from POS to HI.

BACKGROUND INFORMATION

General Plan Designation:

The property has a General Plan Designation of POS (Parks and Open-Space).

Property Location and Size:

The property is located east of the southeast corner of Glendale Avenue and El Mirage Road. The property is situated within the Agua Fria floodplain approximately one-quarter mile south of Glendale Avenue, one-half mile east of El Mirage Road, and one-half mile west of the Glendale Municipal Airport. Property to the north of the site is owned by the City of Glendale and has a zoning classification of A-1 (Agricultural). The properties to the east and south are within the Maricopa County jurisdiction and are utilized for existing mining (sand and gravel) operations. The property to the west is within the Maricopa County jurisdiction and is owned by Three Rocks, LLC for sand and gravel mining operations. This site will be used as a companion site for the proposed mining operations for the MR Tanner Mining and Three Rocks mining operations.

History:

On November 28, 2023, the city of Glendale recorded a real property purchase and sale agreement with MR Mining, Inc. for approximately 48 acres of property. The parcels included within the sale are 501-55-003B, 501-55-002A, and 501-55-012C and include an improvement area consisting of parcels 501-55-003B and the northeastern portion of 501-99-001J.

Project Details:

MR Tanner (Three Rocks, LLC) intends to use the property for sand and gravel mining operations and will excavate the resources to be processed at the existing Three Rocks, LLC site which is directly adjacent to the west. The two sites will work in conjunction as one operation with the combined total of acreage at approximately 86 acres in size. The project improvement area is approximately 850 feet long (east-west) by 400 feet wide (north-south). Within the improvement area, the applicant will improve the site, such as back-filling, compacting, and grading the improvement area to bring it to the same elevation as the adjacent portion of Glendale Avenue, and will construct a ten foot tall berm to separate the property from the south side of Glendale Avenue. The excavated pit will be below grade and is expected to be approximately 65 feet deep upon completion. The operation will require the use of excavation equipment such as tracked or wheeled excavators that will move the raw materials to the existing Three Rocks, LLC site to be processed. The fueling and light maintenance of said vehicles will be performed on the property through mobile equipment. No blasting or explosives will be used in this operation at any time. No infrastructure, buildings, or associated utilities will be constructed on the property. Dust and storm water control will be mitigated by Maricopa County.

Typical hours of operation will occur during the day-light hours (7:00 a.m. to 5:00 p.m), Monday through Friday. If it becomes necessary for the hours of operation to be extended, past day-light hours, light pollution will be limited to headlights from

excavation equipment. The lighting will be focused downward inside the pit. No permanent lighting on site is proposed. Access will be provided through the property to the Three Rocks LLC property that takes direct access off of El Mirage Road which is controlled by Maricopa County. Direct access from Glendale Avenue is not part of this project proposal.

Operational Components:

Three Rocks, LLC will construct a berm for visual screening along the northern boundary of parcel 510-55-003B and the eastern portion of the northern boundary of parcel 501-99-001J. The berm will run the length, approximately 850 feet, of the northern boundary, along the south of Glendale Avenue. The height of the berm will measure ten (10) feet above the grade of Glendale Avenue. The mine operation will be conducted in three phases. The lifespan of the mine will be determined by the availability and demand of extracted resources. Upon completion or abandonment of the mine, the site will be back-filled with inert materials and reclaimed. 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. Horizontal limits of excavation will be in conformance with the approved Aggregate Mined Land Reclamation Plan administered by the Arizona State Mine Inspector (ASMI).

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On April 25, 2024, the applicant mailed notification letters to adjacent property owners and interested parties for a virtual meeting to be held on May 13, 2024. Prior to the meeting, a neighbor called the project manager (planner) with questions and concerns about redesignating the property out of open space. The applicant replied that the site is not currently zoned for a park nor is it being utilized as a park. Moreover, upon the retirement of the mining operations, the site will be reclaimed. The Citizen Participation Final report is attached.

Planning Commission Public Hearing:

A notice of public hearing was published in the Arizona Republic on June 05, 2024, and notification postcards of the Public Hearing were mailed to adjacent property owners and interested parties on June 03, 2024. The property was posted on June 10, 2024.

STAFF FINDINGS AND ANALYSIS

REQUIRED FINDINGS AND STAFF ANALYSIS

Required General Plan Amendment Findings:

Section 35.6.206(G) of the Unified Development Code requires the following General Plan Amendment Findings:

1. The amendment is consistent with the policies and objectives of the rest of the General Plan;

Staff Analysis:

- Heavy Industrial (HI) Land Use Designation: The General Plan designates HI as intended to provide for the development and accommodation of intense

industrial activity. These industrial activities involve significant amounts of noise, heat, mechanical and chemical processing, large amounts of material transfer, and large scale machinery and structures.

- Policy LU-6.2: The City should promote nonresidential development, such as business park, and industrial uses, adjacent to existing, future or proposed aggregate / mineral mining operations.

The proposed operations are intended to support an existing aggregate extraction operation which is consistent with the HI land use designation, meeting the objectives of policy LU-6.2 by promoting development that supports an existing and future aggregate/mineral mining operation. The use will utilize heavy machinery to grade, back-fill, and excavate earth which will produce noise, smells, and dust that are incompatible with less intense General Plan Designations and zoning classifications.

2. The proposed amendment furthers the public health, safety, and general welfare of the citizens of Glendale; and

Staff Analysis:

- Goal LU-1: Development is guided by sound growth management.
- Policy LU-1.1 The City shall ensure that sufficient infrastructure is in place for desired land uses.

Goal LU-1 promotes sound growth management. The growth of the City requires sufficient infrastructure (Policy LU1.1) for existing and future development projects. Aggregate materials are necessary to build roads, develop erosion control methods, and provide materials for required landscaping projects. The project proposal supports the goals and policies of the City by providing the necessary materials to support the continued development and redevelopment of the City.

3. If the amendment is to the Land Use Map, an additional finding must be made that the proposed change will be compatible with other land uses, existing or planned, in the vicinity.

Staff Analysis:

- Goal LU-2: There are transition areas between unrelated land uses.
- Policy LU-1.3: The City shall work with adjacent jurisdictions to promote compatible land use.
- 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.

The location of the proposal is prime and logical for resource extraction and mining. To the north, south, east, and west of the site, the properties operate similar and compatible uses with the project site to support the existing Three Rocks mining operations. The project's site is three quarters of a mile to the east of El Mirage Road to the nearest residential property. The distance and road act as a natural transition between unrelated uses (Goal LU-2, Policy LU-6). El Mirage Road is controlled by Maricopa County

and is currently utilized by the existing mining operations to the west and east of the site. In addition, the use is compatible with Luke Air Force Base Arizona land use compatibility requirements and Arizona Revised Statute 28-8481 (Policy LU-1.3).

Required Findings for a Rezone:

Section 35.6.207(I) Amendment to the Unified Development Code text and official Zoning Map of the City of Glendale shall be approved only if:

1. The amendment is consistent with the policies and objectives of the Glendale General Plan;

Staff Analysis:

The purpose of the M-2 (Heavy Industrial) zoning district is intended to accommodate intense industries to include those involving significant amounts of heat, mechanical and chemical processing, large amounts of material transfer, and large-scale machinery and structures. The rezone of the property to the M-2 classification is supported by the companion General Plan Amendment to Heavy Industrial. The project supports sound growth management by assisting in the provision of necessary aggregate materials for construction projects for the City and private property owners (Goal LU-1).

2. The proposed amendment furthers the public health, safety, and general welfare of the citizens of Glendale; and

Staff Analysis:

The public health, safety and welfare of the city are supported by this proposal. The proposed siting of the aggregate mining and extraction operation is within a heavy industrial area that supports these types of uses. Moreover, the extraction of aggregate materials supports the ongoing and future infrastructure needs of the City.

3. If the amendment is to the official Zoning Map, the proposed change will include any conditions necessary to mitigate any adverse impacts on businesses, persons, or properties adjacent to the requested amendment.

Staff Analysis:

No adverse impacts to adjacent properties are anticipated. Along the northernmost property line, adjacent to Glendale Avenue, a ten-foot-tall berm will be installed and landscaped to provide screening from the road for mining operations. Further, all operations will be located within a pit, below grade, which will mitigate any dust, light pollution, or smells from the operations.

Conformance with Special Use Requirements:

Unified Development Code Section 35.2.902 : Special Use District is intended to accommodate specific land uses which are necessary in an urban environment, but do not conform to traditional zoning permitted use classifications. Section 35.2.902, does not provide findings for a Special Use District. As an alternative, the following required findings for the Special Use District are found in Section 6.505 of The City of Glendale Zoning Ordinance, which states that;

A Special Use Permit shall not be granted unless the following conditions exist:

A. The use shall be compatible with existing and planned land uses and shall not be detrimental due to:

- a. Increased automobile traffic or impact on the circulation system of the adjacent neighborhood.

Staff Analysis:

The operations of the Three Rocks, LLC (Tanner Mining) aggregate excavation and mining operation is not anticipated to generate an increase of automobile traffic or impact internal circulation within the site. The City of Glendale and Maricopa County Transportation Departments have reviewed the project proposal and have recommended approval.

- b. Excessive noise or light generated from within the site;

Staff Analysis:

All light is provided by active heavy machinery and no on-site lighting is proposed. Most of the operations of the excavation business will occur below grade, which will work to mitigate any potential impacts of noise generated by the operations.

- c. Excessive scale or height in relationship to surrounding properties;

Staff Analysis:

The scale of the operation is consistent with the surrounding uses. Most operations will occur below grade, within the mining pit. As an additional mitigation measure, a ten-foot-tall berm, running the length of Glendale Avenue will screen all operations from the view of the street.

- d. Hours of operation;

Staff Analysis:

Typical hours of operation will occur from 7:00 a.m. to 5:00 p.m, Monday through Friday. If operations are required to occur outside daylight hours, operations will occur below grade with the only light generated from active excavation equipment.

- e. Inadequate parcel size to provide appropriate buffers or mitigation measures on surrounding properties.

Staff Analysis:

The forty-eight (48) acre site is adequate to mitigate any impacts on adjacent properties. To the north, the site will have a ten-foot-tall berm, and appropriate landscape buffers along the east side of the property will act as visual buffers as well as mitigate dust, noise, and light pollution from the operations. Dust will be controlled through

limiting the speed of vehicles and equipment on and off-site (through policy and signage) and water control measures.

f. Disruption of the development character of the adjacent properties.

Staff Analysis:

There is no anticipation of any impact on adjacent properties. All adjacent properties are heavily industrial in nature and support similar and compatible uses.

RECOMMENDATION

Should the Planning Commission recommend approval of GPA24-01, it should be as written in the staff report.

Should the Planning Commission recommend approval of ZON24-01, it should be subject to the stipulations in the staff report.

PROPOSED MOTION

Move to recommend approval of GPA24-01, as written.

Move to recommend approval of ZON24-01 subject to the following stipulations:

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.

Attachments

Project Narrative

Site Plan

Citizen Participation Plan Final Report

Purchase and Sales Agreement

General Plan Map

Zoning Map

Aerial Map

Presentation